

MINUTES
FREEPORT TOWN COUNCIL MEETING #21-21
& DISTRICT 3 AND DISTRICT 4 WORKSHOP
30 MAIN STREET, FREEPORT
TOWN COUNCIL CHAMBERS
TUESDAY, OCTOBER 5, 2021
Starting at 6:30 p.m.

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

Chair Egan reminded everyone that tonight is our District 3 and 4 Workshop so if anyone is a resident of District 3 and 4 and would like to bring an issue, matter or concern of even a good job forward, the Council would love to hear it. There were no residents in attendance for the Workshop.

Chair Egan called the meeting to order at 6:30 p.m. and welcomed everyone. He took attendance and noted that Councilor Lawrence is excused this evening because he is travelling for work. Our District 3 seat is vacant until the November 2nd Election.

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood and recited the Pledge.

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #20-21 held on September 21, 2021 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #20-21 held on September 21, 2021 and to accept the minutes as printed. (Daniele & Piltch) VOTE: (4 Ayes) (1 Abstention-Daniele) (1 Excused-Lawrence) (0 Nays)

THIRD ORDER OF BUSINESS: Announcements

- **Absentee ballots for the November 2, 2021 Election can be requested by contacting the Town Clerk's Office at 865-4743 x 122 or 123 or going to www.maine.gov . Voters may now vote in person at Town Hall. More information on absentee voting can be found at www.freeportmaine.com**
- **Nominations are now being accepted for 2021 Citizen of the Year**
Each year the Freeport Town Council presents a Citizen of the Year Award to honor those who have significantly contributed to the quality of the Town. Nomination forms are available at the Town Office and on the Town's website at www.freeportmaine.com. Deadline for nominations is December 9, 2021.

COUNCIL MEETING #21-21
OCTOBER 5, 2021

- **Freeport Conservation Trust's 2021 Freeport Trail Challenge is on!** Covid-19 has changed the way many of us do things, but fortunately getting outside is still considered a safe activity. Hike the four specified Freeport trails and you will win a prize.

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

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

Vice Chair Whitney announced that when her term ends in November, she will not be running again. She has enjoyed this opportunity and feels she has learned so much. She didn't want to leave it all because there is so much that she can't leave working with the Downtown Revisioning Plan and working with businesses to help them thrive. She has accepted the position of Executive Director of the Freeport Chamber which will allow her to continue to do this great work.

Councilor Bradley mentioned this relates to the discussions we have about Climate Change and subsequent to the last meeting we have had Tom Pierce put on Project Draw Down on Cable which is an introduction to Climate Change issues and actions that are possible and quantifiable. Again, it is not the Bible and has some things in it that people will disagree with but it is a way for community members who are concerned about not knowing what to do as opposed to being concerned about general issues to get a primer on the kinds of activities that can be taken by individuals, communities, states and national governments to do what they call "draw down" which is stop the rise in temperature and begin to reduce it. He found it fascinating and educational. His frustration is not in saying whether climate change is occurring, or whether the temperature is increasing, but the frustration is not having a clue what to do about it. He recommends it to anyone that is in that position and to watch it on Cable. The schedule is shown on the Cable Station. He thanked the Town for putting it on and Chair Egan for supporting it. Chair Egan advised there will be more to come on that in terms of educational material that the Town is promoting and trying to facilitate and broadcast in our community. He thanked Councilor Bradley for making that happen.

FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Bradley advised that he represents District 2 and it pretty much has surrounding water. It has air boats, lobstering and aquaculture. He heard a lot about the Island Rover when he ran for the Council. Now he is hearing a lot about aquaculture and particularly an oyster farm between Sow and Pig. He has met with people in his neighborhood and some of them are adamantly opposed. Some are trying to find out how it will affect them. All of them are suggesting that there is a role for the Town in this and he is not sure they are right about this. In private sessions, they have shown him there is an opportunity if the Town wants to intervene in the DMR process and make comments. He has talked with the Town Manager about this and there are comments being developed in the Town and he encouraged people in his district to bring their comments to Mr. Joseph and the Harbor Master. He also said we as a Council would be willing to hear from them and why they think it is appropriate for the Town to intervene. He does not have position on this other than to run this by the Council and see whether his encouragement to them to come to us with a suggestion that we intervene in this particular process is a good one or a bad one, off the wall or whatever Councilors think. He does not want to mislead them but also wants to give them a positive way to present their views other than hiring lawyers and go sue and all those things you can do if you have the money to do it.

COUNCIL MEETING #21-21
OCTOBER 5, 2021

Chair Egan noted the Council always welcomes hearing from constituents about matters they are concerned about. He asked if the Town has a jurisdictional role in the permitting of this operation. Councilor Bradley advised that the Town could if we decided that the concerns were substantive and those which had more than an impact for an individual. They are concerned about that particular lease and also concerned about the proliferation of aquaculture within our town waters, being with no plan and no policy they say. He advised that he will encourage them to come in.

Chair Egan feels the next step is to come to an informal meeting and tell us what is going on. We can have a conversation about it in Other Business and figure out how we will take the input and what we will do with it. Mr. Joseph advised that he met with portions of the same group Councilor Bradley talked with but maybe not all the same people. There are two instances that he thinks the Town Staff would, with Council permission, file for the intervener's status that they raised. Bustin's Island Village Corporation has concerns about the application. It is unclear whether Bustin's Island will be able to file as an intervener because they are not a municipality. They are a Village Corporation. If that is the case, we have typically always done what would benefit Bustin's so the Town Staff would recommend and hope that the Council would agree that we would file as an intervener and let Bustin's Island speak through the Town. There were questions raised by the residents if there were public safety concerns. He has not reviewed them with our Public Safety Staff yet but he will over the access to Bustin's Island. In that case, he is confident Staff will formally do the intervener status where the Town becomes a party. This is not an intervener item but if the application is determined to be intertidal, meaning part of the application is in the intertidal zone, the Town Council, the governing body of the town has authority over the State. The DMR does their process and if they are okay with it, they send it to the Town and say, does the Town approve of this lease? We have Chapter 59 Aquaculture Ordinance that specifies how the Town Council would get input from our Boards and Committees and consider approving or disapproving that lease. If that is determined to be an intertidal lease by DMR, we would be the ultimate jurisdictional authority over that after the State did its process.

Vice Chair Whitney advised that FEDC President Mary Davis and she are now going to give an update on the Downtown Revisioning Plan. As they started to do this work in the second phase, they realized with COVID in place they have some hurdles that make it difficult for them to do their charrettes in person. So much more happens when they are in a room together than when they are on zoom in their own places. People felt that if they gave it a bit more time, they would be more comfortable meeting in groups and people and businesses are still recovering from the summer rush. Businesses were low staffed over the summer and it was a lot for them to get through. We are still keeping things moving but the big stakeholder meeting will take place in February instead of October. They will still continue to bring opportunities to Freeport. They will not wait for this to be a finished plan. They have learned so much from the Principle Group and the community of what they want so they will keep forging ahead.

