

MINUTES
FREEPORT TOWN COUNCIL MEETING #19-19
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY AUGUST 6, 2019
6:30 p.m.

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

Chair Tracy called the meeting to order at 6:30 p.m. and took attendance. All Councilors were present along with Town Manager, Peter Joseph.

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood and recited the Pledge.

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #18-19 held on July 23, 2019 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #18-19 held on July 23, 2019 and to accept the minutes as printed. (Reighley & Gleeson) **VOTE:** (7 Ayes)

THIRD ORDER OF BUSINESS: Announcements

Vice Chair Gleeson announced that he would not be seeking a fourth term. He will be ending his term in November. He encouraged as many people as possible to consider joining this awesome Council. The First District is a fantastic district. Chair Tracy pointed out that he will be missed and she appreciates everything he has done.

Chair Tracy announced:

- **The Town Council will be meeting on August 20th for their Annual Joint Meeting with Bustin's Island.** The next regularly scheduled Town Council meeting will be held on Tuesday, September 3rd at 6:30 p.m. here in the Council Chambers. **The District Workshop for Districts 1 & 2** will be held on Tuesday, September 17th at 6:30 p.m. at the Freeport Community Center and will be followed by the regular Town Council Meeting.
- **The Appointments Committee is seeking residents interested in serving on Town boards and committees.** There are vacancies on the **Library Board, Conservation Commission and Sustainability Advisory Board** as well as terms expiring on a number of other boards which may lead to other openings. Forms are available at the Town Office

and can be downloaded via the Town's website at www.freeportmaine.com. The Appointments Committee will be meeting soon, so turn in your completed application as soon as possible!

- This **Thursday evening's Summer Concert Series at Winslow Park** features the Pete Kilpatrick Band. Come listen to this band play renditions of cool songs of the past and present. There will be lots of rhythm and lots of vocals!
- **The Freeport Conservation Commission is seeking volunteers to join in helping a Maine Conservation Corps crew with replacing bog bridging along the Florida Lake trail system.** Volunteering is easy and flexible, and no previous experience is necessary, although carpentry experience could be helpful! The team will be onsite 8/20-8/23 and 8/27-8/30 from 7a.m.-4 p.m. Please contact Maine Conservation Corps Field Team Leader, Kevin Rossi, with any questions, and for directions to get to the team: kmrossi444@gmail.com or 248-245-3426. Details are available on the town's website at www.freeportmaine.com.

FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Reighley mentioned that for the past two Tuesdays he attended the working group that is involved with Freeport's answer to what is going to take place with refugees and how we can help. We will hear more about that later. He finds it a very good working group and some great ideas have been generated.

Chair Tracy noted there will be an Ordinance Committee meeting soon and there is a lot of stuff coming on that.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph reported:

Town Hall Site Plan

Over the next month, Town staff will begin working on a proposal for site plan amendments to the Town Hall. In addition to new signage along Main Street, we intend to propose improvements to the landscaping in the front of the building, and the parking at the side entrance to the building. All proposed upgrades/improvements will likely require approval from the Municipal Facilities Committee, Town Council and the Project Review Board prior to being constructed.

Solar Power Purchase Agreement (PPA)

The solar power purchase agreement that was recently approved by the Town Council is currently under review by the Town Attorney. The Town and Freeport Sewer District have agreed to undertake the legal review jointly in order to reduce costs to both organizations.

Hands Free Driving Law

As a courtesy reminder to our residents – the recently passed “Hands Free Driving Law” takes effect on September 19th, 2019. Under the law, touching your phone to operate it (including calls, texting, and other apps) will be illegal and will subject you to a \$50 ticket for the first offense!

New Employee

Councilor Reighley requested that Mr. Joseph introduce our new Town employee. Mr. Joseph pointed out that Tammy has been brought in to help 20 hours a week with the Codes Department. She will be with us for several months and is a good fit already. We are excited to have her.

Bridge Committee for Exit 17, 20 and 22

Mr. Joseph explained that MDOT is looking for a formal appointment that can be made by the Council Chair. The following people have expressed interest – Councilor Egan is a Council Representative, Adam Bliss, the Town Engineer and himself as Staff Reps. Two residents have expressed strong interest – Chris Taylor from Desert Road and is a Bridge Engineer and Sally Leland, a South Freeport resident who has been involved in some of the planning for the bicycle connectivity and has a good background. MDOT is looking for six members. These people have expressed strong interest to him for five of those seats. He is still looking for a resident from the Exit 22 area and suggested that if anyone is interested, they should contact him. It involves 5-10 meetings over 18-24 months. It will involve three major overpasses.

Chair Tracy appointed the five volunteers that expressed interest.

Airboat Noise on the Water

Mr. Joseph noted he has been receiving complaints about airboat noise on the water. One of the inquiries he has been receiving from several people is to explain why the Town Noise Ordinance is not applicable. There is a specific State Law that preempts Municipal regulation of any boat operations. He has a copy of the law if anyone wants to take a look at it. He wanted residents to know that we cannot enforce our local Noise Ordinance for watercraft of any type. He reached out to the enforcement arms of the State to try to understand the application of the State Noise Law, and there is one, which has specific decibel limits and what the plans of the State are to enforce it. There has been a lot of confusion and he is trying to get a clear answer from the Town’s perspective from the State. A meeting with the Attorney General and the Town Attorney will tentatively be scheduled in late August but it has not yet been confirmed. He will report to the Council at the first meeting in September on anything they learn through that meeting. He has been bounced back and forth on what is enforceable and what is not. Sara Gideon is aware of this and someone from her office will tentatively attend that meeting. Chair Tracy suggested reaching out to Senator Carson as well and give him the opportunity to attend.

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

MOVED AND SECONDED: To open the Public Comment Period. (Gleeson & Reighley) **VOTE:** (7 Ayes)

Melanie Sachs of 84 Kelsey Ridge and former Town Council Chair thanked Chair Tracy, Councilor Reighley and Councilor Whitney for being part of the Asylum Seekers Working Group or Freeport Working Group for New Mainers. They have been going a full two weeks now. She wanted to come back

