

MINUTES
FREEPORT TOWN COUNCIL MEETING #22-21
30 MAIN STREET, FREEPORT-TOWN COUNCIL CHAMBERS
TUESDAY, OCTOBER 19, 2021
6:30 p.m.

<u>ROLL CALL OF MEMBERS:</u>	PRESENT	EXCUSED	ABSENT
Edward Bradley, 242 Flying Point Road	x		
Jake Daniele, 264 Pownal Road	x		
John Egan, 38 Curtis Road (Chair)	x		
Henry Lawrence, 93 Hunter Road	x		
Daniel Piltch, 25 Quarry Lane	x		
Tawni Whitney, 56 Baldwin Road (Vice Chair)	x		

Chair Egan called the meeting to order at 6:30 p.m. and welcomed everyone.

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 #21-21 held on October 5, 2021 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #21-21 held on October 5, 2021 and to accept the minutes as printed. (Lawrence& Piltch) **VOTE:** (6 Ayes) (0 Nays)

THIRD ORDER OF BUSINESS: Announcements

Mr. Joseph recognized the passing of Ed Bonney last month. He was a long-time Freeporter and public servant. Mr. Bonney was chosen as Citizen of the Year in 2000 and Mr. Joseph read through the long list of his accomplishments which were amazing. Mr. Joseph found it incredible that Mr. Bonney was doing Town government work 50 years ago and then 50 years later doing the exact same thing. Chair Egan agreed losing Mr. Bonney is a big loss for our community.

Chair Egan announced:

- Public Works Department currently has job openings. Interested applicants should contact Judith Hawley at 865-4743 x119 for more information. Job postings are also available on the Town website.

- **Absentee ballots for the November 2, 2021 Election can be requested by contacting the Town Clerk's Office at 865-4743 x 122 or 123 or going to www.maine.gov.** Voters may now vote in person at Town Hall. More information on absentee voting can be found at www.freeportmaine.com

- **Nominations are now being accepted for 2021 Citizen of the Year**
Each year the Freeport Town Council presents a Citizen of the Year Award to honor those who have significantly contributed to the quality of the Town. Nomination forms are available at the

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Town Office and on the Town's website at www.freeportmaine.com. Deadline for nominations is December 9, 2021.

- **Freeport Conservation Trust's 2021 Freeport Trail Challenge**

is on! Covid-19 has changed the way many of us do things, but fortunately getting outside is still considered a safe activity. Hike the four specified Freeport trails and you will win a prize.

You can print your own trail passport at freeportconservationtrust.org; you can have your passports mailed to you by calling the Freeport Conservation Trust at 865-3985x212; and you can also enter by sending FCT pictures of yourself on each trail at info@freeportconservationtrust.org.

For the safety of everyone, please keep your distance from other parties in parking areas and on trails. Leash your dog and wear masks if other people are around.

Vice Chair Whitney announced that Freeport Friends and the Freeport Chamber of Commerce will be holding a Job Fair tomorrow at Oak Leaf Terrace at 12:30 p.m. If anyone has any interest in employment, or they just feel like they don't want to be so isolated this winter and think that getting out and helping the community a bit so these storefronts can stay open, this would be a great place for people to come and hear about all the opportunities. There are many job opportunities but we also have some volunteer positions at the high school to help with sporting events. If you have any interest at all, please come down tomorrow at Oak Leaf Terrace at 12:30 p.m.

FOURTH ORDER OF BUSINESS: Information Exchange

Chair Egan noted there are close to 30 Boards and Committees that are active with Town government and that is where the business of Town government often happens so it is important for the Council and community to stay in touch.

Councilor Piltch wanted residents to know that they have been exploring the idea of having a Farmer's Market in Freeport next summer. He has been working with Visit Freeport on that and they are looking for feedback and volunteers to see if they can get that off the ground. If anyone is interested, he asked that they let him know.

Councilor Piltch advised that they had their inaugural meeting of the Police Advisory Committee. They had five interested citizens and an interested resident that met last night at the Community Center. There was great questions and curiosity. He is confident it is going to be a great committee. They do have two vacancies reserved for high school students interested in participating so if anyone knows someone that is interested, please let them know.

Vice Chair Whitney noted this is her last business meeting as a Councilor but she wanted to update the Council that the New England Bike Association has been trying to develop some trails at Hedgehog Mountain. Once they are developed, they will come before the Council for consideration. We think it is a great use of our trail systems that we already have out there. One of the wonderful benefits about this group is that they have a strong following for fat tire bikes. With that fat tire bikes, it would be a great economic boost for us in months when Freeport gets rather quiet. This is a great thing that we have. They have said they have never found it so easy to work with any other municipality than Freeport. They advised they usually have to convince a municipality to listen and they appreciate the fact we were right there at the beginning.

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Vice Chair Whitney pointed out that usually at this time Mary and she give the Council an update on the Downtown Revisioning. Mary is not here with here today physically but she mentioned she would be here soon. Vice Chair Whitney advised that that work is still going on. They originally planned to have their Design Week this week but chose to delay that to a time later in the following year where we can do it in person. They felt like for such an important and expensive project they are doing, it would be most important to do that when they could be together. Zoom just doesn't replace what they can do together. Principle's lead consultant was here with them last Friday and met with several stakeholders around town. She felt it was impressive to be a part of that walking around because these people who own so many businesses and properties downtown can feel vulnerable. They have a lot at stake. Having our consultant be able to talk with them specifically about their concerns and needs, it felt really important. It is another way we are coming together as a town and we are so much stronger because of that.

Phase I saw a lot of pop-up projects. She advised that those pop-ups will be going away on November 1. Earl and his team will kindly come and pick them up. The skate park, the pizza park and the hot dog park will all go away but we are in hopes of them returning in the spring. They saw nothing but fabulous things happen because of those pop-ups. She thanked Earl for setting those up and also taking the time to take them down.

Vice Chair Whitney announced that FEDC President, Keith McBride is leaving us to go on to bigger and better things. She started with a quote: "There is no limit to the amount of good you can do if you don't care who gets the credit" by Ronald Reagan. She mentioned that is what she thinks about when she thinks about Keith. Before she got elected, she felt that Keith was a person who always wanted to do the job and didn't care who got the credit. That was exaggerated when we started to do the downtown work. Keith was always there being supportive and working behind the scenes. He never cared if he got the credit or not. She is going to miss working with him.

Mary Davis was on the screen and advised that she wanted to take this opportunity to thank Keith for his nine years of service to Freeport. In the last few years, he was involved in the successful completion of the L. L. Bean TIF. He brought three ordinance changes forward that Caroline got approved that helped developers and supported strategic planning with both FEDC and this Downtown strategic planning. There are so many businesses that Keith helped steward through the process and brought them to Freeport. She wanted to wish Keith the best of luck in his future adventures.

Keith mentioned that Mary is still his boss for a couple of days. After 9 years speaking at this podium, this is the part of his job he has liked the least. He noted it has been a privilege and when he took the job, he didn't know what he was doing. David Latulippe was president at the time and he was confident that Keith did. He and all the members of the Board have guided him over the years and they deserve so much of the credit. He feels they got so much accomplished and he is extremely proud of that. He thanked everybody for the opportunity and that it has been a pleasure serving the community of Freeport. Freeport will always feel like home to him and he will always be available by phone if anyone needs him.

