

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #01-21**  
**HELD REMOTELY USING ZOOM TELECONFERENCING TECHNOLOGY**  
**TUESDAY, JANUARY 5, 2020**  
**6:30 p.m.**

**ROLL CALL OF MEMBERS:**

	<b>PRESENT</b>	<b>EXCUSED</b>	<b>ABSENT</b>
Edward Bradley, 242 Flying Point Road	<b>x</b>		
Jake Daniele, 264 Pownal Road	<b>x</b>		
John Egan, 38 Curtis Road (Chair)	<b>x</b>		
Henry Lawrence, 93 Hunter Road	<b>x (arrived at 6:07)</b>		
Daniel Piltch, 25 Quarry Lane	<b>x</b>		
Douglas Reighley, 2 Harbor Ridge Road	<b>x</b>		
Tawni Whitney, 56 Baldwin Road (Vice Chair)	<b>x</b>		

Chair Egan called the meeting to order at 6:31 p.m. and welcomed everyone. He will explain how members of the public can participate this evening later in the meeting. Chair Egan took the roll and noted that Councilor Lawrence will most likely be arriving shortly but all other Councilors are in attendance as well as the Town Manager.

**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 #25-20 held on December 15, 2020 and to accept the minutes as printed.

Councilor Bradley referred to Page 3 in the second full paragraph and where it says, "he noted that Angus King calls him" The sentence should have started with "**if** Angus King were to call him."

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #25-20 held on December 15, 2020 and to accept the minutes as amended. (Reighley & Piltch) **ROLL CALL VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Egan announced:

The Appointments Committee will be meeting within five days. There are vacancies on the Appeals Board, the Board of Assessment Review and Cable TV. Additionally, terms will be expiring on a number of other boards at the end of March. Vacancies are anticipated on Project Review as well as some others. He has heard that Complete Streets has an opening. Councilor Reighley added that Complete Streets is looking forward to it being filled rapidly. The Appointments Committee also maintains a list of residents interested in serving on other boards and committees when vacancies arise. If anyone has an interest in serving on our many active and informed committees or boards, please contact the Town Clerk. Applications can be picked up at Town Hall or have one e-mailed to them. They are also available on the Town's website. Residents can talk to Johanna Hanselman at Tel: 865-4743, Ext. 120.

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As a reminder, all Town departments are open by appointment only and curbside only due to increased restrictions from the pandemic. Freeport's Public Works and Public Safety facilities remain appointment-only as they have been since June 1. All regular services and hours will be available at all Town departments but residents need to make a call or e-mail the relevant department person prior to their visit so we can minimize the amount of people in Town Hall at any one time. He explained how residents can book an appointment at Town Hall.

For information on the curbside service at our Community Library, please call 865-3307 or visit [www.Freeportlibrary.com](http://www.Freeportlibrary.com) for details on their curbside service.

Dog licenses expired on December 31<sup>st</sup> which was last week. Residents can register their pets at Freeport Town Hall or on line at [www.Doglicensing.com](http://www.Doglicensing.com).

Councilor Lawrence was welcomed.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Reighley advised that this morning the Complete Streets Committee met and was joined by Andy Seymour who is with the Active Living. He added that Active Living has been very good for Freeport. They are sun setting and a lot of the work they have done will be augmented into other Town committees. Complete Streets probably will be most influenced by what has taken place with Active Living. He thanked Mr. Seymour and his committee for their good work. Today's meeting was very productive and they talked about the bridges and that will be in our discussion later this evening. He was happy to have Chair Egan in attendance today. A lot was accomplished. Their meetings start on time and end on time which he finds is amazing. Chair Egan noted that he tuned into this morning's meeting because he knew the bike and pedestrian lane improvements for the bridge were on the agenda. He was happy to hear robust enthusiasm from that committee for our efforts to move that forward for a bond vote this March. He believes the Council may hear from some of those members later on when it takes up that agenda item for setting the election for the bond. Folks on that committee are largely responsible for the progress that we have been able to make so far on these Connect Freeport ideas such as the bike and pedestrian lane improvements over the bridge diligently following the process with our engineer and offering and advising a number of specific design details over the months of process to get us to this point. We are about to launch a community-wide education campaign so we can get residents as enthused about this as we are. He is hoping this committee as well as Active Living and other committees will help spread the word in the community.

Vice Chair Whitney advised that she attended a meeting with the Freeport Accessibility Task Force and the meeting was about trying to make Freeport more accessible for all. The group is now compiling a list of ways in which Freeport is already ADA compliant so we can celebrate those ways and figure out ways that we can be even more accessible for everyone. One of her initiatives when she joined the Council was to make Freeport more age-friendly and met Tricia Oh, the head of AARP. Now that Freeport is an AARP-certified town, we have access to grants to make us more age friendly. She is glad to have partners to bring this to life.

Vice Chair Whitney pointed out that she is also attending 2 to 3 meetings a week on downtown business. She was pleased to see a positive article written about our hiring of the consultant. It was a great way to let residents know what we are doing and start to get involved.

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Vice Chair Whitney has been in contact with our Representative Melanie Sachs about forming a phone tree to reach out to some of our Elders in the next few weeks to check in and see how they are doing and if there is anything they might need.

Councilor Bradley advised that he has talked with Carter Becker because the Council held an Executive Session. Nothing is resolved with the things the Council discussed but a positive attitude and an effort to work through the different points to come back with a concrete proposal. Chair Egan felt it was good to hear.

Councilor Bradley asked Vice Chair Whitney about the contract with the provider and the issues discussed prior to entering that contract. Here are many pieces to that that he would like to know a little more. His first question was who signed the contract? Vice Chair Whitney noted that the Town Manager is the one that will write the check. Mr. Joseph added that he will sign the contract. Councilor Bradley mentioned that in the role of FEDC in this process, there was talk about them being the lead agency but having other Town organizations be part of a committee that would talk to the Council about this process going forward. He asked how that got resolved? Vice Chair Whitney advised that it was floated and well received. They are happy to have the Council take the lead or continue with FEDC as the lead. So far, it has been FEDC but Councilor Bradley's point was that he wanted a little more ownership from the Council. Councilor Bradley advised that at the time he had no problem having FEDC taking the lead. They are doing the work and it makes sense to him but he can also see going forward, if things need to be sold to the community as a whole, it is probably not going to be FEDC's job. It will be the Council explaining it to the Town so looking forward into the future, that might be the result. It seems to him that you would build in 1) the Council into a process that FEDC led and 2) bring in all the organizations who are talking about things consistent with revisioning the downtown and ask them to the table and interview them as interested parties. Those are his points but he doesn't know which of them are any good from the Council's perspective. He believes in them or wouldn't have said them but he also does not determine how this goes. He is just asking.

Vice Chair Whitney feels that Principle should be allowed to have their first official group meeting and help them to help us steer since they have done this many times in towns throughout New England. She feels it would be best to ask that question of them and see how it is best presented. They will be very involved in our community creating charrettes and different forums. Councilor Bradley disagreed. He feels Principle does not yet know anything about Freeport. We do and it is fair to say that in this town, if we are going to spend money on never mind the first phase, but the second and third phase which could be substantially more, the Council needs to have ownership. FEDC is the leader among these groups but if you leave those other groups out on the sidewalk, you will have a hard time bringing them back to the table once you decide what you want to do, no matter how good Principle is. Vice Chair Whitney agrees that the more people we have at the table, the better. That is the way to make this work.

Councilor Reighley suggested seeing what pieces we can generate first before we get into the hard points sitting down. Councilor Bradley noted he is not talking about any substance. He is talking about the organization and the process and we are fairly far along. We just spent \$50,000 on that and he would like to know how that is going to be spent. If we need a vote on this, let's have one. If we don't and it is consensus, let's just do it. If it is consensus the other way, let's not do it. He is not trying to direct it.

Councilor Piltch mentioned there is a FEDC Board meeting on Thursday and this is one of the topics. It was something along the lines of digest the feedback that we got from the Council meeting on roles and responsibilities so he hopes this topic will be discussed on Thursday. He will not be able to attend but it sounds like Vice Chair Whitney heard loud and clear what Councilor Bradley had to say and will bring that up. FEDC heard that at our meeting and they will discuss it and come back with their proposal.

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Vice Chair Whitney agreed. Councilor Bradley is happy to hear that you don't want the Council to direct this process and want to wait for more feedback. He does not agree with that but it is okay if that is what you want to do. He will attend the meeting and say what he has to say. It seems to him that this is Freeport's money, our Council and our Town. FEDC is a part of the Town and a major part of this project but they should not be running this show alone. Councilor Piltch agreed and noted it is the right thing to do but he does not know that he would want to step up as a Council member and say that the Council should lead the day-to-day operation of the proposal. He thinks the Council is delegating that to FEDC but it is on the Council's behalf. It is a Council-led project and we are asking FEDC to do the day-to-day but bring everybody to the table to help run the process not just as interview subjects. Councilor Bradley thinks it is important to how the downtown turns out to be going forward. Mr. Joseph clarified that we have Dan, Tawni and Ed involved in the meetings with FEDC. He thinks Councilor Bradley's points are good and they are what was discussed and what everyone here agrees on. If anything evolves that is even moderately uncomfortable, we bring it back to the Council for full Council involvement and feedback. It is on us that if we see anyone is being left out, and is not the will of the Council, tell him that.

Councilor Bradley mentioned if he was God, he would say let FEDC run this just the way they are running it and bring these people to the table. On a regular basis have Vice Chair Whitney give a report to the Council on the progress of the process. Any individual Councilor who is already at the table or wants to be at the table, should go sit in on the FEDC meetings. He doesn't think the Council should be running this from these meetings. At the end of the day, he would like to say to everybody when we go to raise the \$100,000 or \$200,000 to re-envision the downtown, that we participated in this and we trust the guy. We trust FEDC and all the other organizations that had their input just like the bridge. You know it is the right thing to do.

Councilor Piltch suggested encouraging the meetings with Principle and FEDC to be noticed and be more public than FEDC's meetings traditionally are and they are at least given notice to the Council and other groups in town that are likely participants. Vice Chair Whitney agreed that it was a good idea. Chair Egan mentioned that as we go through a couple of these meetings and it is obvious that there is a constituent group not being heard from and not in attendance, that is on our task to go find those folks and make sure they know about the meetings and invite them in. Vice Chair Whitney advised that they had a brief meeting after Christmas discussing how best to get the word out using different forms. There is another meeting on Thursday and she is happy to give updates at these meetings on what is happening.

Chair Egan advised that he attended the Freeport Sustainability Advisory Board meeting last evening and that group is focusing on specific data collection on some recycling solutions. They are also focusing on a number of activities that they have had historical involvement with and trying to generate some enthusiasm for getting a more specific and tangible list of sustainable values that they can bring forth. We will see a high-level summary of that when we get to Council Goals later this evening. He hopes Councilors got a chance to print out the list circulated earlier today from the Town Clerk that has proposed draft Goals for our Council for 2021 as well as committee assignments. The Sustainability Committee is looking forward to having some specific engagements with us on those issues.

Chair Egan is disappointed that we were not able to have a public recognition of Chief Nourse at the end of her career. It was extremely disappointing to him because he felt that for someone who put 37 or how many years it was in public service to this community deserved a hell of a party and specific recognition of not only her recent accomplishments as Chief but all of the things, she accomplished in her tenure here in our community. We are certainly better off because of her years of service and the lasting elements in our community that have her fingerprints on them. He is hoping when the zoom meetings are over and we are back at Town Hall and the chief might be around, we can have some sort of recognition and a reception for her at Town Hall. Mr. Joseph mentioned that he told her to expect to be summoned at some

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point whether it is in the spring or summer when things cool down. He shared Chair Egan's feelings as well. It didn't feel great to him. Councilor Reighley mentioned a special invitation to the chief to come out to Bustin's Island for the Annual Meeting and the opportunity to roast her properly is what we need to do. Councilor Bradley asked if the Town presented her with a token of our appreciation? Mr. Joseph assured him that there is a group here that took care of that according to the formula based on the length of service.

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

Mr. Joseph updated the Council on information that has been shared with some Councilors. We are navigating tough times but it has quieted down with Town employees but we had a patch for three or four weeks at the beginning of December where there were a lot of forced COVID quarantines and positive COVID cases, etc. among Town employees but our control processes were all in place and explained them. Freeport experienced 49 positive COVID cases two or three weeks ago. It is out there and there is community spread going on. It is pretty serious and people need to hear that.

On the vaccination protocol, some of the exposures for Town employees has slowed down a bit which is great news for us but we are still moving full speed ahead as soon as vaccinations are available. The current standards the CDC is using are 1-A and 1-B. 1-A are the Town health care workers so that would be paramedics, EMTs and health care providers. Probably about 30 of our employees fall into that category. 1-B would include first responders and front-line essential workers. Right now, we have had a handful of 1-A employees who are medical providers. They are essentially fire department employees who are EMTs and paramedics have been vaccinated with their first dose. Currently we are just at the end of the point where the EMS Agencies are trying to vaccinate the vaccinators. There will be three agencies in Cumberland County that will be providing vaccinations to all the other Municipal agencies. Ours will be Portland. Portland will be vaccinating Freeport's people. Freeport, Brunswick and Harpswell will be a pod. It will be distributed to our employees. The bulk of our 1-A providers to be vaccinated this week but it is constantly changing on a daily basis based on the availability of vaccine. They expect that to happen the end of this week but more than likely will happen next week. As of last Saturday, they expected the Group 1-A to start being vaccinated the week of the 10<sup>th</sup> but may be optimistic right now but it is still good news that these are the timelines that we are on for our front-line service employees. That leads to the question we have been getting from the general public: when is the vaccinations for the general public going to start? It is 100% dependent on when vaccine doses can get out there. They have been told by the CDC that towns in general will not be hosting vaccination clinics through town services. We may potentially serve as a location where vaccination drives can happen but they are not going to be using the Town's EMS Agencies to do any vaccinations beyond the Group 1-A and 1-B vaccinations of essential employees. They have gotten that question several times. If that changes, we will be the first in line to qualify as a location to do that but it was confirmed yesterday by the CDC that there are still no plans to involve municipalities in vaccinations.

Councilor Bradley noted he would encourage us as a town to push for that and why not if there is vaccine hanging around and is not being used because there are no people to distribute it. It makes no sense to him for that to occur but he doesn't know if it will occur, but that is everybody's biggest fear that once vaccine production ramps up and delivery ramps up, it will be hanging around waiting for people to stick it into people's arms. He is confident we have plenty of people in Freeport that know how to do that and plenty of people here that want the vaccine. Who else will ask these questions but us? Mr. Joseph noted those are good points and would be a fantastic situation to be in. If it happens, he would be glad to be wrong that there is a surplus. If there is a shortage of vaccinators, he will figure out a way to either get people here to service our location, do it ourselves, transport people once we have staff people that are vaccinated to drive people to other locations so they can be vaccinated. These are ways that it could play out. He hopes

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we will see people taking the vaccine quicker than it can be produced and the two could be rapid together at the same time. We are at pre-1-A at this point from Municipal operations. He will update the Council as our people become vaccinated and keep tabs at where we are at. If we get to the point that Councilor Bradley just described, he will certainly have a hot line with leadership when that happens and figure out what to do to capitalize on that scenario.

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

Chair Egan explained to the public how to participate this evening. There were no public comments provided so Chair Egan closed the public comment period and the Council moved on.

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

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ITEM # 01-21                      To consider action relative to adopting the January 5, 2021 Consent Agenda.

**BE IT ORDERED:** That the January 5, 2021 Consent Agenda be adopted.  
(Egan & Reighley)

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

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

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ITEM # 02-21                      To consider action relative to setting a public hearing regarding a supplement appropriation of \$19,800 for the purpose of building upgrades at the Freeport Recycling Facility.

**BE IT ORDERED:** That a public hearing be set for January 19, 2021 at 6:30 pm regarding the supplement appropriation of \$19,800.00 for the purpose of building upgrades at the Freeport Recycling Facility.

**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 and the Town's website. (Daniele & Reighley)

Mr. Joseph explained that if the Council doesn't like this, they should not vote yes in setting the public hearing. They did several bid openings recently at the Recycling Facility. One came in substantially below the budgeted and expected amount which was already a Capital budgeted project. It was expected to be in the \$60,000 range and came in around \$20,000 and that is the retaining wall project. There is a \$60,000 fund for the retaining wall project established in last year's Capital Budget. The second project was this building improvement project which was not originally budgeted as a Capital project because it was not expected to rise into the Capital Budget level. However, the results came back at \$19,800 for the work. Part of that could be on our estimating work. The construction market right now is pretty insane so that is reasonable. We don't have money set aside for that and will pay for it out of the Operating Budget. He would consider those minor upgrades. It will be removing two overhead garage doors and replacing them with a wall and two windows. He explained how the building would be

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improved. He is hoping to do it out of the underage for the retaining wall project but this requires the technicalities it would be a separate appropriation by the Council and the Council would have to appropriate the surplus funds out of that account to spend on the building projects. Councilor Reighley mentioned it is nice to see a local contractor involved.

Chair Egan explained to the public that this is not new money but money we saved on another project and we are reallocating to this. It should be a very smooth public hearing on the 19<sup>th</sup>. Mr. Joseph advised that this is adding a new project which is why it is coming before the Council as a supplemental request.

Adam Bliss mentioned that they want to move forward with this project. They selected the lowest bidder according to the rfp process. What that project entails beyond safety improvements is shutting down of accepting bulky waste for a one-to-two-week period. The time is right to do that work while contractors are outside of their typical construction season so they have available capacity and winter time is our traditionally slowest period for accepting bulky waste items. To do a two-week shutdown makes the most sense for the retaining wall repair project. They would like to start that project in two weeks on January 18<sup>th</sup> and will notify through the website, the Municipal Bulletin and our electronic signage. The building improvements can't begin for five weeks because there is a lengthy lead time for materials. Mr. Joseph added that it can't happen unless the Council votes up this request tonight and in two weeks. Chair Egan suggested that a notice be posted at the drive-in entrance to the Transfer Station about the closure as soon as this week if possible.

Councilor Piltch asked if there is another location for the bins so people can drive up and heave the stuff over the top? Mr. Bliss advised that we can't because of what he described as lifting over one's head. The containers are 8 feet tall but they did think of that. He feels it would be well advised to limit activity around these repairs so they can get in quickly and get out. He expects the repairs to take a week but wanted to add a week of buffering in there because it is winter and many contractors move snow. Mr. Joseph is assuming that there will have to be some cordoning off some area around the retaining wall. Mr. Bliss agreed and mentioned that in the rfp he made it clear that the contractor is responsible for barricading the work area.

Councilor Daniele asked if we could ask one of our neighboring towns if someone shows up with a bunch of bulky waste to honor our Freeport tag such as Riverside or Portland? Mr. Bliss advised that Riverside would be a back-up plan if they did show up and were surprised by the shutdown. The challenge to reaching out to Yarmouth or a neighboring town is how do we exchange money, etc. Councilor Daniele noted that it would be just them honoring our tag but they would still have to pay for their bulky waste. Mr. Joseph agreed that they would be charged whatever the disposal rate is and then keep a tab of how many people went in there or something like that. He offered to talk to at least two of our neighbors.

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

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ITEM # 03-21                      To consider action relative to the Town Council Recommendations on the Articles to be voted at the March 9, 2021 Special Municipal Election.

Chair Egan recapped that MDOT went through an extensive process with lots of input from our committee and our Town Engineer over the past 14 months or most of 2020 taking input on their plans for the two bridges at Exit 20 and Exit 22 as well as the bridge over the Cousins River which is actually in the Municipality of Yarmouth and they engaged both communities extensively for what those improvements were going to be and then suddenly at the end of September and beginning of October, we were advised that we had to make a commitment to the cost share for the elements that are above and

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beyond a strict element for element replacement. In other words, anything that was going to be new in the new bridge that is not there today was going to have to have a cost share and the MDOT needed a commitment from us meaning the Town Manager would be willing to write a check in order for them to move forward with the design work and they gave us only about six weeks to come up with that decision, up or down. A couple of conversations ensued with MDOT and negotiated some additional timing for us to provide that commitment. After lots of discussion here at this Council as well as with Staff, the pathway for us to get to this fastest is to have a Municipal vote for a bond in order to provide authorization for those expenditures and such a date will be on March 9<sup>th</sup>. At that point, a vote either way by the Town would be the evidence that MDOT is requiring of the Town in order to move forward with its design work. The timing and schedule are entirely driven by MDOT's schedule which was determined many months ago, from their finance and capital alignment project and their ability to get grants from the U.S. Government. The MDOT's schedule for these bridges and the design work was laid in cement a long time ago and is not moveable. The only thing they had some room to move on was how fast they were going to move with their design in front of their bid process and they have given us the maximum amount available to them.

It was made perfectly clear that the Town's opportunity to cost share in these improvements is once in a 75-year timeframe so we have this window of time between now and March to drum up support and enthusiasm in our community for these improvements or the project goes forward and we have to wait another 75 years, at least, before we can have bike and pedestrian improvements on these two bridges. To him, that is the most compelling piece of this argument of why we are having an election in the middle of March instead of in June or November when the past 300 elections have occurred. It is way out of the ordinary to have one in March, particularly during COVID but the window of what we are going to miss if we don't commit to the funding for these things is 75 years. It is an outrageous timeframe to wait for having connectivity for bikes and pedestrians on the two sides of our community, the east and west side of 2-95. That is the context for setting a public hearing on February 23rd and the vote for the election on March 9. We will have more opportunity for public comment on this particular item as well as the public hearing itself on the 23<sup>rd</sup>. We did go ahead with consent at our last meeting to engage a proposal from GPCOG to assist with public relations and organizing a public relations education opportunity in our community that they can deploy to help us with that largely using a lot of the material that Adam Bliss has already produced which made that process go much smoother. He thanked Mr. Bliss for sharing the very illustrated material. Our next two items are to set this election

ITEM # 03-21                      To consider action relative to the Town Council Recommendations on the Articles to be voted at the March 9, 2021 Special Municipal Election.

**BE IT ORDERED:** That the Town Council vote to recommend in favor or opposed to the warrant article. (Piltch & Reighley)

Chair Egan explained we have language that has been drafted for what the warrant looks like. There is a dollar amount in there that is reflective of a specific design element that has gone through an enormously long and elaborate process from a number of committees as well as MDOT's own public hearings and input sessions. However, there has been a late design element wrinkle that Chair Egan wanted to ask the Town Manager to explain that justifies where we are with the dollar amount. The original budget for this bond election was a little more than a million dollars and now we are talking about less than half of that so there is some context he wants to share with the Council and the public who are listening as well as the specific elements of where we are with the actual design itself.

Councilor Reighley pointed out that today at Complete Streets he heard a figure of a half million dollars for an expansion of a width to 10 feet wide but it is the position of Complete Streets and Active Living

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that would like to go with 12 feet wide so the amount moves closer to a million dollars. Chair Egan noted that that is what he wanted the Town Manager or the Town Engineer to address the specific difference between those two elements. All along, the community and our committees have been advocating for a 12-foot-wide pathway that would accommodate both bicycle and pedestrian.

Mr. Joseph advised that the wrinkles that happened resulted in two separate dollar figures coming to the town. The wrinkles were the DOT decided to take a much more aggressive cost sharing perspective meaning they will cover more of the projects specifically at Mallett Drive than they initially thought they were going to. However, the wrinkle is they are going to cover a substantial portion of a 10-foot wide multi use path because that is the standard of what they are generally building and recommending to be built in the area. The Martin's Point Bridge comes to mind and that is what it ended up being. They would cover a higher percentage of a 10-foot-wide path. However, if we go anything above that, they are willing to design a 12-foot wide and cover the design costs but we will eat the entire cost to add those 2 feet of concrete pavement and whatever steel is needed beneath them. The two figures include a 20% contingency which is substantial but since we are going to bond, we need more flexibility in there. The 10-foot-wide path with the contingency is \$480,000 which is the figure reflected on the draft warrant. The 12-foot-wide figure with the contingency is \$634,000. If the Council wants to deliberate and decides that a 12-foot-wide path is more favorable than a 10-foot-wide path, the figure in the warrant would need to be amended to \$634,000 from \$480,000. That is the Council's decision point that Chair Egan was referring to tonight.

Chair Egan mentioned that it is unfortunate that the design preference that we have presented and discussed for well over a year with DOT was for the 12-foot-wide path. It was unanimous at the Complete Streets Committee and the Active Living Committee that their recommendation is to go forward with requesting additional dollars to cover the 12-foot-wide path recognizing that we are asking voters to come out in the middle of the winter in the middle of a pandemic to vote on a bond issue that they more than likely will not have a lot of background on, nowhere near the amount of information we have. The number we have in front of us was to make it as small as possible. That is the reason it is at \$480,000 and not \$634,000. However, hearing from our committees, he wants to make sure we have the option for the Council to go ahead and make the decision and go 10 feet or 12 feet recognizing that if we go 12 feet, the Town has to incur 100% of that additional cost.

Councilor Reighley reminded the Council that even though we are thinking of how much we are funding now; we have to remember that this is going to last for 75 years. Councilor Lawrence pointed out that \$634,000 is about half of where we were when we were all talking about 12 feet. We were at \$1.2M or \$1.5M and now we are at \$634,000. Typically, when we build anything, in a year or two it is already too small so he thinks a 12-foot path is really what we should be asking for. \$634,000 over 75 years is not a lot of money and it gives us a bigger path. This will help put the Town back together.

Chair Egan advised Councilor Bradley that the functionality is entirely about the distance for two bicycles to pass in opposite directions in their own travel lanes versus having to wander into the pedestrian travel lane. With the 12-foot-wide path, you can have two bikes safely passing each other in opposite directions without having to drift over into the pedestrian portion of that lane. He believes there is a barrier between the pedestrian and bike lanes, at least some kind of raised element in the construction so that it is clear that pedestrians are in one path and the bicycles are in the other path.

Councilor Daniele advised that the 12 feet is considered the gold standard when designing these things. He noted that Mallett Drive needs to be repaved and if we could ask for additional money from this bond in order to plan out and design that, we may be able to save costs by doing those repairs at the same time that the bridge is done. He asked the Town Engineer to provide more information on that going forward.

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Mr. Bliss noted he would be happy to talk but wanted to hear from other Councilors.

Councilor Piltch asked what is DOT doing for nearby bridges? For bridges that have a bike path, how wide are those? Mr. Joseph advised that DOT is pushing for 10 foot. They are not requiring that but they are hoping this will be their policy moving forward. Whenever this type of scenario arises, they will do a cost share for a 10-foot-wide multi-use path where they think it is warranted by their standards. Anything over and above that will be on the Municipality to fund. He knows that the Martin's Point Bridge is 10 feet, 6 inches. He understands that their policy will be flexible and they will be giving options to people. They are hoping this will be the standard that they use when they do these types of projects.

Councilor Piltch is interested in what the infrastructure looks like all around us. Mr. Bliss advised that the lens he views this project through is labelled context sensitivity and context is the operative word. What is the setting for this bridge crossing and what is connecting into the bridge crossing? Is this an urban or rural environment? How much traffic and what type vehicles? 8 foot is the absolute minimum in terms of multi-use pathways.

Councilor Reighley pointed out that the Martins' Point Bridge has been in service for ten years so that design ten years ago was all that was sought. He knows the Town of Falmouth didn't have any interest in doing anything more. In Yarmouth, the Route One overpass, Main Street was an addition of a pedestrian walkway and before that there was nothing there. Yarmouth has been more involved with the Cousins River even though we are partners of the work creating that bridge so it was whether they had an interest in going further than that. Andy Seymour would have more information for us.

Councilor Lawrence shared that when he drives down Hunter Road, there are tons of bicycles going both ways and not just kids. These are adults out for a hard workout and he knows they are using that bridge. Because of that, he feels we should have 12-foot pathways.

Councilor Bradley congratulated anyone able to bring this price from \$1.2M to \$634,000 and the project is clearly something this town needs and we should do. His question is of the amount and the decision to bond as to pay for it out of reserves. He thinks that it is not a slam dunk that we are going to get the public to pay for this and if word gets out that we are buying the gold standard as opposed to the preferred, we might get a push back, we might. If we did, it would be too bad if that is what kept us from doing what we all concede is an important thing to do to connect the Town. Either way we do it, he asked is there a way to do it without bonding so we know it gets done or in the alternative, do we have a fall back in case the bond doesn't work. Can we assure ourselves and commit by vote or somehow to DOT if the bond doesn't pass, we will pay for it out of the amount at which point he would be much more focused on the \$480,000 than if we bond it. He wanted to put this out there and see what people say.

Mr. Joseph advised that in October we discussed the option of opening the checkbook and writing a \$1.2M check at that time but what is a \$480,000 or \$634,000 check? He was dead set against it and would be kicking and screaming if someone said they wanted to do the \$1.2M because that gets into the range of, at least the public views that as malfeasance of public funds. He thinks it is less of a concern if you are in the \$500,000 range but is still a concern to him that there hasn't been a public input process. That is his main concern but the Council is the political decision makers. That is his word of warning but the Council does have that power to do that at any given point of time. Councilor Bradley asked if we have the money if we decide to go that route? Mr. Joseph advised that we have the money that we could write the check but that will be effectively a tax hike next year of that exact amount because we won't have the money to do the projects in next year's Capital Budget if we spend those fund balance funds now. We will essentially have to raise funds next year in the tax rate to do our Capital projects. Councilor Bradley

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mentioned that in the spirit of getting this done, could we make a commitment to DOT that we will pay for this out of our funds but also put it on the warrant for the normal voting time when there will be more voters and more enthusiasm around the vote rather than a middle of the winter election. Mr. Joseph advised that we tried that but DOT won't go for it. Councilor Bradley asked what if we make the commitment to pay the money and we don't care whether or not we get the bond. We will pay for it and if we get the bond, we will have it in place and then we just repay whatever we had to pay out. Mr. Joseph advised that the downside is if we don't get the vote for the bond, you are ignoring the public's will if you go and fund it otherwise. More discussion followed. Mr. Joseph advised that the Council is in the driver's seat for this election and anything you can dream up as long as it is legal, it is just a question of how complex you want to make it.

Councilor Daniele asked Mr. Joseph if he has the numbers on funding the bond through the TIF so everything would be covered without raising taxes. He feels that would alleviate a lot of these concerns. Mr. Joseph added that he could only give him half of that question which is what the tax impact of the bond would be. He does not have the timing for the TIF only because it would depend on two things he cannot commit to. Councilor Daniele asked in five years' time would the TIF funds be able to cover the bond payments? Mr. Joseph replied yes but the hard part here is that it is not something we can definitely say that the current Council can bind future Councils to do. That decision would have to be made in Budget Years 3, 4, 5 or whatever that is in the future from here. Councilor Lawrence asked when the earliest would be that we would have to make a payment to the DOT? Mr. Bliss advised that we would have to have a signed agreement in place when they advertise construction in August of 2021. The project is packaged as a group of four bridges and they will stagger construction of those bridges. We do not know the layout of when they will start one and sequence to the next one but there's flexibility there to delay construction of Mallett Drive for example after Exit 17, Twin Bridges. The construction start timeframe would probably be late winter of 2022 or early spring. There are a lot of unknowns in terms of traffic management, construction management, etc. Mr. Joseph added that it could be two years from now if they decide to do that bridge first. Councilor Lawrence noted that it would be two years into this that we would be having to come up with a bond payment. Mr. Joseph cautioned that the only two ways this can happen that he can sign an agreement with DOT in time to get their bidding done in the summer of this year is if there is an appropriation either out of the checkbook like we talked about when Councilor Bradley asked the question earlier and the Council votes to do an appropriation and it is on the books and he can rely on that and it continues as a Capital appropriation even if the Council is gone but it is still on the books and he can legally write that check. 2) The bond authorization is there even if we don't issue the bond for a year, two or three even if that is how the construction phasing happens, there is still an appropriation that he can rely on to sign an agreement with DOT that won't go away. We would have to do one of those two things even if the long-term intent is funding it out of the TIF even if we have that money in three, four or five years, we will need one of those two appropriation votes in place so he can sign the agreement either way. Councilor Daniele clarified that he was not suggesting to pay for it just with TIF funds. We are telling the public that their taxes are not going to go up because the TIF funds will be paying the bond off. He asked about \$50,000 payments and if it is a lump sum at the end? Mr. Joseph advised that he is just guessing at rates right nw.

Councilor Reighley asked if we could call the question on Item #03-21? Chair Egan mentioned the point was taken but that he wanted to go back to a point that Councilor Bradley made that getting the vote approved in March is no slam dunk and it is not a lot better than 50/50 right now because the public is completely unaware of what is going on with all of the activity going on. That is the reason we have engaged with GPCOG to help us with an education effort to spread the word and we will use our committees. The reason why the Council decided to go the bond route back in October is for transparency reasons that the special election and putting it out of sequence was entirely related to the timing from DOT and we wanted to keep the decision and dollar amount focused on the only part of this we couldn't

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control in terms of timing which was the commitment for the money. It is very good news that it is less than half of what it was originally proposed to be. He thinks the pathway of doing something other than a bond jeopardizes our ability to actually get this done. One of the arguments made for bonding is that we are taking the payment and burden of the \$480,000 or the \$634,000 and stretching it out over 20 years as opposed to finding it in our Capital budget and we would then have to accommodate that expense in tax increases over a very short period which would put a much more significant burden on our taxpayers. The story and information to spread to the public about how tiny the burden of this bond will be on an individual tax bill is far outweighed by the benefits everyone will get to enjoy. That was the logic behind using the bond method as quirky it is to have an election in March. He asked to get a sense from folks if the \$480,000 is the dollar amount we go with for a 10-foot path that has been recommended in the materials or do we listen to our committee and make the decision for the 12-foot path. He is open for a motion.

**MOVED AND SECONDED:** To approve \$634,000 to provide for a 12-foot width on the pathways. (Reighley & Whitney)

Councilor Daniele suggested hearing from the public for input now before the Council decides how much to set this bond for. The Active Living Committee is adamant that we should be planning the next stage of development so having a design already for Mallett would be really important through this bond. The committee members will be getting the public on board with this.

Mr. Joseph being a stickler for details pointed out that there is a motion and a second on the floor so we would need to have the motion withdrawn voluntarily or voted down.

Chair Egan explained that he doesn't disagree at all at the gravity of having resources to do proper planning. His limited understand is that we actually have other channels through out typical budget process to accomplish that on a much smaller dollar amount than the \$500,000 or \$634,000 we are talking about here. Recognizing the efficiency and logic of having the planning sequence aligned when construction is going to happen makes really good sense but we just heard what the calendar looks like for when construction starts and it gives us enough time assuming the vote goes favorably in March to accommodate that and make those allocations for planning and find some grants to do it. He is hesitant to add more ornaments to the Christmas Tree Bond here because the compelling story is, we are leveraging the DOT's ability to cost share with us. For five minutes he will take public comments. Councilor Reighley pointed out when we get to Item 04-21 we are going to set a public hearing on February 23 so anybody in the public can talk about this in more detail.

Councilor Daniele feels that the people waiting to talk about this should be able to say something. Chair Egan invited that to happen now. Mr. Joseph added that the design work will be in the Capital Program for year one. It doesn't get it done any quicker to put it into the bond but it will ultimately be the Council's decision whether to appropriate those dollars in June when it votes on the budget. We won't be spending it before July 1 on the design work. He will make sure it gets into the Capital Budget for consideration but it will be the Council that has to make that decision. He will put that out there so nobody on a committee has to be concerned that we will sneak it away.

Councilor Lawrence asked when we have to make a commitment to DOT? Will it be after the vote? Mr. Joseph replied that the answer is yes. He added that the changes they made on the cost sharing now, the changes assume 100% funding of sidewalks at both bridges which was not the case before. There is a minor safety blanket there if the vote fails, the DOT project will include sidewalks which is an upgrade but not ideal.

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Andy Spaulding advised that they want to advocate for an extra \$100,000 built into the bond to put us in a position where we can fully do design and planning work and take advantage of construction efficiencies particularly in Mallett's case when that comes due for repaving in 2-5 years.

Sally Walsh had three points:

1. The Mallett Drive is access to the center of Freeport. If you are trying to stimulate economic development, you want a good and easy way to get in. Something that is striking to the Town.
2. A connection to both sides of Freeport where families with children are going to be walking it and wheelchairs, motorized and hand pushed will be crossing the bridge so that is another reason for an increase in width.
3. You should market that you are saving \$600,000 because we originally started the bond at \$1.2M and now you have it down to \$650,000.

Joyce Veilleux advised that she was originally going to say we needed 10 feet but after listening to the discussion that mentioned you would be able to pass two bicycles going in opposite directions safely, she now hopes we increase the amount of the warrant to include the 12 feet. If the Council educates the public about that, we won't have a problem in March.

Eric Horne noted he is grateful that this question is getting moved forward. He thinks the voters will have an opportunity to weigh in on this. We have a real opportunity to bring the two sides back together and pleased that this is moving in the direction that it is. He is sure we can all use our voices to make this happen. He thanked the Council.

Councilor Pilch pointed out that he is in favor of the 12-foot-wide paths.

**ROLL CALL VOTE TO AMEND:** (6 Ayes) (1 Nay-Egan)

Councilor Reighley noted that the Council still needs to act on ITEM #03-21 and Chair Egan agreed because we just voted to amend the article, not to actually adopt the warrant.

Mr. Joseph asked if someone read the be it ordered at the beginning? The Secretary replied that it was read and seconded. Mr. Joseph said it is still on the floor. He mentioned there are two small changes that need to be made to the warrant that he was going to address under No. 5. They are grammatical changes but need to be moved and seconded by the Council to do that and we have the \$634,000 figure now and it is sufficient to put that into the warrant. He will put them on the screen when we get to #05-21.

**ROLL CALL VOTE:** Recommending the warrant as amended. (7 Ayes) (0 Nays)

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ITEM # 04-21                      To consider action relative to setting a public hearing for Feb 23, 2021 to discuss the warrant article to be voted at the March 9, 2021 Municipal Special Election.

**BE IT ORDERED:** That a public hearing be set for February 23, 2021 to discuss the warrant article to be voted at the March 9, 2021 Special Municipal Election.

**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

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inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel and the Town's website. (Lawrence & Reighley)  
**ROLL CALL VOTE:** (7 Ayes) (0 Nays)

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ITEM # 05-21                      To consider action relative to finalizing and approving the Municipal Special Election Warrant for the March 9, 2021 Municipal Election.

**BE IT ORDERED:** That the Election Warrant for the March 9, 2021 Municipal Special Election be approved and endorsed. (Bradley & Reighley)

Mr. Joseph asked the Town Clerk to confirm that the warrant that we are voting on right now is the one that elects a moderator. Ms. Wolfe agreed that it is. Mr. Joseph put the warrant up on a shared screen. The few changes recommended by the Town Attorney after legal review are to determine the following articles. 2. is now going to be amended because of the vote the Council just made to \$634,000 instead of \$480,000. The vote was 7 in favor and 0 opposed for the recommendation. The other change recommended by the Town Attorney was to remove State because it is not a State Municipal Election. It is a Municipal Election. This is on the Constable's Return that will be filled out by the Police Officers that post the election warrants. They are all administrative and he needed to point them out so they are on the record and recording in case anyone ever brings it up.

**MOVED AND SECONDED:** To amend the Election Warrant. (Reighley & Lawrence) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** To approve the final language as amended:  
**ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Chair Egan advised that the Council's responsibility is to go and find 12 people that we each know and convince them about the benefits or voting in favor and showing up to vote on March 9<sup>th</sup> for this election.

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ITEM # 06-21                      To consider action relative to the 2021 Town Council Goals and Guidelines.

Chair Egan explained that the timing of the mail out of the agenda did not allow him to include the final list of committee assignments and our first draft of Council Goals. He recognized that getting them today was not an ample time to go over that but they are largely following along the same lines of articles we had in front of us this past year. However, the Goals segment has been simplified to three much more specific and theoretical measurable outcomes that we have. The only other change to the Guidelines is an introduction of some elements of sustainability in our practices as a Town Government that the values of sustainability be incorporated into procurement and asset management. Obviously, that is a broad statement that will need articulation particularly when it comes time for Staff deciding on A or B. He wanted to have it as a guideline because we have been talking about it for a number of years as a goal to be focused on so he felt it would function better as a Guideline for sustainability. The goals down at the bottom are reflective of the input he received soliciting individual feedback from Councilors. His apologies to Councilors Bradley and Daniele for soliciting this for Goal statements prior to their seating officially on the Council. This is a chance to take a look at that. This is a draft version of the three goals. He wants to articulate and reflect that the idea of having a matrix to be able to track specific conclusions and/or projects we talked about has been implemented in some particular forms through some particular committees but not yet for the full Council as was recommended last year by Councilor Reighley so he is reiterating that one as a specific goal for calendar year 2021 for us. After a lengthy discussion and conversation about our Equity Assessment Committee, and other conversations going on in the

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community, he feels it is appropriate for us to have a statement about getting very specific and affirming the values that we hold as a community to be inclusive and welcoming to everybody in our community and there is no room or tolerance for racism or discrimination in our community. Having it as an active goal allows us to strive for actually demonstrating that and having it communicated on various Town channels whether that is on our website or various things we send out to the public. The last thing is about reinventing our community in terms of how it thinks of itself and how the general public thinks about our community. He does not want to focus on the word “reinventing” because it is more of an evolution but he wanted to get that as a specific goal because we are spending money on it and we have had a lot of conversation about where do we go next, not with just our downtown but with our entire community as the retail sector which carried the town financially and reputationally has now diminished. This is an opportunity for us to set some new parameters out there not just for this year but for coming years. We are engaging with a planning and consulting team to help us chart some of those early stages and also that it is incumbent upon us to be articulate about how we want to describe that path and that vision we are aiming for. Those were his efforts to smith those three elements into Goal statements and he is open for some conversation and we do not necessarily have to decide on those this evening although we could.

Councilor Piltch advised that he submitted two comments that might have been lost in a shuffle. One is related to the re-vitalization of downtown but it is more broad which was about continuing to work with the community to set goals for town growth. How big do we want Freeport to be? Rather than have these development projects come ad hoc, we say we expect to achieve 8% growth per year and this is sort of our target. It sounds like there is a lot of interest in the community to do that. Chair Egan advised that he was aware of that specific goal and that is his deficit in not being able to express that in the revisioning of our community going forward. He asked Councilor Piltch to articulate a phrase or two, we could add it in there assuming everyone is in concurrence of that.

Councilor Reighley appreciates the fact that Chair Egan put this together and actually requested input from all of us and blended it very nicely. He is happy for slight amendments to what is in front of us right now but he is willing to accept what is printed right now.

Councilor Lawrence asked if No. 3 could be moved up to make it No. 1 or No. 5? Chair Egan did not disagree with that and explained why he set it that way.

Vice Chair Whitney agreed with Councilor Reighley. She appreciates Chair Egan doing this and taking the time to have conversations with all of us. She too, would be happy with any edits but likes the way it is written tonight.

Councilor Lawrence liked it but he would say in No. 3 in the Goals, it sounds more because it is a core value as a guideline and something we have to run everything by. He doesn't know how you would assess that goal as far as how we achieve it. He would move it to the top and it is a core value. He doesn't know how measurable it might be. Mr. Joseph offered to put this up on the screen. Chair Egan explained why he put that one in the goals. He added that he would be fine moving that up to a No. 5 under the Guidelines and have the three specific goals. Mr. Joseph moved it up.

Councilor Piltch offered to tag on to the end of the one about the downtown or propose it as a separate one. He offered: The Council will work with the community to set goals for overall town-wide growth. He wanted to leave it open. Mr. Joseph captured it. Councilor Piltch asked Mr. Joseph to change the year for the Goals to 2021.

Councilor Bradley mentioned he was at a disadvantage for not only not being contacted about these but not having these before the meeting. He takes it that the Council will have a chance to finalize these at

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another meeting. Chair Egan agreed. He wants a chance to read through this and there are a couple of things that he thinks are priorities and goals for this year, some of which we already discussed. They may be in here but he doesn't know where. He offered to call Chair Egan and discuss them. He asked if the whole review of our finances and the impacts from COVID is a goal for us as a Council this year? Chair Egan explained that it is not specifically in the context of the pandemic. Councilor Bradley feels we would be remiss. He feels whatever we have in here about finances, there should be at least a sentence with particular reference to the impact from COVID on Municipal finance. Something like that. He also questioned about the downtown and asked if that is incorporated in one of these goals? Chair Egan indicated it is in the coordination and collaboration. Councilor Bradley noted as long as that is meant to incorporate all the discussion we had earlier about how we are going to do the downtown and maybe the Comprehensive Plan and other things. Chair Egan asked Mr. Joseph to scroll down to that one and pointed out that it says, the Council will lead the process of revisioning the image and brand of Freeport. In contrast, it does not say FEDC will lead the process of revisioning the image and brand of Freeport.

Councilor Bradley asked what is Connect Freeport? Chair Egan explained that it is an effort that is coming forward from Complete Streets and Active Living Committees. It is essentially going to be the brand name of the bridge project which is to connect the two sides of the community but is a much larger effort about having connectivity all over the community, not just the East side and the West side.

Councilor Bradley pointed out that we got a letter from Conservation and Wolfe Neck about the Town's focus on global warming and what we were going to do. He would like to see that goal worked in here somewhere. Councilor Lawrence advised that it was up in the Guidelines. Chair Egan read No. 3 and mentioned that we could add to that specific elements or steps but it is recognizing that any tangible step forward for mitigating climate change needs to be in a coordinated effort. The goal would be for the Town to coordinate, rather than the Town is going to accomplish anything. Us taking a stand on specific elements of climate mitigation are going to be dust in the wind if we are not acting in coordination with our communities. Councilor Bradley did not disagree but he did not see in any way that we could promote the Council's participation and efforts to consider mitigation or coordination with respect to other items. He doesn't know what they had in mind when they wrote the letter but he would like a way to bring them into our process to inform us.

Councilor Reighley suggested having workshops with each one of the committees going forward. He was pleased to be able to go into his Town's e-mail today and print out our Goals and had a chance to review them before tonight's meeting. He suggested that new Councilors check their e-mails before coming to meetings. Councilor Bradley appreciated the guidance. His point is we can always meet with other committees and hear what they are saying but advise them as to what our goals are in respect to what they are doing. He would like to have climate mitigation and climate matters as a goal somehow in these policies. He would be glad to suggest language for some of these.

Chair Egan mentioned that he did not expect to have this fully approved this evening. He encouraged Councilor Bradley to work some phrasing and present it as a draft addition for the next meeting. It can be incorporated and will be on the regular package of agenda items sent out 3-4 days before the meeting.

**MOVED AND SECONDED:** To table Item # 06-21 to our next regularly scheduled Town Council meeting. (Reighley & Lawrence) **ROLL CALL**  
**VOTE:** (7 Ayes) (0 Nays)

Chair Egan advised that the cutoff for getting something on the agenda is usually the Thursday morning before the Tuesday meeting. Our next meeting is on the 19<sup>th</sup> so that would be January 14. He invited

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Councilor Daniele to provide additions or suggested text to please consider making them for inclusion in our next round of this.

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Chair Egan explained that the last item on the agenda is a continuation perhaps for the last time since we are talking about extending it significantly, the emergency ordinance language that we have pushed forward a number of times over the past ten months now in response to the pandemic. This is a restatement of some elements in our Ordinance Chapter 60 and a suspension of certain standards.

ITEM # 07-21                      To consider action relative to the reenactment of Freeport Ordinance Chapter 60, Emergency Ordinance: Temporary Suspension of Certain Ordinance Standards to Safely Accommodate Expanded Outdoor Business Activities due to COVID-19 to be effective January 6 2021 until March 6, 2021, pursuant to the Freeport Town Charter, Section 2.14 “Emergency Ordinance”.

**BE IT ORDAINED:** That Chapter 60, Emergency Ordinance: Temporary Suspension of Certain Ordinance Standards to Safely Accommodate Expanded Outdoor Business Activities due to COVID-19 to be effective January 6, 2021 until March 6, 2021, pursuant to the Freeport Town Charter, Section 2.14 “Emergency Ordinance” be reenacted without amendments as printed below:  
(Reighley & Lawrence)

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

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

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

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

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

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

**WHEREAS,** there are several sections within Freeport’s municipal ordinances that may prevent, restrict or delay some of these expanded outdoor business activities and modifications – including sections within

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the Sign Ordinance (Chap. 23), Design Review Ordinance (Chap. 22), Zoning Ordinance (Chap. 21), and Building Code Ordinance (Chap. 11).

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

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

**WHEREAS**, the temporary suspension of certain ordinance standards and restrictions governing outdoor business activities is immediately necessary to protect the health, safety and welfare of businesses and their employees, and the patrons of those businesses, in light of the Governor's current phased reopening plan which will allow a number of affected businesses .to reopen in a limited fashion on June 1<sup>st</sup> , 2020, and

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

**NOW THEREFORE BE IT ORDAINED:**

That for the time period from January 6, 2021 until March 6, 2021, unless this ordinance is repealed by the Town Council prior to January 6, 2021, the following emergency exceptions to established ordinance provisions of the Town of Freeport shall be in effect, and shall apply to any existing business within the Town of Freeport, that is otherwise operating in compliance with all municipal ordinances and regulations in effect.

**I. Chapter 23 - Sign Ordinance**

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

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

- A) Limits on number and length of outdoor sidewalk or tent sales described in this section shall be suspended for the duration of this Ordinance. In order to be exempted as described above, all merchandise and items used for the outdoor set-up (including but not limited to tables, tents, and retail fixtures) must be brought inside when the business is not open if they cannot be safely secured. This exception also applies to outdoor setups for tourist information centers.

- B) To be exempted as described above, all businesses conducting temporary outdoor sales must obtain a temporary activity permit from the Codes Office/Planning Department. No other land use approvals beyond a temporary activity permit shall be required for these uses.
- C) Section 501(D) shall be replaced with the following language for the duration of time while this ordinance is in effect: "Peddler activities and food trucks during events held by a Freeport business or organization, in compliance with current guidance from the Maine and US Centers for Disease Control, and which are reasonably expected to draw additional visitors to Freeport, are considered a temporary activity subject to the requirements of section 501(A)(2-4), section 526, and section 526A of this ordinance. Said events are not required to obtain a Special Event Permit unless they meet the criteria listed in Freeport Ordinance Chapter 10. Up to four temporary activity permits may be issued under this section per day, and shall be issued on a first-come, first-served basis."

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

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

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

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

must undergo all applicable land use reviews, including but not limited to site plan review, design review, building permit review, and sign permit review.

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

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

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

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

Town Planner, Caroline Pelletier explained that this is a continuation of what the Council renewed the last time. The last change you made was the addition of some relaxation of standards to allow some food trucks in the Village Commercial I Zoning District. To date since the original enactment, they have issued a total of 31 Temporary Activity Permits under this Emergency Ordinance. They have included signage to outdoor classroom space to outdoor dining and a few other things mixed in. With regards to food trucks, they have issued two permits for a food truck in the village. She feels it didn't go well for one of them and the other stayed a week. She is uncertain if they will come back. The only question she has for the Council is what feedback they have received from businesses. She had a couple of businesses reach out to her to see if we expect some of these changes to go forward next summer because they are trying to plan ahead and make some investments to do some of these same things such as outdoor seating, etc. If anyone has heard feedback from businesses if this helped, she would love to hear it. If the Council feels it is appropriate to bring something forward with some changes, she would be happy to do that.

Vice Chair Whitney thanked Ms. Pelletier. She has heard 100% positive from all the businesses she has been in contact with. It has really helped them. She has heard nothing negative. She feels the town looks great when you go down and you see a flag saying they serve coffee. She really appreciates Ms. Pelletier doing this. Councilor Reighley pointed out that we are seeing increased traffic in town now.

Councilor Bradley pointed out that there are a couple of carry-ons and whereas that are outdated and are probably from the first time we did it. Thoughts about Freeport expects significantly reduced numbers of visitors during the summer tourist season is probably from the first time. There is a June 1, 2020 date which is not appropriate. He pointed out that they are not substantive

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

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**OTHER BUSINESS:**

1. Discussion regarding transfer station staffing levels

Chair Egan explained that the Council has been hearing for sometime about how dramatic the traffic increase is at the Transfer Station, particularly on Saturdays. The Town Engineer will give us a context of what we are seeing and Mr. Joseph will fill in his proposed plan that he will be able to execute on assuming endorsement from us.

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Mr. Joseph suggested that Town Engineer, Adam Bliss screen share his graphics and explained that this is a consent type item that they want to bring to the Council. They don't need Council approval but they need Council feedback because it is essentially a permanent staffing change that the Council will have a say on in about six months. They don't want to do something the Council thinks is dumb but after looking at these numbers, they are hoping the Council will think it makes all the sense in the world like they do.

Mr. Bliss displayed his graphics and explained that they have seen year over year increases in revenue and material received at the Transfer Station and includes all categories. He provided background information on staffing. Removing two silver bullets realized a savings of \$20,000 to \$25,000 which in turn brought more visitations from residents to the Transfer Station for recycling drop off.

He feels the graphics provide a pretty compelling argument for going back to three full-time staff. Support for that will also include expanding hours of operation, increasing their education program and enhancing their recycling contamination monitoring program. More discussion followed but Mr. Joseph pointed out that they are not considering curbside trash pick-up to replace specific people that are hauling trash right now.

Mr. Joseph advised that they are somewhat reducing their weekend help. They will still need weekend help but will probably need one less Saturday person. Chair Egan is not sure exactly what the request is because they don't need a vote from the Council. It is within the parameter of their management.

Mr. Bliss would want to know if there is support from Council for the increase in Staff knowing that they would have to revisit this under the Operating Budget for FY 2022. They wouldn't want to hire that person today and see that position eliminated in fiscal year 2022. It is just a communication and conversation with Council about what is happening at the operations level. Mr. Joseph added that they don't need any approval but if anyone thinks this is a bad idea, let them know now before they hire somebody. They don't need an answer tonight.

Councilor Reighley asked if the contamination rates in the silver bullets are declining? He and Councilor Lawrence have long wanted to have increased hours which means increased staffing. The Transfer Station is doing a fantastic job and is helping us clean up our act with the trash so the increased hours will benefit the community. Mr. Bliss advised that recycling contamination percentages have decreased overall since the removal. Councilor Daniele advised that he is in support of this. Vice Chair Whitney also spoke in support because of a conversation we had that should the volume at the Transfer Station become less popular, this staff person would be trained to do something else in the Town. That gave her comfort. Maybe we can get the Swap Shop open so we can do a little recycling. Mr. Bliss noted they would get right to work on that.

Mr. Joseph pointed out all the things that have driven up the demand at the Transfer Station in the past 18 months and they should have come back to the Council 12 months ago but they are here now. There were no negative comments from Councilors on this potential staffing arrangement. Chair Egan noted he is completely impressed with how smoothly things run out at the Transfer Station.

## 2. Discussion regarding Town Council Committee assignments

Chair Egan explained that this is to review and make potential changes if needed on potential assignments. This was sent out after consultation with all of the Councilors about Committee preferences. The list includes what he hopes to be an equitable distribution of responsibilities across the 20+ committees we have that require Council participation on as well as respecting the individual choices and

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selections by Council members from an individual conversation. The list is presented and we can finalize it, we can take a vote or move it to the next meeting as well. We wouldn't want to go much later than that so that the committees can have the benefit of knowing who their Council representative is.

He advised Councilor Daniele that if he adds up his assignments, he might find it is a little bit heavier. It is because his participation on Active Living has a sunset in June. He is still not sure he understands why that is happening. It seems like there is a lot of good work going on there. He is hoping to have some sort of transition bridge for those members and more importantly their enthusiasm for working on important Town issues that it gets captured and channeled elsewhere. He asked for comments and questions.

Councilor Pilch thanked Chair Egan for doing all this. He didn't think a vote was needed on this. He feels it is at his discretion as Chair to do this. Chair Egan agreed that it is one of the few actions that he can just take as Chair but he doesn't like to operate like that so he wanted to offer an opportunity for conversation. Mr. Joseph explained that there are four committees that say Statute next to them or Charter Committees – Appointments, Facilities, Special Projects and Ordinance. They require consent of the entire Council for the appointment. Everything else is in Chair Egan's discretion. He is just being nice by letting everybody know.

Chair Egan explained that Councilor Bradley made a comment about a recovering attorney going on to the Ordinance Committee. That is precisely the reason why he is recommending his participation there because of his past experience both as a Councilor and his career. He believes Councilor Bradley has the needed skills. Chair Egan advised that the timing of the meetings is up to the committee to make it convenient for Councilors. If there is a time that is a challenge for you, don't hesitate to recommend a change to make it more convenient for your attendance.

Councilor Bradley noted he does not know what the Special Projects or Municipal Facilities Committees do. Chair Egan explained that Special Projects rarely meets and is for things that require Council action that do not fit in elsewhere. Municipal Facilities is the asset management for the very few short list of Town assets under ownership. It would largely take place with the Bartol Library Building, Dunning Boat Yard and a couple of cemeteries as well as municipal buildings such as Town Hall. Councilor Bradley noted he has no problem with these appointments and he will check his e-mail before every meeting to avoid Councilor Reighley's advice again. Chair Egan advised Councilor Daniele that he would support him and attend the Sustainability Advisory Board meetings because he has a passion for that.

**MOVED AND SECONDED:** To accept these assignments. (Reighley & Lawrence)  
**ROLL CALL VOTE:** (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** To adjourn at 9:12 p.m. (Reighley & Whitney) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #02-21**  
**HELD REMOTELY USING ZOOM TELECONFERENCING TECHNOLOGY**  
**TUESDAY, JANUARY 19, 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	<b>x</b>		
Jake Daniele, 264 Pownal Road	<b>x</b>		
John Egan, 38 Curtis Road (Chair)	<b>x</b>		
Henry Lawrence, 93 Hunter Road	<b>x</b>		
Daniel Piltch, 25 Quarry Lane	<b>x</b>		
Douglas Reighley, 2 Harbor Ridge Road	<b>x</b>		
Tawni Whitney, 56 Baldwin Road (Vice Chair)	<b>x</b>		

Chair Egan called the meeting to order at 6:30 p.m. He explained that the floor would be opened for public participation at a couple of places later on and at that point residents would be able to address the Council in live time. He took attendance and noted that all Councilors as well as the Town Manager are here this evening.

**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 #01-21 held on January 05, 2021 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #01-21 held on January 05, 2021 and to accept the minutes as printed. (Reighley & Daniele) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Egan announced that there will be a special Municipal Election on Tuesday, March 9, 2021 at Freeport Town Hall regarding the authorization of the Town of Freeport to issue a general authorization bond in an amount not to exceed \$634,000 to fund the local share of cost to construct a bicycle and pedestrian bridge as part of the MDOT project to replace the Desert Road and Mallett Drive bridges over Interstate 295. This is a topic on tonight's agenda and we will be hearing a lot more on this later on.

A public hearing has been scheduled for February 23<sup>rd</sup> at 6:30 p.m. via zoom to discuss the warrant article to be voted on at this special Municipal Election. He strongly encouraged Councilors to use all of their networks and communication channels to share this information. This is a completely out of sequence election on a very important issue in order to pass the bond for these Connect Freeport improvements on Exit 20 and Exit 22 bridges. We will be discussing this later this evening.

The Appointments Committee is seeking residents interested in serving on some of the many Town Boards and Committees. They will be meeting soon to discuss several current vacancies. They met this morning but would be happy to meet again soon. There will be spots on the Board of Assessment Review, Coastal Waters, the Library Board of Trustees and the Project Review Board. For more information,

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please go to the Town's website, [www.FreeportMaine.com](http://www.FreeportMaine.com), Applications are also available at the Town Hall.

The AARP Tax Aid Program is not planning on having any in-person tax appointments this year and have not made a decision on other tax assistance options at this time. If anyone in Town hears about options that become available, the information will be posted on the Town's website and cable. At this time, we do not have any information about on-line tax preparation that has been offered in the past but it might be an option coming forward.

Councilor Reighley asked if we could use that sign in front of the Public Safety Building to promote the Special Election? Chair Egan advised that there are plans to do that.

Vice Chair Whitney noted she is grateful to our Town Engineer, Adam Bliss that the Swap Shop at the Transfer Station is open during the regular hours the Transfer Station is open. She reminded residents that there is an organization titled Freeport Friends that helps people in temporary crisis and helps seniors age in place. Right now, we have a lovely group of volunteers who are excited to make lasagna. If someone would like a lasagna dinner, they can provide it. They should contact her directly. She explained what happens at the Swap Shop to Councilor Bradley.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Bradley advised that he and Councilor Daniele met last night via zoom with District 2 parties that were interested in what they are doing on the Council set up by the Thomas Means Club and the Wolfe Neck Club. He felt they had an open and frank discussion about many of the issues being considered by the Council and the Council has done. He felt it was a good thing to do just to give people a chance to have input and he feels he got confirmation that most of the things the Council is doing is heading in the right direction as far as they were concerned.

He brought up the Island Rover and from Executive Session he was delegated to reach out and find ways to avoid litigation and move the baton. He cannot report he was entirely successful but there has been some modest positive progress. He wants to make sure that he is still doing what the Council feels he should be doing. He felt there was an opportunity to show the neighborhood that the Council understood that they had some issues that we could address. One is the clutter in the area of the boat and all the equipment, waste and supplies related to it and maybe we could get the participants and the Town to work towards cleaning this up so the neighborhood wouldn't look so junky.

The boat itself by his inspection creates an attractive nuisance which has the potential for harming people. Steps up to the top of the boat which is 20 feet in the air and open doors into the bilge are not secure which are inviting people who had interest in using it into a dangerous situation. He has had contact with both Carter Becker and Harold Arndt and the proposal is that without regard to the litigation at this stage, we work together, clean up the site and secure the vessel. That means a 3-phase clean-up between now and early-to late spring, at least before summer, where Harold and Town work together to segregate things that have no value and are pure junk and move them where they should go. They are asking if we appropriate and that is to be determined and we provide some transportation and perhaps some personnel to help move some of this stuff while they organize their resources to get that done. The second phase of that would be something that would occur by fall which would segregate things that have value or Harold believes has value in that area which are materials or mechanical equipment and he would auction it off.

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What is left in Phase 3 would be removed that has no benefit to the boat or to Harold. This would show District 2 neighbors that we are concerned about their situation and we combine our resources to get that done and at the same time we would secure the vessel by closing off access to the deck by putting barriers to the steps welded to the boat and we would lock the bilge doors going into the boat so nobody could inadvertently fall or get lost, get stranded in there and die or get otherwise injured. He feels this is a good first step to a solution he hoped we could reach in terms of collaborating to solve this sort of litigation. It is not a solution but a positive step in that direction and he urged the Council to say to him or Mr. Joseph that this is a good step and we encourage you to explore it to see what it actually means in terms of Town resources. If it is appropriate, he feels we should step up if we can make it happen so the neighbors think we are listening to them and the boat is secure and we avoid serious injury there.

Chair Egan would be inclined to be very restrictive on a commitment of Town-employee labor but a truck to move the larger items and one other person to go with the driver of the truck would be something he has in mind. He would like to get a sense of the volume we are talking about before any action comes forward. He would like a sense of cubic yards or whatever the measurement might be of material but agrees it is a good effort. That was one of the original complaints way back when the condition and messiness of the site was an opportunity for someone to get hurt. We certainly can participate in that clean-up. Councilor Bradley has the same concerns that we may not be asked to spend more money than we think we can but he would like to be sure that we keep track, if we can, that what we are bringing to the Transfer Station is actually coming from this site as opposed to other sites. He knows that people think that this is Harold's problem, but he has said before that as you go through the record, you can't help but feel that the Town participated in getting this to the point it is in. It was all well intentioned but we can't arm's length say, Harold this is your problem, you solve it and we will put in what we think is appropriate. He thinks we ought to step up and say step by step until it is shown it is too much for us to do that, we are willing participants and collaborators in cleaning up the site. District 2 would appreciate it.

Councilor Reighley advised that the Ordinance Committee held a meeting with Councilor Piltch, our Town Planner and our Town Manager and he with input from the Town Attorney are getting really close to providing an Ordinance for Short Term Rentals to be brought forth to Council. If they have one more meeting, he believes our Town Planner is working with the Town Attorney, they will be able to go forward and hopefully present it at the next Council meeting. Mr. Joseph noted he heard everything Councilor Reighley said and agrees we are almost there. Councilor Piltch noted he is looking forward to bringing it to Council.

Mr. Joseph suggested putting the Island Rover on the next Council agenda because it seems to be a topic he will need guidance from the Council on if we are dedicating Town resources on a private piece of property. He wants the directive from the Council so we are not expending public resources on a private property. He is in support if it is within our Staff's ability and capacity. Councilor Reighley feels it deserves more time than it allowed in Information Exchange. Councilor Lawrence requested an estimate of what we need before the next meeting? He looked at the site and agrees we should do something. Chair Egan agreed and noted it should be added to the agenda on February 2<sup>nd</sup> for discussion.

Councilor Reighley pointed out that the Ordinance Committee is looking forward to the Council sending it something new and exciting to do.

Councilor Piltch advised that he met with the Conservation Commission and the Ordinance that is in place to establish the Conservation Commission is not entirely how they operate these days so they are starting to update that and the recommendation will go before the Ordinance Committee and ultimately to the Town Council.

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Chair Egan mentioned that he was approached by the two cannabis growers in our community asking for the Council to revisit the idea of their particular petition which is to get an amendment to their permission and approvals as medicinal cannibals growers and expand it to adult use cannabis. There would be no change in operation just a change in designation is what they are asking for. Previously under prior Councils, there was not an appetite to bring the issue of cannabis to the table. He is inclined to give them a fair hearing and take it up again but he will not do that if there is a significant balance of this group not interested in discussing cannabis or potential ways it might be permitted in the community. This was not a lukewarm issue for most members of prior Councils so he is bringing it up now to see if there is an appetite for the Council to consider the matter in a more formal discussion. Councilor Lawrence feels there is an appetite now. Councilor Piltch feels there should at least be a discussion of the issues. Councilor Reighley agreed and is confident the Ordinance Committee is prepared to work on it. Councilor Daniele agreed he would listen. Councilor Bradley noted he is not in favor of retail cannabis in our community. Vice Chair Whitney mentioned that her role as a Councilor is to listen and she is happy to do that. Chair Egan will communicate that willingness to at least have a conversation to the growers that are in our community now and encourage them to make a more formal presentation about their specific request for what they are asking for. The Council can decide to consider just that or any other dynamics that may be coming from the industry. He is not sure of the timing on this.

Councilor Daniele asked if someone could point out some resources on this for him. Mr. Joseph asked him to give him a call and he will bring him up to speed. Vice Chair Whitney noted she would appreciate being educated as well. Councilor Bradley mentioned he did not have any background on this and would love to be educated as well. Mr. Joseph noted it would take two phone calls because it is complicated.

Councilor Reighley noted that we can also get information from the Office of Marijuana Policy through the State. Chair Egan agreed.

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

Mr. Joseph screen shared his monthly update on our status of the things we are watching such as the revenue items and expenditure items we are watching in regards to the economic slowdown because of the COVID Pandemic. He answered questions from Councilors. Councilor Bradley brought up revenue sharing. Mr. Joseph pointed out that our former Council Chair Melanie Sachs has been appointed to the State's Taxation Committee so we have a great connection in the event there is a bill seeking to reduce revenue sharing. Mr. Joseph noted that he is watching the Homestead Exemptions because it is an easy one to get lost in the mix and people don't understand how it changed to a State reimbursement and affect the tax rate locally. More discussion followed. Chair Egan suggested having a workshop scheduled on tax revenue and how the Town budget works for anyone in the public interested. The word commitment means a lot different when you are talking about municipality tax revenues. This discussion reminds him that there may be other people wondering how our budgeting and tracking revenue process works. Councilor Bradley had more questions which Mr. Joseph addressed. He mentioned that Jessica Maloy is available to us at any time.

Mr. Joseph asked for guidance on vaccination figures and information. He is aware there is a lot of information in the public but it is further on the agenda. He offered to do a 5-minute summary at this time or wait until Other Business which is at the end of the agenda. Chair Egan noted he could read his facts and figures but the Council would get into a dialogue at that segment of the meeting.

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Mr. Joseph shared his understanding and noted that the Fire Chief is in the audience. This information was accurate when he wrote it four hours ago and it may have changed significantly since then. For vaccinations, Maine has been allocated approximately 134,000 first doses and approximately 134,000 second doses. They are tracked in two separate columns so they know there is enough to follow up with the second dose. This is what is spoken for from the factory floor to what is already in freezers and what is in people's arms. He reads that we are receiving about 17,000 each of first and second doses for the past couple of weeks. It is going slightly each week but not very quickly. For the record, it will take about 60 weeks to get 1.3M people vaccinated at the current rate but he suspects the vaccination production will ramp up. These are U.S. CDC figures. The Statewide figures are as of today, the CDC reports that 68,914 first doses have been administered and are actually in the arm. 12,441 have gotten the second dose. He is confident the second dose number will rise rapidly because we just started first dosing about a month ago. By next month all 68,000 should have gotten their second dose. Just today, the Maine CDC has announced vaccination clinics for age 70+ residents. These are all by appointment and have to be scheduled. The locations for a public clinic are Maine Health run by Mid-coast Hospital in Brunswick and Maine Health in Westbrook. Northern Light Home Health and Hospice will run a public clinic in South Portland. Inter-Med in South Portland will have a clinic for Inter-Med patients only by appointment. Central Maine Medical as well as St. Mary's Hospital in Lewiston will be running public clinics for all people 70+. This detailed information is on the Town's website.

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

Joyce Veilleux advised that one of the ways to get the information out on the Bridges over 295 is to send letters to the Editors in all of our newspapers which she would be happy to do in support of the project. She asked the Town Manager to put together one page or less of facts and figures so those that want to write letters and get things correct so everybody has the same numbers and timelines, etc. She will find people that will write letters in support. It is a way to get the information out to the public. Chair Egan thanked her and advised that we have a sample text but an entire website that has pictures, diagrams and information about the specifics of the construction and the larger plan and assets that are now going to be connected in our community. It is called Connect Freeport and we will be having a test drive of that website this evening and he will be sure to get that information to Mrs. Veilleux so that she can write a letter in her own words.

Councilor Reighley advised Mrs. Veilleux that the Complete Streets and Active Living Committees both have liaisons that work on the bridge projects and would be anxious to contribute to making that letter.

Since there were no other public comments provided, Chair Egan closed the Public Comment Period but noted that there will be informal discussion later on the agenda and if there is any interest, the Council can take public comment then as well.

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

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ITEM # 09-21                      To consider action relative to adopting the January 19, 2021 Consent Agenda.

**BE IT ORDERED:** That the January 19, 2021 Consent Agenda be adopted.  
Egan & Reighley)

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Chair Egan reviewed the items on the Consent Agenda for members of the public. He acknowledged the generous donations to the Library and the Heating Assistance Fund. **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Chair Egan introduced an item in front of the printed agenda which is to bring forward a confirmation list of names from the Appointments Committee this morning. We don't really need an actual vote on the names coming forward but we have a committee that has recently had some vacancies and one committee that is just forming so we would like the Council to hear those names and put them into the public record for convening.

**MOVED AND SECONDED:** To take up an item not on the printed agenda.  
(Bradley & Piltch) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Councilor Bradley explained that the Appointments Committee felt this morning in the spirit of inclusion and diversity, that everybody who expressed an interest in this committee should be appointed and that is what they recommended.

Chair Egan noted that this committee will most likely have to break into small groups to tackle some of the topics and discussions they are likely to engage in but we will let the committee organize itself. With this vote this evening, Johanna is prepared to advise the new members of their appointment tomorrow and we are hoping this committee can start convening as soon as next week depending on schedules. He is planning to be a liaison to the committee for the Council but anyone is welcome. Mr. Joseph clarified that it is the Appointments Committee's recommendation but the Council is the appointing authority for the committee that it created.

**MOVED AND SECONDED:** To receive the following names to the Complete Streets Committee: Barbara Guffin and Elizabeth McDonald. In addition, the following appointments be made to the Social & Racial Equity Assessment Ad Hoc Committee: Conrad Anderson, Linda Berger, Brian Burwell, Stephanie Cesario-DeBiasi, Warren Graver, Chalmers Hardenbergh, Jessica Hench, Benjamin Emile LeHay, Pamela Leone, Prince Pombo Mafumba, Mari Miya, Jessica Perez, Elizabeth Ring, Gimbala Sankare, Kelly Sink and Heather Sylvester.  
(Reighley & Whitney)

Councilors Reighley and Whitney offered to withdraw this motion.

**MOVED AND SECONDED:** To appoint the following names to the Complete Streets Committee: Barbara Guffin and Elizabeth McDonald. In addition, the following appointments be made to the Social & Racial Equity Assessment Ad Hoc Committee: Conrad Anderson, Linda Berger, Brian Burwell, Stephanie Cesario-DeBiasi, Warren Graver, Chalmers Hardenbergh, Jessica Hench, Benjamin Emile LeHay, Pamela Leone, Prince Pombo Mafumba, Mari Miya, Jessica Perez, Elizabeth Ring, Gimbala Sankare, Kelly Sink and Heather Sylvester. (Bradley & Reighley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

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ITEM # 10-21 To consider action relative to a supplemental appropriation of \$19,800 for the purpose of building upgrades at the Freeport Recycling Facility. PUBLIC HEARING.

**MOVED AND SECONDED:** To open the Public Hearing. (Daniele & Reighley) **ROLL CALL VOTE:**  
(7 Ayes) (0 Nays)

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Chair Egan explained that the Council talked about this at the last meeting. Mr. Joseph noted that this was intended to be a smaller project but due to current building costs and scope of work, it came in higher than expected so it qualifies as a Capital project even though the intent was that it was going to be a regular maintenance project, not a Capital project. They appropriated \$19,800 for this purpose. The intent was that it would come from the project fund for the container project that was discussed last week which has a surplus of about \$30,000 or \$40,000 so this is well below that amount.

Mr. Bliss explained that the scope of work includes removal of two overhead doors and they are replacing them with service windows and service doors which will include framing, electrical work, a work station to better facilitate transactions and move visitors through the process both at the scale and the other service window where they can come and pick up punch tickets, etc. This is about COVID safety and upgrading the building so that it better fits increased traffic and makes the facility more efficient. Mr. Joseph pointed out that after the public hearing, whoever reads the order should actually read BE IT ORDAINED.

There were no public comments received.

**MOVED AND SECONDED:** To close the Public Hearing. (Daniele & Reighley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

**BE IT ORDAINED:** That a supplemental appropriation of \$19,800.00 for the purpose of building upgrades at the Freeport Recycling Facility be approved. (Daniele & Reighley)

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ITEM # 11-21                      To consider action relative to setting a public hearing to consider amendments to Freeport Zoning Ordinance Sections 104 (Definitions) and 201 (General Restrictions), pertaining to Shoreland Zoning.

**BE IT ORDERED:** That a public hearing be scheduled for February 2, 2021 to consider amendments to Freeport Zoning Ordinance Sections 104 (Definitions) and 201 (General Restrictions), pertaining to Shoreland Zoning.

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

Town Planner, Caroline Pelletier explained that this amendment is being forwarded by Staff with assistance from the Town Attorney. Within the past year or two, we have run into a couple of situations where we have large landowners that own a good size parcel and want to cut off a piece of land. We also have cases where large parcels were cut in the past and the problem we have is some of these large lots for Shoreland Zoning do not meet the shore frontage requirement. If they were to split a smaller lot off, that lot may not. If you own a lot that is not on the water but is in the Shoreland Zone, it is impossible to meet the shore frontage requirement because you do not physically abut that water body. However, under State Shoreland Zoning, you have to and you cannot alter a non-conforming lot because it is legally non-conforming. We have been enforcing this accurately through Shoreland Zoning and the DEP agrees with the way the Town's Codes Officer is doing it. It seemed reasonable to try to find a solution for some of our landowners that have this situation with larger lots. The Town Attorney worked with the DEP and the Attorney General to come up with the language before the Council. DEP has indicated it would be

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favorably received. They told us to go through our process and if the amendment were adopted, we would forward it to DEP and they would do their final review and sign off on it. Mr. Joseph has been very involved in this and is here so he can give the Council some additional background if needed. Mr. Joseph indicated that he only needs to say that we have had three cases where this has come into play and none of the three cases' property owners have not felt that it was fair. There has been a lot of anger at this. The Town wasn't necessarily opposed to the division of the lots being proposed. It was more of a technicality because of the way the lots were originally created 10, 20 or 30 years ago that made them non-conforming for Shoreland Zoning purposes. State Law is still State Law unless we can get a local ordinance in place that the State of Maine agrees to. He credits the Town Attorney who worked with DEP and the Attorney General's office to come up with language that is agreeable that the State would allow to pass. We won't know for sure until we forward it to them for review but they have given us a favorable thumbs up. Councilor Bradley asked Mr. Joseph to explain how a DEP interpretation can amend State Law. Mr. Joseph explained that Shoreland Zoning is shared between the State and between the Town. We are required to adopt Shoreland Zoning by the mandatory Shoreland Zoning Act of the State. Our Shoreland Zoning provisions in our Zoning Ordinance must be approved at all times by the DEP Commissioner's Office. If we make an amendment to the Zoning Ordinance that affects Shoreland Zoning and all that is contrary to the State's reading of something or the Law or anything like that, The DEP's Commissioner's Office will reject that and it will no longer be in effect. To modify our existing Shoreland Zoning Ordinance, we need to get blessing from the political administrative judgment at the State so they can say go or no go to our Ordinance. That is what we really got in this case. Before the public hearing, Councilor Bradley asked Mr. Joseph to have somebody confirm that what we are asking is a modification of the DEP's interpretation of the Statute as opposed to the language of the Statute? Mr. Joseph noted that he can confirm 100% that we are asking to change our local Ordinance that needs to be blessed by DEP. It is not the State Law. It is our Ordinance that has been adopted in conformance with State Law. It is the way that most Shoreland Zoning Ordinances are written throughout the State actually.

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

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Mr. Joseph advised that Staff is requesting that the following item be tabled. This is a three-town process that we have been involved in. Because of our Council schedule we thought we had to move on this. We do not and there is further discussion happening with the Towns of Brunswick and Yarmouth and the proposal brought to the three communities may be significantly different than this one. He and the Chief hope it will be significantly less in cost if they have a little bit of time to refine this. They are not in agreement and the disagreement came up after the agenda printed on Thursday.

**MOVED AND SECONDED:** To table Item # 12-21 indefinitely. (Reighley & Lawrence) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

~~ITEM #12-21~~ ~~To consider action relative to a bid award for new Pumper Tanker for the Fire Rescue Department.~~

~~**BE IT ORDERED:** That the bid be awarded to Allegiance Fire & Rescue for a new Pierce Freightliner 1250 GPM 2500 Gallon Pumper Tanker in the total amount of \$376,821.~~

~~**BE IT FURTHER ORDERED:** That the Town Council approve the use of the HGAC Cooperative Purchasing Program for this purchase.~~

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*Note: The Town Council appropriated \$800,000 for this purpose in the FY21 Capital Budget.*

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Chair Egan explained that this last item on our action agenda is a follow-up to the discussion we had at our last meeting on Council Goals and Guidelines. The presentation at the last meeting was not inclusive of this group of seven Councilors' wishes for items on the Goals statements and guidelines. It has been slightly revised and circulated ahead of time. We had a list of Guiding Principles which were the focus of some of the edits between last meeting and this meeting as well as four primary Council Goals. He advised Mr. Joseph that the list is the one he got back to Chris Wolfe on Wednesday of last week. Councilors Bradley, Lawrence and Reighley indicated that they did not get a copy of it. Chair Egan mentioned that if none of us got it, maybe we won't be voting on it tonight.

While waiting for Mr. Joseph to bring it up on his screen, Chair Egan took the opportunity to remind everyone that we would be having a Special Election on March 9<sup>th</sup>. We will be voting on a Bond issue to provide support to cost share a 12-foot-wide bike and pedestrian lane extension on the bridges that cross 295 on Mallett Drive and Desert Road, Exit 20 and 22. We will be talking about it shortly and have information to share. It is part of a larger effort in our community called Connect Freeport. This will be the keystone event for Connect Freeport in terms of launching this idea and talking about how we can connect our residents from both sides of the Interstate in our community as well as anybody coming to visit our community to get to various assets that may be located east or west of the highway. The special Election on March 9<sup>th</sup> is to vote on the bond. There will be a website which we will preview in a few minutes that people can go to. An excellent idea from Joyce Veilleux earlier this evening to use text from these materials to write letters to the editor to get the public talking about this.

Councilor Reighley asked if there are any appointments in the Ordinance Committee for a third member? Chair Egan advised that he is the third member. He advised Councilor Lawrence that the *Statute* means the committees are legally in Statute so we have to make sure we put Council members on those committees. Mr. Joseph added that if they are the three Charter committees, the Council will have to vote to second the recommendation so that should be put on a future agenda to be noticed.

Chair Egan screen shared the document that is largely identical to what the Council saw at its last meeting. The text highlighted in yellow has been added in terms of our Council Goals and Guidelines. He pointed out the Guideline section. In talking about our diligence as stewards of the public's tax money and also wanted to identify the pressures of the pandemic as it relates to our income and expenses and how we adjust our mil rate. That language as suggested has been added and also our Guideline No. 3 in terms of talking about sustainability, we are also identifying climate change as a serious threat to our community and promote discussions with local and State organizations to identify mitigations and adaptation strategy. Chair Egan mentioned that they honed in on just three goals, an aging calendar matrix so we can track items brought before the Council and track their life span and decisioning and ultimate dispensing of our decision on the item and the Council will lead the process of revisioning the image and brand of Freeport to an inclusive diverse age-friendly community highlighting outdoor activities, experience and the arts. One of the key elements is going to be an effort called Connect Freeport and the first element will be coming up very shortly in our conversation on the bridge improvements. The third goal is to correlate with the convening of the committee that we affirmed earlier that Freeport is a welcoming and inclusive place to live and does not tolerate racism, prejudice or discrimination of any kind. In addition to the work product of the Equity Assessment Committee already formed, this core value will be reflected in the Town's public face communication channels and materials. That has not changed since the conversation last week. The only changes are the two highlighted in yellow.

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Councilor Reighley suggested changing the second item where it says Connect Freeport and change it to read Connect Freeport is an example to make it a complete sentence.

Councilor Lawrence suggested moving Goal No. 3 to a Guideline because it is a principle we aspire to. It is more of a guiding principle. Chair Egan agreed that this one may be less measurable. Councilor Bradley wanted to give the people we just put on this committee the presence to know that the Council is going to be looking to them for measurable results on this important issue which suggests to him that we are looking for a result as opposed to just a principle to guide the Council in its debates and discussions. He would favor leaving it here. Councilor Reighley agreed with Councilor Bradley.

Councilor Piltch referred to Guide #2, and suggested changing *revisioning* to *re-envisioning*. Chair Egan agreed.

ITEM # 13-21                      To consider action relative to adopting the 2021 Town Council Goals and Guidelines.

**BE IT ORDERED:** That the 2021 Town Council Goals and Guidelines be adopted. (Reighley & Piltch) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

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**OTHER BUSINESS:**

Chair Egan advised that if members of the public indicate they would like to provide some public comment on the following items, the Council will take some limited public comments.

1. Review and comment on proposed Conceptual Site Plan for Town Hall beautification improvements, including landscaping, hardscaping, stormwater treatment, ADA Accessibility upgrades, and improved parking and circulation.

Chair Egan explained that the Council has already allocated some funds for this project. Town Engineer, Adam Bliss explained that he prepared a memo and a rendering of Town Hall. This project started almost a year ago when we were exploring stormwater treatment at Town Hall because of a Maine DEP grant we received. He started looking at some of the functionality of how the building is accessed in terms of enhancing ADA accessibility and making the building easier to get in and out of. During the budget process last year Council was receptive towards this beautification effort. He produced this rendering and a few members of the previous Municipal Facilities Committee endorsed it but we have new Council leadership so they wanted to give opportunity for this group to offer any comments they might have before they proceed to their design and preparation of bidding documents. He screen shared the rendering. Chair Egan asked him to highlight the actual elements that are new to the current layout the Council has because the rendering is a little hard to tell what is new and what is existing. Mr. Bliss noted that that is where it gets a little tricky. He started with a colored rendering and pointed out where Main Street is to the north. He pointed out the parking lot and the crosswalks. He noted that there are a lot of things crammed into the green space out front along Main Street that really is not visible. He pointed out the flag pole and the monument and mentioned we have an opportunity to better utilize that green space for a little mini park for people to sit on benches and around a

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garden, etc. There is also an opportunity to resurface the walkways which are cracking but still have some life. They will need attention before too long. By improving these walkways and incorporating some retaining walls, we can eliminate steps and actually make it easier for people to get into and out of the building. This was a quick introduction to existing conditions.

Mr. Bliss swapped over to the proposed conditions which is the colored rendering that was provided. Mr. Joseph added that if you look at the front along Main Street of existing conditions which isn't up anymore, there is a set of steps from almost every direction to get down to the green space in front of Town Hall and you have to go all the way back to the driveway and then come all the way around towards the side entrance to Town Hall and back to the front if you want to get to that area. They found that it was not intentional but there are mobility issues there. The main entrance to the building is the side entrance and there are three steps with this ramp which is way out of the way that was put together in what seems as an afterthought. It seems really weird to have your main public building have this awkward ramp hanging off the side when that is the main entrance to the building.

Mr. Bliss advised that this is a concept plan. Landscape architects view these projects from a human element in terms of the functionality and balance in creating spaces that are inviting. He pointed out Main Street and the parking lot. There is one place where pedestrians can safely cross from the parking lot across the driveway. They are then left with a decision if they are going to the primary entrance or to the side entrance along the street. As they enter the main entrance, they are proposing some retaining walls which will allow them to build ramps and eliminate steps. He pointed out the current accessibility ramp which is awkward which has people go out of their way just to get into the building. Grade changes and retaining walls will greatly improve ADA accessibility. The focal point of the site is a nice green space for gathering in front of Town Hall along Main Street. They want to make these features more visible by moving the Armed Services Monument to where you cross from the parking lot and moving the flag pole over to the other side of the path. This will create opportunities in front of Town Hall with some re-worked walkways and ramps but no stairs and some nice granite benches as well as a green oval area that will be a retention area for stormwater. This will make better invitation to congregating areas.

Mr. Joseph pointed out that the only outdoor gathering space we have right now on the Town Hall property is a small picnic table tucked in the corner of the woods behind the employee entrance to Town Hall but looking out there, you can see people eating with their families or a committee having a meeting or someone resting with their bike. If you look at the front which is the part that fronts on Main Street, there is no use of that space at all. People want to use the outdoor space at Town Hall on Main Street but there is little to no use ever of that entire front yard of Town Hall. That is the motivation behind trying to make it a utilized space to accommodate the public.

Mr. Bliss pointed out that they are not looking for a total redesign of Town Hall. They want to enhance it and make it a more inviting place to congregate and to complement some of the beautification measures occurring on Main Street such as the Historical Society's work and the ACAF's work at the church. He offered to answer questions.

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Vice Chair Whitney advised that she really likes it and is proud of the work that has been done. She asked where the handicap parking is located. Mr. Bliss assured her that there would be multiple ADA parking spots and pointed out where they would be located. She loved Mr. Joseph's thoughts on bringing people from the coffee shop to sit. She has dreamed of having a skating rink but is aware that the area is very tiny.

Councilor Reighley pointed out that the Facilities Committee did not have this come before them last year since they only met once and this was not one of the items. The Complete Streets Committee has designated one of the food vendor locations to be in front of Town Hall and asked where it is situated. Will the walkway going from the parking lot going across the entrance be provided with drainage so we don't have to continue to use the barge to get across when it rains? Mr. Bliss noted that they will be improving the drainage and the cracked walkways as part of this effort. About the public peddler cart, there is a spot reserved in front of Town Hall for public peddler cart applicants but no one has ever taken that spot. Mr. Joseph recalled that someone used it for two weeks once in the nine years he has been here but they abandoned it. Mr. Bliss advised that we have not had any applicants take out public peddler cart applications this year. Mr. Joseph pointed out that this design would not prohibit that. There is plenty of space that can be dedicated if there is an interest. Mr. Bliss agreed there is enough space.

Councilor Piltch mentioned that in a few minutes we are going to be hearing about a project about to be kicked off with the Principle Group and a lot of which is focused on re-envisioning what Main Street might look like in the future. Right now, as we walk south on Main Street, the retail field ends after the coffee shop so his hunch is that when we go through this process to talk about what the access through Town should look like, this is going to be a really key lot to consider. His question is should we wait a few months to say maybe there are going to be some bigger ideas that come out of this re-envisioning process and maybe we should move that parking lot behind the building to free up something fun and nifty on Main Street. He senses there might be something coming and it would be nice to have input before we go into a lot of detail in design. Mr. Bliss noted that that is great foresight and he appreciates that feedback. There isn't any rush on this project. If there were any time element to it, it would be to generate bidding documents out within the next month so we can at least get in front of contractors and in their schedule to receive competitive pricing. If we delay bidding the project, contractors' schedules would probably be full by May. There is no reason we can't put this off for a year until we receive the Principle Group's recommendations and FEDC's good work they are doing.

Vice Chair Whitney agreed but does not think it would have to be a year. She agreed with Councilor Piltch that with what we own for properties in town, it may be worth holding off a bit while we try to get input from Principle and what the Town's folks might see as good use there. She feels this project we are engaging in is going to be moving quickly.

Mr. Bliss explained that he has heard from previous Councilors about the visibility or attractiveness of the vacant lot which is on the other side of this lot and could things be done to that to complement Main Street and these other projects. Mr. Joseph explained that we have considered twice the possibility of co-joining the access and the parking for the two lots. That lot next door is owned by a local property owner and has had very limited discussions with us on shared parking between the lots and maybe reconfiguring both of the entrances. They were open

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to the idea but there was never any discussion on what it would look like. There was a previous business proposal to develop the lot next door that was approved by the Project Review Board. Those kinds of conversations would depend on who the next-door neighbor ends up being when the lot is developed but other than our site plan that we can amend at any time, there is nothing requiring that that parking lot be in that configuration or location and this project would not mandate that it stay that way either. He is not suggesting to rush. He feels it is great to wait a little while. This would not preclude us from making changes to that parking lot in the future. We still think the main entrance to the building will always be the side entrance.

Councilor Reighley asked if we can restrict bidding on this to Freeport businesses? He believes we have 3 or 4 landscapers in Town. Mr. Joseph can suggest we give a local preference and the Council determine what that would be ahead of time but we need to be careful limiting to a local business because we might run a fowl of something. Mr. Bliss advised that he has developed relationships with landscaping contractors in the community and apprised them of this project because he wants them to be able to competitively bid on it. They are on his bidders' list. Mr. Joseph would never suggest limiting bids to locals because you would run into people who would sue you over those kinds of things eventually if you do it enough.

Councilor Lawrence advised that he likes the design and feels it is very good. He was going to mention but Councilor Piltch beat him to it. Moving the parking lot and changing the entrances would give more green space in there and we wouldn't have the safety issue of people crossing. We could make it more of a park area instead of having a road driving through the middle. He feels the design is welcoming. Mr. Joseph is wondering if there may be an old easement and that is why the driveway was located there originally. Mr. Bliss did not know how the design came about.

Councilor Bradley agrees with Councilor Piltch. He agrees that this property is critical to Main Street and also down to Depot Street to the Community Center. He agrees that we should at least have the Principle Group give an initial indication of what it is thinking before we go through and do a full redesign of this. He doesn't see any problem with just doing the front entrance the way it is set up. It doesn't implicate the rest but he doesn't know that so he says wait. Mr. Joseph noted there is no reason why this can't be on hold even if it goes off to next year. They were hoping it might inject some life into Main Street but they also do not want to jump the gun if there is a revitalization going on.

Mr. Bliss noted that if we can't get into the spring schedule, projects of this type can work quite well and bid competitively when constructed in the late fall and early winter, at least the hardscaping part of it with landscaping occurring the following season. We are smart people and we don't need to be rushed into this; do things right, on time and do them right every time.

Joyce Veilleux appreciates that moving the Veteran's Monument will put it in the mainstream. She would like to see along the path to the woodland gathering area, a covered picnic table type area so staff can have lunches, snacks and meetings out there. That is the best area for it. There was talk about using pollination plants and she hopes there will be discussions with the people from the Wild Seeds Project and you would be getting Maine native plants and those that are on the almost extinct list. They could be labelled so people will know what they are. She likes

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Councilor Pilch's idea of not doing it now but giving it to Principle so they can see the flavoring of our ideas and maybe incorporate it in. There is no lighting shown on the paths and she suspects Principle will recommend some type of beautiful lamp posts for Main Street and you would want to incorporate the same thing and make sure those areas are well lit. She feels moving the parking lot will be expensive and she feels we need to prioritize what is it we really want to provide with this area and you only have so many dollars and since the driveway has been there since the school was used as a two-room school house, Mr. Joseph explained that this is kind of working and not doing any of the expensive changes. It is a lot of money we are talking about but at the same time it is really small in the scale of sitework because it is using a lot of the existing grades and things like that.

Chair Egan thanked Joyce and Mr. Bliss for the rendering. He feels we have heard enough feedback to where there is no urgency moving this to a bidding document phase anytime real soon. We want to have some other avenues for input.

## 2. Update on Village Strategic Planning Process

Vice Chair Whitney explained that Mr. Joseph has slides to show of what Mary Davis, President of FEDC and she are going to present to the Council tonight. She advised that they will be presenting to the Council at every meeting to keep the Council up to date on what is happening with the work being done with this group with Principle being the lead on this. This is really about bringing the townspeople together so the more they can talk about this and get the word out, the better off we all will be.

Vice Chair Whitney advised that we have officially entered Phase One of the Freeport Downtown Vision. They have had a lot of meetings leading up to this but it is exciting to have the roles officially starting to come together. This is a focus on downtown alone. It is not to take the place of the Freeport Comprehensive Plan. It is in the works but is not part of what we are doing right now. We are doing this for the downtown because it is an immediate need that we have and is to be completed now and it is prior to COVID. They will be bringing in stakeholders and community groups to get a better understanding of what the community's concerns, needs and hopes are for downtown. This plan has a short-term strategy of creating an action-oriented plan for downtown that addresses changes in behavior and needs due to COVID and changes in the Retail landscape and residents' desires. This plan also has a long-term strategy of creating a vision for downtown by creating a framework to help the Council, our Town and FEDC organize its resources, prioritize our investments and ultimately help to create an economic revived, walkable and happy place to live, work and shop. All this work will eventually feed into the Comprehensive Plan and all along this will be a collaboration between the Town Council, townspeople, FEDC, community and stakeholders but in the end the Town Council will be the decision maker on the outcomes. We are in Phase One and she is happy to report that we have some dates on the calendar. They are meeting almost every other day to define project teams and responsibilities. They are in the process of identifying a Steering Committee and that will be a combination of community members to get on board with that. If interested in being a part of that, Councilors can contact her or Mary Davis. On February 1 they will release a stakeholder survey and it will be a call to community members and the public. This is the phase where we are really going to get the word out to everyone in many different forms. On February 23 there will be a place making zoom workshop. All stakeholders will be invited to participate in this public workshop. On March 19-20 will be a COVID-friendly walk downtown for the public to help bring their visions in detail to life. On May 18 they will present to the Council what is coming out of all these meetings and what is coming out of people putting in their time and all their visions coming together. They hope to get this work done quickly.

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Mary Davis pointed out that Mr. Bliss's picture of the Town Hall is a great example of the kind of visioning material that Principle does use in their workshops and walk about town. It will be very well used to help people see what is possible. In the past three weeks they have been working on the organization of the project and the roles and responsibilities of each of the groups. They have tried to define who is doing what and who is on which base to help them roll this thing out. They need to have everybody lined up in the beginning so she pointed out the line-up. The Town Council has been really important in putting this project together and providing great feedback. The responsibilities outlined are pretty much the responsibilities the Council asked them for the last time when they met with them. It is about you are the decision makers, the owners and you will also be responsible for some of the communication to the Town. The Council is the owner, is a communicator and is a high participant in this process. The Project Management Team is made up of a set of individuals who are also residents, Town Councilors and members of FEDC so it is a small working team. Their responsibilities are to get it done. They have committed to the Council that they are going to make this happen so it is the note reporting, communicating and regular updates to the Council. It is keeping the heartbeat of the project in gear. She advised that the two Town Councilors on this are spending a boatload of time doing it and so is the Town Manager.

Ms. Davis explained that the steering group is made up of individuals that are well known in the community. They are able to reach out to all the fingers of the community groups and get those groups interested in putting in their input. The Town owns and manages the contracts. Mr. Joseph is also on a project delivery team and will help them connect it into the Town's Comprehensive Plan.

The Community Connectors are a team of individuals they started to identify because they already had people contacting them saying they wanted to help which is wonderful. They will bring this group together to help them connect into all of the community as a whole. The Community Connector group/Steering Committee will be the folks who help Principle and the Project Team to bring information out to the many different organizations and to help bring information back in again.

The next slide shows a beginning list of all the community organizations, residents and businesses they know they need to reach out to get feedback on what they want Freeport to look like so the Community Connectors are individuals who will help them pull together these teams so that we have input from everybody on there. They will not be writing the surveys or writing materials. Principle will be doing that but they will work with them to make sure the surveys are what they want. The Project Team will be working on communication collaboration materials and things that go out but the Community Connectors will be like the glue of the community. They are the individuals who call on the phone and say, why haven't you filled out that survey? You fill it out. This is a little bit of definition on what Community Connectors are about.

The next slide shows what they heard loud and clear. Make sure there is a lot of public inclusion and public communication. They designed into the process of doing this that the public meetings will be every other week Town Council meetings which they will be doing updates at and they will provide a PowerPoint document that can be stored so that anybody can go back and look at it as well. There will also be the three milestone meetings that Vice Chair Whitney talked about. During April they will put all the information gathered to bring back to a public meeting in May which they would like to have as a Town Council sponsored open meeting on May 14. Then there will be a website that will have all this information on it that any other site that wants information can connect to. The Town's website can connect to it and FEDC can, Facebook groups, Freeport Friends, etc. They also know they need to put up some corporate communications to make sure they reach those that don't have technology in front of them and also get coverage in *The Forecaster*, etc. like they did before.

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That is just an overview of where they are at this point. They are in the process of pulling the Stakeholder/Connector Teams together, getting the surveys done, getting their interview questions together so that on February 1 they have at least three weeks of collecting surveys before the first placemaking workshop.

Vice Chair Whitney advised that this is just the beginning and they will be tweaking and altering it as they go forward. Chair Egan felt this was an excellent update. He can't wait to get into some of those workshop meetings with the community. He asked Ms. Davis to be prepared that there may be some attendees coming to those meetings that have already contacted him that are going to come with a list of things they are already focusing on and prior to this convening, the Town has had a number of gatherings and input sessions at the Community Center over the past five years where people have articulated what the community wants and where it wants to go and some of those folks tend to be residents who have been here a while and are looking at the larger picture where consultants come and go but their needs are still here. He is just putting this out as a heads up. He loves the enthusiasm and Principle is new to Freeport so they will be getting to know people. There are a lot of good opinions and concerned folks who have been really deeply engaged in the direction our community is going. Vice Chair Whitney added that this is exactly what they want. Councilor Reighley asked if it is possible to get this material in our packets in a hard copy before a presentation. Vice Chair Whitney would be happy to give the Council what they have that is current as of Thursday. Councilor Reighley thanked her.

Councilor Bradley felt it was a great presentation and it incorporates 98.76% of all the comments they received. He asked how Connect Freeport fits in with their website idea? Ms. Davis noted that she understands Connect Freeport is a group of individuals that are trying to make sure that the bike and pedestrian trails are working for Freeport and they have to be included as an input source for that. As they talked to Principle about what we want downtown to be is a connected downtown so they need to have their input and that is a group that needs to be added on.

Chair Egan advised that they of Connect Freeport is who Ms. Davis is looking at. At this point, Connect Freeport is an effort more than it is a group. If we had to put names and faces, it would be members of our Active Living and Complete Streets Committees championing these projects. In terms of an organized group around that effort, it hasn't really convened yet. Our next item is the first step of public education and advocacy for the March 9<sup>th</sup> Bond Vote on the cost sharing participation by the Town on the bridge improvements being constructed by MDOT. We were able to engage with GPCOG to work on building a website and a foundation of an education campaign and materials for us as Councilors and advocates for this project as well as other members of the public to start sharing. He briefly wanted to give an update this evening and have Carly Peruccio who is a Staff at GPCOG and is a wizard behind the material you are about to see. It is an opportunity for us to see what we can do when we get into a partnership with an organization like GPCOG for specific things. Ultimately the message here is that we are going to be able to direct anybody who has questions about the bridges, the project, what is Connect Freeport, why are we voting in March, how much does this cost, why does MDOT gives us such a short timeframe? All of those questions will be up on this website so Ms. Davis will have this resource at her fingertips to be able to share with people about why this is such a good idea. If we miss this timing, it is another 75 years until we can get a handle on doing something with these bridges. That is the number one argument for the urgency of it.

### 3. Presentation of draft Connect Freeport Website

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Carly Peruccio from GPCOG displayed her educational website to give more information on the upcoming vote. She provided a quick tour to the Council and mentioned that she will be designing some graphics. She offered to answer any questions.

Council Piltch mentioned he knows that it looks easy but he recognizes that a lot of thought and work has gone into this and he feels she has done a really nice job in organizing the information. He also liked the story map from Adam Bliss and thanked them both.

Councilor Reighley noted that this is a true support of what GPCOG's capabilities are and that the Town can call upon them to put these things into play. This will be very helpful moving it forward.

Chair Egan thanked Carly and noted that Councilor Daniele has agreed to help also be a liaison and a network node on the Council for the effort. We have a number of different channels that we are going to be spreading this information through but having everybody keep coming back to this website which we can continue to update and provide latest information on is the plan and hopefully, momentum builds through February and the first few days of March about the election and why we are voting in March, etc. people can go to this page and get that information and Councilors can feel free to take excerpts of the text that is on these pages and use it through their channels as well. He thanked Carly, it is really impressive and fabulous to go from a concept discussion in early December to a quick layout of the key elements we wanted to communicate to having this in front of us by the middle of January. It is a fantastic timeframe.

Vice Chair Whitney added that this is a fantastic job. She loves the website. She feels Freeport has so many fantastic resources here and it is really well done. She thanked Carly.

Sally Walsh indicated she had two points to make and see if they could be something put on the Connect Freeport webpage. The West side of Freeport is the side of Freeport that is being developed a lot so they wanted to make sure that the people that live on the other side of 95 was able to connect to Town. When you look at this particular webpage, it seems to concentrate on the bikes and she recalled an elderly person saying to her when she was trying to talk about accessibility, "you are not one of those awful bike people are you?" There is that mentality that everything is for the bikers so she would like to see on the pedestrian part a family with a baby carriage and an elder with a cane or something that would incorporate the pedestrian aspect of it and connecting one side of Freeport to the other and back and forth.

Chair Egan and Vice Chair Whitney thanked Sally for her great feedback.

Joyce Veilleux indicated that she loved the website. One of the things about connecting all of Freeport is also our hiking trails and being able to connect from one trail to another. If you go to the Freeport Conservation Trust's website, they have a map of all their trails in Freeport. We actually have hundreds of miles of trails and we need to do more with Florida Lake which is Town-owned and a resource not marked. It is one of the best birding spots in the State because of the marsh lands that are there. She feels it should be added so we can start promoting it also.

Chair Egan added that the Connect Freeport page that we made here is focused on getting people to understand the bridge improvements and why we are voting in March but the page lives on and doesn't go away on March 10. It allows us to add features and use it to focus on connectivity around the community hopefully after we have approved the bond vote for the cost sharing.

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Councilor Bradley mentioned that it occurs to him that a lot of opinion in Town is affected by what people think and he asked if there would be an appropriate place for people to support this and indicate endorsement in an endorsement section for people who like it can say why and influence others? Carly was glad Councilor Bradley brought this up. She referred to the bottom of the page and noted there is space there for signing up for updates and also a contact form. She imagined that the contact form would be to have a record of people in Town interested in learning more about possible future projects, too. She feels this would be a way of getting a list of people and the contact us form could serve a function of what Councilor Bradley phrased for people to share feedback. She could add additional text to make it clear here about the kind of information you are hoping to get from people. She sees that as a possible space for that. Councilor Bradley advised that there are a lot of folks that are influenced by people they know in the community that know more about this stuff than they do and if those people have a place on this page to indicate their support for this project, it would be helpful. This will go on Facebook. Councilor Piltch asked who would get those e-mails if people do fill out the contact us form? Carly noted she would have to discuss this with Adam Bliss and Chair Egan but at the moment her e-mail is the contact but she can also make other accounts so someone from the Town could monitor it too. Councilor Lawrence asked when this would be going live. Chair Egan advised that it is a live website now and we will continue to update it and make a couple of final tweaks here. It will be talked about and promoted by the end of this week. Councilor Lawrence added that if we are going to list comments, he feels we should have a review of them before going out to the public. Chair Egan agreed.

Vice Chair Whitney mentioned that she is a big fan of Page 2 with the map and about Connecting Freeport. She asked if we would be allowed to share that map on the website that they are creating for the Downtown re-envisioning? Carly indicated that they would and she would work with her on the scrolling function. Andy Spaulding advised Carly that this is amazing. He chairs the Active Living Committee and finds this exciting. He had one piece of feedback thinking about Sally Walsh's comment about inclusivity and all forms of activity. Perhaps on the home page when one scrolls to why connect Freeport, there is a nice sentence that Councilor Daniele gets credit for having written talking about accommodating walking, running, biking and wheel chairs, maybe that sentence could be broadened to a really prominent place like the blue banner and it might make a difference, he is not sure. He thanked Carly for doing this because they have been talking about it for 4 ½ years and she did it in a couple of weeks. Carly indicated that she liked the comments about making sure the photos are inclusive and that all community members will be using these paths. She will discuss this with Chair Egan and perhaps Councilors have really great photos. Having a personal Freeport touch would be an upgrade. She will find a way to make that happen. Chair Egan thanked Carly again as well as Tom Bell of GPCOG.

4. Discussion of local participation in COVID-19 vaccination effort.

Chair Egan mentioned that the Council heard a bit of a summary update from the Town Manager during the Manager's Report about our possible participation in the COVID-19 vaccination efforts and if there is an opportunity for a Municipal organized clinic and/or location. We have some proposed text from Councilor Bradley for a resolution so we can identify the community as being ready if we are asked to do that.

Councilor Bradley explained that the context started with what Mr. Joseph put up earlier. There are 134,000 doses allocated to the State of Maine of which by today, 70,000 have actually ended up in arms. That gives rise to the question of is the rollout going quickly enough? We are all reading about that in places we access for news. When you dig down, you hear from various sources that although everyone has the best intentions, there is a bottleneck and part of it has to do with human resources to inject and part of it has to do with spaces that can be organized to do it safely. When we raised this the last time, we asked Mr. Joseph if we had the resources to help out here. He mentioned that he talked to these agencies

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and we are waiting to hear from them whether or not they need us. Councilor Bradley's experience in life is that the more you wait, the less you hear and you want to be heard and you want to make sure that no vaccine goes undelivered and no resident dies because there is something on a shelf. You tell the agencies planning this that we have the resources that can help and do not want to see any of this vaccine to go unused and you are willing to provide the resources you have. There are a lot of people 75 and older who have been told these are the places you can go to sign up and make appointments but none of them are taking appointments with maybe one exception. The number of people who have gotten a vaccination in this town that he knows he can count on one hand. The reason is that the places that are being given the vaccine do not have the space for the people lined up. We may be able to supplement that. He spoke to a person that felt strongly that if the Bartol Building and 3 or 4 of our EMTs, Mid-Coast Hospital would be open to hearing that that would be a great resource for them to have available for their use in getting vaccine out to the mid coast. He thinks this resolution does no harm as long as we are respectful of those that really have the responsibility to plan this and could provide an invitation for them to use resources they may be looking for. That is the reason for the resolution and he has no ownership in it. It is up to the Council.

Mr. Joseph added that he and Chief Jordan went to Freeport Community Services and requested the use of their large meeting room for this use if we are given the opportunity. They have gotten a tentative okay on that. They have done research on the staffing level for a vaccination station which is recommended at 15 people which would have to be provided between registration, the administration of the vaccine and the EMT to watch for anaphylaxis afterwards. The only requirement afterwards would be a paramedic, doctor or nurse watching for anaphylactic shock. If this is something we could easily do or get together. The logistics would be a nightmare and as you can see, the State can't handle it. That is all a different question. He would have no concern volunteering to do any of this stuff. He feels the likelihood of approving Municipal stations is very low. He wanted to be clear so people don't have hope that this is ultimately going to happen. There is no harm in making this resolution and recommending these things and passing them on to the State, the medical places administering the vaccines and it is something we should be doing. He has low hope of it happening but his pessimism is the only thing standing in the way at this point. Chair Egan asked who would we send this to? Mr. Joseph advised that the CDC is calling the shots right now and making the decisions. Councilor Reighley advised that if this is approved, it should be handed over to Representative Sachs and let her take it to the State and let her distribute it to the appropriate places. Chief Jordan explained that Fire Departments throughout the State have been participating in the vaccination of other First Responders and that has been set up through the County EMA directives. Scarborough, Gorham and Portland are the vaccinators for all of us in Cumberland County. He understands that now is a matter of getting the vaccine. That is a clerical allocation and to his knowledge as of last week there wasn't any vaccine in Maine for the 1-As to be finished. He is waiting for having the balance of his firefighters finished. He believes that the programs that Maine Health has set up through the CDC is also waiting for vaccines to come into the State. He noted that he has let Cumberland County EMA know that we would be pleased to assist and that the Freeport Community Services would work. He feels that works best out of anything we have in Town. He feels it is a matter of getting to the political people to put pressure on the people who are going to be deciding where the vaccines are going to be delivered. What they are doing now just isn't working and he doesn't know if the plan through Maine Health will work better or not. He explained that the vaccines do not come in a single-dose vial. They come in a vial that has ten shots in it and if you can't get multiples of ten, you end up wasting vaccine. Councilor Reighley noted he sees no difficulty with the proposed resolution and asked Councilor Bradley if he would like to go forward with it. Councilor Bradley noted all we can do is offer this and if we save one life, it seems raising our hands in favor of this resolution is well worth doing. Chief Jordan added that they will do all they can to assist. Councilor Bradley wants to do this and moved the question.

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**MOVED AND SECONDED:** To take up an item not on the printed agenda.  
(Bradley & Whitney) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

WHEREAS the COVID pandemic poses a serious threat to the health and welfare of the residents of Freeport, and

WHEREAS the development of vaccines offers protection to Freeport residents from the disease; and,  
WHEREAS providing Freeport residents the benefit provided by the vaccine requires the effective vaccination of its residents, and

WHEREAS the Town of Freeport has both trained personnel and public space necessary to administer the vaccine to its residents as soon as it is available;

THEREFORE:

The Freeport Town Council urges the Governor of the State of Maine, the Maine CDC, and other relevant agencies of the State to make full use of the Town's resources to ensure its residents are vaccinated as soon as the vaccine is available and that no time is lost in reliance on other means of vaccination unless the State is confident that using those means will result in the more rapid vaccination of the residents of our community.

**MOVED AND SECONDED:** To adopt the resolution as printed and revised as needed.  
(Bradley & Reighley)

Councilor Piltch added that he supports the resolution and agrees with Mr. Joseph that it may or may not happen but there is no harm in offering. It could be a signal to other towns that Freeport is doing this, where are you guys and if more and more people offer people and places, it would be good for the State. It would be a good encouragement for the CDC as well.

Vice Chair Whitney noted her support for this. She understands that this population has had to be more isolated than the younger generation. Councilor Reighley suggested giving it to Representative Sachs and Senator Daughtry. Chair Egan felt this was a great idea and hopes they can get it through the administration and get it to the CDC.

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

Councilor Bradley could see no reason to not send a copy to the list of hospitals that are designated to provide this so they know if they run into a problem, they can contact us. Chief Jordan offered to get together with Mr. Joseph tomorrow to get something in writing now that the resolution has been passed to Christine Jenkins the CDC liaison for Cumberland County and in writing to Cumberland County EMA that the Town is serious about doing this and maybe it will gain some traction. Mr. Joseph suggested giving it to Christine with a copy for the Governor's Office and also distribute it far and wide to everybody else. Chief Jordan will send a copy to the Mid Coast Hospital.

**MOVED AND SECONDED:** To adjourn at 9:41 P.M. (Reighley & Lawrence) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #03-21**  
**HELD REMOTELY USING ZOOM TELECONFERENCING TECHNOLOGY**  
**TUESDAY, FEBRUARY 2, 2021**  
**6:30 p.m.**

<b><u>ROLL CALL OF MEMBERS:</u></b>	<b>PRESENT</b>	<b>EXCUSED</b>	<b>ABSENT</b>
Edward Bradley, 242 Flying Point Road	x		
Jake Daniele, 264 Pownal Road	x		
John Egan, 38 Curtis Road (Chair)		x	
Henry Lawrence, 93 Hunter Road		x	
Daniel Piltch, 25 Quarry Lane	x		
Douglas Reighley, 2 Harbor Ridge Road	x		
Tawni Whitney, 56 Baldwin Road (Vice Chair)	x		

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

**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 #02-21 held on January 19, 2021 and to accept the minutes as printed.

Councilor Reighley pointed out that on Page 3, paragraph 3. The sentence should read: Councilor Reighley advised that the Ordinance Committee held a meeting ~~and~~ with Councilor Piltch, our Town Planner and our Town Manager and he, etc. etc. He suggested removing *and* and replacing it with *with*.

Councilor Bradley referred to Page 2 in the second paragraph under Fourth Order of Business. The second sentence, *avid* should be replaced by *avoid*. In the same paragraph he may have said so the neighborhood wouldn't *feel so junky* but he would prefer that the Minutes say *look so junky*. He then referred to page 3 and suggested adding to the second sentence: *This would show* District 2 neighbors. He then referred to page 4 and in the first paragraph requested that the sentence be changed to read: Councilor Bradley is not in favor of *retail* cannabis in our community.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #02-21 held on January 19, 2021 and to approve the minutes as amended. (Reighley & Piltch) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Egan announced that there will be a special Municipal Election on Tuesday, March 9 at Town Hall regarding the authorization of the Town to issue General Obligation Bonds in an amount not to exceed \$634,000 to fund our local share of costs to construct the wonderful bicycle and pedestrian additions to

the MDOT Bridge Project as MDOT plans to replace the Desert Road and Mallett Drive bridges over

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Interstate 295. A public hearing has also been scheduled for February 23<sup>rd</sup>, a couple of weeks in advance at 6:30 p.m. via zoom to discuss the warrant article to be voted on at this Municipal Special Election. There are now also two informational sessions scheduled for the 18<sup>th</sup> and 22<sup>nd</sup> of February prior to the public hearing. There is also a website called [www.Connectfreeport.com](http://www.Connectfreeport.com) that has a significant amount of information as well as detailed drawings of the improvements. There is a lot of action, a lot to learn and a lot of information available for the Special Municipal Election on Tuesday, March 9<sup>th</sup> to approve the bond.

The Appointments Committee is seeking residents interested to serve on our Boards and Commissions. Current vacancies and terms expiring at the end of March include spots on the Board of Assessment Review, Coastal Waters Commission, the Library Board of Trustees and the Project Review Board. If you have an interest or a skill you would like to contribute to those groups, please contact Volunteer Opportunities on the [www.Freeportmaine.com](http://www.Freeportmaine.com) website or e-mail Johanna Hanselman.

The Transfer Station is now accepting bulky waste and metal waste for disposal. The improvements have been completed. Chair Egan thanked everyone for their patience on that.

The AARP Tax Aid Program is not planning on having any in-person tax appointments this spring. If the Town hears about any other tax prep programs or AARP plans such as virtual or phone appointments, we will post this information on our website at Cable Channel 3.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Reighley advised that this morning the Complete Streets Committee met along with Chair Egan and Councilor Daniele and had a very healthy discussion about the bridge. The talk on the bridge was key. In our packet we have a frequently asked question page which is being revised but it is pretty accurate right now. He suggested that we use this anytime we can. It has also been suggested that we write letters to the Editors of the *Times Record*, *The Forecaster*, and the *Press Herald* about the bridge project. It is a way to get ourselves out there along with the media that we have in use right now. It was a very well-run meeting fully staffed, first time in years, thanks to the Appointments Committee and some good new members. Councilor Daniele pointed out that the Active Living Committee is preparing to sunset and he feels we are already having good conversation about information flow and making sure everything goes smoothly when that happens at the end of June.

Councilor Reighley pointed out that the Chair of the Committee does a really great job of creating a Talent Aging Calendar and he would encourage the Council to look at it. Chair Egan agreed. He has seen it in use.

Chair Egan wanted to follow up. In addition to Letters to the Editor, we have the attention from the reporter from *The Forecaster* who has been covering this issue and expressed an interest in writing another story now that we have dates set for a public hearing and information sessions. Hopefully, we can get some earned media in *The Forecaster* as well as some of the other papers.

Councilor Daniele advised that there will be a Letter to the Editor on Thursday from the Vice Chair of the Complete Streets Committee. He recommended that everyone check it out because he defines it very nicely. There is also a Facebook page that was set up by GPCOG and suggested that it be checked out too.

Vice Chair Whitney pointed out that she attended the first Age Friendly Freeport and Pownal meeting that they have had since COVID hit. It was put together nicely by Sarah Lunden at the Community Center and they had full attendance. The COVID vaccines were discussed and when we will get more. She was

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pleased to tell the participants that Lois Skillings is going to give an update on the COVID vaccines this very night. Hopefully, some of the folks from that organization will be here to listen in tonight. We appreciate her being here. She advised that they still have money that was donated to offset any financial hardship you may have experienced during this time. If you have been impacted financially, your job has been affected and you are having a hard time paying a bill, please reach out to Johanna Hanselman at Town Hall. There is money set aside to give you some relief.

She wanted to provide an update as promised on the activity downtown and while this was reserved in Other Business, the presentation they have tonight is so brief, they want to do it now while there are many ears listening. She noted the Street Gang is going strong and Visit Freeport is one of their gang members. They are doing Freeport Flavors of the Month this year so they are keeping up with their tradition. She explained that you can receive a bingo card and as you order out from different businesses or you buy something, you earn a sticker. If you get bingo, you are entered into a lotto and a chance to win \$1,000. It is a great way for people to get out and about and experience Freeport. The Street Gang Subgroup is working all over downtown. Visit Freeport presented the 2021 Marketing Plan which is exciting. The Council and all community members should see this Marketing Plan on Visit Freeport. They are doing an excellent job representing not just their members, but all businesses around Town. If there are businesses in Town that are not members, she encouraged them to jump on because they do a great job promoting.

The Planning Board has a public hearing for three downtown zoning changes to support positive downtown development coming up.

Vice Chair Whitney apologized for not having more updates in the Council's packets but they have to be in the packets by Thursday and they are moving along at such a quick pace that by the time they would be in the Council's packets, they would be outdated by tonight. In the future they plan on e-mailing the updates on Tuesdays so the Council will have the most up to date materials beforehand.

Mary Davis, President of FEDC, displayed Slide 3 and explained that over the past two weeks the Community Connector participants were identified and they agreed to be part of the project. They are a wonderful group of folks. This week is the release of the stakeholders' surveys and all the marketing materials that will go into the hands of the Community Connectors. They will start to get it out to the community. You will start to see posters and communications going out this week. She asked that Councilors add to their calendars the community events. The first will be on February 25.

The intention of these Community Connectors is to be more inclusive. They have identified 12 folks that know the community so well that they will be able to reach out and get more community involvement. When the Council looks at these Community Connectors, they will see familiar names. This is a way to bring in high-activity community members who can help to amplify the information out and to help amplify the information back. They will have a lot to do in the next few weeks but they are critical to make this happen. She suggested that the Council think about this as a big funnel where everybody gets to put their information in at the top of the funnel, then through all the surveys, the one-on-one feedback, we then go into public meeting, public meeting, public meeting and then come to the Council and say, here is the set of ideas that have come out that seem to be able to be done now, that are low hanging fruit that will make an impact in a short amount of time. That is the whole idea and is the update they wanted to provide tonight. They will take more time next week to show the Council the surveys, the one-on-one questions and all the other marketing and background materials.

Councilor Reighley mentioned that we have Connect Freeport working on one name and now they are introducing Community Connectors, which might be confusing. He asked Ms. Davis if she could come up with a different name? She replied that if he believes this will confuse people, they can certainly do that.

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Councilor Piltch pointed out that the Community Connectors are people, where Connect Freeport is a site or a movement. Ms. Davis mentioned that the public will see on the website that they are going to call it Vision Freeport with a similar look and feel but a different name. They want people to understand that they are connected but not the same. Chair Egan noted it is not a public term that is going to be there. He mentioned that the graphic visual of a funnel is great and will stick in his head and is the kind of process a lot of people have been asking him about so he will refer them to that.

Councilor Bradley pointed out to Ms. Davis that at the meeting on the 28<sup>th</sup> there was a suggestion that there would be a mechanism for providing access to the work of the Connectors and then provide input back to the Principle Group. He asked if she has the timing on that? Ms. Davis advised that it will all be launched this week. They are working right now on the website, the marketing materials, the surveys, the one-on-one questions and they want to pick that all up and put it out together.

Vice Chair added that if there are any people out there feeling they are not getting the information fast enough, get in touch with any of them. They will be folded in. That is what it is all about. Councilor Reighley thanked FEDC's improved participation with the Council. It is something we have asked for for many years and it is now coming forth and is greatly appreciated. Ms. Davis added that it goes both ways. Having two Council representatives at these meetings is getting a lot done. She thanked the Council.

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

Mr. Joseph wanted to start off by thanking the Public Works crew. They have been out since last night and have gotten a good 18 hours in. He appreciates their work and noted the roads look as good as they can with 2 inches of sleet.

He is happy to announce that our Finance Director advised him that for the 8<sup>th</sup> year in a row the Town of Freeport has been awarded the Government Finance Officer's Association's (GFOA) Distinguished Budget Presentation Award. That specifically has to do with our final comprehensive pdf version of the budget which is about 250 pages that gets put together after the Council passes the budget with all the documentation, the back-up, the worksheets, everything. It is all the narratives. This gets put together in June or July every year after the Council passes the annual budget. We have been awarded that award for 8 consecutive years. We are one in four municipalities in Maine that have received that on a regular basis and one of 1,700 across the United States and Canada. It is a document that is available in the Finance Department's section on the Town's website if any resident wants to take a look at it. It is in a pdf form. He congratulated Jessica Maloy and the Finance crew and all our department heads who participate in that write-up every year. Chair Egan noted it is a nice recognition.

Mr. Joseph advised that he has spent the past few days talking with all the department directors on their Capital budget submissions. We have the actual budget schedule ready for the Council to take a look at later this evening. He has several meetings set up with community groups over the next couple of weeks so our budget preparation process is underway. He mentioned to the few groups that regularly talk with us, now is the time to look out for communications from us or touch base with the person they usually deal with.

Councilor Reighley mentioned that he was out on the roads today and found that Freeport's roads were far to superior to the roads in Yarmouth. Mr. Joseph agreed Public Works has done a good job and he will pass that comment along to them.

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

Chair Egan explained how the public can participate this evening. He advised that previously we had planned to have an informal discussion on cannabis this evening but it has been moved to the March meeting. He mentioned that he is hoping later in 2021 when everybody has been vaccinated, we will look forward to be able to convene in person and we can have a much more interactive dialogue with members of the public. He is aware that it is less than ideal here on zoom but it is all we have to maintain our transparency as your Town government.

There were no public comments provided so Chair Egan closed the public comment period.

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

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ITEM # 18-21                      To consider action relative to adopting the February 2, 2021 Consent Agenda.

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

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

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

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ITEM # 19-21                      To consider action relative to amendments to Freeport Zoning Ordinance Sections 104 (Definitions) and 201 (General Restrictions), pertaining to Shoreland Zoning. PUBLIC HEARING.

**MOVED AND SECONDED:** To open the public hearing. (Piltch & Reighley)  
**ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Town Planner, Caroline Pelletier explained that we discussed this briefly at the last meeting. Within the past few years we have run into a couple of situations where we have some Freeport residents that own large parcels of land. Because a tiny portion of those parcels is within the shoreland zone, they are unable to split because DEP and the Town would consider them non-conforming with regards to shore frontage. In some cases, we have lots that are on the opposite side of the road from the water but still within that 250 feet. Because they do not abut the water, there is no physical way even though they are in the shoreland zone, that they can meet that frontage requirement. It has been restricting our landowners from creating additional lots where they own quite a bit of land. We also have some cases going back where there were large non-conforming lots that were inadvertently split into lots that are no longer buildable because they should not have been created in the first place. Because this has been coming up repeatedly as an issue in Freeport, the Codes Enforcement Officer and the Town Manager worked with the Town Attorney who worked with DEP to come up with some draft language that would ultimately make the change to our Shoreland Zoning standards to protect the resource but not put additional restrictions on property owners where they are not necessary. We think there are potentially 30 lots that would fall under this. They did work with DEP and they told the Town to go through the process of amending the Zoning Ordinance and send the language back to DEP for final review and they would have to approve it if it went forward. She did bring examples to show if it is helpful to the Council.

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Councilor Bradley has questions about a big lot that potentially has 30 acres that is on the water so part of the parcel that is along the water is in the shoreland zone. He understands what would happen here is that they would be allowed to split the portion that is more than 250 feet away from the water into non-shoreland zoning and could split it into different parcels. Ms. Pelletier agreed that it was correct but they couldn't do it today because that little sliver of the 30 acres doesn't have that shore frontage requirement. While she referred to it as a little sliver, she agreed it could be acres but they don't meet that requirement. In a tidal area they wouldn't have that 150 feet of required shore frontage. Mr. Joseph added that it would have to be less than 150 by 250.

Councilor Bradley is interested in hearing more about the circumstance in the example in the document where there is a 34-acre parcel with a fair amount of shore frontage on Maquoit Bay and it looks to him that this would allow that owner and a lot of owners on Maquoit to split off the shorefront 250 feet in, create one lot there and then have a number of different non-shore lots behind. He asked Ms. Pelletier if that is right. She replied that is correct if they are in the three zoning districts that would apply and if they can meet all the other standards in the Zoning Ordinance.

Councilor Bradley noted that what we are trying to do here is give those kinds of landowners the right to create multiple lots that they could not now make. The way they could do it is by creating a rectangular lot along the shore in the Shoreland Zone and make it a shorefront lot and all the upland lots will then be divisible into ordinary lots. Ms. Pelletier agreed this is correct and explained that we have had a case where they did that. They cut out the shore frontage so it wasn't part of their lot and then cut out their remaining land. Councilor Bradley asked if anyone has looked at what that does to land usage along the shore? Now what we have are a lot of big lots that go to the shore that can't be reduced in size because of this rule. By reducing the rule, we are encouraging the subdivision of a lot of small lots along the waterfront. He doesn't know if that is good or bad. His question is has anybody looked at that as a land use issue? Mr. Joseph advised that we have looked at that but it is important to note that it would not allow creating a greater non-conformity than currently exists within the shoreland zone. He suggested using the lot Councilor Bradley mentioned that has 30 acres. It has one violation because it doesn't have the correct amount of frontage. It would not allow the creation of 30 lots with 5-foot wide strips down to the water that are all waterfront. All of the non-conformity has to be retained on a single lot or else you are creating two non-conforming lots which is greater than one lot. Councilor Bradley using the example of the lot he has been talking about, the owner would create the waterfront lot and behind it there would be the opportunity to subdivide that parcel into three or four more parcels creating on what was one big lot four or five lots that are very close to the water. Has anybody looked to see if this is good land use? His parcel would do this and he doesn't know if he would want this or not personally. From a Town perspective do you want to see a lot of subdivisions in big lots in areas that are on the water side of Flying Point Road? He doesn't know but wants to know if someone has looked at that or talked about it from a land use perspective. Councilor Bradley's second question is when someone does that, are there any property tax implications for other owners? Now that we have the right to do it, will they be assessed as though they are potential lots as opposed to one big lot? Mr. Joseph advised that from an assessment perspective, let's say you have a 100-acre parcel in a one-acre zone. You do not get assessed the value of the highest potential use of your property, say 100 one-acre lots worth \$150,000 each. Your value does not go up 100 times. It may be worth more than a single building lot but until those subdivision approvals go through, you have no vested interest in the lot. The Town only gets a tax benefit from the added value on the lot once there is an approval in place. That may happen before something is built for sure.

Mr. Joseph explained that when you have a large lot, you are generally taxed for a single-family buildable lot and you have excess acreage. What that excess acreage is worth is based on the market and our Assessor calculates that out. It is not directly one to one with the highest valued use of the property. For example, in Councilor Bradley's case if he has a subdividable lot otherwise, and you could make up to

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five lots, he wouldn't get taxed on five lots. He would be taxed for one buildable lot plus some small amount for excess land. Councilor Bradley asked if that would change in this zone with this change? Mr. Joseph advised that it shouldn't. His understanding is that it won't but he is not the Assessor. There should be no difference in how excess land is handled but he is not the person that can commit that. Councilor Bradley noted that is his question and his concern. By doing this we may be creating a tax burden on a large number of lots that are in the same situation as Lot 19 that will suddenly have the opportunity to apply for subdivision. As long as there is no additional taxation on them before they do that as a result of this, his question is answered. He would like to know the answer on that before he votes. Mr. Joseph offered to get the answer by making a telephone call.

Chair Egan asked Ms. Pelletier to clarify that if there were to be a separation of the shore frontage, and the additional non-shore lots were created, there could be no more non-conformity in any design of those lots? Ms. Pelletier advised that they can't further reduce the shore frontage of that remaining portion of the land. In discussions with the Town Attorney, when they crafted this language, it is only applicable in three zones and there is a lot of land area in these RR-1, RR-2 and V-2 zones. Part of the reason was to limit the number of cases where it does apply. That is why it wasn't town-wide. She added that it is human nature that there is always going to be somebody who will chop their lot into little pieces. In the cases she has dealt with during the past year, there has been a lot or two where people wanted to cut out but not big subdivisions.

Councilor Reighley asked if the Planning Board, Project Review Board and the Board of Appeals have a position in recommending this action? Ms. Pelletier advised that the Board of Appeals would not be involved in this. The Planning Board looked at this under Shoreland Zoning and the Project Review Board would only get involved if somebody were going to subdivide. They were not asked to weigh in. It was strictly between Staff, the Town Attorney, the Town Manager and the DEP to come up with the language to fix the situation that we have had occurring a few times now. The Planning Board did recommend the change. There was only one comment received from a resident that has a lot they can't build on now because it was done years ago. They are here tonight.

Councilor Daniele asked how many people this affects that didn't know this would be an issue when they purchased their land? Ms. Pelletier did not know if they knew it was an issue or not. She feels there may be cases where it hasn't been caught. The people here tonight have a lot that was cut out years ago and it came up during review that it shouldn't have been cut out because the previous owner didn't meet that requirement back in the day. She feels there may be 30 lots in this situation but she suspects people don't know they are in this situation. Councilor Daniele asked if the Council could grant amnesty to the people that this is happening to? Could we allow the owners to build on their lot but not allow the large lots to be subdivided? He doesn't know how other Councilors feel about the idea of chopping up the big lots and potentially change the character of small communities. Mr. Joseph added that it is his understanding that the concern from the Attorney was that it had to be written uniformly in a way that doesn't just call out specific properties. It would apply to a whole class of properties. That discussion was not just held with the DEP but also with the Attorney General's Office. These are cases that typically exist in divisions that have not gone through subdivision. Ms. Pelletier added that there have been cases where building permits for houses have already been issued on lots created in this situation so they were legally granted a permit to build a house so we can't take action on them today. Again, this would help those situations to conform as well.

Keith and Heidi Andrews thanked the Council for taking the time to listen to what Ms. Pelletier has outlined and consider the amendment to the Ordinance. They purchased the lot they currently own and attempted to obtain a building permit. They are the one lot being discussed and the lot that is across the street and there are homes directly around them that came from the same parcel where this problem arose.

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Mr. Andrews felt they were blindsided by the fact that they were unable to get a permit for a number of reasons. First and foremost, the fact that other land was permitted to be improved upon and developed that was sharing the same infractions that their land was. Before they purchased the property, they attempted to get a limited setback variance for their building envelope and that ultimately was approved by the Board of Appeals and at that point they felt they should buy the lot and then get a building permit. At that point they were met with the issues. They currently have a 2 ½ acre buildable lot in the RR-2 Zone. It is on the opposite side of a public right-of-way which is Lower Mast Landing Road. There is probably less than 10% of that parcel within the 250-foot shoreland zone of the Harraseeket River. They were definitely surprised at the response from the Town especially having known that other parcels had been developed as recently as 11 years ago. Their lot was separated in 1991. He has been trying to find a resolution that would allow them to build a modest home. They have done everything they can to get a building permit. To have this Ordinance amended is the only way to get a building permit. They have been working with the Town on this for almost two years. Mr. Andrews feels this is one way that Freeport can encourage responsible development.

Chair Egan thanked them for the explanation, patience and diligence. He is trying to understand how much process they have been flogged with in order to get to this point this evening. Mr. Andrews mentioned that the communication they had with Codes Enforcement and other Town departments led to some confusion as to how to proceed. They tried to keep in the loop of what was transpiring but it did feel like the steps that were needed to be taken were not very clear. Originally, they were told that they would have to get the DEP to sign off on it. It was very difficult to finally get to this point and they are happy to be at but it was not an easy process for them. They spent a year talking back and forth before they really got to where they needed to be. They were not given much direction on what they could do with this so she reached out to the DEP. They feel Ms. Pelletier has been amazing since this went to her.

Councilor Piltch mentioned that he lives in the neighborhood and walks by this lot often. His question and thought is why haven't they put a house on that lot yet? Now he knows what the delay is but walking by it, it doesn't appear to be a waterfront lot. It is across the street from a bend in the upper reaches of the Harraseeket River but it seems awkward to him that the property owners have not been able to build on it. He feels we are not creating any additional density in the neighborhood so he supports the change and apologized that it has taken this long to get their home and hopes to fix that.

Councilor Reighley noted he served on the Board of Appeals for many years, they had this situation come up many times. The unfortunate thing is being told something versus what is in the Ordinance is important criteria. It is really understanding what the Ordinance is and appreciates Councilor Bradley's position on whether he favors this change or not. It impacts 30 lots and it would be increasing the density into an area that has poor water quality that will only get worse.

Councilor Daniele asked if it is possible for the Council to say that these lots can only be divided once every five years and that would alleviate some of those concerns and then it is a blanket statement for all non-conforming lots. It would give some protection to the idea of let's put 20 lots in this spot. He asked if that is legal? Mr. Joseph explained the way the subdivision law works currently, you do not need approval to divide every five years. However, you would have to go through the Town's subdivision approval process to do anything more than that. You can create a single lot every five years without triggering subdivision review. That is in our regulations already.

Chair Egan explained that he is inclined to rely on and trust our Planning Board's process for handling these questions that are popping up spontaneously with us this evening. The Planning Board looks at this stuff on a regular basis with guidance and shepherding from our Planner.

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Ms. Pelletier clarified that the heavy lifting on this language really did come from the Town Attorney and the DEP. They were the ones working on this language over the past year plus. It had to go to the Planning Board legally under State Law because they are Freeport's Municipal Reviewing Authority but she said that they relied heavily on the recommendation of the DEP based on the language included in the Council's packet and the advice of the Town Attorney who had worked so closely on this.

Mr. Joseph had two points. One is to answer Councilor Bradley's earlier question. He did get the Town's Assessor on the phone and obviously there is no black and white answer to that question. He will try to give a minimal amount of detail. Typically, if you have a lot on the waterfront, the first buildable acre or whatever meets your 2.5, the first buildable lot is worth \$300,000 to \$700,000 in Freeport depending on the quality of the coastline. General acreage beyond that is usually about \$10,000. The situation Councilor Bradley described, the valuation would never increase for making this change, but would have to be reflected by the market. So, all of a sudden if Councilor Bradley's property or someone else's property that is on the water becomes a lot more valuable because it is divisible and people are willing to pay more for it, that would be reflected in Councilor Bradley's valuation. He and the Assessor can't say no it is not going to affect anything because if all of a sudden property in Freeport becomes worth 10% more because of this, then all of our taxes are going to go up because Freeport is a more desirable building place. There is that kind of tangent that could always drive prices. The process he described for excess acreage; the Assessor does not feel that anybody that anybody would be charged double for having two divisible lots. Generally, it is a small marginal amount of value for each building lot or acreage or whatever beyond the existing lot. All bets are off when something is approved or you are working towards getting your approval. The answer is not simple black and white so it doesn't help Councilor Bradley. Councilor Bradley noted it does help him. He appreciates the distinction.

Mr. Joseph pointed out that this has been a huge long process for Keith and Heidi and what they and most of the Council do not understand is that this is the third situation that the Town has been in the past 3 or 4 years where Councilors, Mr. Joseph, Codes and Planning were taking displeasure from property owners when they found that they couldn't divide their property and the Council leadership at the time was asking the Town Attorney to try to find ways to allow these things to go forward. The Andrews are the third iteration where this has come across our desk and they have been trying to find a solution for 3 or 4 years. It has been an unpleasant dream over the past 3 or 4 years for the Town to try to deal with this and not have to put property owners in that situation.

Vice Chair Whitney mentioned that she appreciates the fact that we can see the Andrews family tonight. She feels really bad for what they have gone through and appreciates their patience and respect for Staff. She feels Ms. Pelletier does a great job too. She feels bad that they have been paying for this lot and not being able to live there. She hopes the Council can get them some resolution.

Chair Egan invited members of the public to participate in the public hearing but there was no response from the public.