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to inform the Council and public of what has been going on. If one looks at FreeportMaine.com, which is the Town's website, there is a new button that says Asylum Seeker Working Group where there are the minutes from the last two meetings, as well as a 13-page resource guide. The working group talked about their purpose at the first meeting along with the charge of the Council which is basically to organize and distribute any resources for those in Freeport who wish to participate, help or aid those asylum seekers or any residents who choose to come to our community to live. They heard there is so much good will in this community to help and people just needed a way to do so. This is why this resource has been compiled and she gave a shout out to the amazing members of the working group that went out, looked at resources, got things together in really clear detail. If folks go to that page, all the necessary information is there. If someone knows of a family who moves in next to you and you want to help get resources for them, that information is there as well. It is by no means an endorsement of any particular service whatsoever, but it is a good place to start. For this particular group of folks, because of language and cultural eligibility barriers, a little more support will be needed. If anyone is looking at the Resource Guide and they come across another resource, her e-mail is on there and she would be happy to update it. She explained that they reached out to all the social service agencies and churches to make sure they are not missing anything and if there are plans to move with a particular project. A fundraising event needs a little more researching. She doesn't see this as a long-term committee. Hopefully we are just starting to bring forth some useful information for people in the community who wish to help in anyway. Councilor Egan thanked Mrs. Sachs for taking the leadership role. It is great to see. She mentioned that Brunswick is reporting that about 40 folks are there but we are not understanding how many folks will be here but she wants to be prepared. If anyone is in need of a resource, the Resource Guide is pretty comprehensive for many folks and a good place to start. Chair Tracy thanked Mrs. Sachs and noted she appreciates her dedication and organization and the committee is already off to a good start. Mrs. Sachs will be here on August 13 here in Town Hall and the minutes will be posted on the Town's website.

MOVED AND SECONDED: To close the Public Comment Period. (Reighley & Horne)
VOTE: (7 Ayes)

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

ITEM # 129 -19 To consider action relative to adopting the August 6, 2019 Consent Agenda.

BE IT ORDERED: That August 6, 2019 Consent Agenda be adopted. (Egan & Gleeson) **VOTE:**

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

VOTE: (7 Ayes)

ITEM # 130 -19 To consider action relative to an amendment to the Commercial IV (C-IV) Zoning District of the Freeport Zoning Ordinance. **PUBLIC HEARING.**

Chair Tracy asked Mr. Joseph to clarify this item because of some notice issues. Mr. Joseph explained that there were two components passed out of the Planning Board. What the Council is seeing tonight is a recommendation from the Planning Board. Both components of these amendments were passed out to the Planning Board. The full recommendation of the Planning Board is attached to tonight's agenda and behind the memo prepared by Caroline Pelletier. That has all the language that was approved. There are

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two ordinances to be amended. The notice that was published in the paper and on the website had one ordinance listed. It was a zoning amendment which was the bulk of what is being proposed here tonight but there are some changes in the Subdivision Ordinance as well that are needed to mirror the Zoning Ordinance amendments. If the Council does nothing tonight other than follow what is on the agenda, it will be the Zoning Ordinance amendment. There will still be a Subdivision Ordinance amendment to go along with that. The Council Chair has a proposed notice. The recommendation from Staff would be to notice that for public hearing which essentially would be an identical hearing of this but on the Subdivision components for the Council's September meeting so we may have further input on this. We have reps from the Planning Department as well as the applicant in this case that are here. Our recommendation is to do that and if we ordered the public hearing to be noted tonight, that would allow it to be heard and voted on by the Council on September 3rd which is the next Council meeting. Chair Tracy noted that the Council would do that after it takes up this matter. Mr. Joseph explained if there are folks here tonight to comment on the entire thing, it would be appropriate to take input on both of the pieces with the understanding that we will also hold an additional public hearing on the Subdivision piece to make sure we properly noticed both halves of that. The Council can act on what is printed on the agenda tonight, which is just the Zoning amendment without screwing up the future consideration of the Subdivision amendment.

MOVED AND SECONDED: To open the Public Hearing. (Lawrence & Reighley) **VOTE:** (7 Ayes)

Caroline Pelletier explained that she was here on behalf of the Planning Board. This was an applicant driven request for a Zoning Ordinance amendment in the Commercial 4 District. The C-4 is a relatively small zoning district west of 95 and bordered by Desert Road. She pointed it out on a map. The language in front of the Council, as Mr. Joseph said, has two parts. It has Subdivision language and Zoning Ordinance language. As far as the Zoning Ordinance language, it is adding a new use to the C-4 District. It has some single-families that were legally not conforming that are currently vacant. This would add the permitted uses of two-family and multiple family and also adds the permitted use of a new defined use Commercial Open Space Subdivision. It works similar to the other open space subdivisions we have where it has a requirement to provide some open space and a much lower density requirement. Two family and multi-family weren't permitted out there before so approximately now it would be 15 units per acre as proposed and it changes some of the space involved standards to go along with that and has some buffering requirements for how the open space is provided. It also adds another new section to the Zoning Ordinance that clarifies the requirements for the Commercial Open Space Subdivision. To go along with that, the second part is the amendment to the Subdivision Ordinance. The majority of that is definitions that will match identically in the two documents. If we do it in one, we will do it in the other. There are a couple minor clean-ups that the Project Review Board would like to move forward. There is currently a provision in the Subdivision Ordinance that does not allow more than 15 dwelling units on a dead-end road. They are proposing for this zone for this use that the requirement be struck. The conceptual plan, for which the applicant is here tonight, they are looking at 144 units on the parcel. The project couldn't go forward with that requirement. They did find a couple of minor clean-up things in a couple of places that needed to carry through the Ordinance just in standards to make sure it is properly referenced throughout. The Planning Board discussed it at the first meeting and had a public hearing and there were no comments provided during the public hearing so the Board forwarded it as they found it in harmony with the Comprehensive Plan.

Councilor Egan mentioned that Ms. Pelletier indicated there were no public comments made at the Planning Board, he asked if the applicant's proposal was presented at that same meeting where there were no comments. Ms. Pelletier advised that at the first meeting, the applicant showed a conceptual plan which they included with their original submission. They showed what the units would look like and the

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layout they have done in other municipalities so the Board did see that. A formal public hearing was properly advertised for both. There have been two meetings on this.

Kylie Mason of Sebago Technics mentioned that Ms. Pelletier explained everything very clearly. It is a very small zone so its impact is very small. Bringing some residential density to the area and bringing new residents to Freeport is exciting. She requested that the Council consider having a separate meeting since they are up against timing issues. Chair Tracy mentioned that she understood that they would be bringing the conceptual plan before the Planning Board in October and asked Ms. Mason to describe what the impacts of having a public hearing and making a decision on September 3rd would adversely impact the project. Ms. Mason explained that they have not been given authorization to start the engineering. It was hinged on the Council's ruling this evening so waiting until September puts them four weeks behind schedule. Chair Tracy asked if the decision not to start engineering until they get the second approval, is an applicant decision, risk decision or is it a requirement of some regulation. Ms. Mason advised that it is tied to their funding of the project.

Councilor Reighley asked if these are apartments and houses. Ms. Mason indicated they are apartments and the intention is to fill a need for market rate apartments. They are currently finishing a project in Scarborough that has six buildings.