Councilor Bradley asked Keith where he is going. Keith advised that he accepted a position to be an Economic Developer Planner for North Star Planning. Right now, they are working with Caroline for a Sign Ordinance revision and that might be something he will get involved in.

Councilor Bradley pointed out that he served with Keith on FEDC and later on the Council and particularly with respect to the Arts and Culture development of the Arts and Cultural Alliance which was not really a business deal. It was a bit outside the parameters of FEDC and he wanted to say that Keith saw in the Arts and Cultural Alliance an opportunity for the town that was not purely economic. It was cultural, it was community and Keith managed somehow to fit himself and his job into everything it

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needed at the beginning. If it hadn't been for Keith and his persistence and support, it wouldn't have happened. Now we all know where it is and we are all happy it is there and it is doing good things. Keith deserves a lot of credit and he feels the town is well served by that. In addition to all the things Keith did in a purely economic realm, he will respect and appreciate Keith for that for the rest of his time. Keith added that he appreciated Councilor Bradley's comments. He encouraged the Council to continue to put their faith and trust in the FEDC group because they have the right view on the connection between community development and developing those unique assets we have. Keith also thanked Ms. Davis for teaching him a lot in a relatively short amount of time.

Chair Egan congratulated Keith.

Chair Egan advised that he is trying to schedule an Ordinance Committee meeting sometime possibly in the next two weeks or so. He has some comments coming forward and wanted to be able to have the constituent come to a meeting to discuss the process.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph advised that he was asked by several groups of employees who have been fielding calls about temporary political signs. He read off the requirements because we have been getting complaints at the Clerk's Office, Public Works, his office and questions more so than complaints. These are State laws that apply to all. We noticed that some of the signs were not complying with this. The Clerk reached out to those that were locally based and the Public Works Department will start tomorrow. He noted that we tried to let people know we were going out to do some of this enforcement. We are not going to be able to notify the Statewide and national campaigns. All of the applicable State laws include that a temporary sign has to be marked with the name and address of the person placing the sign. It could be different than the actual candidate. No political sign may be placed within 250 feet of a polling place. The Town Hall is a polling place until Election Day because we are doing Absentee and early voting here. There is a little "E" on the pavement on Main Street and Holbrook Street 250 feet from the entrance to the Town Hall. If signs are placed within the right of way, they will have to be removed because it is considered an election violation by State law. Temporary signs can't be closer than 30 feet to another temporary sign with substantially the same message. If they have the same message, they have to be placed 30 feet apart. Temporary signs can't be more than 4x8 feet and they cannot block the view of an intersection or a driveway entrance or just generally traffic. That usually applies to the bigger signs not the lower ones on the ground. They never block traffic but the bigger ones will. We will start working on that later this week and we usually only respond to complaints when people call in and say they saw a sign that looks like a violation. That usually goes to the Clerk's Office and then out to Public Works. Public Works is the only department authorized to remove signs for the Town.

Councilor Bradley asked if the Town was going to go out and take signs down? Mr. Joseph noted if they are in violation of State law, we have to and we do this every Election. Councilor Bradley feels this is a free speech and it is hard to campaign in this Town so signs are really important to an Election. He probably doesn't have to say this but he wants to say it because he doesn't want anyone to misunderstand the Town's role in this. If it is discretionary and close, his judgment would be to leave it up but he understands that. From one Councilor's position, he would like to see us exercise our discretion with respect to this removal with an eye towards the need for people to get their message out. Mr. Joseph advised that we don't go around and patrol every single spot in town. If there is a complaint and it is valid, they will be removed. He added that the town does not destroy or throw away signs. They are held at Public Works during business hours and can be picked up. If it is a local candidate or campaign, we will call them and advise we have their signs here so they can take them and put them somewhere. The Town Clerk will also give them information on what the issue was with their sign.

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Mr. Gibson advised Councilor Bradley that he is the one that actually takes the sign down and he always errs on the side of caution. If there is any question even remotely, it gets left. This only applies to signs within the public right-of-way.

Mr. Joseph had two pieces of employee movement to announce. Formerly Sergeant Paul Powers was promoted to Lieutenant after a selection process. Former Officer George Savidge was promoted to Sergeant. This occurred last week. Lt. Powers has worked for the Town for many years. Sgt. Savidge is a new hire by the town but most recently worked in the Town of Falmouth where he was a Sergeant there. He actually transferred to Freeport and took an Officer's position a couple of years ago and was recently promoted. We are happy with both of their work and he wanted to thank them for the willingness to step up. It is a very tough environment in that profession. We are lucky we have internal candidates. A lot of areas are having trouble filling those types of roles.

Mr. Joseph announced reluctantly that we have two planned retirements at the end of this year, December 31. They are both department heads. Arlene Arris who is our Library Director and the second is Bob Konczal who is our Assessor. They are both at retirement age and have worked for the Town for many years. While he cannot fault them, he would like them to stay five or ten more years if they were willing. It is a fair decision on both of their parts. We will be starting a recruitment process for both of those positions in the next two weeks or so.

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

Bob Stevens of 50 Moose Crossing advised that on September 7 Councilor Bradley appealed to the Council about the need that had been brought to his attention by a small group of people which included him concerned about Climate Change and what we could do to produce some kind of reasonable action to deal with it. They have gone out and tried to do a little start-up work. They have checked in with the Sustainability Committee as Councilor Piltch suggested. He attended a meeting last night and are in sync with them. So, they will be working together and will not be reinventing the wheel. They have also gone ahead with the idea of having some small gatherings where people could hear from people who know about the crisis and discuss ideas they think might be appropriate to consider and perhaps bring back to the Council and perhaps do on their own. They have been scheduled for the first three weeks of November in various places in town including the Library, Bessie's Porch, Coffee by Design, Wolfe's Neck Farm and Maine Beer. We will see what comes out of those meetings. The idea then would be to move ahead. They have the Community Center reserved for Thursday, January 20th for a forum and they will have to work closely with the Sustainability Committee and the Freeport Community Center to have a wide event and keep it safe so they can have as many people there as possible for that event. They are working on that. They also picked up on comments made by the Chairman at that meeting about the possibility of having some assistance from GPCOG and the Town has been a member for years. We pay dues and our Planners Caroline and Cecilia have had a meeting with GPCOG and they followed back and advised that this is what they can do and there is probably some money here that can be used. For nothing, what they can do is help us get going on some kind of assessment of what the energy use is here in Freeport. We have residents, businesses, Municipal government, schools and areas that are using energy and electricity and we can get an assessment of a base line there. For no more than \$6,000 we could have GPCOG working with us so they would like to suggest that the Council seriously consider that. The one thing that would be proposed is that GPCOG would make available CLEAR PATH which it has to pay to be a member of. The Town would get the advantage of that by your membership. It will not cost you any more. If you wanted that same planning program, the community would have to be a member and you would have to pay a membership fee. You really have yourself pretty well situated to take advantage of what could come down the road to help. They want to help everybody they can to deal with the situation.

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Councilor Bradley noted that Mr. Stevens and his wife introduced him to project Draw Down which was a great introduction for him into actions that individuals and organizations including governments might take to address the rising temperature in the environment. On their website they have offered to people interested in having speakers and experts either in-person or zoomed in or what. He asked Mr. Stevens if he has taken a look at that as a resource for any of the things he is talking about. Mr. Stevens noted he has not individually and he cannot speak for his wife with respect to that question. He will let her know right now.

