

MINUTES
FREEPORT TOWN COUNCIL MEETING #03-24
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, FEBRUARY 6, 2024
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	Arrived at 6:50 pm	
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 #02-24 held on January 16, 2024, and January 23, 2024, and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #02-24 held on January 16, 2024, and January 23, 2024, and to accept the minutes as printed.

(Fournier & Lawrence) **VOTE:** (6-Ayes)(0-Nays)(1-Excused Pillsbury) (Video record time: 00:01:27 - 02:02:01)

THIRD ORDER OF BUSINESS: Announcements (15 minutes) (Video record time: 02:02:01 - 00:04:15)

- The library has a full slate of programming in February including a life-sized Candyland game during school vacation week – please visit our website, Facebook page, or stop by for details
- Tax season is here and the library can help. Several tax forms are available at the front desk, and staff are happy to help you locate additional forms, instructions, and tax help – please stop by or visit freeportlibrary.com/tax-forms/
- **Please Participate in Freeport Community Library’s Building Use Survey!**
 Your feedback will help us better understand how the community utilizes the library building and what we should consider when planning for future renovations. Your input is invaluable in improving our services and we thank you for taking the time to participate in our survey. Get started at <https://freeportlibrary.com/fcl-survey/> or if you prefer to fill out a printed survey form, copies are available in our lobby.

COUNCIL MEETING #03-24
FEBRUARY 6, 2024

- Absentee ballots are available for the March 5th Presidential Primary. Please contact the Clerk's Office for details.
- Freeport Players annual meeting is February 8th. There is potluck at 6 pm and meeting at 7 pm at the Freeport Library.

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes) (Video record time: 00:04:15 - 00:04:44)

There was no information exchange.

FIFTH ORDER OF BUSINESS: Town Manager's Report (10 minutes)(Video record time: 00:04:44 - 00:11:31)

- Revenue sharing estimates for FY25 have been posted. While the total amount of funds grew, the amount Freeport will receive is down \$1,000. We will receive approximately \$1.2 million.
- ARPA update: We were initially allocated \$904,910.16. Council actions have encumbered \$846,873.30. That leaves the remaining \$58,036.86. Of the money encumbered, \$371,723.12 that has not been spent. We should review the money encumbered, but not spent, to see if there is a plan. The ARPA money must be encumbered by September 30th, 2024, and spent within two years.
- Downeaster ridership report: Freeport had \$18,093 boardings. There were 18,031 riders disembarking.
- The Town Hall Beautification Project has a goal of getting that done this construction season.
- The Town Clerk is excitedly accepting ballot clerk applications.
- Budget generation for the upcoming fiscal year are underway.
- Councilor Fournier would like us to look at replacing the brick sidewalks on/off Main Street. This has been discussed at Complete Streets.

SIXTH ORDER OF BUSINESS: Public Comment Period – (30 Minutes)
(Non-Agenda Items Only) (Video record time: 00:11:31 – 00:22:55)

Valy Steverlynk, FSAB update on Climate Action Plan:

- The draft Climate Action Plan will be released without appendices at the end of the week. The bulk of their meetings will be around public feedback. She highlighted all the public outreach they have done. They plan to present the draft to the Town Council on April 2, 2024.
- They are holding workshops planned for the next two Thursdays, February 8th and 15th.

Jim DeGrandpre:

- Spoke on the housing crisis from his perspective as a prior low-income housing landlord. He introduced Andrew Lardy the Executive Director of Tedford Shelter.
- Tedford Shelter is building an expanded facility in Brunswick. They have had regional support. They do provide services to Freeport residents. He requested funding for the new expansion in Brunswick.

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

COUNCIL MEETING #03-24
FEBRUARY 6, 2024

ITEM # 34-24 To consider action relative to adopting the February 6, 2024, Consent Agenda.

Councilor Smith: Asked about signage and whether we have a right to regulate signage under the Public Peddler Ordinance knowing that our Sign Ordinance has issues. The problem with our Sign Ordinance is that we are not allowed to regulate content. His concern is the number and placement of signs by peddlers on public and private property.

The Manager will gather more information and report back.

BE IT ORDERED: That the February 6, 2024, Consent Agenda be adopted.

MOVED AND SECONDED: (Egan & Lawrence) **VOTE:** (6-Ayes)(0-Nays)(1-Excused Pillsbury) (Video record time: 00:22:55 – 00:28:00)

(Council Chair Piltch) (5 minutes)

ITEM # 35-24 To consider action relative to proposed amendments to Chapter 21-Town of Freeport Zoning Ordinance pertaining to New Cannabis Uses. PUBLIC HEARING

The Chair opens the Public Hearing

David Stevenson, owner Hazy Hill Farm in Freeport. Growing medical cannabis in Freeport since 2015. He owns property at 24 Noble Drive. He would like Dispensary Cultivation License added to the ordinance language. This would not be a store front but would instead be a larger medical facility with unlimited canopy or plant count.

His second concern was regarding inspections. They are inspected annually by the Office of Cannabis Policy. This ordinance would allow Town Officials (Fire, Codes, Police) to enter his property for inspection at any time which is excessive. He asked that inspections are limited to one grow facility per day to prevent cross contamination.

Peter Ingram, owner of second Freeport facility: His vision was to split the cultivation to part adult use and part medical which this ordinance doesn't address. The ordinance would allow a cultivator to switch between medical and adult use.

The Chair closes the Public Hearing

The Town Manager explained that any substantive changes would require the ordinance go back through the process including Planning Board review.

Councilor Piltch pointed out a typo on page 22.

The Town Planner gave a history of this ordinance's creation and gave an overview. This process started in 2022.

- Outlined the different types of cannabis uses:
- Medical Small scale caregiver operation-is a home occupation.
- Zoning includes new defined uses of Cannabis Cultivation Facility and Cannabis Manufacturing and Processing Facility. These are subject to Site Plan Review
- New Section 535 Cannabis Establishments-contains performance standards.
- There are separation and buffer requirements.
- The Planning Board did not look at Dispensary Cultivation.

COUNCIL MEETING #03-24
FEBRUARY 6, 2024

Councilor Smith proposed an amendment to the residential setback of 100 feet which he feels is not enough based on his experience of living within 300 feet of one of the existing facilities. He proposes a 250-foot setback instead. The Town Attorney would need to be consulted before changing the setbacks.

BE IT ORDAINED: That proposed amendments to Chapter 21-Town of Freeport Zoning Ordinance pertaining to New Cannabis Uses be enacted.

MOVED AND SECONDED: (Fournier & Lawrence) **VOTE:** (6-Ayes)(1-Nay Smith)(0-Excused) (Video record time: 00:28:00 - 01:11:10)

(Town Planner, Caroline Pelletier)(15 minutes)

ITEM # 36-24 To consider action relative enactment of a proposed new Ordinance – Chapter 66 Cannabis Establishment Licensing Ordinance. PUBLIC HEARING.

The Chair opens the Public Hearing
There was no public input.

The Chair closes the Public Hearing

This is a streamlined ordinance. It includes a lot of definitions. This mirrors and works with the Zoning Ordinance. The Land Use regulations do not differentiate between adult use and medical, you can go from one to the other. Exempt caregivers do not have to register. Caregivers growing outside the home would fall under Commercial and be subject to the ordinance. Existing businesses would be given priority in the application process. There is a lottery component to the process if necessary. The steps for licensure were outlined. This ordinance does call for inspections by the Fire Rescue and the Code Enforcement Officer annually.

Applicants would submit initial application. There would be a lottery and notification before submission of final application to the Town. The Council would then hold public hearing for final approval. The applicant can then submit to the State for final approval. Discussion ensued about requiring the State License before we grant final approval and how it would not be fair for applicants to return to the Council and have the Council put additional stipulations before final town approval. The Town wants to know there is State approval and the State wants to know there is Town approval.

The Planner suggested amending the language to “the Council or their designee shall issue the license” on 11B (fourth sentence down).

Licensing fees: The licensing fees cover the actual costs. This cost the Town approximately \$20,000 between legal fees and staff time. The Manager explained how they arrived at the municipal costs associated with the enactment of the Cannabis Ordinance. Councilors Piltch, Smith, and Fournier support increasing the \$1,500 final application fee. Our proposed fees fall in the middle of neighboring communities.

MOVED AND SECONDED: (Piltch & Smith) To increase the Final Application fee from \$1,500 to \$2,500 **VOTE:** (3-Ayes Piltch, Smith, and Fournier)(4-Nays)-**FAILS**

BE IT ORDAINED: That a proposed new Ordinance – Chapter 66 Cannabis Establishment Licensing Ordinance be enacted and to add the related licensing fees to the fee schedule as proposed. **MOVED AND SECONDED:** (Pillsbury & Lawrence) **VOTE:** (7-Ayes)(0-Nays) (Video record time: 01:11:10 – 01:42:00)

COUNCIL MEETING #03-24
FEBRUARY 6, 2024

(Town Planner, Caroline Pelletier)(15 minutes)

ITEM # 37-24 To consider action relative to setting a Public Hearing regarding a new Special Amusement Permit.

BE IT ORDERED: That a Public Hearing be set for February 27, 2024, at the Town Council meeting starting at 6 pm in Freeport Council Chambers, 30 Main Street regarding a new Special Amusement Permit for the following:

1. Linda Beans Maine Kitchen & Topside Tavern, 88 Main Street

MOVED AND SECONDED: (Benoit & Lawrence) **VOTE:** (7-Ayes)(0-Nays) (Video record time: – 01:42:00 – 01:43:08)

(Town Clerk, Christine Wolfe)(5 minutes)

ITEM # 38-24 To consider action relative to setting a Public Hearing regarding amendments to Chapter 2, Administrative Code, Section 510.1 to designate the Department Head as the Director of Public Works.

Clarify that Public Works director runs the Public Works Department. Now it is a consolidated position that is creating confusion with staff and the community. The entire Administrative Code will be reviewed for amendments to simplify job responsibilities.

BE IT ORDERED: That a Public Hearing be set for February 27, 2024, at the Town Council meeting starting at 6 pm in Freeport Council Chambers, 30 Main Street regarding amendments to Chapter 2, Administrative Code, Section 510.1 to designate the Department Head as the Director of Public Works. **MOVED AND SECONDED:** (Lawrence & Fournier) **VOTE:** (7-Ayes)(0-Nays) (Video record time: 01:43:08 – 01:45:30)

(Town Manager, Sophia Wilson)(10 minutes)

ITEM # 39-24 To consider action relative to setting a Public Hearing regarding a new Liquor License for the Kendall Tavern.

BE IT ORDERED: That a Public Hearing be set for February 27, 2024, at the Town Council meeting starting at 6 pm in Freeport Council Chambers, 30 Main Street regarding a new Liquor License for the Kendall Tavern located at 213 Main Street, Freeport. **MOVED AND SECONDED:** (Smith & Lawrence) **VOTE:** (7-Ayes)(0-Nays) (Video record time: 01:45:30 - 01:46:45)

(Town Clerk, Christine Wolfe)(5 minutes)

ITEM # 40-24 To consider action relative to a Use of Town Property request by Meetinghouse Arts.

COUNCIL MEETING #03-24
FEBRUARY 6, 2024

We have a process for anyone that wants to reserve time in Memorial Park. This is not exclusive use. It's permission given for groups to come in with proposed public activities. Meetinghouse Arts has been running concerts for several years.

Councilor Lawrence inquired why this comes to Council and is not handled at staff level. This language is for any public use of property, not just Memorial Park. Any group using town property must submit a Use of Town Property request.

The Manager will be bringing to the Ordinance Committee a Council policy. She will add this to the list of policies to review.

Suzanne Watson, Executive Director of Meetinghouse Arts gave details about the upcoming concert events.

BE IT ORDERED: That the Use of Town Property request by Meetinghouse Arts for "Music in the Park" at Memorial Park on the following dates:

June 1, July 6, August 3 & 25, September 7 & 27 be approved. **MOVED**

AND SECONDED: (Pillsbury & Smith) **VOTE:** (7-Ayes)(0-Nays) (Video record time: 1:46:45 – 01:52:49)

(Council Chair Egan)(5 minutes)

ITEM # 41-24 To consider action relative to confirming the appropriation of \$35,000 in ARPA funds for Phase II of the Electrify Everything Program.

We have exhausted the original \$40,000. We have \$2,511.49 worth of pending applications waiting for Council action tonight. Bob Stevens raised the concern that when the program was established, it was done in accordance with the Town's regular Purchasing Policy which does not allow funds to be expended prior to proof. This was set up on a first come, first serve and was a reimbursement which follows the way we expend funds. Freeport Housing Trust (FHT) has inquired about applying for funds that would utilize the rest of the remaining \$40,000. There is a concern that we should encumber the money although the application is not complete, and the equipment has not been furnished. Staff's decision was to not encumber the money and are looking for guidance if Council would like them to change.

The action tonight funds the second half (Phase II). The balance will be \$32,000 if we follow the original plan, otherwise the money will be depleted if encumbered for FHT's units.

Finance Director, Jessica Maloy explained that she has been assisting FHT with completing their application.

Councilor Fournier expressed concern that the program has changed from its original intent of insulation, heat pumps, etc. for low to medium income, then grew to include electric leaf blowers and mowers, electric bikes, etc. He supports FHT but this was supposed to be for low-income Freeport residents for heating items. Of the 37 applications, 21 were for heat pumps.

The Manager recapped: We will process the 3 applications we have at \$2,511.49, then pause. We will not encumber monies without complete applications. We will return to the Council with a better definition of the problem and some questions.

BE IT ORDERED: That the appropriation of \$35,000 in ARPA funds for Phase II of the Electrify Everything Program be approved. **MOVED AND**

COUNCIL MEETING #03-24
FEBRUARY 6, 2024

SECONDED: (Pillsbury & Smith) **VOTE:** (5-Ayes)(2-Nays)(Fournier & Lawrence) (Video record time: 01:52:49 - 02:24:30)

Note: this action would increase the total program budget to \$75,000.

(Town Manager, Sophia Wilson)(10 minutes)

TABLED: *For information only (no action required) it is estimated to be taken up later in February, 2024.*

ITEM # 23-24 To consider action relative to the appointments to the 22 Main Street Advisory Committee.

BE IT ORDERED: That the following residents be appointed to the 22 Main Street Advisory Committee.

District 1:

District 2:

District 3:

District 4:

Business Representatives (1):

Town Councilors (2):

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).

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

(Video record time: 02:24:49)

EXECUTIVE SESSION

ITEM # 42-24 To consider action relative to an Executive Session pursuant to 1 M.R.S.A. § 405(6)(D) pertaining to Collective Bargaining with the Teamsters Local Union 340.

COUNCIL MEETING #03-24
FEBRUARY 6, 2024

MOTION: That the Town Council enter Executive Session at 8:27
(Fournier & Lawrence)(7-Ayes)(0-Nays)(Video time: 02:25:43)

MOTION: That the Town Council exit Executive Session at 8:50
pm. (Egan & Smith) (7-Ayes)(0-Nays)
(15 minutes)

EXECUTIVE SESSION

ITEM # 43-24

To consider action relative to an Executive Session pursuant to 1
M.R.S.A. § 405(6)(A) pertaining to Town Manager Performance
Goal setting.

MOTION: That the Town Council enter Executive Session at
10:10 pm. (Egan & Smith)(7 Ayes)(0-Nays)

MOTION: That the Town Council exit Executive Session at 10:11 pm.
(Egan & Smith)(7-Ayes)(0-Nays)
(15 minutes)

END OF AGENDA (Estimated time of adjournment 8:50 PM)