Ms. Davis advised that they are trying to have a high-end involvement from all the community members and our businesses. We are not the only ones struggling with this. Falmouth is going through the same concerns with having their visions done. People are not comfortable coming together in big groups. They know having a big downtown Design Week where we bring everybody together, there is a lot of magic in having people in the room to look at visuals and talk about what the visuals in the downtown could be. She thanked everyone that filled out the surveys and told them how they felt about meetings. It really helped to formulate how they were going to go about it. The Downtown Design Week will be scheduled February 3-7 and there will be five days of kick-off workshops. Principle is putting together more pictures and designs of what the downtown would be about. There will be days where they invite the community in to look at what has been planned to get their feedback and comments at which time Principle will take all the feedback and at the very end, they will accumulate all the information that comes from that feedback. Prior to that they will be having stakeholder meetings which are prime stakeholders. Two

COUNCIL MEETING #21-21
OCTOBER 5, 2021

weeks ago, FEDC sponsored a meeting with many of the downtown landowners came together with Principle to tell them about what is happening with the Downtown Visioning and let them say to Principle directly, here's what I am concerned about, the things I am hoping for and things I hope will come out of this. The other stakeholder meetings they are thinking about, they think that parking is going to be a big outcome from the Downtown Visioning. They will bring together folks who have opinions about downtown parking. Downtown residential housing is a large one so they will have stakeholder meetings for residential housing. Also involved will be the Town's Planning Board. Stakeholder meetings will continue and Principle will continue to work on the planning process and take all the feedback that we have gotten and start to formulate it into true visions and pictures of plans. Everyone will get the first vision of that in February then they will have more production drafts as they bring back more feedback that came from the town in the Visioning. On March 5th they will have another Open House with everyone. They will be up in front of the Council in March where they will have actual plans with details and outcomes. This is about the same timeframe they had before. It is not much different but it is a different way of doing it to help get the best involvement with people but safety during COVID. It is a balancing act they are all playing. They are pleased with the progress. The Strategy Sub Team continues to meet once a week with this group to keep them on track going forward. She noted that there are three Council members here before each Council meeting to accept any information from the community they would like to put in.

Vice Chair Whitney advised that Vaughndella Curtis mentioned that we haven't been this connected as a community since 1982. Vice Chair Whitney noted we have come together very nicely and feel this is the best way to do it. We have paid a lot for this process and guidance and nothing can replace in-person meetings and trying to do it over zoom to keep with the schedule that they designed earlier just didn't make sense.

Chair Egan reported that he attended a few Complete Streets meetings recently and they are happily moving on with their advocacy work to get the bonds for the bridge work passed and now are reviewing those details about scheduling. He just saw on the agenda for that important group to meet again on what's going to happen with the railroad bridge on Main Street. The railroad goes just south of Public Safety. It is nice to see that group working on a number of different topics and really having adopted the whole Connect Freeport effort. He is happy to see that the energy from Connect Freeport lives on even though we had the bond election several months ago.

Chair Egan was hoping that Chief Goodman was here so he could tell him how the bar has been set by the Town of Thomaston being one of the first communities in Maine to purchase an electric vehicle as a Police vehicle so he will reserve that for another time when Chief Goodman is here. He would love to see that happen here in Freeport. Not wanting to spoil some news and he is not sure he is supposed to say this yet but Mr. Joseph heard rumblings from our Public Works Department that there was an Expo in New England that somebody was going to be attending for heavy trucks. He feels he is speaking out of turn because he wasn't supposed to say anything until after they went to see if it was any good because they were afraid that Chair Egan might get excited about electric trucks. There are others communities paying attention to electric vehicles. Chair Egan advised that there are almost a dozen electric vehicle choices now for Municipal vehicle options.

Chair Egan participated in a citizens group called Freeport Climate Action now. It is a small group that was called to our attention from communication with Councilor Bradley and they are organizing particularly around public information events similar to the video that Councilor Bradley mentioned at the top of the meeting. They are interested in getting input from the Council and also from the community to help plan some events. They will be reserving some space at the Community Center possibly even next month for the first kick-off event and he thinks the group is interested in not becoming a Town committee

COUNCIL MEETING #21-21
OCTOBER 5, 2021

because they want the autonomy of being able to meet, convene and gather without the encumbrance of a public Council committee and he encouraged them. We have a Sustainability Committee they can dovetail in with when they need to connect to what the Town is doing. He is happy to see the enthusiasm, energy and organizational skill from our residents on climate action now which he feels is great.

Councilor Bradley asked if Chair Egan and the group talked about ways the Council might help them in their organizational efforts? Was there any discussion of concrete things that the Council could do to jump start, support or whatever? Chair Egan mentioned he made that specific pitch, like tell us what we can do as a Council to help pull these things together, if it is a reservation fee for a hall or some sort of communication we can help with? They responded asking about speakers. They would like to hear from us if we have suggestions for potential speakers. He thinks that their first effort will be to get a speaker or two lined up to galvanize some enthusiasm with a broader group of residents. Councilor Bradley advised that Project Draw Down will provide speakers for communities that are interested in any of the topics they cover. Chair Egan noted that is a perfect dovetail and we should connect those two things.

Councilor Bradley mentioned he had questions about a couple of things that came up at the last meeting. The reserve account for Public Works and what was projected for the \$800,000+ beyond what is in the 5-year Capital Plan, if anything. There was some discussion but he doesn't know where it went but it was about our investment policy with respect to Reserve Accounts. He feels they are hard to deal with in budget. You can't dig into that in budget and if we don't do it outside of budget, we lose traction. He doesn't know where either of those things are and he is not complaining but he would like to see the Council do something about it and not let it fall through the floor or go out the chimney.

Councilor Piltch weighed in on the second of those concerns. He does not have any information on the Public Works Reserve Account. He met with the Town Manager and our Finance Director on our investment policy this afternoon. There is a policy that dictates how we invest each of our Operating Accounts, Reserve Accounts and Trust Funds. The Reserve Funds are invested in 25% Equity and 75% in fixed incomes.

The confusion that came up in the meeting where Councilor Bradley noticed it, there was an item related to the interest we got that was really low and surprised us. That was the interest from our Operating Accounts, not from our Reserve accounts. Our Operating accounts generally do not have a lot of excess cash and those investments are in very conservative fixed income stuff. The Reserves earn more money based on our investment policy. Councilor Bradley noted we have \$10M in reserves and asked Councilor Piltch what it earned? Councilor Piltch advised that he heard that on the Town's Reserve accounts with roughly a \$6M balance, he thinks there was a \$250,000 return on that investment. Because 25% of that \$6M was what we were investing in equities which was in line with what we get from our market rates. Doing quick math, he figured we got a little better than 15%. Councilor Bradley had no idea if this was conservative, very conservative or aggressive. Councilor Piltch mentioned he asked the same question and as a follow-up, he understood the Finance Director was going to research a few other towns that are fortunate to have reserve account balances and what their investment policies are. She will get back to us and say, this is how we stack up against other towns. Councilor Bradley asked if it would make sense to have an investment firm that wasn't necessarily the one we hired now, to come in and give us the landscape. It is taxpayer money and it is a lot of money and if we should be investing more than 25% in equities. A lot of people do, even people who are older and need the money, so it is a question for him and he doesn't know how to get at the range of options and whether we are being really conservative or aggressive or just right. He doesn't know. Councilor Piltch advised that there is an investment firm we hire and they work given the constraints we give them.

