

**MINUTES  
 FREEPORT TOWN COUNCIL MEETING #24-19  
 FREEPORT TOWN HALL COUNCIL CHAMBERS  
 TUESDAY OCTOBER 15, 2019  
 6:30 PM**

|                                       | <b>PRESENT</b> | <b>ABSENT</b> | <b>EXCUSED</b> |
|---------------------------------------|----------------|---------------|----------------|
| John Egan, 38 Curtis Road             |                |               | x              |
| Scott Gleeson, 23 Park Street         | x              |               |                |
| Eric Horne, 62 Pine Street            | x              |               |                |
| Henry Chip Lawrence, 93 Hunter Road   |                |               | x              |
| Douglas Reighley, 2 Harbor Ridge Road | x              |               |                |
| Sarah Tracy, 2 Pettingill Road        | x              |               |                |
| Tawni Whitney, 56 Baldwin Road        | x              |               |                |

Chair Tracy called the meeting to order at 6:35 p.m. and took attendance. She mentioned that Councilors Egan and Lawrence are excused this evening. All other Councilors were present as well as Town Manager, Peter Joseph.

**FIRST ORDER OF BUSINESS:** Pledge of Allegiance

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #23-19 held on October 1, 2019 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #23-19 held on October 1, 2019 and to accept the minutes as printed. (Reighley & Horne) **VOTE:** (5 Ayes) (2 Excused-Egan & Lawrence)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Tracy announced:

- **Freeport Movie Day at Nordica Theatre– Wednesday, October 16, 2019.**  
Residents of Freeport are welcome to view a movie absolutely FREE! Donations for the Harraseeket Grange will be collected. Proof of residency is required.
- 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 now available at the Town Office, the Freeport Community Library and can be found on the Town’s website. Deadline for nominations is December 12, 2019.
- **CHANS Home Health & Hospice will be conducting their Annual Seasonal Flu Clinic** at the Freeport Town Office on Monday, October 21<sup>st</sup>, 1PM – 3PM. The flu shot clinic is free; although donations are accepted.
- **2019 Election Absentee Ballots** are now available beginning October 8<sup>th</sup>. Sample ballots are available to view on the Town’s website.

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- **Home Energy Assistance Program (formally known as LIHEAP)** intake workers will be taking walk-in appointments for Heating Assistance at the Freeport Community Center on: Wednesday, October 16<sup>th</sup> from 9 a.m.– 3p.m. A list of required information needed to complete your application can be found under *Municipal News* on the town’s website.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Whitney reported that she attended an Aging in Place meeting this week and things are moving along very well. They have a date set for developing their action plans for Aging in Place and then some other small ideas they are hoping to put in place before the formal action plan is out there. One of the examples might be delivering buckets of sand to people that may need them along with little shovels so we can help to make sure pathways are clear and safe to travel in the morning.

Melanie Sachs, former Council Chair who has been heading up our Working Group to Welcome New Mainers Committee, reported on the outcomes and issued a final report to the Council. The committee compiled a Resource Guide and has updated it several times. All minutes, the *Resource Guide* as well as the Guide called “*Welcoming New Immigrants* on the Town’s website. She thanked the host families that opened up their homes noting that one of them was Councilor Whitney. She found that Freeport Friends was amazing and she found Johanna Hanselman to be an incredible resource. They will be presenting a community event at the Freeport Community Library on November 7 from 6:30-8 p.m. They will have a panel of folks who have worked extensively with people seeking asylum. Refreshments will be served and she encouraged interested residents to attend. She thanked the Council for putting this as a priority and bringing this group together and to the hard working and amazing townspeople and volunteers regarding this initiative. After the event, they expect this committee to disband unless the Council has further work for them.

Chair Tracy thanked Mrs. Sachs for doing such a great job in articulating the mission. It has been great and she has respected the wishes of the Council and also those who commented at the outset about the limitations of the group but also found opportunities for the group. She also thanked the Host Families for opening up their homes. She knows it was no light lift and it was impressive that they were willing to open up their lives and schedules to assist people in need. One of them was Councilor Whitney and with her schedule, Chair Tracy can’t believe she was able to do that. She thanked everyone and is looking forward to the event on November 7.

Councilor Reighley mentioned he was part of that group and pointed out that Chair Tracy did a great job in selecting a leader for this committee. He found it to be a pleasure to work with this group and see it all come together and this is probably a foundation for future events. He feels we are well prepared. Mrs. Sachs reiterated that this is really an amazing community and really came together to respond in a wonderful way for those in need and having a concrete outcome which she loves.

Councilor Whitney also wanted to thank Mrs. Sachs for all the phone conversations back and forth for a while. Mrs. Sachs was her constant support and she really appreciated it. She noted that she runs a wonderful meeting. Councilor Whitney explained that Freeport Friends is an all-volunteer organization that was created to help out anybody in a temporary crisis. It may be someone who is sick and needs rides for a bit to a doctor’s appointment or they need a few warm meals delivered to their door, or someone may need winter boots in a hurry and Freeport Friends is a very large group of volunteers that are very quick to help. It is a wonderful organization, [Freeportfriends.org](http://Freeportfriends.org).

Councilor Gleeson mentioned that by count this is his last regular meeting. He feels it has been a pleasure and honor serving on this Council with this particular group. He feels when he leaves, the Council will be

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in good hands. Everybody in the town should know that this is a great group. Former Councilor Sachs is someone he worked with closely for a number of years and this is how organizations should do things. This is how people get together in town and get things done collaboratively. He wanted to put on record that he thinks this Council is great. Chair Tracy noted the Council would miss him but would fully roast him next month.