**MOVED AND SECONDED:** To close the public hearing. (Piltch & Reighley)  
**ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Councilor Bradley appreciated the answer Mr. Joseph and the Assessor gave. The way he reads it is there may be an indirect increase in your property valuation because you now potentially have a right to subdivide that you didn't have before. It might make your land more valuable and it might make your taxes higher but it is not a lot by lot assessment that will occur because of this. From that perspective he feels like everyone does, sympathy and empathy for the Andrews. He thinks he is directly affected by this

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and he believes his property is now subdividable and it means that the Council just made him very wealthy and he will abstain.

**BE IT ORDAINED:** That amendments to Freeport Zoning Ordinance Sections 104 (Definitions) and 201 (General Restrictions), pertaining to Shoreland Zoning be adopted. (Piltch & Reighley) **ROLL CALL VOTE:** (6 Ayes) (1 Abstention-Bradley) (0 Nays)

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ITEM # 20-21

To consider action relative to setting a public hearing for February ~~16~~ 23, 2021 for the purpose of discussing amendments to Section 602.C.1.i of the Freeport Zoning Ordinance and Article 6.2.D.1, Article 7.1.C.1 and Article 8.1.H of the Freeport Subdivision Ordinance to require that additional notification be published in another paper of circulation within the Municipality in cases where legal public hearings are schedule to be held.

**BE IT ORDERED:** That a virtual public hearing be set for February ~~16~~ 23, 2021 at 6:30 p.m. for the purpose of discussing amendments to Section 602.C.1.i of the Freeport Zoning Ordinance and Article 6.2.D.1, Article 7.1.C.1 and Article 8.1.H of the Freeport Subdivision Ordinance to require that additional notification be published in another paper of circulation within the Municipality in cases where legal public hearings are schedule to be held.

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

Chair Egan clarified that the public hearing will be on February 23, not February 16.

Town Planner, Caroline Pelletier explained that the Project Review Board has had a couple of projects for review that the public has really been involved in. They heard repeatedly from members of the public that they feel that even though we put notices in *The Times Record* and do direct mail to abutters within the requirements of the Ordinance, it is not enough. They don't feel that *The Times Record* is an adequate use to give public notice of public notice of meetings. The Council previously talked about this and the Town has always used *The Times Record*. We typically use it for all of our notices and if we can't, we use the *Press Herald* for certain things that come under State Law for the Planning Board. For subdivision we have to use a paper that meets certain requirements and one of them is being mailed so we can't just use *The Forecaster* for our legal public notice requirements because it does not meet the thresholds. The Project Review Board sent this item to the Planning Board for consideration and the Planning Board was supportive of it. What it essentially would do is set a requirement for cases where the Project Review Board has a public hearing so that it is not every meeting, a public hearing is at least once for subdivision and in certain cases if we have large site plans. In cases where we are having formal public hearings, we are required to put an ad in the paper in addition to putting it in the newspaper of general circulation i.e. *The Times Record* or the Portland paper, we would put another ad in a local paper. The one thing the Council would need to consider that the Planning Board did not weigh in on out of their duties and responsibilities is who is going to pay for the requirement? One of her questions for the Council is her thought was if the Council decides to set a public hearing on the additional notice, she would also bring back some proposed fees to go along. If we had to run a single ad for a simple subdivision, it is a little more than \$100 to run it twice in *The Times Record*. To run it once in *The Forecaster*, it would be another

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\$140. This is not money planned for in the Municipal Budget. If we are going to increase it, does the Council want her to bring back the appropriate fee structure that would go along with it?

Chair Egan advised that the Council is not taking any action tonight but if the project needs to be advertised, we don't control a whole lot about the cost of that advertising but that is something that all applicants go through. If we are adding a requirement to be more transparent, then the burden does fall on the fee schedule for the applicant. He is hesitant to say that because he is really motivated to be carving through our Land Use Ordinance to find ways to make it easier for projects to come forward and throwing more fees and yet another publication seems to be in the opposite direction, so he is in conflict with his own suggestion here. In this particular matter, being consistent is the most important thing and we are consistent with that application of fee requirement of all our other applicants so he feels we should pass that on as well. Councilor Reighley added that one of the things we really have to consider is are papers going to be around much longer? *The Times Record* seems to be the only one that seems to be surviving. Chair Egan agreed and felt the same thing when the language in the Ordinance says a paper of general circulation. It could be just a few years when that is not available here if everything is then electronic. We have to consider that language as well and phrasing it as "generally delivered media channel" or something like that that may not include a printed newspaper.

Mr. Joseph feels that is a really good point but the problem is that State Law requires it to be not just a newspaper of general circulation but a newspaper of general circulation that is entered into the mail of the United States of America. *The Forecaster* is not mailed and we don't have the ability to strike the requirements from certain procedures that are required for notices under State Law. It may be a good thing to talk to our State delegation Legislators about. Chair Egan agreed.

Ms. Pelletier clarified that the changes before the Council would have nothing to do with public hearings for the Planning Board. Those are handled differently. Subdivision is under State Law so it has to be mailed but Site Plan at Public Hearing, although it is not as often, it is a requirement of our local Ordinance so the Council would have some flexibility here. At the last Council meeting someone said that *The Notes* is no longer being published so when the Ordinance was written, there were at least two or three other options and now we are down by one. She may be back to the Council with a change to modernize.

Councilor Lawrence asked if there is a way the Council can force these to the website and have just a "Here is a public hearing on our website" for the Planning Board or whatever Boards we have so we can reduce the cost. Putting it on the website would not be expensive and it could be put on months before the public hearing. Mr. Joseph added that we would be in favor but the problem is residents indicated they wanted to see it in a paper, *The Forecaster* specifically. He agrees it is moving towards the past but we are hearing from residents that they still want us to be in there. While it doesn't make sense, that is what the public wants and why it is in front of the Council. It has come from multiple requests.

**ROLL CALL VOTE** to establish a public hearing on the amended date of February 23<sup>rd</sup>.  
(7 Ayes) (0 Nays)

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ITEM # 21-21      To consider action relative to the annual renewal of the Bow Street Park Usage Agreement with the Hilton Garden Inn.

**BE IT ORDERED:** That the Bow Street Park Usage Agreement for 2021 be approved. (Piltch & Lawrence)

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Mr. Joseph pointed out that there have not been any changes in the past several years. This is primarily an agreement for weddings. Last summer it was off the table legally but perhaps one happened at the end of the summer for a very small group. This has been routine.

Councilor Bradley had questions about the liability insurance and feels the limits are very low. He does not feel it is much more money to increase the limits for somebody like the Inn. He would encourage the Council to raise those limits by a factor of \$1M or \$2M unless someone tells us it is absolutely uneconomical. He also asked if anybody has read the policies? Do we know what their insurance policies cover? Mr. Joseph explained that our main concern is property damage to the park. We have a \$400,000 limit and it has to be gross negligence and the whole point of this agreement is that we go down and inspect the park and he can't imagine a situation arising out of the wedding use of the park where the Town would not be putting somebody walking through the park if the wedding didn't happen in the same danger where we would be liable. While Councilor Bradley is not trying to raise the point that this is a dangerous place but he can certainly see exposure for the Town and the Council should be careful to ensure that the policies that we are relying on actually provide us that coverage in those circumstances. Mr. Joseph agreed Councilor Bradley's point is good and he agrees with it. Just because he doesn't think our risk is high doesn't mean he doesn't think we should not increase our coverage. Councilor Bradley noted he doesn't think our risk is high either but they are asking us for something, so let's make sure we are covered. Councilor Bradley asked if the Council could wait to vote on this agreement and give Mr. Joseph an opportunity to answer those questions to his satisfaction? He would be happy to delegate this to Mr. Joseph to do. Chair Egan agreed it is a Staff function to go and iron this out. Mr. Joseph offered to talk with our insurance carrier and the Town Clerk and will look it over.

Chair Egan suggested taking an amendment to table this matter. Councilor Bradley asked if it would be appropriate to approve it subject to Mr. Joseph's satisfaction on the issues of liability issues and coverage? Chair Egan noted he just asked Councilor Bradley this and was told the Council should not vote on it. Councilor Bradley explained that he did not know that was the question. He is perfectly happy to have Mr. Joseph make the judgment about what the appropriate liability issue is and that the policies provide the coverage we need.

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

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ITEM # 22-21      To consider action relative to adopting the 2022 Budget Schedule.

**BE IT ORDERED:** That the proposed 2022 Budget Schedule be adopted as printed. (Bradley & Reighley)

Chair Egan noted the dates are printed in the agenda and February 9 is our first workshop which is actually not on this schedule. The Council does not have any meetings the week of the 15<sup>th</sup> but we have a regular Council meeting on the 23<sup>rd</sup>. This calendar schedule kicks off on Thursday, the 25<sup>th</sup>. Discussion followed.

FY 2022 PROPOSED Budget Schedule	
Thursday, February 25, 2021	Manager Transmits 5-Year Capital Program to Council
Tuesday, March 2, 2021	Manager and Finance Director Present 5-Year Capital Program During Council Meeting
Tuesday, March 2, 2021	Council Sets Public Hearing for April 6

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TBD	Joint Meeting with RSU 5, Town of Durham, Town of Pownal (Community Center)
Tuesday, March 16, 2021	Council Workshop on 5-Year Capital Program
Tuesday, April 6, 2021	Public Hearing on Capital Program
Tuesday, April 27, 2021	Adoption of the 5-Year Capital Program
Thursday, April 29, 2021	Manager Transmits Operating, Capital and TIF Budget to Council
Tuesday, May 4, 2021	Manager and Finance Director Present Operating, Capital and TIF Budget
Tuesday, May 4, 2021	Council Sets Public Hearing for June 1
Tuesday, May 18, 2021	Council Workshop on Operating, Capital, and TIF Budgets
Tuesday, June 1, 2021	Public Hearing on Operating, Capital, and TIF Budgets
	Target Date for Budget Adoption-Capital, TIF, and Operating Budgets/Appropriation
Tuesday, June 15, 2021	Made

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

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ITEM # 23-21                      To consider action relative to new resident Public Peddler applications.

**BE IT ORDERED:** That the new resident Public Peddler application submitted by Guiyu Perilla d/b/a Guilin Goodies be approved pending receipt of all required documents and fees. (Daniele & Reighley)

Mr. Joseph advised that this is the only application we received for a new resident. There are no renewals this year because nobody held them last year. If there were multiples, the actual awarding would be filled by lottery and then the available spaces would be filled by lottery. These peddler locations are on public ways.

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

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**OTHER BUSINESS:**

1. Update on Covid-19 regional vaccination efforts

Mr. Joseph introduced Lois Skillings from Mid Coast Hospital and Mid Coast Parkview Health that are in Brunswick. He asked her to come and update the Council on what Mid Coast has planned. He displayed the slides for Ms. Skillings.

Ms. Skillings thanked the Council for inviting her tonight. She grew up in Pownal and is a Freeport High School graduate. She has been a nurse for 41 years. She explained their plans to develop a large-scale regional vaccination clinic to battle the COVID-19 pandemic. The single most important way to turn the tide on this pandemic is to vaccinate the greatest number of people they can against this disease. They determined that there are 75,000 eligible people for this vaccine in the region and recognized that this vaccination clinic will be offered by appointment to reduce long lines and wait times. There is another reason to be safe and at the same time they will be able to move people through quickly and they estimate they will be able to provide 800 vaccinations per day, six days a week or 10,000 first vaccines and 10,000 second vaccines every single month. They know that local pharmacies will eventually be administering vaccines once the supply chain comes into a good place in our country but that is one person at a time. These large-scale clinics are really the way to get the most numbers of vaccines out to the general public as safely and quickly as possible.

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This has been in a close community partnership where they reached out to regional towns and one example is making sure that regional law enforcement is involved in this as well and also our large medical groups like Martin's Point and Maine Health are also collaborating with them on patient communications, vaccine scheduling and staffing the clinic with professionals at the vaccine center.

She advised that Pfizer and Moderna are vaccines being given in Maine in two shots. Additional vaccines are being developed such as J & J which is a one-shot medicine so logistically will be easier to navigate. All through the 1900s we recognized that vaccines are most likely the greatest medical advance ever in humanity to have the biggest impact on mortality and these two vaccines, Moderna and Pfizer are also very effective. They are 94% to 95% effective and there were no shortcuts taken in the research for these vaccines. The approval was more efficient because the stakes were so high. The side effects after these vaccinations are what you would expect after a vaccine. People have a sore arm, sometimes a headache or body aches and very few people have had a fever. When she had her vaccine at the clinic, she celebrated that reaction because it meant that her body was developing an immune reaction and it would be ready in case she was infected by COVID-19 to mount an immune response. Those are the things to watch happen. What you don't want happening is a severe allergic reaction and although rare, it can happen. This is why they have health professionals on standby at this clinic observing people for 15 minutes after the vaccination and for people who have a history of allergic reactions for 30 minutes so they are monitored closely to make sure they are not having a severe allergic reaction.

The current vaccine eligibility is for people who work in health care, people who work in long-term care and congregate living, both residents and staff and people who are over 70 years old, law enforcement, fire fighters and EMS folks were included in the 1-A category. They anticipate that the next group to be approved will be people who have underlying health conditions, people who are 65 and other essential workers like teachers, grocery store clerks and manufacturing employees and others in similar professions. They are waiting and following these rules carefully as they are coming from the Maine CDC and the U.S. CDC. When this can happen depends on the amount of vaccine coming into the State.

They are having a multi-faceted approach to scheduling individuals with outreach to people over 75 by phone and by e-mail. They also have a website and a phone number of a call system for those that they can't reach quickly. That phone number is 877-780-7545. This is for anyone that is eligible. It is not only for Mid Coast patients or Maine Health patients or Maine Med patients or Martin's Point patients. It is really for anybody that is eligible to call who is over 70 and even for people under 70 if they want to get their name in line for when it becomes available for over 65. They realize that the folks at that team verify eligibility and connect with the scheduling team but they are currently navigating thousands of phone calls so they are asking folks to please be patient. Calls are being returned in the order they are received. They are working on additional scheduling solutions like websites and other things. This will settle out in the next few weeks and people will be able to get their vaccines as long as they get vaccines coming into Maine. That is the limiting factor. She explained that there are 330,000 people over 70 in Maine eligible to get this vaccine and we are getting 18,000 doses a week. This week it increased to 20,000 but this is half of what we were told it would be a few months ago. They really appreciate everyone's patience. If they had waited to vaccinate one small community at a time, she believes it would be years to vaccinate the people who need this vaccination in order for us to have the level of immunity in our community. The number of people vaccinated needs to be the large majority and she is pleased that this is happening so quickly and asks folks to be a little bit patient. If you call once, they will hold your spot and you will hear back but it may take a few weeks.

She explained that even after receiving the vaccine, there is the possibility of still being able to transmit this disease even though it is 94% effective. That is not 100% and there is still the possibility that you

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could come down with COVID even after being vaccinated but what we really need is to have as many people become vaccinated so we have the same thing happen with COVID as we do with other infectious diseases that we really see decrease in the community because of herd immunity where enough people have immunity to the disease. They are asking folks to continue to avoid gatherings, wear masks and maintain distance and contact primary care providers for needed care.

She offered to provide the PowerPoint presentation to put up on the Town's website for people to see so they will know that these resources are available.

Councilor Bradley thanked Ms. Skillings for her presentation. As a Council, we have focused on vaccinations here thinking that it may be helpful to have the capacity to get vaccines in the arms in a local way. It sounds like the system she described is going to settle down and most of our concerns will be addressed. He suspects there will still be people that fall through the cracks and some of them will be our residents. As a Council we will be concerned about getting them vaccinated. He asked if she has spoken to Mr. Joseph about the possibility that we might set up a local vaccination site here at some point to supplement what her plan is? Ms. Skillings pointed out that right now, the efforts around the State is to really stand up these large-scale centers because we can get the greatest number of people through, for example, 800 people a day and that is going to help them vaccinate the greatest number of people quickly. The resources to do that such as the nurses, doctors and the pharmacists are finite so coordinating that infrastructure to have these large-scale centers where it can be delivered safely and quickly appears to be the way to get out the vaccine to the most people possible. That is why they are asking people from Freeport to drive to Brunswick so they can have that access close by. CHANS Home Care is working to develop a system and are actually starting tomorrow to bring vaccines into homes for people who are truly homebound. They are also working with transportation agencies to help folks that have transportation issues so we will be able to bring folks there. She imagines with the advent of the J&J vaccine that there may be easier ways of getting the vaccine out into local communities. Right now, the 2-shot vaccine protocol is complicated and requires sub zero storage and there are not a lot of these storage facilities available. They feel the best way to get the most people through is through their regional center. Later on in the spring or summer with the advent of easier one-dose vaccines, it may be possible for them to do their usual vaccine clinics like they do with the flu and bring it out to the public. Right now, because of the monitoring they want to do after the vaccine, of watching folks for 15 minutes at least or 30 minutes if they have had an allergic reaction in the past, doing these in centrally located regional places will get the most masses of people through. Councilor Bradley appreciated the answer and feels they are on the right track. He wanted Ms. Skillings to know that the Freeport Council passed a resolution making our ample resources available when it is decided to go local and they may decide to use us. Ms. Skillings explained that they are very familiar with how to bring those vaccine clinics out to the community and when the time comes and the resources are there, she believes it will be a good strategy but right now they just want to get the most people vaccinated that they can.

Councilor Reighley asked if he has made a reservation and forgot to write it down, will he get notified before he is supposed to go in or does he need to make another appointment? Is the vaccine an annual or one done like polio or small pox? Ms. Skillings asked Councilor Reighley to e-mail [Midcoastcovidvaccine@mainehealth.org](mailto:Midcoastcovidvaccine@mainehealth.org) or call her and she will get him to the person that would need to help remind him of his appointment. Call the hospital and ask for her office and they can get that for him. They do not know if there will be a need for this vaccine more than once. This disease emerged a year ago in our country when it came to the U.S. It is amazing that we know as much about it as we do.

Mr. Joseph added that he ended up talking with Ms. Skillings after the last Council meeting and provided all the resources at her feet for the regional clinic. There were a few things she indicated that they could use such as law enforcement, crowd control, traffic direction and communication for spreading the work

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and this is why she is here tonight. There is potential involvement by the Town, the Community Center and the regional CDC and perhaps Freeport Friends would organize and assist people who can't get there. That conversation just started on Monday. Ms. Skillings added that transportation is one thing that is concerning for people who are frail and unable to get there. They would welcome and support that.

Vice Chair Whitney noted she is so glad to meet Ms. Skillings. She works with a large population of Elders here in town. She complimented Ms. Skillings' staff because she has called that number for many elders and found the people answering the phone to be extremely helpful. The clarity of Ms. Skillings' message tonight puts everyone who is listening at ease. Just knowing the process and that it takes patience is so helpful. She thanked Ms. Skillings for all her years of nursing. She has heard really great things about her. Ms. Skillings noted the amount of infrastructure that it takes to get this amount of vaccine out and into arms as quickly as possible really takes this kind of regional effort. Once things settle in, we probably can have more town by town but let's get the most vaccines in arms right now. She thanked the Council for their kind words. Chair Egan thanked her for her enthusiasm and outlook and was sure she has had a really long day. He hopes to get a copy of the slides to put on the Town's website so that we can direct people to flip through them. There is a lot of good information there.

~~2. Update on Downtown Visioning Project (Vice Chair Whitney)~~

3. Discussion of Town participation in clean-up of Bucknam Road Properties associated with the Island Rover case

Chair Egan noted the Council has had a brief discussion about this at its last meeting. Mr. Joseph mentioned we left it to see if there is support on the Council for us doing some defined amount of assistance to the clean-up effort of the properties down there.

Councilor Bradley advised that this is District 2. This is where the boat is and this is where the junk is. This is where the risks are and this is where the concerned neighbors live. Several meetings ago we talked about what is ahead of us. We identified \$100,000 in litigation costs to get us in a position we would own something we were not sure we wanted to own and then we identified some other issues related to the effect that the construction has had on the neighborhood, the current situation with respect to the safety of the site on young people, old people, drugged people and others. We have talked about the possibility where we could work something out by collaboration rather than litigation. He has talked with a lot of people and came up with a proposal the Council talked about in Executive Session and as a result of that he got a go ahead to explore it further. As he explored it further, what he got to was probably the best way to approach this without anybody's commitment on anybody's part is to develop some good will within and among the parties and also show District 2 residents that the Town is not ignoring their concerns about the mess and safety. He had communications with representatives of Mr. Arndt and feels the proposal that makes sense to him is that we start by taking some role in removing some of the obvious junk which Mr. Arndt would help us identify and move it to the landfill with his help and potentially with Mr. Becker's help but he is not sure about that. We then get a commitment to secure the vessel and that the steps that go up to it would be blocked in some way effective in keeping other than the most committed to get to the deck and then having doors locked up so no one can get into the bilge and die. Tonight, there is nothing else that we discussed is ready at any point to talk about. What is ready to talk about is whether the Town is willing to make any kind of a commitment to help clean up. His position on that is that one way to look at this is it is Harold's mess, let him clean it up and he could certainly respect and understand that but he asked other Councilors to remember that this boat and this mess got there because for 15 years the Town has stood back and cooperated or collaborated with Harold and whoever else is there. As a result, we have a big situation on this Bucknam Road/Byram Avenue neighborhood. His video showed what exists there now going down the right-of-way towards the vessel and identified an

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old trailer that is stuck in the woods. There are rough woods and trees that have blown down that are not related to the vessel. Then there is a piece of equipment that was in disrepair, some tarps that covered wood, some timbers, piles of logs used as rollers, more wood, a pile of corrugated metal which is the first thing that looked as though it might have some value. Then there are piles of materials, frames, wood piles, metal piles and wood sorts that go way back into the woods some covered by tarps, some not. More frames, more corrugated metal and then what looks like scattered piles of discarded material. Coming down into the site where the vessel was actually constructed, again more metal frames but the piles get more organized at this point but it is still hard to see without knowing what value they have or what use they have but they may. Getting into the construction site itself, there are some metal storage boxes, more piles of wood material, the base of the crane used to lift things up to the vessel. There is an indoor construction building, more recycled metal. He could not identify a building but mentioned it looks like a smelt shack. It goes beyond that shack a little of the way toward Byram but the junk really peters out. Coming back around the corner, you will start to see the vessel itself. There are stairs that anybody can get up providing they can walk upstairs. He mentioned that up there, the doors are not locked and anybody can open them up and fall into the bilge and it is not structured. It is an open fall if you go in there. Going by the vessel going up the road he came down, you are now looking at the other side of the road. You can see how close the houses are to the site. They can see the vessel and the mess that is essentially in their backyards.

In his discussions with Mr. Joseph, he explained that he is trying to create some good will and create an initial collaborative effort to do some clean-up of the basic junk. Harold's representative advised that he is willing to participate in that. He will identify what is really junk with the Town if the Town is willing to get some of it to the Town Transfer Station if we are willing to take it there. We will see where we go from there. He would like the Council to say yes, it makes sense for us to participate in this but limit our exposure to whatever it decides and let him go forward with an offer to Harold and Carter and say let's get going on this and let's not litigate, let's resolve it. It will show the neighbors that we are willing to address their concerns and it will make the vessel safe while everything is going on and it will give us some foundation together of doing something positive that will lead us to positive results in respect to other issues.

Chair Egan advised that it would be hard for him to respond to say that he would support it without knowing if it is \$800 or \$80,000. Mr. Joseph explained that he just ran two sets of rates with our Finance Director and Public Works Department in two different approaches. They both came out shockingly similar so it means we are way off the money or it is dead on the money. We got some quotes from a contractor in the area and their rate for disposal of three dump truck loads per day is \$2,000 per day. The Town rate comes out to about \$1,900 a day. He added that in the Town rate which is probably how they they would proceed if the Council wants to do, about \$1,400 of the \$1,900 would be opportunity cost only. The only hard cash that we would be paying out would be rental for a mini excavator and disposal costs to haul to Portland. The \$1,400 would be for time we are not doing on another project. Our employee with that truck would be working somewhere else that day and doing something for the Town if we were not doing this project. Chair Egan noted that it looks like there is at least 5 or 6 days of work there to remove the volume Councilor Bradley just showed in the video. He suspects it would be influenced heavily by the owner saying no, I have a use for this. No, I want to keep this so he does not have a sense of how much we just saw is removable debris or how much of it will be held on by the owner. Councilor Bradley did discuss this with Harold's representative and he is saying let's do this in three pieces. One piece will be stuff Harold puts ribbons on and calls junk. The second part will be sometime later when the snow goes away, Harold will have an auction out there and sell what he thinks he can sell. The third part would be for us all to come back together and look at what is left. We could decide then with no commitment on our part, we would look then to decide if we want to participate further. He suspects that would be affected by if we are getting progress on the other issues. He asked

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Chair Egan to pick a good faith number, is it a week, three days or four days at \$500 hard cash and say to them that in good faith we will make this commitment. We will wait until you mark it and wait until you tell us you have people to work along side of us. We will get it to disposal but we won't spend more than this amount of money. When we are done spending that amount of money, we will come back together and see what we accomplished. Right now, he would like to make a good faith gesture that we want to work this out. If we don't, we don't and that's okay too. If we don't do this step, he does not expect we will do much more. Right now, we are the ones working hardest to find a solution to this and he feels it is worth saving the \$100,000 we are going to spend if we don't figure this out. More discussion followed.

Councilor Lawrence advised he would like to commit \$500 a day or \$2,500 a week to help solve this issue. Councilor Daniele mentioned that since Harold is going to be selling some of that stuff, can we ask him to give us a percentage of that to offset some of our costs. It wouldn't have to cover everything but we would take half up to whatever it is. He asked if that would negate the good will part of this?

Chair Egan noted that if we put in five days, we should share in some portion of whatever metal is salvageable. He doesn't know what it will bring. Councilor Daniele advised that the tractor would be worth \$200. Councilor Reighley advised that he was on the Board of Appeals on the Thunder Road Junkyard that the Town was also heavily involved in and it went to Superior Court. The person who stored the junk cleaned it up by himself because the Town applied the correct amount of pressure. We may have held Harold's hand too long and listened to Carter Becker for too long on what is taking place there. We have an eyesore and people who created it. He doesn't support the good will on this site. He feels enforcement is the position he would prefer to see. Councilor Piltch asked if everybody who has an interest in the vessel be willing to sign liability waivers so that if we were to proceed with this and something terrible were to happen, there is no finger pointing later on saying, "It was nice of you to help me move my stuff but you caused damage and now you have to pay me for it." Councilor Bradley felt that was reasonable and he didn't see why they wouldn't sign a liability waiver if we are going to send a Town truck down there to help move that crap but it hasn't yet been discussed. Chair Egan feels that is a minimum.

Councilor Piltch noted he understands where Councilor Bradley is coming from and also understands where Councilor Reighley is coming from. We are asking the Town to spend money to help an individual site which is a dangerous precedent but he understands this is a special circumstance because the Town itself has an interest in the boat. He agrees with Councilor Daniele that it would seem odd if we were to spend Town money to do something and then someone else were to profit from the residue of what is left of the project. He can see both sides of this but doesn't know where he stands on this. If a thousand or two thousand dollars can go a long way towards making things better with a concrete outcome or some kind of definitive response, he would be more inclined to do it. If we help to clean up the site, does that mean that some of the claims against us would be dropped and would we have an easier path forward to reduce some of our litigation costs going forward? If we offer to clean it up and then we are still are going to court, that is a little less compelling. Councilor Bradley clarified that there are no claims against us. The claims are against them. Councilor Piltch noted they are refuting our claims and can we get them to agree to our claims? Councilor Bradley added that that has been part of the overall goal to get rid of this litigation. He feels after the work he has done; we have a shot at it but it is not a guarantee and the first step is to do something positive together. He feels this is a cheap first step that could avoid spending a lot of money but he might not be able to bring it home. He is not getting any real enthusiasm out of Carter Becker. He talks and talks but Councilor Bradley doesn't know what he is going to do. Our next step, if we got this done, would be to start talking about how we can get this boat floated so it wouldn't be floated from Shore Drive, which is another thing District 2 residents want to see us do. He gets what everybody is saying. This has not been easy for 15 years but we have a shot at solving it. If Councilors don't agree and want to vote against it, he will not blame anybody but would feel it is a lost opportunity.

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Councilor Lawrence mentioned that we are looking at this as it is Harold's problem. He is looking at it as if it is our problem and we are trying to help all the other neighbors in the area. Yes, it is a lot of money but if you spread it out over all the people in the area, it goes a long way. This is a very cheap start to a solution. Chair Egan liked what Councilor Lawrence said at the beginning that we commit to a certain number of days but only do a certain portion of those initially because his hesitation this evening on this topic is that we don't see a lot of action on the other side when the Town is taking steps. If we go ahead and make a commitment which he feels we should, he wouldn't want to put all of our cards on the table at the exact same time because he feels we need to inch along with participation from the other side and see them step up and do something such as auctioning off materials. Possibly before we actually mobilize people and resources down there, we see that the owner has taken responsibility to have a metals salvage representative come and visit the site to get a sense if it is even saleable. Otherwise, they will just call and say, hey you have to come back and finish picking up all this stuff like it is our problem which has been the dynamic he has seen in his five years. He is interested in taking the step forward but feels we have to have a pretty good string to have the other side come in as well.

Councilor Reighley asked what has been the complaint situation on this over the last couple of years in Town Hall? Mr. Joseph went back four or five years and say two or three complaints from immediate abutters. There has been a lot of complaints about the scenario as a whole, but that is a lot wider. The Island Rover as a whole gets a lot of inquiries and complaints. He has gotten few complaints from the abutting property owners since construction on the vessel has stopped. There were a ton of complaints when they were down there welding and grinding and understandably it was a disruption. The whole time the construction was going on there was a vociferous objection from a cross section of the neighborhood. He feels it is the immediate abutters that are concerned the most. Councilor Bradley added that the neighbors all look to us as having had something to do with either allowing this to happen or enabling it. He does not disagree with them when he looks back at the history on it. There were 15 years of Consent Agreements that brought us to this point and he feels that everybody has raised fair points on how to go forward and he does not disagree with anything anybody said but asked in this first instance that the Council let it go forward pretty unhampered to see if we can develop the momentum to solve the thornier problems. If the Council doesn't want to do that, he will do anything asked of him because he does not want to spend that \$150,000 but he thinks there is less chance for success unless we have a positive experience together and that is based on his discussions with Carter, and Harold's representative. He is not saying he agrees with them, he is just saying it is a fact. This is a shot to see if we can get this moving forward and if we do, and the Council is happy, there will be other steps that will have to be considered. This is just the beginning and if the Council doesn't want to go forward and would rather just litigate and be done with it, that is easy. He doesn't know who wins, but it is easy.

Councilor Reighley asked what kind of a motion is needed? Councilor Bradley replied to approve five days with two of them reserved for any demonstration of cooperation and progress with respect to the removal of what is clearly junk. The owner will identify and flag material to be disposed of.

**MOVED AND SECONDED:** To authorize up to five days of work at prices quoted by the Town Manager, two or three to be reserved to ensure we have a good faith response and that response is involved in 1) Identifying the pieces that are subject to this removal at this stage. A liability waiver from all parties involved, Carter Becker as well as Harold Arndt. Without those things we are not prepared to spend a penny or to go any further. We are just going to litigate. (Bradley & Reighley) (no vote was taken).

Chair Egan explained that the separation between 3 days and 2 days happens after we have the liability and the permission and waiver of all indemnity and that the second two days of availability for the Town

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to remove stuff is whatever the owner has identified to retain that has salvage value that there is evidence of progress that that salvage operation is underway. Otherwise, our next two days if we get asked to come in again would probably be to take it and try to recover some cost with taking the material. We have to have some leverage in there. Councilor Bradley added that instead of making it so complex, why don't we just say three days and we can make decisions about two days or five days later if we are convinced he is making progress. Councilor Daniele still thinks it would be nice to get a little money back, but Councilor Bradley feels this will just go down a rabbit hole. Councilor Lawrence explained the only reason we are here is because it has been a long, slippery slope where we enabled this and we are just trying to correct an issue. More discussion followed.

Councilor Reighley requested that the motion be read back. The Secretary was unable to read it back since the additional comments were too long. Councilor Bradley offered to break the motion into three parts.

Councilors Bradley withdrew his original motion and Councilor Reighley withdrew his second.

**MOVED AND SECONDED:** 1. That the Council authorizes the expenditure of up to five days of effort by Town employees to clean up the site if the owner has identified the portions of the site that is junk and should be removed.  
2. All parties sign a waiver of liability releasing the Town from any exposure to any damages that might result from taking the wrong stuff or anything happens on the site.  
3. That two days of what we authorized be held back until we have ample evidence that the owner has taken positive steps to identify and sell the materials on the site he believes has value.  
(Bradley & Reighley)

Mr. Joseph added that this will come back before the Council before we do a second part of anything. If Phase One happens with three days, the Council will definitely get a report or something where you will be able to give feedback.

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

3. Discussion of Connect Freeport website

Chair Egan explained that this is an update on the communications materials and the website for the Connect Freeport effort to raise awareness and educate our residents about the upcoming March 9<sup>th</sup> vote for cost sharing and floating a bond for the municipality for \$634,000. There has been a significant amount of activity coordinated by GPCOG. Councilor Daniele has taken over the direct engagement with the staff there to facilitate getting the right information and reviewing things along with our Town Engineer, Adam Bliss, and a really good group of folks at GPCOG who we heard from at our last meeting.

Councilor Daniele explained that it was mostly the Active Living and Complete Streets Committees that combed over the information and made sure it was correct. Carly was great and was quick to respond and is super helpful in that sense. We got a few responses to our request for pictures so he thanked those that did respond to his request. Carly ended up hiring a professional photographer because it sets up the website nicely. It looks really clean and is ready to go. The personal pictures people gave him might be used on Facebook. If anybody has any last-minute comments on the website, GPCOG is ready to go live. They are planning to start advertising on Facebook tomorrow so Freeport residents will start to see and get the message. Things should start moving very quickly from now on.

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Chair Egan mentioned that he appreciates Councilor Daniele stepping up and taking the reins on that process. He thanked him and noted that our community is really in a pivot mode. This Council right now has its hands on a couple of really significant pivot dynamics that are going on. This one is a big one because it is a 75-year window that is going to shut if we don't do a good job of getting the information out about the bridge improvements that will be available if we can cost share with MDOT. MDOT is not going to build the bike and pedestrian path. They will rebuild what is there now including a 14-inch wide walkway that is over Mallett Drive. Then it's another 75 years before anybody can walk or ride across that bridge. It is crucially important that we stress that time frame in the next several weeks and mobilize as many people as we can to support it and come out and vote on March 9<sup>th</sup>.

The effort we heard earlier from Mary Davis of FEDC on re-envisioning our downtown that Tawni is actively working on is another huge dynamic. It is a huge pivot. We have a lot of things going on. There are dozens of people involved in these discussions and the coordination and single messaging to make sure we are all pulling the rope in the same direction is critical. He is just trying to remind everybody about a number of significant things happening. We are about to engage in a couple of Ordinance changes. We are talking about potentially having solar development going on in our community which is a brand new thing. We will be talking about short-term rentals and we know we will hear about it when it is out in the public. We will continue to talk about Ordinance changes coming up to better reflect the change in dynamic going on in our downtown to encourage more residents to live downtown and to find out if there are better uses for the acres and acres of parking that we have that is largely unused except for a few days out of the year. These are the kinds of important things that are happening in our community and there is a lot happening. He knows there are a ton of e-mails and committee meetings for everybody to participate in but he wanted to highlight that this is a busy season. In the middle of all this, we are going to have to work on our budget which will require weekly meetings for about seven weeks in a row so we are coming into an exhausting period of the year. Let's not lose sight of the big changes and we have big opportunities here as a group to help lay down some foundation blocks for what this community will look like two years from now, five years from now, ten years from now. It is an exciting time.

Councilor Daniele asked if the voters do not approve the bond, will the bridges get a little bit better? There is a little more of a breakdown lane and a sidewalk built in. It just wouldn't be a separate path which is the safest and what he really wants. He noted that this can be found on the [www.Connectfreeport.com](http://www.Connectfreeport.com) website.

Councilor Reighley reported that from the Complete Streets Committee meeting this morning, it was discussed that the ballot language is missing and they want to add it in. Mr. Joseph has it. It is to answer what it means to vote yes or no on this particular bond request. It is a key element that is there. Greg Michaud created this and is in our audience, as is Adam Bliss.

Chair Egan advised that the tax impact if the bond passes is a teeny bit over 4 cents on our mil rate so it comes out to between \$8 and \$12 depending on the valuation of a typical house in Freeport on an annual basis. It is a very small impact and there will be discussion here coming up as we roll out this information. The Town will also have TIF income available to help offset these kinds of increases. While the cost of the bond is very nominal, there may be not much of an impact, if any, onto actual resident valuations because of the opportunity to offset it with TIF income from other decisions made previously in the recent past.

Councilor Bradley feels Chair Egan's summary is right on but there are people on the screen responsible for two of the most critical pivots he identified. Somewhere there is a connection between Connect Freeport and Re-envisioning the Downtown. It is already coming up in meetings that Tawni and Mary are hosting. He would encourage those leaders in those efforts to talk about what is appropriate about

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bringing those ideas together so there isn't confusion in the populace about either funding or approving and the Council has a clear picture about what the leadership thinks the direction should be. He had a question about the bond that is minor. The only issue that came up in our discussion of the bonding was the difference between 10 and 12 feet. While he was convinced to go to 12 feet, he believes this is going to be a question that comes up. His question is why not address it in the frequently asked questions? We are proposing 12 feet, not 10 and explain why. Councilor Daniele had a great response to that because over the next 75 years it will allow people to go back and forth by one another as opposed to having to wait for one another as traffic picks up. Councilor Lawrence added that there is a wall that separates the traffic from the path. Councilor Bradley is suggesting to expand the third question on the Frequently Asked Question page. We should say we have chosen 12 feet because it is the right answer for our town and these bridges and the alternatives including doing nothing or doing 10 feet do not satisfy our needs.

Chair Egan agrees and feels that discussing 12 feet and no other dimension is the way to keep everybody focused on why we are doing that and not have a comparison between 6 feet and 10 feet because then we will have everybody having an opinion on all those increments. He feels it would be great to say the 12-foot dimension was chosen because of the following: safety, accessibility and long-term duration. That is the reason why it is 12 feet. Councilor Lawrence noted that it says it is the safest option. Chair Egan feels it is the most important part if we are focusing on why the 12 feet was advocated and chosen by the committees that developed this proposal in the first place and why it has gone through design identification with Adam Bliss to get the materials in place and that is the plan that will go forward to MDOT if the bond is approved. Councilor Reighley noted he would speak for Greg and add more support for the 12 feet. Mr. Joseph explained that there is an opportunity to ask the question once because of the timing constraints and this is what was chosen as the most beneficial to the community. If the instructions on the ballot get more complicated than the actual question asked, you are going to lose.

Councilor Daniele agrees that Greg should include something that basically says why we chose the 12 over the 10 but it is not something that needs to be displayed at [www.ConnectFreeport.com](http://www.ConnectFreeport.com). When somebody asks any question, you should be able to go to this and say hold on and you read it and give them a similar answer. This is a resource. Mr. Joseph added that you don't need three rows with four columns each to describe this option with this and this. The answer is either zero or \$634,000 and this is what you get with zero and this is what you get with \$634,000. The answer is one or the other. There is not a third option. Councilor Lawrence does not want to confuse anybody. To make it clean and simple, we go with what we have but have an answer ready. Chair Egan advised that the bond is for 20 years. Councilor Piltch feels it would be good to put more about the financing on the website because it would be nice to show how much of the project MDOT is paying for and they are sharing the cost of the pathways and we have to contribute \$634,000 as our share.

Chair Egan thanked everyone who stayed in the audience. Councilor Lawrence advised that he will not be here on the 9<sup>th</sup>. He will be in Arizona but will be back on the 14<sup>th</sup>.

**MOVED AD SECONDED:** To adjourn at 9:54 p.m. (Reighley & Piltch) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #05-21**  
**HELD REMOTELY USING ZOOM TELECONFERENCING TECHNOLOGY**  
**TUESDAY, FEBRUARY 23, 2021**

<b><u>ROLL CALL OF MEMBERS:</u></b>	<b>PRESENT</b>	<b>EXCUSED</b>	<b>ABSENT</b>
Edward Bradley, 242 Flying Point Road	<b>x</b>		
Jake Daniele, 264 Pownal Road	<b>x</b>		
John Egan, 38 Curtis Road (Chair)	<b>x</b>		
Henry Lawrence, 93 Hunter Road	<b>x</b>		
Daniel Piltch, 25 Quarry Lane	<b>x</b>		
Douglas Reighley, 2 Harbor Ridge Road	<b>x</b>		
Tawni Whitney, 56 Baldwin Road (Vice Chair)	<b>x</b>		

Using the zoom platform Chair Egan called the meeting to order at 7:13 p.m. after presenting the 2020 Citizen of the Year Award to Jim DeGrandpre. He took attendance and noted that all Councilors as well as the Town Manager are here this evening. He explained how members of the public would be able to participate at various times during the meeting.

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

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

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #03-21 held on February 2, 2021 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #03-21 held on February 2, 2021 and to accept the minutes as printed. (Reighley & Piltch) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Councilor Bradley mentioned that he reads these Minutes carefully and cannot believe what the Secretary does with our Minutes. He cannot believe the degree of detail and accuracy of what she does. We don't say it to her but he went through the Minutes this time and she followed everything to a tee! Chair Egan agreed and thanked her.

**THIRD ORDER OF BUSINESS:** Announcements

Chair Egan announced:

- There will be a **Special Municipal Election** on Tuesday, March 9th at the **Town Hall** from 7:00 AM – 8:00 PM regarding authorizing the Town to issue general obligation bonds in an amount not to exceed \$634,000 to fund our local share of costs to construct bicycle and pedestrian ways as part of a MDOT project to replace the Desert Road and Mallett Drive bridges over Interstate 295. Residents may vote by absentee ballot or come down on Election Day, March 9<sup>th</sup>. For information on absentee ballots contact the Town Clerk at 865-4743 x123. There is also a website called Connect Freeport which would give a lot of information about the project and the Election.
- Effective March 1, Freeport will be **posting roads** to limit heavy loads. The posting will continue until May 1st dependent upon the weather. All heavy vehicles are required to attain a permit to

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operate on a posted road in Freeport regardless of temperature. Regular delivery route trucks are exempt (Oil trucks, Propane Gas Trucks, Trash Haulers, Municipal Vehicles and other necessary vehicles). For more information contact Public Works at 865-4461 or check our website: [www.freeportmaine.com](http://www.freeportmaine.com) for the list of posted roads.

- **Volunteer Drivers are Needed to Drive Neighbors in Freeport and Pownal to their COVID-19 Vaccine Appointments.** We could use your help making sure that everyone in our community, who is eligible and would like to be vaccinated, can get to their scheduled appointment at the Mid-Coast Parkview Health Regional Vaccination Clinic at Brunswick Landing. *If you have already been vaccinated* and would like to help out please contact Sarah Lundin at 865-3985 x205 or at [slundin@fcsmaine.org](mailto:slundin@fcsmaine.org).
  - The Freeport Town Council, Town of Freeport, together with the Freeport Economic Development Corporation, and a team of urban planners, designers, and local residents are holding a community planning process to reimagine the future of Freeport's downtown. From now through May, we are gathering input on Freeport's Downtown and we want to hear from you!
- If you would like to be involved in this process, you can take a survey and you can attend the Freeport Downtown Vision Zoom Workshop on February 25<sup>th</sup>. To register for the workshop and to take the survey, go to the "Municipal News" section of the Town's website.
- **The Annual Orientation for Board & Committee Members** will be held on Wednesday, March 24, at 5:30 p.m. via Zoom. Topics to be covered include the Freedom of Access Act, the Public Notice & Meeting Process and administrative duties of Committee Chairs and staff persons. All Board and Committee members are encouraged to attend this session. Please contact [jhanselman@freeportmaine.com](mailto:jhanselman@freeportmaine.com) if you would like to attend.
  - [Midcoast Maine Ca\\$h](http://Midcoast Maine Ca$h) is offering **free tax preparation** to qualified filers during the tax season. Online tax preparation is available at [cashmaine.org](http://cashmaine.org) or you can call 207-295-6340 for more information

Chair Egan advised that he received an e-mail request for the Town to potentially consider a resolution or at least discuss having a resolution to consider making Freeport a Second Amendment supporting community. This is something that has happened in a number of other communities. The particular focus is on having a declarative statement by the Town Council supporting Second Amendment rights in this State. Individually he is not inclined to move this forward but wanted to bring it forward to the Council to see if there is interest in Councilors here having this item on a future agenda for consideration. If there is an urge for that, we can put it on to an agenda. He wanted Councilors to be aware and the Manager can circulate that information if Councilors wish to have it on a future agenda.

Councilor Reighley advised that as a lifetime member of the Sportsman's Alliance of Maine and as a hunter and fisherman, he has no desire to move this. Councilor Bradley asked if this would be to outlaw assault rifles and things like that? Chair Egan advised that no, it is a request for the Town to make a

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declarative statement in support of Second Amendment rights. Councilor Bradley asked if it is about gun registration and things like that? Mr. Joseph noted it is the opposite. It is in reaction to recent town actions in a town up in the county where they declared a sanctuary city where they would not enforce federal laws beyond the Constitutional requirements for gun ownership. Councilor Reighley noted it is Fort Fairfield and Mr. Joseph agreed. Mr. Joseph pointed out that if any Councilors want that on an agenda, they should contact either Chair Egan or him before the agenda is made for the next meeting.

Vice Chair Whitney advised that Freeport Friends has received vaccinated driver volunteers to help people get to their appointments. She will connect with Sarah Lundin and let her know.

Councilor Bradley advised that we just had an amazing Citizen of the Year event and it is a tribute to both Jim and everything he has done but those things don't come together by themselves and he wanted to acknowledge and thank Kathy Smith for all the work she did to get the word out to everyone about the Citizen of the Year and keep it secret so Jim could have the surprise that he clearly had.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Reighley advised that the Ordinance Committee met between our last meetings and we have before the Council tonight the result of work on this Short-term Rental Ordinance going back to January of 2019. If the Council would like to see the stack, this is what we have gone through in building this. He greatly appreciates the work of the Ordinance Committee team, Councilor Piltch, Chair Egan, Sarah Tracy, Mr. Joseph, Ms. Pelletier and himself. They had a lot of help from towns. The Assistant Town Manager in South Portland was a great contributor. He thinks they went beyond low hanging fruit. It is well thought out and they will be asking for input from the Council to wrap it up and get it going so they can have it in place for the summer season.

Councilor Bradley announced that tomorrow at 10 o'clock there will be an organized car parade to further surprise and honor the Citizen of the Year at Wolfes Neck Center. Anybody who would like to join the car parade is more than welcome. We will have the plaque to physically give to Jim so he will have evidence that this was not a sham. It will convene at Mallett Barn on Wolfe Neck Road and go back to the farm and circle the farm porch. He understands Jim will be there to wave and accept the plaque. Chair Egan thanked Councilor Bradley for all his work in organizing that. Councilor Bradley confessed that all he did was call Kathy Smith.

Vice Chair Whitney advised that she has been attending many meetings about the Downtown Vision process. The reach out has been enormous in this town. The Project Team has over 22 volunteers who have reached out through e-mails, web links, Facebook pages, community postings, Freeport Town mailings and the Cable Station. They have had surveys going out and people communicating with each other the old fashion way, attendance at Town meetings to inform community members. Mary Davis, President of FEDC attends many of them. Many people are saying they are receiving multiple notifications about what they are doing and that makes them very happy. The main purpose was to get this word out as far as they could so that everybody has an opportunity to get involved. The first way to get involved is to fill out the survey which Principle put together. It takes a little time but they want to get everyone's feedback so they can come up with a great vision for Downtown. They recently had some good press in the *Portland Press Herald* about the work they are doing. She and Mary Davis have been going door to door downtown extending their posters. Whether they met the store owner or the young worker, they informed them of what is happening. They got a tidbit of their feedback and again, encouraged them to fill out the survey. The next step aside from the survey, this Thursday they have a Town Meeting. It is easy to attend. It is virtual and we are going to learn so much. Principle is going to

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walk us through the process. If someone knows someone that does not have a computer, Chip Gray at the Harraseeket Inn has extended his ballroom. She will be there because she is taking some Elders there and will attend virtually but in public. It will be COVID safe and they will all be wearing masks.

Mary Davis, President of FEDC reminded everyone that the first phase was all about community feedback. This was their time to go to community businesses, Town membership and make sure folks have a voice in the process for determining what is next for downtown Freeport. That will conclude in an early action plan that they will see in a Town meeting on May 18. We so far have 400 survey results which is a 10% response rate she feels is wonderful. They have 138 people attending the meeting on Thursday and she is very pleased with the time people have spent on the surveys. She is thankful for the 22 volunteers that have spent lots of time to make sure the community has the opportunity to put their voice in on this and for the community members that took the time to fill out the survey. She noted they will be back in touch with the Council on the next two phases as they go through the budgeting process because those phases will be creating the postcards that will help us see the full plan. She feels they are doing well. She displayed a poster that residents will see everywhere. Chair Egan thanked Vice Chair Whitney and Ms. Davis.

Chair Egan wanted to share briefly given the opportunity here to talk about a lot of great convergence of ideas and energies in the community. Councilor Daniele suggested that maybe we have a State of our Community video and address that he would be happy to share, and get a recording up on our various channels of communication in an effort to continue to try to amplify our communication out to the community and solicit communication back from the community. To take advantage of the timeframe here before the Election, he will try to do this in the next 7 to 8 days by the end of next week so it can be up before the Election since that is one of the great things to be talking about is the efforts by ConnectFreeport as well as everything that Tawni and Mary just described. He will ask if Councilors have items, topics or dynamics they would like to have presented in the State of our Community in 2021. He will try to keep the discussion of COVID-19 to a minimum and focus on a lot more positive things going on. If Councilors have items, topics or dynamics they would like to be included in that, please copy the Manager and e-mail them to him and he will make sure they get into the remarks. This is an opportunity to take a moment to share a lot of great things that are going on. Various constituencies around Town may not be as informed as others about all of the different things. There is a wide variety of things going on.

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

Mr. Joseph reported that he would focus less on positive things and more on COVID but promised to do it in a positive way. If residents are vaccinated and want to drive others to be vaccinated, they should contact Sarah Lundin at Freeport Community Services or Councilor Whitney through the Freeport Friends group. Johanna Hanselman in his office has also been working trying to find people. Most of those trips will be to Brunswick to the former Naval Air Station's Recreation facility on Neptune Drive.

Despite vaccine supply restrictions, we have the highest rate of vaccinations in Cumberland County and we want to keep winning that race. As of today, almost 18% of County residents have received one dose and almost 10% have received two doses of vaccine. It is going up about a quarter to a half percent a day and the number is still limited by vaccine supply. As you have all seen nationwide, there is talk about that ramping way up. He thanked the medical workers for doing all that. The 7-day rolling average of new COVID infections Statewide have dropped. The highest day of this pandemic in Maine was January 15 which was exactly 14 days after New Year's and that was over 600 new infections that happened. We are down to about 130 infections per day and it has been a steady downward curve. He has been having conversations with Town Staff and watching that number. We would like to see it going down but at a

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minimum flatten out. They are talking about opening facilities. Obviously, all the restrictions still in place Statewide would apply. That would be masking, social distancing, best practices and things like that including occupancy limits. They are talking about the Library and the Town Hall. While he does not have an announcement tonight, he noted that the Council will hear from the Town within the next week on what that schedule is going to look like. By the next week he means it will be in the next few weeks. They are feeling pretty good and ask that people continue to help them out. He urged residents to stay tuned. They are hoping to move back to the Library opening and moving away from the appointment only structure to Town Hall. Obviously, there will be occupancy limits as required by State Law until those are lifted. They have seen a little hope that that might be sooner rather than later at this point.

Councilor Reighley advised that he received his first vaccination at the Naval Air Station this past week and found everybody to be helpful. He suggested that drivers pretend they are going to the Flight Deck but don't stop there. Keep going towards the Rec Building.

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

There were no public comments provided so the Council moved on.

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

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ITEM # 27-21                      To consider action relative to adopting the February 23, 2021 Consent Agenda.

**BE IT ORDERED:** That the February 23, 2021 Consent Agenda be adopted.  
(Egan & Reighley)

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

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

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ITEM # 28-21                      To consider action relative to a public hearing for the March 9, 2021 Special Referendum Election. **PUBLIC HEARING.**

**MOVED AND SECONDED:** To open the public hearing. (Piltch & Lawrence)  
**ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Councilor Reighley advised that he noticed that the Election is posted on the Town's sign and is very visible. He mentioned the revised edition of the Frequently Asked Questions submitted by Greg Michaud that is well outlined. He suggested that Councilors carry them around in their back pockets for anybody who wants to know more about it. He is hoping the Council is writing Letters to the Editor between now and March 9<sup>th</sup>.

*(Note: the 03/09/21 Referendum Election will ask voters to decide on the following question:*

*Do you favor authorizing the Town of Freeport to issue general obligation bonds?*

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*in an amount not to exceed \$634,000 to fund the local share of costs to construct bicycle and pedestrian ways as part of a Maine Department of Transportation project to replace the Desert Road and Mallett Drive bridges over Interstate 295 and to appropriate the proceeds of the bonds for said purpose?)*

Chair Egan read the language that will appear on the ballot into the public record. He explained that the Council has been talking about this pretty consistently but wanted to have this public hearing in front of the March 9<sup>th</sup> Special Election which is two weeks from today.

There were no public comments received.

**MOVED AND SECONDED:** To close the public hearing. (Piltch & Reighley)  
**ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Chair Egan noted that as a Council, we are relatively familiar but we can have a conversation about the bridge and the progress. He partially attended a public information session last week led by Councilor Daniele and our Town Engineer, Adam Bliss. He thanked them for presenting and participating in that. Unfortunately Chair Egan had another commitment and couldn't stay until the end. He asked if there were a lot of questions and answers from the public?

Councilor Daniele replied that there was a good amount of participation. There were probably 10 to 15 people in the first one and 13 in the second one. He heard good questions about the possibility of adding art. Questions about who does the maintenance? We are responsible for plowing but the snowplow drives over the Desert Road Bridge already so it is not a big concern. People asked about other crossing options such as the railroad, a bike/ped bridge which is something we discussed before. As of Monday night, we received requests for 100 absentee ballots and 45 have already been returned. If anyone wants to do a Letter to the Editor in *The Forecaster*, it is due by noon on Friday. It will come out in Thursday's paper and would be the last chance. Chair Egan was hoping we would get a little bit of coverage in *The Times Record*. He plans to write to them.

Chair Egan explained the reason why we are voting in March which is outlined in the Frequently Asked Questions.

Councilor Bradley pointed out that we have the unanimous Council in support of the bond and it would be helpful if we could issue a unanimous statement as a Council that we support the bond so that most of the people in Town would know it is rock solid and in the wheelhouse. It could be a card in *The Forecaster* that says: Freeport Community, The Freeport Town Council unanimously supports the bond issue and urges you to say yes on the following bond issue at the March 9<sup>th</sup> Election. Chair Egan felt it was an excellent idea.

Mr. Joseph did not want to replace what Councilor Bradley just said, but noted that on the ballot it says the Council recommended 7 Ayes/0 Nays. Chair Egan mentioned it is good to know if you have shown up to vote but it doesn't do any good if you are not actually looking at a ballot at the polling place or on your kitchen table with an absentee ballot. Chair Egan advised Councilor Bradley that he would follow up on this and see if he can get something in next week's *Forecaster*. He feels it will help to have it in there with our logo. We will be able to use it to highlight the ConnectFreeport website which is another place for people to go and find out information.

Councilor Reighley mentioned that if Chair Egan wrote that statement quickly, maybe all Councilors could sign it showing unanimous consent. It was also suggested that people would like to see what it

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would look like without these improvements. The suggestion is to go to Falmouth and look at the Lunt Road Bridge that went in that has absolutely nothing to provide for bike or pedestrians.

Chair Egan mentioned he would work on the letter and circulate it to make sure the wording is something everybody can support and then get virtual signature consent and then we can submit it with all of our names on it. It is a good idea. Councilor Piltch mentioned that if Chair Egan has a hard copy of the letter in Town Hall, Councilors have to go in this week to have pictures taken for the Town Report, they could sign it in person. Chair Egan advised that he would try to get it there by noon tomorrow.

Chair Egan gave public thanks to Councilor Jake Daniele for organizing the ConnectFreeport activity and being a champion of this project and mobilizing through his networks and community connections.

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ITEM # 29-21      To consider action relative discussing amendments to Section 602.C.1.i of the Freeport Zoning Ordinance and Article 6.2.D.1, Article 7.1.C.1 and Article 8.1.H of the Freeport Subdivision Ordinance to require that additional notification be published in another paper of circulation within the Municipality in cases where legal public hearings are scheduled to be held. **PUBLIC HEARING.**

**MOVED AND SECONDED:** To open the public hearing (Lawrence & Reighley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Town Planner Caroline Pelletier advised that this was discussed at the last meeting. These changes would apply to applications before the Project Review Board. It would apply to Site Plan when there is a Public Hearing and Subdivision when there is a Public Hearing. Legally there are certain times especially when it comes to Subdivision Review, that we have to run a newspaper ad in a newspaper the meets certain thresholds. It has to be able to be mailed. Like the Council, she uses *The Times Record* for the legal notices. During the review process on bigger projects they had during the past year, she heard from people that they don't feel our notification is adequate. They feel a smaller local paper such as *The Forecaster* would be a better way to reach our citizens. Because we have to keep the legally required notification, this would be an additional notification and if the Board was having a public hearing this change would see an ad in either *The Times Record*, or if we couldn't make that, maybe the *Press Herald* and then a second ad in another local paper, most likely *The Forecaster*. The other times this would come into play is with a Site Plan. For Site Plans the Board doesn't always do a public hearing. They would typically only do it for a large project. In cases that they did, it would require this second notification. If the Council decides to move this forward, Ms. Pelletier would probably be back before you next month because there will be additional fees. Since they have not been budgeted, she will be bringing new updated fees back to you for a public hearing so you can consider whether or not those are fees we want to pass along to the applicant.

Chair Egan welcomed comments from the public and explained how to address the Council. There were no public comments provided.

**MOVED AND SECONDED:** To close the public hearing. (Lawrence & Reighley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Councilor Bradley asked if Ms. Pelletier has any idea about how much this cost adds to any particular application and what would be the smallest kind of subdivision application that would incur that? Would it be for one lot? Ms. Pelletier replied that yes, it would be one lot. If a subdivision comes to the Board for a lot line amendment or adjustment, they always run an ad and it has to have a public hearing. For example, she had one last week and had to run a legal ad in *The Times Record* twice and the cost was

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\$140.00. Depending on the size of the project, she took a sample subdivision ad for just a basic project and the estimate she got back from *The Forecaster* was \$170.00. We are looking at combined costs to our applicants of over \$300.00. *The Forecaster* is pricier. We also charge applicants an abutter fee up to \$50 per letter. It would be adding an additional \$170.00. Our current public hearing fee is \$110.00. Even if this doesn't go forward, she will be coming to the Council to raise it because it is not covering the cost of running legal ads anymore.

Councilor Reighley mentioned that we discussed presenting this to our State Representative and State Senator so action could take place in the State since the State mandates this requirement. Basically, newspapers are going out so there needs to be a different way in order to do this which may not have any cost factor at all. Ms. Pelletier advised that the Site Plan Public Hearing would be a Municipal requirement but the Subdivision Public Hearing requirements would come under State Law. Councilor Reighley asked if we have done anything about contacting our State Representative and State Senator? Ms. Pelletier did not believe we have and Mr. Joseph added that he has not. He does not believe he was part of the discussion to contact them but he can certainly do that pretty quickly. Councilor Reighley advised that it would help with the resolution and Chair Egan agreed if we are going to be laying on an additional cost on something that is not likely to be here several years from now in terms of having access to a locally mailed newspaper that is going to be able to provide this. He is not sure how forward thinking we are in instituting this in our local Ordinance. Mr. Joseph asked if the question is to eliminate the newspaper requirement completely Statewide and move to some kind of electronic or digital notification? Is this what we are talking about?

Chair Egan mentioned that when the Council talked about this the last time, the context was generally, we are recognizing the decline and viability of newspapers in the print version and, therefore, has the State begun to look at mandates for public notices which are all older language before there was any threat to newspapers in terms of viability? We are following State Law here that says we have to notify and publicly notice things in vehicles which may not be around several years from now. The question is: is the State reviewing how it is going to require its public notice process?

Ms. Pelletier explained that their practice is similar to the Council. They do post public hearing notices on their agendas and on the website. They also have an e-mail group with about 90 people who get all of the Planning Department Minutes, agendas and notices. That is how they are reaching the digital world in this day and age. Mr. Joseph explained that the request that drove this initial consideration was that people wanted more newspaper advertisement in a different type of medium of newspaper which would be kind of the tabloid newspaper, if that makes sense. Chair Egan thinks the emphasis we are struggling with here is not about whether or not we should have more or less public discussions of our meetings. We are making a change in our Ordinance to comply with State Law on something that may not be available to us in the near future which is mailed printed newspapers.

Councilor Daniele mentioned the residents that brought this forward were specifically talking about large projects and if that is true, he asked if we want to change *The Forecaster* part to just being a certain size so, we are not putting this cost on everybody who tries to divide their lot if we move forward with this. It could be a compromise as the State figures out that the problem would only be if they are dividing it four ways or some other number, then we would want to give additional information out. Councilor Lawrence feels the part we are having an issue with is that the State mandates that we use a paper that is mailed and that is going to be a problem in a few years. If we do away with the requirement, we still have to notify and it does not stop us from notifying more. It is not the mandate from the State to pass something that is not necessarily going to be there. If we do it now, it makes it easier.

Ms. Pelletier clarified that this requirement is above and beyond what State Law requires. Now we will be

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printing in two papers where State Law for Subdivision only requires one. She noted that we have two size subdivisions. We have a major and a minor. The downside is that a 3-lot subdivision could probably be the minimum. It doesn't seem big but if it was next door to you, it could seem big. That could be one of the arguments. For Site Plans she really doesn't run them that much. If we do run them for Site Plans, it is a Site Plan that is a Subdivision like a big apartment building, so if you wanted to come up with a compromise, she could look at altering what is before the Council and requiring it for major subdivisions and not the additional requirement for Site Plan and minor subdivisions. We could reach out to the State and see where it stands out on their radar changing their legal obligations. Councilor Daniele advised that he never used *The Times Record*. When we are talking to the State, if we could choose to use *The Forecaster* to meet the paper requirement, it makes more sense to him because it is a local paper that can be picked up anywhere in Town.

Councilor Reighley asked if we may involve MMA in this since it is a Statewide issue. Mr. Joseph advised that we should not this year. We already missed the legislative cut-off for lobbying but it is something we can talk to people about to see if there is appetite for it. More discussion followed.

Chair Egan feels this particular issue of how we advertise Planning Board agendas and Project Review Board agendas is part of a much larger question about how we are managing the interface of development in our community and he knows there is an effort going forward to review other ordinance language in our land use plans to review where the obstacles are and how it can be confusing and anecdotally, we are not known as a very friendly community to do business with. He is hesitant to go forward with hard action this evening but he is torn because it is in response to residents saying they are not hearing about our events so he is struggling to go forward with this action item.

Councilor Lawrence feels we are just going around in circles. He likes the idea of letting the Town figure out what it wants to do instead of making it an ordinance. We still have to comply with the State but we are forcing this on ourselves. We can say this is a big enough project, we should put it in the paper. Mr. Joseph asked Caroline if it was in an ordinance and something was not noticed and people did not know about a meeting because it was not published according to the ordinance, that would be a flaw, possibly fatal, against the process for that application? If it was in our rules of order and procedure, that would just be a strike against the Town because we screwed up but would not go against the applicant? Is that a safe way of looking at it? Caroline added that across the Board with a fee, yes, we would want to do it with ordinance that way.

Chair Egan feels the Council is not ready to adopt this tonight. Mr. Joseph mentioned there is no pressure to move forward. Councilor Bradley mentioned that he is listening to this and he does not hear an outcry or outrage in the community about this. There are some people who knew about the project and wished they had some other way to find out about it. He does not see any compelling interest to do this and sees it imposing a significant additional cost on a lot of people in town when it is not really a big enough project. He will vote no on this even though he generally favors more public notice than less. Councilor Lawrence agreed with Councilor Bradley.

**BE IT ORDAINED:** That amendments to Section 602.C.1.i of the Freeport Zoning Ordinance and Article 6.2.D.1, Article 7.1.C.1 and Article 8.1.H of the Freeport Subdivision Ordinance to require that additional notification be published in another paper of circulation within the Municipality in cases where legal public hearings are scheduled to be held be approved. (Lawrence & Reighley) **ROLL CALL VOTE:** (1 Aye-Piltch) (6 Nays)

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- ITEM # 30-21      To consider action relative to setting a public hearing to discuss enactment of proposed Ordinance Chapter 61: Short-term Residential Rental Registration Ordinance.
- BE IT ORDERED:** That a virtual public hearing be set for March 16, 2021 at the Town Council meeting starting at 6:30 pm to discuss enactment of a Short-Term Rental Ordinance.
- BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office and the Town Manager's Office (and at the Town of Freeport Community Library, if open) for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel and the Town's website. (Reighley & Lawrence)

Councilor Reighley mentioned he was remiss in not thanking the citizenry that also assisted in the construction of this ordinance. They received a lot of help from a lot of different sources.

Councilor Bradley noted the Council is setting up a hearing for a specific time and it is unlikely it will happen at 6:30. There are two hearings scheduled for 6:30. Chair Egan added that the meetings start at 6:30 which is how we advertise them. Councilor Bradley understands but it is not what it said. Mr. Joseph agreed that it is never accurate. Councilor Bradley mentioned a solution is not to put a time and we would not be misleading anyone. They can check the agenda and see where it is. Councilor Lawrence suggested changing the wording to say, the Town Council meeting starting at 6:30 p.m. Councilor Bradley felt that was fair enough. Mr. Joseph offered to investigate that with the Town Clerk.

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

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- ITEM # 31-21      To consider action relative to setting a public hearing to discuss amendments to Ordinance Chapter 4, Freeport Personnel Policy adding Section 23: Earned Paid Leave, and making various clerical amendments.
- BE IT ORDERED:** That a virtual public hearing be set for March 16, 2021 at the Town Council meeting starting at 6:30 pm to discuss amendments to Chapter 4 Freeport Personnel Policy.
- BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office and the Town Manager's Office (and at the Town of Freeport Community Library, if open) for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel and the Town's website. (Daniele & Reighley)

Mr. Joseph explained that the Legislature passed a law Statewide granting paid leave to all employees in the State, part-time, full-time, it doesn't make a difference. They get one hour of earned paid leave for every 40 hours that they worked. It is intended to give paid leave to part-time employees. We have to comply with it. We have been accruing that as of January 1 as required by Law. Our personnel policy dictates how we do things in regards to personnel and it does not match the new State Law. How we are proposing to comply with State Law is to grant earned paid leave as required by Law to part-time

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employees and create a new category of leave called Earned Paid Leave. For full-time employees we already give leave well in excess of that requirement. The law was intended to guarantee the minimum accrual of leave for workers Statewide. We accrue at a much greater level than that for all of our full-time employees so we are proposing to convert sick time at the rate required by the law for EPO to convert the existing accrual of sick time for full-time employees to Earned Paid Leave as required by law. One hour for every 40 hours worked would be converted to Earned Paid Leave. This will give full-time employees an additional option on how to spend their sick time. Earned Paid Leave under law can be used for any purpose. Sick time can only be used for sick time or taking care of an immediate family member under our current policy. Really it is not giving anything additional to full-time employees and not imposing any additional cost on the Town for full-time employees. It complies with the law in that respect. We already give that sufficient amount of leave but call it something different. We also give vacation and everything else. It will be adding a part-time benefit for employees which is required by law because we do not currently give leave sufficient to meet the State Law to part-time employees. The departments that rely on part-time help will obviously be impacted the most such as the Fire Department and Winslow Park. It would be essentially be adding 1/40<sup>th</sup> or 2.5% to the cost of part-time labor.

Councilor Bradley asked if he was hearing this correctly that we are going to convert for full-time employees the opportunity to convert their sick leave into Earned Pay but they can't use it unless they are sick? Mr. Joseph agreed that is correct but the use of that would be limited to only a few circumstances so they will be accruing approximately sick time and then one hour for every 40 hours worked. Councilor Bradley asked if Mr. Joseph has done an analysis on what this will add to the Payroll Budget? Mr. Joseph did not believe it would add much for a full-time employee because the only people that would be using that are people who don't use their sick time regularly or at least one-half of their sick time regularly. Once leave is accumulated, the long-term liability for that is covered in our financial statement so in our audit it accounts for how much time is out there in the books. Councilor Bradley asked when we get to the end of the year, and only half of the sick leave for full-time employees has been used, what does Mr. Joseph do with the half that has not been used? Mr. Joseph explained there is an average rate and we budget a percentage over whatever the regular payroll is essentially to cover what overtime shifts would be required. Most of our departments are not filled when somebody goes out sick. Some shifts at the Police Department probably would be covered if somebody called out sick but not all shifts. If somebody in his department calls out sick, we don't call somebody in on overtime to take that shift. We just have one less person in the office. It will only apply to scheduled shift workers at the Police Department.

Councilor Bradley felt he was not making his question clear so he offered to come in and talk to Mr. Joseph. Mr. Joseph explained that vacation and sick leave will come as what is called EPL vacation leave and will be limited to 40 hours and you will not accrue more than that. Vacation leave you are only allowed to carry over one week per year. Sick leave accrues unlimited but there is a cap on the amount that is convertible to cash on someone's separation. They are all capped in some fashion. It will take some of the unlimited sick time that accrues forever and convert it to EPL which would be up to 40 hours per year that would likely be more usable than accruing forever and sitting in a bank.

Councilor Bradley mentioned he is looking forward to a conversation with Mr. Joseph on this.

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

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ITEM # 32-21

To consider action relative to a new non-resident Public Peddler application from Dale Baker d/b/a Nik & Noah.

**BE IT ORDERED:** That the new non-resident Public Peddler application from Dale Baker d/b/a Nik & Noah be approved pending receipt of all required documents/licenses and fees. (Whitney & Reighley)

Mr. Joseph explained that this would have been a renew in most circumstances. They held a 2019 license from the Town but nobody took out their 2020 licenses because of the COVID situation last summer so the process is a new application but the applicant would have held a renewal license last summer if we had issued any. He was located behind Starbuck's in 2019 for the entire summer. This is the second application this year so there will be two people planning in some way to peddle food this summer. The lottery has already been done for the resident peddler. This is for the one non-resident and this person will choose from the three remaining spots that were not lotteried off. There will be two vacancies that can be filled on a first come, first served basis after these two licenses are awarded. The locations are voted on yearly by the Complete Streets. Councilor Reighley advised that the locations have not been changed but he didn't think they had been voted on either.

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

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**OTHER BUSINESS:**

1. Update on Downtown Visioning Project was done earlier.
2. Update on Comprehensive Plan process

Town Planner Caroline Pelletier explained that the Planning Board is looking forward to its workshop with the Council on March 9<sup>th</sup> to get some feedback on potentially what the Council will be looking for. Internally her assistant has been doing a lot of research as to Comp Plans in our neighboring communities, what we are looking at for budget, who people are using and how they are getting it done and timelines. Not many people are doing it in-house. They are bringing in a consultant for at least some portion of it. For potential costs, the bare minimum seems to be about \$40,000 even if you are doing most of it in-house up to a potential cost of \$200,000. We are looking at a significant dollar value should we hire an outside firm to do everything. Her predecessor did a lot of the last plan with the help of the Planning Board and part of the reason we have a Planning Board is that they can put time in to adjust our Ordinances and our Comp Plan. The Planning Board will be looking for a little guidance at the workshop and she will bring other figures. She asked if the Council sees the Planning Board taking the lead working with consultants and bringing in other community members for the applicable parts? They really want to hear from the Council. She added that she will be back to the Council to bring two more amendments the Planning Board has worked on. One is for changes to Village Commercial Zoning and for new solar regulations. Their last big project right now is wrapping up Shoreland Zoning. The Planning Board meets next Wednesday and will be looking for feedback from the Council on the 9<sup>th</sup> so if there is anything she can provide that would be helpful, please let her know.

Chair Egan advised that he would start making a list of things to bring up. He mentioned the need to meet with her tomorrow to discuss Resource Protection 1 and Resource Protection 2 and related to future land uses coming forward such as solar.

Councilor Reighley pointed out that Ms. Pelletier and her Staff are doing a tremendous job and he appreciates the work she does. Councilor Whitney echoed the same comments and added how much she is appreciated in Freeport. She thanked her.

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Councilor Piltch advised that last year when we did budgeting, we set aside \$25,000 for the Comp Plan. He asked if we spent that? Ms. Pelletier advised that we did not spend it and it will carry over and she assumes it will be spent quickly. Mr. Joseph explained that our budget request that will be for this will assume that the \$25,000 rolls over and we will be using it so the Council will probably see a budget number \$25,000 below what Caroline thinks she will need for the project. Chair Egan thanked Ms. Pelletier for bringing this forward and trying to keep it visible. Ms. Pelletier advised that if people are reaching out with ideas for the Comp Plan, she is keeping a folder. If residents reach out and they feel something is really important, she would be happy to take that and include it in her folder.

Councilor Whitney added that in the meeting she and Caroline were in earlier today, what they are doing right now is a great way for people to get involved and if they are eager to get involved with the Comp Plan and want to jump in now, early action will eventually fold into the Comp Plan so they would love to have them get involved now so they can then fold them over to the Comprehensive Plan.

3. Update on March 9 Bond vote for bridge improvements

Chair Egan asked Councilor Daniele if there is anything that we haven't talked about this evening that he wants to bring forward or questions he might have that either Staff or other Councilors can help clarify?

Councilor Daniele advised that he provided the updates earlier. Adam Bliss just sent him the total costs of the bridges and he will tabulate that so we will have an official number so we can say we are asking for \$634,000 of a \$15M or \$18M project. He will get that information out to everybody. Chair Egan pointed out that GPCOG has done a really good job putting together the ConnectFreeport site in a really quick timeframe. He is 10 times over impressed and awestruck with their capacity to do that and hopes we can use that resource for other potential items in the future. They are a great group of people to work with and a lot of that was due to the fact that Adam had a bunch of material ready to hand to them and weave that information into the site. He feels it flows very nicely and he is completely impressed. Councilor Reighley feels we should be proud of our own who heads up GPCOG and that is Kristina Egan. Chair Egan noted he will be talking with her next month on potential ways GPCOG might be able to work with out community on some climate action planning. They are taking a forward progressive position on items that municipalities and regions can start working on to prepare responses and proactive measures for adaptation and mitigation as it relates to climate change. As a coastal community he feels we are in the square of the center where that might impact us. He will bring information back after those initial discussions for potential engagement with GPCOG.

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Councilor Piltch mentioned that the Executive Session might wind up talking about an issue that concerns a potential business interest of his so it is his intention to recuse himself from that and not participate in any discussion or any potential action. Before he hops off the meeting, he wanted to be available in case anybody has any questions for him about that. He would be available to answer questions in the public at next week's meeting as well.

Councilor Bradley noted this is not an easy thing to say but he feels it needs to be said now. At a Municipal Facilities meeting it became clear that Councilor Piltch had a proposal that was a for-profit venture between him and some other people that he knows that involved a potential use of the Bartol Building. In that meeting the question of the potential conflict associated with that was discussed. They relate to three different things. Chair Egan pointed out that this was a topic for the Executive Session. Councilor Bradley did not believe you could talk about conflict in Executive Session but he will do what

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the Chair wants. Chair Egan felt the whole topic was scheduled for Executive Session and Councilor Reighley agreed with him. Chair Egan is not opposed to what Councilor Bradley is trying to say but thought it was the purpose of the Executive Session.

Mr. Joseph clarified that the purpose of the Executive Session is to talk about potential real estate offers on Town property but the Facilities Committee did talk about it. That is a question of political judgment at this point but there is nothing prohibiting what Council Bradley is saying from being said out loud before going into the Session.

Councilor Bradley mentioned that by way of explanation, Municipal Facilities did not consider any of the real estate options that are going to be discussed in Executive Session. They couldn't get past the conflict issue and felt that they were best addressed by Councilor Piltch and not us because they are his issues and not ours until we know how he intends to act and perform under the options he has. When you started thinking about conflict issues, you didn't want to prejudice Councilor Piltch's proposal or anybody else's proposal by having it affected by a conflict resolution in the middle of the consideration of the proposals. We said to ourselves right or wrong that we would really like to see the conflict issues resolved with respect to Councilor Piltch before going into any comparative consideration of any different proposals. That is why he started outside but would be happy to do it inside if that is how the Council wants to go. He did not think you could talk about conflict issues under the restrictions of Executive Session which are related to local real estate positions.

Councilor Piltch offered to relay some of the concerns. He noted that he does not intent to partake in any discussion that has to do with the Bartol Building. He would not participate in any discussion or any vote on the building. He would step aside for all of that. If his venture winds up being the tenant in the building, he would not partake in any future discussions about managing the building so any expenditures of keeping up the building from a landlord's point of view, he would recuse himself from all of that. The reason being is that the new venture being proposed is a new business that would go into the Bartol Building. He would be a minority partner in that so he would have a financial stake in it and that precludes him from partaking in anything because there is a perception that there is a direct conflict there. He feels it is a good business for the Town and he does not want to get into trying to influence anybody's position on it but he would be happy to talk about the concept but he would only do that in public. He does not want to talk about it behind closed doors but that is how he would approach it. He would recuse himself before transactions are complete and related to the building afterwards.

Councilor Bradley noted that Councilor Piltch is saying there is a direct conflict where there is a financial benefit to be received by a Councilor for a project that the Council would approve. He is saying he would recuse himself from any of those decisions and will address that and any future management decisions that affect the Town by creating some kind of Chinese wall between him and the Town going forward from a management perspective. Councilor Bradley added that the other conflict that was identified and discussed was that the Town is currently engaged in a large planning process for revisioning the downtown and Councilor Piltch is a critical part of that process but will he, by virtue of being the Council's representative in that process and ultimately as a Councilor, be in a position to direct the decisions made under that Planning process in a way that benefits his proposal? Does that create a conflict? If so, how does anybody address that? These issues have been discussed by Councilor Piltch and the Chair but he feels they are important issues because they deal with a perception of conflict, they deal with real conflict, they deal with private responses from competing proposals and they deal with public perception about the integrity of a process which is critical to the downtown. He does not have a beginning recommendation about how to resolve it all but it would be irresponsible not to raise it directly before we go into a comparison of projects.

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Councilor Piltch added that the downtown is the core of the district he represents so it would be difficult for him to do his job as a Councilor without participating in the Downtown Visioning project. With the current phase it is mostly about gathering feedback from the community and so there is a group of seven that is helping to shepherd the process but that group does not have authority to make decisions about what is going to be accepted or not accepted. It is a Council project and the small group is just helping to make it happen. He doesn't feel he would be in any position to strike any of the input out or favor any other input. He will be participating in the discussion on Thursday and the Town Walk and will preview the report just as everyone on the Council and in the public should have access to. When it comes back to the Council, he believes he would commit to the fact that whatever business he would be in favor of putting in the Bartol Building would be harmonious with whatever comes out of the Downtown project and if it is not, they would pull the plug. He would not want to do anything to the Bartol Building that does not support what the community wants to do. The idea he is proposing is based on anecdotal feedback over the last year or so but since the Visioning project is not done, he can't say it agrees with it. If it doesn't, they won't do it. He would also defer if the Council meets and says there is a perception of conflict even if there is no direct conflict. It is work he is passionate about and he would love to keep doing it but if the Council feels it creates a problem, he would be happy to discuss it.

Councilor Bradley mentioned that a number of different options came to mind. 1) Councilor Piltch could resign from the Council and go forward with his project and there would be no conflict. 2) He could resign from his project and stay on the Council and there would be no conflict. 3) He could withdraw the proposal. 4) We could delay the determination of the comparison and choice of projects until the revisioning project is completed and then we would know what it is and it would be less persuasive that anything Councilor Piltch participated in as a member of the Revisioning group and any impact on for the choice that goes into the Bartol Building so we could delay the choice on the Bartol Building until the early action plan is decided. He does not know if these things are helpful or focus the conversation, but they are all potential ways.

Councilor Lawrence pointed out that we are all citizens of this town and if we had businesses in this town, wouldn't we have this same problem? If he had a business and is on the Town Council looking out for the whole town and his business is specific, does that create a conflict? Councilor Bradley noted it is not the same one that Councilor Piltch is dealing with. He is sitting on a Council that is going to make decisions about his ability to conduct business but the terms of his business have a much more direct connection as a representative of the Town and as a business that needs Town approval and Town terms. L.L. Bean doesn't need anything from the Town or Bow Street. Councilor Lawrence agrees there is a lot more going on here but he was just bringing up his thoughts.

Councilor Reighley feels this back and forth is going back and forth. He understands Councilor Piltch's position and hears Councilor Bradley and Councilor Lawrence but feels it is time for the Council to move into Executive Session. Chair Egan feels the conversation continued here because both Councilor Bradley and Councilor Piltch wanted it to happen in public and not in Executive Session and that was part of the reasoning for having that conversation. Mr. Joseph would not encourage any further discussion on the potential terms of business proposals publicly with people who may be listening on any form of social media this is being broadcast that may have interest and may want to listen to what is being said. This was only talked about with three Councilors on the Municipal Facilities Committee. He feels the question of conflict is an appropriate question to have in public whether the Council solves that now or after hearing the proposal. It is out there.

Councilor Bradley noted it will be very hard to be talking about the merits of Councilor Piltch's proposal if you feel he has a conflict and that is the reason for dealing it in public and trying to get it resolved before getting into a comparative process of looking at different proposals for Bartol. That is his concern

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but he offered to do whatever the Council wants. Councilor Piltch added that his hope is that if the Council gets to the point in discussing the merits, he would not expect that the Council would treat his proposal any more favorable because of his position. If the Council does not believe it is a good proposal for the Town, he does not believe it should move forward. If it is a proposal that the Council believes will create more controversy, that is okay with him as well and it would not affect his ability to work with the Council in the future. He hopes there is a way to be fair and look at it on its merits and say this is a good thing or a bad thing. He would be happy to address the conflict issues in public if he needs to.

**EXECUTIVE SESSION:**

ITEM # 37-21                      To consider action relative to an Executive Session pursuant to 1 M.R.S.A. § 405(6)(C) pertaining to the acquisition or disposal of public property /real estate.

Mr. Joseph explained the process that would be followed. Caroline will keep one account open.

**MOVED AND SECONDED:** That the Town Council enter Executive Session.  
(Lawrence & Reighley) **ROLL CALL VOTE:** (5 Ayes) (1 Nay-Bradley)

**MOVED AND SECONDED:** That the Town Council exit Executive Session.  
(Reighley & Whitney) **ROLL CALL VOTE:** (6 Ayes) (0 Nays)

Chair Egan reported that the result of the Executive Session is that the Council is not taking any action on the proposals submitted and the Town Manager is directed to collect additional information and the subject of which will be presented at the Council's next meeting on March 2. Mr. Joseph mentioned he would have enough time to have a conversation and will report back to the Council.

**MOVED AND SECONDED:** To adjourn at 10:19 p.m. (Reighley & Whitney)  
**ROLL CALL VOTE:** (6 Ayes) (1-Recused-Piltch) (0 Nays)

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Respectfully submitted,

Sharon Coffin, Council Secretary

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

<b><u>ROLL CALL OF MEMBERS:</u></b>	<b>PRESENT</b>	<b>EXCUSED</b>	<b>ABSENT</b>
Edward Bradley, 242 Flying Point Road	<b>x</b>		
Jake Daniele, 264 Pownal Road	<b>x</b>		
John Egan, 38 Curtis Road (Chair)	<b>x</b>		
Henry Lawrence, 93 Hunter Road	<b>x</b>		
Daniel Piltch, 25 Quarry Lane	<b>x</b>		
Douglas Reighley, 2 Harbor Ridge Road	<b>x</b>		
Tawni Whitney, 56 Baldwin Road (Vice Chair)	<b>x</b>		

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

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

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

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

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

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

**THIRD ORDER OF BUSINESS:** Announcements

Chair Egan announced:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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ITEM # 38-21	To consider action relative to adopting the March 2, 2021 Consent Agenda.
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**BE IT ORDERED:** That the March 2, 2021 Consent Agenda be adopted. (Egan & Reighley)

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

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

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ITEM # 39-21	To consider action relative to the reenactment of Freeport Ordinance Chapter 60, Emergency Ordinance: Temporary Suspension of Certain Ordinance Standards to Safely Accommodate Expanded Outdoor Business Activities due to COVID-19 to be effective March 3, 2021 until May 2, 2021, pursuant to the Freeport Town Charter, Section 2.14 "Emergency Ordinance".
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**BE IT ORDAINED:** That Chapter 60, Emergency Ordinance: Temporary Suspension of Certain Ordinance Standards to Safely Accommodate Expanded Outdoor Business Activities due to COVID-19 to be effective March 3, 2021 until May 2, 2021, pursuant to the Freeport Town Charter, Section 2.14 "Emergency Ordinance" be reenacted without amendments. (Egan & Reighley)

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**NOW THEREFORE BE IT ORDAINED:**

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

**I. Chapter 23 - Sign Ordinance**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours, by appointment, and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Reighley & Lawrence) **ROLL CALL VOTE:** (7 Yes) (0 Nays)

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

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

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

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

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

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

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ITEM # 43-21

To consider action relative to approving a Certificate of Settlement for Fiscal Years 2017, 2018 and 2019.

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

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

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

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

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### **OTHER BUSINESS:**

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

#### 1. Update on Downtown Visioning Project

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Fire Department (No capital requests)

Rescue - \$60,000

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

Solid Waste/Recycling- \$67,500

Comprehensive Town Improvements - \$630,000

Municipal Facilities - \$88,500

Cable - \$24,000

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

Destination Freeport TIF - \$300,000

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,

Sharon Coffin, Council Secretary

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**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #08-21**  
**HELD REMOTELY USING ZOOM TELECONFERENCING TECHNOLOGY**  
**TUESDAY, MARCH 16, 2021**  
**6:30 PM**

**ITEM #49-21** To consider action relative to an Executive Session pursuant to 1 M.R.S.A § 405(6) (E) pertaining to a consultation between the Town Council and the Town Attorney concerning a legal matter.

**MOVED AND SECONDED:** That the Town Council enter Executive Session at 6:05 p.m. (Reighley & Whitney) (**ROLL CALL VOTE**) (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** That the Town Council exit Executive Session at 7:09 p.m.)

<b><u>ROLL CALL OF MEMBERS:</u></b>	<b>PRESENT</b>	<b>EXCUSED</b>	<b>ABSENT</b>
Edward Bradley, 242 Flying Point Road	<b>x</b>		
Jake Daniele, 264 Pownal Road	<b>x</b>		
John Egan, 38 Curtis Road (Chair)	<b>x</b>		
Henry Lawrence, 93 Hunter Road	<b>x</b>		
Daniel Piltch, 25 Quarry Lane	<b>x</b>		
Douglas Reighley, 2 Harbor Ridge Road	<b>x</b>		
Tawni Whitney, 56 Baldwin Road (Vice Chair)	<b>x</b>		

Following an Executive Session, Chair Egan apologized to the audience for the Executive Session running over the allotted time but the Council had a couple of things to discuss and it took more time. He called the meeting to order at 7:10 p.m. using the zoom platform. He took attendance and noted that all Councilors as well as the Town Manager are here this evening. He explained how members of the public would be able to participate at various times during the meeting.

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

Everyone stood and recited the Pledge viewing Vice Chair Whitney's flag.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #06-21 held on March 2, 2021 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #06-21 held on March 2, 2021 and to accept the minutes as printed. (Reighley & Piltch) (**ROLL CALL VOTE**) (7 Ayes) (0 Nays)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Egan announced:

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- The **Special Referendum Election** which occurred on March 9<sup>th</sup>, concerning authorizing the Town of Freeport to issue general obligation bonds to fund the local share of costs to construct bicycle and pedestrian ways as part of a Maine Department of Transportation project to replace the Desert Road and Mallett Drive bridges over Interstate 295 and to appropriate the proceeds of the bonds for said purpose was approved by the Freeport voters. 1,016 people cast ballots, 801 in favor of the project and 215 opposed.
- **The Annual Orientation for Board & Committee Members** will be held on Wednesday March 24, at 5:30 p.m. via zoom. Topics to be covered include the Freedom of Access Act, the Public Notice & Meeting Process and administrative duties of Committee Chairs and staff persons. All Board and Committee members are encouraged to attend this session. Please contact [jhanselman@freeportmaine.com](mailto:jhanselman@freeportmaine.com) if you would like to attend.
- **More help with getting your COVID-19 Vaccine is available from the Maine Department of Health and Human Services as follows:**

**Maine DHHS Offers Free Transportation** to Residents Who Need Rides to COVID-19 Vaccine Clinics. At least 48 hours before the vaccine appointment, individuals should call 1-855-608-5172 to reserve a ride

**There is also a MAINE COVID-19 COMMUNITY VACCINATION PHONE LINE** If you need help getting information about COVID-19 vaccine clinics. The Community Vaccination Line can help Maine people who:

- Do not have internet access
  - Need assistance connecting to or navigating online resources
  - Require interpretation assistance
  - Are home bound and need transportation
- Call 1-888-445-4111

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Reighley reported that the Complete Streets Committee met after it couldn't meet because of power outages, but they were very cheerful and celebratory for the result of the Election. Under regular business, Greg Michaud has organized a plan that all the Board members are capable of viewing and contributing on. He has a great timeline. Again, if we ever want to start a timeline for our projects, Greg is the person we need to contact. Chair Egan thanked him and noted he has heard that a couple of times. He suggested that Mr. Joseph reach out to Greg and get a copy of that project, Aging Spread Sheet so we can have something like that before Council projects.

Vice Chair Whitney wanted to give their regular update on how the Downtown Revisioning Work is going. She feels it is going phenomenal and this upcoming Saturday they will have a Downtown Walk which they are hoping everyone will participate in. If anyone would like to attend but for some reason feel they cannot walk that far, they will have options for folks. Vaughndella will be there and everything is all set. If anyone would like to participate but are worried about that, please reach out to her so she can make sure they are all set.

Mary Davis, President of FEDC advised that last week she gave a detailed briefing on how the Revisioning is going but plans to be brief tonight. On timing, everything is moving nicely according to

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plan. Their surveys and feedback continue and everyone will be pleased to know they added in the kids and had 132 high schoolers that finished the survey yesterday. They now have 557 adult surveys so they are close to 700 surveys total which is fabulous. The Town Walk is scheduled on Saturday so please sign up if you would like to be there. The intention of this walk which is from 10:30-11:30 a.m. starting at the Harraseeket Inn is for Principle to come in with more detailed questions based upon the feedback they have already gotten from the surveys. It is very important and feeds into the project for them. That is the funnel that is starting to get the information coming down. One of the questions she has heard is what is the early action plan and what can we expect? She explained that they wanted to move very quickly and their initial request of the consultant was they wanted an early action out of this that could start them implementing immediately because success begets more success. Phase One is on its way. The planning is a community-built plan.

What we will have from early actions is a summary of the feedback from all the community, the Town Walk, the two meetings and the surveys. After the Walk, Principle will be processing the 700 surveys, the two Town meetings and will prepare a draft early action plan that will come out to everyone that has an e-mail on their website the first part of April. They will give the community 2-3 weeks to give feedback on that and once the feedback is done, they are planning to present a summary of the early action plan at the May Town Council meeting. She will talk more about that when she is here in two weeks. They are actually putting these recorded sessions on their website along with other materials. If folks want to hear what is going on, they can go to [www.freeportdowntown.me](http://www.freeportdowntown.me) and get more information about what they are doing. They would like to have people planning to go on the Walk on Saturday sign up on their website because it will help them understand how many people will be there. They are trying to be very COVID-safe and make sure people are in very small pods or groups and they can get all their feedback. If people can't sign up on the website, they can e-mail Councilor Whitney or her and they will make sure they will get people in pods or groups to walk downtown.

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

Mr. Joseph wanted to make the public aware of an ongoing project that he has just been made aware of that will be affecting people in Town. Maine Natural Gas is doing some expansions this summer over a three-month period from April 15 to July 15. The Town does not regulate these projects. It issues the road opening permits for them and we will in all these cases. There is nothing that is non-permittable but the actual project whether or not it happens, is up to Maine Natural Gas. The areas that will be impacted are there will be a crossing and an extension at Desert Road for the new construction happening near the intersection of Desert Road and Hunter Roads. There will be an extension on Elm Street of about 2,000 feet from 17 Elm to the end of Elm Street for a service line. It will run up Oak Avenue for about 400 feet and run up to Oak Street for 620 feet. We have asked that Maine Natural Gas reach out to those neighbors in those neighborhoods but we are trying to get the word out that it is going to be between April 15 and July 15. They can assume there will be disruption in that area, specifically traffic. Roads may be down to one lane in certain areas and things like that. We have a contact for Maine Natural Gas and that is Jeremy Hawkins. He can be reached at 729-0420, Ext. 126. He will be the project supervisor so anyone with questions or concerns should contact Maine Natural Gas. His e-mail is [Jhawkins@mainenaturalgas.com](mailto:Jhawkins@mainenaturalgas.com).

As people are aware, Town Hall moved away from appointment only, to open service with customer limits inside the building. It has been going very smoothly and he thanked everybody in the public that has been taking it seriously and we have had no issues in terms of spacing or COVID precautions. The Library has changed their schedule. The current schedule for the next few weeks or perhaps longer, Monday 10-5 p.m. and Tuesday 10-7 p.m. for in-person browsing; Wednesday, Thursday and Friday on the same schedule as previously but for curbside delivery. It will be adjusted based on demand.

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He wanted to give a congratulatory shout out to Gail Moody and Robin Doak, clerks in the Finance Department who handle vehicle registrations. Gail also has a side task as part of her job. She is our agent for the Motor Vehicle Registration process and is actually the State Agent in Freeport. It is additional responsibility. She is in charge of making sure everything evens out at the end of the day in terms of dollars and license plates, etc. On a regular basis the DMV audits Municipal Agents and they came in and Gail got a pretty rare zeroing mark audit from them. He extended congratulations to Gail for doing a fantastic job. They both do a great job on a day in day out basis but this is a little special nice thing they were able to accomplish for us.

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

Chair Egan invited members of the public to provide comments on Non-agenda items. There were no public comments provided so the Council moved on.

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

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ITEM # 50-21                      To consider action relative to adopting the March 16, 2021 Consent Agenda.

**BE IT ORDERED:** That the March 16, 2021 Consent Agenda be adopted.  
Egan & Whitney)

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

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

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ITEM # 51-21                      To consider action relative to enactment of proposed Freeport Ordinance Chapter 61: Short-term Residential Rental Registration Ordinance. PUBLIC HEARING

**MOVED AND SECONDED:** To open the public hearing. (Reighley & Piltch)  
**ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Chair Egan explained that the Council had a discussion about the introduction of this two weeks ago when we posted this public hearing. The available text of the Ordinance addition has been circulated and is available publicly as well as on the Town's website. He explained how to provide public comments on this item and encouraged everyone to limit their comments to a 3-minute segment.

Joyce Veilleux thanked the Ordinance Committee for the 17 months of work to draft this Ordinance. She wanted to point out some of the things this Ordinance does not do. It does not require the owner to live in the rented house. It does not even require that the owner of a Short-term Rental live in Freeport or the State of Maine. It does not limit the number of Short-term Rentals that a person or a company can own in the Town of Freeport. The only limit is a 300 Short-term Rental Unit in the Town. We currently have 55 units being advertised. Before the virus, there were approximately 150. The 300-unit limit gives plenty of room for growth. It also means that the Council at that time will have to re-evaluate the Short-term Rentals in Freeport and see if the Ordinance needs to be tightened or loosened. This Ordinance does provide minimal regulatory structure to a business that has been operating without regulations for a lot of years. It will require owners to register, give contact information and meet very minimal safety and health standards. For those renting non-posted houses, they must provide parking and meet other occupancy standards. We all agree that most renters and hosts are wonderful people but as with most human

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activities there are also bad apples. These are usually in the non-hosted houses and can be very disruptive to the neighborhood which is why we need an Ordinance and a complaint process. The definitions in this Ordinance are the industry standard definitions that have been reviewed by multiple law firms that specialize in Municipality Law. Many are also found elsewhere in Town Code and Ordinances. If something is changed here, it would have to be changed throughout and would have to be reviewed by the law firms again. At the August 2019 Council meeting, a public comment period was held. All sides were present and spoke and at the end the Chair charged the Ordinance Committee to draft an Ordinance. They have spent the last 17 months researching and drafting the language. Several neighbors affected by the non-hosted Short-term Rentals and a representative from the B & B Inns in Town attended almost every 7:30 a.m. meeting and we now ask that the Council pass this very fair and equitable Ordinance.

Sandy Macleod advised that he wrote a letter to the Town that he proceeded to read indicating his concerns with this Ordinance into the public record. His personal opinion is when towns start restricting what property owners can do with their property, and some restrictions are valid, it is important to target the rules to address the problems that have crept in overtime and not make rules that have many unintended consequences restricting all the problems for a few. His question is does anyone know how many houses there have been legitimate complaints about compared to how many Short-term Rentals there are in Freeport? He bought his property in Freeport ten years ago. He intentionally bought in a commercial zone. There was an old cape on the property that he rented out to long-term tenants and built a small workshop on the property. A couple of years ago his tenants moved out and he decided to rent the house as an Airbnb mostly to people from out of state visiting Maine generally 2-5 days and generally 2 groups a week. He feels if the option is not available, those visitors would park themselves in the many towns that have numerous options for short-term rentals and it would be a loss for Freeport. One short-term rental per week would be a financial burden and would likely cut revenue by 50% for hosts like him. It might force him and others to stop offering it and eliminate a popular housing option for visitors to Freeport. Perhaps that is the intention of the Ordinance. The average short-term rental stay in Maine is 2.7 days. The Ordinance opens with: It is the intent of the Ordinance to allow the continued reasonable short-term rental in Freeport. By limiting them to one per week is essentially redefining short-term rentals or restricting occupancy to a point that is not financially viable. He has never heard of a Town having an insurance requirement for businesses other than contractors hired by the Town. He feels this Ordinance seems ill conceived and will create a burden on property owners, property tax payers and residents that have provided desired accommodations for visitors to Freeport without causing any problems for their neighbors of the Town. He noted he sent a copy of his comments to the Town Council.

Kristi Marsh of 26 Mustang Valley appreciated the time and thought put into this. She has done her research and is a rule follower. She purchased five acres and knew that her land fell under Agro-Tourism under Section 402 in the Zoning Ordinance which allows for farm stays which is her business plan. She is half way through her venture in developing her Agro-Tourism. Short-term Rental was not the goal but it was a modern method to be able to transition to her thing. She does want a healthy community and healthy tourism but found that the definitions exist but we are being forced into an either/or and that is not how tourism works. At some times in the year she will be an accessory apartment, a single-family dwelling. Some times of the year she is a one-family dwelling based upon the definitions. She explained what she would be during certain parts of the year. Tourism is fluid. Freeport at times is at 10% occupancy and 36% just last month. Agro-Tourism is seasonal itself. She loves soil but cannot attract many visitors during mud season but it is only the months that are being restricted is when tourism is high here. She is only half way through her project. She has a concrete foundation in the ground and does not want to have to put sheep back there but she wants to follow through on her business plan. There are a few bad apples but she asked the Council to not hurt others that are trying to do good things for the community.

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Jack Reilly of 44 Maquoit Drive noted that he and his wife commend the Council and the Ordinance Committee for the collaborative and inclusive process to draft this Ordinance and the back and forth and public meeting review that has produced a very effective framework for preserving the rights of Freeport homeowners to rent their homes while introducing measures that help manage the negative impact Short-term Renters have on Freeport. Their home is next to two un-hosted STRs who's owner lives out of state. The behavior of renters and the owners of these properties have impacted the quality of life they sought in Freeport. Noise, garbage, trespassing, unattended fires and illegal parking are a regular occurrence at this property which turns over tenants up to three times per week all while the out-of-state owner enjoys her quality of life in a suburb of Boston. These rental properties are businesses, essentially multi-room hotels sitting in the midst of single-family homes on an otherwise quiet road with homeowners valuing the quiet and comfort of Flying Point. These properties regularly attract renters and front parties with each group's activities spread over most days of the week. Think of party every day. These are the bad apples they are referring to and they are associated with STRs. They are renters and a property owner who have no regard for the neighborhood or for Freeport. For them, the proposed framework addresses many of those issues without preventing Freeport residents from responsibly renting to supplement their income. They support this draft and request that the Council approve it.

Susan Murphy feels that this Ordinance is trying to solve a problem that could be solved by community policing and we do have an adequate police force here in Freeport. She has been doing this short-term rental for over a decade and lives in Freeport. She purchased her parents' house on the South Freeport waterfront that they bought over 50 years ago. She has two concerns about the Ordinance. She is concerned that the limit of 300 will not be enough for a town approaching 8,000 people. If she doesn't get one of those 300 licenses, she would probably have to sell the house. She doesn't know how the Town will decide who gets these licenses. She already has signed contracts for this summer which she feels she has to honor. Her second concern is with limiting the non-hosted rentals to one per 7-day period. She does not have people popping in and out for one night but many people come for a long weekend. They don't want to stay in the middle of the week, particularly in the fall and the winter. She needs to be able to rent each weekend and not just two weekends a month. She lives less than 3 miles from her short-term rental and can be there in less than 5 minutes. Her next-door neighbor at the rental co-manages the property with her. She asked how is that different from home hosting. This short-term rental has brought tourists and their money to Freeport. The extra income has kept that house in her family and will allow her to retire there and pass it on to her daughter. She doesn't see how shutting her down is a benefit to this town.

Tom Schwam of 6 Talbot Way echoed everything Susan just said. He emphasized the one-week issue and as they read that it means that if you rent it Friday, Saturday and Sunday, you could not rent the next Saturday and Sunday so the intention of this is to prevent people from renting two weekends in a town which to him may be an unintentional way of killing that industry for people that use it to keep their houses. Certainly, the elderly are doing this to a great extent as their kids move out. He feels the distinction of hosted or un-hosted shouldn't be there. As for enforcement, he feels this is a policing issue. Making the Codes Enforcement Officer into a police person or creating a new regulatory structure to enforce noise and parking is the wrong direction.

James Hendricks advised that he has been a resident of Freeport but is no longer. He is a business owner in Freeport and owns a multi-family owner in Freeport. He has been a landlord in Freeport for more than 20 years and has seen long-term renters and recently has been doing short-term rentals in Freeport. He has no problem with an Ordinance but has a problem with this Ordinance. He realizes that the Ordinance Committee has been working on it for 17 months but if it is not quite right for Freeport, it shouldn't be pushed through because you have been working on it for a long time. Freeport is a different entity from any other town in Maine. It could almost be considered two towns with the residential area of Freeport and the retail area in Freeport. His issue is that it is a broad stroke and kind of a blanket ordinance. He

thinks things that should be considered are zoning. His rental is in sight of the Hilton Garden Inn. If you think the traffic of possibly two parties a week coming out of his Airbnb is more of an impact on his neighbors than the 150 potential cars per day coming out of the Hilton Garden Inn, then he would ask the Council to stay at his Airbnb and view the noise. He has no problem with the more stringent rules in some of the RR Zones, especially in the neighborhoods that have issues but restricting non-hosted stays in town to a week, you will potentially shut down Airbnbs in town. He has been doing this for five years and nobody stays for a week. The maximum is three days, a weekend, a few days. He usually has two stays a week. He employs a tenant manager that handles the trash and noise. If there is an issue, he calls him even though he lives 20 minutes away. He is in town six days a week for some reason or not. He has never been an absentee landlord. As a landlord that has never had issues, he feels he is being persecuted for a small number of landlords that have been jerks. In thinking about enacting this for April 1<sup>st</sup>, the Council should remember that people have already been booking stays for the summer and they get penalized for change stays or cancellations. He doesn't feel they are being given enough time. As for enforcement, he is sure Nick doesn't want to enforce this. It will be neighbor on neighbor and he would stress in the complaint process that names and faces should be put in the complaint. If someone is going to complain about their neighbor, it should not be anonymous because sometime if someone has a grudge, they will make a complaint. He feels pretty strongly about this and appreciates the Council taking the time on this.

Abernall Percy explained that she was born and raised in Maine but has been a resident of Freeport for five years. They have owned their home on Redding Lane since May of 2016. When they bought their home, they planned to finish a space above the carriage house to make a studio apartment for family and friends and also to rent as an Airbnb for additional income. They finished that space two years ago and have hosted more than 85 stays with approximately 170 guests. By this Ordinance, they would be defined as a home stay location. Their studio apartment has put tens of thousands of dollars into the Freeport economy over the past few years. They paid different contractors to complete the renovation and their guests dined in local restaurants and patronize local stores and businesses. As hosts, they pay people to clean between guests and purchase welcome goodies for their guests from a local business. They have never had any complaints about their guests. One of their neighbors is interested in setting up something of their own on their property. They only host one or two people at a time which keeps activity levels low and they have a large driveway with designated guest parking. This restrictive ordinance being proposed is a significant deterrent to Airbnb hosts in Freeport like them. She did not see anything in the draft document stating what the registration cost would be. She feels it is concerning because it could potentially impact their income. While they are usually home, they do enjoy going away for a weekend. The 60-minute response time would mean that they would have to host less because they wouldn't always be able to be back home within an hour. She is sorry to hear about other frustrations but she doesn't believe targeting short-term rentals as the problem rather than addressing undesirable behaviors is the best remedy.

Wendy Whitacre noted she sent a letter and is opposed to this Ordinance as it is proposed right now. The seven days hosted/non-hosted is a concern. Everybody stays 3-5 days. There are only 10 weeks in summer and this Ordinance is really cutting what they can make. She does a short-term rental in the summer to pay for her taxes. It appears all the trouble is out on Flying Point and has anyone considered maybe restricting the short-term rental license to people who live in Freeport? That would be one way to solve it instead of punishing them all. She is disappointed that this seems like a done deal. She doesn't think the Ordinance proposed is right. She too is concerned about the registration costs and how to decide on who gets a license. She already has bookings for this summer and she has two bookings within 7 days. She has never had a problem and feels this hurts them.

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Kelleigh Dulany thanked the Ordinance Committee for all the work they did. She was an active contributor to these meetings and appreciated being heard and able to participate in the conversations. She is a Bed & Breakfast owner that was discussed earlier. She is a member of the community and relies on the tourism industry to put a roof over her head and feed her family. Short-term Rentals have a contribution to make to the community. They contribute a positive experience for people coming to Freeport and potentially have them keep coming back so she applauds that. It is well documented that Short-term Rental as a cottage industry left unchecked can have terrifically negative effects on our housing market, it can affect quality of life and has a direct impact on public safety. She feels this Ordinance strives to create an important balance between residential and commercial properties. It does not punish a responsible host. She feels this is an important step especially in light of the vision and strategic planning for the town that we look at short-term rentals and we take a real critical look at how they affect the community; they affect the charm we have as Freeport, the integrity and how they can impact safety for all. She feels that a 3<sup>rd</sup> party oversight of short-term rentals will ensure some consistency and equity and it doesn't have to be a contentious environment. It can be a smart execution of a town plan. She thanked the Council for allowing her to comment and vowed to participate as needed and requested.

Marc Zimman thanked the Council for taking the time. He sent a letter and hopes that the Council received it. This is the third time he has been appearing before the Council in six years to talk about this issue. He explained that these short-term rentals are operating now because of a loophole that we had. The contemplated use of renting out a home on a recurring basis to people that will come in for only a few nights at a time was never really contemplated when we wrote land use ordinances or zoning. Now is the time to be thoughtful about this. At the last meeting we had an open forum and the invitation was made that the Ordinance Committee was going to be discussing this and people showed up and tried to contribute to a really good ordinance. Over the course of 17 months, something has been drafted that has been vetted by lawyers including a former Councilor who is a law degree holder including the Town Council's lawyer herself. This has gone through a series of iterations and we are letting the perfect be the enemy of the good. We need to get something adopted sooner rather than later because we have a real problem in Freeport that he, Jack and several others have experienced. It is not just at Flying Point or along the coast. It happens in town. He appreciates the gentleman who is near the Hilton Garden Inn and at the end of the day, he is operating an inn or bed and breakfast right next to the Hilton Garden Inn without the same licensing requirements, safety requirements and noise requirements they would have if they were there. He feels it is incumbent upon us to have a level playing field and that is what this ordinance does. The careful reading of the ordinance as it is drafted will allow people to rent their home, unit or dwelling, whatever the definition is every seven days. The notion that you are only able to rent it twice a month is a fallacy and is not how the ordinance is drafted. He feels we need to close this loophole and not table it again. This cannot be a police issue. The police have been called before and they say, look at the end of the day, we don't have an ordinance where these people are breaking the law and they can cite people making noise but they go away one day later and the next group comes in and they make noise again. We have to find a way to hold the owner of the property responsible and that is not what the current ordinance allows for. It is not just the noise. It is the parking, the trash and the general nuisance that is being created because there are no rules for this loophole. He hopes the Council will move swiftly to adopt something and not just kick the can down the road.

Leanne Nichols noted this has been a very thoughtful process and she appreciates all the time that has been put into this. She agrees with a lot of the comment that a lot of folks have made tonight on both sides of this issue. It has caused people to get really excited. The biggest thing she wants to impress upon in this conversation right now is that there are several people that are not here she knows are in a similar boat and are owners of the property. It is a significant financial reality for them in how they manage their lives just as the B&B owners. No one is trying to down any B&B owners. She appreciates what they

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contribute to our town. We have to be careful because these people have commitments to these properties and to have something like this go into effect so quickly. She knows some people are not comfortable speaking in public in these sorts of venues and she is concerned about some of them. Some of them are long-termers in Freeport and are trying to hold on to their properties. They contribute significantly to our tax base. She urged caution on this and requested that the Council slow down and dig through some of these pieces that people are raising.

Tim Whitacre advised that we have had a rental property for 13 years and they live in the neighborhood. They are 400 feet away from the property and he doesn't understand if they will be considered part of the property as living with it or not. They have never had any issues with any of their neighbors during that time and one of his biggest concerns is that they are trying to put it into effect this summer when they already have people lined up for the rentals this summer. He believes the ordinance can be reworked with the days and maybe clarify the number of days per week rather than seven days and work it another way.

Nathan C. wanted to speak in support of the ordinance or at least the idea that there needs to be something done for basically the trend we are seeing where out of state people are buying homes or investment firms are buying them which is perfectly fine but it is not the community he wants to live in or be a part of. He likes to have neighbors where he can talk to them and they actually live here as opposed to just people coming in and out. He understands people's concerns so maybe the Council can tweak a few things so perhaps if people live in Freeport and are hosting it, maybe they don't have stringent rules applied to them. As it is right now, there is just no enforcement for bad actors and there needs to be something done. This is why he is supporting it.

Susan Murphy advised that she heard some reasonable suggestions about maybe for people that live in Freeport or live in a close distance to their property, allow them to be considered home hosted. She understands the need for there to be some regulation on the short-term rentals. She has heard what went on at Lower Flying Point and sympathizes with the residents there so maybe the solution is what Wendy suggested that if you live close by and within a certain distance and can respond quickly and you are a local Freeport person, that is the solution. If you are local, you could be considered home hosted. You don't have to live exactly on the property. If you live in a contiguous property, you could be considered home hosted. Something reasonable like that could be worked out.

Greg Link advised that he has lived in Freeport for ten years. His property is contiguous to two rental properties that have been here since the 50s. He currently has bookings not only for this summer but also next summer because he has renters that come back year after year. Clearly, they are contributing to the Freeport economy. He lives five seconds away from each of those cottages and can respond if there is an issue. He will be the first one affected so he would endorse thought be given to people that have been doing this for years and live on site or adjacent to them be regarded as home hosts. As the ordinance is written, it is very broad brushed and needs to be considered for all the applications. We also need to realize that Airbnbs have become huge all over the world and will be continuing to grow and will grow elsewhere in Maine and we have people that come to Maine and stay in an Airbnb whether we like it or not. If they are not staying in Freeport, they will stay somewhere else. He urged the Council to be very careful about enacting an ordinance, especially one that will affect and create contractual conflict based on agreements that are already in place.

Nathan C. noted that in the original version of the ordinance, there was a section that if you live within 40 or 30 miles of Freeport, you also would not be subject to all of the new rules which might also be a good way of addressing people's concerns which he has heard. If you live in Maine around Freeport and there are issues, you take care of it so there are no issues so they don't need to be dealt with. He gets that but feels there may be some balance to find where everybody is happy and adding that language to it would

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push it over the finish line or taking out the 7-day minimum would help then he thinks there are certainly ways to come together to create consensus on certain sticking points which seems reasonable.

Tom Schwam asked how accurate is that 150 number of short-term rentals that was mentioned earlier? His sense is that there are many more and he is not sure how the Council could count how many are out there. Chair Egan noted that they would get to the bottom of that.

Sandy Macleod mentioned his concern is that enforcement will be a problem for the town and will really be an issue for the Code Enforcement Officer. He lives in Portland but is at his property 4 or 5 times a week. He does not live out of state and it is complicated.

Joyce Veilleux advised that there are 55 short-term rentals currently being advertised on AirDNA on different platforms. The 150 was prior to the virus and again it was from AirDNA.

Chair Egan noted that the Council has gone almost an hour to make sure anybody on the attendee list that hasn't spoken yet that wants to address the Council, this is the time to raise their hand.

**MOVED AND SECONDED:** To close the public hearing. (Reighley & Whitney) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Chair Egan thanked everyone for participating. He advised that there were a number of specific elements brought forward by the presenters or participants in the public hearing. Without getting an exact headcount, it was relatively balanced in favor of moving the ordinance forward and those wishing for either no ordinance or for this to be reworked. There was considerable discussion on hosted versus non-hosted. There were a number of concerns about the proposed number of stays in a 7-day or week period. There is potential ambiguity about the number of 300 for our registry as a limit. There was conversation about enforcement of the proposed ordinance and potentially whether or not inspecting too soon given our existing tourism season. There were also considerable complaints people have had with no pathway to move forward. Calling the police on a guest one night doesn't do anything for the next guest coming the next night. We have had a number of people talk about the impact on their neighborhood of the kind of traffic that is potential for short-term rentals. The Council has heard quite a bit about specific elements of people who are in favor and maybe not so much in favor of at least this ordinance. It is interesting to have a balance like that and he knows some Councilors have questions as well. He noted the Council would have a conversation here and see where it goes for potential action.

Councilor Lawrence asked how many of these 55 owners were invited or told about this ordinance being written? He can't imagine a lot of them were because of the statements made. About the noise, what do we do if a person owns the house and their being noisy all the time? What do we do in that situation and wouldn't it carry through to the owner? If he is blasting a stereo 7 days a week, what does the Town do to him as the property owner making the noise? Wouldn't that be a way to carry through to the owner of the Airbnb? He is ultimately responsible if people are being noisy. Do we start writing tickets? He knows it is one person at a time but we could write it for the property, right? Mr. Joseph advised that the answer is yes, it can be written to the property owner. It is not specific to the person. The Noise Ordinance was changed three years ago specifically for that purpose. He doesn't think there have been any tickets written under that Ordinance for noise violations. He noted that the Town does not have any parking regulatory authority over private streets and some of the rental units are on private streets that are in question. Councilor Lawrence asked if the people on private streets have the ability to do something? Mr. Joseph advised that in some cases, but not all. Not all private roads have homeowner associations or kind of common authorities. There is not an entity that is responsible for most private roads. They could take

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private civil action against someone parking on their private property but that would be what would have to happen. Chair Egan added that the part of the context is that the activity that is going on may be considered a business activity and in many parts of the community, zoning does not allow that kind of business activity. Many of the places where these properties are occurring leasing out for whether it is weekly or daily rentals is allowed because it is a commercial activity so there is a context of the zone and whether or not the activity is allowed. Councilor Lawrence noted he does not disagree that we need something but feels this is very restrictive and understands why it is restrictive but it seems it is restrictive for 55 units in this town and he knows there were 155 units in this town. If it was that big of a problem, he is sure we would have more people here saying, hey, we need something. He thinks registration is a great idea but the home hosted stay and the non-hosted stay needs to be cleaned up. There were some other things in this ordinance that he felt was already taken care of in other ordinances. He read the things he did not know why they were there. He feels we are trying to control something that is a policing issue.

Councilor Reighley advised that this ordinance has been with the Ordinance Committee since January of 2019. Over that period of time, the committee has listened to a lot of input and requested a lot of information from different towns. Chief Jordan, who is monitoring our meeting tonight, has been a contributor for them in his relationship with Rockland. One of the principle places they got a lot of information and support on was through the City of South Portland who drafted an initial ordinance and then revised it and has a new ordinance in place. As some people have suggested, the idea of getting an ordinance in place is what they want to have. We can always do amendments going through and they have done amendments to many ordinances as they go and we need to refine and put them in the proper perspective. For example, people that interpret one rental in a non-hosted facility per week, are they focused on the fact that the week starts on Sunday. Why can't the week start on Wednesday when there is nobody there and then they can have their weekends when they are fully booked? They have had great input from the Bed & Breakfast industry in talking about they are regulated as are hotels, and they are in competition to the short-term rentals so why can't we have a level playing field and regulate short-term rentals? They have had input from the people next to the non-hosted facilities. Joyce has done a great job in moving her ideas forward but also listening to what the Ordinance Committee have put forward and she modifies. As the committee went through, they tried to hear everybody's voice and put them in together. They feel they came up with something that can work right now. For those people who have already booked reservations, it is a pre-existing condition and something they can also work around but it is a case where we need to move forward with what we are doing here. He thanked former Councilor Tracy for the great input she had in writing this ordinance, Councilor Piltch and recently joining Councilor Egan on the Ordinance Committee. They are open to further discussion on this. One of the things they haven't finalized are things like discussing the rates and the checklist. The Ordinance Committee has a meeting scheduled on March 23 at 8:30 a.m. and they try to hold their meetings to an hour and a half. If people are wishing to supply information or comment on things, he requested that it be submitted in writing. They can get their e-mail addresses and they will read through those and go through those so they can consider them and then have a logical discussion. He thanked Jimmy Hendricks for being an early participant in this many months ago.

Councilor Piltch noted he has been involved in this for a while. Part of the reason he feels we need something in place is because we don't want to change the character of the town as a whole. Looking down the coast of Maine, towns like Kennebunkport have 55% of their residents that don't live there full time. In Bar Harbor 23% or 24% of the properties in town are short-term rentals. They are now going to pass an ordinance that will restrict that to 9% as a cap but there will be process of dwindling that down. We are not there yet and we don't have those kinds of numbers or issues. With 150 STRs in town, we are closer to 5% but it is important to put something in place so we don't become those towns. When they picked the number 300, it wasn't random, it was a number large enough to ensure that anybody who has a short-term rental could continue to have a short-term rental with a significant buffer for expansion so to

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cap it in the immediate term. It is meant to say we don't want this to get out of hand and if it approaches that number which is more or less 10%, we need to revisit it as a Council and a town. Life safety is important. If you are going to have a short-term rental and you are going to visit Freeport and stay in a short-term rental, they want to have the basics in place. The Ordinance is calling for a fire extinguisher, smoke detectors, ways to exit the house. These are reasonable things. The 7-day minimum is something he wants to address. The only difference in the ordinance between hosting and non-hosting stay relates to that 7-day minimum stay requirement. When he looks at the reasons for having an ordinance, they relate to things people have mentioned such as having some way to enforce the bad apples not being renewed every year. There are things that need to be addressed. Whether you live in or near or nearby your short-term rental is not an issue. That is treating something that is not something people are calling them to treat. It does impact the economics for people that are going to be responsible and he was not in favor of it.

Somebody asked about the ratio of complaints to the total number of short-term rentals we have in Freeport. They don't have an answer to that because they don't have a way to track complaints. That is why we are asking them to fill out a form and register so we will know if people complain, we will have a property to attach the complaint to. If it starts to fill up, we will know we have 3 or 10 bad apples in town. As for insurance, if someone rents an Airbnb you are likely already covered through their insurance, he is not 100% sure but is pretty sure. If not, he has heard there is a rider that can be added to a home insurance policy. As for people who are worried they won't be able to get a license, he feels the 300 number should cover everybody. Once you have a license, your renewal will take priority over any new licenses coming to town. When you renew your registration, you will not be denied based on the cap. The town does not make money on fees. It is not something we do to raise revenue. It is to cover costs so if we have additional costs in monitoring and registering properties, the registration fee is meant to cover that cost. Living in or near Freeport, he hopes this goes away but they did look at that and it got complicated so they went with traditional definitions of hosted or non-hosted but again if the 7-day stay goes away he hopes this will as well. He mentioned the meeting scheduled on the 23<sup>rd</sup>. He is happy to refine and tweak but would love to get something in place.

Councilor Whitney advised that she feels we are not that far apart. We can come together to a very good point pretty quickly. She agrees that there has been so much time put into this. She feels there is some tweaking that needs to happen and everyone she has talked to has been very reasonable. There are some important details that need to be ironed out before we can vote on it. With this great committee, she feels it can be done quickly and we can come to a great resolve. She feels we are all in agreement that there needs to be an ordinance and with some tweaks we can make it perfect. It has a great chance.

Councilor Daniele asked if the Codes Officer has the resources and the time to take this on? Councilor Reighley advised that they consulted with Nick on this and yes, he can. The Town Planner was a contributor in this and then they got down to the point of giving it to the Town Attorney and let her go through it. It was one of their last steps before coming here. Councilor Daniele suggested having it become effective in 2022 but vote on it tonight and give us all more time to talk about it. Everybody knows it is coming and they can go to the Ordinance meeting between now and then. We can make a couple of tweaks to get it right in line and he is sure Councilors will feel it is beneficial.

Councilor Bradley advised that he has had more calls on this than any he has dealt with since his short time on the Council. A lot of this "bad apple" occurs in his district and he takes it really seriously. As Tawni said, the guts of it are here. The framework, the skeleton is in place. There are just tweaks that need to be done to address some of the issues. We may not all agree on what the issues are but from the tone of things and conversation tonight, he will bet that 90% of it is agreed and 10% you can vote on. He would like to see the Council not put it off for a year. Jake he gets it, it is a very rational and reasonable

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suggestion but there are people in District 2 who are dealing with this every day all summer long or at least every week all summer long and it ruins their quality of life so he would like to see us if we can, take up on Councilor Reighley's suggestion. He asked Vice Chair Whitney how she makes her motion? Vice Chair Whitney advised that she did not need to make a formal motion if we are all in agreement and maybe we need to hear from Chief Jordan first to satisfy the Council.

Councilor Bradley would like to not vote on this tonight. He has a number of drafting suggestions he thinks would make it easier to interpret and enforce from a legal point of view. He knows there have been some substantive comments made but he thinks if Councilor Reighley can hold off until his next meeting and provide that as a forum for all this stuff and we can get it all out and vote on it in time for this season. Vice Chair Whitney agreed and Chair Egan felt it was a reasonable plan going forward.

**MOVED AND SECONDED:** That we table this until the Ordinance Committee refers it back to Council. (Reighley & Whitney) (no vote)

Chair Egan added with the scope that we have an Ordinance Committee meeting scheduled on March 23 and if we come to that as a group organized and focused on the issues that we have heard about and try to go through them point by point, we have a reasonably good chance of being able to come to some sort of agreement at that work session which would mean that this could come back to the Council at the April 7<sup>th</sup> meeting. One of those items might very well be the date on which we propose adoption. He is cognizant of the fact that we are potentially passing something here in April where the current language says April 1<sup>st</sup>. It may be one of the items they talk about. It feels that this is a reasonable path.

Mr. Joseph suggested that the Council table this to a future date certain of April 6<sup>th</sup> to the Council meeting. Before we do anything, if the Council continues its consideration of this, we won't re-notice it or anything like that with the understanding that the Ordinance Committee will discuss it in between in the interim. Chair Egan agreed but it presumes we come to an agreed upon conclusion at the committee and vote it forward. He feels they can start with that optimism.

**MOVED AND SECONDED:** That we table this until the April 6<sup>th</sup> Council meeting for consideration. (Reighley & Whitney) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Chair Egan asked people to present their comments in writing to the Ordinance Committee and they are welcome to attend. He hopes they can get to all of those points that morning and have this recommendation come back on April 6<sup>th</sup>.

Mr. Joseph clarified that the effective starting date was starting June 1 of 2021. It was not April. Councilor Lawrence appreciated all the work and time that has gone into this and agrees there are just a few tweaks that need to be fixed to make it a better ordinance.

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ITEM # 52-21      To consider action relative to amendments to Ordinance Chapter 4, Freeport Personnel Policy adding Section 23: Earned Paid Leave, and making various clerical amendments. PUBLIC HEARING

**MOVED AND SECONDED:** To open the public hearing. (Daniele & Piltch)  
**ROLL CALL VOTE:** (7 Ayes) (0 Nays)

There were no public comments provided.

**MOVED AND SECONDED:** To close the public hearing. (Daniele & Piltch)

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

Mr. Joseph disclosed that this affects him marginally in a financial manner so it should be a conflict-of-interest disclaimer although he does not get a vote, he needed to say that. He provided background information on this item.

**BE IT ORDAINED:** That amendments to Chapter 4, Freeport Personnel Policy adding Section 23: Earned Paid Leave, and making various clerical amendments be enacted. (Daniele & Reighley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

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ITEM # 53-21                      To consider action relative to the Freeport Zoning Ordinance regarding the new uses and standards for Solar Energy Generation Systems. PUBLIC HEARING

**MOVED AND SECONDED:** To open the public hearing (Piltch & Reighley)  
**ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Joyce Veilleux advised that she feels 20 acres would be a better size for Freeport's large solar farms. She referred to Section 534, Paragraph C, under the standards for the small and large farms there is a section that says the Project Review Board has the ability to waive application requirements and there is a list from A through H requirements. She feels all those things are important and there should be no waivers. They should be included in every packet in the file drawer. She asked that that be deleted. Under the Performance Standards where it talks about buffering zones, she thinks we need to be more specific and not say generic trees should be put there. She thinks we should say evergreens for multiple reasons since they are green year-round and have branches close to the ground. She sent an e-mail to the Council. On the sensing issue, the Town Planner informed her that 7 feet is the standard industry fenced size and this is not stated in Paragraph 3-C safety for fencing. Right now, they could put up a 5-inch fence and would meet our ordinance requirement. She thinks we should add a statement that would limit the number of solar farms in Freeport so we don't get overrun with solar farms and feels we need to add a statement that would limit the number of farms per property. She is not up to speed on the disposal of panels at the end of their life or if there is damage to them. She understands there are some environmental issues and asked if that should also be included in our ordinance that we don't want them disposed of here and they will follow whatever the proper is at the time.

Chair Egan recalled that he forgot to put some context on this ordinance coming forward which we will get to in our discussion. This language has already been through the Planning Board over the past 12 months so the recommendation is coming from the Planning Board to the Council for adoption of the ordinance. It is not the first time for its public hearing.

Pascale Delsol advised that she understands that a number of the people on the Planning Board also think that 30 acres is perhaps too big for the Town of Freeport. She watched their meetings and feels 30 acres is too big for Freeport. She is able to watch these meetings occasionally but is uncomfortable hearing Councilors state we have had the opportunity to listen and contribute and therefore, since we haven't before, we should go ahead and do things as written. She feels we should have as many opportunities as we can to contribute. That was the second reason she raised her hand. Chair Egan agreed that he tries very hard to encourage public participation and it is less than ideal to be using this platform as opposed to having a meeting in person. When we get through the pandemic, hopefully it will improve immediately but he shares her concern that we should continually strive to have public access to our process and we keep it transparent.

There were no public comments provided.

**MOVED AND SECONDED:** To close the public hearing. (Piltch & Reighley)  
**ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Town Planner, Caroline Pelletier explained that the Council made the initial request to the Planning Board in June of 2019 to look at solar farms. They were short staffed at that time so they brought in North Star Planning to help them and Sarah Del Gizzo is here tonight. They did a lot of the background research on the solar regulations in Freeport and bringing forth some of the language for the Planning Board to look at. The Planning Board talked about this over a period of six months and had input from Staff. They had significant input from the Town Attorney. They didn't get a lot of public participation during the public discussion process. For the actual public hearing before the Planning Board, they had to notify over 3,000 property owners and had about 30 people come. The Planning Board received some written documentation before. It is important that we give this careful consideration. It is on the radar for a lot of people and her understanding is that is what started in back in 2019 when we had residents that wanted to do some community solar farms. She not only gets calls from residents but she gets calls from solar developers who are watching very closely what we are doing. She feels this deserves some serious consideration because we could see something happen from it. Pascale did mention that the Planning Board flagged three things for the Council to give additional consideration. The Planning Board felt they talked about this continuously for over six months but their number one question is that they are recommending this with 30 acres. 30 acres is in line with what the max under the State for a 5 megawatts system would take up. Does the Council feel that 30-acre solar farms are the right thing for Freeport/There was some concern about pesticide and herbicide use. We do have some language in there so we would know as part of an application what somebody is potentially going to use it or planning to use it. We do know that a lot of these developers are environmentally conscious and they choose to have language saying they are not going to use those. This is something for the Council to consider. As Joyce mentioned, does the Council want more stringent buffer requirements?

She introduced Sarah Del Gizzo from North Star Planning who shared her screen with the Council. She advised that she has been involved throughout this process and wanted to give context from the perspective of what is going on with solar in Maine and why a lot of communities are starting to dive into this now and why there is so much interest and discussion around it. What sparked a lot of this was a new piece of legislation that was signed into law in June of 2019. LD1711 essentially did two things in the State of Maine. It increased the size cap and generation allowed for solar facilities. The State defines solar facilities based off of size in three different ways. One would be behind the meter system or accessory system which is something they talk about in the proposed language. They then talk about community solar which is 1-5 megawatts and that is encompassing the small solar farms and the large solar farms that Freeport is specifically looking at and potentially allowing in town. Third, they have a larger size which would be grid scale solar and that would be ten plus megawatts which is a lot larger than anything Freeport would see based on the proposed language. Before LD 1711 was passed, there were member limits per solar farm. You could only have so many people joining in and benefitting from the solar energy that was being generated by a solar farm. The limit went from a cap of 9 people per solar farm to 200 people per solar farm. It also increased the size. Previously only 250 to 400 panels were permitted by member limit which was a lot smaller. The increased capacity has been set at 5 megawatts for community solar which is roughly 25 to 30 acres which is where that number came from in the proposed language. Larger systems could be permitted throughout the State but it is going to be through specific partnerships such as Municipal partnerships, etc. Prior to LD 1711 being passed there was very little guidance from the State on land use and Municipal permitting. Since this bill has been passed, there has been a lot more guidance that has come out of the State. Maine Audubon has released guidance on solar siting and land use best practices. Since 2019 Maine communities have seen a significant influx of community solar applications. This has made a lot of communities do what Freeport is doing tonight. Talk about what

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standards need to be in place to make sure that we are siting these systems in the best possible locations in the communities. What do we need to look at as far as minimizing the visual impacts of these larger systems? What de-commissioning plans are required? All of these systems have a life span. What is it going to look like when the life span is over and these systems need to come down?

Most of these are large solar farms that we are looking at that are fixed, ground mounted, or raised. She showed photos. There will be a connection to the utility grid. The sites will include an access road driving up to the panels from the roadway and then perimeter fencing for the larger scale systems. She showed photos of the different types of mounting and wrapping systems there can be for the panels. Generally, the panels are set on concrete blocks and that is the only impervious surface that will be involved in the system. Grass will be left underneath the panels so it is important to note that the whole thing is not going to be set on one large concrete block between the footings. She showed photos of solar farms in various sizes.

There is a competitive bid process with the PUC so when this was approved in June of 2019 a lot of communities saw a mad rush of applications that came in shortly after that legislation passed. The reason for that was because there was a competitive bid process to get permits from the State. That was something restricting the amount of these systems permitted across the State in 2019. There will be other state permits required and she outlined them as well as the local standards that communities are drafting just like Freeport is looking at tonight. All of those things will be taken into account when a developer is looking at the total feasibility of the project.

Ms. Pelletier displayed a PowerPoint presentation for the Council. She displayed an accessory solar use that could be defined as solar panels that are on our Community Library Building. Our current Zoning Ordinance has a few references to solar but no specific standards for solar energy generation systems or farms of any size. Our Assessor has been doing some work on solar and going through old permits and pulling together some data. Based upon some electrical permits and some building permits, we can find 40 to 50 properties in Freeport that already have some sort of solar with the exception of our one solar farm, Maine Idyll, under old regulations it would be accessory solar and would be allowed to continue today but under more clear standards. Most of what we see in Freeport is roof-mounted. Maine Beer is our most famous ground mounted panels that follow the sunlight. The Planning Board looked at it due to the request of the Council so we will have some minor clean-up to our definitions. We had some references to solar and siting buildings that were really not best practice anymore. The biggest change here are new definitions. Primarily the new definition for solar generation system, the system itself, the solar array development area, the area of the panels, around the panels, in between the panels and the kind of uses. Solar energy generation system accessory would be allowed everywhere with the exception maybe for Design Review but that is only meant to cover someone who wants to have solar on site to feed their existing house or business. Solar Farm Small would be a solar farm that is up to 2 acres in area and Solar Farm Large would be up to 30 acres in area. Those go along with the megawatt systems under the State and that megawatt max for community solar farm. The biggest thing people are talking about is how much land are we talking about? She showed an example of a solar array with 3,000 panels. She showed a community solar farm located at the Maine Idyll. A small solar farm could be roof mounted if you had somebody wanted to allow this on their roof but not serve the use on site. It would still be considered a solar farm, not accessory. It would deliver energy to the grid or for offsite consumption. On the ground it would have an area of 2 acres or less. She had a map and showed where 3-phase power exists in Freeport and where solar farms would be permitted. We do have some large parcels but parcels can always change. We have a new section of the Zoning Ordinance, Section 534 which would have standards for these solar energy generation systems. All solar uses whether it be accessory or solar farm would require building permits. The Planning Board did not make these exempt to Design Review and any of the design standards in the Freeport Village Overlay District. It would clarify when accessory uses are allowed.

All solar farms will be subject to Site Plan Review by the Project Review Board and all applications would need a decommissioning plan for the removal of the equipment at the end of its life and also how they are going to restabilize that site. Applicants would also need to submit proof of financial capacity to show us that they can build, maintain and afford to remove it at the end of life. For large solar farms there will be additional requirements, the biggest thing would be sign off from outside agencies, Maine Historic Preservation Commission, Maine Natural Areas that will look at natural and botanical features on the site, IF&W will look at habitat. Some of these will trigger various levels of permitting from the Maine DEP. There will be new performance standards for all solar farms. There will be some height limits. There are structures that need to meet the setbacks. There are some additional setbacks put into place when they are in a commercial district but abutting a residential district and there was some language to update some landscaping in our commercial districts which is really Route One South. She would be happy to go into buffering, financing, insurance and performance guarantees for the removal of the large solar farms when they do reach the end of life if the Council has questions but this is a snapshot on the language. There was one letter received after the Planning Board meeting that is in the Council's packet and was having trouble with Zoom.

Chair Egan mentioned that during the public hearing, there was a question about defining the height of the fence that is required around these systems. How hard is it to make that amendment without having to come back for another adoption? Ms. Pelletier advised that Sarah confirmed that a 7-foot-high fence is the industry standard for the Large farms and it is totally appropriate. That is a change they can make. Another thing Joyce raised is having one farm per property and that has always been the intent of the ordinance. The Town Attorney did look at that. If this is something the Council wants to look at, it could be added to the language.

**BE IT ORDAINED:** That proposed amendments to the Freeport Zoning Ordinance regarding new uses and standards for Solar Energy Generation Systems be adopted, to include the language written in tonight's materials. (Piltch & Reighley)

1. Addition and amendment of definitions within Section 104 including, but not limited to: "Solar Energy Generation System, Accessory"; "Solar Farm, Small"; and "Solar Farm, Large".
2. Addition of the use of "Solar Farm, Small" as a permitted use (subject to Site Plan Review) in **the following zoning district sections:**
  - Section 402. Rural Residential District I and Rural Residential District IA;
  - Section 403. Rural Residential District II;
  - Section 405. Medium Density Residential District II;
  - Section 411. Commercial District III;
  - Section 420. Local Business District;
  - Section 421. Industrial District I; and,
  - Section 425. Resource Protection II.
3. Addition of the use of "Solar Farm, Small" and "Solar Farm, Large" as permitted uses (subject to Site Plan Review) in the following zoning district sections:
  - Section 406. Medium Density Districts;
  - Section 409. Commercial District I;
  - Section 412. Commercial District IV; and,
  - Section 422. Industrial District II.
4. Addition of new Section 534: Solar Energy Generation Systems.
5. Associated amendments to Section 602: Site Plan Review.

