

MINUTES
FREEPORT TOWN COUNCIL MEETING #01-22
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, JANUARY 4, 2022
6:30 PM

<u>ROLL CALL OF MEMBERS:</u>	PRESENT	EXCUSED	ABSENT
Edward Bradley, 242 Flying Point Road	x		
Jake Daniele, 264 Pownal Road	x		
John Egan, 38 Curtis Road (Vice Chair)	x		
Darrel 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 6:31 p.m. and welcomed everyone. He took the roll and advised that Councilor Lawrence is excused this evening. All other Councilors were present including 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 #25-21 held on December 21, 2021 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #25-21 held on December 21, 2021 and to accept the minutes as printed. (Egan & Daniele) **VOTE:** (6 Ayes) (1 Excused-Lawrence).

THIRD ORDER OF BUSINESS: Announcements

Councilor Egan mentioned that many of us had an opportunity to look out the window on Saturday, the 25th and probably saw Public Works plow drivers plowing snow on Christmas Day morning and he wanted to recognize the dedication of that group led by Superintendent of Public Works, Earl Gibson. He wanted to recognize the names of folks that worked on that day: Howard Dyer, plow driver, Jeff Goldrup, plow driver, Kelly Gorham, plow driver, Alan Walsh, plow driver, Jacob Thoits, plow driver/mechanic, Bob Bradley, plow driver and crew leader. Dan Libby, plow driver, Kimberly St. Pierre, sidewalks and parking lots, Jonathan Hart, sidewalks and parking lots, Brent Moon and Ken Stilkey helping out with maintenance and supporting the crew. Councilor Egan wanted to particularly thank them for their dedication and service to keep our roads clear and safe even on special mornings like December 25th of this year. He extended thanks to Earl and his team for being right on top of that snowstorm.

Councilor Daniele announced that the Freeport Sustainability Advisory Board has their monthly lecture series and on Monday, January 10th at 6:30 remotely they will be doing a Low Energy Buildings, A Path to Our Carbon Goals Lecture. Everyone is welcome to attend. It will be remote only.

FOURTH ORDER OF BUSINESS: Information Exchange

COUNCIL MEETING #01-22
JANUARY 4, 2022

Councilor Daniele wanted the Council to consider if we need to have these paper packets mailed to us? His cost \$3.56 to be mailed to his house but he got an e-mail about it. His question is whether we can opt out of having them delivered and just pick it up when he gets here or can he choose not to have a paper copy? This question is for the Council and the Manager. Chair Piltch advised that his packet went missing this weekend so he is doing a trial run of doing it electronically except for one printed agenda. He feels this is a great idea and is in favor of it. Mr. Joseph mentioned we have had Councilors either pick up in person or not use paper packets before so it is all personal preference or we can all do it Council-wide if everybody wants to swear off paper. For a reduction in cost, it is probably a few dollars' worth of paper plus Staff time to copy those every Thursday afternoon. \$3.00 is a cheap packet to mail. They can be up to \$7.00 because it is by weight.

Councilor Fournier advised that years ago P.D. used to drop them off because they were on patrol anyway. That is just an idea. Councilor Bradley mentioned he does not have any problem saving the mail if it's the fee but he likes the paper because he can write notes and bring them to a meeting and reminds him of what he said. He supposes he could print on his computer everything but if we are going to use paper, he would like the Town to pay for the paper and produce it, not him. Chair Piltch noted he is happy to do it as a trial if somebody wants to opt out of the mailing or printing or both. They could just tell Chris Wolfe since she prepares them all. Mr. Joseph advised that Councilor Scott Gleason picked his packet up in person but he was still taking a paper one. Chris has done personalized requests before and he is sure we will do it again whatever the Council comes to the requests. Councilor Bradley pointed out the one place we could save on paper is not reproducing materials for both the Council meeting and the Public Hearing. If we got it once, that is fine and we can save it for the next meeting. Chair Piltch added that there are always extra copies in the back of the room if a Councilor forgot one, he could always pick up a public copy. Chair Piltch noted it was a good idea and it looks like we are saving money all over the place tonight.

Chair Piltch reminded the Council that tomorrow night we are scheduled to workshop with the Planning Board at 6 o'clock here in the Council Chambers. It is a meeting with the Council and the Planning Board and the public is invited to attend to talk about specifics for land use standards for cannabis cultivation and manufacturing and not for retail, and our Comprehensive Planning Process and some Overlay District Discussion as well. That will be tomorrow night at 6 p.m. He is confident it will be an interesting meeting and he encouraged everyone to attend if possible. Vice Chair Egan advised that he will be here but he also has a committee meeting down the hall at 6:30 p.m. for a while so he will be back and forth. Chair Piltch added that we do have a remote option for that meeting as well.

Chair Piltch mentioned the Downtown Planning Process and that Mary Davis is about to update us on Design Week. That is a series of sessions we will be having all at once where they dive in detail about the various different topics that are part of the Downtown Plan. Once they are done with this phase there is an option for the consultants to do workshops with the Council. After Mary's update, he would like to have a discussion on how many workshops the Council would like to have as a Council. He encouraged the Council to pay attention to the Design Week Sessions and go to those because that is really where the meat of the discussions can happen so if there is a particular part of the downtown you are interested in, that would be a great time to do it.

Mary Davis, President of FEDC mentioned that there should be a deck that Peter or Caroline is pulling up. Mr. Joseph advised the Councilors to turn off their microphones. Ms. Davis thanked the Council for having this zoom available. This allows her to manage both her family's health and her passion for Freeport. She mentioned the deck and advised that there is plenty to do in 2022. She noted that she always

COUNCIL MEETING #01-22
JANUARY 4, 2022

brings the Council back to the goals because she feels it is important to remind ourselves about what we are doing here and why we are being so inclusive in working towards a foundation of an outcome and that is what the next series of meetings is all about. She mentioned that the goals have not changed. As we talked about last time, in the pandemic we made a lot of progress in 2021 in the first phase. In the pandemic we are going to make a lot of progress in the second phase in 2022. That is where we are right now and we are heading pretty quickly towards some really exciting things.

In Phase 2 what have we done since they were with the Council last time? They have done a lot in the way of community outreach. In remembering what our goals are all about, one of the biggest things is they want inclusion of the communities. That includes communities of all of these groups like Project Review, Complete Streets, Sustainability, Water and Sewer who are going to help them implement all the outcomes and some of the things they will be talking about during Design Week. They have had meetings with them over the past month and it was great to have them all together and to hear some of their questions or concerns and to have them included in the process. The second thing with the community outreach is that all of the information is now available on their website so not only the Council should go there but if anyone you know wants to know information about what's going on with a project, this is the place to go look. It will have all the newsletters, all the updates and everything as we go along through Design Week. That looks great. The Newsletters are going out. We have had two out. One went out this morning. If you are not on the Newsletter distribution list, please to the website and sign yourself up because this will be very important information as we go into Design Week. Design Week is February 3-7 and they are very pleased. Tawni is still very active in this project and thanks to Tawni working with Jay Yilmaz and Larry Shulsky we have a Main Street property where we will all the sessions for this February 3-7 Design Week. They will be at the High School for the kick-off and closing but on Main Street for everything else. She is excited to be on Main Street because it puts all the folks right in the middle of the area we are talking about. The sign-ups for all these workshops and things are ongoing and so far, we have over 600 people signed up for different sessions and 63 for kick-off and 45 for close, 45-50 for each of the seven topics and 56 for the block party. As they have seen all along, Freeport wants to be involved in this and they couldn't be more pleased. They will continue to watch COVID and will continue to make adjustments as they go along. They know it is important and they will continue to do that.

Remembering what the goals were all about, community consensus, public process, actionable outcomes and adapting and stewardship. In Design Week there are the workshops and topics they will be going over. There are seven topic sessions and they all came from the community feedback. They are summarizations of a kind of synopsis of what everyone said were the hottest topics that they were most interested in for downtown Freeport. They are now going into these topic workshops to learn and understand more. What you are seeing now in the Newsletters that are coming out, they want you to read them, prepare and consider for the topics. For instance, in the first one that went out reference was made to open spaces so they know everyone told them that they want to embrace the outdoors in downtown so how might we implement this? This Newsletter gives a whole bunch of questions for you to consider so that when you come to the Embrace the Outdoors Downtown Workshop, you will already have had time to think and write down your thoughts and bring them with you. They want to give folks fodder so they can think about it before getting there. Each of the Newsletters that comes out over the next four weeks will have a different topic. She urged everyone to please get signed up and read them. It is really important for them because they want everybody's voices at the table.

Chair Piltch thanked Ms. Davis and the rest of the team for all the work that has been going on over the last few weeks. He mentioned that the first schedule he saw from the Consultant proposed three workshops with the Council that would be outside our regular meeting schedule. His first reaction was that it seemed like a lot but at the same time he wants to make sure that each of us has a chance to weigh in and get really familiar with the plan, have a chance to understand it, comment and discuss. Design

COUNCIL MEETING #01-22
JANUARY 4, 2022

Week Sessions are a great time to do that so he encouraged Councilors to do that. Once those are done, he is looking for feedback, does the Council feel we need a workshop or several workshops to finalize and adopt the plan at the Council level? Councilor Bradley added that he doesn't know what will come out of the workshops so it makes it hard to be specific. In general terms, it seems to him that since the Council sponsored this, it is our project although not all of us have been directly involved in it, we ought to have an opportunity on our own to meet with the Design Team and say what we want to say as elected officials of the Town. That would be one workshop. He assumed that there will be action items that will be projected, either as a result of the workshops that occurred during Design Week or because of inputs of what has already occurred. Those will be asks. He hopes the Downtown Revisioning can occur seamlessly and without expense. We have already spent \$150,000 but we will be asked to spend more because you don't get action done without spending. He sees three sources for that. One is grants, one is the downtown businesses and he hasn't seen a lot of enthusiasm from them to spend money to do these things but he is not sure there isn't but he hasn't seen it yet, and then there is us, the Town, the taxpayer. That is another workshop at least so three doesn't seem out of the question to him.

Councilor Daniele asked what could the Principle Group do if they were not meeting with us? Would their time be better spent elsewhere? He wants to meet with them at least once but three seems like a little too much but maybe not. He wonders what else could they do?

Councilor Pillsbury asked if the consultant gave Chair Piltch an idea on what they envision the three sessions being? Chair Piltch advised that he has not seen separate agendas for the three sessions so the short answer is no. Ms. Dais advised that she talked to Russ and he said each town is a bit different in how active the Council chooses to be. With these seven topics, if the Council chooses to go deeply into all of them, he could see how that would need more time. If the Council is more active in the actual Design Week and workshops, that could take some of that away. It depends on how much the Council wants to go into topics once we come through Design Week.

Vice Chair Egan suggested starting with two workshops scheduled and seeing where we are at the end of the two. He agrees with Councilor Bradley that the first one will be sort of a pitch from them to us about here is what we are hearing and here's what we are seeing, we have this list of six recommendations for what the project list might look like. We are likely to have some digestion and forethought about that and come back with suggestions. In between, there will be a summation of community input so he feels the Council will need at least two and leave the third one as a tentative. Chair Piltch felt that it sounds good to him and he is happy to get those on the schedule. He is sensitive because it is our budget season so we will be busy this time of year but he is sure we can find room to do that. As part of Design Week, he called the Council's attention to two open house workshops. One is a kick-off at the beginning and one is a closing workshop. The closing workshop is meant to be a preview of the plan saying these are all the ideas that they came up with, that they got from the public, that they got over the course of Design Week. That would be a good time to get a preview of it and as time gets closer, maybe we will have a better idea of what we need and what we won't need. We are not under any particular pressure to say we have to adopt the plan by this date or that date. The only sensitivity we have is that we have a contract with the Principle Group and they are not around forever so he wants to make the best use of their time.

Vice Chair Egan asked if Chair Piltch has a sense of the time of day for the closing. He does not want to miss it. Ms. Davis advised that it is on the website. Chair Piltch added that www.Freeportdowntown.me is the website that has all the information regarding the project including the schedule and there is a registration link on that website if anyone wants to sign up for the whole thing, one of the sessions or for all of the sessions. Ms. Davis advised if someone signs up there, they will get automatic calendar reminders. It is a lovely reminder system.

COUNCIL MEETING #01-22
JANUARY 4, 2022

Councilor Bradley advised that he got an e-mail today on the Town-wide discussion of global warming topics for the 20th. He wanted to put it out there and remind people that there have been workshops and they are now coming forward and anybody that is interested can participate on line. It is not in person. Chair Pitch agreed and mentioned that it is on January 20th sponsored by the Freeport Climate Action Now Group. Mr. Joseph advised that there is a presentation scheduled on the 10th by the Sustainability Committee as well which is about low-energy solar buildings. passivhausMaine is the organization's name. Chair Piltch mentioned that the presentations on the 10th and 20th are virtual only. They will be broadcasting on zoom from Town Hall but it is not a public gathering here. It will be virtual only.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph advised that Sharon contacted him recently that she will be stepping down from her Council Secretary duties in about a month or so. She has worked for us 25 years in a part-time job which started when her daughter was in college and she stayed on to feed her horses. She will be here virtually for the next few meetings. She will continue transcribing Board of Appeals and Project Review Board meetings so she is still on the roster but is cutting back her hours. He thanked her for her dedication at least over the 10 years he has worked with her. Vice Chair Egan and Chair Piltch thanked Sharon for her ability to take notes so accurately in our lengthy meetings. Mr. Joseph advised that he is talking with Staff to maybe do some alternates, determine if we need to hire someone or use some other services. He has a couple of plans. He has been talking with the Town Clerk's office about organizing that so they have a plan. He doesn't know how it will end up but they will be consulting with the Council because it is technically the Council's Secretary. Once he and the Town Clerk have a proposal ready, they will let the Council know. He will make sure there are minutes even if he has to end up taking them but they will be shorter if he does.

