

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #12-20**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, MAY 19, 2020**  
**6:30 P.M.**

**This meeting was held online/virtually, using Zoom teleconferencing**

<b><u>ROLL CALL OF MEMBERS:</u></b>	<b>PRESENT</b>	<b>ABSENT</b>	<b>EXCUSED</b>
John Egan, 38 Curtis Road (Chair)	x		
Eric Horne, 62 Pine Street	x		
Henry Lawrence, 93 Hunter Road	x		
Daniel Piltsch, 25 Quarry Lane		x	
Douglas Reighley, 2 Harbor Ridge Road		x	
Sarah Tracy, 2 Pettengil Road		x	
Tawni Whitney, 56 Baldwin Road (Vice Chair)		x	

Chair Egan called the meeting to order at 6:31 p.m. via zoom and welcomed everyone. He mentioned that the Council has been on this format since early April and explained how members of the public could participate this evening. He took the roll and all Councilors checked in as well as Town Manager, Peter Joseph.

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

Chair Egan urged everyone to direct their eyes to Councilor Whitney who is holding the flag. The Pledge was recited.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #11-20 held on May 5, 2020 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #11-20 held on May 5, 2020 and to accept the minutes as printed. (Reighley & Horne) **ROLL CALL VOTE:** (7 Ayes)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Egan announced:

- The Library book-drop reopened May 19<sup>th</sup>. Patrons may return their items, but please be aware that no items are currently due and no fines will accrue while the Library is closed.
- The Library is putting together a virtual Summer Reading and Math Program for kids and teens. The program starts on June 1. Please visit the Library's virtual site for more information. <https://sites.google.com/view/freeportlibrary/kids-teens>.

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- The Town is scheduling appointments in order for residents to register NEW Boats or NEW Cars, Monday through Thursday 9 a.m. – 4p.m. Please call 207-865-4743 x111 to set up your appointment today. Renewals can continue to be done online at [www.freeportmaine.com](http://www.freeportmaine.com). Also, please be aware that there is now a locked drop off box located to the right of the entrance to Town Hall which you can use to leave tax payments or other correspondence for Town Hall departments.
- The Primary and RSU5 Budget Validation Election will be held on July 14<sup>th</sup>, 2020. Absentee ballot requests are now available by going to <https://www.maine.gov/cgi-bin/online/AbsenteeBallot/index.pl> or contacting the Town Clerk at 865-4743 x123.
  - Due to the pandemic, the Memorial Day Parade and Ceremony have been cancelled. Currently a number of officials and community members are working to put together a ceremony which will be aired on our Community Cable channel and Facebook Page on Memorial Day, Monday, May 25<sup>th</sup> at 10 a.m.
  - Please be aware that due to the pandemic, the Annual Clean Up Days have been postponed. Currently plans are being made to reschedule the Clean Up Days for some time in the fall.

### **FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Reighley advised that the Facilities Committee finally met and discussed the potential acquisition of the property next to Town Hall. They found that they have no use for it and it just is not a good fit for us. They also talked about the Bartol Library Building and the potential for turning it into affordable housing. It was a good meeting and Councilor Horne and Vice Chair Whitney were present.

Chair Egan advised that he has attended a couple of MDOT informational sessions about the two bridges at Exit 20 and Exit 22. He mentioned that more information will be coming on that.

Chair Egan has received phone calls, e-mails, text messages, etc. from constituents, particularly in the business community asking when we will be lifting some of the restrictions on business operations. While he is in favor of that happening as soon as possible, those orders were issued by the Governor and the Town does not have a lot of opportunity to countermand the Governor's order on businesses that are restricted by the pandemic. However, there are items on our agenda later this evening where we will be contemplating ways to facilitate Town Ordinance to allow businesses that are regulated and allowed to open on June 1 to be able to do so in a more safe and flexible manner. There is also consideration of the Town joining an effort with other towns for us to better respond to what may be left of the tourist season this summer after the restrictions have been lifted starting in June and eventually coming up in July and August. He is not sure what jurisdiction the Town has to amend those State regulations and we would be following advice from our local officials on what is safe and what is recommended in the Public Health sector for sure. No doubt the business community is screaming and crashing right now because of the lack of customers. He sees this in his day job as a business lender and he knows second hand from a lot of his customers just how much of a crush this is. Many businesses have not been able to pivot so he can understand the frustration of seeing one type of business be able to function just

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fine during this time and others are shut down. It is a conundrum and in particular he has had some correspondence from our hospitality business owners in town who are following those restrictions and are turning down customers for business here during the month of June only to hear those customers say that it is okay, they will go for one of on-line options and there are plenty to pick from. While those were included in the Governor's order, it is exceedingly difficult for the Town to have any enforcement over that. It is a particular sore point and he is hoping later this evening when we are talking about how to accommodate businesses opening as their restrictions are lifted, we might have a bit of commentary on what to do about hospitality folks that are following the rules and the private peer-to-peer opportunities for hospitality online seem to be ignoring those rules and are taking guests which does not seem to add up.

Vice Chair Whitney explained that she, too, has been hearing from constituents and business owners in town hoping to get restrictions lifted. On Freeport Friends they feature a local business each day and it is amazing that on that day they have noticed what a positive effect that has had on ordering. She thanked everybody for shopping local and noted that it has helped. She attended FEDC meetings talking about strategic planning for the future of Freeport with their focus being on the downtown. Meetings are being set up with stakeholders in Town and consideration of hiring a consultant to help us get Main Street back to its glory.

Councilor Reighley asked Chief Jordan if we have had any cases of COVID-19 in Freeport. Chief Jordan reported that there was one small group home early on that had four occupants that had the virus but it has all since cleared. He is pleased to say that his crew wore their PPE as recommended and never brought anything home. He explained that he does not get reports back on residents that are COVID positive.

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

Mr. Joseph reported that he has been working on re-opening at full force plans for departments, some of whom are back at full work capacity at this time and others which we are planning to have back at full work capacity in the office at Town Hall in the next few weeks instead of working remotely. They will be doing in-person business for things that cannot be done remotely. They will be taking precautionary measures which will involve some operational changes to the building. They will be limiting the access number of people available to one per transaction area and will be limiting the total count inside the building beside employees. This will involve queuing at times depending on how busy they are. They will be looking at instituting outdoor meeting areas at Town Hall for the next six months at least when it is nice out. This will be discussed later. The outside meeting areas will either be covered by canopies or out in the open. Research has shown that the indoor transmission is what needs to be avoided here for spreading COVID-19 so they are hoping that open air will keep us safer by keeping people out of the building. One thing to put in front of the Town Council is that they are looking at implementing an indoor-mask policy. The Governor's Executive Order right now mandate masks indoors at all times and in places that you can't maintain physical distancing. There are exceptions that we would follow for folks that can't wear them for medical reasons or cannot put them on or take them off themselves and also children under a certain age. This is something we are considering doing and enforcing so if anybody has thoughts contrary to that, he would appreciate hearing them before they do their re-opening plan. There was general agreement from

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Councilors that this is a good idea. He advised that barriers have been put up inside buildings. They are taking all the smart steps they can to do their part to avoid transmission wherever they can.

Mr. Joseph has been meeting with the Library folks and focusing on curbside service there. The tentative target date is June 8<sup>th</sup>. Inter-Library loan is not running on the State level so we will be limited to the stock on hand in Freeport. There will be an additional hold period placed on all returned materials and they have settled on 7 days as the hold period. People need to be aware of that. If anyone has questions, they can call the Library.

Mr. Joseph pointed out that there is a Department Head meeting tomorrow to refine some of these plans and suggested that folks check the Town's website for the long-term plans. He sent a huge thank you to a Yarmouth business with Freeport ties and that is Cape Shore. Two weeks ago, they donated 500k N-95 filter masks to the Town of Freeport. They do import work and were able to source some supplies internationally. The donation was not just for Freeport but for other communities they do business in. He extended a huge thank you to Mike and Sarah Perfetti and all their employees and the employees who delivered those masks to us last week. We are very grateful. They will be put to use pretty shortly here on front-line customer service contact employees at facilities that previously relied on surgical masks or cotton masks. It is an extra step of protection we will be able to offer our employees. Chair Egan thanked those business owners as well. Councilor Tracy acknowledged the donation from a long-time Freeport family. Perfetti is her married name but Sarah Palmer is a Freeport High School graduate and owns the Cape Shore business with her husband, Mike. Her parents are Pat and Fred Palmer who have long-time Freeport roots. She thanked Mr. Joseph for his work with the Library. Mr. Joseph thanked the Library staff for all the work and research they are doing to keep everyone safe.

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

**MOVED AND SECONDED:** To open the Public Comment Period. (Tracy & Horne) **ROLL CALL VOTE:** (7 Ayes)

Valy Steverlynck advised that she had an update on the RSU5 budget. The School Board has made reductions for FY2021 in the amount of \$447,000. This brings the budget down to 2.32% from the original 3.62%. The Board also decided to add some funding from the designated fund balance. The combination of those two changes has resulted in an estimated 0.25% tax increase for Freeport or \$7.13 per \$200,000 valuation of a Freeport home. She asked the Council to bear in mind that these estimates have been calculated using 2019 valuations and mil rates. There will be a flier sent out to all the residents' homes in the three towns. This information will be included in the flier. If anyone has a need for further detail, she asked them to refer to the RSU5 website. She hopes everyone will attend the Budget Meeting and support the budget.