COUNCIL MEETING #21-21
OCTOBER 5, 2021

Councilor Bradley feels that if you are asking for advice from the investment firm you hired, they will always give you the advice they are following. That is how it works. Mr. Joseph added that the 25/75 decision was made in the immediate aftermath of 2008 because he thinks it was adopted around 2010 or 2011 by a former Town Council. He assumes it was colored by financial conservatism. He was not part of those discussions. He would imagine the 25% number is slightly conservative but in looking through that lens, what would we be comfortable taking a 30,40 50% haircut if the market collapsed? He feels Councilor Piltch summed it up correctly. It is pretty stable. A lot of State law stipulates what we can and cannot invest in. The percentage and the split the Council is debating is complete politics. He guesses 25% in hindsight is the wrong decision right now but if the market crash happens tomorrow, the Council will be yelling at him why was 25% in equities? Chair Egan advised that in his time on the Council, he tends to listen to our Finance Director and follow her advice. She is the professional and does this a lot. He does not believe she is unnecessarily conservative or capricious about the decisions she recommends to us. He is not against the idea of having someone come in and give us kind of a dashboard assessment of our ratios but he would like to see what MMA suggests and what other communities our size that have a balance of our size are doing before he makes any recommendation on putting more of the reserve amounts at risk or less of the reserve amounts at risk. He is not a finance person at trade so he would not have an opinion about that. Councilor Bradley asked if we could get some gold standard investment firm for an overview? He is sure they would do it pro bono and at the same time get the actual decisions made by other communities? Chair Egan feels we could ask our Finance Director how hard it would be to collect that information. She has networked with those groups. Mr. Joseph added that she has already worked on that. Councilor Bradley asked who would be willing to make a call to hear if we can get a pro bono opinion from an investment firm? Chair Egan suggested talking to MMA and see who the firms are that do work for municipalities and he is sure there are more than a handful of those. Mr. Joseph suggested asking the question when our Audit Firm which might be two weeks from now comes in to do the audit presentation. They will not give us, are you investing the right amount of money because their job is not to advise but they could answer the question, of all the municipalities you work for, where do we fit? They answer that question pretty much on where do we compare? What does our fund balance look like? They will say you are at the top of the pile or you are at the bottom of the pile. They can tell us where we stack up along the lines that Jessica is doing but they are not paid to answer the question, is that safe or should we be doing more or less? Councilor Bradley noted for the next meeting, we could have contacted MMA, other towns and then our Audit firm and then after that, see if we are comfortable and do we want to do anything more. Chair Egan agreed the Council would have data points at the next meeting.

Mr. Joseph advised he has the answer to Councilor Bradley's question. Jessica sent out a copy of the 5-year Capital Plan. The 5-year equipment purchase total plan for Public Works Equipment Account is \$863,000. If Earl wasn't watching that on tv, he will repeat what Mr. Joseph just said. Earl was planning to say it when he came in.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph reported that there have been a lot of natural good changes taking place. We have had some retirements; some people leave for various reasons but nothing super concerning. It is a fluid job market right now and the Municipal sector is no different. A lot of people are moving and taking other positions. One thing that was of particular concern in the Municipal world was the vaccine protest resignations. There is still a big looming question about what OSHA and the Maine Department of Labor will issue in response to the Biden Administration's request to develop vaccine mandates for employers of more than 100 people. The Town would qualify but we don't know the specifics on that yet but the State did release that medical provider mandate several months ago. That is in effect right now. He is happy to report that

COUNCIL MEETING #21-21
OCTOBER 5, 2021

we have a potential of one part-time employee that might fall under that question and it might not be an issue. He is happy that that will not affect our workforce. That speaks to the high level of vaccinations among our Emergency Departments. He is happy they are protecting themselves because they are the people most exposed to this.

Mr. Joseph is happy to welcome our new Deputy Town Clerk, Carrie Weeman who comes to us from Kennebunk. She started last week and is working with Chris Wolfe. We are also happy to welcome two veteran police officers to our department. Officer Steven Stubbs is a veteran of the Windham Police Department who started yesterday and Officer Bradley Rodgers who is a veteran retired from the Cumberland County Sheriff's Office and started work for us yesterday as well. Those were two pretty significant pick-ups in the fact that they are trained certified law enforcement officers in a very difficult market right now. He welcomed all three of those employees. We also have a hiring process ongoing notably for the Town Council, and we are in the middle of the selection process for a Fire Chief. Hopefully, we will have an update for the Council at the next meeting.

Lastly, he talked with the Council Chair about this and he asked him to update members of the Council. We had a conversation the other day with the Town Attorney about the Coastal Waters discussion about a potential moratorium. He and Attorney Tchao will be working with the Coastal Waters Commission but her suggestion does not affect any of the outcomes but it would be the way it happens and the form it takes. Her suggestion is that the standards the Council heard that Jeff Stenzel presented at the meeting are more construction standards and more approval standards than a way to word a moratorium. Her suggestion is that Jeff bring exactly what he was talking about but it is an amendment to the Coastal Waters Ordinance with the intention of it being revised as they narrow that down or work through it. Attorney Tchao, our Town Planner and he will be working on this as well to put some language together and bring an amendment to the Council which would have the same effect as what Jeff was saying with the same standards but if the Council desires, it would be considered a temporary stop gap measure and they would be tasked with making amendments the same as you would say, within six months or less, please revise these numbers to what the final version is. It would not actually be a moratorium. It would be newer construction standards in the ordinance. Councilor Bradley mentioned that there were plans at the last meeting to do an initial site visit. He asked if he missed it? Mr. Joseph advised that he did not miss it and it can happen. The question is with timing and tides, he will try to get that to the Council before the next meeting if the Council is going to be considering some language. Chair Egan added that he had a conversation with Mr. Joseph in the context of the request from Coastal Waters to have some time to look at this, he is uncomfortable that we sort of blanket everybody with the cloud of unknowing of a moratorium and we actually are more transparent with what we are trying to accomplish which is to get specific and add some details to our ordinance so that proposals that may come forward can finally be decided upon and reviewed by our governing body which is the Coastal Waters Commission. Right now, the ordinance leaves them with not much more than a switch on or off or a hammer and that everything is a nail. The Council will try and get a little more detail into that language. That process of adopting that and having public hearings is roughly in the same timeframe that was originally proposed for a stopgap moratorium so he doesn't think it is circumventing anybody's protection or advance of a potential permit application. It works better if we can have it all transparent in our process. Mr. Joseph added that the intent is that it would be more defensible if it is an actual ordinance amendment rather than what is an ordinance amendment clothed in a moratorium. The Council is saying this ordinance amendment we are considering is not exactly right but we are tasking Coastal Waters with revising it in a more pointed, more detailed form in the next six months. It is a different approach but the same exact approval process.

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

COUNCIL MEETING #21-21
OCTOBER 5, 2021

Chair Egan pointed out that the Council has five public hearings on this agenda and we will have public participation on those items coming up. There were no public comments provided. The Council kept moving.

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

ITEM # 193-21 To consider action relative to adopting the October 5, 2021 Consent Agenda.

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

BE IT ORDERED: That the October 5, 2021 Consent Agenda be adopted. (Egan & Daniele) **VOTE:** (5 Ayes) (1 Excused-Lawrence) (0 Nays)

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

MOVED AND SECONDED: To open the Public Hearing. (Piltch & Daniele) **VOTE:** (5 Ayes) (1 Excused-Lawrence) (0 Nays)

Town Planner, Caroline Pelletier explained that the State updated their Shoreland regulations in 2015. This project was started by past Staff in 2018 and 2019. We got partway through the process in creating the language and having DEP weigh in. DEP kicked the language back to us for reconsideration because we needed additional changes. We had some staffing changes and brought on Mike Morse from Morse Environmental Consulting to help update the language, the pandemic hit and here we are in 2021. This process is long overdue and impacts our residents in different ways. Again, it is State mandated and we have to adopt it. What is being brought before the Council is the entire ordinance that has been updated through all 275 pages in a way we feel is consistent with State law in Shoreland Zoning. It was an effort between Town Staff, we had consults with the Town Attorney, we brought in Mike Morse and then we factored in some stuff from DEP. We have been enforcing this and our own regulations. Mike Morse is here to give the Council a technical review. He will provide an overview on the two biggest changes that people seem to be most interested in which is non-conforming structures and the ability to add on and also regulations pertaining to cutting which is really a hot topic. She noted that they did hear at a public hearing at the Planning Board that our residents are concerned about all aspects of water regulations in Freeport. The Planning Board wanted to inform the Council that our residents want more clarity amongst all of our ordinances which is evident from some of the things discussed tonight.