Councilor Bradley advised Sharon that the Council respects and appreciates the conscientious way in which she appeared in all these meetings and has done it for so long. He wanted to say in addition to that that she is incredibly accurate. He has been on this Council for a year and reads these minutes before every meeting, as every Councilor does, and at the most there were 3 or 4 corrections altogether. That is unbelievable. He noted Sharon would be missed. Mr. Joseph mentioned that the Council cannot see Sharon's face on the screen but she is laughing.

Mr. Joseph added that he has a copy that he handed out to the Council of the Town of Freeport COVID 19 Vaccination, Testing and Face Covering Policy. This is for the Council's information purposes. This is issued as a personnel policy and is required by the OSHA mandate that is being enforced by the State Department of Labor. He noted we are all covered by it including the folks up here on the table. He would be happy to discuss this with his employees and the Council if there are any questions about it. This policy was issued to him last week to meet the requirements but it will start next week with vaccination status reporting and weekly testing. Following that, this may be affected by a Supreme Court case that is currently pending but until that happens, this is in effect. 98% of our employees have been briefed on this if it applies to them already.

Councilor Bradley advised that he is a speed reader and was just handed an 8-page policy applying to him as well as everybody else. He asked Mr. Joseph to summarize it. Mr. Joseph advised that all employers of over 100 people in the United States are covered by this mandate. It was issued by OSHA but in Maine the State Department of Labor has been delegated as enforcement authority. We would be inspected, fined and enforced upon by the State Department of Labor if there was an issue with this. That is why we have to do it. We have the option to do one of two things: we could either require all employees to be vaccinated and if an employee is not vaccinated, they are not able to show up to work. The second option is we can allow employees to be vaccinated and if they choose not to be vaccinated, there is a requirement

COUNCIL MEETING #01-22
JANUARY 4, 2022

that they test weekly with an approved COVID 19 test, not self-administered and self-read. You can't test at home but pretty much any other setup will work if it is an approved test. It has to be at least observed or proctored in some way. We have chosen the latter. We do have a few employees that fall into that category and we are trying to respect that they have legitimate beliefs at this point in time that they don't want to get vaccinated and they are in some critical job functions. The weekly testing does provide some additional safety to co-workers and the public. These are not employees that have high exposure to the public but it is nice that they are tested and we would know if they need to be quarantined. There is an option that we could not do it and face a potential fine from the Department of Labor in the tune of \$13,000 per person per day per violation. He is not sure anybody will see those amounts but the State sent us an e-mail recently that said they delayed their enforcement of this but they will be starting auditing and enforcement in February. They have about a month that they can delay enforcement action on this.

Councilor Bradley advised that he has COVID in his family and he is beginning to understand that there are tests and tests and tests. He is interested in knowing what tests qualify. So far, he has heard that there are a bunch that qualify. Personally, he would support requiring everybody to be vaccinated but respects the point Mr. Joseph made but if they are going to be tested, he wants to be sure they are the kinds of tests that actually determine if someone is infected as opposed to well, it is 50-50. They have had two people in their family test negatively who are positive and, in the process, have exposed other people in his family. They have kids here from Chicago visiting, three kids in the high school, a mom that is working, grandparents who are old and infirm and all those things exist in the Town family as well. He would like to be sure that Mr. Joseph is sure that the test he is requiring of the people choosing not to be vaccinated is one that accurately demonstrates the infection or lack of infection in the individual every week or two weeks or whatever he decides is the right policy is.

Mr. Joseph advised that it has to be every week because that is required. There are several different types of tests. An antibody test is not acceptable. He feels Councilor Bradley is talking about a PCR antigen or NAT-type test or an approved emergency use authorization, all those different classifications. The Federal standard is that it can be any test either through antigen, PCR or whatever, that is approved outright as an approved test or issued under an Emergency Use Authorization which does not give the assurance Councilor Bradley wants. Councilor Bradley added that he would vote against this policy when asked to vote on it. He would be asking Mr. Joseph to ensure that the people that don't want to be vaccinated (he can respect that) are willing to take the kind of test that actually shows if they are infected before they show up to work. That's minimal. Mr. Joseph added that Councilor Bradley's point is good but the problem is availability of a PCR test. Essentially, he is talking about a lab-issued PCR test and there is a question if they are going to be available on a weekly basis is something he will look at. Councilor Bradley mentioned if they are not going to be available on a weekly basis, we are paying people and asking them to work in a community that we are representing they are safe in and we don't know that they are safe. Perhaps he is the only one that feels this way but he feels strongly that we should not be doing that. This is a choice they make, they can be vaccinated, that's okay they don't want to be vaccinated so we can give them another choice but at least it should be an effective choice in protecting him, the Council, our kids, our families and people who come to this Town who are vaccinated. The front-line workers are going to have to deal with them in the Emergency Room if they are infected. Everybody knows the arguments; he is not making them up. As a Councilor, he feels we should be sure that our employees at a minimum, and he wanted to go further, that the people visiting this Town and go in public spaces here, he knows it is not in front of us tonight but people all over the country, towns, cities and little cities are doing these sorts of things and we are saying oh well, we want to avoid the fine we would get from OSHA so we are going to have a policy that meets OSHA. That is not enough for him.

Councilor Pillsbury asked if there is an option to do pool testing such as what the RSU is doing? Is there an option for the Town to participate in that in some way so we will know that everyone is getting tested

COUNCIL MEETING #01-22
JANUARY 4, 2022

in the same way at the same time? The results are coming back in the same time and it gives a little more structure to it. Mr. Joseph advised that they have set up an option. There won't be a required you have to go to this place and have your nose swabbed by this person but they have set up a centralized option that several employees have decided they will take advantage of when it is put together with a doctor here in town that would proctor the test, administer them and report the results to them all in a time period. If the office opens up at 9 a.m. and they go in at 9:05, 9:10 or 9:15 and we have 4 or 5 employees all done in a row and they get e-mailed to their supervisor in the 15 or 20 minutes when they are available. That does not get to the question of the test accuracy. It could be either an Antigen rapid test or a PCR rapid test. The question which he doesn't feel is particularly relevant is cost and to get to Councilor Bradley's point, it is about \$100 to \$200 depending on whether insurance is paying or you are personally paying for a PCR rapid test and it is \$20 or \$40 for an administered Antigen test so he doesn't think that counteracts Councilor Bradley's concerns because some people may feel that is a valid expense that people should have to pay the \$100 to \$200 a week to make sure they are safe working with people. That is certainly a valid opinion but the question about administering them in a timely fashion standardized regardless of the testing type, we are working to do that 100%. This does not exclude someone from going to their own doctor, from a pharmacy or scheduling their own tests but it does mean that they have to do it every seven days or they can't show up to work. That is the part we will enforce. If there is a strong opinion and he would consider Councilor Bradley's request. He thinks we need to do more research about the burden that would place in terms of availability. Our primary concern in accepting any approved or emergency authorized use test and why they proposed that is that should there be a shortage of PCR tests or they are not immediately available, that might put a sizeable chunk of people out of work in an important capacity.

Councilor Daniele suggested talking about this under Other Business at the end and if there isn't enough time tonight, discuss it at the next meeting or in between. Mr. Joseph noted he would need to do some research before giving the Council any more details on what he has already said because he doesn't know what the constraints on availability are which is his main concern. Chair Piltch suggested the Council have an Interim Policy. More information is what the Council needs before we can start mandating things that we are not going to have access to. Councilor Bradley asked how many people are in the category of not being vaccinated but are willing to be tested? Mr. Joseph advised that the number is between 5 and 10 out of 160 employees or close to 200 when you start counting volunteers, Councilors and Election Workers. It has taken a week of time between the departments, him and our Personnel people to make sure we are getting it right.

Mr. Joseph mentioned he has gotten a lot of inquiries and concerns from residents and Councilors about whether we should be implementing a Town facility and also a Town-wide masking requirement. The Town-wide masking requirement would be much different than what he is talking about right now. The Town-wide thing would be an ordinance similar to what Brunswick is considering and Portland recently enacted. There are a few municipalities around us that are already ahead of us on that and have done that. It is not his purview; it is more of a Council policy. However, he does feel it is appropriate to consider at this time reinstating an Indoor Town Facility Mask Policy. He mentioned that 97% to 98% of people coming through the doors wear masks anyways regardless of vaccination status. We assume that all people without masks on are fully vaccinated but that is the recommendation of the CDC at this time. There are enough concerns from people that are uncomfortable coming indoors requesting this and coming into our facilities, he feels it would be appropriate for us to at least in the next 2-6 weeks require that in all indoor Town facilities. He mentioned he would like feedback on this and if there is no problem, he can make it happen tomorrow. Vice Chair Egan noted he would support that. Councilor Bradley asked Mr. Joseph to make it happen tomorrow. Councilor Fournier stated he was not in agreement. He feels the Council needs to follow science and every day there is something different. He is reluctant to enforce more mandates until we have a clear focus on where we are going. He feels the pandemic has been handled very appropriately. He suggested focusing and see where we are going. Right now, he would not

COUNCIL MEETING #01-22
JANUARY 4, 2022

support it. Councilor Pillsbury feels masking in Town facilities is the least we can do. Masks have been proven to be a preventative measure. It protects you and the other people around you. He would be 100% supportive of it. Councilor Daniele feels in public-facing places it makes a lot of sense. He is not sure about Public Works since it is a giant warehouse. If five employees are working in there and they are 50 feet apart, he doesn't know if they should have to mask up. He feels they should mask up coming into Town Hall and the Library. Mr. Joseph added that they established a standard for them if half their building is removeable in the summer months or winter when they doing maintenance and have those doors open, it doesn't meet the standard of the four walls and a door that is an indoor enclosed room that is frequently used. At this time of the year, they are mostly cooped up in the Break Room and the offices so he thinks in those situations he would absolutely say it applies but Councilor Daniele's point is good. The Fire Station is another one but they are covered by a whole different set of standards. The in-patient care facility as well but in the summer months when the doors are open, it may be a different category as well.

Chair Piltch added that he supports it as well. It makes sense to do it. Masking has been a consistent recommendation and where the public is concerned and facilities, we are responsible for, he thinks we owe it to them to make it as safe as we can so he thinks it is a good idea. Mr. Joseph added that this is not something Staff considered because there was not a lot of concern either from Staff working in those positions or from the public. For a good 9-10 months people felt things were under control but transmission is increasing and this is only intended to be something done in the interim until there is a reduction. We did a good job last time rolling back restrictions that we had as numbers went down and bottomed out. He will work on that with Staff tomorrow.

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

Allan Hindley of Wardtown Road wanted to bring to the Council's attention some of the issues he has had with a Town employee. For two years he has been trying to obtain a permit to build a 26' x 34' barn on his property. On April 21, 2020 he submitted a request for a permit and was advised by the Codes Enforcement Officer that a detailed plot plan was needed showing existing and proposed structures, driveway, well, septic and setbacks to property lines. He felt there was a little bureaucracy in that. He also requested that he show where the parking would be. Mr. Hindley felt he was not building a Walmart and was 350 feet off the road so he didn't think he would have any problem with parking. He listed all the things that would be required of him. He noted this is a barn to store a tractor and farm implements, ladders and things like that. He was informed that he needed a 4' foundation to support his barn. He referred to the International Building Codes and learned that anything under 3,000 sq. ft. did not need a foundation. To keep it going on, he felt he had to get an engineer so he went to Shelter Institute in Montsweag on Route One. The representation there advised that she couldn't get to him until sometime in May. He agreed because he knew he was working with quality people. He then got a call from them mentioning COVID and that it would set them back. He got pushed back until September. He contacted a local builder that had a CAD which was also something the Town of Freeport required. He felt with this local builder he would be able to CAD it out for him as the CEO requested and get his permit going. That did not work out too good because they sent it out to him and Nick responded and asked again for the plot plan, framing details, headroom, floor sheathing, insulation value, windows and doors and that all of this be included in the CAD drawings. The thing is that this has already been hashed out and settled. The Town's CEO had the drawings and knew what Mr. Hindley was going to do. His builder sent a message saying, "he caught up with Mr. Hindley about the below and revised the details in the construction of a barn in the attached in regards to the site and setbacks. Mr. Hindley is working with his surveyor and will be in touch separately. See my reply to your point below."

COUNCIL MEETING #01-22
JANUARY 4, 2022

The Project Manager of the company Mr. Hindley is working with answered that Nick was concerned with the stairwell, the geometry for the stairs, the sheathing and there actually was not a floor or trusses. It was being built on a slab so he was constantly confused why he was asking about the floor construction. He was asked to provide insulation values. In all the plans it was clearly stated that Mr. Hindley was going to build the trusses. He has gone to carpentry school for 50 years and is still going. He feels he should be able to put these things together. He has the opportunity to use the wood that is on his property. He has an excellent sawyer to cut the material up for him and he is proud of that. Everything was going along until it got to the point where it was going to be fruitless in what he was trying to accomplish with the person that was helping him out to get the permit so he decided he would have to do it himself. Everything was resolved except the Site Plan Review which he had to contact his surveyor. He came down and surveyed everything out for him and plotted it all out and gave to him and he brought it to the Town. He was under the impression that if the stairs were removed, Nick wouldn't have any problem with the trusses because Nick sent an e-mail and said a permit would take a couple of days. He came down and met Nick on December 20 and brought up the last two issues he thought were important. One was to take the stairs out and that decreases the load and the metal roof decreases the dead load of the building and he had no problem with it. The other one was a Site Plan Review and he showed him the map of the 116 acres he has and where it was located. Nobody can see the barn from the road. The closest house is across the road and is probably 400-500 feet away. That property line is a good 2,000 feet away and they don't have any problem with setbacks. That got resolved and he was happy about that. He shook Nick's hand afterwards and said, "you know what, I think we are all set." He was tickled pink that he finally was going to get a permit.