Chair Egan pointed out that he listened to the School Board meeting last week and appreciates all the work and deliberations the Superintendent and the School Board went through to get these numbers. Since Valy indicated in her comments that the tax adjustment of the School Budget is estimated, he wonders if on the flier that goes out, if the budget adjustments and the dollar

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amounts can be printed on that, but the actual tax mil rate impact not be included because it is still an estimated number and that could be more confusing because shortly we will be sending out tax bills with the actual number and it will create confusion about what happened to this number and that number. He is wondering if it is possible for the RSU to address the items Valy spoke about and deliberated on but specifically focus on the budget decrease and potentially calculate the increment share of the budget increase by town but leave the actual tax allocation piece to our Finance Department when we have accurate numbers about the 2021 allocation numbers will result in. Valy noted that is excellent feedback but unfortunately the flier has already gone out. For the future she indicated she would keep that in mind. Chair Egan explained there is a timing issue here but we should be able to find a solution so that we are not two governmental bodies issuing conflicting numbers about what tax increments are going to be from the School Budget. Valy agreed 100%. Mr. Joseph advised that Scott who is the interim Finance Director, contacted him two weeks ago and the beginning of last week, before the School Board meeting on Wednesday, actually got all the numbers he was using and the numbers Valy just quoted, came from us. We are in 100% alignment.

Chair Egan was pleased to hear that and feels it is great to have that happen. He hopes the numbers in the flier will hold up and is the number people will see on their tax bills later.

Councilor Tracy thanked Valy for taking the time to report to the Council accurately and we will have good information moving forward.

Kat Wallingford thanked the Council and asked if there will be any elimination of job positions in Freeport or reduction of wages. Mr. Joseph advised that the budget proposal had a partial wage freeze in it but there is no reduction in staffing in there. There are no substantive increases in staffing and a few things were not included that were requested, specifically because of the economic situation right now. He calls it a flat staffing budget but it is absolutely not a decrease.

Councilor Tracy explained that she and Mr. Joseph had a conversation and he explained that even though it streamlines the counter work, there is a lot of back end work that is very similar and it doesn't change much. Mr. Joseph pointed out that the things getting moved on line are our high-volume transactions so things like car registrations, boats and tax payments. The majority of those now are done not in person and they include tax payments, etc. We are already sized for most of those transactions to be done electronically. The few that were eliminated by not having people through the doors were actually a small percentage of the total transactions. On the back end the majority of those transactions when they are processed, it doesn't make a difference whether they are done on line and processed or done in person and then processed. It is still the same amount of transaction time and over the past five years moved a lot of those processes to more efficient processes. It will not show a huge reduction in staffing to do those things.

**MOVED AND SECONDED:** To close the Public Comment Period. (Tracy & Horne) **ROLL CALL VOTE:** (7 Ayes)

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

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ITEM # 88-20 To consider action relative to adopting the May 19, 2020 Consent Agenda.

**BE IT ORDERED:** That May 19, 2020 Consent Agenda be adopted.  
(Reighley & Horne)

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

**ROLL CALL VOTE:** (7 Ayes) (0 Nays)

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ITEM # 89-20 To consider action relative to amendments to the Concord Gully Brook Tax Increment Finance (TIF) District Development Program. **PUBLIC HEARING.**

**MOVED AND SECONDED:** To open the Public Hearing. (Whitney & Reighley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Chair Egan explained that this portion of the public hearing is on the Town's side of the TIF Agreement that was passed at our last meeting. This is a mechanism for future tax revenues to be diverted from their typical destination at Town Hall in order to accomplish specific projects. The Council has had ample amount of discussion on the context of this particular TIF financing project and the program itself. Keith McBride has explained how TIF works at several public meetings. Tonight's public hearing is on the Town's District Development Program. Another way of saying is this is a public hearing on the discussions and recommendations that the Town Council have for identifying projects in the overall State TIF application for the portion of the revenue stream captured in the TIF Agreement that will stay with the Town in a TIF designated fund. As an example, we have recently been able to do a number of improvements in our downtown from a TIF that was voted on an approved some 10-15 years ago. That fund is still generating revenue and allowing the Council and the public to accommodate and make downtown improvements. There are several others that have been approved in the history of the community and we have two in place right now. This will be a third one and it will be related to the massive improvement project L.L. Bean is undertaking on its corporate campus on Lower Main Street. There is a significant amount of revenue associated with that enormous improvement on their campus

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and some of that revenue is shared with the business and a significant portion of that revenue will be designated to the Town's TIF District Program. That is the portion we are talking about this evening so he was just setting the context there. There is some language in our agenda that describes what is going on with the Town's portion of the TIF Program but this is a public hearing and the Council would like to hear from members of the public who would like to speak on this particular item.

Councilor Reighley explained that constituent Doug Leland send the Council a message regarding the different balance and he is confident that everyone has had an opportunity to look at it and asked if it is possible to explain what the difference is when it comes time. Chair Egan noted he plans to ask the Manager or the Finance Director to explain that.

There were no public comments provided and Chair Egan mentioned he is aware it is a challenge to have a public hearing when everyone is sitting remotely.

**MOVED AND SECONDED:** To close the Public Hearing. (Whitney & Reighley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Chair Egan advised that before the meeting he asked Attorney Im if we have to read the entire 2 1/2-3 pages of the order and he indicated that since this agenda is part of the public package, it is now in public domain and, therefore, he did not request anyone to read the entire thing out loud and at the point where we are ready, will have adoption of the text that is presented and simply refer to it as the order as presented. He opened this up to the Council for discussion. We have had a couple of meetings about the TIF itself and the details that are in the Credit Enhancement Agreement and now we have a more formal presentation about the portion that will be the TIF captured revenue that will stay with the Town in what is called the Town's TIF District Program.

Councilor Horne asked when we vote on this eventually, it would be great to hear from Jessica to Councilor Reighley's point on Doug Leland's request for clarification. When we vote on it, it is saying it is a restated order so is it a re-vote of the entire TIF or just a vote to adopt the amended pieces for the Development Fund? Chair Egan explained that when we voted on the TIF at our last meeting, we voted on the entire thing including the Credit Enhancement Agreement and left ourselves some room to talk about this particular portion and was sort of as to be amended from time to time or some language like that which our attorney provided for us. While it is now a re-order here, we are reaffirming the entire TIF application which will be submitted to the State.

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Councilor Horne noted that while he likes the amendment, since it is a reorder of the whole thing, he will go back to his prior position to be consistent.

Mr. Joseph displayed the substantive changes to the TIF Development Program. We are limited to changing the number because there was a TIF No. 6 already which is Oak Leaf 2 which we didn't talk about for the entire process so it actually will be TIF No. 7 by our own records. That is not a substantive change, it is an administrative change. On Table No. 1 which is what we probably want to talk about but we have already talked about it at the last meeting so it is essentially putting those items into Table No. 1. He offered to put this up on the screen.

Chair Egan invited other comments or questions from Councilors about the Development District content that has been presented. We are discussing just this portion of it but there will be a vote on the entire TIF as it goes forward. The document that we finish this evening will be the document that goes to the State.

He asked Mr. Joseph to go through the substantive changes and he already mentioned the actual number. The dates and semantics are probably self-evident but asked him to focus on the items that are of particular concern in terms of the changes that were made from the previous iteration.

Mr. Joseph mentioned that for substantive changes on Page 9 of the document that is on the website under the Public Notice, we are adding g, h, i and j as potential projects and adding those project costs, the statutory reference and then the total project estimate at the bottom. We also added that these change in some of these projects with stars are common with Towns' TIF Districts or which he believes is Destination Freeport but he could be a bit off on that. That means we have to identify what other TIF funding sources we have that could be used for these purposes for the ACD. Chair Egan reminded everyone that we are identifying in this portion of the TIF Agreement potential projects that future Town Councils may undertake or might undertake with access to that revenue stream which will have accumulated in the TIF account at such future dates and as part of the overall TIF agreement, the State needs to see that there are purposes and uses for those diverted funds so we have spent time contemplating and Council Tracy had agreed to coalesce some of those ideas and put forward some suggested language which we have in front of us to provide an outline and guidepost to not only this Council but future Councils primarily when the money will be available on what they might be doing with that TIF revenue stream in the future.

Mr. Joseph apologized to Doug Leland for butchering his inquiry. The question basically is: Are these projects able to be funded in entirety by the TIF Development Fund. The answer is no. Neither before the previous list of projects estimated to total \$36,935,000 that is crossed out at the bottom. That was the old number. The new number is \$41,715,000. The TIF Fund is not anticipated to fully fund either the previous items or the new list of items. We have to say there are other sources of revenue that will be used to offset the majority of these projects. He does not think we use the TIF Development Program document to say we are going to fund them solely with TIF funds and to be the only source of funding. We are still open to use any other source of Town revenue available to us to complete those projects. In order for us to spend a dollar towards those projects they have to be listed. He displayed a list of all the projects, the previous and the current ones. The answer to Doug's question is that there is not an intent that any of the projects will be fully funded by the TIF Fund. The only one estimated to be fully funded is the first project funded by the CEA which is the design, construction and installation of stormwater



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treatment systems and some of the financing costs related to that. Those are funded by the CEA but not completely because it shows some additional funds beyond the CEA there.