Frank Doherty of Divine Capital explained their project in Scarborough is called The Beacon and is located across from Cabela's. Their partnership has recently built almost 1,000 of these units in New England. Councilor Lawrence asked how many buildings would be built in Freeport. Ms. Mason indicated there would be 144 units in six buildings and a number of garages. It will go through Project Review and it will receive State permitting. It will go through site planning review, subdivision review, traffic and storm water review. It will be similar to The Beacon project. She had a small sketch to share with the Council.

Bill Fletcher, Attorney for the project, noted that they just learned about the notice issue. He was looking at the Subdivision Ordinance with references to the Planning Board having a public hearing and the Town Council having a meeting and a vote. It was not clear to him what level of notice would be required for publication. He did not know if the Council would get to a point tonight and consider making the vote conditioned upon approval by the Town Attorney that the meeting notice was adequate. Chair Tracy advised that she would take it under consideration.

MOVED AND SECONDED: To close the Public Hearing. (Gleeson & Reighley) **VOTE:** (7 Ayes)

BE IT ORDERED: That an amendment to the Freeport Zoning Ordinance pertaining to a new use of "Subdivision – Commercial Open Space" and specifically permitting the use on the Commercial IV (C-IV) Zoning District); a relatively small zoning district on the west side of 295, and abutting Desert Road and the railroad be approved. (Lawrence & Gleeson)

Chair Tracy suggested taking up the matter before the Council and then the Council can talk about the second matter of notice and the subdivision. She asked if Councilors have any other items for discussion. In terms of the changes recommended to the Zoning District which has been noticed and is before us tonight.

Councilor Egan advised that he is in favor of looking at both this evening. His reason for that is that the

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district is so small and the impact in this location is extremely minor. He has been in favor of higher density zoning in downtown Freeport for as long as he has lived here. He is strongly in favor.

Councilor Horne echoed Councilor Egan's comments. He is in favor of higher density and this is a postage sized zoning area. Councilor Reighley didn't believe there is any occupied residence in the C-4 area. We are just changing something that can be used for residential use. Mr. Joseph explained what is currently in that district. Councilor Whitney explained that she has been excited about this project since she learned of it, and still is, but has heard from constituents wondering what the impact on our schools and if our school system can handle having additional students the way we have it structured right now.

Attorney Fletch explained that the nature of these projects, it has been found in Scarborough that it has been attracting seniors and young professionals that are signing leases. The units have 1, 2 or 3 bedrooms. Councilor Horne asked about the parking. Mr. Doherty advised that all their units meet the Zoning requirements and also what the market demands. The demand for garages varies. There will be suitable parking to meet the needs of their tenants. Councilor Reighley asked about the number percentage of one-bedroom, two-bedroom or three-bedroom apartments. Mr. Doherty noted that it has not yet been determined and feels there is no value in guessing.

Vice Chair Gleeson asked if the complex would have a community center. Mr. Doherty advised that it will have a club house, a pool, a gathering area, a big tv, a gym and an area to drop off your laundry. It is an environment geared towards younger professionals and those over 55. The Beacon has pictures on line.

Chair Tracy pointed out that she is supportive of allowing the Zoning change to occur so that this project can be considered on its merits. There has been a dialogue in Freeport about the lack of housing in the buying market and the rental market. It makes sense to allow it to move forward. Vice Chair Gleeson is aware there is not enough housing in Freeport and he thinks this is a great idea.

ROLL CALL VOTE. (7 Ayes)

Chair Tracy explained that now the Council will take up what she will call Item 130-19A which is the Subdivision piece. She has in front of her a Be It Ordered to set it for public hearing on September 3rd. We have received two requests from the applicant to modify that. One is to hold a special meeting which we can do earlier than that and the second is to actually consider the Subdivision piece tonight without knowing yet if it will satisfy the notice requirements but have it conditional upon checking with the Town Attorney that the notice requirements have been satisfied and the Town Attorney says yes, it stands. If the Town Attorney says no, then we obviously need to conditionally notice it for a separate public hearing which is confusing but that is what is before us.

Mr. Joseph explained that he sympathized with the applicants finding out about it walking into the building. He found out about it at five o'clock and we are all in the same boat. His concern is that it doesn't meet the Charter requirements for passing an Ordinance. The public notice provided to the paper did not specify for tonight's meeting that the Subdivision would come up. The three publications were all identical to what is in the agenda tonight. He doesn't know if there is any opposition to this but it would be a very easy challenge on procedural accounts. Since there is broad support for this, he would hate to set up the developers where there may be an appeal from somebody opposed but we would have seen it tonight. He would strongly support if there is availability from the Council to do a special meeting on a single item. It is absolutely doable. It would have to be two weeks from the notice set tonight so we couldn't do it immediately. We would need a quorum and the meeting needs to be in a public place. Chair Tracy noted the Council is going to Bustin's on the 20th. More discussion followed.

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John Divine advised that they are fine with a two-week delay and September 3rd would be fine.

ITEM #130 -19 – To consider action relative to setting a Public Hearing for proposed amendments to Chapter 25 Subdivision Ordinance of the Town of Freeport, Maine regarding the new use of “Subdivision Commercial Open Space” and other minor amendments.

BE IT ORDERED: That a public hearing be scheduled for Tuesday, September 3rd, 2019 at 6:30 p.m. in Town Council Chambers to discuss the proposed amendments to chapter 25 Subdivision Ordinance of the Town of Freeport, Maine regarding the new use of “Subdivision Commercial Open Space” and other minor amendments.

BE IT FURTHER ORDERED: That copies be distributed equally between the Town Clerk’s Office, the Town Manager’s Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport’s local cable channel 3 and the Town’s website. (Horne & Reighley) **VOTE:** (7 Ayes)

ITEM # 131-19 To consider action relative to a Use of Town Property request.

BE IT ORDERED: That the request for use of Town Property by the Freeport Flag Ladies for Bow Street Park on September 11, 2019 be approved conditional upon the receipt of a Special Events Permit issued by the Police Department, if required. (Gleeson & Reighley)

Chair Tracy explained that this is an event to recognize the retirement of the Flag Ladies. It will be attended by a fair number of dignitaries and are expecting a strong turnout. She urged Councilors to keep the date on their calendars and try to attend.

Mr. Joseph advised that their request was to also waive the insurance requirement for use of the park. This is something that has not been done for users before.

Amy Gough and Darlene Jolly explained that the Flag Ladies have been standing on Main Street every Tuesday morning for 18 years waving their flags in commemoration of the people that lost their lives on 9/11, the people that worked the 9/11 rubble to find other people and have since passed away as well as the service members who have been put into service to prevent it from happening again.

