

**MINUTES  
 FREEPORT TOWN COUNCIL MEETING #27-23  
 TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT  
 TUESDAY, DECEMBER 19, 2023**

**Meet the Town Manager 4:30-5:30 PM  
 Regular Council Meeting starting at 6:00 PM**

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

	Present	Absent	Excused
Councilor Chair, John Egan, 38 Curtis Road	X		
Council 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 #26-23 held on December 5, 2023, and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #26-23 held on December 5, 2023, and to accept the minutes as printed. (Smith & Fournier) **VOTE:** (6 -Ayes)(0-Nays)(1-Excused Pillsbury)(Video record time 00:02:05 – 00:02:35)

**THIRD ORDER OF BUSINESS:** Announcements (15 minutes)

- **2024 Dog Licenses are available.** All dog licenses expire December 31st of each year. Dogs six months and older are required to be licensed by law. You may register at the Freeport Town Hall or online at: [www.doglicensing.com](http://www.doglicensing.com). Please bring proof of the rabies vaccination and spay/neutering. *Please be aware that you must renew your dog license no later than January 31st of each year, or a late fee of \$25.00 per dog will be charged.*
- **Nominations are now being accepted for 2023 Citizen of the Year:** Each year the Freeport Town Council presents a Citizen of the Year Award to honor those who have significantly contributed to the quality of the Town. Nomination forms are available at the Town Office and on the Town’s website at [www.freeportmaine.com](http://www.freeportmaine.com). The deadline for nominations will be announced soon.
- Public Works would like to give a reminder to keep turnarounds clear so the plow trucks can turn their vehicles safely. Also, please keep the sidewalk clear of vehicles and trash cans.

(Video record time 00:02:35- 00:04:28)

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**FOURTH ORDER OF BUSINESS:** Information Exchange (15 minutes)

- Announced unexpected passing of Leland Arris II, Freeport Sewer District Plant Manager.
- Complete streets update: The Committee will bring forward a declaration for the Council to endorse showing support for a multi-use trail to be built utilizing an abandoned railroad line.
- Fit Up Business Grant update: 2 grants have been awarded, with more applications to be reviewed prior to the Jan 15<sup>th</sup> deadline.  
(Video record time 00:04:28 – 00:07:10)

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

- Recent storms update: Accolades for Public Works and Public Safety in their responses.
- New Book in a Box Program at Library for preteens and up.
- Sustainability Coordinator grant status-We met with Yarmouth to discuss the plan of work for the upcoming year. The shared position is going well, and we should see this through.
- Detective Beck Rice was involved in solving part of a criminal ring. There is a press release out with photos. They are looking for others who may have had interactions with those arrested.
- Conversations have started with MDOT to see what level of assistance they can provide as we implement the Downtown Vision.  
(Video record time 00:07:10 – 00:11:05)

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

- Mandy MacPherson, Co-Chair Freeport Sustainability Advisory Committee: Updates on climate action plan. She outlined the many actions already taken. They plan to present a final action list to the Town Council in January. The full Climate Action Plan is still in the draft process. She reviewed the ways they have promoted opportunities for public feedback and their public outreach in general. They discussed mailing a paper survey at a cost of approximately \$2,000.
- Robert Stevens, FCAN: Update on Rebate Program. \$25,000 of the \$40,000 has been awarded in rebates as of Dec. 4<sup>th</sup>, with \$19,300 being used for heat pumps, insulation and hot water heaters. They hope to return to request an additional \$35,000 previously discussed.
- Tais De Los Reyes, Athena's Cantina: Present a proposal for trial full-time food truck court at 491 US Route 1. The proposal includes allowing 5 food trucks as an accessory full time. The town owned lot next to Freeport Community Services was discussed as a potential location also. Mela Jones, Andy Arsenault and Amanda Kent spoke in support. The Council was in favor of exploring this idea.
- Peter Ingram, owner of Freeport medical cannabis business- Requested an update on the adult use manufacturing and cultivation ordinance we are working on. The changes to the ordinance have been through the Planning Board and are now with the attorney. We may have a January introduction to the Council.

(Video record time 00:11:05 – 00:40:20)

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

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ITEM # 229-23                      To consider action relative to adopting the December 19, 2023, Consent Agenda.

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

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**MOVED AND SECONDED:** (Egan & Lawrence) **VOTE:** ( 6-Ayes)(0-Nays)(1-Excused) (Video record time 00:40:20 – 00:41:30)  
(Council Chair Egan) (5 minutes)

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ITEM # 230-23      **PUBLIC HEARING:** To consider action relative to 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.

Cecilia Smith, Assistant Planner: This is an applicant driven text amendment to change the maximum size of the accessory ground mounted solar panels from the current 25 feet or the height of the accessory structure (whichever is less), to an increased height allowance of 35 feet. This will apply to accessory use trackers, not solar farms.