Councilor Horne mentioned that at the end of the day when the development funds come into the Town, if the Town chooses to put them towards one category and having an unfunded category isn't a violation of the TIF and there is no problem assigning funds to one or more of these categories to the exclusion of another. We just want to have enough categories so that the definition of an appropriate use is broad enough going forward. Mr. Joseph felt what he was saying was accurate. To put it in terms of other activities is to use the Downtown TIF that we recently appropriated last year and the year before that for the Arts and Culture project in the downtown in various stages. That was listed as an eligible qualifying project in that TIF document, the previous TIF and for many years nothing was ever funded in that category. He explained that you are not penalized if you do not fund a project out of the TIF but it is illegal to spend money from the TIF Fund that is not listed in the projects. If there are things the Council anticipates maybe wanting to spend money out of this TIF Fund, we should put them in. That is where the list of additional items came from. There should be no assumption that all of these get done because we don't fund things that are in previous TIFs. There are a lot of things that go undone.

Chair Egan agrees that it can be very confusing that this list which looks like it is contracted into the TIF Agreement is final and complete and never to be added to again list. We should definitely have an explanatory sheet put up on our website as well as FEDC's page as well explaining what we just talked about. While there is a list of potential projects that could be funded by these future TIF revenues on the Town side, it is by no means an obligation or restriction to only spend that much or only on that particular project. He feels it is really important to identify to the taxpayers that exact question that Councilor Horne just raised. Councilor Horne agreed. He mentioned that Doug Leland's concern was that it could potentially be some tension between one project over another that are all inside the Development Fund absent a plan and he is confident the Council will not solve that tonight. It is probably for future Councils to figure out. It would be helpful to have some sort of placeholder or an explanation document to get to that point and speak to it, possibly in the context of Councilor Tracy's suggestion to do long-term planning and maybe incorporate some of the conclusions out of the long-term plan or sync them up with what is in the Development Plan.

Councilor Tracy noted that the other variances are that the numbers that are in that list, for example the \$250,000 for economic development programs could end up being more. It could be that there is nothing spent on undergrounding of utilities and it could be that another Arts and Cultural facility that comes along and it needs \$100,000 of funding or whatever it is. She agrees that it is a bit of a wish list to quote Doug's e-mail but she feels we need the flexibility so we can

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respond to the needs at the time. She mentioned that we did not have any idea that Arts and Cultural would come up with revitalizing a church in the downtown but we fortunately had the flexibility in the language to respond to that. This is what it is designed to do. Chair Egan noted we also did not have any concept at all of replacing all of the downtown street lights with LED fixtures and saving us money when we wrote that TIF in 2005. Those are two really good examples to illustrate in his opinion: why we have TIF accounts set up so we can do some special projects and illustrate that just because something was identified in 2020, it doesn't mean that that dollar amount or that project has to be implemented in 2027 when there is a certain dollar amount in the TIF account. Likewise, a previous Council made the decision to spend downtown Destination TIF dollars on the LED street lights for aesthetic improvements but primarily for budget improvements in that owning those lights and saving dramatically on the lease and paying a fraction of the electricity make good financial sense. We would not have been able to do that if we didn't have that TIF account. Those are good points.

Mr. Joseph had one other substantive change to the document and displayed it. The rest is completely administrative changes. He referred to Section 2.08 that is on Page 10 of the noticed document and includes a clarification that was added at the bottom which is: Operation of recreational trails created within the District will be operated by the Town's Public Works' Building and Grounds Departments.

He explained that that is likely who will do the maintenance if they need to be maintained. We have to certify what the District will mean to taxpayers and this is one point we didn't include in the original one and we want to be clear that we are anticipating future costs within the District as a result of a trail easement and the Town construction of a trail if the Town chooses to do that in the future that there would be some additional incremental maintenance costs that might be cleaning brush every 5-10 years or putting down gravel, etc. That is the only substantive change. Everything else is details. He asked Attorney Im if he missed any legal points that he need to point out for changes? Attorney Im responded that it was good so the rest are administrative changes only.

Chair Egan asked Councilor Horne to read the activity to get us going which would be the BE IT ORDERED and then the "as presented" but then offered to read the order himself.

### **AMENDED AND RESTATED ORDER OF THE FREEPORT TOWN COUNCIL**

WHEREAS, this Town Council on April 28, 2020, following a public hearing, adopted an Order to designate the proposed Concord Gully Brook Development District and Tax Increment Financing District #7 and approve the related Development Program subject to possible changes to Table 1/Exhibit J (the "April 28 Order"); and

WHEREAS, this Town Council, on May 19, 2020, following a second public hearing, approved changes to the Development Program Table 1/Exhibit J and a technical correction to change the name of the TIF District to "Concord Gully Brook Development District and Tax Increment Financing District #7,"

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NOW THEREFORE, the Town Council hereby amends and restates the April 28 Order in full as shown below, with amendments shown in legislative format (deletions in strikethrough; insertions underlined).

Chair Egan ended his reading here.

### ORDER OF THE FREEPORT TOWN COUNCIL

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WHEREAS, the Town is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate a Tax Increment Financing District and adopt a related Development Program; and

WHEREAS, the Town has identified certain property within its commercial zoning district that is centrally located, underutilized and in need of redevelopment, and has received a proposal for the development and expansion of said property by an existing commercial property owner; and

WHEREAS, designating the proposed District and adopting and implementing the Development Program will

- Maintain existing tax revenues;
- Enhance future tax revenues generated by new development throughout the Town;
- Install storm water improvements and other environmental improvements;
- Maintain existing jobs;
- Assisting established construction businesses in the Town, thereby retaining existing employment opportunities;
- Construct new recreational trails that have a significant potential to promote economic development;
- Provide long-term, stable employment opportunities for area residents; and,
- Attract businesses and promote the economic viability and sustainability of the general economy of the Town.

WHEREAS, the Town has held a public hearing on the proposed Concord Gully Brook Development District and Tax Increment Financing District #6 #7 (the "District") in accordance with the requirements of 30-A MRSA § 5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town; and,

WHEREAS, the Town desires to designate the proposed District and adopt the proposed Development Program as presented to the Town Council this day and as has been on file in the Town Clerk's Office at Town Hall; and

WHEREAS, it is anticipated that the Commissioner of the Maine Department of Economic and Community Development ("DECD") will approve the designation of the District and adoption of the Development Program;

NOW THEREFORE, **BE IT ORDERED**: as reflected on the May 19, 2020 Town Council Agenda under Item 89-20.

Section 1. The Town Council hereby finds and determines that:

(a) Adoption and implementation of the District and the Development Program will generate substantial economic benefits for the Town and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and valid public purpose and will contribute to the economic growth or well-being of the inhabitants of the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town; and

(b) The Town Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that adoption and implementation of the District and the Development Program will not result in a substantial detriment to any existing business in the Town, and any adverse economic effect of the District and the Development Program on any existing business in the Town is outweighed by the contributions expected to be made by the projects and improvements described in the District and the Development Program to the economic growth or well-being of the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town Council hereby designates the Town of Freeport Concord Gully Brook Development District and Tax Increment Financing District #6 (the "District") as presented to the Town Council.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town Council hereby adopts the Development Program for the District ~~substantially~~ in the form presented to the Town Council ~~with changes to Table 1/Exhibit J as subsequently approved by the Town Council.~~

Section 4. The foregoing designation of the District and adoption of the Development Program shall automatically become final and shall take full force and effect upon approval of the District and Development Program by the Commissioner of the State of Maine Department of Economic and Community Development (DECD), without requirement of any further action by the Town, the Town Council, or any other party.

Section 5. Pursuant to the provisions of 30-A M.R.S. § 5227, the percentage of the Increased Assessed Value to be retained as Captured Assessed Value in the District and the term of said District is confirmed as set forth in the Development Program and related Credit Enhancement Agreement.

Section 6. The Town Manager be and hereby is authorized and directed, on behalf of the Town of Freeport, Maine, to submit to the Commissioner of DECD for review and approval, pursuant to the requirements of 30-A M.R.S. § 5226(2), the application and such other documentation as may be necessary or appropriate for the final approval of this District and the Development Program, ~~as may be subsequently amended and approved by the Town Council.~~ The Town Manager is further authorized and empowered, at his or her discretion from time to time, to make such technical revisions to the District or the Development Program for the District, or to the scope, cost or description of the public improvements to be financed with the portion of tax increment revenues generated by the District and retained by the Town as described in the Development Program, as the Town

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Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and Development Program by DECD, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

**Section 7.** The Town Manager be and hereby is authorized, empowered and directed to enter into the Credit Enhancement Agreement contemplated by the Development Program, in the name of and on behalf of the Town, such agreement to be in such form and to contain such terms and provisions, not inconsistent with the Development Program, as the Town Manager may approve, the Town Manager's approval to be conclusively evidenced by his or her execution thereof.