On December 20, he received two e-mails from the CEO asking, "how will the roof and the ceiling joists be framed now that there is no second floor?" Mr. Hindley noted with trusses it is impossible to put a joist in. They are two different animals all together. "What is the size, spacing or ceiling joist, rafters, sheathing, etc.?" Mr. Hindley had been through that 50 times with him, through everybody. "Trusses or building your own rafters?" For two years he has been building trusses and he has not said anything about ever going out and buying pre-manufactured trusses. "If you are buying trusses, we are all set. If you are stick building, I just need more information on framing as the current plans state four on center and plywood can't span 4 feet. I think you said you were buying trusses but can't remember the entire conversation." In two years, Mr. Hindley said he never said he was going to buy trusses. There is nothing more proud than to be able to build your own stuff.

He came down here in June and his wife was in the dooryard and they were talking. A Subaru came driving in with Bob Konczal. He wanted to see Mr. Hindley's barn. He had a permit that said Mr. Hindley was going to build a barn. Mr. Hindley advised him that he never got the permit. But Mr. Konczal showed him the permit. Mr. Hindley came downtown a few days later and told the nice lady working behind the glass that he wanted to see the permit. Nick was not there but she went and found it. In the corner of his permit was written "withdrawn". There was no signature or date. Somebody wrote that in there and that is wrong. He does know that a member of the community whose family has been in the community for 100 years, it should not take him two years and three-quarters of an inch of paperwork to get a permit to build a 26' x 34' barn to house his tractor and farm implements. There is no need for that and we need some changes. If Councilors have any questions, please feel free to call him. He is not good on texting.

Chair Piltch thanked Mr. Hindley for his comments and we will follow up on this. He assured Mr. Hindley that the Council would get to the bottom of this specific issue. If Mr. Hindley feels he is getting stonewalled, he was asked to reach out to the Council.

Councilor Bradley asked Mr. Hindley if he has a permit and Mr. Hindley answered no. He asked if Councilor Bradley knew how he could get one. He noted that he is still working on it.

COUNCIL MEETING #01-22
JANUARY 4, 2022

Susanna Hancock of Flying Point Road is here to speak for herself, the Sustainability Advisory Board and the Freeport Climate Action Now Committee as well. As the Council is looking at budget season, she encouraged them to think about having a part-time Sustainability Coordinator. This is something they are seeing the capacity that is exceeding what they are able to have with the existing staff, volunteers and committees in town. She is thinking that the capacity we need is something we can only achieve by having somebody employed directly to do so. Upcoming projects they have will help the Town getting together with the GPCOG work. There is the Coastal Resiliency Grant with GPCOG and GMRI, the Downtown Visioning Project. These are currently upcoming projects that can really use some extra Sustainability support. Current projects in the Town are Planning, Public Transport, Traffic, Parking, Bike Lanes and we are looking at rain runoff, road salt, electric vehicles, waste management whether it is composting or recycling/compacting curbside, solar energy, wind, etc. These are all projects the Town has going on now and could also use the support as well. If we had a part-time Coordinator, there is work that we can advance what the Town is currently doing in looking at affordable housing, EV Chargers, Zoning. Concerns have been raised over sprawl, pesticides, herbicides, air pollution, noise pollution and idling in Town, etc. A lot of this can be covered by grants that are available. There is money available and it is a use it or lose it at the national and State level. If we are not applying for those grants, it is money that will go somewhere else. It means we need somebody that is there to apply for these grants. Ideally, she wanted to say that if we can apply for some of those grants and get some of this money, asking for support for this position is not something that should necessarily be seen as an additional financial burden on the community in a longer scaled frame. She would like to have the Council think about this. It might be something that could be jointly done with Yarmouth since they are also in talks about Sustainability coordination or she knows the Council is looking at having someone involved in Communications. She is aware that those are different skill sets but maybe there is someone who magically has the right set of skills. She thanked the Council for its support with GPCOG and is hoping we can get the second part of that funded in the upcoming budget. She mentioned the upcoming Sustainability Advisory Board Forum scheduled for next Monday with passivhausMaine and also the Freeport Can Forum to which everybody is invited on the 20th. It will be fully remote. Chair Piltch thanked Susanna for all the work she tirelessly does for the Town. Councilor Bradley asked Susanna if she has any sense of how the groups are going to introduce the ideas that she has for funding in the budget process or is that something she is looking for the Council to do for her? He noted that it would be rare for the Council itself to put that in the budget unbidden by a group of constituents but it is not impossible or maybe even rare. He noted he supports it but wants to know how it will be brought forward and not lost during budget time. Mr. Joseph advised that he has been in good communication with members of the Sustainability Committee and most of their requests will end up in his budget proposal. If there is anything not in there, it will certainly be noted and they will know in advance. The Council will also know in advance. We are now looking at the Sustainability Coordinator's position, the Climate Action Planning and a few other items that they put forward to include their own budget section. They will have a workshop with the Council and will be able to go through what some of those items are and if they are not in the budget, they will have a good chance to call him to task for leaving their items out. He feels it would be good for Susanna and Valy and him to have a conversation right before budget to make sure he has all the different items so we are not missing anything. If there are any issues, we can talk about them then and whether they need to go to Council first.

Andrew Arsenault mentioned he has a couple of questions about the water tanks that were discussed at the last meeting. He knows it is listed under Other Business but is not sure he can make it to midnight. After listening to the conversation last week, he jotted down a few questions he had that he thought would be relevant. Last week it was stated when they built the tanks, it was envisioned that we would turn them over to the Water Company. He would like to know how and where that is stated and was it urban myth or was it voted on? How did that come to be? He explained he has a friend in charge of a water system in

COUNCIL MEETING #01-22
JANUARY 4, 2022

another state and talked to him. His water tank in his area had to be inspected, they own it. The inspector has to come out and certifies the wall thickness and determines if it has to be fixed or anything like that. He asked if that has been done to our tanks? What does the report say? What is the life expectancy? Councilor Bradley brought up some good topics which was what is the value of this asset? If he went out to buy a company, this is an asset. What is the value of this asset? To go along with that, we formed a Water Board in case we wanted to buy the Water Company at some point so we have this Water Board that doesn't do anything except sit there and wait for us to decide if we had a chance to buy this. It is a right in seat for the year but we have this board. If we gave this away or sold this asset, or ended up buying the Water Company, are we buying back our own asset? At what cost? His next question is what is the rent from the tank and what is the rent from the towers? What is the industry norm for a rent from the tank and if we are going to keep the tanks and he feels we should keep the tanks, but does the rent from the tank go towards or have any sort of standard of what is it going to cost to replace this tank in 20, 30 or 40 years and is the rent we are charging the Water Company commensurate with a plan to replace the tank at the end of its lifespan? How many people are actually on the water, not on water and sewer as compared to how many people are in Freeport? He heard the gentleman say the other day that if we charged them for the tanks, the cost of water might go up for the water users. How much would that go up? If you buy an asset, do you always pass on the cost? It is a company business and if he ran a company and bought a machine, how much can he jack up the cost? What would that increase be? If we hold the assets, would there be no increase? His real question is as we think about CMP and this thing going on in the State of Maine, do we want to buy CMP and do we want to take it over? That is a multinational company. Who owns our Water Company? What is their goal? If we give them the tanks and they sell out? Is this like CMP and our power goes to Spain? What is the background of what is going on for the Town of Freeport? Why are we thinking that we need to dispose of our assets? It gives us a bit of leverage if we own the tanks per say. There is one in South Freeport that we don't own and that is a different situation. He thinks we should think long and hard and really dig into why do they want this right now? What's going on? What's the deal here? Why all of a sudden do we need to turn these tanks over and is it really a benefit for us to do this? He would like to see some talk around the whole subject, not just his questions but they popped into his head. He thanked the Council for letting him bring them up early.

Chair Piltch thanked Mr. Arsenault and noted he jotted them down and when the Council gets to it, it will have more fodder for discussion. Mr. Joseph advised that he has answers to some of Mr. Arsenault's questions and can talk with him off line. He is mindful of the 12:05 projected end time of the meeting.

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

ITEM # 01-22 To consider action relative to adopting the January 4, 2022 Consent Agenda.

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

BE IT ORDERED: That the January 4, 2022 Consent Agenda be adopted.
(Pillsbury & Daniele) **VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

ITEM # 02-22 To consider action relative to 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. PUBLIC HEARING.

COUNCIL MEETING #01-22
JANUARY 4, 2022

Town Planner, Caroline Pelletier explained that years ago we adopted regulations for food trucks and there was a lot of resistance from people in our community so we adopted language to allow food trucks but they were very limiting and the costs compared to our neighboring communities was quite high. Speaking on behalf of herself and a few people in the room that experienced the process, there was a lot of running around and a lot of paperwork involved especially if you want to do something on one day. In the past few years, the Planning Board has talked about food trucks. We saw a desire from our community to try them out during the past two summers due to COVID. There has been some talk with the Revisioning so when the Council asked the Planning Board to look at the Emergency Ordinance, one of the things they already had on their radar was to look at how we are regulating food trucks. She offered to walk the Council through really quick because she knows there are some people here interested in it.

The first one is updating the definition of a food truck and clarify that a food truck also includes a registered trailer. This is included based upon a past decision made by the Board of Appeals. Food trucks are allowed in two ways in Freeport. You have some districts, Route One South, Route One North which are really the commercial areas that do allow them either as accessory to artisan food and beverage uses like our breweries or on Route One South where they are allowed as accessory to businesses that have been through Site Plan Review. The other case they are allowed is when there is a special event going on. As we talked about at the last meeting, a special event is a certain permitting threshold when you have a large event expected to draw 250 people or more. It used to be more common but now there is a lot of hesitation to go to events with 250 or more people. People are having events that are still bringing people to Freeport but not meeting that threshold. A wording change would lower that threshold. If you had a temporary activity for something special on your property to draw people to Freeport, you could also have a food truck. There are also some minor tweaks to the standards to allow them to have a generator, umbrella or a chair. A couple of changes just to note to the permitting that we talked about at the last meeting. If you are one of those businesses that can have food trucks on a more regular basis that is accessory to your business, we did add a standard that you would have to be paying attention to displacement of accessible parking and accessible maneuvering of the site. That is something we need to be paying attention for. We also added a standard based on Amanda Kent's suggestion that if a property owner was going to be a host of these food trucks, let's have them get in the game instead of having every food truck run around and get their signatures. Let's have them get a simple permit once a year and sign off saying we know we can only have them when we are open, they can use our bathrooms and our trash. We will only use licensed food trucks and we will be a good host. That is reflected in here.

The biggest change before the Council is the permitting. Currently today we have three permit options. You can permit a food truck for a day for \$30. You can do site specific for up to 30 consecutive days for up to \$150 or you can do a year for \$500. The 30 day and the year also require a Victualer's Permit. We have heard from food trucks that want to come to Freeport that that is high and it is not worth it. They can go somewhere else cheaper. We have had one or two people do the one day \$30 option. Otherwise, people are just getting repeat single over and over, not hitting the threshold so they don't need a Victualer's license. What you have before you is a two-permit option. They have done a comparison to see what other towns are doing. We are not all the same. Option One is a permit for up to 3 days. One, Two and Three are all the same fee. Option Two would be the year permit where they could come in, get their permit. It would not be site specific like it is today. They would have to get their Victualer's License and their inspection.

Ms. Pelletier did get a couple of questions since the last meeting. She has wording changes if the Council wants to consider them tonight. For licensing, she did have a little bit of clean-up. Under A and B there was additional cross references to Section 526 which is really kind of duplicate. If that was omitted, the section might read better. The other thing is under the first permit type which is the permit for up to 3

COUNCIL MEETING #01-22
JANUARY 4, 2022

days. The intent of that is that it would count as a 3-day permit. It would be up to the person as to if they wanted to use it for only one or two days instead of three. The intent was that you could get three of those per year, then you would hit that nine-permit threshold and would have to go into full permitting as a year permit and get a Victualer's License. A couple of people did not think that was clear so there is a tweak here. Again, it would only allow three of those up to 3-day permits and then they would have to commit for a year. The goal is that we encourage people to permit for a year. She will talk about the costs in a moment. They are making it more economical.

Chair Piltch suggested opening the public hearing and if we have more questions of Caroline, we can get into the Council discussion as well.

