

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #06-21**  
**HELD REMOTELY USING ZOOM TELECONFERENCING TECHNOLOGY**  
**TUESDAY, MARCH 2, 2021**  
**6:30 p.m.**

<b><u>ROLL CALL OF MEMBERS:</u></b>	<b>PRESENT</b>	<b>EXCUSED</b>	<b>ABSENT</b>
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		
Douglas Reighley, 2 Harbor Ridge Road	x		
Tawni Whitney, 56 Baldwin Road (Vice Chair)	x		

Using the zoom platform Chair Egan called the meeting to order at 6:30 p.m. He took attendance and noted that all Councilors as well as the Town Manager are here this evening. He explained how members of the public would be able to participate at various times during the meeting.

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

Viewing Vice Chair Whitney's flag, everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #05-21 held on February 23, 2021 and to accept the minutes as printed.

Councilor Bradley referred to the last sentence at the bottom of Page 14. He suggested changing thought to recommendation and adding not before to raise it. The sentence should read: He does not have a beginning ~~thought~~ **recommendation** about how to resolve it all but it would be irresponsible **not** to raise it directly before we go into a comparison of projects.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #05-21 held on February 23, 2021 and to accept the minutes as amended. (Reighley & Piltch) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Egan announced:

- There will be a **Special Municipal Election** on Tuesday, March 9th at the **Town Hall** from 7 a.m. – 8:p.m. regarding authorizing the Town to issue general obligation bonds in an amount not to exceed \$634,000 to fund the local share of costs to construct bicycle and pedestrian ways as part of a MDOT project to replace the desert Road and Mallet Drive bridges over Interstate 295. For information on absentee ballots contact the Town Clerk at 865-4743 x123.
- Effective March 1, Freeport will be **posting roads** to limit heavy loads. The posting will continue until May 1st dependent upon the weather. All heavy vehicles are required to attain a permit to operate on a posted road in Freeport regardless of temperature. Regular delivery route trucks are exempt (Oil trucks, Propane Gas Trucks, Trash Haulers, Municipal Vehicles and other necessary vehicles). For more information contact Public Works at 865-4461 or check our website: [www.freeportmaine.com](http://www.freeportmaine.com) for the list of posted roads.

- **Volunteer Drivers are Needed to Drive Neighbors in Freeport and Pownal to their COVID-19 Vaccine Appointments.** We could use your help making sure that everyone in our community who is eligible and would like to be vaccinated can get to their scheduled appointment at the Mid-Coast Parkview Health Regional Vaccination Clinic at Brunswick Landing. *If you have already been vaccinated* and would like to help out please contact Sarah Lundin at 865-3985 x205 or at [slundin@fcsmaine.org](mailto:slundin@fcsmaine.org).
- **The Annual Orientation for Board & Committee Members** will be held on Wednesday, March 24 , at 5:30 p.m. via zoom. Topics to be covered include the Freedom of Access Act, the Public Notice & Meeting Process and administrative duties of Committee Chairs and staff persons. All Board and Committee members are encouraged to attend this session. Please contact [jhanselman@freeportmaine.com](mailto:jhanselman@freeportmaine.com) if you would like to attend.
- Councilor Daniele mentioned the March 9<sup>th</sup> Election and asked if voters would need to make an appointment to vote or just show up? Chair Egan advised that if someone is a registered voter, they should just show up and vote. If they are interested in registering, Maine has the ability to take their registration on the same day as the election and there will be an opportunity for them to register to vote and cast their ballot right after.

Mr. Joseph added that we have capacity guidance on the building so there maybe a line which he will speak to a bit later. Steps will be taken to clear out the building that day in order to fit as many people indoors and in line that they can. That would be the only restriction but obviously we would be limited by square footage by the number of people that could be indoors so it might be a little bit slower but we are not expecting 4,000 people through the door so voters can show up with no appointment needed on the 9<sup>th</sup>.

Vice Chair Whitney announced that the Age Friendly Group met on Friday and much like Chair Egan was saying, they have four vaccinated drivers to help get folks to their appointments in Brunswick or wherever they need to go. If anyone is 70 years old or older and have not received vaccines or scheduled an appointment, it would be a good opportunity to reach out to Sarah Lundin and she can make sure that it happens.

Vice Chair Whitney advised that she has continued to meet frequently with the Downtown Revisioning Team. They had a great meeting on Thursday night and she will have an update on that process for the Council later tonight when Mary Davis will do a presentation.

Vice Chair Whitney explained that Freeport Friends has wonderful chefs who have been making meals for different Elders here in town. If you know of someone who could benefit from a homemade meal, please reach out to her because she would love to help them get through what is left of winter.

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

Chair Egan advised that last Thursday we had a very productive meeting with the Social & Racial Equity Committee. It is a group of 16 and they nominated leadership for that committee, a Chair, a Vice Chair and a Secretary. They also had their first crack at the documents made available. They still have a bit of a clunky setup here about how to get everybody access to documents but they are working on that. That group is fully engaged and for two meetings in a row they have had 100% attendance which is great for a committee that is comprised of so many people.

COUNCIL MEETING #06-21  
MARCH 2, 2021

Councilor Bradley provided an update on the Island Rover. He is in conversations with Harold's attorney and he is in conversations with Carter's attorney about the release and the indemnification agreement. He expects to get that done this week and then have the plan for clean-up and securing the vessel in place he guesses by the middle of next week. That is the report. It is not going like greased lightning but it is going.

Councilor Reighley explained that the Complete Streets Committee was powerless to hold its meeting today so they rescheduled it for next week.

Councilor Bradley asked who was elected to the leadership position in the Social Equity Committee? Chair Egan advised that Gimbala Sankare is the Chair, Jessica Perez is the Vice Chair and Jessie Hench is the Secretary.

Councilor Daniele advised that the Sustainability Group met yesterday. He attended and reported that they are doing some cool work. They are excited to get the rest of the Town's submission data. They will be working on creating a baseline and then creating goals off of that and they are available and eager to be of any assistance in getting the rest of that information.

Councilor Bradley mentioned that after the amazing Citizen of the Year event both here and at the farm the next day, the Arts & Cultural Alliance of Freeport has come forward and offered to develop a photo and video montage that could be shown on local Cable and perhaps other ways. They talked through Peter with Cable and they are willing to help out with the technical things once the montage is created so the Council may have a good, well prepared video and photo of both our meeting and Jim's celebration at the farm to memorialize that event. He feels it was one of the nicest things he has seen since he has been in Freeport. Chair Egan noted that this is an excellent avenue for ACAF to step forward and he is glad to hear that.

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

Mr. Joseph advised that Absentee Ballots are available now and will be issued until 6 p.m. this Thursday. As of the end of business today, we had 220 absentee ballots issued but not all of them have been returned. On the 9<sup>th</sup>, Town Hall will be open in person 7 a.m. to 8 p.m. and no appointments are needed for the Election. We do have capacity guidelines for the interior of the building. We will have to calculate those for the other end of the building. It works out to be five people in the hallway there so based on crowd, there may be a slight line if people come to vote at specific times. They don't anticipate that it will be very long but there may be a queue outside of the building. We will be having non-Clerk's Office employees be remote from home that day which will increase the capacity inside the building and will also prevent any cross-contamination to the extent they can between employees and people coming in. They don't think it will be possible to have people at the service windows if people are lined up in the hallway for any part of the day. They will be working but will be remote. Everybody that is not in the Clerk's Office can be reached by e-mail or by phone. The Town Hall building itself will be dedicated to the Election on March 9.

In COVID news, we have seen a leveling off on a 7-day rolling average for new infections in Maine. Unfortunately, we have seen a slow down in vaccination numbers. We are still under 20% in Cumberland County for the people that started vaccinations. Although that is a great thing, it would be great if it was higher. New infections in Freeport over the past two weeks in the CDC data reported that two weeks ago there were 8 reported which is great and tells him that people in Freeport are being safe and responsible

COUNCIL MEETING #06-21  
MARCH 2, 2021

and we are not seeing those huge infection numbers we had seen a month ago. Based on those metrics, starting on the 10<sup>th</sup>, the day after the Election, we are going to moving Town Hall back to limited access with no appointment necessary, just the capacity numbers we were required to do by State guidance inside the building so maybe there will be a few lines but we will not be requiring appointments. On Monday, March 15<sup>th</sup> we will be splitting the Library schedule to have in-person browsing part of the week and then curbside drive-up for the other days of the week. They don't yet have the schedule for that so it will be posted on the Town's website and the Library's website when they get that. We still have a pretty high demand for the curbside pick-up even when they had full open hours because some people preferred that while others preferred going inside in person. Those are our Town Department kind of schedule changes coming up and they will continue to watch metrics. Obviously, if we see another massive COVID case spike going up like what happened around the holidays, we will adjust the plan. Hopefully, if we can just get a respite here and get on top of things, that would be fantastic and that is what we are hoping for right now.

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

Chair Egan invited members of the public to provide their comments at this time. There were no public comments provided. The Council moved on.