Chair Egan thanked Mr. Stevens and his group for putting some energy in this and bringing it forward and putting a fine point on it for some action items for the Council to consider. He thinks Mr. Stevens is now in receipt of the number of activities and things the Town has done to address Climate Change and reduce its carbon footprint and carbon emissions. We have been underway with that for a couple of years but probably not doing much to talk about it which hopefully the Forum can actually do some highlighting of that. Mr. Stevens added that the Forum definitely will and he will provide the dates so they can be published in any way Chair Egan thinks will be helpful.

Lee Chisholm of Hunter Road noted that some Councilors knew his wife, Sukie Rice who was on the Sustainability Committee. He is here because Mr. Stevens' wife, Kathleen Sullivan called him a week ago to tell him about this idea and handed him the minutes from the September meeting when Councilor Bradley and Chair Egan spoke about this with such positivity and it lifted his heart. He recalled the driverless train in Quebec that was not properly braked and began to move down a grade and seven miles and 18 minutes later exploded. He often felt with climate movement we are like sleepers while the driverless train is moving along. He recognized now that things are waking up and he is excited. He wanted to say that time is short. He thanked Kathleen because he feels she has hit upon a key element and he sensed from reading the September Minutes and hearing the Council tonight that we are all at one with it. We are talking together and brainstorming ideas. He is a Middle School Teacher. He would like the Council to give space during every meeting time to check in about climate with Kathleen, Bob and their group of which he is happy to be part of. He advised Councilor Bradley that he felt the book Project Draw Down is a wonderful book.

Councilor Bradley feels Mr. Chisholm's idea of finding space at this meeting every time we meet for a snippet of something makes sense. He mentioned the Council has an Information Exchange at every meeting and anybody could come in here during every meeting and take 2 or 3 minutes to say something about this and keep the Council alerted and aware of what is happening whether it comes out of Bob's ideas or Kathleen's. At every meeting if we are dealing with this, it would show not only our commitment but would also convey information that is important to the community.

Mr. Stevens agrees that is a great idea. The Council has the ability to do that now. They have great staff. Cecilia Smith, the Assistant Planner is the Staff person to the sustainability Committee and the Town Manager and Council Chair have put them in touch with them so they are bouncing ideas off them. They also can have a minute or two as Staff to have some ideas to bring back. Chair Egan felt that was a good idea.

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

ITEM # 207-21 To consider action relative to adopting the October 19, 2021 Consent Agenda.

BE IT ORDERED: That the October 19, 2021 Consent Agenda be adopted.
(Egan & Lawrence)

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

VOTE: (6 Ayes) (0 Nays)

ITEM # 208-21 To consider action relative to amendments to Chapter 4, Freeport Personnel Code, Section IX Work Hours and Work Week, to change the Hours of Operation for the Public Works/Highway Department. PUBLIC HEARING

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

VOTE: (6 Ayes) (0 Nays)

MOVED AND SECONDED: To close the Public Hearing. (Lawrence &

Piltch) **VOTE:** (6 Ayes) (0 Nays)

Earl Gibson, Public Works Superintendent explained they are asking for the change to basically keep their hours the same as their summer hours. There will be no effect to the budget or to service. Councilor Bradley clarified that they will be adding one hour to four days and doing away with Friday hours. He asked about what would happen if it snows on the three days Public Works is not working. Mr. Gibson assured him that the department will come in anytime they are needed. That will not change.

Mr. Joseph added that this is an employee morale booster for people having to drive 20 miles or so for a four-hour Friday. Since this is her last Council business meeting, Vice Chair Whitney thanked Mr. Gibson for everything he has done for the Town.

BE IT ORDAINED: That amendments to Chapter 4, Freeport Personnel Code, Section IX Work Hours and Work Week, to change the Hours of Operation for the Public Works/Highway Department be approved. (Lawrence & Piltch)

VOTE: (6 Ayes) (0 Nays)

ITEM # 209-21 To consider action relative to awarding a bid for a new police cruiser.

BE IT ORDERED: That Casco Bay Ford be awarded the bid for a new Ford F-150 Police Supercrew 4x4 in the amount of \$36,555.00

Note: Note: The Town Council appropriated \$50,000 for this project in the FY2022 Capital Budget. The current balance in the Police Equipment Reserve account is \$336,344. (Piltch & Lawrence)

Chair Egan noted the Council has a memo in its packet about this. He is especially happy to see we are buying things under what we budgeted for. That is always a good result. There are details in the memo about the process the Town went through to secure this vehicle for the police department.

Councilor Bradley noted that the Council is concerned about climate change and we have the opportunity to buy a cruiser that has gas savings. He feels it would be a significant symbolic gesture to be buying something consistent with our goals to address climate change as a community. He is not in a position to second guess people that know cars. He asked is this concern about the hybrid performance enough to overcome our interest as a community in taking positive steps to address climate change?

Mr. Joseph knows there are small but legitimate life safety concerns with those vehicles where there have been reports back to our police officers about them not being great on pull-out performance. There have

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been reports about them stalling turning around on the highway in some of those vehicle cut throughs which is what the Chief is talking about in the transmission issue he quoted. We are buying hybrid vehicles. We just bought the Fire Chief's car this year and that vehicle seems to work great. We would consider testing out all electrical vehicles in the near future. The hybrid option is the specific concern where you have a hybrid drive train and reliability for police cruisers in general. The Public Works Department is considering hybrids and all electric vehicles at this time. Unless there is a good reason, we won't pass up a more efficient option but there are concerns from the Police Department about this specific drive train and the reports they have received back. If the Council wants to hold off on this, he could ask the Chief to come to a future Council meeting but Mr. Joseph does not have any more information than that.

Councilor Bradley feels it is a qualitative kind of concern that has been expressed in this document. He has no way to evaluate whether it is a nuisance or whether it is a real-life safety concern. If it is life safety, who would ever suggest we put a policeman out there to save some money on gas? He wouldn't but on the other hand, if it is one of those things that is in your mind and it affects you and it is not quantitatively a clear problem, he would vote for a hybrid. He wouldn't mind having the Chief come in and talk about what information he has regarding the transmission that has caused him to reach this qualitative conclusion.

Councilor Daniele asked how long a police cruiser lasts? Mr. Joseph advised that they generally last 2 to 3 years with 80,000 to 120,000 miles in that range. Councilor Piltch feels this is a 2- or 3-year commitment and those hybrid issues will probably be fixed. In the next round, he feels we will be ready and comfortable to go with a good option like that. For this time, it seems like this is the way to go. They have asked to be able to use the F-150 for moving signs and moving other things and the hybrid utility all-wheel drive would not be able to do that. Councilor Piltch added that the Maine State Police have gotten rid of their hybrids due to poor performance and dangerous transmission characteristics combined with many hours of out of service time for each of the hybrids. Brunswick Police have had mechanical problems with each of their hybrids and have experienced the same issues we have been discussing. Councilor Lawrence agreed and felt the Council should go with this option tonight. Chair Egan agreed with Councilor Bradley but has been asking in his time on the Council each year during Budget urging the Fire Chief and the Police Chief to explore replacing their Chief's cars with a hybrid and to get to an electric version. At the last meeting he advised that the Town of Thomaston has two cruisers that are all electric and he has been asking for that for several years. He appreciates we have a hybrid for the Police Chief as the Chief's cruiser and was encouraging the Fire Chief to explore this. While he is reluctant to vote in favor of an F-150 which gets horrible gas mileage, he thinks Councilor Daniele put it right which is that the hybrid and electric vehicles are not up to the specifications they are looking for. He was disappointed to see that the hybrid was not taken here but can understand their reasoning.