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

Tais Szpanerfer explained that they moved to Freeport in May of 2018 and opened their food truck in June of 2019 at 304 U.S. Route One at Wicked Goods. They were opened for three months and then the Town of Freeport shut them down. She was not aware of all the regulations and food trucks were not allowed. They started the whole process of trying to get the rules changed and try to figure out what they could do in order to operate. On February 25 of 2020 they were forced to continue their business in a brick and mortar which they opened as Athena's Cantina which is up the street from where they currently are. It has been a nightmare trying to work with the Town, operate a business, open a brick and mortar and still fight for their food truck. They had been open for three weeks but had to shut down because they didn't have any employees. They wanted to operate their food truck and that was accessory to their restaurant. She explained what she had to go through to open up outside of their restaurant. They were paying a monthly fee and didn't want to pay the \$500 fee for a year and could only be localized right there. They had to do underwiring, electrical work and go through all sorts of changes to be able to operate. They were not getting the business on Route One so they wanted to come downtown and be able to move it around. They were not allowed to do that. Their \$150 a month did not cover other locations. They were supposed to be stationed. Two years later, they are still trying to do different things. This summer they had to take their food truck to Portland. Portland was super easy. They worked with them and within three days, she had their permit. They were there for three weeks and she couldn't do anymore because it was just her that was transporting back and forth and paying a ton of money to get hauled down there to be able to operate a few hours in the weekend. It has been a nightmare to try to operate her business in a town that she chose to grow her family and invest in. Their restaurant right now is currently closed and her food truck is her accessory to her business. She can staff it with two people but in her restaurant, she can't. She hasn't given up. She is here and hopes the Council will consider making some changes to allow residential businesses that own food trucks to be downtown and be able to operate somewhere and loosen a bit on the rules. She isn't asking for much. People are not dining in right now and to have the opportunity of having food trucks available so people can walk out and grab something to eat is a good thing.

Councilor Daniele asked if this is a good step for Ms. Szpanerfer? She replied that it is a good step. Food trucks are making their way around and they are a huge thing right now, especially in Portland. She thinks it is expensive in Freeport. She knows there are several other businesses that wouldn't be opposed to having a food truck that are in Freeport. She feels they should be allowed some access to downtown with not so many restrictions. She thinks the rules need to be less restrictive for everybody, especially for residents like her. Right now, she has a restaurant that is shut down and a food truck that she can't take around in town.

COUNCIL MEETING #01-22
JANUARY 4, 2022

Councilor Bradley asked her if she has been participating in the discussions about Downtown Revisioning? Ms. Szpanerfer advised that she has not. She is expecting a baby any day and has not done anything since September. Mary Davis and Tawni Whitney have come to her restaurant and discussed. She can only devote an amount of her time to everything as well and continue to fight for her business. Councilor Bradley noted he asked this because it is his understanding that food trucks as pop-ups have been considered in the whole process of how to make the downtown a better experience for both businesses and for visitors and residents. As long as Ms. Szpanerfer's views have been brought into the process, he would expect that they would be considered by the Principle Group and the Council going forward. Assuming the Council were to do this and Ms. Szpanerfer were to get consideration of her views in the Revisioning process, he asked if she would feel that was a fair way to go forward. She replied absolutely, they have put so much time into it and there are a lot of people are really for it. She thinks it is just something that should be considered and a fair trial to see how effective food trucks can be in our town with less complications on how to get in. She is not saying let's flood our town with food trucks and take over but recognize that it is a good thing and important to address people's needs in our town. She is confident a lot more people would be interested in it if things were a little easier. It is too long to obtain a permit to operate one day or two days. If she wants to move around, she shouldn't have to go and get a permit for another location. The owner should say yes, you can park here and do this.

Councilor Fournier assumed Ms. Szpanerfer worked with Caroline and this works for her. The obstacles she had a couple of years ago have been corrected by this proposal tonight. Ms. Szpanerfer replied that she thinks it has and this is a lot better than what they had before. It's been worth the ride for her and she is happy with it in a way. She would like to be able to be downtown somewhere in a location that there is at least one space they could rotate or if there are other food trucks in town that want to do it, she is sure it can be done, it is just a matter of where and how they do it.

Mr. Joseph advised that to answer Councilor Daniele's question, the changes are considered middle ground in his opinion and the frustration that several of the food truck operators have expressed. The intention of the Council when these regulations were put in place essentially were to pretty much bar food trucks from a lot of the areas that now a lot of the operators want to operate in. We opened some of the cracks to that during some of the pandemic licensing we did with a few changes which was great but it was clearly not enough for somebody running it like a business to thrive. To him this feels like a middle ground proposal. There are people on both sides and he doesn't think we should take this as opening the doors wide open in a way that would be great for Ms. Szpanerfer's business. It is a middle ground and he appreciates the position she is taking. Ms. Szpanerfer added that she is trying to be reasonable. She follows the rules and respects the process. She is content with how far she has gotten but feels there is room for more improvement. In general, she has a trailer and she has to pull it with a truck and there was no clarification for them so it made it difficult. Chair Piltch thanked her for her perseverance. He looks forward to having her be here for a lot longer and maybe having another business named after another child. Ms. Szpanerfer disagreed. He thanked her for her patience.

Ms. Pelletier explained that Ms. Szpanerfer was amazing at a Planning Board meeting. She was the only person in the room and spent the entire night talking about food trucks with them and it was really helpful and got us where we are today. She follows all the rules and knows them really well and has been working really hard to get us to this point. Mr. Joseph is right. The Planning Board specifically said there are two sides to the story and heard people's various opinions. They did not want to open up the door wide for food trucks in the village so you are only lowering that threshold. There has to be a temporary activity going on in the village intending to draw people for there to be a food truck. You are not going to see random food trucks popping up everywhere. It was clearly not the intent like you could see in some other districts shown on the map where they can be accessory to businesses. She wanted to be very clear on that. It is a step in what she wanted. Yes, it is better and the license if she gets the year, she will be

COUNCIL MEETING #01-22
JANUARY 4, 2022

able to go from A to B or C without having to relicense. It is definitely not opening the doors wide and the Planning Board was very specific. They didn't feel it was the best step for Freeport right now but was moving in the right direction. Councilor Bradley in reading temporary activity is expected to draw additional visitors. He asked if that is a food truck? Ms. Pelletier mentioned that they did leave it vague but that is the language they used during the pandemic. She feels there is room to get creative. Someone already called her and said, hey, I want to have a couple of them and can I do that? She replied that if she could make it into a temporary activity to draw people to Freeport, they will revisit it. In a year or so, if we find there is too many or not enough, the Planning Board said let's revisit these things in a year and see where we are at and how it is working.

Amanda Kent explained that she owns Wicked Goods Mercantile down on U.S. Route One and Tais is their upstairs tenant in their legal apartment. They encouraged her to have her food truck at their location thinking it would bring a lot more business to Route One and the businesses that were on Route One that had very few options for food and the people working in that area.

It was cumbersome for them as a business owner who thought they were doing something positive for the town in encouraging a young business to get started. Caroline has been a Godsend to this community. She supports what Tais has said. She doesn't think it makes sense to her why the Town cannot permit three parking spaces on a street next to CVS and next to a huge parking lot that could be allowed on a first come, first served basis to have three food trucks there a day. They had a food court that ended up not working out. It doesn't make sense to her why the Town cannot move forward in a less cumbersome way to make something like that happen. It is not about having it available across the whole town. It is choosing a location that the Town can support this. She feels this action is great and is moving them forward a little bit and cleaning up some of the issues they had and why they had to fight to change the zoning in their area. The Town Council has been very supportive in trying to figure these things out but it is cumbersome at best and it shouldn't have to be. She is allowed to host a food truck at her location and can pay a yearly fee to allow her to do that. She can do it as a special event or she can do it anytime she wants once she pays that permit but it is cumbersome in the writing of the rules. People don't necessarily know what they are supposed to do or not do. It makes it a lot more difficult that way. She appreciates the Council having thought through these things. She has been coming to meetings since this was first brought up in her area. A whole year ago the Council said okay, let's do a trial project and Tais was given one of the small spaces that the Town owned behind Starbuck's. Shouldn't someone have known that know there was going to be a complete disassembling and moving of the Historical Society building right next to where they were positioning her for this trial and there was no access to where they put her? A trial should be a true trial and Caroline has gone very well through the system as they have to. She mentioned that Sam's has closed and questioned where she is supposed to go for lunch? What is open? We are a community based on inviting people to come here to shop, be active and participate in our businesses. She would like more options.

Councilor Bradley noted Mrs. Kent just articulated the reason we are going through the Downtown Revisioning in his view. She explained why we are going through this process and that everybody has been caught up in it. Some of the frustration she is experiencing is because all the rules are in flux, they are in transition, they are in change. Her voice tonight and her voice to the Revisioning will matter to what comes out of it. He doesn't know what will come out of it but the kinds of opinions she is expressing are critically important for all of us to hear. He thanked her for bringing them forward. Mrs. Kent thanked him. She feels very strongly that as part of a community and as part of a business, she should be part of the Chamber and be active in the businesses that are around her. The rising tide rises all boats. Tais' business brought more business into their business.

COUNCIL MEETING #01-22
JANUARY 4, 2022

Andrew Arsenault of Route One South mentioned he talked to the Town Planner a while ago. His concern is that there are a few places on Route One that have still not gone through Site Plan Review. There is one right next to Mrs. Kent's business that is an old operation and they have a big parking lot. There are only a few left and there should be some concession made for those so they don't end up if they want to sign up and host a food truck. Perhaps it is something they could do without having to go through the whole Site Plan Review and have a food truck for the summer. He grew up here and saw what happened when the shoe shops failed and saw what happened before all the retail came in and we have to be very strategic and smart and he thinks we are starting to get that way. We can't let what is going on globally, nationally and regionally and make sure that Freeport doesn't end up in a bad spot again. We have to be willing to make change and we have to try new things. He doesn't believe food trucks downtown would be a crisis. There was a skate park down there and it was great. He was told the kids had a great time. He feels we have more empty spaces around town than we know what to do so we can take a back parking lot and make a little food cart down there. It was talked about with Principle and he supported it. We need to push a little more than we normally would. He suggested trying a few food trucks down there and push ourselves past our comfort zone and try more things.

MOVED AND SECONDED: To close the Public Hearing. (Fournier & Daniele)
VOTE: (6 Ayes) (1 Excused-Lawrence) (0 Nays)

BE IT ORDERED: That 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 approved. (Fournier & Daniele)

Chair Piltch mentioned there is a proposed amendment that Caroline has passed out and asked what Councilors are thinking.

Councilor Bradley asked who administers the permitting process in our town? Ms. Pelletier advised that currently the special event permits go through the Police Department. The food truck permits would go through Codes Enforcement but with this change, they will go through the Town Clerk's office which is how most municipalities handle them. They already go to the Town Clerk's office for a Victualer's License. The only two things related that will still go through Codes are the Temporary Activity Permits which we issue for all sorts of things and that Yearly Permit if the business wants to have a food truck as accessory and they want to be able to do that and they will sign the form and agree to be a good host and go on their way. Councilor Bradley asked if it would make sense for all the things related to food trucks, food and accessory uses go through the same permitting person so you don't get one opinion on one part and another on another part which is some of the problems we have that gets cumbersome. Ms. Pelletier explained that the Temporary Activity is an existing permit we have in place so we use it for all sorts of things. If people are altering their site, they are doing it in a safe and effective way and they are doing something temporary in nature so it has a different type of oversight than stuff that the Clerk's office traditionally does. Food trucks as an accessory use is something that is specifically permitted by the Zoning Ordinance. It is a land use function so again it seemed appropriate to keep it through as we are going to know if someone wants Site Plan Review. They are both easy permits to obtain. Councilor Bradley mentioned that when she talks about Temporary Activities, does she mean that the Codes Enforcement Officer will be making the determination as to whether these 3-day permits are Temporary Activities?

Ms. Pelletier assured him that they issue them all the time such as when Visit Freeport does Fall Festival or someone has a concert in their parking lot. It is anything that they are deviating from what they

COUNCIL MEETING #01-22
JANUARY 4, 2022

normally have approval to do. Councilor Bradley asked if she expects the Codes Enforcement Officer as opposed to the Town Clerk will be making those determinations going forward? Ms. Pelletier advised that the answer is yes.

Mrs. Kent was not using her microphone. Ms. Pelletier clarified that in the future she will agree to the same things but the fee they are considering is \$25 or \$30. She will do it anytime with one permit and then she does not have to come back. Councilor Daniele asked if he had a food truck and came to Ms. Pelletier, could he get a permit in three days? She explained with the new system, people will come in and license once a year and go off and do their own thing. There is a lot of trust in this. They are trusting that people will get their permit and make sure their food truck is licensed and will follow the rules.

Chair Piltch noted he has been following the issue at the Planning Board and Downtown Re-visioning and has had a number of conversations with Caroline and some business owners as well. When he got on the Council, this was one of the explosive topics and people said, oh you are not going to try to touch food trucks are you because you will get all kinds of people telling you it is a bad idea. In the last six months, he has honestly not received a ton of push back. There were some restaurant owners that he thought had been previously opposed to it who said let's give it a try. It seemed like a reasoned approach and they were supportive. He thinks they are great and he wouldn't mind doing more. He feels it is a step in the right direction and he is all for doing this and seeing how it goes. If we want to come back and do more next year, let's do that. Councilor Daniele doesn't think the Council needs to wait a year and others agreed. Councilor Bradley asked Councilors if they thought out of Downtown Revisioning will come some comments that will be a basis for doing the more we are talking about? Chair Piltch expects it will be a catalyst but he is not holding his breath if they are going to say, we think there should be eight food trucks in four locations and you should have three festivals a year but he feels they will say you should do more of these kinds of things downtown and then it will be up to us to say, what do we have to do to make it happen? Councilor Daniele noted that he is hearing there is vast support up here to do more so let's do more sooner than waiting for all that. He feels it would be okay to say in front of Town Hall is an okay spot or the train station or whatever. Let's just pick a couple of locations. Ms. Pelletier pointed out that if someone wants to use Town property, they would have to get permission from the Council. Depending on what parking spaces, it could come under the Traffic and Parking Ordinance just like the peddler carts but the Council has options to push the limits further if you wanted to do that.

Vice Chair Egan mentioned there are nine lanes of pavement adjacent to the Public Safety Building and he never sees any tour buses parked there for more than 20 minutes at max. It would be an ideal location on public property to try it out. Councilor Fournier noted we rented the Magno Lot for parking spaces back in the 80s. It is on Depot Street next to the Community Center and has ample parking. The lot never gets used. We used it for a skating area once. It could hold eight food trucks comfortably and there is electricity at the poles. Chair Piltch noted there is Memorial Park too. The truck could be parked on the street and you can grab something and sit in the park and eat. Chair Piltch mentioned that the Council can discuss this with the Planning Board tomorrow night.

Chair Piltch explained the proposed amendment is: If you have a food truck for more than nine days, then you need to get a Victualer's License and part of the amendment is suggesting that if you have 3-day permits, we should not offer more than three 3-day permits so that you are not able to circumvent the nine-day requirement for a Victualer's License. Ms. Pelletier doesn't think it is ideal but they are hoping with the new regulations we will encourage more people to do the year license up front. We have a lot of people but there is a lot of paperwork for the applicants and the Staff to have somebody come in nine Thursdays with their paperwork just to do this and circumvent. They are trying to get away from that to be more efficient all around. Set a limit for people that really only want to come for three days. They will be stuck if they don't upgrade.

Vice Chair asked if we could change that to six? Ms. Pelletier noted that once they go over nine days, they have to get that Victualer's. He suggested changing it to 18 for the Victualer's. It would give her more flexibility to pick several weekends if you can do six 3-day events. Ms. Pelletier agreed that the Council could change that. You have the Victualer's on here tonight and it is not something the Planning Board looked at changing that nine number. Again, we are just trying to avoid those repeat people that just want to keep getting those repeats. If you up it, they could do more without have to get the Victualer's without having to come to the Council for it and then wait longer until they get the inspection.

MOVED AND SECONDED: To edit the amendment proposed to read: Section 3 B 1 licensed to operate for up to three consecutive days for a maximum of six events of this license type for a food truck per calendar year. In 5 2.4 have a Victualer's License from the Town of Freeport if they will be permitted for more than 18 events or days in Freeport per calendar year. (Egan and Daniele)

Ms. Pelletier mentioned that it would create more tracking for the Town Clerk and will have to keep track more closely of every permit for 18 but we have a method of doing that. Councilor Daniele feels this is counter productive to what he would like which is they come in here once and get their one-year membership and then they get out. Vice Chair Egan pointed out that we would like that but it isn't where the market is. The market is we want to experiment and have entrepreneurs and have people come in and try Korean Barbecue. Ms. Pelletier added that if you take that approach, it might give a little more flexibility but for someone like Tais, it will be a lot cheaper for her to license for the full year because the current fee for a full year license with the Victualer's would be \$335 whereas these 3-day permits are \$50 each. It will be more cost effective to go for the year so these repeat food trucks will be encouraged to take that approach. Councilor Daniele suggested making it so they apply, they are good for a month. You pay your \$300 if you want to come once or a million times or whatever. Vice Chair Egan explained that the Victualer's License is a compliance piece that is the next step up. More discussion followed.

VOTE ON AMENDMENT: (5 Ayes) (1 Excused-Lawrence) (1 Nay-Daniele)

VOTE ON FOOD TRUCKS: (6 Ayes) (1 Excused-Lawrence) (0 Nays)

ITEM # 03-22	To consider action relative to proposed amendments to Chapter 30, Victualer's Licensing Ordinance to update Section 2. License Required to include Food Trucks requiring Victualer Licenses. PUBLIC HEARING.
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Ms. Pelletier advised that this is an existing ordinance with an existing fee structure and no changes proposed. They are simply taking the reference contained in Food Truck and putting it into the Victualer's License Ordinance because back in the day when it was originally put in the Zoning Ordinance it was never put in the Victualer's License which didn't make a lot of sense. They are cleaning up their paper trail. You would want to make the change from the 9 to 18.

MOVED AND SECONDED: To open the Public Hearing (Daniele & Fournier)

VOTE: (6 Ayes) (1 Excused-Lawrence) (0 Nays)

Mrs. Kent noted it doesn't make sense to her if you are the same business, like Tais has a food truck that is part of Athena's Cantina. It is not a separate business unto itself. It is all part of the same business. It would make sense to her to simplify that and say if you have one business that is a food business, and you are getting approved to have a Victualer's license, if that food is being prepared in the location approved by the State, even though the State has you get a separate license as an accessory to that

COUNCIL MEETING #01-22
JANUARY 4, 2022

business i.e., food truck, it should be one Victualer's license. It would keep things simple and it will not happen very often because she is the only place that has a food truck as accessory to her business now in Freeport. If somebody has a food truck from an outside location that is just their business, they are going to come and get a Victualer's license if they are going to be operating in Freeport more often. It seems like there should be some change to that if you are an existing business that has a Victualer's license that has been approved in Freeport, then you should be able to extend that to the accessory of a food truck without having to pay an extra fee if you are a business in Freeport and already have a Freeport Victualer's license. It seems very cumbersome to pay so many fees.

Mr. Joseph explained that the intent of this ordinance is to regulate the area in which the food is produced. If the food is produced inside a food truck, it is pretty clear that this is to license that as a separate establishment within the terms and conditions in here. If you are preparing food in a kitchen that is already licensed under a Victualer's license, the whole purpose of the ordinance is not to license both of those establishments. Chair Piltch added that it sounds like that is what we have done in the past. The Town Clerk interpreted that in the past but if that is a request being made and is something the Council wants to consider, it should be clarified formally in this ordinance. Ms. Pelletier clarified that for the first year for Victualer's they do get an inspection and there could be some concern if we lump them all together. There could be other cases where someone has more than one restaurant and they are licensed differently. If it is something we want to look at, we could check with the State's Health Inspector and do a little more digging. Councilor Bradley agrees that the Victualer's license does have to do not just with the owner but has to do with the safety of each location so there may be a reason to have two licenses so more due diligence makes sense.

Councilor Fournier explained that this is a process question. It used to be on the Victualer's license for food carts, hot dogs or whatever, there was a safety inspection done separate from a fixed facility that may have a kitchen. In an instance where a food truck would come to Petrillo's and set up there, it would probably be looked at for the food truck itself to make sure the truck meets the standards even if the food was being prepared in Petrillo's he would assume. Ms. Wolfe added that they would already be inspected and already have their State inspection to start with. She explained that the first time someone gets a Victualer's license, Codes and Fire do an inspection and then they do the background check annually.

MOVED AND SECONDED: To close the Public Hearing. (Daniele & Fournier) **VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

BE IT ORDERED: That proposed amendments to Chapter 30, Victualer's Licensing Ordinance to update Section 2. License Required to include Food Trucks requiring Victualer Licenses be approved. (Daniele & Fournier)

MOVED AND SECONDED: To modify the Victualer's License from the Town of Freeport to modify Section 2 in the first sentence and change the 9 to 18 events or days in Freeport per calendar year. (Egan & Fournier)

Mr. Joseph asked Ms. Wolfe if she sees any issue with the 9 to 18 change technically that would pose? Ms. Wolfe mentioned no but she is concerned because it will be a new process for her. It will be a little more difficult to track. More discussion followed on the need for a Victualer's license. Chair Piltch noted that the change we have tonight is to make it consistent with the food truck changes we just made and then we can look at the whole ordinance another time.

VOTE ON AMENDMENT: (6 Ayes) (1 Excused-Lawrence) (0 Nays)

VOTE ON FULL ORDINANCE CHANGE AS AMENDED: (6 Ayes) (1 Excused-Lawrence) (0 Nays)

ITEM # 04-22 To consider action relative to 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. PUBLIC HEARING.

Ms. Pelletier explained that this was part of the Emergency Ordinance that you asked the Planning Board to look at. Once we started talking about this, Mr. Joseph was approached by some residents that had concerns about temporary activities and displacement of accessible parking and accessible access when those temporary activities were going on. Their timing was right in line with the Planning Board discussions so they were able to incorporate some changes into this document before you. She walked the Council through the changes.

MOVED AND SECONDED: To open the Public Hearing. (Bradley & Daniele)
VOTE: (6 Ayes) (1 Excused-Lawrence) (0 Nays)

There were no public comments provided.

MOVED AND SECONDED: To close the Public Hearing (Bradley & Daniele)
VOTE: (6 Ayes) (1 Excused-Lawrence) (0 Nays)

Councilor Bradley mentioned he did not know what a route means in this context. Ms. Pelletier explained that it connects to something else. You don’t just put them in a parking lot where they can’t get to a ramp that leads to a sidewalk system that leads to Main Street. They call it an accessible route as defined by the American with Disabilities Act. Councilor Bradley suggested that a definition for accessible route would be in order but he doesn’t know where it would come, perhaps in the Zoning Ordinance. Mr. Joseph asked if we can add something after accessible route as defined in the ADA? Councilor Bradley just pointed out that Councilor Daniele explained that the definition is in the ordinance so he apologized.

BE IT ORDERED: That 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 approved. (Bradley & Daniele)

VOTE: (6 Ayes) (1 Excused-Lawrence) (0 Nays)

ITEM # 05-22 To consider action relative to 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

COUNCIL MEETING #01-22
JANUARY 4, 2022

conditions can be met, and to be subject to Town Planner Review under Section 602.C.1.c.1 of the Freeport Zoning Ordinance. PUBLIC HEARING.

Chair Piltch advised that we introduced this at our last meeting and talked about how we allowed them under our Emergency Ordinance and now we are trying to allow them in the future as well with certain conditions.

Ms. Pelletier explained that during the pandemic we allowed temporary outdoor seating which is something someone would typically have to come back to the Board for, amend their Site Plan and maybe provide parking. They looked at making those standards easier and had good public participation during the Planning Board process which is how they got the standards before you so this would be allowed in certain districts in Commercial I which is Route One South. C-III Lower Main Street, the Village core which is VC-I and then VC-II which is north of the downtown village. They could be an area of up to 1,000 sq. ft. With the Codes Officer if you go over certain square footage, it could trigger some life safety things they wanted to avoid. This was supposed to be easy and accessory. They looked around to see who did outdoor seating under the Emergency Ordinance and how much space they really used. It is temporary and it would be anytime between May 1 and October 31. If you wanted to do it longer than that, you could but you would have to follow the current procedures in place. You would come in, amend your Site Plan and provide parking. They would be located entirely on private property and would not create any impervious area so we wouldn't have to get into storm water management. They could put it on a brick area or a parking space if they could safely do that. Again, we are trying to be cautious about displacing accessible parking and accessible routes and paying more attention. This is currently written into the Zoning Ordinance so they can come in for Staff approval by whoever the Town Planner is at the time and they would not have to go to the Board. If they want to do more, they can have that option. You have a map showing the sections of town.

MOVED AND SECONDED: To open the Public Hearing (Egan & Fournier)
VOTE: (6 Ayes) (1 Excused-Lawrence) (0 Nays)

Steve Mills, resident of Freeport and CEO of Maine Beer Company located on U.S. Route One. He stated that they love this ordinance and hope the Council will vote to adopt. Chair Piltch thanked him for his brief comments.

MOVED AND SECONDED: To close the Public Hearing (Egan & Fournier)
VOTE: (6 Ayes) (1 Excused-Lawrence) (0 Nays)

BE IT ORDERED: That 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 approved. (Egan & Fournier)

Councilor Bradley mentioned that he knows that there is a Downtown Revisioning process going on and that the trials for this were undertaken in the context of that process. His question is why are we putting this in effect now as opposed to doing it as part of Design Week but he is not objecting to it at all. Chair Piltch explained that he thinks the Emergency Ordinance was motivated by the pandemic because people did not want to eat inside as much as they wanted to eat outside restaurants. He doesn't know that it came from the Downtown Revisioning project. He thinks the comments we got when we did the experiment of the pop-up on Main Street were generally positive and he would expect that the downtown project would

COUNCIL MEETING #01-22
JANUARY 4, 2022

continue to support ideas like this but it wasn't an idea of the downtown project. Ms. Pelletier agreed with that. This was really in response to the Council asking them to look at the Emergency Ordinance. The thing that is most important is that we are doing this now. She heard last winter from businesses that they can't order a tent because they don't know if they are going to have outdoor seating and we need that for their business to survive so she thinks this is us being proactive and responsive to our business community. They have seen some of the visual graphics from the vision and a lot of the things we talked about tonight they have seen some glimpses but Chair Piltch is right, we haven't heard them say have outdoor seating everywhere. Vice Chair Egan clarified that we are taking what we had been doing and putting it into a form of the ordinance to allow it to continue without it being temporary in nature anymore. Ms. Pelletier feels this gives it more guidelines. We were pretty loose before and we have learned from it. Come spring when we hear about the vision, we could be back talking about these same things to further make changes to support the vision but she hopes this is a step in the right direction and they will say you should do this and we are going to say we have already done it. Councilor Bradley mentioned he knows these things are going to come up and pop-ups were part of downtown and some of us are on the edges of the process and wonder how it is going to work out and when we see things coming in in advance of process, it sends shivers. Ms. Pelletier assured him they are not trying to skip the process. They are in their own process and there is another one behind them. She hopes they align. Chair Piltch added that if we wait until after the downtown project is done so to speak, we will miss the opportunity for businesses to take advantage of the opportunity this summer. Chair Piltch asked about the temporary use that is defined as May through October, once we grant allowance, do they have it in perpetuity or will they have to come back every year? Ms. Pelletier noted it would be capped in perpetuity. Any time she does any kind of Staff approval, every month she reports it to the Project Review Board and if there is something she has approved or they don't like or they feel don't meet the standards, they let her know. She does send people to the Board and they like it when she does.

VOTE: (6 Ayes) (1 Excused-Lawrence) (0 Nays)

ITEM # 06-22 To consider action relative to proposed amendments to Chapter 22, Design Review Ordinance pertaining to seasonal accessory outdoor seating. PUBLIC HEARING.

Ms. Pelletier advised that this is similar to what we just talked about. On Page 5 it would now be subject to Administrative review so if someone from downtown came in for Site Plan Review, she would also be looking at it for standards of Design Review. If they came in with something she didn't feel fit visually fit with the General Guidelines or Standards, she would send them to the Project Review Board for a Design Review Certificate.

MOVED AND SECONDED: To open the Public Hearing. (Pillsbury & Fournier) **VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

There were no public comments received.

MOVED AND SECONDED: To close the Public Hearing. (Pillsbury & Fournier) **VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

BE IT ORDERED: That proposed amendments to Chapter 22, Design Review Ordinance pertaining to seasonal accessory outdoor seating be approved. (Pillsbury & Fournier)

COUNCIL MEETING #01-22
JANUARY 4, 2022

Chair Piltch noted that Ms. Pelletier mentioned this would go to the Project Review Board if needed so they could apply the Design Review standards. He asked if this binds Ms. Pelletier in making a Staff approval and bind the Board to use those standards as the standards by which she would approve the seating? Ms. Pelletier advised that there is a lot of room for interpretation and compatibility. We haven't gotten a lot of complaints. Of all the changes being made here tonight, Design Review makes her the most nervous. She is very protective of it and feels it is a very important part of how we have gotten to today in preserving some of the charm of our historic downtown. People come for everything. If you lived downtown and asked her if they can change their shutter or use a non-historic color, etc. She would tell them they have to go to the Board. The only thing she can approve today is a change to a sign. We are testing the boundary here and our comfort zone. This is really not something we have other Staff approvals for so there is going to have to be some discretion. In a conversation the question came up about igloos and she advised the Council that she will not be approving igloos on Main Street. It does not go with the intent of the Design Review District. There are so many tasteful materials and styles out there today, she feels we have come a long way with materials since this was originally created.

Councilor Bradley mentioned that Chair Piltch asked what standards Ms. Pelletier is going to use to exercise that discretion. Will she be using the standards that are in Design Review to exercise her discretion as best she understands them? Ms. Pelletier replied yes and listed some of them. Any time she makes a decision, she ties it to a standard. She mentioned that these are really wishy washy as the Council will learn tomorrow night at the workshop. People would like to see some more prescriptive standards in here so if you want to put up a certain fence or planter, oh I can do a blue one. Mr. Joseph added that some people would like them to be more rigid but others don't want them to exist at all. Ms. Pelletier agreed that was a very fair statement but this is a change. Chair Piltch added that he doesn't love it but he likes it and feels it is a step in the right direction from where we are coming. Councilor Fournier agrees it is a step in the right direction and hopes further change will come.

VOTE: (6 Ayes) (1 Excused-Lawrence) (0 Nays)

ITEM # 07-22	To consider action relative to setting a public hearing to discuss proposed amendments to Chapter 10 Ordinance Requiring Notice for Outdoor Events with Attendance in Excess of 250 People, to add a standard about maintaining accessible (under the Americans with Disabilities Act) parking and access;
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Councilor Bradley pointed out that as we set up public hearings, we have a conversation with Caroline about what it is and we ask questions and the next time after the public hearing we refer back to the conversations we had in the prior meetings. It worries him a bit that we are conflating the two and it also takes a lot of time. He would suggest that we just set the public hearing and have Caroline give a brief description of what is involved and we say okay we will wait for the next meeting to get into the nuts and bolts of it and in between if a Councilor has a question, he can come to anybody and ask about it.

Chair Piltch advised that he is in favor of that but he likes having the topic introduced by Caroline or whoever to say that this is what it is about so that people who are listening can say I want to go to the next meeting because I have comments on it. He agrees we don't have to dive into the weeds.

Ms. Pelletier again we are trying to be consistent and when the Council amended the Temporary Activity Ordinance to be looking at accessibility, we had meant to bring you those large events expecting 250 people or greater. These are the permits that go through P.D. We are putting that same standard and tweak it to have the tenses fit. The same standard that if they are going to displace accessible parking or an accessible route, they need to give them a drawing and they need to look it over to see how they are accommodating for that. They did couple of he/she corrections.

COUNCIL MEETING #01-22
JANUARY 4, 2022

BE IT ORDERED: That a public hearing be set for January 18, 2022 at the Town Council meeting starting at 6:30 pm to consider proposed amendments to Chapter 10 Ordinance Requiring Notice for Outdoor Events with Attendance in Excess of 250 People, to add a standard about maintaining accessible (under the Americans with Disabilities Act) parking and access;

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 & Pillsbury) **VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

ITEM # 08-22 To consider action relative to amending the Town of Freeport Fee Schedule

Chair Piltch noted this pertains to some of the changes we made earlier tonight.

BE IT ORDERED: That the fee schedule be adopted as amended to update fees pertaining to food truck permits and food truck licenses. (Daniele & Fournier)

Ms. Pelletier explained that this is meant to be a decrease in our fees unless you are doing a one-day food truck permit but if you are doing the three-day permit but are only using it one day, it will go up. The new fees you have here are: Food trucks when they have the accessory use permit that they will settle with Codes will be \$25. The two food truck licenses through the Clerk for up to three days will be \$50 flat fee again, regardless of how many days you are using it. The food truck license for one year would be \$200. Keep in mind that they still have that existing Victualer's fee that would be added on top of that. That one-year food license today is \$500 plus the Victualer's. They did a comparison with surrounding municipalities. The fee structure was designed in such a way to encourage the yearly fee.

Chair Piltch pointed out that we are not setting a public hearing. If we like these changes, we will adopt them tonight. Councilor Pillsbury asked when the Council reviews fees? Chair Piltch was not aware the Council had a set schedule. Mr. Joseph clarified that everything here is set by the Council. Staff does not have the ability to waive or to change without coming to the Council. Some of these are contained in various ordinances but there is no set review time period either by previous Council action or by ordinance. Councilor Pillsbury mentioned that these are fees that support the town in one way or another. He thinks there should be a way to track it and take a look at it. Mr. Joseph agreed. He has seen this come up 10 or 15 times since he has been here ten years but there has never been a comprehensive review top to bottom. Ms. Pelletier recalled doing a 10% increase across the board 10 or 15 years ago but that is the only time she can remember that happening. Chair Piltch suggested asking Sharon to add a To Do on our Council Action Item List that we should review our fees at some point this year and see how that works.

VOTE: (6 Ayes) (1 Excused-Lawrence) (0 Nays)

ITEM # 09-22 To consider action relative to the appointment of Courtney Sparks, of Bowdoinham as Library Director.

Chair Piltch pointed out that we have people in the audience that have waited 46 years, three hours and fifteen minutes for this item to come up.

COUNCIL MEETING #01-22
JANUARY 4, 2022

BE IT ORDERED: That the appointment of Courtney Sparks as Library Director be approved. (Egan & Daniele)

Mr. Joseph noted we have our outgoing Library Director, Arlene Arris sitting in the front seat tonight and wanted to say thank you to her for her service to the Town. We are thrilled that we did do a recruitment process and had applicants from across the country who wanted to be our next Library Director. One of those we are happy to say was Courtney who has been our Assistant Library Director for a couple of years. She came to us with experience in a few libraries across Maine and also worked in the Admissions Office of Bates College for a stint in between her library service. Our interview process was with Department heads and participation from the Library Board of Trustees. A lot of the applicants had a lot of good ideas and were all very well qualified but nobody made us say they are better than Courtney so we are pretty happy with that. He thanked Courtney for going through the process with us. Some of the Library staff is here tonight to show support and some of them reached out through the process and that support always counts for a lot when it comes from the department. He is hopeful the Council will agree with their selection and move Courtney permanently into the Library Director.

Chair Piltch noted he and his family love the Library and everybody he has talked to in town says the same thing. He thanked Arlene who has been here way longer than he has been here and the staff. He welcomed Courtney. Councilor Bradley advised that he has known Arlene most of his life in Freeport. He has known her as the mother of a great lady, as an athlete, a coach and as a mom and the matriarch of one of Freeport's great families. He has known her as a friend, as a Librarian and the replacement of a Librarian and the legacy of our great Library where she supported everything he felt was important in the community, music, the arts, books, kids and people. She has been a great Librarian and a great role model and he knows if Courtney worked with her, she has shown her how important the Library is and we have Courtney to look forward to. He thanked Arlene for her service and her friendship. With all due respect, she will be hard to replace. Mr. Joseph mentioned those sentiments were expressed during the interview process by the Library Board of Trustees member as well. We have other people with other strengths and Courtney brings a whole new thing. We are really happy with the staff transition.

Courtney thanked everyone who came to support her. One of the questions that was asked during her interview was, these are big shoes to fill and how are you going to do that. She believes she said she couldn't do that. She has to bring her own pair of shoes but added they are similar to Arlene's. She has been an excellent mentor. She wanted to say that Freeport is a really special community, her staff is the best staff and she is really excited to carry on the work she has been doing with Arlene and make her own mark and continue to deliver great services and also be a partner in the Revisioning project. She thanked everyone for giving her their confidence. She is really excited.

VOTE: (6 Ayes) (1 Excused-Lawrence) (0 Nays)

Town Clerk Chris Wolfe swore her in and everyone congratulated her.

ITEM # 10-22	To consider action relative to the appointment of Quang Minh Le of Biddeford as Freeport Assessor.
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BE IT ORDERED: That the appointment of Quang Minh Le as Freeport Assessor be approved. (Piltch & Daniele)

Chair Piltch offered his premature congratulations to Minh and looks forward to Peter giving us a synopsis of what he will be doing for us.

COUNCIL MEETING #01-22
JANUARY 4, 2022

Mr. Joseph advised that our former Assessor retired after only 20 years. Compared to Arlene, he doesn't get any points at all. He noted that Bob was here for a long time and did a really good job of keeping people happy which is hard to do as the tax assessor. He kept things even and kept things level and kept properties fairly assessed in Freeport. The Council deals with the Assessor's office only when there are big problems. Unlike Planning, Land Use and Zoning where everybody has an opinion on it, tax assessing is done one way and that is the accurate way. The Council deals with it if there is something way out of whack or there is a mistake made. That has not happened here in years. We saw that in our expectation in recruitment as well and we are happy we got some really qualified candidates. Minh comes to us from Biddeford and also worked in Saco. He started out from the ground up and has experience in real estate but started out as a field lister in Saco. Saco and Biddeford share an Assessor so there is a lot of back and forth between the two cities. He is now the Assistant Assessor for Biddeford. He has seen a lot of the same commercial type development we have here as well as residential type development. Maine is Maine and is pretty consistent. Minh has always worked under the joint City Assessor but has been doing the bulk of the work in that department. He came in and we had several interviews with him. Everybody was impressed with his no nonsense, accuracy and his drive to get the job done. We are all hoping for great things. It is going to be another situation where we have an outgoing department head that is a fantastic person but we are confident he has the skills to follow Bob's tenure and take us forward. Her made his nomination for the Council's action.

Chair Piltch asked the Council to not take this the wrong way but we haven't seen much of Bob over the Past several years and he doesn't expect we will have an opportunity to get to know Minh at Council meetings. He looks forward to getting to know Minh personally walking the halls in Town Hall and looks forward to working with him. Other Councilors welcomed him.

Minh thanked the Council for the opportunity. He knows he has a lot to fulfill and will try to continue what Bob has done in the past. He knows how he operates and has a very well-organized system and he should be able to pick it right up.

VOTE: (6 Ayes) (1 Excused-Lawrence) (0 Nays)

Town Clerk Chris Wolfe swore Minh in. He was congratulated.

ITEM # 11-22	To consider action relative to an agreement with the Hilton Garden Inn for use of Bow Street Park.
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BE IT ORDERED: That the Agreement between the Town of Freeport and the Hilton Garden Inn for the use of Bow Street Park be approved. (Bradley & Daniele)

Mr. Joseph explained that we reserve the specific dates they make us aware of for use by their people. We do let other people use the park on a first come, first served so if somebody comes in and reserves dates or weeks, residents will also be able to use the park. When the park is reserved, that is the only time when someone wants to play frisbee or wants to sit there, they can be told to get off the lawn, we are doing an event there. This allows somebody exclusive use of Town property for a specific set of purposes for \$200 a day. Councilor Bradley asked if the terms of this apply to uses of others that reserve the park? Mr. Joseph advised we would charge the same amount of money. It would have to come to the Council for approval of that so they would put it in the order for use of Town property. Any time it is for an exclusive use, it comes to the Council.

COUNCIL MEETING #01-22
JANUARY 4, 2022

Chris Wolfe explained that our agreement is that we make sure the grass is mowed and it looks nice. They pay a \$200 per event fee and the events are just for four hours. They are generally for weddings and they reserve the little side piece by Town Hall. Councilor Bradley brought up insurance and that it talks about limits of not less than \$2M. In his practice it would have been \$2M per incident and this isn't. This is per aggregate and he doesn't know if it should be \$1M or \$2M but if it is \$2M, it should be per occurrence. Mr. Joseph advised the Town Clerk that it should read per occurrence \$2M. She agreed to reach out. Councilor Pillsbury asked if we agree to this, do we have any say over what the events are? Is it in our purview? Mr. Joseph noted that the agreement does not require it. They have always been weddings but it is not specified in this agreement. It just says for events catered by the HGI. Ms. Wolfe noted there are some restrictions but it doesn't say it has to be a wedding.

Councilor Pillsbury added that it is nice it has been weddings but it could be something significant we wouldn't want to support. Vice Chair Egan suggested adding: for weddings unless otherwise approved by the Town. Mr. Joseph suggested adding: non-wedding events will require prior approval of the Town Council. Ms. Wolfe added that we would have to amend the agreement and send it over to them for a signature. Chair Piltch asked if we could approve it tonight assuming you make the changes and authorize you to sign it? Mr. Joseph replied yes.

MOVED AND SECONDED: That we amend the agreement between the Town of Freeport and the Hilton Garden Inn for the use of Bow Street Park to be limited to weddings and wedding events unless otherwise permitted by the Council. (Egan & Daniele) **VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

VOTE ON AMENDED AGREEMENT: (6 Ayes) (1 Excused-Lawrence) (0 Nays)

ITEM # 12-22 To consider action relative to acceptance of "2020 Coronavirus Emergency Supplemental Funding Program" funds, in the amount of \$13,600 for use by the Freeport Police Department for the purpose of purchasing PPE and technology items.

Chair Piltch pointed out that this is a grant that our Police Department received. Mr. Joseph advised that this is not ARPA funding. This is a grant program granted county wide to law enforcement and was divided up in all the departments based on population or some type of per capita measure. The share Freeport received was \$13,600 of that and the Chief's proposal is to use it on PPE and technology items. This is only for use on Police Department projects.

BE IT ORDERED: That the 2020 Coronavirus Emergency Supplemental Funding Program funds in the amount of \$13,600 for use by the Freeport Police Department for the purpose of purchasing PPE and technology items be accepted. (Pillsbury & Daniele) **VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

ITEM # 13-22 To consider action relative to amending the 2022 Town Council Schedule to designating the District Workshop dates and the Town Facilities Tour dates, if any.

BE IT ORDERED: That the Town Council Schedule be amended to designate the two District Workshop dates and the Town Facilities Tour dates, if any.

COUNCIL MEETING #01-22
JANUARY 4, 2022

Chair Piltch mentioned he has never had a District Workshop and asked for some support. Mr. Joseph advised that ten years ago when he started here there were four District Workshops. Each one was held at a location in each district such as Winslow Park, the Community Center and Hunter Road Fields. We would have an hour-long workshop in the district and then have to come back here to do business. People thought it was really weird that they would have to follow us back to go over agenda items. We then started having them at the Community Center as a neutral place and then have the meeting broadcast from the Community Center. We stopped doing that about the time Chair Piltch came on the Council because they were getting much less popular. There were fewer residents showing up for the District Workshops and because we were not meeting in person at that time. We have had them on the calendar since then but there hasn't been a strong interest either from the public or the Council to continue that process. It was on the schedule we approved and the Town Clerk brought it to his attention so unlike the thing about going to the individual departments that also is in this order that he thinks there was a lot of interest from the Council, he said let's just figure them out at the same time.

Those of you who are District Councilors and have a strong desire to have a District Workshop we will continue to do it. If you don't, we would prefer to remove it from your schedule. Chair Piltch did not see them on the schedule the Council approved. Mr. Joseph then asked if this is the discontinuance of District Workshops? Councilor Fournier felt they were a disaster. Councilor Bradley he can always have a workshop and he has had several where he got Thomas Means and Wolfe's Neck together on a conference call so he does not see any reason to have a formal one. Mr. Joseph added that they were feeling pretty awkward in the last two years before COVID. Councilor Daniele mentioned that instead of doing those, we could easily have office hours from 6 to 6:30 with just two of us staffing it. It could rotate through and if could be once a month or anything like that. He feels that people may want to come and talk to us but may not want to be in front and be recorded talking to us. Others agreed. Chair Piltch noted we did some office hours and did have a few people show up.

Councilor Bradley asked if he hosts a district meeting at his house, will the Town pay for the chips and sodas? Chair Piltch advised only if he invites the rest of us. Councilor Bradley noted he can't without giving public notice. Mr. Joseph mentioned if he wants the chips covered, it goes on the calendar.

Mr. Joseph brought up the Town Facilities Tour Date where Councilor Fournier suggested that the Council do a facilities tour at several facilities. We didn't set a date but he is thinking one of those Board and Committee Workshops. Chair Piltch advised that we are adding maybe three new workshops with Principle Group that need to happen around the same time. Mr. Joseph agreed and suggested putting it on the agenda and calling the meeting to order at a central location and then saying hey we are going to these facilities and you are welcome to follow us if you want. He feels most people won't. Chair Piltch suggested meeting at 6 o'clock and do a tour and then come back here at 6:30. Mr. Joseph clarified that as long as it is noticed, the Council can meet at any place that is a public location in town. Vice Chair Egan agreed. Councilor Fournier mentioned doing them on Saturday mornings but others disagreed. Councilor Fournier noted he feels evenings are fine. Chair Piltch asked if he could leave it up to the Council to say which facility they want to tour and make arrangements and suggest dates? If anyone wants to tour Public Works, they could talk to Earl and come back and say Earl is free on this date and suggest we meet at 6 o'clock and do a tour before a meeting. Mr. Joseph advised that we could do any of them at 6 o'clock. There will be somebody available and we can make that work and then start our meeting at 7 p.m. Councilor Fournier suggested doing a tour at 4 o'clock or 5 o'clock some day and figure a half hour per facility. He feels that should be adequate to see what we have. Mr. Joseph added that it is fine if someone can't make it because this is not a requirement. Everyone was okay with that.

This item died on the agenda.

COUNCIL MEETING #01-22
JANUARY 4, 2022

Councilor Bradley mentioned adding a couple of things to Sharon's list. A couple of things came up that we thought we were going to do. In the past we were going to do something on the reserve accounts and we were going to get the committee Chair Piltch talked to about setting priorities for the ARPA Funds that come through. He would hate to see us lose these things because we forgot about them.

Councilor Bradley would like to know how much is reasonable to keep in a Reserve Account before going into the Budget season. Chair Piltch added that that might be a discussion between him and Jessica. Councilor Bradley mentioned that Jessica was going to get some information together and he doesn't know if she did about other towns and what they did about reserve accounts. Chair Piltch noted it wasn't about how much are in the accounts but what we invest them in. Mr. Joseph mentioned there was a question about what is comparable for other towns and Jessica has some of that. Councilor Bradley offered to sit down with Jessica and see what they can do to put together an agenda item for that in the next few meetings.

Councilor Fournier wants to know if the list of Capital purchases is updated as we are looking down the road on reserves and even the Capital Reserve budget. He wants to make sure we are properly funded and we are looking down the road that we have a proper schedule so we can set our budget priorities. He thinks that is huge. Chair Piltch is certain the Council will see it well in advance of having to vote on it.

Mr. Joseph added that the part that Councilor Bradley is talking about are the assumptions we are making when we go into the Capital Reserve process whether the reserve levels are sufficient or not. The question is whether the benchmarks are too conservative or not conservative enough. It is part of the Capital budgeting process but it is a separate question that has a separate answer to it from the Capital process.

ITEM # 14-22 To consider action relative to the Town Manager's Proposal to utilize ARPA funding to provide Hazard Pay to Freeport First Responders and Police and Fire Departments.

Chair Piltch explained that this is the proposal that Peter mentioned he was going to introduce and make some changes to. Mr. Joseph pointed out that the proposal in front of you for hazard pay is from the American Rescue Plan Act, otherwise known as ARPA that we have been talking about all night, is specifically related to First Responders and it sets two separate rates. It proposes a rate of \$2.50 an hour. Hours refer to hours worked between April 1, of 2020 until March 31, 2021. It is essentially the entire state of emergency declared by the Governor minus a couple of days on the front end in April. For each of those hours worked, he is proposing a differential, two separate differential rates and will explain that in a little bit. A differential rate for First Responders in the Fire/Rescue Department who either were patient care providers and were exposed to COVID or had the potential to be exposed to COVID and who worked at the beginning of the pandemic without adequate PPE or knowing what the standard for PPE was before studies were completed. That did change after the first three or four months when there was definitely sufficient PPE among all of our First Responders and that is attested to the fact that none of them got sick even though they were sitting in the back of ambulances for extended trips with people being treated for COVID right in front of their face. They did a fantastic job but never once did they not get into an ambulance where the patient needed care because they might be COVID positive.

The second category is for Police First Responders and Fire Chief Officers. This is set at a lower rate specifically because a lot of those people were full-time employees throughout but the Fire and Rescue First Responders has a wide range of people that worked from 60 to 80 hours a week on call to people that worked 2 hours because they responded to one call. It is widely varying. The second rate are all full-time people that also had a lesser extent of hands on but not negligible. Police Officers had to go inside buildings and respond to people. They had to put hands on to give medical assistance or make an arrest

COUNCIL MEETING #01-22
JANUARY 4, 2022

and those are scenarios where they didn't get to stop and say, Sir, have you been tested for COVID before I provide you with medical assistance? Pretty much everyone else in town had some options to protect themselves throughout the pandemic either using PPE or having a standard where people could come in contact with them. These are people that didn't have the choice. Essentially, he has broken it into two separate categories based on the level of risk and the level of base pay.

Vice Chair Egan noted he supports this 100% but if we are going to be calling it a pay differential and we are going to be using a HR function that puts hours in 2020 and they are going to take all our First Responders and force them to file an amended tax return which is an additional burden. He would encourage, if at all possible, to have all of the pay differentials occur in 2021 wage differential for them so each of these folks won't have to go and file an amended tax return because getting all this pay from 2020, they have already filed their tax returns. Mr. Joseph feels it would have to be for 2022 actually but he will make sure not to tie these rates to their 2020 hours worked. He doesn't know if we would be able to do that at this point. Vice Chair Egan wants to make sure we are not inadvertently burdening people to have to file an amended tax return. Mr. Joseph advised that it is being calculated as a differential but it will be processed as a bonus payment in 2022, probably in the next couple of weeks pay period.

Councilor Pillsbury thanked Mr. Joseph for putting this all together and doing all the legwork on it. This is based on every hour worked so it could include overtime and is not based on a set schedule? Mr. Joseph replied yes. Councilor Pillsbury asked why he didn't go on a flat rate based on employee classification? Was there a rationale that made Mr. Joseph come up with these numbers? Without using names, Mr. Joseph added he would use specific people. Somebody that worked 6 hours in the Fire/Rescue Department over the course of the pandemic in an entire year versus somebody who worked close to 1,000 hours who is primarily a medic riding in the back of the ambulance just looking at it and does the person who was shut up 6 hours for training and perhaps a fire incident, did they have the same level of exposure of someone who maybe put 4,000 hours and maybe 800 to 1,000 of them in the back of an ambulance giving patient care in that time period. He thinks it is directly the risk that people were put under that is directly correlated to the number of hours they worked. Even if you were not a patient care provider, you were a full-time employee who was working as a fire fighter and living in the same living quarters as a fire fighter/EMT or medic, you are exposed to the person that has been exposed to the people for a greater period of time. Hours is the easiest way to correlate it to risk in his mind but he knows it is not perfect. He knows a lot of places did flat pay rates and that made some people unhappy living in those communities that did that because full-time employees got the same as part-time employees and things like that. That is the thought process in Mr. Joseph's mind. It doesn't have to be that way but that is where the proposal came from.

Councilor Pillsbury noted he recognizes there is no easy way to cut this up. He is in complete support of hazard pay especially to First Responders but asked the question what about other Town employees that were on the front lines? He feels we need to be mindful of that as well. His other concern is setting a process for allocation of these funds if we start lopping off sections of it right away, he feels we don't have a chance to assess the full pool of money to what will be the best use for our town. He is hesitant to go down that road quickly. He believes so many of our people in town sacrificed and did such a great job supporting everybody that lives here and should be rewarded. He likes to do things in a comprehensive manner and feels this is jumping the gun a bit in his mind. That is his opinion on this. Mr. Joseph noted it is fair.

Chair Piltch asked Mr. Joseph to comment on Town employees. Mr. Joseph does on the section that what separates the First Responders, specifically the Fire/Rescue First Responders and every other employee in the Town. When we shut down, we had 4-5-6 weeks of stay-at-home orders but we had people in here as essential services. The only department in town did not have some form of a rotating shift where they

COUNCIL MEETING #01-22
JANUARY 4, 2022

were ordered to work from home even if their jobs didn't allow it. For example, we put the Public Works Department on opposing shifts where they ended up working 20-30 hours a week some weeks so we would have two crews. It was like winter plowing season and we split the crew up. This was before we knew what COVID was. The only department that did not happen in was the Fire/Rescue Department that came in and worked all their shifts as scheduled. There was consideration given but that was a decision we had to make that they were the ones that had to respond. There was no way we could leave an ambulance crew cut in half. People would be dying waiting for someone to get there. It was the one department we could not divide like that and the police department to some extent which is why they are included but those are the departments that could not stop and pause in their duties to ascertain if they had COVID exposure potential in what they were about to do.