**FIFTH ORDER OF BUSINESS:** Town Manager's Report

Mr. Joseph reported:

Building on something Mrs. Sachs pointed out, he noted that in the outgrowth of the committee work, Johanna Hanselman was contacted as a resource and expert in her field. He mentioned that another town had been in denial for a program similar to one she administers with a strange answer from the State that did not match up with any of Johanna's understanding. She spent a couple of hours on the phone banging heads with State officials until they agreed she was right and they went back and reversed their decision for the other town. He thanked Johanna and mentioned her work does not go unnoticed. While it is not Freeport that benefitted from that experience, it was one of our neighboring towns. She deserves a shout out for the work that Melanie was just talking about.

**Proposed vehicle sale – Town of Union**

Staff had previously made the Town Council aware that the Public Works Department was intending to trade in the 2004 dump truck scheduled for replacement this year. Earlier this year, the Town of Union experienced a fire in their facility and lost some of their vehicles. They have reached out to municipalities state wide to find replacement vehicles and are interested in purchasing our outgoing truck at the trade value. The Public Works Department has asked to sell this vehicle to the Town of Union at the dealer's agreed price previously communicated to the Town Council. This item does not require Town Council approval, but does require Town Council notification, which he was hereby providing.

**Soule School Tree Work/Tree Removal**

The Town has been made aware of concerns about the state of some of the trees contained in Soule Park, adjacent to the L'Ecole Francaise property leased by the Town to that school. As a result, the Town hired Mike Hughes, of Hughes Arborist Service, to evaluate the trees in the park adjacent to the school property. He evaluated 15 trees in the park and made recommendations which include the removal of 8 of those trees which are hazards. The Conservation Commission has reviewed his findings and agrees with his recommendations. The Public Works Department will be contracting the recommended tree work and removal of the 8 trees, which is expected to take place within the next 2 weeks. There will be a limited amount of wood from those trees that will be shuttled up to the Transfer Station and will be available for pick up by people for burning. It will be on a first come, first served basis. If anyone has questions, talk to Earl Gibson at 865-4461. Councilor Reighley mentioned that he suggested that the wood be cut in 32-inch pieces because most people will burn 16s and there will be no waste.

On October 8<sup>th</sup>, two South Freeport businesses along with Freeport PD leadership recognized Harbor Master Charlie Tetreault for the First Annual Harbor Master's Day. Both Brewer's and Strout's Point did a mini recognition ceremony down on the Town Wharf for Charlie. He mentioned that Charlie started with Freeport three years ago as the Shellfish Warden which turned into the Marine Resource Conservation position. He is a police officer and originally started in the Marine Resource function and

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about a year and a half ago took on the Harbor Master's position and has been keeping peace on the waterfront. We have a generally happy business community down there. Mr. Joseph wanted to give a shout out to Charlie and congratulate him on all the work he does during the summer boating season.

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

**MOVED AND SECONDED:** To open the Public Comment period. (Reighley & Gleeson) **VOTE:** (5 Ayes) (2 Excused-Egan & Lawrence)

Joyce Veilleux of the American Legion wanted to let the public know that they will be offering poppies at Bow Street Market on November 9 in honor of Veteran's Day. Any of those donations are put into a special fund and kept here locally in the Freeport, Durham and Pownal areas and it is only to be used for veterans, and veterans' family members in whatever their need may be. It is a fund that is out there and if anyone knows of someone meeting this criteria, please give Mrs. Veilleux a call. She is on Facebook.

Mr. Veilleux mentioned the seven ancient cemeteries that the Town owns are in bad shape. She has been approached by two different organizations, one a possible Scout troop and the second being a family that would like to work in them and/or possibly adopt a cemetery. Before we can go any further with a discussion, she needs the Town to let her know what legal ramifications there may be and if they would need official adoption paperwork saying what they can or cannot do, and what things they can do to stones. She has a list of things so it is something to think about and maybe move forward during the winter. Work will not be done until spring.

Chair Tracy asked Mr. Joseph to put this item on the Council's To Do List. Mr. Joseph agreed that work is needed and he will look into it.

Keith McBride, Executive Director of FEDC thanked Councilor Gleeson for being their liaison and for doing a great job. He has been a great voice for the community. While Councilor Gleeson will be missed, he plans to keep him engaged so he will not be missed. He appreciates all the work Councilor Gleeson has done on behalf of the Council and with FEDC. Mr. McBride is looking forward to working with a new liaison and building a great relationship.

**MOVED AND SECONDED:** To close the Public Comment period. (Reighley & Gleeson) **VOTE:** (5 Ayes) (2 Excused-Egan & Lawrence)

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

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ITEM #166 -19            To consider action relative to adopting the October 15, 2019 Consent Agenda.

**BE IT ORDERED:** That October 15, 2019 Consent Agenda be adopted.  
(Reighley & Horne)

Chair Tracy reviewed the items on the Consent Agenda for members of the public.

**VOTE:** (5 Ayes) (2 Excused-Egan & Lawrence)

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ITEM #167 -19 To consider action relative to approving proposed amendments to Chapter 46: General Assistance Ordinance and Appendices A-D & H for the period October 1, 2019 to September 30, 2020. PUBLIC HEARING

**MOVED AND SECONDED:** To open the Public Hearing. (Whitney & Reighley) **VOTE:** (5 Ayes) (2 Excused-Egan & Lawrence)

Chair Tracy mentioned that this is the standard adoption of updated Ordinances to allow us to provide General Assistance from the State. Ms. Hanselman agreed.

**MOVED AND SECONDED:** To close the Public Hearing. (Whitney & Reighley) **VOTE:** (5 Ayes) (2 Excused-Egan & Lawrence)

**BE IT ORDERED:** That amendments to Chapter 46: General Assistance Ordinance and Appendices A-D & H for the period October 1, 2019 to September 30, 2020 be approved. (Whitney & Reighley) **ROLL CALL VOTE:** (5 Ayes) (2 Excused-Egan & Lawrence)

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ITEM # 168-19 To consider action relative to setting a public hearing for a new Special Amusement Permit.

**BE IT ORDERED:** That a public hearing be scheduled for December 3, 2019 at 6:30 pm in Town Council Chambers to discuss a new Special Amusement Permit for The Perfect Spell, 9 Mechanic Street.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Gleeson & Reighley)

Mr. Joseph explained that this is where the Corsican, and later Homage, was located previously. This business is going to be a performance/dinner setup. This location was on the market and they located there. They are pre-selling their performances and have been sold out for a chunk of them.

Councilor Reighley noted the December 3<sup>rd</sup> date and the Council just approved a Victualer's License for them now. Is the date too far in advance. Are they not planning to open before that date? Mr. Joseph could not speak to what their schedule is. December 3<sup>rd</sup> is the Council's next business meeting. They cannot have amusements which is an integral part of their business. It would limit their business but not prohibit them. The Council will be talking about their liquor license next and it is the same deal. Chair Tracy mentioned that they cannot have amusements and they cannot have booze so she wished them luck. Their food better be good.

Keith McBride advised that he knows they are comfortable opening in a soft fashion without liquor. They are trying to get things up and running on at least a limited basis. He knows they are comfortable waiting for the liquor license but he did not discuss the amusement side with them. He is confident it would all have been explained by the Clerk's Office. He is comfortable discussing with them whether or not the

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Council could hold an interim meeting. Chair Tracy asked that Mr. McBride not promise them anything but if it becomes a hardship for them, to please let the Council know.

**VOTE:** (5 Ayes) (2 Excused-Egan & Lawrence)

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ITEM # 169-19            To consider action relative to setting a public hearing for a new Liquor License.

**BE IT ORDERED:** That a public hearing be scheduled for December 3, 2019 at 6:30 p.m. in Town Council Chambers to discuss a new Liquor License for The Perfect Spell, 9 Mechanic Street.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Horne & Gleeson) **VOTE:** (5 Ayes) (2 Excused-Egan & Lawrence)

Chair Tracy noted that if the Council does not hear anything, it will have this on the 3<sup>rd</sup>. If there is a need to move it up, the Council will talk about it.

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ITEM # 170-19            To consider action relative to an alternative building permit fee proposal for the L.L.Bean Corporate Campus renovation project, Map 20, Lots 98-ETC + 101.

**BE IT ORDERED:** That a building permit fee of \$21,167 be established for the L.L .Bean Corporate Campus Renovation Project, Map 20, Lots 98-ETC+ 101. (Reighley & Gleeson)

Mr. Joseph explained that the project they are proposing to undertake at their main corporate campus is a renovation of existing space which will be turned into the main office space for the company. It has received various reviews and approvals from the Town and they are already in the middle of the process. They are ready to take out a building permit. Several months ago, the project management folks and the Codes Officer sat down to see what it would look like. Our building permit calls out two specific fees. One is for new construction and one is for renovation. Renovation in this case on a 380,000 square foot project is something that probably was not considered when that fee was set. This is more like new construction but the building permit fee schedule tells us to process it as a renovation cost and that would result in approximately \$891,000 building permit. That is not legal under State Law. The Codes Officer estimates that over 3-4 years to spend about 750 hours on the project so we are proposing to set the permit fee at that amount as a start. If it goes over the 750 hours, Mr. Joseph has already talked to L.L. Bean leadership and they have agreed to reimburse for actual costs.

Councilor Reighley noted he would like to know what L.L. Bean paid to renovate their Retail Store but after discussion, did not request staff time to do the research.

Councilor Horne appreciated Mr. Joseph quoting State Law. It sums it up pretty well as far as what is appropriate. He has no issue on this. Councilor Gleeson noted he has no issue with it and is appreciative of Bean's, with a lot of options for office space around the country, investing in Freeport. Chair Tracy agreed. She is aware that time has been taken by staff to make sure that the amounts in the revised permit are adequate based on what we know at this point but things can always change. She is comfortable

giving the additional agreement to provide an hourly fee above and beyond this amount. She is also comfortable modifying it and feels we should make it a reasonable fee but facilitate the investment. We appreciate the investment and are excited to see it go forward and go up. She hopes the Council gets a tour when it is completed.

**ROLL CALL VOTE:** (5 Ayes) (2 Excused-Egan & Lawrence)

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**OTHER BUSINESS:**

Chair Tracy asked the public to indulge her by allowing the Town Engineer to speak first since he has been working all day and needs to go home. We have a big room full of Short-Term Rental comments.

**1. Discussion regarding Digital Sign proposal @ 4 Main Street (Public Safety Building)**

Adam Bliss, Town Engineer provided a packet of information pertaining to a proposed internally lit sign. In the packet, he identified two potential locations as well as a recommendation for the location. The two potential locations are the Freeport Public Safety Building. Alternatively, we could locate the sign in front of Town Hall. His recommendation, in consultation with Staff and the Town Manager, would be to locate it at the Freeport Public Safety Building for a few reasons:

- 1) The existing sign has to be replaced because it is constructed of wood and has a few years, if that remaining in its life space.
- 2) The sign has two components: an upper component and a lower component which is the manual message board sign.
- 3) In terms of location appropriateness, there is an existing sign there and the recommendation is to replace it.

He is proposing to replace the wooden posts with granite posts to match the lentils above the windows on the Public Safety Building. He will replace in kind the upper cabinet with a longer-term product and recessed lettering.

Mr. Bliss noted that he is here to receive direction about the lower cabinet, the LED component. There are a lot of variables with these LED signs. He suggested having a conversation and advancing the ball. He provided a memo to the Council giving the basics.

In message content, he asked if are we going for graphics or are we going for simple text? Precision or resolution, do we want the best crystal-clear text to be made available. There are 4 or 5 different types of resolutions and he has a recommendation for the Council tonight. The size of the sign is important in terms of the message we want to display, but also the physical. He displayed a graphic as an example comparable to what we would replace at the Public Safety Building if we choose to go with that location. Size is important in estimating the cost and also in warranties. Warranties come in 1, 3- and 5-year lifespans. The better-quality products exceed their 5-year warranties and have 10-year plus lifespans. We should keep this in mind because the LED sign is probably going to be replaced in at least 10 years' time, and maybe less. We want to budget for that and we want to set expectations that this is not a replace and forget for 20 or 30 years.

Chair Tracy pointed out that the Council has already budgeted \$20,000 for this and the reason the Council considered and approved this is because it found out in the October storm that we have minimal ways to communicate with our residents, particularly when the power is out. This has been part of our transparency effort to communicate with residents. This is new to have a LED sign but we need to be able to change it and meet needs quickly. In terms of getting feedback, we have a Freeport Beautification

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Committee and Mr. Bliss should take whatever feedback he gets from the Council and reach out to them for input as well as anybody else that wants to provide input since this will be centrally located. Councilor Reighley asked if it has gone through Design Review. Chair Tracy indicated that it hasn't but it will need to. Mr. Bliss is trying to provide a design that reflects the Council's hopes and wishes so we don't go to Design Review with something we don't even like. Mr. Bliss explained that application is due to Project Review Board and Design Review on October 30<sup>th</sup> for the November 20<sup>th</sup> meeting.

Councilor Reighley's preference would be to locate the sign at the Public Safety Building because more people are looking for signage there than at Town Hall. Chair Tracy and Councilor Horne agreed that it would be a great location option. As far as graphics versus simple, Councilor Horne would prefer simple. He thinks the graphic ones get too busy. Higher resolution is better if it is affordable. His thinking on the size would be 2' x 6' and he would have to see the cost because he doesn't know about warranty numbers. Chair Tracy's feedback is that she feels the sign should be in front of Public Safety. She feels graphics make it look cheesy and it should be 3' x 6' because it looks a little narrow when it is 2' x 6'. In terms of the two pictures provided by Mr. Bliss, she feels the granite posts should be substantial and the picture shown of the Wentworth School looked much more substantial in quality. She would like to evoke historic and much more akin to our other historic signs, not our 1980's green signs she would love to get rid of. Mr. Bliss advised that the size of the Wentworth sign is 2 ½' tall x 7' wide and Councilors felt 2 ½' would be fine. Mr. Joseph advised that he and Mr. Bliss ran a 3' x 5' by a Sign Company and they mentioned that the width is the constraining factor when you are talking about text. They suggested going as wide as we can. Councilor Reighley pointed out that he would support a 3' x 6' sign. Chair Tracy mentioned that the Council should have options so it can choose what is most appropriate for Freeport and not be locked into one color. Mr. Bliss noted that full color is expensive but there are options for how you want to display your messages. Monochrome could be white, yellow or amber or it could even be red, yellow and green. Chair Tracy explained that she didn't believe the Council would decide that tonight but would leave it to Mr. Bliss and Mr. Joseph to figure it out with some input from people that spend a lot of time downtown. Mr. Bliss advised that when he costs this out with Mr. Joseph, he will be taking warranty into consideration. He will not recommend a product that will have a one or three-year warranty. He will strive for five which is probably the best we can have. Mr. Bliss clarified that he is proposing a double-sided sign and text over graphics.

## 2. Public input on Short Term Rental Ordinance

Chair Tracy pointed out that the Council has in its packet a proposed Short-Term-Rental Ordinance. This ordinance was proposed by a small group of citizens who had an interest in the Council moving forward on this issue. The Council has taken it up a couple of times over the past few years and have declined to delve into the world of short-term-rentals through an ordinance. One thing the Council did do about a year and a half or two years ago was put some teeth in our Noise Ordinance to make property owners responsible for violations of the Noise Ordinance and have increasing fines associated with that even if they are renting their property to other people who are actually causing the noise. It cannot be denied that there are a lot of short-term rentals going on in Freeport and some are not playing well in the sandbox and are making it difficult for their neighbors to co-exist in their homes and properties. Here we have a proposed ordinance. A few meetings ago, the Council took it up and referred it to the Ordinance Committee Board discussion. They did not indicate if they wanted to move forward or not but felt it was appropriate to explore. The Ordinance Committee met and also felt it was appropriate to explore the regulation of short-term rentals. It doesn't mean that the Ordinance Committee will definitely regulate short-term rentals, but everybody wanted to do some due diligence and also get some public input which is where tonight comes in. Tonight, we will be taking public comment on pretty much anything the public wants to tell us. We have had a lot of e-mails and detailed comments already. She thanked everyone who

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spent time crafting those written submissions. The Council has them for a reference going forward. Any comments and they can be specifically on this proposed ordinance if you see fit. It can be on the concept of regulating short-term rentals in general. It doesn't have to be specific to this ordinance. She mentioned that should the Ordinance Committee move forward; they may decide to use this Short-Term Rental Ordinance as a model or they may decide to use a different ordinance as a model. We are really at the beginning of an investigative process. The next step after this meeting to get public feedback is to reach out to other municipalities who have engaged in the process of regulating short-term rentals to learn from them, both their successes and their challenges. This is an ongoing matter and she doesn't feel it is the only time the public will have to comment on this but the Council appreciates everyone providing their comments early on so that it can inform our investigation as we move forward.

Councilor Reighley asked that if anybody coming before the Council has heard somebody say what they wanted to say, just come up and say you support it but if you have additional items, please add them to it so the Council will get an understanding that you are in favor of what you heard and then your own input that may be relevant and different. Chair Tracy asked the public to come up and identify who they are and try to keep their comments to three minutes so there will be enough time for everybody to comment and we can move through this in a reasonable fashion. Mr. Joseph explained that he has a portable microphone so people can be heard on tv.

Gerry Kennedy of Pine Street advised that he has a rental property in Freeport that he rents year-round. He has found that using an Airbnb is a good way of having his family being together and enjoying a home environment and that it has been successful for them. His understanding from the last meeting, there was some kind of a noise complaint with the people using the property. He feels the Police Department can handle noise complaints. He is aware that there a bunch of his neighbors renting Airbnb's in order to help pay their taxes and he feels this is a way they can offset the steep taxes that people in his neighborhood are paying. He likes his neighbors and wants them to stay as long as they can and not have to sell because of taxes. This draft seems a little much for him. He is not sure we need this much regulation in Freeport.

Tim Whitacre of 3 Sandy Beach Road thanked Mr. Kennedy for saving him some time. He feels there are a lot of arbitrary rules included in this. The reason why his family is in Freeport is because of short-term rentals. They love Freeport because of an opportunity for their family to stay in a short-term rental. He doesn't have any issue with having to do a registration. He takes issue with the timings of certain things where you have an hour to respond to certain things and he is bothered by the fines and fees associated. They exceed fines if you are found texting on a highway where real danger is taking place. These fees appear exorbitant to him. He asked who is going to be enforcing all of these. Is the Clerk going to be making arbitrary judgments? It is a terrible thing without having specific rules as far what is allowed and what is not. There is no definition on the registration form. Who is going to pay for the extra Code Enforcement Officer? He is still upset that the Town couldn't find enough money to keep all the silver bullets going. With all these regulations, it is obvious that it is going to be necessary to have another Town employee to follow up on these and where is that money going to come from?

Keith McBride, Director of FEDC advised that his Board has not taken an official position on this. They will be discussing it at their Board meeting two weeks from today to decide if they should take a strong position one way or another. Until that point, a point he wanted to make now, it occurs to him that we all should have the exact same goal here and it happens to fall in line with what he does every day. We are all trying to drive economic activity in Freeport, especially in the downtown and that includes visitors and that plays into a particular policy decision. It means trying to appeal to a wide variety of consumers for Freeport, Freeport businesses and Freeport activities that people should be interested in doing here. He hopes the Council will keep this as a primary goal in trying to encourage development of some sort of approach to this issue that takes into account feedback from those consumers as well as the property

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owners he has heard from and the Council is hearing from tonight, the bed & breakfast owners and hotel and inn owners he is certain the Council will hear from tonight in the process. There is another piece too, it is the people. We are trying to make sure we have something to offer them. What are they interested in and why are they coming here? We need to create a hospitality environment in Freeport that is attractive to a broad spectrum of potential visitors in order to assist in our economic development strategy going forward and he feels everyone in the room would agree with that as a positive goal and something to strive towards. He hopes we can do this in a way that enhances all the economic activity by appealing to that consumer that we are trying to reach out to and convince them that Freeport is a really great place for them to spend their time. He is hoping to have a solid stance on this in the coming weeks.

Pete Bowman of Lower Flying Point Road thanked the Council for considering a Short-Term Ordinance and thanked all the residents who put in all the effort to draft the details. He supports property rights and a person's right to rent out their home should they wish, until it affects him. He has had enough noise, trespassing and parking headaches by an inconsiderate neighbor. There was a time when a neighbor would voluntarily show their neighbor respect and courtesy but no longer. This ordinance should go a long way toward reciprocal property rights. He encouraged residents to make money with their short-term rentals but do not disrupt their neighbors.

Phil Clifford advised that he has been hosting families for more than 15 years. After reading this draft ordinance, he finds it crippling and a lot of micro managing. One of the things that got him is that they would get identification numbers and they would have to put them on their e-mails, their texts, all their advertising. It seems outrageous that every time he gets a text from a guest, he will have to put his ID number and send it back to them. He mentioned that designating a contact person should be multiple contact people in the event he is out of state. He asked if inspections are going to be every year or is it a one-time thing. His insurance company comes and inspects now. If there is a problem, he is going to be able to walk in on guests staying at their house without his knowledge. As for the length of stays, it says 30 days but what if he has a guest that wants to stay 34 days. He does not feel there should be a limit on the number of stays a guest can stay. He has no problem filling their weeks in the summer but the rest of the year is sketchy. He mentioned that their bills are not just for taxes. It is the mortgage, insurance, oil, lights and all of that go in together. They cannot control 100% of their renters every second that they are in their house. They provide guidelines and explain some of the rules but they are not with them 100% of the time. It sounds like some have broken rules and that is why we are here, but one of the things getting him is on the denials, suspensions and revocations. If a guest breaks a rule and it gets reported, it says all rental reservations will be cancelled as of the date of the notification. They are already booked out for next summer and if someone does something wrong in April of next year, he asked if he has to call all of the people that stayed with them and tell them they can't come because the previous guests were bad? This is lost income and this part really needs some work. If there is a problem, they need to address it and then move on instead of disrupting all those families that love to come to Maine. He is not sure where they will stay if they can't stay with them. If he has to deal with the Town on an infraction, the Town Office is closed three days a week. If something happens on Friday, he will be going into the office with a \$3,000 fine and he finds that to be very excessive. He feels the whole ordinance needs to be worked on and that is why he is here.

Jenny Yasi of South Freeport Road, wife of Albert Presgraves, explained that they have been running an Airbnb. Two points she wanted to emphasize was that when we are talking about home hosting, we are talking about affordable housing, home sharing and maximizing the use of each home. We are talking about the cost of rent and the cost of housing and sometimes Airbnb's get blamed for driving up the cost of housing. For them it broke the ice with the experience of home sharing and they discovered through having guests that come from all over the world, how much they loved having people in their home. They have a winter renter and really like her. From their point of view, it has created affordable housing in their

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neck of the woods. It does create affordable housing for them and then they invest in that infrastructure and it makes more sense than having big hotels come in here. They advertise and promote local businesses.

Bill Hamlen, owner of the Orchard House and Café, mentioned he is relatively new to Freeport. He comes from a different standpoint here. As far as he is concerned, it is about life safety if we are talking about taking in people. Everyone has fees. He has town fees, state fees, insurance fees and fire code fees. He is off grid in that he is not on Town water so he needs to have cisterns for his fire suppression system, 10,000 gallons worth of systems heated all winter long so he can be assured his customers are safe at night sleeping in their beds. His insurance is outrageous, alarm systems, monitoring systems, pull systems for fire and security. In the end he wants to make sure they have a good and safe sleep and they are alive in the morning. From his standpoint of running an inn, that is the responsibility. Everybody is talking about Airbnb's and short-term rentals and you are taking people's lives in your hands every time you take in that rental. He thinks there is a little bit of fairness that needs to be discussed if we are talking about making money or surviving. He, too has bills to pay such as oil and gas and all of these things that everyone has except he has to follow the rules and regulations the State and the Town requires. He would much rather not have to go through those regulations but he is required to and has done so to make sure that he abides by the law. He has nothing against Airbnb's or against someone trying to make a living but there needs to be a level of fairness across the board when it comes to people's lives, carbon monoxide or whatever it may be. There are all these rules and regulations set in place for inns and he asked why shouldn't it be the same way with someone renting a room or renting short term or long term. He has nothing against Airbnb's. It is more making sure it is fairness across the board for everyone. He asked if there is a minimum stay for short-term rentals. He does not care about a maximum stay. It is more so the minimum inexpensive place to spend the night, taking it out of his pocket when they don't have all the other regulations they have to follow.

Jim Hendricks, former Councilor and business owner for more than 20 years noted he no longer lives here. He still owns property here and has been a landlord here for 17 years. He has a different perspective than some people. He has rented both long term and short term. From his perspective, his short-term tenants are much better than his long-term tenants. They are more respectful and do not walk away and ruin a property and never pay an expense. They are nice. He still rents long term and short term. He read some of the comments from residents down at Flying Point. It sounds like there are a few very bad landlords and owners creating a bad reputation for people like him. He has not had a complaint in 17 years so obviously some of them are doing it right. He started out doing this out of necessity. He was a single 27-year old guy that could not afford a home so he bought a multi-family. That is the only way he could live and he is keeping it. It is basically his retirement. He uses it as income and pays bills with it. He mentioned that they are not big corporations that live in California and don't care about their neighbors. He cares about his neighbors and supports local businesses. He feels this ordinance is very limiting as far as property rights. He has no problem with permitting and suggested that the Town look to Rockland who has a simple permit and simple rules and regulations that do not limit property owners' rights. It gives guidelines to follow and the permit can be revoked if someone messes up. In this instance, if you are going towards the ordinance, you will have to take into effect the zoning for each district and what is allowed and what is not. In his District One, there is a lot more allowed than in a rural district. It sounds like some of these homes are having events and venues and ideally, they should be getting events permits if they are hosting large parties with parking and alcohol. If the Council is going to consider it, it should consider not just a broad term ordinance. He would like to see the Council bring in a bunch of different people from different demographics to at least talk about it so the Council can get all perspectives rather than just one small subsection. Obviously, a bad neighbor is a bad neighbor whether or not it is the person that lives next door or an Airbnb next door. Just because you have an ordinance, it will not make them a good neighbor.

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John Jacques of Mann Road mentioned that he feels this is a terrible proposal. There is not one thing in there that he would keep. He doesn't think it is necessary at this point. Whoever provided this obviously has an axe to grind. From what he understands from the issue, there are some landlords in Freeport who are using their property and not respecting the rights of their neighbors. It is not a widespread problem. It is a very small specific problem. If you run an Airbnb, you don't run a B & B. You operate under a separate set of rules and attract different people. They send people to local restaurants and breweries all the time to see Freeport and have fun. He feels an Airbnb is a great thing and it is a different world than a traditional hotel/motel. It is a different model and to overregulate it and shut it down, would be a terrible thing to do. He suggested that the Council toss it out. If the Council decides to go a different route, he suggested that it look at Rockland or some other communities and find something simple and fair. He is happy to see the Council taking public comment and that about 90% of people are supportive of the ability for property owners to use their property as they see fit.

Joyce Veilleux of Flying Point noted that she sees this ordinance totally differently. It is not stopping any resident from conducting an Airbnb in their home. She does not see this ordinance stopping somebody from out of town buying a piece of property and conducting an Airbnb in it. She does see this ordinance trying to protect some of the residents that are conducting an Airbnb because in their neighborhood they are starting to see a lot of out of town ownership 100% rented. They are renting on all sites to include Hotels.com. They have people changing out daily. They have noise, trash fires, etc. going on every time new renters come in. They have a place lower on Flying Point where a real estate agency from Massachusetts has already purchased two properties and is listing both of them on the Airbnb sites. Non-residents are starting and she feels we need to look at nipping that before it gets too far. She mentioned that right now there is a site out there called Airdna.com and presently there are 132 active short-term rentals in Freeport. Forty-nine of them are private rooms which she feels are wonderful. Eighty-three of them are entire homes. As long as the homeowner is located nearby, she thinks that is also a wonderful thing. That is what the ordinance was trying to show by putting a mileage thing because she knows they have friends down their way who move out of their home and rent it in order to make money so they can afford the taxes. Others so they can afford to put their kids through college. They are still local and can respond to a phone call if there is a problem. That is what the ordinance was trying to do. She agrees that registration is a must and there are lots of things that the registration does besides giving the Town who the owner is and the point of contact is. If the owner goes out of town, the idea of having multiples points of contact is a great idea. She thinks the Town needs to look at the definition of a Bed & Breakfast which is something that has 4-7 bedrooms and a short-term rental should not exceed 3 bedrooms. If it does, it should fall under the rules for a Bed & Breakfast.

Mrs. Veilleux noted she has property rights and, in her neighborhood, they have small 50-foot lots. They are not blessed with 2 ½ acre lots that many in Freeport have. Fire pits seem like a silly thing but if they get a fire down their way, most of the point will go. They do not have fire hydrants and the Town does not have the capacity to pump enough water to save their homes. They get open fire pits going and it is obvious they are not used to having fires at home. They get embers blowing up on the sides of their house, in their windows. That is why the 30-foot rule to keep those embers away and hopefully keep their houses from burning down. She does not want physical inspections either. They cost a lot of money and she doesn't want another Code Enforcement Officer in town. When the Ordinance Committee talks about the registration packet, as many cities across the country have done, there is a sworn affidavit with all the health and safety and code rules are listed and the person is affirming that they have met those in their house. She feels the Town needs to maintain and reserve the right to inspect if there is a complaint and then they can take their physical findings and match it to what they did on the sworn affidavit and see if there is a discrepancy there. Most of the short-term rentals in Freeport are done by wonderful people. Unfortunately they have a couple of bad apples and Mrs. Veilleux requested that the Council approve the moving of this subject to the Ordinance Committee so that more discussion can be had by a group that

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represents all the people and come up with something that will work for all of them, not just the people that are renting their homes. Chair Tracy explained that this is at Ordinance Committee. It has been moved. The process will continue at the Ordinance Committee. She explained that all the e-mails that came in to Town Staff or to her were all forwarded and printed.

Mrs. Veilleux asked how many Councilors conduct an Airbnb? Councilor Gleeson advised that he has long-term rentals but has not had an Airbnb.

Kelleigh Dulany advised that she operates the Brewster House on Main Street. She thanked the people who spent a lot of time with this draft. There were a lot of distinctions made. As someone who works very hard and tries to uphold every ordinance, she applauds her friend that owns the Orchard Inn. They have a lot of bills like everybody but they also operate with a set of rules for the safety of their guests. She lives on site. Her partner is on site. If anything happens, her guests are safe and the Town is safe and she takes great pride in that. She has a problem with neighbors who offer food to their guests. They offer it knowing that are running a Bed & Breakfast and that is wrong. Regulation is one step closer to understanding the behemoth that operate in our town. They really don't know the address of every Airbnb that operates in Freeport. You only know it when you book on it. As a town, we need to get our arms around it to figure out who is operating a business from their home. They are only asking for a step towards regulating it. Who is doing it? How are they doing it? Are they doing it safely? Do you have 20 beds in your basement with one egress? She asked the Council to seriously look at this issue and is it going to take someone getting hurt before the Town will look at this issue. She will happily attend meetings as a part of the collaborative efforts. She has children in the school system and has bills to pay and lots of overhead. She really appreciates the Council's help.

Helen Clarkson of Flying Point wanted to reinforce the previous speaker's ideas because she believes it is important that we make a distinction between Bed & Breakfasts, Inns and short-term rental homes. She is concerned with the short-term rentals versus the Inns. In the draft ordinance under No. 8- Occupancy Limits, short-term rentals should be limited to no more than 3 bedrooms whether hosted or non-hosted and the reason for that is if you put zoning regulations behind the Bed & Breakfasts as a residence that provides short-term overnight lodging to paying guests. They are limited to 4-7 bedrooms and may provide breakfast. This business, which we know, is highly regulated and inspected and expensive to operate. In Freeport there are 21 residences providing short-term overnight lodging to paying guests in their homes. These 21 homes have 4-7 bedrooms and the owners currently have no regulations or inspections because they run as an Airbnb. By definition, these homes are the same as standard Bed & Breakfast Inns and should be held to the same standards. That brings us around to the proposed ordinance which was that short-term rentals should be limited to no more than 3 bedrooms whether hosted or non-hosted. She hopes that Freeport can come up with an ordinance that considers all the various groups affected by this kind of thing. She knows it is difficult to balance all the interests. She hopes to see that the interests of homeowners, the people that currently rent, the concerns for changing neighborhoods which is certainly happening in their area, and concerns for the health and safety of our visitors.

John Jacques noted that you can go on Airbnb and you see traditional Bed & Breakfasts on there because the business model is changing. Perhaps Bed & Breakfasts are over regulated but that does not mean that you go around and over regulate something else. Airbnb is where we are going as a country, as a world and to shut down some of these things when they are just getting started and there are some obvious benefits to them. He cautioned to be very careful what you do.

Joyce Veilleux pointed out that the world is changing and one of the things that is changing is when we realized that health and safety issues need to go to the fore front. When someone walks into an Airbnb, they have no idea what they are walking into. There may be no fire extinguishers and there may be all

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kinds of unsafe things because nobody has looked at it and there is no regulation. Most of our homes are well taken care of and are safe. Is it going to take someone having a fire and multiple people dying or getting severely burned before we look at this? There is a house in their neighborhood that says they have seven bedrooms with the seventh bedroom being in the basement and they are advertising for 18+ people for large weddings, corporate events and any other type of large gathering that they have. They had a wedding last weekend and they parked more than 40 cars in their yard but they put another 32 in the street making it a one-lane with a 90-degree corner that no one could see around. There were several close calls for collisions. It needs to be regulated because that person does not have concerns for the rest of the neighborhood.

Mandy McPherson of Upper Mast Landing Road advised that she operates both short-term rentals and long-term rentals with Airbnb and would be happy to share comments with FEDC. She feels this draft is redundant in many places. If we need stronger noise enforcement, we can do it under Noise and if we need better parking, we can do it in the Parking. She doesn't feel it should just be put on the short-term rentals, maybe the long-term rentals. If the concerns are for fire and things like that, we need to beef up our ordinances. Some of the things like removing the trash within 24 hours after a person leaves, she asked if this is something Bed & Breakfasts are held to? To her, it sounds like a strange part of the ordinance. She totally feels for the people that have to deal with the bad apples. She has never had a complaint. We need to figure out what to do with the bad apples. It shouldn't just target the short-term rentals. It is a history we have always had in Maine and New England where people rent weeks or months. People love to come to Maine and love to come to Freeport. We want to keep that vibrancy going and it supports the businesses in Freeport.

Chair Tracy closed the public hearing at 8:20 p.m. She thanked everyone for the time they spent. She knows everyone is busy and she appreciates them taking the time. The Council will continue this process and will publicize it. We will create something like a button on our website so that people will be able to figure out what the status is without having to dig into Council agendas.

A 3-Minute Break was taken at 8:22 p.m.

Chair Tracy called the meeting back to order at 8:25 p.m.

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ITEM #171 -19            To consider action relative to an Executive Session pursuant to 1 M.R.S.A. §405(6)(A) regarding a Personnel matter. (30 minutes)

**MOVED AND SECONDED:** That the Town Council enter Executive Session. (Horne & Reighley) **VOTE:** (5 Ayes) (2 Excused-Egan & Lawrence)

**MOVED AND SECONDED:** That the Town Council exit Executive Session. (Reighley & Gleeson) **VOTE:** (5 Ayes) (2 Excused-Egan & Lawrence)

Chair Tracy explained to the public that what the Council was considering was a personnel matter and that was the salary for the Town Manager. The Town Manager's salary is well below the average of the surrounding communities and has not been increased since she or the Vice Chair Gleeson have been on the Council. The Council received a request for a salary increase and an increase to salary benefits which is what they were considering. As a result of that consideration, the Council has a proposal and also have with that a second piece that will not be discussed this evening in detail because it is an employment matter, but they also have a package of feedback about performance and both what the Council would like

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the Town Manager to continue doing and what the Council would like him to stop doing. That will be communicated by Council leadership in a separate meeting that is not public. She asked for a motion for the proposal in response to the request for a salary and benefit increase.

**MOVED AND SECONDED:** That the Council take the current salary which is \$113,505 and effective November 1, 2019 would rise to \$118,500. The following year, July 20, 2020 it would rise to \$124,505 and then effective on July 1, 2021 it would rise again to \$131,505. With respect to retirement contribution, effective November 1, 2019 it would rise from the current level of 10% to 11.25%. Effective July 1, 2020, it would rise to 12.5%. Effective July 1, 2021 it would rise again to 13.75%. In conjunction with this, the Council would ask for a three-year contractual commitment. (Horne & Reighley)

**ROLL CALL VOTE:** (5 Ayes) (2 Excused-Egan & Lawrence)

Chair Tracy thanked Mr. Joseph for his service and mentioned that his compensation has not been representative of the contributions he has made to this town. The Council wanted to reflect the value he brings to the community in their commitment to him and hopes he continues with his commitment to the town. Mr. Joseph agreed and mentioned he did not know what to say so he simply thanked the Council.

**MOVED AND SECONDED:** To adjourn at 9:20 p.m. (Reighley & Whitney)  
**VOTE:** (5 Ayes) (2 Excused-Egan & Lawrence)

Respectfully submitted,

Sharon Coffin, Council Secretary