Due to medical reasons and their age, this will be their last. Ms. Gough and Ms. Jolly did not want to let that go and feel they owe them a big thank you. Ms. Gough is from Augusta and does not know Freeport rules. She asked to use the Bow Street Park and was told that was not an issue but insurance is needed. They are expecting 1,100 people to attend this event on Main Street. She called an insurance company and learned that if 600 people show up, the cost of insurance is \$154. They don’t have a lot of money. They have to pay for the four police officers and Public Works. They have a slide show and a sound system that they will be using. The Police cost will be over \$500.

They are asking the Town, because everybody knows the Flag Ladies as the Freeport Flag Ladies, if it would be willing to pay the insurance cost and support the ceremony. She clarified that they expected to have insurance.

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Chair Tracy suggested voting on the **BE IT ORDERED** which was a request for the use of Town property and then address the issue of cost.

VOTE: (7 Ayes)

Discussion followed on costs. Mr. Joseph explained that the Police cost is the actual detailed cost involved. There is no disagreement between the organizers and the Police Department about that aspect of the coverage. They have talked to the right people.

Joyce Veilleux interrupted and explained that a collection was taken up of people sitting in the audience tonight, and the insurance cost is paid for. Chair Tracy feels we should be working with the group's organizers to help them defray costs. She would like the Council to donate a small amount of money to show support. Councilor Reighley asked if we could cover the cost of the Police rather than bill out. Mr. Joseph noted that if the Council would like to cover this with Town funds, he can make it happen if there is a nodding of heads. There was strong support from Councilors to cover the cost of the Police.

TABLED:

ITEM # 128-19 To consider action relative to appointing Lindsey Furtney to fill a vacancy on the RSU5 Board of Directors until the next annual election on November 5, 2019.

Chair Tracy explained that this is where our current School Board member, John Morang has resigned due to a change of location of residence so we have an opening and it is incumbent on the Council to fill that vacancy until the next regular election. We received interest right out of the gate from Ms. Furtney but decided at the last meeting to hold the decision on that and make sure we conducted adequate public notice and asked RSU5 to make that public on their website and also posted it on our website. We did not receive any further interest so we have Ms. Furtney still interested in this position.

BE IT ORDERED: That Lindsey Furtney be appointed to fill a vacancy on the RSU5 Board of Directors to serve until November 6, 2019. (Whitney & Horne)

Chair Tracy appreciates Ms. Furtney is willing to step up and is looking forward to her advocating for Freeport's interest on the Board. Councilor Horne mentioned that John Morang served on the Board for a long time and will be missed.

VOTE: (7 Ayes)

OTHER BUSINESS:

1. Discussion of request to allow the Commercial growing of marijuana within Freeport for the adult use market.

Chair Tracy explained that we have some growing of marijuana within the Town boundaries for medical purposes. Some of those growers and the people that lease the property for that purpose have asked for the Town to consider lifting the portion of the marijuana moratorium that we currently have in effect for the recreational and allowing recreational growing in those locations in Freeport. The question arose as to

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why we have those growing facilities in Freeport so she asked the Town Manager to give a history of where we have been on this and why we have this activity in Freeport in light of the fact that we have a recreational moratorium.

Mr. Joseph explained that the legalized marijuana industry in Maine is generally separated in two camps now because it has been passed in two phases by the Legislature. The first is the Maine Medical Marijuana Act which existed many years prior to what was called Recreational Marijuana but now is referred to as adult use marijuana which was passed by referendum a few years ago. The medical operation care givers have grown in their primary occupied residences and have had the ability under the Medical Marijuana Act for a pretty long time to do that which is not subject to Town regulations. There are several of these and the Town does not list them or track them. They come to our attention from time to time often from residents complaining that someone is growing marijuana there which we follow up with the State authorities. As long as they are permitted and have done their State approvals correctly, there is no State involvement or the Town. We are prohibited by State Law from regulating those operations. They exist and will continue to exist. In 2016 the Council passed a 180-day moratorium on medical marijuana production facilities and also on all categories of medical marijuana use. The purpose of the moratorium was to allow the Planning Board, Town Staff, Town Council and regulatory bodies the time to address and propose any changes required of any new gotcha surprise that comes up and now we have to deal with it. The Council passed the prohibition and was also renewed in June of 2017 for another 180 days. Then in July 2017 the Council and Staff had had a lot of discussions but hadn't made the decision they then made in July, which was to prohibit five uses by Ordinance. All the recreational that are now considered Adult Use market uses were prohibited by Ordinance in the Town. That moratorium continued until December, 2017. The recreational one was pointless because the Council had prohibited all five uses at the time in the Town. The Planning Board was studying medical marijuana production which was the commercial side of the caregivers and this would be in facilities outside of their homes. They decided not to recommend Zoning Ordinance amendments at the time which would have been the primary way the Town would have to deal with that issue because it was authorized by a separate law. You could not ban medical marijuana production under the Medical Marijuana Act at the time, but you could provide zoning restrictions around commercial operations outside of primary residences for patients and caregivers. The Planning Board did not make recommended changes to the Council at that time. In December of 2018 State Law was changed and went into effect that required that all marijuana uses be required to be opt-in by the Town, both the commercial medical marijuana growing and sales, caregivers, store fronts as well as all the Adult Use markets. There are two commercial growing operations which were approved by the State and the Town prior to December 2016, which was the Council's moratorium on medical marijuana production facilities. They had received their approvals from the Town prior to the Council at the time enacting that moratorium. There have been a few inquiries but there hasn't been a lot of inquiries on the medical marijuana commercial growing side since then. We have had several inquiries about recreational, some of which have been in front of the Town Council for discussion. At this point any use would require opt-in approval by the Town Council. It would also require if it is an Adult Use or Recreational Use an amendment or revocation to that portion of the Ordinance that prohibits. What is on the agenda is a discussion of commercial growing of Adult Use or Recreational Marijuana. That is prohibited by our Ordinance and by the fact that we don't have an opt-in ordinance or action by the Town legalizing it that would satisfy the State. For that to exist there would have to be two actions by the Town and a strong recommendation of Staff that if anything else is to occur, we would want zoning consideration for that.

Chair Tracy advised that we are not deciding whether we are going to allow it or not. We are deciding whether we will refer it to the other committees that would have to look at it. This is just conceptual and do we take the next step to be considered which would probably include the Planning Board but also the Ordinance Committee. Vice Chair Gleeson wanted people to know that when the Council voted to place

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the moratorium, it was a unanimous vote. Chair Tracy added that it needs to be a bit more nuanced than that. There were Councilors that expressed some openness to further discussion of non-public uses of marijuana in the sense that there were private businesses not accessible by the public and they were open to discussing whether that was appropriate in Freeport and not banning it right at the get go. It was more complicated than that. It doesn't mean those Councilors were in favor of it but they were open to discussing it. She knows there are people here whom want to comment and his has come up because there are some people that have an existing business in the medical marijuana market and basically would like to continue doing what they have been doing but allow their product to be sold in the Adult Use market. We don't allow sales in Freeport so unless we were to change that, sales wouldn't be happening in Freeport but that may be an over statement. She welcomed comment and the Council would take it back up if it decides there is support for having Town committees look at this further.

