

MINUTES
FREEPORT TOWN COUNCIL MEETING #26-23
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, DECEMBER 5, 2023
6:00 PM

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

	Present	Absent
Council Chair, John Egan, 38 Curtis Road	X	
Councilor Vice Chair Daniel Piltch, 25 Quarry Lane	X	
Councilor Matthew Pillsbury, 36 Todd Brook Rd	X	
Councilor Chip Lawrence, 93 Hunter Road	X	
Councilor Darrel Fournier, 3 Fournier Drive	X	
Councilor Joanna Benoit, 1038 US Route 1	X	
Councilor Eric C. Smith, 1464 US Route 1	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 #23-23 held on October 17, 2023, Meeting # 24-23 held on October 24, 2023 and #25-23 held on November 14, 2023 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #23-23 held on October 17, 2023, Meeting # 24-23 held on October 24, 2023 and #25-23 held on November 14, 2023 and to accept the minutes as printed. (Piltch & Lawrence) **VOTE:** (7-Ayes)(0-Nays)(0-Abstain)(Video record time 0:002:03 – 0:02:39)

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

The Chair announced Dog Licenses are due December 31st, Winter Parking Bans are in effect, and encouraged sign up for email updates regarding the upcoming Comprehensive Plan process. Council Sub-Committee assignments will be on the next Council agenda.
(Video record time 0:02:39 - 0:05:46)

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

Announced the unexpected passing of Leland Arris II, Freeport Sewer District Plant Manager. He also thanked Caroline Pelletier for her outstanding work as Interim Manager.
(Video record time 0:05:46 – 0:08:06)

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

- Energize Freeport has a budget of \$40,000 of which over \$25,000 has been rebated, leaving a balance of \$14,600 for heat pump rebates.
- Townwide mailer (a/k/a Annual Library and Fire Rescue Donations letter) will be going out soon. It will include an update for Climate Action Planning, talk about Energize Freeport, and

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encourage people to sign up for Comprehensive Plan updates. This is not a paper survey, but instead has a link to use online to complete.

-We have vacancies for town staff including: (1) Buildings & Grounds, (3) Public Works, and (2-3) in the Fire Department.

-We have new Ecomaine and Metro rates she will provide to the Council.

-The town met with the Metro to discuss added bus stop at the Casco Bay Motel. They can get a stop on the Northbound trip. There are safety concerns.

-We have a second interview for a Communications person.

-We have had three Freedom of Access Act requests in short order. We are thinking about systems we could put in place to make this more efficient. The Manager will report next time on whether the loosened qualifications have resulted in an application increase.

-Chair Egan added that he and the Vice Chair have been invited to a discussion with the RSU leadership in which they will preview the 2025 budget. (Video record time 0:08:06 - 0:15:50)

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

-Josh Olins (Sustainability Committee member)- He explained the public outreach and events the Sustainability Committee has taken to get public input on the Climate Action Plan.

-Willow Wright (Ambassador for Housing Solutions)-She gave an update on the new Tedford Shelter being erected in Brunswick in the spring 2024. January 17th, 2024, 5-7 pm FCS will host a happy hour to show off the housing solution. The public is invited. She is also involved with Liza Moore in the creation of a Skate Park. They now have a design and have worked with Noreaster Skate Parks. January 24th is their community meeting.

-Mary Davis (FEDC)-Sparkle Parade last week had 50 floats and was a great event.

-Daniel Freund spoke about the Employee Retirement Income Security Act (ERISA) status of Maine Municipal Employee Health Trust (MMEHT). He spoke about possible fiduciary malfeasance by the Heath Trust. He provided the Council with a list of questions he would like to see directed to MMEHT and asked the Council's help with this issue. (Video record time 0:15:50 - 0:25:35)

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

ITEM # 209-23 To consider action relative to adopting the December 5, 2023 Consent Agenda.

BE IT ORDERED: That the December 5, 2023 Consent Agenda be adopted.
(Egan & Fournier) **VOTE:** (7-Ayes)(0-Nays)(0-Abstain)(Video record time 25:35 – 26:35)

(Council Chair Egan) (5 minutes)

ITEM # 210-23 To consider action ~~relative setting a Public Hearing to~~ discussing amendments to Chapter 6. Community Antenna Television Ordinance. PUBLIC HEARING

The Town Clerk explained that this is an administrative correction to align the Administrative Code with the Community TV Ordinance to establish committee membership as five people instead of seven.