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Councilor Piltch advised that he is supportive of solar farms and feels they are a great idea and has no problem with small solar farms in all the places that they are indicated for in town. For the large solar farms, he asked if anyone has looked at the offset of clearing 20 acres of forest land to put in 20 acres of solar panels. What is the net carbon emission of one versus another? He does not know that and is curious about it. The Route One corridor is the one he has concerns about one from a visual impact and the other from a commercial impact. As we try to grow our town and our tax base in town, if we designate 20-30 acres along side of Route One to be a ground-mounted solar farm, that precludes that land being used for anything else. If the panels are going on top of a warehouse or as a canopy going on top of a large parking lot, he doesn't see any problem with that. If it is ground-mounted and that becomes the exclusive land use for that parcel, we are certainly restricting what can be done 20 or 30 years down the road and that is our commercial corridor through town, especially Route One South is what people see as they drive into town. Those are his concerns and he doesn't know if they have been discussed or not. Ms. Pelletier offered to answer his questions. The Route One corridor, as she mentioned, they are staying out of the village, so for Route One South and the Commercial I District, which is going to go from Maine Beer down to the Yarmouth Town Line, large and small solar farms are permitted uses. If you look at the language that was put in, it is underneath the following uses are permitted: 300 feet or more from the easterly edge of U.S. Route One. If they are closer, they have additional standards that do need to be met so the intent was that those might be on sites that are less visible or set back more. On Route One North we have the Medium Density Zoning. There is a resident there that did comment at the Planning Board meeting that they did have concerns with these being permitted up there. Route One North has quite a few permitted uses there. Because it doesn't have public utilities, we are really seeing limited commercial development there. The Planning Board did put that into each and every zone that they brought this forward to you in what was appropriate. As far as trees or solar panels, there is great debate. She and Sarah were at a meeting today and some people argued about carbon footprints and that the benefit of solar is greater but you also have the trees and we are in Maine and people love the trees and some of the habitats and they left the big stands and big chunks of the trees that make up the habitat. What about the soil cleaning the water? She feels there are different thoughts on that and it is an important decision for the Council to consider. The way most communities have it is that you can clear but your only clear as much of the site that you need for the solar panels and for a 20-acre farm, that is a lot of clearing. It really wasn't something the Planning Board had huge in-depth discussions on. There is some language in there for habitat and protecting some of our environmentally sensitive areas but it wasn't really something that came up in great debate.

Chair Egan asked Caroline and Sarah to clarify that the 30 acres is roughly the footprint needed for the 5-megawatt farm? It is likely if we were to make an adjustment to the large farm size, it would reduce the footprint of the maximum array from 5 megawatts down to he guesses roughly 3 which could potentially render that use economically and viably at least at this point.

Councilor Bradley mentioned that we had a proposal for a golf course that was going to lead to a tax benefit to the Town of Freeport. He asked what is the relative taxable value of a farm versus residential? Ms. Pelletier advised that she talked to our Assessor and it actually came up at a Planning Board meeting. Under State Law for residential homeowners who have this as accessory, there is actually a State exemption. Realistically, the Assessor advised that these accessory uses that are feeding into people's homes are really not going to add a lot of value. There will be an exemption and reimbursement from the State just like all the other exemptions so we will get part of our money back. The farms are hard to give us a value because there are not a lot of them around here in Cumberland County. If we got a large solar farm, it would probably be based upon the income approach. It would also depend on where it is going. If it is going on a piece of land that is in tree growth and not on the tax rolls right now, it would contribute to a higher value. If it is a commercial property, the Assessor couldn't give us a clear determination because it is really hard to give a value not knowing the income and we haven't seen anyone sell a solar

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farm. She didn't have a great answer because there is a level of unknown there. The Legislature is still in session and solar is a hot topic and should the State make some changes he could give a different answer.

Mr. Joseph mentioned that the sales approach when these things don't change hands very often, there are very specific conditions under which they can change hands because they are long-term investment instruments most of the time. It really has to be on what they generate the profitability and that has so many different factors. The federal tax code for example. Chair Egan advised that it is not terribly hard to get what the gross revenue is on the production of the farm because all of them have contracts for the sale of that energy so you can calculate what a revenue stream is based on the production.

Councilor Reighley asked what the size is of the solar array we share with the Sewer District? Chair Egan advised that it is a little over 1.4 or 1.5 megawatts. It is in Fairfield.

Councilor Daniele noted that the Planning Board asked the Council to think about pesticide and herbicide requirements. Do we want to move on that? We should go down their questions and get a feel for how we are feeling. Chair Egan agreed that it was a good idea. Councilor Daniele mentioned that several members of the Sustainability Advisory Board sent us letters of support for this and he thinks it is important to note.

Chair Egan asked Ms. Pelletier if the Council can adopt the language here and still modify it on things Councilor Daniele just brought up and potentially make changes from the 30 acres to something different than the 30 acres. Do we have to adopt those major components in the adoption of the language? How much room do we have to make minor edits? Ms. Pelletier advised that the Council can make minor edits. If you want to change the intent of something or add large solar to a zone where it is not proposed and then publicly circulated before you, then we do need to follow the strict legal process for the Planning Board. If you want to add a fence height, you can do that. The herbicide use was interesting. It was discussed at the Planning Board and did raise legal questions should there be cases where people can't control their pests. She was advised by the Town Attorney that the State does regulate language where you restrict herbicides. If we are going to do that, we might need to get a little more guidance.

Sarah had a little more insight and she can advise how she is seeing developers bringing these forward using herbicides and pesticides if that would be helpful. Sarah advised that out of the applications that her firm has reviewed, applicants were asked about their use of pesticides and herbicides and they essentially said that they don't use them. They are clear in their maintenance and operations plans that they are using pollinator friendly wild flower seed mixture re-vegetated and things of that nature. These are companies that care about the environment and are making their best attempts. She can't say it would never come down the pipeline but generally when Planning Boards have requested, they said they don't use them and don't intend to use them. Councilor Daniele asked if the Council could put language in there that says we have a strong preference against using pesticides and herbicides so that it is on the paper and then if there is a situation that they have to use it, we understand it and we have made our case even if it is not binding?

Chair Egan explained that part of the reason for determining what is constituting bringing this back in front of us is that if we amend the language and have a representation, there is significantly more than 300 property owners that have to be notified which is not an insignificant expense or effort to boot this through the process. So that is part of the impetus for taking action on this item this evening because it has already been through those steps and if we have some small areas we can iron out for tweaks in terms of process, that would be a more efficient way about it. If there are significant concerns, we can go ahead and do that. We have had a couple of comments about the size of the large array and whether it is acceptable. He wants to figure out if there are any more questions of Caroline or Sarah.

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Councilor Lawrence asked if we say the size is 30, do we have to allow a 30-acre farm when it goes through Planning and Review? Don't they have a, "We get you want to have this, but not there"? Can we limit it that way? Chair Egan's understanding is that the application would come forward to the Project Review Board and they would rely on this language in the Ordinance to make their determination. Otherwise, the project is meeting all the criteria from their site and what they have proposed, with the only exception being whether it is 20 acres or 30 acres of actual solar size, they would be allowed to do 30 acres. The Project Review Board would not be able to put it on hold and come back and ask us if that is really what we want. That is what we are enacting tonight is the tool for the Project Review Board to use going forward so that is why he wants to be sure we got it right. Ms. Pelletier advised that the Board can't disapprove something just because they don't like it so if the applicant can meet the standards, the Board would have to approve it. She knows we have people interested in doing large farms so it is a big decision that our community needs to take seriously.

Mr. Joseph added that the Council's best bet would be to say 10 acres or whatever number you are comfortable with, and have a signing statement along with this that the Council is open to considering projects up to blank acres through a contract zoning process or something like that. Councilor Bradley pointed out that you don't have to have that in your ordinance. Any developer can come and say give me special consideration. Ms. Pelletier advised that anyone who has some kind of right title and interest in a property can bring forward a zoning amendment so if somebody has a piece under contract and they want to develop as solar. If a 30-acre solar farm is not a permitted use, they can go forward to the Planning Board and the Council for consideration through the amendment process that is already in place.

Councilor Bradley noted it sounds like the Council is uncomfortable with 30 acres. He asked why doesn't somebody propose an amendment to something we could feel comfortable with and let the developer figure out how to get more if it is an economically important decision?

Councilor Bradley moved to reduce the 30 acres to 10 acres. There was no second and he withdrew his motion.

Councilor Daniele feels the idea that anybody could come and propose something bigger makes him comfortable doing a low number like that. They can always come and say they want something bigger but we have something on the books for 10. He agrees with Councilor Piltch on Route One South if we throw a 30-acre farm there, we have lost a lot of real estate that could have been businesses. Councilor Bradley asked if it is the golf course potentially? Ms. Pelletier could not remember the acreage of the golf course. Councilor Reighley advised that looking where Moe Fogg lives, near Stonewood there is a 52-acre parcel that has been for sale a long time. It would give you an idea of the size of 52 acres. Councilor Piltch advised that the golf course is in a rural zone.

Councilor Lawrence asked if there is a natural limiting factor for these farms? 30 acres is 5 megawatts and that is a viable project. If it is less than that, we will not have large solar farms. They will all be small solar farms or accessories. Chair Egan's opinion is that we are not necessarily deleting large solar farms if we have a limit less than 30 acres. In his previous experience, very few of them were less than the 5 megawatts. Not all of them used the same acreage but many were pushed up to that size because of the challenges of finding the right site. They would use as much as possible to get that array as large as possible and then go find contract partners to offtake all that electricity. Because of the effort it takes to get one permitted through the utility, you are going to spend the same amount of effort and money permitting a 1 megawatt as you would as a 5 megawatt so you might as well permit the 5 megawatt.

Chair Egan doesn't feel the Council would prohibit large solar arrays if we changed the size maximum from 30 acres to something smaller but it would certainly have an economic impact on the decision of any

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potential project owner coming forward. Right now, it is not an allowable use anywhere in our Land Use Ordinance.

Councilor Lawrence moved to limit the size to 20 acres to give more flexibility. There was no second and he withdrew his motion.

Councilor Bradley suggested leaving it at 30 and going to bed. Councilor Reighley pointed out that the Council has spent an hour on a subject we were scheduled to spend 30 minutes on. He asked if he can call the question. Chair Egan noted we have had a couple of motions come forward but no seconds.

Councilor Piltch mentioned he would be comfortable voting on three things. If most developers are saying that they are not using herbicides and pesticides and are saying they can do without it.

He asked why can't we say you can't use herbicides and pesticides in the development of a solar farm in Freeport? It doesn't seem like that would be controversial. He would like to see us remove Route One South from the large solar farm allowable uses. He would like to see large solar farms limited to 10 acres or 20 acres with a note that we would explore contract zoning for something larger. Even 10 acres is a pretty big installation.

Mr. Joseph pointed out that regarding the comment on the herbicides, we would need to get some guidance because it has to conform with the State guidelines for banning herbicides. He thinks we can do it but we have to investigate what the State requirements are. Chair Egan asked Ms. Pelletier if we are eliminating one of the zones for the use of the large solar farms is that enough of an amendment to where we have to go back to our public process? Mr. Joseph explained that reduction is generally good.

**MOVED AND SECONDED:** To amend the proposal before us to ban herbicides to the degree we can in compliance with State Law, remove large solar farms as a permitted use in the Commercial I District and limit the size of large solar farms to 10 acres. (Piltch & Daniele) **ROLL CALL VOTE:** (6 Ayes) (1 Nay-Egan)

**Minutes are amended to clarify that Councilor Egan called for a vote on the "amended motion". He should have called for an amendment first then for a motion as amended. This is just a procedural clarification. This is to clarify that the motion voted on was the amended motion including clarification on Route 1 south and limiting the maximum size to 10 acres. See also notes on the April 27<sup>th</sup> minutes.**

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ITEM # 54-21                      To consider action relative to a 2020 Project Canopy Assistance Grant of \$8,000.

Town Planner, Caroline Pelletier explained that a year ago during budget season we talked a lot about trees and Sustainability wanted some tree work done so they applied for a Project Canopy Grant. It consists of replacing a few trees in the village and a lot of pruning because we have not been maintaining our trees. Yes, the date on this is correct. It was a year ago in May and arrived during the pandemic. When we returned, we did not have the ability due to COVID to go forward with the project although we had the money that the Council budgeted. We did have a match that we needed to do. We reached out to the State and there were other communities in similar situations. She has talked with Public Works and they feel they have the staff capability to get the work done. The biggest problem might be getting trees. She has talked to the State and if the Council still wants to go forward with the project, we would accept

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the grant. She will submit the signed grant back to the State and we will request an extension to complete the work by the fall.

Councilor Bradley asked if we have to come up with an \$8,000 match. Ms. Pelletier replied that the Council does not. It was put in the last Capital Budget. We had to pay the cost upfront so this is a reimbursement so we already have the \$16,000 there and we will get reimbursed. Mr. Joseph advised that the money is still earmarked for a grant match for this project. If we turn down the grant, we will return the money to the Capital Fund. Councilor Bradley asked if the money came out of TIF? Ms. Pelletier offered to look it up.

Councilor Whitney thanked Ms. Pelletier for all the work she does.

**BE IT ORDERED:** That the 2020 Project Canopy Assistance Grant of \$8,000 awarded to the Town of Freeport by the Project Canopy Assistance Program be accepted by the Town Council. (Lawrence & Reighley)

Ms. Pelletier was pretty sure the money was not from the TIF.

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

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**OTHER BUSINESS:**

1. Discussion regarding consent agreement request submitted by Kirk and Kate Goddard

Chair Egan explained that the property owners requested that their attorney make a presentation. We have a submitted proposed consent agreement disposition of subdivision land and dividing out of lots that has happened over a long period of years and a proposal from the property owners about how to resolve a Subdivision violation in our Ordinance.

Mrs. Goddard explained that her husband is also on the call tonight and explained the positions he held on Town Boards and Committees. They would not be here tonight if they didn't have to be. A year and a half ago they were contacted by an attorney that they had used, Powers and French. He told them that he had been contacted by our Codes Enforcement Officer with some questions and asked if he had their permission to speak to them. Five months later and \$2,000 later the first contact they got from our CEO was a letter with nine questions. Three were related to Subdivision, three related to Accessory Building Structures and three related to road frontage. At that point they decided they needed to get legal advice so they hired David Soley and Mary Costigan who is arguably the foremost attorney for municipalities in the State and knows her codes. She will give a quick presentation. Both attorneys were assured by the Town that they were seen as good faith actors early on in the process and the Town wanted to come to a good quick resolution. Unfortunately, that didn't happen and eight months later they received a letter from the Town Attorney that stunned them, and also a question about a barn that they have and the question was are they using it as a residence. That was stunning from the standpoint that they didn't have a permit and didn't have a certificate of occupancy so it would have been illegal to do that and that is not how they operate. In the 20 years that they owned this land, they did nothing without talking to Fred Reeder. Her husband walked on the land with Fred and was asking for advice on how they could be sure to follow the law and ordinances that were in place. During the 16 years that they built, they received 8 permits and 6 certificates of occupancy. Fred never said once that they were doing anything wrong and only one time did he suggest they speak to an attorney which they did. On a personal note, they had been together for 41

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years and a year and a half ago they separated. Their divorce is on hold pending resolution of this because they don't know the status of their land. In addition, they can't put their house on the market because their certificate of occupancy for their current house that was reviewed and approved by Fred Reeder has been questioned by the current CEO. Their road frontage for their house that was reviewed and approved by Fred Reeder is being questioned and the right-of-way to the property that abuts their house that was reviewed and approved by Fred Reeder is being questioned. They have learned through Nick and Mary that there is a nuance to the Statute Title 30A that they could not understand. Attorney Costigan will explain that piece and they certainly understand it now. Going forward if they are to do anything with their land, they would continue to work with Attorney Costigan to ensure they get everything right as well as our Codes Enforcement Officer. It is their hope that the Council will consider their proposed consent agreement.

Mr. Joseph noted that Attorney David Soley is in the audience and is welcome to watch. Attorney Mary Costigan with Bernstein Shur shared a screen showing maps and Chair Egan noted that the Council is very familiar with those maps of the site. Attorney Costigan advised that the Goddards purchased the 50-acre parcel in 2001. They gifted 71-A to Kirk's parents in 2001. 71-C was the first division in 2001 and was a sale to a third party. Kirk was aware of the Subdivision Law and it is perfectly legal to divide one lot at a time and waited five years. He waited five years. Going to Lot 71-1 and in 2006 it was deeded from Kirk and Kathleen Goddard to Kirk and Kathleen Goddard. There is a deed on record and they believed it was the creation of a lot. They waited another five years and in 2011 she went to Lot 71-2 and it was created by depicting that lot on the plan and recording that plan in the Registry. To Kirk's knowledge that was sufficient to create that lot in 2011. Lots 71-1 and 71-2 were recorded in the Registry. Five years passes and now we are in 2016 and Lot 71-3 was a gift to Kathleen so that was an exempt lot. The final division was in 2016 as well and that was a sale to Claire Prescott of Lot 71-4. That leaves us with the remaining Lot 71 which includes 17 acres and Piebald Point that has not been conveyed off. There is an occupancy permit for that but it has not been conveyed out. She pointed out the 50-foot right of way which is a gravel road. The Piebald Point Road is a 30-foot right-of-way.

Attorney Costigan explained that the Goddards were surprised to hear that they potentially had some subdivision issues since Kirk worked with the CEO every step along the way and received multiple permits for the buildings on these properties and really believed that they were waiting every five years to do one division. This slide shows the Council the technicalities of what happened. The bolded dates are the dates she mentioned earlier. In 2006 there is a deed from Kirk and Kathleen to Kirk and Kathleen. They sold that lot to a third party in 2013 and unbeknownst to them, by selling it to themselves they did not create a lot for purposes of subdivision so back in 2006 by creating a new lot by selling it, he did not. The first division technically was in 2013 not 2006. In 2015 that is where we have a second division within five years that creates the three lots. The reason for that division and the technicality there is that the file she referred to earlier that was filed, was also not sufficient to create a subdivision because it was also held by the same landowner. They did not transfer that land in 2011. They held on to it, but it was in a plan so the only thing that had to have happened in 2006 and 2011, to not have us here tonight, is for Kirk and Kathleen to sell to either Kirk or Kathleen or to another party. The sales were five years apart and they were not more than three lots in five years. This is where we are. From the Goddards' perspective, these lots were all treated as separate tax parcels by the Town so in addition to the permits being issued and the tax aspects, they believed they were in full compliance with the Subdivision. It was a year and a half ago that they found that surprising news. Over the years there were multiple permits issued on this property, notably a permit to build a house on 71-2 and a permit to build a house on 71-1. The house on 71-1 happened after the conveyance and 71-1 and 71-2 were also subsequently conveyed in 2017 and 2018.

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They have been trying to negotiate for more than a year and hit an impasse. They thought the good faith actions of the Goddards would be sufficient and throughout the negotiations they were never told they had to go through Subdivision because there were some reasons other than the technicality. It was simply a technicality that brought that in. They are asking about issues related to the letter that was written and are hopeful that this consent agreement will resolve those outstanding issues. One is that they are asking that the Town not take any enforcement action to abate the alleged subdivision. In something like this, all the lots are developed and the road is developed and people have been there for years. It is impractical, if not impossible, to go back after the fact and try to have some sort of subdivision review of those lots.

They are also asking that the Town recognize that 4 Piebald can be conveyed as currently configured. It has been permitted. There is a certificate of occupancy there. It is on a 30-foot right-of-way that only serves two lots and they are asking that it be recognized and they can convey that out. They are also asking that 3 Piebald be recognized as a single-family home. There was a pattern with the CEO and Kirk that certain buildings would be built on sites as accessory buildings and they would be built without kitchen appliances. Once the property was conveyed, that accessory building became the primary building on the site, the kitchen would be added and a certificate of occupancy would be issued. In the case of 3 Piebald you will see that a certificate of occupancy was issued after it became the primary use of the property, but the way Fred did his certificates of occupancy, there was a building permit with a note on the righthand corner of the C of O. He didn't change the language on the building permit so it still said without a kitchen. He issued it after the sale when it was the primary use so the intent was there to issue it as a single-family home. It did get a building permit without a kitchen but needed the appliances to be added. They are asking that the current Lot 71 which is the 17-acre lot and for 4 Piebald be treated as a separate tract parcel of land moving forward. It is the cleanest way and most consistent way to move forward and give the Goddards a clean start and put this behind us. They certainly, from this moment forward, will be talking to them every step of the way to make sure what they do is not triggering Subdivision. If it does trigger Subdivision, they will go forward and get the proper approvals. They are just trying to have a clean practical solution and they are here because of a technicality.

Chair Egan is not prepared to make a decision this evening and he advised that the Council will have more conversation. He feels there is a general consensus that we are trying to treat residents fairly and appreciates the transparency on Kate's intent all the way through in terms of how she described the actions and the Council will balance that with what is in front of it in terms of our Land Use Ordinance.

Councilor Bradley, all transparency, they are close friends of his and he served on the Council with Kirk. He knows the family. He knows their intent and knows their love for the Town. The Council talked about this in its session so they know, Kate does not have to convince us of who you are and how you feel about the Town and what you mean to the Town. Every Councilor here has a sense of that and he knows Kirk is listening. Speaking for himself, what happened was a technicality and he doesn't see that this is something they should be punished for. He will not speak for any other Councilor, but thinks we are moving in a direction in their discussions but he can't talk about because they were in Executive Session. We are moving in a positive direction not punitive if that makes sense. We do have to have more detail and a little more input. Chair Egan noted the next meeting will be on April 6 and he intends that we have a resolution at our next regular meeting.

Attorney Soley noted that they are in the Council's hands. Everybody acted in good faith and followed what Fred did to the tee. Fred was a phenomenal Code Enforcement Officer. If anyone has questions in the meantime, please call him, Attorney Costigan or Kate and Kirk. They will answer every question transparently and fully. This is just a technicality that we who have lived in Freeport for a long time never foist against our own people.

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Mrs. Goddard appreciated what Councilor Bradley said and she was as honest as she could be about needing to sell their house. Whatever the Council can do to move this forward, they are in the Council's hands. They can be patient for another three weeks. Chair Egan explained that for all of the Council to participate, it has to be a posted public meeting so we have to maintain that schedule. They will have an opportunity to confer with our Manager and Town Attorney on exactly our steps and get something back to her. Mr. Joseph added that the Council can let Mary and David know that Amy will be reaching out to them as a result of some of our conversations between now and April 1<sup>st</sup>.

~~2. Update on Downtown Visioning Project was covered at the beginning~~

3. Discussion on Cannabis

Chair Egan noted this is an informal presentation on the current status of cannabis cultivation in our community. We have two business owners and he believes both will be here and will want to make comment. The request is for the Council to begin potentially to agree whether or not to begin a discussion about having what is called an opt-in where the Town recognizes the State Law on the different categories of the industry and the production and sale and manufacture of cannabis products which is now legal. If we do that, we would eventually need to have proposed language in Zoning descriptions so the whole process of allowing a new use in our Land Use Ordinance. The reason why it has to go through that is because previously these two business owners currently are designated as servicing the medical cannabis community and by State Statute were not required, other than the usual building regulations, to have any special consideration under Ordinance in relation to cannabis. Recent State regulations have now required any business owner involved with cannabis that wants to operate in a community, the first step is that that community has to opt in to allowing an array of potential uses for cultivation, manufacture, testing, retail and social clubs as well. This presentation is to give an update to the Council from two current business owners in good standing in the community and where they are seeing the industry and the market place and probably an outline of what their eventual request will be to the Council on this matter of cannabis as an industry.

Peter Ingrams thanked the Council for their time. They just offset all of their carbon foot print by solar. He advised that he has been involved in cultivating medical cannabis in Freeport since 2017 with no complaints or violations. He employs 15 people now and many of them support the local economy. He is asking that he can continue to do what he has been doing in the last four years but in the more restrictive adult use marketplace under the more restrictive adult use rules. That would require this issue being passed over to the Ordinance Committee for drafting an adult use ordinance. The reason he is asking for this is because he and David Stephenson are both licensed with medical cultivation right now and that whole program is changing quite drastically very soon. They expect that the current rules are being discussed in Augusta right now and could drastically limit the medical program and in turn push the adult use program. They saw this coming and brought it to the Council in 2019 and the Council held a workshop in January of last year and he and about a dozen others spoke in support of adopting an ordinance for the cultivation of adult use cannabis. At that point the State had not finalized the adult use rules and they had not seen any track records for municipalities. Some Councilors voiced their concern that maybe we should wait to make any decision on this until the State had adopted and put out their regulations and requirements for licensure for regulations. They have seen some municipalities handle these businesses that are coming for adult use. Now over 60 municipalities have opted in and dozens of cultivations like theirs have opted in and are open and are generating cash revenues and providing local jobs and they are operating under the more strict oversight and regulatory compliance required under the adult use that isn't required under the current medical use program. In essence, he wanted to ask for consideration of adopting the ordinance. By Freeport taking no action in this matter, they would not be able to participate in the new adult use business. They are not looking to sell out of Freeport or any retail

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location in Freeport. David Stephenson is the other operator in Freeport and is also licensed by the State and would like to say something about the economic impacts and some of the changes happening in Augusta that would benefit municipalities.

David Stephenson thanked the Council for providing an opportunity for him to speak this evening. He has a cultivation facility at 24 Noble Drive. He has had that operation since 2017 and employs 25 local Mainers. He is seeking to obtain a State license for adult use cannabis cultivation at this facility which is not possible at this time since the Town has not passed an ordinance like this to transition to the adult use market. He hopes to keep his business here. He is not seeking to open a retail store but simply wants to maintain a reliable cannabis cultivation business at his current facility and sell to the adult use market. In addition to bringing in tax revenues and licensing fees to local communities, Maine lawmakers are considering several bills during this session to allow towns to tap into that revenue. A new report shows the legal cannabis industry added 77,000 new jobs in the country in 2020. The cannabis industry provides about 321,000 jobs in states where it has been legalized and a 32% increase over the previous year at a time when the national economy shrank 3.5% due to the pandemic. As of October 2020 legal cannabis has become Maine's most valuable agricultural commodity with sales growing 160% in 2019 and 2020. Maine's Office of Marijuana Policy reported over \$9M in sales by adult use businesses between October 2020 and February 2021 and these totals are expected to increase significantly. He encouraged Councilors to send this to the Ordinance Committee and start the process for developing regulations to allow a business like his to continue to provide quality jobs and remain in Freeport.

Councilor Reighley asked in this opting in that the Town has to do, how do you think it would fare on a referendum to asked Freeport citizens if they would approve both the growing for recreational use and also with the explanation that there are more stringent requirements for that? How do you think Freeport residents would fare in a referendum for voting in a retail operation or a medical dispensary or testing facility for either one of those things? Five different things would be considered.

Mr. Ingrams replied that he thinks it would depend on how the Ordinance is written. Freeport would have a lot of flexibility in how the ordinance is written. It could limit the zones where any sort of cannabis operations would be able to do business. Councilor Reighley clarified his question and asked how Mr. Ingrams feels it would fare if there was a question on the ballot? Mr. Ingrams felt it would depend on what the question was. If it was a limited amount of cultivators for instance in limited zones, he feels it would fare okay. In terms of retail, he is not sure Freeport is there yet. He is not sure a referendum would favor that.

Councilor Bradley asked if the Ordinance Mr. Ingrams would like to see Freeport develop, limits him to specific economic or cultivation practices? Could the Council make it as tiny as it wanted or as large as they wanted? Mr. Ingrams advised that yes, that is the way the State allows it. The Council can select how many operators to have and which ones of the five types of operations that Councilor Egan referred to and where it can be done. The Town can also charge a certain amount of money for that. Portland charged \$10,000 for a license annually.

Councilor Bradley asked about the people these entities hired, how many live in Freeport. Mr. Stephenson advised that he has one Freeporter and Mr. Ingrams does not have any Freeporters.

Chair Egan advised Peter and David that this would be considered by the Council but he does not have a timeframe yet. He recognizes the urgency with the changing of State rules and what is happening with the industry so now that we have had this presentation, the first step would be for Council leadership to discuss whether or not it comes on to our next regular meeting for potential workshopping of which they would be invited. It is now front and center for us and we will be getting some sort of resolution on a

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pathway to some sort of decision. He doesn't know which way that will go. He appreciates their patience sticking with the Council tonight particularly sticking with us until 10:55 p.m. and they will get something going here soon to let them know which way they are going to go.

4. Continued discussion regarding Council process for review of Bartol Library proposals

Chair Egan advised that this item is something the Council has had discussion on previously and we are going to discuss whether or not the Council wishes to move forward with consideration of a proposal for the use of the Bartol Library which involves Councilor Piltch and whether or not we are going to consider that to be a conflict. We have had an Executive Session and input from the Town Attorney. He knows that Councilor Piltch is anxious for some kind of resolution on how this is going to go. It is clear that Councilor Piltch cannot participate in the conversation. Unless people feel the urgency to move to Executive Session to have that conversation, he doesn't think the Council needs to. We are not debating the proposal. We are debating whether or not we can consider the proposal, which is something we do in this meeting to decide whether there is an impediment and conflict regarding a number of different factors with Councilor Piltch. Councilor Reighley advised that it is not debating, it is discussing.

Councilor Piltch provided a brief update on what has changed. At the last meeting the issue of the actual conflict which he thinks he is addressing by stating that he is not going to participate in any conversation relating to the lease and any conversation related to the management of the building after the lease. There is also the perception of conflict in his participation in the Downtown Revisioning Project as a member of the project organizing committee. His belief is that the organizing committee is just organizing, not influencing. They are just accepting input from the public, organizing it and reporting it to the Council. Because there is a possible perception of conflict, he stepped away from that since our last meeting. He has not been to any of those project organization meetings and those planning meetings that happened weekly for that project and will stay on hiatus from that until we figure out what is going to happen with the lease and whether it is yea or nay. He would be happy to answer questions before he steps away.

Councilor Bradley advised that he appreciates Councilor Piltch's decision and knows it is not easy and doesn't think it is great for the Town to have him step away in terms of the substance in terms of what that committee does but he thinks it really helps at least him to free up his mind to deal with the conflict perception issues. His only question is what does it mean to take a hiatus? He asked Councilor Piltch if it turns out the lease proposal is considered and accepted, he would stay away or is he saying he will come back in? What does he mean by hiatus? Councilor Piltch noted he doesn't know how the Council will land so it is hard to predict the future. If it turns out there is too much controversy and the Council wants to do something different with the building and he will not be involved, he would want to come back in and remain there. If the lease comes back and it is all signed, sealed and delivered and there is no room for changing it, then he will participate as a business owner as well as a Councilor not to influence but to participate. The proposal he submitted for that side of the business was submitted before the Downtown Revisioning Project even started. A couple of meetings ago he mentioned that if anything coming out of the Downtown Revisioning Plan contradicts what he intends to do with the building, he is happy to alter plans. If they can't be altered, he would be happy to withdraw the plans. He does not want to do anything with the building that doesn't support what the public has said they want to do with our downtown. He is happy to add that contingency into the lease.

Chair Egan advised that at the last Council meeting the Council voted to not take action on the proposal in general until it saw some tangible direction from the visioning process which may or may not inform. There may be a brilliant idea that comes out of that process that the Council hasn't thought of and before it makes its decision on a handful of proposals it has now, it may want to wait and entertain such an idea.

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We took a vote out of the last meeting to not actually dispense of a decision on those proposals until at least after the first meeting in May for the Downtown Vision Group. This evening's action is whether or not we are going to consider having a conversation about the proposal that came from the group that includes Dan Piltch. This is the time for Councilor Piltch to sign off and the Council will let him know how it was resolved. Councilor Piltch signed off.

Mr. Joseph added that the open question at the end of the last meeting, the Council was heading in the direction that Chair Egan just described. The question was is it fair to not give a clear answer if the Council felt the conflict issue was insurmountable to Dan and not let him think there was any consideration of that going on. That is the question we are hoping to answer tonight so we can get back to him with clarity.

Chair Egan added that before we contemplate what may come out of the public process on Downtown Revisioning, and what future conversations here might be about the disposition of that important asset, he thinks before we even get to that we have to conclude whether or not we want to consider the proposal from the group that includes Councilor Dan Piltch. He feels it is fair for us to decide that now to give him clarification on whether or not his group should wait around until May or if he separates from that group or any other decision he may want to make. The Council heard from Councilor Piltch that in an attempt to eliminate perceptions of conflict, he has withdrawn from any involvement in the Downtown Visioning Group. He has already made it perfectly clear that he would not be a part of any decisions obviously on the Council in terms of this issue.

Councilor Bradley feels Councilor Piltch has gone as far as we could ask him to go to resolve the actual but perceptual issues and he has met every concern raised as far as he is concerned. His answer would be yes, he would consider his proposal for the use of the Bartol Building without fear that he was either actually or perceptually in conflict as a Councilor making a proposal for a Town building. Councilor Lawrence agreed. Vice Chair Whitney agreed and noted that Councilor Piltch is not at the meetings any more. Councilor Daniele agreed and since Councilor Piltch is taking that step, he would consider having him back on those committees because he said he would and that would be fine with him. Vice Chair Whitney added that from the beginning, Councilor Piltch's whole thing is about transparency and he has indicated that as part of that transparency he would step down and hopefully we will get him back soon. He has done such work to get them back on track and she feels that almost anyone of them could jump off now because it is about Principle leading the community voice. We know where Councilor Piltch is and she feels having him off right now just for that transparency because you never know how people are going to react to things these days. For us to be able to consider a cool option, she thinks he has done the right thing. Councilor Reighley feels Councilor Piltch has been very honest and above board with everything he has presented to us. He respects him and what he has done. We need to work on what we want to do regarding this building. He would be happy to have him continue on and he is waiting to make a decision on what we are going to do, buy, sell or go to Dan or anything else. He is doing the right thing. Keep him around.

Chair Egan surmised that we have a consensus that we can, as a group, move forward with consideration of the proposal amongst the others for the group that includes Councilor Dan Piltch and we will not be obstructed by a perception of conflict since he has stepped down from his participation in the community revisioning process and that he will recuse himself and insulate himself from any decisions here at the Council level about disposition of those proposals. If that is the consensus, he will take the initiative to relay that to Councilor Piltch tomorrow so he has an idea of what is up with this group and his proposal is still under consideration but it won't be decided upon until we finish our process and at least get to the next milestone in the event we hear some potentially informative ideas from that process.

**MOVED AND SECONDED:** To adjourn at 11:05 p.m. (Reighley & Whitney)

Councilor Bradley asked if the Council was to go into Executive Session, now that we have kicked out the conflict issue resolve, would leadership be in a position to describe to the rest of the Council what the competing proposals are for Bartol so we might give it some thought. He has no clue and really does not know. He has a rough idea but doesn't want to make this meeting go any longer than anyone else does but if we are going to come back without any introduction to those competing proposals, and no chance to think about it or talk about it, he would spend another 15 minutes if you had it. Chair Egan agreed with Councilor Bradley but is not prepared. He does not have the information handy or off the top of his head. We can actually circulate through the Manager that information excluding Councilor Piltch. We have a way to do that.

Mr. Joseph asked what is the due date or the expected date when the Downtown Planning Process will be sufficiently along that the Council is comfortable considering this. It is a month out from now maybe? Vice Chair Whitney noted they had originally been on for May 16<sup>th</sup> or whatever the close date is. Mr. Joseph advised that the Council has two regular meetings in between and can schedule an Executive Session to talk about exactly what he just raised which is probably correct. We would want to have that discussion before the Council makes any decision so at least you know what is on the table. Chair Egan agreed but the point is that Councilor Bradley does not have any information at all about what the proposals are because we didn't get that far. He does not have that information handy but will get to it and move it forward in the month of April.

**ROLL CALL VOTE:** (5 Ayes) (1 Nay-Bradley) (1 Recused-Piltch)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #10-21**  
**HELD REMOTELY USING ZOOM TELECONFERENCING TECHNOLOGY**  
**TUESDAY, APRIL 6, 2021**  
**6:30 p.m.**

<b><u>ROLL CALL OF MEMBERS:</u></b>	<b>PRESENT</b>	<b>EXCUSED</b>	<b>ABSENT</b>
Edward Bradley, 242 Flying Point Road	x		
Jake Daniele, 264 Pownal Road	x		
John Egan, 38 Curtis Road (Chair)	x		
Henry Lawrence, 93 Hunter Road	x		
Daniel Piltch, 25 Quarry Lane	x		
Douglas Reighley, 2 Harbor Ridge Road	x		
Tawni Whitney, 56 Baldwin Road (Vice Chair)	x		

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

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

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

Chair Egan mentioned he had a request that the Council can discuss. He would like to take up Tabled Item No. 51-21 which is a discussion on the Short-term Rental Ordinance and move it one notch forward in front of Other Business but after the votes of our regular agenda. He would like consent from everybody to move that item one space ahead of where it is right now. He asked if it was okay with everyone. It was fine with other Councilors so Chair Egan noted he would go ahead and amend the agenda and move Tabled Item No. 51-21 to take place on the agenda right after Item 60-21 and in front of Other Business.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #09-21 held on March 23, 2021 and to accept the minutes as printed.

Chair Egan clarified that there is an item related to the adoption of the Solar permissions that we amended in our Land Use Ordinance and took a vote on that at our last meeting. There was a little bit of discrepancy about whether we voted on the motion or the amendment that was combined into an amended motion and we technically should have had a vote on the amendment first and then voted on the motion. From his review of the recording, it appears there was general consensus that what we took a vote on was a motion amended by Councilor Piltch to have two changes from what was on the printed agenda. Those included excluding a certain designation of zoning on Route One South and also to limit the maximum size to 10 acres and there was discussion about those particular items which then became part of Councilor Piltch's motion. When he called for the vote, he called for the vote on the amended motion which was his error. He should have called for an amendment first and then a vote on the motion as amended. We lumped them all together but he wanted to make sure for the accuracy of the record and for the Minutes for Sharon that we all agree that that was what we voted on. He asked if this is a recollection that everybody is comfortable with that what we vote on was a motion to adopt with those two amendments added to the motion? If we vote on the Minutes this evening with that clarification, the vote stands from our last meeting.

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Councilor Daniele advised that he mentioned this to the Sustainability Committee and they were slightly disappointed that we did not maintain the full 30-acre large farm. Councilor Bradley accepted Chair Egan's report on this and concurred. Chair Egan advised that with that correction on the Minutes, the Council will go ahead and take a motion to adopt those Minutes.

**MOVED AND SECONDED:** To accept the minutes as amended. (Reighley & Piltch) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Chair Egan noted that the Council's process rules require us that when we have a printed item on the agenda and we make amendments to it, we actually have to have a vote on the amendments before we vote on the action item. He will do better to try to capture both of those for clarification after the public record.

**THIRD ORDER OF BUSINESS:** Announcements

Chair Egan announced:

- Post Road Restrictions were lifted yesterday, April 5<sup>th</sup>, 2021
- Although it is still a couple of months away, people have been asking if there will be a Spring Cleanup this year as last year's Cleanup needed to be cancelled due to the pandemic. This year, Spring Cleanup will be held Monday June 7<sup>th</sup> and Tuesday June 8<sup>th</sup> from 9:00 am – 7:00 pm and Wednesday June 9<sup>th</sup> and Thursday, June 10<sup>th</sup> from 8:00 am – 7:00 p.m.

Councilor Whitney asked if the Swap Shop at the Landfill would be open on those days? Mr. Joseph did not know but offered to get the answer for her.

- Due to the Governor's order, there are no fees being assessed for late dog registrations this year. If you haven't yet registered your dog for 2021, please stop by the Town Clerk's Office to register your dogs or you can also re-register your dogs online by going to the town's website and clicking on "online services."
- There is an organized movement of municipalities to focus on extended packaging responsibility and build some accountability for the amount of solid waste going into our landfill from original packagers and manufacturers. While the request came in after our deadline for getting on to tonight's agenda, he expects we will have someone from ecomaine here on the 27<sup>th</sup> to make a very brief 10–15minute presentation on the opportunity for Freeport to join in this with some sort of resolution. He read the summary into the public record Chair Egan noted the Council is not taking any action on this this evening. He is bringing it up to flag it for a brief presentation at our next meeting so we can hear about it and potentially discuss it and take some action on it. There is a growing list in our Sustainability Committee that is strongly endorsing to consider this.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Bradley explained that in the last day or so there has been progress on the Island Rover matter. He has a signed access agreement and clean-up agreement from Harold Arndt and a promise of the same

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signature to the agreement by Carter Becker soon before our next meeting which would lead to the implementation of the plan that the Council has discussed at length and should occur with cooperation between the Town's Public Works and Mr. Arndt and Mr. Becker within the next week. It is good news.

Councilor Bradley advised that as a result of the very moving Citizen of the Year Program that the Council put on for Jim DeGrandpre, the Arts and Cultural Alliance of Freeport has gathered a couple of volunteers to put on a video photo montage of the event both at the Council and at the farm the next day when there was a sort of celebratory parade. It is in the final stages of presentation and his question is that ACAF will present it as a gift to the Town but how will the Town like to receive it and what would the Town like to do with it? As he understands it, there has been discussion between Cable and the ACAF volunteers about format. That is one possibility. We don't have to decide it now but he wanted to say it is underway and hear from the Council how they would like to use the gift that ACAF has created for them.

Chair Egan mentioned that we have an archive of recipients but did not know if we have any video or photographic documentation of prior awardees. It sounds like an excellent time for us to start building an archive of these presentations highlighting significant contributions from residents of our community. He would say we can hold it at the Town electronically and have a link to it on our website. He does not know how large the file would be or how easy it would be to transmit it but we can certainly make it available on our Cable Channel as well. Councilor Bradley estimated it would be a 10 or 15 minute capture of both events. His question is do we want to put it on as part of a Council meeting? Do we want to put it on as a Council sponsored, ACAF sponsored Cable program? It is really for the Council's use. ACAF will probably put it on their website but the question is does the Town have an interest and what is it and how would they like to use it? He is not expecting an answer tonight but we could think about it and it might affect the format which is the important point.

Councilor Reighley reported that the Complete Streets Committee met this morning and they have a great game plan going. Each member has tasks they can choose and work on. For example, Phil Wagner has the Taxi Stand issue and also bike racks for people to store bikes or have bike places where they can leave their bikes in town. There was a site walk on the pathway that would go from West Street down to Pine Street that was also well traveled by many members of the Committee. It is a very active group and they are doing a great job. It is a great addition to have Liz on the Complete Streets Committee.

Councilor Reighley advised that the Ordinance Committee met two times from our last meeting working on changes felt necessary to the Short-term Rental Ordinance that is before us tonight. No significant changes took place so there was not need to call for another hearing on this as felt by the Town Manager. Thanks to the Town Planner and Town Manager, Committee members and participants.

Councilor Daniele reported he attended a PACTS meeting. They do quarterly meetings and are restructuring so there were a couple of new Board members coming on so the structure is changing a bit. He will keep the Council updated when he goes to the next one. It was pretty procedural for this one.

Vice Chair Whitney noted that later tonight, Mary Davis, President of FEDC will be speaking and giving a presentation on where we are with our Downtown Revisioning work. She wanted to update everybody that there are other fun things coming out of that and really wanted to say how wonderful it is to work with the community, not only the residents but also the businesses and different groups in town. Everybody is collaborating nicely and from that good work is being done quickly. They are in the works of planning four COVID-safe events for the upcoming summer to bring a little bit of energy to Freeport. Last summer we tried to close our Main Street and we think we can do a little bit better this summer. We have been trying to get some sponsorships from different businesses in town and she is actually starting to write her very first grant. She will let Mary Davis fill the Council in with details later tonight.

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

Mr. Joseph noted that because we have done such an efficient job already, everything he had to announce has been spoken about in Announcements. With this long agenda, he will cede the floor.

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

Chair Egan explained how members of the public could provide comment. He opened the floor.

Tim Bowe was in the audience but experienced connection problems. The Council moved on but would come back to Mr. Bowe after getting an indication that the technology is figured out. He apologized to Mr. Bowe.

There were no other public comments provided.

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

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ITEM # 58-21                      To consider action relative to adopting the April 6, 2021 Consent Agenda.

**BE IT ORDERED:** That the April 6, 2021 Consent Agenda be adopted. (Egan & Reighley)

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

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

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ITEM # 59-21                      To consider action relative to the proposed Capital Program for FY2022.  
PUBLIC HEARING

**MOVED AND SECONDED:** To open the public hearing (Piltch & Reighley)

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

Chair Egan noted that the Council has had several conversations about this. Jessica Maloy, Finance Director is with us on the Zoom meeting to answer any questions. He explained that the Council is not adopting the Capital Program this evening. It is simply a public hearing to discuss the items held within.

Ms. Maloy had to use the Town Manager's computer since she experienced connection problems. Chair Egan advised that the Council has had a couple of workshops and a presentation by department heads as well as a summary from the Finance Director and the Town Manager so the Council has been through this at least twice and will go through it a couple more times at least prior to adoption. This is a public hearing tonight and is an opportunity for the public to make comments on the proposed Capital Improvements not only for FY 2022 but to see what is planned for subsequent years. The Town operates on a 5-year Capital Planning Budget so we can be much more predictive and on top of Capital needs as

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they are coming along and have way less surprises so there is an illustration of the next 4 years after this coming year of our Capital Improvement Program.

Ms. Maloy, as a brief overview, explained that the Capital Plan, as the Manager proposed, stands at \$1,497,000 with \$1,197,000 of that coming from our reserves and \$300,000 of that coming from our Destination TIF.

Chair Egan felt it would be helpful to members of the public who are seeing this for the first time if she could briefly explain the dynamic of how these Capital items are funded with Reserve accounts and give a couple of highlights of some of the larger department numbers.

Ms. Maloy explained that the majority of these items are funded by our reserve balances which typically get funded at a flatter level to help keep the tax rate stable rather than having to drastically increase the tax rate should we need a fire truck which is typically over a million dollars and would be a huge spike to the tax rate if we had to purchase it with non-reserve funding. Some of the larger items we are looking at this year typically occur under the Comprehensive Town Improvements. We have a \$450,000 recommended appropriation for the rebuild of the Spar Cove Road, a parking lot expansion for Hunter Road Fields and improvements to the Train Station. Outside of that under our Board and Committee requests we have two large items dealing with a Comprehensive Plan Update in the amount of \$75,000 and additional funding for Downtown Revisioning proposed at \$50,000 for FY 2022. Those are the primary big ones we have within the Capital Budget.

Chair Egan wanted to clarify that when he first got on the Council, it took him a while to understand the prudence we have with funding our entire Capital Improvement Plan with reserve accounts and that the existence of those reserve accounts is a result of discipline and diligence to fund those reserve accounts with not only savings but a regular allocation out of the Operating Budget of the Town so that as items come up and come and go on Capital need plans for all of the departments, those are able to be absorbed in the planning with the reserve accounts so while technically all of that revenue comes from the taxpayers, he wants to make it clear that we are able to fund last year it was over \$2M and this year it is over \$1.4M worth of Capital improvements without them directly affecting the mil rate and the tax burden on a manual budget basis because we have substantial reserves that we are making contributions to. It is an example of excellent financial planning and the good work by Jessica Maloy.

Ms. Maloy noted she forgot to include the street sweeper because it was split between two reserve accounts and currently totals \$280,000.

Chair Egan noted we have a list of 31 folks attending the meeting this evening and this is their chance if they are here for discussion on the Capital Budget to use the raised hand feature.

While waiting, Vice Chair Whitney asked about the budget and her focus would be on the Revisioning Budget and right now we have Phase Two is highlighted but Phase Three is put off until the next year. Chair Egan suggested tackling that in the upcoming workshop when we will have more of a back and forth. We are in the middle of a public hearing and he would like to reserve the floor for the public to participate. We are not taking any action on the Capital Budget this evening. This is a presentation on what we have formed so far but he is very anxious to hear what Vice Chair Whitney has to say about that but he thinks the Council will have a couple more sessions.

Keith McBride advised that he appreciates the emphasis that has been put on economic development planning going forward and brings to the Council's attention that there are two items where requests are pending for funding that FEDC supports pretty strongly. One of them is the Downtown Revisioning Plan

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and feel that the remaining \$100,000 be put into FY 2022 to get that project done in an appropriate timeframe and to keep people engaged while they are engaged. He knows that Mary Davis will be making a presentation later on the agenda with help from Councilor Whitney and the Council will see that the progress that has been made has been outstanding. He encouraged the Council to continue the important economic development and community planning effort that has been begun by the Arts and Cultural Alliance with the Meeting House Arts Project. He is aware they are bringing forward a TIF funding request. He has spoken to the Council numerous times about how the development of an additional arts and cultural asset on Main Street is a critical component of what he thinks will become a part of our new revisioned downtown. Their Board has voiced pretty strong support for the continued funding of that project. It would be a shame at this point to lose the opportunity that we are so close to having completed. He knows they are expensive but feels they are important economic initiatives and we are making such great progress on both of them. He thanked the Council for its consideration of this.

**MOVED AND SECONDED:** To close the public hearing. (Piltch & Reighley)  
**ROLL CALL VOTE:** (7 Ayes) (Nays)

Chair Egan asked after tonight's agenda item, if there is another date that we can share with the public so they can sense the adoption timeline of the Capital Budget? Ms. Maloy advised that further discussion on the Capital Plan will be April 27 as well as the physical adoption of the Capital Plan.

Mr. Joseph noted that he tried to reach Tim Bowe but he has no audio feed. He will follow up with him. Chair Egan apologized for not being able to connect with Mr. Bowe.

Councilor Bradley had a question about process. When the proposed Capital improvements were originally presented, the ACAF TIF request was included in the Capital Budget. Tonight, for the public hearing, it wasn't. He asked if the ACAF people should have been here tonight to talk about its program, progress and its current TIF request. Will they get a chance to do that on the 27<sup>th</sup>? Mr. Joseph mentioned that they can but his understanding was that it was going to come up in the workshop tonight. Councilor Bradley is trying to be transparent with them. He asked this question earlier, where is the TIF request and the answer was well, it was in the original and he thought there would be an opportunity and then tonight's public hearing and he doesn't see another one. He wants to make sure they get a chance to come in and explain why they are asking for it and what they are doing to raise their own funds to more than match the request they have made from the Town. Chair Egan noted they would have an opportunity to do so at the workshop, assuming that the numbers are ready to share and there is a presentation ready to be available this evening. He expects them to participate in the workshop tonight. If not possible, Jessica just indicated we have another workshop on the 27<sup>th</sup>. He doesn't think there needs to be a lengthy presentation but certainly the dollar request and the context from which it is coming could be shared. Councilor Bradley advised that he could certainly do that because he is very familiar with the numbers but Nancy Salmon, President would like to make that presentation to the Council. He asked David Webster who is in the audience to let Nancy know tonight would be an opportunity for her. He pointed out that she is in the audience.

Mr. Joseph advised that typically we would have that in the workshop only if it was raised as an issue by the Council. It may be premature. He doesn't know if the Council wants them to participate or not. We have gotten the documentation and the request was pretty clear cut for discussion. This is the first time we have had the first workshop after the public hearing because of the schedule and that is why it usually is on the agenda before the public hearing. Chair Egan mentioned he just heard Councilor Bradley say he wants it to be under discussion although we don't have anything included in our materials on that specific request. He does not believe there will be opposition to hearing about what that information is this evening if it is available. Mr. Joseph added that that information was included along with the original

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Capital Program so it should be in everybody's possession. He could put it up on the screen when we get to it if we need to.

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ITEM # 60-21

To consider action relative to setting a public hearing to discuss proposed amendments to Village Commercial Districts- Freeport Zoning Ordinance.

**BE IT ORDERED:** That a Public Hearing be scheduled for April 27, 2021 at the Town Council meeting starting at 6:30p.m. via Zoom to discuss the following proposed amendments to the Freeport Zoning Ordinance:

- 1) Adding "Mixed Use Development" as a permitted use subject to Site Plan Review in Section 413. Village Commercial "VC-I"; Section 414. Village Commercial II "VC-II"; Section 415. Village Commercial III "VC-III"; and, Section 416. Village Commercial IV "VC-IV".
- 2) Changing the maximum building height to "up to three stories, with a maximum height of 45 feet" in Section 413. Village Commercial "VC-I"; Section 414. Village Commercial II "VC-II"; and, Section 415. Village Commercial III "VC-III".
- 3) Changing the minimum land area per dwelling unit requirement to zero in Section 413. Village Commercial "VC-I"

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

Chair Egan explained that our Planner will go over the details on this and the Council has a summary sheet in its packets. This is the culmination of an enormous amount of work by our Planning Board with input from other Boards about trying to make our Zoning Ordinance more friendly for potential change in use and to more align with the revisioning process that is going on to allow for different kinds of activities and things in the downtown. It is also a chance to make the Ordinance more friendly to builders and developers who want to propose uses in our downtown. That is the reason for this. This work has come out of a long extensive process. We are just setting a public hearing this evening and will not be voting on this matter.

Ms. Pelletier screen shared her presentation and explained that the Planning Board had a workshop with Keith McBride and members of FEDC back in December. FEDC brought forward some ideas for the Planning Board to consider that they felt were limiting factors to development such as building heights, land per dwelling unit and the new use of Mixed-use Development. The Planning Board talked about it in January and formalized some language and then they had a public hearing. They did get some participation at the Public Hearing and tweaked the language based upon the comments made at the Public Hearing. They go two letters in advance and had four people actively participating in the discussion at the meeting. She pointed out Village Commercial I, Village Commercial II and Village Commercial III in her slides. The VC IV is one of our newer zones and pointed it out. For all four districts the proposal is to add the use of Mixed-use Development. The Building Height is three stories but give some flexibility to allow a height to go up to 45 feet. Finally, to reduce the land per dwelling unit from 2,000 sq. ft. down to zero. In the village if you have a lot, it needs to be at least 8,000 sq. ft. or about a quarter of an acre. If you have multiple units, now you would need 2,000 sq. ft. Under the change, you would need zero. Other standards are not proposed to be changed such as setbacks and parking standards.

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They would all still apply. She explained the heights and how it is calculated and showed existing buildings. The Mixed-use Development might be familiar to the Council. It amended it a year ago. It is amended to be a structure with at least one residential unit and at least one other permitted use that is permitted in the district in one structure. In the Village Commercial II, III and IV, this is a new concept. In the Village Commercial I we essentially allowed mixed use but kind of in a different way. We would allow a commercial use on the first floor but residential was allowed on a floor other than the first floor. This will clarify it and we wouldn't care which floor the residential is on or which floor the commercial is on.

One other thing that came into play was that there was a lot of talk about height and how it is going to fit in and sometimes the impacts height has. The Board talked a lot about the Design Review Ordinance because most of the subject area is within the Design Review District and we do have standards for new buildings, constructed buildings or altered buildings so there is a height standard the Board would have to consider for compatibility. Although we are increasing it to give developers the flexibility to hopefully fit more affordable units, there would be some guidance as opposed to height and how it can fit in for a new structure.

Councilor Reighley mentioned that in the past the 35-foot height was how high our fire ladders could go. He asked if Chief Jordan is comfortable with this new height and the equipment we have. Ms. Pelletier replied that he is.

Chair Egan thanked Ms. Pelletier and noted that this is the first of what is likely to be several suggested changes and amendments to our Land Use Ordinance as Freeport changes its uses and pivots on its identity. We will need to address these types of things in other parts of the Land Use Ordinance coming forward in the near future. We are setting a public hearing for the 27<sup>th</sup>.

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

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ITEM #51-21

To consider action relative to enactment of proposed Freeport Ordinance Chapter 61: Short-term Residential Rental Registration Ordinance.

**BE IT ORDAINED:** That Chapter 61: Short-term Residential Rental Registration Ordinance be enacted.

(This was tabled at the March 16 Council meeting. It is related to the adoption of the Short-term Residential Rental Registration Ordinance. We have an opportunity to adopt this Ordinance which has had a lot of effort and work from various committees and a significant number of the public. It has certainly taken a long route to get to this part. Prior to any discussion about this, we had a mention of this at our Ordinance Committee meeting.)

Chair Egan advised that Councilor Reighley participated extensively and directed a huge amount of work to get this Ordinance to where it is today. We have also had a lot of input and feedback from the public that Councilor Reighley has a current listing so there is an appearance of conflict. We discussed this at the Ordinance Committee and he wanted to confirm this evening what the status is of that.

Councilor Reighley advised that last year he operated a Short-term Rental and found it to be a great experience. It helped him to contribute in the writing of this Ordinance but he is no longer doing short-

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term rentals. It is still listed and has not been removed. He is not accepting any reservations and will be removing his listing from the Listing Service.

Chair Egan pointed out that the Council has heard what is identical to what Councilor Reighley said at the Ordinance Committee meeting that he has a plan to remove it although it is not down as of this evening. There is a potential for the appearance of a conflict there but it is up to us to decide if that issue is substantive enough clarification of such conflict. He just wants to clarify it because we have had a significant amount of input from the public.

Councilor Piltch advised that nothing Councilor Reighley has said impacted his rental or anyone else's rental so he feels that the discussions we are having are about all of the rentals together in town. He is okay with him participating in discussions and a vote and being a part of what we are doing here. Councilor Bradley did not agree with Councilor Piltch. He thinks Councilor Reighley's participation as the Chair of the Ordinance Committee for two years while this ordinance has gone through this very detailed and elaborate discussion has affected his rental and everybody else's rental. It seems to him that you can't break out that it didn't affect his so there is an appearance of a conflict. What we do about it is up to the Council but to say there is no appearance of conflict because of that participation it seems to him is wrong. That is his narrow interpretation of conflict and he does not want to be the conflict cop but he disagrees with the way Councilor Piltch is looking at this.

Chair Egan added that we did get a bit of clarification. He asked the Manager to make sure we know what this is and the feedback from our Town Attorney was that ultimately the Council could decide by vote whether or not this was an element of conflict which could then require the conflicted Councilor to not vote on the item. If we don't have a consensus here, we can proceed to a motion and a vote on whether or not Councilor Reighley can vote on this action. Mr. Joseph asked Councilor Reighley if not renting any more is a permanent thing. Councilor Reighley advised that he has no plans to rent in the future so it is a permanent change.

Chair Egan pointed out that we do not have a consensus but we have the ability to take a vote on whether or not the presentation of that information is enough to require the Councilor to recuse himself from the vote.

**MOVED AND SECONDED:** To vote confirming that Doug Reighley has a conflict of interest that would keep him from voting on the Ordinance. (Bradley)

Councilor Bradley said to Councilor Reighley and the Council that he does not feel great saying this but it doesn't have anything to do with any individual or personal feelings. It has to do with our reputation as the Council and the transparency of the actions we take. That is what appearance of conflict deals with in his view. If anyone feels differently, that is fine and he is not suggesting how you should vote but, in his mind, it creates an appearance of conflict given Councilor Reighley's substantial role in developing this ordinance and would subject us to criticism if he were to vote on it.

Councilor Daniele asked if Councilor Piltch or Councilor Reighley could discuss the process by which they worked on this Ordinance? Was everything vetted through the group or did people come up with ideas? If they talk about the process a bit, it would alleviate some concerns that it was a one-person show saying it should be a hosted/non-hosted specifically would be his one to talk about. Councilor Piltch advised that he was the one that lobbied to remove the distinction of hosted/non-hosted. It was his personal opinion. Councilor Reighley advised that all meetings have been very public and they had good representation from interested parties. Some of them had a strong opinion one way and they listened to everyone. A former member of the Committee also operates a short-term rental and found that regulation

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was very beneficial. They proceeded on through the general public and many of the members were at every meeting. New people who came along were invited to speak and share their positions and consideration. Whether he operated the short-term rental or not, his position was to be open and above board with everything that took place.

Councilor Daniele asked if Councilor Reighley ever disclosed running a short-term rental at any Ordinance meeting? Councilor Reighley advised that yes, he did. Vice chair Whitney asked Councilor Reighley when he planned on taking his listing down. It would give her a lot of assurance that it is not his intention to continue. Councilor Reighley advised that it is called the “when he gets around to it” program. He has many other things on his plate. Councilor Lawrence said here we are again with another perceived possible perception of conflict of interest. We all do things in this town and he doesn’t know how we could get down to zero. It is one of those conflicts but when we look at conflict of interest, there is a monetary value there and he does not see how this would create a huge gain for a Councilor if they wanted to do that.

Chair Egan seconded Councilor Bradley’s motion that is on the floor. Councilor Bradley repeated his motion: That the Council find that Doug Reighley had a conflict of interest with respect to the development of the Short-term Rental Ordinance and that he be recused from voting on it in this meeting.

Councilor Piltch clarified that a yes vote would require that he recuse himself

**ROLL CALL VOTE:** (1 Abstention-Reighley) (1 Aye-Bradley) (5 Nays)

Chair Egan mentioned this was a good discussion and he was glad to have that clarified. There has been a number of members of the public asking about this and he feels we just explained how we have gone about our process. It was not a unanimous vote.

**TABLED ITEM from March 16, 2021 Town Council Meeting:**

ITEM # 51-21                      To consider action relative to enactment of proposed Freeport Ordinance Chapter 61: Short-term Residential Rental Registration Ordinance.

**BE IT ORDAINED:** That Chapter 61: Short-term Residential Rental Registration Ordinance be enacted. (Daniele & Reighley)

Chair Egan explained there was a considerable amount of discussion at a very lengthy Ordinance Committee meeting last week and there was, as Councilor Reighley mentioned at the top of the meeting, an effort to try and respond to residents’ requests on both sides of this issue as well as the history of the committee members in going through in terms of what had been discussed. Part of the effort he believes was to make tweaks on the Ordinance but not substantive changes which would have required the item to go back through another public hearing. He believes we need to clarify that a couple of amendments were made at the Ordinance Committee meeting which may be viewed and determined to be substantive enough to require a public hearing. He asked Mr. Joseph to articulate those.

Mr. Joseph explained that we had a very short review after last week’s Ordinance Committee meeting with the Town Attorney. There were two issues raised when Staff discussed with the Attorney. He forwarded a copy of that out to the Council this evening. The two specific issues raised as substantive amendments which he thinks are accurate calls and good catches which would require an additional public hearing and that is pursuant to the Town’s Charter. He offered to go over those two but it is

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important to note that the public hearing will have to be held only if the Council decides to go forward with those two recommendations of the Ordinance Committee. Otherwise, there would be no need to have another public hearing. One of those two is the elimination of a 16-person event at a Short-term Rental. There is some concern from residents which he feels supports that change going back out to public hearing. The second item is the change from the Council as the enforcement authority to the Zoning Board of Appeals as the enforcement authority which is the second substantive change. The Town Attorney and Staff are actually recommending that that be reverted to the Council for administrative reasons. Chair Egan noted to clarify the ordinance language that went through the public hearing and arrived at the Committee last week did not include those two items. They were added on as a result of the discussions and so that is the first decision that we have. The first question is the language that is not in dispute which is the language that limits less than 16 people in any use of a short-term rental, is that substantial enough to where the Council would like to include that in the amended language? If so, it has the potential, if not definite effect, of requiring an additional public hearing which is three weeks from this evening. Councilor Reighley asked what time Mr. Joseph sent out his e-mail tonight. Mr. Joseph replied that he received it at 6:30 and sent it out at 6:33 p.m.

Chair Egan pointed out that it is a meaningful item for certain residents so this will be our first item for discussion if we want to include that or not include that. Councilor Piltch mentioned he received a ton of feedback on the ordinance as a whole. He would be comfortable removing that cap from the discussion tonight with the understanding that we may take it up in Ordinance as a possible amendment to the Ordinance if we were to enact it. For the record, he thinks it is a good idea but feels there are questions around how we structure it and what language we use to make it clear that owners are welcome to have 16 people at their house, of course, and a couple of other little nuances that we should work through.

Councilor Reighley noted the Ordinance Committee will review this Ordinance in a year's time and make suggestions for changes so if the Council is comfortable having it removed, they will monitor it and see if it is necessary to add it. Councilor Daniele asked somebody to clarify the occupancy limits and the language says "guests". He asked what guest entails? Councilor Piltch addressed his questions. The 2 per bedroom and 2 additional would relate to overnight guests so if you have 4 bedrooms, you can sleep 10 people there. Councilor Reighley added that it is for the short-term renter, not the homeowner. Councilor Lawrence asked how this would be policed? If they are having a party and they are drinking, do we want to force them to drive on the roads to go home? He would say it is better to have them sleep there rather than have them driving on the roads. He feels there are other things that still need to be worked on. It would be nice to have the definition of the fees added before we vote on it so it is not after the fact. He feels the penalty rate is pretty excessive. If you can't get something corrected in 30 days, it becomes a huge amount of money quickly. He would like to table this. Also, the date of the 21<sup>st</sup>, owners already have people scheduled in for this summer and he thinks it is going to be a big summer. He thinks this should be enacted later in the fall when it is not as big a deal because the season is ending at that point. He prefers to slow down and get it right. He knows it has been in the works for a long time but feels it needs to have more discussion. Chair Egan pointed out that in discussions at the Ordinance Committee, if there are rental owners who have already booked a stay and for some reason other than the potentially the cap on the number of people, it is in violation of the ordinance. If those bookings were made prior to the adoption of the Ordinance that we are saying is July 1, that there would be a non-enforcement of those bookings that were in violation of the Ordinance. He believes that has already been addressed.

Councilor Reighley believes there should be a statement in here that people who have booked reservations prior to the enactment of the Ordinance that is not in compliance with the Ordinance, those reservations are allowed. Councilor Lawrence asked how this could be policed. Mr. Joseph noted that is why it was removed. Councilor Piltch had a thought that as we ask for the initial registration, we can also ask the applicant to list any bookings at the time of that registration. We will then know those bookings

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were made before the Ordinance was in place and it is difficult to enforce. Councilor Lawrence feels this should be moved to an adoption date sometime after October. The big ones seem to be the noise and the trash and he thinks we already have ordinances for that.

Chair Egan pointed out that first we are trying to get a handle on whether or not we are going to accept the draft out of the committee that has the limit on 16 or waive that and potentially have a vote on this Ordinance this evening. That is at the top of the decision tree. Do we want to have the occupancy limit that was put in there by the Committee which would trigger a public hearing and a second reading of this in three weeks on the 27<sup>th</sup>?

**MOVED AND SECONDED:** To strike the 16-person occupancy limit from the Ordinance and allow potentially a vote on this this evening. (Reighley & Piltch)

Councilor Daniele advised that he has gotten a lot of comments that people still feel that they did not know about the original public hearing. People seem to be more clued in now so having another public hearing even if we adopt it as is, at least people will have a chance to speak their piece. Vice Chair Whitney advised that she received as many e-mails about this as she did about Danny Wentworth.

Councilor Bradley discussed that from the beginning with the Ordinance Committee taking a hard look at this until tonight, there has been a process of turning this from something focused on violations and punitive actions to complaints which will be registered and taken into account for renewal. In that process people in his district that are concerned about what is going on on earth in this summer season have lost most of the teeth. This one was to address one remaining issue that would have teeth which was you could not have an event in District 2 and now you are going to take that away. At the very least, he suggested keeping it in and holding the public hearing if you are going to take it out and then make a decision after you have heard from both sides because he thinks the Council will hear good points from both sides. He has certainly heard good points from both sides in the e-mails he has received.

**ROLL CALL VOTE:** (2 Ayes-Piltch & Whitney) (5 Nays)

Chair Egan clarified that the motion failed. As presented, the language from the Committee's meeting last week now includes the less than 16 occupancy limit in the Short-term Rental Ordinance and by a ruling from our attorney is a substantial enough change from what was at the Public Hearing. This inclusion of this item really puts us in a place now where we will need to schedule a public hearing on the 27<sup>th</sup> where we can hear from the general public on where we are with this language now.

Councilor Reighley would like the Council to discuss the second point which is the movement to have the Board of Appeals hear violations rather than the Council and see if that language is favored by the Council. Mr. Joseph searched the language received from the Town Attorney.

Councilor Daniele asked if the Council should add anything now that we could then take out later and not require another public hearing later? Chair Egan mentioned that we have had the opportunity to add more things in but our order process would allow the Council to take public input during the public hearing and as long as we are adopting language that is concurrent with what was being said that evening, he believes the Council can amend the language at the public hearing and adopt it and vote on it. It is after the public hearing closes and then at a subsequent meeting there is additional language, he believes that is the prohibition the attorney is referencing as it relates to the 16+ occupancy.

Councilor Bradley, following up on what Chair Egan just said, asked if there could be an intervening Ordinance Committee meeting where things like Councilor Daniele talked about could come up and be

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added into the public hearing before it was held if such things existed. Chair Egan noted it is possible but he will point out that we have had a number of Ordinance Committee meetings, the last one being over 3 hours long and there has been a significant amount of input provided. It is certainly possible for that Committee to meet again before our next meeting and so some of those items could be proposed. Any conditions or new materials added to the Ordinance would have to be voted on by the Committee prior to the Thursday before the 27<sup>th</sup> so it could be properly entered into the agenda as part of the Public Hearing on the 27<sup>th</sup>. Mr. Joseph suggested that any changes that get made from an Ordinance Committee meeting be published in the normal public hearing publication so 10 days in advance and that would be the end of next week. If the Ordinance Committee wants to meet and go over this again, he suggested doing it next week so we can have a final draft that is posted two weeks in advance like we would normally do for the public hearing. Where there are questions about substantive or non-substantive changes, he thinks we need to do it. Chair Egan asked Mr. Joseph to discuss what he has highlighted. Mr. Joseph explained that this is just talking about the two items we talked about. He read the parts into the public record. He suggested adding that the Statute that creates Boards of Appeals give the Town broad authority to assign Boards of Appeals the right to hear appeals if the Council creates it in an Ordinance but it doesn't give any language that allows the Council to dictate executive authority such as that Staff or Town Council would have to the Board of Appeals. Chair Egan added that it seems pretty clear if we are going to have a public listening to whether or not to revoke will be by the Council and not the Board of Appeals. Mr. Joseph clarified that the Council could set the Board of Appeals up to have a role in this ordinance but it would be an appellate role and not necessarily an executive role. Chair Egan mentioned the Council could also make that decision about revoking the registration and empower Mr. Joseph to make that decision as well. Mr. Joseph agreed and explained that any executive authority within the Town structure whether it is him, the Codes Officer or the Council acting in an executive role could make that decision and the Council could make it appealable to the Board of Appeals.

Councilor Bradley advised that the Board of Appeals has to hear the appeal, it can't be the agency of the first instance but either the Town Manager or the CEO could be the first instance agency and refer its appeal to the Board of Appeals. He likes either of those because he doesn't like the idea of something like he said/she said oriented as whether there was garbage and noise coming before the Town Council on any type of basis but he would also suggest having the CEO being both the enforcement officer and the decision maker is a very tough job. If we are going to pick between the two, his recommendation would go with the Town Manager. Vice Chair Whitney agreed. She feels the CEO is overworked as it is and this seems like a pretty big task to add to his plate. Councilor Piltch's vision is that the CEO collects the complaints and makes an early determination on their validity and submits them to the Council and says, here is a STR property that has had 37 complaints. In his opinion they are valid and the Council can do what it wants with them. He feels that is the Council's responsibility to do it and not what he would take on eagerly. He would not want that decision to happen on a phone call behind closed doors. Chair Egan noted those are two points that are likely to be discussed and further ironing at a subsequent Ordinance Committee meeting. Councilor Piltch mentioned he would like an opportunity for the public to weigh in with further comments and would like the Council to hear that further comment so if we have folks weigh in at the Ordinance Committee meeting, he would ask that they come back to a public hearing again. Being on the Ordinance Committee, he does not know there are changes he would suggest right now before recommending to bring it back to the Council. He wants the Council to hear the comments so suggested not having the Ordinance Committee meeting. We might have some tweaks to make but we can make them at our next Council meeting. Councilor Daniele agreed with Councilor Piltch. He feels small changes can be line itemed in during the meeting. Vice Chair Whitney agreed that there has been so much good work done and we are really still not that far apart. This is a big deal and it matters to a lot of people in this town. She agrees the Council needs to hash it out together and wishes we could do it at the Town Hall.

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Councilor Reighley feels it would be beneficial for the Ordinance Committee if people who wish to comment, they could also submit it in writing to the e-mail accounts and the Council would have a chance to review and reflect upon them. It helps to make the decision process a lot better. Councilor Bradley added that if the Council thinks it doesn't need another Ordinance Committee meeting, he doesn't need to make a motion to compel the Council to have one. He would leave it up to Leadership to decide. Mr. Joseph clarified that we have the notice that will go out to public hearing from which we can make no substantive changes without holding another public hearing. The 16-person limit stays in place but it also includes the Zoning Board and did not make any of the changes we suggested there. He thinks we have some other minor recommendations that we were going to bring back to the Council tonight and it might be good to get them on the table so people will know they will be discussed at the next meeting.

Councilor Reighley advised that Chair Egan and he would like to see if they have reservations prior to the enactment of the Ordinance that are in violation of the Ordinance, they are waived. It is the date of the bookings versus the date of the enforcement and adoption of the Ordinance dynamic. Chair Egan felt we did not have to accept the Ordinance Draft at the public hearing up or down in full without any edits. Mr. Joseph advised the Council can make edits but they cannot be substantive. For example, changing Board of Appeals to Town Council, Town Manager with appeals to Board of Appeals or the alternatives that were just thrown out. The minor things can all happen at the next meeting. Chair Egan mentioned what the fees will be and we are hiding the ball saying it will relate to a fee schedule but we haven't released what the fee schedule is. He feels the Council needs to be much more transparent about what those fees are and even if it is a draft fee schedule, it should be included with the publication of the Draft Ordinance.

Councilor Bradley added that it seems to him that the Council could put up for discussion and decision at the public hearing the question as to whether the initial decision should be made by the Town Manager or the CEO and subsequently by the Appeals Board or the Town Council. That would be a topic that would be noticed and whatever the Council decided as a result of that input would not be a change that would require another public hearing. Mr. Joseph advised that we could do that if we provided language for both of those options and made it clear that the Council would choose one of them. Councilor Bradley advised that that is what he is suggesting. Mr. Joseph explained that if that is the will of the Council, he can put something together but he would need a little clarity on what it would look like before the public notice would be put in the paper next week.

Councilor Lawrence asked someone to explain to him why we have insurance requirements for short-term rentals and we don't for hotels or Bed & Breakfasts, etc. Councilor Piltch explained that the intent is we have people coming to town as visitors and renting out space in someone else's house or their house. It is not a conventional business like a hotel would be. They are not concerned with insurance on the property. The issue is if something were to happen to the renters is they got injured or something. Their only recourse would be to go to the person that rented them the property so we would want the visitors to have sufficient recourse to say, I rented this property and they said they had smoke detectors and the house burned down. I want to take some action. This would be a bit of a back stop for them. It is a delicate issue and there are a lot of concerns about it. It may come out, but that is what they are trying to do. Chair Reighley asked Councilor Lawrence why Airbnb has insurance provided in their rental arrangement with the people who are securing short-term rentals? Councilor Lawrence noted they already have insurance. Councilor Reighley advised that they do already have it and that is all someone has to supply is the fact that they go through an agency. They have it for a reason and that is the reason why we are requesting to have insurance. Councilor Lawrence feels it should be a personal thing. Councilor Bradley is not sure he is right but would bet that every B&B in Freeport has insurance because we think of the B&Bs as a regular business whereas these short-term rentals are things that people do occasionally or once in a while and are just people that gain a little bit of income. Councilor Lawrence just didn't get it but noted he wanted to hear the parking issue. How is this going to be enforced? Will they have no parking signs?

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They can't park on the street. Councilor Reighley explained that on the registration form, they will lay out their parking. Chair Egan mentioned that it would not be enforced until there is a complaint. If the complaint is that there is a public safety blockage or some other blockage, that is when it will be documented. Councilor Lawrence noted that we are trying to fix a problem whether we have one or not. He does not agree with it. Councilor Daniele added that we have to set the limit somewhere and this is the right way to go. Councilor Piltch mentioned that the parking in particular, in his mind there are two separate issues. When you go to register the STR, you say it will have this many bedrooms and one of the things that will be looked at is where are they going to park. If they have a one car driveway and expect 10 people they will be asked where they will park. On the registration issue is when people actually show up. If they are there during the day and are not overnight guests, they can have up to 16 people potentially. Where they park is regulated by our Town Parking Ordinance. If there is a valid parking space on the street, they can use it. If cars are blocking the street, neighbors can call the police. We are not changing that but adding when you register, you should have sufficient off-street parking for the number of guests expected.

Chair Egan moved the Council on. We have now tabled this item and set it for a Public Hearing and adoption on April 27. Mr. Joseph mentioned he needed permission to do some alternates. Councilor Reighley suggested asking for recommendations from the Town Attorney. Mr. Joseph clarified that the 16-person limit on an event will stay in there. The question about the Zoning Board. Does the Council want just the version that the Town Attorney is recommending or some alternatives? Chair Egan advised that the Council is going to clarify that the Board of Appeals will hear the appeal and that the Ordinance needs to nominate who is making the Executive Decision about whether or not to revoke it. Mr. Joseph read the language in the Ordinance. Chair Egan noted the Council had consensus on that it would be the Manager's Executive Decision and it could then be appealed to the Board of Appeals. Mr. Joseph mentioned that if that is the intent, he can make that change. Councilor Bradley asked if we could just present it in the alternative for purposes of the Public Hearing so that whatever you heard at the Public Hearing would inform whatever decision you made that night and you wouldn't need another public hearing. Mr. Joseph agreed that this is what Councilor Bradley suggested before about two alternate pieces of language. Councilor Bradley suggested putting them up as alternatives without saying which we are going to adopt. We will hear from people at the Public Hearing what they prefer and Councilors as well. You would then vote on the language you want. Whatever you vote on, you will have noticed it at the public hearing and you won't have to have another public hearing the next week. Mr. Joseph agrees that should provide sufficient public notice.

**ROLL CALL VOTE TO TABLE THIS AND SET A PUBLIC HEARING ON  
APRIL 27 FOR ITEM #51-21 AND CONSIDER IT FOR PUBLIC HEARING AND  
ADOPTION. (6 Ayes) (1 Nay-Egan)**

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### **OTHER BUSINESS:**

1. Update on request from Kirk and Kate Goddard for Consent Agreement with the Town Council

Chair Egan explained that this item was last talked about in Executive Session. It has been moving along through a deliberative process both at the Staff level and as the Council heard in the Executive Session. There is a general consensus of an agreement between the parties and the response from the Town, meaning the direction from the Council about where those issues are going to go.

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Mr. Joseph explained that there is at least universal agreement between both parties and on the concepts there is agreements between the parties easily on this. The first item when we talked about this last week, there are two parcels that had been divided and transferred that created a technical subdivision violation because of the parcels being transferred from party to party instead of from party to another exempt party. Chair Egan explained that there have been a series of lot divisions over a long period of time. State Law allows division and transfer of lots, one lot every five years unless you are dividing off to an immediate family member. There has been a pattern of dividing lots off the master parcel. The Goddards were under the impression that they were following allowable activities and procedures and had gotten feedback from a prior Codes Officer to that effect. There was some undisputed evidence of a particular date of when some things were filed which did create a technical violation so the purpose of the Consent Agreement is to move forward with their plan for use of the master parcel as well its divided lots and for the Town to not pursue the violation.

Mr. Joseph displayed a map showing the parcels involved off Cranberry Ridge Road owned by Kirk and Kate Goddard. The parcels being talked about are 71-2 and 71-4 that were the technical subdivision violations. There is agreement between the Town and the Goddards and are in the audience that those would be acknowledged by the Town that they do not constitute a subdivision violation and no further action would be taken by the Town on that violation. There is a question about 4 Piebald which is part of Lot 71 and there is a right-of way issue to the driveway of 4 Piebald that both parties are in agreement on how that can be addressed which is an administration correction. There is also a question about 71-4 which is on Cranberry Ridge Road with a right-of-way that both parties are in agreement on how that can be addressed. There is broad agreement between the parties on how Parcel 71, the 17-acre parcel plus how it says Piebald Point called the "Hatchet Lot" they have been referring to which is the parcel that has 4 Piebald Point on it and how they can be divided in the future. He thinks they can be further divided in the near future. There is broad agreement between the parties on that. There may be a couple of minor questions left he does not think are significant about the permitting the conversion of Lot 71-3 which is 3 Piebald Point and 4 Piebald Point which is the Hatchet Lot which is part of Lot 71. One or possibly both of those may need to get as change of use to a single-family residence which is permitted. They have heard from the Goddards that they would like some assurance built in the Consent Agenda that that would be allowable which he thinks the Town is fine with.

Beyond that there was language forwarded over this evening from Mary Costigan who is the Goddards' attorney with suggested language which he has not had time to fully review. He looked it over and feels there are a few points that the Town Staff and Town Attorney may need some clarification on and may want to negotiate a little further on but he doesn't feel they are substantive and he doesn't feel there is any other violation being claimed beyond what both parties have agreed would be addressable.

Chair Egan wanted to summarize that the last time we had a discussion about this, one of the points we were trying to clarify was the date on which 4 Piebald Point Lot was to be conveyed as well as the conversion to a single-family residence on 71-3. We now can see that those lots are now to be created and the agreement from the Council in its Executive Session was that we were in agreement to allow those to be created and converted and become conforming lots but the last conversion of 4 Piebald Point was "the 2021" conveyance and that any further division of the 17-acre remaining parcel would have to wait for an additional five years before there is any further division. He doesn't believe there was any dispute about that fact so it was not clear several weeks ago but is clear now on both sides. He would like to ask the Council, while we do not have the final form in agreement, 85%-90% of the items between us in this particular issue are in agreement without dispute and without any further discussion. The details left to be ironed out are minor and not substantive in nature and to allow the Council to authorize the Manager and our Attorney to make those final edits and have Council Leadership review it and execute it and not make the Goddards wait another three weeks for an action at our meeting on the 27<sup>th</sup>.

**MOVED AND SECONDED:** To authorize the Manager to work with our Attorney and the Goddard's Attorney to iron out these very few last details and have the final agreement presented to Council Leadership for execution knowing we have resolved the primary issues and have come to agreement on what happened in the past is in the past. (Bradley & Lawrence)

Councilor Reighley advised that the Goddards have done everything the Council wanted them to do and suggested taking the vote.

Councilor Bradley wanted to be sure he understands that the minor details can be resolved by discussion. There will be no more inspections. No more CEO review of anything at the Goddards unless it is new or unless they do something they haven't done yet. None of the old stuff comes back up for review by Nick or anybody else. Mr. Joseph noted the only thing there is a difference right now on and we need to do some research in the historical records because he has seen conflicting accounts about whether 3 and 4 Piebald Point properties are currently permitted as single-family residences or if they are non-residential accessory buildings. There is concern on the Goddards' part about how those get converted. What he is hearing from Councilor Bradley is that they can be converted. There is nothing standing in the way but they would need a change of use on those properties. He thinks there is some dispute there on whether it needs to happen. It is not tied to the two subdivision violations that cascaded down and created all the other subdivision violations. There is unanimous agreement that those are not an issue moving forward. The change in use does need to happen but that is his opinion and may not be how we get out of this when we review the files.

Councilor Bradley mentioned that the Goddards and the Town have been at this a long time and agrees with Chair Egan that it would be nice to put it to rest and give people a break from this kind of uncertainty about this. He wants to be sure that before we leave this, we are saying to the Goddards that once we get this Consent Agreement done, we are not going to send Nick in there to review the buildings and assess the condition under some set of rules that have come up since they did it. We are going to rely on what Fred did. The buildings are all permitted and they may have to go through a technical process of converting use but that won't involve a substantive review, examination or inspection on standards that were not in place when those buildings were created. Mr. Joseph replied that on 3 and 4 Piebald, that is an open question. He does not want to commit to that. He doesn't think it is happening but at the same time he thinks in one of the properties it is fine and ready to go. The other is a question about whether it was permitted as a residence or an out building and needs to be converted through an application and a permit process. That is just something that needs to happen before No. 4 Piebald could get transferred even if this Consent Agreement was not a thing. We would put all those things in a Consent Agreement that the Goddards and the Town would agree to.

Councilor Bradley confessed he was not sure what the condition is going forward but just to say it would be very disappointing if we found out we went through this whole process of discussing all these technical violations and kept the Goddards going for a year or more and then to find out we have a whole new set of issues that result from a new set of conditions that identified since we have done this. He hopes it won't. Mr. Joseph is being cautious but there are no new conditions that will be found. Nothing that has not been on the table for discussion is on the table for discussion now or will be in the future. Once this Consent Agreement, assuming there is agreement between the parties involved is reached, it clarifies the background of every single parcel involved here so it gives them the security they are looking for. Councilor Bradley appreciated that assurance.

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

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Attorney Mary Costigan mentioned the permits for 3 and 4 Piebald. This is an issue they have been talking about for a year and it is along the lines of permits issued by the former CEO but not necessarily in the same style that the current CEO would do. The way the property had been developed, Kirk would build the accessory structure and Fred would inspect it. There was agreement that once that lot became a separate lot and there is no longer another primary building on the site, it became the primary building and he could add a kitchen and it would become a single-family. We have a C of O for 4 Piebald that says it is a single family. A C of O for 3 Piebald, he never changed the language on the permit. We have a signature at the top that says for entire structure but forgot to delete language that said no kitchen. Her clients want to move forward and they already have permits. There is language she drafted in the Consent Agreement that recognizes these as single-family rather than having to go through a process. They are requesting no more process and recognition that they are permitted single-family lot.

Chair Egan asked if 3 Piebald has all the requirements of a single-family dwelling and if it has a kitchen? Attorney Costigan replied that it does. The permit for 3 Piebald C of O was dated on the same day that property was transferred to Kate as a separate lot. Mr. Joseph asked if they were inspected with the qualifications to make a dwelling unit when the C of O was issued. Attorney Costigan noted that she could confirm to the best of her understanding that was how it worked.

Councilor Daniele asked if before it was transferred, should those things have been in place? Attorney Costigan explained that that is why the approval happened on the same day. Councilor Daniele asked if all the work got done right after it was transferred? Attorney Costigan explained that the appliances were put in to make it a single-family dwelling. It is her understanding that the appliances were installed the day it was transferred. Mr. Joseph assumes we won't agree to something that is not mutually agreeable to both sides and that is the only issue that is still on the table for discussion. He doesn't see it as a stumbling block. It will be his goal to get it resolved quickly.

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### **Update on Downtown Visioning Project**

Vice Chair Whitney introduced Mary Davis, President of FEDC and Mr. Joseph put up the presentation. Ms. Davis mentioned that they had a great last couple of weeks. She reminded everybody why they are doing this Freeport Downtown Visioning work. She thanked the amazing group of volunteers and Freeport residents for giving their feedback.

Councilor Piltch mentioned that he has been involved but over the past few weeks he has stepped away and kept his distance.

Ms. Davis explained that on March 20 they conducted a Town Walk that she will talk about a little later. On May 18 they will be in front of everyone to talk about what the Early Action Plan is all about. She explained the Town Walk. Five locations were chosen to walk to and 80 people attended of all ages. They were given a clipboard with papers that had questions. She felt the conversations were powerful. There were lots of ideas provided by people really engaged and wanted their thoughts heard. She mentioned that they are now in the messy fun part of the project where they take everybody's feedback. Visit Freeport sent out a survey and asked what people wanted in Freeport. They said they come for restaurants and food. They now have visitor feedback, business feedback and community member feedback. The folks at Principle are very busy reading and are coming up with possible actions that they could take right away to make a difference. They are going to be bringing in the Chairs of the Planning Board and Project Review Board and the community connectors in the next ten days so they get an early sneak peek about what these early action plan proposals are.

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The next focus would be to get the drafted Early Action Plan to the public. It will be on the website and go in e-mails. The idea is to get it out to the community so they have a month to look at it and a month to respond on it so by the time they get to the May 18<sup>th</sup> public meeting, the community will have a lot of opportunity to see it and respond to it and tell them if they are on track or off track. The whole idea is to get everybody involved. Their Early Action Plan will allow them to take action so people can see immediate responses and outcomes so they keep the continued momentum going that they can make the changes wanted in the downtown. Principle has a lot of ideas from a lot of other towns they worked with and it will be accumulated into this Early Action Plan. The rest of the ideas do not go away. They remain as ours and the information remains as ours and we can pull them out whenever we want to. The idea is that we want these first sets of actions that will be discussed in May to be able to put into place quickly. The last slide shows what the project plan looked like when they came to the Council and asked for money. She is happy to say they are pretty much right on the target of where they are supposed to be. They had a huge commitment from volunteers to get this done and saved Freeport a lot of money by having these folks do the volunteer work and that was our agreement with Principle to begin with. They had public participation that gave them over 1,100 data points. Principle tells them that that is pretty unusual. They have a lot of momentum of change. When you get a lot of people involved in a process like this, action starts to happen even before the project is done because people see the opportunities that exist and that is already happening and she is very pleased to see it. She is happy that they took this effort to do this project. Phase One is funded and will be done on time. Phase Two is in the budgeting so they will be able to start that as planned the first part of June. The third phase of the project is not budgeted in this year's budget. She understands budgeting in towns. At FEDC they have started talking about if the Town cannot budget this, they will try to find funds other ways to get the third phase done because they want to keep the momentum going so that we come out of this in January of next year with a full and complete plan and design and everything associated with it.

Councilors thanked Ms. Davis. Vice Chair Whitney mentioned that she saw a sneak peek of the first ideas and felt they energize them so much. There are low-cost solutions that can make a huge difference in our town.

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**Fund Balance Update:**

Jessica Maloy explained that annually she needs to report to the Council on the Town's General Fund Balance and the levels as they report them in the financial statements. As of June 30, 2020 as stated in Statement 3 of our Financial Statements the Town had \$5,096,893 in unassigned fund balance. Our policy states that the General Fund will hold 1 1/2 months of the Town's RSU and County Fund Balance and those portions that related to Freeport in particular. If this amount exceeds 5% over that minimum, they typically come to Council with a recommendation on what to do with what is considered the excess Fund Balance. As a brief overview there are six Fund Balance designations within our financial statements. We have our non-expendable fund balance which cannot be spent because it is in hard form like inventory and that currently as of June 30 was \$11,439. Then we have restricted fund balance and committed fund balance which is restricted at the Town level and it takes Council policy setting to change and it is currently at \$1,522,543. They also have committed reserves which are similar to committed but it is just another designation because they are reserve funds and is \$582,967. Our assigned fund balance is what we discussed earlier tonight in regards to what the Council sent out of Fund Balance to go towards future reserves and that is currently as of June 30<sup>th</sup> was \$600,000. Everything else is unassigned. That unassigned balance as of June 30, 2020 is currently \$1,037,521 over our maximum allowed unassigned fund balance. She brings forth to the Council a recommendation that the Council transfer \$750,000 of that excess into the Capital Reserves and leave the remaining \$287,521 in our General Fund Balance to help reduce taxes. Of the \$750,000 she would recommend that \$200,000 go to the Board and Committee

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Reserves, \$250,000 to the Municipal Facility Reserve, \$250,000 to the Comprehensive Town Improvement Reserve and \$50,000 to the Police Reserve. These amounts will help build those reserve account balances to more appropriate levels. In comparison to what our benchmarks are which she included in her memo that the Council should have in their packets.

Chair Egan did not believe the Council needs the action this evening although we could have some brief discussion on the suggested allocations of the transfer of the \$750,000 which Jessica just outlined. She explained that typically, if this transfer is approved and desired by Council, it is done outside of the budget process. She usually comes to the Council in the January timeframe to do this so the reserve levels are at a good point for the upcoming Capital Budget year. She has been delayed with the time it took to complete the audit as well as the pandemic in getting the budget established. It seems like the timing is correlated this year but this is done separately from the Capital Budget.

Chair Egan suggested having a bit of conversation. He didn't think the Council was taking action on this this evening but it is laid out clearly. Councilor Bradley noted that Jessica has a 1.5 months budget minimum of \$386,069. He understands that this relates to a previous Council's determination is the minimum amount Jessica ought to keep as committed but not excess and asked her if this is correct? Jessica advised that it is what a prior Council established as a minimum amount that should be held in unassigned fund balance for use in an emergency situation. Councilor Bradley asked if this is done every year or as a cumulative amount? Jessica advised that it is done every year and this year they looked at the FY21 balance of the Town, RSU and County to come to come to the total budget of \$30,928,548 and broke that down over 12 months and times by 1½ to get the minimum amount. Next year it will be based off what is established from an operating budget for FY22. Councilor Bradley asked if she doesn't use it because there is no emergency, where does it go? Jessica advised that it stays cumulative within that fund balance which is what the Council sees as the audited fund balance for 6/30 of the \$5,096,893. Councilor Bradley noted that the next number is \$193,303 and it says allowed. Is this a policy that requires the Council to do that or is it a discretionary amount we could add to the \$386,069? Jessica advised that it is 1.5 months budget at the minimum level with an additional 5% allowed so that creates the maximum amount that should stay in our unassigned fund balance per Town policy. She mentioned the Council could go to the minimum amount of \$3,866,069. You could compare that to the minimum amount versus the maximum. Councilor Bradley noted the policy doesn't say we should stay at the maximum amount. It says we could go to the maximum amount and if we want to add 5%, it is okay. Otherwise, you have the fund balance exceeding the maximum of \$1.37. Jessica agreed. Councilor Bradley wants to say that we are very conservative and as people have said, it has put us in a very good position financially and he has no dispute with that but as Chair Egan said earlier, all this money ultimately comes from the taxpayer. He wants to be sure we are not keeping more money than we need to keep in accounts that we don't have projected use for. The taxpayer doesn't need to pay for such a conservative policy. He has gone through this in some detail and if Chair Egan doesn't want to do it now, he can do it with Jessica between now and the meeting. When he looks at the moneys and the way we allocate, it brings us to a high benchmark in almost every case. He has a bunch of questions about if that is so conservative, we are not giving the taxpayer a fair break. He doesn't know but would like to hear an explanation why that conservative level at this point makes that amount of sense. Maybe there are great reasons for it and he wouldn't have any reason to know but he would like to have those questions answered before we make a decision to take all this money and keep it away from the taxpayer. If we take the 287 and add the 193, we would be up to a half million dollars that we could use to reduce taxes if he is right. Jessica mentioned that she wanted to clarify one comment as far as these amounts bringing us to our high benchmarks. The 12/31 reserve balances are as of December 31. There have been changes. One of the things that gets done after the point of the audit and this year did not happen before 12/31, it happened in February. It was the transfer of the funds that were expended for reserves that need to come out of reserve balances and pay back the General Fund for paying for those throughout the course of the past year. She is getting at that at the end of the

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year when our audit is all done, we then know exactly how much we expended from the fiscal year on our Capital Reserve projects. Once those numbers are finalized, she then has to transfer the money that Council appropriated in the reserves and transfer back to the General Fund to pay back where those funds actually came from. We don't pay out of our reserve funds. It is a transfer that happens once a year and that transfer did not occur before December 31 so the balances seen here are inflated. They are not reflecting what we spent out of Capital Funds for FY 20. Councilor Bradley felt that made sense and asked if she could give him a list of what those reductions were in those reserves so he can figure out where that puts us along the scheme of high and low? Jessica agreed.

Councilor Reighley asked Councilor Bradley when he last served on the Council, were we working on a 5-year plan back then? Councilor Bradley replied yes but to be honest, he doesn't think they had the discipline that exists now. It is very good that we do. He likes the process and the comfort but it is a natural instinct to salt away money so that you can have it to use for discretionary things and that would happen in any company and any company would take a hard look at what those things are and how much money and capital is accumulated so that they are not raising too much money or giving enough of a dividend to the shareholder. In this case it is the taxpayer that is the shareholder and he would like to be sure we don't overtax them to overfund these accounts. It is a fair question to ask and he is sure the Council knows what it is doing but he likes to be comfortable when he raises his hand and says yes. Mr. Joseph advised that this is a recurring question that they get quite a bit. This is always the right thing to do.

Councilor Reighley asked if COVID impacted our revenues this year? Mr. Joseph advised that they have been looking at that. It is not enormous but every impact they anticipated seeing at the budget process last year has happened such as State Revenue sources. Some things have not happened in terms of revenue impacts like car registrations have not tailed off and house building and new tax valuation is through the roof. Our reserves performance in terms of savings have been awful. Interest income has been one of the worst things during the pandemic. We had enough reserved so we didn't skip any projects that we had planned. His personal kind of choke point of when we are reserving too much money is when we exceed any benchmark. It means you are socking away money that you are going to look for something to spend it on in the future. If we are at the benchmark, in his opinion it means we have saved enough for everything we have in the Capital Program. If we have things in the Capital Program that are excessive, then the benchmarks are a bad target to be saving for.

Councilor Bradley asked if there is another way to look at it and that is to say total up all of the proposed expenditures in that 4 or 5 year plan and ask how close to the reserve is that, knowing you have the opportunity in the intervening 3 or 4 years to add more to the reserve if you find you are falling short? He looked at this and subject to what Jessica is going to show what has been spent out. When you look at what you are doing, it seems to him that there is almost enough money in every reserve for everything being projected for the next 5 years. That to him is very conservative to his point of view but it may not be for others. He mentioned it may not even be right. Mr. Joseph offered that it was not wrong but he has a different point of view. Next year if we still have everything in the bank that we need and we haven't spent it, we won't put anything in reserves above and beyond the benchmark. It is the political will of the seven on the Council where we go on that. Councilor Bradley feels there must be some standard in Municipal life that says when you accumulated this amount of what you need for the next 5 years of proposed expenditures, you are doing fine and you don't need to accumulate more cash. He doesn't know if that is right or wrong.

Chair Egan added that the standard from the Municipal Peer Group that Jessica is a part of is what we are looking at which is an extremely conservative reserve so we can tackle the items identified in the Capital Plan which come up through the Department Heads, the Manager and get entered in to that Capital Plan

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so we can allocate all of those with zero public bonding. That is the other component of this. Before we had the bridge vote, and we had that on a bond because of where it fell in our budget cycling, with the amount of reserves we had, we could have likely afforded that \$634,000 out of reserves and done some shuffling and likely had a couple of lean years and been able to do that. Because of where it fell, we made the political decision to have the public participate in that process which he feels was the right way to go because of the enormous success we had in the election. The other component for municipalities likely bigger than Freeport would be for funding Capital items with bonds and we usually don't do that because we have this substantially conservative reserve estimate. There is no right way to look at this but in terms of the question about what is the standard, Jessica is reflecting to us from her perspective what the standard is which is to be prepared for anything and not shock your taxpayer. Jessica advised that she has had communities reach out and ask how we are doing this because they want to get something like this established so they are not impacting their residents year over year for some of these items.

She advised Councilor Bradley that she sent Mr. Joseph the amount of balances so he can screen share what those adjusted balances are. Councilor Bradley thanked her for indulging him, he will keep looking.

**MOVED AND SECONDED:** To move the allocation of the \$1,037,521 into an allocation of \$750,000 to the Capital Budget, \$287,521 to the General Fund to reduce the tax burden. Additionally, the \$750,000 is allocated as presented in the memo. (Reighley & Lawrence)

Councilor Bradley advised that he is not ready to vote on this. He thinks there are questions to be answered before there is a vote on this. There are two ways to look at it and Council ought to think about it and also think about the taxpayer as well as this conservative policy. It is his view. He will vote against it. He doesn't know how the Council could know now.

Councilor Piltch asked Jessica if the Council allocates the funds to the different reserves, he assumes it is always possible to shuffle those around at a later date. Jessica agreed that they can be shuffled around.

Councilor Daniele noted that right now we are exceeding the maximum. What happens if we leave it there for a month or two? Mr. Joseph advised that the Council would be breaking its own policy and it is not good practice.

Councilor Piltch mentioned that as Jessica is proposing, we would leave \$287,521 in fund balance to reduce taxes so we are not transferring that out but when we get to the Operating Budget, we are saying let's use that money instead of raising that money in taxes. It won't be there in the next fiscal year. We are going to remove the money from the fund by spending it as opposed to reallocating. Mr. Joseph advised that the Council could put the same amount in reserve and take more out of fund balance to get to a lower level of fund balance and return more to pay down the tax rate next year or put less in reserves and maybe taking more out of fund balance to pay down the taxes next year. The only thing he would caution on paying down taxes is using it as a one-year source of revenue. It looks good this year but the tax rate springs back up next year so when we do that, we want to keep in mind use smaller increments over multiple years and make sure we have the funding next year to do that. We can't send a large chunk to the taxpayers to pay down the taxes because next year you start in a hole. Councilor Bradley added unless you have a year like this one and we haven't talked about increase property tax because the town is on fire. You look at the whole picture. You don't just pick out one moment in time and say, oh yeah, I can make my reserve account as good as I want it to be. He feels the Council should be thinking about it. Jessica added that actually part of the \$287,521, will remain in the unassigned balance so what the recommendation in the motion put forward will do is allow the Council to amend the policy and instead of it just being 1½ months minimum budget with a 5% allowed, it will allow the Council to be outside of

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its policy. It is the approval to have more in the fund balance than is what our current policy states which is why she has to come to the Council annually. Through the course of the Operating Budget currently the Council has \$600,000 that it annually assigns for future projects. If the Council wanted, it could increase that to \$887,521 but recognize that in the next year that \$287,521 goes away and if you increased your services to reflect that increased funding, you would have to make up that \$287,521 somewhere unless we have another bumper year. Last year we used \$180,000 and typically only do around \$75,000 but we did a one-time use because we had another issue. Now we are struggling because it was essentially a loss in revenue and we don't have that balance in the impact fee account to use again and now we are trying to find expenses to cut in the amount of \$100,000.

Mr. Joseph advised that there is no need for the Council to act on this tonight. The Council will act on it eventually and the deadline is June 30<sup>th</sup>.

**ROLL CALL VOTE:** (1 Nay-Bradley) (6 Ayes)

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**Workshop on 5 -year Capital Program**

Mr. Joseph advised that Town department heads are here that have items on the Capital Program. This typically is where the Council will ask questions before approving or not approving items in the Capital Budget. The Council can make suggestions or amendments. This will be adopted at the last meeting in April. We are on a compressed schedule because we didn't have this workshop at the last meeting. Amendments can be made tonight or on the 27<sup>th</sup>. This Capital Program becomes the first year of the Capital Budget. This doesn't actually spend any money. This is the Plan and the first year of this plan becomes what Jessica and he put in the Council budget that you will start looking at on May 1<sup>st</sup>. It will start affecting things like taxes, spending, etc.

Chair Egan mentioned that this is not the first time we have seen this but it is the first time we have had substantial discussion about it. In the interest of time, it is 9:55 p.m. He would like to see if we could get to specific questions.

Councilor Reighley wanted to say that he appreciates the document prepared by Jessica each and every year. He has no questions and would be happy to move it. Councilor Danielle referred to the Hunter Road Fields Parking Lot. He asked if it is going over the blueberry parking lot? Chair Egan explained that if you are driving towards the woods, that would be north to the driveway. At the end of the driveway there is a set of boulders and then there is a footpath that heads to the trails in the woods. It is expansion of parking that is to the right of the footpath which adds between 50 and 60 spaces.

Mr. Joseph noted there is a funding request for consideration submitted by an outside group which is ACAF. We have talked about it earlier tonight. It was included with the Council's original materials. He and Jessica wrote the memo. The request is for \$75,000 and they included a funding history of their fundraising and also the funding sources and the different milestones on the Meeting House Arts Project. They had anticipated that this would have wanted to be included by the Council so they included it in the Capital Program. Typically, items are not included in the Capital Program from outside groups unless the Council first approved them but after having this group be considered for several years for different requests, they know there is broad support on the Council. They could have made it more difficult but they did not have any intention to do that since it is a group that has gotten support from us before. Chair Egan advised that the target for that in the budget is in the Destination TIF which is the last category in our Budget Plan. Mr. Joseph wanted to point out that the reason he says it is awkward is a good awkward because we have discussed ACAF several times over the years and at this point their budget request is

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coming early and they can be included in the Capital program instead of the Capital Budget in three months. They really want to give them credit for being way ahead of the schedule and taking our advice. On that page in the Capital Budget Plan, at the bottom it says available \$375,948 and he is assuming that that is net of what the proposal is for FY 22 which looks like \$300,000 from the Manager but down below it says FY 21 project \$120,000. Jessica explained the numbers mentioned. She advised that it gives the Council what it has available as of July 1, 2021 of \$375,948. From that the Council would want to deduct what we currently have on the table for FY 2022 under consideration which is \$300,000 and the ACAF request for \$75,000. It would essentially bring down the balance to \$948.00. Chair Egan added that that was the math he was doing. He just wanted confirmation on it. Jessica mentioned that with the next step, the Council could estimate roughly that an additional \$270,000 to \$280,000 would be raised again in taxation. Mr. Joseph advised that the \$948 balance if everything is funded that we are talking about means \$948 if we spent everything in 2022, the three items plus the ACAF request. If we spend those four items on July 1, and you write those checks on July 1 which never happens but say we do, then you have \$948 left in the account until taxes start coming in in November and April. It is not that the account is at zero. We need to start doing cash flow calculations about when during the year you need to make those expenditures and when the revenue will come in. You can go \$287,000 closer but you can't do it on July 1. You can do a \$140,000 project in November in addition to this and a \$140,000 project in May in addition to this and then you would be at zero next summer.

Chair Egan noted it illustrates his point that if we are to consider the \$75,000 request from ACAF, while initially it looks like it is putting the reserve at \$948, that is an account that is getting refilled by ongoing tax revenues in the TIF District and as Mr. Joseph just pointed out, we actually during the course of the year we would have the ability, if we needed to pull from that, while generally we are looking at 6 and 7 digit balances in most of these reserve accounts, if we were to move forward with ACAF, it would put this one at \$948 which is a 3 digit number. This reserve operates a little bit differently because of the regular deposit of TIF revenue. He is supportive of the \$75,000 request because he feels we have the money to allocate for it. Mr. Joseph stated he has no concerns over the fund balance. It is not dangerous.

Councilor Daniele believed that ACAF is in need of additional funds over this amount that they are planning on raising. He asked if we could afford \$100,000 or what number does the Council feel is appropriate for this? Can we give them a little more to help them through this project and is there will to do that? Councilor Bradley advised that Councilor Daniele is right. ACAF doesn't think philosophically that the Town should pay for this, that the private sector, the artists, the people who use it and the businesses downtown should do their part. They are doing what is called a Circle Back so they went back to their original donors. He and his wife are running that campaign and he feels they are doing well. They think they can fill the gap. There will be some amount that he is calculating at \$10,000 to \$20,000 will be a short gap but they have a way to take care of it so that Meeting House Arts can open with all its glory and all its needs but it is hard to raise money and they would be really appreciative. It is really hard to go back to people and ask them to give again but they are doing it because they believe in this project. If the Council wants to fill the short gap, ACAF will be grateful.

Nancy Salmon advised that as president, she would be delighted to accept additional money from the Town Council and the TIF Program. They have had an amazing outpouring of support from more than 80 volunteers that put in a documented 2,000 hours of volunteer work to reduce their expenses as much as possible and stay ahead of their contractor in the work they are doing. They are almost there.

Councilor Piltch asked Nancy is there a budget posted on the ACAF website for people to go and see how that money is being spent and account for the \$133,000 the Town has given previously and the \$75,000 under consideration today? Is this something they are willing to do to help provide that transparency? Nancy advised that she thought that would be a possibility and doesn't think there is a problem with that

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at all. Councilor Piltch mentioned that it would be helpful and he is getting that same request from other groups as well that are funded by the town. The question is what are they doing with the money and he thinks it is a fair question.

Councilor Reighley mentioned that in June of 2019 when we voted on the approval of the budget, ACAF came and asked for the matching amount of \$133,000 and his question at that time was is that all? The answer was yes. He reminded people of his growing up in a small community that had an arts and performance group that funded itself without requesting any money from the town or the county. He is not in support of funding this particular request. It is his position. Again, when he asked in June of 2019 specifically if you are going to ask for more and the answer was no and now you are coming back and asking us for more.

Councilor Piltch asked Nancy what is the Plan B? If the \$75,000 is not allocated, does it mean that the Meeting House Arts will not open? Nancy advised that they will continue to apply for grants and Meeting House Arts would open a lot later which means they would all not be celebrating the arts with our community. The arts revenue will not come in. They will continue to open at some point but it will slow everything down unfortunately. She does not know what would happen to the building. Councilor Piltch asked if there is an option to scale back the plans at all? She doesn't think they could open because they need an occupancy permit and they are really on the edge of completing it. Without an occupancy permit there is no scaling back.

Councilor Bradley feels it is a fair question if you don't get the \$75,000 from the Town, what is Plan B? Plan B is you can't turn back now. All the arrangements have been worked out with the church and the user groups so what you would do is go forward and continue to raise funds. As Nancy said, they would delay the opening and would not add to the downtown Revisioning Project and all the things is good for would be delayed. Having said that, it seems fair because no one expected to answer Doug's question that COVID would hit. No one expected to see that the regulators would impose requirements on Meeting House Arts that they didn't mention in the beginning. Those are our regulators as well as State regulators as well as the cost of materials. A lot has happened in this crazy period of COVID that no one could have anticipated. They are asking the Town to do less than what they are doing themselves in terms of private fundraising. He gets the question and the answer is Meeting House Arts will open, it will just open a year later and it won't have the impact it could have if you open it when COVID allows it to.

Chair Egan asked if there are questions about other categories or other particular items?

Councilor Lawrence wanted to say that delaying it will only increase the cost of opening.

Vice Chair Whitney mentioned her interest in the Downtown Revision Plan and asked if this is the good time to ask questions. Chair Egan advised that this is the workshop and if she has specific questions, this is a good time to ask them. Vice Chair Whitney is interested in having Phase Three funded or put in the budget. She hopes they can find other sources to have it funded. If we don't put it in, they will be delayed greatly almost a year and there is energy behind it right now. She knows it is a tremendous amount of money but she feels the need to have this discussion with the Council to see what the appetite is for having Phase Three put into the budget. The dollar amount is \$50,000. While she jokes about all the money in the Cable Fund, she is trying to be creative in getting Phase Three funded. She would like it earmarked in the budget so they have it as a backup plan. It is under Boards and Committees. Jessica advised that it is currently in there at \$50,000 but she believes Vice Chair Whitney is asking for an additional \$50,000 to make it \$100,000. In Boards and Committees right now, Jessica advised that as of 12/30 it was at \$68,309 and we just funded it with an additional \$200,000. She wanted to be clear that that \$200,000 will be offset by what has already been appropriated out of Boards and Committees in FY 21

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which included \$50,000 for the Downtown Revisioning, \$60,000 for Quiet Zones, \$25,000 for the Comprehensive Plan and then \$15,000 for the Speed Control Signs. This \$200,000 was also to supplement because last year we discussed the Boards and Committees reserves were never largely funded because typically there is not a lot that comes through that venue without some significant preplanning. Between last year and this year, we have been hit by hot ticket items that have come up and asked to be put into the plan so that \$200,000 is also to fund that \$150,000 from last year. Councilor Reighley asked if we fund Tawni's request, will we have a reserve there? Jessica advised that it would probably be funded out of the \$600,000 that gets appropriated each year so that \$600,000 she allocates and shifts where it is needed in the reserves so a piece of it will go towards that funding if the Council appropriates it. For a period of time, there may be a negative balance and she can't guarantee that there won't be. She will say by June 30<sup>th</sup> she should have the ability with what is assigned by Council through the budget process in order to supplement the reserves. The majority of that will probably go towards the Boards and Committees given that what the requests have been.

Chair Egan pointed out that the Phase Three work will be coming later in the calendar year so an invoice to pay it will be even 60 days after that. Vice Chair Whitney added that she hopes to not need to but would like it there. They would like to find other ways of paying it but she would like it earmarked so if that is the only way they can do it, it is there. Councilor Reighley offered to move it.

Chair Egan wanted to make sure that we haven't overlooked anything else that other people have questions on.

**MOVED AND SECONDED:** To move the \$50,000 currently appropriated in FY 2023 to FY 22 to make it \$100,000 for the Downtown Revisioning Phase Three and add it to the Boards and Committees' list of Capital items for FY 22. (Reighley & Bradley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** To consider an additional \$75,000 in the Destination TIF FY 22 Budget to be allocated to the ACAF Meeting House Arts Project for Capital Improvements.  
**ROLL CALL VOTE:** (5 Ayes) (2 Nays-Reighley and Piltch)

Councilor Bradley had a constituent ask him about paving and he doesn't see it in here. Chair Egan asked if anyone at the Manager's level heard this request? Councilor Bradley advised that the answer is yes. Mr. Joseph advised that Earl Gibson is here. To be clear we are talking about Patterson Wheelhouse Road. Mr. Gibson advised that he has been working on this request for paving for three years. The homeowner at the very end is not in favor of paving the road. However, Mr. Fournier is in favor of paving the road and that is where we are right now. He has been looking at paving up to Darrel Fournier's and building a turn-around and leaving the back section unplowed. That did not set well with the gentleman at the end of the road so as it stands right now, Darrel was adamant about getting it paved up to his driveway. This is a public road that has not been paved before. He guesses it might be 2,000 feet long. In his opinion a paved road would be beneficial as far as the equipment they run and the type of material they would put down in that road if it was paved.

Councilor Bradley mentioned the point that Darrel Fournier made to him was that it is also cheaper to pave the road rather than go back and do the substantial maintenance every year. Mr. Gibson agreed that pavement is a lot less time consuming with the materials we use to treat our roads. It doesn't work so well with a gravel road. Chair Egan did not see this road listed in the 5-year Capital Plan. If we were to consider this, it would be a brand-new item in the Capital Plan for roads. Mr. Gibson advised that he has a Capital Plan and also an Operating Budget which is to do what they consider minor paving. That would be something he could use that for to pave that road.

**MOVED AND SECONDED:** To approve the paving based upon the amount provided by the Public Works Director. (Reighley)

Councilor Daniele asked why the resident at the end of the road doesn't want the road paved. Mr. Gibson noted he shared an e-mail with him and learned that his concern is that people would drive faster if it were paved. There are only three houses on this road. Mr. Gibson estimates that it would cost between \$75,000-\$80,000 to pave that little road.

Jessica mentioned the paving in the Operating Budget is for minor fixes and small overlays. She asked if Mr. Gibson could get away with doing a small overlay on this road? She estimates that Patterson at 2,000 feet would be at \$175,000 if it were needing a face or can it use an overlay style approach. Mr. Gibson feels he could go out and grade it and then it would be ready for pavement. Jessica recommended that we would not need Councilor Reighley's motion to add this into the Capital Plan. It should be coverable in the amount we typically allocate for hot top in the Operating Budget which is currently at \$250,000 and this road would be evaluated by the Public Works Director and included as part of a plan with Council input and directive that this road be looked at sooner rather than later. Mr. Gibson feels he can manage to fit this into his Operating Budget without squeezing out a priority project he might have already identified and explained why. Chair Egan feels that Mr. Gibson has plenty of evidence that most of the Council has heard from Mr. Fournier and his strong request to consider paving that road.

Councilor Reighley withdrew his motion.

#### **Discussion of April 27<sup>th</sup> District Workshop**

Chair Egan advised that the Council has had repeated requests from the two medicinal growers of cannabis in our community to make a presentation to the Council on changing rules and the possibility for them to change their business model from being strictly identified as medicinal growers to grow for the recreational adult use market. There are a lot of questions and recent rule changes from the State so the discussion item that is on our agenda this evening is a request from him for us to have a non-voting under Other Business item workshop on the possibility for Freeport to opt into marijuana use for just the cultivation and manufacture. He would like to have a panelist from the Office of Marijuana Policy at that meeting as well as some legal representation that can give some guidance to the questions which has been a comment that has come up numerous times when we raised cannabis is can the Town opt in for just those uses and not "open the door" for other uses such as retail sale of cannabis. He understands that that is quite possible but wants to have all our questions answered. We have had two long-standing business owners in our community that do employ a number of people in our community petition us numerous times. Having them wait until after the election and then having to wait to get on various agendas, he doesn't think he can hold off any longer without being rude to business owners in our community. He would like to have the workshop on the 27<sup>th</sup> for discussion of the potential Freeport to opt in to those two uses under the current marijuana Statute as governed by the State which is cultivation and manufacture. We are not voting tonight. We are certainly not voting to opt in at the meeting on the 27<sup>th</sup>. It is a workshop for us to learn about the issues and all the parameters involved.

Councilor Reighley looks forward to having that workshop and suggested that we consider putting on the June ballot the question based on criteria in opting in by what is available and each one of those would be considered independently. He would hope that we get to a point where we would approve before that the request by these two growers to be able to grow for the adult recreational use and manufacture. The rest of those available through the Office of Marijuana Policy put as a question on the ballot independently.

Vice Chair Whitney appreciates Chair Egan getting a speaker for us. In the past we have heard from people that have skin in the game so she hasn't had an opportunity to hear from a professional and feels it will be important. Mr. Joseph wanted to be clear that they have made two or three calls and never heard anything back so he cautioned about getting too excited until somebody from the State actually confirms. He is working on it. Chair Egan mentioned that we have some leverage that our two constituents could probably exert some influence in getting somebody to come that evening.

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### EXECUTIVE SESSION

Councilor Piltch recused himself from the rest of the meeting and did not attend the Executive Session.

ITEM # 61-21                      To consider action relative to an Executive Session pursuant to 1 M.R.S.A. § 405(6)(C) pertaining to the acquisition or disposal of public property / real estate.

**MOVED AND SECONDED:** That the Town Council enter Executive Session.  
(Reighley & Lawrence) **ROLL CALL VOTE:** (6 Ayes) 1 Recused-Piltch) (0 Nays)

**MOVED AND SECONDED:** That the Town Council exit Executive Session.  
(Reighley & Lawrence) **ROLL CALL VOTE:** (6 Ayes) 1 Recused-Piltch) (0 Nays)

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**MOVED AND SECONDED:** To adjourn at 11:08 p.m. (Reighley & Lawrence)  
**ROLL CALL VOTE:** (6 Ayes) (1 Recused-Piltch) (0 Nays)

Respectfully submitted,

Sharon Coffin, Council Secretary

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**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #11-21**  
**HELD REMOTELY USING ZOOM TELECONFERENCING TECHNOLOGY**  
**TUESDAY, APRIL 27, 2021**  
**6:30 PM (immediately followed the Town Council Workshop)**

<b><u>ROLL CALL OF MEMBERS:</u></b>	<b>PRESENT</b>	<b>EXCUSED</b>	<b>ABSENT</b>
Edward Bradley, 242 Flying Point Road	x		
Jake Daniele, 264 Pownal Road	x		
John Egan, 38 Curtis Road (Chair)	x		
Henry Lawrence, 93 Hunter Road	x		
Daniel Piltch, 25 Quarry Lane	x		
Douglas Reighley, 2 Harbor Ridge Road	x		
Tawni Whitney, 56 Baldwin Road (Vice Chair)	x		

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

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

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

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #10-21 held on April 6, 2021 and to accept the minutes as printed.

Councilor Bradley referred to Line 7 of the 3<sup>rd</sup> paragraph on page 24 and requested that the word "honoring" be changed to "running."

**MOVED AND SECONDED:** To amend the Minutes. (Reighley & Lawrence) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #10-21 held on April 6, 2021 and to accept the minutes as amended. (Reighley & Piltch) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Egan did not have any particular announcements other than it is a nice welcome to have sunny warm days like today.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Vice Chair Whitney advised that she does not have a formal presentation on the Downtown Revisioning Plan for later on tonight. She wanted to let everyone know about their plans. They updated FEDC this morning on the beginnings of the draft coming together with the Principle Group. They were going to update the Street Gang tomorrow but the meeting has been postponed. They are also scheduling a meeting

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with all the chairs of the committees and all the Community Connectors to give them a look at the draft that Principle has come up with so they can start to give feedback and start to share those ideas with the public before it is posted. Principle will be giving a formal presentation and showing the Council the draft in May. She has had a brief look of this and feels it is amazing but this part is a little messy and they warned us of this since they are looking at over a thousand data points because we received so much wonderful input. If when the Council looks at the first draft and you do not like every idea, just realize it is about collecting ideas. This is why we like Principle because they heard everyone's voice. It is just the process of that and the starting point for them. She is confident that great things will come out of this.

Vice Chair Whitney advised that she attended an Age Friendly Freeport/Pownal meeting this past week. We are looking at Freeport Community Services taking this program under their wing which will benefit everyone. She has been trying to plan some friendly outside events to take place this summer as an energy boost or another reason to come to Freeport with an energy creates energy. She is trying to do one a month. Yesterday she found out about her idea of bringing a tethered air balloon downtown. She reached out for sponsorship to Casco Bay Ford to not only have their trucks tethered by a balloon, but also to help offset the funding. They have agreed to that. They are going to help us with \$1,500 and will be promoting it on the radio. She has written a grant request but has not yet heard back so that was also for \$1,500. The current request is for \$3,000 to cover two hours but we may up it to a full three hours and that would be \$4,000. She wanted to include Mr. Joseph in this conversation and would like him to speak to the Council about the ability to write a check for these events that will help bring business to downtown.

Councilor Bradley noted that he feels it is great that the Town will write these small checks. It will make a difference in terms of helping Tawni organize an event to know there is a start place. He also thinks that the Council does not want to be surprised at what it is funding makes sense. He doesn't believe Council approval should be necessary but Council notification would make sense. Before you pull the trigger, run around the e-mail list and say we are doing this.

Mr. Joseph noted that they have talked about a couple of different events that Tawni was talking about. They also talked with the RSU who is organizing a Movie Night in an outdoor movie series with an outdoor projector. All of these things come up with different types of sponsorship ideas and they see a lot of private fundraising being done which is actually going well and most of these things are being funded through tickets or private fundraising sponsorship or things like that. There have also been a couple of requests to have the Town play a small role, a \$5,000 event with 2,000 ticket sales. \$2,000 private sponsorships and \$1,000 of public money funding it. He has the authority to write those checks without Council approval but he and Tawni felt they wanted to make the Council aware of that. If we are going to be doing that, to make sure there is no issue. The only threshold he would have when considering any of these things to kind of sponsor them is to make sure they are open to the public, general residents and accessible and things like that. They wanted to get the temperature of the Council to make sure that that was not something there was a lot of opposition to so the Council doesn't hear that the Town is sponsoring Outdoor Movie Night or Hot Air Balloon Rides. He thinks they are all reasonable amounts in the public/private cost share would help fundraise some additional money from private sources if they see that there are ticket sales and public money. Vice Chair Whitney added that the hope is that some of these events would make money and they would be able to give the money back to the General Fund or a non-profit here in Town. She has secured a balloon for July which is AARP certified and is accessible. Councilor Reighley pointed out that if she needs other balloons, Gritty's has a balloon.

Vice Chair Whitney added that they have Coastal Winds on the books which is a 20-piece brass band with our former Chief Nourse. That is free. She mentioned that Councilor Piltch has done a wonderful job in helping to bring our Drive-in Movie Theatre with Peter Wagner at the school to life. He has a set schedule for that and fortunately the RSU is not going to ask us to offset those costs. She is conscious of not

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spending any money but if anything, making money but it is also in order to get energy behind some of these events, sometimes we do need a check to cover a deposit. Chair Egan thanked Vice Chair Whitney for all her efforts on those fabulous events.

Councilor Bradley explained that the Goddard matter is resolved, the Consent Order is signed and they are extremely grateful and relieved that they can get on with their lives. He commended Mr. Joseph and Chair Egan for all the work they did to bring this to a conclusion at the end. It was hard and important work and was done with the decency and respect for human beings that towns need to show. He thanked them.

Councilor Bradley advised that the Island Rover Clean-up Agreement has been signed by all parties. They are waiting for Mr. Gibson to recover from something he is going through to have an on-site meeting between Harold Arndt and Mr. Gibson to talk about the initial clean-up steps which hopefully will lead to a successful clean up and then move on to the next phase of a proposed arrangement that could lead to the launching of the boat. He mentioned the first step is done and he is confident not many people thought it would happen. Harold and his lawyer have been really solid earth and the rest of it is a little distant in terms of prospective but it is there and the signatures are on the page so off we go.

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

Mr. Joseph advised that he had planned to say that the Consent Agreement for the Goddards was finalized and he agrees with everything Councilor Bradley said. It went very smoothly at the end and he was happy with the outcome.

He wanted to let the Council know that for the first time around for the budget cycle, just to let everybody know what to expect, we are going to see a budget proposal that will go out the end of this week for next week's meeting. He asked Councilors to watch their e-mails. He usually takes a lot of pride in seeing a 0%, 1% or 2% budget but it is higher this year due to the fact that last year we used a lot of one-time revenues and expenditure reductions when we had a bit of a mini panic about what the economic scenario would look like because of COVID to keep a 0% budget last year. It is not finalized yet but it is trending around the 5% kind of mark which is higher than what we usually see on the Municipal side but there will be plenty of time to talk with him and tell him what you like or don't like about it. That process goes for the next two months. We are wrapping up the Capital process tonight and the Capital Planning process and the budget process. The Council will have several meetings and the deadline for adoption of the Operating Budget is the end of the fiscal year which is usually done at the second meeting in June. That is what the schedule looks like. He would be happy to talk with anybody when that goes out this week if anyone wants to chat before next Tuesday's meeting. The Finance Director and he will do a presentation next Tuesday night for the Council.

Mr. Joseph advised that they have been very busy at Town Hall. Development is off the charts. He is joking that the Planning and Codes Office is going to put a table down the middle of Town Hall and stack their applications from that end of the building to this end because that is how many there are out there. It is complete insanity. He apologized in advance for the length of time it has been taking to get things done. It is not a crisis by any means but they are used to turning things around in a week or two but it has been running three weeks because of the sheer number of building applications. We are seeing one of the biggest building booms that we have ever seen. There is a lot of activity going on. The Project Review Board had 12 or 13 items of business at their meeting last week. It is a lot. He thanked everyone for their patience that is dealing with them at Town Hall. He hopes everything will get back to normal in a few weeks after they get passed the crunch of applications season, building season and fixing problem season.

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

Deb Smith of 295 Lower Flying Point Road thanked and commended Councilor Bradley for what he is doing regarding the Island Rover. Whatever movement we get is fantastic. It is great. Chair Egan thanked her and noted that it is always good to hear we are doing something right so good work, Councilor Bradley to hear from your constituents.

There were no other public comments provided.

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

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ITEM # 64-21                      To consider action relative to adopting the April 27, 2021 Consent Agenda.

**BE IT ORDERED:** That the April 27, 2021 Consent Agenda be adopted. (Egan & Reighley)

Chair Egan reviewed the items for members of the public.

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

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ITEM # 65-21                      To consider action relative to enactment of proposed Freeport Ordinance Chapter 61: Short-term Residential Rental Registration Ordinance. PUBLIC HEARING

Chair Egan explained that this is the second public hearing the Council is having on this issue. After the first one the Council received a considerable amount of input which warranted some additional work on the language in the Ordinance. We are now having a second public hearing with presentation of what we hope to be the final short-term language.

Councilor Piltch provided context and a bit of recap on where the Council is on this proposed Ordinance. He thanked everyone who worked with them for a long time. The plan is to revisit this in a year and see what is needed to be tweaked.

**MOVED AND SECONDED:** To open the public hearing. (Piltch & Reighley)

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

Chair Egan explained how to participant. There will be one opportunity to address the Council and speakers should stick to a 3-minute limit. Councilor Reighley requested that if a speaker has already heard another speaker say what they intended to say, please say you agree with someone else and realize that the Council has heard it and we can move forward.

Beth Marcus advised that she owns two properties in Freeport and she had no notification. The only way she learned of this meeting was through the man installing their air conditioning. She asked how residents were notified? Chair Egan explained that this has been a topic since 2019. The Town did not have a way to know how to contact Short-term Rental owners because we don't have any idea of who is actually running a Short-term rental operating at their residence. One of the compelling reasons to have this is to

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have a registry in order to communicate. She asked why the Town didn't just send a little note to people that own property. She had no clue about this meeting. Chair Egan assured her she wasn't the first one to ask this question but the Council is trying to work on how to communicate with constituents. The Council takes up issues throughout the year and it is \$6,000 or \$7,000 to mail out postcards to everybody in the community so it is not something we do frequently because of the cost. We try to use our public channels of communication on our website. We have a sign out in front of Public Safety downtown that is updated regularly with items going on in the community and rely on friends in the media to cover things that may or may not be of consequence to people in our community. We wrestle with the question all the time on how do we get information out to our residents. Ms. Marcus noted that with COVID it has been difficult because she hasn't been up there. She lives in Virginia and maybe she should register as a person that owns property not as a rental person but just make her e-mail address available. Councilor Daniele noted that Councilor Piltch has a Newsletter he has started so people could sign up for that if they are interested in getting information or follow the Town on Facebook or Councilor Piltch or he on Twitter. There are ways of staying involved with the Town on social media aspects. Mr. Joseph requested that she contact him and he would make sure she is added to our e-mail list.

Wayne Jortner advised that he forward a letter and assumes the Council will read it. He thinks there is still a problem with the Ordinance with regard to the relationship between the problem that is being sought to be resolved and the solution that is being proposed here. He understands that there have been instances related to existing ordinances were the cause of the problem. Maybe things like noise, parking or trash probably came about because they existed in instances where the owners were not present or the owners were renting to large numbers of people in investment properties. His proposal for fixing this is to exempt those that are sharing single-family homes where the owner is present. He does not believe complaints are coming from situations where the owners are present and inviting guests into their single-family homes. The other way to fix it is to limit it to two guests. He does not think the Town has seen problems that gave rise to the concerns that were the basis to this Ordinance. If the Council exempted all those who are not involved in the problem, it would be much less of a burden on people that shouldn't be burdened because they are really not causing the issues that were concerning. Airbnb has a robust reviewing system so guests doing anything wrong will get bad reviews and will not be rebooked. There is a strong incentive to behave. The same is true for owners. If they are providing substandard accommodations or in any way make the stay uncomfortable or inappropriate, that owner will not get more bookings. There is already a robust system in addition to the insurance policy was already mentioned.

Erica Skolnekovich advised that she has a short-term rental in Town. She asked what the \$100 fee goes towards? Her rental is in a commercial zone and does it affect them differently. While they don't live there, they never had had a complaint. Their neighbors seem to be happy with them. Chair Egan mentioned that they would talk about the fee later on the agenda but the fee covers staff time and resources in order to collect the registration information and process that. There is some overhead in managing the registration. It is also a manner of putting a registration fee out there that will be purposeful for people to be mindful about registering that this is something tangible for the Town as well as for them. Councilor Piltch noted that the consensus for the fee is that this is not something we want to make money on. It is just something to help offset the costs. There is no difference in the zones. A Short-term Residence in the Commercial Zone will have the same regulation as one in the Residential Zone. Mr. Joseph advised that the fee money goes to the General Fund if the Council adopts the fee schedule as proposed.

Susanne Kogut advised that this is the first time she is hearing about this. She has owned a home in Freeport since 2007 and has rented it primarily through weekly rentals. Many of the people that have rented her home have returned 10 plus years since they have been with them. She understands the intent of the regulation is designed to continue short-term rentals while minimizing negative impacts. She

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suggested that a 6-page Ordinance with compliance requirements is not balanced to maintaining short-term rentals. She feels it is overreaching. She finds it to be overly burdensome and would likely sell their home. She mentioned the date of July 1 and understands the Council is going to consider moving it. They have contractual obligations through December already. The listing of a property's location as a rental property puts their home at risk for theft if people think there is not a homeowner there all the time. They find these burdensome and could result in the sale of their home. She asked the Council to vote no on this proposal.

Deb Smith asked how do we track complaints for unregistered short-term rentals? If there is an action that results from repeated valid complaints for registered short-term rentals, what if the Town has repeated complaints about a non-registered short-term rental? She doesn't think anybody should be excluded. The idea that this condition doesn't really lend itself to problems, you have the same laws governing you just because you are a good person. She is opposed to letting outside for profit VRBO set the rules for what is appropriate for Freeport. She thinks we could consider our rules but we should not acquiesce to theirs. She is excited about the tracing of a complaint, overreaching and all if you read the substance of the six pages, there is nothing heinous. Not sprinklers, all we want is a fire alarm. She does not think it is unreasonable as a safety precaution. She disagrees with the fact that short-term renters and transients are more important to Freeport than residents.

Ian Toal explained he and his wife have been residents since 2017 and have been Airbnb'ing since after the first week they moved there. Since so many people have said they didn't know about this Ordinance, does the Council feel that this ordinance represents the complete input of the Town's citizens? He agrees with everything Suzanne said and explained that he has some unique rentals. He has a small cabin and a converted bus on their 5 ½ acre property that they rent out on Airbnb. He does not know how this ordinance would affect them in their rental situation. They never have large gatherings and try to limit it to two or three people. He requested that the Town Council reside as the governing body for the first year. If appeals go to the Codes Enforcement Officer and his concern is if that is done, he is limited by the regulations of his position and can grant variances for unique rental properties.

Mark Zimman advised that he has been speaking before the Town Council three or four years and has been participating in the Ordinance Committee meetings for the better part of a year and this is at least the second public hearing this time around but at least the third or fourth the Council has held on a wide variety of this issue. It is ingenuine for people to say they were not informed about this with it was consistently on the Town's website, in *The Forecaster* and the *Portland Press Herald*. It sort of belies the gravity of the situation that we have absentee owners who may not be aware for what is going on in our community.

The feedback for Airbnb guests is for the guests and the renters. It has nothing to do with the community where the rental is taking place so there is no place for the community to provide feedback that the property has been problematic and certainly not for life safety concerns. He has sent a letter previously but reiterated the restriction on events and turning a residential unit into a type of event facility is imperative in this Ordinance. The second is the cap on the number of people, whether it is per bedroom or total at a residence which converts the residence into some sort of event facility that has been the cause of a vast majority of the kind of noise and trash problems but not all of them. He applauded the Council for including that. As someone who has been very much involved, this is a good compromise which is a large product of a lot of work of the members of the community from all different aspects of people that rent properties and people that live next to them, people on the Council and the Codes Enforcement Officer and people in other aspects of the town. He thinks this has been a really wholesome and sound process.

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Susan Murphy advised that she is against the Ordinance. She has been renting her family property for 15 years and owns two houses in Freeport. She asked if the Council is going to give a warning to people before inflicting an enforcement fine on them? Chair Egan did not believe the Ordinance covers any enforcement fine at this point. The enforcement will be on other violations in the Land Use Ordinance. Ms. Murphy read something that said the first violation results in a fine equal to the registration fee and each additional violation is 3 times the registration fee. Mr. Joseph explained there is a procedure set forth in the draft ordinance that the section she is reading is in regards to if she does not register and continue to operate after having her registration revoked or other violations. The stick would be somebody continually having violations that could not be resolved. Ms. Murphy plans to register because she knows about it. She disagrees that it is disingenuous for people to say they just found out about it.

She asked if the Council is familiar with the State's Short-term Accommodation Rental Prohibition in committee right now? Chair Egan advised that he heard about it. She asked if it is passed, how will it affect this Ordinance? Chair Egan advised that once the State passes it, he is sure if the final legislation after it was approved and signed by the Governor says no Town shall govern or regulate Short-term Rentals, obviously we wouldn't be able to govern or regulate short-term rentals. Councilor Bradley pointed out that this is very complex constitutional question and deals with a comparison of the language of the State regulation or statute in comparison with the local ordinance which lawyers fight about all the time. For any of us to say we know what will happen would be pure speculation and uninformed. He left it at that.

Kristi Marsh explained that she is a marketing manager and part of her transition in her life is to become an empty nester and building her dream. She is in mid-stream and is paying close attention to what the Council is doing. She referred to the section on advertising. She doesn't have a short-term rental yet but will be building this year or early next year. She is building her business. She has the social media and the blogs. She talks about Freeport and is building the business in marketing. She asked if she is promoting her short-term rental is she in violation of the advertisement and if it is fair to her as she is building this up? Councilor Bradley advised that it says she can't advertise if she is not registered. That is all it says. She noted she would love to register early but without having a place, she can't get insurance and without insurance, she can't have the registration. She asked for help so she could do the right thing.

Mr. Joseph read the first line saying it shall be prohibited to advertise occupancy or use of a short-term rental and then go back to the definition of what a short-term rental is. He would say if it is not constructed, she would not be advertising something that doesn't exist but he sees some potential for what Ms. Marsh is saying for a small gray area between when it is built and when she gets her registration application in. Ms. Marsh feels this is a big deal. She has been working on this since 2017. She has a foundation sitting in the ground. Chair Egan feels the Council can probably manage to accommodate her situation pretty easily since her willingness to register even before the property is built and that sounds like probably the best thing to do. We can catch up with the other registration compliance items when they are available. This seems like a pretty easy thing for staff to handle at the registration process. Councilor Daniele noted we are only trying to get a list of who is running a short-term rental.

Avanelle Piercy advised she sent an e-mail with some of her concerns. She is a Freeport resident and lives on the property where they do their short-term renting. She heard about this ordinance about six weeks ago which is 18 months after it has been in the works. She feels it is unrealistic to expect residents to stalk the Town's website to hear about notification. She agrees with Susan about the pretty aggressive fee and fine structure. A warning seems quite reasonable. We had talked in a couple of prior Council meetings about grandfathering rental agreements that are already contracted in place but she doesn't believe it is in writing in the latest draft. September 1 is a very aggressive enforcement date. She thinks a 6-9-month notification seems more reasonable. She agrees it is an excessive ordinance when we already have ordinances dealing with noise, trash and parking. She doesn't understand why a separate ordinance is

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needed on these topics to address short-term rentals when the existing ordinances should apply to renters or residents as well. She thanked the Council for its time.

Joyce Veilleux advised that everybody knows where she and her family stand on this issue. When we first started looking at Freeport and the short-term rental market, there were about 150 households conducting business and it is a business in a residential area. Many of the residents use this income to offset taxes or their children's tuitions or pay off the mortgage before they retire. That is the very essence of what Airbnb Corporation was founded on and feels it is a wonderful thing. Unfortunately, there are properties in Freeport that are unhosted and they don't seem to care what effect their guests may have on the neighbors. This ordinance will give the neighbors the opportunity to resolve these issues with the Town's help by writing in language about noise, waste management and parking. It makes the Town able to have some teeth in it. If you don't put it in the Ordinance, it does not reflect their registration capability. If we leave it as a stand-alone Noise Ordinance, they will pay the fine until the cows come home and nothing can be done to make them stop using their short-term rental as an event-center. She agrees we need to do a better job of notification and the Town needs to look at having a scrape done. There are companies out there that will go through all of the different sites and find all the people that are advertising within Freeport and their addresses so they can all be notified. She looks forward to the passage of this ordinance and then having it reviewed in a year or two years to see what needs to be beefed up or what needs to be relaxed. Councilor Reighley advised that this ordinance will be reviewed in a year's time.