Dave Swan of 24 Noble Drive pointed out that Chair Tracy was correct. He was at that meeting and it wasn't unanimously turned down. It was pretty much the way Chair Tracy stated it. He understands how this all has to happen and would like to see the Council further it on to the Zoning people to talk about where it would be allowed. He noted that his grower and his staff are trying to make a living and to his knowledge, there have not been any negative comments made about our particular operation or his building. For the most part, they don't want to draw attention to their business. He understands it is a complicated rule to figure out what part to opt-in on. If we can weed it out without opening the whole kettle of fish is where he is at.

Peter Ingram of 1456 U.S. Route One explained that he is one of the two that came in 2016. He saved money and bought a building and also operates the building and is the landlord. He is pleased to hear that maybe there was confusion if we had cultivators in Freeport and how that happened. They want to be good neighbors and have had a good experience with the Town. They have put a lot into their medical facility and this year the laws around marijuana are changing and they anticipate it will increase in medical patients. A lot of medicine goes to people using it medically but some of it is going to caregivers who are using it recreationally. He knows that the recreation market will take a lot of their business away. He is concerned about the stability of his business and the stability of his property. He asked the Council to do something as Portland has done, limiting the number of operators. Portland just announced that they might have only ten operators in a retail setting and are charging \$10,000 per license per year. He feels there is a way for Freeport to make a little money on them. They are happy to pay it for the opportunity. He also thinks the Council could limit to whoever or how many numbers it would like it to be. If there are two existing operators who are doing a good job and being good citizens, perhaps the Council would limit it to two. He asked the Council to consider that when it is making a decision. He assured the Council that it wouldn't notice any difference in their operation except for the label. They would be operating as a recreational versus a medical cultivation center. They would be growing plants indoors and nobody would notice the difference.

Chair Tracy noted the Council is not considering changing anything right now. It would have to go through a huge long process about considering what changes are appropriate if the Council decided to refer it to committee. Hypothetically, if the decision were made to allow recreational growing in Freeport in some manner, but didn't allow the retail sales, the store fronts, if you are a grower, does that mean you would have to sell your product outside of Freeport's borders? Mr. Ingram advised that they would have to sell their products in a store somewhere else such as the Portland or South Portland area. There would be no retail transactions happening here. It would only be from the wholesaler, cultivator to a store.

Keith McBride, FEDC Executive Director pointed out that they are charged with diversifying the local economy and they are waiting to hear, as are other folks, what are the rules on this because he has been told by developers and the business community to tell them what the rules are and they will figure out if

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they can make money under those rules. Everyone is looking to the Council on this. He pointed out that when recreational came up for a vote, the Town of Freeport voted heavily in favor, perhaps 57% were in favor. He would check with the Clerk on that number but he is pretty sure he recalled that. That is a pretty good thermometer about how the community feels about Adult Use. He is aware that there are some communities that have gone from nothing to a whole string of retail distributors on one street. The laws that have been proposed give a lot of control to the local level over that. The Council can limit it. It doesn't have to balloon in that fashion. There are ways we can talk about doing this in a way that works for Freeport. To not allow that conversation to go forward, he feels is a disservice not only to the potential users of this product but more importantly to the property owners and landlords who could use the opportunity to fill some of their spaces or build new spaces for light manufacturing or good buildings that are taxable for the Town. These are all good opportunities that we are passing up. He urged the Council to allow the conversation to go on and let's see what works for Freeport.

Josephine Holly of 24 Cheehawk Road noted she would have been very happy to have this brought up in September when everyone is back from vacation, kids are back in school and we could have had this at the Community Center where we could look at this as a community, not just a few people in a room discussing this. She feels we have to look at the long-range picture. She understands there is a lot of money to be made. She read a doctor's article on what happens to children that ingest marijuana. Medical marijuana is a different story for her. She doesn't think this is something we want to consider for our town and the image we want to portray for our community in the long range. She suggested having a community discussion on the long- range effect that this can have on our community.

Andrew Holmes noted he is a tenant of Mr. Swan on Noble Drive and they were approved to be there before any discussion on moratoriums happened. They have been there for three years and there have not been any issues or complaints. He understands the concerns that were just brought up but he doesn't feel it has anything to do with this issue because the edibles she spoke of will be available throughout the State. If you can drive two towns over and come back, it will not change anything. There are also cabinets full of prescriptions and breweries up and down the strip in Freeport and things children can get into that are not safe. The responsibility for education falls onto adults and children understanding what those things are. His children have been educated. They are looking for allowing them to use facilities they have been using in the medical market and what would change for them is the ability for it to be sold in a separate store. Right now, there are medical stores and their products can be sold to those stores. In the near future, they will have recreational stores and whether or not the same product would be able to be sold in those stores. They are not requesting for there to be any stores around here where you could obtain those items. They are operating large commercial spaces and have spent hundreds of thousands of dollars and their real concern is that once recreational marijuana comes on line, the medical marijuana will be phased out and there will just be cannabis use for everybody. If that is the case and they are only allowed to operate medically, they could be looking at a million dollars of infrastructure that is no longer useable and he is not sure what they would do in that situation. He wanted to show his support.

Joyce Veilleux mentioned she is speaking for her husband and her mother, Helen Clarkson of Maquoit Drive. She is not an expert in marijuana and doesn't partake at this point in her life but likes to research things. She hopes that we can all say we don't want an outdoor grow with 8' fencing, barbed wire, lighting, etc. She hopes we can take it off the table immediately. It is not the visual effect we want in our town. We want to maintain the rural feel of our neighborhoods. Her research shows that in all states where recreational marijuana has become legal, there are many big companies that come out and swallow up the small growers and flood the market with cheaper products. Some of these companies are in Maine and will do the same thing here. It is her belief that the Council should not change our ordinance. If the Council allows the current cultivators to convert, it is her opinion that they will need to increase their size in order to try to compete with the larger companies. She has heard that people in Freeport voted for the

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referendum. People she has spoken to indicated they voted to be able to enjoy a joint on their property with their friends without worrying about cops coming over and they will be able to do that. We don't have to have the industry in our town. The State Senate has already put through a bill #1621 which is in carry over status that would allow delivery service of Adult Use Marijuana so anybody in Freeport will be able to get anything they want without it being grown, produced, manufactured or sold in our town.