COUNCIL MEETING #21-21
OCTOBER 5, 2021

Mike Morse introduced himself and mentioned that he was asked by the Town to assist with this process to draft amendments to the Ordinance specifically related to Shoreland Zoning and other ordinance language that might be in conflict with the State on Shoreland Zoning requirements and maybe elsewhere in the ordinance. Caroline mentioned that he would highlight two of the changes to the Council tonight. His overview will be brief and will touch on some of the highlights. There are other provisions within the Town's ordinance that could be construed to be more restrictive and those were preserved for the sake of the Town's desire. Anything less consistent was drafted to make the ordinance more consistent.

He advised that in Section 202 Non-conformance is probably one of the more significant changes to the ordinance with respect to Shoreland Zoning. Essentially, this addresses how expansions of structures that are too close to the water, they don't meet the Town's minimum shoreline setbacks. It addresses how those expansions are managed. It is the desire of the State and the State's Shoreland Zoning law and also the State's Rules and now the Town's ordinance as well to control expansions of structures that are too close to the water. The current ordinance regulates expansions using two certain metrics, floor area and volume. Volume in particular can be complicated or can actually be very complicated as has been the case over the years. Under the new standards, there are two new metrics in how expansions are measured or controlled and that is footprint and height. This is a much simpler way to regulate expansions in a manner that is more easily comprehended by all of the regulated community and including municipal Staff and outside consultants working on projects, especially landowners as well. The State's objective for coming out with this new language was not to roll standards back and make them less restrictive or make them more restrictive. Anecdotally, he suggested that the standards generally allow for a little bit more of an expansion than would be allowed under the current rules. There are circumstances where expansions would be smaller than what they might be under the current rule. Within that section, there is a Resource Protection Shoreland District and the Resource Protection District currently in the ordinance could be argued does not permit any expansion. It could be argued the other way but there is a specific provision being adopted to allow for expansions of structures that are not conforming within this Resource Protection District which is the most restrictive district within the Shoreland Zone.

Section 304. Map Correction that was alluded to a few minutes ago. Ultimately there is a consistency requirement with the State. Currently it allows for an Administrative Amendment to the Zoning Map by the Planning Board specifically with respect to Resource Protection Districts within the limited residential Shoreland District. There is question about the legality of that process because the map is legislatively adopted by the Town's Council, the Municipal body here tonight and that generally can't be revised or amended without going back to the Council. The DEP has expressed concern over the years with this provision and has suggested that this amendment move forward to make the Town's ordinance with respect to map corrections consistent with the State's minimum requirements. From this point forward, any map amendment affecting any Resource Protection District, limited residential district or any other island whatever district would need to come before the Council ultimately for adoption. That is the way it is in pretty much other municipality that has a Council form of government.

Mr. Joseph asked if that provision has been used in Freeport? Ms. Pelletier advised that it was used a handful of times in the early 2000s. Part of the reason we have used it less is because there are less areas that had to be included in the Resource Protection I. One of the changes is that a lot of areas that had bird habitat had to be Resource Protection I and actually they are all being removed. We have a couple areas of RP-I left but they are pretty minimal. She talked with the Town Attorney about it and she felt it was a zoning amendment and should follow the legal process under our ordinance and under State law.

Mr. Morse moved to Section 507 and mentioned it is the meat and potatoes of the Town's Ordinance Shoreland Zoning Regulations. There are a number of changes being proposed to Section 507. As Caroline mentioned, there are certain habitat areas, specifically moderate/high value waterfowl and

COUNCIL MEETING #21-21
OCTOBER 5, 2021

wading bird habitat areas being proposed for removal from the Resource Protection District. It is the most restrictive district in the town as well as most other towns in the state. The reason for this is not that the Town is seeking to roll back regulations from an environmental standpoint in this ordinance. This is to be consistent with a change the Maine DEP made with their statewide Shoreland minimum Guidelines which municipalities used as their model ordinance. They also repealed this same provision from the Resource Protection District criteria back in May of 2012 because there is another regulation the DEP administers and enforces the Natural Resource Protection Act. Within that regulation the DEP would also control what types of activities would occur in these exact same moderate/high value waterfowl and wading bird habitats. Under the Natural Resource Protection Act the DEP would have the ability to consider whatever project is on a case-by-case basis and work with the agency that established these maps of these waterfowl and wading bird habitats which is the MDIF&W. In some cases, the MDIF&W would advise DEP that they want to retain this whole 250 -foot setback for a new project. In other cases, because of site provisions or other reasons, they may feel that those conditions would warrant a reduction in that 250-foot setback and that could be allowed under DEP's NRPA process whereas under Shoreland Zoning, resource protection would flat out prohibit a significant amount of development within the full shoreland zone 250-foot Resource Protection District. Essentially, this gives the State the ability to review these on a case-by-case basis instead of having a Town restriction saying flat out you can't do it. As an addendum to this, the State maintains certain maps. The DEP no longer maintains its Shoreland Zoning maps of these habitat areas. This will be something maintained by the MDIF&W but their mapping is not consistent with the types of resources, namely the size of wetlands regulated under the Town's ordinance so it gets a little muddy that way. The State recommends repealing resource protection for those areas.

In Section 507.H.3 there are clarifications on how lot coverage is calculated. It helps the Town to better administer and enforce its ordinance. It adds clarity on how lot coverage is considered and technically that is what a lot of these changes do so the community can understand the standards and the Town can be better supported in how they administer and enforce them.

In 507.Q. Timber Harvesting, the Town Council already voted to repeal Timber Harvesting regulations from the Shoreland Zone. This is just to formally delete it from the ordinance.

Section 507.Q which was formerly 507.R, Clearing of Vegetation Standards in the Shoreland Zone. As Caroline mentioned, this is one of the more significant set of standards within the Shoreland Zone. Everybody understands that structures have to be within a certain distance and they can only be so big. He says most people understand that but perhaps not such a high percentage fully appreciate the clearing of vegetation standards in the ordinance. There have been changes made to these standards to help the regulated community better understand how they apply to their property and helps the Town to better administer and enforce. Statewide, tree and vegetation removal violations within the Shoreland Zone probably constitute the vast majority of violations. These standards certainly needed some revision to help. Chair Egan asked if there is a mechanism that Mr. Morse knows of for the business sector that would be likely called upon to do these things also get copies of these or somehow find out about it. He mentioned the Council had a spate of these things happen and it seems like "let me call the Codes Enforcement officer before I call". That step does not happen enough and it is somebody finding out after things are cut and we have to deal with replanting, figuring out the penalty and all that kinds of things. One way to potentially get in front of that is if the business community

that does this kind of work finds out about it. Is this something that is disseminated to the business community that might do this kind of work? Mr. Morse advised that educating the regulated community is probably one of the most important and can be one of the most difficult elements of zoning in general. He suggested that because these standards have been in place at the State level and in the majority of other municipalities around this area, he would argue that contractors should already be aware of the standards. There may be a landscape contractor that only works inland and away from the water and is offered a project the first time ever doing that sort of work and assumes everything is still just the same. It is a hard lesson to learn perhaps but any contractor coming in should pick up a copy of the ordinance and take a look at it or pull it up on line. There are ways for folks to educate themselves. It is a tough lesson to learn if they don't do that.