Jim Hendricks advised that he has been following this for over a year. He mentioned there are a lot of people that do not follow what is going on in town and he appreciates Councilor Piltch's Newsletter trying to let people know what is happening in town. While he doesn't want to be regulated as an Airbnb owner, he does feel this is a fair compromise. He has concerns that have already been addressed on the fee structure for people that don't know that they need to register. He thinks there should be some discussion about the warning system or trying to give people a chance to comply before starting to fine them. He thinks that many properties like his have already booked people to the end of the year so what would happen on September 1 is that with all those guests that have already booked after September 1, he would not be in compliance on his property. He thinks the Council should allow people to grandfather those people that are already booked. Some people might say it would turn into a mad rush so people could book before the Ordinance is in place but really most people book when they want to book and don't pay much attention to Town politics. That is a concern for him. Another concern is the whole 24-hour 60-minute turnaround time. He understands wanting people to manage their property and be available but if he gets a call at 3 o'clock in the morning and he doesn't wake up. Will he be penalized because he did not respond to a noise call from the police or things like that? He feels that could be problematic in the future. For the most part he feels the Council has done a great job with this. While he doesn't want to be regulated, he feels it is a fair compromise but feels there could be a few things discussed again on the fines, the grandfathering and the turnaround time.

Amy McManus advised that she has known about this for 6-8 weeks and even people who are plugged in to Town politics have been caught off guard by this. An earlier speaker spoke about the concerns that are the basis for this ordinance. While there have been stories circulated about some of the things that are happening on certain streets in certain neighborhoods, she would encourage people to now believe everything they hear at face value about whether there are parties all summer long and things of that nature. She has vacationed in Maine in two properties they have owned for more than a decade now and some things have been alleged about how they rent out their homes and things that have occurred there some of which might charitably be called an exaggeration but some things might just be untrue. She has data to substantiate the falsity of the claims. On the merits of the proposal, she loves how it has changed since more voices have come to the table. She feels it is amazing and a credit to the Council. One of the things she has heard tonight is that from the public participation that there seems to be a real consensus

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that this idea of July 1 and even September 1 is too soon. She appreciates the creativity of Councilor Piltch's idea to implement July 1 but enforce September 1. It still doesn't give people enough time for people to submit the application. There is work and prework that has to be done with signage, the insurance company and testing things before you even submit the application. Typically, some towns have given their people 6-12 months or 9-12 months to get ready for something like this. She would second what people have said. The grandfathering into existing bookings has been universally approved by the people that commented tonight. The Ordinance does not provide for any warnings before fines are implemented and each day for either advertising or renting counting as a separate violation \$100 for the first violation and \$300 for the second violation, a person could be looking at a fine between \$9,000 and \$18,000 per month for not being registered for something that is about to take effect. That is tremendously problematic. The language around the ads is confusing and is not analogous to what is required of B & Bs. She feels the role of the Codes Enforcement Office is oblique in the way this proposed ordinance is written right now. Under Article J it seems the Codes Enforcement Officer reviews the initial applications and the renewal applications. It doesn't say if he makes a decision about the approval or what the criteria would be. She feels there has been great improvement and great effort but there are some tweaks that still need to happen in a deliberative way to make an ordinance that serves the residents of Freeport and the citizens who live here and the people who vacation here in the short-term rentals.

Steve Constantino advised that he lives in town and from where he sits, he can see several short-term rental units as they are pretty crowded in town. He feels the ordinance will cause more problems for the town than it will solve. He wants to complain about their short-term renters all the time because he doesn't like them for one reason or another. He asked what the Council's process is for handling that? Can he just keep complaining until they lose their chance for registration or how will the Council manage that? Councilor Piltch replied that this is one of the reasons why they wrote the ordinance the way they did which was to specifically prevent frivolous complaints from having too much of an impact. Right now, we have no way of tracking the complaints and as a Council cannot look up to see how many people have complained about this property and who has complained multiple times about this property. The ordinance allows the Council to track that and on the complaint form will be who is doing the complaining and what are they complaining about. If we see that it is a neighbor who has a lot of frivolous complaints over the course of a year, we can choose to take that into consideration at renewal time and say these are not legitimate complaints so we are going to go ahead and renew the STR. Councilor Reighley added that there will be community policing and so there will be more community involvement by our police department. Mr. Constantino asked how the Council can tell if it is a frivolous complaint? Councilor Reighley assured him that it is worked out. Councilor Bradley asked if it is true that the complaints go to the CEO and Nick gets the complaint when he comes in and investigates it and makes recommendations so we do have an investigative review of citizen complaints so he would expect that the CEO would have to collate them and make a recommendation presented to whomever is going to make the decision so we have that built in in a person that does that. It is no different than any other kind of complaint. Mr. Joseph added that the ultimate decision to take some action by the Town Council or whoever ends up being the deciding body, will have to come after a public hearing legally so the person would have rights. Evidence would have to be presented before anyone would lose their right to rent their short-term property. The provision is laid out in the ordinance under the enforcement section. Mr. Constantino noted it sounds a little like a trail so he was curious as to how the process would play out.

Tom Schwarm pointed out that the way the ordinance is written now, it sounds as if a neighbor doesn't like a neighbor for one reason or another starts complaining a lot, then how will that work? Maybe the Town has to do an investigation and then they end up suspending that person's right to rent. Many people rent for various reasons to keep their homes, taking away that rent is a blunt instrument. A person in that situation may likely appeal the decision to the Superior Court which they would have a right to do. Then

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the Town would be in the position of taking the side of the complainant and prosecuting the case against the short-term rental owner in court. He is curious as to how many cases there have been in other communities that they have had to go to court with and what kind of morass would they be creating. Essentially this ordinance is setting up an entirely separate court system run by a town. He thinks it is problematic. He asked how many cases there are right now that this ordinance is going to lead dispensing the right to rent? Five or fifty? He has no idea. Mr. Joseph advised that we have no active complaints about specific things that would be covered under this ordinance but it doesn't mean they won't be generated. The answer would be zero today. We are not aware of any lawsuits going on right now. Councilor Bradley explained that there will have to be real hard evidence that those complaints were not based on animus or some kind of personal feelings. It will have to be based on evidence that that short-term rental was violating specific provisions of the ordinance and not just once. What has changed in this ordinance and he was part of it and didn't get exactly what he wanted, but this is a registration ordinance that penalizes only egregious violations of the ordinance on a repetitive basis and he thinks the process is fair and well thought out although we will have a discussion on how it finally comes together and whether it is the Council or the Board of Appeals. He doesn't think Mr. Schwarm's concern will go slick down the trail the way he talked about. He will find it is really hard for a resident to convince whoever the body is to either revoke or refuse a renewal for a lot of the reasons he described. Mr. Schwarm noted if it becomes the Board of Appeals, it is a citizen's group that is not trained in law necessarily and they could make decisions in different ways. He feels there is a real true process issue here. Councilor Bradley wanted Mr. Schwarm to recognize that there is no one in Freeport trained in law as a group. The Town Council is one group that could do it and the Board of Appeals does it for a lot of other decisions that come out of the apparatus of the town so it is a reasonable place to put it. The ultimate point is that in order to get an action that really has a significant impact on a short-term rental, you are going to have to present hard evidence that they violated this on a repetitive basis and this is what this ordinance does and has decided to do for reasons in retrospect he thinks makes a lot of sense. This compromise is a registration ordinance that has some teeth but it is not going to be every night, every day neighbor against neighbor.

Kristin Sheehy pointed out that there is a limit of 300 spots and if everyone has not been notified of this, anyone who has not been notified does not have an opportunity to sign up. She wonders if there should be some type of notification perhaps such as with the tax information and it could be on there. It seems weird to have a limit in case people don't see this and this is their livelihood. She personally only knows about this because she uses Airbnb and they are on top of a lot of things. They do almost everything they are supposed to in this ordinance so it is not a big deal for her but she knows there are people that would need the notification and have kids or are busy. She doesn't know if the Town has a way to notify people before placing a limit. Councilor Piltch advised that this is the reason why they set the limit high enough to accommodate everyone they thought existed and he did reach out to Airbnb twice but has not heard back from them. He would be happy to reach out to them again if we do pass this ordinance as an advisory notice. Councilor Reighley advised that there are 150 people operating so that is the reason they set a limit of 300 for flexibility. Councilor Daniele pointed out that some rentals may be doing less than 14 days a year which means they wouldn't have to do anything with this ordinance anyway.

Stacy McManus advised that she co-owns two houses with her sister in Freeport. She appreciates all the work and time put in on this ordinance. She is encouraged to hear from Councilor Daniele that there will be more electronic communication that would be available. She did not know about this until right before the last public hearing on March 16. She knows it is on them to stay informed so she went to the Town's website and tried to figure out what she missed. She noticed that anytime the short-term rental ordinance was any part of a calendar event, it was listed under Ordinance Committee so if you didn't know to look for a Short-term Ordinance under the Ordinance Committee, you would not have necessarily found it just by looking at what was on the calendar. The Ordinance Committee itself is not included in the Boards' tab or the list of all Town Boards and Committees. It is not necessarily as easy as it might seem to go to

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the Town's website and find information about the Ordinance Committee broadly much less specifically to understand there is something going on with Short-term rentals. She loves the idea of Twitter and Facebook. She has not seen anything on the Town's Facebook page that has anything to do with the Short-term Rental Ordinance so she thinks there are a lot of low hanging fruit to let people know what is going on about this. She also wanted to address another topic. One thing she has noticed that has come up in Town Council meetings and the Ordinance Committee meetings, when questions or concerns come up, it sounds extremely reasonable and she truly believes what is intended and what the purpose is of the ordinance and the way that you see enforcement going. The challenge is that it is not reflected in the actual language of the Ordinance. She has heard Councilors say at both Council meetings and at the Ordinance Committee meetings that there would be a grandfather clause but there is not one in there. It raises concern when we have conversations like we just did when we were talking about what enforcement would look like and what this tribunal could look like. Councilor Bradley made some great points that you will have a really high bar and you would have to show hard evidence and all that kind of stuff but that language is not in the Ordinance. She believes it was the intention just like she believed the grandfathering clause was the intention but it isn't in there. At the end of the day what is in there is what we are going to have to go by that is what we are all going to be held to. Her advice would be that we make those things match and she agrees with we should push the implementation date back. She feels it should be at least in the fall. October 1 would be a good compromise. She believes people will be fined for not knowing there is an ordinance and not complying with it. They definitely need to get a warning first. It just seems fair.

Mr. Joseph feels there may be a little confusion because of the way there was a grandfather clause for one specific part of the original draft of the ordinance that happened that was for the one rental in each seven-day window provision that was recommended to be taken out by the Ordinance Committee recently and is not in the current version. His recollection of the discussion in front of the Ordinance Committee was that they looked at that and said is there anything else that somebody could not immediately comply with? The Ordinance Committee took that clause out after going through a list and said that none of this stuff could easily be complied with but then some other stuff was put back in so he thinks it might need a little further discussion on things like the 16-person gathering limit and things like that and now people could book starting July 1 but could have already booked on July 2, 3, 5 or August or something like that. There has been a lot of movement on the idea of grandfathered parcels if that makes sense so it is causing a little bit of confusion.

Chair Egan ended the public participation in order to get on with the agenda. He thanked everyone for their public participation.

Mr. Joseph had a letter from Michael Marcolla who could not attend tonight's meeting indicating that he feels the Council should not put a cap on the per person limit.

**MOVED AND SECONDED:** To close the public hearing. (Piltch & Reighley)  
**ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Chair Egan noted that the Council has heard from a substantial number of participants this evening on both sides of the issue. We have had a number of runs at making a number of edits to this. He asked how the Council is feeling with the proposed changes and do we have any amendments from the Council as a result of the public hearing.

Councilor Bradley advised that he has had a number of people call him about the problem we just discussed setting a limit on the number of people for an event and then having them make those commitments before we adopt the regulation so they have to eliminate bookings they already have. He

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said in private to those people that he would raise that and felt it was a fair comment and he heard that other people think it is as well. If appropriate, he would like to make an amendment to this that says that provision with respect to limitation on the number, shall not apply to people who have made commitments to an event that exceeds that number prior to the effective date of the ordinance, whatever that turns out to be. Councilor Daniele asked if he could make it broader than that? Should we make it that if you have a booking before the Ordinance takes effect, it can go forward? We are only talking about a couple of weeks or months before that happens and he can't see that many things that are going to be excluded because of this ordinance other than having too many people.

Councilor Reighley read the wording that was in the Ordinance at the time that was then Article 4 and now becomes Article 3-A at the end: Rentals booked prior to July 1, 2021 are exempt from the Ordinance restrictions.

Councilor Bradley advised that his point does not go to all provisions. What he is talking about are people that have booked more than 16 for a single event. Councilor Reighley feels that what he said will cover that. Councilor Bradley added that it will cover a lot of other things he is not interested in covering.

**MOVED:** To add at the end of Article 3, Restrictions 3-A: Rentals booked prior to July 1, 2021 are exempt from the Ordinance restrictions. (Reighley) (no second)

Mr. Joseph advised that this would cover a lot of things and only registrations after July 1 would have to comply with this ordinance so you could take a registration 12 months out or 18 months and you would not have to register your unit if you cut out booking registrations July 1 and you had 30 of them out there. You could do all those without having to comply with any parts of this ordinance.

Councilor Bradley mentioned that he is trying to address people that have booked events that are more than 16 people that would be prevented from doing that and have to cancel if we adopt the ordinance as written. Chair Egan advised that the only place he sees the number 16 is in Article 5, Section A-3. Councilor Bradley agreed that that is where it is.

Councilor Lawrence asked if we adopt this tonight, can we track everything and make it active March 31, 2022. That way it will cover all of this and we can track it. He thinks the idea of registration is great but he has problems with occupancy limits of 2 guests per bedroom and asked what if it is a family of 3 and they are out of compliance. How do we enforce it? Are we going to have bed checks? That is a problem. More discussion followed.

**MOVED AND SECONDED:** That Article 5, Section A-3 shall not apply to gatherings or events that have been booked by a Short-term Rental prior to the effective date of this ordinance. (Bradley & Reighley) **ROLL CALL VOTE:** (6 Ayes) (1 Nay-Lawrence)

**MOVED** To eliminate Article 4-B that has two guests per bedroom plus, an additional 2 guests. (Lawrence & Reighley)

Councilor Pilch agrees that it is difficult to enforce. The spirit of this is you shouldn't be able to advertise for 12 people if you have one bedroom because it presents safety issues, fire codes and things like that. If someone repeatedly advertises that this sleeps 15 people and it is a one bedroom, we would get to the point of saying stop advertising as it sleeps 15. Councilor Reighley added that we are trying to write this ordinance and trying to put in guidelines and boundaries but there is also common sense involved.

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Chair Egan advised that there isn't going to be bed checks and we won't be checking for any particular event unless there is a noise or some other precipitating factor and if there is a complaint from a neighbor or somebody else and if it is found that the operation of the rental is outside of what we have spelled out here, the Ordinance language allows the Town to actually have an enforcement but it will only happen if there is a complaint. Mr. Joseph added that there could be an incident where emergency services has to respond because there was an incident that happened while people were sleeping. We will pray that nobody will get hurt but it may be one way that these things will be uncovered. Nobody will be inspecting for these things but we do have an inspections clause in this ordinance. There are ways that these things could be discovered in serious things we may want to stop such as safety concerns, etc.

**ROLL CALL VOTE:** (1 Aye- Lawrence) (6 Nays)

Councilor Daniele noted that someone mentioned renting out a camper or a bus. He asked how does renting out a camper or a bus fit into this ordinance. If it doesn't have a bedroom like a bus, how does that fit? Councilor Bradley asked if the definition of a dwelling unit will deal with that. Mr. Joseph advised that we should be clear about things like that that are not dwelling units that are contemplated as rentals that would not be covered under this ordinance as an allowed use. Councilor Bradley asked if someone could bring up the definition of a dwelling unit. He recalled that it talked about vehicles whose wheels are on the ground. Mr. Joseph advised that there is a provision for motor vehicles such as campers or RVs that are licensed with their wheels on the ground, not like a single wide that would be an over the road capable vehicle on blocks. This ordinance does not intend to regulate those kinds of things. If it is a registered motor vehicle like an RV that can move is not intended. Town Planner, Caroline Pelletier screen shared the dwelling unit residential definition and explained that it is only designed to apply to dwelling units and would not include the trailer or bus in the yard or other things that would not be permitted. It has to be a dwelling unit to make it a short-term rental.

Councilor Bradley pointed out that this ordinance is allowing things that are otherwise prohibited. This is allowing businesses in residential areas. It legalizes a commercial use or rental of space in a residential area and we are putting restrictions around that to make sure it is reasonable for the neighbors.

Councilor Daniele asked if the Council would want to make a small change that if the rental doesn't have a kitchen or a bathroom, you can still rent it out and have so many people in a structure that doesn't have a kitchen or a bathroom if people want to rent it? Councilor Bradley asked him if this is something he would want in his residential neighborhood? Councilor Daniele could see the appeal of doing something unique and if somebody has a cool bus, that might be nice but he would not want it to be infinite.

Chair Egan noted that we are potentially trying to describe something that we don't even know what the size, scope and nature of it is so he thinks until we have further information the language that is in here is definitive enough that if we are going to allow anything to be used as a Short-term rental, it has to be an allowable dwelling unit. If someone wants to come in and explain and give details about the unique fill in the blank yurt or bus, then we can consider ways we might get to a place where those things could be considered alternative dwelling units. He doesn't think the Council should speculate on those things tonight without specific evidence. His position is that one of the purposes of this ordinance is to have clear definitions and the dwelling unit what the Town considers is a dwelling unit is a very viable definition. Councilor Piltch agreed.

Councilor Piltch suggested leaving in the language that people register by July 1, 2021 which is Article 3-A but in 5-E when we are talking about enforcement, he was going to suggest that the fines related to enforcing registration do not start until September 1, 2021. If you operate in July or August without a

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registration, you will not get fined but you want to be sure to grab your spot and it is a concern for you, you are receptive to registering early and meeting that July 1 date. He asked for consensus.

Councilor Reighley clarified that he is not suggesting any change in Article 3-A but asked where Article 5-E should be added? Councilor Piltch explained the thought behind the fines. Councilor Bradley liked Councilor Piltch's warning idea if he could make this apply only after failure to register after a warning of a two-week period. Councilor Reighley mentioned to the Town Planner that under Fees we have the Short-term rental Registration Fee of \$100 and then the Short-term Rental Registration Late Fee of \$200. Mr. Joseph explained that those are two separate fees that are called on the ordinance. Everything else references the \$100 fee so the fines and fees that we were talking about are on multiples of that \$100. It is either 1 x or 3 x. That \$200 late fee is a separate fee called on the Registration section. You can say it is two times the rental fee but they listed it as \$200. The amounts and penalties are all at the discretion of the Council so it is a political question. Staff has not taken a position on that. Ms. Pelletier wanted to clarify that at one point it said "shall" and at some point it changed to "may" be subject to fines and penalties as set forth. The intent was that we would try to work with people before we hit them with fines. This is under Article 5-E, the third sentence down. Mr. Joseph advised that Councilor Piltch's point is a grace period but the other point being made by Councilor Bradley is a warning period in place of the first violation or in addition before the first violation. He has heard both of these things from the public tonight.

Councilor Piltch explained that it is an incentive to register by July 1 because if you choose to wait until September, it will cost you \$200 instead of the \$100. Councilor Lawrence suggested delaying it to October 1. Mr. Joseph added that the late fee does not apply to first registration cycles. He is talking about F and G.

**MOVED AND SECONDED:** For Article 5-E after the words failure or refusal to obtain a short-term rental registration; enforcement, he would add *effective September 1, 2021*. (Piltch and Reighley) **ROLL CALL VOTE:** (5 Ayes) (2 Nays-Lawrence & Egan)

Councilor Lawrence suggested using March 1, 2022. Chair Egan would have preferred October 1 or November 1.

**MOVED AND SECONDED:** To add to 5-E, 5 lines down start the sentence by adding *after an initial warning is issued*, each day that a violation continues shall constitute a separate violation. (Piltch & Reighley)

Councilor Piltch withdrew this motion since legally it is not in the right spot. Councilor Piltch explained that his preference is to say to the Town Manager to not enforce this without issuing warnings first. It is confusing on just where to put it. His preference would be to table this issue since we have until September 1 now to get something in there that we all like rather than try to wordsmith something in a way that has clarity and will pass legal muster seems a little dangerous to do on the fly here. He is happy to commit to getting language back for the Council on this one issue but we don't have to do it tonight.

Councilor Reighley withdrew his second and noted there is no motion on the table now.

Chair Egan agrees that on this particular item is something we do have some time to add and the public record here will show that we are intentionally not adding in this evening because we don't have the language just right and we still have another public hearing to get through this evening.

Councilor Bradley asked if the Council is going to decide on the Board of Appeals issue in 5-D and 5-F?

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Chair Egan advised that the proposed language is that the reports after Codes Enforcement has determined there is further review necessary, it goes to the Town Council and the suggested alternative is that it goes to the Town Manager for consideration. Councilor Bradley added that is correct but any appeal to the Town Manager's decision goes to the Board of Appeals. Chair Egan did not want to introduce a third alternative but prior to it coming to the Council, that is a lot of burden on the Manager and he wonders if there is a committee convened by the Council in lieu of the whole Council? Vice Chair Whitney agrees with that because Mr. Joseph works so hard and she would support anything to lighten his load. Mr. Joseph likes the way it is written where it says Town Council but feels he will not win that one. A 3-person panel would be something he would be willing to serve on along with a member of the public and a Town Councilor. Vice Chair Whitney pointed out that it would still be a lot of work on Mr. Joseph and would satisfy many of the concerns brought up tonight and would really show that the Council is keeping close tabs on this will show that we are working together as a committee. Councilor Daniele suggested the Ordinance Committee because they have intimate knowledge of it. Councilor Piltch is okay with the way it is written that it comes back to the Town Council especially in the first year. He is hoping there will not be a lot of these coming up. Mr. Joseph is totally open to taking the alternate role and would love the idea of changing it if we determine it is not a huge deal. If it proves it is not a huge time burden, he would be glad to take it and he can make a decision in the same way the Council can make that decision. It is a political decision and there is a whole appeal process built in if he is wrong. Councilor Reighley suggested keeping it as it is and highlight it as a review point for the Ordinance Committee at the end of the first year.

Councilor Bradley sees the way a complaint coming forward would be that neighbors in a neighborhood where a short-term rental exists would file enough complaints that the Codes Enforcement Officer would bring them to whomever we decide. As one Councilor he did not run to sit in judgment on complaints by neighbors about anything in the town and he cannot imagine sitting in a session where people bring these complaints forward and we have to decide who is telling the truth in a public hearing with nothing more than that in front of us. He doesn't think we are suited to do that and he does not want to do it and will not vote for it if the Council does it but that is okay. He is just one vote. He feels it is inappropriate for us and the Town Manager no matter how much work he has to do, he is in a position to cut through all the political bologna and figure out what facts are facts and not have to deal with things presented one night in the middle of a very busy season. He thinks the Council should think hard before taking on that responsibility. It just seems wrong to him.

Mr. Joseph noted that he has to sit through the Council's meetings anyway so he is either going to sit by himself and make a decision or he is going to listen to all seven of you listen to it and then make a decision so it still takes up the same amount of his time so there is your answer.

**MOVED AND SECONDED:** To change the wording in Article 5-D that is highlighted that instead of Town Council we will use the alternative of Town Manager in all places and the alternative that any decision made by the Town Manager shall be appealed to the Board of Appeals using the process outlined in Section 601 of the Zoning Ordinance in Chapter 21. (Bradley & Reighley) **ROLL CALL VOTE:** (6 Ayes) (1 Nay-Egan).

**MOVED AND SECONDED:** In 5-F we use the alternative wording, instead of Town Council and Board of Appeals to all three locations. (Reighley & Daniele) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

**MOVED** That Article 4, (h) be removed. (Lawrence) (No second was received)

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Councilor Lawrence noted that we don't require it for any other business in Freeport and Councilor Piltch explained why it is in this proposed ordinance. More discussion followed.

Councilor Lawrence withdrew his motion.

**BE IT ORDAINED:** That Chapter 61: Short-term Residential Rental Registration Ordinance be enacted as amended. (Piltch & Reighley)

Councilor Bradley advised that this has been a really intense rewriting of something that started for him a couple of months ago and at times it was really hard but he has come to appreciate the process and feels we reached a good result. The reason he can say that is the people in his district that had really strong reviews about teeth and punishing people in short-term rentals really support this version of the ordinance so he feels we did a good job and he is proud to be part of it.

**ROLL CALL VOTE:** (6 Ayes) (1 Nay-Lawrence)

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ITEM # 66-21      To consider action relative to setting a public hearing to discuss proposed amendments to Village Commercial Districts- Freeport Zoning Ordinance.  
PUBLIC HEARING

**MOVED AND SECONDED:** To open the public hearing (Daniele & Reighley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Chair Egan noted this is a chance for the public to step forward and make their opinions, views and questions known. He explained how to participate in this public hearing. We had an introduction and explanation of this at our April 6<sup>th</sup> meeting. He apologized for the late hour of the public participation.

There were no public comments provided.

**MOVED AND SECONDED:** To close the public hearing. (Daniele & Reighley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Councilor Reighley asked if there have been any modifications or changes since our last public hearing?

Chair Egan asked the Town Planner to highlight what the purpose is and why the Council is looking at it this evening. She explained that this was initiated by FEDC back in December and identified some barriers to some residential development in the downtown area.

The Council received a letter yesterday from Adam Troidl that serves on the Project Review Board with some concerns about the 45- foot height. We do have Design Review and in some cases the standards of the Freeport Village Overlay District that come into play but some of that is about compatibility and scale. It is great if somebody comes up with a building that is 45 feet and is next to a high building and is compatible. It could create some unique situations if there is a one-story building on either side. The Project Review Board could deem something not compatible and that is something to be aware of. It doesn't change setbacks or any other requirements. They did talk about it but just be aware that Design Review could come into play for some of that. Finally, the additional thing would be adding the Mixed Use Development to all districts. In the Village Commercial I in the heart of downtown, essentially, we say that residential units cannot be on the first floor. They have to be on the upper story. In this case by changing it to Mixed Use Development, they are eliminating the requirement that when you have a

commercial and residential use that the unit can't be on the first floor.

Councilor Bradley asked what the 45 feet allows that is not allowed with 35 feet. What kind of use are we trying to encourage? Ms. Pelletier explained that the goal was to go to three stories and get some flexibility which would allow for additional height to conform to our standards hoping that people could get additional units and make projects more attainable and affordable in the village and allow and encourage residential development on the third floor.

Councilor Pilch advised that he has had a number of conversations around what we are entrusting to the Project Review Board in terms of interpreting a very complex set of ordinances and allow subjectivity which makes their job very difficult but on the other hand in the spirit of saying that if you can get four out of seven reasonable people to agree with a certain development as long as it meets the standards we are trying to enforce then go ahead but they also have the power to deny that despite the fact that we are allowing a third story if they don't deem it compatible with the surrounding buildings. His point is he doesn't think the Council passes this and then we are done. He thinks this highlights the fact that we need to do some work with Project Review and Design Review and simplify and really get those boards together and have some of us provide input to simplify things and make it clearer. He will vote to pass this tonight but doesn't want to imply that we are done with this. He thinks it is the first in a longer process and does not want to hold it up.

**BE IT ORDAINED:** That the following amendments to the Freeport Zoning Ordinance be enacted:

1) Adding "Mixed Use Development" as a permitted use subject to Site Plan Review in Section 413. Village Commercial "VC-I"; Section 414. Village Commercial II "VC-II"; Section 415. Village Commercial III "VC-III"; and, Section 416. Village Commercial IV "VC-IV".

2) Changing the maximum building height to "up to three stories, with a maximum height of 45 feet" in Section 413. Village Commercial "VC-I"; Section 414. Village Commercial II "VC-II"; and, Section 415. Village Commercial III "VC-III".

3) Changing the minimum land area per dwelling unit requirement to zero in Section 413. Village Commercial "VC-I". (Daniele & Reighley) **ROLL CALL**

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

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Chair Egan explained that the next item is something we have seen at least several times before. It is a continuation of an emergency ordinance change and a relaxation of a bunch of standards. It is a continuation of the Emergency allowance and response to the COVID pandemic that relates to the use of public property and business operations in the downtown. We have approved this at least four times before so it is nothing new.

Mr. Joseph advised that Staff has been discussing this and it is not a decision that needs to be made tonight, but they are throwing it out there that we need to start thinking that these changes should become permanent. The next time around we have two months and this comes up again. If we want to make these changes permanent, we are going to have to start directing Caroline to bring them to the Planning Board for public hearing. He is throwing this out to give the Council something to chew on and think about giving them feedback in the near future.

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ITEM # 67-21 To consider action relative to the reenactment of Freeport Ordinance Chapter 60, Emergency Ordinance: Temporary Suspension of Certain Ordinance Standards to Safely Accommodate Expanded Outdoor Business Activities due to COVID-19 to be effective April 27, 2021 until June 26, 2021, pursuant to the Freeport Town Charter, Section 2.14 “Emergency Ordinance”.

**BE IT ORDAINED:** That Chapter 60, Emergency Ordinance: Temporary Suspension of Certain Ordinance Standards to Safely Accommodate Expanded Outdoor Business Activities due to COVID-19 to be effective April 27, 2021 until June 26, 2021, pursuant to the Freeport Town Charter, Section 2.14 “Emergency Ordinance” be reenacted without amendments. (Whitney & Reighley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

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

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

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

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

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

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

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

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

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

**WHEREAS,** the temporary suspension of certain ordinance standards and restrictions governing outdoor business activities is immediately necessary to protect the health, safety and welfare of businesses and

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their employees, and the patrons of those businesses, in light of the Governor's current phased reopening plans, and

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

**NOW THEREFORE BE IT ORDAINED:**

That for the time period from April 27, 2021 until June 26, 2021, unless this ordinance is repealed by the Town Council prior to April 27, 2021, the following emergency exceptions to established ordinance provisions of the Town of Freeport shall be in effect, and shall apply to any existing business within the Town of Freeport, that is otherwise operating in compliance with all municipal ordinances and regulations in effect.

**I. Chapter 23 - Sign Ordinance**

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

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

- A) Limits on number and length of outdoor sidewalk or tent sales described in this section shall be suspended for the duration of this Ordinance. In order to be exempted as described above, all merchandise and items used for the outdoor set-up (including but not limited to tables, tents, and retail fixtures) must be brought inside when the business is not open if they cannot be safely secured. This exception also applies to outdoor setups for tourist information centers.
- B) To be exempted as described above, all businesses conducting temporary outdoor sales must obtain a temporary activity permit from the Codes Office/Planning Department. No other land use approvals beyond a temporary activity permit shall be required for these uses.
- C) Section 501(D) shall be replaced with the following language for the duration of time while this ordinance is in effect: "Peddler activities and food trucks during events held by a Freeport business or organization, in compliance with current guidance from the Maine and US Centers for Disease Control, and which are reasonably expected to draw additional visitors to Freeport, are considered a temporary activity subject to the requirements of section 501(A)(2-4), section 526, and section 526A of this ordinance. Said events are not required to obtain a Special Event Permit unless they meet the criteria listed in Freeport Ordinance Chapter 10. Up to four temporary activity permits may be issued under this section per day, and shall be issued on a first-come, first-served basis."

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

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

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

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

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

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

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

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

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ITEM # 68-21                      To consider action relative to amending the Town of Freeport Fee Schedule

**BE IT ORDERED:** That the fee schedule be adopted as amended to add Short Term Residential Rental Registration fee and late fee. (Lawrence & Reighley)

Chair Egan explained that the fee schedule that was included in the Council's packets which adds those particular activities that we thought about extensively.

Councilor Lawrence asked how the \$100 fee was determined? Councilor Reighley explained that it was based on what they discovered with surrounding towns. It is a fair and equitable fee charged in some communities. Some are higher but very fewer are lower. Councilor Piltch added that setting the fee low would incentivize people to say they would rather not register and pay the fine because they can charge \$250 a night. For comparison, Chair Egan pointed out that the Victualer's license is \$135 without alcohol and with alcohol it is \$150 and it is a hospitality related fee structure related to restaurants and folks serving prepared food.

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

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ITEM # 69-21                      To consider action relative to setting a public hearing for a new Liquor License for Sunrise Café, LLC located at 475 US Route One.

**BE IT ORDERED:** That a public hearing be set for May 4, 2021 to consider a liquor license request for June and Timothy Chambers d/b/a Sunrise Café, LLC located at 475 US Route One.

**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. (Bradley & Reighley)

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

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ITEM # 70-21                      To consider action relative to a Liquor License Extension for Maine Beer Company, LLC at 525 US Route One.

**BE IT ORDERED:** That a request for Extension of License on Premise for Maine Beer Company, LLC at 525 US Route One be approved. (Reighley & Lawrence)

Chair Egan mentioned information was included in the Council's packets. Councilor Bradley asked why this does not require a public hearing if the other one did? Mr. Joseph explained that new liquor licenses always require a public hearing but this one is an extension and does not require a public hearing.

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

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Chair Egan noted that the next item on the agenda is a big one but the Council has been talking about it for quite a while.

Councilor Daniele suggested moving the discussion forward with Chrissy Adamowicz so she doesn't have to wait until the end of tonight? Chair Egan explained that we generally don't take items of Other Business until we finish voting on all the action items. He does not believe we will spend an hour on this item and the rest of these will be very quick.

ITEM # 71-21                      To consider action relative to adopting the FY22 Capital Budget.

**BE IT ORDERED:** That the proposed Capital Program for FY2022 be approved, as amended. (Daniele & Lawrence)

Chair Egan noted that the Council has been working through its Capital Budget Plan and have had several presentations from our Finance Manager as well as good conversation about all the departments. We have heard from the Manager about different activities and realignments in the Capital Budget. We have made a few minor amendments as it has come through its process but it is before us this evening for adoption. While we already had a public hearing on it on April 6<sup>th</sup>, we do have one more chance to talk about it. He is not inviting that conversation to be extensive at this late hour but if we do have a chance to talk about this item before we actually adopt it.

Councilor Reighley asked if there were any modifications or changes in this? Chair Egan did not believe there were any since the public hearing. Councilor Reighley noted it will make it go quickly.

Councilor Daniele pointed out that the Manager indicated we would have a 5% increase potentially going forward. He asked what the dollar amount of that is and if we can take anything out of this to reduce that number? Is the 5% a million dollars? Mr. Joseph replied that we are talking about a range of \$200,000-\$250,000. He mentioned the Council could use reserve funds or transfer things to offset the General Fund. While he does not recommend that, the Council could do that. Anything that the Council would cut out of the Capital Program would automatically make more money available for the General Fund. Ms. Maloy believed he was correct. Mr. Joseph asked the Council to keep in mind that everything that is in this Capital Program they vote on again at the end of the Operating Budget. What we are voting on tonight is the Capital Program, the five-year planning document. Year One of the Capital Program goes on the Council's agenda for the second meeting in June to be approved as the first of next year's Capital Budget. If the Council looks through that document for the Capital Program, all of the Year One lines in each of those different funds get appropriated by the Council and that will be the proposal in front of you in June.

Councilor Bradley asked if the Council has a great concern about the increase in the budget, is there a time later on in the process we could talk about reducing the amount we are putting in reserve could offset that tax increase? Mr. Joseph replied, yes, the Council would want to talk about that as part of the revenue discussion during the Operating Budget discussion so the Council would want to say, transfer in from this fund or this fund into the General Fund in next year's budget to offset the expenditures. It is part of the normal process for the Council to go through. There is an amount in there to use Fund Balance to offset taxes so that is one typical source of how we would do that. Councilor Bradley asked if in the first instance, would that be a recommendation Mr. Joseph would consider making? Mr. Joseph noted yes, there is Fund Balance used in the budget right now.

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Councilor Lawrence asked if the 5% is in a year? Mr. Joseph advised that the 5% number does not have anything to do with the Capital Program in front of the Council. Even if the Council went to 0% on the Operating Budget, the 4% from the RSU goes down to 3%. He suggested that the Council keep in mind that we average all three of the different governmental units.

Chair Egan clarified that those percentage are predicted budget increases so 5% from one budget and 3% from another are not the same when they are a percentage of a totally different sized budget. Keep in mind that our overall budget for the taxpayers in the community is made up of the County, the RSU and our Operating Budget. Ms. Maloy explained the percent of those ratios that make up the mil rate: the Town is 22%, the RSU makes up 74% and the County is like 5%. Chair Egan noted they are not directly comparable but we will have a good illustration of that when we get to adopting the full budget for the next fiscal year which is the last item remaining for discussion which is the Operating Budget for Town Government. The item in front of us right now is the Capital Program which includes the predicted expenses for Capital Improvements for the next five years as well as the Capital Expenditures proposed for the fiscal year coming in 2022.

To more accurately answer Councilor Bradley's question, he thinks a good way to think about it is if there is a crisis that happens in between when the Council adopts this document and say these are our priorities for next year and then what happened last year, COVID happened. If there is a change and a bridge collapses and we need to spend \$4M to replace a bridge we were not planning on, the Council is not committing to anything by adopting this document other than saying this is our plan for the next five years of what we are going to put in. When the Council takes the vote in June on the actual appropriation for the next year's Capital budget, that is when you are making the decision to spend that money. If something happens in the next two months that totally changes our priorities, we could scrap everything in this plan and say instead of spending on all these different items, we are going to \$1.2M on this one project we need to fix. That is a decision that could be made by the Council at any point.

Councilor Bradley mentioned that it is no secret that he is very interested in the TIF request. As part of this process coming forward to this meeting people have written some compelling statements in support of the TIF and he doesn't want to read them all now. He asked if he could make them part of this record? Chair Egan suggested that he submit them to Sharon and they could be made a part of the meeting since those comments were submitted in reference to this item. Mr. Joseph advised that if Councilor Bradley has electronic versions, they could be posted with the meeting materials for this meeting on the website. Councilor Bradley noted he would do that.

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

Chair Egan thanked the Manager and the Finance Director for putting all that work together. It was well thought out and we will be able to cover it by reserves.

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ITEM # 72-21

To consider action relative to the annual appointment of Nicholas Adams as Freeport Code Enforcement Officer, Electrical Inspector, Plumbing Inspector and Building Inspector.

**BE IT ORDERED:** That the annual appointment of Nicholas Adams as Freeport Code Enforcement Officer, Electrical Inspector and Plumbing Inspector effective through June 30, 2022 be confirmed.

**BE IT FURTHER ORDERED:** That the annual appointment of Nicholas Adams as Freeport Building Inspector effective through April 30, 2022 be confirmed. (Whitney & Reighley)

Chair Egan advised that this is an ordinary function and our Charter requires that our Code Officer be appointed as those specific listings. Mr. Joseph added that it does not require that he be appointed as those things. We could appoint somebody else to do those things if there was somebody else that could do the plumbing and electrical jobs. Councilor Bradley asked if this is a time in which members of the Council would discuss performance or is it just a function vote. Mr. Joseph would suggest that those things be discussed in Executive Session with the employee present if there is a reason to discuss them or talk with him.

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

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ITEM # 73-21      To consider action relative to amending the Town Council meeting schedule.

**BE IT ORDERED:** That the meeting schedule be amended by rescheduling the April 27<sup>th</sup> District Workshop to October 5, 2021. (Piltch & Lawrence)

Chair Egan noted that we did not specify which district is covered by this. Mr. Joseph advised that the Council can make that decision. There are two in the fall. Chair Egan suggesting setting the Workshop on October 5<sup>th</sup> and designating it for District 3 and 4.

**BE IT ORDERED:** That the meeting schedule be amended by rescheduling the April 27<sup>th</sup> District Workshop to October 5, 2021 and make that a District 3 and 4 Workshop. In addition, the District Workshop scheduled for September 21<sup>st</sup> shall be a District 1 and 2 Workshop. (Piltch & Lawrence)

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

**BE IT ORDERED:** That the meeting schedule be amended by rescheduling the April 27<sup>th</sup> District Workshop to October 5, 2021 and make that a District 3 and 4 Workshop. In addition, the meeting scheduled for September 21<sup>st</sup> shall be a District 1 and 2 Workshop. (Piltch & Reighley)

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

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Mr. Joseph explained that the warrant has been approved but the Council is calling the Election for the School District.

Councilor Bradley asked if this is another function vote for the Council? Mr. Joseph advised that it is procedural only. They send out the warrant to all three towns and then it is the responsibility of the Boards in each of the three towns to endorse the warrant. Chair Egan mentioned in previous years when we were not having a pandemic, there was an inter meeting between the posting of this warrant and final approval of it. It was called a Budget Validation meeting which was held in person and all members of the three towns in the RSU could participate and make amendments to the budget and frequently there often were amendments made so the numbers being seen this evening were often changed although the School Board was not obligated to follow those amendments but they often did. This year there is no Budget Validation meeting because of the pandemic but they are holding a series of public hearings

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for input. This is the presentation of the numbers the School Board has elected for the operation of the RSU5. We don't technically vote until June 8<sup>th</sup> as a community on adopting these numbers as the School Budget but we are recommending this warrant going forward to be what is in front of the voters on June 8<sup>th</sup>. Mr. Joseph added that the Council is not recommending the content but you are recommending that this is what the School Board sent out. These are the questions they are putting before the voters.

ITEM # 74-21                      To consider action relative to signing the RSU5 Budget Validation Election Warrant for June 8, 2021.

**BE IT ORDERED:** That the RSU5 Budget Validation Election Warrant be signed. (Daniele & Reighley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

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**OTHER BUSINESS:**

1. Discussion with Chrissy Adamowicz from Natural Resources Council of Maine in regards to Extended Producer Responsibility proposal (Council Chair Egan

Chair Egan appreciated Ms. Adamowicz's patience in sticking with us at this late hour.

Ms. Adamowicz's screen shared a PowerPoint presentation on Recycling Reform. She discussed the challenges being faced and their policies. She hopes Freeport will show its support. 26 towns have showed their support. Members of the public can also sign their petition.

Chair Egan mentioned the Council has a meeting scheduled next week on May 4<sup>th</sup> and if there was going to be a vote of this Council to support this, would it be in time for Ms. Adamowicz to include it in her presentation at the May 10<sup>th</sup> hearing. She replied that it would be in time and she could make it happen. Chair Egan noted in her presentation she talked about how the EPR Law would work which includes a focus on recycling activity. Freeport does not have a town-wide Municipal trash service. By Charter we actually have private companies provide trash pick-up and, in some cases, one of the providers will pick up recycling as well. We've had a conversation here about potentially having curbside recycling across the community. Would curbside recycling be a requirement for Freeport to participate in the reimbursement? Would we have to have 100% of our community participating. Ms. Adamowicz advised that Freeport would not have to have 100% community participation but you would have to offer the recycling service to the community. There is a difference between participating and offering. Chair Egan asked if it would have to be at curbside and not at collection points around the town? She did not think it had to be curbside. Chair Egan noted this is a hot wire issue that immediately puts people far apart on the issue. He is hoping we can find a way to participate in this but not necessarily setting up something.

Councilor Reighley noted he used to have a retail store and when things came in, he unpacked and put things away. Now people shop on line and packaging is increased many fold because it is an individual item being shipped where he was buying in 12s. He believes one of the ways we can improve on our recycling and also have the cost be directed to the right area is to set a fee or a fine that the on-line shopper has to pay for. Ms. Adamowicz agreed that it is true with the increase in packaging and perhaps the fee structure could be set up for the brand. Councilor Reighley would support this at our next meeting.

Councilor Bradley noted it almost seems to be too good to be true. It doesn't cost the consumer anything and the price of this is not passed on. The Municipality gets all the money and recycling goes to the right places. What do the critics of this program say when they have seen what is being proposed? Ms.

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Adamowicz advised that the Town will have to do some work to collect the data if they are not doing it already and offer the recycling services. The packaging companies are saying they don't know how to do this but other countries are saying they do it for them. Their testimony has been quite weak. She thinks that the concern comes from the medium sized businesses in Maine. She really believes this is the way to do it because recycling starts at the design stage so they can be less wasteful. Those are some of the things she hears the most.

Councilor Bradley asked if L.L. Bean has taken a position on this? Ms. Adamowicz advised that they did not take a position last year and they have not heard from them this year. She listed the businesses that have signed on already recognizing the impact they have on this issue.

Chair Egan thanked Ms. Adamowicz for her very thorough presentation. He will have a conversation with the Vice Chair and the Manager to see if they can get this endorsed. He is particularly interested in seeing it happen and if we are going to try to do something, we might as well try to do it prior to the May 10<sup>th</sup> public hearing in front of the Legislature which is why they are asking us to join in to endorse that. We are not agreeing to adopt this for Freeport next week. We would be agreeing to support their lobbying effort to get the State to pass a State Law.

**MOVED AND SECONDED:** To adjourn at 10:59 p.m. (Reighley & Lawrence)  
**ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Respectfully submitted,

Sharon Coffin, Council Secretary

**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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COUNCIL MEETING #12-21

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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 Piltch 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.  
(Piltch & 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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COUNCIL MEETING #12-21

MAY 4, 2021

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)

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>\$18,625.00</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.

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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

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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

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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

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #13-21**  
**HELD REMOTELY USING ZOOM TELECONFERENCING TECHNOLOGY**  
**TUESDAY, MAY 18, 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 Chair Egan called the meeting to order at 6:30 p.m. He took attendance and noted that all Councilors as well as the Town Manager are here. He explained how members of the public would be able to participate at various times during the meeting.

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

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

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #12-21 held on May 4, 2021 and to accept the minutes as printed. (Bradley & Lawrence) **ROLL CALL VOTE:** (6 Ayes) (1 Abstention-Egan, he was not there) (0 Nays)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Egan announced:

- The Sustainability Advisory Board is hosting a virtual presentation on **Composting** on Monday, May 24th from 6:30 to 7:30 pm. The speaker, Tyler Frank, is the founder and President of Garbage to Garden, a leader in food waste diversion and composting. He will discuss different methods you can use to compost your home food scraps and provide some tips and tricks to make the process easy, clean and rewarding. To join the webinar, please go to the Town's Website Calendar to find the zoom link.
- **RSU5 Budget Validation Election will take place on June 8, 2021.** The polls will be open on Tuesday, June 8, from 7 am to 8 pm at the Freeport High School Gymnasium. Absentee ballots are available now at the Clerk's Office. For more information or to request an absentee ballot, you can call the Clerk at 865-4743 x122 or x123
- On April 27<sup>th</sup> the Freeport Town Council adopted an ordinance regulating the **short-term rental of residential properties**. The **application and self-inspection checklist** can be accessed on the homepage of the Town's website at [freeportmaine.com](http://freeportmaine.com). Any questions should be directed to the Town Clerk's Office at 865-4743 x123.

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- Governor Mills' Executive Order dated February 3, **2021**, which extended the deadline for **dog licensure**, is set to expire on June 2, 2021. Please be aware that you need to **renew your dog's license no later than June 2 or a late fee will be charged**. You may register at the Freeport Town Hall or online at: [www.doglicensing.com](http://www.doglicensing.com). FMI call the Clerk's Office at 207-865-4743, EXT. 122 or 123.
- There will a lottery for 1 **adult Resident Commercial Shellfish License** and 1 **student Resident Commercial Shellfish License**. Applications may be received in the Clerk's Office ONLY between Tuesday, June 1<sup>st</sup> and Tuesday, June 15<sup>th</sup>. The Commercial License Lottery will be held on Wednesday June 16<sup>th</sup> at 10 am.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Reighley advised that the Complete Streets Committee has been very busy. They have had a site watch at the Mallett Bridge area to see what the traffic flow looks like, a meeting afterwards and then a meeting with the DOT folks trying to be sure we get as much as we asked for. It is looking like they will not be providing what we thought we would be getting in the complete connection on these paths and bikeways along the bridges. Councilor Daniele did not have anything to add.

Councilor Bradley asked if this is a continuation of the issue that was raised at the last meeting where there was going to be a delay in the bike path because there needs to be taking of land for it to happen and asked if this is the idea? Councilor Reighley added that they do not know if it is the taking of land or if they are afraid to do a build up along the roadside with a retaining wall. Right now, it doesn't show being connected. Councilor Daniele advised that there are just a couple of logistical things they are working through. For instance, the slip lane that goes onto 295 North was also discussed and that is changed a bit from how they showed us first and how it is now. It is just the background stuff keeping them honest kind of thing and making sure we get the best bridge that we can. Councilor Bradley advised that the Council represented to the community what we were getting and got an overwhelming vote in support. He asked if we are in a situation where we need to raise some sort of formal objection to the DOT or is it just conversation that will get us there? Councilor Reighley believes that the Complete Streets Committee is actively pushing to make sure we get everything we asked for. He noted that if they need help, he will let the Council know. Councilor Daniele mentioned that they are keeping the Council in the loop right now letting it know what is happening. For right now, he suggested to keep letting the meetings play out.

Vice Chair Whitney brought Mary Davis tonight. They have been giving updates at Council meetings on how things have been going with the Downtown Revisioning of downtown Freeport. They have had an opportunity to see the presentation and what is most exciting about this presentation is that they captured all the Council's voices, thoughts and ideas and they did the magic to put it all into a presentation that makes it easy to see what those thoughts were. They took those thoughts and generated them into some really fine ideas that they can start in Phase One of the project. The Council will receive a full presentation from the Principle Group at its next meeting.

Ms. Davis had slides that provided a sneak peek of what the Council will be seeing in two weeks. They have delayed what they are bringing to the Council by one meeting but they wanted to bring all the information so it delayed some of it coming out to the Council. This is all about creating the sustainable economically viable downtown that we all want. Their five goals were displayed. As the Council will see in two weeks, there are 14 short-term projects they think they can do over the next period of time to test out what folks said they wanted. It's about creating this downtown that will adapt to what we want now but will continue to adapt in the future and will create stewardship. They have had so many people involved in this and continue to have community members reach out and offer to help. In the First Phase

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it was organizing the engaging portion involving the whole community members, residents, kids and businesses and they had over 2,500 responses. It was amazing. These were written comments and drawn pictures and amazing amount of participation in what folks wanted. In April, they started working with Principle to take all that information and put it all into an early action plan that they could bring back to the community to respond to. She mentioned that they went back to Principle and advised that they didn't just want what people wanted but what they didn't want.

We are now in the end of early action Phase One. They have the second two phases which is the whole community visioning. It's about taking this early information that came from the action plan and taking it into postcards and visuals of what they want. The Third Phase is to have a clear completely written plan.

Ms. Davis explained the Early Action Plan that puts into place some tactical projects that they can test out on what people said they wanted. They wanted to test those things this summer when there are a lot of visitors in Freeport. They didn't want to test it in the middle of winter when there is nobody here. The Early Action Plan is a short snippet of here is what folks said, here's what we want to try to see if these things work and some of them may work and some of them may not work but that is part of what trialing is all about.

What is the downtown vision that comes after that? That is what comes next. They take the feedback, some of the trials and turn it into a more detailed plan. They would prefer to trial things to see if they work rather than putting them into a detailed plan and finding out later that they don't.

In two weeks for the whole community presentation, the first thing the Council will get is an engagement overview. The Council will see what residents said, what kids said and what the businesses said. It asked what are your favorite places? She asked if the Council could believe CVS is one of them? They see this as sort of the town's soda fountain and they can buy cheap candy there. They asked visitors what they want and what is missing? They got a lot of information from visitors, residents and kids about what they want. They asked what are the challenges you see? Some of the interesting things that came back from that were the challenges of traffic on Route One. They asked what are the things that should be kept? There was a lot of rallying around "we love our small Freeport feel. We love the feel of New England. Let's not lose that." The Council will get the whole engagement review which is a lot of data and information. She noted that if the Council wants more information, there is a lot behind it.

There are 14 early action projects that embody what people want, how it supports the values and what are some things we can trial right away so we can start to show people action about what they said they wanted in downtown. One of the examples that came out of this is that people said they wanted more space to be in Freeport. They want to be able to sit and enjoy and be outside in a park-like setting that Principle has seen put into play in other communities.

A set of community values are starting to emerge from the information people said. Ms. Davis is not surprised by this but what they were encouraged about was the consistency of the message that came across from not only the folks that live here, but also visitors. They talk a lot about loving the New England Village and want it to be a downtown for everyone. They want to have visitors come here but also want residents and kids to enjoy it. While we are building an Arts & Cultural Center, folks want more. They want music, evening life, they want the town to be vibrant at night. They want it walkable and bikeable. They want it to be safe to bike into downtown and visit and be there. The kids said they get to school on skateboards. It is also about sustainable. We want there to be housing downtown. We want to be sure we connect to the outdoors because we have so many rare but lovely resources that we don't always take people to and to encourage the small business eco system to maintain the great businesses we have now. This is part of the values that are sort of coming out of this.

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The next steps are, Principle has put together a summarization of the information people gave us as well as ideas of things we could do to implement. Now the idea is to take it out to the community to start to get feedback. It is still sort of in a draft format so it is a way for them to come into the community. They took it to the department heads yesterday and got some good feedback from them. It goes to the Community Connectors and Committee Chairs at the end of this week. It goes to the Street Gang next week then comes to the Town Council in two weeks. The idea is get as much involvement from the community to say are we on tap? Is this what you said? How do we prioritize these things and get the community involved to take this to the next level? They are super excited. This is where they are. She wanted to thank so many people that were involved in getting them here. By the way, they want Dan Piltch back on their Executive Committee again and would like to bring him back on.

Councilor Piltch referred to the Early Action Plan in addition to the stuff we will trial this summer, will it also include in addition to the values, what our residents would like to see the downtown move to long term? Ms. Davis explained that everybody will see in the data presented, it is also presented by segments so you can see it by residents and you can see it by visitors where they clearly say, this is what we want the downtown to be so it is starting to emerge this clear vision of these things they would like to have here. Residents are saying they want the kind of services they need in a community and want them to be downtown. They want it easier to walk around or cross a street. They want to bike downtown. She noted the Council will see the information that comes out of that in two weeks like the data. In the visioning portion we say we heard what you said you wanted but is it really what it looks like. A lot of people said they wanted a place to be and they want to hang in Freeport. They want beautiful outdoor spaces and so one of the trails is to trial this idea of parklets where you create beautiful spaces inexpensively. If that is what people want, they test it in the early phase and then put it in the Visioning Plan.

Councilor Bradley noted that 2,500 responses are truly amazing and out of the box but it generates for him a question. Ms. Davis has categories of responses within that 2,500, residents, kids, visitors and businesses, etc. He asked if the Council will find out on the 6<sup>th</sup> when they present what the balance was in terms of responses from those different groups and what their specific messages were by group? Ms. Davis indicated that yes, they created a chart showing 15% of the people said this, 10% said this, etc. and it gives it to you by each group. Some of the messages are different from the groups but some of them are very consistent. Councilor Bradley will see by group, here are the things we like and here are the things we want. Visitors were asked why they come to Freeport? There is a lot of information there by subgroup because they feel it is important to understand what each group wants.

Councilor Bradley asked when there is dissidence, how is discretion exercised between groups when they differ? Ms. Davis feels that is good for them to hear like when you hear some of the things the kids want, they want cool places to hang in the downtown and we don't have it. She feels it is good for them to know. Councilor Bradley asked where there were differences among or between groups, and choices had to be made, how were those choices made? Ms. Davis feels the discussion comes when the Council sees this in a couple of weeks. What they are trying to say is that these are the values that they think everyone is talking about and they should be our guiding principles of how we make the decisions about them. She thinks it should help them but it is why they are bringing it to the Council. They are showing the Council the data and showing what they think the principles are and then showing actions that they think they can take to test and trial out and then go from there.

Vice Chair Whitney added that they did not filter it down or make any decision which is actually why the presentation is going to be an hour long. Principle advised that they thought it needed to be shortened but the committee advised them not to. We paid a lot of money for this so let's let the public see absolutely everything that has been done here.

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Councilor Reighley asked if there is any possibility that this information could be in the Council's packets so it can be reviewed before the Council meeting. Ms. Davis did not see any reason why this could not be done. It is a PowerPoint presentation and very big and intensive because of the photographs. Vice Chair Whitney suggested e-mailing it to the Council. Councilor Reighley added that the Council would then have intelligent questions.

Councilor Bradley advised that when he met with Mr. Arndt and Mr. Braden about the Island Rover, he was told that Mr. Arndt had done a very detailed breakdown of the site item by item putting it in categories and color coding each category with respect to clean up, sale and even to where things should go. They recently sent it him and it has 11 pages. He will get it to Mr. Joseph and Mr. Gibson before the meeting with Harold, Trane, him and hopefully, Carter Becker so it can serve as a guide. He has done this kind of work as a professional engineer for a number of different sites in his career. As a lawyer, he has never seen anything like this and if Earl finds it useful, he is confident we have a good start on a good clean-up project.

Councilor Bradley mentioned he had an interesting experience this week which involved exchanging e-mails between the Chairman and him. He would like to read it because he thinks there is an important message in it that he would like the public to hear and would like all of us to be aware of. On May 11 at 9:54 John Egan sent him an e-mail saying, Ed, would you spare a minute to assist him in completing a task. I'm in a meeting. Councilor Bradley didn't get the e-mail until May 12. He responded, yes, of course. Two minutes later John e-mailed him back saying, I am not around. Can you help purchase Apple Gift Cards five pieces, \$100 a piece at a nearby store? I can't call, I am in a meeting but I will reimburse you tonight. A few hours later, Councilor Bradley responded yes, I can do that. When do you need them? I am going to a girls' lacrosse game and it will be over by 8. He looked on line and can buy them that way. They can be e-mailed to you or to your intended recipient. Will that work? Almost immediately John e-mailed him back and said, oh that would even be better. He said he was intending forwarding them himself but he provided an e-mail they could be sent to. He asked that Councilor Bradley let him know when he sends it. After the lacrosse game, Councilor Bradley started to get a bit suspicious and asked why John would ask him to do this for him? As he thought about it, he decided to call him. When he called, he discovered it was a scam. He cautioned the public that it is out there and if it can get him and involve John and implicate their relationship on the Town Council, just imagine what it could do in a community of people just waiting to be scammed. He felt foolish even though they caught it but felt he should share it for everybody's information. Other Councilors mentioned that they received this type of scam as well. Mr. Joseph advised that Town employees are getting these weekly but they are trained on them. For the record, Chair Egan advised that he would never e-mail Councilors about gift cards. If there is ever a time, he is asking Councilors to spend personal money on Town business, they should go right to the Manager and say, what is the Council Chair doing asking me to spend my personal money on Town business? That is way out of bounds and he would never do that but it is good to point out.

Councilor Piltch referred to Winslow Park, the Lobsterman Triathlon that usually happens in September is probably not going to happen this year. They requested use of the park but the park is still conservative in what it is allowing because of the pandemic. They are probably going to deny the request for use of the park for the Lobsterman Triathlon. It brought up a conversation about whether or not we want to continue doing it in the future and what we get out of it as a town. Is it worth the hassle and damage to the park to do it in future years? That conversation is going on and he didn't want the Council to be surprised by that. Mr. Joseph advised that Neil Lyman sent that out today. From a Staff perspective and a Park Commission perspective trying to reserve those big public outdoor spaces for people that want to be outdoors this summer. There is higher usage on our public parks and it made the Park Commission think about if that is

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something they want to give away even for a weekend in September when everybody wants to be outside with their families. It is kind of preserve the asset for the locals rather than the 900 or 1,000 people of which 20 of them might be locals that want to use it and lock out all the locals that want to use the park that weekend.

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

Mr. Joseph reported that they have had a busy week with a lot of things. The big thing he wants to talk about is adjusting to the new sets of guidance issued over the past two or three weeks that have been issued in terms of COVID safety, pandemic things and things like that. As most people are aware, the U.S. CDC has issued guidance, recommendations and guidelines on everything from social distancing, building capacity, wearing masks both indoors and outdoors and pretty much everything having to do with Pandemic safety. He is happy to report as they have throughout the pandemic, they are evaluating the guidance and adjusting town policies at facilities within the next week. They are having meetings today and tomorrow with all of our Facility people. They met with Town Hall today and will be talking with the Library staff tomorrow about what we will be doing and best conform to the guidance. That means Town Hall will be following the Maine CDC's guidance next week which means that fully vaccinated COVID-19 individuals are not required to wear masks indoors. That is recommended for Statewide public facilities. It will go into effect here on Monday and apply across the board to employees, visitors and customers. They are working on similar evaluation based on recommendations. Recommendations are a bit different because there are a few different groups making recommendations for the Library. They are meeting with the Library staff to go over that tomorrow so he will announce that in the near future. He does know that the Library is talking with them about moving towards more open days and fewer curbside days. They will still have some curbside days because there are some people that want to participate in that based on demand. He does not have the exact dates yet but will have that conversation tomorrow and will be updating the public on that. He feels that maybe 10% of people are scared about that kind of a change but 90% of people are very welcoming of it. As we have throughout the pandemic, we followed whatever is issued trying to do our best but understanding they are relying on guidance primarily from the Maine CDC, as our local governing authority but also what the U.S. CDC is issuing.

Councilor Bradley asked if there is any concern about being able to identify who has been vaccinated and who has not? Mr. Joseph advised that there is from an employee standpoint. We ask employees which we can, at least we have been advised we can, but we are going to go a little more into that. From a public standpoint we are asking for the honor system. If you don't believe in vaccines, that is fine but please continue to wear a mask if that is your viewpoint. No one is forcing people to be vaccinated to enter the building but we will be asking people who are not vaccinated to wear a mask before entering the building. We don't currently have a policy and we are not planning on implementing a policy that is going to check vaccine passports at the door. The vast majority of employees are fairly comfortable with that and are fully vaccinated so there is not a lot of concern on the employees' part but the concern is more on the individual's part if a customer is exposed to another customer.

Councilor Reighley asked if Mr. Joseph could get input from Councilors as to whether we are vaccinated so maybe we could end up being in Council Chambers at our next meeting? Mr. Joseph replied yes, but mentioned the thing they would have to go over is how they adjust all of their broadcasts and that kind of stuff because they made an adjustment for this remote thing. He offered to have this conversation this week and will get back to the Council. It may not be able to be done next week. Chair Egan feels there are a lot of variables to go over including the Council meetings are public and we will need to make sure we have proper protocols before inviting the public in and how we are managing that door. He is strongly in favor of getting back to Town Hall as quick as we can. Mr. Joseph thinks we are getting there. The indoor

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gathering limits have been reduced. They will have to look at that for Town Hall. He will do the research on that and talk with the Chair and Vice Chair about what the standards are. Vice Chair Whitney suggested making use of the electronic sign in front of the Public Safety Building. Mr. Joseph added that this is all brand new. At the middle and end of last week it was dropped on us. They are working on the messaging and the public entrances to buildings so people are clear on what they are being asked to do and what they are not but it is small steps back to normal which is good.

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

Chair Egan opened the Public Comment Period and explained how members of the public could provide their comments and asked that the comments be limited to 3 minutes.

Tammy Morrissey of 6 Norton Farm Road mentioned that she and her neighbor, Sarah Cronin submitted two ordinance amendment proposals back in May of 2020. It took until September for them to get on the Ordinance Committee agenda and only one of their proposals at that time was initially reviewed at that meeting. They then rewrote a couple of items based on the feedback they got from the Committee. They adjusted some of their proposals to appease some of the issues they felt needed to be rewritten and submitted them back to the Ordinance Committee. They didn't hear back from anyone until they reached out again in January of 2021. They were told that their proposals would be back on the agenda as soon as the short-term rental issue was sent to the Council which she believes happened back in March. Since then, there have been no Ordinance Committee meetings the past two months despite their proposals hanging in the balance. They are wondering why is that. The short-term rental issue was an ongoing item month after month without interruption and appeared on the agenda. Back in September and October, it actually appears on the agenda twice. The short-term rental proposal was brought to the Ordinance Committee due to the destruction the short-term rentals were doing to certain neighborhoods and disrupting the lives of the people living near those rentals. Sarah's and her proposals are also being brought to the Ordinance Committee's attention because of the disruption in their neighborhood. Just like those who wrote the short-term rental proposals, they wrote theirs to try to protect others from the same disturbances they had faced in their neighborhood. Now they are seeing a potential cannabis ordinance that is on the Council's agenda tonight and we wanted to be sure that their proposals are heard first as they have been more than patient and have waited almost a year for theirs to be heard.

Chair Egan explained that he participates on that committee and assured her that they would look into the status of their proposals. Councilor Reighley asked what day of the week is best for her and Sarah to be involved with the Ordinance Committee meetings. Ms. Morrissey advised that they can both be somewhat flexible with their schedules to fit the Ordinance Committee as long as they have a long enough notice. She noted that this all started back in August of 2018 and they are really coming up on 2 ½ years. Councilor Reighley advised that this is the next item on the agenda for the Ordinance Committee meeting. Discussion on a lot of issues that would follow their resolution on noise and they are prepared to begin. Ms. Morrissey reminded Councilor Reighley that it is not just the noise proposal but is the construction issues and timing of construction in a subdivision and the Zoning Ordinance as well. Councilor Reighley requested that she let the Town Manager know what day is best for both of them so the Committee can get rolling on this. Chair Egan thanked her for coming forward.

Joyce Veilleux noted that she is wondering as we look at opening up the Town Hall and having meetings in the Council Chamber again, is there technically a way to keep the zoom participation also? She has found that where she can't leave the house because of medical issues with people, she can still participate a lot more than with e-mails. Mr. Joseph explained that they have had some conversations on that from a Staff perspective but legally and procedurally it is 100% allowable to have participation from anybody except for the Council. The audience can be all remote and the Council can meet in person and we can

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have everybody just like this and they can all be sitting around a table with phone-in capabilities. It is just how the Council wants to allow input. If we can make this work technically, we have a flat screen in the Council Chambers and an internet connection into it. We just have to figure out how to pipe all the things together so they show up on the video feed at the same time. We can do that for sure in theory and he thinks Staff has been looking at that a lot of people will want to participate remotely. They are hoping that it is possible. The only thing they cannot do legally once the emergency declaration is over unless one of these bills in the Legislature passes, allow Councilors to participate remotely. There is nothing that says an audience person has to be in the room to give input. They can phone in, zoom in or videos. They can do anything so that will adjust in a lot of municipalities.

John Lowe mentioned he has watched for the Winslow Park meetings but the last one that he saw scheduled, he was not able to get in and he is not sure if they held one or not. He is wondering where the project stands for the ramp for the handicapped and disabled people. It was supposed to go before the Project Review Board but was pulled. He is getting concerned that it may not happen this year. Councilor Piltch explained that his understanding is that it got held up with a zoning issue. The plan that had been proposed doesn't fly with the current interpretation of the Town's zoning so they are trying to make some adjustment. The ramp is still going in but the adjustment has to do with the parking and where the parking is going to be. The ramp should be moving forward pretty soon and they are just trying to figure out where to put the parking so everybody is happy. Mr. Lowe asked if the project has gone out to bid?

Town Planner, Caroline Pelletier explained that it wasn't just zoning but it was actually Shoreland Zoning which are regulations under the State that they didn't comply with. They need to make some alterations. She has not seen the final updates to the plan. Staff did and had a meeting with Neil and his team and they also had a visit on the site. She is waiting for them to submit something that is updated to see if it complies and see if they need any State Agency permits and then would have them come to the Project Review Board when they are ready. She assumes that they have not gone out to bid yet since the design changed. Mr. Joseph added that there is agreement that the ramp is staying in the same location. It is where it connects to the parking lot up top that had to be moved around so it was a design change but the project is still moving forward.

Mr. Lowe had another question about the Brewer Lot where there is a parking lot in South Freeport. They also always provided a restroom since we have no public restroom in that area. Last year they did not because he assumes it was due to COVID. He asked if it will be part of the project this year and also other places in town for folks to use such as the Public Service Building, etc. With the lifting of all the things being talked about, will it affect the public buildings so people will have access to them? Mr. Joseph advised that anything privately owned even if it is leased or things like that, the landlord or the owner would have the right to make those decisions on. He mentioned that the restroom at Brewer's was open to the public but it was not tied in any way to the parking lease. Mr. Lowe mentioned that if Brewer's doesn't provide the restroom this year, the Town ought to think about doing something about restrooms in that area. A lot of people go down there and not all of them use the restaurant. The ones they have are only for their customers. He feels we should try to help the visitors that come to our Town.

Chair Egan closed the public comment period and moved on with the agenda.

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

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ITEM # 84-21                      To consider action relative to adopting the May 18, 2021 Consent Agenda.

**BE IT ORDERED:** That the May 18, 2021 Consent Agenda be adopted.  
(Reighley & Lawrence)

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

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

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ITEM # 85-21	To consider action relative to 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. PUBLIC HEARING.
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Sean Tobey, a civil engineer with Hoyle Tanner & Associates introduced Christian Loranger, owner of NBS Solar. Mr. Tobey explained that they chose this property in the C-I District, set back from the roadway. It has a real narrow front edge and is not really a prime commercial site. They are looking for a contract zone to be able to move forward with a large-scale solar development in this Commercial-I Zone. It was initially pulled out and reduced to 10-acres with the intent of keeping commercial land available on Route One. They feel this site is not really suited for commercial development. They are looking to get the Council's opinion on that and move forward with a possible contract zone just to allow a 10-acre large scale solar. It would still conform to all the other ordinances and to the solar guidelines the Council has put forward.

Mr. Loranger explained that he spent a lot of time in Freeport and is aware of how Freeport takes care of its town and the Downtown Vision. They wanted to come in and find a proper piece of property to place a solar array. He feels what the Council did as far as protecting its commercial district and not turn it all into solar but keeping that for useful taxable developable property was an excellent idea by the Council. They chose this property a while ago and put a lot of money into it with engineering because it was hidden and off the beaten path a bit. This project has already achieved a CMP Interconnection. They have a signed agreement with Central Maine Power. One of the things they wanted to achieve knowing Freeport a bit and what he felt they would do with this project is there are two basic programs in the State of Maine. One is the net metering program that would sell the power to businesses. The other is a residential program which members of the community, don't just think of this as a barrier for Freeport because it doesn't necessarily work that way, but members of the community in the CMP community could opt in to this residential program and would get a discount on their power but wouldn't have to put panels on their own homes, getting into the structural integrity of their own roof. This would keep solar having to go on every roof top and give people an alternative to getting their green power from somewhere else rather than putting it on their roof. There is also the aspect of the future and what the grid is going to look like and protection for the Town in its particular area. The electrification of cars is coming and it would be nice to have a distributed project in your town to generate power right where it is needed. While he had a presentation, he did not want to bore the Council but offered to answer any specific questions.

Chair Egan asked for clarification that opposed to having a series of commercial off-takers that this would be a subscription solar farm? Mr. Loranger mentioned that is correct. Because of keeping Freeport and trying to accomplish what the Council is trying to accomplish; he foresaw that this project would be net residential rather than net metering for businesses.

Councilor Reighley asked what type of buffering is going to be around the solar farm. Mr. Tobey screen shared a plan showing where the property is located and that it is basically screened from Route One with 450 feet of dense vegetation. He believes there are only two residential properties in that 450 feet. The surrounding area is commercial or would be screened. The electrical equipment at the road, they have a dense row of spruce trees planted all the way around. You would only see a small entrance at the street.

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Councilor Bradley asked if a resident of any community in Maine or any place could sign up for the electricity this will produce? Mr. Loranger replied that only if within the CMP system. Councilor Bradley asked if any preference would be given to a Freeport resident in the sign up or in the rate system? Mr. Loranger advised that no, it is not a different rate based on where you are within CMP and no, there is no priority. He is not sure a priority can be done but is something he can look into. He has never been asked that question before. Councilor Bradley mentioned that they are asking for a very unusual zoning decision from the town and he does not have a judgment one way or another but it would certainly make it easier to give them an unusual preference in zoning if they were giving our residents some preference in electricity. He noted that if Mr. Loranger wouldn't mind exploring it, he thinks it would be great. Mr. Loranger advised that if it is within his rights to do so, he would be happy to do it. If it is legal to do, he would absolutely do it. Mr. Loranger explained how he would explore it and is confident he could get an answer quickly on that.

Chair Egan explained that he buys his electricity from an array in Baldwin and his subscription agent is a vendor called Power Market but there are several out there and there is a distinction between who you subscribe with and who owns the farm. They work in concert for billing purposes and tracking your credits you are purchasing the electricity for. It is seamless and took him a total of about 15 minutes to sign up. He gets 10% off of whatever the standard offer is from CMP and it cost him zero dollars to join and he can get out when he wants. He has an electric car so he wanted to be able to power his driving every day with solar energy so that is why he pursued it and he doesn't have a roof or site here that he can do solar at his house.

**MOVED AND SECONDED:** To open the Public Hearing. (Piltch & Reighley)  
**ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Councilor Piltch noted to refresh his memory, this is a procedural action we are taking tonight to say whether or not that this is an appropriate use for a contract zone but we are not actually approving the contract zone. This is just one of several steps. We can kill it but we can't approve it tonight. Chair Egan agreed.

There were no public comments provided.

**MOVED AND SECONDED:** To close the Public Hearing. (Piltch & Reighley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Mr. Joseph explained that the Council should think of it as two halves. First of all, even if the Council approves the Contract Zone, and it goes through the whole Town approval process, there is still the Site Plan approval process that an applicant would have to go through which is the same as if it was an allowed use in the zone and they just applied right now. The whole Project Review Board process would happen. That is Part 2 and it would have to happen regardless. Part 1 is the Contract Zone process and what they are looking for is a use that essentially would not be allowed to occur and they are asking the Council to make an exception through a contract which the Council has the ultimate authority to do but tonight's approval vote that it is okay to even pursue this, goes to the Project Review Board who then gets input from the Planning Board and they make a recommendation back to the Town Council and the Council actually acts on whether or not to approve the actual Contract Zone proposal so it would be a month or two process from now or potentially even longer before it comes back for approval of the Contract Zone. That means that they can just apply for a project.

Chair Egan noted that the Council talked about these kinds of potential applications several months ago when we had a consideration that Caroline's effort brought forward on whether or not to amend zoning language to allow solar farms in certain zones under certain circumstances and he recalled that the Council put a limit on the size of any particular parcel that could be used for solar. It appears that the coverage of this proposed project meets that 10-acre requirement but there was also some discussion whether or not we were going to allow solar to be visible and "taking up" Route One commercial space which also is not a part of this. He is curious before the Council considers the Contract Zone sort of ping ponged between us and Project Review and then back to us again, what would actually have to happen from a zoning amendment in order for this to be "allowed"? Is it solar as a use or is it the parameters of the project? Mr. Joseph explained that the parameters

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of this project in his understanding, it is designed to comply with the large solar farm parameters in our Zoning Ordinance but the Council acted to remove that from the zone before we approved the solar zoning amendment. We had a little bit of conversation about this in terms of legal review and he and the Town Planner talked with our attorney and with Staff. He guesses there are some complications and multiple ways that this can proceed. Contract zone is one of the ways it can proceed and that is what the applicant has chosen. We also identified a couple of other alternatives. One of the concerns about pursuing Contract Zone, they did not receive a legal opinion that it is not an appropriate way to proceed but the concern that was raised is that when the Council acted to remove Solar Farm, Large from the allowable uses of C-I but left in Solar Farm, Small, that there could be an interpretation made that solar farms are not allowed in the district in the large configurations. There is a counter argument that we left Solar Farm, Small in there so we are essentially increasing the size that is allowed. There are two ways to look at it and one of the ways would make it incompatible with State Law and the other way to look at it and Staff was looking at it, you are just increasing the size of what is allowed in the District. With that in mind, understanding there is a little bit of complication and there may be some legal wrangling on how to do it the correct way. We looked at a couple of alternatives that would be less cumbersome from a zoning amendment perspective, we could look at doing text amendments to the Zoning Ordinance that would allow with restrictions, large solar farms in the zone but design restrictions would satisfy the concerns Councilors brought up at the meeting. That is one way it could be done or the Council could choose to go the Contract Zone way understanding there is a little bit of fuzziness there or could decide to not pursue it at all if that is the wish of the Council.

Chair Egan added that if the Council votes tonight to consider the Contract Zone pathway, the Council has a standard that it needs to meet on issuing a Contract Zone. As Mr. Joseph pointed out, one of the standards is that it otherwise would be allowed and the Council with not a unanimous vote several months ago took a vote to say we did not want 10-acre solar farms in the C-I Zone. He is confused how the Council is going to consider a Contract Zone on a particular sized project that it took a step several months ago to say as a group, we voted to not allow that going forward. He thinks the consideration was that we would allow it but in smaller quantities and we can ask the applicants this evening if a smaller solar farm will cancel out financially and he suspects the answer is no which is why they are here for a Contract Zone request. He is confused about the pathway the Council is taking here.

Councilor Bradley could not recall all the reasons the Council eliminated 10 acres but feels it was relating to 10 acre-solar farms throughout the entire C-I District. The concern was not about an individual parcel but about a proliferation of solar farms all along Route One. We decided all through that zone we didn't want 10 acre-parcels. That is what we said and now here is a specific parcel which is what Contract Zoning is for that really has characteristics that are quite different and justify getting a special treatment if it does. He doesn't see anything inconsistent with the Contract Zoning pathway based on the fact that we eliminated 10 acres in the first go around. He feels that is exactly why we are in Contract Zoning is because here we said we didn't want it throughout the zone but here is a particular place where it works and we think it would be in our interest to allow it.

Chair Egan mentioned he is in favor of this project moving forward but is hesitant about going down the pathway of a Contract Zone. He would like to see community solar farms in our community and thinks the applicant has done a good job of selecting a parcel that fits in and is obscured from view for whatever purposes that might be. It doesn't bother him at all but it is certainly not taking a chunk of commercially viable land that is in demand today. The parcel has been sitting there for years from a previous failed project. He wants to make sure if we are going to take steps to consider this, which he is in favor of doing, that we are laying out the most efficient process for our applicants here.

Councilor Reighley noted Chair Egan was right. This project was considered a senior project one time and it went by the wayside. Some of the people that opposed the senior project were in our attendees list tonight and chose not to speak. He moved that it is time to call this to question and move this forward. Councilor Bradley feels it is fair to ask the applicant the question that Chair Egan is proposing which is: Contract Zone is one way to move forward and is the way you applied. Having heard the conversation here about the hesitancy of using a

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Contract Zone where we previously precluded 10 acres in this exact zone. He asked how he feels about going through the proposal that Mr. Joseph identified which is language restrictions on 10-acre solar in this zone as amendments to the current zone, the alternative route to where you want to be? Do you care? Mr. Loranger advised that he personally does not care. He mentioned that when Chair Egan was considering the solar prospect a few months ago, he put his two cents in as an outside bystander. Unfortunately, those smaller projects with the cost to the interconnection do not pencil out. They really have to have a project of this size. This is \$250,000 just to interconnect with CMP, the engineering with Hoyle Tanner and the costs are just outrageous on these things. What you do have as a permitted legal project in Freeport he could never make those numbers work and he doesn't believe anyone else could. The project size is just not large enough. As far as Contract Zone changing, if that is something the Council would be open to, he would certainly be open to it as well.

Mr. Joseph added that the Planning Board was in favor so there is not a lot of opposition to doing something the Planning Board had already recommended but in a restricted capacity if the Council were to ask the Planning Board to develop that language. That is the point that Staff is trying to make. He doesn't think anybody is trying to derail the project. We just need input from the Council as to whether Contract Zone is the direction to go or we want to spend a lot more time and Planning Board effort on ordinance development.

Caroline Pelletier advised that Contract Zoning is a special tool that we reserve for really unique situations in the community. When the Council made the amendment back in March, they struck the large solar farm. There was not a lot of discussion in the details. If the real intent was that the Council wants them down there just not on Route One on parcels that have full frontage on Route One, then that could be more easily addressed and more fairly and adequately regulated throughout the District with something such as any solar panel area that is a permitted would have to be x number of feet back from Route One. That would not only affect the visibility of the solar panels but would retain some of the high value, high visible real estate down there. Another concern is that if you don't want to see them on every parcel down there, another strategy would be that you require a certain distance between one from another. She looked at the parcels on Route One today and of the parcels down there, she found there are only about 10 that are 10+ acres. If somebody was going to max out a large solar farm at 10 acres, there is not a lot of land down there and she feels on the east side, they wouldn't be able to fit a large scale between 295 and Route One. She feels the Council does have options but it depends on what the Council wants down there. They could give some additional feedback and the Planning Board could come up with language or if that is not what you want, Contract Zoning would be an appropriate option for you but definitely guidance would be needed.

Chair Egan explained that his hesitancy on the Contract Zone has nothing to do with this project, it has to do with the process of when we pull out this tool which is a cut across everything the Planning Department works on which is developing our Zoning Ordinance and all the details that go into that. That is the reason he is bringing up potential alternatives if there is a way for this project to move forward, which he is in favor of that is at least as efficient as the Contract Zone or possibly even more efficient, then he would like to encourage the Council to consider that as opposed to encouraging the applicant to continue on the Contract Zone.

Councilor Bradley asked the Town Planner if the Council were to restart this with the idea of developing restrictions on a 10-acre solar in C-I, would that process be more complex and lengthier starting now than the Contract Zone process would be starting now going forward? Ms. Pelletier advised that if she was able to get good guidance tonight on quantity or separated by distance or just want them set back, she actually thinks it could be easier. The Planning Board recommended large solar farms as a permitted use there and recommended up to 20 acres. They have had a lot of discussion on whether they think they are appropriate down there. It is just tweaking it. She feels it could be simplistic and instead of having to cancel Project Review and Planning Board review and back to the Council, they could go Planning Board and then back to the Council and if approved, start the Site Plan Amendment process. With some guidance from the Council, it could be more efficient and then applied universally throughout the district.

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Councilor Piltch advised that he was one that spoke out in favor of removing the large solar farms from the C-I. His reasoning at the time and it still stands, was that it is one of the commercial centers in town from an economic development point of view. Once we relegate land for a solar farm, that is its use for 30+ years and we lose the opportunity to develop anything else on that land. That was one of his reservations about putting it in the C-I and there may be some other better uses that might come along in the next 5, 10 or 20 years. He wanted to be able to preserve that option. Having said that, this particular lot is a back lot with not a lot of frontage on Route One. He likes the ideas Caroline mentioned about putting in restrictions such as frontage on the road and visibility and things like that. He has a preference for fixing it and making the zoning a little bit more nuanced by saying yes, we can do it but we want it to look like this rather than doing a Contract Zone for one particular lot.

Councilor Daniele asked if the Council could limit the number and say we will allow up to 2 in the Commercial Zone or some number we can change each time? One of the things we wanted was for applicants to come to us and talk it through which is what they are doing right now. He asked if the Council could have a permit process? Mr. Joseph feels that the size is a lot easier to deal with for a Contract Zone because the language that was problematic of allowing large solar farms as a use when it had not been removed is that there is language in the State Statute that says a proposed use for a Contract Zone has to be consistent with the allowed uses in the Zone and the argument can be made that the Council specifically disallowed that use even though it allowed other solar farms in the zone. It is less of a problem for a dimensional standard. We had one for a height variance on Main Street that was granted. The problem with use is more of a problem. He would say that instead of a number, he likes the distance separation between them. It would limit the number and the Council could amend that number later on. Chair Egan would be fine with a couple of restrictions but it might well be the highest and best use of the undeveloped land that is in north and south Route One in the Commercial zones and potentially even east and west of Route One. If we want to get a couple of restrictions in there and move the process through a text amendment, that seems to be a faster route.

Councilor Reighley added that the Council sees this as a flat piece of land but the actual topography of that area is pretty rugged so this is something not destined to be a development into anything else. Chair Egan agreed.

Mr. Loranger advised that within the tariff there is already a distance. You cannot build a solar project within one mile of another so it automatically puts a 2-mile radius around this. There is a one-mile rule and a five-mile rule between co-owners. You can't have the same person build the project within five miles. You can't own it and can't have anything to do with it. This is the only project that he would be able to do within five miles and no one would be able to build a project automatically with the tariff and the law within a mile as the crow flies.

Mr. Joseph asked if there are other standards that would meet our definition of large solar farms or may be meet the PUC's tariff definition could be built or is it just for the community solar farm category? Mr. Loranger advised that is within any of the tariff programs within the State of Maine. Mr. Joseph mentioned that that would rule out most of the commercial operations and Mr. Loranger agreed. It protects a lot of the town's commercial property already. Councilor Daniele asked how many could we have in that area that is a mile away? How far down Route One can we go? Mr. Loranger pointed out that a mile would take you to the South Freeport Road and going the other way it puts you almost into the downtown. Chair Egan thanked Mr. Loranger for pointing this out and saving the Council 20 minutes for trying to come up with some language to do exactly what the State Tariff Rules are already doing.

Councilor Bradley wants to make sure we are thinking about putting that in our Ordinance and not relying solely on the State Standard. He would like to be sure that even though this is not the extreme zoning solution that was originally requested, it is still a creative response from the Town Council to promote a project that we apparently support and he hopes the applicant will still continue to look for preferences for our residents. Mr. Loranger assured him he would do that and as an added value, he would look into the discounted price for Freeport residents if it is possible. He doesn't want to overstep his legal bounds but if there is a way to give the

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Freeport residents for accepting this project, an ability to get a further discount because the Town is taking it on even though he does not feel it is a burden but the Town should get a benefit. Councilor Daniele added that if Freeport residents want to join in, it would be nice if they got preference that way. Mr. Loranger assured him that if it is legal, he will get to the bottom of it for the Council's next meeting.

Chair Egan clarified that he is hearing consensus to direct the project applicant to move to a text amendment process at the Planning Board with some language that will be developed by the Town Planner as opposed to recommending a Contract Zone pathway. He feels that Sean and Christian will find a faster process through that but certainly nothing more burdensome than the Contract Zone ping-pong match that we have outlined. We are trying to help move that forward.

Councilor Daniele asked if we can only get one solar farm or maybe two, do we want to reconsider our 10-acre limit? It is a 16-acre parcel so do we want to reconsider our 10-acre number? Does it make more sense to throw in 14 acres? Chair Egan mentioned that they have just under a 5- megawatt project which was part of the governing legislation that promoted this. He is not sure they would be able to expand that plus they already have the interconnection agreement but he was speaking for the applicant.

Mr. Loranger advised that the 4.99 megawatt is the AC power that they go into the street with. What they generate is in the DC current. They always try to build a project that is 1.5 times the size of the AC component that would be a 7 ½ megawatt site. That was what they originally wanted to propose before it was downgraded to 10 megawatts. They certainly would like to go to a 7 ½ megawatt project which was closer to the 15 acres of panels. They would have to expand it to the adjacent parcel to the north.

Mr. Joseph feels that what Caroline is asking for is to make sure she has everything the Council wants to see for restrictions. For the radius we want to write something in on our own but nothing stricter than the PUC guideline is. He thinks the setback is another question and now the acreage has come up and we would probably need feedback from the Council if they are willing to increase the acreage if that has been suggested.

Councilor Bradley mentioned that one of the appealing things of the project was how far back it was set back both visually from Route One and what we consider to be productive commercial parcels. He would personally like to see if the setback could be built all the way down in C-I. He has no objection to increasing the size of the parcel but others can say what they please. Chair Egan asked if there is any objection to moving it up to a 14-acre coverage? No objections were voiced. Councilor Daniele feels that if we were to do that, it would be the Town of Freeport doing a substantial jump forward and it would be nice to have not just the chance for Freeport residents to get in but also a cheaper price if possible. He asked if the abutting neighbors were notified about this project before this meeting? Ms. Pelletier advised that they would notify anybody within 900 feet but it doesn't happen until Project Review. The Town Council notification is advertising on the website, on the Facebook page and in the newspaper. In hearing the Council mentioning going up in size, The Council needs to remember that the current way the Ordinance is written, the size is in the definition of a large solar farm so she asked if the Council is talking about changing it universally? If you are, you could be impacting what is allowed on Route One North, the Commercial 4 District out on Desert Road and another district or are you looking to have something come forward just for this district to allow them larger? She asked the Council to keep in mind that if you put it in zoning, you might have an applicant before you that has a project you like but if he doesn't go forward and you put it in there, you are opening the door for the next person to come and do it. You want to make sure you are careful and make sure you are getting the result for what you want understanding it could be a different applicant and a different location. Mr. Joseph added that considering a mile around this would be potentially locked out but there is still a few other locals in town where these could happen north, south, east or west from here.

Mr. Loranger had one last comment. This project already has CMP approval. He has already spent the money for the interconnection agreement and the point he is trying to make is that he is not looking for approval and then he hopes he gets the interconnection agreement or something else. If he is granted approval, this project will go forward with the Planning Board, etc. but it is already approved from CMP's point of view. Chair Egan

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feels that is the most efficient path to getting this thing going is for us to do the text amendment on the zoning radius and the setback language that has been met by this design and maybe the Council take up the definition of what a large solar array is at a subsequent meeting so this project can get going.

Councilor Bradley noted that if the Council doesn't change it now for the C-I then this project won't go forward as anything more than a 10-acre solar farm and asked if that is right? Ms. Pelletier indicated that it was correct. Councilor Bradley did not see any reason not to give Planning direction to do up to 15 acres in the C-I knowing that this project will go forward and the other restrictions will prevent the over proliferation of solar and we will get the max out of solar we can from this project. Chair Egan agreed but he asked if he just heard from Caroline that the Council cannot change the size without changing the definition which would then go to all other districts, not just C-I? Ms. Pelletier stated that if the Council will tell her what it wants, she will find a way to make it happen. If the directive is that the Council wants 15 but only here, they will look at that as long as it works. Chair Egan clarified that it seems to be the consensus of the Council this evening is to make that amendment to allow 15 acres in C-I with the one-mile radius and the setback language that is available. In that way, that intention can go with the applicant in their project application to the Project Review Board. Ms. Pelletier asked if this is something the Council wants the applicant to request and bring forward as a private application or is this is something the Council is directing her to tell the Planning Board to take up soon as possible? Chair Egan advised it is the latter. Ms. Pelletier noted she is good.

Councilor Bradley pointed out that he has never heard of the Raymond C. Greene Company and does not know anything about its financial capacity. He asked Mr. Loranger if he could provide the Council any comfort that this company has the financial capacity to do what they promised to do so we are confident for all the reasons that have already been said that Mr. Loranger has the capacity to go forward. Mr. Loranger advised that he could certainly do that and could do this project on his own as well. He can provide proof in a letter or whatever surety the Council needs. Chair Egan advised that there is a financial viability requirement when a Planning Board action is taken so there will be another chance for Mr. Loranger and his team to demonstrate their financial capacity prior to final approval. The Council can request Mr. Pelletier to remit that as a carbon copy to us to answer that question finally. Councilor Bradley noted he did not need it tonight but it would be prudent to have it.

**BE IT ORDERED:** To table this action to a later date. (Lawrence & Reighley) **ROLLCALL VOTE:** (7 Ayes) (0 Nays)

*Note: The purpose of this hearing is to determine whether the proposal is an appropriate use of contract zoning. If the proposal is deemed an appropriate use of contract zoning, the Council would refer the application to the Project Review Board for further review and recommendation on the contract zone proposal. The Planning Board is also consulted during the process. If the proposal is deemed to not be an appropriate use of contract zoning, the contract zone proposal for this project would not move forward.*

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ITEM # 86-21

To consider action relative to setting a public hearing to discuss proposed amendments to Ordinance Chapter 2, Administrative Code, adding section 618 'Police Advisory Committee'.

**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 proposed amendments to Ordinance Chapter 2, Administrative Code, adding section 618 'Police Advisory Committee'.

**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. (Whitney & Lawrence)

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Chair Egan noted that the Council heard about this at the last meeting that he was unable to attend. This action item is setting a public hearing and the reason for that is that the creation of an official Town committee requires an amendment to Chapter 2 of the Code which is why we have to have a public hearing.

Councilor Piltch explained that this started last summer when a lot more people started to pay a lot more attention to how our community and our country really do our policing. There was a public forum that was well attended with 100 people or so and then another forum that had dozens of people attending. Out of that grew a group of 9 or 10 people that spent part of the fall and winter reviewing over 100 pages of our Police Department's Operating Procedures along with Acting Chief Goodman looking at these policies to see which should be looked at, tweaked revisited or changed. They had a lot of good discussions and realized that this is not a one and done kind of thing but rather an ongoing mission they thought should happen so they put together a document in December outlining five things this Police Advisory Committee could do. They introduced the topic to the Council in February and then reintroduced it at the last meeting with the expectation that they would be close to taking action. They learned they need a public hearing so they are reintroducing it again with the hopes that after the public hearing in two weeks, the Council can probably take a vote on it. He wanted to bring it up tonight because it would be great to open the discussion and hear what the Council has to say about it and take the temperature of the Council and see what questions you have in advance of the public hearing in two weeks. He explained the five things they are suggesting the Committee could do. A few people from the committee are in the audience.

Chair Egan thanked Councilor Piltch and also thanked everyone for their patience in how long this particular cake is taking to bake in the oven. He knows it seemingly goes on and on and we heard earlier about citizen's initiatives coming forward and how long things take. He is hearing that and is aware of that. He is a results guy and a lengthy process gets under his skin as well. We are trying to move this forward but because of the requirement to amend our Administrative Code, we cannot take action this evening until we have that public hearing. He is in agreement with this committee coming forward because of the way it was structured as a communications vehicle and not an enforcement or incident review or anything like that. It is a communication vehicle for the community and the Police Department to be talking to each other and it will go both ways and having a formal structure for that is a good idea.

Councilor Reighley asked if other towns have a similar committee? Councilor Piltch replied that other towns have a similar committee and mentioned the communities that do have one. This is not unique to Freeport. Councilor Piltch advised that they looked at some nationwide projects that provided guiding principles to other towns but he did not know that we copied language from other towns. Councilor Reighley stated that he supports this.

Councilor Daniele wanted to hear from Acting Chief Goodman on his thoughts on it. Were there things they wanted to put in this that are not in this? He is interested in a little more about the process. Acting Chief Goodman felt that Councilor Piltch laid out the groundwork on the work they have put in over the last year. He agrees with the Council Chair that anytime you have an exchange of information or education that is happening between the community and the Police Department, it usually turns out to be a good process. He is excited to see where this is going to end up. There is a lot of interesting information attached to this and is an exciting time to be involved in this sort of project. As a department they are wrestling with a lot of issues themselves such as hiring, retention, training and all of these things kind of play into some of this. These are all subjects that will come up with a lot of regularity over the next few months. Chair Egan thanked him for his support and participation.

Mr. Joseph thinks that Councilor Piltch did a good job of raising some of the conversations they have had. He feels everything on here is good and is the right spirit. From a Staff perspective, we want communication with the public. We just have to be careful about what final form the complaint process takes but Councilor Piltch has acknowledged it and it has been talked about by the committee because the current State Laws are very specific on what can and can't be disclosed and talked about with a volunteer type committee without them

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being sworn to confidentiality, etc. We need to be clear that we are not proposing in this the creation of a committee with official review process that would kind of be able to view confidential information or do personnel investigations and that kind of stuff. That is an option but he would not recommend that option because they tend to cause as many problems as they solve in some cases. That is not what is being proposed here so for both the employee's sake and the public's we want to be clear that that is the direction we are going in. There are ways you can review closed complaints and things like that. We talked about creating a tracking sheet or a report that is generated out and he thinks it is in the recommendations as well for complaints that are made and how they are investigated and disposed of. All of that information is public. It is just the detail stuff we have to be very careful about. We would have to create a different committee if the Council wants to start looking at those details. It doesn't mean you can't have it. It would have to be a different kind of animal than what is proposed here. That is the only thing he got a little bit detail oriented on. Everything else is pretty good. He would even go a little further on some of these things even voluntarily and ask to have committee members potentially trained to sit in on interviews. We have interview panels that have non-police people on them all the time. Councilors have served on some of our leadership interview panels and members of the public and all kinds of stuff. We would like to get as many voices involved as we can.

Councilor Piltch advised that none of this work was undertaken because of any complaints, issues or problems that were identified or they were aware of. This is all just to be proactive. There is nothing wrong and no complaints they are reacting to. It is all about being proactive so we can continue to do the best job. Kudos to our Police Department for the last 20, 30 or 40 years or more.

Councilor Bradley has a question that relates to the tenure of the document. It seems to be that the Police are outside of this committee as opposed to part of this committee so the Police representative comes only when the Chair asks him to come. It is an experiment he guesses and it seems to him having the Police who are not going to be directly regulated by this but their reputation will be affected by anything this committee were to say, were engaged as full members of this would make sense to him particularly since there is no problem. We are not dealing with a rogue Police Department or anything like that. We are dealing with a department that is already communicative and outgoing with the public and just trying to make it better. Perhaps he is wrong about his perception of what happened in keeping the Police outside of the committee, but he would bring them right in and not be afraid of that at all.

Councilor Piltch advised that he does not have a problem with that. He found that the participation and work that was done was helpful to help him understand why things are the way they are. He knows that there are some in their group that might have different opinions on that but it might be a good discussion to have at the public hearing or if the Council wants to take public comments tonight, he wouldn't be surprised if people want to speak about that.

Councilor Daniele mentioned that under member requirements, it says no current or former law enforcement professionals. He feels it would be interesting to know why somebody from the past couldn't serve. This is something to talk about. Chair Egan pointed out that that was a clear wish from the citizens committee to bring as much as a neutral representation to the committee as possible. He reminded folks that the Council is setting a public hearing for two weeks from now and that is when we will enjoy and really participate with a lot of conversation. We have some other lengthy agenda items this evening so they are setting the public hearing and apologized for seemingly putting people off for another two-week period but that is what our requirements are for amending the Administrative Code by creation of this committee.

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

Chair Egan thanked the public and noted the Council will have a structured public hearing at its next meeting and will welcome comments and input from the public. It looks like we have support to make this committee happen.

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### ITEM # 87-21

To consider action relative to approving a consent agreement request submitted by Paul Brackley, Debra Fraser-Brackley, Scott Fraser, Valerie Fraser, Jamie and Christopher Palmer, and Delta Properties, LLC. in reference to subdivision violation(s) on Harmony Lane.

**BE IT ORDERED:** That the proposed consent agreement be approved as proposed.  
(Daniele & Reighley)

Chair Egan noted we have had some conversation about this at our last meeting and it was almost ready at our last meeting and now we have an approved consent agreement with the parties. Councilor Bradley asked if there is an outstanding attorney fee issue? Mr. Joseph noted there is agreement broadly on the terms that we are talking about. There is an outstanding item that is not really a Staff item to decide. It is a Council item to decide as the party who is going to sign this agreement with the six other parties which is the proposal for attorneys fees. They went back and drilled down on that to include only the fees related to the consent agreement development itself and negotiation. There is documentation that was sent to the Council some last week and some this week. Two of the attorneys are in the audience representing at least 3 or 4 of the parties in the 6-party agreement. He thinks it is unanimous on the part of all the other parties that they are requesting that no attorney's fees be included in the agreement. That is the only item up for discussion at this point as he understands it.

It is in the draft but they have not agreed to that. It could be the Council's position that that is what you are going to sign. They are asking that it be removed. Councilor Bradley asked if it is not removed, will they consent to go forward paying the fees? Mr. Joseph noted the Council could ask them. They are all here. Chair Egan asked if the dollar amount that we are asking for is \$4,000? Mr. Joseph replied that yes. Councilor Bradley asked who pays it? Mr. Joseph replied that we are not saying who pays it. That is the total gross amount. If the Council asks for anything, it is up to the other parties to determine how that is divided.

Councilor Reighley asked if this is so they can afford the increased price of lumber for their building project. Chair Egan was certain it was to pay their attorney fees but it is a consideration in that the delays have caused price increases on any project because building materials have skyrocketed. Chair Egan offered with great hesitancy but to try to move forward and doing the right thing, that we remove the \$4,000 from the consent agenda with the caveat in the Minutes of the meeting that it is not a precedent by any means that consent agreements going forward try to recover attorney fees but in this particular case, he believes things have taken such a long time that he doesn't feel it is adequate at this point to try to add another \$4,000 to the process. It is his individual opinion.

Councilor Daniele asked Mr. Joseph to explain why the Town took off other fees but left this one and what the reasoning was for leaving the \$4,000 on? Mr. Joseph explained that the Town can and often does request penalties when they think there is a willful violation or a willingness on the part of the party to break the rules. That is not the case in this instance so we feel that that is appropriate. They looked at the entire cost to the Town and felt there were several ways that this could be resolved. We chose to go down a consent agreement path so there are other ways that could have cost more or less or cost nothing to any of the parties. We think the cost to the Town is \$4,000 minus the Staff time and there is probably a couple of thousand dollars' worth of Staff time too but we are not asking for reimbursement for Chair Egan's reasons. He does not have any ownership in the amount. He is just trying to explain why they are proposing it but if the Council feels it is appropriate to waive it, by all means, this is not something Staff feels absolutely has to be done. The Council has to decide if it is right or wrong or whether or not it needs to be included.

Chair Egan asked if all the other parties are in agreement collectively if the Town votes on this to accept this consent agreement, the rest of the parties will sign. Mr. Joseph answered that other than the fees, his understanding is that they will but he may be misspeaking and the Council might want to hear from them. Councilor Reighley mentioned if someone wants to make the motion in precise language, he would second it.

Councilor Bradley mentioned that it sounds like the Manager discounted legal fees to add to Jake's question. He

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feels it is a good question. Mr. Joseph advised that he asked for legal fees related to the part where they started talking about a consent agreement. That is the cost to develop the consent agreement. They consulted with several people on if there is a violation and it was over a period of several months. The calls were driven by Staff. They think the \$4,000 is the cost driven by the applicants in this case. They had control over everything else. It was the cost in developing this document and negotiating it and talking about terms, etc. He would not say it is discounted, it is a partial request.

Councilor Daniele asked Mr. Joseph to remind the Council what the other options would have been. He asked if they could have gone through subdivision? Mr. Joseph agreed that subdivision was one option which would have been a cost to the developer but no cost to the Town other than application fees. The single lot that was a problem could have been merged back together and held as one for three years. The buyer funds could have been refunded and it would have cost nothing to anybody other than the refund price for the purchase of the lots in question. The decision could have been appealed to the Board of Appeals and could have been appealed to Superior Court or they could have just gone ahead and the Town could have taken enforcement action.

Councilor Bradley noted the benefit to the Town is that we avoided the legal costs of litigating a contested subdivision decision based on inheritance. Mr. Joseph agreed and that the Town did not feel it needed to fund a test case. This is the first time anyone has seen anything like this. Councilor Bradley applauded Mr. Joseph's judgment on that.

**MOVED AND SECONDED:** To amend the motion on the floor that we accept the consent agreement without the requirement of the additional \$4,000 paid to the Town. (Egan & Reighley) **ROLL CALL VOTE:** (5 Ayes) (2 Nays-Daniele and Piltch)

**BE IT ORDERED:** That the proposed consent agreement be approved as amended. (Egan & Reighley)

Mr. Joseph wanted to make sure that there is not something else coming up at the last minute but pointed out that both hands went down so he is assuming everyone is happy with this result.

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

Chair Egan thanked Mr. Joseph for the hours he and his Staff put into getting this resolve. Let the Minutes show we are not setting a precedent by waiving attorney fees on consent agreements but in his opinion, we had good reason to do so here.

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ITEM # 88-21	To consider action relative to an award of contract for Rescue Billing Services to Comstar, Inc.
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**BE IT ORDERED:** That Comstar, Inc be awarded a contract for Rescue Billing Services as proposed. (Bradley & Reighley)

Ms. Maloy explained that Biddeford, Durham and Freeport/Pownal decided to issue a joint RFP for outsourcing emergency medical billing and collection services. As the budget before the Council indicates, they are presenting a change in service with a recommendation that we outsource. They went out to RFP and Comstar came in with all three communities agreeing that their proposal was ideal at 3.8% of collections. Chair Egan pointed out the \$65,000 savings to our budget but Mr. Joseph corrected him that it is not a savings. We are bleeding \$65,000 less than we did last year. Chair Egan and Councilor Lawrence still offered to call it a savings.

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

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ITEM # 89-21                      To consider action relative to a request for extension of liquor license on premise for Athena's Cantina.

**BE IT ORDERED:** That the request for extension of liquor license on premise for Athena's Cantina be approved. (Reighley & Lawrence)

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

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**OTHER BUSINESS:**

1. Workshop on Operating, Capital and TIF Budgets

Finance Director Jessica Maloy explained that typically in the past we have gone by department and not necessarily in order of the packet that was provided. Department heads are responsible for their portions of the budget to be able to excuse them from the meeting she did not know if the Council had a preference for attack on this. She asked if the Council wants to go through it based on questions or whether the Council wants her to take it through the major changes. She is flexible with how the Council wants to see this handled. Mr. Joseph indicated there are a few department heads in the audience. Chair Egan noted that the Council has seen these numbers a couple of times and some more than others so he would like to start with a high- level summary and then the Council can come at her with questions on where things may be. Weaving all parts of these budgets in a summary level would help.

Ms. Maloy offered to take the Council through the major changes from the existing budget FY 2021 to what is proposed in the FY 2022 budget that is before the Council. The largest increase is with our benefits and wages and what is included in that change are annual step increases included in that as well as some staffing changes. Also included are contractual changes along with required benefit payments as far as Maine State Requirements are increasing, health insurance rates are increasing and that is the major driver of the expense change in the budget. There is a \$65,000 increase under the Fire/Rescue component for additional staffing. We have a rental fee for a cell tower placement included in here. There are some smaller changes to recycling to reflect the wages of a new hire as well as increased tipping and hauling fees based on volume that is being incurred. Those are really the major impacts on the expense side. The expense side is offset by a \$64,000 savings in our debt service which is a good thing. That is the majority of what the Council will see if we go department by department. It is wages and benefits that are impacting the fees for departments.

Councilor Reighley asked if Ms. Maloy if any of the departments don't look good and if she is satisfied with what has been submitted and holding within our usual financial secure arrangements. Ms. Maloy advised that the budget before the Council is definitely one she is comfortable with and one she and Mr. Joseph agreed upon is in the best course of action and they did their best to maintain what they could. It is a higher percent increase than what they typically asked for in the past. Typically, they tried to stay under a 2% increase but this is not the case for FY 2022 but she can tell the Council from a historical perspective the last time the Town went without a COLA increase, the following year had a similar increase to what is being proposed this year.

Councilor Reighley asked if she did a cost-of-living adjustment to the Town Council's wages from the last time they were set. Ms. Maloy advised that it has not changed from last year. Mr. Joseph added that that is an item that was discussed by previous Town Councilors. He is not trying to increase our budget but the compensation is laughable. It is really a small stipend compared to some of our comparable communities. He almost feels it is neglected all the time because no one wants to talk about their own wage. Maybe the Council doesn't want to pay themselves for this but maybe you want to talk about

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paying future Councilors to try to get people to want to do it for a few dollars. Councilor Bradley asked Mr. Joseph why he does not recommend it? Mr. Joseph advised that there has never been consensus. He would recommend it. The Council is not getting paid anything. Councils have discussed this before and comparables are in the few thousand-dollar range for other Councils. Some of the big cities make \$5,000 to \$10,000 serving on a Council and also Boards of Selectmen where they have executive duties in addition to the legislative duties. Councilor Reighley mentioned that Yarmouth pays \$2,000 per year and Mr. Joseph agreed that typical is \$2,000 but under \$5,000. Councilor Bradley asked what Freeport Councilors make and Mr. Joseph advised they get \$800 but the Chair gets an extra \$200 for all the headaches he has as Town Council Chair. Councilor Bradley noted that he is worth every penny of it. Mr. Joseph felt this deserved a little bit of discussion. Councilor Daniele noted that he feels this is a barrier because the Council seats we had in 2020, none of them were contested and that is not a good result. He feels this Council is great but more opportunity and more people running would be really good for the Town to have at least an option. He does not know if finances would get more people to run but feels we have a real problem that people are not willing to run.

Mr. Joseph mentioned that one of the items brought up by previous Councilors is that everybody can afford to do this but what if somebody had expenses to do this like childcare or transportation or something like that. We are asking a lot to ask to have someone do it as a volunteer. \$800 wasn't a volunteer salary in 1957 but it probably is today. What if somebody needed childcare and needed to pay \$100 to come to a meeting 20 times a year? Chair Egan pointed out that in a year with a 4.5% increase he doesn't know if this is the time to be talking about adding money to a Councilor's stipends. Point taken, he does not disagree with Councilor Daniele that the "level" playing field is not as level as it might be if actually a stipend would make it more feasible for someone in the community to come forward and participate for the reasons Mr. Joseph just outlined. Councilor Daniele added that he is not suggesting that the Council change it for this next year but thinks this is a good conversation to have. We could alleviate that concern by making it three years from now but if we never talk about it, it will never happen. Chair Egan agreed.

Councilor Daniele had a question about revenue sharing with the State. They said they were going to fund education at 55%. Would that impact the budget for the whole town and what would that change? Ms. Maloy noted she reached out to the RSU on that and it is not simple. She wanted their feedback but essentially it is too early to have those numbers pulled but the State will be providing some sort of projections in the near future. She does not have a good number for the Council at this time. Mr. Joseph added that it could be substantial but he did not want to give any false promises. The same as the Municipal Revenue Sharing going from 3.75% to 5% could be \$100,000-\$300,00 that would completely negate the Town's budget increase. He advised that we would not know until the middle of June but we might not know before we vote on this. Councilor Daniele asked how healthy our reserves are if we chose to not do a tax increase under the assumption we will get a sufficient amount of money to do that? How many thousands of dollars do we need to raise by raising taxes? Mr. Joseph advised it is \$1.1M for the entire governmental entities which is the increase over last year. Chair Egan pointed out that it is on Page 5 of Jessica's memo. If everything was held constant, we increased \$1.1M in revenue, but it does not take into account other changes. Councilor Daniele asked if we could cover a million dollars out of reserves? Chair Egan advised yes. Ms. Maloy added that we could empty everything for that one-million-dollar coverage to benefit the school portion of the tax impact as well as the less major impact of the Town and the less minor impact of the County. Ms. Maloy advised that there is flexibility on the school's behalf on what to do with that money when and if it comes true. They don't have to make an impact to this year's budget for that. They can hold it in reserves and make a future decision. That in reality is what would most likely happen just because of the nature of timing so she would caution on the ability to think that the \$1.1M would be wiped out by this because she is not 100% sold the school would make the decision to say they are immediately going to return this to the taxpayers in the three towns. Mr. Joseph mentioned

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they wouldn't get their answer until after the budget and warrant is adopted so they wouldn't have the option to dedicate that to this year's taxes. It would be for next year's. Ms. Maloy mentioned in 99% of cases they hold it until the next budget. From the perspective of State Revenue Sharing for the Municipality, if we hear that the State budget passes at 5%, it would be easily be an additional \$100,00 to \$200,000 on the Town side and could easily drop out levy increase from \$274,000 down to somewhere between \$100,000 and zero. Mr. Joseph noted that they can also do it after the fact so we can do a supplemental appropriation if we have revenue to lower the tax rate even if the Council passes its budget June 18<sup>th</sup> and the State passes its budget on June 31<sup>st</sup> because it is something we didn't know about. Mr. Joseph would commit that they would at least come to the Council for a decision on that when we get that information regardless of what it is. It will be up to the Council on what it wants to do with it.

Councilor Reighley mentioned that he has yet to have anyone speak to him about our budget. Perhaps it is too soon for them but we have been working on it for a long period of time. He does not see any concern by anybody in District 3. Councilor Bradley added that there is real concern about the budget increase the Town is proposing in District 2. They are raising the time old concern that old-time residents are being forced out of their homes.

Councilor Bradley asked if he could go to a General Fund category and ask questions. He asked to go to Cable TV. It is an unusual one because the actuals are very low compared to the budget. He does not know how the percentages are calculated. Ms. Maloy explained that the percent change is looking at the 2021 revised budget in comparison with the 2022 Manager proposed. The reason that there are low actuals in comparison to the proposed budget is that we have a vacant position that has remained unfilled for 95% of this year. She is anticipating that it will be filled at some point in FY 2022. Mr. Joseph anticipates that position will be filled by the end of this fiscal year. The position before had additional duties besides just Cable TV in the past. It is important to note that during the pandemic the Council has not been running live meetings and not doing anything that that department does so the position was unfilled for that reason. One 20-hour a week person has done the duties of what was previously an entire department. Mr. Joseph explained that the proposal he is looking at is a technology position and offered to talk with Councilor Bradley about this.

Councilor Bradley asked what does the 2021 projection represent? Ms. Maloy explained that it represents at some point in time her best estimation of where we will end up at the end of this fiscal year. It lets the Council know whether we have any unanticipated expenditures that have come up, if you see a large projection over the actuals of the budget or it lets you know in this case, where there are significant savings in comparison to the budget. The actuals will look sometimes significantly less than what we end up with at the end of the year so it gives the Council a reality check of where we project we will be at the end of the year. Mr. Joseph added that actual is better thought of as year to date. That was what Councilor Bradley was looking for.

Councilor Piltch referred to the top of Page 3 in Jessica's memo where the volume of long-term employee turnover is mentioned and asked what is behind that? She explained that it references turnover we had in 2018 and then we have had some turnover with the pandemic or people retired or felt it was time to leave. When that happens, new staff comes in and it is usually at a different rate and a different experience level so it is the impact of that turnover of a long-term employee. Mr. Joseph added that turnover of a long-term employee generally means retirement after working here for a boat load of years.

Councilor Piltch went through the department pages and most of the professional salary lines are increased by roughly 4% which makes sense given what was said about the COLA increases. There are a couple that stand out being significantly above that. The Town Manager is up by 11% and Codes Enforcement is up by 14% and General Administration. Ms. Maloy advised that for the Town Manager

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the increase is for contractual stages. Mr. Joseph noted it is his fault. He got the budget rate wrong last year. One of the pages he doesn't look at deals with his own when there are no changes proposed to it and he didn't propose a change that was supposed to be in there last year so it is requesting two years of a contractual increase. Mr. Joseph noted he did not budget correctly last year and needs to fall on the sword. They were step increases not COLA increases. They are not in his contract.

Ms. Maloy explained that the current increase in Codes is due to additional hours for much needed part-time staff and reflecting the additional hours to make it full time as well as a step increase. For General Administration, it is a proposed increase due to restructuring. Mr. Joseph mentioned that he doesn't have a firm proposal on reorganizing some of the staff time and reallocate some of the Staff time in his office. That is some of our administrative help in Town Hall. Specifically, we are talking with people about General Assistance outsourcing and it would be effectively adding staff time. It is reflecting an allocation of more staff time into that category.

Councilor Piltch mentioned the Harbor going down 41%. Ms. Maloy explained that that and Police go hand in hand as far as staffing and from a personnel count perspective, it is all Public Safety so when she pulled her files together at one point we were looking to assist the Harbor Master with a Marine Resource Officer with having a patrol officer that could assist them in the summer months on the water so they pulled time out of the Police budget and put it into the Marine Resource budget to allow for that position. Over time, the needs have changed a little but the personnel count was to remain the same and those positions have been filled within the Police budget and somehow we finally became fully staffed. This is properly reflecting that it is now in the Police budget and not in the Marine Resource budget but the Harbor Master still has his assistants in the summer months. Mr. Joseph advised that coverage will come out of the Police budget. It will be a patrol officer that works with Charlie Tetreault 3 or 4 months out of the year.

Councilor Piltch advised that Fire is up a lot. Ms. Maloy explained that it is due to step increases as well as the proposal for some additional staffing. The change being seen here is in two pieces. There is a reduction in the NET Budget which is an Enterprise Fund that is separate from the General Fund. There is an increase in the General Fund moving funds to allow for additional staffing for coverage at the Fire/Rescue Department. Mr. Joseph advised we are reducing 2 FTE billing staff and adding one FTE Fire/Rescue coverage staff so it is a negative one employee count but is drastically changing the functions that department does in the process. Chair Egan mentioned that as he has talked with Mr. Joseph in the past about the difficulty of getting volunteer coverages so we are adding a position so we can maintain proper staff and coverage and actually reduce the amount of overtime on volunteers. Mr. Joseph is hoping that we are able to get there by adding a position or two every year kind of a thing as opposed to how other towns around us have handled a full-time department. He mentioned Falmouth in particular and that they were in the same situation that we are now trying to run a semi full-time department on a decidedly part-time staffing model. We are trying to get out of that hole slowly in the next five years. Chair Egan suggested having more fire trucks going to our schools to get kids interested in joining the Fire Department at an early age. Mr. Joseph wanted to be clear that it is ambulance, EMS service. The vast majority of the calls is EMS Rescue Paramedic work. The bulk of work they do now is rescue work which is more technically difficult and more important to the community.

Chair Egan explained that our target is a public hearing on June 1<sup>st</sup> with tentative adoption on the 15<sup>th</sup>. Councilor thanked Jessica.

### 2. Discussion of opt in cannabis ordinance creation

Chair Egan advised that the Council has had a couple of public comment periods on this and the introduction of some information. Two meetings ago we had a member of the Office of Marijuana Policy

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come and present to us what those steps look like. We have been solicited from the two businesses that are medicinal cultivators in our community to consider this because their presented position is that the market is changing with adult use legalization and adult use business proliferation around the State and that medicinal business owners only are facing potential extinction in the market place given the availability of the product elsewhere. There is also evidence of a recent election in 2016 in terms of the number of people in our community who voted for that effort. Because we have been asked a couple of times, he is not pushing a particular position but feels it is our duty to have the matter in front of us so we can take a vote and go on record about which way we would like to go with this. We have “punted” on this issue for the past several years and have elected to not bring it up, not talk about it or not engage in any sort of a public vote and he thinks where things are with the State and where things are with the business community that has asked us to specifically consider this, he feels the Council has to actually take it on. He knows it is a very controversial issue and he wants to have a little discussion. We are not deciding anything official here this evening other than if we want to continue to have a conversation and explore the opportunities for what it would look like for Freeport to opt in is the term and then initiate a series of rule making or participating in language creation for our ordinance to allow the range of the cannabis businesses to operate in our community. As we heard from the professional from the State, opting in for one is only opting in for that one. If we opt in for one of the businesses but not the other three, it is perfectly acceptable and we can define what that business sector does in our community likewise one, two or all of them. If the decision is as a community, we are not going to opt in, he thinks that is just as good a decision as any other decision we make. His inclination to bring this up this evening is so we have a decision and it is not vague and not unfair to business owners in our community and potential business owners who might want to move here in terms of not knowing where the community stands. He is advocating that we have a conversation about whether or not we are going to do it and make that decision. If the decision is to decide not to opt in and continue that the only permitted cannabis-related business are the two cultivators that are here now, then that would be the decision to make but at least it is a concrete decision. He opened it up for participation to get a sense of where we are going.

Councilor Reighley advised that he attended the workshop put on by the MMA on marijuana policy and he has a feeling we can be too close to call in our Town Council and it might be beneficial to put this on as a referendum item on the November ballot for each category to see where it would fall and who would be willing to accept the retail side. He thinks that might be the better way for us to go. Chair Egan agreed that it is one pathway. Councilor Piltch is curious if the Council would consider baby steps and not consider retail, processing and extraction. Let’s consider just the step of opening cultivation for adult use. He asked if the Council would have consensus to say it is worth to have the Ordinance Committee draw up a potential ordinance that narrowly defines what we would want to consider and have us act on that as the first step. He would be in favor of having that discussion at the Council level and say do we want to open up this one specific use in a very limited way and then the Council could vote on that. Councilor Reighley asked if the Council limited the number of growers when we approved the medical growers? Chair Egan did not believe so because he believes the ordinance that allowed the medicinal growing of 1 cannabis to exist was specifically written at the State level so that municipalities could not govern. All the regulation and oversight was done at the State and is consistent with what we heard from our business owners that they don’t have any reporting obligations. Councilor Reighley asked if there could be more growers on the medical side? Mr. Joseph advised not commercial scale. The two big options that currently exist we need to approve those. The issue of our regulatory ability is on the small care givers.

Councilor Daniele understood that the two businesses that are here are grandfathered in so there can’t be other marijuana growers. If they leave, that is it. Mr. Joseph advised that from the State perspective and our Zoning perspective, they were started and issued building permits by a previous employee under the classification of manufacturing and processing and since then we have gotten guidance that marijuana farming is supposed to be its own individual use both according to the State’s standards and municipal

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standards in zoning. There was not a standard at the time when those two were approved. From our own zoning perspective, we need to add that in as an allowed use. Right now, they are pre-existing non-conforming uses. They could not expand or go somewhere else. They are allowed to stay in their location because they were approved.

Chair Egan feels that to follow up on Councilor Piltch's comment, it is one of the possibilities that he is interested in getting out on the floor. If there is any interest in looking at some segments of this however small or narrow, they might be, any of that discussion is subsequent to the first discussion which is are we going to opt in to consider how we might govern and specify and put parameters around the industry in our community because we have to make the decision to go forward and opt in or to not opt in and then in consideration of where the industry is, it is not allowed in Freeport with the two medicinal growers excepted.

Councilor Bradley asked that if the Council votes as Councilor Piltch suggested to narrowly allow opt in for adult use cultivation, are we then regulators? He would assume new cultivators could come into our community for that purpose and we wouldn't be just limited to the two that got grandfathered but we would be opening the door for more cultivation. If he is right about that, he asked if the Council would be regulators of that cultivation or would that be a State function? Mr. Joseph advised that we could put licensing standards in place. If not, if the Town decides to do nothing, we could say yes, you can come in and as many growers as they want could come in without any licensing and without any lotteries and then the State standards would apply only. Our regulations would be on top of the State's program regulations. There may be preemption in the specific sections about the marijuana program like how the State runs it but from a zoning perspective and licensing perspective, we have very specific rights. He did not know if we are only prescribed certain rights and can only regulate within that or if we are filling the field that is not occupied by the State through non-preempted things. Councilor Bradley would be very interested in knowing the answer to that question if we are opting in to allow cultivation in the adult market and then leaving to the State the responsibility to determine what that looks like and it seems to him, we would be losing some local control. It might be very important depending on what the conflicts are.

Councilor Lawrence added that the Council would be able to limit how many we want at the very least. We already do that and did it with the short-term rentals. Mr. Joseph advised that the way it is typically done with cannabis, it is usually done through licensing and lottery. We could do as much or as little as we are allowed. We could do nothing and the State regs take precedence and we have no standards locally but most communities do a minimum of licensing ordinance and usually there is zoning stuff on that saying where they can go. Much like we were talking about solar with distancing in between, dimensional standards, etc. Chair Egan sees an elaborate process subsequent to the decision of opting in about where, how many, where it goes, where the zoning districts where it is allowed, how big they might be, how many square feet can the building be and those kinds of things that you would have in any sort of governance of zoning uses and our ordinance is full of that language. We have plenty of examples to pull from if we want to consider one or several of the potential sectors.

Councilor Reighley believes the Office of Marijuana Policy would be helpful in helping us create an ordinance. Councilor Bradley added that that is a little bit about what concerns him. He knows nothing about this area of regulation but he is learning that the State regulates these marijuana growers independent of municipalities. Generally speaking, when that happens, the municipalities' efforts to regulate are limited by the direction the State has decided it wants to go. That is a general principle of a local regulation and since he doesn't know how that would work, he is a little hesitant to opt in.

Councilor Piltch added that the State is very careful about regulating how cannabis is grown. Individual plants need to be tracked and recorded and products need to be tested and validated. There are a lot of

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regulations in place about that as well as odor and security and things like that. If they leave it up to the municipalities to say do you want to allow this as a use? If so, how many licenses do you want to have and where in town do we want them? All of those things the State is not weighing in on but rather how the product is cultivated, grown and sold. Mr. Joseph mentioned that other towns have been regulating these things for years now. You can't advertise your licensing and your signs and store fronts have to look a certain way. Those things are all municipal standards and he agrees that the State is occupying that already on how its cultivated and sold and financed.

Councilor Bradley does not believe we are the only community asking that question. He wonders if our attorney has already prepared a memo that creates a boundary around local regulation. It would be worth asking. Mr. Joseph advised that Amy Tchao is an expert in marijuana law and he is hearing what are the items open for regulation if we allow any of these uses. Councilor Bradley noted his question would be opting in, and he is with Councilor Piltch in limiting it initially to just cultivation but he would hate to find out that we then have a series of restrictions on cultivation that we couldn't implement because for some reason Steve is already in that area and kept us from going there. Mr. Joseph feels everybody would because it would be a bad result. He can get feedback on that or the Ordinance Committee can get feedback on that as we look at anything before we adopt anything. He is hearing we don't want to have false hope in some restrictions, standards or regulations that we put in place and later find out that the State has preempted us on.

Chair Egan agreed that that is certainly some action we can gather before our next meeting and have some reporting back from Mr. Joseph and get some guidance from Attorney Tchao. He just wanted to get some clarity on that particular issue.

### 3. Discussion regarding Bartol Library Building

Chair Egan advised that this is a discussion and does not believe the Council is being asked to take firm action on this this evening but more of an indication on which party we want to continue to work with. Mr. Joseph feels that is the best summary and we have some proposals in front of us to talk about in public. He would like some discussion from the Council on which one you would like to enter into earnest negotiations so he can bring back a lease agreement.

Vice Chair Whitney noted she is a bit confused about what the Council can talk about in public. The Council has had a lot of Executive Sessions over this so she asked if we are able to talk about what is in front of us because we did get an update from one of the potential leasers yesterday? Mr. Joseph summarized what we should and shouldn't talk about. We shouldn't discuss anything that would give away our negotiating position. We can have that in Executive Session so specifically, "I like this deal but I would really take a lot less if they offered it." We don't say anything like that but we are at a point where we are talking about concepts and kind of fit and benefit and other factors besides dollars.

The Council asked Vice Chair Whitney to go back to one of the companies and for a request. She asked if the Councilors are up to date on that? Mr. Joseph said no, he is prepared to talk about that right now. He thought that was all going to be public information.

Councilor Bradley wanted to weigh in. He doesn't know what is going to be said and asked if the Council can just go into Executive Session and have a full discussion. Once we figure out what we want to say, we can come out and say the things okay in public and keep the things we want to keep private. He would worry with a broad discussion about two proposals that we would be all over the place private and public and not be able to distinguish between the two in the conversation. Mr. Joseph advised that the Council

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could go into Executive Session. The only things that can be talked about in Executive Session are the things that would give away our negotiating positions. Councilor Bradley noted that that is everything.

Councilor Piltch explained that he had a proposal in and after a review he withdrew his proposal. He does not know what the proposals are or any details about them. Yes, there is a financial component to the Bartol Library Building but that is a very unique building in a very unique location in a very unique town so it would pain him if we wound up leasing to the higher bidder as if that was the only consideration. It would also pain him if it went to another retail store that is like all the other retail stores we have in town. He is hoping that as the Council considers all the offers, it looks for something that adds value to the town that is compatible with all the things Mary Davis was telling us about earlier and is not just another place to fill an empty storefront. He feels there is tremendous potential here and this is a really big decision for the future of the town. What the Council decides will set the tone for what happens with that building so he urged the Council to think big and think of what we can do for our residents and visitors rather than to balance the budget.

Vice Chair Whitney agreed that what Mary Davis showed us earlier, that is the feedback that they received from the community and those are the core values of the community and so when we make decisions, we should refer to sustainability, local business, outdoors and all of that which is why she wanted the Council to see a sneak peek. This is a very special opportunity for us and we have two very different options so when making the decision we should look at the values the town has given us.

Chair Egan does not believe there is any challenge at all in having an open conversation with the two offers in front of us. To the point Vice Chair Whitney just made, we could without hearing much detail at all be able to differentiate between those two and make a decision to go forward. Vice Chair Whitney noted she would like that. Councilor Reighley did not see any reason for Councilor Piltch to step down and feels he should stay with the Council. Chair Egan agreed completely and values Councilor Piltch's input. Councilor Piltch noted he is happy to stay on and will speak generally and try not to advocate for one or the other.

Councilor Bradley withdrew his request to go into Executive Session. Mr. Joseph noted there are some things he will leave out only out of respect. We have talked about some of the dollar values and he may speak broadly. Anything we do agree to the contract terms would obviously be public and would be brought before the Council for approval. We have two proposals. One is the Maine Organic Farmers and Gardeners Association (MOFGA) and they would like to do a hybrid retail and kind of lecture space in the property. It would be advocacy and classes and things like that in the lower level and the retail would be in the upper level. It would not be a Farmer's Market but rather artisan goods that they mostly sold by small producers. A good example on a smaller scale is the pop-up they did last Christmas where they had a ton of printed stuff. It would be like Pineland Farm type goods. It would be primarily retail and they are looking to make money. The original request was to do nine months but it is seven months now with an option to renew. Vice Chair Whitney was in contact with them. We asked if they would consider a longer term and they were interested for two seasons, a year and nine months and wanted some cancellation provision if they are really sinking. They are not anticipating that they are going to after this holiday season. Essentially, they would sign for two but we would have a mutual escape clause for a year and a half but if it didn't work out after 7 or 8 months, they would be able to back out. That is what they are requesting. Obviously if it is a real good fit, they would be talking about a longer term.

The second proposal that came in very recently is from Island Treasure Toys which is a Freeport company and they are looking for a 10-year lease with an extension term. They are looking to do straight retail and they are a local company that has a lot of local interest. Mr. Joseph finds it interesting that they are both willing to pay base rent so they are very close in the same ballpark. Island Treasure Toys had a

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second provision which we discussed in Executive Session which would be like an incentive-based payment that put them above. They may or may not end up generating more income for the town but would not generate less than the MOFGA proposal. It may end up being a better financial proposal for the town if they are successful.

Mr. Joseph noted that is where we are at. They are both pretty close. The exact terms were a little bit different in what would be included or excluded but they both were modified. Some utilities would be included but not others and the two proposals differed a bit but the dollars didn't make much of a difference in the end. They would not require the Town to do specific capital improvements to the building. Island Treasure Toys would propose to do upgrades to the building. Obviously staying there for a while, there are things they wanted to do. Their upgrades would be more significant. MOFGA was looking to do turnkey minimal and make the space work for them.

Chair Egan mentioned the Council does not have to talk about the dollar amounts because it would be sensitive material but knowing that they are relatively in parity and we have a length of term that is a distinction and then we certainly have the activity that is a distinction. Mr. Joseph advised that the base rents are in parity but there is a substantial difference between the Island Treasure proposal which there is a potential incentive based on sales that is not in the MOFGA proposal.

Councilor Bradley mentioned the benefit point you get is an escalator in the Island Treasure but you get an escape in the MOFGA. Either they are doing well and you escalate their rent and that is how you get it or they are not doing well and you move on to somebody who is, so there is benefit there too. The counter benefit is just at that low level. Mr. Joseph added that they are very similar at the base but different in the long-term applications. Between the two they are very distinct advantages and disadvantages. He talked with both of them and Vice Chair Whitney talked with MOFGA and he only talked with them over e-mail. He did talk directly with Island Treasure Toys and they are both very interested. One is a Freeport company that wants to stay in Freeport and the other one wants to locate in Freeport because they have had success here. He told both of them that he did not think there was a bad proposal between either of them and the question is really preference and which way the Council wants to go on these.

Councilor Bradley asked if the escape provision for MOFGA is mutual? Mr. Joseph advised that we will go back and negotiate that detail. We did not request an escape provision but we can go back and request it easily. Chair Egan noted that if the escape is only one way, there is no lease. Mr. Joseph feels we can define that escape how we want. We wouldn't want to have someone struggling in there either way. Vice Chair Whitney pointed out that this is their first store and they really want to be in Freeport.

Councilor Piltch mentioned that if the Council steps back and thinks about if you could dream up your ideal tenant, and as you think what that looks like in your head, have we made the effort to go out and do any outreach to fit that bill? He gave some examples. It might take a while but if you come up with an ideal use that might be worth pointing to FEDC in that direction and doing some outreach and say, can we attract this type of use to town? If MOFGA fills the gap for seven months to a year, that's fine. That is how he would think about it.

Vice Chair Whitney advised that we did have a proposal that would have them do six months because there was that let's wait and see kind of thing and if something better emerges but the Council asked if there would be appetite for longer.

Chair Egan recalled when the previous leasing tenant vacated the property, we had roughly a similar conversation we are having now. What do we do with this asset? At that time, the Council had in front of it and it was seven different directions with seven different Councilors. Generally, the consensus was let's

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see what the market brings us and maybe we will have a better idea about what we think. As a group he thinks they were far from a consensus of what an ideal use would be and it was evolving to even have that kind of thought process going on as a Councilor. Do we really have any influence over what this Town-owned asset might look like?

Councilor Lawrence explained that the reason we went back to MOFGA is because the other group wanted a longer term. Mr. Joseph noted we did an RFP and went out and actively talked to a lot of different community groups. The ideal use was not retail. There was talk about a children's museum going in there. For a year there was a lot of searching for what the ideal type of use would be. It was a tough real estate market then COVID happened. More discussion followed. Councilor Reighley sees the uniqueness of MOFGA and it would be a tremendous fit. Councilor Lawrence mentioned that Island Treasure Toys is profitable and working and MOFGA is going to be an experiment since it is their first store.

Mr. Joseph advised that he is exciting about both proposals. They would both be great Main Street additions so it is a question of where the Council wants to go on this.

Councilor Piltch mentioned three things that struck a chord for him from Mary's presentation. Things we are looking for is outdoor uses that are things that enliven Main Street without having to walk in a building. Uses that encourage people to spend time downtown in the evening. Uses that encourage gatherings so people want places to be together. If either of those proposals are offering any of those components, it sounds like bonus points to him. If not, one option we might have would be to work in the ability to use those two small spaces out front of the building to do stuff during the evening. If the store is closed, can we have a jazz musician play there? Can we at least retain the right to do that rather than just have it continue to be a vacant grassy area that nobody uses? Mr. Joseph indicated that these are the kinds of things we would need to negotiate. Councilor Reighley mentioned having Blue Grass and Contra Dancing with Maine Organics.

Councilor Daniele asked if we said one of the proposals would likely still look for another spot in town and the other one might not? Did we say that Island Treasure would probably keep looking at other Main Street venues? Is that still the case? Mr. Joseph feels that both have an interest in being in Freeport regardless of whether it is here or not. Island Treasure Toys' goal is to stay in Freeport and MOFGA wants to be in Freeport. Councilor Reighley mentioned there are plenty of vacant spaces on Main Street. Vice Chair Whitney explained that MOFGA looked at different spaces and definitely felt that this is the one they could make work.

Chair Egan feels that the last point is where he is coming down. He loves having a toy store in our community and it is worth while to give the respect to an existing owner that has survived an extremely difficult year and a half with the pandemic. He applauds their efforts to stay in the community but they do have plenty of other options. There are a significant amount of store fronts including right on Main Street that would be available but probably not at the price point we are considering offering the Bartol Library so that might be a compelling reason for their interest in that space. He is seeing the potential we have with MOFGA and its extended network that leans more towards the value statements we heard from Mary earlier in terms of what the public is looking for. He does not think either one is ideal and it would probably be a second page for him if he was going down a list of things he would like to see in that building before he got to either one of those. That is partly the result of an interesting and unique configuration of the building itself and its location and its size. He is interested in having further conversations with MOFGA, particularly if they are interested in an early escape clause in what is frankly not a lease. A lease is that you know you have a certain amount of months income coming from your renting tenant unless there are patent violations. If it is they are not doing well, then he thinks we should

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have the same consideration if for whatever reason the Council decides this isn't where we want to work then he feels we should be able to provide notice to them as well. If we are going to offer that, he feels we should get it in return. Mr. Joseph mentioned that that is a little bit of what they proposed. The original proposal was 9 months lease, 7 or 8 whatever it is with discussions on renewals starting in January for a year term. That is what they were asking and he doesn't know if there is much difference between early termination and early kick out and we talk in December if you are still going to be there in January.

Chair Egan thinks our discussion this evening is do we feel comfortable enough to take the next steps of more specific negotiating conversations with either one of these. Looking at the hour, he is wondering if we are ready to make that election that we identify by a simple vote which of these parties or the third vote would be I am not ready to go any further with either one of these because I would like to see what else comes up. He feels the Council runs the risk of missing some trains leaving the station and some that have already left because we haven't moved on making a decision.

Option A would be to enter further steps with Island Treasure Toys. How many folks think that is the route we should take? Councilor Lawrence mentioned that it is an in-town business and he wants to support local business and it is working. He likes the other one's ideas but it is risky. It is their first store.

Option B would be to enter further steps with MOFGA. How many folks think that is the route we should take? Councilor Bradley noted that the Chair's point of a mutual release would be important to his support for MOFGA. If they want out, we should have the ability to go out. He would like to see us have access to their performance. It is not a secret how they do and they ought to be able to share in gross shares how they are doing at that site so we can make some judgment about what we want from them in the second phase if we renew. This would bring in a whole new group of people into our downtown and do a whole new set of things. It is the kind of thing that Mary identified earlier.

Mr. Joseph feels that he and Tawni should go back and talk with them about specific performance and profit and loss kind of stuff. He would like it tied to the decision in some way to not continue for a year. They do have different ventures and are involved in all of that.

Option C would be neither one of these and see what else is out there.

Chair Egan advised Mr. Joseph that he has a temperature reading here. Mr. Joseph noted he would communicate and come back with something. He will update Island Treasure Toys and make sure they know that we are talking further with MOFGA and that is the direction that the Council will probably go if agreeable terms are reached but it is not a done deal just yet.

**MOVED AND SECONDED:** To adjourn at 10:33 p.m. (Reighley & Lawrence)

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

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #14-21**  
**HELD REMOTELY USING ZOOM TELECONFERENCING TECHNOLOGY**  
**TUESDAY, JUNE 1, 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	<b>x (arrived at 6:35 p.m.)</b>		
Jake Daniele, 264 Pownal Road	<b>x</b>		
John Egan, 38 Curtis Road (Chair)	<b>x</b>		
Henry Lawrence, 93 Hunter Road	<b>x</b>		
Daniel Piltch, 25 Quarry Lane	<b>x</b>		
Douglas Reighley, 2 Harbor Ridge Road	<b>x</b>		
Tawni Whitney, 56 Baldwin Road (Vice Chair)	<b>x</b>		

Using the Zoom platform Chair Egan called the meeting to order at 6:30 p.m. He took attendance and noted that all Councilors except Councilor Bradley are here as well as the Town Manager. He noted that this is the second to last time on the zoom platform. He thanked the public for participating this evening and explained how members of the public would be able to participate at various times during the meeting.