This Amended and Restated Order shall take effect immediately upon adoption. ((Tracy & Reighley) ROLL **CALL VOTE:** (5 Ayes) (2 Nays-Horne & Piltch)

Councilor Tracy asked Councilor Horne and Councilor Piltch that if this was not a restated affirmation of the TIF, and if the only vote was on the amended categories for the Town Development District would they have voted yes or no. They both clarified that they would have voted "yes".

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ITEM # 90-20

To consider action relative to a supplemental appropriation of \$100,000 from the Destination Freeport Tax Increment Finance (TIF) District Fund for the purposes of establishing a Covid-19 Small Business Loan Fund.  
**PUBLIC HEARING**

**MOVED AND SECONDED:** To open the Public Hearing. (Piltch & Lawrence)

**ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Chair Egan explained that this is very appropriate after a discussion about what the Town might do with future TIF dollars and here we are taking action on what we can do for business relief establishing a small loan fund with our existing TIF funds which is important to note that the allocation proposed here would not result in any tax burden on the taxpayers since these funds are already in the TIF. We have a public hearing on creating this fund to match additional funds that have been donated to the Town. He provided information on how members of the public can use Zoom to address the Council in this format.

Joyce Veilleux noted that she wanted to make sure that this is for locally owned, not nationally franchised businesses. She wants to be sure it is going for Maine owned and run companies. Mr. Joseph indicated that that is the intent so far. Chair Egan explained that it is for Freeport businesses. The owner of the Freeport business does not have to live in Freeport but this is a small business relief fund.

Keith McBride explained that he has had discussions with lots of businesses, a few Councilors, FEDC staff and the Town Manager to help craft some of the guidelines and framework for this program might be. He would be happy to continue to play that role. The point Joyce brought up

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is a good one. There are ways to make sure that these loans are going to the right types of businesses and we are also talking about a pretty low loan amount. They have looked at evaluating businesses on profit and loss statements for 2019 and maybe the last two years of revenue to judge which ones are profitable businesses that do not a certain standard of revenue on an annual basis and also businesses in the last two months have seen significant reductions in their levels of business to protect against businesses that are too large or businesses that are already succeeding because of COVID in certain circumstances taking advantage at the expense of someone who has had a zero revenue over the last two months and could really use the funds. They have a lot of things to work through as far as details. Time is really of the essence on this. There is a need in the community for these funds immediately, yesterday. What would be helpful is to authorize the funding so we can move forward nailing down some of the finer details and getting an application, getting a framework if there needs to be a committee or working group to evaluate applications when we can get them in and administer the loans. He urged the Council to authorize a group to do that tonight. It would be more efficient to do this on a shorter basis with a focused group. It would be good to have the funding authorized and that group authorized to do that work. FEDC will continue to provide as much input as the Town finds useful in that process.

Joyce Veilleux mentioned the definition of a small business has to have a State license. She would hate to see an Airbnb owner that hires a local person to do their cleaning put in for one of these loans. She doesn't think that is the intent for one of these loans but wants to make sure that can't happen. Mr. Joseph felt that was a great point and wanted clarification from the Council on how a Freeport business be defined. He had 10-15 hypotheticals as they were discussing this. Whether it is a business headquartered in Freeport and owned by Freeport people but their primary business location is in Portland or Westbrook. Is this a small Freeport business? He feels there could be a hefty argument on both sides on that. The intent is that the majority of the business is done here in Freeport but he needs feedback from the Council.

Chair Egan explained that the Council is in the mode of allocating some money and not ironing out the fine details of the program. To make best efficient use of our meeting tonight we could have a couple of Councilors convene with the Manager and Keith McBride to provide that kind of guidance. In general, there is a general agreement that we are trying to provide an opportunity for small dollar, zero cost loan funds for businesses that are operating in Freeport by Freeport residents or who have made a commitment to operate their business here. It is not intended to be financing the chain businesses that have corporate headquarters elsewhere. He asked for a general consensus that everybody thinks that this is what this fund would be for and if so, could we have one or two Councilors convene with the Manager and Mr. McBride to iron it out.

Councilor Whitney offered to volunteer since she has been working with Keith and Mary Davis, President of FEDC as well as Councilor Piltch who perhaps could join her. She has a meeting with Mary tomorrow morning to discuss this very item. We have been very thoughtful about keeping it small business and local and focusing on our downtown district. Councilor Piltch agreed. The fund is intended for small businesses with a physical presence in Freeport. They would have caps to define a small business and the intent is to give priority to a business that is open to the public on Main Street over a private business in someone's basement. Councilor Tracy noted one other consideration while allowing for flexibility, some sort of criteria that evaluates that the business is an ongoing concern. We would not want to be donating even

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\$15,000-\$20,000 to a business that is clearly on its way out. That would be good criteria to have in the mix.

Chair Egan thanked Councilor Piltch and Vice Chair Whitney volunteering to meet with the Manager and Keith McBride to iron out some details. He feels they have good Council direction about the intent for creating this.

**MOVED AND SECONDED:** To close the Public Hearing. (Piltch & Reighley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Mr. Joseph advised that he has received requests and discussions from people whether or not this is open to businesses or non-profits. He has received several requests from 501-C6 non-profits and 501-C3 non-profits and he wanted to bounce that in front of the Council. The original proposal is for a business loan fund but there is some valid argument that was made that they are small businesses that employ people here in town. He clarified that 501-C3 is a charitable organization such as FCS. 501-C6 is a membership organization.

Councilor Horne would favor the C3 designation over the C6 if we are going to make those kinds of cuts but is not sure how others feel. Councilor Piltch's thoughts are to keep this fund focused on small businesses but if there are non-profits that are in dire need and in risk of failing. If they want to approach the Council for supplemental funding beyond this particular fund, we would be willing to take it up separately. He did not get the sense that there would be dozens and dozens of non-profits.

Councilor Tracy would support that approach. The way this was conceived was to support businesses not exclusively but primarily in the downtown district to revitalize the Freeport downtown as we reopen and make sure we don't have an increase in closed storefronts. Expanding this to non-profits will take away from that particular mission. If there is a particular need, she would be open to considering it on a case by case basis not as part of the general loan fund. Councilor Lawrence agreed with Councilor Tracy.

**BE IT ORDAINED:** That a supplemental appropriation of \$100,000 from the Destination Freeport Tax Increment Finance (TIF) District Fund for the purposes of establishing a Covid-19 Small Business Loan Fund be established.) Piltch & Reighley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

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ITEM # 91-20

To consider action relative to setting a public hearing for June 2 at 6:30 pm to discuss an emergency Ordinance related to the temporary Suspension of Certain Ordinance Standards to Safely Accommodate Expanded Outdoor Business Activities due to COVID-19.

**BE IT ORDERED:** That a Public Hearing be scheduled for June 2, 2020 at 6:30 pm to discuss an emergency ordinance related to the temporary Suspension of Certain Ordinance Standards To Safely Accommodate Expanded Outdoor Business Activities due to COVID-19.

**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 and the Town's website. (Tracy & Reighley)

Mr. Joseph explained that Town Planner, Caroline Pelletier came up with this great idea and is responsible for everything, good or bad, that might come out of it. He mentioned that we have set it for a public hearing which is not technically necessary. We are proposing to adopt this under Emergency Ordinance Authorization which is listed in Section 2 of the Town Charter. It specifically deals with land use amendments which would take probably about two months to do if it was not adopted as an Emergency Ordinance. He wanted to clarify why that was put forth as an Emergency Ordinance to the public and why it is being presented that way. We think timeliness is probably important here and as the language in the Ordinance lays out, two months may mean a big difference to people that have to go through a land use approval process as opposed to doing business outdoors where they want to. That being said, we set it with guidance from Council leadership for public hearing on the 2nd which is not required. An Emergency Ordinance can be adopted at any Council meeting by a 5-person vote so it has to be a majority plus one of your authorization under the Charter. However, it was listed this way in consultation with leadership to allow more public input than what would be required under the Emergency Ordinance process so if people are confused by the process, that is why it is structured this way.

Mrs. Pelletier gave the Manager some credit because he and she talked earlier this week and were both concerned about the condition of our businesses before the pandemic and the new challenges they will face as they reopen. They talked about some challenges at the Municipal level they could be facing and whether or not there are some things the Council could consider to make it easier. She mentioned that she made a lot of phone calls and bugged a lot of people this week. It was a group effort. She gave credit to the Planning Board, the Project Review Board, Municipal Departments and Visit Freeport, FEDC and the Chamber.

In rural communities the Governor has allowed businesses to reopen. In Freeport we are expecting that on June 1 many Freeport businesses will be allowed to reopen. When you look at the plans, there is an extensive list of recommendations and different guidance she gives them. For example, allowing pick-up, curbside take-out, adding some signs and distance markers, having space for outdoor fitness classes so when she looked at Freeport's standards, she was thinking this could be a challenge. Somebody would technically come in and amend their site plan, potentially add parking. If they are downtown, they could have to go through Design Review. They looked at this really as all of Freeport. They are not just talking about helping businesses in the village. Route One up to Brunswick. She gave credit to Freeport's past because we have really strict standards and she believes firmly in them. They have gotten us to where we are today. She is out of her comfort zone but feels we have opportunity and there is a pandemic.