Mr. Morse continued. In conjunction with the changes to the clearing and vegetation standards, the State and now the Town is proposing to adopt standards related specifically to hazard trees, dead trees and storm-damaged trees to help clarify some of the long-standing problems with that within the Shoreland Zone. There is another section being added to the ordinance that includes a list of exemptions to the clearing standards. The exemptions are pretty routine and are already in Freeport's ordinance as it is. It is just a compilation of the exemptions. Clearing around a public beach and clearing and removal of non-native invasive plants for instance. There is a new standard for Spill Clean-up when there is a hazardous waste spill in the Shoreland Zone, can the trees and vegetation be removed in excess of the Town's ordinance standards? This will hopefully clarify that. For obvious reasons it is better to have the oil cleaned up from the ground so it doesn't contaminate clam flats or water. It is better to have that with a temporary removal of vegetation and replanting.

Section 507.T is being proposed as new language to clarify what the vegetation replanting requirements are or if you have a violation, an oil spill, what has to be replanted and when? If you have a hazard tree that falls on your house, what has to be replanted and when? It clarifies that for folks.

There are a couple of housekeeping amendments in 601 and 602. The administration of Site Plan Review Standards. there are a number of other changes. This was significantly condensed to give the Council the high points. There are a few other changes necessary to comply with State law changes that took place over the last number of years but he spared the Council from all the details. He offered to answer questions.

Councilor Bradley noted he did not get this. It is to him dense and difficult to follow. He has so many questions that rather than go through them all tonight which nobody wants to hear him do and he doesn't want to do. He feels a workshop at some time would help so that the overview could be absorbed and the specifics. He mentioned that if he had read the public notice, he would have thought this is perfunctory administrative stuff that the State mandated and he heard that term several times but he doubts when he goes through it, that the State mandated this. There is probably a different standard than the one we had in ordinance but they didn't tell us exactly what we had to do and it would be very unusual. Maybe they did, and he is prepared to be educated. Mr. Morse skipped over definitions but there are some serious changes in definitions to activities that people conduct in this community that will not change. It is okay if you want them

but you can't gloss over them and have to go through them one by one. Serious changes to the idea about a variance which is a common kind of problem people have in the community. It was identified in one of the notices but hasn't been brought out and discussed. There is a whole variety and he likes the protections these ordinances provide our community and our waterfront. They are priceless things. On the other hand, there is so much new here that he feels uncomfortable saying he understands it enough to cast a vote. He asked if we can afford to wait? Ms. Pelletier advised that the State revised them in 2015 and it has been six years. If we need to take a couple of weeks or another month or two for everyone to go through it and better understand it. They know we are working on it and we have been consulting with them. They know it is coming and we can give them an update. She does not see it as the end of the world at this point. We know we need to do it but we could do a workshop. Chair Egan asked how many workshops did the Planning Board have when they were going through this? Ms. Pelletier advised that the Planning Board talked about it back in 2019. They did a similar thing and Mr. Morse came and went through it. We talked about it and had questions and took public comment. The next step if the Council took action on it, it has to go to DEP and they have 45 days to review it for consistency. The process does not end here tonight but if the Council takes action tonight, your part of it ends. There are still more steps. The DEP gives us 20+ pages of guidelines on Chapter 1,000 and the Rules and the Standards. Chair Egan asked Mr. Morse if he was in attendance at previous Planning Board meetings where the public had a chance to interact with him and ask questions. Mr. Morse advised that he was back in September. Chair Egan noted with the schedule broken up, Councilor Bradley is advising that he is hearing from a number of constituents that are just catching up on this and it is not unusual. We think we have spent hours and days and months on something and the public says where is this coming from? I am just hearing about it. There is a disconnect on how people are consuming it and with the pandemic, it is amplified. He feels it is good to hear that we may have a little more flexibility before adopting this and we may have another public workshop. Ms. Pelletier advised that for Planning Board, she had to mail out 800 direct mail notices and did the legal ads.

Mr. Morse tried to address the part of the process that Councilor Bradley raised as well. For his part of the process concerning Shoreland Zoning draft changes, the language is close to being 100% verbatim of the State's language. One complaint he has heard over many years is that it is a different language. It is zoning language and not necessarily most landowners are going to understand. The State tries to make amendments user friendly to landowners but the reality is that it ends up in the lap of an attorney who will scrutinize it to ensure that it is defensible in court. This is primarily the State's minimum language and is a State mandate that all municipalities in the state must adopt these changes. The State has threatened to essentially hand those State minimum standards to the Town of Freeport if it has not amended its ordinance to be consistent. They will hand it to the Town and say you administer that as one ordinance mandated by the State in addition to the standards the Town already has. Chair Egan noted he would like to avoid that. Mr. Morse is not aware of the State having any date certain for that mandate. They threaten it and it hasn't happened yet.

Councilor Piltch thanked Mr. Morse and Ms. Pelletier for all the work they have put into this so far. He is in favor of getting whoever is interested to meet and make him more comfortable in his understanding of the substantial changes. He feels it would be wise to have a workshop and it appears there is nothing breathing down our backs that we have to do it tonight. Chair Egan

COUNCIL MEETING #21-21
OCTOBER 5, 2021

explained the Council's schedule. We have one more meeting in October. We have an organizational meeting right after the Election in November. There will not be a full Council meeting until the beginning of December. If we were to have a workshop which sounds like a good idea, A) He is not sure how we advertise that. We have already done a mail out to all of the property owners and today's public hearing was an event for people to appear. He doesn't feel anybody appeared to testify which may mean I am overwhelmed, there is so much to understand, I need to talk with someone which is a perfect reason for having a workshop. He asked Councilor Bradley if he had suggestions on how to conduct the workshop and when we may have it? Councilor Bradley advised that if it suits the rest of the Council, he and Councilor Piltch could sit down with Ms. Pelletier and Mr. Morse and go through what they need to go through and make out a report to the Council within a reasonable period of time on how to conduct a public hearing and what the issues would be that came out of those discussions. It would take the burden off the Council as a whole initially and they would have to be trusted to bring most of the issues forward. We would then have a workshop to bring out the rest and then they would bring some focus to it.

Mr. Joseph explained that that is just a work session with Staff and we could do it right here with the doors open and the public is welcome to come in but it wouldn't be noticed as a formal meeting with the Council. He would be glad to sit down and listen too. This is a thorny topic. He would suggest that the Council table this to its next meeting but it doesn't mean the Council has to act on it if you are not comfortable. It can be tabled again until December or whatever future date. Councilor Bradley added that it also includes the Board of Appeals provisions that are related to this and connected in the memo on Shoreland Zones.