**NOTE:** Councilor Bradley arrived at 6:35 p.m.

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

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

Chair Egan advised that the Council has two public hearings this evening and finally the unveiling of the results from our engagements with Principle Group and our Revisioning process that is the highlight of tonight's agenda in terms of the most time we are trying to dedicate so we will move right through the rest of the agenda so that we can have ample time to both take public comment, have a discussion on our budget and have a lengthy discussion with the Principle Group after their presentation.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #13-21 held on May 18, 2021 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the 30-page minutes of Meeting #13-21 held on May 18, 2021 and to accept the minutes as written. (Reighley & Piltch) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Egan announced:

- **RSU5 Budget Validation Election will take place on June 8, 2021.** The polls will be open on Tuesday, June 8, from 7 am to 8 pm at the Freeport High School Gymnasium.

Absentee ballots are available at the Clerk's Office. For more information or to request an absentee ballot, you can call the Clerk at 865-4743 x122 or x123.

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- **Spring Cleanup week starts Monday, June 7<sup>th</sup> with a new schedule as follows:**

Monday June 7<sup>th</sup>, 9:00 am – 7:00 pm  
Tuesday June 8<sup>th</sup>, 9:00 am – 7:00 pm  
Wed. June 9<sup>th</sup>, 8:00 am – 7:00 pm  
Thurs., June 10<sup>th</sup>, 8:00 am – 7:00 pm

Residents may bring one pick-up truck size load of waste to the Recycling Center for free (conditions apply - *please refer to your flyer for a list of accepted materials, materials which cannot be accepted and those which can be accepted for a fee*).

Residents must bring their completed coupon included in the flyer that was mailed to all residents earlier this month and must have a 2021 facility sticker (\$6).

- Mark your calendar for signing up for the Freeport Community Library Summer Reading and Math Program beginning June 7. Details will be available soon at: [www.freeportlibrary.com](http://www.freeportlibrary.com). Or call 865-3307 for more information.
- Councilor Bradley reported that he heard back from Harold Arndt's attorney and they are proposing meetings with Earl Gibson and the Town Manager on the 6<sup>th</sup>, 7<sup>th</sup> or 10<sup>th</sup> to go over the clean-up. Chair Egan noted it is great to hear of progress in cleaning up the Island Rover site.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Chair Egan advised that he received a request and some back-up information from a relative of Ron Cummings, Sr. who was responsible approximately 45-50 years ago with the creation of Florida Lake as a destination spot in Freeport. Chair Egan lives close and is a frequent user of Florida Lake today mostly for birdwatching and dog walking and there is a long history there of installations at Florida Lake. Linda Foster has sent him some information and he plans to work with the Freeport Historical Society to get some kind of a plaque or sign installed out at front of the Florida Lake Trails to commemorate that history. It is such a striking difference between what it is today which is essentially a bird sanctuary and what it was 50 years ago in terms of a summer vacation destination with all kinds of events and activities there. We have a great group in our community in the Historical Society that keeps track of these things so we don't lose sight of our history and he thinks it would make an excellent idea to put some kind of visual form at the front entrance to Florida Lake. He plans to take that up with Jim Cram at the Historical Society.

Councilor Reighley advised that the Complete Streets Committee met today and they are excited about the Freeport Vision and excited to work on the components that are there. They have also had a chance to talk about many of the projects in town. One of the biggest things though is that the Complete Streets Committee will no longer meet on the first Tuesday of the month. One of the things they are looking at is simple tasks like we don't have a taxi in Freeport anymore so they are requesting the removal of the taxi stand and adding parking spaces in front of Sherman's Book Store so a parklet may be installed in an area of that section of Main Street. There is the constant talk about the beautification of the town and Complete Streets has an impact on that and the suggestion that we could tie it in to our Sisters City Program so that they could celebrate with the Sister City of Arkhangelsk in the north of Russia.

Councilor Reighley had a wonderful telephone conversation with Daniel Walker who is an attorney and served on a committee that was involved with the regulation of airboat noise and he was saying that House Bill 114 will be coming into play but not necessarily for this summer, so he is making a suggestion to us that we restrict boat launches of any vessel to not be launched before 7 a.m. in the morning. That

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would help with the reduction of airboat noise going up and down our shoreline at 5, 5:30 or 6 a.m. He may be present and commenting in the Public Comment Period along with others.

Vice Chair Whitney advised that she attended the Age Friendly Freeport and Pownal meeting and they were excited to learn that Bartol Library is setting an example and bringing their bathrooms up to ADA compliance. There will be a new television series on our local Cable channel. It is called Knowledge Age and it will be a program that airs conversations with professionals, authors and speakers and they will have 4 to 5 new videos each month. They will air on Sundays at 7:30 p.m., Mondays at 10 a.m. and Wednesdays at 6 p.m.

Councilor Daniele wanted to follow Councilor Reighley and say something about the Complete Streets meeting. The final Bridge Steering Committee will meet on June 8<sup>th</sup> and the MDOT is planning on doing a town-wide meeting at the end of June or beginning of July for a little more public comment. He is looking forward to that. He also gave a shout out to the Sustainability Committee who did a really nice seminar on composting a week ago. He thanked them for that.

Chair Egan noted that lots of good things going on with all of our volunteer groups across the community.

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

Mr. Joseph mentioned that there are 46 audience members this evening which is fantastic. He is happy to report that as of almost two weeks ago now, due to change in our State-wide regulations, the Town has adjusted appropriately based on the changes the Governor has put into place, removing a lot of the assembly restrictions, capacity restrictions and mask restrictions that were mandated for indoor places. We are asking politely if individuals have not been fully vaccinated for COVID that they continue to wear masks but we are leaving it to personal responsibility for people to do the right thing. Town employees are not checking vaccine cards at the door so they respectfully request that people comply with that if they are in a Town facility.

Mr. Joseph is happy to report that due to a lot of those changes he just mentioned and also due to demand, the Freeport Community Library is moving back to four days in-person and one day curbside. We still have some people not comfortable going inside yet and want to continue to use curbside and the curbside day will continue to be on Fridays. Monday through Thursday starting next week will be fully open days at the Library. He gave the Library applause for adjusting to the demand for what people are looking for at any given time and adjusting our schedule to meet that. They are considering continuing curbside for a little while at least until that demand goes away and then doing curbside upon request after that point in time. The Staff does not have a plan on when that change will take place. It is a little bit of a return to normal but they are still encouraging people who are vulnerable or not vaccinated to take the appropriate precautions per the CDC guidance.

A couple of Councilors mentioned the Bridge Project and the Complete Streets Committee. Mr. Joseph advised that they did have a conference today with not a lot of report. It will all be coming out in the next few weeks of the committees. They had Active Living, Complete Streets, himself and our State Representative, Melanie Sachs who set the meeting up. He thanked her for doing that as well as the Bike/Pedestrian Facilitator at the State. There have been concerns specifically about where the multi-use path connections will be made. He feels they ironed out a lot of the issues that will be presented in the final draft plan as it comes out next week. They talked about the future connection by the Irving Station at Exit 22 and how it would be made when Mallett Drive is redone and whatever the Town is going to be proposing to do on Mallett Drive for bike/pedestrian facilities and how that is going to be interacting. The

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Bike/Pedestrian Facilitator for the entire State will be doing a site walk with some of our committee members and hopefully our Town Engineer and other Staff this Thursday to look at how that would factor into PACTS funding and State funding programs. There was a lot of progress made this morning so he thanked everyone who was at that meeting.

Mr. Joseph wanted to report on Memorial Day where there have been a lot of questions and controversy about Memorial Day flags and specifically for those who know and have been around for a number of years, there is a series of flags typically placed at the intersection of Main and West Streets. You may have noticed that yesterday there were no flags on flag poles and people called and asked if that was a mistake or something was wrong. He explained that each individual flag pole represents a family member that has been requested by the community to have a flag displayed for a deceased military service member. Each one of those flag poles flies an individual flag that is donated by family members. Some of those flags are ceremonial flags and a lot of them are antique. We have World War II and newer flags. In some cases these are memorial flags. We are talking about casket flags from the person's funeral or the flag handed to the family when they have a full military burial. A lot of these have been donated by families to be flown specifically on Memorial Day for their family member. Coupled by the fact that some of these are antique flags in the possession of the Police Department. It is not a mistake when they don't go up in the rainy weather. They are very special items to the people that donated them and out of respect they are not flown in inclement weather. The Police Department regularly monitors the weather throughout Memorial Day and not just yesterday but on any day and if there is a situation where rain is coming, those flags are usually pulled down and stored indoors so they don't get wet or damaged. Yesterday they watched the weather all day and there was a two-hour drizzle so it wasn't appropriate to put the flags up at any point in time. Yes, it was intentional for those who were concerned and there was absolutely a good reason for it. It was done out of respect for those flags.

Mr. Joseph advised that we have had good negotiations with the Maine Organic Farmers & Gardeners Association (MOFGA) for the 55 Main Street Library space. We have a draft set of terms and as recently as this afternoon, we continued to edit them. He sent them out to the Council so Councilors have a copy of what that is. We don't have a draft lease but he will be working with our Attorney starting tomorrow to finalize what a draft lease between the two parties would look like. Mr. Joseph spoke to Chair Egan and Vice Chair Whitney about this and there is a bit of urgency there from the group. They originally wanted to open for retail sales July 1. Obviously, our next meeting is not until June 15<sup>th</sup> and they have to hire staff which is understandable and get them on board and get their merchandise in by whenever they open for retail. If we push that out two weeks or longer, that could push their potential start date out two weeks. With the intention of having them open by hopefully July 1, they requested if we would consider moving forward sooner.

Chair Egan noted that one of the baseline elements here is that we empower the Manager to execute documents and contracts all the time generally with guidance from the Council if it is a substantive issue. We have been working to get a tenant into the Bartol Library for quite sometime and the agreement that is in front of us which Councilors have a summary of is a solid agreement that gets a lease paying tenant into that building nearly immediately after execution and is excited to have some occupancy in there. To try to respect the late hour here which we are finally making a decision to go forward on something, we have not necessarily been the most efficient decision makers. He would like to get a concurrence that we can go ahead and empower Mr. Joseph to make those final negotiations on that lease using the terms in the document that has been shared with Councilors so we can get that done prior to our next meeting on June 15<sup>th</sup>. He explained that the Council does not have an action item for a vote. We are just empowering the Manager to go ahead and do that but he wanted to make sure everybody was okay with the process so Mr. Joseph could get to it and carry out his duties as Manager. Mr. Joseph noted he would want to have the Council Chair and Vice Chair see whatever the final version is and he is fine with forwarding the

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lease out to the Council understanding that we can't make a Council decision on that before it is done but sharing that document before it is signed, if anybody has any concerns they can speak directly to Chair Egan.

Councilor Bradley advised that he does not have the document. Mr. Joseph advised that it went out an hour ago and he offered to put it up on a screen for him but Chair Egan preferred that he not do that since the Council has so much to get to. He noted that it is available in Councilor Bradley's e-mail and the Council is not signing anything this evening. He is just looking to get concurrence to move forward.

Councilor Lawrence asked if this was something the Council did last time? Chair Egan advised that pretty much we did but we didn't have any terms in front of us of what the actual agreement was going to be ironed out on. He just wants to be sure everybody is comfortable with that.

Councilor Reighley added that he is very comfortable with this and recommends going forward with it. Mr. Joseph advised Councilor Bradley that provisions for receiving financial statements in Year One and Year Two will be included in the lease. Councilor Bradley asked what the lease term is? Mr. Joseph advised that it works out to about \$4,500 a month. It will be a 6-month term. There is an opt out clause if they don't make 70% of their forecasted net income on the property. Otherwise, they are staying in the property for 18 months and as a result of that we will get their financials in six months and then 18 months at the end so we will see the performance of the space and what their costs are and there may be interest for them to stay later but we agreed to negotiate in 16 months for an 18-month negotiation and they compete with whatever the market is at that time. The Town does not have an opt out.

Councilor Bradley asked what Mr. Joseph is doing to verify the financials that they will be giving Mr. Joseph and how does he know it isn't real? Mr. Joseph advised that he will talk with our Attorney about what exactly we need to see. He will ask for either their accountant's statement or certified financials from their auditor or whatever they have. Councilor Bradley noted he is for this and will not hold this up but suggested that they must have done a proforma on this building that they are relying on and we ought to see that. Mr. Joseph agreed as did Chair Egan. He doesn't think it should be any trouble for us to get an endorsed copy of their financial information from their accounting firm. Councilors were all right with going ahead with the terms and letting the Manager finalize that negotiation and he and Vice Chair Whitney will see the final lease before it is signed without holding it up for two weeks and having another week after that to have it executed. Mr. Joseph added that the intent is to sign the lease before the Council would have a chance to vote on it at the next meeting. If anyone has a concern, Mr. Joseph requested that they voice it to him directly and not talk among themselves about it because that would be an inappropriate meeting. There is nothing wrong with contacting him directly.

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

Chair Egan explained that this is a chance for the Public to participate in our public meeting this evening on zoom on items not on our agenda. Councilor Bradley requested that speakers provide their last names.

**MOVED AND SECONDED:** To open the Public Hearing. (Piltch & Whitney) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Joyce Veilleux, as a Veteran, thanked the Town for the care they gave the flags on Memorial Day. As a resident, she asked if anyone has considered talking with the BREEZ about adding a stop at the new 144 apartment complex going in on the other side of Desert Road and working with the contractors so they can actually make the bus stop and maybe even make it covered and nice for people in our Maine winters? This would be the time to do that instead of waiting until the place is full.

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Chair Egan feels this is a good idea. He mentioned having good communications with the developer of that project and will bring it up. We are now a fully vested member of Portland Metro so we have a little bit of weight to throw around to get discussions about the BREEZ service. Mr. Joseph noted that Metro will talk with them once they have people signed up to see what the demand would be before they add a stop. It is a good point to identify where a stop should be. They have already talked with L.L Bean about swinging over if needed to the Order Fulfillment Center. He will make sure they are in touch.

Daniel Walker advised that he lives on 37 Hidden Oaks Drive in Freeport. He participated in the Inland Fisheries and Wildlife Rule-making Committee on behalf of Freeport and is continuing to work with some personal property owners in Freeport around this airboat issue. The idea is that they are pursuing various ideas about what they can do to give coastal property owners some relief and to work together with folks. The bill is getting its first reading tomorrow and will create a Study Group over the summer. There will be no decibel limits for the summer for the airboats. They are looking at pursuing some Municipal options. They have talked with various Councilors to come up with ideas about what could work. One of the things raised earlier is around the various launches and whether or not they could limit the time of day of the use of those launches for the airboats. They also talked with one of the Councilors about the potential option around raising a fund to help with technical modifications on these airboats. They want to work together and be collaborative. They want the Council to be prepared about a potential Ordinance proposal that could come from them. They are looking at everything. There are also going to be changes in legislation around allowing municipalities to regulate decibels where as before you couldn't. The idea now is that there will be a shoreline reading and now the noise will be measured on the shore and it could potentially bring it into the Town's jurisdiction. There are a lot of things to continue to think about.

**MOVED AND SECONDED:** To close the Public Comment Period. (Reighley & Whitney) **ROLL CALL VOTE:** (7 Ayes) (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 # 97-21                      To consider action relative to adopting the June 1, 2021 Consent Agenda.

**BE IT ORDERED:** That the June 1, 2021 Consent Agenda be adopted. (Egan & Reighley)

Chair Egan reviewed the items on the Consent Agenda for members of the public. He pointed out the continuing of effort from Ken Toner by his spouse to provide some improvements at the Hedgehog Mountain Trail System including a bench and a better sign which were things identified by Mr. Toner. Mr. Joseph pointed out that when Ken Toner found out he was not going to be with us much longer, one of the first things he wanted to talk about over and over with Mr. Joseph was making improvements to Hedgehog Mountain. He was determined to get that done and Mr. Joseph is thrilled that this is coming through with donations as a result of that. He thanked Ken and Muriel and for his memory we can put it in. Mr. Toner was Mr. Joseph's neighbor for a short period of time.

Councilor Reighley pointed out that Mr. Toner was a great man and served the Town in many ways over the years. It will be a fitting tribute to have his desires finalized.

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

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ITEM # 98-21

To consider action relative to discussing proposed amendments to Ordinance Chapter 2, Administrative Code, adding section 618 'Police Advisory Committee'. PUBLIC HEARING

**MOVED AND SECONDED:** To open the public hearing (Piltch & Reighley)

Before taking public comment on this Chair Egan put a little bit of context on this. In addition to the actual forming of the committee, one of the reasons why we have to take the action as outlined here is because our Charter requires that any permanent committees of the Council have to go through this process and that is what we are doing this evening to create this committee in amending Chapter 2 of our Code. He explained to the public how they can participate this evening.

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

Sean Jeffrey advised that he gave the Council some background the last time we met. Basically, last summer there was a large solemn parade through town in honor of George Floyd. There was a large number of people there and Chief Nourse spoke at that and following that there was a lot of energy from the Town to talk more with Chief Nourse and get questions answered about specific policies and practices our own Town Police have. At that time, Chief Nourse reached out and created a public hearing where she and the entire department were on zoom and took questions from Town residents. There were more than 100 people involved to the point where the Chief and Town members realized that there were a lot of questions and energy that needed a longer look at. Chief Nourse asked Lesa Andreasen to lead a group interested in diving into the Freeport Police Policy and that is what they have been doing. They have been working with Acting Chief Goodman to look at the policy and have discovered that this is much bigger work that warrants the creation of a permanent committee. The idea is to really create an advisory group of citizens so that the sort of education of citizens about how the Police do things and how citizens can give feedback about ideas or a critique that they have back to the Police. It is basically a communication line and to look at our policies and make sure they are up-to-date with the values of today. He offered to answer questions.

Tara Migliaccio, Freeport citizen feels there may be a need for a Citizen Advisory to help the Police Chief in reviewing and modernizing outdated policies and procedures in the department as well as help interview candidates and organizing citizen forums. There also may be a need to receive and track complaints against the Freeport Police Department. Overall, she disagrees with the preventing of any citizen from participating in appointed or elected positions in local government because they have previous work experience in the field of law enforcement. They did not all agree with all the parts and purposes but have provided something the Council can now move to the Ordinance Committee to allow the public process to complete.

Kate Olson thanked everyone who has been involved in bringing this issue to this point. She feels it is important and a great example of a community coming together and working together on an issue of great importance. She supports the establishment of the committee exactly as written. She feels it is really important that the committee members are from the community but not from the Police Department. She feels it is important that this committee interface and collaborate closely with the Police Department but that the Police not have a voting member on the committee. She feels the committee as proposed makes sense and she supports it.

Grace Abbott advised that she supports the creation of this committee in the same guidelines that Kate said and the majority of what Tara said as well. She also agrees that excluding current or former members of the Freeport Police Department is incredibly vital to maintaining the unbiased nature of the committee. She explained Campaign Zero and that they have looked at some of their policies and they have details on why it is important.

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Gina Laduc-Kuntz, a Freeport citizen advised that she worked on the Advisory Committee to advise on the potential permanent committee. She supports much of what has been written but she does not support eliminating Freeport residents who do have Police backgrounds. The list that was proposed is quite lengthy takes out of the pool of candidates everyone from a Freeport Police Officer to a U.S. FBI Agent and questions about the legality of that, she is curious but she does not have the answers to that. She thinks people with law enforcement background have insight that we don't necessarily have as a private citizen who have not worked in that field. She agrees saying maybe they are two years out from the Police Force would be helpful. In general she feels a knowledgeable individual who has enforcement history can have great insights to contribute to the committee.

Ryun Anderson advised that she is one of the authors of the proposal the Council is seeing and is really excited about all of the points in it. It took them a long time to come to some agreement around this. The committee was made up folks with lots of different political affiliation and different ideas about the role of policing in the community. They had some really rich discussion. One of the things she is especially excited about is the collaboration with the Police Department. Acting Chief Goodman was at almost every single meeting that they had and has been very supportive along the way helping them understand the implications of each of the policies. It was a very cordial and collaborative relationship with no intent to exclude at all. The purpose of this committee is very specifically to engage community members together with each other to learn about policing and talk about policing with each other and with the broader community to more deeply engage the community in the process of public safety here in Freeport. There is really no reason to have a police officer as a voting member of this committee because we already have such deep collaboration established. Having a current police officer may create a power imbalance because of the dual roles and the specific power that police have. Community members and civilians on this committee are there to sort of counter balance and bring community input and empowerment to the process of policing. When they were collaborating with Chief Nourse and Acting Chief Goodman they learned that community policing is really central to the philosophy of the Freeport Police Department. That is why they were so collaborative with them and why they are so open to our input and supportive of this ordinance as written. Central to community policing is community accountability and transparency and this committee is supportive of the efforts of the Freeport Police Department as they have articulated them. Changing the line about having a full member be a police officer would change the community empowerment, community transparency and community accountability aspects of this significantly and will also change who has signed up to be a member of the committee. Folks that are particularly disenfranchised and harmed by the broader policing system are not likely to join a committee that has a voting member that is a police officer. They are talking about folks of color and folks living in poverty and these are the people that will benefit the most and they want to make sure that this is a place that feels safe and open for everybody to participate particularly those that will benefit the most from this. She hopes the Council can forward this as written and along the way it will evolve and they have processes for that.

Chair Egan noted he feels as a member of Ms. Anderson's Town Council, that it is great to hear such a warm description between her group and the Freeport Police Department and it directly flows back to Acting Chief Goodman.

Joyce Veilleux explained that she is a member of the group that wrote the policy. She pointed out in the written page in the very first paragraph, it talks about the field of law enforcement. She doesn't think a lot of them understood the full meaning of that term when they put it in there. It turns out that law enforcement actually includes over 50 different positions. It is more than Freeport Police, State Police or County Police so that would keep a lot of people out that perhaps would be good on the committee. Most of the people that talked tonight have used the word "police". That is just one of fifty within law enforcement so perhaps just amending and changing that sentence would be worth while to look at. Chair Egan thanked her for her time in putting in this language.

Joe Migliaccio advised that he was also part of this. The list they are talking about on law enforcement, he wanted to thank Tara and Grace for digging that thing up. They are both graduates for Freeport High School last year. They have been following this so he hopes the Council will take some of their comments into

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consideration. He noted that he would hold his comments and assumes the Council will move this to the Ordinance Committee with the support of the entire Council and any guidance so that public process can begin.

Lesa Andreasen advised that she facilitated this volunteer group and she feels they did an incredible job. It was a pleasure to work with this group of Freeporters and Acting Chief Goodman was very helpful to them and she is excited with the prospect of this moving into a permanent ordinance. She thanked the Council.

**MOVED AND SECONDED** To close the public hearing. (Piltch & Reighley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays) Chair Egan thanked everybody for participating.

**BE IT ORDERED:** That the proposed amendments to Ordinance Chapter 2, Administrative Code, adding section 618 'Police Advisory Committee' be approved. (Piltch & Reighley)

Chair Egan noted that the Council is in the position to go ahead and form the committee. The substantive public comment and it seems to be the third bullet item in our material here for member requirements is something the committee was not unanimous on and we heard interesting comments and good points from both sides on the membership background of the committee members.

Councilor Reighley asked if this language needs to be reviewed by our Town Attorney? Councilor Piltch added that it is just to form a committee. The committee doesn't have authority to change or set policy. The committee only has the authority to advise and make recommendations. Mr. Joseph added that there is no regulatory power. You are not creating an ordinance that is giving you the power to tax or punish. We usually don't run those by the attorney unless there is some kind of legal concern and he doesn't see any in this draft. Councilor Reighley did not see any reason to move it to the Ordinance Committee either.

Councilor Bradley would like to talk about some of the points that were raised by both sides on membership and police involvement in the committee work before the Council votes on it. He is personally feeling that it is in the middle of a tough moment for the country in a great effort that has been undertaken and the collaboration is exceptional. He does not know if Freeport Police has been identified as having any problems. This is sort of proactive to give citizens a voice in an area in which they haven't had one but in the spirit of collaboration he has been impressed by the people who ask we are excluding people that may have substantive information because of their work experience that would inform the committee as it went forward evaluating issues that come before it. He can't see why they would do that. He heard the argument that that might dissuade people from joining but in a town like ours where we are so close and we all know each other, it is not how he feels. He asked if there was a second thing he took from the last meeting and he didn't hear much this time was that police input into these meetings is by invitation only. The Police Department doesn't show up unless someone asks them to come in so even if they thought something was going on in the committee, if it was ill informed or ill advised, they would have to wait until someone on this committee asked them to come in and talk about it. He does not think that is right in a town like ours. He noted he would be quiet and listen to the rest.

Councilor Piltch mentioned he has been involved in this since the beginning and feels he has a stake in it. He doesn't have a stake in any particular bullet point or any particular language but by way of background, they were informed by a group called Campaign Zero which is a national effort to consolidate research and policies from many different towns and cities so every town doesn't have to do all the legwork on their own. That drove them a lot in terms of putting the document together. They looked at towns around us as well and how they were forming their citizen's advisory committees or had formed them in the past. A lot of towns have created them in the wake of last summer. In most cases they draw the distinction between the residents that are on the Advisory Committee and the law enforcement community. There is a reason for keeping them separate and distinct. The point of the committee is to provide advice on policing from the outside of the Police Department and the Law Enforcement Community. There are nine total members on the committee. Five of them are voting members and four of them are non-voting members which are the Council liaison, two

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students and a Freeport Police Officer. He believes the intent is to have the Freeport Police Officer involved in almost every discussion of the committee save for those that are sensitive in nature. If there is an issue where we are discussing specific things about our Police Department and we do not want to color the discussion by having them in the room, he thinks it would be wise to not invite that officer. He feels it is fine as written but he is open to discussing how to limit it if we did want to limit it or un-limit it a bit and lose some of the restrictions. The intent of the committee is to get something moving forward and we can change it at any given point. If we find that we tried and did it wrong, we can always go back and amend it. We as the Council through our Appointments Committee, have the power to appoint people to the committee so we will have judgment to exercise in terms of who we appoint and strictly we will interpret the words of the ordinance.

Councilor Lawrence noted he agrees with Councilor Bradley but everybody has been talking about current police officers on the Freeport Police. He gets not having that person on the committee. What he doesn't get is anyone that has been part of police enforcement or policing or law enforcement. He feels that excludes a lot of people from the town simply because they made a decision to go into law enforcement. He feels they are discriminating against the very people they are trying to help them do a better job and excluding someone who has been in Law Enforcement. He didn't realize this was going to be an ordinance. He thought the Council was talking a citizen's group and try it out and see how it works and then we were going to formalize it. He doesn't know when it changed. He thinks it is a great idea to have a group review the policies and help the police do a better job of policing us. He asked when this started becoming an ordinance? Chair Egan advised that technically it is not an ordinance. It is a vote to create a permanent committee and we first started talking about moving this from a Citizen's ad hoc committee that Councilor Piltch was a liaison to in April in terms of what the actual official steps were. We had actually mentioned it at a couple of previous meetings that was going to come forward including actually moving it on an agenda item when we were full with budget and some other things. It has actually popped up on our agenda aiming for this vote tonight to create the committee for some time. We haven't had any public hearings until tonight but this has been the trajectory for several months for sure. Councilor Lawrence advised that if the Council is going to approve this tonight, he suggested putting a sunset on it so another group can keep it going if we need it. To him, this feels like a solution to a problem we don't have. He recalled talking about this in April. He missed one meeting and doesn't remember talking about it being a permanent committee. He feels like a bait and switch is happening.

Councilor Piltch advised that they have not identified any issues at all with the Freeport Police Department, no wrongdoing or any unresolved complaints or any bad actors. They have been upstanding for everything they looked into. As part of the work they did over the summer and part of the fall, one of the consensus agreements they reached is that this is not one time work or work we can do to the policies and make some changes and then wash their hands and say, great, we can move on. It is an ongoing duty to provide that conduit for communication back and forth between the residents and Police Department. They came up with recommendations in December and one of them said it was to create a standing Advisory Committee and it wasn't until April when they realized that they cannot do that without doing the work. The ordinance is a byproduct and if they are saying they do want a standing committee, they have to have an ordinance because they are not allowed to create a standing committee without the ordinance. That is why it is the history of the ordinance and the history of why they think it needs to be an ongoing standing. It can always be a standing by going to a future Council. He feels it is important to establish it with the intention that this committee is always going to be there and will be a place where residents can come if they have things to discuss about policing, opinions to share and also a place for Police to come to share particular issues.

Councilor Lawrence feels it should go through the Ordinance process to make sure it is vetted. Mr. Joseph explained that it is not an ordinance per say in the fact that it is something enforced. He alluded to this before when asked if it has had legal review. It is not a typical ordinance but to establish anything that deals with the structure of our town, committees, departments, department heads. They are all laid out in the Admin Code which has 50-60 pages like the building bones of the town. When the Town Council creates a committee in the Admin Code of the Ordinance, that is what we look at as a standing committee that is not going to go away unless the Council has a public hearing process. The Council would put the public on notice saying, we are going to eliminate this committee and let the public comment. It is always a vote of the Town Council to create

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or remove a committee but the process is more in depth. The Council can make ad hoc committees or things like that by order of the Council but if there is an election and the body of the Council changes over by two people and all of a sudden, the committee is gone because it is not popular anymore. The idea of putting a committee into an ordinance and the Administrative Code and into the bones of how the town is run, kind of makes it semi-permanent in that you can't remove it without putting the public on notice. That is the reason it is in an ordinance, not something that we ever planned to enforce but it gives it more staying power and is around to stay around.

Councilor Reighley added that he believes that if this was directed by Council to go to the Ordinance Committee, it would turn around and come back immediately and the Council would see the same document it is seeing right now. Councilor Bradley noted that sending it to Ordinance with Councilor Reighley's committee and Councilor Piltch there with the opportunity for the people that spoke here to have a further conversation about the 2-3 sticking points is a positive suggestion. It might take longer but it seems to him that because it is permanent and because it is something that Mr. Joseph said is in the bones, we want to give it the process it is due so that comments such as Councilor Lawrence and some of the residents can be fleshed out further. We were not on this committee and do not know what was going on but if these points that were made are real and were made in an effort to preserve the collaboration that is so critical and unique about our town. His guess is that some of the standards picked up on were from communities where the kind of communication and collaboration between the community and police does not exist like it does in our town. He worries that if we create something that excludes one of the collaborators, we will be setting ourselves up for destroying the collaboration that distinguishes us. That may be wrong but he doesn't pretend to know enough about the committee or these issues but say he is right, that is the sort of thing he thinks especially in the Ordinance Committee could make the Council feel more comfortable about.

Chair Egan advised Councilor Bradley that in the membership list, the 6<sup>th</sup> bullet down: an adjunct Freeport Police Officer appointed to assist when requested as an advisor to the committee so he does not believe they are being excluded. He feels the idea is for the candidates from the general public to not have a law enforcement or police department background. He mentioned that the Council could get into a little conversation defining that if people want to define that further recognizing that law enforcement is a broad term and police officer is a very narrow term. He clarified that the Council has been talking about creating this committee for quite sometime and he doesn't see what a further dialogue at a committee is going to do to just create the committee. We haven't even composed the committee yet.

Councilor Bradley pointed out that the specifics of this committee came up at the last meeting and he made some of the same comments at the last meeting that have come up in the public hearing that he is furthering now. This has been a long process and a lot of the public has been involved in it. Unfortunately, other people have gotten elected that have a point of view that may be a little different. When Chair Egan says there is somebody from the Police Department that is on that committee and can participate when invited, that doesn't suggest to him the kind of collaboration that has gone on with Chief Goodman in the development of this committee. He didn't have to be invited, he was there and why shouldn't he be there or somebody like him be there for all the discussions. With due respect to the points that were made about intimidation, in our town it doesn't exist. Perhaps there are some sensitive people out there and he will sit back and wait for them to come and explain why they would never join a committee. Chair Egan added that he would never presume that that kind of intimidation doesn't exist as a single individual resident. There would be no way for him to know that. Councilor Bradley advised that he is only going on the basis of what Councilor Piltch and others on the committee has said. This is not to correct a problem, it is proactive.

Councilor Piltch advised that the committee came up with the recommendations in December. This was originally on the Council's agenda in January and he personally sent out the same document the Council is seeing now in January for review. He did not receive any feedback from Councilors at the time. It came up again at the last meeting when he reintroduced a topic that had been on our agenda previously. This is the third time it has been on our agenda. He never made the claim and doesn't believe anybody on the committee made the claim that no single individual has ever felt intimidated in Freeport. It wouldn't surprise him to learn that

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there had been folks intimidated but it is sort of central to the point of having a group of people that has the freedom to speak in a neutral environment without the potential for intimidation.

He thinks that it is clear that we wouldn't want to have in Freeport an active-duty policeman as a voting member on the committee just like we don't have Staff on some of the other committees. We would certainly welcome their participation and wrote in that a Freeport Police Officer shall attend as an advisor like the high school students and the Town Council. He believes that is clear but suggested that if anybody feels differently, they should speak out. A question on the table is would we allow an active Yarmouth Police Officer or a Portland Police Officer or one that was active a year ago or ten years ago? They would leave it up to the Appointments Committee to exercise some judgment saying, this is a good candidate for membership here. We only have slots available so he would love to see a good variety of folks represented. Even if it is a corrections officer, he would argue that it still might be intimidating or uncomfortable for people to join that committee.

Councilor Daniele mentioned that after hearing what everybody is saying, he took a stab at writing it out in a way he thinks might make people more comfortable. *Members cannot be a current Freeport Police employee and no more than one current or former law enforcement professional can be voting members at one time.* He asked if that would alleviate everyone's concerns and be a suitable compromise? In that way we are saying we are not eliminating all law enforcement professionals as long as they are not working in Freeport which seemed like the general consensus and that way, it is no more than one so we are letting somebody come in if the Appointments Committee says they have a great candidate and they want that perspective but also does not over power the committee. He can see the benefit of not having four members that were former police members of law enforcement.

Councilor Piltch noted that it is the single page document that we need to amend. The multiple page document is essentially a recommendation but the only thing we are voting on tonight is the single-page document and it is the second sentence that we are talking about. It says: Full members shall be Freeport residents over the age of 18 without current previous work experience in the field or law enforcement. Councilor Daniele asked if that is what people want?

Chair Egan clarified that the action item is the establishment of the committee, adding 618.1 "Police Advisory Committee. Vice Chair Whitney asked Councilor Piltch if this would satisfy his committee? Councilor Piltch noted he doesn't like to speak for the ten people who have put so much work into this. His personal opinion of having an active-duty Police Officer might be too close for comfort. He suggested the following amendment:

*Full members shall be Freeport residents over the age of 18 without current previous work experience in the field of law enforcement in a Police, Sheriff or Corrections Department within the last five years.*

Chair Egan advised that it would be an eligibility criteria for the Appointments Committee to consider. Mr. Joseph added that it would be challengeable if the Appointments Committee decided to appoint somebody that the ordinance says don't do this. Somebody could in theory challenge it and get it overturned in Superior Court. Councilor Daniele explained that this one-page document is in the ordinance and is the one that Councilor Piltch just suggested changing. It is the first paragraph under Establishment. Councilor Lawrence noted he would be happy with 3 years rather than 5 years.

Councilor Piltch re-read his amendment:

*Full members shall be Freeport residents over the age of 18 without current or previous work experience in the field of law enforcement in a Police, Sheriff or Corrections Department within the last four years.* Councilor Bradley advised that he is fine with this proposal. Councilor Reighley seconded it.

More discussion followed. Councilor Piltch and Councilor Reighley withdrew their motions.

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**MOVED AND SECONDED:** To adjust the Ordinance as proposed to now read: Full members shall be Freeport residents over the age of 18 without current or previous work experience in the field of law enforcement in a Police, Sheriff or Corrections Department within the last four years. (Piltch & Reighley) **ROLL CALL VOTE:** (7 Ayes)

**BE IT ORDERED:** That the proposed amendments to Ordinance Chapter 2. Administrative Code, adding section 6.18 "Police Advisory Committee" be approved as amended. **ROLL CALL VOTE:** (6 Ayes) (1 Nay-Bradley)

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ITEM # 99-21                      To consider action relative to the Operating, Capital and TIF Budgets. PUBLIC HEARING.

**MOVED AND SECONDED:** to open the public hearing (Lawrence & Reighley)  
**ROLL CALL VOTE:** (7 Ayes)

Chair Egan explained that this is a public hearing on the fine work of our Finance Director, Jessica Maloy and many hours of review by the Council. He invited members of the public to participate in this public hearing and explained how they could participate.

Joe Migliaccio, Freeport resident pointed out that from now or next year the Council can take a look at the TIF funds in Destination Freeport and the downtown in regard to how they are used for economic development. Currently we have been putting about \$100,000 a year into our Economic Development organization and here we are 15-20 years later and we have had to go out and hire contractors and consultants to help us understand why we have a problem with retail in the core base of our town. He feels something is fundamentally wrong there. If we got behind the 8-ball after contributing roughly \$100,000 from that fund each year. He looks forward to that session later on this evening.

**MOVED AND SECONDED:** to close the public hearing. (Lawrence & Whitney)  
**ROLL CALL VOTE:** (7 Ayes)

Chair Egan thanked the public for their comments during the Public Hearing. He will not take it back to the Staff to summarize where we are. The Council is not adopting the budget tonight. It will be approved on June 15<sup>th</sup>. He noted the Council has been hammering on this quite a while and it is pretty much in final form unless anybody has any last-minute comments. Mr. Joseph pointed out that the Council has a 60-minute workshop tonight, under OTHER BUSINESS and he is hoping it will not take that long but he and Ms. Maloy have

some  
recommendations and Councilors have individual motions beyond what he and Ms. Maloy have suggestions for.

Councilor Bradley asked if tonight is the night for Councilors who have suggestions and ideas about the budget to raise them? Chair Egan advised that the workshop is scheduled for later this evening and he doesn't believe there is a workshop scheduled at the next meeting. It is the vote that is scheduled. Tonight, is the evening for Councilor Bradley's comments. Mr. Joseph added that the Council has the ability to make amendments up to the date you vote yes on the budget which will be in two weeks. It gets a little more complicated because then we have to go back and crunch the numbers to take out or add in any amendments. If anyone knows they have some, he asked them to please make them tonight but it doesn't preclude the Council from making a suggestion. Something may come to someone on Monday before next Council meeting and they can make the motion then if they need to.

Chair Egan pointed out that he is hearing from Staff that they don't have anything to present here so the Council will reserve that for after the presentation by the Principle Group. If it is okay, Chair Egan will reserve questions and follow-up inquiries for Ms. Maloy and Mr. Joseph to the workshop later on this evening.

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**OTHER BUSINESS:**

1. Presentation by Principle Group (Russell Preston, Principle Group)

Vice Chair Whitney explained that although many groups were interviewed as they searched for a consulting group to help revitalize our downtown, it was really the Principle Group that had the reputation for pulling the community together. The amount of involvement from the community is really growing. There is positive energy coming out of the Vision work and they feel it is contagious. Residents are continuing to express their ideas and are offering to spearhead them and make it happen. Businesses are talking with neighboring businesses about their ideas to get support around some of the things they have already seen from the Principle Group out of the survey work. Landowners that once didn't get along are coming together knowing that greater good is coming when we all work together. Freeport is an amazing place and Vice Chair Whitney thanked everyone for their time and input. We are going to see a presentation from the Principle Group that reflects everyone's thoughts. She cautioned that it is a lengthy presentation. They were encouraged to keep it lengthy because there was so much feedback that came in that they wanted everyone to see their ideas and that they were captured in the data points.

Mary Davis, President of FEDC advised that she is excited to be here tonight. She advised that it was almost a year ago that the Street Gang, a group of volunteers came together because they were concerned about empty storefronts and the effect of COVID on downtown Freeport. They were really concerned about the vitality of the downtown area and knew they needed to find ways to bring visitors and the community into the downtown which would bring money for the businesses and just really keep us going through COVID so they tried some things. The Makers on Main has been fabulous. Some things didn't work. They closed the Main Street downtown and maybe it was the wrong time; it didn't bring the visitors they wanted. They realized we had a lot of residents and businesses who wanted to help and tell us what they wanted. Out of that came this idea that we needed a better way to understand what Freeport wanted and what visitors wanted. There was a clear vision with community involvement. They know that this is economic development. If the downtown has more people and more vitality, it means good economic development for a long time. She explained the list of volunteers who talked to consultants who had unbelievable expertise in rebuilding and keeping downtowns revitalized so they brought in Principle Group with Russ Preston and Logan Compone together to help take them through the revisioning process.

She pointed out how lucky Freeport is to have so many natural assets including a huge amount of community volunteers. Here we are months later and they are coming to you tonight with what they have heard from you and thinking about the assets they have to start a longer-term vision and how they can support the many projects already going, and bringing some new ideas to trial this summer. They think these will bring momentum for them to carry into the winter time as well. All of this supports the community's wishes and encourages vitality and economic success. She urged everyone to listen. They will want feedback both here and at the two feedback sessions everyone will hear set up for them. In addition to that, they will want everyone to help them implement these things. They know that great communities make great downtowns and they want involvement in the community.

Ms. Davis introduced Russ Preston from the Principle Group. Mr. Preston shared his screen and noted that he feels they are at the end of the beginning of the process for the Downtown Vision Plan. He feels it has been amazing the kind of input they have received given the constraints and challenges of COVID.

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He commended Freeport on its focus and passion for the downtown. It is really reflected in all the experiences they have had to date so far. He went on to explain the Early Action Plan. He mentioned that they have so much input so far that they haven't even addressed a lot of that in the Early Action Plan because it requires more dialogue. Housing will be revisited in Phase 2. He displayed a map showing the downtown. The Early Action Plan is meant to be a short guide and they expect as the summer starts up in June or July, they will play an advisory role to the pilot projects that come out of the Early Action Plan here. In September they are planning a big planning event they are calling the Downtown Design Week. The Vision Plan will go into drafting and be finished toward the end of the year.

Mr. Preston's presentation followed. They realized that this is a lot to absorb and wanted to give folks an opportunity to talk with them more if they need to so they will have office hours on June 2, tomorrow from 4-6 p.m. They will also announce a second office hour and will send out an e-mail and register for their e-mail list. If anyone is interested in this, even a bit, he urged them to sign up not just for the office hours, but sign up to volunteer for a pilot project. He encouraged folks to go to the website and let them know, even if they are interested in a very casual fashion. If they are really interested, please let them know which one they want to help out on. There is a lot of energy around a few of these already and they want to make sure they can help build that momentum. They are going into the next phase of planning and really need input. The planning is not done. There are a lot of topics they need to continue to talk about, housing being one of those as well as traffic and parking. There's lots of things that make downtown really work and they need to build on that. The second phase of this work will really be about interacting with all of you this summer both at those events that you already have planned or it could be helping to assist with some of these pilot projects in measuring them or installing them.

They are then going to have the Downtown Design Week so they are looking for dates in September to do that and they will really bring everyone together, and will work with the COVID restrictions at the time, around workshops or focus groups on specific topics and will really start to visualize some of these elements in longer terms so you can really start to understand what things downtown will look like and feel like in 10 or 20 years in the future. That will roll into the work during next fall which will really pull together the plan for downtown. He knows this was a lot and appreciates everyone hanging in and listening to all of this. The report will be on the website now and they will get the presentation up there shortly as well. He encouraged everyone to stay in touch and fill out the volunteer forms if you are up for rolling up your sleeves over the next month and make sure you send them your comments on any other ideas they might have missed. He offered to answer Council's questions.

Chair Egan thanked Mr. Preston. He noted that he is completely invigorated by this presentation and can't wait to go find a bucket of paint and a roller and start painting the town. He appreciates the inspiration for that.

He gave Councilors a chance to voice any initial reactions or ask some high-level questions of Russ or other members of the group putting this together in terms of initial reactions. There will be office hours tomorrow and potentially another shot on Thursday.

Councilor Bradley advised that he thinks this is an amazing start to what will be a successful way to rethink our downtown. All projects that begin somewhere get better as people look and feel and add their inputs. He has been fortunate enough to talk to the people involved in doing this and appreciates their openness to hearing things. He also appreciates that the mission between the arts, the Meeting House and the Historical Society are included in this. His overarching question is and Russ struck it, he talked about the connection between the places in town as being the core of any long-term vision. These are things that will try out places. He asked how does that sense of the interconnectivity of the town evolve. What are the ways either Principle Group or the Community Connectors or the Town Council gets to the point where

we say this is really the route that we think connects all the places in town that we think are of interest and are of value? Or, will that just be the result of picking places to develop? He is not sure how it all works. Mr. Preston feels there is a sense that getting as many minds as possible into this is always important because they find that the good ideas start to repeat themselves. They start to hear a lot of different things from people and then we start to hear similar things from people from all different parts of town. It is that opportunity to start to bring folks together in different ways so they can start to hear from them, oh yeah, I always walk that route from the Library to town, I always walk that route from Bow Street Market over to where I park near CVS. It is these interesting experiences that people have that they want to try to find more opportunities from. That is part of it. That will help with the longer-term planning around those routes. He thinks there is the idea of building momentum and tackling one project at a time and seeing where those other opportunities open up. That is the bottom-up approach that they have seen it get things figured out a lot more quickly and when you couple those two together, it gets really powerful where you have, okay we know folks want to walk from the Library to the downtown through this path because people have been talking about it and have been doing it or is there another way we could do it and let's test it over a Saturday and see what we experience. He thinks there is a sort of parallel system that really seem messy at time because building towns are messy. They are hard complex things to figure out That is why they say let's try it as many different ways as possible and set it up in a way for all of us to talk about it so we can get back to as many people giving us input as possible.

Mary Davis added on that one of the things they are seeing as ideas come out, that businesses and the neighbors of businesses are coming together to say what could we do there? It is becoming a sense of being just by thinking about ways to do these ideas. She feels it is an important part that enthusiasm of helping people see what it could be. Councilor Bradley indicated he feels it is fine but feels there are multiple ways to organize Freeport into pathways, courses or routes. At some point, there will be tensions between those ideas. He asked how it gets resolved in a process like this? As you work towards it and don't get consensus, who decides what goes where? Is it who comes up with the money or the Principle Group, FEDC and the Street Gang? He is trying to get a feel for how people think this process will unfold.

Mr. Preston feels this is an important part that goes into the longer-term planning that happens in Phase 2 and Phase 3, if they do this properly and set up these interactive ongoing discussions, as they start to produce more and more drawings, more and more draft policies or draft materials, they want your help co-creating that so there will be opportunities for people to interact with them about that process. They often find that good ideas start to resonate and gain traction but then there are these tensions that are inevitably created and ideally, they have an open dialogue around those tensions and start to talk about what are they and how can they identify what those tensions are and start to think through them. If they can't solve that right now, what is a process they can use later on to solve it when they have more information. He thinks that is part of it but at the end of the day, a vision plan like this would likely come back to this body to be decided on and improved. He feels there is an aspect of making sure that you are all well informed and what are the things they don't have consensus on and how might you get consensus on when it is really needed. They call it a Vision Plan because there might be multiple pathways to move forward on so it is a bit of a choose your own adventure in that regard. They want to be sure they are giving you the tools to make those decisions in the future. They may be long gone and you will be at a point where wait a minute, there are these conflicts here and which way do we go? Ideally between the values and a handful of other elements that are in the Vision Plan you will be able to make a confident decision. Councilor Bradley noted that it helped and he thanked him.

Councilor Reighley had a chance to go into downtown Portland today and was interested to see that they were blocking off the streets and the parklets there because they apparently determined that it was really successful for the businesses within Portland. He mentioned being in Europe where there are walking

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streets all over the place that used to be the main street and now it is walking streets with vendors going through and has no effect on the brick and mortar restaurants. It actually increases traffic in brick and mortar restaurants. Listening to Phil Wagner from Derosier's say, "I hate sacrificing parking spaces but I kind of like this idea." He didn't realize taking out the taxi stand and adding the two parking spaces in front of Sherman's Book Store, he gains three spaces and loses nothing because all he has lost is a loading area which doesn't get used for more than an hour out of the day. The cost of doing these parklets is minimal going through. Complete Streets was very high on working together with Principle to establish these little things that affect our roadways and reduce the speed and improve the safety of the highway. At one point, downtown Freeport had parking on Main Street all the way through and for some grand design we changed it. It is time to come back and reestablish a calmer area downtown so it makes it more pedestrian friendly, more friendly to visitors and more relaxing and we just need to draw restaurants to come in and have fiddlers on the street and go from there. Some of this does not cost much at all.

Councilor Piltch asked what work remains in Phase One? Mr. Preston advised that they are at the conclusion of Phase One. Ideally, they have rallied with the local planning team enough. Phase Two will start when they help facilitate some of the pilot projects and get some of the prep work going for the Design Week in September. That was how they planned it originally.

Chair Egan opened up the process for any attendees wishing to ask questions of Russ or members of the group here and explained how they can participate.

Katrina Vanbrugh, Freeport resident, advised that she loves all the ideas that were posited and feels it is very exciting. One thing she did not see that she would like to harp upon is a fenced-in dog park. There are many people in Freeport who own dogs and her own dog does not walk well on a leash. She would also like to see more public bathrooms. She works at CVS and is asked many times a day for a bathroom and they don't have it. Mr. Preston advised that being pet friendly was a fundamental value that came out of the input they had. He thinks there is a real connection to make the downtown is friendly. They have not found a spot for a dog park so if anyone has a good idea, that is something they could continue to work on. Vice chair Whitney thanked Katrina for helping out some of the town's youngsters when they were a few pennies short.

Andrew Arsenault mentioned he is really excited about the presentation and thinks it is a good start for downtown Freeport. One of the things he would like to emphasize is that it is nice to see that it is sort of an organic process. He thinks we get bogged down in regulations and ordinances. What he sees the Principle Group bringing is an organic process. In the last 25 or 30 years we have gotten into a static sort of rules and regulations. We can't do it unless we have a meeting and an ordinance. One of the things he likes about this is let's try something. If it doesn't work, we will try something different and if that doesn't work, we will still try something different. He thinks we want to do this because we don't want to be in a spot 5 or 10 years from now saying "I wish we had tried something." He was here when Freeport fell apart, all the storefronts were empty and things were not going well and it took a while to get it going. He is glad we are doing this now and thanked the people that participated in this and is really looking forward to more parking on Main Street. He applauded what is going on and wants to see people move forward. He urged them to not get bogged down in details but try something organic and just move forward.

Mary Davis pointed out that the Town Manager, the Town Planner and the Town are being very supportive and really helping to think though how can we work through these things. She feels they have a tremendous amount of support right now with the Town to get these things done.

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Greg Michaud, Chair of Complete Streets advised that he is excited about this presentation. He wants to lead one of these efforts and would love to see a big mural in front of Holbrook Street where the high school is and have a big falcon or a big logo "F" right in front of that and while we are at it, put one at Kendall as well because we have a school down there. He was going to make the same points that Andy Arsenault said and that is we can't be steeped in too much process. He would want to know who is the person he needs to call and understand that he doesn't have to go through five committees and one that meets three weeks from now to get an approval. If we can do that quickly, he thinks we have something going. He can't wait to get started.

Joyce Veilleux feels the Principle Group has done a wonderful job of reaching out to so many members of our community and putting all the information together. She cautioned people that that was a wonderful list of 13 projects and ideas but people should keep their eyes open that there are many places in our downtown area that we could do things without costing a lot of money. One thing she champions is a gazebo in Memorial Park and then having concerts in the gazebo. Let's keep our eyes open and not just stick to the 13.

Maryellen Carew thanked the Principle Group, the Council and FEDC for starting this ball rolling and also for including the people. She was on the Town Walk and kept walking and talking. She is planning to meet a couple of people about a project that she thinks we should do for this kind of stuff. She also wants to be out there with a paint roller with Chair Egan. She also informed Greg Michaud that he could lead a project and she would be on it because she has paint clothes and that is just fine. What she got from this Downtown Walk was a feeling of agency. They were saying "we ought to do this" and it got her excited because she wants to be one of the people doing it. She said thank you for including so much of the arts culture in the plan because it is a vital part of what is happening to Freeport and a vital part of what will happen in the creative economy. She is excited about all of that. It is just a great time for it to happen coming out of the pandemic. She wanted to say yea to the falcon on Holbrook Street.

Sally Walsh advised that she grew up here when the town was tree lined and cars were parked on the Main Street and business owners used to run across the street to play practical jokes on each other so any thought of bringing back that environment will be fun. For the residents who are going to be here when all the tourists leave, it will be an interesting comparison for her to see when we do things like parklets at the center of town where we want people to come and stay and shop, etc. versus some of the things already happening down in the arts district with the Historical Society, the food trucks are going to be down there and the Bartol Library will have a new tenant. There is a lot going on so if there is an opportunity to do two things, one in the center of town with parklets and economic development, and one how it would be created for a lasting use after the tourist season is over. She thinks it would be interesting to see how those two would contract with each other.

Joe Migliaccio feels it was a great presentation. He is hoping that Principle can also give us some thought on the planning structure and the economic development structure going forward to keep this type of energy and creativity alive he is hoping they will be able to give him feedback so that 5 or 10 years we won't fall back into the same trap of lack of creativity and flexibility.

Councilor Bradley mentioned that in thinking about things that have been discussed and things that haven't, one item not in the plan is transportation from downtown to the assets that circle or orbit us and were identified. We talked about bikes and cars and things but having a way to get from the downtown on a scheduled basis out to Wolfe's Neck Park or Wolfe's Neck Center, to Pettingill, the waterfront, Winslow or Desert of Maine or any of the places that we view as assets to the downtown need to be connected in some way. He thinks we could experiment pretty easily this summer in a modest way without a lot of expense. The other thing is transportation along whatever the route downtown that makes

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sense through golf carts, etc. that would help people walking and having a hard time carrying packages or whatever it is. Perhaps from Harraseeket to the intersection at Desert Road. Those are ideas that he doesn't know if they make sense or they don't. He would at least like to hear why they don't if they don't.

The connection to nature is a big part of the value system and he heard it in an earlier presentation that we are through the TIF with Beans, the work at Gorman Park or the work on the brook creating a greenway through the center of town. It is already going to be open to pedestrians and bikes and other ways of boating through nature without leaving the commercial element of the town. He knows that is something people are working on but feels it would be great if it were identified in the plan as an opportunity if it should be but he doesn't know if it should or shouldn't but it makes sense to him. He likes Joyce's idea of a gazebo and the use of that park. He doesn't like the idea that Main Street got cut so short in a way. To him he feels Main Street goes from Harraseeket at least Mallett to Exit 22 but we focused on the core and really on traffic in that core with parklets, etc. but it is mostly about amending intersections to slow traffic in a very short stretch. He asked if there is a reason we didn't go out further thinking about our downtown? It was presented in the original graphic as a larger space but when you look at the action plan it is really focused on the narrow stretch from Holbrook Street up to Derosier's. He wonders why it isn't longer. His last question is, he knows this is a summer plan but it is going to inform the Vision Plan and the Vision Plan has to deal with the winter. He does not know how to incorporate the winter in the summer action plan or what projects form that planning but those are the months the economy in the downtown really need to address, January through February. He doesn't know if we can put any more people in our downtown in the summer months but maybe we can and maybe this will work. What are we doing that will inform the Vision Planning when it is cold and the murals are under ice and snow and the parklets are either too cold or too contained? He doesn't know the answers to any of these things but is curious about the plan in those respects. He doesn't need any answer tonight. Mr. Preston advised that those are all question marks for them as well which need further discussion and dialogue. Everything from trolley lines, they feel there are opportunities to do it but they wanted to do with this Action Plan was to provide a framework to think about these things and then he is hoping that others will connect the dots between things they didn't illustrate in this but say we can grab these handfuls of tactics and do it here in this area. That is the spirit of this and he is hoping people are recognizing that people should keep their eyes open. There are opportunities downtown that they may have intentionally or unintentionally missed here. He is confident they will talk about transportation a lot going into the next phase of the work. There are communities that have those sorts of services and they are successful but there are lots that tried it and found it not to work. There are lessons to learn there.

The greenway connections and the overlay of all the various things that is happening he feels they should have more discussion about that. He feels Freeport has a really long Main Street and some of these tactics could apply all the way to Harraseeket or down to West Street or even further. As you get into those edges of Main Street, the conditions are slightly different so it might be that there is less focus on parklets and more focus on other elements of safety and comfort with the street or there may be other elements about cycling infrastructure and connections to the parks. He thinks downtowns are complex and to him there is a framework that they could start to expand to those other contexts because as you walk leaving the block that Derosier's is ongoing towards the Harraseeket, Main Street's character changes a bit and he thinks it is important for people to recognize those subtle shifts and start to think about it creatively because there might be different things that happen in those parts of downtown. It is not that they excluded those, it is just that there was only so much time to say how do we put a good set of demonstrations that provide you all with examples on how this approach could work and ideally you all could run with it.

The winter park, he hopes you folks all talk about winter a lot this summer because it is an issue.

Councilor Bradley added that he is hearing Mr. Preston say, here are 13 ideas. We hope people will pick

up on them and run with them because they are not going to have to do it. The Town is going to have to do it with volunteers and energy and all the enthusiasm we have heard. On the other hand, if somebody has another idea, let's just use transportation, if we wanted to have a Transportation Committee to trial out transportation, there is nothing wrong with that either. It would be a positive thing or Joyce trying to get a small gazebo going in Memorial Park this summer. He asked if any of these ideas people have and can get going with their own energy, would be good to try? Mr. Preston agreed. There is a framework that many other towns of Freeport-size used which is called a "Quick Build" program which is a real simple way you can do these. There is the idea that you should create a framework for people to be creative and engage and bring together volunteers and other community members to do some of this stuff. It is an important aspect of this method and knowing that we just went through a very odd and troubling experience together and now there is an opportunity to roll up our sleeves and help build something and help strengthen the community.

Ms. Davis explained that one of the reasons they spent the time they did in showing everyone the feedback we got was because we want to create that shared vision of what people want. That way the creativeness and whatever projects are out there, if we all have that shared vision of what we want it to be, then wow, let that shared vision roll. Now we have a shared vision.

Councilor Reighley complimented Earl Gibson and his crew for snow removal in the winter time which opens up our sidewalks which makes it easier for people to come back into town. In years past, they were abandoned and snow was everywhere so it was one positive move we made on our own. Now with this rental of the Bartol Library Building to the Maine Organic Farmers, you are now shifting the direction. Their group will provide educational pieces in the winter time which is ideal for gardening people. We are seeing transition on a natural basis going through with this but now all we are doing is more simple things to expand and make this happen at minimal costs. One of the things he suggested was to have a Farmer's Market in the vacant parking lot at Town Hall on Fridays and it could even go through the winter time. The model of Christmas markets which in Europe takes place October through the end of January is another thing we could look at as the opportunity we are doing right now with Makers coming into Town. There are plenty of ways for us to expand without any cost to anybody and a great opportunity to draw people in our community. We will end up filling up our storefronts and will have artisans and feature people that make things in Maine other than outlets. We are getting a transition. Is it rapid enough? Who knows but we are in process? Chair Egan agreed and having music and food events combined is a great schedule for winter activities as well. People want to get outside to do something but not necessarily in a heated tent. They want to be in a building somewhere and having food and music events and we have the onset of Meeting House Arts, Credenza and potentially other locations as well for those kinds of things.

Chair Egan thanked Russ and Logan for a fabulous presentation. Vice Chair Whitney announced that they will be hosting office hours on June 10<sup>th</sup> from 3-4 with Mary, John and her. Caroline will put up a public notification ad about that. If anyone can attend tomorrow that will be great.

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## 2. Continuing Budget Workshop

Chair Egan advised that this will be the final budget workshop before actually voting on a budget at our next meeting on June 15<sup>th</sup> with the budget to take effect on July 1, 2021.

Mr. Joseph advised that there are some outstanding items for discussion. They have a couple of proposals based on some legislative developments that have happened. Councilor Bradley and possibly other Councilors have been updated. He knows the Chair and Vice Chair have been based on what we are seeing likely to come out of the State's budget proposals and also kind of our year-to-date performance.

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There are at least two revenue changes they are recommending right now that are significant and would kind of change the budget impact. He knows there are Councilors who either have things they want to ask questions about or suggestions they want to make.

Ms. Maloy suggested that Councilors turn to Page 41. The items they were looking at proposing changes to is the REV 3110 which can be found in the first two columns of this report. It is labeled State Revenue. This is our Revenue Sharing line item that the Manager currently proposed at \$650,000 in the budget. We were proposing an additional \$75,000 into that revenue line so it would be \$725,000 that we would be budgeting for State Revenue Sharing based off the Biennial State Budget Projections before the Legislature that are currently being proposed at currently 4.25% versus the current 3.75%. Mr. Joseph advised that it is 4.5 and 5.0% and Ms. Maloy agreed.

Mr. Joseph added that this is specifically the Governor's proposal and right now there are two proposals. The Legislature is recommending a full return to 5% revenue sharing which our State Rep is one of several former Municipal Officials leading the charge on that through the Taxation Committee and on the floor so we should be thankful that we have that representation. They recommended 5% but the Governor is recommending 4.5% which is up. Over the years we have been at 2% or 3%. Worse case scenario we will see a 4.5% but there is a slim chance that could go back down to 3.75% which was originally proposed. Chair Egan asked what the 4.5% is? Is it our sales tax? Mr. Joseph advised that it is a whole list of receipts gathered in Freeport such as sales tax, rooms and meals tax, etc. Ms. Maloy added that it is based on our population being a service community.

Ms. Maloy advised that the second item that they are proposing a change to is in excise tax which Councilors will find in REV 2502 again labelled Excise Tax. We are currently budgeting for \$1.85M and based on where we have been the last two years, he is comfortable adjusting that number upwards by \$100,000. Instead of being at \$1.85M we would be going to \$1.95M. In total the addition of \$175,000 to revenue which would bring your new levy increase to \$99,199.00 which would give you a projected mil rate impact of .0494 cents or a 1.87% levy increase. With that \$175,000 additional we have gone from a rounded 14-cent mill rate impact down to a 5-cent mil rate impact. Chair Egan found that to be great news. Mr. Joseph advised that Councilors should thank the Legislators if it happens because if they vote to support this, every single one of them deserves credit for getting revenue back where it should be.

Chair Egan asked what is the rough timeframe on when we might know this information to be more certain that it is today? Mr. Joseph advised that it would be after the Council has to adopt its budget. If there is negative sign that something is going wrong and it is not going to be adopted at 4.5%, they will certainly bring it up at the Council's next meeting in two weeks but they adopt it at the earliest on the 16<sup>th</sup> and it could be later than that. Councilor Reighley asked if the Council can adjust the budget in July if necessary. Mr. Joseph advised that it can be adjusted up. If adjusting downward, he would recommend not adjusting the budget but would recommend adjusting spending. We would just underspend what was approved to match what we are actually going to get in revenue sharing.

Councilor Piltch asked Mr. Joseph to say a word on why he thinks we will collect an extra \$100,000 in Excise Tax? Mr. Joseph noted it was based on performance over the past year. He was shocked at how little impact the pandemic had on the economy here and we have been in a very conservative forecasting perspective for the past year.

Councilor Bradley thanked Ms. Maloy for all the time she spent educating him how the budget works. He held his meetings in District 2 and there are people out there who say they are on a fixed income and can't afford to keep up with the Council's spending. With an eye towards that message, and looking at what the budget proposal was that we had to raise \$274,000 to get to a zero increase budget. He feels that is a

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reasonable goal and is not a lot of money. He tried to come up with a way to do it and they came up with some revenue adjustments he thinks are wonderful and it is still pretty conservative. If you are certain you are going to get 4.5%, you could easily do a 100 and he is only saying that because it would bring you closer to \$274,000, not that it makes a difference to anybody, but you are being conservative for a reason he doesn't understand but is not upset by it because you gave a lot back so thank you for that.

His question starts with some of the other smaller things because if you raise them, you can pick up a little bit of revenue, you can get to zero on the \$274,00. For Police we are proposing in the budget \$25 but from tonight's discussion you will get more assuming that MOFGA goes forward. He would ask that you take that extra and adjust the budget \$25,000 or \$30,000 more that is in revenue because of that MOFGA lease. Even for the nine months, you will get more than \$25,000. Mr. Joseph advised that with the proposal that is on the table, we are only guaranteed \$28,000 or \$30,000 somewhere around there for seven months. Councilor Bradley asked him to put whatever the extra money is in the budget to get us to zero on the \$274,000. He mentioned our interest income this year on \$15M was \$15,000 and he suggested that when this budget is over, we set up a small committee to review our investment policy. He feels it is a fair question to ask why we are getting such a small amount of return on that amount of money. He doesn't need an answer tonight.

In the early going we looked at fund balances and made a decision that we have over a million dollars in fund balance we could use to wipe out this tax we are going to impose on our taxpayers this year. Instead, we chose to use \$600,000 made by our conservative management team that keeps us from having wide swings every year. He gets all that and appreciates it. He had questions if we could take a little more out of those accounts to drop the balance to zero from \$274,000. He referred to the Public Works Reserve and as he understands it the reserve account has \$1,059,330 and the five-year proposed capital budget for that account is only \$863,000. The median in that account has been \$844,000 and the highest level was \$853,000. To him it says we have almost \$200,000 in that account that we are very conservatively keeping for a variety of different reasons. He is suggesting to get to zero, take some more out of that account and apply it to the amount we owe so the taxpayers will get a zero increase in taxes this year from the Town Council.

Jess explained why and the Cable revenue comes from a contract source. But when you look at it there is \$132,000 in the reserve account and the projection for expenses is \$117,000 and we are adding to it something like \$150,000 a year so there will be \$215,000 in reserve and the contract is adding \$150,000 a year so it seems to him that in order to reach zero, we could take without breaking the bank or being irrationally unconservative, there is more money than is needed for projected capital accounts and we are going to add to it at the end of this year. He is not criticizing Ms. Maloy in any way and appreciates and respects the work that Ms. Maloy and Mr. Joseph are doing. In that account he thinks there is some money we can use to drop that budget to zero and he would like to see us do it because it is a signal that we care about the people in this town who do not have the resources to stay here. At the end of the day, he is going to make a motion that we drop our \$274,000 to zero for these reasons.

Ms. Maloy added that the \$150,000 Councilor Bradley referred to is actually what she already transferred to the General Fund out of the Cable franchise fee contract and what remains in the Capital Reserve is only about \$10,000. We only bring in about \$150,000 to \$160,000 a year in Cable franchise fees and \$150,000 of it goes into the General Fund already and \$10,000-\$15,000 will stay in Capital Reserves. She wanted to clarify that the \$150,000 is not going into the Capital Reserve, it goes into General Fund and only \$10,000 remains in Capital Reserves.

Mr. Joseph mentioned that we could say \$4,000 or \$5,000 extra in rental revenue if that is what Councilor Bradley wants to put in there. Staff is 100% comfortable with that for the rental revenue that we are

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guaranteed. It works out to about \$52,000 a year that we are talking about right now but it is only six months of that is essentially guaranteed next year. Councilor Bradley noted he would take the \$5,000. In terms of the investment policy, Mr. Joseph agrees it is conservative but it was written by the Council ten years ago. He is not saying not to revisit it or revise it but asked the Council to keep in mind that there is a reason why they did that. That is Council prerogative so it is up to the Council to decide how much exposure we have. He agrees we could go a little less conservative. The only comment he has in terms of using the reserves, he agrees that some of them have more in them than they need, but the Cable one is in a draw down scenario as Jessica explained. We are spending more of it than we are putting into it but we are doing it slowly with the intent that it will last however long Cable is a relevant revenue source and will stop as things become wireless than hard wired cable. The whole idea of revenues in general and not specifically just the Cable account, or the Public Works account is that they are one-time revenue sources that are not there next year and we start a whole next year for the budget so we could easily take \$100,000 from multiple reserve funds and have a zero budget. We can absolutely do that but next year we start without that money so we are \$100,000 behind. It is what we did last year to keep the budget flat. More discussion followed.

Councilor Bradley explained that all the things the Council spends money on are good for one component. This is really good for people who really don't any income. It is also a message to people like the schools that don't seem to have any problem increasing the budget on Freeport and giving us the answer that they know what is right. You can make a budget work better for people if you really work at it and he is hoping this Council will agree that we should work to bring this budget symbolically down to zero. We have already done a great job and if we don't do it, he will vote for the budget but feels it would be a good thing to do. Mr. Joseph noted that nothing Councilor Bradley is saying is wrong. It is all policy so it is up to the Council at this point.

Councilor Daniele referred to Councilor Bradley's point that we would be taking \$175,000 and putting it back in so we are down to about \$100,000. He asked if the plan is to put MOFGA's \$5,000 or \$25,000? Ms. Maloy advised that currently in the budget there is already \$25,000 so if we want to increase it, the Council is only guaranteed an additional \$5,000 based on the current contract. Councilor Daniele noted that we are down to \$95,000. Mr. Joseph added that if the majority of the Council wants to hit zero, it has to find \$95,000 of sources in the revenue line if you don't want to make cuts. Ms. Maloy indicated that the Council is still at 5-cents to the mil rate rounded.

Councilor Piltch referred to page 43 and REV 9900 in 2021 the Council budgeted \$600,000 of Fund Balance but we are projecting that we are not going to need that so that \$600,000 stays available and we can use some of it this year as we are proposing. When he looks at the total expense comparing out budget of 2021 to our proposal for 2022, we are expecting to increase spending by a half million dollars. That is our impact to what we are spending this year compared to last year. Ms. Maloy agreed.

Mr. Joseph explained that we are hedging that we will be \$600,000 under in terms of expenditure or \$600,000 over in revenue or some combination of the two. If we aren't, we need to draw from Fund Balance to balance the budget. If we are, that ends up as a zero for next year. Chair Egan noted that this is exactly what they did this past fiscal year. They told us they were going to draw \$600,000 but didn't need it because they were able to balance without having to use the Fund Balance transfer.

Chair Egan noted the Council is not voting on this tonight. The vote will take place on the 15<sup>th</sup>. Mr. Joseph suggested that Councilors make motions to make the two changes and any others that want to be proposed. If everyone is in agreement to take out the \$175,000 plus \$5,000, he thinks it is safe motion. He should say increase revenues by \$100,000, \$175,000 and \$5,000 and are 100% safe moves in his opinion.

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He pointed out that five cents on the mil rate of a \$300,000 home is \$15 in taxes next year so that is what we are looking at. If the Council gets to zero, we will take zero out of someone's pocket.

**MOVED:** That we amend the budget so we have a flat zero increase in the amount we are intending to pay. Let the Town Manager and Finance Director figure out the mechanisms that have been identified or others they can find to bring us to that. (Bradley)

Councilor Daniele noted he is all for that but would prefer to have more conversation to do it and ask if we can massage this or that rather than full on instructing and putting ourselves in that place. Councilor Bradley feels that the Council has to do it tonight or else we are in trouble. He would be happy to keep this conversation going for another week. Mr. Joseph noted that the Council can make a motion on the 15<sup>th</sup>. It would take them an extra few minutes to have them go back and make sure all the lines are correct so we don't end up misappropriating \$275,000 short or more if an amendment is made.

Ms. Maloy clarified that if the Council makes a motion to implement the changes that have been noted tonight: the \$100,000 change from Excise Tax, the \$75,000 change in Revenue Sharing and the \$5,000 from the Bartol lease. If Council wants to see a true reduction to zero, she advised that she is not comfortable proposing a reduction to the reserves to cover increased operating revenue because it is a Band-Aid for this year that we will have to fix next year. However, if Council says they want her to do that, that is a different story and ultimately, she will do it.

Councilor Bradley offered to change his motion to make it work better.

**MOVED & SECONDED:** That we adopt the budget projections including a revenue increase of approximately \$180,000 from the three items identified; revenue sharing, excise tax and a slight increase in the Municipal Lease income reducing the levy to the taxpayers. (Bradley & Piltch)

**ROLL CALL VOTE:** (6 Ayes) (1 Nay-Reighley)

**MOVED & SECONDED That** we reduce the amount we raise in taxes to zero by eliminating the \$94,000 that is left after the last vote. He proposes that Staff find that money in less conservative revenue sharing than what was proposed. This 4.5% will produce more than the \$75,000 and Staff take some money from the Municipal Reserve account and apply it to this to get to \$94,000 and take some of the Cable money that is available but you get there by using those three mechanisms to create a zero increase in the levy. (Bradley & Lawrence)

Councilor Daniele asked if there is a piece of equipment like a street sweeper we could postpone buying so we would know that revenues are up \$100,000 and we could afford it or something like that? Ms. Maloy explained how the Public Works Director made a concerted effort to be cognizant of the Freeport residents and the situation a lot of people are in in this pandemic and really honed his request down and pushed items out to the best of his ability so there would not be a large impact for a few years to the Capital Plan and to the residents. They have looked at that and did do that which is why that balance appears to be higher than what the current 5-year plan is. Councilor Daniele clarified that it potentially be moved back a year and if there were funds available, would it be possible to put it back in the budget? More discussion followed. Ms. Maloy advised that the very first agenda in July will have the approval of the award for the bid for the street sweeper because of the amount of time it takes to get these items ordered and in house and available for use and is how a lot of them work. The majority of the Capital items come to the Council in the months of July to September.

**ROLL CALL VOTE:** (2 Ayes-Bradley & Lawrence) (5 Nays)

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Chair Egan applauded the efforts of the Manager and Finance Director to get us to a 1.7% increase and has seen this process enough times and he is far from a place where he can second guess Jessica's projections and anticipations. The example of the transfer from Fund Balance is an example of what we routinely see from conservative projections out performing those in actual budget management throughout the year. In 2021 the current fiscal year we re in, we projected \$600,000 to be transferred to balance and we actually out performed that so he is pleased to support the numbers we have here and is excited that we were able to reduce it by another \$180,000 in found revenue.

Mr. Joseph mentioned that before next meeting if anyone has suggestions or other motions, he requested that they be forwarded to him or Ms. Maloy so they can prepare alternatives. He can tell there is still interest in reducing things further.

**MOVED AND SECONDED:** To adjourn at 11:01 p.m. (Reighley & Lawrence)  
**ROLL CALL VOTE:** (7 Yes) (0 Nays)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #15-21**  
**HELD REMOTELY USING ZOOM TELECONFERENCING TECHNOLOGY**  
**TUESDAY, JUNE 15, 2021**  
**6:30 P.M.**

<b><u>ROLL CALL OF MEMBERS:</u></b>	<b>PRESENT</b>	<b>EXCUSED</b>	<b>ABSENT</b>
Edward Bradley, 242 Flying Point Road	x		
Jake Daniele, 264 Pownal Road	x		
John Egan, 38 Curtis Road (Chair)	x		
Henry Lawrence, 93 Hunter Road	x arrived at 6:34 p.m.		
Daniel Piltch, 25 Quarry Lane	x		
Douglas Reighley, 2 Harbor Ridge Road	x		
Tawni Whitney, 56 Baldwin Road (Vice Chair)	x		

Using the Zoom platform Chair Egan called the meeting to order at 6:32 p.m. He took attendance and noted that all Councilors are here as well as the Town Manager. He mentioned that this is expected to be the last time on the Zoom platform. He thanked the public for participating this evening and explained how members of the public would be able to participate at various times during the meeting.

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

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

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #14-21 held on June 1, 2021 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #14-21 held on June 1, 2021 and to accept the minutes as printed. (Reighley & Whitney) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Egan reminded folks that the Freeport Varsity Baseball is in the playoffs and are in the final round game for the regional bracket tomorrow playing Greely and he believes it is at Greely. Freeport Baseball has had a resurgence in the past several years and are doing well this season. He encouraged people to make their way over to Greely High School tomorrow afternoon.

Chair Egan announced that the Fireworks Show for July Fourth is on. The controlled show will be held in the open space where the Track and Field is next to the high school. Chief Goodman asked Chair Egan to remind residents that fireworks are prohibited for discharge for private residences anywhere in the Town of Freeport.

Chair Egan did not want to miss an opportunity to hear a bit more in a few minutes about the activities and ideas and momentum building for our downtown action plan. We have gone through an extensive visioning process with an enormous amount of public input, over 2,800 bits of input in surveys, comments and interviews so we have a lot of ideas. Our action team led by consultants from The

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Principle Group have suggested a starting list of 13 possible programs which we discussed in detail at our last meeting. We will be hearing more about those this evening but he wanted to remind folks who might be listening in the public that the entire Council is focused on this and in an ad hoc manner has engaged three Councilors to form a working group conduit between the actual Action Group led by Councilors Whitney and Piltch and the general public. Councilor Jake Daniele will be joining those two Councilors in an ad hoc Action Group and we will be having regular transmission of information and hopefully a big giant listening ear for members of the public to provide continued feedback and ideas about how we are doing with some of these things we are going to try out. He requested that the public get ready for seeing some different things and for some change. While change makes some people nervous, change can also be exciting because it can bring new things that were not imagined. Our Working Group of Councilors Whitney, Piltch and Daniele will be the conduit for finding out how things are going, what is going on and a place to bring your ideas. We will be hearing more from Councilor Whitney in just a few minutes at Information Exchange.

Councilor Reighley brought up the Freeport Varsity Girls' Lacrosse Team and Chair Egan mentioned he saw in the paper that they are doing a fabulous job in their post season but did not know what their status is. Councilor Bradley advised that they are ranked No. 1 in Class C in the State. They won their first game against St. Dom's convincingly Saturday. They play tomorrow afternoon against Lake Region at our field at 4 o'clock. If they win that, they are in the State Championship game in Portland on Saturday. He encouraged everybody to come and watch an exciting group of young women perform Lacrosse at a high level. Chair Egan felt it was fantastic that they are so close to the State Championship game. Councilor Reighley asked if both of these games can be posted on our electronic sign? Chair Egan agreed. Vice Chair suggested also keeping the announcement about congratulations to the high school seniors since we can have multiple messages going.

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

Councilor Reighley advised that the Ordinance Committee has met and brought up the issue of noise and revision of the Noise Ordinance. They will have a meeting next week and hopefully be able to present language to the Council at the first meeting in July for approval. They have had some good input from constituents and it is rounding into shape. This does not include airboat noise but they might be able to add some interesting features to the airboat discussion in this process. They will meet again on the 21<sup>st</sup>.

Councilor Bradley advised that he had a meeting with the Shellfish Commission and not surprisingly after a great presentation by the Seventh Grade on its work in the harbor with clam recrudescence which was unbelievably sophisticated to him. He knows clams but this was surprisingly good information developed by young people with great supervision and freedom. He congratulated that program. After that was presented, there was a discussion on the airboat issue and he was asked to explain to the Council that of the two proposals that Dan Walker made, one was restricting access to airboats to hold over the summer and give the Legislature a chance to do its study. The second was to work with clammers and see if we could find in a collaborative way find a way without regulating airboats and reducing the noise from airboats so some of the concerns of the people in the shorefront could be addressed by agreement. The Shellfish Commission was enthusiastic about using that approach as opposed to an ordinance or a restrictive access solution to the problem for shorefront owners. They are going to take a proactive position by contacting the airboat operators and will get back to the Council with explanations of the results of their contact. Councilor Bradley encouraged the Council to explore that option initially to see if we can get some resolution of this without the kind of combat that occurs sometimes when two groups of people do not communicate well.

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Councilor Bradley mentioned that this past week there was a meeting held at the Island Rover. Mr. Joseph and Mr. Gibson were there for us. Carter Becker's attorney was there explaining Carter's views. Harold Arndt and his attorney were there and he thinks a very productive understanding was reached on how to proceed with the clean-up of the site. It will go in three phases. In the initial phase the Town, Harold and Carter collaborate on getting the agreed upon "junk" out of the area. They were allowed to commit by Council approval two days of Town effort and that is all we are going to put into it at the beginning. They might come back when they see what that produces. The second phase would be Harold trying to get rid of the things he believes has value in the various ways he has to get rid of them and still not lose their value. In the third phase there would be a coming together to see what is left and see what to do about it. At the beginning of that phase there has been some informal discussion about sharing plans for the launching of the Island Rover. It is the early stages of talking about that prospect and he thinks if we have good results cleaning up the site and having good momentum, he thinks they might be able to at least present a plan to whoever the site is that the plan involves and it certainly may involve the Town as well. He will bring it back to the Council when it is done. There are no guarantees but so far everybody seems to be working in good faith with the hope they can solve this short of litigating it.

Councilor Daniele pointed out that the Active Living Committee is set for sunset at the end of this month. They are holding their last meeting on Thursday at 7:30. Folks should feel free to join. Most of the members will be switching over to a Connect Freeport Work Group that will continue to meet at the same time as Active Living. While it sounds similar, it is a transition.

Vice Chair Whitney advised that she and Councilors Daniele and Piltch will be hosting office hours at 6 p.m. before every Council meeting in person starting at our very next Council meeting. They would love to hear from everyone in the community about what they like, what they don't like and what their new ideas are to the Downtown work. They will be there a half hour before every Council meeting to listen to feedback.

Vice Chair Whitney was excited to announce that we have a tethered hired hot air balloon coming to Freeport July 17<sup>th</sup>. It will take place in the evening but the time has not been narrowed down yet. She thanked Casco Bay Ford. They are one of their sponsors and will be bringing some of their coolest trucks to actually tether the balloon to the ground and have also contributed financially to this event. She advised that she wrote one of her first grants to AARP and out of almost 4,000 applications, we received one of the grants. AARP is going to allow the first hour of this hot air balloon experience to be dedicated to our precious Elders in town. This balloon is one of the only ones that is ADA compliant and a wheel chair can actually fit into it. More information will be coming.

Vice Chair Whitney announced that last night she, Mr. Joseph and Mary Davis had a meeting about the New England Mountain Bike Association. From the Vision work one of the things that popped up is that there is interest in more mountain biking trails. They met with this group to figure out if there is some way to connect the trails that already exist such as Bradbury Mountain into Freeport. With the help of Google Earth, this great team and our Town Manager, they found there is very much an easy transition to make that happen so we can have some amazing mountain biking trails on Hedgehog Mountain. Councilor Reighley suggested that she run this by Complete Streets because that is what they are there for. Vice Chair Whitney agreed and in addition they will be talking to the Freeport Conservation Commission to get their feedback at the beginning. They have a meeting scheduled on July 13<sup>th</sup> so they will present this new idea to them to get their feedback.

Vice Chair Whitney, Councilor Piltch and Mary Davis had a small presentation to update the Council on what is happening with the Vision work and what is to come in the future.

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Mary Davis, President of FEDC advised that a lot has happened in the last two weeks. She reminded folks that if they want to look at the entire thing, they can see the whole thing live on the Council website where there is a recording which is one hour and 52 minutes or an annotated version, they can go to [www.Freeportdowntown.me](http://www.Freeportdowntown.me). They had both newspaper and media coverage and it was all about the Downtown Visioning. It was nice for us to be covered for something good happening in Freeport. They had two opportunities to get public input on Principle and one put on by Chair Egan and Vice Chair Whitney. They received calls and e-mails from folks indicating they wanted to be involved or had some feedback.

As a reminder to folks that might not have seen this before, these were the goals when they started out with the Downtown Visioning and it is apparent they are achieving those goals. It was all about community consensus and making sure there was a good public process and it was an actionable plan that they could use that would help them adapt to the future with lots of community and stewardship. She is confident folks will see a lot of those and she shows the outcomes.

We are now ending with Early Action Items from the Phase One from feedback in our trial projects to trial out if we like what we think we wanted. Phase Two and Phase Three are yet to be funded so she will be back in two weeks to talk about the funding for Phase Two. Phase Two is taking all those ideas and turning them into postcards. Phase Three is the full plan. We know that a vibrant downtown is what we all want. It is what our residents, visitors and our businesses want so that is why we are driving this.

There was lots of community feedback in Phase One. She thanked Chair Egan for talking about how much and Principle was actually reading through the comments, she received a call from Logan asking if she had ever looked at 2,200 surveys that were all handwritten? There was lots of feedback and the data was compiled into the graphs we saw two weeks ago. From that came these 13 potential Early Action Projects. We said we wanted certain things downtown and these Early Action Projects are a way for us to test them out this summer to see if we like what we said we want. It was wonderful to see between Town Walks, presentations and having community feedback. They had Vaughndella Curtis and Linda Bean on our Town Walk as well as other wonderful folks. They have learned so much overall that they feel Phase One was a very high value-added process in the project for all of them.

One of the outcomes of this is that feedback from the community led to these values which is the framework to help them think about where they go from here. They did a draft of this presentation to a group of nine L.L. Bean Executives about a week ago and one of their comments was “can we turn that into a New England year-round Village Center” to encourage that people see us as a year-round opportunity. Some of the values might change a bit but this is a collective of what folks said. Looking at them will say that these are the things that will help to vision our projects going forward.

As they looked at the values, they realized there are already events going on in Freeport that absolutely align with the values and direction they are going in. They don't want to lose sight of all the great happenings that are already occurring and all the people making them happen. If you look at what Visit Freeport is doing, what L.L. Bean, Wolfe's Neck, Cadenza, the Freeport Historical Society and ACAF are doing, they are absolutely the right thing aligned with those values. In addition to that there is a lot of initiatives happening downtown. You see ACAF and the Historical Society and Jim Cram came out and showed them all the amazing things the Historical Society is doing and how they pulled that into the parklets and things that they do. More of the store fronts are being filled. There is a craftsman going into one of them on Main Street. She thanked Vice Chair Whitney. There are so many things going on now that completely align with the values that folks said they wanted. She feels it is important for them to continue to support them. She mentioned the e-mail that came out from Visit Freeport that is all about how they are advertising everything that Freeport has to offer and such a good vision and image of us in so many kinds of circulations. They are just doing a wonderful job for us.

The Early Action Plan items are short-term tactical projects that they think they can do pretty easily that they will trial if we really like what we thought we really wanted such as places to sit, parklets, places for the kids to be, more community involvement in downtown, streets that are easy to cross. From this Early Action Plan came 13 projects from Principle plus 6 or 7 that came from residents. It is a growing list of wonderful projects. There is a lot of energy and a lot of excitement.

Councilor Piltch displayed a list of the 13 Early Action Plan projects that came from Principle and they added a few more at the end. He offered to catalog the projects and rank them in a way that they could talk around the projects. Each project is evaluated in terms of the impact it is going to have, how easy it is to get done and some idea of relative cost. The numbers are not exact and are not meant to be budgetary numbers. They are meant to be relative numbers so you can think of them as small, medium and high budgets, when you graph these projects (he displayed a graph showing the impact). Things near the top are easier to get done. Things near the bottom are hard to get done. Good projects are over to the right and have a good impact and are nearer to the top. We are looking for things in the right top quadrant. If we see things in the bottom left quadrant, we should steer clear of those. They don't have a lot of impact and are hard to get done. The size of the bubble indicates the cost of the project. Small bubbles are cheaper and large bubbles are more expensive. This gives them a framework to use as new projects come in. They can think about using this framework. It does not tell you what projects to do or not to do. It is just some guidance. Ms. Davis added that on this chart they have not included the six additional projects that came from the community but they will be added to this chart.

Vice Chair Whitney feels that Councilor's Piltch's work is very important because it is an illustration that makes it easy for them to grasp these different projects, why they have them and how they are going to go about getting this moving. She, Councilor Piltch, Chair Egan and Ms. Pelletier met a few days ago to say what are the next steps to actually pull this stuff off? They have these great ideas; 13 plus the 6 others the community has come up with so how do they unfold these? Their challenge by The Principle Group was to have a few of these going by July 1. They have just started to decide which ones they will unfold first based on the amount of community input they received.

One of the ones they would like to pull off first is a parklet on North Main Street. It is very low cost and very high impact. It is easy to pull off because it is in plain sight. Residents and visitors will quickly realize that this vision work they are doing is definitely not something that is pretty interesting on a shelf. This rose to the top because the entire North Main Street Block owners as well as the Complete Streets Committee came forward to express their support for this project. That is community and they could succeed on that alone. The second project that has come to be something they feel they can pull off quickly and is extremely low cost would be the idea of painted sidewalks. They identified three different spots in downtown they feel could take place right away and unfortunately avoiding Route One Main Street. The offside streets they are able to do what they want with the Town's permission and they don't have to wait for approval from DOT. Maura Pillsbury who is on our School Board contacted them and felt it would be a great idea to have a rainbow sidewalk in recognition of Pride Month so they would like to have that pulled off. It would be in front of Brickyard Hollow next to Mexicali Blues on the sidewalk. They feel it will get visibility and Maura is ready to bring her paintbrush and help out. Also, we have a great baseball team and a great school system so they thought it would be great to recognize the school system and paint one of the sidewalks on Holbrook Street with the maroon and white logo colors. They thought they would play with the third sidewalk which is near Mill Street in historical coastal colors. Caroline will get a cost estimate from Earl and she and Ms. Davis will search to find a company that will sponsor the paint for this project. While it is low cost, they would like to keep it no cost to the Town. We have a local Girl Scout group that has reached out to them trying to find a way to be involved and they want to be able to bring their paintbrushes. There has been an area of sidewalk identified and the Girl

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Scouts are working on coming up with ideas they will submit to the Town for art sign-off. It has also been suggested that at the end of Nathan Nye that that street be actually blocked off to create a festive parklet in that vicinity. Keith McBride is doing some leadership on that one. Again, it is extremely low cost and really fits in well with some of the other parklets that they are trying to create which will be Idea No. 5. Nathan Nye is right next to Starbucks. The last idea is the idea of a park in the grassy area between Brickyard Hollow and Mexicali Blues. There was a beautiful rendering by The Principle Group that showed people sitting in the park, food trucks, musicians and artists. It is amazing but that is not Town-owned property so they have a relationship with the landowner and he has allowed them to put on a couple of concerts already so they would like to continue that relationship with the landowner who has been wonderful to them so they can get a few other opportunities such as school musicians and others to play for that area. L.L. Bean has generously dropped off a lot of furniture so people can sit and stay longer and really enjoy that experience. The other place that L.L. Bean has generously brought furniture for them to use in the community is the property that is behind Starbucks. What is special about that area that is next to the Historical Society is that it was an unused property that is now being used. When she drives by, she sees high school kids sitting there or people from the little food cart that is there. That cart has been there for 30 years and he is so excited that L.L. Bean is helping his business. She feels that the community building that is happening is such a huge part of the success of this program. She is excited to see these things come to light and for the Council to see it unfolding and for them to move forward.

Ms. Davis advised that the Council will continue to hear from them. She welcomed Councilor Daniele as a participant. They have a lot to do and they have a lot of community members that want to get this done. They know that this is good economic development and it will be what Freeport needs to help keep it the viable wonderful downtown they want. Vice Chair Whitney added that these five she mentioned tonight she hopes will unfold quickly but it is not that the other items Principle suggested are not being worked on. They are, but the Council will probably not see them in front of its eyes by July.

Chair Egan reminded folks that there is a significantly larger group of business owners, residents, committee members from the general public that have been participating largely on line through Zoom for planning sessions throughout the past several months. To not lose access to that group because of public meeting laws about Councilors any more than two gathered at a particular meeting, it then becomes a public meeting and has to be recorded. They are trying to create a parallel work group which is Councilors Whitney, Piltch and Daniele being the conduit for the General Public to find out what is happening with various activities but they are welcome to go to these other meetings but they didn't want to lose the opportunity to continue with the momentum of our constituents from the community. In order to keep that activity going through virtual and in-person meetings without having to get burdened with all of the notice requirements, we have created an ad hoc Working Committee of the Council with those three members he just mentioned. That is the reason for a little bit of separation and structure so they can keep communication open and as transparent as possible while maintaining as much momentum as they can behind this really important effort. He thanked everyone for participating. He can't wait to get his hands on a paint roller and start painting some of these sidewalks. He is looking forward to that.

Councilor Bradley feels he can sense the momentum building but he doesn't get it quite yet. You've taken the Principle Group's 13 projects and haven't prioritized them so much as you encouraged several of them to occur so you will get them done early and that makes a lot of sense. In Councilor Piltch's framework to sort of help prioritize or at least appreciate both the difficulty and expense of the different projects. There are six projects that are coming into the hopper from the community and there are a number of people that have different ideas. He assumes they will go into the 3-person hopper. That is his first question. If someone comes to you as a Councilor or if you yourself have an idea, throw it into the hopper of Dan, Jake and Tawni. Chair Egan noted that is correct. Councilor Bradley asked what they will do with them?

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Are they the people who will decide it can be done? Are they the people that will say yes, you can do that or you can't? What is the next stage once something goes into a hopper? How does it go from going into the hopper and becoming a painted sidewalk or parklet or something else?

Councilor Piltch advised that he does not think this group acts as a bottleneck or arbiter of anything. It is more if there is a way they can encourage or unblock or remove some barriers, they would be happy to do it. If somebody has an idea and approaches you and you want to go forward and do it, sure. They will never stop anything from happening. Their role is to add fuel to the fire to anybody that needs a project that needs help to get it done. He does not see them standing in the way of any project or stopping any project or saying no to any project ever. Vice Chair Whitney added that when Maura Pillsbury e-mailed all of them with a new idea for a painted sidewalk, they just said let's make that happen.

Councilor Bradley asked when someone comes forward with an idea that is not in the Principle Group's hopper and you will not raise any barriers but how will you help things like that happen? What will be your standards or process for deciding which things does the Town's Working Group get behind so it has both the credibility and best chance of success?

Vice Chair Whitney noted that they have never denied or decided that this is not a great idea to anything that has come their way. One of the ways they can help to get some momentum and support around ideas that are suggested to any of them, they can take it to the Street Gang and help if it needs extra support from the community, they can get it done through there. Councilor Bradley has had some ideas and she feels that he and she have figured out that this should go to the Street Gang and let's wait on this one just talking it through. Ms. Davis added that their role is to help remove barriers, not say yes or no. If this is something the community wants and it fits with those values, how can they help them navigate and frame the project so it is the right project. It is getting Peter involved or getting Caroline involved. It is getting the Council involved if it involves money so it is helping steward project.

Vice Chair Whitney added that Caroline has been wonderful to work with. This team is to make the process easier so these projects, whatever ideas they are, can come to life because we are trying things. If someone wants a cotton candy vendor downtown, let's try it. It might be the next best thing.

Councilor Reighley noted he threw out the idea to bring back the farmer's market and he hasn't seen any follow-up with that. He also threw out the idea of doing a geo cashing around merchants so people would visit more stores and what they anticipated with a gift at the end if they complete a quantity of those and he hasn't heard anything on that. Ms. Davis mentioned that they are also looking for folks who want to steward it and put it into place. She knows she has limited resources and cannot champion 15 projects but 15 people could champion 15 projects. They are also looking for community members that came forward with whether it is with a trolley or a skate park. If anyone can drive this project, they will help them to remove the barriers. Vice Chair Whitney advised Councilor Reighley that his idea about the Farmer's Market has been heard by our new residents taking over Bartol Library and are very supportive of it. They will be getting their key tomorrow and they felt they could perhaps steward that idea to reality. Councilor Piltch offered to help Councilor Reighley on the Farmer's Market to make it happen.

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

Mr. Joseph advised that he has nearly finished negotiations with MOFGA. They are talking about final revisions tomorrow and are hoping the lease will be ready for signature and key passing as Vice Chair Whitney just mentioned. They are excited to go into the space.

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They reached out to MDOT regarding some of the projects in the Downtown Vision Report that was just being discussed and the response that MDOT gave us is that anything that is on State-owned roads, their expectation is that the Town would do the engineering and certify that the project is safe and meets the State guidelines and standards. Our Engineer can do that but as the Council was just discussing, we can't do 15 projects, but a priority list like the ones that were mentioned for doing in the State right-of-way can be done in-house. They were very insistent that if any lanes come or go that it includes a full regional traffic survey. He would say that anything that has lane addition or removal like the Bow Street corner as it was presented with one of the turn lanes going away will be one of the bigger lifts. He thinks that might have been reflected in one of the calculations that the Group just presented. He wanted to give the Council that feedback so when we prioritize the projects and get engineering staff involved, we can easily accomplish a few of these projects. Anything that is on a local road will have little to no scrutiny from the State. We will have to make sure it is safe from a Staff and engineering perspective. He hopes it is consistent with what the Working Group felt in the communications we have had.

We continue to get a lot of questions about what happened at Town Hall last week. Mr. Joseph noted it was a pretty serious matter with a good result. There was a cyber attack attempt on the Town- our network infrastructure- he would describe as partially successful. It was an attempted ransomware attack that was not fully successful. He gave credit to our IT company in their monitoring that detected the attack immediately and were able to stop pretty much all the damage before it occurred and limit the attack on the Town's network by quarantining things immediately and taking everything offline. The outage that everyone in town experienced over the past week, meaning we had no internet or phones at any of the Town's facilities was self-imposed by our network team. They took everything offline and kept it off while we did a thorough assessment of our network to make sure there were no lingering effects or any other malware that we were not aware of. The good news we have is that at this point in time it does not look like there was data theft from the network. We can't say that with 100% certainty at this time. That is what we have been getting a lot of questions on. That means data for the public or employees. Our IT Company has brought in a specialist that is reviewing the entire scenario to confirm to the best of anyone's ability whether or not there are issues that can be detected on the network that happened previous to the attack in terms of data theft. We are required under State Law, there is a notice requirement, if that is determined to be the case but it is not at this time believed to have happened but that is why we are being thorough about that. He thinks most organizations, when something like this happens, has to have as good a level of certainty that they can to determine whether or not they need to do notifications to people about a potential data breach. That is what is ongoing right now. He hopes to have a good full report to the Council in 2 or 3 weeks when we meet again from our IT Specialist. He gave a huge shout out to Staff who dealt with this scenario. They did a great job. He thanked all the customers that we had at all the Town facilities. People were mostly sympathetic and as nice as they could expect. He apologized for the inconvenience. He is happy with the way it was handled and the way everyone responded.

Chair Egan advised that we did notify the Cyber Crimes Unit at the State. Chief Goodman coordinated that conversation and we did involve law enforcement in notification of this. He does not think they are planning on any response back to us primarily because we were so successful in capturing this breach so quickly and didn't lose any public data.

Councilor Bradley learned that the early detection was the result of some astute planning on part of Staff. Mr. Joseph mentioned that both our IT Company and Finance Director basically harassed us for a year saying we need to get protection. As some of these attacks became more common place, we put it online. It was good to know that somebody is watching it and the IT Company deserves a lot of credit for that.

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Chair Egan clarified that we did not have a ransom proposed to us where there was a capture of data and we were threatened with that so he wanted to make it clear in case somebody didn't catch that. It did not happen here. Mr. Joseph clarified that we did not pay a ransom and there was no personal data stolen. Councilor Bradley thanked Ms. Maloy for insisting on the protection. Mr. Joseph added that we will be getting some recommendations about additional security products and looking at those hard to see if there are any gaps. Even the IT security professionals we were working with throughout this incident would tell us that there is no way to perfectly secure your system or your network but there are big gaps we can fill in so it is a cost analysis up to that point. He thinks we have some of the big gaps filled. Now it is a question of looking at the medium and small gaps to see what the actual risk is and maybe get some additional monitoring products and some additional safety services. We had that baseline which really helped us in this case and we did not end up like some of the cases reported on some municipalities. Chair Egan appreciated Mr. Joseph's diligence to keep other things going while he was dealing with that situation.

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

Susanna Hancock of Flying Point Road advised that she is here tonight on behalf of the Freeport Sustainability Advisory Board and they are asking the Council to endorse the EICDA Act which is the Energy Innovation Carbon Dividend Act and she sent a message to several Councilors earlier. This is a bipartisan bill in the U.S. Congress right now that is currently co-sponsored by Congresswoman Pingree along with 67 other House Reps and Senators. This bill implements an incremental carbon tax on polluters and spurs innovation through market-based strategies to move towards sustainable energy as well as paying a dividend to all American residents which could total a few thousand dollars for a family of 4. It is money that could be used for personal clean energy, environmental purposes or as sees fit. Currently this bill is the largest individual piece of legislation that would drop our levels of emissions as quickly as possible. She explained a software tool she uses called Soft Roads that is used in 88 different countries right now and she would be delighted to share it with the Council on the kind of impact this bill would have especially in comparison with other forms of legislation on climate action. Our Senators King and Collins have stated that this is something they support personally but will endorse it nationally if there is enough support from towns in this state. We are the only state right now with both Senators in the Climate Solutions Caucus and as this is a bipartisan bill with both Republican and Democratic support, she would like to have it supported by our Senators. From the prospective of Freeport endorsing this, it does not have direct implications, it simply tells our Congressional leadership that Freeport is in support of climate action and does not block the town from taking any actions in the future. A bunch of towns have endorsed this bill such as Portland, Brunswick, Cape Elizabeth and Harpswell and further throughout the state. She would love to follow up with the Council on this.

Chair Egan apologized for not being able to get back with her. He saw her e-mail last week and then the Town lost everything when our systems went down and he did not have her e-mail elsewhere. He would like to put his individual support behind this action but the Council will need a little organization around it. If there is a possibility if she or the FSAB could draft some language that we could look at and possibly circulate that between now and our next meeting, then the Council could have a bit of conversation and endorse this specific statement. He does not know what the timeframe is for getting the list of endorsements to our Congressional Delegation but that would help move it along through here. As Chair, before he asks the rest of the Council to endorse anything, he feels we should see it in writing so we can agree on the language, if possible, to get a look at that and then we can circulate it between now and our next meeting. Ms. Hancock agreed and can provide the language and send it around. Chair Egan noted he appreciates her efforts on that committee. It is great to have an asset like her working in our community.

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There were no other public comments provided so Chair Egan closed the Public Comment Period and continued on.

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

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ITEM # 104-21                      To consider action relative to adopting the June 15, 2021 Consent Agenda.

**BE IT ORDERED:** That the June 15, 2021 Consent Agenda be adopted. (Egan & Reighley)

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

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

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ITEM # 105-21                      To consider action relative to setting a public hearing for Special Amusement Permit renewals.

**BE IT ORDERED:** That a public hearing be set for July 6, 2021 at the Town Council meeting that starts at 6:30 p.m. at Freeport Town Hall and virtually via Zoom technology to discuss Special Amusement Permit renewals.

**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)

Chair Egan noticed that he did not see a specific item in the Council's packet. Mr. Joseph advised there is no back-up for Item #105-21 and he did not have a document listing the specific items. Chair Egan suggested tabling this item.

**MOVED AND SECONDED:** To amend the order and table to the end of the agenda. (Daniele & Reighley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Chair Egan explained that he is hoping the council will get that list and will be able to set the public hearing a little later with some detail.

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ITEM # 106-21                      To consider action relative to setting a public hearing for a new liquor license for Mast Landing Brewing Company.

**BE IT ORDERED:** That a public hearing be set for July 6, 2021 at the Town Council meeting that starts at 6:30 pm at Freeport Town Hall and virtually via Zoom technology regarding a new liquor license request from Mast Landing Brewing Company located at 200 Lower Main Street.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community

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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)

Chair Egan clarified that we are just setting a public hearing for a new liquor license for Mast Landing Brewing. We are not having a discussion this evening but just so we know what we are doing with this public hearing on July 6. Mast Landing Brewing is a returning business moving to the south end of Main Street.

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

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ITEM # 107-21      To consider action relative to the write-off of Personal Property Tax Interest.

**BE IT ORDERED:** That the Town Manager & Treasurer be authorized to write-off the following interest on personal property taxes:

333	Seymour Excavation	2013-2016	\$ 2,069.98
Total:			\$ 2,069.98

*This write off is for interest only. The owner has paid all principal taxes owed. These years are beyond the Town's ability to pursue collection. Years 2019-2021 remain on the books to be collected in full and an agreement with the owner has been reached to do so. (Whitney & Reighley)*

Ms. Maloy explained that this is a personal property tax collection effort. They have been working with this local business for at least six years and they have, for the most part, followed their payment arrangement and have been diligent to bring this assessed tax down. There were a couple of things in combination. There were some assessments and should the proper paperwork been filed; the assessment should not have been as high as they were for some of those years. Compile that with high interest rates occurring on these taxes during that time, this business has been struggling to get caught up because of the amount of back interest that is being incurred on these taxes. As part of our policy, based on the amount to be collected if it has been on the books for more than three years, we can have a discussion at the Council level to see if it can be written off. In the case of this vendor, she is asking to write off approximately \$2,069.98 in interest. They have paid well over \$13,000 in the six years she has been collecting from them and they asked if they could do a significant one-time payment to pay off what was still due on a principle amount due for taxes and forgive the remaining interest on the last few years of personal property tax owed. Preliminarily the Town accepted a \$3,500 payment which paid off the tax years from 2013 to 2016. In addition to that they wrote a second check above and beyond that \$3,500 that paid off the 2019, 2020 and 2021 taxes in full. This is just asking for the interest to be paid off that was incurred during that 2013 to 2016 tax period. It would be her recommendation to do so. They have been paying a ton of interest since she started working with them. They owed all the way back to 2006. Through an honest payment arrangement that was created six years ago, they paid interest on taxes since 2006 to now. They were struggling with the nature of their business to continue to make payments and it was prohibitive because of the amount of interest that was accrued through all of this time. Her recommendation is to forgive the interest on those four tax years and know that even during the 2013 tax year, they have paid interest up to now on that tax year as well but the \$3,500 payment they made is paying off the principle amount for those years and asking for the forgiveness of interest in those four years. They did not ask for interest to be forgiven for 2019, 2020 or 2021 years. 2017 and 2018 tax years is where the proper paperwork was filed based on the equipment they had or had been relieved of. They did not actually have personal property tax owed in those two years based on those changes. They were being taxed on equipment they no longer had and did not understand at the time that paperwork needed to

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be filed to remove it but at that point it became too late to offer an abatement. There was a whole string of errors that went on.

Not related to this specific case but Councilor Piltsch mentioned that the agenda says, *these years are beyond the town's ability to pursue collection*. He asked if this means we can't go after interest from anybody before 2016? Mr. Joseph explained that personal property tax collection is different than property taxes. Personal Property Tax has to be collected through court whereas property tax there is a lien process that we are always guaranteed the back interest. Ms. Maloy added that there is a timeframe within the courts that if it is not timely pursued, there is a period of time that basically we cannot go after it. That is part of the reason they willingly entered into a payment arrangement with us to avoid having to come to Council and ask for a separate program. She feels that if she tried to take them to court over that, she would not be successful.

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

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ITEM # 108-21                      To consider action relative to a consent agreement between the Town of Freeport and Phil Reiche, Lynn Reiche, Jeffrey Miller, Mary-Lynn Miller regarding a subdivision violation on River Rock Lane.

**BE IT ORDERED:** That a consent agreement between the Town of Freeport and Phil Reiche, Lynn Reiche, Jeffrey Miller, Mary-Lynn Miller regarding a subdivision violation on River Rock Lane be approved. (Lawrence & Reichley)

Mr. Joseph advised that Staff firmly recommends that Council approve this. The division that was an issue is a subdivision violation. Essentially the property owners were advised and given permits by Town Staff in the past to build the house on one of the lots that is now a subdivision violation so that is a pretty good indicator that they did their due diligence when they came in and tried to get approval from the Town. There is documented evidence that they took every step possible to clear up the issue. The problem is that it was a non-exempt subdivision where previous staff and both property owners thought it was an exempt subdivision. There is actually no belief on the part of Staff. We actually feel bad for them. It was discovered when they came in to do a pre-application meeting for a subdivision with the Town's Planning and Codes Staff that this previous action had clouded the property. We are hopeful that we are helping them release the cloud on their property so they can divide their property further and convey it and won't have problems through the Title search process down the road.

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

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Mr. Joseph advised that he has information related to ITEM #105-21 that was tabled earlier.

ITEM # 105-21                      To consider action relative to setting a public hearing for Special Amusement Permit renewals.

**BE IT ORDERED:** That a public hearing be set for July 6, 2021 at the Town Council meeting that starts at 6:30 p.m. at Freeport Town Hall and virtually via Zoom technology to discuss Special Amusement Permit renewals for:

Hilton Garden Inn, 5 Park Street  
Athena's Cantina, U.S. Route One  
Stars & Stripes, 8 Varney Road  
Harraseeket Inn, 162 Main Street  
Credenza, 5 Depot Street.

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**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)

Chair Egan believed these businesses have had a Special Amusement Permits in the past. Mr. Joseph agreed and he believes they currently hold one and the expiration date is July 31, 2021 for those five businesses.

Councilor Bradley asked what a Special Amusement Permit allows? Mr. Joseph explained that entertainment and alcohol are allowed at the same time. We don't want people to get too rowdy here in Freeport but it includes music, dancing and live music but not juke boxes.

Councilor Daniele mentioned that if they all already have this, it is normally something that gets placed on the Consent Agenda so he asked why the Council has to hold a public hearing for it? Mr. Joseph believes there are certain breakthroughs where some of them get renewed and then require a public hearing every couple of years. A few of our ordinances are written that way. He noted he would confirm that before we actually have the hearing. He doesn't think the Special Amusements are auto-renewed such as a liquor license for example.

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

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**(ITEMS # 109-21 TO # 112-21 will be presented by Finance Director, Jessica Maloy.)**

Chair Egan noted that Ms. Maloy has put in an enormous amount of work organizing this for us. He asked her if she wants the Council to have an adoption on each element or can they gang them together at the end. Ms. Maloy believes that as long as the BE IT ORDERED are read to have the language included or read as presented, the Council would be fine. She doesn't think they need to be separate items per say as long as they are all read in totality. She would need all the State Funds individually to be accepted and allowed. Mr. Joseph agreed with what she just said. Chair Egan suggested hearing from Ms. Maloy first and then the Council can go through them and get questions out on the table and make any adjustments before we have to adopt anything. Ms. Maloy feels that is why we break it out this way so we have pauses to say if there are certain areas in question, it is easier if it is broken up and we don't have to redo the entire motion for just that section. Mr. Joseph feels that what we have done in the past that has held water, every place you see a bar on the agenda, he would read the order and have a motion and a vote. When you get to Item 112-21 which is the Operating Budget essentially, there is a BE IT ORDERED: that the following appropriations be made as listed on the agenda totaling \$12,354,183 with estimated revenues totaling \$4,883,100 so that the bold section on the charts if we read those, so we can error check to make sure when you actually take the vote that it references to this printed agenda in case anyone has questions of that in the future. That is a pretty safe way to do it. Ms. Maloy added that this is what the Auditors base their audit on.

Chair Egan asked Ms. Maloy to summarize each of the items and then the Council will go back and have questions on the specific item numbers after she has explained sort of what we are doing.

Ms. Maloy explained that on Item No.109 gives authorization for the Town to accept any State Funds it is eligible for in the fiscal year. She noted that we do label some out within our Operating Budget but sometimes there are other funds that become available and this allows us to be able to accept those State Revenues when they become available. It lists a few of them individually and we do have some of them budgeted specifically for in the Operating Budget but we have that all encompassing statement that says all other State Funds that are not included in those line items.

Item No. 110 is the Winslow Park Budget. That is funded and handled by user fees so typically is not a lot of discussion that goes along with that given that it is specific to the users of the park.

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Item No. 111 relates to our Non-Emergency Transport which is an Enterprise Fund so it is separate from the Operating Budget. As previously discussed, this is reduced this year to reflect the elimination of the Rescue Billing Service that we previously had been providing. This budget recommends the removal of that service.

Item No. 112 is the Operating Budget that gets broken down by major categories or expenses as well as we break out the estimated revenues into tax and non-tax. It may be worthwhile in the motion to mention the amount to be raised by taxation of that \$6,771,083 and it then further orders for the Capital Budget adoption which had previously been appropriated when we reviewed the Capital Budget.

The TIF Fund is the last one.

Mr. Joseph pointed out that at the last budget meeting we had a lot of discussion specifically combing through revenues on the table about if we could go higher in any specific place. He and Jessica spent a good chunk of time this afternoon prior to the Council meeting looking for revenue adjustments and he recalculated about 6 or 7 of her revenue projections on the fly. She liked it because they all came out that we were within \$10,000 on each one to the actual current proposals are. He is comfortable with what we are actually seeing with the revenue levels. Contrary to what was originally presented, he thinks they are exactly based on our revenues this year in most cases. In a few cases, increased when we know that there will be significant increases just like on revenue sharing which is actually closer to the actual numbers we have ever done in his 10th budget year. They are really close to what we are projecting but he does not feel they are dangerous at all. If we make that revenue budget, he will be pretty happy. It is not his decision. It is ultimately the Council's decision and there was a lot of discussion about increasing those revenue amounts. He screen shared our performance over the last two budget years and past three budget years and explained how he arrived at the calculations. Over two years our tax bill sent to the public has increased 1.65%. FY 20 and FY 21 were both negative budget years so the total levy increase over a 3-year period was 1.84%. To the extent that there is nervousness about the rate of the local levy increase, he shares the Council's concern and is not trying to minimize it, but the total tax levy increase is higher than that 4.3 and 5, whatever percent for the 2- and 3-year average, he agrees but he is trying to illustrate to the public that it helps to show that that increase is not coming from local operations.

Councilor Bradley mentioned at the last meeting, the number that would bring us to zero and Mr. Joseph said at the end of the meeting that he had an idea that could help us get further down. He takes it that it didn't work out. Mr. Joseph mentioned he had two expenditure ideas that did not pan out. Both were payroll cost related items about potential staffing adjustments. One he doesn't have enough information on. It has to do about the item we talked briefly about potentially contracting out General Assistance and replacing that position with a .25 full time equivalent of that position. As many know, Johanna in our office is leaving us in the upcoming fiscal year. She has announced her retirement. Part of that was lowering that amount but we don't have a firm commitment on that yet. He has been talking with several agencies such as Freeport Community Services with outsourcing that function but we are not close enough to have an actual number to present until the next Council meeting. He is sad about that. There may be a budget reduction there. The other one was in a payroll item that did not warrant we could lower. We are right on the money. The other three were significant revenue investigations he wanted to do that he thought we could get a lot closer in revenue sharing but he is not comfortable. He thought we were as close as we possibly could to come out flat at this point.

Councilor Bradley noted that one of the ones Mr. Joseph focused on was revenue sharing and there was a sort of a fluctuation in the amount of percentage that we thought was going to be approved. He asked if Mr. Joseph has any better information about that or is it the same uncertainty? Mr. Joseph advised that he checked on that today but it has not passed at the State level but it may have in a couple of days. We are

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still going off the 4% number not the 5% number because that 4% number looks likely to pass not the 5% that was passed out of committee and is not included in the Governor's negotiated budget proposal right now. The negotiated amount that is going around the Legislature right now is 4.25% not the 5% that was recommended by Committee. We are using the accurate number that is likely to happen but there is a chance they might lower that number if they run into a snag and they need to find money in the State budget. Currently it is either 3% or 3.25% in the current year but is an increase over this year.

Councilor Bradley is trying to understand that if something changes in Augusta and it goes up, can we make adjustments to make our tax lower if we want to? Mr. Joseph advised that the Council can do a supplemental appropriation of revenue and use that money to lower the tax rate if it happens before September or October. Councilor Bradley asked Mr. Joseph if he would keep the Council apprised if that number changes in a way that could affect the tax rate? Mr. Joseph explained that when we start meeting in person next month in the Council Chambers, he will even get up and do a dance on tv if it goes down. Councilor Bradley added that he would be glad to watch.

Councilor Bradley asked if the final number we have to raise by taxes is something under \$100,000? Ms. Maloy advised that the number is \$96,000 and change. Chair Egan clarified that it is the amount of increase over today's tax rate not the amount we are raising. It is the increase over what we are currently projecting. Mr. Joseph added that that is assuming that everything stays equal. It is not a guarantee but it is a good measuring block and focusing on the levy keeps us responsible to the taxpayer and avoids using evaluation increases. Evaluation increases is a shell game to hide our actual tax impact we are having and that is why he focuses on the levy number extensively.

Councilor Reighley asked what is our mil rate compared to the other 14 communities? Where do we fall in GPCOG? Mr. Joseph advised mid-low but is not able to answer that question. He could do some research for the next Council meeting. We are close if not over 100% valuation right now because of the real estate market. We are within the 10% range that we are required to be by Law as most of the municipalities around here are. It is difficult to use tax rate as a comparison tool between towns because it does not account for the difference in property values. For example, if you use Gray versus Bowdoinham versus Portland versus Freeport, none of those property valuations of the real estate market for the same house are comparable. Ms. Maloy added that nor is there the same level of service being provided in calculation of that as well. Mr. Joseph stated that the tax bill we are sending out will be \$97,000 higher this year than it was last year.

Mr. Piltch noted that we are raising the levy by \$97,000 this year. We are going to collect on behalf of the School District an additional \$795,000 and will show up in everybody's tax bill. That is something the Council does not have a lot of impact on. We only collect on behalf of the School Board. Councilor Reighley added that County Government is the same way.

Councilor Daniele asked if the Council can keep this as an agenda item after this to talk about tax rate increases and voting that has to go with these tax rate increases? He asked if the Council does anything for Seniors like a discount on taxes or is there any program like that? Mr. Joseph advised that there are programs available that have been discussed by different Councils on at least two different occasions and nobody has wanted to move forward. Some communities have volunteer work programs where retired seniors volunteer at their community centers or Town Hall to lower their tax commitment. There are some tax deferral actions that were pretty unpopular with previous councils. Those are political decisions that you seven Councilors can make. There is nothing like Florida's program where your tax rate freezes and when you pass away or sell the property, the tax rate increases and the next person has to pay it. There are no tools like that in Maine but there are a few small tax breaks that can be made for Senior Citizens. Chair Egan explained the State's Circuit Breaker tax bill program. Ms. Maloy added that the State offers Homestead Exemptions. If you have lived in your home in Freeport longer than 12 months, please stop by

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our Assessing Department prior to April 1<sup>st</sup> of any given year and fill out the application. You only have to fill it out once and you get currently \$25,000 off of your assessed value of your home. That is a direct savings to all property owners that have owned a primary residence in Freeport over 12 months. Mr. Joseph explained all the things that are not covered such as B&Bs, investment property, etc.

Ms. Maloy advised that here in Finance they work very diligently in particular with the Senior community but really with all residents that it is applicable to in working out payment arrangements. They only send out two tax bills and she is more than happy to accept money every month of the year if someone wants to budget accordingly based on their prior year taxes. She can work with residents to divide that over 12 months and get it so their taxes are paid especially on mortgaged properties. She brings this up because she works with people all the time doing that and it is amazing to her the number of people that are surprised that they do that. A lot of them are pleased. They can set it up with their financial institution to have them do an automatic bill pay. They have made huge advancements in technology on being able to accept these types of payments with minimal impact to residents. They also have a General Assistance Office though we may not be able to help with taxes in that capacity, they can help with other bills for seniors whether it be heating, medical bills, etc. They received a ton of money from residents to help other residents during COVID. They are always exploring options to help residents as much as they can in getting their taxes to a comfortable point that they can afford the monthly payment at that juncture. With past Councils, there really was not a lot of temperament to have basically other residents absorb and pay more in taxes to shelter someone else in their taxes. Mr. Joseph added that that mentality was explicitly discussed but there may be an appetite from the current Council where there wasn't before. The argument that was made was concerns about shifting whether for seniors or young people one segment of the population's tax burden on to another segment. That is a political discussion that can be had and can change from year to year with Councils. If the Council wants to look at those options in detail, maybe we could put it on a future agenda and would be glad to report on any new programs that have come up in the last two years since it was looked at.

Councilor Bradley noted he has been impressed with our budget process but feels that a conversation about the degree of conservative planning is in order for all the reasons that have just been discussed and he would like to see us have that. There are a couple of issues related to our investment policy he wants to be sure to talk about as we have these general conversations about budget going forward. There is a lot of money at stake there and he doesn't understand why we get so little return from so much capital. Questions we can throw into that so we are not talking about an immediate impact. We are talking more about policy and guidance when we get to the exact numbers we deal with every year. Chair Egan agreed to add this to a future agenda during July or August and Mr. Joseph seconded that discussion happening. He noted that they used to talk about investment policy every two years but it doesn't seem like it has been a discussion for five or six years so it is a good time to revisit that policy and what the Town's investment standards are because it hasn't been talked about in six or seven years. He is all for that.

Councilor Reighley commended Ms. Maloy and her Staff for the excellent job that they do. He appreciates all the hard work that goes into this preparation. If we look at other towns and the hair pulling that goes on during budget times versus the degree of ease we are faced with. He thanked Jessica and asked her to thank her staff. Ms. Maloy thanked him and noted she will make sure everybody knows.

Ms. Maloy wanted to point out in discussion with the seniors and any programs, this is not necessarily in relation to seniors as it is out total tax base. She has a historical analysis of the number of 30-day notices that are sent out because they will be going out next week unfortunately. The 5-year historical number of 30-day notices that get sent out is 262. Those are from a high of 332 notices that were sent out last year to a low of 237 in 2016. This year we currently have 269 notices that will potentially go out next week so from a collections standpoint we are right on track from where we usually are at this time of year. They have some residents that take the full amount of time awarded to them by the State to pay taxes regardless

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of what we do for collection efforts. They feel the point of foreclosure is when they are due to pay their taxes. She brought this up because at the same time we will be sending out 269 lien notices, we currently have only one property from 2019 that is in a payment arrangement to get that paid off. We foreclosed on no properties so she gave this insight to the Council to let it know how diligently we do work with residents to get them to the point of payment before their houses are foreclosed on. Mr. Joseph added that primary residences are not targeted. We will take every conceivable step and will only resort to foreclosure if someone says, "Forget about this. I will not pay my taxes ever. Come try to get it from me." That is the only scenario she has ever seen on a property going to foreclosure or an investment property where someone ignores communication or walks away. Ms. Maloy added that in her time she has not foreclosed on a primary residence yet.

Councilor Piltch pointed out that tonight the Council is voting on appropriations to the Capital Budget. For each of those items do we get to revisit them and approve the individual items? He is looking at things like the Comprehensive Plan Update, Downtown Revisioning, etc. If we appropriate the money tonight, is it the last item we see those things coming before us or do we have to approve a contract for the Comprehensive Plan Update? Ms. Maloy advised that the Council will see it again at the point of awarding the contract based on the dollar amount of it. Most of the Capital items are of a dollar value that will need the authority to come back to Council and actually award the bid. Mr. Joseph noted that pretty much everything on the list will come back in front of the Council at some point except the few thousand-dollar items will not need to come back to the Council. Ms. Maloy advised that there is no established threshold other than the \$100,000 mark that has to go before the Council for authorization. Mr. Joseph pointed out that the purchasing thresholds are \$5,000 and \$10,000 for different steps that need to be taken. Over \$10,000 would be a competitive bid and those most often would be awarded by the Council. More discussion followed.

ITEM # 109-21                      To consider action relative to the acceptance of State Funds for fiscal year 2022.

**BE IT ORDERED:** That the following categories for State Funds be accepted for fiscal year 2022.

1. Municipal Revenue Sharing
2. Local Road Assistance
3. State Aid to Education (including Federal pass-through funds and property)
4. Public Library State Aid per capita
5. Civil Emergency Funds (Emergency Management Assistance)
6. Snowmobile Registration Funds
7. Tree Growth Reimbursement
8. Veterans Exemption Reimbursement
9. Business Tax Reimbursement
10. All other State funds not included in items 1-9 (Reighley & Lawrence)

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

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ITEM #110-21                      To consider action relative to the operating budget for Winslow Park for fiscal year 2022.

**BE IT ORDERED:** That \$337,960 be approved for the Winslow Park budget from July 1, 2021 to June 30, 2022 and \$23,000 be approved for the Harb Cottage budget from July 1, 2021 to June 30, 2022. (Bradley & Reighley)

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

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ITEM # 111-21

To consider action relative to adopting a Non-Emergency Transport (NET) budget for fiscal year 2022.

**BE IT ORDERED:** That the Non-Emergency Transport Budget in the amount of \$115,000 be approved for fiscal year 2022. (Whitney & Reighley)

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

ITEM # 112-21

To consider action relative to the adoption of the Fiscal Year 2022 Operating Budget for the Town of Freeport.

**BE IT ORDERED:** That the following appropriations be made to the several departments for purposes named, that the following revenues estimated be adopted, and that the following amounts to be raised by taxation, said action for fiscal year July 1, 2021 to June 30, 2022 Municipal Budget.

<b><u>FY 2022 Appropriations</u></b>	
General Government	\$ 1,918,610
Protection and Enforcement	\$ 3,243,285
Health and Welfare	\$ 114,440
Human Service Agencies	\$ 39,800
Community Center Building	\$ 45,600
Public Works/Solid Waste	\$ 2,449,885
Library	\$ 493,720
Unclassified	\$ 2,377,290
Debt Services-Local	\$ 34,595
County/METRO Tax	\$ 1,368,958
Bustins Island	\$ 243,000
Abatements	\$ 25,000
<b>Total Appropriations</b>	<b>\$ 12,354,183</b>
<b><u>FY 2022 Estimated Revenues</u></b>	
Non-Property Tax	\$ 2,026,000
Intergovernmental	\$ 1,878,800
Charges for Services	\$ 405,800
Licenses and Permits	\$ 461,700
Fines and Forfeitures	\$ 29,800
Miscellaneous	\$ 81,000
<b>Total Estimated Revenues</b>	<b>\$4,883,100</b>
Amount Transferred from Undesignated Funds	\$ 700,000
Amount to be Raised by Taxation	\$ 6,771,083
<b>Total Revenues</b>	<b>\$ 12,354,183</b>

**BE IT FURTHER ORDERED:** That the following appropriations be made for the Capital items/projects listed below, and that the Capital Budget for FY 2022 be adopted, totaling \$1,247,000:

Police	New Patrol and Changeover Equipment	50,000
	K-9 Recruitment & Training	12,000
Rescue	Powerload Stretcher System Install	60,000
Public Works	Street Sweeper (shared with TIF – 50%)	140,000
Solid Waste	Generator	30,000
	Facility Lighting	37,500
Comprehensive Town Improvements	Spar Cove Rebuild	450,000
	Train Station/Visitor Center Improvements	80,000
	Hunter Road Fields Parking Lot	75,000
	Concord Gully Brook Watershed Restoration	25,000
Municipal Facilities	Computer Upgrades -Townwide	25,000
	File Digitization	10,000
	Maintenance Tractor/Snow Plow	30,000
	Library Public Computers	8,500
	Town Wharf Repairs	7,500
	Revaluation Reserve Fund	7,500
Cable Television	Equipment and other improvements (Channel 14)	4,000
	Equipment Replacement - (Channel 3)	20,000
Boards and Committees	Comprehensive Plan Update	75,000
	Downtown Revisioning	100,000
	<b>Total FY 2022 Capital Budget</b>	<b>\$ 1,247,000</b>

**BE IT FURTHER ORDERED:** That the following amounts be appropriated from the Reserve Funds to provide for items approved, as presented on the agenda, totaling \$1,247,000:

Police Reserves	62,000
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Rescue Reserves	60,000
Public Works Reserves	140,000
Solid Waste Reserves	67,500
Public Infrastructure Reserves	630,000
General Administration Reserves	81,000
Building Reserves	7,500
Cable Television Reserves	24,000
Other Reserves	175,000
<b>Total FY 2022 Capital Transfer from Reserves:</b>	<b>1,247,000</b>

**BE IT FURTHER ORDERED:** That the following appropriations be made for the items and projects listed below and that the Destination Freeport TIF budget for FY 2022 be adopted as presented below, totaling \$375,000:

Sidewalks	45,000
Street Sweeper (Shared with PWR – 50%)	140,000
ACAF Performing Arts Center	75,000
Freeport Economic Development Corporation	115,000
<b>Total FY 2022 Destination Freeport TIF Budget</b>	<b>375,000</b>

(Egan & Reighley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Chair Egan noted he actually enjoys the budget process. There is no other process participation as a Councilor that lets him know more about what is going on in town than dissecting and going through all the elements of these various budgets and is made dramatically easier by the orderly and logical presentation of material from our Staff. He thanked them.

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**MOVED AND SECONDED:** To adjourn at 8:43 p.m. (Reighley & Lawrence)

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

Respectfully submitted,

Sharon Coffin, Council Secretary

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**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #16-21**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, JULY 6, 2021**  
**6:30 p.m.**

<b><u>ROLL CALL OF MEMBERS:</u></b>	<b>PRESENT</b>	<b>EXCUSED</b>	<b>ABSENT</b>
Edward Bradley, 242 Flying Point Road	x		
Jake Daniele, 264 Pownal Road	x		
John Egan, 38 Curtis Road (Chair)		x	
Henry Lawrence, 93 Hunter Road	x		
Daniel Piltch, 25 Quarry Lane	x		
Douglas Reighley, 2 Harbor Ridge Road	x		
Tawni Whitney, 56 Baldwin Road (Vice Chair)	x		

Vice Chair Whitney called the meeting to order at 6:34 p.m. and welcomed everyone. She took attendance and noted that Chair Egan is excused this evening but all other Councilors are here as well as the Town Manager.

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

Viewing the flag, everyone stood and recited the pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #15-21 held on June 15, 2021 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #15-21 held on June 15, 2021 and to accept the minutes as printed. (Reighley & Piltch) **VOTE:** (6 Ayes) (1 Excused-Egan)

**THIRD ORDER OF BUSINESS:** Announcements

Vice Chair Whitney announced:

The Appointments Committee will be meeting soon to consider applications for:

Openings on the newly established **Police Advisory Committee**  
Vacancies on the **Library Board of Trustees and Sustainability Advisory Board.**  
Expiring terms on the **Appeals Board, Board of Assessment Review, Complete Streets, Conservation Commission, Shellfish Conservation Commission and the sustainability Advisory Board.**

Applications and more information on committees are available at the Town Office or on the Town's website at [www.freeportmaine.com](http://www.freeportmaine.com). Please return completed applications as soon as possible to the Town Manager's office or e-mail [Jhanselman@freeportmaine.com](mailto:Jhanselman@freeportmaine.com).

## COUNCIL MEETING #16-21

JULY 6, 2021

- Nomination Papers for the November 2021 Municipal Election will be available on July 26<sup>th</sup> for the following offices in the Town of Freeport:  
Town Council: At-Large and District 4 for 3-year terms  
Sewer District: 3 seats for 3-year terms  
Water District: 1 seat for 3-year term  
RSU: 2 seats for 3-year terms

Papers are due back to the Town Clerk September 8<sup>th</sup>.

- Discounted and Free Passes are available at the Freeport Community Library – Freeport Conservation Trust and Friends of the Freeport Community Library have donated passes to the State Park Passes, Portland Museum of Art, the Children's Museum & Theatre of Maine, The Maine Wildlife Park and the Maine Maritime Museum. FMI stop by the Front Desk.
- The Winslow Park Summer Concert Series is back! The first concert will take place on Thursday, July 8<sup>th</sup> at 6:30 p.m. and will feature the Coastal Winds. Pack a picnic dinner, grab a blanket and enjoy a lovely evening at the Park with the whole family.

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

Councilor Bradley introduced Dana Legawiec who is the new Executive Director of the Arts and Cultural Alliance of Freeport. He explained that the Alliance commissioned a Cultural Plan and knew that the creative economy was important and that they had silos full of artists in this town. Something came out of the Cultural Plan process that surprised a lot of them. While they were focused on a creative economy, artists and how the exchange of practice between artists and the community would create value for everyone, the people that responded to the Cultural Plan said what is really important is kids and education. It stunned them because here they were members of the community involved in the Arts and involved in the downtown and hadn't really focused on the connection to kids. He mentioned that it is not surprising because when you think about it, kids bring together the balance of arts in communities. When you are thinking about kids, you don't ask is this too much to bring to a kid? No, it is never too much. Is the participation of that kid through their art in your community ever too little? No, it is never too little. What stunned him again and surprised and delighted him when he first met Dana through her resume, (he had nothing to do with choosing her) was her emphasis on arts and education. She has an amazing set of credentials and education that would put most of us to shame. Her experience would as well but her focus in her arts practice is children's education.

Ms. Legawiec wanted to say that in addition to being an arts professional and an arts educator as well as a teaching artist who has worked in schools to create partnerships, she is really interested in the arts in service to fill in the blank. She looks forward to hearing from everyone in terms of what the arts can do for them, what needs they assess the arts could possibly fill and she does a lot of work in schools with children but what she is really interested in are filling those school/community partnerships and weaving a tapestry through the arts engagement between children and youth in our schools and the community at large. She thanked the Council and noted she is looking forwarding to working with them.

Councilor Bradley added that he feels that ACAF and the Town are at a critical stage in the development of arts in this community. Meeting House Arts is a reality. There are a few things left before they can open the event stage. The Arts Gallery is already open and has had its first show and by all account is successful. Now is the implementation of the concepts and they have hired someone who brings to them all the abilities it is going to take to go from a volunteer organization to a professionally run accountable organization for the arts. They are all delighted with Dana. They feel she is a valuable choice.

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Councilor Reighley advised that our Sister Cities Program which Freeport is part of, is asking if we would consider the possibility of when we design our gardens out here in front of Town Hall, if we could name one of those gardens as a tribute garden to our relationship with the City of Arkangelsk. That is one consideration to go before the Council, not today but it is a request.

Councilor Reighley noted the Ordinance Committee has met and they are awaiting now the approval of language by the Town Attorney for a new Noise Ordinance. A public hearing is next and then the adoption of the new Noise Ordinance which will be more friendly to Freeport residents and more definitive. They have other projects coming before them in the Ordinance Committee that he feels will be exciting.

Councilor Bradley asked if this is about airboats and was told that it is not. Councilor Reighley did add that airboats were part of the discussion but it is a marine regulation and we can't regulate it. Councilor Bradley explained that the only reason he asked is because at least a meeting ago there was an approach made to the Council with two ideas. One was we would deal with noise through regulating access to places close to where noise could be heard and the other was information that came out of the Shellfish Committee that thought a reasonable discussion with airboat operators could lead to reduced noise by cooperation with the Town. It was an idea that Peter had talked to people about a while ago. He hopes we are following through on that for the residents and the airboat operators. Councilor Reighley mentioned that one of our constituents brought up the fact that if we restricted launching of boats after 7 o'clock in the morning, that would be a great benefit in this situation. It is an on-going situation but conversation has not yet started. Mr. Joseph added that he had a conversation with Chair Egan and there was some work ongoing from the residents group that will come forward. Councilor Bradley noted he is the liaison to the Shellfish Commission and they said it is the wrong way to go. The right way to go is to talk to the airboat operators and get them to reduce their noise. He does not know what the right way to go is but thinks those two ideas ought to be on par to start and then as they work their way through the system, people can choose. He hopes we don't end up because we have a good lawyer representing well-positioned residents, we don't ignore the fact that people are making a living in the flats and they operate airboats to do it. Yes, they have created an issue but there may be a way to deal with it without doing something punitive and that is what he would like to see the Council explore at the same time. Mr. Joseph felt it would be coming from us from the Town side. He does not know if the residents group is interested in pursuing that avenue. He suggested the Council pursue it from the Council's level if that is the direction the Council wants to go. He thinks they can both happen at the same time and the residents group is probably focusing on the restriction side. Councilor Bradley pointed out that we all know things can take on a life of their own and a momentum that gets somewhere before someone else gets to speak about it. He has no idea what the right way to go on this is. He knows there are legitimate interests on both sides and he would like to see them come forward in the same forum before the Council grabs on to one way or the other. Mr. Joseph explained that neither of those are on the agenda for the next meeting. He will make sure to have a conversation with Chair Egan when he is back in town because it appears to be a fair discussion to have with both interests at the same time.

Councilor Piltch reminded everyone that in addition to all the events going on at L.L. Bean, we have free drive-in movies at Freeport Community Services in conjunction with the RSU Community Programs. Even though it is free, you have to reserve a spot on the Freeport Community Services website or the RSU5community programs website. They will be shown every other week throughout the summer.

Councilor Daniele mentioned that the last time we talked about bridges, there was concern about MDOT changing the plans. The Bridge Committee has been meeting with them and the good news is that they made some positive changes and reverted a few things back. The 12-foot path extends a little bit further like we originally thought so he wanted to put everyone's mind at ease a little bit. He advised that the

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Active Living Committee had their final meeting. It was fun and exciting because they have transitioned over to a Connect Freeport Work Group. He publicly recognized Andy the Chair, Todd, and the new energy from Liz and the rest of the team. He feels they really just grabbed it and ran with it and now Connect Freeport has already started to do things. They had a site walk from Pine Tree Academy down to the highway to figure out once you cross the bridge, how does the rest of the East/West loop work out? He gave a shout out to Adam Bliss, the Town Engineer because he was insurmountable in getting that done.

Councilor Bradley mentioned he had a budget item he wanted to talk to the Council about. We have been through our budget. We worked hard and resolved our philosophical value emphasis in a way that he felt was very positive and produced for the Municipal side a budget that increased by less than \$100,000. He feels the Council was proud with the amount of give and take that went into it and the amount of consideration. It has come to his attention that the overall increase in the Town budget is 4.43%. It is one of the highest increases in our budget in recent history. The reason for that is not us predominantly but the increase in the RSU Budget. He wanted to say at the start that nothing he is saying here raises any objection or concern about any expenditure in the RSU Budget but just to note from the beginning that the increase in the budget is significantly high. He also heard as everybody else did in the last week or so that our State Government has produced a huge amount of aid for education which was designed to prevent those kinds of increases in communities like ours. Putting those two things together, he started asking questions about how much money was that, how much money came to us, how much money that came to us was used to reduce the RSU Budget so that our 4.43% increase was reduced to that level? The amount of money the RSU got for its educational support was \$430,000 and the answer to how much of it was used to reduce the tax impact was none. That caused him to ask more questions and what concerns him, as he is sure concerns everybody, RSU or Town Councilor, is that these are tough times for everybody. COVID has not helped anybody. The acceleration of property values in town is not helping anybody that wants to stay in their house and pay less tax. That \$430,000 was supposed to help and it hasn't. If you ask the question why, you get a very rational answer: the timing of our budget was different than the State's time so we didn't have anything in our warrant that would have allowed us to apply any extra money we got from the State to reduce property taxes although that is what we would have done and by the way, that is what we will do in the future with that money. That is the context.

Councilor Bradley's concern is that even though the RSU wants to use that money and would want to use it right away if they could, they don't see yet a mechanism for doing that and if they wait to do it, it may be just a reserve account he fears just as his fear is for our reserve accounts that fund spending but do not have to be disciplined. He has said that but more to the point it will delay the benefit of that money that came to the population this year for two years. The guy that needs help will not get any from the State because of what has happened. So, what do you do about it? He called Superintendent Foley because it seemed fair to ask these questions of the source. He hopes what he has to say doesn't misrepresent it but she is open to a discussion about another warrant, one that would put to the voter, do you want to take the \$430,000 and apply it for property tax relief? His view is that we should ask the RSU if they would be willing to do that but it won't happen by virtue of him being on the phone with Superintendent Foley. He would like to suggest that the Council with all due respect to the RSU and their enormous responsibility to educate our kids and use the money that we raise through taxes in a responsible way, ask them whether since it was a timing issue which they would have done differently, if they would consider another warrant to the people to ask whether some of that money, which the government gave to towns for property tax relief, and apply it to property tax relief in this tax year rather than two years from now? If other Councilors agree, he suggests that we accept Superintendent Foley's openness to a meeting between this Council, the Durham and Pownal government officials to talk to the RSU Board to see if there is a way we can provide this tax relief in the timeframe that the Legislature provided it for. That is his question to the Council. If we thought that this was worth doing, we should ask Mr. Joseph and Chair

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Egan to call the superintendent and say, Ed made this, it may be right, it may be wrong, presentation about this. If you are open to this, we would like to have it.

Mr. Joseph advised that the Council usually meets jointly with the Select Boards from both of those towns and the School Board from RSU5. We didn't do it this year because it usually happens in January, February and March and we didn't do it since nobody was meeting in person. He feels there is no reason we couldn't have a 4-way meeting of those 4 boards, notice it and have a meeting soon if that is something the Council wants to do. If the Council does want to meet, he suggested doing it soon because of the tax commitment. September and October are too late. It makes sense to do it soon.

As a taxpayer, Mr. Joseph agrees with everything Councilor Bradley just said but he wanted to point out that there is a cost to holding an election. It is not huge, approximately a few thousand dollars but we need to take that into consideration. The amount, when you add Freeport, Durham and Pownal altogether, is more than \$400,000. He does not know what it is.

Councilor Bradley added that he sat down with our Finance Director today to go through the numbers to get a feeling for what the magnitude of this would be. It would drop our Municipal tax rate from 4.43% to 2.76% and the difference for a median house is \$165 a year for a \$300,000 house. If you put \$165 against \$300,000, it is not a lot of money but when you think about the person trying to make money to pay for that \$300,000 house, in many cases it is. He has heard in District 2 when he went around in those Town meetings, from this quiet group, "What are you going to do about taxes? They are killing me." It doesn't kill everybody but it kills the people that have been here the longest. The ones that watched the value of their houses grow while their income stayed stable and stagnant. Those are the people he is asking the Council to think about when they make their judgment about this.

Councilor Lawrence advised that he agrees with Councilor Bradley. It is worth asking the question. Mr. Joseph added that he will see how quickly he can set up a meeting noting it is summer. Councilor Reighley mentioned that if the Council is not going to Bustin's, that would be a good time for a meeting.

Vice Chair Whitney advised that on July 17<sup>th</sup> we are having a beautiful tethered hot air balloon coming to Freeport. Thank you to Casco Bay Ford, Brunswick Dental and AARP for greatly offsetting the cost so there be very low-priced tickets charged if anyone would like to attend. The first hour will be free to our local Elders so they will have an opportunity to experience what it is like in the high and friendly sky above Freeport.

With our Downtown Revisioning work, Vice Chair Whitney advised that they would love the involvement of any residents who would like to jump in and grab a paintbrush or roll up their sleeves or do anything they would like to be a part of some of our downtown work. This project is to make downtown better for everybody so if anyone wants to jump on board, they would love to have them.

Vice Chair Whitney announced that we have two new stores downtown. The Maine Organic Market Place is located at the Bartol Library and Coastal Carvings has moved into 42 Main Street. Please stop by and visit those businesses.

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

Mr. Joseph advised that the final budget that was approved by the Legislature and signed by the Governor did include the 4.5% revenue sharing we were predicting so he is reporting that back. The good news is that it is scheduled to go up to 5% next year. It would take a positive action of the Legislature to change

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that at this point. We will see another couple of hundred thousand dollars increase from that against the Municipal tax already. It was a huge commitment by the Legislature. He has been talking to our State Representative that the Council knows was our Council Chair for a few years and was on the Council 7 or 8 years ago when we first started seeing Revenue Sharing cuts that happened under the previous administration and previous Legislature. The way to balance the State Budget in a lot of instances was to cut aid to Municipalities. A lot of the officials that were Town officials at that time and had to deal with that trickle down effect from the State cuts have now moved up the food chain and ran for office and are now Legislators and there is a large strong Municipal caucus of officials in the Legislature so it is a very receptive Legislature to Municipal needs which was shown in this last session. It is a really good sign but of course, we should not get complacent because it could change someday. It always swings one way or another but we are feeling good now and for the next year but who knows how long it will last.

LD32 is remote participation in governmental meetings. It was approved in this session and allows remote participation. Before, someone like Chair Egan could phone into a meeting if he had a WIFI connection in the airplane but he could not count towards a quorum and could never vote. He could be part of a discussion like someone in the audience but he could never vote. LD32 changed that but under a very narrow set of circumstances. So, illness, weather, geographical distance so people who make up a government board like on Bustin's Island don't have to drive to Maine for a meeting in December, January or February when they are not on the island. We need to set a policy. We have asked for some of the model policies that are out there. We need to establish a policy that defines very clearly the set of circumstances when the Town will allow participation both by members of Boards and the audience. Our remote participation by audience members has always been wide open and he does not see that changing. He explained that we have been installing some hardware that will allow people to Zoom into Council meetings from the audience. It is not ready yet but it may be ready by our next meeting but definitely by the meeting after that. There will actually be a laptop in there and people will be able to see all Councilors and the Council will be able to see the person on the screen with speakers and be able to talk. A resident in Florida will be able to Zoom into a meeting in the middle of December and it is a two-way sword. It will work both for us and against us but it is right for the public to have that happen. We don't need a Council action for that but he will talk with Chair Egan and Vice Chair Whitney and set it on the July 20<sup>th</sup> agenda. We will need to have a public hearing on that date as well. He asked if there is anybody opposed to them taking it up? He feels we need to take it up as soon as possible. No one voiced any concern so Mr. Joseph will draft something for the Council to look at and debate whether it is the right policy or not. He can't imagine it will be long and it will be set up for a public hearing on the 20<sup>th</sup>.

Councilor Daniele asked about commuting to work so you are not able to make a meeting at the normal time because you have to commute an hour? Would that be an acceptable circumstance? Mr. Joseph explained that if you are physically out of the geographical area it is really vague. The intent in the deliberations on why this almost did not pass is because people don't want this to be the norm. They are concerned about people hiding in controversial items from their constituents. They want there to be real circumstances. The Council will be able to set what the standard is so he suggested that Councilors give this some thought before the 20<sup>th</sup>. Perhaps the Council would want to set a distance limit or something like that. It is just a policy and can change at any time after a public hearing to get feedback.

Mr. Joseph mentioned the new Maine Organic Country Store which has opened. Everyone should stop and check it out. They are still expanding. They are only using a part of the building right now but will move it up. We have a new ambulance in town. We are doing a phased changeover of the fleet from van-based Ford Econoline version fronts to actual pick-up fronts with chassis. We have had a couple of problems with transmissions and frames so they went the next step up to a heavy truck. It is 4-wheel drive on demand which will give us better traction. They are white. Mustard colored ambulances tend to sit with a For Sale sign on them behind the Public Works Garage for years. All the small vehicles are moving

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to white with a little bit better visibility in an emergency scenario as well. The big apparatus will stay yellow. Councilor Reighley added that one of the new Public Works trucks is white.

Councilor Bradley advised that the Meeting House Arts is open. There is a gallery show at Meeting House Arts and it has been open since the Fourth. It is a spectacular way to see the Meeting House but is also great art from all our local artists. It is all within our ability to acquire and hang art in our own spaces. It is great stuff. He encouraged the Council to go and look at it and be supportive of it.

Mr. Joseph advised Vice Chair Whitney that her enthusiasm about some of the replacements that are going on in town is really cool to see. A lot of vitality popping up is good.

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

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

There were no public comments provided.

**MOVED AND SECONDED:** To close the Public Comment Period. (Reighley & Lawrence) **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 # 112-21                      To consider action relative to adopting the July 6, 2021 Consent Agenda.

**BE IT ORDERED:** That the July 6, 2021 Consent Agenda be adopted. (Whitney & Reighley) **VOTE:** (6 Ayes) (1 Excused-Egan) (0 Nays)

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ITEM # 113-21                      To consider action relative to Special Amusement Permit renewals. Public Hearing.

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

There were no public comments provided.

Councilor Bradley asked if this has something to do with liquor? Mr. Joseph explained that the Special Amusement Permit is required because of alcohol and fun happening in the same location at the same time whether it is music, dancing or bands served alongside a liquor license.

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

**BE IT ORDERED:** That the following Special Amusement Permit be renewed pending Code Enforcement and Fire Chief approval and payment of all applicable fees.

1. Cadenza, 5 Depot Street

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2. Stars and Stripes Brewing, 8 Varney Road
  3. Harraseeket Inn Inc., 162 Main Street
  4. Athena's Cantina, 491 US Route 1, Unit 10
  5. Hilton Garden Inn, 5 Park Street
- (Piltch & Reighley) **VOTE:** (6 Ayes) (1 Excused-Egan) (0 Nays)

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ITEM # 114-21      To consider action relative to a new liquor license for Mast Landing Brewing Company. Public Hearing

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

There were no public comments provided.

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

**BE IT ORDERED:** That a new liquor license for Mast Landing Brewing Company located at 200 Lower Main Street, Suite A-120 be approved. (Reighley & Lawrence) **VOTE:** (6 Ayes) (1 Excused-Egan) (0 Nays)

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ITEM # 115-21      To consider action relative to the reenactment of Freeport Ordinance Chapter 60, Emergency Ordinance: Temporary Suspension of Certain Ordinance Standards to Safely Accommodate Expanded Outdoor Business Activities due to COVID-19 to be effective July 6, 2021 until September 4, 2021, pursuant to the Freeport Town Charter, Section 2.14 "Emergency Ordinance",

Councilor Bradley asked why the Council has to do this why all of a sudden everything is out and open? Why do we need this anymore?

**BE IT ORDAINED:** That Chapter 60, Emergency Ordinance: Temporary Suspension of Certain Ordinance Standards to Safely Accommodate Expanded Outdoor Business Activities due to COVID-19 to be effective July 6, 2021 until September 4, 2021, pursuant to the Freeport Town Charter, Section 2.14 "Emergency Ordinance" be re-enacted without amendments as stated in the agenda. (Lawrence & Piltch)

Councilor Daniele to Councilor Bradley's point, asked at what point do we make this permanent or to what point does it change or stop doing it? What are we gaining from this and if we are gaining, why don't we make this permanent?

Vice Chair Whitney advised that she discussed this with Mr. Joseph earlier and they felt that the right thing to do would be to put this to the Planning Board to go through it and their hope is to be able to adopt this in September and make it permanent but felt it should go through the Planning Board for them to tease anything that might possibly did not work but most everything has really worked well not only for the businesses but also for Town Staff. Mr. Joseph explained that it has to by law to make any zoning amendment other than an emergency ordinance change which is revocable either on the Council's say so

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or a petition by the public to make any permanent change to the Zoning Ordinance. Items like outdoor dining actually has to be recommended through the Planning Board process to the Council.

Councilor Lawrence clarified that this is to continue allowing outdoor dining and those kinds of activities since we haven't changed our Ordinances yet as well as signage. Mr. Joseph thinks it has been on the Planning Board's agenda but they have a backlog of things to get done and they haven't gotten to this yet. He mentioned food trucks and that some of these things would not be allowable under our current ordinances. He mentioned that the Maine Beer Company has rented a big tent for a summer that they are not permitted to have otherwise. He doesn't think the Town would go out tomorrow with enforcement but they can't do that.

Councilor Reighley mentioned that with great logic this gives us a chance for experimental time so we can see what works and what doesn't work and then we can make those changes. He thinks this is a great way to do this but it is tedious to do it every two months. Councilor Piltch added that he thought there was some talk about the Planning Board and the Project Review Board getting together with representation from the Council and Complete Streets to talk about the larger issues of what else needs to change in the Ordinance because there is overlay upon overlay upon overlay and it is getting pretty tedious so they are asking for an overhaul of the Ordinances so the Council should think about that as well as just saying limit the changes to the Emergency Ordinance.

Councilor Bradley noted he was not here when it happened and did not hear the arguments in the discussion. It seems to him that because of COVID we have relaxed standards in our community and it made sense. We didn't go through any process to vet any of those changes so anybody that had concerns about what that did to the character of the town never got to say anything. Now we are continuing to do that under the Downtown Revisioning. Which is let's try things and see what works which is a little different rationale and we could go on and on. The lawyer in him is saying at some point we have to reckon with the fact that none of this has been put into law. This is special and is an exceptional situation and we are going to run out of exceptional moments maybe. That is why he asked the question.

Councilor Lawrence thinks this just extends it because of the way the whole process of opening the economy happened so quickly with COVID, we didn't have time to get what we needed done. We need to do this.

Councilor Reighley advised that he volunteered the Ordinance Committee to do anything that is necessary to go through them to be done as well. Mr. Joseph advised that this is not where it is at because of lack of action on the Council's part. It isn't that we haven't done anything. There is a list of Planning Board items and since it was not a pressing need, it was at the bottom. Now after the elimination of all the restrictions, it is at the top of the list. It is not to say they are not working. There is a lot going on and it is not the Planning Board's fault. He feels we can give the Planning Board direction if that is what he is hearing from the Council. Councilors were in agreement.

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

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

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

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

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

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

**WHEREAS**, the temporary suspension of certain ordinance standards and restrictions governing outdoor business activities is immediately necessary to protect the health, safety and welfare of businesses and their employees, and the patrons of those businesses, and

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

**NOW THEREFORE BE IT ORDAINED:**

That for the time period from July 7, 2021 until September 5, 2021, unless this ordinance is repealed by the Town Council prior to September 5, 2021, the following emergency exceptions to established ordinance provisions of the Town of Freeport shall be in effect, and shall apply to any existing business within the Town of Freeport, that is otherwise operating in compliance with all municipal ordinances and regulations in effect.

**I. Chapter 23 - Sign Ordinance**

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

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

- A) Limits on number and length of outdoor sidewalk or tent sales described in this section shall be suspended for the duration of this Ordinance. In order to be exempted as described above,

all merchandise and items used for the outdoor set-up (including but not limited to tables, tents, and retail fixtures) must be brought inside when the business is not open if they cannot be safely secured. This exception also applies to outdoor setups for tourist information centers.

- B) To be exempted as described above, all businesses conducting temporary outdoor sales must obtain a temporary activity permit from the Codes Office/Planning Department. No other land use approvals beyond a temporary activity permit shall be required for these uses.
- C) Section 501(D) shall be replaced with the following language for the duration of time while this ordinance is in effect: "Peddler activities and food trucks during events held by a Freeport business or organization, in compliance with current guidance from the Maine and US Centers for Disease Control, and which are reasonably expected to draw additional visitors to Freeport, are considered a temporary activity subject to the requirements of section 501(A)(2-4), section 526, and section 526A of this ordinance. Said events are not required to obtain a Special Event Permit unless they meet the criteria listed in Freeport Ordinance Chapter 10. Up to four temporary activity permits may be issued under this section per day, and shall be issued on a first-come, first-served basis."

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

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

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

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

- E) Any tents, awnings, or temporary shelters utilized for purposes described in section III (A) and III (B) shall comply with applicable regulations of the State of Maine Fire Marshall's Office and the Town of Freeport's Fire Prevention Code.
- F) The exemptions described in sections III (A) and III (B) shall apply to existing Freeport businesses/educational facilities only. New business locations and/or educational facilities must undergo all applicable land use reviews, including but not limited to site plan review, design review, building permit review, and sign permit review.

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

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

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

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

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

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ITEM # 116-21      To consider action relative to the approval of a Notice of Proposed Vacation, proposing to vacate a 40' wide unnamed road running parallel to Lower Flying Point Road shown upon a Subdivision plan named "Plan of Flying Point Shores-Section III", dated October 1949 and recorded in the Cumberland County Registry of Deeds in Plan Book 34, Page 44.

**BE IT ORDERED:** That the notice of proposed vacation be approved.  
(Reighley & Piltch)

Mr. Joseph explained that this is the pre-action vote. He pointed out on a tax map where the strip runs. This would vacate the Town's right to ever accept it and the Town has no intention of ever using it because it runs across people's properties and never goes anywhere. This was brought by a resident. It is actually a petition and the resident is exposed to any claims that are made as a result of the petition. He has not heard anything from residents that are concerned about this going away. He has heard from several residents that are in favor.

Councilor Daniele asked why this was voted down in 2017 and several times before that? He read that the Town Council voted to continue the Town's interest in this paper street multiple times. Mr. Joseph explained that the Town voted for blanket approval of all the paper streets. There was no interest by the town in keeping this one but there was no appetite to go through them one by one. Back in 1997 they got 12 paper streets in and then decided they couldn't figure it out. They couldn't get agreement from anybody so they never took any action and carried over the full slate 20 more years. The Council in 2017 did the same exact thing. There were 3 or 4 that were taken out but it took Council meetings from December until May or June. It was a 6-month process where the Council met repeatedly. There were

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public hearings and then the Town took those streets off the list that included all the other paper streets that included this one here and discontinued everything minus 3 or 4.

Councilor Reighley believed the only Councilor on the Council at that time was Chair Egan. Councilor Bradley noted he did not know much about this but it gives rights to potentially everyone in Town to travel on that street. Mr. Joseph disagreed and advised that this came up because it is a future potential Town road. We have the right to accept it and turn it into a Town road. Councilor Bradley asked if anybody asked anybody if they would want to do that for any reason that lives in this district that happens to be his? Mr. Joseph advised that that is the purpose of sending out the notice. It gets sent to everybody on that subdivision plan. Notices are not sent to everybody on the Lower Flying Point Road because it is not what the State Law says. Councilor Bradley noted that if he wants to let his district know, he should do it. Mr. Joseph added that these become contentious when they access the waterfront or access something but this doesn't have an in point on a public road so it doesn't continue over Lot 33.

Councilor Daniele asked if this would impact property taxes for these individuals because they now have more buildable space on the shoreline? Mr. Joseph advised that it could go up because they would have the right to build on other parts of their lot that they don't right now so they could choose to do something that would increase their property tax.

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

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ITEM # 117-21      To consider action relative to awarding a bid for a new Street Sweeper.

**BE IT ORDERED:** That the bid for a new Street Sweeper be awarded to Alta Environmental Solutions of Lewiston, Me in the amount of \$237,400.(Daniele & Reighley)

*Note: \$280,000.00 was included in the FY21-22 Public Works Capital Budget for the purchase of a new Street Sweeper. The total bid price with trade-in included is \$237,400.00.*

Public Works Director, Earl Gibson offered to answer questions. He noted he received four bids and demo'd two machines. It is white and he advised that all public works vehicles will be white.

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

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ITEM# 118-21      To consider action relative to awarding a bid for a new Oil/Water Separator for Public Works Garage, 7 Hunter Rd.

**BE IT ORDERED:** That the bid for a new Oil/Water Separator be awarded to Precision Tanks of Jay, Maine in the amount of \$59,680. (Bradley & Reighley)

*Note: \$60,000.00 was included in the FY21 Capital Budget for this replacement.*

Public Works Director, Earl Gibson advised that they have to contain everything in their building and everything goes into a Separator.

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

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**OTHER BUSINESS:**

1. Discussion of request to waive civil penalty and administrative costs associated with Consent Agreement at 250 Wolfes Neck Road.

Mr. Joseph advised that this is in front of the Council for feedback purposes but there is a possibility the Council could issue an order as a result of this if it feels it is appropriate. He explained that the actual action does not require Council approval but Staff felt it was appropriate because we got a request from the property owner for Council consideration of the dollar amount in question and there has never been a Town policy or decision on this type of thing that the current Staff is aware of. We have had several discussions of these recently so A) we want to be consistent and B) want to be consistent with recent Council decisions and discussions. If the Council felt this was an inappropriate direction we were going, and if the Council thought the request from the property owner was correct and wanted to get that input at Staff level, we could take that back. If it continues down this road, it would be a Staff process to resolution with the property owner which we are already kind of well down that road. Other than the proposed Consent Agreement, there is one point that is really sticking which is the cost.

He explained that the amount is \$25,000 with all but \$10,000 held if the conditions of the Consent Agreement are completed. It would essentially be that the re-plantings are maintained over a period of time and or future plantings are done to make sure a certain number of trees live beyond a certain amount of time.

That is a typical condition in plantings approved by DEP. This number was chosen from a previous Consent Agreement agreed to by a property owner where a timber harvester went in and was told that they couldn't cut in a particular area by the DEP and the Town but went and cut it anyway and the property owner and contractor agreed to a similarly structured Consent Agreement. We are trying to be consistent with that but it doesn't really legally affect the people here in front of the Council but that is where Staff got that number. We also got feedback from the Town Attorney that it was consistent and it is important to note that DEP has co-equal enforcement authority here. They don't always get involved with these but they have the ability to go over our heads and pursue a separate citation or take action against the Town if we do something that is not up to their standards. No action is really needed by the Council tonight but the property owner would appreciate some kind of direction but it does not need to happen tonight. It could take place at a future meeting or the Council could decide something tonight.

Councilor Bradley understands that this is not a fine that would have to be paid currently. It is a potential provision if the planting agreed to is not carried out in accordance with the Consent Agreement. Mr. Joseph advised there is a \$10,000 fee. Of the \$10,000 proposed, \$2,500 is a cost that is between the Codes Officer's costs and the Attorney's cost and there is no disagreement about that. The property owner is in agreement that that is fair. The \$7,500 is the civil penalty on top of that to get to \$10,000. \$15,000 would be held assuming that everything is done and it usually is. Councilor Bradley noted that the money we are talking about tonight is \$10,000 you are proposing the landowner pay regardless of whether he does the planting or not. It is another penalty. Attorney Gordon Smith agreed. Councilor Bradley added that the reason Mr. Joseph feels it should be done is to be consistent with a prior practice regarding an earlier one where there was clearly a violation of a standard that was identified and ignored. He mentioned that this one doesn't appear to have any blame to it. It was a misunderstanding and it was not like a violation or ignorance of an order so he asked why was Staff thinking that an equivalent penalty should be assessed?

Mr. Joseph was not sure since he was not the Staff that was involved with the assessment and he is not sure they would agree that there was no knowledge of it. He knows there was a Coastal Waters' denial of

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a permit for the work that was constructed. Councilor Bradley noted there was a pre-application to do this that was denied and then they went ahead and did it anyway? Mr. Joseph advised that they did something but he didn't think it was what was proposed.

Attorney Gordon Smith advised that he is representing Jeff Davis, the landowner, at 250 Wolfe's Neck Road. Mr. Davis and his neighbor applied to build a permanent pier with pilings several years ago. The stretcher in the water that he actually put in there was 16 inches wide. It was 2 by on top of milk crates that you would take in and out in the summer. It is not acceptable and you still need a permit to do that but he did not have one. The Codes Officer is saying he was denied a permit and went out and built it anyway but that does not jive with the facts. Mr. Davis was mistaken putting those 2 bys out there on the mudflats without a permit but the idea that he was willfully doing what he was told not to do is not suggestive of what was done. There is nothing there now and this applies to this boardwalk as well as a couple of other things like a stone patio and a deck that was 5 feet wide instead of 4 feet wide. Everything is in compliance now. It is either not there or it is sized appropriately and a permit has been obtained. Mr. Davis advised Councilor Bradley that this is a punitive fine that is being assessed in the \$7,500 amount of it in excess of the Town's attorney's fees and that does not seem appropriate. These were unknowing violations and when they were brought to Mr. Davis' attention, he has worked diligently with the Town up to now to correct them. At the end of this process without a fine being discussed during this year-long negotiation, the Town came back and said "we are going to assess a \$25,000 fine with \$10,000 of it payable right now. We will keep \$15,000 in advance as an enforcement mechanism.

Councilor Bradley noted that the \$15,000 is to make sure Mr. Davis complies with the replanting that is part of the deal but \$10,000 is a straight fine. Mr. Joseph added that there are specifically survival plantings and it is what that money is usually used for. 80% of them have to survive beyond a certain period and they would obviously have the ability to correct it.

Councilor Reighley asked if it went before the Board of Appeals and Attorney Smith advised that they filed a place holder appeal at the beginning of this process but instead of going that route, Mr. Davis tried to work with the Town and tried to fix all problems.

Councilor Piltch clarified that the deck, patio and boardwalk have all been removed and are in compliance but now the only issue is the trees. It is hard to undue once they are cut and that is what is involved in the fines here. Attorney Smith advised that the fines are being levied for the violations as a whole. Mr. Joseph did not think it was one part. He is correct that it is for the whole case. Attorney Smith mentioned that Nick Adams e-mailed to the Town Manager saying, "You asked me to support why we are asking this number." It is part of the packet that was sent to the Council. In the last paragraph he said that "Given there are over 50 violations on this property, the Town enters into these Administrative Consent Agreements to ensure that the violations get corrected. Based on DEP and my experience \$500 per these types of violations is justified and has been used for years." Attorney Smith noted that even assuming a punitive fine is appropriate, which he does not feel any punitive fine is appropriate because Mr. Davis has been working with the Town since this came to light. Even if it is, the Codes Officer saying \$500 for a violation fine is sort of the standard and he does not know where the 50 violations came from. In looking at the notice for the Consent Agreement, there are 4 or 5 so that \$25,000 total number that the Town came up with is based on the calculation of 50 violations at \$500 per violation.

Mr. Joseph did not have good information on the 50 but tree cutting was one but he felt Mr. Adams was not counting every tree or it would be 200.

Councilor Daniele asked Attorney Smith how many violations he and his client feel there were? Attorney Smith suggested looking at the Consent Agreement that the Town has proposed, there are maybe 5

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essential violations. Councilor Daniele asked if they would be willing to accept the \$1,500 for the lawyer fees and \$500 times 5 which would be \$5,000? Attorney Smith mentioned it would obviously be better but he does not feel a punitive fine is appropriate. If the Town wants to impose a punitive fine, that seems like a correct mathematical formula. Councilor Reighley asked if Councilors feel it is fair that we only assess the \$2,500? Mr. Joseph added that the main thing he is concerned about is correcting the violation with the \$25,000 guillotine hanging out there he thinks is far sufficient. Anything we don't assess as a penalty; he would like that held aside assuming that full compliance happens. Councilor Bradley asked if \$15,000 is enough to make sure full compliance happens which is what they agreed to? Mr. Joseph noted it is a lot and is actually less than the actual work that they will pay. Councilor Piltch noted that they said the cost of implementing the plan is estimated to be \$12,000 to \$15,000 and we are not collecting the \$15,000, we are just reserving the right to collect it later if the plan doesn't go through. Mr. Joseph added that they agreed with us in a contractual agreement that that would be payable. Councilor Reighley advised that we do wish to recover our \$2,500 in legal fees and Mr. Joseph advised there is no dispute that that is a reasonable amount.

Councilor Piltch asked if the tree cutter was a professional forester? Attorney Smith advised that Mr. Davis went out and cleared a bunch of trees after a storm and had someone else come in and cut it up and haul it out or chip it up. Councilor Piltch noted it looks like some of the trees were dead and some were not dead. Attorney Smith advised that most of them were dead or damaged but it is impossible to tell exactly which ones were not dead. There are still some trees there so it was cleared but not clear cut. Councilor Piltch wanted to clarify that the professional forester that was there did not cut down any trees but only cut up the trees that Mr. Davis cut down. Attorney Smith advised that it was not the professional forester that did that. He was the one that developed the new replanting plan that they have been working with the Town on and will be reimplemented and Mr. Davis will spend \$12,000 to \$15,000. The person that cut the trees up was a contractor.

Mr. Joseph noted that Vice Chair Whitney just asked him what happens if the Council does something versus does nothing? He feels he should set that up. If the Council gives direction, he will take it and go on with it and both sides keep talking. If the Council decides to do nothing, the ball is in the property owner's court about whether they want to go forward with the \$10,000 Consent Agreement or pursue a couple of other avenues. The Zoning Board is obvious one of them or they could challenge the ruling. It would be up to the property owner on how to proceed at that time. Both Mr. Joseph and Mr. Adams felt that the amount was significant enough and something that will come up again and we want to get some legislative feedback from the legislative body. He feels there is not a place for the Council to vote on it but they welcome the feedback and he would like 7 Ayes on it, not just his.

Councilor Bradley doesn't hear that there was a blatant violation of an order not to do something. There was a mistake made based on assumptions of what could be done, probably ignorance but not something that was a direct violation of the law. He has no problem with the \$2,500 and he has no problem with \$15,000 being written into the Consent Agreement to hold as a guarantee against the planting. He sees nothing punitive in this situation and added that he sees a pattern of aggressive action on the part of our Codes Enforcement Office with respect to these things that we are then asked to address as political leaders of the Town. Time after time we have said, "We think you went a little far." He thinks this is a little far for his taste as the person that represents this District. He would not vote for it but that is how he feels as far as terms of direction.

Councilor Lawrence noted he feels there doesn't seem to be any mal intent here. He does not feel the punitive part needs to be part of this. He could go with the \$15,000 and the \$2,500. Councilor Reighley is happy that the property owner is willing to cover the Town's legal costs on this and he does not see any

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reason for any other collection of moneys. He is happy there was no clear cutting which is the sense of violation on any of our shoreland properties.

Councilor Piltch asked if this hinders us in the future if somebody else on a shorefront property says, "I am just going to pretend I didn't know and cut down a bunch of trees because it looks like the Town is only handling out \$2,500 fines and it is worth it for me to have a better view or some other reason." Do they have any leg to stand on this case and say in this case you only charged this so you are misusing your power if you charge a different amount to someone else? Mr. Joseph added that is the feedback from the State that eventually things can't be just consented away without some financial penalty. He is not sure if the State will decide to take action on this or not. Councilor Piltch asked if Freeport assesses a lower fine, if the State could come and assess a different fine. Mr. Joseph added they could come after us.

Councilor Daniele asked if it would change anything if the Council tables this for two weeks so we could think about it and have a body of seven? Is there a timetable that needs to be done at any certain time? Mr. Joseph advised that if the Council wants more time, no one from the Town's end will push this.

Councilor Bradley advised that Councilor Piltch said that if we were to drop the penalty to \$2,500, the penalty is in the replanting of the entire property which is a \$15,000 or \$20,000 penalty so it is not like oh, here is \$2,500 and we have a clear view. They have \$2,500 and whatever the planting cost and no view. Councilor Piltch pointed out that that is for the remediation to undue what was done.

Councilor Lawrence advised that the property owner is trying to correct the situation. He does not feel the punitive part needs to be part of this. Councilor Piltch mentioned his concern about the future and he doesn't know enough to know if he has that answer. He agrees with Councilor Daniele and would prefer another two weeks. Attorney Smith advised that the only drawback waiting two more weeks is that his client would have to pay him to come back. He wanted to address the point if this binds the Town in the future. He feels the Town will look to past practice in taking enforcement action but it has unfettered discretion in its enforcement decisions. When it is looking at specific facts in a situation, it can decide if a situation does merit a punitive fine and, in this instance, he does not feel it does merit a punitive fine.

Mr. Joseph advised that he would like more time to research and talk to the head of the DEP to determine what action they are prepared to take if we don't do something. They could come after us for not enforcing the Shoreland Zoning Law.

Councilor Bradley feels that if DEP has a standard that we should be enforcing to get \$10,000 more out of the situation, they should show us the standard. Mr. Joseph wants to confirm to the best extent that we can that it isn't something that is going to come back on us.

Councilor Daniele requested that the Codes Officer be here next time because if we are going to have these discussions, it would be nice to say, "Why did you say these things?" Others agreed.

Councilor Bradley advised that he would not have a problem having the Consent Agreement make it clear that if the mitigation is not done according to the plan, \$15,000 is punitive on top of making sure it was done. That is the risk he is taking. He suggested waiting and take the two weeks.

Mr. Joseph does not think that if Staff was 100% opposed to the request, both he and the Codes Officer would not have it here in front of the Council. They would say go ahead and take your other option. They are both looking for feedback. Councilor Bradley feels it is time for Mr. Adams to come in here and hear what a tough position it puts the Council in if he has a hard-nosed recommendation that we think is not appropriate. We care.

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Vice Chair Whitney explained that this will be tabled for two weeks. She thanked Attorney Smith and Mr. Davis for coming in this evening.

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**EXECUTIVE SESSION**

ITEM # 123-21      To consider action relative to an Executive Session pursuant to 1 M.R.S.A. § 405(6)(D) to discuss labor contracts.

**MOVED AND SECONDED:** That the Town Council enter Executive Session. pursuant to 1 M.R.S.A. § 405(6)(D) to discuss labor contracts. (Reighley & Piltch) **VOTE:** (6 Ayes) (1 Excused-Egan) (0 Nays)

**MOVED AND SECONDED** That the Town Council exit Executive Session. (Reighley & Lawrence) **VOTE:** (6 Ayes) (1 Excused-Egan) (0 Nays)

**MOVED AND SECONDED** To adjourn at 8:24 p.m. (Reighley & Lawrence) **VOTE:** (6 Ayes) (1 Excused-Egan) (0 Nays)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #17-21**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, JULY 20, 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		

Chair Egan called the meeting to order at 6:32 p.m. and welcomed everyone. He took attendance and noted that Councilor Piltch is excused this evening but all other Councilors are here as well as the Town Manager.

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

Viewing the flag, everyone recited the Pledge of Allegiance.

Chair Egan mentioned that the agenda is pretty meaty tonight so he apologized in advance if it appears he is moving the conversation along briskly. He feels nothing elegant is done at 11:15 at night so the Council will try to move through its agenda appropriately.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #16-21 held on July 6, 2021 and to accept the minutes as printed.

Councilor Bradley referred to Page 2 under the Fourth Item of Business, seventh line down. Where it says it ~~stung~~ them, should have read *stunned*. Further down on the same page in the last paragraph, The Arts ~~stage~~ should have read the Art Gallery.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #16-21 held on July 6, 2021 and to accept the minutes as amended. (Reighley & Lawrence) **VOTE:**  
(6 Ayes) (1 Excused-Piltch) (0 Nays)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Egan announced:

- The Appointments Committee will be meeting soon to interview candidates for
  - The Newly Established **Police Advisory Committee**
  - A vacancy on the **Project Review Board**

Vacancies also exist on the **Appeals Board and Shellfish Conservation Commission.**

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Applications and more information on committees are available at the town office or on the town's website at [www.freeportmaine.com](http://www.freeportmaine.com). Please return completed applications as soon as possible to the town manager's office or email [jhanselman@freeportmaine.com](mailto:jhanselman@freeportmaine.com)

- **NOMINATION PAPERS FOR THE NOVEMBER 2021 MUNICIPAL ELECTION WILL BE AVAILABLE ON JULY 26<sup>th</sup>** for the following offices in the Town of Freeport:  
Town Council: At-Large and District 4 for 3-year terms  
Sewer District: 3 seats for 3-year terms  
Water District: 1 seat for 3-year term  
RSU: 2 seats for 3-year terms  
Papers are due back to the Town Clerk September 8<sup>th</sup>.
- **The Winslow Park Summer Concert Series is back!** This week's Concert, which take place on Thursday, July 15<sup>th</sup> at 6:30 p.m. will feature Rob and Maggie Coffin. Pack a picnic dinner, grab a blanket and enjoy a lovely evening at the Park with the whole family!

Chair Egan has been contacted a number of times about getting a plaque of Florida Lakes history from the mid-20<sup>th</sup> century. While he has not been able to do this, he plans to do it soon.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Daniele noted he saw in *The Forecaster* and on the Town's Facebook page that there is an on-line public meeting for Freeport regarding the replacement of the 125/136 Mallett Drive Bridge at Exit 22 and also the Desert Road Bridge. The information is on line.

Councilor Bradley explained that Public Works and Harold Arndt have worked diligently for the last few weeks on the property near the Island Rover to remove the "junk" from the right-of-way. He went down yesterday and found it to be a remarkable improvement and it was all they hoped for but there is more that can be done but a second phase can begin with the sale of anything of value which will take place over the summer. In the fall they will assess what is left believing it is excess and not valuable and whether they can develop a launch plan that meets all the needs and concerns of all the parties. It is a job well done to start the process and get it going. He noted that the residents in his District feel good about it and the parties feel good about it. It bodes positively for the possibility of a launch.

Councilor Bradley got a call from a constituent that has a concern about a possible setback problem they have with the sale of their house. They have a problem with financing and a short window to sell their house under a financing package. They are working on a number of different ways to resolve it but possibly they may be asking us to sign a Consent Order relating to a waiver of a minor setback problem. He is trying to work with them and would like to take out of order a request for a public hearing at our next meeting. He will call it off if it is not necessary. Chair Egan agreed that the Council could set a public hearing later in the agenda. Councilor Reighley asked if this has already gone before the Board of Appeals? It usually needs to go to the Board of Appeals and they will resolve it for them. Councilor Bradley noted he will not go that way unless someone tells him he has to. The bank has not raised it. Mr. Joseph mentioned that this is a self-report by the bank and not the Town saying they have done anything wrong. The Town is not making the accusation that they have done something wrong. It appears the bank is being cautious in saying there is an issue. There are 3 or 4 steps before we would get involved in that. If they have a violation and we are not convinced they do, we have not seen any monumented survey that shows they are in violation.

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The bank has done a mortgage survey that indicates there may be a violation which is not enforceable in the Town's perspective and we are not looking for it unless a neighbor comes and says there is an issue. Councilor Bradley admitted he did not know what the right thing is to do. He is doing what his constituent asked him to set up a public hearing. Mr. Joseph did not feel they were asking the Town to write a Notice of Violation. He believes they are asking us to determine that it is not a violation and we think it is not. Chair Egan mentioned a boundary survey appears to be what is next in line for the buyer. Mr. Joseph added that there are other avenues that they could take but we are not sure what they will take.

Councilor Reighley advised that the Complete Streets Committee met on the 13<sup>th</sup>. He was not present but has the Minutes in front of him and Doug Leland was present and will be talking about one of those items tonight. They worked with the Downtown Visioning Proposal and he understands that Greg Michaud is going to be involved with painting intersections at Holbrook Crossings and Kendal Lane. They discussed the bridge projects and they are working on more of the Connect Freeport Project updates. They are working on a Complete Streets Committee web page and voted unanimously to recommend to the Council acceptance of Doug Leland's proposal. Adam Bliss talked about the paving plan coming up.

Vice Chair Whitney reported that part of their vision plan has started to come to light and it came to light at night. It was dark here in Freeport and they had all kinds of people around. They hosted a balloon event that took place at the high school and they had over 150 people take flight that night to the sky including Chair Egan and Councilor Bradley. It was great and so beautiful. She thanked their sponsors, Casco Bay Ford, AARP and Brunswick Dental Health that greatly offset the cost of hosting the event so they were able to give Freeport Community Services \$500 of their proceeds.

Vice Chair Whitney advised that they just heard from our Town Attorney that our Town Manager cannot sign a contract above \$75,000 without a public hearing. Although they were hoping to have a presentation by the Principle Group tonight, they will not be able to do that tonight. It would have been redundant to ask them to come tonight and then again in two weeks. She and Mary Davis will give the Council a brief update on what they have been doing but she first wanted to thank a few people now that she is here in Council Chambers. So much work has been going into the first phase of the Downtown work. There have been great ideas that have come through and they are hoping to get some of them lifted off the ground so that the Council will see them in the next couple of weeks. They couldn't have done it without Caroline Pelletier who has been with them through the whole process. Peter Joseph, our Town Manager will answer the phone or text or attend any meeting he is asked to attend. Adam Bliss has recently put in a lot of work to get a parklet built on Main Street. Earl Gibson from Public Works has been great. He has done a lot of work for them to do some of the painting from crosswalks to murals, etc. He has had a lot of challenges even with something as simple as paint. He has had calls with surrounding towns and had quite a few conversations with DOT and today finally, was able to get approval. We now know just the kind of paint to buy at Sherwin Williams. He went back to the paint store and told them when they came in, these were the things they were allowed to get. It is really with that great effort with everybody lifting that this makes it much easier to get it off the ground. She advised that she has spent so much time with her partner, Mary Davis and that she enjoys every minute of it. She thanked Ms. Davis for everything she does for her and the Town.

Mary Davis, President of FEDC noted this is the first time she has stood in person to talk about this project. The last feedback to the Council was about the first phase of the project which included getting feedback from nearly 2,500 people which she feels was amazing. Now we have to trial some of the things the town is telling us what they want. There are a lot of volunteers working on this. We are so fortunate having so many people wanting to be involved. Principle said they would learn a lot from these initial projects and she has to say it was an understatement. She feels they can find ways to do some of the projects but we have to be tenacious and stick with it to make things happen. We have three Council

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members that were here from 6 to 6:30 to make sure they are prioritizing the projects and working with the community. The community has given them a vision of what they want and they are going to keep driving forward to get those things done. There are two parklets being planned. They have a mountain bike group coming in saying they saw all the cool work being done and offered to start to do work. Principle will give the Council an update on what Phase 2 and 3 will look like. They will work with us even though they don't have a contract signed. They believe in the continuity of this project. They will be back to the Council next time.

Councilor Bradley mentioned there is a separation between ideas and implementation which was described as needing tenacious attention. If we want to see things happen, we ought to have some sort of mechanism, whether it is a small amount of money or a pool of volunteers that you could call on if you found executing an idea you had needed some help. It is hard to go from idea to project without some support. He doesn't know if that is possible. Ms. Davis mentioned that they are asking for donations of money to help them. They love volunteers and love having them involved but want to make sure they are being pulled into the project. She noted that she and Vice Chair Whitney go begging. Ms. Davis asked if she could have some money for something like this? Chair Egan noted he is confident that the Town Manager has a small discretionary fund of money.

Councilor Reighley mentioned he stopped at the Farmers' Market at the Grange Hall on Saturday. They are doing it on their own so if there is anything we can do to help them. Maybe the electronic sign could advertise the Farmers' Market every Saturday afternoon. He feels we should recognize that the Grange is the oldest grange in the State of Maine. It would be good for us to recognize it. Crafters will be there once a month.

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

Mr. Joseph mentioned he had items that have already been brought up by attentive Councilors.

- There will be an on-line virtual informational meeting for the Exit 20 and 22 Bridges which is a recorded presentation with additional information by DOT and then there is a live interactive question portion where you can submit questions to DOT about the project and hopefully, get some information back. It will be on line at all times. Information is on the Town's website.
- We will be having an informational meeting on the Spar Cove Road reconstruction that will take place during the end of August and early September. The meeting will be on August 11 at 6 p.m. in Council Chambers. If anyone wants to talk to the Public Works group prior to the project this is the meeting they should plan to attend.
- He has a retirement and a promotion to announce next. Our Fire Chief Jordan who was a previously retired fire chief is leaving us the beginning of September. He met his 5-year commitment to us. He has been a good member of our community. In his short time here, he has gotten involved. He is extremely personable and has done a good job. We will miss him. We will be recruiting for a Fire Chief.
- David Osgood retired after serving at least 30 years in a Crew Leader's position in our Public Works Department. Bob Bradley from our own Public Works Department has been selected to serve as our new Crew Leader. He is a 9-year employee and we are excited that he will be taking over that position. He will start immediately.

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

There were no public comments provided. The Council moved on.

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

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ITEM # 125-21            To consider action relative to adopting the July 20, 2021 Consent Agenda.

**BE IT ORDERED:** That the July 20, 2021 Consent Agenda be adopted. (Egan & Reighley)

Chair Egan reviewed the items on the Consent Agenda for members of the public. Mr. Joseph explained what the Sealer of Weights and Measures is required to do.

**VOTE:** (6 Ayes) (1 Excused-Piltch) (0 Nays)

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ITEM # 126-21            To consider action relative to Adoption of a Remote Participation Policy for the Town of Freeport. Public Hearing.

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

Joyce Veilleux of District 2 noted she is very much in favor of opening this up so that members of the public that can't make it here for one reason or another will be able to participate in the future via whatever medium it is like Zoom.

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

Mr. Joseph explained what the Remote Participation Policy entails. This will allow zoom technology and we are in the middle of installing Zoom so that you will be able to see somebody up on the screen. We are hoping there won't be further complications such as further COVID development and things like that. Each body has to adopt this so if the Council adopts this, we will make the recommendation to all Boards and Committees that want to use this, they will have to hold a public hearing and adopt it themselves. This was MMA's policy and Staff didn't make any changes to it. If there is anything that shouldn't belong in here, we didn't make any judgment calls.

Councilor Daniele suggested passing it the way it is. He wants to make sure it happens tonight. Councilor Reighley noted that MMA drafted the language and as such it is common language for all the communities within the State of Maine. If we begin to change that language, we will become unique. Councilor Bradley noted he would like to provide an amendment and asked for a moment to draft the language.

**MOVED AND SECONDED:** To amend the first sentence in the fourth paragraph of the REMOTE PARTICIPATION POLICY that has been subjected

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to public hearing to now state: The public will be provided a meaningful opportunity to attend via remote methods unless technically not possible and whenever any member of the body participates via remote methods. (Bradley & Lawrence) **VOTE:** (5 Ayes) (1 Nay-Reighley) (1 Excused-Piltch)

**BE IT ORDERED:** That a Remote Participation Policy for the Town of Freeport be adopted as amended. (Lawrence & Bradley) **VOTE:** (6 Ayes) (1-Excused-Piltch) (0 Nays)

Chair Egan explained that coming up the Council has a series of Public Hearings to be set at our next meeting. We will have a presentation of a number of particular items but for the public's consumption tonight, we are not actually discussing these items. We are just setting them for public hearings. We can clarify a couple of questions about what we are doing but the action and the public participation will happen at our next meeting. It will be a long meeting.

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ITEM # 127-21

To consider action relative to setting a public hearing to discuss Redistricting of the Freeport Municipal Voting Districts.

**BE IT ORDERED:** That a public hearing be set for August 3, 2021 at the Town Council meeting that starts at 6:30 pm at Freeport Town Hall, 30 Main Street, Freeport to discuss Redistricting of Freeports Municipal Voting Districts.

**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. (Reighley & Lawrence)

Town Clerk, Christine Wolfe explained that our Town Charter states that at least once every five years the Town Council will review the boundaries of the existing voting districts and after a Public Hearing shall alter or change the boundaries if necessary so each District will have the same number of voters in it. She started redistricting in 2016 and realized that the number of changes they were getting in new registrations was so that she just couldn't do it until after the Presidential Election. It was finished in 2017. She displayed a chart and explained that the numbers are off very little and are very close. Her recommendation would be to come back to the public hearing and leave the current boundaries as they are right now. She will look at them again after the 2024 presidential election.

**VOTE:** (6 Ayes) (1 Excused-Piltch) (0 Nays)

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ITEM # 128-21

To consider action relative to setting a public hearing to discuss an order authorizing the issuance of \$634,000 of bonds and notes (approved by the voters on March 9, 2021) to finance the local share of the construction of bicycle and pedestrian pathways at the Exit 20 & 22 overpasses; and to discuss entering into a local cost sharing agreement with MDOT to provide for the construction of the same.

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**BE IT ORDERED:** That a public hearing be set for August 3, 2021 at the Town Council meeting that starts at 6:30 pm at Freeport Town Hall, 30 Main Street, Freeport to discuss an order authorizing the issuance of \$634,000 of bonds and notes (approved by the voters on March 9, 2021) to finance the local share of the construction of bicycle and pedestrian pathways at the Exit 20 & 22 overpasses; And to discuss entering into a local cost sharing agreement with MDOT to provide for the construction of the same.

**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 & Lawrence)

Mr. Joseph explained that as Councilor Whitney brought up, any contract over \$100,000, to be safe, our Town Attorney recommended that we hold a public hearing on the contract with DOT even if it is an extra step. While we are doing that, we will also discuss the actual bond order. We have authorization from the voters. The bond bank requires the Council to vote to endorse the application. This is important because the first payment will be due in November. DOT will award the contract this fall.

We have great support but this is a formality and we need to do these steps.

**VOTE:** (6 Ayes) (1 Excused-Piltch) (0 Nays)

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ITEM # 129-21

To consider action relative to setting a public hearing to discuss proposed amendments to Section 32-601 (K) of the Shellfish Conservation Ordinance.

**BE IT ORDERED:** That a public hearing be set for August 3, 2021 at the Town Council meeting that starts at 6:30 pm at Freeport Town Hall, 30 Main Street, Freeport to discuss proposed amendments to Section 32-601 (K) of the Shellfish Conservation Ordinance.

**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. (Whitney & Reighley)

Chair Egan noted the Council would be following up a recommendation from the Shellfish Commission. One of the things will be an item of residency for permit holders and he has had some dialogue on that from some permit holders. The action will be on August 3<sup>rd</sup>.

**VOTE:** (6 Ayes) (1 Excused-Piltch) (0 Nays)

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ITEM # 130-21

To consider action relative to setting a public hearing to discuss proposed amendments to Chapter 2 Administrative Code, Section 509. Inspections Division of the Freeport Town Ordinances.

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**BE IT ORDERED:** That a public hearing be set for August 3, 2021 at the Town Council meeting that starts at 6:30 pm at Freeport Town Hall, 30 Main Street, Freeport to discuss proposed amendments to Chapter 2, Section 509. Inspections Division of the Town of Freeport Ordinances.

**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. (Bradley & Reighley)

Mr. Joseph explained that the next three items are all different but have the same premise. Our Codes Officer is here if the Council has questions for him. All of them have updated standards that are adopted by the State effective by a certain date and we really have no choice but to enforce them. Mr. Adams has to enforce them by law. The International Energy Code will be a significant update to contractors that will be a challenge for people to meet. Mr. Adams advised that it will probably raise the price on a normal house by \$8,000-\$10,000. This is a State-wide standard.

Councilor Bradley noted that at first look, it is administrative and small potatoes but as described, it is pretty comprehensive and when you get these regulations, there is always a lot of room for interpretation. If we are going to be interpreting these in a certain way, having some sort of summary on how Mr. Adams sees them being applied would be helpful to the community. He wanted Mr. Adams to give people advance notice on how he would be interpreting so they will know what to expect.

**VOTE:** (6 Ayes) (1 Excused-Piltch) (0 Nays)

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ITEM # 131-21      To consider action relative to setting a public hearing to discuss proposed amendments to Chapter 13, Fire Prevention Code of the Freeport Town Ordinances.

**BE IT ORDERED:** That a public hearing be set for August 3, 2021 at the Town Council meeting that starts at 6:30 pm at Freeport Town Hall, 30 Main Street, Freeport to discuss proposed amendments to Chapter 13, Fire Prevention Code.

**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. (Lawrence & Reighley)

Chair Egan noted this is very similar to the last item where the Council is setting a public hearing to discuss changes to Chapter 13.

**VOTE:** (6 Ayes) (1 Excused-Piltch) (0 Nays)

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ITEM # 132-21      To consider action relative to setting a public hearing to discuss proposed amendments to Chapter 17, Electrical Code Ordinance of the Freeport Town Ordinances.

**BE IT ORDERED:** That a public hearing be set for August 3, 2021 at the Town Council meeting that starts at 6:30 pm at Freeport Town Hall, 30 Main Street,

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Freeport to discuss proposed amendments to Chapter 17, Electrical Code Ordinance.

**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. (Reighley & Lawrence)

Chair Egan noted the Council is setting a public hearing to discuss changes to Chapter 17, our Electrical Code Ordinance.

**VOTE:** (6 Ayes) (1 Excused-Piltch) (0 Nays)

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ITEM # 133-21                      To consider action relative to A Resolution regarding the Maine Department of Transportation's unused freight easement on the St. Lawrence and Atlantic (SLA) Rail Corridor as written in the packet.

**WHEREAS,** the Casco Bay Trail network envisions an off-road bicycle and pedestrian trail network connecting Portland, Lewiston-Auburn, and Brunswick, Maine; and

**WHEREAS,** the Casco Bay Trail Alliance vision is consistent with and complimentary to Freeport's "Connect Freeport" vision; and

**WHEREAS,** the Connect Freeport vision and activities are consistent with and complimentary to Freeport's Complete Street Committee Ordinance and Complete Street Policy; and

**WHEREAS,** the Casco Bay Trail network includes in its vision a 26-mile, disused rail corridor (hereinafter "Casco Bay and Royal River SLA Corridor") from Portland to Falmouth, Cumberland, Yarmouth, North Yarmouth, Pownal, New Gloucester, and Auburn, currently known as the St Lawrence and Atlantic rail corridor, that was acquired by the State of Maine in 2007 and 2010; and

**WHEREAS,** the Casco Bay and Royal River SLA Corridor is integral to the Connect Freeport vision to establish an off-road trail the connects Freeport to Portland; and

**WHEREAS,** an off-road connection between Freeport and Portland will impact Freeport's economic development through bicycle tourism, regional recreational use, and commuting; and

**WHEREAS,** the Casco Bay Trail Alliance, formed in 2019, created a vision, and is leading the effort, to convert the Casco Bay and Royal River SLA Corridor to a multi-purpose "trail-until-rail" to be included in an off-road multi-use trail network connecting Portland, Lewiston-Auburn, and Brunswick, Maine; and

**WHEREAS,** the Casco Bay Trail network is part of a broader Maine Trail Plan issued by the Maine Trails Coalition in 2020, which calls for the construction of multiple specific rail-trail projects over the next decade, each of which would connect with existing multi-use trail infrastructure; and

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- WHEREAS,** long-distance multi-use trails are a key recommendation of a 2010 report “Improving Maine’s Quality of Place Through Integrated Bicycle and Pedestrian Connections” by the Maine Dept. of Transportation, State Planning Office, Dept. of Conservation, and Center for Disease Control and Prevention; and
- WHEREAS,** a freight operator, Genesee and Wyoming, holds an operator easement, but is not currently operating freight service on the rail line; and
- WHEREAS,** the contract between MaineDOT and the Genesee and Wyoming freight company allows for the abandonment of the freight easement by November 2021; and
- WHEREAS,** abandonment of the freight easement will enable a decision-making process to be led by MaineDOT about the future best use of the Casco Bay and Royal River SLA Corridor; and
- WHEREAS,** it is recognized that some part of the rail corridor is potentially also suitable for future passenger rail service, but that a 2019 study commissioned by the Maine Department of Transportation (“Lewiston Auburn Passenger Rail Service Plan”) recommended that any future passenger rail between Portland and Lewiston-Auburn should avoid the Casco Bay and Royal River SLA corridor south of Yarmouth; and
- WHEREAS,** there is an alternative corridor that could also be used to extend passenger train service between Portland and Lewiston-Auburn that is still actively used by trains, including Amtrak, thereby allowing both public purposes, trains and trails; and
- WHEREAS,** it may be worthwhile for the Town of Freeport to express its interest in the Casco Bay and Royal River SLA Corridor to MaineDOT

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FREEPORT ASSEMBLED THIS \_20\_<sup>th</sup> DAY OF \_July\_, 2021, THAT:**

The Freeport Town Council hereby petitions the Department of Transportation to

1. accept the abandonment of the above-referenced freight easement,
2. to the extent the Department is considering any extension or amendment to the above-referenced freight easement, provide a notice-and-comment procedure to ensure that all voices are considered before granting a benefit at no cost to a single company, and
3. create a Rail Corridor Use Advisory Committee to consider future use of the Casco Bay and Royal River SLA Corridor as a multi-use “trail-until-rail.” (Daniele & Reighley)

Chair Egan explained that Doug Leland, a long-standing member of our Complete Streets Committee and a big champion of this project, would be standing in for our Engineer.

Mr. Leland explained that he is here as a member of the Complete Streets Committee and also as a member of the Board of the Casco Bay Trail Alliance. He noted that in the Council’s packet there is information that basically shows what the vision is of the Casco Bay Trail Alliance which is an off-road multi-purpose trail that would connect Portland to Lewiston/Auburn, Brunswick and back to Portland. Depending on

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where you start and finish on that path, it is somewhere between 50 to 80 miles that would be off-road. One of the key pieces of this is a 26-mile section of abandoned rail line owned by the State and leased at no cost to a rail carrier that runs from Portland (by the B&M Baked Bean factory) to Auburn. That line has been abandoned for several years and leased to the Genesee and Wyoming Rail Carrier at no cost in 3-year increments. That 3-year period is ending on the last day of October this year. It is of interest to the Casco Bay Trail Alliance and consistent with recently passed State legislation that this rail line which is owned by the State of Maine be evaluated to see what is the best public use for that rail line that has been abandoned and there has not been any maintenance done on it over the last several years. The resolution before the Council is asking that first ideally, the State would accept the abandonment of that line and take it back so it is no longer leased. Second, begin to evaluate the use of that rail line in terms of its best public use. The legislation in Maine right now calls for the MDOT to establish a railway advisory council to evaluate lines like this which they are currently doing for a rail line between Portland and Fryeburg and they are currently doing for a trail from Brunswick up to Augusta. There is some potentially time sensitivity to this issue although they know the lease ends at the end of October. There have been some requests of the Department of Transportation as to what their intentions are and what their timing is. There has been no response so in theory MDOT could take action on this tomorrow or they could wait until the end of October. What this resolution is doing is saying that we, as a town, have an interest in this rail even though we are not actually on the line. Yarmouth passed a resolution similar to this last week and North Yarmouth is in a Council meeting right now doing the same. Portland, Falmouth and Brunswick are also in the middle of this process. All they are trying to do is get the message to the Maine Department of Transportation that we would like this returned to the public and evaluated before they consider future use.

Chair Egan mentioned that having six or seven of our neighboring towns saying the same thing, MDOT may pay close attention to our petition. Mr. Leland explained that one of the criteria they use to determine when to assign a Rail Advisory Committee is how much interest there is in the towns affected by that rail line. Even though we are not on that trail, we will have the Beth Condon Trail coming through the Cousins River Bridge. That puts off-road biking between Freeport and the New Hampshire border 3 1/2 miles away from the Cousins River Bridge and the center of town. He would say that this trail would be to the State of Maine as the Back Cove Trail is to the City of Portland, It will be that popular for everybody and economically to Freeport so we do have an interest even though we are not on the line. Mr. Leland answered questions for Councilors. Councilor Bradley noted he knows there is a big vision out there and he knows it is in everybody's mind. At some point he would like somebody to come in and explain to the people that are nodding as the Council talks. He doesn't see anything wrong with it and is not opposed to it at all but he would like to know what it is. It makes him uneasy. Chair Egan mentioned Complete Streets has a handle on the bigger vision and a piece of it was highlighted on the Connect Freeport website. He is confident they could reinvigorate that effort. Councilor Reighley invited Councilor Bradley to come to the Complete Streets meetings on the first Tuesday of each month at 7:30 a.m. Mr. Leland noted that the Complete Street Committee would be very open to a broader audience.

Vice Chair Whitney pointed out that this works very well with the Vision plans for downtown. It ties in with Connect Freeport very well.

Bob Stevens of 50 Moose Crossing speaking as a Freeporter who used to bike more than he does now, was on the Council when Freeport got interested in a green pathway and also as a father and father-in-law of two Freeport residents who love to bike with their children as well, he thinks Freeporters have an interest in this.

**VOTE:** (6 Ayes) (1 Excused-Piltch) (0 Nays)

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ITEM # 134-21

To consider action relative to approving a contract agreement between the Town of Freeport and the Freeport Police Benevolent Association.

**BE IT ORDERED:** That the proposed contract agreement between the Town of Freeport and the Freeport Police Benevolent Association for the period of July 1, 2021 –June 30, 2024 be approved. (Whitney & Reighley)

Mr. Joseph explained that red lined draft attached to this is not what the Council will sign. The Council will sign the clean copy. The red lined draft outlines all the changes from the current 2018-2021 contract and red line changes are the proposed 2021-2024 agreement between the Town and FPBA. The FPBA represents our rank-and-file Police Officers so that is patrolmen, school resource officer and detective grade employees. It does not include any of the administrative employees, chief, lieutenant, sergeants, Marine Resource or Harbor Master at the Police Department. It is our only active union of Town employees. The Management Team initially consulted in February and in a few small points consulted with Council Leadership and came back and talked with the full Council at the last meeting to go over what the tentative agreement points were. The Union does the same thing. They negotiate with us and go back to their membership and say, yes, we accept those terms. What the Council has in front of you is a draft agreement that needs to be ratified by both parties. The Council is the ultimate ratifying approving authority for the Town and the membership of the FPBA will vote and accept the contract when the Town does. He explained the significant cost items in the contract. He feels the contract is fair overall.

Councilor Reighley thanked our Police Force for the great job that they do in community policing. The contract represents their interest in the community more so than just a pay check. Others agreed. Mr. Joseph agrees they are a real good group. Chair Egan agreed. Mr. Joseph asked the Council to endorse the contract and mentioned that a separate vote will be needed in ITEM #137-21 a bit later.

**VOTE:** (6 Ayes) (1 Excused-Piltch) (0 Nays)

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ITEM # 135-21

To consider action relative to contracting with Freeport Community Services, Inc. for the provision of the Town of Freeport's General Assistance Program.

**BE IT ORDERED:** That the proposed agreement between the Town of Freeport and Freeport Community Services, Inc. be approved. (Bradley & Reighley)

Mr. Joseph asked our outgoing General Assistance Director, Johanna Hanselman to explain what this action is. He mentioned that she has a well-earned retirement coming up in less than two months but he doesn't want to think about it! She is also moving away. He added that we had been contracting for the Town of Yarmouth to provide General Assistance. When Ms. Hanselman knew she was planning to leave, she notified Yarmouth and they took their General Assistance back. We have a Human Service Agency in Freeport dedicated to Freeport and Pownal. FCS does a lot of other things for Freeport.

Ms. Hanselman explained that she has been working for the Town of Freeport for 26 years and really saw her retirement as an opportunity to re-evaluate how things are done at the Town Office. One of the ways they saw they could make this happen was to contract out services for General Assistance and really free up a lot of opportunities to do things differently in the Town Office. We go back a long way with FCS in trying to assist the really needy people in town. She introduced Sarah Lundin who started at Freeport

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Community Services a number of years ago and has been made Executive Director. She was also Director of General Assistance in the City of Westbrook and Ms. Hanselman knows firsthand that she was well respected in the General Assistance world. She feels the townspeople will be very well served in an easy way. She is asking the Council to approve the contract being proposed. Ms. Lundin noted she is super excited to bring this program in-house. They have worked hard to create FCS as a one-stop shop for a lot of community members. It is wonderful to bring it into an agency where we are able to say yes, we can meet the needs of the community. More discussion followed.

Councilor Bradley noted that Johanna Hanselman's service to this town has been outstanding and she elevated our reputation as a caring place and he will miss her terribly. He thanked her. Ms. Hanselman explained how generous this town is to each other and she feels it has been her privilege to be here. Councilor Reighley wants to make sure the Council has Johanna before us before she leaves. Chair Egan noted the Council would have a small reception.

Chair Egan pointed out that the contract takes effect September 1, 2021.

**VOTE:** (6 Ayes) (1 Excused-Piltch) (0 Nays)

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ITEM # 136-21      To consider action relative to the waiving of interest of \$15.49 on the delinquent tax payment for 20 Lookout Dr.

**BE IT ORDERED:** That the waiving of interest of \$15.49 on the delinquent tax payment for 20 Lookout Dr. (Daniele & Reighley)

Chair Egan mentioned that the Council has a memo from our Finance Director on this item. Mr. Joseph advised that Staff does not have the authority to waive taxation fees, fines, etc. on things that have been set. The Council sets the interest rates on tax payments each year. This request is from a property owner who is requesting that a \$125.49 be waived as outlined in their e-mail listing the things that went wrong and they don't feel they should be assessed that amount. From a Staff perspective, we would turn this down unless there is some circumstance that the Town did something incorrect. We cannot control the mail once it leaves our facility. Councilor Daniele fears this would set a precedent and would be hard to turn away anybody else. Councilor Bradley asked if anybody else asked for a waiver this year? Mr. Joseph advised that no one asked the Council for a waiver but he does not know if anyone contacted other Staff. More discussion followed.

**VOTE:** (2 Ayes-Bradley & Lawrence) (4 Nays-Daniele, Whitney, Reighley & Egan). The motion failed.

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ITEM # 137-21      To consider action relative to participation in MPERS Special Plan 3C for certain Police employees.

**BE IT ORDERED:** That the Town of Freeport participate in MPERS Special Plan 3C for certain Police employees.

**BE IT FURTHER ORDERED:** That the Town Council agrees to:

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- a) Provide Special Plan 3C to its permanent, full-time police officers who work 20 or more hours per week, 52 weeks per year for service rendered after July 31, 2021. Service for police officers rendered before August 1, 2021 remains under Special Plan 2C.
- b) Continue to provide Special Plan 2C to all other permanent, full-time employees who work 20 or more hours per week, 52 weeks per year.
- c) Continue to exclude all other employees who are not permanent and full-time (i.e., who work less than 20 hours per week and/or less than 52 weeks per year) and its elected officials from participating in the plan.
- d) To authorize Peter Joseph, Town Manager to sign the Amended Agreement between the Town and the Maine Public Employees Retirement System. (Lawrence & Reighley)

Chair Egan noted the Council has already discussed this. Mr. Joseph added that it is a higher contribution rate so it is a larger retirement benefit when someone retires.

**VOTE:** (6 Ayes) (1 Excused-Piltch) (0 Nays)

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ITEM # 138-21                      To consider action relative to Town of Freeport endorsement of the Energy Innovation and Carbon Dividend Act of 2021 (EICDA).

**BE IT ORDERED:** That the Town of Freeport endorse the Energy Innovation and Carbon Dividend Act of 2021 (EICDA). (Whitney & Reighley)

Chair Egan mentioned that he asked for this to be on the agenda this evening because we actually heard a presentation from our Sustainability Committee several months ago about this item. Councilor Piltch and others reminded him that lost track of it and the request from the Sustainability Committee is actually an endorsement for the Town signing on to letters of support and encourage our elected officials to move forward and press forward on this legislation which at this point has not been passed yet but is an endorsement of a municipality supporting it. It is an extensive piece of legislation that is addressing climate change and how to deal with carbon in our atmosphere and how to have our overall economy convert to less carbon and more renewable resources across all segments of our economy. The urgency from our Sustainability Committee was for our town to join with other towns locally in endorsing this and using it as momentum to encourage our national legislative delegates to address the issue. We are not committing any dollars or committing any efforts or any steps here. We are endorsing the legislation that is circulating right now and it was a strong recommendation from our Sustainability Committee.

Councilor Reighley appreciated all the work Susana Hancock from the Sustainability Committee did in preparing the document for the Council to read. It was very detailed and straight forward. He has had some constituency responses encouraging him to vote in favor of this. Chair Egan noted he has received similar comments.

Bob Stevens feels that locally we have done a lot with the Sustainability Advisory Committee working with the RSU5. Everybody is trying to do their part but it is something that has to be done nationally and internationally. This is something that takes the opportunity to support a bill that is there that hopefully can get us down to the level of carbon production that is needed to keep our temperature from going up 1.5 degrees. We have all seen what is happening around the world because of it. This is a good market approach that will help our own companies compete in Europe and not be at a disadvantage. He urged Freeport to endorse this.

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

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**OTHER BUSINESS:**

1. Continued discussion regarding request to waive civil penalty with Consent Agreement at 250 Wolfes Neck Road

Mr. Joseph advised that our Codes Enforcement Officer is here tonight to answer questions. He mentioned there was a lot of discussion at the last meeting focusing on whether the violations in question were knowing violations or unknowing violations. The Staff proposal that came forward that made the landowner make the request to the Council was because of the scope. There were several different violations.

It is fair to say that the State would not object to a single Consent Agreement for example, if this Consent Agreement didn't have a civil penalty in it. However, the feedback we have gotten is that they may become involved but would definitely be concerned if there was a pattern of cutting after the fact forgiveness on a regular basis given by the Town Council. If they saw that pattern developing, they would be concerned and there may be action by the State. He has not gotten any indication that that is going on yet and he is not trying to scare anybody. We have had four minor cutting events which have not come before the Council because they corrected the issue. Two of them are major ones. This one, and one other similar in scope within the past 12 months. He would not classify this as an epidemic and is not trying to scare the Council. It is something that we are seeing frequently and is being watched. The State is starting to say to Towns that they need to do something about this.

Attorney Gordon Smith advised that he is representing Jeff Davis. He wanted to address Councilor Bradley's request when he called him today to come down and look at the property but advised that Mr. Davis is renting it out right now. He wanted to get back to Councilor Bradley on that. He did not want to take the Council's time since there was a lengthy discussion at the last meeting. Chair Egan noted he was not present and invited Attorney Smith to provide a brief summary on the \$7,500 portion of the penalty that is a challenge for him. Attorney Smith advised that the violation occurred when his client was not aware of the Ordinance and became aware when the Codes Enforcement Officer and DEP informed him of the violation. Mr. Davis has been working the past year on the replanting plan to correct the violation. During that time there was no discussion of a civil penalty. They do understand that the Town has incurred legal expenses and is prepared to pay the \$2,500. Beyond that amount they believe it is a punitive fine. It is not a restitution fine. Restitution is in the cost of replanting. The question is: is a punitive fine appropriate in this situation?

Chair Egan asked about the dock application that was made to the Coastal Waters Commission and if it was made prior to the violation? Attorney Smith advised that the application was made several years ago and was denied by the Coastal Waters Commission. Mr. Davis put milk crates together with a wooden top to get his kayak out and not walk over the grass. That was considered a structure and was in violation so Mr. Davis removed it.

Chair Egan asked if the tree cutting within the Shoreland Zone was done without prior knowledge of it being a Shoreland Zone? Attorney Smith did not know the concept of the Shoreland Zone and the distances involved. Mr. Davis went down and clear cut up some storm damaged trees on his property. They were not all blow downs but they were storm damaged trees so he was just trying to clear them up. He still needed a permit to do that under the Ordinance but it was not a situation that he was trying to create a clear cut or create a better view or something like that.

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Councilor Daniele asked how many trees were taken out? Attorney Smith advised that there were 250 trees of various sizes. A number were less than 2 inches in diameter. Chair Egan is struck by one thing which he can't correlate which is that is protecting the trees inside a buffer zone on a salt water shore is a highly regulated issue and if there is a sense that it is a replanting process which may be a whole lot more effective than having to go through a long permitting process and being denied, we could see a considerable amount of the shoreline be deforested. He understands the plight of Mr. Davis but the Statute is pretty clear on what you can and can't do in that zone. He understands there may be some dispute as to whether Mr. Davis was aware of what was happening there and the gray area of clearing out storm damaged trees. He still can't reconcile.

Councilor Daniele mentioned he is worried about the precedent being set and equated it to someone speeding going 35 mph in a 25-mph zone and hits a mailbox. Whoops the police officer finds out and not only are you going to have to put a mailbox back but you are going to get a ticket for speeding. Whether you knew or not, if everyone who gets caught for speeding says I didn't know, everyone is going to speed. He is wrestling with the same thing here.

Councilor Lawrence mentioned that \$15,000 will be held to make sure the plantings are installed. If that doesn't happen, it becomes punitive so there is a potential punitive here if the re-plantings don't survive and are not taken care of, it will be a payment Mr. Davis has to pay. He is not for adding an additional \$7,500 since he is complying. We want people to comply with the laws. He is for dropping the \$7,500.

Councilor Bradley added he thinks at the end of the last meeting, he would have voted to waive the \$7,500. The way he looks at it now is that there is a punitive nature to this already. There is roughly \$12,000-\$15,000 worth of plantings and \$2,500 of legal fees so it is real money. The question of the \$7,500 is punitive and his understanding now is that this is a collection of offenses. This isn't simply about the issue of cutting the land from the Staff's point of view. There were a number of circumstances involved in this whole issue where Mr. Davis for one reason or another went out and did something that he knew he shouldn't have done. He knew he couldn't get a permit for a dock so he went down and put something down that served the same purpose. That is affecting him now.

He asked Mr. Davis to clarify if prior to the cutting, did he ask anyone else to do the cutting or if he asked a contractor to clear it for him? Mr. Davis replied that he did not. He felt he had the time so he proceeded to do the clearing up himself. He brought someone in to chip. Councilor Bradley referred to Attorney Smith's letter and asked what *the proposed fine be stayed means*? Attorney Smith provided his explanation for the terminology. Mr. Davis explained how he came up with the milk crate idea to use for a path to the water.

Councilor Reighley added that there are some nice photos but unfortunately, they are all after the fact. He asked if there are any pictures of the damaged trees to show what the blowdowns looked like? Councilor Reighley noted it would be lovely to see those and then be able to compare and see why he had to do what he did. Attorney Smith noted Mr. Davis does have some of those photos but he did not recall pictures were requested at the last meeting. He did not have any photos to share this evening of what it looked like before it was cleared up. Attorney Smith noted that they would be happy to provide those photos but at the last meeting the Council did not request pictures. Mr. Davis is planning to start the replanting in the fall. Councilor Reighley suggested collecting the \$10,000 and we then allow it to be applied to the replanting of the property. The money will be guaranteed to be used in the replanting.

Chair Egan clarified that the \$15,000 portion of the \$25,000 fine is held as unapplied but potential if Mr. Davis does not comply with the replanting, then that fine can be applied.

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Councilor Reighley mentioned that if the Council could actually see pictures of the property and could see the condition of the trees.

Attorney Smith advised that they are falling on the mercy of the Council and if pictures are required, they would be happy to provide them. He explained that the Town's Zoning Ordinance contains an enforcement provision that talks about fines.

Councilor Daniele stated that the most recent was a \$25,000 fine that was established by this body through the Town Manager. Attorney Smith mentioned that that fine was due to cutting after the fact of being warned and this one is different. Councilor Daniele asked Mr. Davis if when he bought the property, was it disclosed to him that it was in the Shoreland Zone? He asked how close to the shore did he build his house? Mr. Davis knew he couldn't build his house in the Shoreland Zone.

Chair Egan clarified that a Consent Agreement between Mr. Davis and the Town has had a fair amount of process already in place and the request we have is that a portion of the fines in the Agreement are being petitioned by Mr. Davis as being excessive. That is the point we are trying to get to this evening. He would also be interested to hear from Mr. Adams.

Mr. Joseph added that his understanding is that the Shoreland Zone has to be disclosed by law at the sale of property and also the Shoreland Zone was shown on the Mann and Associates survey commissioned by Mr. Davis.

Nick Adams, Codes Officer explained that this came to his attention last year. The Harbor Master mentioned that a dock was put in after it was denied by the Town. He was working across the harbor and saw it and the cutting and contacted Mr. Davis. Mr. Davis has been willing to work with him. In his 15 years this is the most egregious Shoreland violations he has seen. He has asked for photos to prove that the trees were storm damaged and hazardous. The Town and State took the position that they were not and they were cut. They have an appeal before the Appeals Board right now and could argue the point that there is no violation. Tonight, they don't agree with the \$7,500 civil penalty which is similar to another one in the same area where a homeowner and contractor cut not as many trees or put in a dock after they were denied but he settled on keeping it at \$10,000 with the \$2,500 the Town has incurred after discussion with DEP and the Town Attorney. They have allowed a lot of the saplings and seedlings to be planted. In the other application, they spent \$40,000 and planted more trees. This one they are saying \$15,000. He explained how many grids were violated as well as the other violations that were incurred. He encouraged the Town to consider what is being brought forward here by Staff. They thought this was fair. If the Town allows people to continue to cut down the buffer and not have any punitive damage, they are just going to continue to do it and replant and have an economic gain, it will be hard on the resource and they will have a view that nobody else can have because other people go by the rules.

Councilor Reighley asked if a structure was built within the setback? Mr. Adams advised that a patio, a walkway and two large decks were built right on the shore as well as the wharf itself that was connected to the decks which were built without a permit. The house is the only building built with a building permit.

Ken Mann of Mann Road read from an opinion by Mr. Davis's forester that planting large trees would cause erosion. There are also many seedlings in the cut area that are regenerating. Mr. Davis's motive was to deal with the dead and dying trees. Mr. Mann feels that the \$7,500 fine being proposed tonight is a very punitive condition being put on Mr. Davis and is not necessary and ridiculous. He feels the cure is worse than the disease.

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Councilor Bradley noted that we are talking about \$7,500. Will the Council agree to \$4,500 and \$7,500 is too high? He proposes \$4,500 as a way to recognize the financial distress and confusion and respect Mr. Davis and the Staff that is looking at these things to make sure they don't happen again in the future. Councilor Lawrence noted that it scared him that we are going to have Mr. Davis replant with trees and cause more harm than what has been done. Mr. Adams advised that where there are steep slopes that will be replanted with smaller trees and seedlings. The Town and State took that into consideration. The forester does not agree with the law and he is not an expert in Shoreland Zoning. Councilor Lawrence feels that trees are already starting to grow back. Mr. Adams noted that the forester's comments were written on the original plan. He is thinking of it as a forest and Shoreland Zoning completely doesn't go that way.

Attorney Smith noted he is not aware that the Town and the State have asked for photos. Mr. Davis noted he has photos and can bring them in. Councilor Reighley advised he would not vote for this without seeing the photos.

Councilor Daniele suggested giving Mr. Davis a time table to pay back the \$7,500 over 4 or 5 years and the precedent would still be there. Councilor Lawrence feels it should be nothing but he would be okay with \$3,500. Chair Egan mentioned there is a request from a counter party to reduce the punitive fee from \$7,500 to \$4,500. Five Councilors indicated they were ready to vote.

**MOVED AND SECONDED:** To modify the current Consent Agreement and remove the \$7,500 punitive portion of the fine altogether. (Reighley & Lawrence) **VOTE:** (2 Ayes-Reighley & Lawrence) (1 Excused-Piltch) (1 Abstention-Bradley) (3 Nays)

**MOVED AND SECONDED:** To modify the current Consent Agreement to edit the \$7,500 fine to a \$1,000 fine. (Lawrence & Reighley) **VOTE:** (2 Ayes-Reighley & Lawrence) (1 Excused-Piltch) (4 Nays)

**MOVED AND SECONDED:** To modify the current Consent Agreement to edit the \$7,500 fine to a \$3,500 fine with 5 years to pay. **VOTE:** (Bradley & Reighley) (5 Ayes) (1 Excused-Piltch) (1 Nay-Egan)

Mr. Joseph will speak to Mr. Davis tomorrow to see if he agrees with this and Mr. Adams will also work with the parties to see if they will sign.

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## 2. Discussion regarding FEMA Flood Map appeals

Chair Egan noted that this is a discussion to decide if we are going to do, if anything, to agree or rebut the re-designation of the flood zone. Mr. Joseph provided a brief sordid history of flood maps that FEMA has been working on for quite some time. He explained the maps. Five years ago, the Town Planner reached out to properties in South Freeport but there was no interest to contest the red zone. It won't affect a bunch of waterfront properties. The biggest loser is Winslow Park and we have no intention to put structures there in perpetuity but there are four lots with five homes on them. More discussion followed.

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Mr. Joseph advised that there is an October deadline for information and we got slim to no interest to contest the red zone. Councilor Bradley suggested contacting John Brewer and Mr. Joseph agreed to contact him and some of the other major property owners involved.

There is a good chance that the appeal will not be successful. FEMA provided the maps and advised that they could be challenged.

We put in the appeal for a map amendment because we had already done the work and it was little or no cost to us. The 10-year-old data was updated three years ago. Do we want to continue to appeal this and spend money for such a tiny amount of designation of properties? Councilor Reighley feels we are spinning our wheels on this but we should be considering global warming and we need to move forward regarding global warming.

We will have to spend money if we decide to appeal for such a tiny amount of designation.

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### 3. Discussion of next steps for Town consideration of Cannabis Cultivation

Councilor Egan advised that the Ordinance Committee took up this issue and voted to move this particular item for discussion at the Council. The Ordinance Committee got an outline of exactly what the steps were for an opt in. At this point we have to decide if we opt in or opt out. In order for us to consider any action regulating a cannabis-based business, we would have to take a step forward to opt in. The Ordinance Committee considered that it would be a lengthy process with lots of public hearings but we should at least recommend moving forward.

The discussion this evening is whether or not this group is willing to take a formal vote at our next meeting to make an official recommendation to the Planning Board. We have two businesses in Freeport that employ 30 people which are in cultivation and are facing market extinction because the designation of their current use is as medical growers. If we did decide to opt out, those businesses would have to move with their 30 employees.

Mr. Joseph explained that we are currently opted out. Our next vote would be to opt in and elect the specific elements of the cannabis industry that we would like to opt in with. The recommendation from Ordinance is cultivation and manufacture only and formally recommend those two uses to our Planning Board to develop language. There will be numerous opportunities for the public to weigh in. Chair Egan explained why he was bringing this forward. More discussion followed.

Joyce Veilleux asked if it is for adult growing or manufacture? Chair Egan noted it has not yet been decided. Andy Arsenault pointed out that this is a federally prohibited substance. He feels Freeport should not go down this path. If medical marijuana goes away, those two companies can move away. He has no issue with the medical marijuana.

Hillary Lister representing the two businesses in Freeport advised that manufacturing would be making edibles and processing it into a tincture or salve. The federal government has taken a hands-off approach to states that regulate this and make sure that access is not available to minors. The businesses would only be able to sell to licensed retail stores. She also explained how taxes are tracked.

Chair Egan asked if the Council wants to spend time on this issue on August 3<sup>rd</sup> as an agenda item?

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Councilor Bradley explained that he would be willing to hear it.

Councilor Daniele feels there could be a dance studio in one of the buildings. We are in a good economic situation and we would not allow them to expand here.

Councilor Lawrence does not want to force two more businesses out of town.

Councilor Reighley advised that cannabis has been around for thousands of years and explained that because of strong drug lobbies it was pushed forward. It is not going away. He feels it is important for us to go forward.

Vice Chair Whitney pointed out that when she thinks about downtown, they created a value chart and she disagrees with this at every level. It is not a direction for Freeport to go in at such a pivotal time.

Chair Egan is in favor of supporting the two businesses we have and defining it as such to protect those two and he will check with Councilor Piltch.

Bradley – No

Daniele – No

Lawrence – Yes

Reighley -Yes

Whitney -No

Egan -Yes

Councilor Reighley suggested putting this on the ballot and let people in town to vote to opt in or opt out. He believes seven of us are elected but we are not hearing the voice of people in town. Councilor Bradley advised that he has heard from his constituents.

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Councilor Bradley brought up an item that he wanted to get on the next agenda. More discussion followed.

**MOVED AND SECONDED:** To take up an item not on the printed agenda. **BE IT ORDERED** That a public hearing be set for August 3, 2021 at the Town Council meeting that starts at 6:30 p.m. at Freeport Town Hall, 30 Main Street, Freeport to discuss a request for a Consent Agreement from Robin Lapoint, for a property at 8 Tumbler's Hill Road (Tax Assessor Map 24, Lot 71B) for the purposes of allowing a mislocated building that does not appear to meet the required setbacks for the underlying zoning district to remain

**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. (Bradley & Daniele) **VOTE:** (5 Ayes) (1 Nay-Reighley) (1 Excused-Piltch) (0 Nays)

Mr. Joseph added that the Town is not of the opinion that there is a violation. Councilor Reighley added that the proper place for this to go is to the Board of Appeals.

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**BE IT ORDERED:** That a public hearing be set for August 3, 2021 at the Town Council meeting that starts at 6:30 p.m. at Freeport Town Hall, 30 Main Street, Freeport to

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discuss an Ordinance to award a contract in the amount of \$100,233 to Principle Group for the completion of Phases Two and Three for the Downtown Freeport Vision Plan.

**NOTE:** The Town Council previously determined that it is in the best interest of the Town to waive the Town's sealed bid requirements in the selection of Principle Group, in favor of a qualifications-based selection process.

**NOTE:** The Town Council appropriated \$100,000 for this project in the 2022 Capital Budget. (Whitney & Lawrence)

Mr. Joseph mentioned that the Charter requires a public hearing for anything over \$100,000. Councilor Bradley offered to donate the \$233.00 and Mr. Joseph advised that it is legal. Councilor Daniele suggested setting the public hearing anyway and Mr. Joseph agreed. He doesn't think a public hearing would be bad. More discussion followed.

**VOTE:** (6 Ayes) (1 Excused-Piltch) (0 Nays)

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**MOVED AND SECONDED:** To adjourn at 11 p.m. (Reighley & Lawrence)

**VOTE:** (6 Ayes) (1 Excused-Piltch) (0 Nays)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #18-21**  
**TOWN COUNCIL CHAMBERS**  
**30 MAIN STREET, FREEPORT**  
**TUESDAY, AUGUST 3, 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		

Chair Egan called the meeting to order at 6:32 p.m. and welcomed everyone. Before getting into the Council's agenda, the Council has a special recognition for our recently former Police Chief, Sue Nourse. Mr. Joseph advised that Chief Nourse retired at the height of COVID lockdowns and went to Florida for the winter. He mentioned that he, the Council and all of her staff as well as other Town Staff didn't have a chance to have a formal retirement party where the Council could show up and provide a little bit of a roast. He added that she served as Chief the last 4 ½ years and worked with the Town over 37 years before that in many positions. He personally thanked her for her contributions to Freeport.

Acting Chief Goodman added that the department feels fortunate to have had Chief Nourse's leadership for 37 years and he personally worked with her for 25 of those years. He added that he learned a great deal of organization, compassion and the ability to look at a situation and not just see it from a black and white law enforcement perspective, but from a humanitarian citizen personal perspective. He was always learning something and a great deal of it came from her tutelage. He called attention to the outstanding job she did especially in male-dominated chiefs. She was a ground breaker for Cumberland County, Southern Maine and the State. That is no small feat and is actually a big deal. He counts her as his personal friend.

Councilor Reighley apologized for not recognizing any vehicle she is driving down to the South Freeport Post Office anymore. He shared that she was long in community spirit and always gave time for people to ask questions and speak with her. She was always very honest with them. At the Post Office was a great meeting place and he shared that there is an opening on the Complete Streets Committee. He thanked her for her service. Vice Chair Whitney advised that she had the privilege of working with Chief Nourse on many sorts of non-uniform teams. She was on the Strategic Revisioning Downtown Team at the very beginning stages. She can move mountains and close streets. She worked with her on our COVID-Relief Fund getting support when it was really needed around town. She also worked with her through Freeport Friends where she allowed one of her antique trucks to deliver furniture and baby goods to families about town. Her talents are not just when she was wearing a uniform. She is an amazing quilter and musician and she will be playing again this summer. She shared some stories and feels it has been a pleasure to work with her.

Councilor Piltch added that he was a relatively new Councilor at a relatively contentious time for policing in America and it was not an easy thing for him to write the Chief of Police in Freeport and open a dialogue and start talking about these awkward topics. It was a wonderfully surprising reaction that he got where Chief Nourse not only was interested and eager to talk, but was at the forefront leading the

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discussions that he was going to ask her to start. He found it to be fantastic and appreciates her support, openness and approachability. He looks forward to working with the department she has crafted. He thanked her for working on that.

Councilor Bradley advised that Chief Nourse has been a long-time friend and friend of friends. What distinguished her was she introduced to this community the notion that to be an effective police enforcement officer, you also had to be a good and respected member of the community and be engaged. She has done that. It distinguishes Freeport and distinguishes her and he hopes it is a model for law enforcement for us forever. He thanked her.

Chair Egan advised that he has been on the Council coming up on five years and is certain he was at the first meeting when she was sworn in as Chief. Through all of his time here on the Council, he doesn't think there has ever been an incident we had of a stiff discussion we had up here about the Police Department. There was an understanding that the Council didn't have to because Chief Nourse had everything in hand. That is a perfect example of her leadership that the local political body didn't have to deal with anything. That is a reflection on her and everyone on the force. He thanked her for that and echoes what has been said here entirely, especially the department and its appearance. Its interaction in our community today is a reflection of her handiwork and influence. He presented her with a bouquet of flowers.

Chief Nourse thanked everybody for their kind words and generous comments. She feels it has been a pleasure to serve the town she lives in. She couldn't have done it without the support of everybody throughout her career and helped her make decisions that really helped the Town of Freeport. She has always said that Police Officers need everybody to help them and it is everybody's responsibility to make sure people stay safe. While it is their job, it is certainly not something they can do without the public. She appreciates the citizens that have been there throughout her career but some of them have passed on or moved to other places but they certainly had an impact on her. She added that she had the support of the Department. She wanted the public to know that these officers are top notch, well trained, well-educated and ready to serve in the same way that they have been. She is confident how they will be after she passed the rings on to Nate Goodman and the rest of the crew. She appreciated them being there and supporting her throughout the whole time. She thanked everybody and noted she is off to the next adventure.

State Representative Malanie Sachs wanted everyone to know how much she appreciates Chief Nourse and continues to say "Chief Nourse" even at 6 a.m. walking her dog. Knowing she puts the community in community policing and everything she does and exactly what she just said about the tone and professionalism of our amazing Public Safety crew is a direct reflection on her. She presented Chief Nourse with a signed official expression of sentiment signed by the 130<sup>th</sup> Legislature and the people of the State of Maine. Chief Nourse emotionally thanked Representative Sachs and everyone else.

Chair Egan opened the Council meeting at 6:52 and took attendance. He noted that all Councilors are here as well as the Town Manager.

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

Everyone stood and recited the Pledge.

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**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #17-21 held on July 20, 2021 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #17-21 held on July 20, 2021 and to accept the minutes as printed. (Reighley & Lawrence) **VOTE:** (6 Ayes0 (1 Abstention-Piltch) (0 Nays)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Egan announced:

- **NOMINATION PAPERS FOR THE NOVEMBER 2021 MUNICIPAL ELECTION WILL BE AVAILABLE ON JULY 26th** for the following offices in the Town of Freeport:  
Town Council: At-Large and District 4 for 3-year terms  
Sewer District: 3 seats for 3-year terms  
Water District: 1 seat for 3-year term  
RSU: 2 seats for 3-year terms  
Papers are due back to the Town Clerk September 8<sup>th</sup>.
- On Wednesday, August 11 at 6 p.m. here in Council Chambers, there will be an informational meeting for residents, abutters and property owners on Spar Cove Road regarding the road construction project on Spar Cove Road starting at the end of August and early September of this year.
- **The Winslow Park Summer Concert Series is back!** This week's Concert, which take place on Thursday, August 5th at 6:30 p.m. will feature Not Too Shaarp with all of your favorite songs. Pack a picnic dinner, grab a blanket and enjoy a lovely evening at the park with the whole family!
- **We are still looking for applicants for the Citizen Police Advisory Committee.** To learn more about that committee and other vacancies, residents can contact Chris Wolfe, our Town Clerk at 865-4743, Ext. 123 and her e-mail address is [cwolfe@FreeportMaine.com](mailto:cwolfe@FreeportMaine.com).

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Bradley advised that he is continuing to meet with representatives on the Island Rover. He thinks the process described for clean-up is underway. They are about to start a discussion about the more critical issue which is launch. There is commitment by part of the parties to have a full disclosure of their views on that to see whether we can get going. For his own knowledge since he is doing this not for the Council but in order to bring something to you, how the Council feels about the launch plan should be vetted or approved by the Town before implementation. The real question comes down to are you going to want to see some kind of an expert in launching a vessel make a report to you before you have the confidence to accept it or are you happy to have the parties come up with a plan and maybe have their own expert opinions about it? Do you want your own expert to guide you in this process? The Council has been around this issue for a while and he does not know what the Council will need to feel comfortable and would like to go into the meeting with some idea so he can make sure it is on the table to start.

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Chair Egan advised that in previous conversations, the discussion has involved transport to get to a launch site over the public way. There was some consideration about impact on the public way from the size and weight of the boat. The Council heard most of that and it can probably be a 5-minute conversation. Other concerns might be for private property adjacent to the public way that may be impacted or will need to be temporarily impacted for the movement given the size and weight of the Island Rover. Again, that has been looked at for a long time and if there is a specific request for Town resources in order to make the launch.

Councilor Bradley added that the launch itself, assuming there is a plan and it goes forward, it will take a big boat and put it into shallow water on some sort of conveyance. Does the Council need or want to have a maritime expert verify that it can be done or the plan as proposed is do-able or are you happy to hear the experts on the other side? He can imagine that people are going to want to hear from an expert that whatever plan comes up won't result in a derelict in the mud. He asked the Council how they want to get to their comfort around that if they can? He asked the Council to think about it, particularly if they want to have a maritime expert or some sort of marine engineer weighing in on that. There will be some expenses involved and he would like to talk to them about how they pay for it.

Councilor Lawrence feels that it fine for some part of neutral parties saying, "hey, this is a good plan." But of course, it doesn't guarantee anything. Councilor Bradley requested that the Council call him individually. This isn't formal and he is not representing anything from the Town. He is just trying to get a plan together that he can present to the Council for consideration. He would like it to be done with forethought.

Chair Egan noted he did not know anything about this kind of activity and would need more time to think about it. Councilor Bradley asked if the Town Manager would explore some kind of expertise that he would like to see to make him more comfortable as the Town Manager as he reviews this plan? Mr. Joseph added that when this was last discussed, the biggest concerns were roads blocking traffic and moving power lines and a lot of details needed to be ironed out. The stumbling block was access over private property and would be a big part of wherever this goes. They would need permission to go over a stretch of private land to get to the nearest road and water. There was a lot of concern voiced about how will they know it won't fall over with that much weight and pressure. Our Engineer doesn't do marine clay. He will look into expertise to give him comfort.

Councilor Reighley noted that this might be the ideal discussion for our upcoming workshops and we will have community residents doing the input as well. He is sure there will be a good turnout for it. He suggested that we have this discussion the night of the District 2 Workshop.

Councilor Bradley mentioned that a couple of meetings ago he learned that the RSU5 was deferring the use of the funds that it got from the State for education to a subsequent budget. He thought that the aid was designed to help property taxpayers currently and they ought to be thinking about spending it now. He thought there was going to be an effort to organize a meeting to discuss the prospects and he has not heard anything about it.

Chair Egan advised that he and the Town Manager attended the meeting and the representatives from the political bodies of the other two towns in the RSU were there as well as a couple of members of the Board and the Superintendent. The Finance Officer of the RSU and Staff explained the process of how they go about hitting their budget and how the towns take the obligation to raise taxes on behalf of the RSU incorporated into their process. As you might expect, the three towns have three different processes. The RSU has to navigate three different processes when it is going through how it handles its budget. Earlier in June their overall budget was approved and it set in motion a series of administrative sequences. It is

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very complex about how the RSU can go about essentially rebating some of their commitment with the additional funds that were made available. After discussion, they recommended that they hold that amount for the subsequent school year and apply it to the 22/23 school year. Chair Egan's concern was making sure that it didn't get lost and they agreed to take the additional dollar amount that was supplementally allocated to the school district and will put it into a reserve fund. That reserve account will be visible and the RSU starts its process in January for budgeting for the next school year that we are talking about. Chair Egan plans on attending several of those meetings in the spring to make sure that reserve account stays where it is and when we get to the completion of their process which is about the end of April, that is when that reserve account will be applied to the levy that they are planning to pass on to the three towns. Councilor Bradley felt this was good work and thanked Chair Egan and Mr. Joseph. Mr. Joseph added that the RSU explore and show the Legislative allocation on a separate line. It will be a bit more transparent than in the past.

Councilor Piltch pointed out that our State Representative is in the audience and she was instrumental in getting us those extra funds for the RSU. He thanked Representative Sachs. He also added that at the beginning of the summer we hired a Summer Intern that was shared between the Town and FEDC. Part of the charge of the Intern was to help with identifying grant opportunities. He got a chance to work with the Intern on some communication issues which has always been a pet project of his to see if we can better communicate with our residents over more channels. The Intern is Peter Sachs and he asked him to address the Council and share some of the things he has found out about the way we communicate as a Town and maybe some opportunities for improving the way we do that.

Peter Sachs shared what we are doing already for communications. Most of our communications plan comes from an old Communications Plan from 2013 that calls for a variety of changes namely getting our Council meetings and other things streamed on line as well as a Social Media presence and a Town Newsletter. Currently we have a Facebook page with 1,200 subscribers, a Newsletter with 670 subscribers as well as some newspaper ads and of course, FCTV which everyone out there knows. We also have an opt in Emergency Text System which is used during emergencies, in heat waves to send out communications on where to go to if they don't have any AC or heat in the winter as well as during natural disasters. Sadly, that has very few subscribers and attempts to expand that list has not borne fruit.

We also have a Town website that is maintained by various members of the Town Staff who generally do this as a side job to the main department they are working for. All in all, his estimate is 3-5 hours a week for the amount of time Freeport Town Staff spend on communication, on Facebook and or on anything. The big problem facing our communication is simply that we don't have enough outreach. We have 8,500 people in Town and we are reaching at most one-eighth of them. He has spoken to other towns that faced similar problems and provided a few solutions. The first thing we should do is let people know that our current resources are out there. While we have these resources out there, in order to find them you have to specifically set out to look for them. If we have information ranging from a Planning meeting to an emergency broadcast, most of our communication methods will only reach people specifically looking for or are already subscribed to our channels which isn't very useful.

Falmouth sent out fliers to every address in Town that had all the information about their Newsletter and how to sign up for it. They also sent out a Newsletter again in every tax season so that everyone in Town knows this channel of information is out there and they can get that information. Other ideas include setting up a sign post at places where people shop or visit such as Bow Street Market. Everyone in Town has to eat and they all visit there. If we want people to know that we have these resources, we should post that we have them there as well as possibly for emergency announcements. Representative Sachs has a Newsletter of her own that has several hundred more subscribers than the Town Newsletter. Buck's Barbecue in Freeport currently has 10,000 Facebook likes as opposed to the Town's 1,200. If we do

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nothing else, he suggests that we let people know these resources are available if they need them. We set out more explicit social media policies for Town communications. There are people who maintain our town communications currently and they generally set rules for themselves or don't post things in order to not step on anyone's toes or create a precedent that they really don't want to take responsibility for. More social media rules set by the Town will raise engagement.

Finally, he suggests that we hire a Social Media Coordinator/Manager for the Town. Other Towns that do have this generally spend between 25-40 hours a week on their communications as opposed to our 3. They have much larger communication and more frequent communication so it would be helpful if we centralized all these Town communicators, people who maintain our social media and just move it to one person that does this full time and will be able to do this as their full-time job as opposed to have a half dozen or a dozen people doing it as one of their many responsibilities. Councilor Piltch noted he hoped this is laying the foundation for ongoing discussions. There are a few things Peter uncovered that he would like to pursue but he doesn't believe he is willing to say here is an action item for our next meeting but he doesn't want it to fall by the wayside. Some of the things would be relatively easy to do and he would like to continue the discussion. Chair Egan suggested putting it down to the Other Business section of the Council's next meeting where we would have more conversation and we won't have eight public hearings.

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

Mr. Joseph reported:

- The Town has had natural staffing shortfalls due to people leaving for various reasons such as retirement, moving and things like that. As a result of the current job market, we have several positions that are becoming very difficult to fill. He explained the job opportunities that are open. If anyone is interested, they should look at our website [www.freeportmaine.com/employment-rfps](http://www.freeportmaine.com/employment-rfps). It is updated frequently.
- The Public Works Department is looking for more fill sites. If you are in need of ditching material and haven't already received the maximum load for the year, the Public Works Department will deliver it for FREE! If you are interested in receiving ditching material, you must first fill out a Ditching Material Acceptance Agreement form (available at the Public Works Garage at 7 Hunter Road or at [www.freeportmaine.com/public-works](http://www.freeportmaine.com/public-works)) and submit it to the Public Works Office for approval. FMI 865-4461.
- A huge thank you goes to Earl Gibson and the Public Works Crew and Brent Moon and the Building & Grounds Crew for their exceptional teamwork and extra efforts as they have taken on many special and unexpected projects around town this summer. During one of their busiest times of year, they have had a lot of projects thrown at them and due in large part to the leadership of Earl Gibson and Brent Moon, their departments have shown a willingness to chip in and get these projects completed quickly and successfully. Our thanks go to all members of these departments who have been responsible for completing a variety of projects, including building and installing the new Parklet located on Main Street and painting the lobsters at the intersection of Main Street & Bow Street.

Councilor Reighley thanked Public Works for the parklet that is in front of Derosier's. It is a positive sign that vision can be put into purpose.

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

Andrew Arsenault wanted to bring up an item that was just addressed by the Summer Intern which was public notice and how to reach the public. He recalled serving on the Council years ago and he fought hard to have public notices put in the paper. He can still pick up the paper and see what is going on in North Yarmouth, Yarmouth, Falmouth and Cumberland but he doesn't see much about what is going on in Freeport as far as what is going on in *The Forecaster* and things like that. He thinks it would be a simple thing to have a notice in the paper saying what is going on at the local meeting or at least the Council meeting or whatever. It seems like he has fought this issue for 20-30 years. He doesn't believe it is an institutional thing but it would seem that Freeport is not always in there. He feels it would be great to put it on our list of things to notify residents of at Shaw's or places where *The Forecaster* or a free paper to pick up. It would just take someone at Town Hall or someone who reports for those people to send in a notice. He is sure they would love to give us a free print ad. Chair Egan thanked Mr. Arsenault. He is not sure it will be free but we will find out.

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

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ITEM # 144-21                      To consider action relative to adopting the August 3, 2021 Consent Agenda.

**BE IT ORDERED:** That the August 3, 2021 Consent Agenda be adopted.  
(Reighley & Piltch)

Chair Egan reviewed the items on the Consent Agenda for members of the public. Councilor Daniele asked Chair Egan to explain what the use of Town property is by Visit Freeport. Mr. Joseph mentioned that it is the Makers on Main project that mostly uses the Town Hall. It is for a couple of weekends in August and September.

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

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ITEM # 145-21                      To consider action relative to an Ordinance to award a contract in the amount of \$100,233 to Principle Group for the completion of Phases Two and Three for the Downtown Freeport Vision Plan. PUBLIC HEARING.

**MOVED AND SECONDED:** To open the Public Hearing. (Reighley & Lawrence) **VOTE:** (7 Ayes) (0 Nays)

Mary Davis, President of FEDC brought pictures of the work that has been done. In the First Phase it was all about gathering information from the community and businesses about what they wanted in downtown Freeport which is the first portion of this project. They now feel they have a good idea about what people want. There was a lot of consensus around that. In the Early Action Project, it was about trying to implement some of what looked like easy projects to implement for several reasons. One, to keep gathering community engagement and also trial smaller projects to see what worked, what were the sticky points, how they got around them and what they needed to do. They learned on smaller projects and not on the bigger projects that are in front of us and also to continue to create excitement about what is going on in Freeport. They want people to feel that Freeport is a great place to be and do business. We are all worried about the vacancies. However, the excitement about people being here and coming here is what will

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create excitement that will bring businesses here. That is what they have been doing in trialing these projects. She showed pictures of what they have done. The first one is a parklet. Vice Chair Whitney explained that they met with Mr. Wagner of Derosier's to tell him about this project and it wasn't until they showed him the rendering that he decided he did want it in front of his business. They designated two parking spots to this parklet and today it went up. It has not been empty since it went up. Mrs. Davis explained that L.L. Bean offered to provide furniture for the parklet and plants came from Garden Spot Farm. Town employees volunteered to help build it and put it in place. This is a great example of tactical urbanism at its very best. There was a whole bunch of people doing the work. She visited the businesses with Mr. Wagner and found they were all for it.

The next thing they discussed was let's create another park. It was a bit more challenging because it is owned by several people and there are right-of-ways. They went to the Town and Mr. Joseph advised that the Town owns the park behind Starbuck's so they went to walk the park with Earl and walked around and decided it didn't look very good and said, wouldn't it be nice if it looked better? They brought together a group of volunteers and on this past Saturday they cleaned it up, cut the bushes and brought mulch in. Dale the Hot Dog Man is thrilled to have the park there because he says there are always lines there and it didn't look very nice. Now with furniture from L.L.Bean and the Historical Society saying it wants to put a piece of artwork on the wall and their volunteers will help clean it up. She showed a picture of what it looks like today. Vice Chair Whitney noted it was all done with zero dollars.

They then looked at traffic calming and looked at murals. Because it is Route One maybe DOT doesn't like them painting in the street so then decided to paint the crosswalks and create something that looks like you are in town. Instead of driving really fast, all you have to do is look out a window and give them something to look at that slows traffic. Earl designed lobsters on the street and there are picnic tables in the Town Park to create parklets for people to be in. It is our town Hall so why not create a park here.

Kids told them they want a place to hang and they don't have any place to hang. They hang in front of CVS. The Town again has some parking space down by where the train station is and they are starting to build a kid park there with some donated materials. They want to see what happens.

Mrs. Davis thanked Earl Gibson and everyone who has been so helpful in getting this done. It's the businesses, the volunteers, the people on the Council, Town Staff helping them to think of creative ways to work with the Ordinances. It takes a community to get Freeport Downtown the way we want it. This is the first step. Their Phases Two and Three will be a more detailed plan about what we want with projects, resources, how much money they will need and they will be back in front of the Council in the next six months to bring that to you. These are the first steps of what they have done and they are encouraged by what they are seeing in the support they are getting.

Joyce Veilleux of District 2 advised that she has been working with the Principle Group and has been amazed by the way they have been organized and able to organize the citizens and the number of responses they got even in the middle of a pandemic when we couldn't do the normal

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which was get a big workshop, do the smaller groups and come back together to discuss everything. She was happy with the way they did it and hopes they can continue. They have a lot of knowledge about our town and now that COVID restrictions have been lifted, they have seen our traffic patterns and heard from a lot of the residents. She feels it would be a shame to lose that much knowledge and go with a group that knows nothing about us and that would have to start from square one.

Andrew Arsenault wanted to throw his support behind the things they are doing downtown. One of the things we need to think about on the back side of this is the historic color. When Freeport was developing downtown, things were happening fast and we imposed a lot of regulations and Design Review issues. He thinks that was a great idea but now we are on the back side of the issue and a lot of that growth has gone away and we are trying to fill storefronts. Freeport has built out the downtown and we need to take a conceptual look on what ordinances are not needed anymore and how can we be in this environment a little more spontaneous? Let's try something and not let all the rules get in our way of moving forward and what is going to be maybe a different Freeport. It will still be our Freeport and it will still be nice but it won't be the Freeport we were regulating 20-30 years ago when it was growing every week and people were coming to the Planning Board and someone was building something new every month. He feels we need to take that into consideration and maybe the Town Council or an ad hoc group can start to look at those and charge somebody to think about it. If the regulations we have now hold us back, how can we change those regulations and make the future again. He encouraged us to look at those issues that hold us back that we don't need any more as a regulation. He encourages what they are doing downtown. We need to do more traffic calming and put parking back on Main Street in certain spots to slow things down so it actually looks like you are downtown. He hopes this goes forward.

**MOVED AND SECONDED:** To close the Public Hearing. (Reighley & Lawrence) **VOTE:** (7 Ayes) (0 Nays)

Councilor Bradley noted he is a supporter of the Principle Group and an admirer of Vice Chair Whitney's efforts. He appreciates the work that the Town is putting into this and he is being asked to vote to continue the process by approving \$100,000 of taxpayer money which if we are going to get where we are going, he believes we need to spend. In that context he would like the Council to consider his questions. He thinks that the imagination of the revisioning and the collection of views from literally thousands of people is important but he also knows that no one who answered those questionnaires offered to run a project or contribute a dollar to this. They were free to think and respond and did and that was important for us to get. The next stage is going from the imagining of the revisioning and prioritization of the projects to the implementation. He worries that process is not as envisioned as the imagination that is prompting the Principle's Group's early actions. He was encouraged by Ms. Davis' presentation about what has already happened because he hadn't heard it that way. He never saw it listed. He heard it anecdotally and he never heard it described as a learning process and he feels it is important to keep that in mind. He also thinks it is important to start this now and he doesn't know how the Principle Group does this, or we do this, identify the actors in town that are going to be responsible for the larger projects and the more significant ways in which Freeport reinvents itself which is coming. He made the statement because he believes it to be true, that in

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voting for this \$100,000, for Principle's Group contract which he intends to do, he anticipates he will be voting in the future on hundreds of thousands of dollars through TIFs or other ways to implement this project. He is casting his vote knowing that this town is going to be asked to spend significant amounts of taxpayer money to implement whatever is going to come out of the Principle Group's Plan and he feels it is important for every Councilor to know that when they cast their vote because if they are not prepared to at least consider that when they see what the priorities are, he thinks Councilors are misleading themselves and the rest of the town. There will be others but if the Council doesn't take the lead, it won't happen. That is his unease coming into this project. This is just the first step in getting this done. The efforts are amazing and he appreciates and approves it as he said but he thinks we need to start getting practical about implementation.

**BE IT ORDAINED:** That an Ordinance to award a contract in the amount of \$100,233 to Principle Group for the completion of Phases Two and Three for the Downtown Freeport Vision Plan be enacted. (Whitney & Reighley) **VOTE:** (7 Ayes) (0 Nays)

**NOTE:** *The Town Council previously determined that it is in the best interest of the Town to waive the Town's sealed bid requirements in the selection of Principle Group, in favor of a qualifications-based selection process.*

**NOTE:** *The Town Council appropriated \$100,000 for this project in the 2022 Capital Budget.*

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ITEM # 146-21      To consider action relative to a Consent Agreement from Robin Lapoint, for a property at 8 Tumbler's Hill Road (Tax Assessor Map 24, Lot 71B) for the purposes of allowing a mislocated building that does not appear to meet the required setbacks for the underlying zoning district be allowed to remain. PUBLIC HEARING.

**MOVED AND SECONDED:** To open the Public Hearing. (Bradley & Reighley) **VOTE:** (7 Ayes) (0 Nays)

Ms. Lapoint explained that it appears her home crossed the setback of the Town when it was constructed. She is the second owner of that property and it was not an issue for her bank. She approached her neighbor and he was willing to do a land swap but is not in a position to do that right now with liens on his property. She looked into finding a surveyor but no one is available for eight months. Her property is for sale and under contract right now. The garage is over by 2' and the house 8-10'. Her property is in District 2 and the encroachment is beyond the recommended setback for that area. This did not come up when she purchased the property and got a mortgage. Her buyer's mortgage company raised the question when it came up through their surveyors. She advised that the Town has not issued a notice of violation.

Councilor Reighley asked if the discovery of the violation of the setbacks was a Class D Survey? Mr. Joseph noted that it was not a whole monumented boundary survey. Mr. Adams advised that the Class D Survey language has not been around for 20-30 years. A Mortgage Loan Survey is

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not really a survey, it is basically a mortgage company asking a survey company to go out for a couple of hundred dollars. They do not actually do any deed research or any actual field work. A lot of times they go out at night. It is not a very accurate document and they are not called a Class D Survey anymore but they are similar to a Class D Survey. On a lot of them they do not show monumentation or a lot of stuff on them and will say this document is not a survey and is only used for a mortgage company and things like that.

Councilor Reighley explained to Ms. Lapoint that in Freeport we have a number of Boards and one is the Zoning Board of Appeals. He asked why she didn't bring her request before them? Ms. Lapoint replied that the timing for the closing on her house was the reason. Councilor Reighley asked if she would have been able to have it on the agenda for the Board of Appeals meeting held on Monday night of this week? Ms. Lapoint mentioned she did not know about that. She approached her Councilor and asked about the Consent Agreement that was suggested by the Title Attorney and that was the direction she followed. Councilor Reighley asked Mr. Adams if the Appeals Board would have been the proper place for this? Mr. Adams advised that there is currently a Mislocated Building Appeal that is in our Zoning Ordinance but the Board of Appeals does not accept Mortgage Loan Surveys any more due to several homes that have been issued variances on Mortgage Loan Surveys and once after a survey is done, they show they are off 10-15 feet. A Mortgage Loan Survey is not very accurate. They were not asked to put this item on the agenda. They would have requested that a Boundary Survey be done so when they actually issue a variance, they know exactly down to an inch what is actually being requested. Councilor Reighley asked Mr. Adams if he would prefer to see this come before Council rather than the Board of Appeals. Mr. Adams did not make any recommendation to come before the Council.

Councilor Bradley pointed out that he is the District 2 Councilor that helped shepherd the Lapoint's through this process and had several conversations with the Council about this including consideration of Councilor Reighley's concerns about the fact that it didn't go to the Board of Appeals. As the result of a conversation that occurred up here, he felt this was the most appropriate way to get this done in the timeframe the Lapoints had to close. Any concern about this being the wrong place is his problem but it was after two lengthy conversations up here and confirmation that this was the place to come. He asked the Lapoints what their plans are after selling the property. Mrs. Lapoint advised she would be moving ½ mile down the road. Councilor Bradley feels they are great neighbors and people in the community and that matters to him.

Councilor Pilch asked if the neighbors on that side of the property have been notified and are they okay with the building being too close? He asked about the process. Is the Council setting a precedent that anybody that has a building they think might be mislocated, should they now take a shortcut and go right to the Council because it takes too long to get a boundary survey and skip the processes we have in place for the people we have appointed to make those decisions? It seems like this might not be the last time we see an issue like this and he is not sure the Council is the right place to deal with these kinds of issues.

Mr. Joseph mentioned there are some problems with the other alternatives. There are some private fixes they could pursue on their own. While the Lapoints did some of those, they came to

a point where it would not be timely. We have a bit of an issue where some of our internal ways deal with it. The Planning Board is meeting tomorrow night and may make a recommendation to remove the Mislocated Building Standard and replace it with a Consent Agreement Standard because the Mislocated Building Standard Variance is not legal. We normally would have steered somebody to the Zoning Board but there would not have been time for that when this came to our attention. However, this month or next month will be the last time we expect that to be on the table without some major changes. The Town Attorney has expressed the same exact concern. There wasn't concern that the Council couldn't do this but her concern procedurally is that the Council will become the first stop. She said if the Council wants to consider this, she would recommend that the Council pursue a policy on how these will be addressed and it needs to be done in conjunction with whatever comes out of the Planning Board on Mislocated Buildings. It does not need to be an ordinance. It can be our standard and majority rules and can be changed at any time but this is what we expect to be done. Does the Council expect the Zoning Board process to be exhausted? Do you expect a formal letter from a neighbor saying they won't sell a piece of land? The concern expressed is completely justified. If the Council is going to do this, let's not set a precedent, let's set a policy. That might be the way the Council wants to do it but that is a policy decision. Our Attorney wants something in writing but it is not meant to stop this consideration tonight. The policy will be our Staff and Council decision. More discussion followed.

**MOVED AND SECONDED:** To close the Public Hearing. (Bradley & Whitney) **VOTE:** (7 Ayes) (0 Nays)

Mr. Joseph explained that the Town Attorney wanted to add some specific language that he will provide the Secretary if the Council decides to make the motion. In Section 4, after provided that no further setback violations occurred, *and provided there is no expansion, extension or enlargement of the existing structure within the setback area.* The Town Attorney requested that the Mortgage Loan Survey be attached.

**MOVED AND SECONDED:** In the proposed Consent Agreement under Section 4, the final statement: after provided that no further setback violations occurred, *and provided there is no expansion, extension or enlargement of the existing structure within the setback area.* (Egan & Reighley) **VOTE:** (7 Ayes) (0 Nays)

**BE IT ORDERED:** That a request for an amended Consent Agreement from Robin Lapoint, for a property at 8 Tumbler's Hill Road (Tax Assessor Map 24, Lot 71B) for the purposes of allowing a mislocated building that does not appear to meet the required setbacks for the underlying zoning district be allowed to remain. (Bradley & Reighley) **VOTE:** (7 Ayes) (0 Nays)

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ITEM # 147-21	To consider action relative to the Redistricting of the Freeport Municipal Voting Districts. PUBLIC HEARING.
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**MOVED AND SECONDED:** To open the Public Hearing (Daniele & Reighley) **VOTE:** (7 Ayes) (0 Nays)

Chair Egan advised that the Council had a presentation at its previous meeting from Town Clerk, Chris Wolfe. She recommended that we not redistrict. Ms. Wolfe explained the rationale for her recommendation. Her recommendation is for the Council to look at it again in 2024 after the Presidential Election.

**MOVED AND SECONDED:** To close the Public Hearing. (Daniele & Lawrence) **VOTE:** (7 Ayes) (0 Nays)

**BE IT ORDERED:** That the Town Council determines not to edit the redistricting of the boundaries of the Freeport voting districts. (Daniele & Reighley) **VOTE:** (7 Ayes) (0 Nays)

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ITEM # 148-21      To consider action relative to an order authorizing the issuance of \$634,000 of bonds and notes (approved by the voters on March 9, 2021) to finance the local share of the construction of bicycle and pedestrian pathways at the Exit 20 & 22 overpasses; and to discuss entering into a local cost sharing agreement with MDOT to provide for the construction of the same. PUBLIC HEARING.

**MOVED AND SECONDED:** To open the Public Hearing. (Reighley & Lawrence) **VOTE:** (7 Ayes) (0 Nays)

Mr. Joseph explained that the public hearing tonight is on the issuance of \$634,000 in bonds which were approved by the voters on March 9<sup>th</sup> to finance the local share of the construction of bicycle and pedestrian pathways. There is a significant amount of detail in the order which he is not going to make anyone read. This is a public hearing about spending and actually committing the bond that was approved by the public. He invited speakers to introduce themselves at the podium. There were no public comments provided.

**MOVED AND SECONDED:** To close the Public Hearing. (Reighley & Lawrence) **VOTE:** (7 Ayes) (0 Nays)

Mr. Joseph explained that our Charter requires voter authorization for the bond in this amount. This is all the meat and potatoes the SEC is going to want to see when it is reviewing all the legal details.

**BE IT ORDAINED:** That the 12 points outlined in the agenda of tonight's Council Meeting be accepted. (Reighley & Lawrence) **VOTE:** (7 Ayes) (0 Nays)

### **APPROPRIATION ORDINANCE # 101 OF THE FREEPORT TOWN COUNCIL**

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ORDINANCE TO AUTHORIZE THE ISSUANCE OF \$634,000 IN GENERAL OBLIGATION BONDS FOR CONSTRUCTION OF BICYCLE AND PEDESTRIAN WAYS ON I-295 BRIDGES

WHEREAS, the Maine Department of Transportation (“MDOT”) is undertaking I-295 bridge replacement projects on Desert Road (Exit 20) and Mallett Drive (Exit 22), which provide opportunities for the Town to construct bicycle and pedestrian ways on each bridge (the “Project”); and

WHEREAS, to complete the Project with bicycle and pedestrian ways, MDOT requires a local match from the Town of up to \$634,000; and

**NOW THEREFORE, BE IT ORDAINED:**

1. That under and pursuant to the Freeport Town Charter, including Article VI and Section 8.03 therein, and the laws of the State of Maine, including Section 5772 of Title 30-A of the Maine Revised Statutes, and approval of the voters of the Town at a referendum held March 9, 2021, the Town Council authorizes the issuance of general obligation bonds of the Town, and notes in anticipation thereof, in a principal amount not to exceed \$634,000 (the “Bonds”) to fund the Town’s local match for the Project and appropriates the proceeds of the Bonds for the Project;
2. That the Town Treasurer and the Town Manager, acting singly, are authorized to arrange for the sale of the Bonds at public or private sale to such parties as either determines to be in the Town’s interest, to execute and deliver loan agreements and other contracts for that purpose, including without limitation loan agreement(s) with the Maine Municipal Bond Bank, and to select and hire such financial advisors, underwriters, registrars, paying agents, transfer agents, and other consultants, if any, as either deems necessary to assist with the sale of the Bonds, all on such terms not inconsistent with this Ordinance as either shall approve;
3. That the Treasurer and Town Manager, acting singly, are authorized to prepare, issue, and provide for sale of the Bonds at one time or from time to time, as one or more separate issues, and to determine the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment, call(s) for redemption with or without premium, form(s), and other details of said Bonds, including execution and delivery of said Bonds against payment therefor;
4. That the Bonds be executed and delivered by the Treasurer and countersigned by a majority of the Town Council, and otherwise be in such form and contain such terms and provisions not inconsistent herewith, as they shall approve, their approval to be conclusively evidenced by their execution thereof, and that any signature thereon may be by facsimile to the extent permitted by law;
5. That the Treasurer be authorized, as applicable, to designate the Bonds as qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the “Code”);
6. That (i) no part of the proceeds of the Bonds shall be used, directly or indirectly, to acquire any securities and obligations, the acquisition of which would cause the Bonds to be “arbitrage bonds” within the meaning of Section 148 of the Code; and (ii) the proceeds of the Bonds and the Project shall not be used in a manner that would cause the Bonds to be “private activity bonds” within the meaning of Section 141 of the Code;

7. That in connection with the Bonds, the Treasurer be authorized to execute and deliver on behalf of the Town an Arbitrage and Use of Proceeds Certificate in form approved by the Town's bond counsel, and to covenant on behalf of the Town to file any information report and pay any rebate due to the United States in connection with the issuance of the Bonds, and to take all other lawful actions necessary to ensure that the interest on the Bonds will be excludable from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause interest on the Bonds to become includable in the gross income of the owners thereof;
8. That the Treasurer, Clerk, Town Councilors, and other proper officials of the Town are authorized to execute and deliver on behalf of the Town such other documents and certificates as may be necessary or convenient to the issuance, execution, or delivery of the Bonds, and to do or cause to be done all such acts and things, not inconsistent herewith, as may be necessary or desirable in order to effect the issuance, sale, and delivery of the Bonds and the accomplishment of the Project;
9. That if the Treasurer, Clerk, or other Town official for any reason be unavailable to, as applicable, approve, execute, or attest the Bonds or any related financing documents, the person or persons then acting in any such capacity, whether as assistant, deputy, vice-chair, or otherwise, be authorized to act for such unavailable official with the same force and effect as if such official had himself/herself performed such act;
10. That if any of the officers or officials of the Town who have signed, attested, or sealed the Bonds shall cease to be such officers or officials before the Bonds so signed, attested, and sealed shall have been actually authenticated or delivered by the Town, such Bonds nevertheless may be authenticated, delivered, and issued with the same force and effect as though the person or persons who signed, attested, or sealed the Bonds had not ceased to be such officer or official; and also, any such Bonds may be signed, attested, or sealed on behalf of the Town by those persons who, at the actual date of execution of the Bonds, shall be the proper officers or officials of the Town, although at the nominal date of the Bonds any such person shall not have been such officer or official;
11. That the Treasurer in consultation with Bond Counsel is authorized to implement written procedures with respect to the Bonds for the purpose of: (i) ensuring timely "remedial action" for any portion of the Bonds that may become "non-qualified bonds," as those terms are defined in the Code and regulations thereunder; and (ii) monitoring the Town's compliance following the issuance of the Bonds with the arbitrage, yield restriction and rebate requirements of the Code and regulations thereunder; and
12. That the Clerk record an authenticated copy of this Ordinance in the Town's records as required by the Town Charter.

**APPROPRIATION ORDINANCE # 102 OF THE FREEPORT TOWN COUNCIL**

ITEM # 149-21            To consider action relative to the proposed state/municipal cost sharing agreement with the Maine Department of Transportation for the construction of multi-use paths at the Exit 20 and 22 bridge projects, in an amount up to \$634,000.

Chair Egan explained that the \$634,000 is Freeport's share of the \$18M project for the two bridge improvements at Exit 20 and 22.

**BE IT ORDAINED:** That the proposed state/municipal cost sharing agreement with the Maine Department of Transportation for the construction of multi-use paths at the Exit 20 and 22 bridge projects, in an amount up to \$634,000 be approved.

**BE IT FURTHER ORDAINED:** that the Town Manager be authorized to execute the final agreement on behalf of the Town, to include any clerical/non-substantive changes from the draft agreement approved by the Town Council. (Piltch & Reighley)

Chair Egan noted that this is the vehicle we actually contract with MDOT and obligate the funds discussed in our last item to go into the overall budget for the bridges. MDOT invited us and we participated in a significant amount of design events and public charrettes for improvements that are part of the final design now. This item is the legal way for us to co-contract with MDOT to get the work done. Mr. Joseph added that this is required by our charter if the amount is over \$100,000.

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

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ITEM # 150-21            To consider action relative to proposed amendments to Section 32-601 (K) of the Shellfish Conservation Ordinance. PUBLIC HEARING.

**MOVED AND SECONDED:** To open the Public Hearing. (Lawrence & Reighley) **VOTE:** (7 Ayes) (0 Nays)

Corey Wentworth noted he has been a commercial clammer for 22 years. His place of residence is being sold to take advantage of the housing market and he can't afford to buy a house in Freeport or lose his license. He is hoping this change will go through and he will have the opportunity to live outside of Freeport but keep his license. Sean Crean, former resident and Corey's father encouraged the Council to approve this change in the Ordinance. He mentioned that Corey got his license in a lottery when he was 16 and helped pay for his college. He advised there are several other shell fishermen that are finding themselves in the same situation. The real estate market in Freeport has really become a cash-driven market and this will level the playing field so that folks that have a significant part of their livelihood will be able to not be diminished

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and will be able to continue that because the Ordinance would require them to go back into the lottery.

Chris Grimm noted he is a former member of the Shellfish Commission. He asked if half of the clammers move out of town, do they now all get to go to non-residential licenses? Have they considered what it will do to the numbers?

Marine Resource Officer, Charles Tetreau advised that the State mandates that we give 10% of our total license number to non-residents so it can be higher but it can't drop below 10%. Mr. Joseph added that people moving out would not be a problem but people moving in could be a problem if you put non-resident licenses back on the table next year.

Councilor Bradley mentioned Mr. Grimm's question and asked if something like that were to happen, it would throw off shellfish management in our town. Mr. Grimm advised that that is what drives the number of licenses, etc. so you now have changed the ratios and he does not know how the town can restrict how many licenses it can have. Councilor Bradley mentioned that at risk is our shellfish management program if the licenses get out of whack so that all of a sudden all of the non-residents which are 10% of our licenses were to move into town. He understands that is not going to happen but if it were, all of a sudden we have to add 10% more of the bigger number to our number of licenses to meet the State requirement. The question is does it throw off clam management because we have so many licenses in town and we have to deal it some other way. Have we thought about how we would do that if that contingency were to occur? Officer Tetreau added that this is not something that the Commission has yet discussed. Chances are pretty low that that would happen but there is always that chance. He noted that the licenses are capped. We would have the same license number but we would have a greater than 10% living outside of town now and a smaller number than the year before in the resident category. Now one has to live in Freeport for 12 months before you can apply for that resident license if one comes up in the lottery. In Corey's situation 22 years goes by and the housing is the way it is, they would have the option to move out of town if they had to.

Councilor Reighley asked what our licenses are capped at. Officer Tetreau advised that we have 53 residents in total and 59 licenses. If someone gives up their license and doesn't want to clam anymore, that license will be reissued back into the lottery. This year 17 folks put in for the resident license and 40 something the last time we had a non-resident license. Councilor Daniele asked if there was any conversation about having a minimum time in Freeport before you can leave and keep your license? Officer Tetreau indicated there was and there were numbers tossed across the board but at the end of the day the Commission looked at they have to be established for 12 months before you even apply to be in the lottery for that license when it comes up. Mr. Joseph added that there was a 1 of 17 people applying and each one had to be a resident for at least a year. Officer Tetreau explained that Corey for example, holds a resident license and if he moves out of town, he becomes a non-resident when he renews. If he gives up his license for whatever reason, it is reissued back as a resident license which is how it was originally issued. He keeps track of how licenses are issued initially distributed. Chair Egan felt that was an important distinction and thanked Officer Tetreau for clarifying it. The license fee doubles for a non-resident. He noted that license allocation is discussed at a meeting every year. This ordinance change will have to go to DMR as well. Just because it is approved here doesn't mean they would necessarily approve it. They have to put their stamp on it.

Mr. Grimm noted it seems like it would be a good idea to put some sort of sunset in there because there is always a lot of contention between riparian owners and clammers. Envisioning numerous clammers leaving town possibly for the same reason, we will now have a number of out-of-towners trying to get along with all the riparians in town but he has not followed this for a while. Joyce Veilleux advised that

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she is a riparian owner and is in favor of this change. We have several young clambers that are residents with ties generational to our mudflats in Freeport. They are now getting married and would like to move out of their parent's house and the reality is they can't afford to purchase a house in Freeport. We don't have a rental market and if they move out because they want to buy a place, they end up losing their livelihood and she doesn't think that is something we should do to them. This gives them an opportunity that we have all had in our lives and have been able to move out of our parent's house and buy a house. They need the same opportunity.

Jarod Lavers advised that he is a second-generation shellfish harvester and is also on the Shellfish Committee as well. He does not own a house yet but is close to buying a place. The market is tough. He feels this is just a way to adapt. He is aware it would be difficult to buy a place in Freeport with all the competition out there. He doesn't see any downfall as far as allowing clambers to move out of town. If he becomes a non-resident, he will still get along with the landowners like he did when he was living in Freeport. If anything, the Town will get a little more money out of them.

**MOVED AND SECONDED:** To close the Public Hearing. (Lawrence & Reighley) **VOTE:** (7 Ayes) (0 Nays)

Chair Egan thanked everyone for their input.

**BE IT ORDAINED:** That proposed amendments to Section 32-601 (K) of the Shellfish Conservation Ordinance be enacted. (Lawrence & Reighley) **VOTE:** (7 Ayes) (0 Nays)

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ITEM # 151-21      To consider action relative to proposed amendments to Chapter 2 Administrative Code, Section 509. Inspections Division of the Freeport Town Ordinances.  
**PUBLIC HEARING**

Chair Egan explained that the next administrative updates require a public hearing to make amendments and update them. They tend to be clumped together although they are individual specific activities and governance issues so the Council will take them individually.

**MOVED AND SECONDED:** To open the Public Hearing. (Whitney & Reighley) **VOTE:** (7 Ayes) (0 Nays)

Code Enforcement Officer, Nicholas Adams explained that this amendment is a requirement by State Law where we have to do it. He will make the amendment to update the 2015 International Mechanical Code, the 2015 Energy Conservation Code and updates three ASHRAE standards from the 2013 to 2016 and the Radon standards.

Chair Egan asked Mr. Adams if it is fair to characterize that these amendments and improvements are resulting in healthier buildings because of improved standards? Mr. Adams noted the buildings will get a lot tighter now so now there are requirements to seal a building up tightly and then have to have ventilation and things like that. He could not 100% say they are healthier buildings but the Energy Code does try to seal up the house to save energy costs over time but there is an added expense for the ventilation and energy standards. Councilor Bradley asked if they apply to existing buildings? Mr. Adams advised that there is an existing building code that is currently in the ordinance that is not changing. It does not retroactively say if your single-family home didn't have a 36-inch rail, now you have to deal with it. It is a life safety code but the life safety code itself we adopt out anything for one and two family. It is just retroactive for commercial properties.

**MOVED AND SECONDED:** To close the Public Hearing. (Whitney & Reighley) **VOTE:** (7 Ayes) (0 Nays)

**BE IT ORDAINED:** That proposed amendments to Chapter 2, Section 509. Inspections Division of the Town of Freeport Ordinances be enacted. (Whitney & Reighley) **VOTE:** (7 Ayes) (0 Nays)

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ITEM # 152-21      To consider action relative to proposed amendments to Chapter 13, Fire Prevention Code of the Freeport Town Ordinances. PUBLIC HEARING

**MOVED AND SECONDED:** To open the Public Hearing. (Bradley & Reighley) **VOTE:** (7 Ayes) (0 Nays)

Mr. Adams advised that this one is a little different because we are not preempted to do this but we have always had a Fire Prevention Ordinance dated back to the 70s. All this does is the State Fire Marshall's Office adopts several standards and codes and writes rule making. We are just updating our ordinance to be consistent with what the State Law says. If you apply for any construction permits or anything like that through the Fire Marshall or they do any investigations or anything like that, we are required to meet that. Our ordinance is just reflecting that. It updates the Fire Code from 2006 to 2018, the Safety Code from 2009 to 2018 and the Fire Alarm Code from 2007 to 2019.

Chair Egan noted the amendments being made are just to align with what is already in place at the State. Councilor Bradley asked if there are times when someone would not need both but would just need one? Mr. Adams explained that they still apply State-wide. A construction permit is any time you have an assembly building or a mercantile or business use over 3,000 sq. ft., that is when you get the permit. If something happened to the building the Fire Marshall would investigate and go after the architect or someone else that didn't meet the State's standard that is required by State Law for commercial buildings. Councilor Bradley added that this will apply to all structures in town when we do it as an ordinance. Mr. Adams pointed out that it would not pertain to one and two families. They are excluded in our ordinance. Councilor Reighley asked Mr. Adams if he reviewed this with Chief Jordan. Mr. Adams advised that he did and Chief Jordan approves.

**MOVED AND SECONDED:** To close the Public Hearing. (Bradley & Reighley) **VOTE:** (7 Ayes) (0 Nays)

**BE IT ORDAINED:** That the proposed amendments to Chapter 13, Fire Prevention Code be enacted. (Bradley & Reighley) **VOTE:** (7 Ayes) (0 Nays)

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ITEM # 153-21      To consider action relative to proposed amendments to Chapter 17, Electrical Code Ordinance of the Freeport Town Ordinances. PUBLIC HEARING

**MOVED AND SECONDED:** To open the Public Hearing. (Daniele & Reighley) **VOTE:** (7 Ayes) (0 Nays)

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Mr. Adams explained that the Electrical Code has been adopted by the Maine Electrical Examination Board on July 2<sup>nd</sup> so it is just changing from the 2017 to the 2020 Electrical Code. This puts our ordinance in consistency with the Maine Electrical Examination Board and there are several amendments in there that the State did not adopt but we put in our ordinance as well.

**MOVED AND SECONDED:** To close the Public Hearing. (Daniele & Reighley) **VOTE:** (7 Ayes) (0 Nays)

**BE IT ORDAINED:** That a proposed amendments to Chapter 17, Electrical Code Ordinance be enacted. (Daniele & Reighley) **VOTE:** (7 Ayes) (0 Nays)

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ITEM # 154-21                      To consider action relative to setting a public hearing for a new Special Amusement Permit for Mast Landing Brewing Company.

**BE IT ORDERED:** That a public hearing be set for September 7, 2021 at the Town Council meeting that starts at 6:30 pm at Freeport Town Hall, 30 Main Street to discuss a new Special Amusement Permit for Mast Landing Brewing Company, 200 Lower Main St, Freeport.

**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. (Reighley & Pilch)

Chair Egan noted the Council is simply setting the public hearing tonight. He mentioned that he has been there a couple of times and feels they have done a nice job of resetting the use of that building.

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

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ITEM # 155-21                      To consider action relative to Planning Board consideration of land use regulations related to cannabis cultivation and cannabis manufacturing and processing.

Chair Egan explained that the Council had a discussion about this at the last meeting. The mood was whether or not the Council would make a recommendation to the Planning Board to take up potential amendments to the land use ordinance to allow cannabis cultivation and manufacturing. Today our Land Use Ordinance is silent and we have two businesses that have been operating in our community permitted by the State and not allowed to be regulated by the Town for medicinal use growing of cannabis. Those businesses have been operating with zero complaints against them. With the changes in the State Law, we heard from the Office of Marijuana Policy representative who was here several months ago, there is less and less distinction in the market place with the expansion of this particular product and the medicinal use of this particular product. The request from the business owners is to have the Land Use Ordinance in Freeport to allow them to continue to operate as an operating business in our community and they have been here for numerous years. The discussion the Council had at its last meeting which is producing this action item this evening is whether we as a Council are going to simply recommend to the

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Planning Board to take up the issue of where cannabis cultivation and manufacture may or may not happen in our community and suggest those changes to our Land Use Ordinance. The Planning Board would very likely or might be required to have a series of public hearings about the recommended changes. Assuming they come to some sort of conclusion or a specific amendment, that would come back here to the Council for what it very likely going to be another public hearing before those changes would be adopted. We are not voting tonight whether to allow cannabis up or down. We are voting tonight on whether we are going to make a recommendation to the Planning Board to consider it.

Councilor Bradley advised that in two respects he found Chair Egan's explanation of what we are doing different than what his understanding was. His understanding is that these two businesses now have legal authority to grow cannabis for medicinal purposes only. In order to expand into the recreational market, they need us to opt into the system. That was missing from Chair Egan's explanation so we really are being asked to allow the current cultivation sites to expand into recreational use. At the last meeting, we did get very close to a decision not to do that by having three of us decide that we didn't want to refer this to the Planning Board because we didn't want to see recreational cultivation in our town. When he saw this come up, he assumed that was the purpose of it. It was a 3 – 3 tie and the purpose of that was to decide whether or not we were going to opt in to the recreational cultivation which would in essence decide the issue of recreational cultivation in this town if we decided not to refer it to the Planning Board. If he is wrong in that regard, he misunderstands what we are about but we have one Councilor here tonight that wasn't here last time and unless people have changed their views, knowing what he thinks would determine this. We could simply ask him but that may be not be how Chair Egan wants to go. It was a 3 – 3 tie. 3 of us don't want to refer it to the Planning Board and don't want to see recreational cannabis in our town cultivated and 3 decided they did for different reasons and now that is back on the agenda. Chair Egan added that Councilor Bradley is precisely correct and because we have seven members and we did have an indication of whether or not this should go forward, we will have a vote this evening of all seven of us about whether it goes forward. The technical opt in does not happen until we actually adopt an Ordinance change. The Planning Board simply makes a recommendation so that is likely in several weeks at least, more than six down the road before we make an official action to opt in.

Councilor Bradley mentioned that if the Council decides tonight to not send it to the Planning Board, we cut that process at its ankles tonight. Chair Egan agreed. Councilor Bradley felt that was missing from Chair Egan's explanation and the reason why he raised the point. He does feel the Council is making a determinate vote tonight depending on what the seven Councilors decide. Councilor Daniele asked if the Planning Board could take this up without the Council's vote? Chair Egan mentioned they could but he didn't know how to exactly get on their agenda. Mr. Joseph explained that a resident could petition the Planning Board but there is a \$300 fee. However, if there is not a majority of the Council in favor of considering it, he doesn't think the Planning Board would take the time to consider it. Town Planner Caroline Pelletier advised that the Planning Board has not discussed marijuana but everybody knows the Council has been talking about it. They have a heavy workload in front of them and a huge backlog so she would not see them taking this up on their own. If the Council directs them tonight, to be realistic, she wouldn't see this on their agenda until early winter.

Councilor Reighley asked what it would take to put this before the voters so the question of opting in and opting out and the various different criteria that the Office of Marijuana Policy has in the manufacture, growth, testing and retail operations. Mr. Joseph explained the only way legally for that to occur in a binding referendum, but the Council can put any non-binding question on an election warrant that you would like to get feedback, however, it doesn't do anything other than the vote you are about to take right now. It would still have to come back to the Council to make the ultimate decision.

Even though this was not a public hearing, Chair Egan invited members of the public to provide their

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comments but keep them to 3 minutes.

Carol Brown had no idea this issue was coming up so having a Facebook connection would be really good and it sounds like Peter Sachs is going to make it happen. She is opposed to opening up recreational marijuana farming. Katherine Wallingford e-mailed her today indicating she is highly opposed to changing the Town Ordinance with regard to growing marijuana in the Town of Freeport. It is a gateway ordinance change and she says no to pot farms. Jay Yilmaz, Freeport resident, noted he supports Carol's comments on the vision of what we think the town is. Chair Egan explained to him the recommendation to the Planning Board to come up with language that would regulate and define where and how many and how big and all the usual things a Land Use Ordinance does. Andrew Arsenault advised that he is not opposed to medical marijuana but is opposed to expanding this to the growth of recreational marijuana. He knows they are not asking for stores. He thinks we should stay where we are right now. He noted that it is still a federally prohibitive product.

Mark Winter of 2 Dixon Road in South Freeport advised that in looking at the proposed language in the agenda, he was unclear as to what it meant. It doesn't seem to change anything. It allows what was already allowed and doesn't clarify whether we are talking medical or recreational. If the Council decides to give direction to the Planning Board to consider this, they need to be clearer on what they are asking the Planning Board to do. If the Council is just going to present them with this plan, you are not asking them to do anything other than do your job and we want you to put this at the top of your list. It is not federally legal so just start there but that has implications and consequences. Those funds are not allowed in a banking system so this is a cash business that operates outside of the federal banking system which causes real and perceived issues. He wonders why the Council is even considering this. It is not legal. Joyce Veilleux said "ditto".

Chris Grimm advised that most of the points he was going to make have been made. He read in *The Times Record* an article that they may leave or they may go under, so we have to change something. That made him think about Washington and most would agree that it is broken. It is broken because of lobbyists and corporate interests. Coming down to the local level, the last time this came up he recalled, that there were six or so people that had economic ties to this project and a number of them were not from Freeport. This takes away from other priorities from the Planning Board. We just spent \$100,000 to make Freeport tourist friendly so it is up to the people. It should not be based on economics. Bath Iron Works or L.L. Bean are a slightly different case. No, they may not make it as a medical dispensary or growing medical marijuana. Our farms in the recreational market are not making it there either. According to State Law anyone can grow six plants and it is not taxed. It is cheaper. He would hate to see us going down this road. He asked the Council to go out and solicit the broader opinion of Freeport. With 8,000 residents and only 10 or 12 of them are here, it is not a large sampling.

Peter Ingram advised that he is one of the licensed medical caregivers being talked about. He is hoping that the vote is to advance the discussion with the Planning Board. He was not planning to say anything but would like to respond to a few things he heard. One of the main things he heard is that cannabis is not the image that Freeport wants to have. He can respect that. He thinks the work that Vice Chair Whitney presented earlier is fabulous on what we are doing in the downtown. It's great for the community and is functional but he heard from local folks that the vision is not of cannabis. He feels they are pretty invisible and will continue to be pretty invisible. They are not asking to change any scaling up and not expanding their footprint. They are hoping to take the plants they are growing and supply their adult-use store as well in other towns. As for banking concerns, he pays his employees through a payroll service. They get checks. He deposits his money in his bank. He has credit unions that handle their funds. Odors are easily mitigated and they have never had an odor complaint from their nearby neighbors. He spoke to his neighbor, Charlie Smith today and he advised that he has no problem with this change. People in

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Freeport actually weighed in when they voted to allow recreational cannabis in 2016 and now nationally 60% of Americans are in favor of decriminalizing and allowing legal adult use cannabis. He thinks safety and security is a big issue. Cannabis is happening in Freeport whether the Council moves this forward or not. He is one of two commercial growers that have been licensed here. There are about 20 or 30 caregivers licensed that are producing cannabis in Freeport now. There are over 3,000 caregivers that can each produce 30 plants for their grow and the medical market they are operating in is highly unregulated. There are no testing requirements so there can be contaminated products with pesticides washing into our water source in Freeport. He would prefer to see a highly regulated system like the adult-use program that prohibits those sorts of things and tests for them so they can't end up in our ecosystems. Diversions into the black market is much less likely. Every single gram is tracked every step of the way. In medical there is no tracking.

Councilor Reighley asked what towns abutting Freeport can be grown in. Mr. Ingram did not know but noted he has put so much into the infrastructure of his building. He has an adult store and a medical store in South Portland. His average daily sales from January in the medical store have gone down probably about 25% because other stores are opening up. His adult-use store is showing a similar increase in sales. He pays property tax in Freeport but now there are no licensing fees in Freeport. In Portland they are charging \$10,000 in licensing fees per store per year for a cannabis company. In South Portland where his stores are located, he pays \$2,500 for a license. Councilor Reighley asked how many houses are around his grow operation in Freeport. Mr. Ingram advised that he has one neighbor that he shares a driveway with within 100 feet and one neighbor behind him that is within 500 feet and he has received no complaints.

Tory Lister advised that she works with the two caregivers who are interested if the Town would consider this ordinance. She mentioned odor and a lot of the regulations for adult-use businesses and there cannot be any detectable odor beyond the property line. There are also stronger protections and requirements for showing no impact on the local water supply and waste water protections, security protections and advertising restrictions. Banking is available with U.S. Treasury guidance. Businesses such as this are subject to much more serious oversight. If this ordinance was adopted, the only changes for these facilities would be that they would be subjected to stricter security but they would not be allowed to do anything that they are currently doing other than to sell to an additional market. Councilor Daniele asked Ms. Lister if they are allowed to sell across State lines to other places where medical marijuana is allowed. She advised that there are no allowed sales across State lines. She pointed out that Brunswick and Topsham are the closest towns that have opted in for adult cultivation and they may be good models to look at their ordinances. Councilor Daniele asked if this becomes federally legal and we have nothing on the books, is it open? Mr. Joseph advised that it would not unless the State changes the regulations. Councilor Bradley did not feel this is something that the Council should try to figure out here until we know exactly what the Feds say. Is it prohibited, is it legal and how they addressed concurrent State legislation. We have all kinds of issues in Maine related to the use of marine resources for instance that fall into those different categories with different results.

Chair Egan reminded everyone that the Council is not voting on an ordinance. It is voting on a recommendation to send it to the Planning Board for further discussion and whether or not we are going to do that is the vote we will have. Councilor Reighley explained that Washington, D.C. is underneath the direct governance of the Federal Government and since they have operations there, it seems like it is a pretty loose law. Councilor Piltch asked Mr. Ingram or Ms. Lister if the Federal Government has taken a stance one way or the other on enforcement. Ms. Lister advised that they are continuing to maintain the priorities outlined which said the Federal Government would allow states to have regulated marijuana markets as long as they prioritized certain areas and prevention on crossing state lines and access to

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children, prevention of the involvement of organized crime and prevention of the use of firearms in the distribution and making sure no money laundering was taking place.

Andrew Arsenault noted this is a zoning issue and we are trying to define this in a zoning issue. We can prohibit it. Councilor Daniele explained that his understanding is that they were grandfathered in. The State made a policy and two businesses came in. We did nothing and then the State later changed it to say okay, now towns have to opt in. Our two businesses are currently grandfathered so it isn't like anyone else can come in and open right now. Those two businesses are permitted because they have State licensing.

David Stevenson advised that he recently purchased 24 Noble Drive where he has been operating a legal cannabis business for the last five years in Freeport which basically has been invisible. Odor, crime and security are not an issue. He uses a bank. They are not looking to expand. They are trying to grow the same plants in the same place but under a more highly regulated market. If you look at all the successful businesses in Freeport, they are selling alcohol. What do you think about the Maine Beer Company or Cold River Vodka? We are talking about cannabis and how you can compare the two. You don't see people abusing their wives after too many joints. The people of Maine have voted on this and the people of Freeport have voted on this. In more than half the country, it is legal. He loves Freeport and loves the vision and he is not trying to pass a murky cloud on it. He has two kids going to school in Freeport and employees who live in Freeport. He pays taxes and has a health care plan for his employees. He is bringing jobs to the community and to the State. He has been up here three or four years now asking for the same simple request. He is specifically asking for his business and Peter's business to allow them to continue doing what they are doing to feed their families and help some people relax and enjoy the great outdoors or enjoy their meal. It enhances life and much like alcohol but alcohol can be very dangerous as well. He is not saying cannabis is completely harmless but similar to alcohol, it can be used responsibly. He hopes the Council will listen and he is not asking for any expansion. He is just asking for a chance to run the business he has been running for five years in this town legally and accepted in the community. He added that he is trying to open a store on Congress Street in Portland. If Freeport opts in and allows his business to operate in adult use, he will open an adult use store which has a much higher chance of survival. He can purchase from other manufacturers but feels it would be great to sell his product in his store. He is aware of Portland's stiff fee for a store.

Councilor Bradley mentioned that if the question were just two existing businesses continuing to do what they have been doing, the Council would not be having this discussion. They are coming here asking for an expansion of use in cultivation to recreational. If he could be assured that that would not expand to sale of recreational products in stores in town which four million people arrive every year, he would not be opposed to that either. It is close to Chair Egan's position but he can speak for himself. It is the concern that Mr. Stevenson is opening a recreational store in Portland to sell his product. Once he gets the opportunity to grow recreationally in Freeport, he will want the opportunity to sell it in a store in downtown Freeport. Once we allow him to grow it recreationally, the whole concept of violating or offending the brand of Freeport we are working so hard to develop will go by the by. As soon as we allow him to do recreationally here, the grandfathering of cultivation goes by the by. Mr. Stevenson added that the Council could recommend that only businesses in this town that are already here could opt in but no other businesses are allowed in. Councilor Bradley asked Mr. Stevenson how he could assure him in the future he would never expand his recreational cultivation to consumer sales of recreational marijuana in the downtown of his town. Mr. Stevenson advised that he knows there is a big pushback and the Council does not want retail in Freeport and he has no problem with that. If the Council bans retail sales in Freeport, it is a non-issue. Councilor Bradley advised that he does not want to see an expansion of cultivation for recreational cannabis. Mr. Stevenson advised that he is not asking for an expansion. He is asking the Council to allow him to participate in the adult-use program and is not looking to expand his

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operation. Councilor Piltch added that Mr. Stevenson will be doing the same thing but what would change is what regulations would apply and who he gets to sell the product to. It is the same operation growing the same plants. It would be more regulated under adult use and he would sell to a different customer. In his case, he would be selling to himself anyway so not much changes. Mr. Stevenson repeated that he is not looking to expand. He is looking to participate in the adult-use program and if the Council can help, it would be awesome. His family and his 30 employees would appreciate it. Councilor Bradley called the question.

Councilor Lawrence pointed out that it is coming and has been coming his whole life. It keeps getting more progressive so the Council will be dealing with this for the next 30 years. He feels the Council needs to get ahead of it and this regulation will allow us to do it. How many times have we heard a business say it would like to be more regulated? It doesn't happen and if we don't do it tonight and it comes through as a referendum, which he can see happen very easily, we will lose control. Now if we allow this, we can limit to two people. We can say no recreational sales or no adult-use sales in Freeport and in another ten years when there is another Council up here, it will change and the whole thing will change. We are now looking to be an experiential town so are we going to say you can experience everything this way when these people come but you can't do it that way. He doesn't think that is a good marketing strategy.

Chair Egan feels it is clear there is a lot more this group wants to discuss and he pointed out that the vote we are about to take because there is an action item in front of us is to recommend two specific uses, cultivation and manufacture to the Planning Board to then define whether or not it gets into the Land Use Ordinance and how and how many and all of the other specificities that go along with it. He is stuck on that this is not the last time we will be talking about this.

Councilor Piltch added that he has a lot of respect for people guided by their gut or emotion and are painting this as an all or nothing question but he is not there. He is looking at all the information, the data, the industry. He has spent the last few years studying the industry. He and his family do not use the product and he has no financial gain one way or the other. He is mindful that if it is going to happen, he would prefer to regulate it. He does not at all support the notion of retail cannabis anywhere in Freeport. He does not support the notion of cannabis anywhere downtown in the commercial zones. He does not think he will change his mind on that. It is not consistent with what we said we wanted in town and he hasn't heard residents say they wanted pot stores on Main Street. That is not what we are voting on tonight. When we asked our town to weigh in on it five years ago, the majority of Freeport voted to legalize cannabis so in his mind, that carries a lot of weight when we say, who are we representing and what do they want? That is in his mind. The two businesses that are here have been here for a number of years and as we heard, they haven't generated any complaints and there have not been any issues. They have been very lightly regulated. If we allow them to go under adult use, they will be more regulated. They have covered the issue well and he does not need to go into that. The seven of us have the opportunity to be specific about what we allow, where we allow it, how we allow it and under what circumstances. We get to set those rules so we can do things like insist there are no odors present, how far they need to be from churches and schools, what zones they can be in or can't be in, how big they need to be and how many will we allow in town. The businesses that are before us are wholesale operations. They are not inviting visitors or members of the public to come in and buy cannabis. That is not allowed for that kind of operation. He does not think this is a gateway issue. He does not think voting yes on this requires us to vote yes on six other things that come down the road. He does not think that allowing cultivation encourages people to use or not use cannabis. If it doesn't get grown here, it will be grown somewhere else. If anyone wants to use it, they will use it whether it is grown in Freeport or not. He is confident that the seven of us have the capability to make this nuanced decision about what components we allow or don't allow without saying that it is an up for grab and anyone can smoke pot in downtown Freeport. He thinks essentially banning these businesses from town is not what we want to do or be

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known for. We had that discussion with the clammers. If you have been doing something for a number of years, it would really stink to have the rug pulled out from under you and prohibit you from making a living in the way you have been doing that. In his view, we are not opting in in any way tonight. If we move this to the Planning Board tonight, they will have public hearings several months from now. It will come back to us with a potentially different Council. There are many phases to go through and he is not comfortable cutting it off at the knees and saying it is all or nothing and saying nothing. He would prefer to see what we would allow and take a vote on that when it comes back in six months or so and say under these conditions would we allow it or would we want to tweak it.

Councilor Reighley appreciates Councilor's Piltch's comments on this topic and his summation of what he sees and now he seconds the call to question.

**BE IT ORDERED:** That the Freeport Town Council directs the Planning Board to develop land use standards as the Planning Board deems appropriate to allow both cannabis cultivation and cannabis manufacturing and processing uses within Freeport. Said regulations to include the determination of appropriate zoning districts, the development of any recommended performance standards, and the development of any other relevant land use regulations that the Planning Board deems necessary. (Piltch & Lawrence) **VOTE:** (4 Ayes) (3 Nays-Daniele, Whitney & Bradley)

Chair Egan thanked everyone for a lively discussion and the public for participating. There will be lots more opportunities to do so.

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ITEM # 156-21      To consider action relative to the approval of an Order of Vacation, proposing to vacate a 40-foot-wide Unnamed Road running parallel to Lower Flying Point Road. The Unnamed Road is approximately 40 feet wide and begins at the intersection with Lower Flying Point Road, whence it runs parallel to said Lower Flying Point Road along the boundary of lots 1-28, as shown on a subdivision plan entitled "Plan of Flying Point Shores – Section III, dated October, 1949 (hereinafter, "the Plan"), which Plan is recorded in the Cumberland County Registry of Deeds in Plan Book 35, Page 44; and

Chair Egan mentioned that the Council has had some discussion on this already. Mr. Joseph explained the petitioners' Counsel has sent out notices to all of the property owners. Our notices that were authorized by the Council Chair were sent out and we received one inquiry at the Town Hall asking what this is. We explained what it was and they said it is great, they were glad the Town is vacating this road. We didn't receive input from anybody else. The mortgagees and the property owners do have one year to file a claim if they believe there were damages but we are anticipating that. The clock is ticking.

**BE IT ORDERED:** The Municipal Officers of the Town of Freeport, Maine, pursuant to 23 M.R.S.A. § 3027-A, having given best practicable notice to all abutting property owners and the Freeport Planning Board, hereby order the vacation of the 40-foot-wide Unnamed Road running parallel to Lower Flying Point Road. The Unnamed Road is approximately 40 feet wide and begins at the intersection with Lower Flying Point Road, whence it runs parallel to said Lower Flying Point Road along the boundary of lots 1-28, as shown on a subdivision plan entitled "Plan of Flying Point Shores – Section III, dated October, 1949

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(hereinafter, "the Plan"), which Plan is recorded in the Cumberland County Registry of Deeds in Plan Book 35, Page 44; and

Appended hereto and hereby incorporated as Exhibit A to this Order is a list of all the names of the owners of lots shown on said Plan together with their mortgagees of record. ((Lawrence & Reighley)

Mr. Joseph has the materials from last summer when we first discussed this. Councilor Daniele asked why someone would complain. Mr. Joseph noted that these can be very contentious. Councilor Bradley probably has a recollection because he asked a lot of questions at the last meeting. Other people in the audience have been involved in these throughout the years such as former Council Chair Sachs and Mrs. Veilleux was instrumental in vacating one of these and Andrew was dealing with this when he was on the Town Council. In this case the paper street goes across two roads with properties all connected in common ownership. It made sense when the original plan was drawn because you needed it to get to the second road. We know that it has been 72 years since that plan was drawn and people put all those separated lots into common ownership so they are double deep lots that go down to the water. There is no controversy on this one. He can think of no instance where the Town would want to build a street.

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

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**OTHER BUSINESS:**

1. Legislative update with District 48 State Representative Melanie Sachs

Representative Sachs advised that she enjoyed watching the deliberations this evening and appreciates the Council having her here. The reason she came is because she feels strongly that relationships between local and State officials need to be close and with lots of communication. When the Legislature convened in January and just adjourned on July 19<sup>th</sup>, they passed three different budgets and went through 1,900 bills.

The reason she wanted to be here tonight was to invite you and any members here in Freeport who would like to call or e-mail her to let her know what is important to them. She is lucky that many people have during this session. She didn't put everything in this 5-page memo but asked Mr. Joseph if he would not mind making sure it would go to the Council in Council materials so they can peruse it at their leisure. She didn't put in things that the Council often talked about here. She is very involved in the Remote Participation Bill with our big friends from Bustin's Island. She understands the Council did a policy about that. She also did not talk about the Governor's veto of the Video Service Provider's Bill that John Goran, a Town employee was instrumental in bringing forward but unfortunately was vetoed. That has some municipal implications and is an entirely different session. She wanted the Council to know that she worked on some of those things. She brought that 5-page memo together so the Council would know some of the high points of things that happened in Augusta that may impact our wonderful town. In that memo she talked about tax relief which was one of the things serving on the Taxation Committee that she served on this past year was really important to her. Municipal revenue sharing is one of the best things she can advocate for here in our town. She can remember those days when there was so much wrangling in Augusta that we could not set a budget from the Council because it was being decimated. This is a great equitable way to lift folks in the State and bring Revenue Sharing back and she is so excited that within the Taxation Committee they couldn't get unanimous vote the first time they did it but managed to do it for both budgets and bring it up to the levels of 4.75 and then 5%. As she said in the memo, it was a 61% increase from what they had in last year's budget actual 2020/2021 numbers. She still loves this stuff because she knows how important it is to our community. She has been trying to put in things like the

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Homestead Exemption. Freeport only gets reimbursed 70% as every municipality does. It is a great tax relief and puts it in every newsletter that she has that has great distribution to get people to take that tax exemption. She will also say today, a senior messaged her saying thanks for the news you can use for the Property Tax Fairness Credit. It is another program that a lot of people do not know a lot about. She can link a lot of it to you or anybody else that have questions about it. Because she hadn't filed her taxes because she is on Social Security, she didn't know to go back and look. She is saving several thousand dollars. This is the work they do. This is the work the Council does and this is the work she does committed to making things better because she knows you have heard it and she has heard it over and over again that people want to stay in their homes. They want to retire here in Freeport and want to be able to buy a home in Freeport and stay and raise their kids here. All of those pieces she put in around the different exemptions that people can have, the funding they put in, is a really tangible way to say that this is Augusta working for you. These were overwhelmingly bipartisan budgets so that is really exciting to her. She put in a bunch of stuff about health and wellness, things that impact our long-term care workforce which we have several nursing facilities and our Independence Association which we value and love here in Freeport. She is making sure those workers are cared for and paid adequately under Maine Care regulations and they put in a bunch of money for that. The Council has talked about and she has talked about extensively is the 55% funding for schools, raising that and keeping it at that level for schools and finally moving that. Again, you can see the numbers she put in \$433,194.62 is incredibly important to put towards tax relief for all three of our communities. One of her favorite bills was free lunch and breakfast for kids in schools that is currently being federally funded and may continue to be but they put money in the budget just in case. She worked at the breakfast program at Mast Landing for many years and you know how important for her to feed kids. She has been doing it during most of her career and there are so many good outcomes of that. She and the Nutrition Director for the RSU5 continue to work on the End Hunger Taskforce 2030. Hopefully, there will be some concrete actions to move the needle up. She is so excited about that.

She mentioned a bunch of environmental bills. Again, those were more because constituents here in Freeport really care about the environment. There were some very exciting municipal opportunities in that funding and she would be happy to talk to the Council about that, particularly though the extended producer responsibility bill which will impact businesses here and she knows the Council has struggled with. It came right after she left the Council but the whole downturn in recycling and the cost of that. She followed it closely. This bill is supposed to help share those costs with producers and to give municipalities a break in terms of recouping some of those costs for recycling. It is a step in the right direction. She talked to many businesses here and if any businesses have concerns, there are large exemptions for small businesses. It is different from when it came in in 2019 so just know there are large exemptions. She would be happy to work with people to figure that out if they are worried about the impact on them. For economic workforce and housing, she was part of the bipartisan Legislative Housing Group and worked over 40 bills to try to move the needle in housing. They know how important it is. Many, many jobs and economic workforce bills went through. She gave the Council links to the supplemental budget and also the American Rescue Plan Funding which have buckets and buckets of money for workforce development and training money for heritage industries, schools and education. All of these targeted investments are really exciting so given the money we have from the Federal Government, putting it directly to enhance the infrastructure to advance the investment in schools, the environment and the workforce are some really exciting pieces.

There is quite a bit that happened this session and she gave the Council the memo with links to the actual bills and links to the actual budget, some of the work she did but she just wanted to say that she is here and so appreciated the conversations with everyone who reached out to talk about different initiatives. If there is something the Council would like to see and there are some folks that have asked to meet with her over the summer to talk about another session. She also will get to work on a taxation study so she is

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excited about that. Her work does not end. Today she helped someone with unemployment assistance so if the Council has constituents that are having trouble with the Unemployment System, they were able to work it out within an hour where that person had spent 8 hours on the phone. She welcomed questions.

Chair Egan mentioned today he was asked in his day job where representatives from the tribes can go to find out what is specifically in the ARP funding that Representative Sachs was just referring to? Is there a summary available at her level? Representative Sachs advised that there is a link that she has on Page 5 that says \$50M for housing. Those buckets are pretty well defined and it is a pretty long list but it is much easier in a summary. If a tribal member has a specific question, either they can talk to Rita Newell who is the Tribal Representative for the Passamaquoddy or Teresa Perse who is the Chair of the Appropriations Committee in the House. She has found them to be delightful to work with. If anyone has a specific question of where do they fit in with that, let her know. She has also been working with Freeport and Pownal so they know how to get their allocation from American Rescue Plan Funding and make sure that process is as smooth as possible for local communities as well. Freeport is scheduled to receive \$850,000 through the American Rescue Plan Funding so that is a conversation for all of you. She, Mr. Joseph, Chair Egan and Keith McBride were on a call with Cumberland County to talk to them about their priorities and can some of that \$52M in Cumberland County money come our way as well. There is lots of potential within those dollars to do some great things.

Councilor Reighley noted he appreciated Representative Sachs being here tonight and would hope that the next time she wants to come, she will not be placed at the end of the agenda because what she brings forward to us is very meaningful and the community just didn't hang out long enough so we can replay the meeting and that is all good but it would be nice to have her at the start of the meeting.

Representative Sachs recalled the public hearings and how the Council has to follow the agenda. She is happy to come back as often as the Council would like her to talk about particular issues. Councilor Reighley added that this was great input. Mr. Joseph wanted to thank Representative Sachs and all the other municipally-minded Legislators. Over the past one or two elections we have seen a swing of former municipal officials get involved at the State level who have lived through arguing with the State on all these issues, especially among the people on the finance side of things. Now there is a really understanding of how all the parts fit together. Representative Sachs mentioned she is grateful for her colleagues and for the continued dialogue with the Council. She feels it is important to her to continue that dialogue. She encouraged folks to look at the memo. It is thorough but if anyone has questions, please let her know. Councilors thanked her for coming this night.

2. Discussion of Water Tanks (Mr. Joseph suggested doing this in September.

**MOVED AND SECONDED:** To adjourn at 10:20 p.m. (Reighley & Lawrence)  
**VOTE:** (7 Ayes) (0 Nays)

Respectfully submitted,

Sharon Coffin, Council Secretary

**EXECUTIVE SESSION**  
**FREEPORT TOWN COUNCIL MEETING #20-21**  
**TOWN COUNCIL CHAMBERS**  
**30 MAIN STREET**  
**TUESDAY, SEPTEMBER 7, 2021**  
**6:00 p.m.**

Chair Egan opened the meeting at 6 p.m.

ITEM # 161-21            To consider action relative to an Executive Session pursuant to 1 M.R.S.A. § 405(6)(E) pertaining to a legal matter.

**MOVED AND SECONDED:** That the Town Council enter Executive Session. (Lawrence & Piltch) **VOTE:** (6 Ayes) (0 Nays)

**MOVED AND SECONDED:** That the Town Council exit Executive Session. (Lawrence & Piltch) **VOTE:** (6 Ayes) (0 Nays)

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**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #20-21**  
**TOWN COUNCIL CHAMBERS**  
**30 MAIN STREET**  
**TUESDAY, SEPTEMBER 7, 2021**  
**6:30 p.m.**

At 6:30 p.m. Chair Egan reopened the meeting and took attendance. He announced that Doug Reighley has resigned and is absent. All Councilors are here as well as the Town Manager.

<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		

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

Everyone stood and recited the Pledge of Allegiance.

Chair Egan reminded Councilors to activate their microphones when they are speaking. It is impossible to collect their comments on the recorded version of our meeting if their microphone is not activated.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #18-21 held on August 3, 2021 and to accept the minutes as printed.

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**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #18-21 held on August 3, 2021 and to accept the minutes as presented. (Piltch & Lawrence) **VOTE:** (6 Ayes) (0 Nays)

**THIRD ORDER OF BUSINESS:** Announcements

Councilor Lawrence announced that the Freeport Players are going to show Black Coffee live theatre at the Freeport High School's Performing Arts Center on September 17 and 18 at 7:30 p.m., on September 19 at 2 p.m. on September 24 and 25 at 7:30 p.m. and September 26 at 2 p.m. He urged residents to come out and enjoy a little murder/mystery.

Chair Egan reminded everyone that the due date for submission of papers for their candidacy for one of the open seats in our Municipal Election coming up at the beginning of November including now three Council seats and two School Board positions is this Thursday, September 9<sup>th</sup> so if anyone is out collecting signatures for their own behalf or someone else, they are due at the end of the day on Thursday, September 9<sup>th</sup> with the exception of District 3. We had a resignation of the representative on our Council for District 3 so we are going to allow a little more time for the collection of those papers. There will be an extension deeper into September. Please call Chris Wolfe at Town Hall if you have any question or need details about that.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Bradley mentioned the Island Rover and they have had substantive discussion about that moving forward to launch planning. Harold Arndt and Carter Becker have engaged a Marine Engineer to help them develop that plan and provide an expert opinion with regard to its feasibility. He has not seen it but thinks it is in the works. He wanted to let the Council know that it is in the works.

Councilor Bradley reported that the Town, Mr. Joseph and Ms. Pelletier hosted a group of businesses and organizations who live, operate and work on Main Street both sides, south of Bow Street here to talk about what their plans are and what their ideas for the Re-visioning are and generally speaking how they would like to be involved in the process. He feels it is fair to say that the meeting was well attended. Some ideas were interesting. There were some new ones Councilor Bradley never heard before since there have been so many expressed unusual. A memo of the meeting will be presented to the group and then presented to Councilor Whitney and Mary Davis of FEDC. Mrs. Davis was at the meeting as were people from the Town. He wanted to let the Council know that it happened and was a little bit outside of the Principle Group asking questions but it did give people on Main Street a chance to weigh in and express their views.

Councilor Bradley advised that he has been approached by a group of people in the community to present to the Town Council the request that we sponsor a quorum on action items for climate change. The reason behind this is one that he shares and he is a perfect example of it. He is very concerned about climate change but has no idea what to do about it. He is essentially paralyzed as a human being, as a Councilor, as a Town resident, a father, a grandfather with the concerns he is certain are shared generally in the community. What is missing from his thinking is any idea about what the right things to do are for an individual, a community, a nation or a world to work on to stop the progress of temperature and climate disintegration. This group has come forward and said let's not argue about whether climate change is happening or not. People will disagree about that but there is a large number of people and a growing consensus that it is occurring and there is lots of good ideas about how to deal with it. He suggested

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having a discussion about those ideas. The group thought that if the Town Council would not decide what those things are but would sponsor the opportunity to bring in people who know a great deal about those things, it might help the community and individuals move forward and lead to a process that might help Freeport play a role in all of that. His request is please, as a Council, let us do what we can to help sponsor this kind of forum. He knows now what he didn't know before this group called him. He identified the people who have played a role in conservation issues in town and who he thinks are tuned into this. They are really asking the Council to throw its credibility or weight behind the opportunity to bring experts in. They will do the work. They will organize the forum. They want the Council to lend its name as the responsible group for the Town of Freeport to sponsor the forum.

Chair Egan felt this was an excellent idea and he supports it 100%. Over the summer he has been trying to engage the Planning Staff here to take advantage of an opportunity that has been offered to the Town for Climate Action Planning. GPCOG has a grant and a Staff person who is reaching out and doing technical assistance to communities within their footprint, with Freeport being one of them, and asking if we would like to engage with them for some specific Climate Action Planning activities. That may mean specific projects although that may mean it is a bit down the road, but at least raise the vocabulary of what a community can do. This is a perfect alignment with that work. Because of Planning agendas and other things crowding the schedule, we are finally going to have that first conversation next Monday with the materials sent over by GPCOG for figuring out how we are going to engage. The Council has the luxury and benefit of having a Sustainability Committee which he thinks is a perfect opportunity for that work to channel through. He is going to try to coordinate with that effort next week and include the Sustainability Committee. He would love to support the idea of sponsoring this forum. He thinks it is great.

Councilor Bradley asked if he could go back to this group and say the Council accepts the request and we will sponsor the forum? Is that okay? Councilor Piltch assumes the Sustainability Advisory Committee has done stuff like this in the past and assumes they are the right group to organize it. He is happy to support it. We support the work they do and he assumes this would go through them and also work in conjunction with GPCOG but also with the State who has a number of Climate Action groups as well. He would not want us to invent the wheel twice. Councilor Bradley added that he does not think they are asking the Council to create a new process but they are asking us to sponsor a forum that will bring experts to the town who will talk about the different ways in which a climate change can be addressed, whether it is carbon sucking, electric cars, solar, wind or whatever. They will have a series of speakers that will present the spectrum of possible action items to educate us all then let these groups work together to figure out what the best plan is for Freeport. Councilor Piltch advised that he thought the Sustainability Advisory Committee brought folks in and talked about different aspects and he found it very educational. He wants to keep doing this type of work and is in support of it.

Councilor Daniele noted that Susanna Hancock is here and she is on the Sustainability Committee so the Council could have her speak since her name is on the group. Chair Egan noted the Council has a segment for public participation coming up in a few minutes. He does not think the Council needs more than a consensus that we are going to proceed with a conversation. We are not voting on any money, action or hiring someone at this moment. If there is consensus to move forward, a couple of us can coordinate with the Sustainability Committee and see what that forum designation looks like. Councilor Bradley advised that he appreciates it.

Vice Chair Whitney advised that continuing with the updates on the Re-visioning work downtown, she wanted the Council to know that the Principle Group will be here in Freeport on October 14-19 for Design Week. It will be more collaborating with the community and moving things forward. She is sure the Council has seen some of the work done throughout the town by now such as the parklet on North Main Street. There has been some painting at the top of Bow Street and right at the end of Holbrook

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Street. We now have a park behind Starbuck's that is town-owned property where L.L. Bean has donated furniture and it is a great little park. The two vendors there are busier than they have ever been. Over the weekend, we had a grand opening of our Skate Park. It is a fabulous place for kids. Jack Kyle, a Portland resident designed and built the park for us. We had some equipment donated by the Skate Park in Bath and this collaboration led to a grand opening and was extremely well attended. It brought the community together more than we have had in decades. We have skaters of all different ages. The Skate Park is behind the Train Station. Other activities such as corn hole and chalk are offered there as well. Mr. Joseph displayed some photos. Vice Chair Whitney advised that a committee has formed to try to come up with a more permanent skate park in the future. She gave credit to Public Works and Mr. Joseph for their contributions to the Skate Park.

Chair Egan advised that the Ordinance Committee met and there were recommendations for updates and specificity in our Noise Ordinance. Those will be coming forward after they go through our Planning Board process and we will have some amendments to look at. The Hunter Road Fields Committee which meets 5 or 6 times a year is happy to have the challenge of trying to figure out a schedule of outdoor events at Hunter Road Fields. It is good to see our youth in action having fun on all of those great fields.

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

Mr. Joseph reported that in the past five weeks there has been a lot of activity going on in various Town departments, specifically a lot of turn-over and staffing stuff which is really time consuming. He was happy to report that they have a finalist for the Deputy Town Clerk's position and will be ready to announce that shortly here. They have a nominee for the Police Chief's position who has a crowd of 70 people out in front of the Town Hall right now. He has asked them to wait out there but they may be coming in for a business item later on the agenda. We have got some pretty good response for our Fire Chief's position and we have some other Fire hiring as well over in the department. We are making some good progress but it is a huge time vacuum. It is all good stuff.

Today we had a visit from the French Ambassador to the United States here in South Freeport to the L'ecole Francois. He came to tour the school with the Consul General from Boston. Because of health and safety concerns they did not do a large ceremony but it was an honor to have the Ambassador here. It is a pretty high-level position from one of our high-level diplomatic partners for those of us who got to meet him. The French School is on the radar and we are on the list. The top tier politicians in France see these educational facilities as kind of like their business card out to the world.

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

Susanna Hancock of Flying Point Road advised that this past summer it was estimated that one of every three Americans were impacted in their daily lives to the degree that they had to evacuate or change some drastic aspect of what they were doing. We saw the resurgence of the Taliban for example fueled in part by drought and by people that were offered a wage to fight that they are not getting in their other lives. Climate change is not just affecting drought and Hurricane Ida and having the fire season in the West become more of a year-round event but seeing it as policy and diplomatic issues we are getting into around the world. In Maine, we reached the record temperatures and had the wettest July in more than 100 years after quite a lot of draught. While harvesting blueberries in the North and wearing a mask, the smoke from the wild fires was so thick, she couldn't see across the field and she was in a field she typically could see from the White Mountains to Penobscot Bay. The shrimp industry was closed for the eighth consecutive year this summer and lobsters are fewer. It is basically up to us right now to design the future that we want. Previously, Freeport has said that the Town is concerned about partisanship. While

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she agrees that any statements are only as good as supporting policy, we can no longer talk about partisan policies. The climate doesn't care whether we believe in it or not. It doesn't care whether we are conservative or liberal. It is driven by physics and has very little inclination to how we fit. She explained the organizations she is a member of and how she has worked on an Assessment Report. They know that the cost of doing nothing in Maine will cause billions of dollars in damage in infrastructure, environment and the economy. We all know that we will be personally affected sooner or later. We know that Maine produces .3% of our national emissions. This is very small compared with other states. We know that much of our pollution is driven by outside factors but we also know we have an aging population that is at increased risk for heat-related illness. We have fewer air conditioning units than other parts of the country. Our asthma rates are steadily climbing and we know that climate change is affecting people in this town whether it is clambers, students, health care workers or farmers. Freeport has taken several actions in the past and has listened to her several times. Freeport has teamed up with GPCOG, supported putting a price on carbon pollution at the source and supported efforts to calculate tirelessly Town emissions. The Town has invested in solar and supported the RSU doing the same, supported the Sustainability Committee, composting and recycling. There is a long list of actionable items with the Sustainability Committee. People here are motivated and for that they are grateful but they also know that these actions alone are only a start. They need to be community driven. Building on what Councilor Bradley has discussed, we are starting a new Climate Task Force of some sort but want to know what a sustainable and healthy future looks like for our population. They want to know what it looks like for individuals in Freeport. Whether people are worried about or affected by sea level rise or fishing regulations, people not sleeping because of anxiety over the future. Regardless of our political orientation needs, we want to see how we can make proactive approaches to making Freeport a model community and they want to hear from people around the town. If there is anybody that wants to participate, has thoughts or feedback, specific concerns, they welcome them to be in touch with them. Although she is here in her capacity as a private citizen, as a School Board member, she has a public e-mail that is on the Town's website and can be contacted through that manner as well. They are not trying to reinvent what the Sustainability Committee is doing. The committee right now has a very full agenda and they are not getting through what they want to get through. They are also tackling items that are coming to them that they hear about so things that the Town Council discusses or in talking with GPCOG, they have this idea that it sounds like something they would like to do. Let's bring it and see what they can get approved working with GPCOG. That is a lot of what they are doing and this is something that somehow runs parallel but they want it to be open to the community. Bringing in experts has been done in the past but has not been done recently. They don't have the people power to get that off the ground. It is not to replace the committee. It is to augment the work with a little more community driven support rather than people that have been appointed to a board doing what is important to them. She is talking with policy makers around the world and there is a lot they can do. They just need to know what they want to do and what is important to the town.

Chair Egan thanked her and asked that she include him on her list. He can't wait to help out.

Joyce Veilleux advised that she is with the Age Friendly Freeport/Pownal Committee and in conjunction with Freeport Community Services they are having their first joint course. It is going to be a course in advance directives. It is actually a 3-part course and they will be doing it at the Freeport Community Center. This class series will provide the learner with the knowledge, skills and necessary tools to document all of their final decisions. The dates are the September 16<sup>th</sup>, September 30<sup>th</sup> and October 21<sup>st</sup>. A flier can be found on the FCS website and their Facebook page.

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

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ITEM # 162-21 To consider action relative to adopting the September 7, 2021 Consent Agenda.

**BE IT ORDERED:** That the September 7, 2021 Consent Agenda be adopted.  
(Egan & Lawrence)

Chair Egan reviewed the items on the Consent Agenda for members of the public. Councilor Bradley felt it would be helpful to identify the people appointed to the two Boards tonight and Chair Egan agreed. For the Police Advisory Board we are appointing Ed Boutin, Joyce Clarkson-Veilleux, Mark Devine, Warren Graver and Elizabeth Ring. They will serve for different periods as designated on their appointment. On the Shellfish Commission we are appointing Sarah Warren, Chad Coffin and Jason Doyle.

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

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ITEM # 163-21 To consider action relative to a new Special Amusement Permit for Mast Landing Brewing Company. PUBLIC HEARING

**MOVED AND SECONDED:** to open the Public Hearing. (Lawrence & Piltch)  
**VOTE:** (6 Ayes) (0 Nays)

Chair Egan advised that the Council had some detail on this last month when this item was introduced. Mr. Joseph explained that a Special Amusement Permit is required to have entertainment mixed with alcohol in the Town of Freeport. Music, dancing, live entertainment or theatre possibly, if you want to do any of those things in an environment where there is alcohol, you need a Special Amusement Permit. Mast Landing Brewing Company is a new business opening up and they want to have live entertainment so they need a Special Amusement Permit. The Council has to renew these on a regular basis. There were no public comments provided.

After hearing from the Town Clerk, Mr. Joseph explained that the Special Amusement Permit is the same each year at the public hearing. The liquor license is what changes so the actual underlying liquor license doesn't require a public hearing after the first issuance. They both renew annually. It is inconvenient for everyone every year.

**MOVED AND SECONDED:** to close the Public Hearing (Lawrence & Piltch)  
**VOTE:** (6 Ayes) (0 Nays)

**BE IT ORDERED:** That a Special Amusement permit for Mast Landing Brewing Company be approved. (Lawrence & Piltch) **VOTE:** (6 Ayes) (0 Nays)

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ITEM# 164-21 To consider action relative to setting a public hearing for September 21, 2021 to discuss awarding a contract to Allegiance Fire and Rescue in the amount of \$636,677.00 for a new Fire Truck.

**BE IT ORDERED:** That a public hearing be set for September 21, 2021 at the Town Council meeting that starts at 6:30 pm to discuss awarding a contract to Allegiance Fire and Rescue in the amount of \$636,677.00 for a new Fire Truck.

**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

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placed on Freeport's local cable channel 3 and the Town's website. (Piltch & Lawrence)

Chair Egan added that this item was approved in our Capital Budget that the Council voted on and approved earlier in this calendar year. We are authorized to spend the money and this is the detail on making the actual purchase.

Mr. Joseph advised that the Council is setting a public hearing and the presentation would probably be made at the public hearing on the 21<sup>st</sup>.

Fire Chief Jordan pointed out that the price will change from \$636,677.00 to \$648,495.00. Mr. Joseph suggested that the Council amend the amount.

**MOVED AND SECONDED:** To amend the amount of the item from \$636,677.00 to \$648,495.00. Piltch & Lawrence) **VOTE:** (6 Ayes) (0 Nays)

**VOTE TO SET THE PUBLIC HEARING:** (6 Ayes) (0 Nays)

Retiring Fire Chief advised the Council that they would not see him in two weeks.

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ITEM# 165-21      To consider action relative to setting a public hearing for September 21, 2021 to discuss amendments to Chapter 39: Loitering, Curfew and Noise of the Freeport Town Ordinances.

**BE IT ORDERED:** That a public hearing be set for September 21, 2021 at the Town Council meeting that starts at 6:30 pm to discuss amendments to Chapter 39, Loitering, Curfew and Noise of the Freeport Town Ordinances.

**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)

Councilor Bradley asked if this has anything to do with airboats? Other Councilors advised him that it does not. Mr. Joseph advised that there is another part to this that has to go to the Planning Board requesting changes. The timing for that would be if the Council votes to approve this on the 21<sup>st</sup>, it would go to the October Planning Board meeting with other requested changes. The language that was reviewed at the Ordinance Committee was presented by a member of the public who has been extremely patient waiting for us to go through our process. We will have a public hearing and hopefully be able to adopt these amendments to our Noise Ordinance as well as potentially voting on taking direction to send other elements related to zoning down to the Planning Board for discussion. Eventually they will come back to the Council.

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

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ITEM # 166-21                      To consider action relative to approving proposed amendments to Chapter 46: General Assistance Ordinance and Appendices A- H for the period October 1, 2021 to September 30, 2022.

**BE IT ORDERED:** That a Public Hearing be scheduled for September 21, 2021 at The Town Council Meeting starting at 6:30 pm to discuss amendments to Chapter 46: General Assistance Ordinance and Appendices A- H for the period October 1, 2021 to September 30, 2022.

**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. (Bradley & Lawrence)

Chair Egan advised that the Council had a lengthy memo from Johanna Hanselman, our previous GA Administrator included in our packets describing most of the amendments and descriptions. Most of them are in compliance with current federal law. We are just setting the public hearing and are not taking any action this evening.

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

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ITEM # 167-21                      To consider action relative to the appointment of Nathaniel Goodman as Freeport Police Chief.

**BE IT ORDERED:** That the appointment of Nathaniel Goodman as Freeport Police Chief be confirmed by the Town Council as required by section 3.04 of the Town of Freeport Charter. (Whitney & Lawrence)

Mr. Joseph mentioned that he had a discussion with former Chief Nourse today and settled on everybody bringing different strengths to the table. In his memo he advised that Nate has a set of strengths for the Town right now. His ability to talk to people, listen and have some rational explanation and calm discussion has really done a lot over the past year. He gave him credit for what he has done while acting as Chief and feels it indicates he is the right person for the job in today's times. He is a patient person and everybody seems to like him. We had an application process and Mr. Joseph is really happy Nate decided to step forward. He is someone who is qualified and wants to take this position. Most of the people here tonight, feel they have someone to look out for them during this difficult time.

Councilor Lawrence advised that he met Nate 17 years ago and feels he is the right man for the job. He thanked him for stepping up. Councilor Piltch advised he met Nate a little over a year ago and is thrilled that he is stepping forward. He is thrilled to support Nate's nomination. He found it to be surprisingly refreshing how open and reasonable he was in representing Freeport's Police. He is proud to have him as Chief of our Department. He is thankful we are not bringing in someone from the outside to train or explain what is different and unique about Freeport. The history Nate has with the town is a great asset to us. It is a win/win for everybody. Councilor Daniele appreciated what Nate has done last year and in his career here. He is looking forward to what he will do next and is confident it will be great. He thanked him. Councilor Bradley noted it is hard to add to all of these things just said, added that just having served on a committee with Nate on the Downtown Re-visioning and didn't hear him take it over and tell people what to do struck him as the type of guy we want sitting beside us when we go through these difficult decisions. He thanked Nate. Councilor Whitney felt it was an honor to be here tonight to see Nate's

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family and all his supporters. She would agree, of course, what the whole room would say about Nate and echo that it is so nice to have his kindness. He is so relateable with every generation right down to approving a skate park and giving the nod and wanting it for the kids. He is also the kind of guy you can call and say, hey, do you want to walk around and I'll be an elf and you can wear a silly hat and we will give out prizes to people. He immediately said yes! Chair Egan noted that he does not know Nate very well but the best part of being up here in terms of understanding where our Police Department is, we don't ever get issues brought to the Council about what is going on in the department other than finding out about the new police stop on Casco Street. It is a testament to Nate's leadership and former Chief Nourse before him, who he trained under that the department is running very smooth and as elected leaders in the community, we couldn't ask for a better example of that. As Councilor Piltch said, the opportunity and openness Nate expressed to share in discussions with our community who is quite concerned about where things are with police departments. Nate is jumping right in and is not hesitant and is not saying let's do this next Tuesday. That engagement and leadership is evident in everything he has seen Nate do. He welcomed Nate and advised that he absolutely earned the position.

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

Chief Goodman was sworn in as Police Chief by the Town Clerk, Chris Wolfe. Chief Goodman took the time to recognize the people in the room that have put in the hard work. His son is a Criminal Justice Major in college and in talking with him, advised that every day that he works, he is auditioning for that job. Every day that goes by, you have to put in hard work and treat people well. It is because of the people seated in the room, his family and all the officers here that work so hard to protect the citizens of Freeport. He is appreciative of the opportunity to lead the group but it is something they have been building on for many years and something they want to continue to work hard for. He has given Freeport 24 years so far and will continue to work as hard as he has in those 24 years toward the future. He appreciates it.

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ITEM # 168-21	To consider action relative to invoking a shortened nomination process as outlined in title 30-A Section 2528(4)(E) of the M.R.S.A. to fill an unanticipated vacancy for Town Councilor, District 3.
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Town Clerk, Christine Wolfe explained that the Council needs to adopt a shortened nomination process if that is what it chooses to get the District 3 vacancy on the ballot. The Council could shorten it to as little as 24 days with 10 days of circulating nomination papers with submission at least 14 days prior to the election. That is not what she is going to recommend to the Council tonight. Her recommendation would be that we make nomination papers available tomorrow morning and then have them circulate for 21 days and then be back to her on Wednesday, September 29. It will give her Thursday to print paper ballots which will be counted on Election Night but they will be available October 4<sup>th</sup> when absentee voting starts. She wants to avoid at all costs, having regular ballots ready and not having the District 3 ballot ready at the same time. Basically, we need to have at least 100 days per our Charter for nomination papers. Our Charter reads that they will be available 100 days prior to an election submitted 55 days back to her prior to the election. In looking at that 3-month window and if the Council wanted to have a special election in February or March, the Council could do that with the full circulation time for nomination papers. The problem with a special election in the spring is that it is only going to be District 3 voters and there is the potential it will be an extremely low turnout. Chair Egan added that it is between now and then before we will have a seventh Councilor on our Board.

Councilor Daniele added that it is not good when only one person steps forward because we get one choice. He would like to be sure we don't have any issues. He asked what the Council can do to get the word out and entice more people to run? Councilor Bradley advised that since learning of Doug's

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resignation, he has been calling people in District 3 and he understands that other Councilors have been calling people in District 3 and letting them know that this opening is coming. He believes there are at least a couple of people who are going to taking out papers to run for this seat so he thinks the Town will have some choices. Ms. Wolfe added that she feels she will have someone at her counter tomorrow if the Council approves this shortened process.

Councilor Bradley added that it is no secret that in the short period of time that he served on the Council with Doug, he didn't always agree with him. As he served with him, he began to develop a grudging understanding and respect for where he was coming from and in a way, he endeared himself to him and he is not saying that superficially. He began to like him in a way that he didn't understand him in the beginning. He wrote a resignation letter that reflects the kind of person he is. He asked for permission to read it and Chair Egan granted it.

It was a letter written to the Council and all the citizens of Freeport.

"It is with deepest regret that I tender my resignation from Town Council. It is not my style to share my private life with doing my work as a Councilor but I am going through a divorce which has caused me to move from the house I built and since there is no available home in District 3, I have chosen to relocate to Clayton, NY on the St. Lawrence River where I can fish every day, and hunt when I don't. I have been "passing through" Clayton since 1956 so this is not new territory.

I wish you all well and know that you will continue to work for what's best for the Town of Freeport. And at my new home, you are welcome anytime.

Now I motion to adjourn,  
Doug Reichley"

Councilor Bradley added that it is a perfect Doug Reighley and he thought it would be good for the Council to put it out there.

Ms. Wolfe advised that if anyone has apprehension about only 3 weeks of circulation, almost everyone from the time they take out papers to the time they return them is 3 to 3 ½ weeks so she did that math today. Chair Egan appreciated that flexibility because he was concerned about that exact dynamic. It is just about the same time that the regular election process goes through in terms of when you stop in to initially pick up and get the low down on how to go about it and the rules and parameters of collecting those signatures from your fellow residents. It is about the same time or slightly longer. He thinks it is as much of a balanced process that Chris can provide for us and still have a consistent and uniform predictable election process including having a candidate named for the absentee ballots which need to go out in early October so there isn't a special ballot that only certain people see. It is a consistent process which is how transparent elections are required to be run.

**BE IT ORDERED:** That the Town Council invokes a shortened nomination process to fill a vacancy for Town Councilor District 3. (Lawrence & Piltch)

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

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ITEM # 169-21

To consider action relative to signing the Election Warrant for the November 2, 2021 Annual Election.

**BE IT ORDERED:** That the Freeport Town Council approve and sign the election warrant for November 2, 2021 Annual Election. (Piltch & Lawrence)

Mr. Joseph explained that by law this has to be posted and this one has the District 3 vacancy on it.

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

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ITEM # 170-21

To consider action relative to issuing for a stated period of time a construction overlimit permit to the Maine Department of Transportation Contractor for transporting construction equipment that exceed legal weight limits, over municipal roads.

**BE IT ORDERED:** That the Town Council issue for a stated period of time a construction overlimit permit to the Maine Department of Transportation Contractor for transporting construction equipment that exceed legal weight limits, over municipal roads. (Piltch & Lawrence)

*Note: The municipality may require the contractor to obtain a satisfactory bond pursuant to 29-A MRSA section 2388 to cover the cost of any damage that might occur as a result of the overlimit loads.*

Chair Egan explained that we are moving this forward because we are about to go through the process of engaging for the bridge work at Exit 20 and Exit 22 which serve our downtown community from either end, north to south and we have to be able to in order to participate in financing, it would be nice if we allowed that construction activity to process their vehicles over our roads for a limited period of time which are overweight. Our Town Engineer can answer technical questions at a later time. Discussion on timing followed.

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

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**OTHER BUSINESS:**

1. Discussion on staffing Town Manager Office due to recent General Assistance Administrator retirement

Mr. Joseph explained that this does not require any Council action. He wanted to bounce the staffing discussion off the Council and the Council can be favorable or unfavorable and he will take that feedback. He explained that currently in his office he has himself and Judy who is Assistant to the Town Manager and essentially does all the H/R and personnel functions. That is her sole job. We had Johanna who worked 20 hours a week for General Assistance and 20 hours was for Manager's Office duties. She worked closely with the outside Boards and Committees that don't have Staff support scheduling their meetings and doing administrative work for them. She did a ton of Swiss Army Knife stuff for Mr. Joseph. He is proposing to take both of those positions and what he is about to say is covered within the budget. There is no additional cost to the taxpayers but maybe a little bit of adjustment in salaries one way or another. This is not something he is asking for money for. It is already contained in the budget. It is moving things around. We shifted those G/A duties and contracted them out to FCS for \$12,000 for the year. The additional cost was already in the budget and we spent that. The proposal would be to create two Assistant Town Manager positions. One being H/R and Personnel which is zero change from the duties Judy is currently doing with a title change that reflects the job she has done for at least 10 years.

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He will create a second Assistant Town Manager position focusing on Planning, Community Development and Codes which will take about 20 hours of the time that Johanna did on Town Manager functions but stay in his office and 20 hours for the G/A time that went elsewhere and focus on high-level Planning, Codes, Development and Engineering problems that are things we have on a regular basis. He thinks we have a very talented Staff who can identify and find things when reviewing applications but then there is nobody to take the applicant and explain how to go about doing things. He feels that people feel like they are hitting a wall. They are getting input from the Planning or Codes Office saying these are the problems in the application. While they can move forward, it takes someone to spend time with them on the phone or in person to explain how they can move forward and what their options are. It is not going to be designing things for people. It will not be doing the actual work but it would explain what they need to get an engineer to do this or that. He is trying to solve a lot of the problems we are seeing in terms of steering people along. This is a redivision of some duties and would not change the number of hours allocated currently to those departments but will be adding additional hours to support those two departments.

Councilor Whitney pointed out that Mr. Joseph works too hard. He is the guy down at the Skate Park helping her. Today he went to Bow Street to get the waters. He does everything and does it around the clock and all weekend. He is always working and she is concerned that he will wear himself out and we will lose him. She has been telling him all along that he needs more support. She is excited to hear how things are going and particularly with this re-visioning. We are going to need some zoning changes, ordinance changes and new interest in Freeport. Anything we can do to make it easier on people also coming to Freeport is fabulous.

Councilor Bradley advised that he is 100% behind the decisions and areas in which Mr. Joseph is going to supplement. His brief experience on earth suggests to him that you never get nothing for nothing. He is concerned that Mr. Joseph can pay for what we need with no additional money and can't follow how Mr. Joseph can contract out 20 hours to FCS and pick up 20 hours of Johanna's service and get everything Mr. Joseph just told the Council he needs and wants and the Council agrees he should have particularly as we go through re-visioning and try to solve some of the problems with all the applications we get some of which are very complicated and need attention up front not at the end. If Mr. Joseph can tell him how he can do all this without asking the Council to support more hours, or pay for more hours, he has his vote. If he can't, Councilor Bradley is going to say let's give Mr. Joseph more money.

Mr. Joseph explained that we budgeted \$30,000 last year for the G/A function and Johanna's time figuring that if he needed to hire somebody to do that job, we would have the money in the General Administration budget. He mentioned that he has the pay line for what Johanna used to do which is what we would pay the new person and also budgeted money to outsource G/A.

Councilor Pilch asked if the other stuff Johanna did other than G/A, is there enough time in one person's day to do all Johanna's other stuff plus all the things Mr. Joseph just mentioned? Mr. Joseph added that it will be a full-time position. A few of her duties have gone to Finance and the Clerk's office.

## 2. Discussion of a Communications Position (Councilor Jake Daniele)

Councilor Pilch advised that we all talked about having better communications with the public in general from feedback we hear a lot. This summer we had Peter Sachs, our summer intern who worked to help us identify grant opportunities and assessing where we are on Town communications. He provided a verbal presentation and summarized it in a document the Council has. He mentioned a few different areas we can engage but one area they talked about was that this is not something you do on the side as a hobby but it is something that should be done intentionally with a plan, strategy and execution and almost all the towns that do that well have someone dedicated to do that job. Falmouth decided a few years ago that it

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was worth hiring a Communications Director dedicated to helping the Town Hall communicate with the public over various different channels. He does not know if this is a full-time position or a half-time position but feels we need someone to do it and someone to own it. He doesn't think the Council has any specific money budgeted for it but feels it is something we should look into. Councilor Bradley asked how this relates to the idea we have just taken on a Cable position? Mr. Joseph noted he sees this as being very different. That position is not writing content at all. He knows that Tom who started a few months ago, is doing a very good job with the technology like fixing things and making things work. He might be able to write copy, but he doesn't know if that is his specialty. Councilor Bradley noted he is just asking but certainly Tom has both the experience and expertise to do high content programming. He knows the initial hire was to straighten out some technical issues in Cable but understood that if Mr. Joseph liked him and he was doing a good job, that position would grow. This is one direction this is coming in and the other direction is Arts and Culture which also needs programming and communication to go on and coordination with the RSU and all of its programs. He doesn't know how it all works but hopes that as we go through this, we keep all of that in mind. Mr. Joseph advised that Tom would be able to transition into a full-time ability out in December or January. Right now, he is working part-time for us and has previous obligation from his current job he is going to finish out before we talk about transitioning into full-time. If the Council wants that to happen sooner than that, it is not on the table.

Councilor Daniele asked what does the Council want to achieve and what messages do we need to get out? Obviously, we have a problem getting people to know the issues we are talking about but what else are we looking to fix. Councilor Lawrence mentioned getting things out that are going through a Planning process or a subdivision that is going to be built over on Desert Road. Those things seem to pop up and people are not aware of it until they are half way down the pipe. Chair Egan can think of at least five things off the top of his head where we don't do a good job in terms of communicating out to the community. Both our Operating and Capital Budget information is put out there but is in a format that if you have never seen it before, it will look like another language. Being able to communicate what our budget, and not only the process, but the elements in the budget, so that people understand where their tax dollars are being spent is an enormous need. In terms of projects and investments that are going on in the community that are both private and public and the Town does a fair number of projects as well in terms of roads and things like that, there is plenty of information that is put out largely as Staff has capacity but it is not a coordinated effort. There would be no dispute on that. Councilor Bradley feels it is clear we don't communicate very well so that is the first answer, we want to do that. It is also clear that we have resources here that we don't even scratch. We get a fair amount of money to make Cable a robust substantive channel and we don't do anything he knows but put meetings up that people could catch onto if they read the Minutes and that sort of thing. There is a whole range of opportunities that are going on in Town that could enrich us if we chose to do it. This person in part may be the answer to that and Tom may be another part of the answer. He does not know how it works together but hopes it is not just trying to get facts and figures out to the public. Some are interested and some are not but that we reach into the lives of our people in a way that we have the ability to do. We don't have to tax people to do it. He understands we have the money that we don't use to do it. He asked if he is wrong about that?

Councilor Piltch advised that part of what we identified is that different people absorb communications in different channels so one of the challenges we have had in the Downtown Re-visioning is how do we capture the attention of the younger half of our population? His educated guess is that the younger half of our population is not watching our Cable Channel 3. No matter what we do or pump resources into our Cable infrastructure, that is not the channel we are going to reach them on. Perhaps it is Instagram, Social Media, Facebook, E-mail or something else we don't know about so he thinks a lot of things we need to do is communicate over different channels and make our message interesting. It is not just facts and figures but here is the budget going through it and here is how the budget works and why it is interesting to you. Here is an easily digestible nugget you might be interested in. Here is what we are doing with

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Sustainability and why it is important. It is not all about public hearings and Council action. Other towns such as Falmouth provide items of interest as well so there is something about pesticides and naturally fertilizing lawns and they talk about that in the spring. It is about content and making it interesting and the many different channels but Cable is part of the solution. Chair Egan added that it is also understanding how the media works and not just understanding the channels we want to put it out in but understanding how to use the cycle of the media to the host's advantage. As a town, we want to be sure we are in front of things like publication timeframes and deadlines and when various things are happening so a Communications Director can get out in front of that and use that strategy so the message of whatever it is of that day or that week is already out there before people are saying, how can I find out about such and such? That is evidence of a good communications plan. More discussion followed.

Councilor Daniele asked if this is a 20-hour a week position or a 40-hour a week position? Can we combine it with something else that is important such as what Mr. Joseph is doing with his position? Is this a split 30/10? Is this what we are talking about? Mr. Joseph advised that we do not have a specialized media skill set. To Ed's point, we have a part of that in our current Cable staff that we are moving along with. We are good with: "hey, you are going down with 3 channels right now and there are 15 other channels out there you could be using." Maybe the technical part is happening and maybe we are getting that expertise in house, but he doesn't know if anyone knows how to make an enticing Instagram post that is going to get 40,000 likes. He has not been on Instagram before and he is almost of that generation. He mentioned the Skate Park and Vice Chair Whitney advised that under Freeport Friends it is getting a ton of feedback from the community because it is hitting a different demographic. She added that if we can find those outlets, the information is going to get out there.

Councilor Piltch asked what the next steps are. Do we write up a job description? Should a few Councilors sit down with Mr. Joseph and figure out if we should advertise it as a part-time or full-time thing and come back to the Council? Do they need to allocate more money or is there money in the budget? Mr. Joseph added he would need to discuss it with the Finance Manager. He feels we should look at a part or full-time position. It doesn't need to be a department-level position. Councilor Lawrence added that this person needs to be able to work with every department to get the information on what is going on. Mr. Joseph advised that this person's entire job is telling a story and comes to work and says I am going to find something to cool to talk about today. He feels it is a full-time job. Chair Egan asked Mr. Joseph if he had any starting blocks for Councilor Piltch and Councilor Daniele to begin with. Mr. Joseph advised that he did and congratulated them for volunteering. He feels there are four or five examples in our surrounding towns that he can scalp their work. Councilor Bradley pointed out that he would like to be an auxiliary laborer in the field of Arts and Culture.

### 3. Discussion of Water Tanks

Chair Egan advised that there are currently two water tanks currently serving our privately-owned water system. The general outline here is that the tanks themselves are owned by the Town of Freeport and one of them sits or stands on Town-owned land and one sits on private land. None of the operation of the tank, none of the maintenance of the tank and none of the future repairs to the tank are of the Town's obligation. We have negotiated that to be all carried by the operator of our privately-owned water system. However, the tanks technically still are our equipment and so the discussion is if the Town is not going to operate a water system anytime in the near future and the Town is not going to administer the activity of maintenance and keeping up and carry the liability of those tanks, why should we continue to own them? There is no revenue stream attached to it as a Town asset that we are earning revenue from the privately owned water system. The question is should we continue? Part of this is prompted by the privately-owned water system saying they would like to take those so that they are their equipment.

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Mr. Joseph added that we have an expiration of a 20-year land lease in December of this year so they brought this up earlier saying we either need to continue to do business as usual which no one is in favor of or talk about something different. He explained that both tanks are in the ownership of the Town because they were constructed and financed in the 80s and 90s using very low interest. At the time government loans were not available to private water operators so the Town of Freeport knew they could finance at commercial rates that were in the tenths of percentages and everybody on the water system would have paid those low interest rates. The Town applied and financed the construction of those tanks and was reimbursed for the construction of those tanks by the ratepayers of Maine Water Company but it saved everybody in town a boatload of money because they are not paying 15 or 20% on a 1980s era note for 10 or 20 years. After they were paid off, the handshake deal was that the Town was going to transfer it back but previous administration realized that they were starting to put up cell phone antennas on these tanks and making money and which we currently still do. Maine Water has no interest in the exterior of the tank and the cell phone antennas. They are willing to leave the current lease for zero dollars with the Town of Freeport. As far as he has been told, they are not asking for the contracts or the ability to control the outside mounting points on the tanks. They would like the tanks and provide us the ability to still use the exterior. This is important for us, not just for cell phone communications which are important to pretty much everybody but also more importantly for Emergency Dispatch Communications because both of those are key points for 9-1-1 Dispatch and Police, Public Works and Fire communications. There is a lot going on on the outside of those tanks and a lot of reasons if any of that was in question, he would walk away in a heartbeat and say, no, I think we are good. They are willing to talk on all of that and this is a high-level conversation with management and the attorneys from Maine Water that they would be willing to leave that behind with the Town in perpetuity. To chair Egan's point, there is no agreement that they have to do all this stuff to it. They do the maintenance voluntarily because if they didn't, their system would not work. They spent \$600,000 repainting the tank up on Bow Street because it needed to be done. It was on the 20-year schedule. They are invested in the long-term maintenance of those assets because they can't run their distribution system and make money in Freeport without them. Everything he is hearing seems like a good faith. Our good faith part would be to say, yes, you are right. This is your liability and you have it. When you need to replace them, unless the Town can use something to save you money in the future, have these assets. Also, there is history out there. He has been here close to 10 years and there may be people that know a lot more. This is why we are having a public discussion. He is sure someone will come in and tell him something in the next week about what happened 30 or 40 years ago that he doesn't know the background on. This is why he is coming to the Council to start the conversation.

Councilor Daniele asked what they get. Why do they want to own it? Councilor Lawrence advised that they are already taking care of the whole thing and this is an asset they can put on their books and could take a loan out on it or whatever. Mr. Joseph mentioned that they didn't have any legal right to paint the tank without us telling them they could. They don't have the ability to actually maintain and beside the actual water in the ground, that is the most important asset they have to run the system is the gravity. They can't run their system without those tanks so they don't have the guaranteed ability to run that system. They don't control the actual physical asset but of course, it would everybody in Freeport have no water. They are making money off of it but we are in control of it so it is kind of a really weird dynamic. They have several well heads in town but right now most of the water comes down off of Webster Road.

Mr. Joseph explained that his proposal is that he go with our Attorney and talk with their management and their attorney and bring something to the Facilities Committee that can convene and hash out what the actual proposal is and bring it to the Council probably in the next six months. He asked if this sounded like a reasonable proposal? The Council agreed that it did. Mr. Joseph added that if something comes up that is a red flag to him before we get to that, he will come back to the Council. If something comes up that is a red flag to the Facilities Committee, the Council can pull the quote on it and we will stop talking

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with them. We can continue status quo and that is not desirable. There is no reason for them to tell us not to continue status quo because the alternative is the water system. Councilor Bradley doesn't get from the conversation is why if we own these things, we don't get some return from them. In most circumstances in his life, if someone owns something that is valuable and someone else is making money from it, it is reasonable for the owner to say to some degree that they would like to share to some degree that stream of income. Councilor Daniele added that if we were to ask for money, it would come out of the Freeport taxpayers who use that system. We went with the low-interest loan to save Freeport Taxpayers money. Mr. Joseph advised that he can't speak to the 30 or 40 year decision why the Town at the time made those decisions. They are a PUC-controlled utility so they will say it is an automatic overhead item and the rates will go up. We are essentially transferring money from ratepayers from 40% of the Town that is on this water system to the town. No Councilor indicated they were on town water. Councilor Bradley noted he doesn't know what the answer is but he would like that question to be on the table. Mr. Joseph advised that we won't be making any hard decisions but will be having conversations and will advise the Council and Committees if there are any roadblocks. He is assuming there will be a robust conversation when this actually comes back for consideration.

4. Discussion of Review Process for Wharfing Out.

Chair Egan explained that this is a continuation of what the Council briefly talked about earlier and we have members of the Coastal Waters Commission with us. Concerns with where we are in our particular language for their ability to approve or not approve wharves or docks. We have an opportunity to go into Executive Session and talk about a legal matter. Mr. Joseph advised that our Attorney is on call on the phone if we want to give her a call. If the Council wants to go into Executive Session on a legal matter, it is Statute 1 M.R.S.A. § 405(6)(E). This was at the top of the agenda from the previous Executive Session.

**MOVED AND SECONDED:** To go into Executive Session pursuant to 1 M.R.S.A. § 405(6)(E) pertaining to a legal matter at 8:25 p.m. (Piltch & Daniele)  
**VOTE:** (6 Ayes) 0 Nays)

**MOVED AND SECONDED:** To exit Executive Session. (Piltch & Daniele)  
**VOTE:** (6 Ayes) 0 Nays)

Mark Morrissey mentioned that the application was seasonal. They had a Whaler they wanted to run and they were only going to use it on weekends and pull it back out. They were not going to leave it there permanently so all these things together, while they didn't like it, they had to approve it because they didn't have the language to disapprove it. The other thing they want to address is the Ordinance itself in giving them a little more flexibility and cleaning up the Ordinance so they can better address these in the future. These are the what we will see and he doesn't know if it is family property being divided and sold so we have more houses. This is what you will see down there. On this one application, there were eleven abutters they had to contact and that is a lot for a little stream. That is what they are looking at and why they want to have a moratorium on this so they can move forward and address these before they have to make more bad decisions.

Mr. Joseph mentioned that they were thinking about this at the Staff level and talking with the Town Attorney. They saw a couple of differences and would like to know what they envisioned. Dimensionally the river being too shallow or too narrow to justify the disruption of a dock. If you have a 10-foot trickle deep and hey there is water at high tide and I want to be able to put a float in there and take up half of that or a third or whatever the Ordinance allows. I want to put a 1 x 4 float and the Ordinance says I can do it so I will do it. He can see another one being the length of tide and if it is less than a certain number of hours per day per tide, at what point does it become not worth a disruption?

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Mr. Morrissey advised that those are two they are looking at. The most recent one they approved, they have five hours of useable water. Why would anyone want to put one in there? He has no idea but the Commission wants to look at all these things. The dimensional yes/no seasonal and all these things they should look at and come up with a set of guidelines that would help them in the future. They don't want to make a rash decision. They don't want to say no because some of them do fit. They need some time to figure out what is the best avenue to move forward.

Chair Egan asked how long they are looking at and what is their plan for going about getting their language for making these recommendations to the Ordinance? Is it amongst Coastal Waters members or do they have a professional or practitioner that can provide model language? Does the Commission already know what areas are the real problem and they need to tighten up and work with an attorney to come up with the language. He does not know what the process is. Mr. Morrissey noted that the first thing they want to discuss is the best way to approach this. They have had Katrina VanDusen from the Conservation Commission come forward on several of these applications expressing concern for them and she has volunteered to come forward and help them on this. They have other folks that have offered to help them. He feels they need to take input from players to get their perspective on it but Step One is to get approval and let's talk about how we can proceed forward. Chair Egan's first question about length, he feels they are at a good point here because we are at the end of the building season. They usually see a lot of these in the spring when they want to get approved and they build during the summer so they will have them for the following year. He would like to say that six months would get them into a decision that they hopefully could have finalized so that in April or May when they start to see applications ramp up, they would have this language already approved. They would try their hardest to get this done in that amount of time and not adversely affect potential applications down the road. He doesn't have experience in this and would like Amy to help them with the language but this would be new territory for them as well.

Councilor Piltch mentioned putting the moratorium on areas that are troublesome would buy them some time and they could deal with a traditional wharf and focus more on these. When they get to that point in the future, he would figure out what the strategy is that the Ordinance is meant to support. Think about the principles and what is needed to support those principles. He asked how the Commission wants to craft the moratorium? Mr. Morrissey advised that that is something they will have to figure out as well. He asked if they need to identify specific areas or can they say, if it is deemed that way by the commission? That is another legal question they have to figure out. He does not have that answer. They didn't have the time to consult with Amy as far as what her opinions are. That is a valuable question. More discussion followed.

Councilor Daniele suggested doing a complete moratorium and then relax the moratorium on certain areas with traditional ones. He asked if they could do it the opposite way rather than trying to identify all the other ones? All right, it is a complete moratorium and in six months then we decide we will release the easy ones that have been looked at and made a decision on. Mr. Joseph added that six months is the limit for moratoriums but you can renew them in six-month increments but you have to find that the conditions that led to the moratorium still exist. We can do shorter ones and renew them so you get a six-month moratorium on the problem areas but only a three-month moratorium town-wide so it will give the Coastal Waters Commission and the Town Council time to look at where the problems are and the next one you say, okay we are going to renew it but only for these areas.

Mr. Morrissey noted that they want to keep it short. In thinking ahead to that South Freeport project, they would never have seen it coming so to identify areas might be bigger than we think, short of taking a pen and saying okay all this entire area. He doesn't want to limit these things but he also does not want to say a month may be enough but he doesn't know. Councilor Lawrence had some suggestions that did not stop the process. Chair Egan pointed out that if the Council is going to take action, it would have to be at a public

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hearing and would require two weeks so it is kind of an extra month anyway. If we were to move expeditiously, we would have a public hearing noticed on the 21<sup>st</sup> and the public hearing itself on the first Tuesday of October and then it would be for a month after that so it would be a two-month period for the Commission to have an application in front of us.

Mr. Morrissey assumes that once it is presented to the Harbor Master which is the normal process, they are obligated to take action. Councilor Bradley asked if there is any way to speed up the moratorium happening? Mr. Joseph advised that the only way that could happen quicker, they would have to have the language of the Moratorium Ordinance which he is not able to draft on the fly. We could do it tonight and have the public hearing on the 21<sup>st</sup> but he would have to get back on the phone with our Attorney and have her work at 9:30 at night. The question that we are going to have a rash of applicants, there may be a few in the hopper that might come quickly but someone in theory could drop it off earlier than they were expecting.

Mr. Morrissey noted that there are rumors that they will have another one in that same Kelsey Brook coming down but they don't have it yet so it will not be for the September meeting so potentially between now and a couple of days before, it could be dropped off. Mr. Joseph added that it is governed by the rules that are in place at the time. We would lose that challenge every single time in court.

Chair Egan asked if Mark and Jeff could articulate if they have specific technical needs to the Manager to get what they need to get the language right? Councilor Bradley mentioned having to go through a pretty tough Ordinance process with Short-term Rentals. It took a long time and at the end it took a long time sorting out.

**MOVED AND SECONDED:** To adjourn at 9:20 p.m. (Lawrence & Daniele)  
**VOTE:** (6 Ayes) (0 Nays)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #20-21 AND DISTRICT 1 AND 2 WORKSHOP**  
**TOWN COUNCIL CHAMBERS**  
**30 MAIN STREET**  
**TUESDAY, SEPTEMBER 21, 2021**  
**6:30 p.m.**

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

Chair Egan called the meeting to order at 6:30 p.m. and welcomed everyone. He took attendance and noted that Councilor Daniele as well as the Town Manager are excused this evening. Councilor Bradley will be arriving later. He explained how members of the public would be able to participate at various times during the meeting.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #19-21 held on September 7, 2021 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #19-21 held on September 7, 2021 and to accept the minutes as printed. (Lawrence & Whitney)

**VOTE:** (4 Ayes) (2 Excused-Bradley & Daniele) (0 Nays)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Egan announced:

- **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](http://www.maine.gov) .** Ballots requested now will be mailed the first week of October. Starting October 4, voters may vote in person at Town Hall. More information on absentee voting can be found at [www.freeportmaine.com](http://www.freeportmaine.com)
- **Freeport Conservation Trust's 2021 Freeport Trail Challenge is on!** Hike the four specified Freeport trails and you will win a prize.

Passport Books are available at Freeport Town Hall, Casco Bay YMCA and the Freeport Community Library. You can also print your own passport at [freeportconservationtrust.org](http://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 and/or your dog on each trail at [info@freeportconservationtrust.org](mailto:info@freeportconservationtrust.org).

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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.

- Public Works Department currently has two job openings. Interested applicants should contact Judith Hawley at 865-4743 x119 for more information. Job postings are also available on the Town website.
- Freeport Community Library news:
  1. Join Taylor for OUTDOOR STORYTIME. Mondays and Thursdays at 10:15 & 10:45. Limited to first 20. Runs September 9th-October 21st.
  2. Need internet access at home? Try checking out one of our unlimited high-speed T-Mobile Wi-Fi hotspots and connect up to 10 devices at a time.
  3. The library is now open on Saturdays 10-2!

Councilor Lawrence advised that we have live theatre in Freeport at the Freeport Performing Arts Center. The Freeport Players are doing Black Coffee. This will be the last weekend they are doing the show. They did it last weekend. It will take place on Friday and Saturday at 7:30 p.m. and Sunday's Matinee is scheduled at 2 p.m. He urged residents to come on out.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Piltch advised that he liaised with the Conservation Commission. They have been very busy taking care of all our public lands. One of the things that came up at their meeting was exploring whether or not we want a dog park in Town. They are exploring the pros and cons and where it might go and how it might get taken care of. If anyone is interested in an upcoming conversation, let him know or let anyone on the Conservation Commission know. They will see if they can make it happen.

Chair Egan noted that that topic came up during various visioning sessions earlier this year so he thinks there will be a lot of interest in it.

Vice Chair Whitney advised that we have been contacted by the New England Mountain Bikers Association. They are interested in the connectivity that we have mountain bikes all around us but there is actually a void in connection right here in Freeport. As a group they have met a few times and it is actually coming together really well and it is sort of low hanging fruit that we have Hedgehog Mountain and there are areas of that that wouldn't interrupt any of the walking trails but would allow mountain bikers to enter into Freeport. What is also great, putting on her economic hat, this is also great for Freeport. It is good for Freeport year-round but the time of year she is particularly concerned about is in the winter months, January to June. With the introduction of fat tire bikes, this would really be a great boost for all of Freeport's downtown and a great thing. As we do the revisioning, we are talking about who we are as Freeport. We are no longer an outlet town. We love the ones that are here but we are changing so accepting the fact we are changing and embracing who we are and what we have as natural assets and she thinks this fits in very well with that. We will continue to go forward with this project. The next steps are to rough out what it will look like. If anyone wants to be involved in raking, they are accepting volunteers and then doing a Site Walk. She will update the Council on all of that as it goes forward but it seems like a great opportunity for Freeport. The NEMBA group has complimented the Town Council and particularly Mr. Joseph because usually there are challenges to convince the Council that this is a good economic thing for the Town and they were able to skip that in Freeport.

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Vice Chair Whitney noted she wanted to talk a bit about the Re-visioning Project and mentioned that FEDC President Mary Davis is here. She explained that her favorite project is the pop-up skate park. Her children were not skaters before but they are now. She finds it refreshing to go down to the park and see all these kids outside skating and having fun. Adults are enjoying it as well. She feels this is what we all want for kids to get outside, be healthy and have a place to go. It is not CVS and there is no reason for CVS to be the top place for kids to go. She feels this has been a huge addition to our community and is an amazing gift we have downtown.

Ms. Davis introduced herself and noted she has been heading up this Freeport Downtown Re-visioning Project along with a group of folks that include Freeport Councilors, and folks from Freeport. They are through Phase One where they took a lot of input from a lot of individuals and from that they decided to try what folks said they wanted. The kids said they wanted some place to meet so they tried a pop-up skate board park and it is getting a lot of use. The other two things the Council may have seen is the Hot Dog Park and the Pizza Park. One is on Main Street and the other is behind Starbucks. People said they wanted places to be, to just sit or just hang. They have found that those two locations are literally used all of the time. As we go into the next phases of the project, first they did a little reflection on the summer. Guess what? It was busy this summer and our businesses said it was busy but we shouldn't take our feet off the pedal of the Downtown Re-visioning. We did have a great summer and are appreciative of that but they feel they still need to go forward with the strategy of what we want it to look like in the future and how we start getting the things we want. When they come back to the Council in two weeks, the Strategy Group will have been working and this COVID thing is not quite over. They had planned to bring a big public meeting together and have big discussions but realized they can't do that yet. The Strategy Group is now in the process of redefining how we do those meetings in person and make sure we have safety for the people involved and we get the output we want. In two weeks, the Council will hear the process, procedure and timing as they go into the second and third phase which is all about taking input, drawing it into pictures and coming out with exact plans of what we do and where we go from here. That is where they are on the strategy plan. There is a lot of work being put into it. They just want to keep everyone safe. They don't want people to show up for a big public meeting and then have a COVID outbreak.

Chair Egan noted he feels it is fabulous to see these things popping up around town. He has been getting good feedback on them.

Chair Egan advised that coming up on our Cable Channel will be a Sustainability video on how individuals as well as communities can prepare for changes going on in the climate and making plans to actually try to mitigate some of the effects of climate change. It is an educational video coming up on our Cable Channel soon. He did not know the exact date but mentioned it is an interesting timing because it is coinciding with a number of things going on in the community related to just getting a better understanding and awareness of just what is climate change, what is actually going on and what can people in the community as well as the community itself do to prepare for, and potentially help mitigate some of the dynamics going on. We will have a conversation at the end of the agenda with a little more detail on that but he wanted to mention it up front.

**FIFTH ORDER OF BUSINESS:** Town Manager's Report - (Mr. Joseph was excused this evening)

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

Deputy Chief of Freeport Fire Paul Conley explained that he looked forward to being here to share some wonderful news. The crew he has here tonight may have had one of those once in a lifetime events. They generally see a lot of illness, injuries, etc. This particular event occurred a year ago in October but this is

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the first opportunity they have had to give some recognition to this crew. Basically, you may never ever get the chance to deliver a baby. He has had that opportunity once in his career. While it can be the most fulfilling experience, it is probably the scariest experience you will ever endure. He read a paragraph into the public record and the crew will get a letter from the State's EMS Office that will go into their training packets and be part of their permanent record. They will also get a stork pin. The paragraph was as follows:

On October 10, 2020 at approximately 9:17 a.m. Freeport Fire/Rescue responded to a woman in active labor. During the course of this response the crew successfully delivered a newborn baby girl and provided life-saving measures and escorted her to the Northern Light Mercy Hospital in Portland for further treatment. The care and assurance of safe transport represent all the ideals of Emergency Medical Professionals. In recognition the Maine EMS awards a stork pin to the following individuals: Scott Smith, Thomas Parenteau, Jason Cass and Ken Stilkey. Michael Hanson could not be here tonight.

Deputy Chief Conley pointed out that not only were they taking care of one, they were taking care of two and requires the effort and teamwork. Sometimes it requires another ambulance and another crew because these things can be fast paced and challenging. By all indications, everything was positive and these guys might never see another opportunity in their lifetime so it will be a memory that will last forever. He thanked the Council for their time. He appreciated having the opportunity to recognize this crew publicly.

Chair Egan asked what is still the most memorable part of that morning? He was told that there were some challenges and not anything they were prepared for in school. They had a very sick infant initially but they did very well. Women have been having babies for thousands of years and it is no big deal and you will get through it until the baby is blue and has a cord wrapped around its neck. They were able to take good care of that. Chair Egan thanked them.

There were no additional comments provided so Chair Egan closed the public participation item and moved forward on the agenda.

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

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ITEM # 176-21                      To consider action relative to adopting the September 21, 2021 Consent Agenda.

**BE IT ORDERED:** That the September 21, 2021 Consent Agenda be adopted.

Chair Egan identified ITEM #192-21 and removed it since we have an adjustment to make on that.

**BE IT ORDERED:** That the September 21, 2021 Consent Agenda be adopted minus ITEM #192-21. (Lawrence & Piltch) **VOTE:** (4 Ayes) (2 Excused-Bradley & Daniele) (0 Nays)

Chair Egan explained that the reason he asked to have Item #192-21 removed is because we have had some last-minute changes on some of the nominations to our committees. A candidate for the Project Review Board has asked to have his name withdrawn so that will come off. We actually have an addition past the publishing deadline here but it is an opportunity for a prior Chair of the Conservation Commission, Ryan Burke to get reappointed. We don't want to miss the opportunity if Mr. Burke is willing to serve more time on the commission after all of his dedicated years. It was just the way the sequence worked; we want to take action to get Ryan Burke back on the Conservation Commission.

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ITEM #192-21 To consider action relative to the following appointment to the Conservation Commission.

**BE IT ORDERED:** That Ryan Burke be appointed to the Conservation Commission. (Lawrence & Piltch) **VOTE:** (4 Ayes) (2 Excused-Bradley & Daniele) (0 Nays)

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ITEM # 177-21 To consider action relative to awarding a contract to Allegiance Fire and Rescue in the amount of \$648,495.00 for a new Fire Truck. PUBLIC HEARING

**MOVED AND SECONDED:** To open the Public Hearing. (Piltch & Lawrence)  
**VOTE:** (4 Ayes) (2 Excused-Bradley & Daniele) (0 Nays)

Chair Egan advised that the budget for this particular item was decided earlier this summer and is actually being paid for out of a reserve account so there is no net new tax burden other than the ongoing capitalization of our reserve accounts. The Fire Department is using its reserve execution of a well-planned capital schedule to purchase this item.

**MOVED AND SECONDED:** To close the Public Hearing. (Piltch & Lawrence)  
**VOTE:** (4 Ayes) (2 Excused-Bradley & Daniele) (0 Nays)

**BE IT ORDAINED:** That Allegiance Fire and Rescue be awarded a contract in the amount of \$648,495 for a new Fire Truck.

*Note: Appropriation # 103-21 The Town Council appropriated \$800,000 for this project in the FY2020 Capital Budget. The current balance in the Fire Equipment Reserve account is \$446,773. This balance is before year-end adjustments/transfers.*

Chair Egan asked if there is anything further we should know before taking action on voting for this? Deputy Chief Sylvain asked Chair Egan what he wanted to know? Chair Egan advised for the general public he asked him to provide a bit of detail about what this piece of equipment does for the department and what equipment it is replacing. Deputy Chief Sylvain advised that this pumper tanker will replace two vehicles they have now. They looked at stats, call volume and their membership and all sat down to figure out what direction to go in to utilize apparatus better and not have to spend \$800,000 every 20 years. They decided to look at a pumper tanker. The big thing for them is that they will be going down one engine. It doesn't change anything, doesn't change response and it doesn't change their insurance rate. It just helps them combine two pieces of apparatus into one. There will be less maintenance cost. It has pros going in this direction. They went with a custom cab. The old tanker is now a two-fire fighter commercial cab. This one will be a four-fire fighter custom cab.

Councilor Bradley arrived at 6:58 p.m.

**VOTE:** (5 Ayes) (1 Excused-Daniele) (0 Nays)

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ITEM# 178-21 To consider action relative to amendments to Chapter 39: Loitering, Curfew and Noise of the Freeport Town Ordinances. PUBLIC HEARING

**MOVED AND SECONDED:** To open the Public Hearing. (Whitney & Piltch)

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**VOTE:** (5 Ayes) (1 Excused-Daniele) (0 Nays)

Chair Egan explained that there is material on the table that was circulated in the Council's packets last week and has been available on our website. He explained that the Ordinance Committee worked with the public to come up with a draft and then finalized these changes with review and discussion with the Town Attorney. There are additional amendments that go along with this that were brought forward which will be added to the Zoning Ordinance and the Subdivision Ordinance actions taken by the Planning Board. The Town Attorney will provide guidance on those amendments and the Planning Board will discuss them at its October meeting. There are two components to this action to amend specifically noise descriptions in our ordinance. We are voting on some of it tonight and there is a component that will go to our Planning Board to take a look at it at their October meeting.

There were no public comments provided.

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

**BE IT ORDAINED:** That amendments to Chapter 39, Loitering, Curfew and Noise of the Freeport Town Ordinances be enacted. (Whitney & Piltch)

Chair Egan advised that we have the language as prepared by the Town Planner and the Ordinance Committee has had a number of meetings. It took a fair amount of time to get through that process and they came forward with some recommendations. Chair Egan sits on the Ordinance Committee and they had participation with our Attorney to align some of the language that follows the rest of the Ordinance so it is consistent. The thrust of this is to further define what constitutes a noise violation as brought forward by members of the public who have been experiencing a negative impact because they didn't have a channel in order to bring forward a complaint about activities. They have largely adopted those suggestions and you will see that in your packet. We have had a fair amount of conversation at the Ordinance Committee. The residents have been extremely patient with that process and he appreciates and thanks them for that. We are finally here to take action on making this amendment and the separate piece to go to the Planning Board is already in action.

Councilor Piltch thanked the two members of the public that had an issue, put some thought into how to resolve the issue, brought it forward and stuck with us through the extraordinarily long time it took to shepherd it through. He appreciates their taking the effort and showing that it can be done and led by residents. He thanked them for their patience. To set some context for the record, part of the issue was some extended very loud heavy construction activity that was going on that was exceptionally burdensome for people that live by an area where there is a lot of development like a subdivision going in. This will be going on for many days and weeks and we didn't have a way to address it but he thinks we will after tonight. That was the spark behind it. It had some rough edges and we put together something that will pass legal muster and applies to all kinds of disturbing noises.

Councilor Bradley mentioned that he has been approached by some students interested in knowing how to relax noises around the high school field. He asked how this affects that so he can at least tell them what is going on? Councilor Piltch feels the Town Planner would be a better person to answer that. As he understands it, there were specific regulations that were part of the approval for the Site Plan at the high school. This did not intend to alter what was going on at the high school but we would probably have to go and look at the site plan that was approved and what the conditions were. Councilor Lawrence noted that it is right here in Section 10 but it is after 10 o'clock and most kids don't go that long. Councilor

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Piltch added that it is an oddly written ordinance and there is a long list of things that the ordinance doesn't apply to. As you read along, No. 10 makes an exception for noise for athletic events as regulated by the Zoning Ordinance. Chair Egan advised Councilor Bradley that the details that Councilor Piltch pointed out of what might happen in or around the high school are much more specifically covered in the Zoning Ordinance and the permit that that project received when it was built. That is probably the better place as opposed to looking at this ordinance.

**VOTE:** (5 Ayes) (1 Excused-Daniele) (0 Nays)

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ITEM # 179-21                      To consider action relative to approving proposed amendments to Chapter 46: General Assistance Ordinance and Appendices A- H for the period October 1, 2021 to September 30, 2022. PUBLIC HEARING

**MOVED AND SECONDED:** To open the Public Hearing. (Bradley & Piltch)

**VOTE:** (5 Ayes) (1 Excused-Daniele) (0 Nays)

Chair Egan explained that this is a public hearing on changes to our regulation regarding the administration of public assistance. Largely this is to bring our GA administration in line with State regulations. Mr. Joseph provided an explanation that from time to time the State changes its rules of administration. This is State money that the Town distributes for those in need and we have to periodically update our regulations as it relates to the administration of these funds and the language that is in the memo from the Manager that is in our packets explains those changes. Anyone wishing to add comments or changes, this is the time to come forward. There were no public comments received.

**MOVED AND SECONDED:** To close the Public Hearing. (Bradley & Piltch)

**VOTE:** (5 Ayes) (1 Excused-Daniele) (0 Nays)

Chair Egan pointed out that the Council made a move to outsource the administration of General Assistance through a contract arrangement with Freeport Community Services so we are going to be in the process of transitioning that with the Staff retirement of Johanna Hanselman. As part of that contractual arrangement, we want to be sure we have the right regulations in place.

**BE IT ORDAINED:** That amendments to Chapter 46: General Assistance Ordinance and Appendices A- H for the period October 1, 2021 to September 30, 2022 be enacted. (Bradley & Piltch) **VOTE:** (5 Ayes) (1 Excused-Daniele) (0 Nays)

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ITEM # 180-21                      To consider action relative to setting a public hearing regarding proposed 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

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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.

**BE IT ORDERED:** That a public hearing be set for October 5, 2021 at the Town Council meeting starting at 6:30 pm to discuss proposed 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.

**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. (Lawrence & Piltch)

Chair Egan shared some context from the Town Planner. This particular item pertains to updating our Ordinance to comply with State-required Shoreland Zoning regulations which were adopted by the State in 2015. Some additional non-substantive text amendments are proposed throughout the Ordinance to correct the typographical errors and correct gender-neutral pronouns. Mike Morse from the Morse Environmental Consulting firm will be at our next meeting to give a brief overview before we take action on this item. We are just introducing this for a public hearing in two weeks on October 5 so as our usual process, we introduce an item, make it public and provide the materials and then have a public hearing at our following meeting for substantive conversation and eventual action. We are just setting the table for this one. There will be plenty more chances to talk about it at our next meeting.

**VOTE:** (5 Ayes) (1 Excused-Daniele) (0 Nays)

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ITEM # 181-21

To consider action relative to setting a public hearing regarding proposed amendments to the Official Zoning Map for the Town of Freeport (pertaining to Shoreland Zoning).

**BE IT ORDERED:** That a public hearing be set for October 5, 2021 at the Town Council meeting starting at 6:30 pm to discuss regarding proposed amendments to the Official Zoning Map for the Town of Freeport (pertaining to Shoreland Zoning).

**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.

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

Chair Egan explained that the map that is being updated as part of the Shoreland Zoning updates will be covered under this item at the public hearing. The boundaries of the Shoreland Zone as regulated by State law will be updated on the map. Many areas previously designated as RP-I are being amended to shoreland areas and coastal flood plains will remain in Resource Protection but will not be shown on the map as the boundaries will ultimately be updated to reflect the FEMA flood insurance rate map as we adopt it. The last digital version of the zoning map was adopted in 2013, more than seven years ago. Any map amendments approved by the Council since that time have been incorporated into this map. We are catching up on a number of changes related to the designation of Shoreland Zone. It is the primary emphasis of this item. We are setting a public hearing for further discussion at our next meeting.

Councilor Piltch advised that the order was not seconded. Councilor Lawrence seconded it.

Chair Egan advised that the Town Planner will be here at our next meeting both before and after the public hearing to explain the map and impacts on Shoreland Zone property owners.

Councilor Bradley noted we are doing a number of things to make our Ordinance consistent with State law. Who is it in the Town that is making the determination that what we have needs updating or changes to be consistent with State law? Is it Staff doing that or our Attorney doing that? How does it work? Chair Egan did not know the answer to that but he believes it starts with Staff and probably the language is in consultation with the Planning Board who sets our Zoning Ordinance in accordance to the Shoreland Zone. We generally adopt the State requirements for those zoning activities but he does not know who is the final arbiter of this language before the Council sees it. This will be a good question for the Town Planner.

**VOTE:** (5 Ayes) (1 Excused-Daniele) (0 Nays)

Chair Egan received a text that this was a Staff/Attorney/Consultant group decision to move those things forward.

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Appeals. This includes proposed amendments Section 104. Definitions and Section 601. Enforcement – pertaining to the functions, process and standards for the Board of Appeals.

**BE IT ORDERED:** That a public hearing be set for October 5, 2021 at the Town Council meeting starting at 6:30 pm to discuss proposed amendments to the Freeport Zoning Ordinance pertaining to Board of Appeals. This includes proposed amendments Section 104. Definitions and Section 601. Enforcement – pertaining to the functions, process and standards for the Board of Appeals.

**BE IT 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.

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

Chair Egan explained that the language being proposed and updates will make it consistent with State law and we will have some amendments that will appear in the text but we really will just be updating it and aligning it with State regulations as required to our Board of Appeals for the Zoning Ordinance.

**VOTE:** (5 Ayes) (1 Excused-Daniele) (0 Nays)

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Chair Egan explained the following item and noted that these changes will be talked about on October 5<sup>th</sup>. There is a detailed explanation in the memo from the Town Planner in the Council's packets.

ITEM # 183-21      To consider action relative to setting a public hearing regarding 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.

**BE IT ORDERED:** That a public hearing be set for October 5, 2021 at the Town Council meeting starting at 6:30 pm to discuss 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

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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.

**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. (Bradley & Lawrence)

Chair Egan noted there is a substantial amount of information in the packets from the Town Planner about this and we will have some presentation at the public hearing for the General Public prior to voting on this.

**VOTE:** (5 Ayes) (1 Excused-Daniele) (0 Nays)

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ITEM # 184-21      To consider action relative to setting a public hearing for October 5, 2021 to discuss amendments to Chapter 48, Section 306 Taxi Stand Parking Zone and Section 311 Accessible Parking to remove taxi parking spot on Main Street.

**BE IT ORDERED:** That a public hearing be set for October 5, 2021 at the Town Council meeting starting at 6:30 pm to discuss 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 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. (Lawrence & Pilch)

Vice chair Whitney noted this was brought to our attention through the Re-visioning project. Having the parklet put on Main Street was a good idea but it took away two parking spots. They noticed that across the street there was a parking stand that was no longer being used. Phil Wagner did a lot of great work for them and he contacted the taxi driver, the only one we do have, and found that he no longer needs that spot anymore so it seemed obvious we could open that spot up so we could have more parking on Main Street. This has been through Complete Streets already and they approved it. She feels that it took quite a bit of time to get to this point so she is excited to see these words in front of her. She feels that spot is going away in two more weeks if we don't get a room full of people against this.

**VOTE:** (5 Ayes) (1 Excused-Daniele) (0 Nays)

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ITEM # 185-21      To consider action relative to awarding a bid for a Building and Grounds Department Tractor.

**BE IT ORDERED:** That Wallingford Equipment of Auburn be awarded a bid for a Building and Grounds Department new 4WD Kubota Tractor in the amount of \$37,900.00.

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*Note: The Town Council appropriated \$30,000 for this project in the FY2021 Capital Budget. The remaining amount due will come from existing reserve dollars, previously appropriated for these items. The current balance in the Building Maintenance Reserve account is \$816,541. (Piltch & Lawrence)*

Public Works Superintendent, Earl Gibson explained that this tractor is for the grounds maintenance crew to add to their fleet. Brent Moon has been trying to maintain the sidewalks at Town Hall and Fire/Rescue with a little tractor with a mowing deck instead of a tractor they are supposed to use. It has a snowblower and plow that will be added to the fleet. He apologized for the price overage. He didn't expect the prices to come in as high as they did. It shocked him quite a bit.

Councilor Bradley mentioned there is a note that the current balance in the Building Maintenance Reserve account is \$816,541 and asked what that is for? Mr. Gibson advised that it is for future things they purchase such as plow trucks, pick-ups and anything to do with Public Works and the Ground Maintenance crew. Councilor Bradley asked if there are any plans to spend that money? Mr. Gibson noted that it is a five-year plan and that money covers the next five years of purchases.

Councilor Bradley mentioned he made a point during budget that we have a lot of money in reserve accounts that is really taxpayer money that sits there and waits for the Town to spend it when we have a 5-year plan that requires us to fund it, he can understand that but when we go beyond that and we are carrying in excess of five years money that we haven't even imagined yet, he at least asks the question, what about the taxpayer? That is their money we put in there and why can't we use it to give them some relief from the increase in taxes which they experienced this year for instance. He explained to Mr. Gibson that when he asks him this question, it is not because he is concerned about anything Mr. Gibson is doing or any plans to spend the money specifically. He asked how much of the \$816,541 isn't designated for something Mr. Gibson is not going to spend in the next five years? Mr. Gibson advised that he could not answer that question without sitting down with the Finance Director. Councilor Bradley asked him to look at this between now and the next Council meeting and give the Council an update. Mr. Gibson agreed. Councilor Piltch added that we should have a 5-year Capital Program that we approved during budget season. Councilor Bradley did not remember it but was stunned at the big number. Mr. Gibson advised that a plow truck is \$225,000 and there are at least three of them in the next five-year plan. Councilor Bradley mentioned he would be happy to hear that information.

Vice Chair Whitney mentioned that none of the projects being done downtown could not have happened without Mr. Gibson. He has been helping to move things around for the Skate Park and also putting in the parklet on Main Street. She thanked him for everything he has done.

Mr. Gibson wanted to give Tammy Morrissey and Howard Dyer credit for painting the streets. Vice Chair Whitney also appreciated their help.

**VOTE:** (5 Ayes) (1 Excused-Daniele) (0 Nays)

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ITEM # 186-21                      To consider action relative to granting a Utility Easement under Maquoit Road.

**BE IT ORDERED:** That the proposed utility easement under Maquoit Road be granted.

**BE IT FURTHER ORDERED:** That the Town Manager be directed to execute the easement on behalf of the Town Council. (Lawrence & Piltch)

Chair Egan advised that there is information in the Council's packets and it is ordinary to be granting easements under Town roads.

**VOTE:** (5 Ayes) (1 Excused-Daniele) (0 Nays)

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ITEM # 187-21                      To consider action relative to designating a voting representative and alternate for the MMA Annual Business Meeting.

**BE IT ORDERED:** That Christine Wolfe be designated as a voting representative for the MMA Annual Business Meeting. (Piltch & Lawrence)

Chair Egan noted that Chris Wolfe is our Town Clerk and is a perfect candidate to be representing us at a business meeting at MMA. He thanked her for her service and for agreeing to do this.

Councilor Bradley asked if she is our representative at this meeting? Chair Egan noted that she is.

**VOTE:** (5 Ayes) (1 Excused-Daniele) (0 Nays)

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ITEM # 188-21                      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. David Bolduc d/b/a D.A.B. Inc. 13 Allen Range Road. (Bradley & Piltch)

Chair Egan mentioned there is a memo from the Manager in our packets. It appears Mr. Bolduc has met all the requirements of the application.

**VOTE:** (5 Ayes) (1 Excused-Daniele) (0 Nays)

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**OTHER BUSINESS:**

**MOVED AND SECONDED:** To switch the order of things to deal with No. 2 first. (Bradley & Piltch) **VOTE:** (5 Ayes) (1 Excused-Daniele) (0 Nays)

2. Discussion with Coastal Waters Commission on Wharfing Out recommendations

Chair Egan advised that the Council had a conversation about this at our last meeting and there is some conversation whether our Ordinance is adequate to provide information and guidance for the Coastal Waters Commission which in our current set-up is charged with permitting and reviewing applications for

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what is known as wharfing out of piers, docks and wharves built into our navigable waterways in our community. This is an information session so it is less formal than the Council taking actions so he urged Mark or Jeff to give a presentation on context here, specifically the direction they would like the Council to go.

Mark Morrissey, Chair of the Coastal Waters Commission mentioned that at the last meeting they discussed identifying areas for these wharves they are concerned about in the headwaters in Freeport. They came up with the idea that instead of identifying specific areas, they came up with a methodology that makes sense that combines distance and elevation to demonstrate how they want to do this and how there are areas these won't fit in. It is identifying these areas and saying overall this is going to be our plan moving forward. This is how to identify if they fit or don't fit. In addition, they have asked Katrina VanDusen to come and speak with them on their behalf. Jeff Stenzel will follow.

Ms. VanDusen advised that she is the former Executive Director of the Freeport Conservation Trust and is now a stalwart volunteer. When a dock was proposed at the headwaters of a branch of the Harraseeket where it becomes Kelsey Brook, it was on a property that is next to the Freeport Conservation Trust's preserve and she became engaged in the wharfing out process. It was a botched application. Many times, she showed up to talk about that project. The inlands along other parts of Freeport's shoreline are very special natural features and she thinks we need to take action to better protect them so that is why she offered to work with this group to figure out another way to make our regulations protect these spaces. When she ventures into these areas either by foot or by boat, she enjoys the beauty of the marsh, the shoreline, birds, wildflowers, woods and the tidal mud are all critical for plants and critters. Most of us in Freeport realize that in the upper reaches of Casco Bay we have hardly any deep-water frontage and plenty of extensive mudflats. We plan around the tides to access the water for boating, swimming and clamming. That is life where we live. However, as large shoreland parcels are divided and sold for house lots, new owners want to enhance their access even if the docks designed for them are barely functional and would spend most of every day resting on the mud. She mentioned a sign she saw mentioning the landowner wanting to make their water access more accessible. She says pay attention to the tide and feels we have lost our practical aspect of where we live. She mentioned in the summer docks in our inlets mar the scenic beauty and impede passage for people paddling. How and where docks are stored is not pretty either. The floats and accompanying piers are stored and compromise the natural environment and natural beauty of our shared places. She thinks the Coastal Waters Ordinance can be an effective tool for conserving valuable coastal habitat. The Ordinance has some good provisions relating to when a dock can be considered and should be maintained but she thinks we need additional language limiting docks from being installed in these upstream inlets. She feels the Commission is on the right track in figuring out how to do this and Jeff will talk about how to quantify that.

She offered to help draft these changes to the regulations and also the Freeport Conservation Trust will continue to work on conserving the Harraseeket shore front because it is a more effective way to keep whole stretches unbuilt and undocked but it is daunting. She thanked the Council for taking this up.

Jeff Stenzel explained that he is a longtime member of the Coastal Waters Commission and recent Chair. As Katrina mentioned, we have been challenged by some wharfing out applications in places that really don't give even Freeport mudflat access to small boats. The Commission agreed that some of these smaller creeks and rivers are not appropriate places for wharfing out. The question is how to essentially write standards for the Ordinance that are defensible and are not picking on one person or another. He provided some information and apologized for not having enough material for everybody's packet but they need to achieve a balance between people's property rights if they do have an appropriate setting for a wharfing out and the values that Katrina was talking about in our natural beauty and resources. To cut to the chase, they are asking for a 180-day moratorium on wharves that don't meet the standards. He

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understands the construction standards and the elevations where the marsh ends and begins, how much water is needed to have enough hours of access. They have proposed two sentences that will prevent, at least during the moratorium, these wharfing out systems in very narrow rivers. He is no wizard at Google Earth and is sorry he only had one and got here too late to get colored copies but essentially, they think you need some shoulder room for these wharfing out systems to make sense so as Katrina said, we are a town of mudflats. They are proposing in order to determine whether a wharfing out project is appropriate or not is you start at a three-foot elevation. That is where the marsh bank kind of falls into the river and from that point you go out from underneath the wharfing out system 150 feet to the opposing bank. If there is not enough room to have a buffer between the 150-foot radius and the next bank, the stream is too small for constructing a wharf. Furthermore, the center of the float must achieve a minimum one-foot elevation or lower in the elevation scale. Zero elevation is considered half tide so if you can get to one foot above half tide, you will have a reasonable amount of time to launch your boat or whatever watercraft you have to be able to use. The water comes in quite rapidly between zero and one but at the top end of the scale, that slows way down. It is wonky and hard to understand. He had to get down on the drawing before he could get his arms wrapped around it. He explained the bottom drawing and mentioned it is hypothetical. They selected Little River and the lower one is on Wolfe Neck property. You can see from the radiuses and the elevation that should they want to, they could put a wharfing out system there if they wanted to run kayaks or something like that. If you go 200 or 250 feet upstream, the banks are too narrow to fit the proposed language he is talking about this evening.

Chair Egan clarified that this is a hypothetical illustration of the two max and minimum he is talking about and Mr. Stenzel agreed and noted that it barely sneaks in on the Little River but they wanted to give the Council an example. This does not prohibit all wharf applications on some of these rivers that have sufficient width bank to bank and elevation to elevation where you could reasonably use watercraft but they skinny down pretty rapidly and the trend they have been seeing in Freeport in terms of wharfing out applications, is people are going up and up these little creeks and they want a wharf for maybe a couple of hours. He pointed out that shoreland access stairways with a permit from the Code Enforcement Officer are afforded to everybody. That does not change so you can still access the waterfront through stairways as long as they are permitted by the CEO. Hopefully, this just puts a kibosh on more projects coming in while they are looking at this. There are some changes to the Ordinance language they would like to put in but nothing really substantial. It is just clarification.

Chair Egan asked if the 180-day hold period would just be for applications that are aligned with on the drawing? Mr. Stenzel advised that there are maybe 2, 3 or 4 that could possibly be built if someone wanted to but this language takes it away from a particular geographical location and says this is what we are looking for. You have to have enough room. You have to have enough water and you have to have enough time in the water to make it practical. Chair Egan asked how many of these applications they get in a year? Mr. Stenzel advised that it varies from year to year but they probably get 4 or 5 a year. As for timing, the pier builders are now in their sales phase and they work their estimates up and that is why they tend to be more in the late winter or early spring. Chair Egan advised that the Council is not going to take action tonight but if we were to take action on their proposal, which he is strongly considering, he wants to get a sense of what that black out period does. He is generally opposed to moratoriums. Mr. Stenzel advised that the black-out periods only affect those wharfing out proposals in small creeks. Councilor Piltch added from a practical point of view, nobody is going to have a new dock in Freeport on any small stream. Chair Egan advised that we could take applications but not act on them until we have this language figured out.

Councilor Bradley mentioned that it is his understanding that you start the 150 feet measurement from the bank that is three-feet high. Mr. Stenzel advised that you go the three-foot elevation that is underneath the structure and then go out towards the opposite shore 150 feet. Councilor Bradley added that the three feet

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does not relate to the point in the stream in which the banks are three feet high? Mr. Stenzel advised that that is the typical dropping off point of the banks into the waterway. Councilor Bradley asked three feet above what? Mr. Stenzel advised that it is three feet above the mud. Councilor Bradley added that when you get to a point in a stream where the opposing banks are three feet above the mud, you measure the distance across and if it is more than 150 feet to the bank, it is okay and the Commission will accept a wharfing out permit. The first one is it has to be 150 feet from three-foot bank to three-foot bank. Mr. Stenzel noted it is part one of the standards. Councilor Bradley advised that part two has to do with the elevation of the water inside that 150-foot distance. There is no float yet, he is measuring things in nature. Mr. Stenzel added that they have to propose the location of the float and the length of the wharf because they are retaining the language of part of Chapter 31 and it can't be more than 125 feet in total length. Councilor Bradley noted they are taking a float that goes from one of these banks that are within 150 feet area and extending the float out and what they are talking about is the water below that float? Mr. Stenzel indicated he was correct. It has to be at least the one-foot elevation. Councilor Bradley noted that it is the elevation above the mud? Mr. Stenzel explained that it is above the tide so zero elevation is mid tide. Councilor Bradley asked if we know what the elevation is at mid tide at each location in Freeport? Mr. Stenzel explained there is a handy feature on Google Earth that if you move the pointer around, it tells you what elevation you are at. Ms. VanDusen added that it turns out that all elevations go from mid tide.

Councilor Bradley says that if we have an 8-foot tide, the mid tide is 4 feet to use that as an example. Ms. VanDusen advised that mid tide is always zero. More discussion followed. Councilor Piltch asked if elevation is measured from mid tide? Boaters are used to looking at nautical charts which are measured from low tide. An 8-foot tide at zero elevation would be 4 feet on the nautical chart. Councilor Bradley added that we are saying that at half tide it is zero elevation and you want one more foot above that? Mr. Stenzel advised that if you are at one foot elevation, you lose maybe 20-25 minutes of tide compared to zero elevation and that is still a useable amount of tide to get out to your boat or kayak.

Councilor Bradley explained why he is having this trouble. At this really narrow area that is only 150 feet wide, a 3-foot bank and he is being told that the second part of this is a 4-foot elevation and he doesn't know of any place in his experience where inside that narrow area we are defining, the tide would be up 4 feet. That would put it one foot above the 3-foot bank. Councilor Lawrence advised that he is talking about this flat area and sea level is here. More discussion followed. Councilors were all speaking at once and it was obvious everyone was struggling with this.

Mr. Stenzel explained to Councilor Bradley that there can be a very shallow slope to the mudflat so to get out to one-foot elevations you may exceed the current length the Town permits a wharfing out system to be. It is 125 feet total and some places where you can't get out to one-foot elevation in under 125 feet because the slope is so shallow. They have had to reject some applications that would have passed the new Standard One but they can't get to one-foot elevation in 125 feet or less. Councilor Lawrence sketched out a drawing for Councilor Bradley. Councilor Piltch clarified the two standards. You have to have 150 feet from bank to bank that is measured three-feet above mid tide. The other criteria are that the center of the float must achieve a minimum of a one-foot elevation or lower, Mr. Stenzel added that it could extend into zero minus 1, minus 2, minus 3 below the mid tide level. They are just saying that it has to at least get out to one foot above zero. The technical people would say elevation but he and the Council would say deeper. Councilor Piltch clarified that he is talking about the bottom of the float and Mr. Stenzel agreed. If it were higher, you wouldn't have enough time of tide to make it a practical use. You need a reasonable amount of water and that is what they are looking for. Not everybody will have a piece of property where they have an appropriate place for wharfing out. Councilor Piltch advised that he understands what Mr. Stenzel is trying to say but the wording is confusing. Mr. Stenzel added that that is another thing they will be able to fine tune in this period and as Mr. Morrissey mentioned, they would be happy to take anyone out and show them because these words were difficult for him to extrapolate and

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made him have to see some systems in place to wrap his mind around it. Councilor Bradley added that what would help him is to have a diagram 3 feet to 3 feet and then show what you mean by the level of water from what to what because he is not getting it. Mr. Stenzel advised that he had to see it put on Google Earth to really understand this. They were trying to boil this down in anticipation that this has to be turned into Ordinance language.

Chair Egan asked Mr. Morrissey and Mr. Stenzel how hard it would be to organize a small venture out there for several Councilors or even all Councilors? Mr. Stenzel is confident the Harbormaster could handle four or five people on his very stable boat and would be happy to take us out and show places that will really help people understand what they are talking about. Chair Egan noted he would find that extremely useful in trying to understand and make a decision on this. He thinks he understands the drawing but he would really love to see what it looks like. He doesn't have a sense of what a 150-foot span on a small stream is so he would like to see what that looks like and get a sense of how much water is actually there. It would be great if the Council could do that sometime before it is frozen. It could be publicized as a Council workshop. Ms. VanDusen suggested going at low tide so the Council could see how it really is. Councilor Piltch added that it might not be possible to get to the places we are talking about at low tide. Chair Egan explained that he would be happy to do either one. He noted that they may be able to go by airboat! He would like to get it scheduled in the next couple of weeks. It would really help him as well as other Councilors. Mr. Stenzel offered to communicate after the meeting.

Councilor Piltch advised that the Shoreland stuff which is going to be on the Council's agenda for next time is written to measure things from the high-water line which he knows is sometimes awkward and tough to deal with but he doesn't know if we measure stuff from elevation and it is referenced elsewhere and has as much legal weight. That is just a question and he doesn't think we need to change it. He is just guessing that Nick Adams is the person who would know if we can pass legal muster by referencing things to elevation as opposed to high water. Mr. Stenzel added that they are mindful of that.

Chair Egan asked if they need specific actions from the Council other than getting their boots on? Mr. Stenzel wants good times to go out and suggested that the Council consult their tide charts.

Chair Egan thanked Mr. Morrissey, Ms. VanDusen and Mr. Stenzel for their presentation. He found it illuminating. Mr. Stenzel suggesting using a color copier to copy the Google Earth diagram.

Councilor Bradley asked what are we going to accomplish during the moratorium period and how will it be different from these standards or what other things will be looking at? What expertise do we need in order to be developing standards for the changes in the Coastal Waters permitting that the Commission has in mind? Mr. Morrissey advised that this standard we were discussing tonight, they would like that to be the standard moving forward. In our outing they can better explain it to the Council. He recognizes the difficulty with this and it will be much clearer when you are out on the mudflats and you will see that the elevation doesn't change much 150 feet out and that will bring this whole thing into perspective. Initially what they would like to achieve is that there are areas in their amendments that they would like to take a cut on and change and update. In their process right now, they don't have the ability to approve something with conditions and that is what they would like to change so they would have the ability to change something with conditions. He feels that would be a big step going forward. Some of these permits may be requesting seasonal only and it is not going to be a permanent structure or they might say they are only going to be using a kayak. That might change things but they need the ability to look at these things in a much broader scope than the narrow view they have now to approve or disapprove. They want to have a more user-friendly ordinance. Councilor Bradley asked that as soon as everybody understands what they are talking about, you have pretty clearly in mind what those restrictions should be to protect these narrow waterways which you discussed earlier are valuable, conservation, beautiful and part of our soul in the

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inter waterway so he asked why is it going to take six months to do it if we already know what we want? Why do we have to have a moratorium for six months? Why don't we just do it and not extend it unnecessarily?

Mr. Morrissey advised that ideally, they would love to have it done in two months but they know these things take time. He doesn't know the process and is learning the process as the Council is. They will try to move this thing along as quickly as they can and would like to think a couple of months but they just don't know. They understood that six months is the maximum they could do so they took that. Councilor Bradley suggested 180 days or less if less time is needed. Councilor Piltch added that the Council can always undo our own moratorium. We can just vote to say the moratorium is over and we have a new ordinance. Vice Chair Whitney sympathized with Mr. Morrissey. It took her a long time to get rid of the taxi stand on Main Street. Things just take time.

3. Discussion on helping organize and/or sponsor some public forums on climate action.

Chair Egan mentioned that the next item is a brief update conversation on some public activities coming up and some engagements we have going on related to climate change and information/education about climate change and climate action as it relates to what might be changing in our community physically. At the beginning of the meeting he announced coming up we hopefully will be having a viewing on our Cable Channel of a documentary on Sustainability and what residents can do that we talked about and looking forward to an engagement that just started with GPCOG that has Staff capacity and expertise from training they received helping municipalities begin the process of climate action planning which is a defined term that has a scope and some particular initial low-hanging fruit kind of items to begin with. That just began. We actually get those services as a member of GPCOG. We don't have to pay for the Phase One because we are a member community. Part of that includes some identified resources to actually seek some grant funding to pay for additional work where we get more specific potential with design of particular items that may come up and he doesn't know what those are but he could speculate. That is going to be happening so the Town officially is engaged with CPCOG our Town's affiliate here that we worked with before and are looking forward to working with them again.

There is also a number of resident groups that are urging us to get engaged in sponsoring and raising the profile of discussions and presentations of information. We are fortunate to have a number of residents that are deeply engaged in this topic and would be able to leverage and bring in presentation materials and speakers for conversations about this. There are a bit of unrelated channels going on right now and hopefully will converge here fairly quickly. Our Sustainability Committee is engaged in a whole bunch of other things and he will try to meet with them and see if they can help coordinate some of these efforts so we can have a coordinated response. It gets to a topic that we talked about previously which is the need for an individual or at least an office of some kind of communication and coordination. We have a lot of things going back and forth with residents and parallel government groups like GPCOG. It would help if there was an organized plan that we could all refer to and share with our constituents.

Chair Egan did not have anything specific in terms of an event or to announce or anything like that. This is just to let the Council know that these things are going on and hopefully, we will have more specifics coming up this fall.

Councilor Bradley as he said at the last meeting, he was approached by some of these citizens Chair Egan is referring to. Many of them are on the Sustainability Committee and they are already working on things. Chair Egan mentioned the GPCOG opportunity. It is occurring to him that there are a lot of things going on but there is no one in charge of the parade so people are milling around doing the good things they do

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in the realm that they do them in. For instance, he suggested that we, the Council support the presentation of a forum on action items not for the town, but for individual residents and citizens concerned about climate change and who really simply do not know what to do as human beings in order to address climate change because it is so complicated and so detailed. He doesn't know now, even though he has heard from Chair Egan and all of the other things going on, whether this Council is going to support that forum either by authorizing it under our name which is what they asked for at first, or helping them acquire speakers as they develop that and do that work. He told them he thought from the last meeting that that is what we would do. This Council would support them in developing a forum that would be put on by the Town of Freeport under the aegis of the Town Council, developed not by the Council, but by this group that has come together. Many are on the Sustainability Committee but some of whom are not. He asked if can represent that or how does he go about getting authority to represent that?

Chair Egan advised that it is coming forward. He was asked by a number of folks that talked to Councilor Bradley and he will be on a zoom call next Monday at 4 o'clock and would share the link if Councilor Bradley would like to join in. Councilor Bradley noted that is fine but his question is more process. Will this Council sponsor that forum? He doesn't know how to answer the question or even know what process to go through to get that question answered. It just keeps coming up as an information item here and not getting precise about at least that one element. Chair Egan noted what he is trying to determine is to actually find the name and description of what the forum is going to be so we can properly bring it forward for a decision. He is 100% in favor of urging this Council to do that but can't describe what it is because he hasn't seen the program yet.

Councilor Bradley noted that this is the problem in a way. They don't know what the program is either. What they want to know is if the Council will sponsor it if they develop it. It seems to him that he could support that knowing who these people are and what their concerns are which he shares and Chair Egan shares. If we have to know what the whole program is to know whether the Council will support it or not, we are months away from knowing whether we will do that or not. They are asking us now will we support a forum if they develop it. Maybe we can't but he would like the Council to.

Councilor Piltch thinks the idea is if they have a proposal to bring forward, the proposal maybe Speaker A-TBD, Speaker B-TBD, and this is a six-month program with three speakers. What is it that they are asking us to support? He needs it to be more than vague. We want to do some stuff; will you give us some money? This is what we plan to do and there are blanks to fill in. This is the timeline, this is the cost, can you help us?

Councilor Bradley noted he would like to be on that zoom call. The other thing he would like to add is that Tom Pierce reached out to him today on this draw down Cable Program, unless he hears otherwise from us, he plans to start it tomorrow on our Cable and it is basically a symposium developed by Project Draw Down and Draw Down is the point in which the temperature stops increasing and either stays steady or drops. What Project Draw Down has done is using assumptions about a lot of things, identified areas in which private action, government action, intergovernmental action, global action will detract from the increase in temperature. They quantify that in broad terms so that when you put it all together, it is not desperate, it is not hopeless. It can be accomplished if all of these things come together. He watched it and to him it was eye opening because he didn't know anything at all. People will identify in there things they know a lot about and support but there will be other things in there that they have not identified as well that could be done by individuals or others. It gives you a sense of what you might do as an individual, the Town might do as a governmental entity or things we might lobby for or promote or support nationally, state-wide, regionally and then globally. Again, it is a great starting point. Tom Pierce went out and got permission to run it on our Cable and Chair Egan said he might do a brief introduction to it. He is drafting one which Councilor Bradley will e-mail to Chair Egan. Chair Egan advised that he

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doesn't know Tom and he does not know how he could videotape an introduction before he runs it tomorrow. Councilor Bradley offered to connect the two of them. Councilor Bradley feels we are all getting up to speed. Some people may still have a question on whether it is occurring but this isn't about that. This is a serious issue and has ramifications. How do we as Town leaders bring our people into the conversation?

Councilor Lawrence feels that is fine but he would also like to see some sort of a counter point. All he is hearing now is that this is what it is and he would like to hear a counter point if we are going to be fair about this. If we have a scientist saying this is what is going on, let's have another scientist saying okay here is where we are. We have CO2 going up into the air. We have the temperature going up. We don't know what the process is. We have a theory about what is causing the issue. He believes in clean air and we should keep mercury and sulfur out of the air and he knows we are affecting our environment but everything is made of carbon. The ocean puts more into the air than any car that is out there. He would just like to see a counter point.

Councilor Bradley understands that people are not convinced that climate change is a result of man's intervention in the environment. Maybe what Councilor Lawrence is suggesting is that we have a number of those kinds of people in Freeport and their point of view needs to be represented in any kind of conversation that we incur. He feels it is a fair comment and to him, what he is hearing is climate denial but that is only because he believes what he believes. He is perfectly comfortable having the kinds of beliefs that are on this side of the table shared with those on your side and we promote that conversation with experts on both sides as part of this forum. Councilor Lawrence agreed but he does not deny the climate is changing and we are talking about the global aspect of it. Councilor Piltch added that this is the type of conversation we might want to have at that forum. We are not having the debate tonight.

In fairness to Councilor Lawrence, Councilor Bradley was not thinking we would put on a forum which presented the two different sides on whether climate change is occurring and is it the result of human intervention. He believes it is so clear, we are beyond that point but if Councilor Lawrence is saying he is not and there are lots of people in Freeport who don't. That is where we start. Chair Egan added that is why the Council is having the conversation to determine what it looks like. Councilor Bradley noted that the group of people that approached him is not anywhere near where Councilor Lawrence is in this conversation. They are well passed that. They are just saying it is happening and it is threatening the planet and what can we do to address it? That is what they want to talk about.

Councilor Piltch noted if they bring something forward and say this is our proposal, this is what we are asking for in terms of resources and this is what is on our agenda. We can then decide if this is something we want to get behind or not. If we are not comfortable with that agenda, we want a different agenda if they want our support. Councilor Bradley is saying as leaders, people look up to us for guidance on complicated issues like this. This is an issue he thinks we can be really helpful by bringing some of these issues into focus for a lot of different people and he tends to dismiss the issues Councilor Lawrence is bringing up but that is not fair to him. He is pretty sure about Ice Age and stuff like that but he is willing to listen to the other side and let's have that and tell these other people that are coming to us for our support as Councilors we think they have to start a little before they want us to start.

**MOVED AND SECONDED:** To adjourn at 8:39 p.m. (Piltch & Lawrence)  
**VOTE:** (5 Ayes) (1 Excused-Daniele) (0 Nays)

Respectfully submitted,  
Sharon Coffin, Council Secretary

**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.**

<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		
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 2<sup>nd</sup> 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](http://www.maine.gov) . Voters may now vote in person at Town Hall. More information on absentee voting can be found at [www.freeportmaine.com](http://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](http://www.freeportmaine.com). Deadline for nominations is December 9, 2021.

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- **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](http://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](mailto: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.

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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 intervenor'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 intervenor 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 intervenor 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 intervenor status where the Town becomes a party. This is not an intervenor 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

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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 5<sup>th</sup> 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

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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.

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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

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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)

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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:

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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)

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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.

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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

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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

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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)

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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

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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)

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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)

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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 Piltsch 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)

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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)

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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.

**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)

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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)

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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)

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**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

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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

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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.

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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

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

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

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

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #21-21 held on October 5, 2021 and to accept the minutes as printed.

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

**THIRD ORDER OF BUSINESS:** Announcements

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

Chair Egan announced:

- Public Works Department currently has job openings. Interested applicants should contact Judith Hawley at 865-4743 x119 for more information. Job postings are also available on the Town website.
- **Absentee ballots for the November 2, 2021 Election can be requested by contacting the Town Clerk's Office at 865-4743 x 122 or 123 or going to [www.maine.gov](http://www.maine.gov).**  
**Voters may now vote in person** at Town Hall. More information on absentee voting can be found at [www.freeportmaine.com](http://www.freeportmaine.com)
- **Nominations are now being accepted for 2021 Citizen of the Year**  
Each year the Freeport Town Council presents a Citizen of the Year Award to honor those who have significantly contributed to the quality of the Town. Nomination forms are available at the

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Town Office and on the Town's website at [www.freeportmaine.com](http://www.freeportmaine.com). Deadline for nominations is December 9, 2021.

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

You can print your own trail passport at [freeportconservationtrust.org](http://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](mailto:info@freeportconservationtrust.org).

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

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

**FOURTH ORDER OF BUSINESS:** Information Exchange

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

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

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

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

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

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

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

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

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

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

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

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

Chair Egan congratulated Keith.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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**TABLED AGENDA ITEMS 10/05/2021**

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

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

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

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

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

**MOTION:** To open the Public Hearing

**MOTION:** To close the Public Hearing

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

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

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

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

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

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

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

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

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

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

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

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

The Staff and applicants are aware that changes are coming.

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

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

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

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**OTHER BUSINESS:**

1. Discussion of outdoor skate park at Leon Gorman Park

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## 2. Presentation of FY21 audit results

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

COUNCIL MEETING #22-21  
OCTOBER 19, 2021

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

Respectfully submitted,  
Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #23-21**  
**TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT**  
**TUESDAY, NOVEMBER 9, 2021**  
**6:30 p.m.**

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

Chair Egan called the meeting to order at 6:30 p.m. and welcomed everyone. He took the roll and everyone was present including the Town Manager, Peter Joseph.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #22-21 held on October 19, 2021 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #22-21 held on October 19, 2021 and to accept the minutes as printed. (Lawrence & Daniele) **VOTE:** (6 Ayes) (0 Nays)

**THIRD ORDER OF BUSINESS:** That the Town Clerk report on the returns of the November 2, 2021 Election.

Joyce Veilleux advised that she has been working the polls with our Town Clerk since she has been in town and wanted to let everybody know how lucky we are that we have her. She runs a tight ship and the best elections she has been able to participate in. Everything is very transparent and there is never any question about the results. She thanked Ms. Wolfe for everything she does and feels she does a great job.

Town Clerk, Chris Wolfe added that elections are a lot of work and some people think it is just Election Day but it is the month before and the three weeks following for the Clerk's office. They really do place a very high importance on the elections and they do their very best. She announced the election results:

**Town Councilor-at-Large:** Darrel Fournier-2,696 \* was elected and ran unopposed.

**Town Councilor District 3:** Matthew Pillsbury-613 \* was elected to fill Doug Reighley's vacancy

**Town Councilor District 4:** Henry "Chip" Lawrence III - (was re-elected)

**RSU #5 Board of Directors:** Colin Cheney and Dung, Nguyen were elected.

COUNCIL MEETING #23-21  
NOVEMBER 9, 2021

**Sewer District**

Michael Ashby-was re-elected

Adam Morse- was re-elected

Sara Randall- was re-elected

**Water District:** Jonathan Gagne won with 7 write-in votes and has accepted that position

Ms. Wolfe added that the Total No. of Registered Voters on Election Day was 7,673. The number of registration cards handled at the Registration Desk was 95 and it was not anticipated. This is an off-year election so they didn't think they would have that much new voter registrations.

The Total Number of Ballots Cast for this election based on the State Ballot Return was 3,676. She was thinking that we had broken a record for an off-year election. There has been one election that beat us and that was in 2009 where 4,000 voters showed up and voted on the Same-sex Marriage Question.

The percentage of voters that cast ballots was 47% so Freeport again came through with that higher than Portland, higher than Westbrook and higher than Bath total. We always have good voter turnout. 1,321 Absentees were requested and we had almost a total return at 1,262. That was 34% of the ballots cast. She is very grateful for our drop-off box. It has made such a difference for us keeping people feeling safe and not having to come into Town Hall with COVID.

Two little hiccups were experienced. We continue to have to use the rear entrance of the gymnasium. That was the choice that the School made as the hallway is now being used as a lunch room. We cannot for the time being, use the front entrance which is why we had to direct voters to the rear entrance to the gymnasium.

The second hiccup we had was on Election Night, we had a memory stick that would not print a total that was from all the ballots we processed early the week before on Thursday. It is a hiccup in one of the sticks that happened. She was told it happens for some reason but they are not really sure why. They are looking into it now. What resulted was two clerks showed up here on Wednesday morning and started re-running all of the Absentee ballots. They fed them back through the machines. They got the tapes and had the results by noon. It was not anything that was major.

Chair Egan pointed out that he had an e-mail from Chris at 11:50 saying, "I think we are going to have to do this tomorrow." Mr. Joseph thanked Ms. Wolfe for the way she handled it. It makes him comfortable knowing she has the ballots quarantined in the vault for early processing, locked and sealed as everyone is supposed to do because when a hiccup happens and you can't have the totals anymore, you can just pull them out, make sure everyone knows what is going on, you have witnesses and you rerun them. Election integrity was top notch. He thanked Ms. Wolfe. When he read the e-mail along with Chair Egan, he had about 30 seconds of panic but he said, nope, it will happen exactly as it should. He felt it was a nice job and thanked all the election workers who were dealing with that at 11 o'clock. It must have been pretty frustrating. Ms. Wolfe added that we have the best Election Clerks. She feels she has a great team and she can only be as good as her team.

**MOVED AND SECONDED:** That the Town Clerk's report be accepted. (Piltch & Lawrence)  
**VOTE:** (6 Ayes) (1 Excused-Fournier) (0 Nays)

COUNCIL MEETING #23-21  
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Ms. Wolfe swore in new Councilors Matthew Pillsbury and Henry (Chip) Lawrence and congratulated them.

<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		
Darrel Fournier, 3 Fournier Drive		x	
Henry Lawrence, 93 Hunter Road	x		
Matthew Pillsbury	x		
Daniel Piltch, 25 Quarry Lane	x		

Prior to the reception, Sarah Tracy asked if people would be allowed to say a few words and Chair Egan invited speakers to come to the podium.

Scott Gleeson recognized how much Tawni has done in her three years especially with the Re-visioning of the Downtown and the pop-up skatepark where he got to watch the kids every day using it. He advised the Council that now that it is gone, there are a lot of skateboarders skating around looking for a ramp. He gave kudos to the Council for going out and providing that skatepark. It was a smashing success. Being off the Council, he now knows how much time he has. He thanked Tawni and all the Councilors for all that they do. It is a lot of time and a lot of effort and it is good to have all of them on the Council. He appreciates everything the Council does.

Sarah Tracy wanted to honor Tawni because she has been an amazing Councilor. She has great energy. She has dug in and gotten things done. She came in and while we had identified Aging in Place, within six months we were an age-certified community with AARP and we had a Board. We had a bird feeder program for the Seniors and we had this whole system in place for the elderly that wanted to age in place in Freeport. With the decline of retail, we thought that maybe we should think about our downtown again. Within a year we had a consultant, reports being generated and surveys. In large part that was because Tawni not only served as a Councilor but it became her life. She thanked Steve for supporting her in that. He was definitely her partner in crime and required a huge family commitment. Tawni did this job for free probably 6-8 hours a day and probably at least 4 days a week. She committed so much time and energy to this position and took it so seriously that she really was an example to us all. When everybody was sitting around and asking how are we going to do it, Tawni said she would do it and she did. She brought people along with her feeling good about the projects and producing good results. She is a special person. Ms. Tracy feels she was privileged to serve with Tawni but we have been privileged in the town to have her for the last three years. We are privileged that she is now continuing to serve us in a different way. She thanked Tawni for all the time she spent being a fabulous Councilor.

Joyce Veilleux noted that when Tawni showed up at her door, she knew she was the person she needed to support to get on the Council. She did the work. She met the people. She gave people her phone number and her e-mail address and allowed them to contact her any time and responded immediately to them. She continued to do that throughout her entire three years on the Council. Not only was she good for the Town helping the town in the process of revitalization but she was good for the citizens in helping them. She thanked Tawni.

Mary Davis mentioned that collaboration is a word that is tossed around a lot but is seldom enacted. The thing that has been such a pleasure is that Tawni really believes in collaboration. So many times, she said to her, "we are so much better if we act together." You can see that in all the things that have happened

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with Tawni so she set a high bar for collaboration and Ms. Davis is hoping we will continue to do that as we go along. We can get so much done if we do it together.

Councilor Bradley advised that the first call he received when he was thinking of running for Council after 30 years was from Co-chair Whitney who said, "Hope you do it." He has witnessed in the past three years the transformation of a young lady into a Town icon. What has happened is through her care for other people, her energy, her ability to identify issues that are important to the town, she has taken her place in the ranks of Paul Powers, Edgar Leighton, Vaughndella Curtis and all the other people who come to mind when we think about how this town became what it is. He has no doubt we will watch her in the Chamber and beyond continue in that mold. He thanked her for the privilege to work with her. As a grandfather who watches this family, he has no idea where she finds the time to do it.

Councilor Piltch advised that Tawni is one of the reasons why he joined the Council. She was an inspiration. Councilor Gleeson that came before him mentioned that you can make as much or as little on the Council as you want to being on the Council and Tawni is an example of how much you can really make on the Council. Tawni has given a tremendous amount and he will miss her enthusiasm and passion for Freeport. For those who have not had the privilege of working with Tawni on a project, the way he thinks of it is if you think back to when you were three years old and walking down the street with your mom and you are holding on to her pinky, you have just learned how to walk and are struggling to keep up by taking four steps for every step she takes. That is what he feels like when he is working with Tawni. He was trying to keep up. He thanked her for setting that example and he looks forward to working with her in the future.

Councilor Lawrence advised that he and Tawni started at the same time. When he has a problem, he works day and night until it is done. Tawni does that and has a young family. He doesn't know how she does it. Kudos to her. He thanked her for the pleasure of serving with her.

Councilor Daniele noted that it has been a pleasure getting to know Tawni. He wrote down that he is inspired by her passion, her energy, her enthusiasm and her we can do this attitude. She inspired him to try to do more. He is looking forward to seeing what she can do next but will miss her on Tuesdays.

Chair Egan added that her sign says Vice Chair but Councilor Bradley has it right. Co-chair is really the better title. He recalled that Tawni first appeared in his yard while he was out working. She was in a hurry because she had 500 other people to see that day. She introduced herself and asked a couple of questions. He gave one- or two-word answers and she said great, here is why I am running for Council and let him know exactly what her intentions were and her plan. He thought that is exactly the kind of energy that we can use on the Council. She immediately brought her focus to Freeport Community Services. We had an issue trying to resettle new Mainers and immigrants into our community and she was out in front with that as well as Freeport Friends. Every time we asked Tawni to do something, her answer was yes. She and Chair Egan pulled together the TIF agreement with L.L. Bean. She supported responsible and meaningful budget decisions and he says meaningful because he feels the budget in this town reflects a broad spectrum of interest not just the accounting side. Singlehandedly she took on the responsibility and the enormous undertaking of coordinating the Downtown Revisioning effort. She certainly had a fellow pilot plan actor with her and breathed life, love and caring to that plan, at least Phase One, which is what we have in front of us right now with lots more to do. Tawni's fingerprints are all over town, in people's homes, school grounds and here at Town Hall. There is no part in our community that she hasn't helped improved, coordinated, energized, rebuilt, spotlighted and brought love to. In case anyone has any doubts, look at the skate park we talked about. He recalled the COVID Parade from 2020 and the Town Walk we had in March of 2021 that yielded 2,500 comments and suggestions from residents. If anyone was not out

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there on that brisk March morning, it was fantastic to see. He is going to look for the biggest tree in Freeport and he is going to name it Tawni's Tower.

Pictures were taken. Chair Egan presented Tawni with a plaque for her three years on our Council as well as a bouquet of flowers and card.