Councilor Bradley withdrew his concerns. Mr. Joseph added that he thinks we are likely to see a fully electric vehicle implemented and as battery life gets extended, that is the primary concern for emergency service vehicles is the cycle and how long can it go. He is sure he will be talking with them and probably move into something like that as a test bed before the hybrid vehicle. He feels the fully-electric vehicle is head and shoulders above the hybrid vehicle and he will commit to that.

VOTE: (6 Ayes) (0 Nays)

TABLED AGENDA ITEMS 10/05/2021

Chair Egan mentioned that the following two items were tabled at our last meeting and asked if the

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Council is not going to be taking them up this evening? Mr. Joseph explained that they are on the agenda but Councilor Piltch and Councilor Bradley will probably want to weigh in because we had a meeting where Staff met with both Councilors in a work session. They all felt there were changes suggested that everybody was in agreement could be proposed. They were not necessarily substantive at this point. However, he understands there may be substantive changes suggested when this comes back before the Council. The question was could all of the substantive changes for Shoreland Zoning be separated out into one section and there was a dispute among Staff on whether that should have been done at the beginning and lo and behold everybody else thinks it should so it works out. It was one of the ways they were considering going anyways. There were concerns about what substantively the Council will discuss and individual Councilors might have when it comes back. They felt that the first meeting in December would be adequate time to make those changes.

Councilor Bradley advised that they will continue to work on it. It is in progress and they have a meeting scheduled for next week again and appreciate it being tabled.

MOVED AND SECONDED: That we continue to table agenda Items #194-21 and #195-21 until the committee can report to the Council for action on December 7, 2021.
(Bradley & Piltch) **VOTE:** (6 Ayes) (0 Nays)

ITEM # 194-21 To consider action relative to amendments to the Freeport Zoning Ordinance pertaining to State mandated Shoreland Zoning regulations. Text amendments are proposed to the following sections: Section 104. Definitions; Section 201. General Restrictions; Section 202. Non-Conformance; Section 203. Changes and Amendments; Section 302. Zoning Map; Section 303. Zoning District Boundaries; Section 304. Map Corrections - Shoreland Zone and Resource Protection District (to be repealed); Section 401. Purpose and Land Use Controls; Section 402. Rural Residential District I and Rural Residential District IA; Section 403. Rural Residential District II; Section 409. Commercial District I; Section 422. Industrial District II; Section 426. Island District; Section 507. Shoreland Zone Regulations; Section 601. Enforcement; and Section 602. Site Plan Review. Some additional non-substantive text amendments are proposed throughout the Ordinance to correct typographical errors and to incorporate gender-neutral pronouns. PUBLIC HEARING

MOTION: To open the Public Hearing

MOTION: To close the Public Hearing

BE IT ORDAINED: That proposed amendments to the Freeport Zoning Ordinance pertaining to State mandated Shoreland Zoning regulations be approved. Text amendments are proposed to the following sections: Section 104. Definitions; Section 201. General Restrictions; Section 202. Non-Conformance; Section 203. Changes and Amendments; Section 302. Zoning Map; Section 303. Zoning District Boundaries; Section 304. Map Corrections - Shoreland Zone and Resource Protection District (to be repealed); Section 401. Purpose and Land Use Controls; Section 402. Rural Residential District I and Rural Residential District IA; Section 403. Rural Residential District II; Section 409. Commercial District I; Section 422. Industrial District II; Section 426. Island District; Section 507. Shoreland Zone Regulations; Section 601. Enforcement; and Section 602. Site Plan Review. Some additional non-substantive text amendments are proposed

throughout the Ordinance to correct typographical errors and to incorporate gender-neutral pronouns.

Note: Mike Morse from Morse Environmental Consulting, LLC will be present to give an overview of the proposed updates. If you have property specific questions, please contact the Codes Office 207-865-4743 ext. 102 prior to the meeting.

ITEM # 195-21 To consider action relative proposed amendments to the Official Zoning Map for the Town of Freeport (pertaining to Shoreland Zoning).

BE IT ORDAINED: That proposed amendments to the Official Zoning Map for the Town of Freeport (pertaining to Shoreland Zoning) be approved.

Note: The boundaries of the Shoreland Zone, as regulated by State law, will be updated. Many areas previously designated as Resource Protection 1 are being amended to “shoreland area”. Areas within coastal flood plains will remain in Resource Protection however will not be shown on the map, as the boundaries will be based upon the FEMA (Federal Emergency Management Agency) Flood Insurance Rate Maps, as adopted by the Town Council.

ITEM # 196-21 To consider action relative to proposed amendments to the Freeport Zoning Ordinance pertaining to Board of Appeals. This includes proposed amendments Section 104. Definitions and Section 601. Enforcement – pertaining to the functions, process and standards for the Board of Appeals.

BE IT ORDAINED: That proposed amendments to the Freeport Zoning Ordinance pertaining to Board of Appeal be approve. This includes proposed amendments Section 104. Definitions and Section 601. Enforcement – pertaining to the functions, process and standards for the Board of Appeals

Note: The language is being updated to provide consistency with State law. Some additional non-substantive text changes are also proposed. (Daniele & Pilch)

Town Planner, Caroline Pelletier explained that at the last meeting she gave the Council a handout pertaining to Shoreland Zoning, the Board of Appeals. It was mistakenly put out there tonight with the red lines. She asked the Council to make it disappear because we are not going to talk about this tonight. We are going to discuss the original paperwork before you that was recommended by the Planning Board. The Board of Appeals is something we are allowed to have under State law but the Statute says if you are going to have it, these are the options. Our language is not consistent with State law. Other communities have updated their language but we have not. We worked with Ivy Dixon who worked with our Town Attorney. She went through the language and helped us update it. What we have here is some clean-up but there are some changes. She provided a snapshot for the Board of Appeals. There are a couple of different options. If you can't meet setbacks, today they can go for a variance and go and get the setbacks reduced by over half. They can go for a setback reduction if they want to go for less than half of what is required or if they have found their building is in the wrong spot, they can go for a Mislocated appeal. There are a whole bunch of miscellaneous appeals that could go to the Board of Appeals. To make it

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consistent with State law, the current language for setback reduction and the Mislocated Building Appeal will go away since they are not consistent with State law. What you will have is the variance option. A variance is a hard test to meet and State law has shown us that if you have any use of your property, and it may not be the use you want but it is a use. That is an option that is going to stay.

The two new options we don't have today is a variance for a single-family dwelling that would be the primary residence. That would give people the option to go and ask for a variance or setback which is the most common thing. They would have to live there year-round and would have to be their primary structure. They could go up to 20% if they could get their neighbor to agree to it. The third new option is a Disabilities Structure Permit which is something we don't have today. With proper documentation this would give the Codes Officer the ability to grant a Disabilities Structure Permit to allow a ramp or whatever else is needed for the disabled person to get into their house for the time they live there. We actually do have a permit in application today. The applicant is hoping to get access to their house. You will see some changes in there to the Administrative Appeals procedures. That was strict language given to us by the Town Attorney and some clean-up. We added a reference that Administrative Appeals aren't not just from the Codes Officer but some other ordinances that allow appeals to the Board of Appeals. What came to mind was Short-term Rentals. There is a process that lies with the Town Manager and if anyone doesn't like it, they can go to the Board of Appeals. She did give this to the Codes Officer to share with the Board of Appeals so they all know it is under review. The status of our language has come up in Board of Appeals meetings.