MOVED AND SECONDED: To close the Public Hearing. (Piltch & Daniele) **VOTE:** (5 Ayes) (1 Excused-Lawrence) (0 Nays)

MOVED AND SECONDED: To table 194-21 to allow Councilors to conduct a workshop with Caroline and Mike and come back to the Council with issues for a workshop or another public hearing, depending on what it is. Councilors Brandley and Piltch will work on that in the interim until the next meeting. (Bradley & Piltch) **VOTE:** (5 Ayes) (1 Excused-Lawrence) (0 Nays)

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

MOVED AND SECONDED: To open the Public Hearing. (Daniele & Piltch)
VOTE: (5 Ayes) (1 Excused-Lawrence) (0 Nays)

Chair Egan noted this also may be confusing because we are just tabling part of this discussion which is related to zoning language but the item we have in front of us is adopting the Map.

Ms. Pelletier explained that the Town digitalized this Zoning Map back in 2013. They didn't have the resources to do it effectively in house. We now do, thanks to Cecilia, our Assistant Planner. The easy part of this map are the changes the Council adopted between 2013 and today. Three of them have been incorporated into this amended version. It is stuff the Council already noted but is now all put into one map. The second part is the Shoreland Zoning changes. The biggest change mentioned is the change from

COUNCIL MEETING #21-21
OCTOBER 5, 2021

the DEP that we don't need to have that waterfowl/wading bird habitat in Resource Protection. It is now regulated as Shoreland Zone. The RP-I was a challenge for people that had dwellings in there because they were not conforming and they couldn't put a new dwelling in. We do have some residents that are awaiting this change because right now they can't build on their lots and the change will make it so they could. On the old map along the coast, there was a thin blue line and that area was designated as a flood plain on the FEMA Flood Maps. We have removed that from this map and the areas in the flood plain were tidal and would be regulated as shown on the FEMA map. We found that we had inconsistencies in our municipal data and were not able to accurately portray it and that was not a good thing. There will be a note saying you need to make sure you are checking to see if any portion of your property is in the flood plain. It is really just the thin area along the coast line. Before the Council tonight there are two map corrections that came up before the Planning Board meeting. On Lambert Road there was a basic mapping error that showed in white when it should have showed green. We then had the Kents who are not here tonight. They have a pond on their property and reached out to DEP because they didn't think it should be regulated. DEP agreed with that and then their paperwork got put into a folder. The Kents came in and said that their pond did not need to be regulated and DEP concurred so what the Council has before you is another correction in the drawing of the Shoreland Zone.

Mr. Joseph added that the Council cannot adopt this and this be the effective Zoning Map for the next two weeks or two months because it will have to catch up with the ordinance. It should be tabled. Chair Egan wanted to go back to the pond on private property and asked if the map the Council has in its packet corrected? Ms. Pelletier advised that she gave the Council a new map and zoomed in on those two areas. Councilor Piltch asked Ms. Pelletier to provide a before and after version of the map. Chair Egan asked if there is anyone here to talk about the map tonight? There were no public comments provided.

MOVED AND SECONDED: To close the Public Hearing. (Daniele & Piltch)
VOTE: (5 Ayes) (1 Excused-Lawrence) (0 Nays)

Chair Egan noted that because the map is related to Item #194-21 which was just tabled, it seems advisable to entertain action on tabling adoption of the Map.

MOVED AND SECONDED: To table the adoption of ITEM #195-21 to the next Council meeting. (Daniele & Piltch) **VOTE:** (5 Ayes) (1 Excused-Lawrence) (0 Nays)

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

MOVED AND SECONDED: To open the Public Hearing. (Bradley & Daniele) **VOTE:** (5 Ayes) (1 Excused-Lawrence) (0 Nays)

Chair Egan asked if anyone was here to talk about ITEM #196-21? No members of the public came forward.

MOVED AND SECONDED: To close the Public Hearing. (Bradley & Daniele) **VOTE:** (5 Ayes) (1 Excused-Lawrence) (0 Nays)

MOVED AND SECONDED: To table ITEM #196-21 and consider this with the other items tabled at this meeting to October 19. (Bradley & Daniele) **VOTE:** (5 Ayes) (1 Excused-Lawrence) (0 Nays)

ITEM # 197-21 To consider action relative to proposed amendments to the Freeport Zoning Ordinance pertaining to solar energy regulations. This includes proposed amendments to Section 104. Definitions- to increase the allowable size of a Large Solar Farm in the Commercial I (C-I) District to up to fifteen (15) acres; Section 409. Commercial I (C-I) District – to add Large Solar Farm as a permitted use subject to Site Plan Review; Section 412. Commercial IV (C-IV) District - to correct that the existing uses of Small Solar Farm and Large Solar Farm are subject to Site Plan Review, rather than Subdivision Review as currently listed; and, Section 534. Solar Energy Generation Systems – to prohibit the use of herbicides on solar farms and to add additional performance standards for Large Solar Farms in the Commercial I (C-I) District. PUBLIC HEARING

MOVED AND SECONDED: To open the Public Hearing (Whitney & Daniele) **VOTE:** (5 Ayes) (1 Excused-Lawrence) (0 Nays)

Ms. Pelletier explained that back in 2019 the Council asked the Planning Board to look at solar uses. They came up with new solar uses and regulations for the Town of Freeport. Their recommendation to the Council was to include large solar farms up to 20 acres. One place recommended by the Planning Board to be permitted was on Route One South in the Commercial-I District. At the public hearing, the Council decided to shrink the size down to 10 acres and not allow large solar farms. There was also discussion at the Council and the Planning Board about restricting the use of herbicides. All that happened and then the Town was approached by somebody wanting to do a solar project with a contract zone request. The Council sent certain things back to the Planning Board. She mentioned maps the Council has in its packets.

Essentially what you have before you tonight is the Planning Board recommendation that in the Commercial I District the use of a large solar farm be added back in. It has to be set back 150 feet from U.S. Route One. It can't be closer in proximity within a mile from another farm and they added another permitted use. The final standard is a general restriction for these solar farms is that the use of herbicides be restricted. We did get that reviewed by the Town Attorney and we did have to notify the Board of Pesticide Control at the State. They also had no objection to the language. She provided some maps to the Council to give you a sense of the different setbacks and how it would be applicable to different properties on U.S. Route One. She offered to answer questions.

Chair Egan asked Ms. Pelletier to describe that the amendments being looked at tonight are generally reflective of the requests that came from the contract zone request application? Ms. Pelletier noted that the two things that came up that the Council asked the Planning Board to look at was the setbacks from U.S. Route One and the separation of the mile which yes, was a result of that discussion.

Councilor Daniele asked if the mile separation is a State standard? Ms. Pelletier advised that the Planning Board looked at putting that mile separation in based on the Council's discussion and we want to look at it as a Freeport standard. There is a co-location regulation that our attorney looked at but the Planning Board put that mile in based on a discussion. Councilor Pilch asked if that development is still under consideration? Ms. Pelletier advised that they are still interested and reaching out on where the Council is right now. There were no public comments received.

MOVED AND SECONDED: To close the Public Hearing. ((Whitney & Piltch)
VOTE: (5 Ayes) (1 Excused-Lawrence) (0 Nays)

BE IT ORDAINED: That proposed amendments to the Freeport Zoning Ordinance pertaining to solar energy regulations be approved. This includes proposed amendments to Section 104. Definitions - to increase the allowable size of a Large Solar Farm in the Commercial I (C-I) District to up to fifteen (15) acres; Section 409. Commercial I (C-I) District – to add Large Solar Farm as a permitted use subject to Site Plan Review; Section 412. Commercial IV (C-IV) District - to correct that the existing uses of Small Solar Farm and Large Solar Farm are subject to Site Plan Review, rather than Subdivision Review as currently listed; and, Section 534. Solar Energy Generation Systems – to prohibit the use of herbicides on solar farms and to add additional performance standards for Large Solar Farms in the Commercial I (C-I) District. (Whitney & Piltch)
VOTE: (5 Ayes) (1 Excused-Lawrence) (0 Nays)

ITEM # 198-21 To consider action relative to proposed amendments to Chapter 48, Section 306 Taxi Stand Parking Zone and Section 311 Accessible Parking to remove taxi parking spot on Main Street. PUBLIC HEARING

MOVED AND SECONDED: To open the Public Hearing (Piltch & Daniele)
VOTE: (5 Ayes) (1 Excused-Lawrence) (0 Nays)

Phil Wagner was wearing his Complete Streets hat tonight. He explained that he has been staring at the Taxi stand across the street for the past decade. It is near the Jameson Tavern and gets no use. It has been a dead spot in an area of high demand. The owner of the taxi has advised that he has no interest in this spot. Having that one spot would mean a lot. He asked if that spot was eliminated, would it make sense to move the ADA spot from where it is currently over to where the taxi stand is now: It would make it easier for the flow of traffic coming in and out of the four spots on the Derosier's side of the road because with the ADA spot, they tend to park for a longer time than the 15 minutes. It forces a lot of cars to back up and parallel park there at the same time when cars are coming out of Justin's Way. Chair Egan thanked Mr. Wagner for his participation on the committee and for guiding us on how it should really work.

MOVED AND SECONDED: To close the Public Hearing. (Piltch & Daniele)
VOTE: (5 Ayes) (1 Excused-Lawrence) (0 Nays)

Vice Chair Whitney commended Mr. Wagner. He is a community player and has been very involved in the Downtown Re-visioning Plan. He is a person that actually goes out and does the work.

BE IT ORDAINED: That proposed amendments to Chapter 48, Section 306 Taxi Stand Parking Zone and Section 311 Accessible Parking, to remove taxi parking spot on Main Street be approved. ((Piltch & Daniele) **VOTE:** (5 Ayes) (1 Excused-Lawrence) (0 Nays)

ITEM # 199-21 To consider action relative to setting a public hearing to discuss amendments to Chapter 4, Freeport Personnel Code, Section IX Work Hours and Work Week, to change the Hours of Operation for the Public Works/Highway Department.

COUNCIL MEETING #21-21
OCTOBER 5, 2021

BE IT ORDERED: That a public hearing be set for October 19, 2021 at the Town Council meeting starting at 6:30 pm to discuss amendments to Chapter 4, Freeport Personnel Code, Section IX Work Hours and Work Week, to change the Hours of Operation for the Public Works/Highway Department.

BE 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 & Piltch)

Public Works Supervisor Earl Gibson explained that they put forward this request that will make their hours stay the same as they are right now. They are not the only department that has a rotating hour shift. He feels it is the best fit for their department.

Chair Egan noted the Council may have some questions in two weeks. The Council is not taking action on it tonight. He thanked Mr. Gibson for giving the Council an opportunity to discuss it. Mr. Gibson advised that it will not affect any services they provide the town and it will not affect the budget in anyway. They made sure of that before making their request. He added that it would be beneficial to the town, especially in trying to attract new employees. Everybody is fighting for every employee they can get.

VOTE: (5 Ayes) (1 Excused-Lawrence) (0 Nays)

ITEM # 200-21 To consider action relative to awarding a bid for two Ambulance Stretcher Power Lift Systems for Rescue 1 and 3.

BE IT ORDERED: That Allegiance Fire/ Rescue be awarded the bid for two Ambulance Stretcher Power Lift Systems for Rescue 1 and 3 in the amount of \$53,718.22.

Note: The Town Council appropriated \$60,000 for this project in the FY2022 Capital Budget. The current balance in the Rescue/Ambulance Reserve account is \$772,397. (Bradley & Piltch)

Interim Fire Chief, Paul Conley explained that this mechanism will be installed in the floor of the ambulance. It will come out of the back of the ambulance and connect on to the structure and basically lift it up. They can then gently guide it back into the ambulance. This will decrease the risk of back injuries while lifting patients. The technology and engineering is fantastic today. He had a picture to pass around. It is a true safety issue for them. Mr. Joseph added that this is the number one or two from our Worker's Comp. Insurance provider that they recommend to their municipalities to do because it is a huge source of injuries. We have had some of these lifting injuries on Fire/Rescue and drops do happen even with the best people physically if you blow out a knee, shoulder or elbow if you are lifting somebody. When two people are lifting somebody into the back of the ambulance, somebody can tumble off the stretcher that is not what we want to happen to somebody we are trying to heal. Our crew does a great job but there are times when it is out of our control when we are lifting 200 or 300 pounds onto a stretcher or more into the back of an ambulance, so it can happen. Interim Fire Chief explained how the technology and equipment will keep our employees and customers safe.

ROLL CALL VOTE: (5 Ayes) (1 Excused-Lawrence) (0 Nays)

ITEM # 201-21 To consider action relative to the following Junkyard/Automobile Graveyard permit renewals.

BE IT ORDERED: That the following Junkyard/Automobile Graveyard permit renewals be approved.

1. Catheryn Ingerson d/b/a Freeport Auto Parts, Inc.
33 Allen Range Rd, Freeport. (Whitney & Piltch)

Chair Egan mentioned the Council has some information in our packets including the permit application. Councilor Piltch asked if these could be part of our Consent Agenda. Mr. Joseph noted he would look into that and will talk with the Clerk about it. They have been controversial in the past and the Council started to ask the Codes Officer to certify that everything has been cleared up.

ROLL CALL VOTE: (5 Ayes) (1 Excused-Lawrence) (0 Nays)

OTHER BUSINESS:

1. Discussion of a new Recreation Center

Vice Chair Whitney advised that out of the Downtown Revisioning Plan, they listened to the community. What do you want Freeport to look like? With Principle's reputation they were able to guide us in that direction at the very beginning which started with their survey work. We got an astonishing amount of feedback from our community, not only from our adults but our kids. The kids submitted over 250 surveys about what they wanted our community to look like. From that feedback we learned that kids needed a place to be. A consultant thought he was reading it wrong when he learned that the number one place kids hang out is CVS. They also learned that there was a great need for skateboarding. One of the first pilot projects they did was a pop-up skate park. It has been overwhelmingly successful and there is a great group of people working on a concrete skate plan. They also learned that there is a huge population of kids that are being overlooked and their needs are not being met. They have been learning from parents, school board members and school members that they want something for these kids on an on-going basis. The pop-up skate park is great and kids are having a blast there. They are outside sweating while other kids are sitting on the Jersey barriers who are not interested in skateboarding. Parents have gotten together to say what can we do to keep this momentum and what can we do to reach all kids year round? The concept of a Recreation Center has come out of that and it is a big project. It is one that is so important that it is worth it. This is something that has been needed by our community for decades. Once the word started to get out, the school quickly came and said they want to support this. We do have a co-meeting with the School Board and Peter to discuss how we can support each other with this plan going forward.

Peter Wagner was overly enthusiastic about it. He provided a letter in support which Vice Chair Whitney read into the public record since he is out of town this week. Vice Chair Whitney introduced Heather Jackson a mother of four and a successful builder.