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

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ITEM # 38-21                      To consider action relative to adopting the March 2, 2021 Consent Agenda.

**BE IT ORDERED:** That the March 2, 2021 Consent Agenda be adopted. (Egan & Reighley)

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

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

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ITEM # 39-21                      To consider action relative to the reenactment of Freeport Ordinance Chapter 60, Emergency Ordinance: Temporary Suspension of Certain Ordinance Standards to Safely Accommodate Expanded Outdoor Business Activities due to COVID-19 to be effective March 3, 2021 until May 2, 2021, pursuant to the Freeport Town Charter, Section 2.14 "Emergency Ordinance".

**BE IT ORDAINED:** That Chapter 60, Emergency Ordinance: Temporary Suspension of Certain Ordinance Standards to Safely Accommodate Expanded Outdoor Business Activities due to COVID-19 to be effective March 3, 2021 until May 2, 2021, pursuant to the Freeport Town Charter, Section 2.14 "Emergency Ordinance" be reenacted without amendments. (Egan & Reighley)

Chair Egan explained that essentially this is the continuation of a resolution the Council passed last year which allows small businesses a bit of relaxation to accommodate different ways to meet their customers, including use of outdoor spaces, temporary suspension of signage requirements and other setbacks related to operating on sidewalks and public ways. Nothing has changed in this resolution that we have been

COUNCIL MEETING #06-21  
MARCH 2, 2021

adopting. By State Law we are moving this through in two-month increments. It expires today so we are moving it forward for another two months to go from March 2 to May 2.

Vice Chair Whitney wanted to say thank you. Caroline has done so much of this work and it really shows how we are pulling together as a community to flex and adjust during this crazy time. She feels it has been great for businesses. She has seen nothing but positive come out of this so Thank You.

Councilor Bradley asked that if the early action plan has suggestions or actions that affect this, can we come in before the 3<sup>rd</sup> of May and adjust this at our will or are we stuck with this? Chair Egan noted that the Council has the ability to come in and reaffirm or make amendments to this plan. The maximum term we can go out is 60 days which is why we have been doing it in two-month increments but we have actually done that in the past from when this was first enacted. We had a couple of amendments and adjustments to it from time to time so we are not locked in to only once every 60 days. We can have a conversation at any of our public hearings as long as we are going through the proper notice.

Mr. Joseph advised that per Section 214 of the Town Charter, an emergency ordinance may be repealed by adoption of a repealing ordinance in the same manner specified in the section so it just has to be a super majority vote similar to this. It doesn't take two meetings like another ordinance. The Council could repeal this and re-enact something different at any meeting with advance notice.

**WHEREAS**, the Governor of the State of Maine declared a Civil State of Emergency due to the spread of the Coronavirus Disease ("COVID-19") on March 15, 2020, which remains in effect, and

**WHEREAS**, COVID-19 is a communicable disease that is easily contracted through personal contact with infected individual in the community, and

**WHEREAS**, the Governor has announced a phased reopening plan intended to reduce the spread of COVID-19, which will likely include restrictions on indoor activities at many of Freeport's businesses such as shops offices, and restaurants, and

**WHEREAS**, these businesses may find it beneficial to make temporary changes to their traditional operations to allow outdoor business activities, such as outdoor seating, outdoor sales areas, outdoor meeting areas, and additional outdoor signage to communicate business changes due to COVID-19, and

**WHEREAS**, the Town of Freeport expects to continue to have a significantly reduced numbers of visitors, which would create a corresponding economic hardship to many of its businesses, and which could be mitigated to some extent by allowing expanded outdoor business activities, and

**WHEREAS**, expanded outdoor business activities may also help to promote the public health and welfare, by allowing patrons of these businesses to observe social distancing guidelines by avoiding shopping or dining in close proximity to other patrons, and

**WHEREAS**, there are several sections within Freeport's municipal ordinances that may prevent, restrict or delay some of these expanded outdoor business activities and modifications – including sections within the Sign Ordinance (Chap. 23), Design Review Ordinance (Chap. 22), Zoning Ordinance (Chap. 21), and Building Code Ordinance (Chap. 11).

**WHEREAS**, Section 2.14 of the Freeport Town Charter authorizes the Town Council to adopt one or more emergency ordinances to meet a public emergency affecting the life, health, property or the public peace, and

**WHEREAS**, during this State of Emergency, the Town of Freeport must consider the welfare of its businesses while protecting the health and welfare of its citizens, and

**WHEREAS**, the temporary suspension of certain ordinance standards and restrictions governing outdoor business activities is immediately necessary to protect the health, safety and welfare of businesses and their employees, and the patrons of those businesses, in light of the Governor's current phased reopening plans, and

**WHEREAS**, in light of the foregoing, the Town of Freeport Town Council deems it proper and necessary to temporarily suspend certain provisions of the Town's code of ordinances relating to outdoor business activity for the purposes of allowing businesses to reopen or continue operating without undue hardship while also allowing for compliance with social distancing guidelines.

**NOW THEREFORE BE IT ORDAINED:**

That for the time period from March 3, 2021 until May 2, 2021, unless this ordinance is repealed by the Town Council prior to March 3, 2021, the following emergency exceptions to established ordinance provisions of the Town of Freeport shall be in effect, and shall apply to any existing business within the Town of Freeport, that is otherwise operating in compliance with all municipal ordinances and regulations in effect.

**I. Chapter 23 - Sign Ordinance**

- A) Temporary signs to support changes to the operations of business as a result of the COVID-19 pandemic shall be exempt from regulation under Chapter 23. This may also include additional signs needed for distance markers outside of establishments. Internally illuminated signs, signs with moving parts, and flag and/or feather style signs are not exempted from the regulations of Chapter 23. Signs must be located on private property and not project over the public right-of-way; unless permission is otherwise granted from the Town Council. No sign shall exceed 32 sf in size or 25 feet in height.
- B) To be exempted as described in section I (A) above, all signs must obtain a temporary activity permit from the Codes Office/Planning Department.

**II. Chapter 21 - Freeport Zoning Ordinance, Section 501 - Temporary Activity**

- A) Limits on number and length of outdoor sidewalk or tent sales described in this section shall be suspended for the duration of this Ordinance. In order to be exempted as described above, all merchandise and items used for the outdoor set-up (including but not limited to tables, tents, and retail fixtures) must be brought inside when the business is not open if they cannot be safely secured. This exception also applies to outdoor setups for tourist information centers.
- B) To be exempted as described above, all businesses conducting temporary outdoor sales must obtain a temporary activity permit from the Codes Office/Planning Department. No other land use approvals beyond a temporary activity permit shall be required for these uses.
- C) Section 501(D) shall be replaced with the following language for the duration of time while this ordinance is in effect: "Peddler activities and food trucks during events held by a Freeport business or organization, in compliance with current guidance from the Maine and US Centers for Disease Control, and which are reasonably expected to draw additional visitors to Freeport, are considered a temporary activity subject to the requirements of section

501(A)(2-4), section 526, and section 526A of this ordinance. Said events are not required to obtain a Special Event Permit unless they meet the criteria listed in Freeport Ordinance Chapter 10. Up to four temporary activity permits may be issued under this section per day, and shall be issued on a first-come, first-served basis.”

**III. Chapter 21 – Freeport Zoning Ordinance, Section 526-A – Food Trucks**

A) Section 526-A (B)(11) shall be replaced with the following language for the duration of time while this ordinance is in effect: “not have any furniture, umbrellas, or other objects or structures outside of the food truck. Generators may be used when the food truck is located on a parcel that does not abut a parcel with a current residential use.”

**IV. Chapter 21 - Freeport Zoning Ordinance, Section 602 - Site Plan Review**

- A) Temporary modifications to an existing business/educational site required to conduct outdoor business/educational activities will not require an applicant to amend their existing site plan through the formal Site Plan Review process, so long as no new permanent impervious cover is created. Outdoor business activities for the purposes of this section shall include outdoor sales areas and tent sales, outdoor seating for existing restaurants, outdoor seating space for carryout establishments (such as coffee, ice cream, and carryout food), and outdoor meeting space for offices and exercise classes, outdoor space to support classroom educational instruction, along with minimal new lighting as required for safety and ambiance of these activities. The use of any temporary outdoor heating sources to support these modifications must comply with all applicable local and State codes and standards.
- B) Existing businesses/educational facilities may conduct any of the outdoor business/educational activities described in section III(A) above on the property owned by another so long as: 1) the underlying outdoor business activity (restaurant, retail, office, etc.) is allowed in that zone and, 2) the applicant for a temporary activity permit described in section III (C) below shall provide written authorization for any proposed activities from the property owner. Any use of public property (including sidewalks and streets) for outdoor business activities shall require prior approval of the Freeport Town Council.
- C) To be exempted as described above, all businesses/educational facilities conducting temporary outdoor business activities described in section III(A) and III(B) must obtain a temporary activity permit from the Codes Office/Planning Department. No other land use approvals beyond a temporary activity permit shall be required for these uses.
- D) Any outdoor business/educational activities conducted on a site abutting a residential site shall observe all building setbacks as required by the underlying zoning district.
- E) Any tents, awnings, or temporary shelters utilized for purposes described in section III (A) and III (B) shall comply with applicable regulations of the State of Maine Fire Marshall’s Office and the Town of Freeport’s Fire Prevention Code.
- F) The exemptions described in sections III (A) and III (B) shall apply to existing Freeport businesses/educational facilities only. New business locations and/or educational facilities must undergo all applicable land use reviews, including but not limited to site plan review, design review, building permit review, and sign permit review.