The Staff and applicants are aware that changes are coming.

Councilor Bradley mentioned the setback variance which is new here and asked was it available to a single-family dwelling under the old standard? Ms. Pelletier advised that it was available to a residential structure before. A commercial would have had to do the variance. The difference is that this is a primary year-round residence and is a strict benefit for the primary year-round resident. Regarding the Mislocated Building Appeal that went away, the Council dealt with one of these recently when a resident went to sell their house, they found it was in the wrong spot. Since we are getting rid of the Mislocated Appeal, if they don't feel they have the ability to apply for a variance, they will be coming to the Council to seek a Consent Agreement. She wanted the Council to be aware of that. Councilor Bradley was trying to understand this. Before this was proposed, a principle use of a lot for one-family, they had a variance option. Now they have a different one and the difference is that it is easier to get. Ms. Pelletier noted she would not say it is easier to get. The legal language gives a benefit to a primary year-round resident. These are not easy and the burden of proof will be on the applicant. They got rid of the setback reduction which was available to residents and they got rid of the Mislocated Building Appeal. Councilor Piltch pointed out that we had to be in compliance with State rules. Councilor Bradley requested that Ms. Pelletier read the Section on Board of Appeals that says we can't do that anymore. Ms. Pelletier read the Section into the public record. Ms. Pelletier noted that this is strict advice from our Town Attorney that we need to update the language and they are the only options. More discussion followed. Mr. Joseph added that we have old language in our Zoning Board of Appeals language right now. Over time case law has invalidated those provisions in several other municipalities and they removed those provisions from their Zoning Ordinances and made changes similar to what we have done. We never removed those sections but have never been challenged or lost one of those cases during an appeals period. We are confident they are hard to defend and there is previous case law that if any of these were ever challenged that were granted by the Board of Appeals, we would probably not be successful. It has survived in our ordinance because it has been infrequently used. We survived one appeal to these many years ago that was granted on a technicality and not the merits of the case. After this explanation, Councilor Bradley noted he is happy.

ROLL CALL VOTE: (6 Ayes) (0 Nays)

Vice Chair Whitney pointed out that she feels working with Ms. Pelletier has been one of her biggest highlights. She feels she is a fantastic Town Planner. She has been available to her nights and weekends not once in a while, but all the time. She loved doing the Downtown Revisioning work with Ms. Pelletier and the fact that she entertained her and Mary Davis' crazy ideas. If she was able to move something for them, she did move it. She truly cares about our residents and she is sure the opposite is true with our residents and also is true with our stakeholders. We have so many landlords that own a great deal of our downtown and they all adore Ms. Pelletier. She feels it has been a privilege to work with her and luckily, she doesn't have to say goodbye because she will continue to work with her in her role with the Chamber on the Downtown Visioning Plan.

OTHER BUSINESS:

1. Discussion of outdoor skate park at Leon Gorman Park

Mr. Joseph wanted to give a brief overview of what is being discussed here. Leon Gorman Park is as everyone knows is the specific area between the area off of School Street and the Bow Street Market parking area is. It is kind of a lower area where an attempt was made to utilize it as a skating pond when the park was formed which never worked for thermal reasons. There was an involved visioning process four or five years ago that the previous Town Planner did that included a charrette with the community. One of the ideas that came up that was never budgeted or implemented by the Town but we do have some plans that the group looked over. There was an outdoor nature-based kind of play area and the other was a BMX Pump Track which is closely aligned to the idea for a skate park. He doesn't think a skate park was discussed at that time but he thinks it is consistent with the ideas that were put forward with the Visioning process. We do not have a formal reuse that has been accepted or voted on by the Council so this residents' group came to him and asked if the Town would consider it? He advised that the only way to know is to show up and make a pitch to the Town Council so they put it all on paper and want to present.

Chair Egan pointed out that if anyone plans to speak, he requested that they make their way to the microphone and introduce themselves so we can capture it on the public record. This is an informal back and forth.

The first speaker noted they are a small ragtag group of folks that have a vision and a passion and with their combined talents they have come to present to the Council their idea of an outdoor skate park. They have a builder and have looked at lots of land and they were steered to this piece by the L.L. Bean Real Estate guy. Their group is comprised of Freeport people. Jack Pyle is very active in the Portland Skate community. She introduced Galen Simmons, Tom Dodge, Liza Moore and Leslie. After their presentation they are hoping at the end of this the Council will give them the nod that they can continue to go forward. A slide show followed. Tom advised that skateboarding is one of the most rapidly growing sports in the world right now. They are proposing a skate park of approximately 8,000-10,000 square feet and they are specifically looking at the Leon Gorman Park as previously mentioned. It is designed as an all-inclusive park to be used by skate boarders scooters, BMX bikers and roller bladers. The focus is on community building and will give the kids something they have asked for.

Liza Moore wanted to convey to the Council that this is a viable project. They would like to offer private funding to get the park built. They have a designer out of Oregon that would like to design and build the park but the idea is they will design and build the park but it will be a Town Park. They would also like to set up a partnership where they would do whatever they need to do to endow the park over time so that it will be taken care of. They feel it is important to help maintain it over time.

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They have put a lot of time considering the location and set up some criteria for accessibility, visibility and the activity that goes on in that area. Based on the criteria they set, they determined that Leon Gorman Park has infrastructure in place with lighting, water, electrical, parking and walking paths that would be great for parents. It was initially designed and planned as a public venue for Freeport. It is close to Public Safety buildings and is centrally located in Freeport.

There is accessibility ensuring that kids and families can get to the park, especially kids on their own after school or families who might not have a car but live in the downtown area. It is visible and there is a lot going on around that area but not so much that it would be intrusive as a skate park. It has already been developed some way. There is no need to do any clear cutting. It is an ideal park to develop into a skate park.

While they looked at many lots, the Leon Gorman lot ranked highest in their voting criteria. Speaking on behalf of the group here and as a Freeport resident, a life-long skateboarder and also on behalf of Seeds of Independence which is a non-profit founded here a little more than 20 years ago in Freeport by Willow and Tom Wright. They are now based in Brunswick and would like to support this endeavor. Having a skateboard park in Freeport would bring huge potential to develop programming for a non-profit to support youths in Freeport. He skipped through some slides showing other designs and how other people have used spaces creatively at a bunch of other parks.

The estimated cost to develop this lot is between \$250,000 and \$500,000 and they are looking for donations and fundraising to fund this whole endeavor. They currently have soft commitment of around \$300,000. They showed renderings that have been done with cost analysis.

Liza read an e-mail she read from Danielle Scott who is the co-owner of Dreamland Skate Parks based in Oregon. They would be honored to build a park in Freeport and look forward to coming out and meeting with the community to get their input and vision and create a beautiful park. Liza noted that one of the people on their team lives in Auburn and will be coming up to meet with them once he gets back in town. She wanted to end by saying thank you for the support they have gotten from the Town Council and Councilor Whitney, Peter Joseph, Caroline Pelletier and Cecilia Smith in helping them bring this project forward. She offered to answer questions.