She hopes that if the Council will consider some of them, we will get some vibrancy back. The first would be to consider temporary signs in Freeport and they are currently not allowed at all. Allowing outdoor sidewalk sales or tent sales with no limit. We currently allow them but there are some limitations. She heard from businesses that this is something they want. Allow



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businesses to create outdoor spaces to hold outdoor classes and outdoor space for meeting. We would be allowing them to do it on their existing surfaces, on their grass, in their parking lot and not ripping up the grass and making permanent changes. Allowing businesses to create outdoor seating with table and chairs. Allowing places to add outdoor seating such as benches in front of their businesses. Allowing the reuse of tents. We have a public restroom requirement that is higher than State Law so we would revert to whatever the State guidance suggested for restrooms during the pandemic. To make any of these changes, the recommendation out of Design Review is that they wouldn't be subject to Design Review for this time and they would also not be required to come in for Site Plan Review. She pointed out that while they want to make things easier, they do need some guidance. They want to make sure that Freeport is a safe place to come work and to come visit so they would suggest that they apply for a temporary activity permit. They would not be charged a fee. It is a simplistic form that could be done electronically. They would have to show that they have proof and right title and interest. The request would be reviewed by Staff, the Code Officer and her. They would look at them to make sure any changes would allow for safe egress and safe pedestrian and vehicular circulation. Although they think it is safe to replace parking, we have a sea of parking and a lot of communities do not have this, they feel strongly that they don't want to replace ADA parking. It is important that we make sure those spaces are protected for our residents and our visitors that need them.

Right now, the proposal or recommendation be that the changes be entirely on private property unless otherwise granted permission by the Council. If we start letting people expand onto public property on the sidewalks, it will obstruct pedestrian passage. If we don't have alternate ways to accommodate that and we also need to maintain room for social distancing for people walking on the sidewalks. If the commercial property abuts a residential property, if they wanted to expand an outdoor area for classes, seating or have a tent, they would suggest that they have to meet setbacks. Those things can have noise and lighting and could be an impact to our residents. We would have to make sure we have contact information on file for the businesses. If people are putting out tents and there is a severe thunderstorm warning, we would need to call them and tell them they need to take them down and make sure Freeport is safe. The suggestion would be that the Council look at making these temporary through the middle of October which is historically the peak season. The procedure for a Temporary Ordinance is that it is limited to 60 days and then it would have to be renewed. They are not looking to make permanent changes. If we do some of these things and find that they are great for Freeport, we have a procedure and a method in place that we can do that in the off season. She offered to answer questions.

Chair Egan proposed the idea that this include an opportunity for a discussion with the Police Chief and the Manager to potentially have a day on a weekend or a series of weekends where Main Street is closed to vehicular traffic to allow businesses to expand onto the public space of the sidewalk and road to encourage more on-foot shopping opportunities that have been severely curtailed during the past several months. This is happening in a lot of other communities and is an opportunity for us to have people talking to people instead of cars driving on roads. He would like to have a suggestion included in this to where we have a series of either Saturdays or Sundays where Main Street potentially from Town Hall to School Street be closed to vehicular traffic to encourage pedestrian walk-around space and businesses to operate. He recalled the L.L. Bean 100<sup>th</sup> anniversary which was a fantastic event.

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Mr. Joseph pointed out that they list in this Ordinance that the changes have to happen on private property unless authorized by the Town Council otherwise for the use of public property. This is already forward compatible with the Council having this discussion. If the Council wants to give authorization to use every single piece of public property to do x,y,z at its next meeting, the decision rests on the Council and can be done on the fly. It would be compliant with everything we have laid out here. You can say it is okay to do it on your property and the private property owned by another or any public property authorized by the Council. They were anticipating having a discussion after talking to a lot of people about the streets and sidewalks. Now would be the right time and Chair Egan agreed. Councilor Reighley advised that in his experience of visiting Christmas markets, they draw a lot of people in and merchants do set out their own booths and direct people back into their stores. He hopes this will generate interest and people will want to rent the vacant spaces too.

Councilor Tracy noted that she strongly supports this and feels we should make that decision tonight. She also suggested that we delegate authority to the Town Manager to make decisions about the use of public property that isn't as big as closing down a street. She would hope that we would support that and in his consultations with the Safety Department feel that it is sufficient, she would delegate that authority to Peter. Councilor Horne also is in support of this and favors the idea of doing something this evening. He feels we are lucky we can get through town without going down to Main Street. He feels we should leverage that. Vice Chair Whitney noted she is greatly in favor of what Councilor Tracy and Councilor Horne said. She feels it is exactly what we need and this is the right reason to do it. She also hopes to be one of five in support of doing the Emergency Ordinance change tonight to allow some opening up as soon as possible. Councilor Piltch reiterated that he supports what has been said. He thanked the Town Planner for researching what needs to be changed and laying it all out for us. He supports everything in her proposal and would be happy to act on it tonight and also act on the potential closure of Main Street. He would like to give the Manager the ability to do things more quickly than we would be able to at the Council level. Councilor Reighley mentioned that the closure of Main Street doesn't mean that deliveries can't be made on it. It just restricts deliveries to the hours they can make them. We can regulate the hours for local deliveries.

Mr. Joseph felt the Council should have some discussion about the closure of Main Street since he has had preliminary discussions with MDOT on State Aid roads such as Desert, Hunter, Pownal, Pleasant Hill, Mast Landing, Flying Point and others. There is an actual public process with public hearings and getting input from people. Chair Egan noted that he would trust Mr. Joseph's connections with the MDOT and our attorney so that we are not running crossways with the State but he doesn't know what permits are needed but there are other communities doing this. For a town like Freeport trying to promote its downtown with alternatives and other activities and getting a chance to showcase businesses that can talk about other things that are evolving. He hopes we can get that ironed out without too much interference from MDOT. Mr. Joseph advised that they indicated they would work with communities for economic development purposes in this difficult time. He noted that he does not have authority over MDOT rules.

Councilor Tracy noted that we are fortunate to have the Speaker of the House representative of this District and hopes we can use that relationship with Speaker Gideon and Senator Carson as delegates in this to essentially put the pressure on. She understands the limitations but this is an extraordinary circumstance and should make it a priority.

Chair Egan mentioned that we had a motion to set a public hearing but he is cognizant of the fact that several Councilors have said they are ready to vote tonight on adopting emergency regulation language that Peter outlined for us. He asked if there is a potential counter motion to adopt this this evening without the public hearing?

**MOVED AND SECONDED:** That we enact the Emergency Ordinance to allow us an opening of part of the downtown Freeport. (Whitney & Tracy)

Ken Mann, resident, explained that he is in support of this proposal which he feels is much needed. He is also in support of getting this passed tonight rather than setting a public hearing. He also wants to make sure that businesses that allow outdoor sales weather permitting are not going to be required to get a Temporary Activity Permit for outside sales. Chair Egan believes that somebody who already has a permit to operate that way will not be required to come in. The Temporary Activity Permit is designed for businesses that are under current regulation not allowed to operate outdoors because of where they are and because of the conditions of their original use permit. He is pretty sure but can have the Manager confirm that we are not talking about somebody that already has an operation that is functioning indoors and outdoors, they would not have to come in and get a special Temporary Activity Permit. Mr. Joseph agreed that the intent is not to regulate existing site plans or change any of that. As for the dates, Chair Egan explained that the Emergency Ordinance authorization that the Council has only gives us allowance to do it for a month at a time. Because we were having the public hearing on June 2<sup>nd</sup>, we were talking about having this take effect June 3<sup>rd</sup>. We are contemplating not having that public hearing and taking a vote on it this evening and having it take effect immediately. However, by State Statute we are limited to just making those waivers for 30 days. Mr. Joseph interrupted and explained that it is 60 days. The Charter specifically limits us to 60 days but does not limit the number of times we can reauthorize an emergency ordinance. The idea is if it is a terrible idea and everyone hates it, the Council will get so many calls that by Day 60, it won't reauthorize it.

Mrs. Pelletier mentioned that if we up the date, it gives us the opportunity to start taking applications and reviewing them now and should the business open on June 1, they could potentially have a Temporary Activity Permit in hand and be ready to go. Chair Egan agreed and noted he feels that is the most compelling reason for the Council to take a vote this evening. Councilor Piltch mentioned that we have an order for a temporary Suspension of Certain Ordinance Standards that the Town Planner has written up and it sounds we are ready to vote on it tonight which he supports. He would also support keeping the public hearing but shifting it to say it is a Public Hearing as to whether or not we are going to extend this. It would get some public input even if it is after the fact and maybe we are missing something. Separately there is the issue of Main Street and he is not sure we are rolling it into this order or if we want to do a separate order announcing our support of that. Chair Egan believes we will take the closure of Main Street as a separate vote under this particular item since it is related. He appreciates Councilor Piltch's effort to maintain the public hearing session and we might have to change it slightly so it reflects what that public hearing is intended to do. He suggested taking the vote on adopting the Emergency Ordinance Waiver language first to take effect immediately and allow the Planner to get the word out to businesses so they can apply for the simple Temporary Activity Permit and start working on it for the upcoming holiday weekend and be available to

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open when the restrictions are lifted by the Governor. Second, we will amend that motion for the public hearing and clarify what it will be used for and then we can have a third motion to instruct the Manager to iron out a plan for the temporary closure of Main Street to vehicular access for a finite number of hours on one single day of the weekend and a series of weekends in the summer.