**RECEPTION FOR OUTGOING COUNCILOR:** The Council recessed to recognize outgoing Councilor Tawni Whitney at 6:55 p.m.

At 7:20 p.m. the Council reconvened. Chair Egan thanked whoever arranged for the nice snacks.

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

ITEM # 212-21                      To consider action relative to the electing of a Chairperson and a Vice-Chairperson for the Town Council.

**MOVED AND SECONDED:** To nominate Dan Piltch to be Chair of the Council for the upcoming year. (Egan & Bradley)

Councilor Piltch accepted the nomination and thanked Chair Egan for the vote of confidence. There were no other nominations presented.

**BE IT ORDERED:** That Dan Piltch be elected Chairperson of the Town Council. **VOTE:** (6 Ayes) (1 Excused-Fournier) (0 Nays)

**MOVED AND SECONDED:** To nominate John Egan to be Vice Chair of the Council for the coming year. (Bradley & Piltch)

Councilor Egan accepted the nomination.

**MOVED AND SECONDED:** That the nominations for the position of Council Vice-Chairperson be closed. (Bradley & Lawrence) **VOTE:** (6 Ayes) (1 Excused-Fournier) (0 Nays)

**BE IT ORDERED:** That John Egan be elected Vice-Chairperson of the Town Council. **VOTE:** (6 Ayes) (1 Excused-Fournier) (0 Nays)

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**MOVED AND SECONDED:** To adjourn at 7:25 p.m. (Bradley & Daniele)  
**VOTE:** (6 Ayes) (1 Excused-Fournier) (0 Nays)

Respectively submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #24-21**  
**TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT**  
**TUESDAY, DECEMBER 7, 2021**  
**6:30 p.m.**

<b><u>ROLL CALL OF MEMBERS:</u></b>	<b>PRESENT</b>	<b>EXCUSED</b>	<b>ABSENT</b>
Edward Bradley, 242 Flying Point Road	x		
Jake Daniele, 264 Pownal Road	x		
John Egan, 38 Curtis Road (Vice Chair)	x		
Darrell Fournier, 3 Fournier Drive	x		
Henry Lawrence, 93 Hunter Road	x		
Matthew Pillsbury, 36 Todd Brook Road	x		
Daniel Piltch, 25 Quarry Lane (Chair)	x		

Chair Piltch called the meeting to order at 6:32 p.m. and welcomed everyone. He took the roll and everyone was present including the Town Manager, Peter Joseph.

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

Everyone stood and recited the Pledge of Allegiance.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #23-21 held on November 9, 2021 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #23-21 held on November 9, 2021 and to accept the minutes as printed. (Bradley & Lawrence) **VOTE:** (7 Ayes) (0 Nays)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Piltch announced:

- Citizens at home can watch Freeport's TV3 in several platforms. In addition to being available on Comcast Channel 3 in Freeport, our LIVE channel and our VOD (Video-on-Demand) system are available via Internet on Amazon Fire TV, Apple TV and Roku and as an App on your Android and iOS devices. Instructions for accessing our services on these platforms is available on the FCTV3 Home Page on the Town website under "Frequently Asked Questions (FAQ)".
- Public Works, Building and Grounds and the Police Department currently have job openings. Interested applicants should contact Judith Hawley at 865-4743 x119 for more information. Job postings are also available on the Town website.
- **Nominations are now being accepted for 2021 Citizen of the Year**  
Each year the Freeport Town Council presents a Citizen of the Year Award to honor those who have significantly contributed to the quality of the Town. Nomination forms are available at the

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Town Office and on the Town's website at [www.freeportmaine.com](http://www.freeportmaine.com). Deadline for nominations is December ~~9, 2021~~, December 13<sup>th</sup>.

- Please remember dog licenses expire on December 31<sup>st</sup> of each year. You may register at the Freeport Town Hall or online at: [www.doglicensing.com](http://www.doglicensing.com).

Mr. Bradley pointed out that he read somewhere that the deadline for Citizen of the Year was December 12 but Joyce Veilleux advised that the deadline is December 13<sup>th</sup> as shown on the Town's website so Chair Piltch suggested using December 13<sup>th</sup> as the date for the deadline.

Vice Chair Egan invited anyone that is interested to join him Friday, December 17 for an evening discussion with Senator Angus King at Meeting House Arts on Main Street. Tickets are available if you go on the Town's website and find a link to find a way to get those tickets. If you have never spent an evening with Angus King speaking, he can guarantee you are in for an enjoyable evening. He is a fine public speaker and a great conversationalist plus it is a great fundraiser for Meeting House Arts.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Daniele advised that the Sustainability Advisory Board had an excellent lecture series yesterday to return to normalcy a bit. Two local residents spoke and he watched it on line but he recommends that other people do so too. They had it in-person as well but he couldn't make it. Chair Piltch added that it was very informative.

Vice Chair Egan advised that not quite 12 months ago our Council formed a Social and Racial Equity Committee as a regular committee of the Town Council. It was generated largely by interested residents that were asking the Council to address racial inequality and implicit bias in our town government. He is reporting this evening that the committee finished a report of our review of our HR policies and other documents that were solicited from Staff through the Manager and Assistant Manager for review of potential implicit bias and certain review of equality standards and made a number of recommendations. They were highlighted in a submission made to the Assistant Manager at the beginning of November so there has been a bit of a plateau and now a pause and that committee is going to reboot itself at the beginning of next year and we will solicit membership in that committee again. It started out as a very large committee which we thought would be an inclusive way to get everybody that had an interest in it but it turned out to be a little too unwieldy for that many people to feel connected so we will go back to a typical 6, 7 or 8 structure. If anyone has an interest, please contact him or Chris Wolfe at the Town Office for an application to get onto that committee. It will be reinvigorated in January.

Chair Piltch advised that Winslow Park has had a very good year despite not being 100% open. Financially they are doing just fine. A handicap accessible ramp should be going in by spring. They have a new playground that is in the works as well. As a heads up, he thinks they will not be hosting the Lobsterman Triathlon next September largely due to the impact it has on the park so it is probably not going to be happening.

There has been a handful of discussions around expanding Broadband access in town so we are well covered by one provider. There are funds available for Broadband expansion in general so we have the option of investigating and researching if it would make sense to have an overlay and a second provider in town to increase competition and also bring some newer technology in that might give everyone better speed. For now, it is an exploratory phase that we are in so if anybody has an interest in participating in a

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community-driven group that explores that, please get in touch if you have an interest in pursuing that.

Chair Piltch welcomed new Councilors Darrell Fournier and Matthew Pillsbury to the first regular Council meeting.

Downtown Visioning Project Update – Chair Piltch mentioned that he has been participating in this with former Councilor Whitney, Mary Davis, Caroline Pelletier, our Town Planner, Chip Gray from the Harraseeket Inn and representatives from L.L. Bean who joined us on the Planning Committee working in conjunction with our consultants, the Principle Group out of Boston who have been doing a great job. He turned it over to Mary Davis who is President of FEDC and has been very involved in the project. She will walk us through the project as to what has been done to date and where we are now.

Mary Davis provided a brief update on the Freeport Downtown Vision Plan. She explained that the project came up because we wanted to take a look at downtown and wanted to make sure we had a collective vision of what the future of downtown was all about. They wanted it to be a community consensus with a lot of input and a lot of involvement. They wanted to be very inclusive with the public to have an actionable plan that comes out of it. They wanted to do things and not just talk about doing things. They wanted to adapt it to the results and the needs of the future. They know that retail has changed and they know that COVID has changed things so they knew it was time to rethink what they wanted the downtown to be and they wanted to build community and stewardship. The leadership team is a wonderful group of folks that have spent a lot of time with her on this including Dan, Caroline and Tawni who says she will be here again. She has not gone away, Chip Gray and Russell Preston with Principle and Alec Intraversato from L.L. Bean.

She explained that they have three phases of the process and they are in the center of the Second Phase. In the First Phase they received over 2,500 pieces of information they got from residents, visitors and kids on what they wanted in the downtown. She explained some of the things they tried this summer such as parklets where people could sit. They also put in a pop-up skate board park down by the Railroad Station and that was well received by the kids. They found that what people said they wanted, they actually used.

In the second phase now, they went back to the businesses and landowners because as we start to think about what we want to do, they will be the ones impacted by all this change. They are preparing for the Downtown Design Week in February. The Third Phase is coming back to the Town Council with a clear plan. Over the course of the last month, there have been four days where they met with business owners and landowners, 19 of them. They constitute about 90% of the total square footage in the downtown. She explained who they met with to say what do you see, what do you want, what are you looking for? If we decide to change some things, how open are you to working with us? They got really wonderful response from them and really good feedback on how happy they were to be included in the process. They pulled together community connectors who are a group of Freeport residents to help us get the community involved in this. They met at the Harraseeket last week to bring the Community Connectors back into it and reenergize them and get the community involved in their next set of processes.

They have had weekly leadership meetings and see each other a lot. We have Council outreach to involve people and they are working on their communication updates so there will be a website and newsletters coming out on a regular basis between now and their February meeting.

In February the Downtown Design Week will take place. The whole idea of this is to bring the community together. By that time, you will have some pictures of what could be. You will have verbiage of what can be and they will have scenarios to bring to the community. It will be a combination of live and zoom and people will be able to participate either way but the idea is that we will have workshops

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where we will bring to the community what we are trying to do. They will have specific topic areas, downtown residential is one and everyone will be encouraged to come so they can get their feedback. They will have an Open House at the end and a closing workshop. That is what they are doing in Phase Two. There is a lot of work to be done between now and February. They are really excited about it. They have such good participation and support from the Town, the Town Council and our businesses that they really feel like they are going in the right direction.

Chair Piltch added that at a FEDC meeting this morning, it was noted that 18 new businesses in town in the last year so he feels the tenure has changed a lot and we are on a roll in terms of the trajectory for Freeport and its downtown. He feels it is encouraging. Mrs. Davis agreed that FEDC is excited to see the new businesses.

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

Mr. Joseph reported that last Friday was Sparkle Parade and it looked like the Fourth of July on a busy summer weekend and you could not get into the downtown. It was fantastic. He thanked Visit Freeport for drawing so many people to Freeport. He also wanted to thank some Town employees that had a part in that as well. Specifically, we had a lot of on-duty staff. We had the entire Police Department and almost all of the Fire/Rescue Department who were working or driving in the parade. We had Public Works who had a repeat entrance. Danny, Tammy and Bob from Public Works decorated one of the plow trucks and entered it. Also our Building and Grounds Superintendent, Brent Moon had a surprise cameo appearance in his role with the Fire Department driving the old '49 fire truck. He thanked everyone and hopes he didn't miss anyone. He knows a lot of people in the business community and Visit Freeport circles with the Chamber and the FEDC group and have done a lot for this past week. It is definitely noticed and as Chair Piltch said, in terms of vibrancy in the downtown, this was a pretty good indicator that people are interested in coming to Freeport again.

We have been following up on conversations that we had with GPCOG about starting the process for a Climate Action Plan. He knows we have a lot of input from residents in the past month or so on this. The good news is we followed up on some of the work that former Council Chair Egan had put down last spring to get some proposals from GPCOG about starting the Climate Action Plan. He has been talking with them. We don't have the final quotes on what the second half will look like but he is putting it together for the Council's budget process this year. Assuming that looks good and we can propose that in this upcoming budget, we hope to agree with GPCOG to start that work, the pre-cursor to the Climate Action Plan this year. We have most of the funding available. It is about \$6,000 and the Sustainability Advisory Committee has committed a large chunk of that money from their operating budget this year so that is great. They are bringing a lot to the table. Vice Chair Egan asked Mr. Joseph if he said start this fiscal year? Mr. Joseph agreed and it means before June 30<sup>th</sup>. That original proposal that he, Vice Chair Egan and the Town Planner received last year was about three or four months' worth of work according to Kristina from GPCOG so we will start that before the start of the year and that work stands on its own but it would be incorporated into a free-standing climate action plan if the Town decided to pursue that so it would not be done in a vacuum. It would be useful if you chose not to budget for that but it would also contribute to that if you choose to include that in the budget next year. He talked with them and it is a natural 1, 2 set of work. We know what we are talking about here for rough estimates. The work they are doing in Falmouth is about \$14,000 all in but the two towns in the Lakes Region they are doing together is about \$22,000. They think that Freeport will be less than either of those because they are getting better at doing this and more cost effective. He is still waiting to see those numbers and will let the Council know what they are and will also include them in the budget next year.

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Councilor Fournier asked if other communities will be in this planning process other than Falmouth and Windham? Mr. Joseph mentioned there are several in the area. When he talked with the GPCOG Director he learned that there are at least four or five communities involved. Vice Chair Egan added that the communities around us are in slightly different places in terms of their engagement and what they are getting going on but there is a pretty broad group of communities in this part of Maine that are moving forward on this.

Mr. Bradley asked Mr. Joseph to remind the Council what the work is? Mr. Joseph mentioned he would have to look it up. It is several items. If he can get it before the end of the meeting, he will read it off but he will forward it to him in an e-mail if he can't locate it tonight.

He noted that the Chair read about the open positions we have. He feels they have been busy with recruitment and selection. The Fire Chief's selection process has just wrapped up and there is someone in the audience for the Council's consideration just down on the agenda. They have a Library Director search process that is in mid-stride right now. Our Library Director, Arlene Arris is retiring at the end of the month. She has worked for us 40 years and for the last 5 or 6 years she has been our Library Director. Bob Konczal, our Assessor is also retiring at the end of the month after many years of work with the town. We are in mid-stride on the selection process for Assessor as well. As Chair Piltch announced, we have four vacancies in Public Works but the good news is we have hired a couple of people within the past couple of weeks and we have a few interested parties asking about the positions. The other position in Building and Grounds has been open for nine months. We have a rolling application process for the Police Department due to a few planned retirements and also natural attrition that happens there. We are almost fully staffed right now but we are expecting the need for at least one officer over the next 12-month period. We are already in recruitment for that because it can take up to two years to get a new trainee, if we have to go that route to be on the street.

Chair Piltch wanted to add that at the School District meeting he and Mr. Joseph attended last week, there are also a number of positions open at the school district for substitute teachers, bus drivers and a few other things as well. Mr. Joseph noted that they are specifically hard up for bus drivers so if anybody knows someone that has a Commercial Driver's license and is looking for work, there are quite a few people that can use those skills in the public sector.

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

Peter Engle of 18 Wind Point in Freeport. He is here on behalf of his wife who is here in the audience to support the Town taking immediate action on climate change in regard to the Study and Funding as well as the action plans in our fiscal year. He is a Solid Waste consultant and works on composting and recycling programs. While he thought it was important to do recycling, it is a whole new ball game now. This is a really big thing of our generation. We need to urgently act now on all levels, global, local and personal and the actions must be bold, effective and equitable. He stated that we are doubly challenged because we have to get it right. We don't have time for trial and error so this is why he thinks it is important that we do these kinds of groundwork studies to establish a base line against which we can measure to look at the alternatives and carefully identify the ones that will give us the most effective impact on reducing our carbon footprint. Therefore, he wanted to support the work the Sustainability Board and the Town have already been doing on this. He thanked them and noted he really appreciates their work on this. You secured some funding and you are looking for more funding and we need to move as quickly as possible.

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A large group of citizens are getting involved so there will be a large group of players coming to the table. He thinks it is a great time for all of us working together and to lead the way for our community, our children and basically our planet.

Susana Hancock of Flying Point Road advised that she returned from Europe where she attended the U.N. Summit in Glasgow and then went on to Geneva and explained the whole process that was discussed. She went to Glasgow. She explained that she found that the climate was somewhat an afterthought. Everybody here knows what is at stake, whether it is for your grandchildren or your children. You are scared of the future. We have kids in this town with anxiety so great that they are calling into school sick. They are literally ill and non-functional yet we are incredibly fortunate to have great ideas in this town but we need to capitalize on them. (The Secretary's recorder failed here!)

Joyce Veilleux of Island View Lane. She mentioned the proposal for a skate park. The pop-up skate park went very well down by the train station. It was very visible and you could see it when you were driving by. If something went wrong, it was visible and could be taken care of. It was also very accessible to EMS in the event someone landed incorrectly. She understands there is a new location being considered and there is a group that is looking to put a plan together and bring it back to the Council. She has a couple of areas she wants the Council to consider. It needs to be reviewed by our Fire and EMS Director for egress for an ambulance. It is a dangerous sport and we need to make sure the site is accessible easily. She also suggested that it needs a panic button that rings at Dispatch. These are seen on school campuses now. It is not an area that is visible by cars driving by. She would also like to see a Booster Club with it so the parents of the kids that are using it, do some of the maintenance. Even though we are not going to have to pay to build it, the taxpayers will have to maintain it. A lot of these kids are old enough that they could take on some of the responsibility of doing some of the maintenance. Chair Piltch clarified that the outdoor skate park being planned will go into Leon Gorman Park which is adjacent to Bow Street Market. There is another group that is thinking about building an Activity Center which may include an indoor skate park and they are looking at land near the train center for that.

Bob Stevens of 50 Moose Crossing wanted to express his appreciation for what the Town is taking on working into this year the assistance that is coming from GPCOG. That is great. The Sustainability Board jumped in and provided some of its own money and the Manager pulled it together. They are so excited about that. He noted that he will play a role for Mason Morfit who lives at 59 South Freeport Road and is on the Steering Committee of Freeport Climate Action Now. He is not here tonight but meant to address the Council at what he thought was going to be another November meeting but there wasn't another November meeting. He asked him to read to the Council what he wanted to say. Mr. Stevens read the letter into the public record. Mr. Stevens thanked the Council for listening to Mr. Morfit's words.

Councilor Bradley advised that this is the first time he has heard of a specific action suggested that could be a priority for the town. As an electric car owner himself, he realizes that range anxiety is something that keeps lots of people going lots of places. It occurred to him that if we became a town that became known as a place where electric cars could be charged, and we are trying to attract people here to address the downtown revisioning, that the combination of energy that is behind climate change and actions such as you described and as Mary described today as an action plan that is coming together for the downtown seems like a perfect kind of collision to him. He encouraged those people responsible for both those things to talk about how we can distinguish ourselves in both respects. Mr. Stevens agreed it was a great idea other than the word "collision." Mr. Stevens advised that Freeport Climate Action Now has had some little meetings around town. They are planning on having a Forum at the Community Center on January 20 at 7 p.m. The reason is to get people's ideas, who wants to work on what, some want to work on national issues and others want to work on local issues. They are trying to get the word out on that and

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hope they can get it set up for zoom so they can get as many people involved as possible. He thanked the Council for listening.

Chair Piltch wanted everyone to know that the Council got a half dozen or more e-mails over the last few days in support of the project Mr. Joseph talked about and other folks have mentioned as well.

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

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ITEM # 213-21                      To consider action relative to adopting the December 7, 2021 Consent Agenda.

**BE IT ORDERED:** That the December 7, 2021 Consent Agenda be adopted.  
(Egan & Lawrence)

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

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

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ITEM # 214-21                      To consider action relative to setting a public hearing for a new liquor license for Nighthawk Kitchen.

**BE IT ORDERED:** That a public hearing be set for December 21, 2021 at the Town Council meeting starting at 6:30 pm to consider a liquor license for Nighthawk Kitchen located at 200 Lower Main Street, Freeport.

**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. (Bradley & Lawrence)

Chair Piltch noted that this is the first of four items tonight where the Council is just voting to set a public hearing. The public hearing is not tonight. The Council is just voting to set the public hearing.

Mr. Joseph explained that this is the space adjacent to Mast Landing Brewing. Night Hawk Kitchen is currently the food truck that is out in the parking lot and they are looking to be permanently located in the space between where the food truck is and Mast Landing. Councilors mentioned how delicious their burgers are.

Councilor Bradley asked if this is a food truck? Mr. Joseph advised that it is currently a food truck accessory to Mast Landing Brewing. They are going into the bricks and mortar next to Mast Landing Brewing. Councilor Bradley noted it is good to hear. Chair Piltch mentioned that the Planning Board has been tweaking our Food Truck Ordinance to make it easier for food trucks to do business in town and he expects it to come to the Council soon.

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

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ITEM # 215-21                      To consider action relative to setting a public hearing to discuss proposed amendments to Chapter 21 Freeport Zoning Ordinance, Section 515. Noise

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Regulation, to clarify what types of temporary use of machinery are not covered by the standards in this Section of the Zoning Ordinance and to add a cross reference to the regulations in Chapter 39: Loitering, Curfew and Noise Ordinance which does regulate the temporary use of machinery.

**BE IT ORDERED:** That a public hearing be set for December 21, 2021 at the Town Council meeting starting at 6:30 pm to consider proposed amendments to Chapter 21 Freeport Zoning Ordinance, Section 515. Noise Regulation, to clarify what types of temporary use of machinery are not covered by the standards in this Section of the Zoning Ordinance and to add a cross reference to the regulations in Chapter 39: Loitering, Curfew and Noise Ordinance which does regulate the temporary use of machinery.

**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 & Lawrence)

Town Planner, Caroline Pelletier provided background information to the Council. Councilor Bradley asked if it regulates noise entering a lot from outside or is it solely designed to regulate noise originating inside a lot and crossing or arriving at a lot line that way? Ms. Pelletier explained that typically when we look at it, we look at the noise at the property line. We have had construction noise originating on site out to abutters. It could also be noise on a private road going in.

Councilor Bradley asked Ms. Pelletier to focus on that issue at the public hearing because he feels there are a lot of noise issues around town and if this affects them, we should know it at the public hearing. Ms. Pelletier advised that the Council already changed the standard and it already exists. What is before you is just a cross reference.

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

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ITEM # 216-21

To consider action relative to setting a public hearing to discuss proposed amendments to Chapter 25 Freeport Subdivision Ordinance, Article 11.9 Conformance with Zoning Ordinance and Other Land Use Ordinances, to add a cross reference to the Loitering, Curfew and Noise Ordinance.

**BE IT ORDERED:** That a public hearing be set for December 21, 2021 at the Town Council meeting starting at 6:30 pm to discuss proposed amendments to Chapter 25 Freeport Subdivision Ordinance, Article 11.9 Conformance with Zoning Ordinance and Other Land Use Ordinances, to add a cross reference to the Loitering, Curfew and Noise Ordinance.

**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. (Lawrence & Daniele).

Town Planner, Caroline Pelletier said this applies to subdivisions. Chair Piltch added that citizens brought this forward two years ago that were concerned about this for a long time and have been patient and he

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assumes they will be here at the next meeting and will be glad to have this done. He thanked Ms. Pelletier for shepherding this through.

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

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ITEM # 217-21      To consider action relative to setting a public hearing to discuss proposed amendments to Addendum I (Freeport Village Overlay District) of Chapter 21 Freeport Zoning Ordinance. The proposed amendments would clean-up existing text conflicts regarding the applicability of sections of the Freeport Village Overlay District document. The only substantive amendment would be the removal of the requirement that passive solar panels on new homes are required to face internal or private areas of the home site.

**BE IT ORDERED:** That a public hearing be set for December 21, 2021 at the Town Council meeting starting at 6:30 pm to discuss proposed amendments to Addendum I (Freeport Village Overlay District) of Chapter 21 Freeport Zoning Ordinance. The proposed amendments would clean-up existing text conflicts regarding the applicability of sections of the Freeport Village Overlay District document. The only substantive amendment would be the removal of the requirement that passive solar panels on new homes are required to face internal or private areas of the home site.

**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. (Fournier & Lawrence)

Town Planner, Caroline Pelletier explained the Freeport Overlay District and what it contains. She mentioned that the Planning Board and Project Review Board would like to see some revisions to this document. One of the challenges is the formatting. It is something they will be digging into more.

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

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ITEM # 218-21      To consider action relative to the acceptance of State and Federal Funds for fiscal year 2022.

**BE IT ORDERED:** That the following American Rescue Plan Act Funds for fiscal year 2022 be accepted.

1. NEU First Installment      \$451,930.02
2. NEU Second Installment   \$451,930.02

Total ARPA Funding \$903,860.04 (Pillsbury & Lawrence)

Mr. Joseph explained that this is a giant pot of money distributed to municipal and state governments across the country as part of the American Rescue Plan Act. It roughly works out to a little more than \$100 per capita in similar sized communities as Freeport or smaller. The State of Maine received proportionate funding on a per capita basis. That is where those numbers come from. Jessica has put together a memo here. We won't make any decision tonight and there

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is no proposal to spend this money right now. There is a window until 2024 when the money has to be spent. This outlines what the basic uses and purposes that can be funded through the project. We do have one proposal that is very close to coming in front of you. It was Item 219-21 but we pulled it at the last moment because it needs a little refinement. Under Section B of her memo which is generally considered hazard pay which is premium pay to first responders who worked actual hours during COVID. That is basically police, fire and most of those departments in our town. There are complicating factors and we have to go through and anybody making over 150% of the median income for Cumberland County would have to be justified before we pay them any of the money. We do have some employees working overtime make significantly over that although their base pay would not indicate that you would think they would but somebody that works 60 or 70 hours a week might be making \$90,000 or \$100,000 a year when their base pay is significantly lower than that. We do have to go through and pull apart the rosters and actually do a little more work on that but the Council can expect that there will be a differential in the proposal on how we actually worked during the Emergency Declaration approximately April 2020 until approximately March 2021 when the Emergency Declaration was lifted. Where we are going with that proposal is that it is for First Responders only is that everybody who worked in the Town in-person anywhere put themselves at risk. The Council put themselves at risk when they were in live meetings but there were some people who didn't get a chance to say, hold on before I run into that house where a crime has been reported, I am going to ask if they have their masks on and what their vaccination status is. We didn't see anyone who worked on the ambulance refuse to work given a COVID positive transport. Our employees should all be complimented. They all wore their PPE before vaccinations were available. None of them caught COVID but they didn't know what the likelihood of that was or how well that PPE worked in the early day of emergencies. That is the justification for the thought process. We would consider a different amount later for non-first responders depending on what money is available. It is something to be considered in the future. One of the big pots available for funding is for utilities, water and sewer. We don't have anything to say about that but we did reach out to representatives of the Sewer District and had a productive meeting with them today. There are other uses that may come forward. That is an overview. He wanted to be clear that what he is talking about in terms of premium pay is 10-15% of the total pie. It is not the entire \$900,000.

Chair Piltch clarified that tonight the Council is only voting on accepting the funds. We are not voting on spending the funds. Mr. Joseph explained how it could be budgeted in the next budget process or acted upon separately by the Council as a supplemental appropriation. Councilor Lawrence asked if this is a matching fund or is it here is some money for these purposes? Mr. Joseph explained that Chunk No. 1 was distributed in October and Chunk No. 2 was a future date. He wanted to say this spring but Jessica can tell you the exact date we received the first payment and when the second one is due. It is not matching but there are strings attached so it is important to note there are a lot of restrictions with this. There are audits and reporting requirements. And federal requirements. The Treasury Department will have to spot audit and will be checking these things randomly. Jessica is on top of this but has a little bit of nervousness, that he said he would convey to the Council for sure, about outside agencies and where we are providing funding to other groups. We are on the hook for that money if anything isn't followed in terms of the standards. He talked about this with Water and Sewer. If it is a project, we will be supervising the bidding, awarding and procurement just to make sure that if we give somebody a chunk of money, the federal government doesn't say, oh Freeport, we don't

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care if you gave them \$50,000, you owe us that money because you didn't follow the correct standards.

Councilor Fournier asked if there is a specific timeframe where these funds must be expended specifically? Mr. Joseph noted he didn't have the end date but it is in 2024 so we have about three years. Councilor Egan pointed out that it must be encumbered by 12/31/24 and spent out by 12/31/26. Mr. Joseph added that we would have to sign the contracts by the end of 27. We already have the first installment in an account. If we turn it down, it will go back out to somebody else.

Councilor Bradley asked if FEDC could take a look at assistance to households, small businesses, non-profits others impacted such as tourism, travel, and hospitality. There were a number of businesses that took a beating during COVID. These funds could help them with that and it could go with the downtown revisioning and a lot of other things. Mr. Joseph agreed. Councilor Lawrence asked if this is going to every town or just specific towns? Mr. Joseph explained that it is distributed differently. There are entitlement and non-entitlement communities. Every municipality in the United States will be offered these funds. Staff does not have any proposals other than the premium pay so if the Council wants to come up with a process on how these things will be submitted, there is no one knocking on the door just yet. We are all coming up with ideas right now we will really be entertaining ideas from outside groups for things that Councilor Bradley talked about. There would have to be interest in the community to participate in a program. Water and Sewer's potential projects are going to need some interest. There are complications with this money and if it is a small amount of money, it might not be worth it to them, just like a grant. There is no rush. If that is something the Council wants to entertain like an application process with a timeline, they could certainly develop it for the Council. Councilor Fournier asked if this is only going to be expended through the municipality or will it be shared with the RSU? Mr. Joseph advised that this is only for expenditure through the town. Councilor Bradley pointed out that there may be a lot of interest in this and people will be coming forth and you would want to know which one you thought has the biggest impact for other things you were trying to accomplish. He encouraged the Council to get this information out and Chair Piltch noted he would work with the Town Manager to come up with ways to get the message out and then come back and setting a date for a workshop if someone wants to come in and propose an idea. Mr. Joseph suggested having a proposal deadline and we would be able to evaluate the ideas and give feedback to the folks because he suspects a lot of the ideas will not be applicable to this funding. There is a lot of guidance available and we would have to go through it to see if any of the proposals on how to use the money are ruled out by the guidance.

Chair Piltch noted that there are other pots of money beyond this. Some are targeted for businesses, industries like agriculture and aquaculture so if we have that workshop and find that there are good uses but not appropriate for a municipal allocation, we may be able to make some recommendations and say, here are some other people you should call. Mr. Joseph advised that we are the only people that have this money to give away. He doesn't know anyone else other than the municipalities that is publishing it. It is administered by the State but the State has hired an outside company to distribute all the money. Councilor Bradley mentioned that we may be able to help our businesses and our organizations even if we don't have the money to distribute rather than us picking them up in a maybe or not have a broad publication and have this guy

from the State come in and explain it. It seems like we could provide a function that could help and maybe get a lot of money into town that would help us do some things.

Mr. Joseph mentioned there is a whole pot of money which is the transportation bill that would actually will help offset some significant actual projects that are out there. Part of that bill is being targeted towards municipalities, the guidance is that it is specifically designed for projects where you are in a waiting list for State matching or something like that. It is designed to accelerate projects that otherwise would be in a queue and we have a few of those. He has already had a preliminary conversation with our Town Engineer about projects that are in the match wait list with PACTS and with the State MDOT matching projects. This is not through the State at all. It is through the USDOT granting money to towns to bypass a lot of the regional and state cost sharing agreements for the town to take on the whole project themselves. Chair Piltch asked if we could use that money for our bridge bond? Mr. Joseph noted he is investigating that. We need more research on it. Councilor Bradley added that if Russ Preston and the Principle Group came up with a recommendation for transportation for the downtown getting people back and forth and out into our various assets, those things could qualify. Mr. Joseph agreed.

Councilor Bradley asked Mr. Joseph where this body of information he is referring to? Is it a Treasury Guidance? Is it a document that explains this in detail? Mr. Joseph offered to get it and Councilor Bradley noted he would like to see what it looks like.

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

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ITEM # 219-21      To consider action relative to the appointment of Paul Conley as the Freeport Fire Rescue Chief.

**BE IT ORDERED:** That the appointment of Paul Conley as the Freeport Fire Rescue Chief be approved. (Egan & Lawrence)

Town Manager, Peter Joseph advised that he has written a memo outlining quite a bit of detail on Paul. He recognized his tenure here with the Town. Obviously, he became interested in the position when it became available. We had some moderate interest in the position which was great. He explained what stuck out about Paul's candidacy besides his dedication to the Town. He shares some of the same ideas about where improvements to Fire/Rescue can come from. Paul has a real interest in developing both internal and external candidates to fill open positions. Mr. Joseph is encouraged to see some energy and upward movement possibly in our ranks for people that have proven themselves and are dedicated to be given an opportunity to step up and then for us to try to backfill those rank-and-file positions with new candidates. Mr. Joseph is looking forward to working with Paul for internal development of the department which he heard from a lot of candidates that they have been waiting for years.

Councilor Fournier congratulated Paul noting he did a great job when he worked with him. He is confident Paul is up to the challenge ahead of him.

Paul pointed out that they have an awesome group of people that work for us. They are dedicated and he can say that our people stepped up to the plate and provided emergency care no matter if the dispatch was positive COVID, negative covid or nothing. They did everything right and he can honestly say we didn't lose anyone to COVID during the pandemic. He mentioned we are not out of the woods yet but it appears the worst is over. As the Council thinks about the money that is for that, he can't say how much he would

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say that Fire, Police and Rescue deserve some recognition. He is sure he and the Manager will have discussions on that in assessing the needs. He feels there is a lot of challenge in recruitment and retention but he wants this place to be a welcoming department to come into and wants to put the tools in place for training and education to support them. During the budget season, he wants to discuss with the Manager and Finance Director to get his people appropriate pay. They are on the low scale and that is a center of conversation he hears every day and he does not disagree with them. He feels the town supports them very well with equipment but they will look at some of the smaller equipment replacement. On the medical side, they just instituted all new protocols. He is also responsible for Emergency Management of our community and shared his goals. He finished by saying he is up for the challenge and really appreciates this opportunity. He thanked Mr. Joseph for having faith in him.

Councilor Egan noted he had the honor of being on the interview for this position and was really impressed by Paul's interview. He knows everybody here and can just jump right in. He has been acting chief four times before this appointment so he is obviously ready for this job. He congratulated him and Councilor Bradley congratulated him. He asked him if there are ways for the department to interact with the people in the community at times when they are not burning up or having heart attacks? Is that a good thing to do or is it problematic. Paul advised that he feels it is a great thing to do and is proud that prior to COVID striking, we had a wonderful Public Safety Community Open House for the citizens to come and filled the building. The success was built upon partnership with FCS, Red Cross and the Library coming in and partnering with them. He believes they are the fabric of this community. They offered CPR training and got AEDs into public buildings and the schools. Councilor Bradley mentioned he loved hearing what Paul had to say. He encouraged him as he goes through the budget process to remember that a lot of those things cost money and he should not be shy to ask the Council to support him in those endeavors.

Councilor Bradley mentioned that in District 2 there was discussion about a substation out there in the past. He is interested in that because a lot of people pay a lot of insurance premiums because we are more than 6 miles from downtown. Could we look at that issue again and see if we can make it work?

Paul advised that it is more than just putting a fire engine in a barn on a piece of property and we have nobody to respond to get it. We can put the equipment there and the infrastructure but if we don't have the personnel to respond, we are no further ahead than we were. The challenge we are talking here is the staffing. We run short periodically because we don't have enough. He is sympathetic because he lives on the outskirts and faces the same challenges being a resident of Freeport. It is more than just putting a fire truck in a place. He presented those arguments to the folks in District 2 and noted we have ADA requirements, safety requirements and all kinds of things to start adding the numbers up. The study really needs to be our response time to the needs or bang for the buck on that. He is not opposed to revisiting the issues and doing the due diligence. More discussion followed. Mr. Joseph mentioned that staffing is a challenge.

Chair Piltch advised that he wanted to thank Paul and the whole department. It has been an unusual couple of years. He admires the bravery with which the department rushes out and do what they do in support of the Town. He thinks it is great. A measure of success is how little we see you're here or how little we read about you on the front page of the newspaper in a controversial item. It is admirable and makes our job a lot easier. He can't wait to have Paul installed as Chief. Paul shared a story of what happened during the Sparkle Parade.

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

Town Clerk, Chris Wolfe swore Paul Conley in as Freeport Fire Rescue Chief

ITEM # 220-21      To consider action relative to the 2022 Town Council meeting schedule ~~and District Workshops.~~

**BE IT ORDERED:** That the Town Council meeting schedule be adopted as written. (Bradley & Lawrence)

Chair Piltch mentioned that the April 19<sup>th</sup> meeting coincides with School Vacation week. If it impacts anyone, he would entertain moving that a week later. In May we have five Tuesdays so we could push those meetings back if we wanted.

Councilor Fournier asked if there would be an opportunity before the Council deliberates on the budget to spend four hours and see what we have for public facilities. Mr. Joseph and other Councilors felt it would be helpful. Mr. Joseph advised that the Council could have a meeting and can adjourn at all those locations and say we are going to the Library next, etc. It would not be difficult but we would have to make sure Sharon can take down any actions as long as you don't take any votes in those meetings, it is a simple set of minutes.

Chair Piltch mentioned he was going to propose more workshop time. He was in a FEDC this morning he was going to advocate for more collaboration between FEDC and the Council. There is a lot going on with economic development and the Comp Plan coming up so he would like to invite FEDC to spend more time with us as a Council. This kind of needs more workshop time and he is up for it. Unless there are a lot of Councilors that don't want to do it, he and Vice Chair Egan can take a stab at how to set up workshops to do FEDC collaboration and touring our facilities in addition to all the other workshops we do in the spring.

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

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TABLED FROM OCTOBER 19, 2021:

Chair Piltch explained that we are not ready to vote on Item #194-21 and 195-21 because we are working on them and trying to make them clearer for us and the residents that might have to refer to them. Mr. Joseph asked Caroline Pelletier if there is a clear date in the future, she would be comfortable that we would have the revision work done to give her some breathing room? Ms. Pelletier suggested putting the second meeting in January and if they need more time, the Council can table it again.

**MOVED AND SECONDED:** To continue to table Item 194-21 and Item 195-21 until January 18, 2022. (Lawrence & Fournier) **VOTE:** (7 Ayes) (0 Nays)

ITEM # 194-21      To consider action relative to amendments to the Freeport Zoning Ordinance pertaining to State mandated Shoreland Zoning regulations. Text amendments are proposed to the following sections: Section 104. Definitions; Section 201. General Restrictions; Section 202. Non-Conformance; Section 203. Changes and Amendments; Section 302. Zoning Map; Section 303. Zoning District Boundaries; Section 304. Map Corrections - Shoreland Zone and Resource Protection District (to be repealed); Section 401. Purpose and Land Use Controls; Section 402. Rural Residential District I and Rural Residential District IA; Section 403. Rural Residential District II; Section 409. Commercial District I; Section 422. Industrial District II; Section 426. Island District; Section 507.

Shoreland Zone Regulations; Section 601. Enforcement; and Section 602. Site Plan Review. Some additional non-substantive text amendments are proposed throughout the Ordinance to correct typographical errors and to incorporate gender-neutral pronouns.

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

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

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ITEM # 195-21

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

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

(Town Planner, Caroline Pelletier)

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

**OTHER BUSINESS:**

1. Request for Council consideration of Consent Agreement to allow Single-Family Dwelling as a use at 30 Morse Street (VC-1 Zone)

Chair Piltch mentioned that Ms. Pelletier provided a memo on this item. Mr. Joseph advised that the simplest way to sum this up is that the property is located in the VC-I Zone. Since it was put into that zone, it had always had a single-family residence on it, so it was a grandfathered pre-existing non-conforming use. The house was torn down and a building permit was issued and a foundation was poured. Some work was completed but the structure was never finished. It is essentially a foundation with a deck

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on it so it is not an open hole, not a safety threat but it is not a finished structure. This is across from the old front entrance to Morse Street School that faces Morse Street. The problem with that situation is when a non-conforming use ceases on the property for a given period of time, the grandfathering is lost and it becomes an illegal non-conforming use or not an approved use. As long as the building permit was active on the property, it could be rebuilt. However, the building permit lapsed and the structure was not completed and it sat for a period of four years or so since then. State law in the Zoning Ordinance is pretty clear on what happens in that case. It is perfectly clear that once the legally non-conforming use lapses and stops, it can be reused in a conforming use. There are many conforming uses on the property but most of them are commercial. Residential uses are allowed but single-family ground floor residences are not allowed. Multi-family commercial (3 or more) is allowed.

Mr. Joseph advised that there were circumstances that did not allow the property owner to finish the construction which they have talked to us about. There are several avenues available. The property is on the boundary line between the V-I and the VC-I and it could be rezoned. It is a small lot. It is approximately 50' x 50'. The V-I zone would put a lot more restrictive setbacks on the property but doesn't allow non-combustible construction in the zero setbacks. Moving the zone would not really work because the existing plan and foundation would not be useable in the V-I Zone most likely. They are approaching the Council now and asking if the Council would consider a Consent Agreement. Some of us have dealt with a few of these in the past year. A Consent Agreement is essentially saying yes, that is a violation and yes we will allow you to do the violation and keep it in perpetuity so it is a blessing of a violation in the Zoning Ordinance. They can be done for any number of reasons. This one would be to allow a use that is not an allowed use in the zone. Chair Piltch added that the VC-I is the same district as Main Street and we are saying in that zone if someone wanted to come in and build a single house on Main Street, we are saying that that is not the kind of house we want in the village core. Morse Street is close enough to Main Street that it is part of that same zone so that is the reason it is not an approved use in the VC-I.

Councilor Lawrence noted that we are trying to make the downtown more residential but this is a use that might be approved in the future. Chair Piltch advised that we want more housing so don't take up a lot with a house but put in a multi-family or some sort of complex to encourage more dense residential development. Councilor Lawrence noted that you couldn't do that on this piece of property because it is not big enough. Mr. Joseph advised that the lot could support commercial multi-family but single and two would not be allowed without an accompanying commercial use.

Councilor Fournier recalled dealing with this years ago and met with the people that put the original foundation in. Unfortunately, the family fell on some hard times which was not any fault of them. He would personally allow them to build a structure there. It would be a plus addition to that neighborhood. Councilor Lawrence agrees with Councilor Fournier.

Ms. Pelletier explained that the Council needs to be aware if you are considering this and you entertain a Consent Agreement, they can't just run out and build a house tomorrow. They are in the Design Review District and they have a foundation they are hoping to reuse. They would have to comply with the various setbacks granted in the past so if you grant the Consent to allow the use, they would still have to go to the drawing board in regards to Design Review and verify that the foundation is in the right spot to use it and then go through the building permit process. She wanted the Council to be aware of the full picture. Chair Piltch asked if there is a question about whether the foundation is in the right spot? Ms. Pelletier mentioned that it could be determined on a site walk before they can get the building permit.

Mr. Joseph added that there are dimensional concerns about a wood frame construction on the property. The foundation appears to be very close to the side lines and there has not been a survey done in recent

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times on the property with boundaries marked. The side setbacks are 15 and the back setback has a variance attached to it. Ms. Pelletier advised that if they stay V-I and go non-combustible construction, they could have a zero setback on the side. They needed a front and rear setback which they got. Mr. Joseph explained what non-combustible construction would require. It is not wood frame construction.

Councilor Bradley asked why the applicant is coming to the Council before all those other things are taken care of? Ms. Pelletier explained that it is not a permitted use today and they can't apply for a building permit for a non-permitted use.

Councilor Pillsbury pointed out that it was mentioned that the Council weighed in on a few of these issues in the past. He asked what the criteria is for weighing in other than just I feel it is a good idea versus I don't feel it is a good idea? What does the Town feel is a fair solution? Mr. Joseph noted it is a political judgment and in your judgment you this is something you want to encourage or not encourage. We had one where a building was too close to a sideline and was there for 15 plus years and no one ever knew there was a problem until they got a survey to sell their house and couldn't sell it without an agreement to allow it to be there. He provided other examples.

Councilor Daniele asked if there is a Staff opinion on this? Mr. Joseph added that personally the use itself existing does not offend his sensibilities for having a residential use on that property. He is concerned about using the Consent Agreement as a tool when there are other relief options available and there are other uses for the property but he doesn't think there is interest on the part of the seller and buyer in those other potential commercial uses. The real answer that needs to be answered is do we want to encourage commercial uses only and not single-family residences in the VC-I Zone. He is concerned about the use of a Consent Agreement tool every time one comes to us because we are essentially saying that a violation is okay and you can keep it. Ms. Pelletier added that she agrees and shares his concern about the use of a Consent Agreement. There is a big community decision about residences in our downtown. Our Comp Plan doesn't talk about single family residences. She feels the applicant is willing to give you some of their history and why they feel it is their last resort. It really comes down to a judgment call.

Councilor Lawrence pointed out that the location of this lot is right across from Morse Street School. He doesn't see a commercial use going down there in this particular instance and does not see where that is a benefit to the Town. Chair Piltch mentioned there are other uses for the lot and we can decide tonight what we want to see there for the next hundred years or so. If we say they can't put a single-family house there, what would happen to the lot? It would probably encourage people to look at more dense residential development but maybe they don't want to do it on a 50' x 50' lot. Maybe it would make sense to wait until there is an adjacent lot or some other larger development that no one will do now if we fill the area with single-family homes. By sticking to the zoning laid out by the Planning Board, it would encourage that kind of more dense development to happen. It might not happen this year. It might take a while that would probably benefit some people more than others. That could be a reasonable outcome in the future and that would support what we are saying we want to see.

Jason Landry mentioned that his son, Michael Landry is the owner of the property. They decided to sell it and have a sales and purchase agreement with a Freeport resident. They met with Mr. Adams to discuss what could be built on that lot. He said it was approved prior to all this. The foundation was put in and a stone wall has been done around the property. The sales agreement is contingent on whether they can put a house on it. If not, they won't buy the property. The setbacks on the front and rear were approved but no side setbacks were ever approved. He said no setbacks are required in the V-I so they were not requested so that should carry over since they wouldn't request them if they are not needed. There is a granite marker on the property next to it and it is clearly 2 to 3 feet away. If the foundation is encroaching on whatever the setback is, they would have to take it down and move it over and that is not something

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somebody would want to go through the expense of tearing down a full foundation. The house that he purchased had to be torn down and removed to put another house there. He noted that no one on the street is opposed to this. There is a parking lot behind it and one beside it and a school across the street. There is only one resident and that resident is actually in the new zone, V-I. He talked to the Town Planner and tried to figure out if it would make sense to change that but then they definitely wouldn't meet the 15–20-foot setbacks on a 50' x 50' lot. The residents on the street do not want to see anything commercial on a residential street. He reviewed the Comp Plan and read that residential dwellings make it walkable and bike-able. He feels it is unfortunate it is in the VC-I Zone and that was just recently changed last year upon the recommendation of the Planning Board and Council. They are interested in selling it to someone who is interested in buying it.

Mr. Joseph explained that the intent of the Ordinance when that line was redrawn sometime in the 90s was that eventually everything located in the VC-I Zone would migrate over to being one of those large uses through attrition. He doesn't think a single-family home next to a single-family home is offensive in anyway. However, it is contrary to the intent of the ordinance. We can't approve things not allowed by the Zoning Ordinance. Councilor Daniele asked if the Council could completely rezone it and not just the VC or VC-I that would allow it. Mr. Joseph added by itself, no. Ms. Pelletier explained why creating a whole new zone would not be easy and there are time constraints on the applicant. She suggested the Council review the other uses she included in their packets. More discussion followed.

Councilor Fournier asked when the foundation was poured? Mr. Landry advised that it was in 2014. Councilor Fournier explained that he feels comfortable allowing the applicant to build what was originally intended there. Vice Chair Egan asked Ms. Pelletier to explain what is required to keep a building permit active and not let it lapse. She mentioned they can ask for a 6-month extension and that is what they did in the past. She is not sure how long they can keep doing that. It has been years at this point. Once they start the work, it keeps the permit alive but there has to be continuous progression. Vice Chair Egan clarified that progress would have been required of the applicant on the building permit to keep it moving forward. The tool of the Consent Agreement is a last-ditch final resolution when there are no other solutions available. On page 2 of the memo, we are far from a place where there are no other uses allowed unless we grant a Consent Agreement for a single-family house. A number of the uses listed would be perfectly concurrent with the school such as education activities, childcare activities, outdoor education, etc. He does not think the Council is in a place where the gravity of a Consent Agreement is the only thing available to help out someone who is caught in a crunch of the dynamics. Mindful of not having the resources to execute on a plan to build something, he believes a fair amount of time has gone by since we have had that. It's been 6 or 7 years. Mr. Joseph added that it could be used as a professional office very easily.

Chair Piltch asked Mr. Landry if he looked at any other allowable uses to see if there would be a potential buyer interested in that? Mr. Landry advised that they never approached that. His son still had the dream that he was going to build there. It took a long time for Mr. Landry to convince him that it was not going to happen. The property is in foreclosure and he has worked with the bank and got an extension because he told them that they have a sales and purchase agreement. His son will be able to pay the debt to the mortgage company and the other liens on the property and let somebody build a house that was already started there. That is really where they are. He is hoping it will not go through the foreclosure and they have a closing date if it all comes together. If it doesn't, then unfortunately it could go into foreclosure.

He would like this to have another Council meeting so the residents on the street will have a voice to say if they would prefer to have a professional building there instead of a residential building. He understands the vision but noted there is a permanent foundation ready for a dwelling. He doesn't know what it will take to make this happen. He feels it is a unique situation.

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Chair Piltch noted the Council is not going to vote on anything tonight so if there is general consensus that it is worth pursuing a Consent Agreement, lawyers probably would have to get involved to draw up a Consent Agreement to meet preliminary approval that would then come back to us to set a public hearing so the other residents or anyone that wants to comment on could comment on it. That sounds like it is a few months away. Mr. Joseph added that full speed, all possible haste to get two attorneys working on it non-stop for a week and the Council wanting to go ahead, it is about a month's process but it is probably two months. Whoever builds the structure would have to come and get Design Review and the building permit and all those kinds of things. Mr. Landry mentioned the potential buyers understand the process they need to go through. They are working to try to make this happen.

Chair Piltch did not remember who made the comment are we creating a prejudice for the Boards that come after us to say we approved this Consent Agreement and now Design Review or the Codes Officer is in the position of saying no it is not an approved use but say they have to approve it because the Council said they wanted it done. Councilor Daniele asked if the Council could backdate the building permit rather than okaying a non-permitted use? Mr. Joseph says with a straight face that there has been zero work done on the property for at least enough time. He advised that the building permit cannot be extended. An extension of six months is what is contemplated in the ordinance. More discussion followed.

Councilor Bradley asked how the Council could get to the end of this? Chair Piltch noted that Mr. Landry is here to get some idea of whether this likely would move forward if they go to the trouble of drafting a Consent Agreement and getting preliminary approval, getting a public hearing set and, of course, we would all want to hear what the public has to say before casting our official votes. To the degree anyone is comfortable saying they are likely to consider this in the future and offer the opportunity for you to say what you feel. You are not obligated to say one way or the other but it would give them some idea where our heads are at today. It is a non-binding opinion.

Councilor Pillsbury noted he is open to what is fair and right. He has concerns using a tool saying we don't know what the solution is so let's just do a Consent Agreement so he is on the fence on this one.

Councilor Fournier advised that if this cannot be resolved with Staff, he is in favor of getting this property built and eliminate the safety issues and follow through with the original intent. He would be an affirmative on this.

Councilor Lawrence would also be affirmative. This is not a hard decision to make because a house would fit on that property very nicely. He is for this and feels it is a no brainer.

Councilor Daniele noted he is on the fence. He would like to find a clever way to define dwelling or changing a date. He is open to continuing to talk.

Councilor Bradley is on the fence. He needs some time to think about it. What goes on in the downtown matters to him so the points being made about walking and biking downtown resonate because those are the things being discussed in the revisioning and this is pretty close to that. Those are the things he is thinking about and doesn't know how he will come out.

Vice Chair Egan disagrees that using the Consent Agreement is a way out of this. He feels that is when we have no other options to try to meet the needs of something coming before us. He assured Mr. Landry that he is not unsympathetic to the case he is sitting with a property in foreclosure but is recognizing that the purchase and sale to someone who wants a single-family home is the shortest path from A to B and

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we have zoning and characteristics of zoning to look at a larger picture than just the shortest path from A to B. We have expiration of permits for these kinds of reasons. He can't get around the fact that there are at least a half dozen out of those 30 uses that could easily happen that does nothing to solve Mr. Landry's problem. That is not why he is against using the Consent Agreement. We have other tools to encourage this.

Chair Piltch tends to agree that there are other ways to resolve this but unfortunately, they would all take longer. He feels there are other uses and he tends to lean towards putting this back on the drawing board and saying who else can we get to buy the lot from the Landrys and figure out a way to make that happen.

Given that, Chair Piltch noted there are a few for and a few against and a lot on the fence so he doesn't know that we have a resolution and if Mr. Landry wants to pursue the Consent Agreement, we would be happy to entertain having him come back and going through the public hearing and see where that goes but there would be a lot of risk to that. Mr. Joseph asked Ms. Pelletier what the non-residential portion of a mixed-use development would involve? She read the Council the definition and noted that it does not say the ratio. Mr. Joseph is saying that this is something he can explore with the applicant and the buyer in addition to this non-committal 2-2-3 on the fence. Ms. Pelletier advised that they would have to go through Site Plan Review and Mr. Joseph indicated he understood. Vice chair Egan mentioned that if there was support that this is the resolution for the Council to support to try to support not only the case for Mr. Landry but the future homeowner we don't even know, then he thinks that would have some gravity of how we are trying to get to a reasonable solution. Mr. Joseph explained that the reason the applicants are here tonight is for them to gauge whether they are spending legal dollars to draft something up to get something in front of the Council for consideration. Vice Chair Egan added that the pathway to defining what that secondary non-residential use seems to be a lot smaller hump to get over than the Consent Agreement. Councilor Lawrence added that he feels it is fine if it lets them get it done. Ms. Pelletier mentioned she is happy to work with Mr. Landry and if he can bring his buyer in, they will explore options that will work for both parties. Mr. Joseph advised that the foundation can remain where it is as long as it doesn't deteriorate. He understands it is currently safe. Ms. Pelletier will follow up with Mr. Adams on that. Chair Piltch feels the Council has gotten as far as it can tonight. He appreciated the applicants' patience. If they need to come back before us, we are here. The next step is to go back to the Town Planner. Mr. Joseph added that he sees two Councilors leaning yes and two Councilors leaning no. They have not told Mr. Landry that they wouldn't consider a Consent Agreement but he does not have a lot of reassurance..Mr. Landry appreciated it.

2. Sparkle Parade Detail fee request from Visit Freeport.

Chair Piltch explained that this request is for us to help them with the fee involved with the parade they put on and other Sparkle activities they have going on. Mr. Joseph advised that this has been discussed by other Councils in the past. He doesn't think the Council has done it before. This is an outside event and detail rates are paid when a company hires Town Staff, essentially Public Safety Staff to man an event. It is a higher rate than what they otherwise would make because it is not a Town demand. There is a contract that says we are supposed to pay them at the detail rate.

Councilor Bradley recalled when the Town took over the Fourth of July Parade, it took over the expenses of the parade and that is how we finessed the insurance issue because it became a Municipal event with governmental immunity as long as we didn't do egregious things. That was the main reason but there was also a fee associated with the parade that the Town took over. He doesn't know why the Sparkle Parade wouldn't come under the same thing. He understands it is for the businesses but it is for the downtown and it is what we are doing making our downtown an experience so we don't suffer the internet malaise.

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It is important for Councilor Bradley to know that we would be doing this consistently with the other parade. Mr. Joseph mentioned that this is the one we don't do it consistently on. His opinion matches former Councilor Tracy's opinion that we should be funding it as well. Councilor Bradley

Councilor Fournier recalled having a tragic event happen during a Sparkle Parade when a young child was run over. The issue back then was that the Town was not supervising the floats, the routes or whatever. In this liability age with huge crowds with huge crowds, if we go down this road, he can remember how many times we had bike races that came in and a lot of events coming in. He feels this is a slippery slope. The Sparkle Parade brings people to town to support the business community. If we want to sponsor it with our insurance, perhaps we can do that. Mr. Joseph advised that the cost we are talking about is \$3,000 or \$4,000 or maybe up to \$5,000. They do inspect every parade now so the Police Department walks through at the Start line and mentioned that the Police did not allow uninspected vehicles this year to be in the parade but they were put on a trailer. He mentioned that we get requests from outside agencies for groups such as the Shriners that want to do the Clown car and mini trike on Main Street. It sets some kind of expectation that all parades will be funded by the Town.

Councilor Bradley does not feel he can correlate the Shriners with Visit Freeport. That is an organization that takes over a lot of work for us and is like the Chamber. From his perspective, it is a municipal organization but he may be wrong but that is why he would say this is no different than the Fourth of July Parade. It is a community event and if we can help them with \$3,000, he would give it to them.

Mr. Joseph explained that Staff feels similarly and that is why it is before the Council because they wanted to make sure that politically there is agreement. Chair Piltch asked if \$3,000 is the actual cost? Mr. Joseph advised that it is. Councilor Daniele asked if we could use the funding we discussed earlier for this since they struggled with COVID? Mr. Joseph advised that the Council could agree to give them a certain amount of money that is close to this amount. If they could quantify what they lost and it is close to \$3,000 we could provide funds from that. This is just the detail rate and they would still be hired by Visit Freeport. This amount is within the Treasurer and the Town Manager's discretion. It does not require Council approval. Chair Piltch noted that Visit Freeport is doing a lot of work we want done in our town and he thinks it is a great idea. He is a strong supporter of doing this. There were some head nods in agreement. There was no opposition to paying this. Councilor Fournier suggested that the Council agrees we will sponsor the parade every year and formally endorse spending \$3,000 and it will solve the problem. There were heads nodded in agreement.

### 3. Council Committee Assignments

Chair Piltch noted that in the Council's packet there is a lot of committees that we should be sending people to. The ones with the three after it means there are three Councilors that are appointed to those committees. The other committees get one Councilor. In some cases, it is just a liaison to attend and kind of share what happened back to Council. In other cases, they are actually voting members of the commission. Each one is slightly different. He asked Councilors to send him a list of what they want to be on and what committees you are interested in serving on. Some Councilors have assignments from last year and if anyone doesn't want them, shoot him an e-mail as well.

Councilor Fournier mentioned the Police Advisory Committee and there was some discussion years ago about having a Public Safety Advisor come in to bring up issues and provide a connection that they haven't had for a long time. He asked if this is something we can act on? He thinks it would be really helpful if they had a voice. Chair Piltch is not opposed to that. The history of the Police Advisory Committee came out in last year. There were five specific things they were recommended to look at

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which they did but there is nothing to say that can't be expanded or maybe something ad hoc, let's have some open house nights.

4. Discussion regarding 2022 Town Council Goals

Councilor Piltch advised that on the Town's website is a list of 2021 Council Goals and Objectives that we agreed are goals and objectives for the year. We don't have to keep those and carry them forward but we have an opportunity to agree amongst us that this is what we want to focus on in the coming year. It is not strictly required but seems like it is a good idea. He asked the Council to give this some thought and we will put it on the agenda for the next meeting or the one after and say this is what we want to do as a Council for next year.

**MOVED AND SECONDED:** To adjourn at 9:50 p.m. (Lawrence & Daniele)

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

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #25-21**  
**TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT**  
**TUESDAY, DECEMBER 21, 2021**  
**6:30 p.m.**

<b><u>ROLL CALL OF MEMBERS:</u></b>	<b>PRESENT</b>	<b>EXCUSED</b>	<b>ABSENT</b>
Edward Bradley, 242 Flying Point Road	<b>x (arrived late)</b>		
Jake Daniele, 264 Pownal Road	<b>x</b>		
John Egan, 38 Curtis Road (Vice Chair)	<b>x</b>		
Darrel Fournier, 3 Fournier Drive	<b>x</b>		
Henry Lawrence, 93 Hunter Road	<b>x</b>		
Matthew Pillsbury, 36 Todd Brook Road	<b>x</b>		
Daniel Piltch, 25 Quarry Lane (Chair)	<b>x</b>		

Chair Piltch called the meeting to order at 6:30 p.m. and welcomed everyone. He took the roll and mentioned that Councilor Bradley has not yet arrived but everyone else was present including the Town Manager, Peter Joseph.

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

Everyone stood and recited the Pledge of Allegiance.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #24-21 held on December 7, 2021 and to accept the minutes as printed.

Mr. Joseph advised that we have some people doing a test run tonight and Sharon is home taking the minutes so it is important that Councilors have their microphones turned on.

Councilor Fournier noted he has one "l" in his name.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #24-21 held on December 7, 2021 and to accept the minutes as amended. (Egan and Daniele) **VOTE:** (5 Ayes) (2 Excused-Lawrence & Bradley)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Piltch announced:

- Freeport residents are allowed **two (2) 5-gallon buckets of sand per storm.** Sand is located adjacent to the silver recycling bullet on Hunter Road in front of the Public Works Facility.
- **Annual Winter Parking Ban is in effect.** Parking is prohibited on all town streets from 11:00pm to 7:00am from November 1 to April 15.
- Our Annual Donations request letter has been mailed. Tax deductible contributions for the Library and/or Fire Rescue can be submitted to Town Hall, 30 Main Street, Freeport.

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- We are looking for volunteers who would be interested in serving on Town Boards and Committees: We have volunteer opportunities on the Board of Appeals, Board of Assessment Review and also two students to fill out the Police Advisory Board. We experience vacancies regularly, so even if we don't have an opening on a board of your interest, please submit a Board/Committee application for us to have on file.
- Please remember dog licenses expire on December 31<sup>st</sup> of each year. Please be advised that we will NOT be holding a rabies clinic this year, so please plan accordingly. You may register at the Freeport Town Hall or online at: [www.doglicensing.com](http://www.doglicensing.com).

Vice Chair Egan announced that coming up in January Freeport Climate Action Now Network is planning a discussion and education forum for January 20. He wanted to put that date out there for anybody interested in learning about climate change and what municipalities and residents can do to prepare for some of the possibilities that are coming and learn more about the science behind what is going on with our climate.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Vice Chair Egan wanted to pick up on what Chair Piltch said about vacancies. He serves on the Appointments Committee and they met to get a couple of members on the Sustainability Advisory Board but we have two other groups serving our Town that are in desperate need of candidates and we don't have enough people willing to do that. If anyone is at all interested in learning more about how our Town Government functions and how they can contribute their energy, experience and perspective, we would welcome them. Please get in touch with Chris Wolfe or Judy Hawley at Town Hall for an application to get on to one of our Boards or Committees.

Chair Piltch reported that he was recently at a meeting of the Conservation Commission which among other things manages Hedgehog Mountain. The New England Mountain Bike Association is proposing building some mountain biking trails on Hedgehog Mountain. They were going to come tonight but there is some other stuff they want to work through with the commission first. He wanted to give the Council a heads up that that is going on and it looks like it could be a pretty neat thing. They are basically ironing out where the trails are going to be and make sure how everything lives happily together so people can enjoy the park on foot can do so and people on bike can do so and coexist. Chair Piltch imagines that will probably be coming to the Council in January.

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

Mr. Joseph announced that some freezing rain is coming in tonight so they delayed openings at Town facilities until 10 a.m. which hopefully will get us past any freezing rain. It pretty much will only affect the Town Hall and the Recycling Center.

He mentioned that they have been pretty busy with staffing activities with changes, hires and things like that. While we are still understaffed in a couple of small areas, he has two soft agreements that are not finalized yet so he can't announce them but we have two tentative employment agreements coming to the Council on January 4 for a new Assessor and a new Library Director. They are working on finalizing the actual agreements and getting everybody on board. They have two great candidates that they are thrilled about and everybody is excited. They have also had three hires at the Public Works Department in the past couple of months. Kimberly St. Pierre has come to us. She previously worked at Shaw Brothers Construction and started out as a Laborer and Sidewalk Plow Driver and is capable of using high tech

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innovation in plowing sidewalks. Earl Gibson has been impressed by this and wanted to mention it to Mr. Joseph. We also have Jonathan Hart, a Freeport resident and a member of the Freeport Fire Department Call Company for a long time. He was previously working for the Postal Service but is coming to us full time in the Public Works Department and we are excited to have him. We have a third employee who has not been finalized but we are hoping to bring him on in the next few weeks. We will announce him at the next meeting. It will leave one vacancy in the Public Works Department and Mr. Joseph feels that is pretty good.

Mr. Joseph announced that Bob Konczal our outgoing Assessor and Arlene Arris our Library Director will be leaving as of December 31. Because of obvious COVID concerns we are not planning any big bashes but if anyone who knows the two of them and wish to reach out, by all means give them a call or send them an e-mail. Bob has been a Town employee for 20 years as our Assessor. Arlene has been here for 46 years. That is the longest full-time record that he can find in our recorded history and he feels it is pretty impressive. He congratulated both of them on great outstanding careers with the Town and wished them the best in their retirements.

Mr. Joseph mentioned that they have been pretty occupied for the past two weeks putting out a lot of COVID fires from a personnel standpoint. He did not have anything bad to report but just dealing with a lot of the regulations coming into effect in the next three weeks. They are trying to figure out what is going on at the federal level with the OSHA requirements about the vaccination, masking and testing standard. It has been difficult because the case has been on hold at the Appeals Court and they just ruled upholding the temporary emergency standard at the Appeals Court and it is now going to the Supreme Court. We are just watching and trying to figure what the effect will be and what the effective dates are. He wanted the Council to know that we are paying attention to that. The Emergency Standard would require us as an employer with over 100 employees to either have all fully vaccinated employees or those that are not vaccinated, testing weekly and wearing masks at all times inside buildings. Interestingly enough, that will apply to everybody on the Council and anybody that gets a check regardless of the amount from the Town. They will be contacting the Council as employees and the supervisors too when they have a final date and a final policy that is going into effect. It has been a lot to deal with. They are not expecting a lot of controversy but like any scenario when you have a 15-page draft policy handed to you by OSHA, there is a lot of fine tuning to do before you have a document that actually works for the Town.

Chair Piltch asked Mr. Joseph to recap the Remote Participation Policy for everyone. Mr. Joseph explained that the Remote Participation Policy for Councilors and Public is being tested tonight as he mentioned. The zoom feed is up there and we have some people watching and staff members as well. If everything works out, we will be going to this for the public as well. We will be posting zoom links on future agendas and this will be our new practice. In terms of Council members, you are really the ones contemplative about being present for a quorum for voting and things like that. The Remote Participation Policy that is now allowed under State law that the Council adopted 2-3 months ago and several of our other Boards have adopted a very similar version as well, Planning, Project Review, Complete Streets and a few others. It does not allow you to not come to a meeting if you do not have a reason but if there is a valid reason, and there are many valid reasons why you cannot be here, you are allowed to participate remotely. That would cover any COVID concerns, if there is an exposure, if you are ill and ill for no COVID reason, you can stay home and it would be great and not cough over someone three feet away. It will allow you to participate remotely and it will allow you to participate if you are travelling and you can't physically be at the meeting for a valid reason. The only thing it doesn't contemplate well is if you don't feel like coming to the meeting. There has to be a reason and I don't want to come to the meeting or deal with constituents and want to hide behind the computer screen are a few things the Legislature said are not valid reasons and won't let people participate remotely for.

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Chair Piltch asked if people should give advance notice? Mr. Joseph mentioned that as long as that person can get Chair Piltch or him, there should be a link up and they should be able to use the link. Council members should be able to participate just like the public remotely if there is a valid reason they can't be here. Councilor Bradley asked if someone has a legitimate concern about COVID would that be a valid reason. Mr. Joseph advised that if anyone is at any increased risk whatsoever, let Chair Piltch or him know what the concern is. They will look at the policy and as long as it falls under it, and it may also be that you live with a family member who is severely immuno-compromised or at higher risk, etc., even if you are perfectly healthy, those are valid reasons.

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

Mary Davis, President of FEDC explained that she provided a big presentation to the Council two weeks ago and talked a lot about the Design Week that was coming up. She will not be doing a big one tonight. The group has put out its first set of weekly e-mails that will be coming out between now and the February Design Week. It is linking you into the website so you can see all the information they have, where they are going, what the workshops look like, what the agenda is intended to be for this week and you will also be able to sign up. In the first three hours that they sent the registration forms out, they have 100 people already signed up for the workshops. That is what the Council will see from them in the next little bit. It will be quiet for the next week or so but she will be back at the next Council meeting to tell you where they are with the planning for February. She urged Councilors to go into the e-mail and sign up. She wants them there. She requested that Councilors spread the word with other people because they really want the Town involved with this.

Chair Piltch pointed out that registrations are now open on [www.Freeportdowntown.me](http://www.Freeportdowntown.me). The website has been updated with all the Design Week information. Design Week is February 3-7 and we are keeping a close eye on how COVID progresses. There are remote opportunities to participate.

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

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ITEM # 225-21      To consider action relative to adopting the December 21, 2021 Consent Agenda.

**BE IT ORDERED:** That the December 21, 2021 Consent Agenda be adopted.  
(Piltch & Lawrence)

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

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

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ITEM # 226-21      To consider action relative to a new liquor license for Nighthawk Kitchen.  
PUBLIC HEARING

**MOVED AND SECONDED:** to open the Public Hearing. (Pillsbury & Lawrence) **VOTE:** (7 Ayes) (0 Nays)

No public comments were provided.

**MOVED AND SECONDED:** to close the Public Hearing. (Pillsbury & Lawrence) **VOTE:** (7 Ayes) (0 Nays)

**BE IT ORDERED:** That a new liquor license for Nighthawk Kitchen located at 200 Lower Main Street, Freeport be approved. (Pillsbury & Lawrence) **VOTE:** (7 Ayes) (0 Nays)

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ITEM # 227-21

To consider action relative to proposed amendments to Chapter 21 Freeport Zoning Ordinance, Section 515. Noise Regulation, to clarify what types of temporary use of machinery are not covered by the standards in this Section of the Zoning Ordinance and to add a cross reference to the regulations in Chapter 39: Loitering, Curfew and Noise Ordinance which does regulate the temporary use of machinery. PUBLIC HEARING

**MOVED AND SECONDED:** to open the Public Hearing. (Fournier & Lawrence) **VOTE:** (7 Ayes) (0 Nays)

Town Planner, Caroline Pelletier explained that this was discussed at the last meeting. Based upon requests from some of our residents, the Council recently made a change to the Town's Loitering, Curfew and Noise Ordinance which has to do with the hours of operation for different types of machinery with the intent to address some of the noise residents are hearing from construction. There was a desire to also incorporate something into our Zoning and Subdivision Ordinance so that applicants will be on alert when they come in that we have these regulations. Our Town Attorney felt it would be best to add a bit of clarification in the Zoning Ordinance but add a cross reference to the Town's Loitering, Curfew and Noise Ordinance and that is what you also have for the Subdivision Ordinance. This had to go to the Planning Board at a request from the Town Council.

Chair Piltch clarified that the Council previously passed the new Loitering, Curfew and Noise Ordinance but we are adding a cross reference to that new Noise and Subdivision Ordinance, and Zoning and Subdivision Ordinance. Ms. Pelletier advised that because this is in the Zoning and Subdivision Ordinance it did not fall under the purview of the Ordinance Committee. It had to go through the Planning Board and the process outlined in State law and Freeport ordinances requires a Planning Board public hearing before the Council public hearing.

No public comments were provided.

**MOVED AND SECONDED:** to close the Public Hearing. (Fournier & Lawrence) **VOTE:** (7 Ayes) (0 Nays)

**BE IT ORDERED:** That proposed amendments to Chapter 21 Freeport Zoning Ordinance, Section 515. Noise Regulation, to clarify what types of temporary use of machinery are not covered by the standards in this Section of the Zoning Ordinance and to add a cross reference to the regulations in Chapter 39: Loitering, Curfew and Noise Ordinance which does regulate the temporary use of machinery be approved. (Fournier & Lawrence) **VOTE:** (7 Ayes) (0 Nays)

Councilor Bradley noted he is not clear. He asked Ms. Pelletier if the Council added construction to the Noise Ordinance? Ms. Pelletier explained that the Council changed the daytime hours and clarified what kind of machinery can or cannot operate during those daytime hours. You also added restrictions that you can't use certain machinery on holidays. Councilor Bradley added that he just wants to know what the

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Council is doing tonight. Ms. Pelletier advised that the Council is putting people on alert in the Zoning and Subdivision Ordinance that you have a Loitering, Curfew and Noise Ordinance that regulates certain machinery and certain noises they should be aware of and they should restrict the hours in which they can generate noise using such machinery. She provided examples.

Vice Chair Egan added to clarify what the Council is acting on this evening if he has it right, we are now separating out elements and cross referencing our specific Noise Ordinance so there is clarity in the Subdivision Ordinance about where to go for definitions of noise, machinery, hours of operation, etc. Even though we have had conversations about what those specifics are relating to noise, the action we are taking tonight is to cross reference them in the Subdivision Ordinance. Ms. Pelletier agreed and pointed out we will have one specific set of standards that all the documents will be referencing.

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

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ITEM # 228-21      To consider action relative to proposed amendments to Chapter 25 Freeport Subdivision Ordinance, Article 11.9 Conformance with Zoning Ordinance and Other Land Use Ordinances, to add a cross reference to the Loitering, Curfew and Noise Ordinance. PUBLIC HEARING

**MOVED AND SECONDED:** to open the Public Hearing. (Lawrence & Fournier) **VOTE:** (7 Ayes) (0 Nays)

No public comments were provided.

**MOVED AND SECONDED:** to close the Public Hearing. (Lawrence & Fournier) **VOTE:** (7 Ayes) (0 Nays)

**BE IT ORDERED:** That proposed amendments to Chapter 25 Freeport Subdivision Ordinance, Article 11.9 Conformance with Zoning Ordinance and Other Land Use Ordinances, to add a cross reference to the Loitering, Curfew and Noise Ordinance be approved. (Lawrence & Fournier) **VOTE:** (7 Ayes) (0 Nays)

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ITEM # 229-21      To consider action relative to proposed amendments to Addendum I (Freeport Village Overlay District) of Chapter 21 Freeport Zoning Ordinance. The proposed amendments would clean-up existing text conflicts regarding the applicability of sections of the Freeport Village Overlay District document. The only substantive amendment would be the removal of the requirement that passive solar panels on new homes are required to face internal or private areas of the home site. PUBLIC HEARING

Ms. Pelletier explained that this request was received from an applicant that was building a new house in Freeport. We have the Freeport Village Overlay District and based upon the uses and different things that are happening, there is a different set of standards. The applicant that is building the new house wanted to put on solar panels. On Page 12 there is a standard that says you can't have solar panels facing the road. They would have to face internally for new dwellings. Since the Planning Board and the Council just put a lot of work into solar regulations, it seemed like an appropriate request to bring this forward. Again, an existing house would not have this restriction but a new house would. In addition to that change on Page 12, we are doing a bit of clean-up to the document, not changing the standards. There has been minor conflict with the language and she provided examples. She advised that they are getting rid of the

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headings and are reformatting the Table to have consistent language with the Applicability Section. The Planning Board wanted to put it in the front of the document as opposed to the rear to make it more user friendly. There is no substantial change there. It is really reformatting and cleaning up. The real change is striking the prohibition of the solar panels facing the road.

**MOVED AND SECONDED:** to open the Public Hearing. (Daniele & Lawrence) **VOTE:** (7 Ayes) (0 Nays)

There were no public comments provided.

**MOVED AND SECONDED:** to close the Public Hearing. (Daniele & Lawrence) **VOTE:** (7 Ayes) (0 Nays)

**BE IT ORDERED:** That proposed amendments to Addendum I (Freeport Village Overlay District) of Chapter 21 Freeport Zoning Ordinance be approved. The proposed amendments would clean-up existing text conflicts regarding the applicability of sections of the Freeport Village Overlay District document. The only substantive amendment would be the removal of the requirement that passive solar panels on new homes are required to face internal or private areas of the home site. (Daniele & Lawrence)

Councilor Bradley requested that someone explain to him the process. If the Planning Board does this, it doesn't go to Ordinance, it goes from the Planning Board directly to the Council?

Ms. Pelletier explained that this is part of the Zoning Ordinance so legally it has to go to the Planning Board before it can come to the Council. Councilor Bradley clarified that the Ordinance Committee has nothing to do with Planning Ordinances and Ms. Pelletier agreed.

Councilor Daniele asked if solar is okay on all new homes and existing homes everywhere else in Freeport and what about ground-mounted units? Ms. Pelletier mentioned that yes, you can do it as an accessory and yes, you can put solar on existing and new houses. The way this is written, if these individuals wanted to build their house and then come in separately for a permit after the fact once their house is existing, they probably could have fit into that. In a couple of these cases, they want to be good applicants and do everything up front and that was the situation so they were kind of being penalized by building that new house here. Vice Chair Egan noted the Council wants to encourage making it easier for people to get through with a single shot. That's good.

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

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Chair Piltch noted the Council is done with public hearings for tonight. We are now on to setting public hearings for our next meeting. There are five potential public hearings on the agenda to discuss for our January 4<sup>th</sup> meeting.

ITEM # 230-21	To consider action relative to setting a public hearing to discuss proposed amendments to Chapter 21 Freeport Zoning Ordinance, Section 104. Definitions, Section 526.A Food Trucks, to update the definition of a food truck to include a trailer; update standards for food trucks including permitting them during Temporary Activities which are being held to draw visitors to Freeport; to update
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the food truck permitting and licensing process; and clarifying exemptions for food truck licensing.

**BE IT ORDERED:** That a public hearing be set for January 4, 2022 at the Town Council meeting starting at 6:30 pm to consider proposed amendments to Chapter 21 Freeport Zoning Ordinance, Section 104. Definitions, Section 526.A Food Trucks, to update the definition of a food truck to include a trailer; update standards for food trucks including permitting them during Temporary Activities which are being held to draw visitors to Freeport; to update the food truck permitting and licensing process; and clarifying exemptions for food truck licensing

**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. (Bradley & Daniele)

Chair Piltch noted he has been following this one through the Planning Board and writing about it in his Newsletter. He thinks it is a great idea.

Town Planner, Caroline Pelletier explained that during the pandemic we had an Emergency Ordinance and the Council adopted a lot of provisions to allow our businesses to move forward and try some different things out. One of them was food trucks. Freeport has standards for food trucks but back in the day when they were originally adopted, there was some resistance and concern for the existing brick and mortar businesses. We adopted standards and they were allowed in limited places and required a lot for paperwork. The Planning Board has heard from a lot of people wanted to allow food trucks and the different kinds of things they need to support the business. They have heard a lot about food trucks in the Visioning process and Staff and applicants have identified some frustration in our paperwork process on the books. There are a couple of different ways food trucks are permitted in Freeport. Certain areas of U.S. Route One South and the Nature-based Art Overlay District which is where the Desert of Maine is located. If you have an existing business that has been through Site Plan Review, they can have a food truck accessory to that. In the areas shaded gray, Lower Main Street, Desert Road and U.S. Route One North, you can have a food truck accessory to Artisan Food and Beverage, typically referred to as our breweries.

The first thing you have is a change to the definition of a food truck. They added the word "trailer". When the standards were first adopted, we had a restaurant owner who wanted to have a trailer. It was denied by the Codes Officer at the time but went to the Board of Appeals and they decided that a registered trailer would be considered a food truck. That clarifies that definition and reflects current practice. One of the ways you can have a food truck in the downtown today, you cannot have them as accessory to an existing business but you can have them if you have a special event that would be permitted through Public Safety when you expect 250 people or greater. We quickly realized during the pandemic that people wouldn't want to have those events. In other events that are designed to attract people to Freeport but might not be as large. Essentially, we are changing that special event down to a temporary activity, kind of lowering that threshold.

Under No. 1, these are the existing standards for food trucks. We are making some tweaks to this language based upon past conversation and feedback, the Planning Board has had with applicants over the years. The two most significant changes for food trucks are 1) for food trucks that are either temporary

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activity or accessory, we learned we need to pay attention to where they are going and paying attention to whether they are impacting ADA parking. We would be changing the permitting process slightly. If you are a business in the areas noted on the map and you want to have a food truck accessory, you would be filing a once-a-year permit as a property owner/business owner saying you want to have a food truck accessory. This was brought to Ms. Pelletier by a resident on Route One South because every food truck operator has to hunt down the business owner to sign off and say they will make sure they are licensed, we will be there when they are open and they can use our bathrooms, etc. That would be a once-a-year permit, minimal fee, very easy for them to acknowledge that they know what the standards are and will follow the rules if they are going to have a food truck. The food truck operator would need to be licensed. They go through Codes Enforcement and we see a lot of permits right now. We are hoping to streamline it and make it quicker. The other reason it makes sense is that our Victualer's licenses go through the Town Clerk and she is already collecting some of that information from people that are serving food in Freeport. The biggest change the Council will see is a change in the way we license them. Now they can do a one day, a 30-day or a 365-day permit. Everybody is pretty much doing the one day. We have heard that the cost for the 365-day is \$500 and they are telling us it is a lot cheaper to go other places and the way the current permit is it is site specific. They can do a year but they have to stay in that one site. What you have before you for new permitting language is Option One for up to 3 days. Option Two is to permit for a year. Once you permit for a year, you can go anywhere in Freeport acknowledging you are either doing accessory work permitted or with a temporary activity permit. There is a little bit of we will have to work together. Our businesses are going to have to make sure their food trucks have licenses. For the yearly license, there is a lot of paperwork and running around involved in this so we want them to come in once, bring their registration and their Victualer's license and everyone can go on their way. The last standard that this clarifies in here is that if you are having a food truck on your property, you are paying for everything and it is not open to the public, no permits would be required. If the Council decides to go forward with this, she will bring a fee structure.

Councilor Fournier mentioned he is looking at the map and he is looking at Wolfe's Neck old main barn where they do serve food. He is in favor of food trucks but wants to make sure we include weddings and venues that are outside the district we are looking at specifically. Ms. Pelletier explained that because they can't do it on a permanent basis, if they had a temporary activity going on, they could do it there. If they are having a private function and they are paying for all the food and no one is coming up and paying. If they are hosting a Farm Day and have a bunch of food trucks and we can go and pay for our own food, we would want them to be licensed. The concern is for public health.

Councilor Daniele asked if a high school sporting event would be a temporary event. Ms. Pelletier advised that they could have a temporary activity permit for something special going on. She explained how one would get a temporary activity permit. Mr. Joseph provided examples such as Movies in The Park, or when the RSU brought a food truck in for the teachers that could be a temporary activity under the new standard.

Councilor Bradley had questions on the standards and if they apply to temporary activities? Ms. Pelletier provided an answer but her microphone was not working.

Chair Piltch noted that the public hearing is set for January 4<sup>th</sup>. Councilor Bradley asked how notice of the public hearing is provided and to whom? Ms. Pelletier advised that in this case, they notified everyone in all of the districts that would be impacted by this. They also put an ad in a newspaper of circulation. They did not do a town-wide notice. Councilor Bradley asked if there is a reason we should not give notice to the entire town? Ms. Pelletier added that it is above and beyond our notification. They did send notices to the Village Commercial I because that is where there has been the most interest. Councilor Bradley advised that he would appreciate it if places like Wolfe's Neck and other places we know do food trucks

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got notices so they could look at it and make sure it doesn't disrupt some practice they have. He mentioned the Desert of Maine and could imagine other places that we could reasonably expect food trucks to be. Ms. Pelletier offered to do a spot check of where we issued permits. She is not sure we issued any to Wolfe's Neck in the past but would be happy to do some direct notification for the public hearing. Councilor Daniele agreed it should be more inclusive and suggested putting a note on the temporary permit that they could have a food truck and that would tell everybody who is eligible that they could have one.

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

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ITEM # 231-21      To consider action relative to setting a public hearing to discuss proposed amendments to Chapter 30, Victualer's Licensing Ordinance to update Section 2. License Required to include Food Trucks requiring Victualer Licenses.

**BE IT ORDERED:** That a public hearing be set for January 4, 2022 at the Town Council meeting starting at 6:30 pm to consider proposed amendments to Chapter 30, Victualer's Licensing Ordinance to update Section 2. License Required to include Food Trucks requiring Victualer Licenses.

**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. (Egan & Lawrence)

Town Planner, Caroline Pelletier explained that we have a standard on the books today that when you do nine or more food trucks, you need to get a Victualer's License. It was not cross referenced in the Victualer's Ordinance. She and the Town Clerk feel it makes sense to include this standard in the Victualer's Ordinance so if for some reason you are looking at that, it is clear when a food truck needs to get that license. It is really a clean-up and providing consistent language.

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

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ITEM # 232-21      To consider action relative to setting a public hearing to discuss proposed amendments to Chapter 21 Freeport Zoning Ordinance, Section 501. Temporary Activity, to add a standard about maintaining accessible (under the Americans with Disabilities Act) parking and access; requiring property owners to sign-off on applications for multi-tenant properties; and to remove the restriction on permits in the Village Commercial I "VC-I" and Village Commercial II "VC-II" Districts that restrict the displacing of parking spaces during certain times for the year.

**BE IT ORDERED:** That a public hearing be set for January 4, 2022 at the Town Council meeting starting at 6:30 pm to discuss proposed amendments to Chapter 21 Freeport Zoning Ordinance, Section 501. Temporary Activity, to add a standard about maintaining accessible (under the Americans with Disabilities Act) parking and access; requiring property owners to sign-off on applications for multi-tenant properties; and to remove the restriction on permits in the Village Commercial I "VC-I" and Village Commercial II "VC-II" Districts that restrict the displacing of parking spaces during certain times for the year.

**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. (Pillsbury & Daniele)

Town Planner, Caroline Pelletier advised that during the Emergency Ordinance we allowed our businesses to try some things they ordinarily didn't try out so you asked the Planning Board to make some of these permanent. That is where it started but she and the Town Manager received phone calls and outreach by residents that we are signing off on these temporary activity permits but, in some cases, it is disrupting accessible parking and that is something the Town should be paying attention to. During COVID we were looking at that so after hearing from some residents, it seemed like a valid concern. There are accessibility standards that come into play and in this case when we give somebody a temporary activity permit, we are kind of giving them special approval to do something beyond what is ordinarily allowed under their Site Plan. In Section 5015 there is a standard regarding Accessibility. If you are going to displace parking spaces, you need to be looking at where you will be relocating them. They need to be on the closest accessible route possible. There was a lot of discussion on this at the Planning Board and in behind the scenes. It started with language that said put them in equal proximity but in looking at it, equal proximity for accessibility might not be the best thing. If there is a curb there and no tip down, if somebody is in a wheelchair or a walker, they will not be able to get onto that curb. One of the Planning Board members brought up that we should not just look at the parking, we should look at the access route and how people are getting around and make sure the whole thing is working. Under C, there is a little bit of wordsmithing to clarify that a farmer's market would be included in Standard C. We have had cases with temporary activities and now when we get to the last standard, we might be allowing more of them in the village. When you have cases of multiple tenants on a property, one tenant might want to come in and block off a parking lot, but the other tenant might not think it is the best idea. When they come in for that, there is a standard that the landlord has to sign off on it. If the landlord is going to give them approval, that is fine but we don't want to get into temporary activity permits used over misplaced parking when you have multiple tenants which we do have in the village.

Finally, the biggest change for us is that parking has been pretty important to Freeport and we are unique that we have this shared parking concept because there are private property lines and a lot of parking lots. We have this shared parking and have done things to incentivize people to participate and at one point in time you could never find an empty parking space in the summer. We are not seeing that now and the community seems to feel we have enough parking so we are striking the standard that has a limit on displacing parking for a temporary activity in the downtown Village Commercial I and Village Commercial II the week before Memorial Day until the week after Labor Day. If we got rid of parking because of some changes and potential redevelopment and we have less parking and there is no place to park, we may need to revisit it. For now, in current times, this seems to be a valid condition and something our businesses could take advantage of to further support their operations. It might make it easier for tent sales or outdoor seating or things like that.

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

Chair Piltch noted the Council will have another public hearing on this on January 4<sup>th</sup>.

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ITEM # 233-21	To consider action relative to setting a public hearing to discuss proposed amendments to Chapter 21 Freeport Zoning Ordinance, Section 409. Commercial District I "C-I", Section 411. Commercial District III "C-III", Section 413. Village Commercial District I "VC-I", Section 414. Village Commercial District
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II “VC-I” and Section 602. Site Plan Review to add standard to allow seasonal outdoor seating when certain conditions can be met, and to be subject to Town Planner Review under Section 602.C.1.c.1 of the Freeport Zoning Ordinance.

**BE IT ORDERED:** That a public hearing be set for January 4, 2022 at the Town Council meeting starting at 6:30 pm to consider proposed amendments to Chapter 21 Freeport Zoning Ordinance, Section 409. Commercial District I “C-I”, Section 411. Commercial District III “C-III”, Section 413. Village Commercial District I “VC-I”, Section 414. Village Commercial District II “VC-II” and Section 602. Site Plan Review to add standard to allow seasonal outdoor seating when certain conditions can be met, and to be subject to Town Planner Review under Section 602.C.1.c.1 of the Freeport Zoning Ordinance.

**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. (Fournier & Lawrence)

Town Planner, Caroline Pelletier referred to the back of the document that has a map and the fact we are talking about four specific Zoning Districts. We are talking about VC-I which is the downtown core, VC-II is just north of us so it is the area near McDonald’s and Mallet Drive and then going down south on Main Street when you get to Lower Main Street past the L.L. Bean headquarters down to Yarmouth and the Commercial Districts. Again, during the pandemic we relaxed our standards and let people try out outdoor seating. Typically, it is something you would have had to come in and amend your site plan. You would have shown us what you plan to do and where you would put it and maybe provide more parking. There were more rules in place. She would say that a lot of us enjoyed outdoor seating during the pandemic. The outdoor seating we had in town always seemed busy when we were driving by. What the Planning Board has come up with is standard language that will apply to these four districts. You could use an area of up to 1,000 sq. ft. They had open communication during the process with some business owners and looked at what people had done during COVID to see what kind of area we are talking about. They also took into consideration building codes which would come in when you started to creep above a certain square footage. When the Planning Board talked, they said it should really be temporary. We are not talking about all year so they decided May to October 31<sup>st</sup>. That is what the Planning Board felt was a reasonable time for outdoor seating. The outdoor seating under this provision would need to be located entirely on private property and they couldn’t create new impervious area because then we would get into stormwater issues. If they have an existing back patio or want to put it safely in a parking area, a walkway or on grass, they could do so. Then again making sure when they are doing this, everyone is paying attention to accessibility and people being able to get in and out.

What about the person that wants to put their outdoor seating in March? If you want to go longer, you can as long as you follow the current rules in place, you need to amend your site plan, look at your parking and go through whatever level of review. This is designed to have reasonable limitations and everybody knows it is going to go away. This is designed so it is subject to Town Planner review or Staff review. They would come in, draw on their plan, look it over, make sure they are meeting the threshold, sign off on it and report it to Project Review but they would not have to go before a Board.

Chair Piltch thanked Ms. Pelletier for walking the Council through this proposal. Vice Chair Egan also thanked her. He mentioned it is tedious language and the Council is way down in the weeds, maybe even in the dirt here on how things grow in these ordinances. He wanted to highlight for anyone listening and

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for folks here in Town Hall that this is example of innovation. We are actually listening to what our businesses are asking for. We are contemplating new ways to create our economic activity in downtown and as clumsy and slow and drawn out as it seems, this is how Town Government innovates. We are trying new things and relaxing some of the stuff we have had in place for years and years and he wanted to applaud the Staff and the business community for bringing this stuff forward and he is hoping some of these experiments work well and they no longer have the word pilot or temporary attached to them and this is just the way we do business in our community. Thanks for that.

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

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Councilor Piltch noted that this next one is closely related. He understands it is also about outdoor seating and it is potentially changing the Design Review Ordinance and that it does not apply to these new seasonal accessory outdoor seating. Ms. Pelletier added that it is the only change being contemplated in this case.

ITEM # 234-21                      To consider action relative to setting a public hearing to discuss proposed amendments to Chapter 22, Design Review Ordinance pertaining to seasonal accessory outdoor seating.

**BE IT ORDERED:** That a public hearing be set for January 4, 2022 at the Town Council meeting starting at 6:30 pm to consider proposed amendments to Chapter 22, Design Review Ordinance pertaining to seasonal accessory outdoor seating.

**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. (Lawrence & Daniele)

Town Planner, Caroline Pelletier explained that the Design Review Ordinance comes under the purview of the Council but the Administrative Code says the Planning Board can provide the Council with input on that. Although the Planning Board talked about this, they did not have a formal public hearing on it. They forwarded the outdoor seating with the recommendation that the Council consider whether or not you want to make it exempt from Design Review.

We have a lot of different rules in downtown Freeport and she thinks Design Review has really been an important ordinance in getting Freeport where it is today and maintaining some of the historic charm. The down side is that virtually anything you do on the exterior of your building or your site, you have to go before the Project Review Board. There is very little that Staff can approve. If you are at home on the weekend and want to change your front door, you need to go to the Board. If you want to paint your house a certain color and you are in the color district, you have to go to the Board. In her opinion, this would be a big change. It is temporary outdoor seating and happened during the pandemic. We got a lot of complaints but she wanted to make the Council aware that there are a lot of other things people are coming to review for. The Planning Board is hearing a lot about these regulations and she is confident they will be hearing and discussing about them as we continue with the visioning. She wanted the Council to understand the big picture and how this fits in.

Chair Piltch asked if Ms. Pelletier has the flexibility if someone came in and said they wanted to do some neon florescent public seating, even though it is temporary, based on your opinion, would you be able to

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say no, I don't think that fits in with the character of the downtown? Ms. Pelletier advised that she would not be able to say that with the way this is written. If the Council wants to put it subject to Town Planner review, we could put it in a different location and if they did come in with neon seating, she would not sign off on that but that is not how it is written today. It was that way in the Zoning Ordinance. The Council could shift it. This is under your purview and the Council has to decide how to do it. If you want to move it so she is looking at it for the standards of Site Plan Review and Design Review, whoever is in the role could do that. Chair Piltch clarified that Ms. Pelletier would want to have standards by which she could review it as opposed to have it be her arbitrary opinion. Ms. Pelletier agreed the Council could do it subject to Town Planner review. She added that if they came in and she looked at it for compatibility to make sure it is not a neon inflatable. They will come in to the Town Planner for Site Plan. More discussion followed.

Chair Piltch asked what it would look like if the Council added that language? Ms. Pelletier mentioned that there is a section where it says the Town Planner can approve minor modifications to signage on page 5. She suggested moving that language over to No. 3 and adding that the Town Planner can make a decision on temporary outdoor seating.

**MOVED AND SECONDED:** To amend the prepared language the Council will be considering at the Public Hearing to include requiring the Planner's consent and coordination of outdoor seating as one of the activities. (Egan & Lawrence) **VOTE:** (7 Ayes) (0 Nays),

Councilor Daniele asked if the Board could negate Ms. Pelletier's decision if they saw a sign downtown that they didn't like? He would like to see the Council have a mechanism to rectify a mistake if one should happen. He does not want to see the Council have a 5-year problem because of one decision that went through one person. Ms. Pelletier added that they have always been overly cautious. She does get complaints from residents and she tries to be respectful of that. She feels this is an interesting point and one worth looking at.

Mr. Joseph asked if we can investigate before this goes to public hearing, he wants to find the answer to the question he has asked. He thinks Ms. Pelletier is making administrative decisions when she is Staff approving things that may be appealable to the Board of Appeals, in the same passion that a Code Enforcement decision would be appealable to the Board of Appeals? Ms. Pelletier agreed that is something we should clarify for both ordinances. Mr. Joseph added that if there is an applicant that doesn't like the decision, they would have an appeal. For example, let's say the Codes Officer issues a building permit but the applicant doesn't like it, it is appealable to the Board of Appeals. Mr. Joseph suggested looking at that because he is not an expert in that field. Councilor Daniele noted that rather than having an attorney come in, asked if we could add a blurb that says the Board could appeal the Planner's decision within a certain time limit. In that way everybody would have seen it, they get notified. Mr. Joseph just wants to clarify if the Planner's decision would be the same as the Codes Officer's? It wouldn't really matter what we put in for language, there would be a statutory appeal process as well. Councilor Daniele asked if he could appeal it if it has nothing to do with him? Mr. Joseph agreed he could. Ms. Pelletier feels it is a good question and it might be a legal question because there are appeal processes for both of these ordinances. Some of them go to court. Typically, an appeal process for the Project Review Board decision would be 30 days after they make their decision.

Councilor Fournier referred to the folks that live in the Design Review District and have homes and may have to replace a front door. Will this allow for a smoother process to make that happen? He would be in favor of letting the Town Planner make that decision so we don't have a long process for the residents.

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Ms. Pelletier advised that for her, this is a huge change from the way we have been doing stuff in Design Review. People come for everything, planters on their building or a front door. She feels that as a result of the vision we will hear a lot more about this and will be looking into the standards.

Councilor Lawrence noted that this is for seasonal outdoor seating and asked if they would not have to apply for this every year once it goes into effect? Ms. Pelletier agreed and noted this is an effort to streamline it.

Chair Piltch pointed out that the Council is setting a public hearing. It is not committing us to say we will agree to all this. We will talk about it more in January and listen to the public. We will be able to tweak it and also will learn more with the legal opinion about the appeal process.

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

Chair Piltch explained that on January 5<sup>th</sup> the Council will be workshopping with the Planning Board and discussing longer-term issues such as what should we do with our ordinances and things like that. It is not on our Town Council calendar but recommended that Councilors set aside January 5<sup>th</sup>. Ms. Pelletier advised that the Planning Board typically meets at 6 p.m. so they are thinking 6-8 p.m. She will mail everyone an agenda. The Board has been wanting to talk to the Council in a group workshop and also get more clarification on cannabis and the Comp Plan.

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ITEM # 235-21	To consider action relative to adopting the Cumberland County EMA Mitigation Plan.
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**BE IT ORDERED:** That the Cumberland County EMA Mitigation Plan be adopted. (Daniele & Egan)

Fire Rescue Chief, Paul Conley explained that the County has taken on the position of writing the master plan for mitigation for the whole Cumberland County. It will address issues with things like flood plains, infrastructure, projects, culverts and stuff so we don't continually throw federal money into things that basically happen annually. The document is 127 pages long and covers 27 communities here in Cumberland County. This sets the stage for us to piggyback on a lot of their work. He has identified some of the things in our community moving forward. In the aspect of moving forward, it gets us tied into the process to receive federal money if we do have a disaster that causes us problems. He recalled some instances that occurred in Freeport where we reached through the County and were able to recoup some of that money. He encouraged the Town to jump on board because it benefits all of us in Cumberland County.

Vice Chair Egan thanked Chief Conley for the summary. He asked the Chief if he recalled any conversation in the plan that relates to increased frequency or severity of potential disasters as a result of climate change? Chief Conley advised that he could not honestly say specifically since he was a fast study of this and getting to that point. What he can address is that certainly the aspects of it are that we don't want to make the same mistakes that we have had so it is identifying those projects that will have long-term impact for infrastructure within the County. Vice Chair Egan mentioned that he heavily applauds the coordination effort in having the County take the lead. He thinks it is an excellent idea.

Chair Piltch added that he skimmed through the document and read a lot of it. His initial thought was that it was going to be more about emergencies and disasters and was surprised that there was as much in there about environmental issues and climate change. He can't give specifics but they did talk about it.

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Councilor Fournier added that Freeport has been mapped out and we know due to hurricanes and storm surges Duck Away Trailer Park is a certain area where we have concerns. When this was done, climate change was not the hot issue. We were more focused on hurricanes and the increased severity of the hurricanes. The document does look at that but it might not give us the specifics to do with climate change but it was addressed extensively when he had the other hat on.

Councilor Bradley noted he has not had a chance to read the plan but does it commit the Town to any resources that we ought to know about if we are approving it? Chief Conley advised that it does not other than the fact of what we establish as our threats and what our mitigation plan is going forward. He has been told by the County Planners he should be prepared to produce our lists in March. They are moving forward with what has been identified. Sometimes those things allow us to go after grants for that type of work and also that type of work could be placed into our Capital Improvement Plan with funding from that perspective.

Councilor Bradley noted that when we say to this and it sounds all very positive, we will qualify for a lot of federal money and all the things we want. Does it also require us to apply local tax dollars to certain kinds of priorities? Chief Conley replied yes. Councilor Bradley explained that he would want to read the plan before moving forward. Councilor Fournier pointed out that this plan does not say Freeport, Maine has to spend \$10,000 to replace a culvert on Wardtown Road. This plan looks at a bigger picture and if it is adopted, if we have an event on Wardtown Road, then we could qualify for federal funds to fix the mitigation if something happens. He does not think it is very specific that we must do something. Councilor Bradley mentioned he is not sure what it does and asked if the Council has to vote on it tonight. Chair Piltch advised that it could be tabled. Councilor Bradley noted he would like to table this for a reasonable period of time to give anybody who wants to read the 127 pages to see if there is a tax implication or a resource implication for the Town and which we might be perfectly delighted to make but he wants to know what we are doing. Mr. Joseph added that he read in the plan that we have until February 25<sup>th</sup> and Chief Conley agreed. Mr. Joseph advised that there are 4 or 5 pages on climate change so we have time if the Council wishes to table it. Chief Conley advised that it has to be signed off by the 25<sup>th</sup> of February.

**MOVED AND SECONDED:** To table to January 18, 2022. (Bradley & Fournier)

Councilor Fournier asked if there is a procedure that it could be reviewed and we authorize the Chairman to sign off so it doesn't take up further Council time? He feels it is a pretty standard document. Chair Piltch noted that they are asking for the Council to approve it as a Council.

**VOTE TO TABLE TO JANUARY 18, 2022:** (7 Ayes) (0 Nays)

Chair Piltch advised that the Council will discuss it again on January 18. Chief Conley added that he would have a County Representative attend with him so he can answer any technical questions. Chair Piltch advised the Council that if they have any questions, they should contact Chief Conley with the specifics.

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ITEM # 240-21

To consider action relative to Town Council Committee Assignments.

**BE IT ORDERED:** That the Town Council Chair's nominations for Committee Assignments to the Special Projects, Municipal Facilities, Ordinance and Appointments Committees be approved. (Bradley & Lawrence)

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Chair Piltch explained that those specific committees need approval by the full Council. The list that you have also includes appointments to committees we are not technically approving tonight but are there for the Council to have a gander at. He does not believe he was able to get 100% accuracy in giving everybody what they asked for but he was able to get pretty close. He knows some folks are on quite a few committees so he thanked his fellow Councilors for offering to be on so many committees. He knows it can take up a lot of time and others know. He asked if there is any discussion around the committee assignments?

Councilor Bradley mentioned that he does not have any question about the specific assignments but in terms of what the responsibilities are for the committees. Does it reside somewhere and is it accessible to those of us who were appointed to those committees? He is not interested in a list but rather what the committees are responsible for. Chair Piltch noted that the Ordinance specifies the committees, why they exist and what their mission is. Some of them have a voting member of the Council. Others like FEDC have a Council liaison so he is there to attend, participate and report back. Councilor Bradley brought up Special Projects and asked if there is some place that describes what Special Projects does?

Mr. Joseph advised that it is in the Charter but there is not a hard description of it. It is very condensed in what it does. He mentioned that they are all mentioned in the Charter or the Administrative Code.

**VOTE TO APPROVE THE COMMITTEE ASSIGNMENTS:** (7 Ayes) (0 Nays)

**OTHER BUSINESS:**

1. Discussion with Rick Knowlton of Maine Water Company regarding potential ownership transfer of Bow Street and Winston Hill water tanks.

Mr. Joseph asked Mr. Knowlton to leave his microphone on. Mr. Knowlton provided some historical documents and gave a concise summary of the history of the water tank ownership in Freeport. Everything he talked about with Mr. Joseph is accurate according to the Town's records and documents that Mr. Joseph has.

Mr. Knowlton explained that there is a history to the two water storage tanks in Freeport. The leasing of these tanks dates back to 1972 when the Bow Street tank was originally constructed. The practice was continued in 1994 when the Winston Hill tank was constructed. In June of this year the lease agreement that was executed in the year 2000 expired. It was a 21-year lease and they extended the agreement through this month hoping that we would have some time to actually meet with you and start this discussion. In simple terms Maine Water Company would like to take ownership of the water tanks. They are critical assets to the water system. They are expensive to maintain. The management of their use of the structures and the coordination with cellular antennas and other communications, the ground facilities adjacent to the tanks that are necessary, just as a coordination effort that Maine Water has been coordinating and needs to continue to coordinate. As we look forward, we are certainly going to reach a time where these two tanks reach the end of their useful life and at that point in time, he thinks Maine Water Company should be the entity that should be planning for and executing the replacement of these tanks as part of the water system. They want to ask the Town for consideration of this transfer of ownership of the structure. They are perfectly happy to recognize and continue the financial arrangement of the cellular leases. Those leases were a big reason why the arrangement continues today. He would be happy to go into any details on that. Their effort is not to change how things are practicing but simply to recognize that these are critical water utility structures. Their rate payers and Freeport's tax payers, our mutual customers are supporting the costs of maintenance and operation through their water bills and it would be appropriate in the long run for what was always intended to be a transfer of ownership if you read the 1972 document with the Bow Street tank if they were able to find a way to actually make that transfer happen. He offered to answer any questions or dive into further details.

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Mr. Joseph wanted to add one thing to what Mr. Knowlton said. He asked that he allow 3 or 4 seconds to when we stop talking and he stops talking because there is a 2 second delay and it needs to go both ways. Mr. Joseph wanted to add which is consistent with what Mr. Knowlton said and told him. Mr. Joseph noted he is not in the habit of giving things away free but it is morally and ethically the Town always intended for these to end up in the ownership of Maine Water Company. Also, he thinks it needs to be noted that Maine Water and their predecessors and people in the future will be paying to maintain these tanks and they have paid to maintain these tanks at significant cost. Last year there was a \$600,000 repainting of the Bow Street tank that was completely funded by Maine Water without any negotiation about, hey Freeport, this is really your tank and you need to be paying this \$600,000 that is needed to continue the operation of this tank. They have done the long-term maintenance and they have done the long-term operation and they are maintaining it like it is their own asset at this time. It all supports their request. He can't think of a down side. They have agreed to let the Town retain the leasing rights at least in concept, and we are working on the granular details of the leasing rights to the outside of the tanks which is important to telecommunications moving forward and the Town. He has talked to Councilor Lawrence about that. He knows there are a couple of people that would like to do more business with us leasing on the outside of the tanks. He thinks it would be agreeable to Maine Water and would be agreeable to us if we go forward with this deal. Otherwise, we will have to reconsider how to do those leases.

Councilor Fournier asked Mr. Knowlton if both Bow Street and the tower off Pine Street have emergency communications for public safety? There was a generator that gives us emergency power when we lose power and he would want to make sure we still have the authorization to use the top of those tanks and any further expansion of our communications has to happen, it would be included. Mr. Joseph offered to answer that but asked Mr. Knowlton to confirm that what he is saying is accurate when he is done. Mr. Joseph advised Councilor Fournier that it is contemplated in here. They recently just did an expansion of Town facilities for telecommunications that their people have approved and has been installed in the past three months at Bow Street. Mr. Knowlton confirmed that that is the intent of Maine Water Company going forward that all of the telecommunications maintain a priority position on the tanks even ahead of the cellular antennas from their perspective.

Councilor Bradley asked if Maine Water achieves any financial benefit from acquiring ownership that is not part of the deal but is a result of their relationships with other entities that we don't know about? Mr. Knowlton replied that the answer is no. From a regulatory perspective this will not impact their user rates. The property would be transferred to their books as a contribution and so with no further investment in the structures they already have through the maintenance program, they really will not be altering the rate base that they are allowed to earn a return on. They will not be altering the fundamental rate structures so the transfer will not result in any windfall of any kind to the Water Company. In fact, it clarifies the liability of the Water Company over the long term.

Councilor Fournier recalled that the water tanks were bonded through a bond issue and the Town voted on them. He asked if those bonds been paid off? He imagines they have some value and he would like to know what the tank values are. Mr. Joseph advised that the bonds have been paid off but he agrees there is a value but is not sure that the value would outstrip the replacement liability. They are expecting a 40-year life span on both of those tanks but asked Mr. Knowlton to confirm the expected life and how he would calculate value on them.

Mr. Knowlton advised that the Bow Street bonds have long been retired and all of the costs of maintenance of the structure since then have been paid for by Maine Water Company and its customers. The Winston Hill tank is a slightly different situation and the bulk of that structure was paid for by the

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EBA Grant that was received by the Town to extend water and sewer services down Route One South. There was a Town match required and there was a small bond that was 10 years in length for the combined project and it included the sewer and water extension and the water storage tank. Again, that was 1994 so it was 27 years ago and those bonds are long retired. He agrees the structures have value. They are critical to the operation of the water utility. If they were to pay for the structures in this transaction which they could do, any payment would go back and influence their user rates. It would impact their assets and their rate base and they would roll that into the regulated program that they follow to establish user rates with the Public Utilities Commission. Can they pay for the structures? Yes, they can. Will it impact the user rates if they do so? Yes, it will so that is part of the discussion we can have if we move forward and transfer the structures at no cost to the water utility, then there is no impact on user rates including the public fire protection bill to the Town of Freeport. It is a piece of the discussion they want to make sure we are all on the same page on.

Councilor Bradley asked to what extent is there an overlap between the ratepayers and the taxpayers? What percentage of the taxpayer base are ratepayers for the Water Company? Does anybody know? Mr. Joseph wanted to say 40-50% but asked the Town Planner if she would have anything that would show the coverage from the last update of the Comp Plan? He feels they have not expanded significantly. Councilor Bradley suggesting saying it is 50% for the purpose of discussion so in concept 50% of the taxpayers are subsidizing another 50% of the ratepayers who are also taxpayers. Mr. Joseph advised that 50% of the taxpayers in the 70s and 80s when these bonds were paid off, are subsidizing 100% of today's ratepayers. Councilor Bradley does not have public water but asked Mr. Joseph to tell him why it is fair for people like him to be not receiving the benefit of the value of the property to lower his tax rates going forward. Mr. Joseph explained that current taxpayers have not put any money into it but the previous taxpayers historically did. It is a valid question. If we want to do that it would essentially be mostly an accounting transfer between the ratepayers and the taxpayers. That is absolutely something we could consider. Councilor Bradley feels there is a reason why Mr. Joseph does not want to do that. Maybe there is no reason but it is something Mr. Joseph felt was fair. He feels it is a reasonable question and if taxpayers were to realize we are giving to the Water Company a substantial value without compensation, they may ask why and he would like to have an answer for that. Mr. Joseph feels we should look at who paid the original debt service on the tanks. He asked Mr. Knowlton how much of the debt service to finance the tanks historically was paid for by the Town versus Maine Water Company? If Maine Water Company paid the bulk of the debt service, it wouldn't be ethically right to charge them again because the ratepayers had already paid and we would essentially be double charging them. If the majority of the bond service, debt service and the purchase price of the tanks were paid for by the taxpayers, which he does not believe was the case, then Councilor Bradley's position is 100% correct that yesterday's taxpayers should be reimbursed by today's ratepayers to be equal and fair.

Mr. Knowlton advised that it is different on the two structures. On the Bow Street structure from 1972 to 1992 they made lease payments to the Town of \$1,000 a year so that was \$20,000 returned to the Town on their \$150,000 original investment. From '92 through the year 2000 their annual lease payments increased from \$1,000 to \$3,500 a year so they paid a similar amount over the next eight years in lease payments. In 2000 with the introduction of the cellular antenna lease revenue to the Town, the Town agreed at that time that the cellular antenna revenue made it unnecessary for the water utility customers to continue to make lease payments on both of the structures so the water utility has not paid back the Town in full for the original cost they invested in the Bow Street structure. The water utility on the Winston Hill structure actually donated the land to the EDA project, transferred ownership of the land they owned for many years to the Town of Freeport in order to allow that tank to be constructed on that site. The EDA Grant would not allow federal funds to be spent on private property so they made a contribution to the project that was part of the in kind and local match to the federal funds that made the extension of water

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and sewer down U.S. Route One South possible so they made a comparable investment to the Town at the time the Bow Street tank was constructed. That is a different situation.

Councilor Fournier advised Councilor Bradley that seven years ago we lowered our ISO ratings. ISO comes in and is the insurance rates we pay for sprinkled buildings and also includes the rural area. Once we lowered our ISO ratings, we were a Class 8 in-town and a Class 10 out of town. He personally saved on his home \$300 a year through his fire insurance tax charged to him for fire protection. There is certainly value to the residents outside of the hydrant district. One thing Mr. Joseph wanted to add to the discussion on value and cost recovery over the years that would need to be factored in to the discussion. Mr. Knowlton alluded to the record 100% supports the intent of the Town was to transfer the tanks back at a set time. When it came that time, the Town started to realize some significant revenue from leasing the exterior of what the Town said it would give back to Maine Water Company and his predecessor did not leave pennies and nickels on the floor. He did really well for the taxpayers and Town in terms of getting every single last source of revenue he could find. That was the decision that was made to not transfer the tanks back as was originally agreed to Maine Water Company after that time period. One antenna lease on a water tank makes between \$20,000 and \$30,000 a year and there are five and about to become maybe six of them out there on these towers right now which would generate easily \$100,000 to \$120,000 a year.

That is current revenue we have because we held on to these tanks after the agreed time we were going to hand them back over. He feels it is fair because Maine Water never banked on those revenues either. They were a new source of revenue that was not anticipated in the 70s that we were going to have antennas on tanks. At the same time, the Town has benefitted and because they are not proposing to take the leasing rights to those structures over, we will continue to benefit. The real long-term financial benefit is the leasing rights and they are huge for our Public Safety purposes if those antennas continue to be on them. It is clear in his mind that the Town is making out financially. If he is hearing from the Council that we need to account for those things, that is a very good point and we should put some numbers together and do some accounting so that no one is losing sleep that we are giving up a lot of money. He is comfortable with it but needs to put it on paper for everyone to see that it is clear.

Chair Piltch mentioned that this is not an action item but asked Mr. Joseph what he is looking for tonight? Mr. Joseph noted he talked with the Council once before that it is going on. Just so there is public awareness so the Council is aware of it. We are under somewhat of a time crunch. He is confident he and Mr. Knowlton can extend things month to month if necessary but there are other carriers waiting for us to finalize this deal so we can move forward and finalize deals with them which is fine. He wanted to make sure there wasn't a big unseen item that needs a lot of attention. It sounds like there is a little item that needs attention that he is confident could be done in two weeks. Our attorneys are working on drafts on what these would look like. They need a few tweaks and he is confident he and Mr. Knowlton could solve in about five minutes of discussion. He feels there needs to be further negotiation if this isn't the road to go down. Councilor Bradley advised that nothing he raised is designed to throw Mr. Joseph off the path he is on. He is encouraged to hear Mr. Knowlton say if there is a value there the Town believes it ought to acquire, he is willing to talk about it. The key to this is knowing what the numbers are and he wonders if we could get some help that would look at this objectively and say here are the pieces of all of this and here is how we are going to deal with it and here is how we are going to come up with a number we are willing to transfer this property for. More discussion followed. Mr. Joseph offered to take a stab with the Finance Director and if they need an independent utility appraiser, they can do that. Mr. Knowlton feels that is a reasonable direction and would be happy to work with the Town's accounting firm or anyone else. Vice Chair Egan feels this is a pressing need for everyone in our community. Other Councilors agreed. Mr. Joseph is confident he can bring this back to the Council at the second meeting in January.

2. LL Bean, Inc. /Concord Discontinuance

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Chair Piltch explained that this request to discontinue part of Concord Road which is part of L.L. Bean's corporate headquarters project and also has an impact on the trail we are building in conjunction with L.L. Bean and others essentially over to West Street. The Pine Street multi-use trail would come out on Concord Road to Main Street and they are asking us to discontinue the back half of Concord Road so they can maintain it as a private road. Mr. Joseph added that they are the abutting property owner on both sides of the road and typically we have only considered these requests when all the abutters have requested it at the same time. One happened six or seven years ago when Davis Avenue which was requested by the Harraseeket Inn who owned both sides all along Davis Avenue. In these cases, it relieves us of the maintenance. There is really only one other property owner with a driveway entrance and the ability to get into their driveway entrance is on Concord Road. We liked not to have any discussions that would impact any of the property owners other than L.L. Bean so we picked a location that was passed the property line where they own on both sides of it and we have talked about a potential turn-around so the Town would cease operations at that turn-around. The rest of it would essentially become private property for the parking lot system and road network for the upgrade they are doing. The point about the trail system is a good one because a permanent public easement a little bit further down there would continue.

When we discontinue a road, we would continue to have a public easement, not owned by the Town but by the public which may play into the trail construct if that is the direction that is chosen. We have a representative from L.L. Bean here if there are questions. This is conceptual and came up as part of their master plan construction process.

Kylie Mason from Sebago Technics explained that they are talking about the small blue area on the map displayed that they are requesting to be discontinued. The red area would be the right-of-way to remain including the area around the proposed hammerhead. The blue area was a right-of-way but essentially was a driveway that served a private home that L.L. Bean acquired. It was demolished several years ago but is part of the development area. They are proposing a connection between the existing parking lot and the new future parking lot. This discontinuance would benefit the continuity of that driveway. This has been approved by the Project Review Board. They have met with Public Works and what this does is allow it to be fully on L.L. Bean land and not have the public maintain it. L.L. Bean's representative advised that the reason that the turn-around is further down is because there is not sufficient room right there to put a turn-around without getting into the setbacks. It comes after the pond instead of immediately after the Pet Pantry property which they would have the obligation to maintain. Mr. Joseph feels it will be a lot cleaner if we just end the road and there would be a sign that would say, end of public way like we do on private roads. Ms. Mason agreed that was a great suggestion.

Vice Chair Egan mentioned that in a concept discussion about potentially having a parking spot or two associated with the turn-around so that eventually when the trail is constructed, people could park in a few spots that are not on the company's private parking. He asked if that still makes sense? Ms. Mason advised that they are really out of space next to the wetland area. It is really a matter of can we fit the space in and still provide turn-around area for public service. She pointed out the area where the challenge is finding enough space and getting that right-of-way around it. She doesn't think there would be an issue with allowing access (her microphone stopped working).

Mr. Joseph explained that this is a convoluted legal process. There are a lot of steps we will have to take. There will be two or possibly three meetings to start this process. Even though they are the only abutting landowner, we are still going to have to go through notification in the State's Statutory process and have L.L. Bean weigh damages and that kind of stuff. They are requesting it so it shouldn't be an issue. These steps would take time and would be a concern if there were abutting landowners that wouldn't want us to give the road up who would potentially have damages. That is the benefit of working with them being the

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sole property owner. Vice Chair Egan sees this as a very small portion of the road, not giving up the road and it has to be less than 25 feet. Mr. Joseph estimated the right-of-way is probably about 100 feet that we are discontinuing probably? Ms. Mason estimated it was 100 feet in length. Vice Chair Egan clarified that we are not vacating the road, we are vacating a very small section at the end of the road. Mr. Joseph mentioned that all he is saying is that discontinuing a small section is a lot of work but if it is agreeable to all parties, it should go fairly smooth. He noted the Council will start having orders and findings on future agendas. This is one that the Town Attorney will have to write up with the correct steps to take. It is similar to the paper street discontinuance but has other steps. This is an actual right the Town would be giving up.

3. Discussion regarding long term lease extension request from L'Ecole Francaise du Maine for Soule School property on South Freeport Road

Mr. Joseph advised that he gave a very brief write-up in the packet. This has been discussed and put on hold and we have had a Council turn-over since then. We have Willie who is the representative of the L'Ecole Francaise du Maine here as well as the Principal. This request came in about four years ago and we started talking about it with the Council. A few things got in the way and then the pandemic happened. Now four years later they need to get this on track. The specific request is a long-term lease on the property. They have been operating on the property 16 years and they have requested a 100-year lease which would essentially allow the school to remain there in perpetuity with them as a user of a foreign language school in South Freeport. Generally, there is not a lot of neighborhood opposition. They fit in well in South Freeport and are pretty well known. They have established a name and a brand and complement Freeport very well. This is a public asset. There were a lot of other uses considered at the time before this was leased to the French School. Probably a lot of those commercial, residential selling the property for development uses didn't go over well at the time and probably wouldn't go over well with the neighborhood if we brought them forward. He mentioned that those are the alternatives we are giving up by entering into an agreement if we want to with the school. We have a draft lease agreement which is similar to the one that is in your packets. There are a few tweaks that he has to talk with Willie about that will take about a day before he is ready to distribute it for consideration. He thinks the attorneys who looked at it did a pretty good job. We also have an Executive Session scheduled at the end of the meeting. There are specific things that might need to be talked about privately in negotiation on the instructions from him if we want to go back to the French School on something specific in the lease negotiations or something like that. We can hear from Willie and the Council can say things publicly if there is something you feel is a bargaining position or a lease negotiation type of thing you need to say, we have the option to say it in the Executive Session rather than saying it publicly.

Councilor Bradley asked if the lease for the entire parcel with the building and the Conservation land? Mr. Joseph advised that it is not. It is for a portion of the parcel excluding the Conservation land. The red and the blue are included in the lease. Councilor Fournier asked if parking would be an issue in the summer. A lot of residents go to Bustin's and leave their vehicles there. Will it still be allowed? Mr. Joseph replied yes, and that it has worked out very well because that is not when the school needs the parking. He gets no complaints from the public on that.

Councilor Bradley noted that the compensation is property taxes estimated for the year in exchange for the lease. Mr. Joseph added that the lease agreement he gave the Councilors in the packets is approximately \$18,000 per year. They pay \$9,000 twice a year. Councilor Bradley asked how is the evaluation of the property is created. How do we decide what it is worth in order to assess what the property tax should be? Mr. Joseph does not feel it is. It is not tied to that any more. That was the amount that was chosen and now the rate is escalated annually. He added that he suspects the property is worth

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more than when they took it over because of upgrades that they have done. Councilor Bradley added that the fact that valuations in South Freeport have escalated beyond anyone's beliefs. His question is what is the valuation we associate with it. His question to the school is why don't you buy it as opposed to leasing it for 100 years?

Willie added that the lease started in 2005 and at that time the building was supposed to be demolished. The Town Council felt that the French School and the Village of South Freeport would be a good match. They renovated the building and brought it back to code at a big expense. In 2006 the lease went all the way to 2025 and 2016 he approached the Town and he explained that unfortunately the renewal of the lease for 2025 and most of their creations are ending in 2022, 2023 and 2024. He requested in 2016 to re-evaluate the time of the lease and renew it sooner so it would match their calendar. At that time the Council suggested the sale of the school building which they didn't oppose at all. At the meeting in October of 2016 the Town Council unanimously rejected the idea of selling the building but encouraged the Town and the School to work together to work on the lease. While the word 100 years is circulating around but they are really asking for 20-year increments. The Town Attorney and the School's Attorney have come up with a document and they would feel it is fantastic if this could be resolved.

Mr. Joseph doesn't believe there was appetite from previous Council to sell the building and there was feedback from the neighborhood that there was opposition to selling the asset. There was not a lot of opposition to the lease under similar terms of what is going on now in terms of the neighborhood.

Councilor Bradley mentioned that he is hearing they don't need a 100-year lease. They would like a 20-year extension. Willie advised that they would like an automatic mechanism to renew for 20 years several times. Councilor Bradley feels the Council should know what the value of the property is before we conclude what the lease terms should be. Mr. Joseph advised that the school property is very valuable but the entire property is not saleable because of a conservation restriction on about three fourths of the land. Councilor Bradley wants to be fair to the school but he also wants to be fair to our taxpayers which is part of our jobs. Councilor Daniele would like to talk about this in Executive Session. He is confident the Council could have a good conversation.

Chair Piltch added that he had two children that attended the French School. They had a great experience and found it to be a wonderful school. They have teachers that come from France and live here and he feels it is an asset to the Town in general. It is a reason why people want to come and live here especially when they have young kids. It puts us on the map a bit. The Ambassador to France actually came and spoke at the school with other dignitaries. More discussion followed.

#### 4. Discussion regarding 2022 Town Council Goals

Chair Piltch mentioned that in looking through the packet, he was hoping the 2021 Council Goals would be in there but he didn't see it. Mr. Joseph asked the Town Planner to provide the 2021 Goals.

Chair Piltch thanked Ms. Pelletier for the 2021 Goals. He suggested that these are the 2021 Guidelines and Goals that the previous Council adopted about a year ago. He heard from a couple of people that have suggestions for new Guidelines and Goals for this year. Rather than trying to get through everything and adopt a new document tonight, he suggested going through the old document and red line and say this is worth keeping or not worth keeping and have a bit of discussion about here are some new items we want to consider. At our next meeting we can take what is left over from 2021 if anything, and the addition of new stuff and we can adopt a new document next time if everybody is okay with that.

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The top half 1 through 4 are Guidelines. They are not necessarily measurable but they are things we should keep in mind when making decisions. The last three items are Goals which by the end of the year we want to have this done. That was the intent.

He read the first paragraph and noted that he is okay with that. He thought the Council might want to change the first Guideline because he doesn't feel it is all COVID 19 pandemic related any more and would take that out but leave in we prioritize and evaluate and stable tax rate and provide services because it is all important.

Councilor Bradley feels it is a little early to be normalizing COVID when there are so many ways COVID is affecting our residents and us as a financial institution. He does not have a problem taking it out of the Guidelines but if the conversation comes back, he would like to add something later on.

Chair Piltch clarified that we should take out the portion of the sentence that says: while the Town is subject to the pressure of the COVID 19 pandemic but leave in the Council will pay particular attention to interrelated impacts on expenses and income, etc. Others agreed.

Chair Piltch advised that he will propose a draft and send it back after tonight.

Chair Piltch read: The Council will promote accountability etc. No one had a problem with it.

Chair Piltch read: The Council views climate change impacts as a serious, etc. Councilor Bradley noted he has no problem keeping it because he also agrees with it but when we get to goals, we get more specific about action items to make it more robust than just a guideline to govern general decision making. Others agreed.

No 4. Chair Piltch read: The Council will be active in maintaining a strong relationship with the RSU5 etc. Chair Piltch feels that the Chair and Town Manager attend an RSU5 Board meeting once a year but the sentiment is accurate. We want to be involved because it is 68% of our tax bill that we collect from our residents. Councilor Bradley pointed out that the RSU and the Town are connected through ACAF. RSU has funded ACAF and ACAF has supported RSU programs. If it weren't for the substantial subsidy that the Town's taxpayers provided, ACAF would not exist. There is a collaboration piece with respect to the interest piece of the citizenry in having the two entities work together to support their product which is kids and kids' education and things like that. He suggested adding that we would be active in maintaining a strong collaborative relationship with the RSU Board and neighboring municipalities with respect to their mutual interests. It would be seeing if there are things we can work on together which we haven't done in a long time. Mr. Joseph advised that we haven't done any meetings in person with the RSU Board for two years because of the pandemic. Councilor Daniele feels more communication with the RSU would be great and we could talk about the impact to the whole town. Councilor Bradley mentioned all the State money they are keeping to help reduce the tax rate. Chair Piltch mentioned that they will specify that in a line item in the budget saying this is the impact of State money. He advised that we are always welcome to go to school board meetings when they are talking about budgets and say, as a member of the Council, here is my opinion so he would encourage that. Chair Piltch noted we want to collaborate and are looking at ways to do it.

Chair Piltch mentioned the Goals and read: The Council will create an aging calendar matric etc. And recalled that Councilor Reighley was a proponent for this but one of the issues was it would take somebody's time to maintain it and keep track of it all. He would be okay with getting rid of it. Councilor Bradley mentioned he would be okay with doing it. He can't tell the number of times things have come up and we said we will look into that or follow up on that and it falls off if you don't pay attention to it and keep your own calendar, you rely on this and get lost. This is all of us so if we can't do it, let's get it off

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but if we can do it, he thinks it would be useful and something we could look at the beginning of the meeting and say where has that gone?

Chair Piltch mentioned an alternative that is in Falmouth and Portland where Councils have annual workshops where they say what do we want to accomplish this year or in future years? Falmouth has a list that is probably 4 pages long of 20 items on a page and then they rank them and the A's are the things they want to get done this year. They meet half way through the year to check in and say, done or we have to focus on this one. It is a more annual look at things. He wouldn't mind doing the longer thing. It is probably a bit more time for us because they do a half day workshop and bring in a facilitator. It sounds like a valuable meeting and it would be great for us to get to know each other and have a more informal discussion. Councilor Lawrence feels it would be a great way to get everybody on board and marching in the same direction. Councilor Bradley explained that his comment was focused on more things like at the last meeting we were going to determine if noise was coming out from a property's boundary or going in from outside a boundary and he asked a question about it. He only remembered because it is in the minutes and we haven't done anything on that. Those things fall off our plate. Shame on him because those are things he should be following up on. He suggested keeping a list from our minutes and maybe have Sharon as she is going through the minutes note things that should be answered so there is a list somewhere so he doesn't have to keep them in the back of his head that those things are mattered and there they are.

Mr. Joseph feels for action items, one suggestion he would have is when we table things, the Town Clerk puts them on a future agenda and every time the agenda item comes up, she talks with him or the Chair and Vice Chair and mentions we have a tabled item here. Are we ready to talk about it? The answer can be no, we are still working on it or yes, it goes on the agenda. Those are for action items but it is kind of a catch to make sure a tabled item doesn't fall through. He doesn't know how we can get to that point but that is what he wants to see when writing the agenda. The Clerk has the list of everything that needs to get put on an agenda but he doesn't want to make more work for her. Chair Piltch feels it is more about open questions and items to follow up. It might be action items or result in action items.

Councilor Bradley suggested as the Council goes through the meeting, we call out to Sharon to put this on a To Do list. It would be like an action item list at the end of each set of minutes. Mr. Joseph feels that Staff could maintain it at that point and he and Council leadership would paste it on a master list after each meeting and cross them off when they are settled or don't cross them off because they need to be done. Chair Piltch feels the idea is to carry that list forward from one set of minutes to the next set of minutes. When it goes on the To Do list there should be a presumptive owner. Councilor Lawrence suggested adding our names such as Chip asked this and if Staff has questions, they know which Councilor to contact. Chair Piltch feels it is a good idea and we will try that.

No. 2 under Goals, Chair Piltch read it and noted he thinks we are in the middle of doing all these things so we should leave it in for another year.

Chair Piltch read the next Goal that the Council will affirm that Freeport is a welcoming and inclusive place to live, etc. Vice Chair Egan feels it is still a value but is not a measurable goal. We have the Equity Assessment Committee and it will be reinvigorated in January. He feels it should go up into the Guidelines.

Chair Piltch wanted to spend a few minutes for Councilors to add a quick summary of goals or guidelines that they want to add to the document. Councilor Pillsbury likes the idea of having a sort of Council Retreat to set the agenda for the year. Otherwise, it feels reactive if we are sitting here doing day to day stuff. To him, it would be a logical first step to set that process for establishing the Council's ability to set

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goals. Chair Piltch asked if everybody would be willing to do this in January before we do the budget? The Council nodded in agreement.

Councilor Fournier suggested that the Council should continue to make Freeport business friendly and easy operations for businesses and townspeople alike. He wants to give that responsibility to the Manager to address what issues we have and come back with a plan so the Council can help before budget season and address what needs to be done. He feels it is a number of things but feels we are heading in the right direction in what we have done tonight but we need to continue that momentum. Chair Piltch agreed that we need to dig in and figure out what we want the Manager to do. Councilor Lawrence added that we should streamline operations so it is easier for residents and businesses to get what they need done. Councilor Bradley agrees and feels there are inputs coming at us from a lot of different directions. Downtown Re-visioning is certainly sending us signals that we need to do things differently. He suggested that the Council get specific about what we are talking about rather than saying to Peter, go and make us business friendly. Councilor Fournier suggested an Executive Session but Mr. Joseph did not feel it tips the boxes for one. It might be a workshop with the Planning Board. Chair Piltch mentioned the Town of Falmouth worked with a facilitator so he will work with Mr. Joseph to figure out how we might do something like that and will ask Councilors about dates and things like that. He will try to get that done in the next month or two so we will put this on hold and come back to it. The possibility of serving alcohol followed.

Chair Piltch noticed it was 9:47 and the Council still has one additional item and then the Executive Session.

5. Discussion regarding a Communications Position (Vice Chair Egan) (15 minutes)

Chair Piltch noted that the Council has talked a lot about a communications position over the year. He asked Vice Chair Egan to offer some thoughts.

Vice Chair Egan explained that he asked to have this item on the agenda to “socialize the idea” of having communications as a task. When we have issues going on, we are constantly asking how do we let people know and how do we find out what is happening with such and such a dynamic. How does the public find out that we are actually doing this? The clearest example he has happened in 2020 when we had this ridiculous timeframe handed to us from the DOT about having an official vote to authorize our cost share for the bike/ped lanes for the bridge. We had a choice to either act quickly so we could meet the DOT timeline and have input on their design and meet their schedule or we could do our usual and put a ballot issue out on the normal election cycle which would have been June. This was in September/October of 2020. We chose to have the weird special election in March. Happily, largely because of Councilor Daniele’s efforts and Connect Freeport we got 1,800 people to show up and vote in March. It happened to be a hot issue that a lot of people were talking about. We struggled a lot on how do we tell people to come and vote in March when there is nothing else on the ballot and we have never voted in this town in March. How do we get that across? If we had a communications task assigned to a person and whether it is a half time or whatever but somebody whose job it was and was trained and skilled and had capacity not off the corner of their desk, we would have a plan. We would say to that person or group or whoever was doing it that we need a communications plan on how to get this communication out and by the next meeting, we would have it. We had a lot of conversations about Short-term Rentals and wanted to know what people are doing in the community, we had conversations about trash pick-up, and conversations about a lot of things that we really wanted input and we struggle with how do we get this information out. He is just wanting to think about the idea about how we can have a communications plan proactive and have a channel so when we come up with an idea about what we would like to gather input from the town, we have a channel on how to get it out. He is not talking about just the notice in Town Hall, Channel 3,

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Library and our website because we are not reaching 95% of the general public with a passive off in the corner kind of effort.

Councilor Lawrence asked if we need to hire a half time or full-time employee or should we first figure out what we need to do so perhaps hire some communications expert and let them know this is what we need to get out and what is the best way to do that? When they say this, and this and this, we can determine whether it looks like a full-time job or whether it is 10 minutes every other week. Vice Chair Egan agreed that it could very well be that the opportunities where we find the utilities for this are 4 to 6 times a year and could very easily be handled with a contract with a communications firm that we build a relationship with and understands what is going on here in our community so we don't have to spend six hours explaining why we want to have higher density housing in our downtown and they understand what we are doing and can say, I have ideas on that. He just wants to bring up the idea to talk it up.

Councilor Lawrence asked if anyone understands what the FECD is doing to get information out because they have a 100 people signed up to be part of this. He is sure they had a lot of communications that went out about it. Chair Piltch noted it was a lot of volunteers putting time in. If we had a communications person, they would be coming to that person and ask if they could help them to get 100 people to sign up. Councilor Bradley mentioned that FEDC and the Downtown Principle Group have been working on communications for about eight months and it has been their principal job to get out ideas to the community. He is stunned that it is not more than 100 people but knows it will happen. Chair Piltch noted that it was just in the first hour.

Councilor Daniele feels a communications consultant is interesting because we could have them say, what could we do to get more involvement without having a position. If we had an e-mail list of everybody in town, it would be easy to get information out to people but maybe there are cheaper ways than getting a full-time person or part-time person, not that he is against that. This is the kind of ideas Vice Chair Egan was hoping for. Chair Piltch mentioned we had an intern over the summer and one of the things we tasked him with was to study this a bit. He scratched the surface but his recommendation was that we need multiple channels to reach multiple people. E-mail is fine for some people but not everybody reads them all the time. Some people are not really on their devices. They are not computer people. They need printed material. The intern's advice to us was yes to everything. We need multiple channels if we really want to get into engagement. In his discussion with the Falmouth Council Chair, he asked her about their communications progress where they had studied the issue and hired a part-time person initially to work on a few specific things. Over time, once that person was in Town Hall, people found other reasons to say, now that we have them. As an example, we have this Police Advisory Committee and Chief Goodman has a bunch of ideas and feels it would be great if we could tell the community about this and this but we don't know how. If we had somebody who was asking what is going on, we would be happy to share. He doesn't think there would be any shortage of things for a person to do. It is more of how much money do we want to dedicate to it.

Mr. Joseph mentioned it is not a great use of his time or our Staff's time to be focusing on Freedom of Access Records requests and things like that. If we had a full-time Staff person to focus on things like that, he could see a lot of things being freed up and he thinks 40 hours a week in the first week we would find a use for this person and we would get better outgoing communications as a result. He feels we need to go down this road. It is the Council's budgetary decision and he does not know if there is the appetite to add a full-time Staff person as a Communications Specialist but we could use it on Staff for sure. Councilor Bradley asked if Tom Pierce has got the interest or capability of performing this. He is the guy he thought had the potential for addressing some of these issues but not all of these issues we are discussing. He doesn't know where that all stands. Mr. Joseph feels he has the technical multi-channel and the technical ability to get things out there. What he is talking about is that but he is seeing a content

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producer, someone who is writing copy. He sees this as working with Tom in a lot of cases like here is the content and the message we are sending, get this to 47 different channels. That is what the technical broadcast of this does. There is a lot of other stuff he has to do that is not related to communications so he would envision Tom and whatever this position ends up being very in sync. Maybe it is the same department and maybe it is the same person for some of those duties. Chair Piltch extended kudos to Tom because of the different things we have to view live meetings now that is great. That is awesome. Mr. Joseph added that Tom is capturing content around the town as well. Chair Piltch suggested that the Council ask the Manager to include this position in the budget and when we are looking at the budget we can see if we are astounded by the number and we could talk about it. We will at least talk about it and figure out the right number to put in. Councilor Daniele added that the Sustainability Committee is also talking about hiring a Sustainability Coordinator and maybe this position could be both of those things. Chair Piltch added that FEDC would also like someone to help with communications. Councilor Bradley mentioned that all our organizations have exactly the same needs and for the Town to provide it, it makes a whole lot of sense.

**Executive Session**

ITEM # 236-21                      To consider action relative to an Executive Session pursuant to 1 M.R.S.A. § 405(6)(C) pertaining to a Real Estate matter.

**MOVED AND SECONDED:** That the Town Council enter Executive Session.  
(Lawrence & Fournier) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** That the Town Council exit Executive Session.  
(Lawrence & Bradley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** To adjourn at 10:34 p.m. (Lawrence & Daniele)  
**ROLL CALL VOTE:** (7 Ayes) (0 Nays)

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Respectfully submitted,

Sharon Coffin, Council Secretary