Chair Egan thanked them for their presentation and noted he is excited to see this come forward and supports the idea completely. He asked what will be done with the storm detention water in that area? He is sure someone has looked at that but is it an engineering issue? He knows that the pond that is there now is serving a function for the run-off. Mr. Joseph added that his understanding is the area being considered is not the wetlands because that would be a real problem. They are considering the upland that is around the wetland area. Obviously, there are environmental and engineering things that would have to be looked at a lot harder. There may be red flags that pop up but there is nothing they looked at immediately.

Ms. Pelletier explained that there is a stormwater pond that the Town built down there some years ago and Bow Street Market tied into it. She believes there is additional capacity so they may want to reach out to our Town Engineer, Adam Bliss since it could be an option for them. Mr. Joseph added that the pond could in theory, possibly handle additional stormwater. Ms. Pelletier noted there is a whole connection fee system that goes along with it.

Chair Egan explained that Vice Chair Whitney and other got a pop-up skate park established to try something out and every time he went by it was being used. How did we do and how would the momentum that we might have built from that help? Liza feels it is fantastic and there are a lot of pieces

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that have come together this past summer which is perfect timing to move forward with this project. Chair Egan asked how all the other skate parks in Maine handle municipal ownership and liability?

Jack Pyle advised that generally, liability is handled through the Town's insurance situation. Skate parks can be tied into the insurance relatively seamlessly but he didn't know all the details. Chair Egan is glad someone has been thinking about this. He assumes it has been worked out with other municipalities and he won't be the first Town Council person to ask that question. He asked if they are aware that the Council had a presentation at its last meeting that there is a group organizing in the community trying to raise funds to build a Recreation Center. For synergy and that we are a small town, he encouraged them to work with that group as much as possible. These are very complimentary activities and complimentary installations. Besides the site and the permission, he asked what is the role for the Town right now initially? Liza advised that they want the Town to give them permission to go ahead with building a plan and they need for the property owners to give them, permission to act as agents.

Councilor Bradley added that for him, knowing what the group is asking for is important before he says yes. He added that the group does not need the Council's permission to go ahead and plan this thing. They are an independent group of citizens that have a great idea and they can go out and do it. They are here asking for some specific indication of approval for something and he feels it is important at the outset to be clear about what that is. He asked what do they need from the Council in order to feel comfortable going forward with the planning process they are going to go through? Liza explained that they would like the Council to give them permission to go forward to develop the plan to get approval for an outdoor board/concrete skatepark to be developed in that area. Councilor Bradley gave them approval and if they go forward and then what? Now they have a plan and they come back to him and say, you have to do something because you gave me approval? He is trying to be clear about what a nod would mean to them if the Council gave them a nod. He doesn't want to disappoint them in the future. Liza advised that they would go back and get together with Dreamland, the company they want to design the park, and will work with them as well as Codes Enforcement. Councilor Bradley added that they have gone forward and developed a plan and you bring it back to the Council, we look at it and we say, no. Would they say anything to him that he somehow had misled them? Liza would like assurance that if they come back with a viable plan, the Council will say go for it. She explained that they want the Council to be part of the approval process and they need guidance from the Council, Caroline and the Town Manager. Councilor Bradley explained that when the Rec group came in, they had a great idea too and he thinks that is why the Chair is saying work with them. We gave them nothing like a preapproval. We just said go out and do your due diligence. When you come back, there will be a lot of questions and if we think you have good answers, we will be generally favorable to what you are doing. There was no commitment.

Liza guessed that they just want to get something back because they are going to sink some money into it. They have a survey that is five or six years old so she is not sure what they will do with that working with Dreamland for the design. She is not expecting the Council to say carte blanche, do what you want with this. They will bring their design back to the Council and hope you will approve it and they will go ahead with construction.

Councilor Daniele asked how much the original design will cost? Liza did not know. Councilor Daniele advised that our Town Engineer told him there were funds available for that location. He thought there was a small pool of money left over that was set aside for that. Mr. Joseph added that there are no excess funds. What Mr. Bliss was referring to was that there was a maintenance fund gifted by L.L. Bean when the park was donated with the intent that the income on that fund be used for capital repairs and improvements. It never was at the rate of return that that fund was getting to be able to offset the maintenance of the park. The fund has been used not as originally intended to offset making enough

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income on the investment every year. Money has been used to replace bridges and things like that. While he won't say it is spoken for, but it is not long for this world.

Councilor Daniele mentioned after hearing how other municipalities are expanding, is 5,000-8,000 square feet a big number for a population of our size? Is this going to have to be expanded in three years? Is there room for expansion on this site? Liza noted it is an interesting site so she is not sure they should consider having a Phase One, Phase Two or Phase Three. She would love if they could get together with Dreamland and walk the site with them to get ideas and then they could bring them back to the Council and maybe look at in terms of Phase One, Two and Three.

Jack Pyle explained that often times there are expansions that occur in skateparks but it is not necessarily always an aspect of skateparks. The size that this specific site allows for does allow for a very nice sized skatepark for the size of Freeport. He doesn't believe there would be a lot of room for expansion directly where that is but there is room around that park but is not necessarily something they are looking to get into. There are also other possibilities for skateparks where there could be one skatepark in this location and an additional skatepark built somewhere else with different kinds of obstacles as a way to spread out congestion if that does occur. This specific size is appropriate for the size of the town.

Councilor Lawrence went back to the commitment and what they want to hear. He feels they want to be able to use that property and that is the approval they need from the Council once the Council gets the final plan, Councilor Piltch added that as far as consensus approval, he thinks they will likely get consensus that this is not a bad idea. He asked that they keep in mind that next month the Council will have two new members here who will buy in to whatever is put in front of them by the Council. He doesn't feel the Council is in the position to say, yes, go forward and it will be approved. There are a lot of steps that need to happen between now and then. He loves the idea and the fact that people are getting together by volunteering their time, raising money and building an asset that would ultimately benefit the town and even could contribute to the town. He loves that and is in support of that. In general, he feels it is a good use of the land He explained that he does not need answers tonight but the group mentioned that they looked at other sites and evaluated and scored. It would be nice when they send the presentation out if they list what the other sites were and the scores. One of the questions he is confident they will get is accessibility and he does not know what that means for a skatepark but maybe it means a way for spectators and chaperones that want to enjoy the park, is there a way to make it accessible for people with disabilities? Are there complimentary uses they can plan for so a family could come and one kid could skate while another could do something else. He asked them to think about it. He also mentioned the neighbors and asked if they talked to Bow Street Market so when they come back with a presentation, they will be behind them saying yes, we love that. Maybe not just the neighbors but the public in general. What does the town think of this because the Council will have to answer to them? The more input they can solicit, the easier it will be.

Mr. Joseph added that he has had three residents bring up questions on security and visibility in the park. He tends to believe it is pretty visible from the Bow Street parking lot and from the street but other people feel it is tough to see in the woods. He would like to see this put on the list of concerns. There may be some residential impact concerns because there are residential properties specifically on Park Street up against the back of that park as well as Bow Street that would be within 300 to 500 feet of the location. It would be great to get them involved if we know there is going opposition.

Councilor Bradley mentioned we are involved in the Downtown Revisioning and to his mind, this would be appropriate to the project. He suggested they touch base with the Principle Group, FEDC that are already involved to make sure they and you can all talk about how this works together. Liza agreed.