**V. Chapter 11 - Building Code Ordinance**

- A) In the event of any conflict between the Freeport Building Code Ordinance and directives issued under executive order by the Governor regarding the requirement or availability of public restroom facilities, the requirements issued by executive order of the Governor shall prevail.

**VI. Chapter 22 - Design Review Ordinance**

- A) A Design Review Certificate shall not be required for any of the temporary outdoor business activities described in Sections I, II, or III of this ordinance, so long as no permanent changes to the site or the building facades are proposed.

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

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ITEM # 40-21                      To consider action relative to setting a public hearing to discuss proposed amendments to the Freeport Zoning Ordinance regarding the new uses and standards for Solar Energy Generation Systems. New and amended definitions to Section 104. Definitions are proposed, including adding the new uses of: Solar Energy Generation System, Accessory; Solar Farm, Small; and, Solar Farm, Large. The uses of Solar Farm, Small and Solar Farm, Large will be added as permitted uses (subject to Site Plan Review) in various zoning districts. A new Section 534: Solar Energy Generation Systems will be added. Associated amendments to Section 602: Site Plan Review are also proposed.

**BE IT ORDERED:** That a Public Hearing be scheduled for March 16, 2021 at the Town Council meeting starting at 6:30p.m. via Zoom to discuss the proposed amendments to the Freeport Zoning Ordinance regarding the new uses and standards for Solar Energy Generation Systems. New and amended definitions to “Section 104. Definitions” are proposed, including adding the new uses of: Solar Energy Generation System, Accessory; Solar Farm, Small; and, Solar Farm, Large. The uses of Solar Farm, Small and Solar Farm, Large will be added as permitted uses (subject to Site Plan Review) in various zoning districts. A new Section 534: Solar Energy Generation Systems will be added. Associated amendments to Section 602: Site Plan Review are also proposed.

**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, by appointment, and the notice be placed on Freeport’s local cable channel 3 and the Town’s website. (Daniele & Reighley)

Chair Egan explained that this is a long time coming. We are setting a public hearing this evening and not taking any action. The proposed language and ordinance changes were included in the Council’s packets. He asked the Town Planner to provide a quick summary.

Town Planner, Caroline Pelletier had a brief presentation. She noted that a year ago the Planning Board said they were good with the language and wanted to go to Public Hearing and then the world got turned

COUNCIL MEETING #06-21  
MARCH 2, 2021

upside down. In June 2019, the Council took action to send an item for the Planning Board to take a look at community solar farms. In August of 2019, they hired North Star Consulting who helped put together this language. They talked about it for six months and got it ready to go to public hearing. The big delay in coming to the Council was due to all of the necessary notification. Due to the changes when this went to the Planning Board's Public Hearing, they had to notify over 3,000 property owners. While that was part of the big delay, they have proof that you can pull it off in zoom. She offered to provide a quick glimpse of the language that is before the Council tonight and would be happy to answer any questions the Council might have. She had pictures of houses and commercial properties that have solar panels on their roof and others that have ground-mounted panels. We also have one solar farm that was done under old State standards at the Maine Idyll.

The Planning Board looked at the whole package and wanted to clarify standards to be clear for the homeowner that wants to put solar panels in their yard or roof or businesses that want to put them there to support their operations to the much larger uses of actual solar farms. What the Council has are some new uses. There would be a new use of solar energy generation system. They would define when that is accessory. They would add a new definition for solar array development area and how you calculate that area on solar panels. Probably the biggest change and the thing people are most interested in is small solar farm and large solar farm which would be two definitions that would be added as permitted uses. Solar Energy Generation System would be a fancy term for solar panel. They would clarify when that is accessory. She showed examples of existing accessory uses as well as the solar array development area. The two biggest uses here would be a small solar farm and a large solar farm. The small solar farm would have a development area of less than 2 acres and she showed the one at Maine Idyll which is about a half-acre. A large solar farm would be between 2 acres and 30 acres. The Planning Board worked for six months on this language and were confident with the language they sent to the Council. There were a couple of things they wanted us to flag and one of them was a basic policy question. Does the Council feel that 30-acre solar farms are the right things for Freeport? She displayed a map showing the areas where a small solar farm could be located and the areas where large solar farms could be located. These uses would not be permitted in the Shoreland Zone or in the village of South Freeport, the area of Byram or right in the core of the village. It also would not be allowed in the Resource Protection areas or a small pocket on Wardtown Road. She then displayed an illustration breaking down the uses by District.

She noted they would add a new Section 534 so all solar uses would require a building permit which is similar to what Codes is requiring today. That would be for somebody either putting in a solar farm to somebody putting solar panels on their roof. There was some talk about Design Review but the Planning Board did not weigh in on whether or not they would be acceptable in Design Review. They apply to Design Review today and there would be no change for that or the Overlay District. They will clarify when people or businesses can have panels as accessory use. All solar farms would be subject to Site Plan Review by the Project Review Board. There will be new application requirements such as a decommissioning plan to clarify how they are going to remove it and restore the site. They will have to have proof of financial capacity to build, maintain and remove and this is in addition to all other standard Site Plan requirements. Large solar farms are bigger so they will have additional requirements. The language before the Council includes sign-offs from outsider agencies like historic preservation, fish and wildlife, natural areas, Maine DEP and they would also have the requirement of having a performance guarantee and additional sureties regarding a project. There will also be additional things such as setbacks, height limits and financing. The only other things the Planning Board wanted flagged for the Council to consider are things that came up at the Public Hearing. Somebody raised the point of do we want to restrict the use of herbicides? In cases where these are allowed, increasing the front setback and require additional buffering. If that is something the Council wants to look at, it is something they could talk about a little further. That was a snapshot and she offered to answer any questions.

COUNCIL MEETING #06-21  
MARCH 2, 2021

Councilor Bradley asked Ms. Pelletier to explain why accessory uses and things that fall within that definition get treated differently under 534 than small and large farms do?

Ms. Pelletier explained that the language is designed to allow what we would allow today so accessory would be something like a person that wants to put them on a house or a business that wants to put them on a roof and serve their business. Accessory use is incidental to the primary use. Maine Beer has their solar panels today. They are an accessory use because they are relatively small compared to the grand scheme of what is going on there and serving their use. The thought was to make it really clear and to support our existing residences and businesses and make it simpler. Typically, they would be on a smaller scale but that is not always the case. We could have a large business and they would want to put them on their roof to serve their own business and that could fall under accessory.

Councilor Bradley mentioned that accessory seems to be distinguished from the other two, not by size or impact, but by the use of the electricity for the purpose that's primary. He asked if that is fair? Ms. Pelletier responded yes. Councilor Bradley added that you could have, and you can see them around town, accessory uses that are quite large and have just the same impact as a small solar farm. Ms. Pelletier added that they would have to be on the same site so it would be somewhat of a limiting factor so the Town would not have an accessory on another property that is not connected to the Town Office. It would really be associated with something that is already there. Councilor Bradley pointed out that you could put it on the roof, the side or anywhere you want including ground mounting it. The only reason he is asking is that in one phase of his life he did a lot of permitting and feels there are some extraordinarily restrictive conditions in this for so small and large solar. One of his questions is will that discourage small solar and do we really need all that for small solar. This is why he looks at accessory. If accessory could be just as impactful as small solar and it has none of those restrictions, why do we have such large restrictions on small solar if we want to encourage it? He did not require an answer now but that is where he is thinking when he goes through this very elaborate document.

Ms. Pelletier advised that the Planning Board did talk about it. She worked with the Planning Board, the consultant and the Town Attorney and some additional language got in. The Planning Board took some things out like a performance guarantee keeping that in place to ensure that these panels get removed. They took it out from the small solar farm because they didn't want to limit in particular small groups of neighbors that get together. Does it scale back enough to encourage what Freeport wants is definitely something they can re-examine further if the Council feels there are still a lot of requirements there?

Chair Egan noted this is something to think about between now and when we have our public hearing so those of us going through this can keep tabs on that stuff or ask Caroline questions directly and then we can have a continued conversation on this when we have our public hearing. Councilor Bradley asked if the Council would meet once we have our public hearing and we have our questions and get our answers? Will we meet with Planning to discuss whatever we are thinking or will we just have to vote on the ordinance? Chair Egan advised that the Council can postpone the vote but the public hearing is in front of the action item which will be on the agenda for us to adopt the language. At that time, we can propose amendments and we will have to vote on those if they are changed from the presented language but we also could postpone to say we need more conversation and we are going to adopt it at a subsequent meeting. Councilor Bradley asked if the Council could invite Planning to our hearing. He would like to do that.

Mr. Joseph added that this is something we have done in the past when we have had large ordinances with sweeping changes. We have asked the Planning Board Chair or Vice Chair or who is available to attend that could explain the process the Planning Board went through because a lot of times Councilors had questions. He recalled that former Chair Wendy Caisse came to 7 or 8 Council meetings when there were

COUNCIL MEETING #06-21  
MARCH 2, 2021

sweeping kind of ordinance revisions. He requested that Ms. Pelletier talk to the Planning Board chair and Vice Chair and see if someone might be available. He feels this is a big one and there might be questions. Ms. Pelletier agreed to have them available as well as the consultant in the event the Council and the public have questions.

Chair Egan suggested that if Councilors have particular amendments they would like to propose, they should work through Mr. Joseph and Ms. Pelletier and have those things come forward and we can then see those in the proposed language at our meeting on the 16<sup>th</sup>. Mr. Joseph advised that whenever there are substantive changes or major things we want to rework in an ordinance, we usually don't adopt the day of the public hearing but some do get adopted the day of the public hearing. You only rush it if you feel good about what is in the ordinance and nobody complains about it and you just approve it as is.

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

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ITEM # 41-21 To consider action relative to the proposed Capital Program for FY2022.

**BE IT ORDERED:** That a Public Hearing be scheduled for April 6, 2021 at the Town Council meeting starting at 6:30 p.m. via Zoom to discuss the proposed Capital Program for FY2022.

**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, by appointment, and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Reighley & Lawrence) **ROLL CALL VOTE:** (7 Yes) (0 Nays)

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ITEM # 42-21 To consider action relative to the Fiscal year 2022 tax due dates and interest rates.

**BE IT ORDERED:** That one-half of the fiscal year 2022 committed taxes for real estate be payable on November 15, 2021 with interest at the rate of .49 per month or 6% per annum, to be charged from November 16, 2021 and that the second half of the fiscal year's 2022 committed taxes for real estate be payable on May 16, 2022 with interest at the rate of .49 per month or 6% per annum, to be charged from May 17, 2022.

**BE IT FURTHER ORDERED:** That the fiscal year 2022 committed taxes for personal property be payable on November 15, 2021 with interest at the rate of .49 per month or 6% per annum, to be charged from November 16, 2021.

**BE IT FURTHER ORDERED:** That an interest rate of 0% per month or 0% per annum be established for overpayment and/or pre-payment of taxes. (Piltch & Lawrence)

Finance Director, Jessica Maloy advised that this is to establish the tax due dates for the upcoming commitment. We typically do that this time of year once the State releases the maximum interest rate that municipalities can charge. That is what the Council has before it.

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

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COUNCIL MEETING #06-21  
MARCH 2, 2021

ITEM # 43-21 To consider action relative to approving a Certificate of Settlement for Fiscal Years 2017, 2018 and 2019.

**BE IT ORDERED:** That the Certificate of Settlement for Fiscal Years 2017, 2018 and 2019 be approved. (Whitney & Reighley)

Mr. Joseph explained that he is also appointed as the Tax Collector for the Town. Jessica is the Treasurer and there needs to be two separate people to avoid comingling duties. He noted that they try to release those Certificates of \$25M or \$26M per year for three years when they can get back to the Council and show that they have collected the bulk, if not all, of the amounts for the year. Two of those certificates are for zero dollars that are owed on them. Everything has been liened or collected. One of them has \$200+ or - dollars still outstanding and he believes that is personal property that is owed or a delinquent balance. He is happy to report that the collections are in good hands. Jessica's staff does most of the collections and Todd is essentially the assistant in Jessica's office for tax collections. The Council has all the money or it is liened right now and if the Council would approve these, it would mean that in the future no one will be coming after him for \$26M that did not get transmitted to the Town. That is what they are for. They get recorded on the Registry.

Councilor Bradley mentioned he did not understand and asked Mr. Joseph when he records abatements, he has three different numbers and two of them are pretty low but one of them is pretty high. One of them is \$370,493.00 in 2018. He asked Mr. Joseph what that is all about. Mr. Joseph advised that those are issued by the Tax Collector and not him. He believes that abatement was on the L.L. Bean corporate campus not on their retail campus for changes they had made when they stopped using one of their buildings down the hill as a warehouse so it is essentially vacant space. An abatement is when you erroneously assess a value so they would have been valued at a couple of million dollars over what the property was actually worth. What happens is our Assessor goes down and assesses the property and agrees they made a mistake and issues an abatement. That amount is just the sum of all the abatements made that year.

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

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**OTHER BUSINESS:**

Chair Egan mentioned that the following business items are for a less formal presentation. This is more of a conversation we will have with a member of constituent groups and some presenters on a range of items. The Council contemplates these items on this segment of the agenda for general information, discussion and answering questions but we are not taking any action on any of these items this evening. This is another place where we may bring members of the public over to the live portion of the Zoom meeting.

1. Update on Downtown Visioning Project

Vice Chair Whitney noted she feels this is so much fun. She loves our community and feels we come together in so many different ways and she feels fortunate to be a part, but watching this plan come together for downtown has been so exciting. On Thursday night we had a public workshop and had 150 attendees. While she was not on Zoom, she had the privilege of being at the Harraseeket Inn with some of her dear Elders who had been fully vaccinated, masked and all together to be in a meeting, in person is so great. Zoom can never replace it. It was so nice to have that natural conversation with each other during the formal meeting. She felt the best conversation they had came after the meeting when the screen went down and they just sat and talked with each other.

COUNCIL MEETING #06-21  
MARCH 2, 2021

She feels it will be really nice when we can all be back together in person. She introduced Mary Davis, President of FEDC who will provide the capture of all the work that has been happening quickly.

Ms. Davis advised that she wanted to give the Council a peek of what is going on in the workshops and all the information that is coming back. They are not done and there is a lot to do and process. She noted that all of the information is available to the Council and all participants in the community on [www.Freeportdowntown.me](http://www.Freeportdowntown.me). All of the information is being put there including things she will talk about later called Miro boards and all of the information coming from this process.

One of the things she is hearing around this project is: is this an economic development plan? Is it a plan for our community? Is it a plan for the people that own businesses there? Is it a plan for visitors? She would say that yes, it is all of those because we do know that if you have a vibrant, walkable, happy and healthy place to live for the residents, to work for the people that have businesses here and to shop for our visitors, guess what? We are going to have a much more economically vibrant town in front of us. FEDC watches all sorts of metrics which they will bring for their budgeting process but they want metrics that talk about vacancies downtown, what our mil rates are in Freeport compared with other towns. She complimented Freeport for doing a fabulous job with that. They look at what retail sales are doing and over all of that we say we have a fabulous town, but our town cannot singlehandedly support all of the retail sales that happen in downtown Freeport. We need community, people who work here, that own businesses here and visitors that come shop. This is making sure we have all the feedback from all those so that the community we create in downtown is as vibrant as we can have it.

She noted that they have 500 stakeholder surveys back to date which is phenomenal. The surveys are ongoing until March 22 when they will start to assimilate all that information. They had a place making Zoom workshop last week which she will talk about later. It is recorded and is on the website now at [www.Freeportdowntown.me](http://www.Freeportdowntown.me). We got some more press in The Forecaster about what is going on with the Downtown strategy project. It is all good.

Ms. Davis thanked the amazing group of volunteers that have done all the work so far. Now they are getting people reaching out to them indicating they want to help and get involved so they are now collecting a list of individuals and what they would like to do because she is sure there will be some community work that could be done on early actions.

She advised that they have 500 survey responses with a little more weight towards female response but we are not doing badly on the age profile. They are specifically going to do some work associated with the younger age groups because they really want their feedback for downtown. So far, the surveys are a nice demographic.

They had 191 registrations for the Vision Workshop and 130 attendees. They ended up being in 12 small groups. They also had 12 Elders at the Harraseeket Inn which was wonderful and a way to get folks who wouldn't necessarily have been able to participate on Zoom to participate as well.

The general flow of the meeting was that there was information, ideas and data that came from Principle and she encouraged everyone to go and look at the recording that was done on it. There were some early themes from the surveys that they started to ask more questions about. They asked people in the workshop what they like and what they don't like in the downtown, what values are important to you, what is your vision and what are your big ideas?

She explained that a Miro board shows kind of a heat map of downtown Freeport that gives you a little bit of an idea of what your community is thinking. She asked everybody to look at the righthand portion of

COUNCIL MEETING #06-21  
MARCH 2, 2021

the map and asked what they think it is. It was Bow Street Market and there was a confluence of we like Bow Street Market, we like the community that goes on there, we like running into other community members there. The other spot that stands out is the track and field, the community around kids being in school and being able to be together as a community there. A lot of people said the parking lot between the track and Route One seems to be in the way. It seems to not give a corridor to the track and it seems to not be a very good flow through. This map helps to bring conversation to the next meeting we will do which is Town walks. In the Town walks, they will take this heat map and start to look at why do you like this area and what would you like to do differently? Why do you not like this area and what would you like to do differently? This is a way that Principle helps us to look at how do we amplify what is good and how to take what is not working so well and figure out what actions we can take to change it. If anyone wants to see this, they can go on the website and go into what is called Miro board. Each of those also have comments.

They asked people what are their values? What is your vision? What are your big ideas? This was one group of eight people that posted 50 things and in this there are statements like I want Freeport to be walkable, safe, friendly and attract people. There started to be ideas on how can we make Main Street more walkable, how could we make it safer to walk on? This is just one group and literally we had 12 groups coming up with all these ideas.

We want to know what kids want to do in Freeport. To engage kids, we are going to do several things such as take-home posters and surveys for the younger kids but workshop in a box for the teens and inviting them all to the Town Walks on March 20.

They are creating a funnel that brings all of the surveys, interviews and feedback from all of these different groups so we can go into a Town Walk and start to elucidate what is going to make this a great town that people will love to live, work, play and visit. As that funnel starts to go down after the Town Walk, the next portion is Principle is summarizing all the data and starting to throw it back out to the public to say, these are things that sounds like you had great early action ideas that we could do. Let's start to think about how we can do those early action items. By the first week in May they come to the Council with an early action planning on the things we think can be done. When she says "we", that is a community "we" not an FEDC "we".

Today, Russ said recommendations for early actions are going to begin already because we know if we take early actions, we turn them into outcomes and there are successful outcomes and there is going to be more action because people get more excited. Why do we want an early action plan? Because we want to start taking early action as soon as we possibly can. We are going to make a change and try. Some of them will work and some will not work but as Russ says, planning just never stops and you continue to make changes and adjust so we are not going to wait until the whole plan is done. We are going to move forward as quickly as possible. In discussions with Caroline today, she said we have to make sure we are doing the right thing for Freeport. As a Council, to rely upon the Councilors participating in this planning process but also in the other members who are Chip Gray, Keith McBride and her, the Council has to rely on them to help give direction about what they think are aligned actions and what they think is not. Those are the things the Council should be asking them and other members on the committee. They are going to charge in the next steps because they want to get some early successes for people.

They are putting in a budget request for completing the project. They are now in Phase One which is funded. They will be requesting the dollars for Phase Two and Phase Three which is a completed design and plan implementation that would be completed in early 2022 if all the budgeting comes through. This is where they are.

COUNCIL MEETING #06-21  
MARCH 2, 2021

Chair Egan noted it is great to see all the technical aspects of that being used facing out to the public to soak in as much as we can from all the different constituency groups and not be afraid to pass on and share less favorable negative comments. We need to hear the negative stuff as well as the good stuff. He is glad to see it happening and is looking forward to the milestone events like March 20 and other various times when the community gets together and we can capture everybody's voice.

Councilor Piltch added that there was a lot of enthusiasm for people to be able meet new people and actually talk to one another. Russ's phrase was "that is where the magic happens". Even if people were not able to be at the event we had on Thursday evening, we are still eager to collect more feedback. The survey is still out there and will be out until March 22<sup>nd</sup> and the workshop in the box will be coming out soon so essentially you can do the same activities that they did as a group on Thursday but you can do them on your own. They will be sending out instructions on how to do that. The Walk is scheduled on March 20<sup>th</sup> if anyone wants to register.

Vice Chair Whitney pointed out that the March 20<sup>th</sup> Walk will be a 2-hour event. She and Mr. Joseph discussed today a way to make this walk accessible for all whether it be by renting scooters. We do want to make it accessible for everybody to participate whether it is her Elder Club or someone fell down skiing and is not able to participate for that length of time.

Councilor Daniele asked about shutting down the roads. Mr. Joseph advised that Main Street would be a problem but side roads would not. He suggested discussing it with the committee and if they want to make it happen, let him know.

Councilor Bradley congratulated the people that put this together and did the work. It was an amazing event with so many people both together in small groups. What he experienced in his group was what Councilor Piltch was saying, the magic struck when you heard what somebody said about their idea and it clicked with something you were thinking in a way that you had not thought of quite before. His question is this, we are going from big ideas, generally values and visions and things like that and his guess is that the action plan is going to have specific recommendations or changes in how either space is organized or things are set up and he is not clear how the public participates in that transitional discussion. He has had a couple of very experienced people who have been to these meetings and are very excited inform him about what might be possible to implement. How do you go from their big idea, their big feeling about whether it is transportation or the waterfront in these two cases, to something specific that may be included in the early action plan? Is that Russ's problem? Is there a part of this problem that allows people to weigh in on those things? How does that work?

Ms. Davis explained that it is a combination of the two. If we were in non-COVID times, this would have all been done in public forums with discussions and the magic happens there. Because of COVID times we are doing things a bit differently. The Town Walks are an incredibly important portion of the next process because there what you are trying to do is bring together COVID-safe groups who you can walk into spots and say, okay, you said you do not like this spot. What if we did "A?" They have all the surveys and all the feedback that people have put on the miro board. Then it starts to be an ideation of if we did this, would it do it? If we did that, would it do it? She provided an example. It is a way for us on the Town Walk talking through some of the ideas that we could take to the next level of granularity. From there to the next month and a half, we are collecting e-mails from all those people that are coming and through that process of either sending information back out and having people respond to it, you have taken the Community Connectors and the team that has been involved to help get that feedback back out. The Town Walks are really an important portion.

COUNCIL MEETING #06-21  
MARCH 2, 2021

Councilor Piltch added that all the feedback we can get is good and then there will be a point when Principle is compiling their report where they help identify which things can be done quickly and which things need more planning. He provided a few examples.

Ms. Davis noted that is why this project is in three phases. The first phase is the early action plans but the second phase is about really creating the visual postcards of what it could look like. The third portion is as Councilor Piltch said, taking those longer-term plans and saying okay, here is what they are, here is what you think and here is how we have seen them be successfully done in the past. The wonderful thing about having him is that we are shamelessly borrowing from every community he has ever researched and every community he has ever worked with. That is what he helps us do in the second and third portion of the plan is to enact implementation plans that will work. There is a lot of work in front of us.

Chair Egan thanked Ms. Davis, Vice Chair Whitney and Councilor Piltch.

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2. Presentation by Nancy Weed (Region 10 Technical High School) regarding Region 10's program transition to 4-year high school program

Chair Egan explained that Region 10 Program is part of our school system RSU that we share with Brunswick. Region 10 is a vocational program for a lot of different courses and skills for our high school students to participate in. Ms. Weed is going to talk about the evolution of Region 10 and how it plays into our relationship with the school system and our relationship with the Town of Brunswick where the school is hosted.

Ms. Weed explained that she has been hired to continue the work they had been doing in looking at a four-year technical high school located at the Brunswick Landing. She mentioned the Council should have received information from her before this meeting with the history of Region 10 and how it has evolved, what a four-year technical high school could look like after looking at models in Massachusetts and Connecticut as well as an overall rationale as to why they are looking at changing the part-time model to a full-time 4-year technical high school.

The biggest challenge they face is getting students to come to their school that have one foot in one door and one foot in another. Students like to go to Freeport High School for example so it is hard for them to leave that school because they lose part of their junior and senior and we all know what that was like. They have 59 students that come from Freeport to Region 10 so it is less than 10% of their population. They are really looking to increase that by offering a 4-year technical school where the academics and the technical programs are located under one roof with a real rigorous and dynamic programming that allows students to prepare for the 21<sup>st</sup> century. This is part of the economic development plan for the Brunswick Landing by providing skilled employees to future businesses at the Brunswick Landing. She feels that the Council knows the challenges being faced just to get electricians, plumbers or high-tech people and get good employees to be there. They know they need to help fill that pipeline and it is exciting time for them to be part of. Her message tonight is that she just wanted to make the Council aware of what is going on. She hopes the Council will have questions. If not tonight, she hopes the Council will contact her with those questions. They have a large contingency of very supportive businesses and a legislative bill that will be heard on March 17<sup>th</sup> looking at a task force to look at the feasibility of a 4-year technical school and they are also in the midst of getting a concept paper together to get funding for a feasibility study to look at all the many aspects they need to undertake before they ask this down the line of small communities to accept or not accept. There is lots of work but they really feel strongly that this is where they should be. This pandemic is helping them because they know that change is starting to happen with students who are looking at essential jobs as a way to make a really good living. The tides are shifting a bit and they are looking for really neat kids to continue to come to their school.

COUNCIL MEETING #06-21  
MARCH 2, 2021

Chair Egan asked if there are other 4-year technical high schools in the area that we may have heard of and how is the approach different with an 8<sup>th</sup> grader in terms of talking about making the decision about attending the local high school versus the pending Region 10 versus someone entering their Junior year? He asked how Ms. Weed has found it in her research with getting at being able to talk about the profile of what Region 10 is to an 8<sup>th</sup> grader?

Ms. Weed advised that as far as other schools, she visited a school in Massachusetts where it evolved into a highly acclaimed technical school where there is a very large waiting list to attend. They have 800 students apply for 300 slots. She would not want to see their school be that competitive because they want to have space for students that want to come. She noted they currently have an exploratory program at their school and 9<sup>th</sup> Graders can come. They can then stay as Sophomores, Juniors and Seniors providing they don't have too many conflicting requirements that they have to take at their ascending schools because they lose one class period transporting them from Freeport to Region 10. How they got kids in their 9<sup>th</sup> Grade Course, which is a half-time program versus a full-time program, they offered an English and Social Studies opposite that so the mornings are foundations of technology, English and Social Studies. In the afternoon they are back at Freeport High School. Having worked for many years as a school counselor in K through 12, one of the things she knows is that the earlier you expose them, the better off you are. They really want to open the door for kids that don't know what they want to do. A teacher from Freeport Middle School said he would rotate all of his 7<sup>th</sup> Graders through her one-week program and let them try it out. About January he started that and, of course, it ended in March but all students had a chance to come and check it out to see how it felt and to look at careers. She was really excited that this was underway. If students choose to come in at 9<sup>th</sup> Grade and then decide they want to go back to Freeport, they can do that.

Councilor Reighley asked what type of relationship does Ms. Weed have with the trade unions and where do these students end up if it was like an apprentice program, would they fit in and actually accomplish something and dovetail right in? He also asked how this dovetails to the Community College programs that offer many of the same courses on their level? Ms. Weed explained that they have a lot of dual enrollment going on at their school. They work well with SMCC and would like to increase those opportunities for students. They can then go into more advance and earn credits ahead of time when they go on to Community College. They have an Advisory Board to work this in as a pathway for students because it is really critical. They work with Bath Iron Works, Cianbro and people at the Landing. Our trade unions and our businesses have an apprenticeship program going on and she knows they work hard in trying to increase opportunities for students to get out as an intern or apprentice. She doesn't know all the rules about apprenticeship but understands there is a lot for a business to take on an apprentice into their business.

Councilor Bradley asked what could the Freeport Town Council do to help Ms. Weed in her process? Does she see a role for towns in the development of her ideas? Ms. Weed noted that she would love to say that at some point they would like to have a vote of support for this concept but feels it is still early on. She knows that one of the things that this legislative bill will want to know is it supported in your community? Have you conveyed the information to your schools, town governments and all your stakeholders? They will look for that vote of support but recognize that towns cannot just unilaterally do that and make that vote. Any support in any form they can get from individual business in the town that are on board with that or from the town itself would be really exciting. Most of the members on the Task Force are educators. We have open shops in the State of Maine so it really limits who will be on there for businesses and industry. That is really concerning to them if they can't get that changed because it is imbalanced when you have people that do not want to lose their students possibly saying "No, we don't

want this kind of a school” when they feel it is the best thing for our kids. She recognizes that the Town needs more information and when the feasibility study comes out, she will come back.

Councilor Reighley asked if they offer courses that will lead into public safety work and also EMT and firefighting? Ms. Weed advised that they have an EMT program, a CNA program and they do some with firefighting because a lot of their students go on to firefighting at SMCC. Their programs are supposed to be geared towards the needs of the economic community so they will have to upgrade all the time. They may have something in solar, cyber security and HVAC programs so they constantly evolve based on what the needs are in the trades. She noted that she will continue to send information to Chair Egan. This is an investment in human capital in our area.

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### 3. Discussion regarding formation of a standing police advisory committee.

Councilor Piltch explained that last summer he put out a call to have a public forum to have our Police Chief and our Police Department get on a zoom call with the public and talk about how policing is done in Freeport. The next day he was meeting with the Town Manager and the Police Chief that both jumped on it and were very supportive. They had a meeting on June 23<sup>rd</sup> with approximately 78 people. They had another meeting after that and then put out a call for volunteers who then subsequently joined a committee that the Chief had put together to review the Police policies. She then appointed Lt. Goodman who is now our acting Chief to help with that. He was a fantastic steward and was open to discussing things and explaining things to them. There were 8, 10 or 12 people on that committee and a lot of them are in the audience tonight. It became clear that reviewing policies is not something you do once and then stop doing it. It is an ongoing process and there are a lot of tentacles that go out from that. They realized that maybe there is merit to suggest that there be a standing Advisory Committee set up to help through transparency to policing and be there to review policies and things like that. There is a document they put together that didn't make it out to the packet that was mailed out but it is up on the website and maybe Mr. Joseph can share that. He thanked Lesa Andreasen who stepped up to volunteer to facilitate the group and did a great job. He also thanked Acting Chief Goodman and former Chief Nourse who were really supportive.

Sean Jeffrey explained that it became apparent quickly that as they were meeting and combing through policy was a longer task than an ad hoc committee could get done in a couple of months. As they started to dive in, they realized that to be really thorough and to address everything that people wanted to bring to the table was going to take a longer period of time and they really shifted from there to realize they should really create a structure of what that group should entail and create a permanent committee and ask the Council for their blessing on that. He was one of the authors of this document along with a few others. Where he got the details being asked for here, he did not invent. He noted that other cities like San Francisco and Buffalo and all over the country had issues with police in their communities and implemented these solutions and then saw an outcome. Most of these apply to larger cities so they had to back some things off because of budget issues. His group is not proposing to have any funds directed towards it. They are not proposing to have any teeth when it comes to enforcing policy or disciplining officers. He sees it as the conduit between the Council, the Freeport Police and the Freeport citizens so there are open lines of communication. They want to create more transparency. He suggested that the Council feel free to reach out to him or other members of the group. They would be happy to meet one on one and go through it and explain some of the reasonings. The main categories that this document covers are:

- 1) They want to make recommendations to the Town regarding policy adoption and amendments.
- 2) They want to assist the Town with staffing the Police.

## COUNCIL MEETING #06-21

MARCH 2, 2021

- 3) They want to provide the public with transparency of complaints.
- 4) Research the best use of Town funds related to Public Safety and Policing.

Councilor Piltch advised that they didn't form the committee in response to any problems they were aware of. It wasn't the case that they thought there was an issue for policing that needed to be addressed. It was more in the spirit of let's be proactive about it so that it never becomes an issue and some of the things we are seeing elsewhere don't creep into our Town. He advised that they will come back with a formal request to have it added to an agenda but wanted to circulate so everyone can ask questions and the group in the audience can chime in if they have things to add.

Councilor Bradley mentioned that this is the first he has heard of this and has not seen the document. He noted that you are starting by saying there is no problem and have not identified a problem that you are trying to fix but you are trying to be proactive. With that proactivity comes a change in the system that is apparently working pretty well by involving a significant rule for the public in what is both a personnel situation and a policing situation which is specialized. He asked if they talked about the risks of what you are doing in terms of complicating policing efforts in our town or making it worse in some way than the way it has been? He is not suggesting that it will be worse but is wondering if you talked about the down side of creating a public committee to deal with such highly specialized and private issues?

Mr. Jeffrey advised that they are not planning for this committee to be as heavy fisted as it has been in other cities. This committee will not have power to hire and fire and discipline. It is simply to finish the work that Chief Nourse asked them to do and create live communication.

Mr. Joseph added that it is an important point that a lot of the problems you see are when you have Police Commissions that have budgetary control or personnel control, they create bloated departments and in his personal opinion, sometimes do just the opposite by obscuring personnel decisions and things like that and you have seven people. His understanding from what he has seen is that this committee is definitely looking to be an advisory role which is fantastic. His first reaction when the whole process started was "there is nothing wrong with our department. They do a great job." In listening more and more, he is right there with the committee that the goal is to prevent anything wrong from ever happening and the more we can prevent, the better. He talked with a couple of Councilors and maybe he can talk with the committee. They are cognizant of what some of the personnel issues are when we start doing confidentiality and personnel and all that kind of stuff. Maybe he could work with Mr. Jeffrey and Councilor Piltch to give his input on what HR perspectives would be and legal perspectives would be on what we can do and what sometimes we can do and what we can never do and make sure we are in the sometimes and always realm. He does not see anything in this proposal that screams out that it would not be allowed or break any rules. He feels a few of the things need to be phrased correctly to make sure we are not disclosing employment information. He thanked them and the committee for putting this together and will try to consider it in the light of giving us guidance which he feels is important.

Mr. Jeffrey thanked the Council for its support and suggested that they take their time reviewing the document. They would be happy to meet in small groups to discuss it.

Lesla Andreasen replied to Councilor Bradley's point that policing is a skill, it is a training and is specialized. You can't walk in the door and know as a lay person what is involved in all of that. In the six months she was involved with the group she learned so much which motivated the group to want to make sure we have more transparency so people understand what is involved in doing good policing and what you can do, what you can't do, what you should do and what you shouldn't do. She doesn't think that was what they thought they were going to be doing in reviewing these policies with Sue Nourse. It was like going down a rabbit hole. She thanked Acting Chief Goodman for helping them get in and out of the

COUNCIL MEETING #06-21  
MARCH 2, 2021

rabbit hole. It struck many of them that there is a lot more to this than meets the eye and the more transparency there is about policing in general and the needs of the community, the better it is.

Joe Migliaccio, a member of the committee, said he was glad that Councilor Bradley was the one that asked the question because being on his second or third term as a Councilor, he has seen a lot in this town. He entered in with “let’s start with data. What is the problem?” and Acting Chief Goodman was assigned to us and it was pretty clean. He felt there was some administrative policy and everything from extremely masculine eyes such as he or him to things that maybe were not clear. From a Council helper perspective, he thinks this might be good but Councilor Bradley was right on the money. It is like adopting a new type of zoning or something deeply embedded in our town, so the Council should spend a lot of time on this. There is some merit in some places. This is a document of consensus not complete agreement and he thinks through public dialogue and discussion, the Council will get to hear some of the committee’s flavor and maybe we will uncover some folk’s passion about it. He would not support this document the way it is today and is not sure everybody else would without a few changes.

Char Egan added in that he appreciated the willingness and the open participation of Acting Chief Goodman and prior Chief Nourse. These kinds of dialogues are not in reaction to an incident or a series of problems or even rumors of problems. He applauded the Police Department for coming into this with a sense of trust. It was clear from his perspective last year in 2020 when this group was first convening that we collectively all of us in the community were going to enter into this discussion from a position of trust. The Council is trusting the public and the public is going to trust the Council as its elected representatives. The Police Department is going to trust the public and the public wants to trust the Police Department and we are going to get there understanding a whole lot more of what is involved in policing and when you bring that trust level up, all of the members of the community really understand what it is to wear that uniform and understand from the perspective of the uniform where we are in terms of your local leaders. It is imperative that we come into this conversation from a position of trust which it sounds like we have and he is pleased to hear that so far. He looks forward to the discussions going forward.

Councilor Reighley, in an effort to expand on community policing, noted that they experienced that in discussion on the Complete Streets Committee. This is a really good way to go forward and is reminiscent of the days when we had a patrolman who walked his beat and knew everyone in the neighborhood. These are things we may be reverting back to rather than uptight situations many times. He urged them to keep up the good work.

Chair Egan thanked Mr. Jeffrey for taking the leadership and courage to bring this forward. He assured him that this would not be the last time we have this kind of conversations and he will look forward to the evolution of this document and the formation of what we are talking about. He also thanked Acting Chief Goodman for joining us this evening.

#### 4. Presentation of 5-Year Capital Program.

Finance Director Jessica Maloy asked Mr. Joseph to screen share her presentation. She thanked the Council for having her. This is the beginning of our Capital Planning process for FY2022 which means she will be taking the Council through the 5-year plan of 2022 through 2026. She explained that what is defined as a capital item is an asset with a depreciable life of more than one year. These items are commonly over \$5,000-\$10,000 in value and they are non-routine projects. She explained the goals and that we do this process to try to maintain a stable tax rate.

COUNCIL MEETING #06-21

MARCH 2, 2021

This year she is presenting a Plan of \$1,497,000. Last year Council approved a plan of \$2,658,900 but a big chunk of last year's was the fire apparatus purchase of a new ladder. She reviewed the history and the reserve balances.

Police Department - \$62,000 (NOTE: Cassie is still working but department is looking for a replacement)

Fire Department (No capital requests)

Rescue - \$60,000

Public Works Street Sweeper \$140,000 (shared with Destination TIF Funds)

Solid Waste/Recycling- \$67,500

Comprehensive Town Improvements - \$630,000

Municipal Facilities - \$88,500

Cable - \$24,000

Boards & Committees - \$125,000 between Downtown Revisioning, Year 2 of a 3-year appropriation and Year 2 of a 3-year appropriation for the Comprehensive Plan update

Destination Freeport TIF - \$300,000

Chair Egan pointed out that the Council is not putting a \$1.4M burden on the taxpayers with this budget because of really sharp and prudent financial management by our Staff, in particular our Finance Director and good decisions made by previous Councils. All of the items that we just went through and Jessica just outlined, are being paid for by reserve accounts and/or the TIF. This is just a reminder but when we get to conversations as we move through the Operating Budget for Town government, we are looking at raising funds from taxpayers to cover certain items. He wanted to point out that the Capital Budget here is entirely paid for by reserve accounts and the TIF account and is not a burden on raising taxes for FY 22. There are not a lot of Maine communities that have as little debt as Freeport has and is also able to spend \$2M or \$3M a year on Capital improvements and not have it hit the tax bill of the residents for the upcoming fiscal year. He feels this is remarkable and he feels it is worth putting in the public record on just how well this Town is run financially as a result of good fiscal management and good decisions from previous Councils about spending within their means and funding these reserve accounts so we can do things like buy police vehicles, fire apparatus and pave roads without having to translate those into tax increases for our residents. Very well done!

Councilor Reighley added that as a town and we do this 5-year plan, his sitting in on GPCOG meetings and listening to other towns that are involved with it, they are only working on an annual budget. This makes it so much simpler for us to smoothly move from year to year, and there could be some bumps, we don't have the spikes you see in other towns. And they struggle to maintain their low mil rate.

Mr. Joseph asked Councilors if there is any push back that they feel from Staff, whether it is from Jessica or him. It is not intended to be project specific or anything like that. It is to protect that long term appreciation of the reserve funds. The priority for spending is always with the Council. They just propose the Capital Program to look like this to give them a baseline to start from that they think is sustainable.

COUNCIL MEETING #06-21  
MARCH 2, 2021

He added that there is nothing wrong with raising tax money and putting it into reserve funds. That is how the majority of municipalities operate in the United States. There is no shame when we get to the point when we have to raise taxes so if there is something that is a priority, we need to think of it that we don't have the reserve funds for it and the Council should look at it in light of this is a priority and even though it is going to cost x cents on the tax rate, we think we should be raising money from tax dollars and putting it into reserves. Eventually there will be several years when we will get to that point because of a large expenditure down the road. If it is not coming from tax dollars, it may come from bonding as well. Those are additional sources that can be used in Capital Programs but he would personally prefer to avoid them as long as possible.

Councilor Bradley asked if every dollar that is in every reserve fund came from a taxpayer? Mr. Joseph advised that it was not necessarily. A lot of these are funded by revenue sources. The best way to think about it is it's all public money meaning that even if it didn't come from the taxpayer, it is offsetting a dollar that would have come out of the taxpayer's pocket to pay for something. A lot of this money came from service charges, leases, revenue sources outside of tax revenue but if it wasn't there, it would be tax revenue. Jessica advised that past Councilors worked very hard to build these reserves and make Freeport a sustainable community and she doesn't want to see poor management happen. That is not what the intent of the reserves are and she doesn't want to see them fall away under her oversight. She stated there is nothing wrong with bonding or incurring debt. We are in a great position to do so and in this rate environment, it is not a bad thing to do to protect the reserves.

Councilor Daniele asked if the Council would be going over these things again later? Chair Egan assured him that there would be lots of details, presentations by department heads and he will be able to ask questions about this option or that option. Mr. Joseph mentioned that if he has specific questions, he could call him and Jessica and do a conference call and run through his entire list of questions or he can e-mail them. In the past when people are doing a lot of inquiries, they should put them in an e-mail to him and Jessica and they share their responses to all the questions to everybody.

Councilor Bradley mentioned that to Chair Egan's point, none of this is going to come out of the tax base so why do we spend any time on the Capital Budget. These are proposals from people that work for us and know the things. Why don't we just approve it and get on to the Operating Budget which is what is going to impact our taxpayers? He knows there is a good answer to this but he wants to hear it.

Chair Egan advised that the short answer is that the luxury we have right now is because there has been lots of diligence over the years to make sure we are keeping up with Capital improvements that the nine different categories here are looking for without exhausting the reserves and making sure that we have reserves to go to year after year after year. He would agree that it is a slightly lower priority trying to manage the public trust here for taxpayer burden but he doesn't think it is something the Council does not need to talk about. Jessica had another point to make on this. This really helps Staff establish what current Councils' long-term priorities may be. She referred to the street sweeper that was discussed earlier, the goal of the Capital Plan is it helps guide us long term of where the current Council is thinking the Town should go. Mr. Joseph thinks in terms of projects is the best way to think about it. A lot of these are projects and not recurring things that happen on auto pilot. The Operating Budget is things like subscriptions, long-term agreements, contracts, etc. The Capital Program really drives most of our work. The Engineer needs to know if he is going to be rebuilding x,y,z Street five years from now so he fits it into his work plan. We need to know if we need to go get funding from PACTS to match that work or we need to know if we need to design a bike path. The Operating Budget just lets them do these projects. If the Council doesn't want us to be working on making those year 2,3,4 or 5 things come to fruition in those years, take them out of the 5-year plan. It saves everybody a lot of time from going down a path of planning for these things that are not going to have Council support.

Chair Egan thanked Jessica and noted we will be going through this a couple more times before we actually vote on it.

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5. Discussion of process and timing for consideration of Bartol library building use proposals.

Chair Egan explained that this is a continuation of a conversation the Council had last week about the Council's ideas and directions about what to do with the Bartol Library and we did not resolve a whole lot and it is on tonight's agenda for additional clarification and resolution.

Councilor Piltch wanted to restate for the public record that he will step down and not participate in any discussion having to do with the Bartol Library Building with the reason being that about three months ago he submitted a proposal for putting a family friendly wine bar in the building. While that proposal is under discussion and consideration, he is going to recuse and not participate. He stepped down and will be in the audience if the Council has questions.

Chair Egan advised that we had some discussion about the gravity and or if there is a conflict with Councilor Piltch as he just mentioned in terms of us contemplating the proposal that is in front of us from his group. We have some details from Mr. Joseph about another proposal potentially involved about selling the building. We had an extensive conversation about the role of that building or the potential reuse of that building in our downtown visioning work which we just spent a lot of time this evening hearing about particularly all the detailed conversation and tentacles that are out in our community now collecting input, ideas, directions, what is good and what is not good about what is happening in our downtown now as well as our larger community. There is a lot of ingredients being put into the pot if you want to use that metaphor for a stew that will take a few months to cook.

As an individual, Chair Egan suggested maybe we actually hold off on a decision on what to do with the Bartol Library until a bit later this spring when we have a little more detail about some of the other proposals that were sort of in but not all the way in and it would also allow a little more time for the work that is going on right now with hundreds of people literally providing input about where people want to see our community go. This is not a recommendation by the Chair. It is an offer on a particular position. It is against his normal nature because he is a get to the result and less focused on sort of navigating all the possible permutations of a process. He is usually focused on moving forward but in this case, he thinks there is enough gravity on the nature and quality of that building and certainly the location of that building and the various other things that are potentially in play that we may not be best served by making a decision on it right now. He would like to have a few minutes of conversation on that potential and if there is a majority of us that would like to move forward with a discussion, he would not feel bad about it and will participate in that decision. He is just offering his position to open up the conversation.

Councilor Daniele asked if any of the offers are time contingent. Chair Egan did not know that for sure. Certainly, market conditions change and any potential use of that building involves renovations and if the decision on our part is delayed out by two or three months, those renovations will put you well into what would typically be a tourist season in Freeport where we have a dramatic increase in the number of visitors. It may well influence some of the proposals.

Mr. Joseph mentioned that there are lead times for either of the proposals but he can go back and that of the individuals but he thinks at some level of time it would be off the table but it might be one month or one year. He would need to have a conversation with whoever is interested in the property.

COUNCIL MEETING #06-21  
MARCH 2, 2021

Councilor Reighley noted he is in agreement with Chair Egan but if something comes up and there is some earth-shaking development takes place Chair Egan, Vice Chair Whitney or Mr. Joseph are capable to adding it back to our agenda.

Chair Egan clarified that he is proposing that we not move forward on a decision just yet on the proposals not because he doesn't think we know what we want to do with that building but he thinks there are still some variables that could influence our decision on what we want to do with that building. He may be an opinion of one on that. We had some lively discussion last week so he thanked Councilor Reighley for contributing that and we could very well move to put it back on the agenda in two weeks and have a decision.

Councilor Lawrence added that to address the renovations, even if we did it today, someone would be in the middle of July or August before they could bring that building up. That is a huge concern but he also likes waiting because we don't know what the outcome is of the survey and he is in favor of waiting unless something earth shattering comes up.

Vice Chair Whitney did not feel an Executive Session was needed. Her only question is if Mr. Joseph can contact the two interested parties to see if us trying to wait a little bit is going to prevent them from being interested and taking the building. Mr. Joseph agreed that he would do that tomorrow and would report back to the Chair and Vice Chair and decide if something is going to be precluded because of the wait, maybe we should have an Executive Session at the next meeting to consider that specific offer and whether it is something the Council wants to take a pass on.

Councilor Lawrence mentioned that at some point there was a question of having a lawyer answer some of the questions we came up with. He asked if any of those were answered. Mr. Joseph advised that he received a communication and forwarded it to non-recused Councilors with answers to the questions we discussed. It just came in after the meeting started. Chair Egan explained the context of those questions was to help us clarify and help us with our paths and options are with the presentation of an apparent conflict with a Councilor being involved in one of the proposals. Councilor Daniele asked if it would be beneficial to go into Executive Session tonight to discuss a potential conflict still even if we have not decided who to give it to based on participation in the current revisioning of downtown? Mr. Joseph mentioned that the Town Attorney advised that a discussion of conflict of interest should mostly be in public. Anything that would set one offer apart from another and may reveal the Town's bargaining position, the Council does not want to say here. He suggested that Councilors read through the guidance and not discuss it unless we are doing it in a group setting like in a Council meeting. He has not reviewed Amy's guidance because he just received it after the meeting started.

Councilor Lawrence feels the conflict even if it is still there, it is not as great. Directing what is happening downtown will have already been done. It's after the fact and anyone of us could have a conflict. Mr. Joseph added that one way to think about it is that it will be apparent all the actions that were taken during the downtown visioning process after the visioning process is over so the Council could make that judgment call. If there is an actual concern that something that happens during the downtown visioning process creates a greater conflict of interest, we will have seen it and know what it is. It will all be in the Council's judgement of whether it is an issue or not. If that ends up being a political judgment, does the Council feel there is a conflict or not. It is a perception question he thinks. Councilor Daniele feels it would be a shame to decide later that there is a potential problem with it. He feels that if it is decided now, then we are able to give both parties options on how to proceed or all the offers. He is just trying to be fair to everyone and does not want to see us making a decision later that would essentially be "oh if I had known that before, I would have made a different choice."

COUNCIL MEETING #06-21  
MARCH 2, 2021

Chair Egan felt that was a good point for sure. He explained another way to look at where we are is sort of in line with what Councilor Bradley mentioned at our last meeting which is before we have any conversation about reviewing proposals, we should tackle the issue up or down. Do we want to review a proposal that has a Councilor involved in it with the notion of that either is or is not a conflict? Councilor Bradley noted he read the Minutes and feels he clearly said what he thought. Anybody can go back and read the Minutes and understand what he thinks the ramifications are. He felt uncomfortable at the end of the meeting last time. He thinks it appeared as though he was negative with respect to Dan and his proposal and he is anything but in terms of the downtown. He thinks the points that were raised are legitimate and to Jake's point, he thinks we could hurt Dan by not deciding this upfront. He doesn't think that is fair to Dan. He has been very transparent and upfront with us and he kind of got caught in the calendar but on the other hand, to John's point, we can kick this can down the road a bit. Depending on what the answer is, does that knock people out of the box who may need an answer sooner or later? He does not know the answer to that and he does not know the answer to the conflict opinion so his suggestion would be to defer this to the next meeting when we have answers to those questions and we can make a more rational and reasonable decision which is fair as Jake said to everybody. Vice Chair Whitney agreed. Mr. Joseph feels he can get the Council an answer in terms of what it does to both parties that are interested now at least. If this puts it off the table for one or the other, the Council will have time to review the legal opinion that was provided and can answer both of those questions pretty easily at that time. He would not take any action now because he thinks Jake made a really good point that the Council may want to reverse that decision in two weeks.

Councilor Lawrence stated that he did not feel Councilor Bradley was negative last time. He felt he raised really good questions. Councilor Bradley appreciated him saying that. He didn't like the feeling to be honest so he is saying it now. He feels the Chair's suggestion about a deferral for a little while and come back to it when you are ready once you have the information is fine. Chair Egan added that it does seem after this conversation the sequence is at least two stage if not further and we really do need to identify and address the issue of the conflict before we start getting into the dissection of the proposals and comparing one to the other because of the gravity of what a potential determination of conflict means and at that point, depending on how we resolve that issue, that proposal is either in or out and we can't be sort of half way about it. It is either or it isn't so that seems to be our next move so let's review the document from the Town Attorney and he asked Mr. Joseph to make sure we have this on the March 16<sup>th</sup> agenda for hopefully a determination at this point on how we are going to handle the potential appearance of a conflict of interest and decide whether from there whether we want to seek proposals or review what we have in front of us. We heard about a potential third one coming in and maybe it will come in by then so he won't put a date on it but we will at least postpone this discernment and decisioning process on reviewing proposals until we have a chance to review the additional legal material as presented by the Town Attorney and have a conversation on March 16<sup>th</sup>. Councilors agreed that it works.

**MOVED AND SECONDED:** To adjourn at 9:56 p.m. (Reighley & Whitney)  
**ROLL CALL VOTE:** (6 Ayes) (1 Recused-Piltch)

Respectfully submitted,

Sharon Coffin, Council Secretary

COUNCIL MEETING #06-21  
MARCH 2, 2021