Vaughndella Curtis pointed out that she has lived in Freeport all her life and worked hard to make it look like it does and she is not making her decision until it goes before the other Boards. She feels that is the place for the Council to find out what is going on before the Council votes on it and let the whole town know what is going on. Growing your own three plants is great and she feels they should be allowed to do that and she is in favor of the medical marijuana.

Andrew Arsenault of U.S. Route One stated that a home occupation in Freeport is allowed 600 square feet and no more. He is curious if we are going to increase the space for these people, we should increase the space for all home occupations. He asked if this product is legal on a federal basis and will it affect any funding for the State of Maine. It is not legal on a federal level. Chair Tracy advised that it is not legal on a federal level. Mr. Arsenault is in favor of medical marijuana and if something can be gotten out of it that makes people not hurt, he is all for it. Chair Tracy pointed out that there is no proposal to have medical marijuana retail sales in Freeport. It is just to grow in private facilities wholesale.

Mr. Joseph mentioned there have been no consequences in terms of municipalities, however, that does not mean there will never be any consequences. It is currently a Schedule One federal drug and serious. If the federal government ever chooses to enforce that, it is serious. Vice Chair Gleeson explained that it is serious enough that if you have it on your boat in the bay in your own town's waters and the Coast Guard boards you, you could lose your boat. Mr. Joseph would not suggest having anything in your possession around a federal agent.

Chair Tracy noted that the Council appreciated the feedback. It is a difficult issue and there are reasonable people on both sides of it. She reframed it to avoid confusion. The Council is not considering whether or not to allow recreational or Adult Use market growing of marijuana in Freeport right now. What we are deciding whether we refer it to the appropriate Boards or Committees to have the discussion. If we decide not to refer it, that would prevent the discussion and would prevent any decision one way or the other. That would preserve the status quo. It sounds like there are two medical marijuana growers in Freeport and they would be able to continue their business of growing wholesale medical marijuana but they would not be able to sell their product in the Adult Use market. That would be the effect of not taking any action tonight. She opened it up for Council comment.

Councilor Reighley noted this is a very timely discussion because the Maine Municipal Association has a workshop scheduled on August 21. He is planning to attend and if he is the only representative from Freeport, then he will represent the Town at that meeting and will bring back pertinent information that can help us with a decision. He would personally favor moving this in the direction of the Planning and Ordinance Committees. Chair Tracy agreed that if we were to decide to refer it at this point, it seems like Planning and Ordinance would be the natural first steps but that doesn't mean that they would be the only Board that would consider it. All those boards and committees would have public processes around their discussion. Councilor Reighley encouraged other Councilors to attend this same conference which will only be in the afternoon in Saco.

Councilor Horne noted he is of the mind to preserving the status quo. He is not in favor of sending this on to committee. He is a no on this topic. Councilor Lawrence feels the Council should at least have a discussion because otherwise it will keep coming back. Not having a discussion is not the right way to go.

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Vice Chair Gleeson noted he is fine with the medical grow facilities and knows where they are and feels they are good operations. He knows it does a lot of good. He is a hard no like Councilor Horne on the retail use and he understands the quandary they are in when they look at the medical clients and they may be drying up because of a new way of using it. He worries that while it seems very fair to have a building and the same use and no one will ever know it is there, the Town has now unlocked that one thing that we kind of allow this recreational use and it starts opening up having a small retail shop off the side. He is a business owner and he would, so he worries about the slippery slope. He is one of the Councilors that supported completely all six of the non-uses and he will stick with it. He does not want to see retail stores in Freeport and this may lead towards that. It is his main concern. He has been doing this a long time and sees how it progresses. Councilor Whitney is still a hard no. She has been going on some field trips to visit cannabis shops so she could be more educated. She fears if we open this box, it could lead to wanting a bit more. While that is not what is being discussed tonight, she is concerned with it. She shared her experience in visiting the cannabis shop. She hopes the local businesses will sustain without the Council changing the ordinance. Councilor Egan feels it is important to have a fuller discussion. He is not in favor of expanding or introducing any opportunities for retail allowances in the zoning. Having watched Planning Board conversations about other high profile, that is the avenue where you get a lot of the information out on the floor and that is the avenue where you hear what the community thinks. They are well advertised. This was not an agenda item tonight for a public hearing but just the appearance of it brought a certain amount of people to the meeting. When there is a full explanation of what may be considered and have an extended period such as a couple of hours on a single topic, that is where you really get at what is really going on. He is not in favor of any introduction or expansion of any retail uses that were part of the original five, he doesn't feel it is appropriate to shut the door on the conversation without hearing a much fuller perspective of what may or may not be possible with existing businesses or potentially new businesses that may operate in a similar or identical manner.

Councilor Reighley feels there is a strong reason for the understanding that the medical marijuana side of growing is in a wind-down situation because the availability throughout the State of recreational sales/growing is very much a key part of that. We are seeing it State wide. If we did a change here from strictly medical marijuana growing to allow also the retail medical marijuana growing, we are still not changing the market place where things can be picked up legally. His wife is a certifier for medical marijuana use and has seen a decline in the number of certifications and recertifications given out because basically the person who has subscribed to the belief of medical marijuana is now doing it on the retail side. It is less expensive for them to do it that way. What is happening for these growers is the potential loss of revenues, yet they could maintain their revenues if they were allowed for the retail sales. Again, as long as we don't allow any shops in Freeport, we are continuing to allow a usage diversified into both components. There is a lot more information out there and the State has provided bills and legislation that may make it better to understand the position and the strengths and the weaknesses. This is the reason he is going to attend this workshop and would like the Council to have a fuller discussion rather than just saying no to the flexibility of listening. Councilor Horne pointed out that it is illegal under federal law. Councilor Reighley explained that in the 1900s, anyone could walk in to any pharmacy and pick up cannabis materials and drug manufacturers took it off the shelves. They are the reason why cannabis is not legal and they are the ones holding it down. They are now realizing the monetary potential out of legalizing this and there will be a big shift. We will see the federal government changing its whole schedule.