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Vice Chair Whitney thanked the group for a beautiful presentation and recognized the master, Leslie. Leslie is also her Freeport Friend and Freeport Friends wouldn't be where it is without her. She pointed out that Jack physically built the entire pop-up skate park with a little support. It has been one of her absolute favorite projects we have done for this Envisioning Plan. They have set a theme for that skatepark and it has really set the tone for how kids treat each other down there. She thanked Jack for what he has done for that park. As far as accessibility, we have done what we can to make that park handicap accessible including the fact that we have a handicap accessible picnic table so if somebody's relative is handicapped, they will be able to come down and enjoy being in that atmosphere. She feels the pop-up skatepark has taught us so much. She thanked them.

While Jack was standing at the podium, Mr. Joseph added that for less than \$2,000 and equipment, if you look at the thousands of hours amongst 10 to 50 kids a day and adults to use that location, if you did a per hour cost, he is sure it would be in pennies. That is probably one of the best value-driven projects we have done. If this lasts for 20 or 50 years, you will get to the same level of return where it is going to be cents an hour for each kid. Vice Chair Whitney added that they did have a grand opening to introduce the skatepark and it was heavily attended and Jack did a great job at that. We are also having a closing ceremony. Public Works is picking up all our pop-ups on November 1 so they are having a closing ceremony on the 30th.

Chair Egan took a stab at thanking them for the presentation. To get back to the particular question and to get to Councilor Bradley and his point as well in terms of what they need from the Town. At this point we are just seeing this for the first time. He thanked them for sharing their information. He felt he could sum up that they are not hearing any direct opposition from anyone on the Council that the potential use of that park for their plan is a conflict. There are a lot of details to work out and we went over them all. He thinks in terms of getting something from the Council, that is about as strong an endorsement as nobody saying this is a really bad idea or before you go any further, we need to solve this. He didn't hear that from any of the comments this evening. Without any particular action, we are not taking any kind of a vote. We are not appropriating any money but he thinks they are getting feedback from the Council of a pretty strong endorsement of the idea and we are supportive of them moving forward and coming back with a plan that has to address all of the things, and there are many, they will have to work on. He applauded their effort and their courage to come forward and he wished them great luck. He asked them to let him know how he could help personally. The group thanked the Council.

2. Presentation of FY21 audit results

Jessica Maloy explained that this is the FY21 Audit presentation by our auditors. Jen Connors will be doing that tonight. Ms. Connors advised that they put together a set of graphs. She noted she would go over it on paper. She wanted to say that the audit went very well and thanked Jessica and her Staff. She really appreciates the effort and organization that goes into that. They are also quick to get them information while they are here and answer their questions.

She went through the graphs and invited Councilors to jump in with any questions. The second slide is an overview of the audit itself. They came in to do some pre-audit work on May 12th. At that time, they came and gathered some information for the audit. They did some testing of internal controls and then came back the week of August 2nd for the audit itself. She noted the financial statements are a draft so they have not been officially dated as of yet. Besides the testing of the year-end balances that appear on the financial statements, they also do some testing under government auditing standards and there is a separately issue report. Under that guidance they are required to do testing of the Town's compliance with laws, regulations, contracts and

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grant agreements. Under that testing she is happy to report there were no compliance findings and no material weaknesses or significant deficiencies. As far as the financial statements themselves, they received an unmodified opinion so overall it is a very clean audit.

The third graph is an overview of the General Fund and she pointed out that the rest of these graphs focused on the General Fund. They usually do that because the General Fund is the most important fund for the Town. It is where most of the operations of the Town are accounted for. The first graph is an overview of the General Fund Fund Balance. It is broken down into its different categories. There is a small portion called non-spendable. It is what it sounds like. There is a portion of the Fund Balance that is not readily available to be spent in the future. It is usually made up of inventory or prepaid expenditures which in 2021 it is made up of an inventory balance. The next category would be committed Fund Balance. Those are amounts set aside to be used for very specific purposes. Usually, it requires a future action to uncommit those. There is about a \$1M in Tax Stabilization in that amount and there is \$483,000 that has been set aside for employee future benefits so vacation and sick time payouts. There is about \$515,000 for Unemployment Compensation and another \$122,000 for Other Reserves.

There is a portion called Assigned and that is the amount of Fund Balance that has been budgeted to be used in the next fiscal year. In this case, you have \$600,000 budgeted to be used in FY 2022. The last portion is the Unassigned Fund Balance and that is the portion of your Fund Balance that is left over after you have put amounts into all those other categories. It is the amount of your Fund Balance that carries forward to be used for any purpose. Overall, over the last five fiscal years committed Fund Balance has increased 8% from 2017 to 2021. Unassigned Fund Balance has increased 29%. The Total Fund Balance increased \$394,000 or 5% from the prior fiscal year. Since 2017, Total Fund Balance has increased by \$1.3M or 19%. In the next couple of graphs, she went into why Fund Balance increased in 2021. Taxes were higher than budget and that has to do with the fact that actual property taxes include overlay, net of abatements, excise taxes. Excise taxes actually exceeded the budget by about \$475,000. Licenses and permits were also higher than budgeted due to higher than anticipated demand for building and plumbing permits. Intergovernmental revenues were about \$506,000 higher than budget and that had to do with State BETE, Homestead Exemptions reimbursements and revenue sharing all of which exceeded the budget by \$86,000, \$203,000 and \$265,000 respectively. Those amounts were budgeted conservatively primarily due to the pandemic.

Charges for services were about \$125,000 higher than budgeted mostly due to the Recycling Center revenues were higher than anticipated. Overall, Total Revenues were \$1.8M higher than budgeted. Chair Egan asked for detail on the statement that due to Recycling Revenues, the \$125,000 variance in that line, roughly what percentage would be attributed to the Recycling Center. Ms. Connors referred to Page 28 where there is a breakdown of each of those categories. The Transfer Station was budgeted at \$133,000 and the actual revenues were \$249,000 so that of that total variance of \$125,000, the Transfer Station made up \$116,000 of it. That was the ratio Chair Egan was looking for.

For the Expenditures, looking at some of the larger budget to actual variances, Public Safety expenditures were under budget by about \$96,000 as there was a budgeted position that remained unfilled. Some of that savings was offset by the NET wages. Public Works expenditures were

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also under budget due to less road work that was completed as well as lower cost related to road treatment materials than anticipated. Community Services expenditures were under budget as there was a position for the Cable Director that was left unfilled since the Director retired in FY 21. Insurance and Benefits were under budget by about \$103,000 mostly due to changes in coverage which were largely due to changes in staffing. Overall, Expenditures were about \$478,000 under budget. Chair Egan noted well done to Jessica. Mr. Joseph added that one of the bad parts is that a lot of this is due to turnover and we are going to see a lot of this in some departments next year where we can't fill positions so we will look like we are drastically under budget but it is not because we want to be. It is just because we have some trouble with some of these coming up getting full staff. This is not something for Jen to worry about. It is for us.

Councilor Pitch asked what is the \$1.3M in transfers out? Jessica explained that primarily she and the Town Manager will come to the Council in another couple of months for a recommendation on what to do with the excess funding and this is last year's transfer of that funding from the General Fund to Reserves to fund our Capital.

Councilor Bradley recalled discussions the Council had during Budget on what we really needed to keep, what we needed to tax, and did we have money that we could give back to the taxpayer. It seems from this, we have \$1.8M more in revenue and \$477,000 in expenses. Had we known that at the time, we could have done a significantly different tax imposition on the homeowners. Is he right? Is this a better financial picture than what we were working with when we were making our budget decisions? Jessica said yes. Councilor Bradley noted that was fine because he will take that thought with him into the next budget process because he can't do anything about what we did. Jessica explained that the budget discussion is in tandem with the audit discussion but there are different factors that also play into the budget discussion. Councilor Bradley noted he is sure he will learn more about why he can't do what he wants to do later.