**ROLL CALL VOTE TO ADOPT THE LANGUAGE AS PRESENTED AND CRAFTED BY OUR TOWN PLANNER TO ALLOW FOR TEMPORARY WAIVER OF REGULATIONS TO ALLOW FOR OUTDOOR ACTIVITY BY OUR BUSINESSES. (no vote)**

Councilor Tracy advised that she had proposed that under this Ordinance we delegate authority to the Town Manager to allow for the temporary use of public space. She is happy to make it a separate motion but could also do it as an amendment to this motion. Councilor Piltch suggested that she change the date as well.

**MOVED AND SECONDED:** To modify the proposed Emergency Ordinance to allow for delegated authority to the Town Manager to decide upon temporary use of public space and to allow for the effective date of the Emergency Ordinance to begin upon the passage of the **BE IT ORDERED** this evening and the language as presented by the Town Planner.(Tracy & Reighley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Chair Egan called for a **ROLL CALL VOTE** on the amended motion to include what was just passed: (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** To amend the prior motion which was seconded regarding the public hearing in the following fashion:

**BE IT ORDERED:** That a Public Hearing be scheduled for June 2, 2020 at 6:30 p.m. to receive comment on the Emergency Ordinance passed on May 19, 2020 related to the temporary Suspension of Certain Ordinance Standards to Safely Accommodate Expanded Outdoor Business Activities due to COVID-19,

**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 and the Town's website. (Tracy & Reighley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** To direct the Town Manager to work with the appropriate State authority to authorize the closure on a temporary basis of Main Street for the purpose of having a walkable downtown during periodic opportunities between now and Columbus Day. (Tracy & Horne)

Councilor Reighley liked the fact that Councilor Tracy did not specify only one day a week. He feels it should be open on as many days as we can possibly get. Councilor Horne agreed and felt we should start it as soon as possible. Chair Egan wanted to make it clear that we are closing

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Main Street to vehicular traffic for a temporary period of time so pedestrians can have access to shop unimpeded to car traffic. We are not closing Main Street.

Councilor Horne asked if we want to limit ourselves to just Main Street or are there other side roads that we want to give the Town Manager discretion to entertain. Councilor Lawrence noted that Main Street is a State controlled road and Mr. Joseph advised that he and the Police Chief have authority for temporary closures but he would want the Council to know what they are doing. They are talking with the business community and are trying to determine what level of interest there is and in what streets. The first step is if there is a demand for this, so he is not sure what streets we are talking about proposing at this time. There is strong interest in the Main Street and less interest in the side streets. He will keep the Council informed.

**ROLL CALL VOTE:** (7 Ayes) (0 Nays)

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ITEM # 92-20 To consider action relative to the Capital Reserve Balances.

**BE IT ORDERED:** That the Town Treasurer be authorized to transfer \$190,000 from the Capital Cable Reserve and allocate it as follows:

\$140,000 to the Comprehensive Town Improvements Reserve

\$50,000 to the Boards and Committees Reserve (Lawrence & Horne)

Finance Director, Jessica Maloy pointed out that this is based off of the last Council meeting and is formalizing that action.

**ROLL CALL VOTE:** (7 Ayes) (0 Nays)

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ITEM # 93-20 To consider action relative to the disbursement of Cemetery Perpetual Care Funds.

**BE IT ORDERED:** That the following Perpetual Care Funds be disbursed.

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<u>CEMETERY</u>	<u>VETERANS'</u> <u>ALLOTMENT</u>
BURR	\$ 8,000.00
DAVIS	\$ -
WOODWARD	\$ -
GROVE	\$ 2,350.00
CARRIE THOMAS	\$ -
WEBSTER	\$ 1,850.00
WOODLAWN	\$ 2,375.00
SO FREEPORT	\$ 2,750.00
FLYING PT	\$ 450.00
<b>Total</b>	<b><u>\$17,775.00</u></b> (Whitney & Reighley)

Finance Director, Jessica Maloy explained that this is the annual allotment that we disburse to the cemeteries that have veteran's graves. The current allotment is \$25 per grave. She explained that one item that is typically part of this payout to the cemeteries is investment income. Last year we informed the cemeteries that because our interest income balance was negative, we were not going to disburse any investment income that does come in so we can build that balance back up to maintain the integrity of the accounts.

**ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Mr. Joseph pointed out that he missed Joyce Veilleux raising her hand to provide input. Councilors welcomed her. She mentioned that she didn't see the Mann Cemetery on the list and there are three veterans in it. She would like to get them added.

Jessica pointed out that the Town Clerk would need to be notified that there are three veterans in the Mann Cemetery.

**MOVED AND SECONDED:** to increase the budget by \$75 for the Mann Cemetery bringing the total to \$17,850. (Lawrence & Horne) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

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**OTHER BUSINESS:**

1. Discussion regarding Public Peddler Fee deadlines.

Mr. Joseph explained that the request is for the public peddlers to be able to pay at a later time. This would allow them to conduct business before they pay their fees for the year.

Councilor Lawrence mentioned that we are not open and thinks it is a fine idea to let them make a little money. Chair Egan agreed. Mr. Joseph explained that the outstanding fees are \$500 and \$750 for the two peddlers. The extension would be to July 15. Chair Egan asked if a vote is needed. Mr. Joseph noted that a vote is not necessary but he will not enforce their late payment until after that. Councilor Tracy would prefer to treat all the peddlers fairly and give them all the

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opportunity. Chris Wolfe advised that there are only two peddlers this year. One is a resident and his \$500 fee is still outstanding. The other is a non-resident and his \$750 fee is still outstanding. Chair Egan clarified that we will give an extension to the deadline to both peddlers.

2. Discussion regarding an Affordable Housing TIF request from Freeport Housing Trust for Property at Quarry Ridge Apartments

Mr. Joseph explained that he will ask Keith McBride to introduce this item. It is a little less relevant than the L.L. Bean TIF but it still technically follows the exact same process that we just used over the last three months but less detailed. He noted that Keith has prepared a memo. Keith explained that the Affordable Housing TIF process as per our policy, is the same process as the infrastructure TIF like the Concord Gully Brook TIF discussed earlier tonight. There is not public infrastructure development proposed like other TIFs we are used to dealing with. There is no Development Fund for Municipal projects like the one we talked about earlier tonight. Instead, this is a TIF designed to preserve property in affordable housing or create new property for affordable housing and the Town has used Affordable Housing TIFs effectively in the past. This is another great way to participate with Freeport Housing Trust to do that again. There is one bonus to help this transaction go forward and that currently the property exists in 100% tax-exempt status because it is owned by Maine State Housing. A purchase by Freeport Housing Trust returns it to taxable status so they will be returning 100% of this property to taxable status and if we are capturing 50% of the new generated tax revenues and returning them to the Housing Trust as per the TIF, the Town is still 50% of the taxes ahead of where they were in the current fiscal year. There is that General Fund benefit to helping the Housing Trust move forward with this transaction.

Keith introduced Matt Peters so he could go into some of the details they have in store and what this property is and what it will be after their acquisition. Mr. Peters noted that they are purchasing the property from the Maine State Housing Authority. 21 of the total apartments will be restricted to households that make less than 50% of the area median income. 13 apartments will be restricted to 60% of the area median income. They are planning on completing over \$1M to rehab the property. Most of the work is in three categories. They will be doing a lot of site work improvements. They will improve the lighting. They will be making ADA improvements to meet current guidelines. They will be doing bathroom updates in units that were originally constructed in the 1980s. They will be asking for the TIF funds to support the project and reduce the operating expenses out at the property. It will allow them to borrow money so they can start the needed improvements out at the property and allows them to offer the lower affordability restrictions at the property. They have found that there is a need for mixed affordability restrictions, not just the upper tier. If the Town has an unforeseen increase in property tax mil rates, the property does not have the ability to quickly raise the rents to accommodate that and this will allow a buffer.

Chair Egan noted that as Keith described at the beginning, there is no public infrastructure going on with this proposed TIF. However, the benefit is that we have a non-profit locally based supporting residents and affordable housing in our community that is making a long-term commitment to deep affordable housing targets in a highly visible, high profile project in our downtown. Any Planner or urban design and any successful economic development activity will tell you that a downtown without affordable housing is not going to succeed in the long term.

Councilor Reighley believes that the Freeport Housing Trust is a great entity in our town and he would like to see them have more properties available to them. To provide a TIF so they can get the financing to do something which is a benefit to our town is a real plus.

Keith advised that if the Council were to vote tonight in favor that this should move forward as an appropriate use of TIF, the next step would be to prepare some of the documents similar to what the Council saw for the L.L. Bean TIF. We are really looking for a very similar document to what they have at the Oak Leaf 2 Affordable Housing TIF that currently exists with almost the exact same financial deal. He feels it can be turned around fairly quickly and Matt is interested in having this deal in place sooner rather than later so they can move forward. His expectation of the Council is that if there is a vote tonight that this is an appropriate use of TIF, they can move fairly quickly and get full documents for your review and hopefully, approval. Chair Egan noted that the Council does not have a vote in front of us to take but based on some comments already heard, he asked the Council if he could provide direction to the Manager and to Keith that we would be favorably inclined to consider this an appropriate use of TIF structure and to bring forward a detailed description of the Affordable Housing TIF for the Quarry Ridge Apartments to be owned by Freeport Housing Trust. There was general agreement that that is the direction they are going. Councilor Lawrence noted that he did not know but would like to do some research. Chair Egan mentioned that the reason we are not taking a vote tonight is because we don't have any of the information in front of us. He mentioned that we are interested in considering it but want to see the details of the TIF Agreement. He asked that Mr. Joseph and Keith deliver the TIF document to the next or a soon to be Council meeting.

### 3. Workshop on Operating, Capital and TIF Budget

Chair Egan pointed out that the Council has materials in their packets. This is a workshop and the Council is not formally adopting the budgets this evening. It is a workshop for open discussion and comments. He mentioned that the Council has been hashing out things in the Capital Budget for quite a while but we also have the TIF District Budget as well as the Operating Budget in front of us this evening. Perhaps we can start with one of those three and go through at a very high level for summary and see if that flushes out any questions.

Councilor Reighley referred to the front page that has the RSU5 budget and we had a presentation by one of the School Board members. He asked Jessica what it looks like now on the line. Mr. Joseph advised that it will put the projected mil rate impact down to 0.07 and pointed out that their budget is flat but the mil rate increase has to do with the apportionment between the three towns of Freeport, Durham and Pownal. Their budget is not going up even though the tax is going up a little bit in Freeport. Our share is going up relative to the other two towns. It will be about 7 cents, plus 3 from the County and 4 for METRO. Jessica advised that it will turn it into a 14-cent total tax impact.

Chair Egan requested that Jessica start with the TIF District Budget because it is the easiest one and has to be a separate item. He suggested then going through the Operating Budget briefly and conclude with the Capital Budget. Finance Director, Jessica Maloy advised that the TIF Budget has already been presented in the Capital Plan. The TIF component is discussed during the Capital portion of the budget. Typically, with this workshop what we go through is just the General Fund as that has the largest impact to the tax rate. Chair Egan agreed to proceed to that.



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Ms. Maloy referred to the budget packet that was provided at the last meeting that gives the Council the line by line detail. The Council should be seeing a 48-50-page document that has each department and it lists out the 2019 actuals, the current 2020 budget and where we were at the point of printing for our 2020 actuals and what she is projecting for final 2020 numbers. The final column is what is being recommended in the 2021 Manager Budget. She offered to start at the top and see how many pages we get through. Typically, she would not go through each line in the budget but for example in looking at the Town Council she would point out that there is a 12% increase in this budget. The increase comes in primarily for legal services which was increased \$15,000. There is a \$5,000 increase for Audit Fees which they do every five years and this is the year they have to pay for that. She would give the Council the highlights in each one and tell them what the majority change is. Mr. Joseph referred to 8104 and noted that GPCOG is going to go down slightly this year. Ms. Maloy advised that that number is based on the 2020 Census. Mr. Joseph added that there was an action taken to apply some fund balance to reduce the assessment to each town but he is not sure what that is.

In the **Town Manager** Budget, the only change is with the salary line and that is a predetermined contractual agreement.

For **Finance** there are a couple of changes. We moved to Office 365 and our contract is up for renewal with Winxnet so there is a slight increase in that budget line. We haven't signed the contract yet and we may be able to bring it back down to be flat. The only increase is in Salaries. We have had a retirement and have brought someone new in. For the staff, it is their normal Step increases that remain according to the pay plan we have in place.

Councilor Tracy had a question about Employee Travel relative to both the Town Manager and Finance.

Given the upcoming year, she asked if the Manager is still planning to travel. There is also one for Assessing. Are we keeping this as normal? Mr. Joseph plans to give back \$1,000. The airline portion for an annual conference will not be occurring this year. It will be done virtually. Councilor Tracy suggested looking at Employee Travel for all the departments that have that line item. Mr. Joseph noted there are 2 or 3 that do include that but the majority covers mileage or reimbursement for use of their vehicles. He mentioned the Travel in the Police Department will not be happening but they will be looking at Travel.

**Assessing** had minimal changes. There was some contracted service increase on some upgrades we did and small changes under Professional Salary due to Step changes.

**Codes Enforcement** saw a decrease based on where we ended up on staffing and the fact we brought a part-time person in-house versus using a Staffing Agency. It includes our Code Officer and the part-time person for 20 hours at the current Step. Supplies are for updated Code Books.

Under **Town Clerk** there is an increase in the Ballot Clerk wages due to a Minimum Wage increase.

Under **General Administration**, there is an increase to Equipment Rental since we have a new

postage meter and this is the annual lease. For Printing, it is our copier units in each facility.

**Building and Grounds Maintenance**, there are small increases to keep up with the cost of maintenance as well as the cost for electricity, water and sewer. Mr. Joseph noted that electricity needs some re-evaluation which he and Jessica have not done. Jessica mentioned she has only seen one credit bill come in and she is hoping to get a couple in to see what the trend is going to be instead of going off one bill. Mr. Joseph knows the bill will not go up because of our solar deal and it might make sense to flat budget those uses. Chair Egan suggested carrying over what we had previously and we will see a savings after that. Mr. Joseph agreed but noted that they would hone that in a bit by the next workshop. Jessica pointed out the Community Center line. \$40,052 relates to the cost of living adjustments and this reflects what that average adjustment is. Then there is \$5,000 for the Capital Reserve payment that is part of the contract with them. There is also a \$5,000 increase that they had requested be included and have asked in the past to have this added to the contract. The \$40,052 and the first \$5,000 are in your contracts with FCS to provide to them. The second \$5,000 payment is a reserve increase that they have received for the last couple of years. In both of those years they asked that it be added in the contract so they didn't have to ask for it every year and make a case for it. The Council has a \$5,000 wiggle room there if you want to make an adjustment on. There were no questions.

**Employee Benefits** is where you will see the biggest impact to the budget. Maine State Retirement is going up to 10.8% from 10.6% but the budget is actually going down due to some turn-over. Mr. Joseph explained the two retirement lines. Jessica noted there is a 1.9% increase in our Health Insurance rate this year and we are projecting a 6% in trying to hedge against going back up.

**Transit** – Jessica noted they removed METRO and moved it to its own tax line and Councilors will see it with the County Tax now. The Wage changes are in line with the changes needed for the increase to Minimum Wage.

Councilor Tracy asked why METRO was moved out and why we not identify what we pay for the train. They are both alternative modes of transport. Ms. Maloy explained that the \$75,120 is truly just train costs and the METRO costs will be separate. Mr. Joseph noted that they could name it Train Station again.

Councilor Piltch asked if there is any way to bring the train costs down since they have not been running for a month or two. Mr. Joseph noted we will probably see some reductions. Councilor Tracy suggested that Mr. Joseph and Ms. Maloy re-evaluate the Welcome Center at the Train Station due to COVID-19 for the next six months. She asked if we were really going to have a Welcome Center and invite people in to sit down with a person who is waiting to talk to them when at Town Hall, we are trying to force people outside and do everything online. It appears inconsistent and it is a potential cost savings. Mr. Joseph offered to look at it and trim a bit.

**Insurances** – This is our property and casualty insurance.

**Police** – Here you will see wage changes. On Line 1200 and 1300, she moved \$5,000 between the two based on where we were experiencing the costs. The costs were coming more into Overtime Wages versus Other Wages. Officers are picking up overtime shifts versus using

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Reserve Officers. The 6.3% under Professional Salaries are a combination of Step increases and contractual wage increases. The increase in Animal is the fee associated with the Coastal Humane Society as well as coordination with the Brunswick Animal Control Officer. Mr. Joseph pointed out that in Overtime and Wages, we are continuing to be understaffed for the past 2-3 years but not budgeting understaffed, but physically unable to keep us at full staffing because of hiring, retirements, turn-over in the job markets, etc. right now for police officers. He feels that number is artificially high because we have been down between one and two officers from the optimal levels of full coverage. He is looking at ways to address the overtime. There was a request from the Police Chief for an additional person this year which did not get in because it would increase the budget beyond the reduction that it would see in overtime. He did not feel that was something we could move forward this year but there are ongoing problems with coverage and staying in full force. Councilor Horne asked what the fiscal impact would be for an additional officer. Jessica estimated that it would be between \$85,000-\$90,000.

**Marine Resource/Harbor Patrol** – There is a slight increase in wages due to contractual obligations. Jessica explained that whoever has been assisting our Marine Officer has been pulled up to be a Patrol. This is the position that remains open.

Fire - There was discussion in the last few years about combining Fire/Rescue and at some point, dissolving NET into the Fire/Rescue Departments and making it General Fund operation. After a discussion with Mr. Joseph they determined this is not the year to have that impact for the Town so you will see these budgets still broken out as they historically have been. Some changes with the Wages and you will have to look at those between the Fire/Rescue line. It is realigning where we have people coded in the system versus having to do journal entries to change it every year. It may look like there is a large overtime increase of 315% but there is some decrease between Rescue and NET between all the wage lines. If you net them, the impact is minimal and due to Step increases. Mr. Joseph advised that it shows it is a nightmare to accurately cost account for times split between those units and people doing different functions sometimes on the same shift but the majority of the time, we code different people shifts that are working in the same building under different budget units. We have to eventually get rid of that and it is on our radar but it is what it is.

**Rescue** – Realigning wages to where people are at now. She adjusted the Supply line based on what gets used for supplies.

**Public Safety Reception** – The primary hitter here is our contract with Brunswick for Dispatch Services and is contracted at a 3% increase.

**Public Utilities** – Hydrant Rentals increased this current fiscal year and we will be over budget based on that increase. Next year's budget will reflect accurately what we are being charged for hydrant rentals.

Mr. Joseph advised that we are renting from the Maine Water Company. It is non-metered use. Jessica noted we have a quarterly charge in this as well from the South Freeport Water District and this is where half of this large increase has come from. Mr. Joseph noted that we are still arguing over the street light close-out from August. They argued until January and then in February they went silent and COVID happened. We have an outstanding credit. This is reduced by one-third already because we bought out the street lights so we are not paying a rental fee.

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This is the electric use only, not the rentals. If we get an accurate number, we can reduce it in this year's budget. He is not comfortable dropping the number at this time.

**Human Services Agencies** – Jessica kept the requests the same as last year. She noted that Port Teen is being budgeted at \$8,250 but they have not made a request for 2019 or 2020. They asked for an increase in this budget from \$6,000 to \$8,250 but the request has not been made. Councilor Tracy asked if this is something we should look at and reach out about? If they are not going to use it, we should eliminate it.

**General Assistance** – The biggest increase is \$100 more for supplies.

**Public Works General** – There is a slight increase for Vehicle Maintenance and what we are incurring for Telephone Expense. Other than that, it is Step increases and General Operating.

Councilor Horne mentioned that a constituent asked if it is cheaper to hot top a road versus having it be gravel? Mr. Joseph mentioned there is an on-going investigation. If there are upgrades needed, the answer is no, it will not be cheaper to hot top it. If there is not rebuilding of the road and it is just paving it, it would be cheaper than to do the annual gravel maintenance. He will look into this with Public Works.

**Public Works Summer Roads** – The big hitter here is decreasing the Hot Topping from \$400,000 to \$250,000.

**Public Works Winter Roads** – This is flat with last year

**Public Works Tree and Park** – There is an increase of \$7,000 for trees in this year's budget. Mr. Joseph explained what this pertains to. Councilor Tracy asked if the Council should talk about this. Maybe this is not the year we do a full \$7,000 extra in trees with what is going on. She doesn't think the Council has to decide tonight but she put it out there. Mr. Joseph noted that battle lines have been drawn but he will have a war axe at the next meeting.

**Solid Waste/Recycling** – There is a slight increase for Litter Control and an increase for Other Wages to have greater part-time coverage for Saturdays and for Sick time/Vacation time coverage when needed. This additional funding will help us fill those holes in Staffing.

**Town Engineer** – There is an increase for Stormwater and increased permitting fees. Mr. Joseph could not recall if it was permitting fees or one of the obligations under the Permit. We may dodge that bullet this year but it will not go away. He noted he is making a note to check with Adam Bliss.

**Hunter Road Fields Maintenance** – The biggest change here is the removal of the striping budget because it is covered under the Grounds Contract which is Line 3490. That contract is with the RSU5.

**Library** – The only changes are primarily with their utilities. She and Mr. Joseph will be reviewing the electrical to see if it can go back down. The others are based off of usage and rates. There is an increase in Supplies based off of what they use.

**Bustins Island** – This change from \$206,000 to \$233,000 is based off of valuation and the percentage that is paid back to them. It is a calculation based on outstanding taxes and current valuations. This is where her best estimate falls at this point. She will probably do this calculation one more time before we adopt the budget to make sure it is in line with how collections are coming in because it is a factor in this computation. This is assuming the same level of payment will be coming in as what has historically.

**Promotions** – No changes here but it does include last year's first-time appropriation to the Historical Society. They requested \$5,000. Mr. Joseph mentioned that he is expecting communication from the Chamber of Commerce increasing their ask significantly from the budget. Councilor Tracy brought up July 4. Mr. Joseph advised that he does not see it happening. He does not anticipate any gathering being legal. He anticipates making the call within a couple of days. Councilor Tracy noted that the parade would certainly exceed 50 people. Mr. Joseph mentioned that the money allocated is traditionally to pay bands.

**Planning** – There is not much of a change. There was an increase in Supplies. The reduction of Professional Services was the removal of the Board Studies but allows some for scanning. It reflects both the Planning position and an Assistant Planner.

**Board of Appeals** – No Change

**Conservation Commission** – They asked for an increase in Supplies from \$300 to \$1,500 and reduced some of the Public Education money to offset that. They needed a little more for contracted services as well. Councilor Tracy requested some detail for the next round. Jessica noted that it looks like the biggest piece is for bridge work.

**Shellfish** - No change but Councilor Tracy asked if the surveys of the flat are ongoing and Jessica advised that they are.

**Miscellaneous & Contingency** – There is a \$40,000 increase. We added a new line for Protective Equipment. This increase is offset by a \$40,000 increase in revenue and this is to budget for items we may need in the upcoming year, whether it be PPE or other protective measures in light of the current pandemic or any future situation that might come up.

**Cable TV** – The biggest change here is increased wages for part-time staff. Councilor Horne asked Jessica to elaborate on the increase. Jessica advised that the increase is in minimum wage and part of that is in hours for the part-time staff to maintain coverage. This budget allows for a Cable Director as well as 2 ½ part-time people with one more significantly reduced to hours just for meetings. The other two positions are to cover hours during the week. Typically, there are two people for project work within this department. It is something that can be discussed. Councilor Tracy would like to come back to this next time. She would like to know how the time is being spent and if we need that amount of staffing and whether there is a way to refigure it. Jessica agreed. Councilor Horne has been receiving turbulence from constituents about the need for more content.

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**Traffic and Parking** – There was an increase from \$1,200 to \$5,000 for contracted services to bring in someone to record Minutes and do map work. Councilor Reighley noted that Adam has been doing the Minutes and his time is better served being the Town Engineer rather than being a Secretary. Councilor Tracy wonders if written minutes are needed or can they be recorded like we do for other committees.

Mr. Joseph advised that recording does suffice legally but he will investigate if there was some governing guidance they were given at some point to do minutes. Councilor Piltch asked if a committee member would volunteer to provide Minutes. Councilor Reighley noted he would be happy with recorded Minutes.

Adam Bliss pointed out that the \$5,000 is to cover printing, mapping and Minute taking. He assumed for 11 meetings a year and \$12-\$15 per hour for 2-3 hours of time. There was no manual given but it is committee preference. It is helpful to be able to search through a pdf document and see what action was taken on whatever date. Mr. Joseph mentioned that it has been done that way since he has been here and Al did Minutes previously. Councilor Reighley noted it sounds like it is only \$600 for Minutes and the rest of it is in the other two items. Councilor Tracy suggested coming back to this when there is a breakdown. Mr. Bliss estimated that it was \$500 for Minutes.

**Sustainability Committee** – is flat.

**Debt Service** – There is an ongoing decrease in this budget and the Council will see it decrease even more in 2022. Chair Egan feels it is important to highlight that our Debt Service is going down and that is a fraction of what most communities have for Debt Service in their overall budget. It is important to demonstrate to the public taxpayer that their dollars are spent on direct services and not going to service debt from Capital projects. We have a reserve system to pay for Capital projects. Jessica pointed out that in FY2022 this line will total \$35,000 and in FY2023 it will be zero. Mr. Joseph noted that is assuming we don't have to take out any debt between now and then. He would like to make it a goal to have one debt-free year.

**County Tax** – This where you will see the addition of the METRO Tax. The County increased to 4.33% and the METRO Tax is almost \$78,000.

**Abatements** – This stays flat.

Since it is 10:30 p.m. Chair Egan suggested talking about Revenues at the next meeting. The Council will have an opportunity to go over this and bring specific questions on line items the next time we have a discussion on this part. Questions can be e-mailed to the Manager between now and the next meeting.

Chair Egan thanked Jessica for leading the Council through tedious numbers.

**MOVED AND SECONDED:** To adjourn at 10:30 p.m. (Reighley & Lawrence)

**ROLL CALL VOTE:** (7 Ayes) (0 Nays)

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Respectfully submitted,

Sharon Coffin, Council Secretary