This has been through the Planning Board public hearing process where they considered the pros and cons including the unsightliness of the solar trackers and our desire to reduce greenhouse gas emissions. This change would be effective townwide. Residents in the Design Review District or the Village District would still need to have Project Review Board approval.

The problem of shading was discussed. The shading would be minimal. Panels are at their maximum height for a short period of time. The solar structures would still have to meet property setbacks. They have to meet the same setbacks as a house or deck. We use any projections from any structure to measure setbacks. The applicant, who also installs solar panels, discussed the energy efficiency of solar. He uses bifacial solar trackers because they absorb energy from both sides, so it reflects less heat back up into the air.

Large trackers install for \$75,000 to \$80,000. This includes a 30% federal tax credit till 2032. A smaller solar tracker would produce half of the energy and the costs would run \$65,000 to \$70,000. The larger trackers are the better investment.

Caroline Pelletier, Town Planner: She explained the background of the ordinance and the original 25 feet designation. This ordinance applies when you have a principle use on the site with ground mounted panels (either fixed panels or the tracker) that are feeding into the principle use of the sight. If there is extra energy it goes back to the grid. As a one or two family, you can do this with the Codes Enforcement Officer. If this is multi-family or commercial, you are subject to Staff Review Board for site plan review.

This will shift the maximum height to the maximum building height in that particular zone. The Island Zone is the one district that may have a maximum building height of 25 feet. The new language will state that the maximum height shall be 35 feet, or the maximum height set forth for the underlying zoning districts pursuant to article four of this ordinance, whichever is less.

Robert Stevens spoke in support.

The Chair opens the Public Hearing  
The Chair closes the Public Hearing

Councilor Piltch is concerned about this being applied townwide. He acknowledges the shading fears and feels these may not be appropriate in some parts of town. Councilor Fournier only supports a 25-foot height maximum. Councilors Lawrence, Smith, Benoit all spoke in favor of allowing the height change.

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The Planner pointed out that the issues that are being debated here are the exact same issues that the Planning Board discussed.

**BE IT ORDAINED:** That 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 be approved. **MOVED AND SECONDED:** (Egan & Lawrence) **VOTE:** (4 -Ayes)(2-Nays: Piltch & Fournier) (1-Excused) (Video record time 00:41:30 -01:17:23 )

(Assistant Town Planner, Cecilia Smith) (15 minutes)

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ITEM # 231-23      **PUBLIC HEARING:** To consider action relative to proposed Special Amusement Permit renewals.

The Chair opens the Public Hearing  
The Chair closes the Public Hearing

**BE IT ORDERED:** That the following Special Amusement Permit renewals be approved.

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

**MOVED AND SECONDED:** (Piltch & Lawrence) **VOTE:** (6 -Ayes)(0-Nays)(1-Excused)(Video record time 01:17:23 -01:18:47)

(Town Clerk, Christine Wolfe) (5 minutes)

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ITEM # 232-23      To consider action relative to adopting the 2024 Town Council Schedule.

The annual meeting with Bustin's Island in August was explained for the new Councilors.

The schedule had a clerical error, and the March 6<sup>th</sup> meeting was deleted.

**BE IT ORDERED:** That the 2024 Town Council Schedule be adopted as amended. **MOVED AND SECONDED:** (Smith & Lawrence) **VOTE:** ( 6-Ayes)(0-Nays)(1-Excused)(Video record time 01:18:47 – 01:23:28)

(Council Chair Egan) (5 minutes)

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ITEM #233 -23      To consider action relative to annual Committee and Liaison assignments for Town Councilors.

PACTS is a regional effort focused on transportation among a lot of communities that largely overlay with GPCOGs footprint. It is separate from GPCOG because it's directly related to Federal

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Transportation guidance and money. It's a regional effort for all the small towns who might otherwise not be able to compete with Federal DOT.

**BE IT ORDERED:** That Town Councilors be assigned to Committees and Liaison positions as presented by the Town Council Chair. **MOVED AND SECONDED:** (Benoit & Lawrence) **VOTE:** (6-Ayes)(0-Nays)(1-Excused)(Video record time 01:23:28 – 01:29:26)

Appointments/Liaisons	Lawrence	Piltch	Egan
Municipal Facilities	Fournier	Smith	Lawrence
Special Projects	Piltch	Egan	Pillsbury
Ordinance	Pillsbury	Lawrence	Piltch
PACTS	Benoit		
Hunter Road Field	Egan		
GPCOG	Egan		
Conservation Commission	Benoit		
Shellfish Commission	Fournier		
Complete Streets	Smith		
Winslow Park	Pillsbury		
Social & Racial Equity	Benoit		
ACAF	Egan		
Police Advisory	Piltch		
FSAB	Smith		
FEDC	Piltch		

(Council Chair Egan) (5 minutes)

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ITEM # 234-23      To consider action relative to naming a Representative and alternate Representative to the Greater Portland Council of Governments (GPCOG).