Chair Tracy is not sure whether the recreational Adult Use growing of marijuana is appropriate for Freeport and she has concerns about the gentlemen who are here tonight who are respectable and the type of people we would want to encourage having businesses in our town. She does have concerns about what allowing recreational growing in Freeport would do if they were to be acquired by bigger companies that were not home grown. She is concerned about where these activities are allowed even though they are

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activities contemplated to be private in the sense that they are not selling out of the structures. They are just growing wholesale and take the product somewhere else. She is opposed to any sort of retail recreational activity in Freeport. She doesn't feel stores are the right direction we want to bring Freeport but in terms of this question whether we discuss further to allow marijuana to be grown in Freeport for the Adult Use market where it is already being grown for medical purposes in existing facilities, she thinks the Council should have that discussion. We should allow the discussion to occur. Her policy on the Council has always been that if people want to talk about it, we talk about it and we don't shut it down. Regardless of whether she personally feels it is the right decision or not, she feels the Council needs to look at it and be open to listening to the information and then make a decision about what is right for Freeport. She has the confidence that the members of the Planning Board and the Ordinance Committee are experienced enough to take on complicated issues. She acknowledged that this is contentious but it will ultimately come back to the Council and the Council will make the final call but having the benefit of all of the considerations and the recommendation of the expertise of the Boards and Committees that we have entrusted to take on difficult issues and decide what is the right outcome for our town. She does not feel comfortable sitting here with the lack of that information saying no, that conversation shouldn't even start. She does not feel that is the right way to go. She would support having a rigorous discussion about which board or committee should take it on first and what is the appropriate process for something that is as weighty as this but to allow that conversation to happen. The other concern she has with respect to the Planning Board is that they have a myriad of issues on its list and she has concerns about giving them one more that is time consuming. It sounds like we have a majority to send it on for further discussion but what is the right first move. If the Planning Board ends up being the first home for this discussion, she would indicate that her preference is that this not take first priority. These growers have the ability to operate their business now. She understands they are anxious and interested in how this is going to come out but we have a lot of significant issues going on and she appreciates their attention to detail and their checking in but she says right now that this is not going to be at the top of the list in terms of importance. The Town should take the time to consider this in due time and also with the appropriate process and doesn't think whatever Board should be pressured into doing it extra fast just because we have some anxious business owners. That is a note of caution for what it is worth.

Councilor Horne is under the impression that if the Council sends it to a committee, we are giving it legs and they will be drafting language and it will start the train in motion and things get momentum. He is not sure we want to start the train down the tracks if at the end, we have a room full of townspeople wondering what this is all about. He feels we are putting the cart before the horse if we send this into a committee structure. He feels the Council should have a conceptual conversation for our town before sending it into a committee setting. He is open to thoughts. Councilor Lawrence feels we need to have a conversation and if it was Planning, there would be a conversation about how are we going to do this. Zoning would do the same thing. This is the process we have now.

Mr. Joseph mentioned that the Council would provide some direction. The question would be posed to the Planning Board on where and what reasonable restrictions would you place on this if we were to allow it. He agreed with what Chair Tracy said and this becomes a secondary discussion. The primary discussion would happen at the Council or Ordinance Committee. Councilor Egan mentioned if there is any place where this should go, it would be to the Planning Board first rather than the Ordinance Committee. The public will come out and voice their concerns and sometimes they are two- or three-hour meetings with lots of testimony and presentation of fact. He agrees with Chair Tracy that a conversation is important. The issue why it is being sent to the Planning Board is that we have a request from an existing and good standing business to say they need a change which includes changing our Ordinance. That is why he thought it would start at the Planning Board.

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Mr. Joseph added that when municipalities allow any specific marijuana business, there is generally a robust ordinance writing process that doesn't have anything to do with planning, which is licensing, some sort of opt-in language and a licensing ordinance that is usually separate from the zoning process. The Council drafts and comes up with licensing language that is not zoning. That is what the bulk of municipalities end up deliberating on at length. You can limit the number of licenses, the cost, regulations, health and safety things that have nothing to do with zoning. You then have your zoning on top of it which are the performance standards where it goes and any additional zoning requirements. This is the bulky one which is the Council lift. The Planning Board would not be the bulk of it.

Councilor Whitney mentioned she doesn't want her voice to be stronger than the community's but wonders if we could put it on an agenda before moving it to another committee so it gets the visibility. She knows people didn't see it because it was placed under Other Business. She asked if it could be put on an agenda and then vote to move it. Chair Tracy noted we just gave it legs. There was a majority in the straw vote in favor of having a discussion but the question is where is it going to occur. Councilor Reighley suggested having workshops on this and it can be with Planning and Ordinance combined or however we wish to do it. It would be a meaningful way to get a lot of public input and then maybe Ordinance takes part of it and Planning takes another part of it. We can work together to bring it forward.

Joyce Veilleux recalled the discussion that took place on the soccer field issue and it was held at the Community Center and allowed the public to come in. She suggested scheduling a workshop there and there would be more public input and it would be well run. It would be well announced.

Chair Tracy pointed out that this feels like a policy decision and we need to provide some direction and not just launch it on the Planning Board. She would be in favor of the Council facilitating the discussion in the first instance. She is not sure that Ordinance might be the right body to talk about the number of licenses, that is a three-member body and it doesn't feel like the full composite of the policy making function of the Council. It would be a shame if Ordinance spent a lot of time on it only to have it go kaboom at the Council so she would support having the Council and she agrees with Mrs. Veilleux that it should be well-publicized in the fall when everybody is back whether as a policy matter it should be pushed forward. Councilors agreed that this felt right.

Vaughndella Curtis explained that she mentioned the Planning Board because we have two legal growers here and it's up to the Planners to start making a decision as to where the growers should be going in areas in Town. She has no problem with the Council doing what it does. It would be a good idea for the Councilors to review it.

Chair Tracy suggested taking it to a vote. The concept is we will run a well-publicized special meeting on the topic of should Freeport modify the moratorium against Adult Use known as recreational use growing in Freeport to allow recreational use or Adult Use growing in Freeport. The question on the table is whether the Council should host a meeting on this topic. **ROLL CALL VOTE:** (7 Ayes)

Councilor Egan suggested having a non-Council member facilitate the meeting. Chair Tracy agreed.

2. Discussion of citizen request to consider an ordinance regulating Short Term Rentals

Chair Tracy explained that in our packets we have an ordinance put together by a group of our residents related to Short Term Rentals restrictions in the Town of Freeport dated as of June 27, 2019. This is an item we have taken up in the past and decided not to move forward on considering rule changes with

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respect to Short Term Rentals or regulating Short Term Rentals. This is something that keeps coming up and her policy has always been that when it comes up, we discuss it.

Joyce Veilleux is in the audience and had a strong hand in crafting the Short-Term Rental Ordinance. She has met with some of the Council but it will be helpful for the public to understand why she has proposed this and what the ordinance proposes to do.