Ms. Jackson mentioned that they discussed using the space down at the Train Center to build a building like a barn that has an area for children of all ages. She is envisioning this to be a 50; x 150' barn-style building. The first floor would be for skateboarders and roller bladers. They talked about having some older kids teach younger kids and kids could sign up in school to teach skateboarding or skating. They

COUNCIL MEETING #21-21
OCTOBER 5, 2021

don't want kids to feel pressure while they are there but they also don't want kids to be embarrassed while trying out skateboarding for the first time. Upstairs they talked about possibly having K through 5 having some programs there and maybe a media room where kids can get help with homework and also maybe a game room for ping pong or air hockey. If we are talking about a building 50' x 150', we are talking about 5,000 sq. ft. on the first floor and 5,000 sq. ft. on the second floor. There will be the potential to host events up there on anything kids might be interested in. They intend to poll some of the children. If this gets going, something will be sent to the schools and kids can check off boxes on things they are looking for. They want to be sure it is a well-rounded space geared to all kids. Ideally if they can make the barn look like a train station they can work with. The major thing is creating a space that all kids are welcome no matter what financial needs they have. A lot of Freeport kids go skiing on the weekends in the winter time and that can create families that don't ski kind of a lonely feeling. If we had a space like that where everyone felt welcomed and anyone could come all year round, they would have something to do. In Maine if you don't actually have an activity that you can do on the weekend, it can feel lonely. During COVID children became overweight and depressed and this place could be used by people from out-of-town shopping and children are not really interested in that. It is also a way for revenue to be made. The design is to be determined but the idea would just be a large building that looks like a barn.

Mary Davis added that the Council said to them that as the downtown strategy planning goes around, this is about community involvement. This is about ideas from the community involvement. This is about ideas from the community and feedback from the community. When Heather came forward and said yes, let's make this happen. This is what we want to do in this community. This is what we want to engage in. We have someone who is talking about volunteering time and attention and lots of opportunity for us. She feels this is a place that is all inclusive all year round so they are bringing it to the Council for discussion. That is not a decision they are asking for. Peter has really helped them. This is a piece of land that the park was on and it is successful. We trialed it like the Council asked them to do for the Downtown Vision.

Chair Egan asked Ms. Davis what she sees are the next steps. She advised that she is coming to the Council to say that this is a piece of Town land and their ideas are that with Heather's help, they would start to go through the Town's design process but they need the Town's approval to use that piece of land. They will need to go out to those people that are saying they would provide funding and really get their signatures that they will go forward with the funding. There is a lot to be done but today was just the day of coming to the Council and ask if you will give us a green light to go ahead on that process?

Councilor Bradley asked if this all came to fruition, would the Council be open to committing that public land for this purpose? He mentioned that they don't need the Council's approval to go and do what they are doing but if they have their eye on that parcel, it would be nice to know if we generally approve of that. Vice Chair Whitney agreed that that is what they are asking. Councilor Bradley noted that it appears that this is cream that has come to the top and the project has support. It has support from FEDC and the Street Gang but he doesn't understand the process of how projects come up and get going. Heather noted that she sees the next steps for them is to get the green light and for them to plan and work out a budget. Her next step she mentioned she would donate her time and her drafter's time to get plans started and see a vision of what they are talking about. If they can get to the point where they can figure out how much it is going to take to bring this property to this point because it has setbacks and drainage issues and they will have to dig deeper to determine how much it will cost.

Councilor Bradley does not understand how this project relates to the whole Downtown Re-visioning and feels it is important that we do it in a regular way so that it is transparent and at the end will support the outcome. Ms. Davis advised that this is an idea that came from all the people in town that said what they wanted in town. They did a test on the skate park so this is coming from a community groundswell saying

COUNCIL MEETING #21-21
OCTOBER 5, 2021

this is something we want She noted that they are not asking for money but yes, they are asking for a piece of land and how does the town want to handle it. It started because they have an idea and they want to make it happen. How does it fit into the Downtown Revisioning? This is a way to bring more people into the downtown and have more people want to stay in the downtown so yes, it fits.

Councilor Daniele asked if any other locations are being considered for this spot or is this the only one they are thinking about. Heather advised that they were told this is a non-conforming lot and Mr. Joseph added that there may be issues with this lot. It is essentially a parking lot and he feels there may have been issues when it was created. Heather feels kids seem to like being in that location as far as being downtown and walking around. It is a location where other families coming in would see it. She mentioned that kids will travel pretty far and parents will be willing to bring their kids so they can enjoy skating. She feels this will help our kids but also believes we will get lots of kids from surrounding towns and out of state kids staying with their families. It will draw a whole lot of other people.

Ms. Davis noted that Principle recommended that they do a pop-up skateboard park in a very public place in the downtown area because their recommendation was the more visible it is and less hidden it is, the less problems. It has proven to be a good property when they did the pop-up.

Councilor Piltch noted he likes this idea and feels Heather is being very generous to donate her time. He mentioned that he heard there may be another group working on an outdoor skate park. He would like to see some synergy so that the two groups agree that one park should be here instead of there. He would like to get that feedback as well. He doesn't know that this has been blessed by the Principle Group as part of the plan. He doesn't see anything that is against it but assumes they will be presenting a plan interpreting what they feel is the best use of our downtown areas.

Ms. Davis noted that if the Council wants to put all projects until after Principle does its presentation in February, it just puts this on hold until then. They committed to the Council when this first started that they would bring to you ideas of what they were thinking about. They brought this to the Council for conversation.

Chair Egan mentioned that for the benefit of Heather and the effort coming forward, is there any position that would give great pause that they should hold off before organizing and spending great volunteer resources? Does anybody on the Council have strong reservations of at least giving a conceptual, let's take a look at this, in terms of the Town parcel of land? If there are strong objections to not consider that, we should be fair to share that with the folks coming forward so they can find another location. We are not committing to making that land available this evening. There are no details. It is just a concept discussion but in general, how does the Council feel about encouraging more community effort to bring this a little further along in terms of planning.

Councilor Bradley feels it is a great idea and if they are able to pull it all together, and all there is a small piece of land that this town doesn't use, they would have his enthusiastic support. Heather noted she feels confident that can do this. There is a ton of people behind it and they can do fundraising events. Heather estimates that the cost would be close to \$1.5M. Councilor Bradley noted that is a lot of money to raise in a small town like this. Heather explained that part of the fundraising should be if someone wants to get their name on something. She mentioned speaking with her subcontractors and learned that some of them would be willing to donate their skills and time if they could put their name on the project. She plans to go that route because it is one way to reduce the costs. She will attempt it and try it and it won't do any harm if it doesn't go anywhere.

COUNCIL MEETING #21-21
OCTOBER 5, 2021

Councilor Piltch added that he heard that this will be a Town asset. Heather advised that they would obtain all the funding and financing for this job and they would then give it back to the town so the town would accept it. The RSU has interest in running it so it seems like it is a good thing. She plans to design it as a barn so it will be multi use and if it goes by the wayside, the town will have a building that can be used for something else. Chair Egan did not think he is hearing any strong objections to the concept moving forward. It seems like the Council is generally in favor of taking this to the next level. Of course, there are a lot of details to be worked out but three cheers for the effort and enthusiasm. He thanked them for coming this evening.

MOVED AND SECONDED: To adjourn at 7:58 p.m. (Piltch & Daniele) **VOTE:** (5 Ayes)
(1 Excused-Lawrence) (0 Nays)

Respectfully submitted,

Sharon Coffin, Council Secretary