We are a participating municipality. GPCOG is a regional planning and government support organization. The town has used GPCOGs services for climate action planning, bulk purchasing, communications and website support for Connect Freeport. We may be underutilizing their services.

**BE IT ORDERED:** That Council Chair Egan be named as the Representative and Jessica Maloy be named as the alternate Representative to the Greater Portland Council of Governments. **MOVED AND SECONDED:** (Lawrence & Piltch) **VOTE:** (6 -Ayes)(0-Nays)(1-Excused)(Video record time 01:29:26 – 01:32:41)

(Council Chair Egan) (5 minutes)

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ITEM # 235-23      To consider action relative to extending the Housing Task Force to sunset June 30, 2024.

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The committee took a few months to get off the ground, so they didn't get a full year in. There are also different things going on with the Comprehensive Plan and implementation of aspects of our Downtown Vision Plan. The group has a lot of ideas.

**BE IT ORDERED:** That the Housing Task Force be extended to sunset June 30, 2024. **MOVED AND SECONDED:** (Fournier & Lawrence) **VOTE:** (6 - Ayes)(0-Nays)(1-Excused)(Video record time 01:32:41 – 01:35:56)

(Council Chair Egan) (5 minutes)

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ITEM # 236-23 To consider action relative to extending the Social and Racial Equity Committee to sunset December 31, 2024.

This is a small but very active and passionate group who are focused and concerned with incidents involving hate speech in our community. The Committee is bringing forward a Graffiti Ordinance. The Committee has asked the Liaison to bring forward their request that we consider potential action through this committee to take an active step to affirm we are a welcoming community and that we won't allow hate speech groups or their agents to take hold in our community. This requires broad community engagement. There are plans coming forward with messaging and communication campaigns for the business community and also for residents.

**BE IT ORDERED:** That the Social and Racial Equity Committee be extended to sunset December 31, 2024. **MOVED AND SECONDED:** (Egan & Benoit) **VOTE:** (6 -Ayes)(0-Nays)(1-Excused)(Video record time 01:35:56 – 01:39:10)

(Council Chair Egan) (5 minutes)

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ITEM # 237-23 To consider action relative to appointments to the Ad-Hoc Committee to Evaluate the Feasibility of Acquiring 22 Main Street.

This committee is to explore the feasibility of because there has been some coalescing of a potential plan involving the landowner and potential constituents who would be in favor of the Town take a look at purchasing 22 Main Street. We will use the appointments process where candidates who wish to be considered for this committee would apply at the Clerk's Office. We will try to get this done in the next 3-4 weeks. There was discussion about submitting this to the voters at a referendum election in 2024, most likely in November. We would ask that a report be submitted by June 1, 2024.

Andrew Arsenault: Asked that the committee, while doing their due diligence, provides an environmental study of the lot.

The acquisition of other adjacent properties to Town Hall would be discussed at the Municipal Facilities Committee.

**BE IT ORDERED:** That Town Councilors (2), one community member representing each of the voting districts (4), and one business representative be appointed to the Ad-Hoc Committee to study the feasibility of acquiring 22 Main Street with a June 1, 2024 deadline for the feasibility report. **MOVED AND SECONDED:** (Piltch & Egan) **VOTE:** (6 -Ayes)(0-Nays)(1-Excused)(Video record time 01:39:10 – 01:50:15)

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(Council Chair Egan) (10 minutes)

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**TABLED:** *Estimated to be taken up in January 2024.*

These two items are not ready for action.

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).

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).

(Video record time 01:50:15 -01:50:54)

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**OTHER BUSINESS:**

1. Update on Ecomaine (Rod Regier) (15 minutes) (Video record time 01:50:54 -)

Rod Regier: Sent a memo last week outlining our waste practices including how it's collected, where it goes, the proportions of solid waste vs recycling. Ecomaine is where the town's trash goes. It's an independent body with it's own governance and bonding authority. There will be a vote next month to bond \$35.5 million dollars for major expansions at the Ecomaine plant. This will trickle back to the town in the form of tipping fees.

Ecomaine General Manager and CEO, Kevin Roche: Presented a complete overview of Ecomaine's operations. Freeport is one of 20 owner communities at Ecomaine, holding 3.4 % of the organization. Their proposed new recycling facility, projected at \$25.8 million, includes an interconnection with the waste energy facility so that the plant will be powered by the waste coming in and processed through combustion at the waste energy facility. The other thing they also need is automation. The industry has transformed into an automated sortation system using optical sortation. They also plan a \$7.3 million expansion on landfills, which are also necessary. Improvements at the waste energy facility will cost \$2.5 million. The total bond is \$35.5 million. They plan to increase the rates associated with both recycling and solid waste.

2. Property Tax Relief Programs (Councilor Fournier) (15 minutes) (Video record time 00:00:00)

**END OF AGENDA (Estimated time of adjournment 8:45 PM)**

**Motion to adjourn at 8:40 pm: (Lawrence & Smith )**