The one thing here that ties into questions that have been coming up. We had a budgeted investment earnings of \$45,000 and we had actual investment earnings of roughly \$16,000. Is this a go to the point some of us have been making about our investment policies being too conservative? Jessica said no on that because this is just specifically looking at our overnight accounts. This is our General Fund cash to fund our daily transfers and payrolls and is the liquidity we need to function on our daily operations versus what we set into reserves for long-term earnings. Councilor Bradley asked how we were so far off? Mr. Joseph noted we were .2 of 1% to .1 of 1%.

Councilor Bradley mentioned in talking about the rate of return on the Reserve Accounts, we were talking about what we were going to do to assess whether we had a current policy that made sense and he thought one of the things we were going to do was bring the Auditor in to talk about that. This is not what it is and are we going to do that? Councilor Piltch thought the Council talked about bringing in our Investment Advisor. Jessica added that she was unaware we wanted to bring our Investment Advisor in. She knows we had one meeting on our investment policy to begin the discussion. She noted she can reach out to our Investment Advisor and see about scheduling something. Councilor Bradley advised that at the last meeting the Council discussed what the next steps should be and there were two or three things we said we were

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going to do and they are probably in the Minutes. Whatever they are, he would like to see us do it. Jessica agreed.

Ms. Connors directed the Council to the sixth slide. This is specifically looking at the Unassigned Fund Balance as a percentage of budget over the last five fiscal years. In 2021 the Council can see Unassigned Fund Balance is 17.7% of the budget which has increased over the prior fiscal year. The Town does have a Fund Balance Policy. The target is 1 ½ months of the budget or approximately 12 ½ % with an additional 5% of the target allowed for a maximum Fund Balance so the 2021 Fund Balance compared to the FY 2022 budget, it does exceed the maximum by approximately \$1.2M. That goes to the conversation that Jessica just had about advising on a certain amount to transfer out to the Reserves. Councilor Bradley added that excess now that we know what it is, will be transferred back when we get the budget by recommendation by the Town Manager. Mr. Joseph mentioned that the Council gets to decide what we do with that money so there are a few options we can do. He and Jessica will recommend what portion of that needs to go into reserves. If some of that should be returned as tax rate relief or things like that. Per that policy, the Council will vote to confirm what we should be doing with that. Councilor Bradley noted we are \$1.2M over the policy now and so the Council will decide what to do with that and Mr. Joseph will bring options to us.

Councilor Daniele asked how much we actually paid out of Reserves? Jessica mentioned that last year we budgeted \$2.6M to come out of Reserves and we added \$1.4M. Mr. Joseph added that there are other sources of Reserve money that are not quite \$1.4M. Councilor Daniele clarified that even though it looks like we added a lot, we actually used money from the Capital Budget and got something for it. Councilor Daniele pointed out that it looks like we keep having this huge surplus but it isn't really. If we didn't have those reserves, we would have been in a bad position. Mr. Joseph added that on average the Reserves might decline a little bit. There are years when we don't spend as much out of Reserves so the question is if we say put \$1.2M back this year and the Council has a big debate and that is what you decide to do and we spend \$1.2M, that \$100,000 would go against the \$2.6M from last year.

Chair Egan reminded the Council that they are 90 days away from the start of budget season so we should get our questions down. He thanked Ms. Connors for her patience in taking us through our audit which is exceptional. He asked her to please continue. Ms. Connors referred to the last graph is the Expenditure Pie Chart and this is the individual categories of expenditures as a percentage of the total expenditures. They provided the 2021 pie chart compared to the 2020 pie chart so the Council can see how the categories line up. There were only two categories that changed. Public Safety increased 1% and Public Works decreased 1% after rounding. The other thing she always points out is that Debt Service is at 0% and it is not because the Town doesn't have any debt service but it is so low and is less than 1%. That is quite low for a municipality. They typically see generally 3% in that category. The fact that the Town has been able to keep its debt service so low is pretty amazing. Mr. Joseph warned that it will be going up because we just signed on the bond bank. Jessica pointed out that it will go from 0% to 1%.

Councilor Pilch looked back at the Minutes to Councilor Bradley's point and we said last time that the opinion we wanted from the auditor was where do we stand in comparison to other municipalities regarding our investment return. He didn't know if Ms. Connors knew this or if it

was something she could get back to Jessica about. For the monies we are investing, mostly from our Reserve accounts which is where the bulk of the money is, how do we stack up against other municipalities Ms. Connors is familiar with? Are we getting a similar rate of return or higher or lower than other municipalities? Ms. Connor advised that that is something they typically do not look at. When they look at investments, they look at it more in terms of compliance and if you are adhering to your investment policy. Typically, what they see from most municipalities is that they tend to be on the conservative or safe side and they invest in things like governmental securities, security notes, maybe municipal bonds. As far as your rate of return, it is outside of her area of expertise so she couldn't tell you how that stacks up. Mr. Joseph added that Jessica has been doing some research on comparables that we thought might come from the auditors but she reached out and got comparable policies in the last three weeks and has a stack of them. We can talk about them separately.

Chair Egan wanted to highlight for the Council Jen's opening comments that this was a very clean audit. There were no findings of material concerns or deficiencies or anything worth mentioning. He feels that is a good testament to our staff and the set of controls we have in place to operate our municipality. We now have third party evidence of that. He thanked Ms. Connors.

Vice Chair Whitney advised Jessica that she is probably the one that asks the least number of questions because this is not her area. In the three years she has sat here, Jessica has had raving reviews and she doesn't ask a lot of questions because quite frankly, she trusts Jessica and these numbers prove that. She thanked Jessica and noted it has been a pleasure having her next to her in this process. Mr. Joseph added that Jessica used to be an auditor and auditors and ex-auditors run in packs and get along well.

3. Discussion regarding request for utility access across town property located between Freeport Historical Society and Nathan Nye Street

Mr. Joseph explained that the Historical Society wants access. Since he wrote this memo, he discovered there is an existing perpetual utility easement that runs across the parcel which he is always thrilled about to find it encumbers the property. However, they want to run another trench that does not run within that existing utility easement or the natural gas permission that is not going to be a perpetual easement that is running along the section of the property. He has no problem with where they want to do it. It won't disrupt the current use of the park but he wants to keep the long-term permitting encumbrances on the property to a minimum so written permission or an evocative license or something like that. He is only saying that if the Town needs to move it for legitimate purposes, they would have to do it. There is no reason why they can't use it right now. They have an easement and they are essentially digging a second trench now crossing the first easement they have because they need to get to a different pole from a different building. Councilor Bradley asked Mr. Joseph if he is giving them what they asked for and Mr. Joseph replied that he is giving them 98%. Councilor Bradley asked if they are happy with it? Mr. Joseph replied not in our lifetime but they will live with it.

Vice Chair Whitney pointed out that the Historical Society has been fabulous with the Hot Dog Park. The Hot Dog Cart owner had his best year in 30 years this year.

COUNCIL MEETING #22-21
OCTOBER 19, 2021

MOVED AND SECONDED: To adjourn at 9:05 p.m. (Bradley & Lawrence)
VOTE: (6 Ayes) (0 Nays)

Respectfully submitted,
Sharon Coffin, Council Secretary