The Chair opens the Public Hearing

The Chair closes the Public Hearing

BE IT ORDAINED: That amendments to Chapter 6. Community Antenna Television Ordinance to change the Committee membership requirement to five (5) from seven (7) to be consistent with Chapter 2, Section 611 of the Administrative Code. (Pillsbury & Lawrence) **VOTE:** (7-Ayes)(0-Nays)(0-Abstain)(Video record time 0:26:35 – 0:29:14)

(Town Clerk, Christine Wolfe)(10 minutes)

ITEM # 211-23 To consider action relative to setting a public hearing regarding proposed Text Amendments to Section 534. Solar Energy Generation Systems of Chapter 21 Freeport Zoning Ordinance regarding the maximum height standards for ground-mounted Accessory Solar Energy Generation Systems.

Caroline Pelletier, Town Planner: When we adopted the new standards for solar energy generation systems, we had standards for access to ground mounted accessory structures. This includes solar trackers which is a pole with a panel that moves to follow the sun. This is for an applicant driven request by a resident that wants to put solar trackers on their property but with a mobile home they can't comply with the height requirements of 25 feet or less than the height of the existing structure. They are suggesting the allowance to go up to 35 feet. This is a height change that will affect all of Freeport.

BE IT ORDERED: That a Public Hearing be set for December 19, 2023 at the Town Council meeting starting at 6 pm in Freeport Council Chambers, 30 Main Street regarding proposed Text Amendments to Section 534. Solar Energy Generation Systems of Chapter 21 Freeport Zoning Ordinance regarding the maximum height standards for ground-mounted Accessory Solar Energy Generation Systems. (Fournier & Lawrence) **VOTE:** (7-Ayes)(0-Nays)(0-Abstain)(Video record time 0:29:14 - 0:32:54)

(Assistant Town Planner, Cecilia Smith)(5 minutes)

ITEM # 212-23 To consider action relative setting a Public Hearing regarding proposed Special Amusement Permit renewals.

BE IT ORDERED: That a Public Hearing be set for December 19, 2023 at the Town Council meeting starting at 6 pm in Freeport Council Chambers, 30 Main Street regarding Special Amusement Permit renewals for the following:

- 1.** Mast Landing Brewing, 200 Lower Main Street
- 2.** The Bakeshop, 123 Main Street

(Lawrence & Benoit) **VOTE:** (7-Ayes)(0-Nays)(0-Abstain)(Video record time 0:32:54 – 0:33:50)

(Town Clerk, Christine Wolfe)(5 minutes)

ITEM # 213-23 To consider action relative to setting a Public Hearing regarding a Consent Agreement between the Town of Freeport and Cleveland Kapala Revocable Trust for property located at 28 Cunningham Rd (Tax Assessor Map 5A, Lot 32A).

MOVED AND SECONDED: To table item # 213-23 to a further date (Fournier & Lawrence) **VOTE:** (7-Ayes)(0-Nays)(0-Abstain) (Video record time 0:33:50 - 0:34:55)

BE IT ORDERED: That a Public Hearing be set for December 19, 2023 at the Freeport Town Council meeting starting at 6 pm in Town Council Chambers, 30 Main Street regarding a Consent Agreement between the Town of Freeport and Cleveland Kapala Revocable Trust for property located at 28 Cunningham Rd (Tax Assessor Map 5A, Lot 32A).

(Town Planner, Caroline Pelletier)(10 minutes)

ITEM # 214-23 To consider action relative to setting a Public Hearing regarding a Consent Agreement between the Town of Freeport and Benjamin Willauer and Amanda Berry for property located at 90 Birch Point Rd (Tax Assessor Map 24, Lot 53C).

MOVED AND SECONDED: To table item # 214-23 to a further date (Lawrence & Smith) **VOTE:** (7-Ayes)(0-Nays)(0-Abstain)

BE IT ORDERED: That a Public Hearing be set for December 19, 2023 at the Freeport Town Council meeting starting at 6 pm in Town Council Chambers, 30 Main Street regarding a Consent Agreement between the Town of Freeport and Benjamin Willauer and Amanda Berry for property located at 90 Birch Point Rd (Tax Assessor Map 24, Lot 53C) (Video record time 0:34:55 – 0:35:44)

(Town Planner, Caroline Pelletier)(10 minutes)

ITEM # 215-23 To consider action relative to the reallocation of ARPA Funds from Transportation Study to Transportation.