Mrs. Veilleux of Island View and District 2 explained that Maine has done a pretty good job of marketing our beauty which has led to an increase in tourism and an explosion of short-term rentals in our areas. This allows property owners to get a direct financial benefit from the increased number of tourists. They understand that there are many reasons why homeowners want to open their doors to paying guests. They are not asking that that practice be stopped in any way. They are asking that the Town consider enacting an ordinance that would not only protect local residents who are currently participating in short-term rentals but also protect their neighborhoods from what they see is commercial usage. They spent time looking at Statutes from other states and cities and towns, some of which are in Maine. They tried hard to look at it from different perspectives. They saw owners who live here year-round and there are those who live here and want extra income for any reason and then there is a third group who live outside of our area who do not live in the house and rent it out. Some people in their area are renting their property on Hotels.com and they go through 3 or 4 changeovers a week. A cleaning company comes in during a changeover and cleans and throws the garbage into a can and they have had garbage sit there for up to four months. It stayed there all winter because no one put the can out on the street so the company can pick it up and take it away. Wildlife has found it because no one takes it away.

They are asking the Council to look at and enact an ordinance that will help them police some of that. It will give the Police Department a way to handle it. They are asking for a simple registration because right now if something happens in that household the police or public safety people do not know who to contact. That is a problem. If they are not here locally, they are asking that they mandate a local company that is responsible for responding if there is a call, if there is trash blowing around in the yard, if there is a fire alarm going off, whatever the reason may be. Before the Council is a framework of a proposed ordinance and it is their hope that the Council will ask the Ordinance Committee to look at this subject. She personally thanked each Councilor for the time he or she gave her and she looks forward to multiple discussions on their thought processes on each and every carrot. Councilors thanked Mrs. Veilleux.

Chair Tracy noted that Joyce accurately framed the discussion before us. The proposal is to send this to the Ordinance Committee to screen the issue. It is clearly an ordinance and the Ordinance Committee can take it up. Obviously, Ordinance does have other issues on the table, but she feels it can probably handle this.

Councilor Reighley asked how many different communities Joyce has copies of their ordinance and asked if she has a representative that can come forward from the Bed & Breakfasts to explain what they have been able to accomplish. His and Vice Chair Gleeson's suggestion was to send it to State-wide Bed & Breakfast owners to come up with some type of language that would be appropriate and thirdly, he passed out a copy of the South Portland Ordinance on this. It is interesting because they had an ordinance. They rescinded the ordinance and now they have a new ordinance in place which they are currently enforcing.

Mrs. Veilleux noted she currently has a bunch of ordinances but her printer ran out of paper. They looked at several on line but they looked at Massachusetts that just enacted their State-wide ordinance. Registration, insurance and taxes were included. They are actually doing a 5.7% tax State-wide and the locals can do their own. The Cape is doing their own 2.75 for water issues. She listed all the states they looked at. She also looked at Maine communities as well. She would love to see a State-wide ordinance

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but it is a long-term goal and hopes the Town of Freeport would be able to enact an ordinance a little quicker than Augusta. They did talk and met with owners of Bed and Breakfasts. The owners of Kendall Tavern would be more than happy to bring their group to discuss this with the Ordinance Committee.

Councilor Horne mentioned he is not yet sold on the concepts. He needs to learn more. He asked if there is something deficient about our Noise Ordinance that makes it harder for folks to get redress in a situation when they are being disturbed by a neighbor. Joyce noted that noise is not so bad now. The two places in her community that were making noise have changed their ways so to speak. For instance, if renters don't like the stairs at their house, they use the neighbors' stairs. She has them on camera going up and down doing their morning routine for exercise using the neighbor's stairs while the owners are sitting and having coffee. She mentioned fire pits that are placed right on the property line and unfortunately there are a few people out there who are not considerate and ruining it for the many. Right now, there is nothing that can be done about it because there is no ordinance for these small things. Parking has been an issue on Lower Flying Point Road during parties. This has been addressed in the proposed ordinance. Most of this is happening in the places that are not hosted. It is an owner that is not here and is not policing their guests. Joyce has no one to call. In their ordinance they asked for a local company that can respond within 60 minutes if there is a problem. In the ordinances she has reviewed, this first stop is universal in all of them. A lot of them are much stricter.

Chair Tracy reminded Councilors that the item on the table is whether this gets referred to the Ordinance Committee. Vice Chair Gleeson noted in all his time on the Council, he has not seen someone come in and write a proposed draft. He feels they have done their due diligence and it is at least worth sending it to our Ordinance Committee to take a look at it. This is a thoughtful proposal. Councilor Horne shared that view and noted he would like the Noise Ordinance to be looked at as well. It mentions no loud phonographs which he suspects was written a hundred years ago. He supports sending it to Ordinance. Chair Tracy advised that she has dealt with difficult property renters. Some are responsible and others are not but unfortunately, they ruin it for those that do it right. She feels that it should be discussed at Ordinance but her approach is let's first try and deal with it within the constructs of the regulations we have and see if there is a major issue that needs to be addressed that cannot be addressed by our regulatory framework. She feels it is worth discussing this. She appreciates that Joyce took the time to draft an ordinance and we should work through it and give it its due. Any ordinance that we enact needs to be enforced and any enforcement takes staff time and ultimately staff funding. She has some concerns about creating a whole regulatory framework when we should also consider if the bad apples can be addressed in other ways. That is her comment but she supports considering this further at Ordinance and she will be spending the time doing it since she is on Ordinance.

Councilor Reighley supports the fact that we should consider it before Ordinance but more importantly he feels this is a State-wide issue and should be addressed through the State. Coming back down to us, is an enforcement if the fines for violation of the Ordinance are significant enough, it may offset the cost of having staff time to do it. He asked if we get to keep all the money. Mr. Joseph doesn't think the goal is to make money on the enforcement side. It would be to get to understand what the staff load would be and design the fees for such a program to offset the costs. He would want to see if we are going to regulate it and 10 hours a week are needed or possibly more, that there is a way to pay for that time. He does not feel we need to make money. He has discussed this with Mrs. Veilleux. Councilor Reighley noted this is not something that will happen overnight.

Chair Tracy heard there is support to send this to Ordinance. She has not heard anyone opposed so with that we will send it to Ordinance.

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Councilor Horne advised that he was contacted by a constituent who is concerned about cars idling at the Hunter Road fields. He doesn't know if this is something the Hunter Road Fields wants to take up. It is also happening at the school athletic facility. Clean air makes good athletes. He asked if there is a way to put up more signage for no idling. Vice Chair Gleeson mentioned in all fairness, it has been pretty hot and air conditioning is probably at fault. Councilor Horne says more signs is the request from his constituents. Mr. Joseph offered to research and see if this is in our ordinance. Councilor Horne noted there is something in Freeport that says you cannot idle for more than 5 minutes.

MOVED AND SECONDED: To adjourn at 9:10 p.m. (Reighley & Gleeson) **VOTE:** (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary