

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #12-21**  
**HELD REMOTELY USING ZOOM TELECONFERENCING TECHNOLOGY**  
**TUESDAY, MAY 4, 2021**  
**6:30 PM**

<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 Vice Chair Whitney called the meeting to order at 6:34 p.m. and explained that as Vice Chair, she is filling in as Chair this evening. She took attendance and noted that Chair Egan is excused tonight but all other Councilors as well as the Town Manager are here. She 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, members recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #11-21 held on April 27, 2021 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #11-21 held on April 27, 2021 and to accept the minutes as printed. (Piltch & Bradley) **ROLL CALL VOTE:** (6 Ayes) (1 Excused-Egan) (0 Nays)

**THIRD ORDER OF BUSINESS:** Announcements

Vice Chair Whitney announced:

- This year the Annual **Spring Clean-Up** will be held as follows:

Monday June 7<sup>th</sup> and Tuesday June 8<sup>th</sup> from 9:00 a.m. – 7:00 p.m.; and  
Wednesday June 9<sup>th</sup> and Thursday, June 10<sup>th</sup> from 8:00 a.m. – 7:00 p.m.

Residents will need to bring the completed coupon included in a town wide flyer (which includes details and conditions) which should hit mailboxes the middle of May. Be on the lookout for the yellow brochure the 2<sup>nd</sup> or 3<sup>rd</sup> week in May!

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Reighley advised that the Complete Streets Committee met this morning. This is a strong working group and there was a lot of discussion particularly on the Mallett Drive Bridge. It looks like

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DOT is not wanting to do what we wanted to have them do so he thinks there will be a push. May 11<sup>th</sup> is an important date because it is when there will be a meeting with DOT on this issue. The connect ability of the bike/ped is in question. The topography has dropped off so it is not going to allow for things to happen right away. Councilor Daniele was listening in on the meeting but Councilor Reighley had to leave so if there is anything else that was significant, he can fill us in. Councilor Daniele advised that he did not hear anything that Councilor Reighley missed.

Councilor Bradley asked if this means the bike path we voted for will not function? Councilor Reighley advised that the way the State is doing it on the initial schematic that came out is allowing for this to take place but now they are not showing that. It involves abutting neighbors and they are talking about doing a sloping down rather than having a retaining wall. He thinks we need to put a little more pressure on the State. Our Manager can speak to this and also our Town Engineer, who is listening in.

Mr. Joseph mentioned he did not have the level of detail the Committee members had at the meeting but he did talk with them briefly. The question is not that the bike path will not happen. The question is that a small part of it, specifically where the northbound off ramps are right now between there and the Irving Station on the south side of Mallett Drive, there is maybe a couple of hundred feet or so stretch where the edge of the right-of-way that DOT owns is close to Mallett Drive and they won't be able to put the path there. From what he was told, DOT has the intent to go forward and correct the issue by obtaining the correct easements or property to put it in but they cannot do it within the confines of the time of the bridge project because of the federal grant they are receiving. That may mean it takes months to accomplish. He thinks it was like a year process or less that it takes them for right-of-way acquisition and essentially means making an offer or imminent domain on the property. He thinks they said they do everything through imminent domain and they have a legal process that they have to follow that would not be done by the time the project is bid out. From his understanding, they had full intent of going ahead and doing that at some point in the very near future but it wouldn't be on the first set of plans because of their right-of-way acquisition timeline so he does not know that it is a crisis that it is not happening but it is something we need to talk about and different from what we talked about with people originally. He thinks it is good that they are pointing this out to the committee.

Councilor Reighley advised that as a follow up, the Complete Streets Committee is going to have morning observation on traffic flow. It is scheduled on Monday, April 10<sup>th</sup> at 7:30 a.m. Councilor Daniele reiterated that the bridge part will definitely have the path. It is just how far on the land it goes out. Originally it was going to go out almost all the way to the Irving but now that part will be finished later. It is not a crisis. Mr. Joseph advised that it is serious but they are not saying it will not get done. They are saying it may be a separate phase or it may be part of the Town's Mallett Drive project in the future. He advised that the Council needs to make sure people know that since it is different from what they told us originally.

Councilor Bradley shared that the Thomas Means Club with Deb Smith and the Wolfe's Neck Club with Tod Yankee scheduled a Zoom call last night with District 2 and had 15 or 20 people in the audience. They went over a lot of the issues that we as a Council have been handling. There was a lot of interest in all of it. One of the issues that came up that he knows is out there but we are about to get into it, there are a number of people concerned about people on fixed incomes. He reported there will be a tax increase and that generated a feeling that we need to be careful about what we do about forcing people that are older and are on fixed incomes out of town. We have so many good things we are spending money on but we have to remember those people as well. That point came out loud and clear.

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

Mr. Joseph wanted to update people that it appears that at least parts of the Governor's Emergency Executive Order are set to expire on June 2, 2021. Specifically, there is a waiver in that Emergency Order that exempted the time line for dog license renewals and all the fun things that come along with it like getting letters and visits from the Warden that you haven't registered your dog and things like that so he did not want to surprise anybody. It is a month away so he is putting it out there. There are a lot of people who because of the COVID Emergency Orders were exempted from dog license renewals that we did not pursue; they were specifically exempted by law. If anyone has not yet registered their dog for 2021, starting at the beginning of this year, just remember that that is coming due. He doesn't want it to be a surprise to anyone when we start that process up on June 2<sup>nd</sup>. It would have happened in February of this year.

Mr. Joseph wanted to take time to recognize Mr. Bill Perkins who was a former police officer for the Town many years ago. He had this flag clock made up that says, *For those who serve, are serving and will serve our community, Thank You!* It has the Town seal and the Police and Fire Department seal on it. He brought it into Town Hall and it will be shortly given a home of honor down at the Fire Station in the large meeting room in between the Police and Fire Departments for our Public Safety personnel. He thanked Bill. It is very nice and has been gracing the Town Manager's Office for the past couple of weeks and probably everyone has seen it. He thanked Bill and noted it is very appreciated.

Acting Chair Whitney advised that there was an item that was left off the printed agenda which the Council moved from last week's agenda to tonight's agenda. It is the discussion of offers pending on 55 Main Street, the Bartol Library Building. This discussion will be in Executive Session and we need a majority vote to do this. She asked if there is any opposition to adding this to the agenda. Councilors did not voice any opposition.

**MOVED AND SECONDED:** To add an Executive Session to tonight's agenda. (Reighley & Lawrence) **ROLL CALL VOTE:** (5 Ayes) (1 Abstention-Piltch) (1 Excused-Egan) (0 Nays)

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

**MOVED AND SECONDED:** To open the Public Comment Period. (Reighley & Bradley)  
**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Egan) (0 Nays)

Mr. Joseph mentioned that Josh Olins was expected to speak but noted if he is having trouble connecting, the Council will come back to him anytime. There were no other public comments provided.

**MOVED AND SECONDED:** To close the Public Comment Period. (Reighley & Lawrence)  
**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Egan) (0 Nays)

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

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ITEM # 77-21 To consider action relative to adopting the May 4, 2021 Consent Agenda.

**BE IT ORDERED:** That the May 4, 2021 Consent Agenda be adopted.  
(Lawrence & Reighley): **ROLL CALL VOTE:** (6 Ayes) (1 Excused-Egan) (0 Nays)

Councilor Pilch asked if the Council has a Consent Agenda tonight? Mr. Joseph offered to research this. He advised that the Town Clerk just texted him that we do not have a Consent Agenda tonight. The Council did not need to take that step.

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ITEM # 78-21 To consider action relative to a new Liquor License for Sunrise Café, LLC located at 475 US Route One. PUBLIC HEARING

**MOVED AND SECONDED:** To open the public hearing. (Reighley & Lawrence) **ROLL CALL VOTE:** (6 Ayes) (1 Excused-Egan) (0 Nays)

**MOVED AND SECONDED:** To close the public hearing. (Reighley & Lawrence) **ROLL CALL VOTE:** (6 Ayes) (1 Excused-Egan) (0 Nays)

**BE IT ORDERED:** That the new liquor license for Sunrise Café be approved.  
(Pilch & Daniele) **ROLL CALL VOTE:** (6 Ayes) (1 Excused-Egan) (0 Nays)

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ITEM # 79-21 To consider action relative to setting a public hearing on the Operating, Capital and TIF Budgets.

**BE IT ORDERED:** That a virtual public hearing be set for June 1, 2021 at the Town Council meeting that starts at 6:30 pm. to discuss the Operating, Capital and TIF Budgets.

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

Councilor Bradley asked if somebody could explain the process to him. Mr. Joseph explained that the Capital Program is the 5-year plan. The legal vote by the Council to spend the money or authorize Staff to spend the money all happens at once in one lump sum, usually at the second meeting in June which is the end of the fiscal year. That is how it is laid out in the Charter. What we adopted was the 5-year plan, Year One of which is now in front of the Council unchanged for approval as the Capital and the TIF budgets. Councilor Bradley knows the question he will be asked is should all the people who are in support of Meeting House Arts and the Downtown Destination TIF come to this public hearing and explain why? Mr. Joseph mentioned he is always very cautious telling people not to come to public hearings because he feels it is like shortcutting democracy. If they are very concerned about it and feel they want to speak in favor of it, they absolutely should come to the meeting. He doesn't think it is necessary but he would not want to discourage them from coming. It becomes more important if there is a push to move it out of the Capital Budget. Usually, it is a good indicator when it is a 7-0 vote at the Capital Program stage that people do not need to worry that it's coming out of the budget in the next two months but you never know. He warned that trickier things have happened.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Egan) (0 Nays)

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ITEM # 80-21	<p>To consider action relative to setting a public hearing to discuss a request for a Contract Zone for property located at 0 US Route 1 (Tax Assessor Map 23, Lot 64) and 0 Stagecoach Road (Tax Assessor Map 23, Lot 64) for the purpose of allowing a large solar farm (appx. 10 acres) in portions of the parcels in the Commercial I Zoning District.</p> <p><b><u>BE IT ORDERED:</u></b> That a virtual public hearing be set for May 18, 2021 at the Town Council meeting that starts at 6:30 pm to discuss a request for a Contract Zone for property located at 0 US Route 1 (Tax Assessor Map 23, Lot 64) and 0 Stagecoach Road (Tax Assessor Map 23, Lot 64) for the purpose of allowing a large solar farm (appx. 10 acres) in portions of the parcels in the Commercial I Zoning District.</p> <p><b><u>BE IT FURTHER ORDERED:</u></b> That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable Channel 3 and the Town's website. (Reighley &amp; Piltch)</p>
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Acting Chair Whitney explained that this is just setting the public hearing. There will be an opportunity to deliberate at the May 18<sup>th</sup> Council meeting and we have our Town Planner, Caroline Pelletier here to give us a little background.

Mr. Joseph explained the process for a Contract Zone is a several step process. A contract zone allows somebody to bend or get around a zoning rule by agreement of the Town Council. They are only allowable in certain commercial districts in town. The process is laid out in our ordinances and it is pretty particular. Before we can start that process at the Planning Board and Project Review Board level, the applicant needs to come to the Town Council first and ask the Town Council whether or not what they are proposing to do is an appropriate use of the Contract Zone tool. The Council holds a public hearing which is what is scheduled here and deliberate and vote whether or not it can even move forward. So, absent a vote from the Town Council saying that it is not an appropriate use of the Contract Zone tool, the project never goes to the application phase at the Project Review Board or to the Planning Board to even consider the zoning amendment. We are way at the beginning and it is done that way intentionally because they can sometimes be controversial or at least get a lot of attention so it is done that way with several steps and a massive amount of public awareness is usually raised around this. The last one we did in Town was a project that has not yet happened. It was the in-fill building in between Vineyard Vines and the brick building to the right if you are looking at the front of the former Denney Block property. The building that was going to be built in between those two was going to exceed the height that is allowable on Main Street. Essentially it is a contract zone that allows them to go a few feet higher than what the zoning would otherwise have allowed.

So, in this case we have an applicant and if the Council remembers in a recent Solar Public Hearing, we took out the C-1 out of the proposed zones that this was allowed in. Somebody was listening and has now approached the Council through a Contract Zone process because they would like to do a solar farm in one of the zones that was taken out of the ordinance. This is exactly what we were looking to have happen when it happened. It is working. What we set out a few weeks ago has happened.

Ms. Pelletier advised that Mr. Joseph is right, this is one of the districts when the Council looked at the new solar language. The recommendation from the Planning Board was that you allow large solar farms

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with a development array area of 20 acres. The Council dropped it down to 10 and also struck a large solar farm from a permitted use in the Commercial I Zone. The applicant has two parcels under contract. One is on U.S. Route One right between Cold River Vodka and DiMillo's that has a small strip of frontage and then there is a back piece which has access off of Stagecoach Road. You can only do a Contract Zone for the portion in the Commercial District. There is a small area in the Rural Zone they are proposing to keep under the small solar farm area so the contract would be for the large solar farm in the Commercial portion for a total solar array development area of 10 acres. Should the Council decide to go forward with this, it would go to Planning Board and Project Review Board for review and approval and input on the Contract Zone. There will be ample public notification for the Contract Zone when it gets before the Planning and Project Review Board. There is a 900-foot radius that they have to notify in addition to legal ads. Should that process go forward, the applicant will have to go back and go through the Site Plan Review process under the new Solar regulations that the Council just adopted. She is aware that the applicant plans to present to the Council at the Public Hearing.

Councilor Bradley mentioned one thing he took away from the Short-term Rentals that was worthy of consideration was that we do not use a number of social media mechanisms for giving notice of things. A lot of people follow us that way and a lot of people are in to that way of communicating. It never occurred to him that we were not giving amazing notice for Short-term Rentals. We had so many meetings and he wonders if there is a way to expand the way we give notice to the public to include the mechanisms that the people who were at the Short-term Rental hearings complained we hadn't. Mr. Joseph advised that we have talked about this before. Staff is more than happy to put the notices up anywhere. We go by what is required in the Charter and Ordinances and what is in the order that the Council reads. There is no reason as a standard going forward that we can't add other things to Freeport's local cable Channel 3 and the Town's website such as Facebook, Instagram or whatever else we want to use. Twitter is difficult. It might merit a little bit of discussion. We want to be sure it is consistent. If we are going to do that, there is no opposition from doing it. We just want to think about it consistently going forward and develop that list.

Councilor Bradley asked if there would be anything wrong with advising Mr. Joseph that it would be desirable to have some social media publication of this one because Contract Zoning is unusual and a lot of people may be interested in the context as well as the location. Mr. Joseph mentioned that is absolutely fine and he can do it tonight or tomorrow. If we want to start putting those in every time, we have an Ordinance amendment, that is something to think about and we could just put it right in the language. He and the Town Clerk will just add that to the order when they draft the agenda. It is not required by the Charter or by Ordinance but there is nothing saying, we also want to send carrier pigeons with the Ordinance notice attached out to the public. He was joking! The Council could get as granular as that.

Councilor Reighley asked why there are zeroes when they are identifiable lots? Mr. Joseph advised they don't have street numbers because they are vacant lots. Street numbers are assigned once a structure is built.

Councilor Piltch had a question about process and asked if the application would come back to the Council for final approval. Ms. Pelletier explained all the steps the applicant has to go through. He mentioned that he would be in favor of more communications but cautioned about which channels to use. He would want to discuss this more before he, as a Councilor, vote to say, you must post on this channel. Councilor Daniele felt this merits more conversation.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Egan) (0 Nays)

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ITEM # 81-21 To consider action relative to a request for use of Town Property by Visit Freeport.

**BE IT ORDERED:** That the Use of Town Property request by Visit Freeport be approved. (Piltch & Reighley)

Mr. Joseph explained that this is the Town Hall lawn they are requesting to use. There are two times, one in June and one in September that they are looking to use the lawn. They just started up this weekend and it was successful.

Councilor Bradley asked what is the difference between Makers on Main and the Street Gang, all of whom are doing things like this? Acting Chair Whitney explained that the Street Gang was formed out of the Revisioning work on the downtown. Visit Freeport is a strong entity with a presence downtown that people know and rely on. Makers on Main is an event that Visit Freeport organizes and brings different vendors together to make it happen each year.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Egan) (0 Nays)

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ITEM # 82-21 To consider action relative to the disbursement of Cemetery Perpetual Care Funds.

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

<u>CEMETERY</u>	<u>VETERANS'</u> <u>ALLOTMENT</u>
BURR	\$ 8,775.00
DAVIS	\$ -
WOODWARD	\$ -
GROVE	\$ 2,350.00
CARRIE THOMAS	\$ -
WEBSTER	\$ 1,850.00
WOODLAWN	\$ 2,375.00
SO FREEPORT	\$ 2,750.00
MANN	\$ 75.00
FLYING PT	\$ 450.00
<b>Total</b>	<b><u><u>\$18,625.00</u></u></b>

(Bradley & Piltch)

Acting Chair Whitney explained that this is just an annual payment made to the cemeteries for maintenance of the Veterans' graves which is the Town's responsibility under State Law. Councilor Bradley asked why wouldn't there be a disbursement to all cemeteries? Ms. Maloy explained that the cemeteries that have a zero allotment, we are not aware that there are any veterans' graves within those cemeteries. Mr. Joseph advised that these are all private cemeteries so we wouldn't normally give them funds unless we have a trust fund in their name or they had disbursement from the Town.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Egan) (0 Nays)

**OTHER BUSINESS:**

1. Update on Downtown Visioning Project

Acting Chair Whitney asked Mr. Joseph to screen share some slides. She advised that they are currently almost at the end of Phase One which is funded. It will be ongoing until the early part of June. Phase Two which is pending funding, is in the community visioning process which will take us from June all the way into September. Phase Three, pending funding, is the community design portion of their work and it will take us from September all the way to April 2022.

She advised that they have great input from the surveys, the community walk, and they have more data than was expected for a community of our size. They received 586 responses and on those responses, residents took an average of 49 minutes to fill them out. It shows how important this work is to our residents. They also received 260 responses from kids and it was really helpful information for them to hear and understand. They also surveyed our visitors and they have 1,545 responses from visitors who love Freeport. All that information is so big and messy and is what is currently being reviewed by the Principle Group and the data will be put into an Early Action Plan. It is estimated that this will be delivered to all the Councilors in early June. The Early Action Plan will consider current conditions, what our community and visitors said, what they want and think about our downtown. It will include pilot projects the Town could implement this summer to reinvigorate the village and get additional feedback that will be incorporated into Phase Two and Three. For next steps right now, they are working on in the very near future is to get additional input from our community connectors, municipal department heads and Board Chairs to finalize pilot projects for summer and then return this information to the Council. They feel it is very important to collaborate with some folks that are already doing some of this work and that it is going to affect. For example, talking with DOT making sure that some of the things they dream up aren't met with the fact that they are simply impossible. It is about collaborating because they feel that is the best way to get things done and it is pretty exciting. She feels grateful to be a part of it.

Councilor Bradley noted that it sounds like they are going to go through some collaboration before they get some product to report back to the Council. He worries a bit that he won't see a lot of the mess that exists in the project right now because it helps him think about what the final draft is. Acting Chair Whitney advised that it is not to give Councilor Bradley information but really it is to polish the mess and make sure it is realistic. As one Councilor, Councilor Bradley noted he would like to see the unpolished mess and asked if it is possible to share that with him? Acting Chair Whitney advised that Jane Bradley is a community connector so he will have insight into that. Councilor Bradley understands that they got a lot of information and somebody is sorting through that to decide what to present to the Council. The final product presented to the Council will exclude some of the things that whoever is in that mid stage review will have decided if it is for later on, not now or not forever. Acting Chair Whitney advised that they felt it was important to give the Council a presentation that they would say it was worth the dollars and going forward with. Councilor Bradley inquired if they are not going to show all of this to him as a Councilor, could he come in and look at it as a citizen? Acting Chair Whitney replied that he could.

Councilor Piltch asked why the dates have been changed and are there any projects that we had as a town are going to be delayed because we are waiting for results from the Visioning Survey? Acting Chair Whitney answered that it is because of the extra input they are hoping to have and it is not just about presenting to the Town Council. It is presenting to the whole community and they want to make sure that there is a bar graph so you can see that 1% of somebody said they wanted to have hot dog carts outside every single day. They want that sort of information. It is not giving you the information but making sure you know that your voice was heard and your ideas were indeed captured. It will not delay anything.

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2. Project Review Board Workshop (Guy Blanchard, Chair and Adam Troidl, Vice Chair)

Chair Blanchard and Vice Chair Troidl explained that they have a short presentation to go through first and then will open up the floor for discussion. Town Planner, Caroline Pelletier screen shared their slides. Chair Blanchard introduced Vice Chair Troidl and explained the make-up for the Project Review Board and that Suzanne Watson and Gordon Hamlin just rolled off the Board in March.

He explained that Freeport is a bit unique in that the planning roles are divided by two boards. We have the Planning Board that does long and short-term land use planning for the Town whereas Project Review Board reviews the large development projects and sometimes small as well. Nearly every commercial development of any substantial size comes before the Project Review Board for compliance with Town Ordinances and often more than one ordinance is at play when they come before the Board. The ordinances that they use and the reviews they conduct as part of the Board, one of the big ones is Subdivisions and Subdivision Amendments. They have Municipal reviewing authority for those. They conduct Site Plan Reviews and Site Plan Review Amendments. They do Design Review Certificates as part of the Design Review Overlay and of course, site alterations to those. They also issue design certificates as part of the Freeport Village Overlay District. This is sort of streamlined. They try to do them all at once if there are multiple ordinances at play for each project that comes before the Board.

Vice Chair Troidl advised that from the last year they have seen 41 applications but those applications don't necessarily mean agenda items or a number of meetings those folks are at. For a major subdivision, those folks will come to the Board at least three times. It might be four. It might be a Site Walk depending on how early they want to come in and get some feedback and as Chair Blanchard said, multiple simultaneous reviews there. Over a five-year history they have done over 223 applications which again, not agenda items and meetings that multiply out for some of them. The next slide was a graph that Mr. Yankee did for them which he reviewed. On the next slide, there was some debate among the Board members discussing if the numbers were way low or whether they were just low but in that five-year period there was at least \$25M in construction. He felt it was definitely higher but it would take more review to determine how much higher. The approvals the Board has done that lead to future construction in subdivisions, both commercial and residential, you would have to figure at least \$40M there being that we have had several commercial subdivisions come through where most of those lots would get turned into a multi-million project. Homes with construction values these days, especially since lumber prices are not cheap either. He clarified that that is just construction cost and does not include worker spending, property taxes and once occupied what folks are spending as they are in town at either their business or their home.

Chair Blanchard ran through some of the projects and the types of things the Board has reviewed over the past year for not only the Council's benefit but for the public who might be watching. He hopes the public attends the Council meetings better than they do the Board's.

Vice Chair Troidl explained that subdivisions can be commercial, residential or large-scale residential as with the Beacon residences. One thing they noticed with that project as an example, that project was through the Planning Board and through the Town Council but it seemed to receive the most attention and by far the most public comment when it came to the Project Review Board. The disappointing thing about that is that a lot of the things that folks were expressing concern about were things that by the time it gets to our Board, our Board is there to enforce the ordinances and not change the ordinances or change the project so the things citizens had concerns about at that point were really decisions already made about rezoning and that type of thing. This is food for thought in trying to get more public involvement.

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Mentioning the Casco Bay Ford Truck Center on Route One South, the State Law for subdivision does not really differentiate between commercial and residential. There has been some talk by the Board and public comment at some of those hearings that perhaps there should be some performance standards added for that but the Board does not have that right now.

Site Plan can be both large and small so Site Plan sounds like a big project to some folks but for the Historical Society's Frosty's Donut Barn is not a huge project but comes through Site Plan. There are a wide variety of projects that come through the Board. Some are existing buildings and pretty small but they need to come through Site Plan.

A map was displayed next and Chair Blanchard explained that it is possible for an applicant to fall under the Design Review Ordinance, the Village Overlay as well as having to go through Site Plan Review and of course, the color requirements as well. There can be a lot going on with a single project. On the map are the Design Review Building classifications, A, B and C.

With regard to the Design Review Ordinance, the Board had a survey done in 2019 with a consulting firm to review the buildings identified as Class A or Class B. In Design Review Class A and B Buildings are identified as having historic or architectural significance. A is just slightly better than B and the Board felt it was vague so they asked the firm to come in and add some clarity for them. For that survey the Board asked the consultant to identify those buildings as contributing or non-contributing which sort of follows the federal terminology for how to identify historic or non-historic buildings. As part of that survey, they photographed and documented the buildings in the Design Overlay District that were Class A or B and identified them as contributing or non-contributing. They also gave the Board more information about the buildings, in particular the architectural details that are important to those buildings and that should be retained through any project. They have noticed with Design Review and with the Village Overlay at play here is that there does need to be changes made to the ordinance and if there is a way to blend those ordinances or ways to have more prescriptive solutions or ways to show that a lot of these smaller things like lighting, doors and windows could be reviewed in-house by the Planning Department and approved there and avoid having to come to the Project Review Board for a minor change like that would help streamline efforts and avoid a lot of confusion for applicants that have to come before them for any minor change they might want to do on the exterior of their building.

Vice Chair Troidl mentioned for Route One South and actually for the Beacon Residences as part of Section 527, there is the provision for a pedestrian path and connecting properties with this path down Route One South. He thinks it is a great goal but in practice it could be a bit challenging. Technically it should not be in the right-of-way, it should be on the applicant's property and there is a provision stating you can waive this if it is not practical to connect to the next property. Well, if nobody builds it, it is not practical to connect because there is no other path to connect to. The Board feels it is stuck between a rock and a hard place. If as a town having a sidewalk or a path down Route One South is important, either the language should be strengthened or the Town should actually fund that and do it in some manner. It is tough to do that one and some applicants are interested in it and help and others are not. That one is a challenge that should be strengthened or done away with if it turns out to not be a priority. There are some changes that would be very helpful such as incorporating the historic survey and things. The Board and certainly Caroline as the first point of contact with many of these applicants, would like some overall revisions and maintenance just to centralize information and maybe pare down the districts shown in that map with all the things on top of each other maybe doesn't need to be that complicated such as certain projects and three different ordinances they have to wade through. Overall, they are looking to create a user-friendly collection of ordinances so an applicant, whether they have to come to the Board or it is a prescriptive solution, it is clear what the path is.

Chair Blanchard mentioned the Visioning Process which they covered at a meeting when Councilor Whitney and Mary Davis from FEDC gave a presentation. It was clear that they are fairly early in the Visioning process and as a Project Review Board they are excited to be more involved in that process. They are looking forward to the document that is being prepared as part of Phase One and are looking forward to reviewing it. He thinks there was a lot of concern early on that this Visioning process was just sort of taking off and happening without an opportunity for the Project Review Board as a board to weigh in on how that process is going. He thinks with the conversations they have had that there is definitely time for collaboration and discussion with that process ongoing.

Councilor Reighley mentioned when Chair Blanchard was talking about the pedestrian walkway on U.S. Route One, he feels it would be good if he entered into discussion with the Complete Streets Committee and see what happens off of that. He asked what type of changeover has the Board had and how frequently are they replacing people? Is it a comfortable transition? Chair Blanchard advised that the Board just had two new members come on during the last month and they both replaced members that served one three-year term. They have not had a lot of turnover and have had some good consistency with Board members. Vice Chair Troidl advised that he is the longest serving on the Board for five years and Geralyn Campanelli and Chair Blanchard are not far behind him.

Councilor Bradley advised that he just got off FEDC and is now on the Council. One issue that keeps coming up is how difficult people in the development community think it is to get their projects through Freeport. Comments he heard is that it is just so hard to do business here, we won't. He knows that in the Board's presentation, they identified those issues as things that need to be worked on. He feels it is great that they are involved in Envisioning but his sense is that you as the Board know best how to simplify and prescribe your regulations. He would encourage the Board to be proactive in that process as opposed to reactive to what is coming up in Revisioning so the information the Board has and the ideas it has about simplifying and cutting down on time come into the process as information that can be used as opposed to things they think can be done afterward. He feels we are all on a turn here and the Board is really important and have done great work. This is not meant to be a criticism. It is meant to be an invitation to take what you know and put it in the process to help guide it. Chair Blanchard agreed and feels it goes to that consultative relationship that the Board is hoping to build. Prior to the pandemic they had workshops where they discussed these issues with the Planning Board so he thinks that is something they want to be sure they are doing this year, when the pandemic is over and they can all get together. They want more Town Council buy-in especially so the Council understands the issues that come up and perhaps will have ways to solve them that they as a Board maybe doesn't understand a good way to solve them. They are seeking collaboration.

Acting Chair Whitney agreed. She feels that it started to happen a little bit and it can only get better because the Board does so much work and it can be a time saver for all of us. Collaboration is going to be a big change for us going forward and will benefit all of us. Chair Blanchard mentioned the height change and that it will run up against Design Review. The Board has a mandate in that ordinance to see how the height works with the surrounding buildings and perhaps 45 feet is not necessarily going to work. He feels we should be encouraging development in Town that is appropriate. It falls within the ordinance but when these changes happen, we have to know there is a Design Review Ordinance as well.

Councilor Bradley added that he thinks it is great to talk about collaboration but he also thinks it is great to start doing work. Take the last 45-foot change, the Board knows it will create some problems. FEDC in the Revisioning process thought it was important to the downtown basically because it will increase residential opportunity which is something we want to achieve. He asked why wait until there is a project and a problem? Why doesn't the Board look at the 45 foot in the context of the downtown and tell them

what the problem is so they can start solving it right away before it becomes an impediment to someone who wants to put a residential project in the downtown? He added that perhaps he doesn't know what he is talking about but it seems to him that we are all waiting around to collaborate together and by the time we are done collaborating, the moment has passed. Chair Blanchard advised that for that 45-foot example, they can't spot zone so there are obvious areas downtown where that 45-foot height would work and there are areas where it wouldn't. If the height exceeds its surrounding buildings, it will be denied by the Project Review Board. Vice Chair Troidl explained that going to 45 is obviously a change but in urban areas we have that. Typically, when you get higher building heights especially in a town environment there are setbacks in floor plans that are mandated as you rise in height. It was kept at three stories and he is not sure what the use of a building of three stories and 45 feet is unless you want 14-foot ceiling heights. Thoughts of four stories and 45 feet might be worth while to have a discussion. Would it be too dense or not? Trying to promote residential, that would be a positive.

Councilor Piltch added that this is a fantastic discussion to have but he doesn't want to get into it about the height change but those kinds of collaborations should happen earlier and those meetings are all public. The Board is more expert in these areas than the Council so he would appreciate it if the Board had input into any change the Planning Board is intending to make before this. He would be happy to participate. Councilor Reighley asked if the Project Review Board would feel it is beneficial to have a Councilor serve as liaison? Chair Blanchard mentioned this is something the Board has recently talked about. He is not sure they have ever had a liaison. He is aware how much time the Council spends on Town business so he does not want to ask them to do something extra on top of that. He feels it would be outstanding to have a liaison that attends occasional meetings or at least has its pulse on the Project Review Board. Acting Chair Whitney agreed. Vice Chair Troidl agreed with Councilor Bradley that it would be great to do some work but it is hard to do work without creating an illegal public meeting or those kinds of things. Any suggestions on how to ease that situation and figure something else out that is a little more collaborative and not just once a month trying to get out an agenda, he would be open to that.

Councilor Piltch asked if the Board advises the Planning Board about things that might be of interest to them? Chair Blanchard advised that the Town Planner keeps each of the Boards updated on what the other is doing. Caroline pointed out that having two boards is really great for efficiency. Last month the Project Review Board had ten items and there was no way they could have done any planning. They are making a conscious effort to improve communication. They are reporting to each other what one board is working on and vice versa so they can at least flag it. They did have a first workshop with the Planning Board and invited FEDC and they came. They did not have a Councilor able to come but it was a good collaborative meeting. The Planning Board had not done that. What came out of it is a working group that started looking at Design Review. On some stuff, they really need Council guidance because if the Council feels like don't mess with Design Review, it is not a conversation worth having. That is the point of trying to get more open dialogue all around so we know what the Council wants. More discussion followed.

Councilor Bradley asked if the Council could put this issue on an agenda soon to have a discussion on what we recommend to the Planning Board and the Project Review Board so that we can kick start the process of moving in the direction that Downtown Revisioning is going to take us? Councilor Piltch asked if it could be done in a workshop? Acting Chair Whitney liked the idea of a workshop. She noted the Council's meetings are so long, she would prefer to do it on a non-Council day. Councilor Reighley suggested July or later, once the budget process goes through. Councilor Bradley suggested doing it as soon as possible.

### 3. Operating, Capital, and TIF Budget presentation

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Acting Chair Whitney advised that this is the time when Councilors can ask questions about the presentation or the big picture questions about the budget. In further meetings we will discuss line-item budgets so we don't need to know about every item listed Jessica will present tonight.

Jessica Maloy shared her screen with the Council. Each year our goal is to develop a budget proposal that minimizes the impact on taxpayers and maintains a stable Municipal tax rate while continuing to provide the highest quality of services possible within our available resources. This is what they intend to provide every year.

Mr. Joseph mentioned that what is being seen in this year's budget increase is due to a lot of steps last year where we had a moderate scorched earth approach and cut quite a few things. We used quite a few one-time revenues in order to lower the tax impact to zero last year of our budget from what would have probably been a couple percent keeping in mind that there was a very uncertain economic scenario that was bearing down on us and we didn't know what the pandemic would look like from an economic impact perspective. He went on to explain different line items.

He explained the COLA study to keep the pay structure in line with other communities around us. He pointed out that we used some one-time revenues and one-time reductions and expenditures such as reducing the paving line item significantly and increasing impact fee use for offsetting paving costs.

Ms. Maloy advised that this year they are proposing a 4% COLA and did leave paving at \$250,000. At some point we will need to reinstate that to its \$400,000 level over time. We don't want to start impacting our ability to maintain our roads. This budget year has a decrease in the use of impact fee revenue. Last year that use of \$175,000 was not going to be sustainable. We do not bring in that much of impact fee revenue to make it a multi-year use. We have dropped it for FY 2022 from last year's use of \$175,000 down to \$100,000 for this year. The General Fund has a budget expenditure impact of \$503,444 and the major drivers for these budget changes, while not everything, primarily are for salaries and benefits, \$481,475 and it includes more than just the 4% COLA. It is not just the COLA. There are also pay scale step increases that are contractual as well as other contractual changes as well as the corresponding benefit impacts of our benefit rates. The Council will see that as part of budget discussions as we progress. In addition to salaries and benefits, we have a cell tower rental new this year and it is basically \$24,000 which is the fee for us to have a placement for cell tower increased usage for our radio communications for Public Safety. Mr. Joseph clarified that only part of it is new. A lot of it is already in use. Ms. Maloy noted we have a change in our ambulance billing service that we will be discussing a little bit later. This is a \$24,000 proposed fee to use a contracted service for our ambulance billing service. It will be just for the Town of Freeport. This is not to offer ambulance billing service to other communities.

There is also a \$24,025 tipping fee increase based off of both increased fees and loads. We are seeing a larger use at the Recycling Facility. This will catch us up with where we actually expending funds. This is all offset by our debt service. With our current debt, we have two years remaining on the bond payments so this is a reduction of \$63,770. Mr. Joseph added that unfortunately we won't get to zero years remaining because by the time we get to one, we will be adding the new bond for the bridge project.

Moving on to our budgeted revenue impacts, Ms. Maloy advised that this year we were able to come up with a \$209,700 increase to our revenues. We were able to have some unanticipated revenue streams come in so she will go through them now. We do have the impact of the road fee decrease that is a \$75,000 impact to the revenues. We had a decreased interest income primarily due to the poor rate environment and unfortunately that comes at a cost of \$30,000. She feels it is depressing to look at our interest income given where we were just a few years ago. However, we are seeing an increase in revenue sharing. There is a larger return of that projected sharing at 3.75%. That comes at a benefit of \$155,000

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increase which is great. Before this budget season is over, we may be able to increase that slightly higher assuming the Legislature approves the budget at the 5% fully funded revenue sharing. If that happens, it will be a great bonus to the Freeport taxpayers. Mr. Joseph added that it is important to note that 3.75% is the base level which is increased significantly from years ago when we were in the 2% and 2.5% range. The Legislature has been doing the right thing in making incremental increases. It helps that we have former Municipal officials that are Legislative officials that were Municipal officials during the time when we saw the LePage Administration hack away at Revenue Sharing so it is a very popular thing among Legislators right now. It is important to note that there is a proposal that has been approved and recommended, it has passed out of committee to increase to 5% for next year's budget. It has not passed and is not a guaranteed item. It is subject to the State's budget process and being sacrificed at any given point in time if there is a higher priority that increase from 3.75% to 5% could be moved at any time. It would be significant. It would be a little less than the \$155,000 increase again and would take a chunk out of our revenue problems for sure at the town. We are thrilled that it is getting traction but did not include the 5% in the budget out of caution. There is a chance it may not pass but there is a pretty good chance that it is on the table and it may pass. We may know it very close to when our budget is passed.

Ms. Maloy advised that we increased excise tax based on our historic actuals by \$100,000. We had a residential increase in solid waste by \$30,000 and hopefully we have a proposal for the Bartol Building rental income to the tune of \$25,000 being added into the budget.

What this means from a taxpayer's perspective or what the Municipal Tax Rate impact is totals \$274,144 or 5.16%. which means that from the current Municipal rate FY 2021 of \$3.02 the FY2022 proposed Municipal Rate would be 3.15%. She displayed a chart that gives the breakdown by County, RSU5 and Transit in Freeport where you can see the Cumberland County increase is \$42,000 which equates to 2 cents on the mil rate.

The RSU is increasing by almost \$795,000 and almost 40 cents on the mil rate. Our METRO service is increasing by \$5,000 which is flat with last year. The Town of Freeport is looking at just over \$274,000 increase which is just under a 14-cent increase to the mil rate. All governing bodies would give a mil rate impact of just under 56 cents per \$1,000 of value. Mr. Joseph added that 13.67 cents projected mil rate impact on the Municipal side is approximately \$39 on a \$300,000 home tax bill. Ms. Maloy noted that those analyses should be within the transmittal letter included as part of the budget packets for this presentation. She hopes by the end of the week to have expanded budget books for all Councilors and she will also e-mail Councilors letting them know when they are available so they can swing by and pick them up.

The last slide showed what the schedule looks like for the remainder of this budget season. Today we had our initial presentation. On May 18<sup>th</sup> we will have a Council workshop on the budget. On June 1<sup>st</sup> we will have the public hearing as well as another workshop on the Operating Budget with a targeted date for adoption on June 15<sup>th</sup>.

Councilor Bradley had questions about the \$274,000 tax levy increase which Ms. Maloy explained. Councilor Piltch asked about the ambulance transport and who are we paying that money to? Mr. Joseph advised that currently we have been doing ambulance billing as a work line for the Town. At one time we had 10 communities and currently we are doing 4 or 5. In this budget we are proposing the elimination of that service. They determined that it is a cost item for the Town not a revenue generator. It is a line of work for several reasons we want to get out of because we are not making money at it. The \$24,000 is a new cost for us to pay somebody to do our collections for us instead of Staff in house. It would be the elimination of that entire program including loss of personnel.

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Acting Chair Whitney thanked Ms. Maloy for her informative presentation.

4. Discussion regarding potential letter of support for proposed EPR Legislation

Acting Chair Whitney explained that the Council had a great presentation one week ago by Chrissy. She and Mr. Joseph have learned a lot more about this and other legislation that is being considered. Mr. Joseph advised that we heard a presentation from NRCM at the last Council meeting on legislation that is in front of the Legislature. There is a meeting on the 10<sup>th</sup> and we were asked if we would consider supporting the EPR Legislation. It is the transferring the cost of disposing packaging and recycling to the producer and or consumer who is buying it rather than on the taxpayer who disposes it. They learned there is the NRCM bill and also a less robust and significant industry bill being proposed by packaging industries. They are respectively the LD 1541 which is the NRCM bill they talked to us about and LD 1471 which is the industry bill. They are 13 and 16 pages respectively so he has not done a comparison side by side in what they are doing. He is assuming one is more strenuous than the other but he can't say it for certain by who is proposing it. He and Vice Chair Whitney talked and then he talked with Chair Egan and he thinks part of where we were leaning was writing a letter of support that the Town supports the concept of EPR in whichever one of these bills the Committee ends up endorsing. He does not know if there is appetite from the Council to endorse a specific bill or just the concept of EPR in general.

Councilor Reighley asked if we have a position from our Representative and our State Senator on either one of these two? Ms. Joseph advised that no, they haven't voted on it and he doesn't think anybody has discussed it. It hasn't been in front of a committee yet for a hearing.

Councilor Bradley asked if we checked with L.L. Bean and how they feel? Mr. Joseph advised that he made contact and they did not have anything to offer us in terms of a position. They are watching it and may choose to take a position on their own. They did not have heartburn over the Town doing what we thought was right in terms of endorsing it, if we so choose.

Josh Olins read a statement into the public record encouraging the Town to support it and write a letter on its behalf.

**MOVED AND SECONDED:** We write the letter supporting the concept of EPR as advised by the Freeport Sustainability Board. (Bradley & Piltch) **ROLL CALL VOTE:** (5 Ayes) (1 Nay-Lawrence) (Excused-Egan)

5. Discussion regarding consent agreement request submitted by Jamie and Christopher Palmer, Paul Brackley, Scott Fraser, Debra Fraser-Brackley, Valerie Fraser, and Delta Properties, LLC. in reference to subdivision violation(s) on Harmony Lane.

Mr. Joseph pulled up a map showing the properties involved. He mentioned there was some good progress made today. There is dispute and negotiation going on right now but he thinks there has been pretty broad agreement reached on the big terms of what this agreement would be. He pointed to the end of Baker Road and it is private in this section. He pointed out the parcels that are in question that was previously owned by one property owner, Mrs. Fraser. In 2019 the purple parcel was divided out and sold. Unfortunately, in 2020 Mrs. Fraser passed away dividing the yellow parcel in four ways, red, blue, orange and green and left it to four beneficiaries in her will. The devise of lots through a will is exempt from subdivision law in the State of Maine. The pink parcel was previously transferred out and sold and is just part of the mother parcel but not part of everything within the yellow.

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The green, red and blue are no problem from the Town's perspective at this time. Parcel C which is the orange parcel originally, there is dispute among the property owner and the Town on how much of an issue this is. This division occurred in 2020 when the front of the orange section was sold, 2.8 acres and the back 7.6 acres was also transferred. It is a non-exempt subdivision transfer within 5 years of the original transfer from the mother parcel which is the purple transfer off of the main yellow. Certainly, the Town is not claiming it was intentional or anything of that nature. We have heard that it was inadvertent and he feels it is possible by both the transferer and her legal Counsel. The issue specifically is that the Town is not supposed to issue building permits on divided lots that are either not exempt or go through subdivision. The problem came into play when purple and orange were sold and purple came in asking for a building permit last year. Tracing the history back, it has been subdivided without going through Subdivision Review so the Town's position is that we cannot issue a building permit for this piece of land who were both sold by the previous recipient of the orange lot. He has had numerous conversations with specifically these two parties and the previous owner of the orange, Paul Brackley. Mrs. Brackley is the green next to the orange and then Mr. and Mrs. Fraser are A and D up in the front. We have come to what we think is a solution. There is still a little bit of debate but he thinks they have solved the major issues. A, B and D are fine and are in compliance and could be issued a building permit today to build a house. It is the Town's position that they could not be divided. We are not asking the owners to necessarily agree with that but they are asking through the Consent Agreement process that the Town agree that these will be divisible from a timeline perspective further divisible into at least one division as of April 2024 which will be five years from the purple division.

At the top, the problem is that these two lots have already been transferred. Delta Properties owns one and Christopher and Jamie Palmer, previously local residents but now out of town residents wanting to return to town and on to this lot residence and this lot as well. That is when it was uncovered when they came in for a building permit. The tentative agreement Mr. Joseph feels we have is that the Town will acknowledge and allow to remain this division of lots (he pointed to). It is the Town's position that that is a subdivision violation but we will essentially allow it to maintain and stay. The front parcel can build now. There are people anxiously waiting to put their family home on this piece of land. The purple back property, he understands, there are talks underway possibly to transfer that back to Mr. Brackley although that is not really the Town's concern. The agreement is that this lot will remain unbuildable and restricted by a potential deed covenant that it is unbuildable until five years from the purple. Essentially this division could have taken place in the Town's opinion April of 2024. We are saying it can stay divided now but don't build on the back section until that time has passed at which point the Town will look the other way and say that the underlying subdivision violation is not something we will enforce and they can build on it assuming they meet all the other standards for development at the time. The other lots, it is the Town's opinion that they will be divisible from a timing perspective on April 2024. Those that are bigger than 2 acres. Parcel A is not likely divisible because it is not big enough. B and D to some extent, are both divisible so the Town would agree from a timing perspective that those would become the next allowable division in April 2024 or five years from the purple division. That is the crux of it but there are a whole bunch of moving parts in it. He thinks everything else is semantics that is being negotiated at this point in time. The Town has agreed to the requests and the property owners have agreed to the Town's requests to meet on those major items. This is something he would like to finalize and get moving. This is the first time that some Councilors have heard about it. He is looking to present this publicly to let the Council know what is going on. If anybody has major heartburn on it, he would like to know about it now before bringing a proposal in front of you to resolve this scenario. He feels this resolves the issue fairly. It does allow a subdivision violation to continue but it doesn't allow any additional homes to be built quicker than we would have otherwise done it so there should be little to no concern from abutting property owners that is allowing unchecked development in the neighborhood or anything like that.



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Acting Chair Whitney asked about proposed fines. Mr. Joseph advised that we are not proposing any penalties or fines that we would sometime do in acknowledgement that it is an unintentional subdivision. The Town is requesting Attorney's fees just for the Town's Attorney's time to review and negotiate on this agreement at this point. The proposal was that the non-Town parties would reimburse the Town for the Town's costs. It was probably an internal discussion between them.

Chris Palmer clarified that it is not stated in the Agreement itself who would be responsible for those fees. The agreement only says non-Town parties. Mr. Joseph mentioned that it is still an open question on everybody's part. It is an unfinished item that still needs to be discussed. Mr. Palmer is the owner of the 2.8 acre orange section.

Councilor Piltch mentioned that the two problematic parcels are the orange one owned by the Palmers and Parcel C but they are being treated differently because the Palmers can build right away and Parcel C will have to wait a few years. He asked if everybody is okay with that? Mr. Joseph thinks there is a transfer proposed where purple would transfer back to the previous owner of the orange.

Attorney Alan Wolfe representing Paul Brackley explained that there really is not a guilty or innocent party here. Everybody is innocent and in a bad situation. Paul Brackley is the one that divided the two lots in Parcel C, purple and the orange. He has Stage 4 cancer and was selling the lots to help pay medical bills and a couple of attorneys and title companies did not see any problem with the division. In terms of deeding back, part of the negotiations is Delta deeding back the purple parcel to Mr. Brackley because he is in a tough situation. He is very sick and stress is not something he should be dealing with right now so he is willing to help resolve this. In terms of negotiating who pays what fees is still under discussion and is something that will be worked out by all the parties. They would like to resolve this in the best way they can for everybody. Delta would have liked to build on the lot but it is acceptable to them that the Palmers can build their own home.

Councilor Bradley noted the thing that is confusing to him is the transfer from Delta to Brackley. He understands and appreciates all the work people are doing to get agreement and he understands the violations we are going to allow are the ones Mr. Brackley created when he divided the orange parcel. Now in addition to that violation we are going to ignore the conveyance from Delta who was part of the original violation back to Brackley. Is the conveyance back to Brackley from Delta also a violation of the subdivision because it came inside the time they were prohibited? Mr. Joseph noted from the Town's perspective if one property owner held the entire orange or the two halves of the orange or the two-thirds and one-third of the orange in common, there would be no violation to talk about here. If the Palmers owned 10.76 acres which is the entire Parcel C or Delta owned 10.76 acres or the Brackley family owned the 10.76 acres, there is no concern from the Town. The actual split is the violation and he assumes the transfer back might still be a technical violation but we are agreeing to allow all three of them. We are also agreeing for the lots to be held split until 2024 which is a violation so technically there are 3 or 4 separate subdivision issues that we are allowing them to continue in violation and the Town will ignore them. The Town is the enforcing authority on them.

He explained that the lot could go through Subdivision Review for the entire section and all of them could be divided at will but several parties did not like that idea. Individual parcels could go through Subdivision Review and the individual parcel owners did not like that idea. Ms. Pelletier explained how they could go through Subdivision Review and the requirements involved. It would take months for the public process ahead of them.

Debra Brackley advised that she was asked by Attorney Sarah McDaniel if each Councilor has read her e-mail that was sent today at 2:34 and if not, would she please read it for the record. Councilor Bradley

indicated he had not read her message and requested that Ms. Brackley read it. She read the message into the public record. She had questions which Mr. Joseph addressed. More discussion followed.

Councilor Bradley asked Mr. Joseph if the Town Attorney supports the CEO and his interpretation of the Subdivision? Mr. Joseph advised that yes, she does. He added that all parties agree that there has never been a case like this that was litigated. There is no case law on this.

Councilor Reighley recommended that we move this forward. Councilors Piltch and Lawrence agreed to move forward. Councilor Bradley agrees but the assumption he is making going forward means getting agreement from all parties. If Mr. Joseph can work that out with all the parties, given what we have heard, he would support it. Mr. Joseph advised that they have a draft agreement that has been proposed and none of the major components are in disagreement at this point. They had a question if it would be a six-party Consent Agreement or a 3-party Consent Agreement. The Town's preference would be that it is a 3-party Consent Agreement because the 3 parties are the only ones on a lot that is in violation right now. They are having conversations right now between the attorney Ms. Brackley just cited and the Town's Attorney. It is not unreasonable that they are looking for some guarantee. Even though the Town's current position does agree with what they are asking to do, they would like that documented. We all feel that what they are asking is reasonably related to the question at hand. That is the step we are recommending that the Council do.

Jamie Palmer introduced herself as Jamie Scolfield and advised that they tried to go through all the right channels to make sure this was a lot that would be buildable for them for their forever home. This is where she was raised and her kids go to school here so they have a lot hanging on this. We hope everything can be resolved as quickly as possible because it has been going on for almost a year now. She appreciates hearing that the Council is willing to consider this Consent Agreement. She knows it is a lot of work. She thanked the Council.

Mr. Joseph pointed out that it sounds like the Council is in agreement and we are working to get building permits in which are being reviewed along side the Consent Agreement so they can all be done together. It sounds like progress has been made with the other parties in the last few days and he feels there is a resolution here.

6. Introductory Discussion regarding possible formation of Police Department Citizen Advisory Committee.

Councilor Piltch explained that this is sort of a reintroduction that came up in February. The idea is that we will hopefully be able to take a vote on it at the next meeting but he wanted to bring it up to remind everybody what we are talking about. He asked Mr. Joseph to bring up the top of the document he sent around late today which he hopes is on the website and is the same document we saw in February.

This started back in June when we had a large public meeting to talk about policing in Freeport and what was going on in the larger context at the time. That led to a slightly smaller public meeting on zoom and led to a group of about 10 people that volunteered with the initial charge of working with the Police Department to review and make suggestions about the operating policies of the Police Department. They started doing that work and went through policy by policy not realizing that there are 100 different policy documents or more. They made progress and made some changes. It was a very good working group and the Police were very interested in citizens had to say and vice versa. As things went along, they realized this is not a one and done kind of thing but rather an ongoing mission that they thought should happen so they put together a document recommending establishing a Police Advisory Committee composed of

COUNCIL MEETING #12-21  
MAY 4, 2021

citizens. There are five things this committee is suggesting the committee would do and he explained them. They are suggesting that there be five members on the committee including a couple of students as non-voting members. They have been working with Acting Chief Goodman all along. At the next meeting he is hoping there will be representation from the group of ten that put everything together as well as Acting Chief Goodman to answer any questions.

Councilor Daniele asked why the students would be non-voting as opposed to a student that was voting? Councilor Piltch noted he has no objection to that but it reads now that voting members need to be 18. Those two students would be in addition to the five members in addition to a Council liaison and a non-voting Police Officer on the committee. He noted it will be on the next meeting agenda.

Councilor Piltch wanted to say for the record that while he had an offer in to use the Bartol Library Building and lease it from the Town on behalf of a group he was working with, he has withdrawn his offer. He sent in a letter explaining why that was and would be happy to talk to anyone in the public about that. He wanted to make it clear and recused himself from the discussion. Mr. Joseph thanked him for doing that even though he didn't need to. It avoids any appearance of conflict.

**MOVED AND SECONDED:** To enter into Executive Session at 9:19 p.m. (Reighley & Lawrence. **ROLL CALL VOTE:** (5 Ayes) (1 Recused-Piltch) (1 Excused-Egan)

**MOVED AND SECONDED:** To exit Executive Session at 10:04 p.m. (Daniele & Lawrence. **ROLL CALL VOTE:** (4 Ayes) (1 Recused-Piltch) (2 Excused-Bradley & Egan)

**MOVED AND SECONDED:** To adjourn at 10:07 p.m. (Reighley & Lawrence)  
**ROLL CALL VOTE:** (5 Ayes) (1 Recused-Piltch) (1 Excused-Egan)

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Respectfully submitted,

Sharon Coffin, Council Secretary