Mary Davis, FEDC: Presented on what the Town’s transportation needs are. She gave an overview of the Town’s progress through the Downtown Vision and subsequent 13 Charters brought to the Council in February 2023. Transportation was one of the Charters and \$10,000 was allocated out of ARPA funds at that time to help achieve the goal of creating a downtown transport to connect downtown business visitors with surrounding locations in town. They identified two needs. First a shuttle that takes people up and down Main Street. The second need is to get people from the downtown out to all the surrounding attractions. They decided to start with a trial use of a free Shuttle for the 4 weekends in December. It is an accessible van and funded completely through Freeport businesses and private donors. There will be 8 stops down Main Street ending at Goodfire Brewing. The \$10,000 previously allocated was earmarked for a consultant but, they are asking to have it put generally into Transportation. There was discussion about the lack of taxi service and the potential of filling that gap. The Chair clarified that we are just giving more latitude on what the use of the \$10,000 that we’ve already committed could be.

BE IT ORDERED: That \$10,000 in ARPA Funds be reallocated from Transportation Study to Transportation. (Smith & Lawrence) **VOTE:** (7-Ayes)(0-Nays)(0-Abstain)(Video record time 0:35:44 – 0:55:51)

(Chair Egan)(10 minutes)

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ITEM # 216-23 To consider action relative to the purchase of Night Vision Equipment with the use of ARPA funds in the amount of \$60,000.

Police Chief Goodman: Gave an explanation of the advancements that have been made with night vision equipment, i.e. lower pricing, small equipment size, etc. We've had two large incidents in the last year which has created conversation about what we can do to support the Police Department. He put together this request package as a way to enhance their ability to do their jobs and place this equipment into a frontline capacity and not have to wait for items to get on scene before they can deploy. The equipment that he specked is in the 10-to-15-year replacement window. Should this be a Capital Improvement item so we have a replacement plan in place?

The original desire from Chief Goodman was for 20 sets of equipment. The request before the Council tonight is for 8 units. He spoke on how individually issued equipment is better cared for and lasts longer than shared equipment. Screening and training will be provided before the issuance to an officer.

Discussion was had regarding the possible use of grant money to help pay for this equipment. He is unsure why some of this equipment is not included in grant opportunities. Other State and regional agencies have this and more equipment such as heat seeking equipment, drones, etc. that would be available during an event. The best application for this equipment is to assist first line officers in initial response. It could take as long as one to two hours to get a drone or SWAT team on site. This allows them to do ground searches during inclement weather that doesn't allow for plane and helicopter assistance.

Caroline Pelletier: During recent events the public safety personnel didn't feel they had proper gear to safely performing their jobs. Fire Rescue responded and didn't have safety vests. We could use Capital Funds for this. With ARPA funds, if we allocate them and don't use them, then we lose them. The Finance Director is in support of using ARPA funds for this because of the amount that we have that remains unspent. We are seeing a shift in Grants that are requiring that purchases not be made until after the Grant award, therefore, purchasing now and getting reimbursed by Grants doesn't work here. The Town Manager will try to work with Finance to find other sources of money. She is hearing that she and the Chief need to work on a plan to add equipment more long-term and fund the replacement of what we do have over the next 15 years.

BE IT ORDERED: That the purchase of Night Vision Equipment with the use of ARPA funds in the amount of ~~\$60,000~~ \$60,127 be approved. (Piltch & Lawrence)**VOTE:** (7-Ayes)(0-Nays)(0-Abstain)(Video record time 0:55:51-01:27:41)

(Police Chief Goodman)(10 minutes)

ITEM # 217-23 To consider action relative to the purchase of Protective Helmets with the use of ARPA funds in the amount of \$5,000.

BE IT ORDERED: That the purchase of Protective Helmets with the use of ARPA funds in the amount of \$5,000 be approved. (Piltch & Fournier)**VOTE:** (7-Ayes)(0-Nays)(0-Abstain)(Video record time 01:27:41 – 01:30:14)

(Police Chief Goodman)(10 minutes)

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ITEM # 218-23 To consider action relative to the creating a committee to lead a public process to discuss possible acquisition of property at 22 Main Street, Freeport.

The Chair asked for feedback from the Town Council Workshop. Councilor Benoit wants us to prioritize thinking about the funding side of this. Those opposed to the purchase are concerned with the fundraising and funding of the potential purchase.

There were many ideas about the intended use of the property. Unless it remains a vacant lot, there will be a cost associated with the purchase and development. Are we too narrowly focused to just 22 Main and wonders whether this is a chance to look at other potential sites to further the interest that came up as part of this discussion. That is part of the charge of the committee. We now own the property Town Hall sits on and most of the rest of this square block, less 2 parking lots. We own the Public Safety property on the other side of West Street so taken together there is a big potential for development of all kinds other than what might happen on that corner lot.

The potential for putting this to the voters as a referendum question was discussed. There are three elections in 2024 including March 5, June 11, and November 5. The deadline to submit ballot questions is 60 days prior to the election. The Vice Chair wants the question to be narrowed to include the intended use of the property in the ballot question. He suggested that the Council define what the committee might look like and their role and then return next meeting with suggested members. He suggested a committee of 5 including a couple Councilors, someone in favor of purchasing the property, someone from the business community and another resident who might not have advocated for this, especially someone from downtown. Councilor Smith pointed out the support for purchasing the property first and then figuring out it's purpose as opposed to the Council's thoughts that we need to define the intended use first. The offer to buy the property was also presented six years ago for a lot less money and they passed on the opportunity then.

They discussed the time frame to give the committee. It was pointed out that the Council will also need some time with the Committee's recommendations before deciding on a course of action and potential ballot question. It may need to be pushed to the November Election and the property could go on the market before then. Councilors should submit their membership suggestions to the Town Manager or Chair Egan.

BE IT ORDERED: That the Town of Freeport creates a committee to lead a public process to discuss possible acquisition of property at 22 Main Street, Freeport and the Committee shall be 7 members: one from each district , 2 Councilors , one business representative. (Fournier & Lawrence) **VOTE:** (7-Ayes)(0-Nays)(0-Abstain)(Video record time 01:30:14 - 01:51:00)

(Council Chair Egan)(10 minutes)

ITEM # 219-23 To consider action relative to the renewal of the Bow Street Park Usage Agreement with the Hilton Garden Inn.

This is the annual renewal of the agreement. It does not give the Hilton exclusive rights to the use of the Park. Memorial Park is available for the public to use. The official name of the park is Memorial Park.

BE IT ORDERED: That the 2024 Bow Street Park Usage Agreement with the Hilton Garden Inn be approved. (Egan & Lawrence) **VOTE:** (7-Ayes)(0-Nays)(0-Abstain)(Video record time 01:51:00 -01:53:15)

(Council Chair Egan)(10 minutes)

ITEM # 220-23 To consider action relative to appointing a Town Councilor Liaison to the Business Fit-Up Program Committee.

The Business Fit-Up Program Committee will be responsible for making determinations regarding applicant selections. Councilor Benoit has volunteered for this position and the Chair waited to see if there were other Councilors interested. This is actually not a liaison position as Councilor Benoit will be a voting member.

BE IT ORDERED: That Joanna Benoit be appointed as the Town Council ~~Liaison~~ Representative for the Business Fit Up Program Committee. (Pillsbury & Lawrence) **VOTE:** (6-Ayes)(0-Nays)(1-Abstain, Benoit)(Video record time 01:53:15 – 01:55:09)

(Council Chair Egan)(5 minutes)

OTHER BUSINESS:

1. Tree Task Force update (Kristen Dorsey)(30 minutes)(Video record time 01:55:09 – 02:33:30)

Mandy Macpherson: Gave a foundation for the discussion. In March of 2020, Project Canopy completed a street tree inventory for the Town of Freeport. At that time, Freeport Sustainability Advisory Committee (FSAB) started discussions about the requirements for a Tree City designation from the Arbor Day Foundation. The four requirements are:

- Maintain a Tree Board or Department-The Council established the Tree Task Force (TTF) in April 2020.
- Spending at least \$2 per capita on urban forestry. We meet this requirement.
- Have an annual Arbor Day celebration and Proclamation. FSAB and Tree Task Force will take this on as part of their duties. The Council made the first Proclamation last year.
- Must have a community Tree Ordinance. They are discussing tonight.

The Tree City designation can give the town access to grant opportunities. There is public support for a Tree Canopy Plan and Tree Ordinance. She relayed some of the feedback suggestions they have received through workshops and outreach.

Mast Landing Audubon Sanctuary-They are interested in collaborating with the town on education and workshops and in sharing their forestry management plan. The Tree Task Force work is directly called out in the Downtown Vision Plan, especially DVA 5.5 to increase tree canopy downtown and promote work of Tree Task Force. TTF has drafted an informal guiding statement of purpose distilling the recommendations from Project Canopy's report. They are commencing drafting a Tree Management Plan at their next meeting. Having a Tree Ordinance in place will integrate nicely with the upcoming Comprehensive Plan.

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Kristen Dorsey FSAB: The purpose of the Street Tree inventory was to locate, quantify and identify the trees existing in the right-of-way along Freeport's downtown villages and major residential streets. She explained a long list of benefits that trees provide.

One of the TTF tasks was to tour and inspect the trees along Route One South and Downtown to identify, inspect, prioritize potential planting sites for both canopy trees, and medium to small plantings in public rights of ways. We need to adopt standards to elevate the integrity of green infrastructure and protect trees from removal and neglect.

The National Arbor Day Foundation requires an ordinance based on their conclusion that trees on public property are a public good and caring for these trees is a vital element of the Tree City USA program.

The TTF has prioritized the following Project Canopy recommendations:

- Promote longevity and integrity of a sustainable and diverse public tree population by instituting a systematic and routine structural pruning and planting program.
- Strive for an urban tree canopy cover percentage of 40%.
- Maintain the integrity of existing large canopy shade trees.
- Promote the need to upgrade standards for tree canopies.
- Protection and inclusion in Zoning regulations for parking lots and commercial development.
- Prioritizing new tree plantings in continued urban development and existing downtown neighborhoods.
- Develop ordinances that require the planting of new trees and developments.
- Establish guidelines for planting removal.
- Removal of trees in public right-of-ways.
- Elevate awareness of multifaceted benefits of tree canopy, strategic landscaping and green space permeable surface during the Downtown Visioning process
- Collaborate with Complete Streets to adopt best practices.
- Narrowing streets by installing esplanade and bump outs and more sidewalks in the residential areas.
- Explore and encourage installation of green infrastructure stormwater best management practices.

She outlined the objectives they have for advancing the Tree Ordinance. A draft Tree Ordinance was submitted to the Town Manager in September 2022. They received the Town Attorney's analysis in October of 2023. Their proposed Zoning Amendments were submitted to Caroline Pelletier in October.

Tyler Kolle: 80% of the tree canopy was judged to be in excellent or good condition. The Chair explained that we have an Ordinance Committee which would be the logical step for that language to come through. The draft was submitted to the Town Manager and forwarded to the attorney where it sat for 14 months. The new attorney's recommendations were provided in October 2023.

There are two moving parts to this, the Tree Ordinance and Zoning Ordinance changes. In the Zoning Ordinance, they made recommended insertions that clarify language around the existing landscape language. Additionally, it included requirements and standards around parking lots and the specific removal and replacement of trees.

Eric Horne: Gave information on Portland's progress with their tree canopy. They are asking that a Tree Revenue account to be established.

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2. November 21, 2023 Council Workshop Update (Vice Chair Piltch)(20 minutes)(Video record time 02:33:30 – 02:33:55)

There was no discussion as it was covered earlier in the meeting.

3. November 28, 2023 Council Workshop Update (Chair Egan)(20 minutes) (Video record time 02:33:55 – 02:42:45)

This is a workshop with the Council and the Coastal Waters Commission (CWC) regarding updates to the Coastal Waters Ordinance to specifically focus on moorings, how we regulate them, how they get set, and the decisioning about how many you can have along with other things regarding navigation elements in the public waterway both inside and outside the Harraseeket River. In addition to clarifying the jurisdictions of the Marine Resource Officer, they also proposed a fee schedule for moorings. It was the specific element of the fee that caused quite a bit of comment and friction. The CWC and their Chair have made it clear that they have done their work, and they are ready to propose this ordinance amendment to the Council. The draft provided is their final effort and includes a recommendation for a fee to be charged for the items in the ordinance that reference a fee. We use a separate fee schedule for these fees.

The Chair proposes that we accept the drafted corrected language and the proposed fee schedule from them as their work product and then we have our own discussion of it, make any amendments, have a public hearing and go for a final adoption.

EXECUTIVE SESSION

ITEM # 221-23 To consider action relative to an Executive Session pursuant to 1 M.R.S.A. § 405(6)(C) pertaining to a Real Estate matter dealing with town owned property at 55 Main Street, Freeport.

MOTION: That the Town Council enter Executive Session. (Lawrence & Fournier) **VOTE:** (7-Ayes)(0-Nays)(0-Abstain)

MOTION: That the Town Council exit Executive Session. (Lawrence & Piltch) **VOTE:** (7-Ayes)(0-Nays)(0-Abstain)

(60 minutes)

Motion to adjourn at 9:50. (Lawrence & Piltch) **VOTE:** (7-Ayes)(0-Nays)(0-Abstain)

END OF AGENDA (Estimated time of adjournment 10:25 PM)