If somebody came in to the building here when we opened back up and didn't have a mask on, we could ask them to please remove themselves if there was a mask requirement. We didn't have to wait on a person if they were coughing or appeared to be ill. You could stop and remove yourself from the situation. It was the same in almost all the departments but those two departments really couldn't do that. That is the thought process and why they are different from other Town employees. In terms of Councilor Pillsbury's second concern, he understands it and feels it is valid. Councilor Fournier feels Mr. Joseph has done a good job in laying out the risk factors for Fire, Rescue and Police. Even though Public Works had a different schedule and Town Hall had a different schedule, we are a team and we need to treat our employees somewhat equal. They would probably not be reimbursed at the same rates. It would be a lower rate but that money was sent here and the Staff here did a great job in Town Hall and Public Works. He is hoping Mr. Joseph can come up with a proposal that recognizes what they went through and the fact that they contributed. Councilor Bradley feels the point Councilor Pillsbury made about doing all this at one time to make the priorities consistent with what the values are in town was raised last time as well. We said this is a small percentage of the ARPA Funds and we all felt that we would be included in any prioritization process so we feel comfortable doing this first but we are committed to a process that is exactly what Councilor Pillsbury asked for the rest of the funds and any follow-on funds that may come. Jessica and Special Projects are going to be part of that process as he understands it. He hasn't heard from the Chair on how he sees that process unfolding but it is coming.

Mr. Joseph added that he had an additional conversation with Staff and said we are going to have to do this similar to the COVID Loan Program where we are taking in applications and evaluating them and awarding based on a Council decision. Councilor Bradley noted that is great but you have decided how to do it without talking to the people that wanted to have it done. Mr. Joseph added that they have not done anything yet. Councilor Bradley noted that is his point. You have a process for accepting applications for the money and he thought there would be some discussion with the small group we were talking about. He has talked with Jessica and people in the front office and they all thought it made sense. He didn't think he talked to Mr. Joseph about it. Mr. Joseph pointed out that he did not want to give the impression there is any process yet. He just said be prepared to develop something working with the Council which is similar to the other program. He envisioned a Staff and Council combined. Councilor Bradley mentioned that they are all looking forward to having that discussion and setting priorities in some rationale way so that the values of the Town are recognized. Councilor Pillsbury added to go along with that, it also gives the Town an opportunity to weight on the use of these funds because they are funds for the Town. To your point about us agreeing that we should use a portion of this for hazard pay, he completely agrees but if we are going to do hazard pay and take a portion of those funds and dedicate them to that, he is okay with it but he wants it to be hazard pay across the board for Town employees. He knows other towns have taken a step where they said essential services in their towns like day cares that supported Town employees be included and they provided funds to grocery store workers and things like that. He doesn't know where to draw the line or what the right answer is but he is hesitant to make a decision before we go through that process.

COUNCIL MEETING #01-22
JANUARY 4, 2022

Councilor Bradley asked Councilor Pillsbury if allocating the money this way infringes in any way on our ability to extend the program to other Town employees as we go through the process? Councilor Pillsbury replied that he thinks it does because it locks us into this is the set rate we set for this group of people and so now we have to fairly and equitably make that determination as to this employee lines up against this one so in an hour's work or risk factor, it really complicates it and so we would have to be setting rates based on what we already assigned for payments.

Mr. Joseph feels it is important to add that some of the towns and cities that are providing across the board benefits to employees below a certain income level or something like that are locking up a substantial portion of their COVID Funds to do that. He is thinking of Cumberland County that provided \$2,000 to every employee just as a flat rate but that almost goes against the second point where we want to reserve some of these funds for other community purposes so he does not want to make it sound like he is opposed in the slightest in rewarding any of the other employees in town that were front-line workers that had some level of COVID exposure or something like that. At the same time, expanding it beyond the First-Responder sense and having any meaningful amount for all the employees. This group is less than half of all of our employees. This really isn't a huge amount of money for a full-time employee but it is substantial but it is not ridiculous. It is in line with what Cumberland County was talking about. It would probably take up half of the available funds so out of respect knowing there are a lot of other proposals out there, it is why it hasn't been proposed yet. He wanted the Council to know why it is not out there yet. Councilor Pillsbury agreed with Mr. Joseph and feels that is why the Council should look at the whole pot of money at one time and weigh it against do we want a Municipal project versus hazard pay for people. He just does not know the answer to it but he is really hesitant to commit to something and really set ourselves before we can assess if there is money needed for fuel assistance or General Assistance? These funds are to be used for our town and also help people that were disproportionately affected by COVID and there is no playbook that says this is how you do it so we need to figure it out. Personally, he cannot commit to something until he sees the entire picture. Mr. Joseph added that it is a political decision and there is no wrong answer with everything Councilor Pillsbury just described.

Councilor Daniele pointed out that if we vote for this, this is the minimum that we would want to give to these individuals, the First Responders. He doesn't feel it is setting us up for other things. We are setting up a base line for what they deserve. We could always give more or modify other people but he is not sure it is an unworthy cause that supports people that did work the whole time. Other Town employees were working half time remotely and getting paid full-time, not that that is a good thing they got to do that but it is just different in his mind.

Mr. Joseph advised that he had another department inquire way back when asking is hazard pay on the table? This is when other towns were giving hazard differentials which is something we did not do but other towns and cities did. His response was yes, you had hazard pay for a month and you got paid double. Their response was oh yeah, thank you, good bye. Mr. Joseph never heard anything about that specifically again. For the employees that had modified work schedules, that had worked from home were deeply appreciative. Most of the people he talked about were in the office here because those are the people he interacts with most daily. He got a lot of thank you's to him and the Council saying thank you for letting us stay safe and not forcing them to come in and work within 2 feet like other places are doing. He doesn't feel that the people not being contemplative here feel slighted but he is sure they would love some recognition and would appreciate it. He feels not recognizing them at this time would be insulting. This proposal has gone around to a lot of people in this building without anybody asking, where is mine?

Chair Piltsch appreciated Councilor Pillsbury's concerns and would love to have a master plan of the whole pot of money and what we want to do with it. Allocating 17% or 18% to this use in his mind, he

COUNCIL MEETING #01-22
JANUARY 4, 2022

would be hard pressed to say it wasn't a good use of these funds in hindsight so even though we are pre-allocating this and setting a different process for the rest of the funds, these folks have done this work a year and a half ago and he does not think it is an unworthy use of funds. He supports that. He feels these two classes of employees are in unique situations in terms of the risks they expose themselves to on behalf of the town. He mentioned it is not Town Budget money and is not coming from the property taxes we collect. This money was given to the town that we are spending. Councilor Daniele feels it is important to give something but asked Councilor Pillsbury if there is a number he would feel comfortable with? Councilor Pillsbury noted he does not have a number. He doesn't want to diminish our First Responders but also feels there are other employees in town that did put themselves at risk and need to be considered. He wants to do it in a fair and transparent way. This is something that speaks to him. He mentioned he would be comfortable if the amount was a partial payment knowing we will come back to it at a later time.

Mr. Joseph advised that he would not be uncomfortable bringing a proposal forward in these amounts with the money coming out of tax dollars. He would not have a problem spending that money if ARPA wasn't available and he is cheap. He does not feel it would be an unreasonable amount of tax dollars spent on this if ARPA wasn't available for the purpose. Councilor Daniele asked if other Councilor want to go half? Is there potential support over there? Chief Conley appreciates that and understands what the Council is saying. This is out in the community and a lot of his providers are hearing what is coming down the road and the question is what is the Town doing because they know we have the ARPA money. Inequivalently they were out there at risk and one of his worries right now is COVID fatigue. They are going out on calls and seeing the spikes in the community. It is still going on. At the beginning, they really didn't know what they were getting into. This really was the front line and it would really be a great shot in the arm and a boost to morale for his people and police officers. These things are wearing them all down. He needs to advocate for his people.

Vice Chair Egan noted that he supports the proposal as it came forward. Councilor Bradley supports it as well. He feels we can address the other employees at the same time we deal with other organizations that have been affected. He is confident we will find a lot more money on the table. He hates to have something that has been out in the public and we said we were going to do it and then pull it back, the impression we give is that we are rethinking the value of what they did and that is not it at all. Councilor Daniele feels it would look good to have a united front and would like it to be unanimous that we all said this is a good thing. Councilor Pillsbury mentioned that he has said his piece. He feels it is important that all the Town employees as well as grocery store workers and things like that. These are people that also sacrificed and he wants them to be recognized and wants us to take that into consideration. He agrees that whatever we decide should be a unanimous vote and will show that we are supportive of our employees. He is fine with that if it is the will of the Council. Councilor Fournier noted he is 100% behind the proposal. Chair Piltch noted it is a tough decision but he supports it as is. He thinks the folks we are awarding it to are more than deserving of what the Town Manager is proposing. He doesn't think it precludes us from adding in other Town employees in the future. He supports it as written.

BE IT ORDERED: That the Town Manager's Proposal be approved. (Fournier & Daniele) **VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

Chief Conley thanked the Town Manager and the Council and advised it would be good news to deliver to his folks. Chair Piltch asked him to relate the Council's sentiments and respect for the work they have done. Mr. Joseph noted there are a lot of options on where this money can go.

COUNCIL MEETING #01-22
JANUARY 4, 2022

ITEM # 15-22 To consider action relative to accepting two planning grants from the Greater Portland Council of Governments for multi-use path feasibility analyses along Mallett Drive and Route One South.

Mr. Joseph advised that these are two Planning Grants but planning does not mean they are going to be used for making plans. It is just a description of the type of work they are going to fund. They are for multi-use paths at Mallett Drive and U.S. Route One South from Pine Street roughly to Old South Freeport Road where the path we are building is going to stop. Feasibility Study for the southern portion where they will be exploring conversations with landowners. There are a few big parcels down there that can make most of the connection but they are going to require conversations and possibly negotiation but mostly in the terms of non-profit or big landowner, would you consider an easement through here for a multi-use path? That is a lot of investigative work just by itself. The Mallett Drive one is more technical planning leading up to doing the engineering work that could bid the process out. There is a match. It is small. The exposure to the town is that if we don't go forward with these two projects, the match essentially would be wasted money. The match is 2.5 thousand for each of the two grants. We can use the money for several things but Adam Bliss is working with a consulting firm to bring somebody on so we would have to go through a selection process. We would get somebody that does right-of-way acquisition. The person we will be bring on will be for this specific project. It would go away when the project is done.

BE IT ORDERED: That two grants for planning study funds for multi-use paths be accepted. (Daniele & Fournier) **VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

OTHER BUSINESS:

1. Update on pending Real Estate Discussions (Soule School and Water Tanks)

Mr. Joseph advised that no decision is to be made on this item. He suggested that the Council move on to Item No. 2. Chair Piltch noted the Council is not dismissing this item. We are simply postponing it.

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2. Discussion regarding Goal Setting Retreat

Chair Piltch advised that the fellow he reached out to another help the Council plan our retreat was booked all the way through April and he doesn't want to wait that long. He doesn't have a facilitator so it means he did not set a date. He will see if he can find somebody else and will schedule it in with the workshops we have and the other two workshops we have with the Principle Group. He will come back with more dates next time when all this stuff might happen.

In the Public Comment period. Councilor Fournier is hoping the Manager can address the issue of a resident being two years getting a building permit and come up with a plan so we can address one of the goals. Councilor Bradley feels that this issue comes up every time we have a significant conflict with a resident and it has to do with the CEO. Then it comes up in the context of who is going to be granting these permits. He is either overworked or he makes people angry with him somehow so we have talked about a number of different ways to address that. He doesn't feel he is a bad guy but he is too rigid. We have talked about some training or the need for a second guy to help him if he is overworked and would be a little more friendly or public-oriented and less strict. Alan has talked to him and to Darrel. He is not on a crusade at all. He would like to see Nick's strengths utilized by the Town because he has real strengths but he is also causing an issue and if we are redoing the Downtown, it is going to get worse if it is not addressed. It is a murmuring that is going on beneath the town. Maybe it is just the difference between the CEO now and who it was. He feels it is an issue the Council needs to positively address and

COUNCIL MEETING #01-22
JANUARY 4, 2022

he does not mean to attack Nick at all but address it in a way we can all benefit from. Chair Piltch suggested putting it on the To Do List and say we want to review our codes and permitting processes in Town Hall. Mr. Joseph offered that the Council just had a 2–3-hour discussion on food trucks that was scratching the surface of a single regulation that affects one person, one group or one business. It was intentionally by previous people that recommended it, to be difficult to discourage food trucks and we have those things that were intentionally put in place to make things difficult. He and Caroline joke about whether Design Review is good or bad but it is intentionally difficult to redo the façade of a building because our predecessors didn't want change. What we do have that is different is that we have someone reading 4,000 pages of ordinances and whether something complies with it before issuing a permit and says this doesn't comply with 15 pages of our Zoning Ordinance that maybe was not being enforced before. What is the root of the problem? He has a personal feeling that we have put regulations in place and are continually putting regulations in place to make things difficult. That being said, there is a lot of talk about. Chair Piltch noted the Council is committed to having that discussion.

MOVED AND SECONDED: To adjourn at 11:02 p.m. (Bradley & Fournier)
VOTE: (6 Ayes) (1 Excused-Lawrence) (0 Nays)

Respectfully submitted, Sharon Coffin, Council Secretary

TO DO LIST

Research availability of PCR Rapid Tests (Councilor Bradley)

Review our fees at some point this year (Chair Piltch)

Schedule dates for touring facilities (Chair Piltch)

Institute Indoor Town facilities Mask Policy (Town Manager)

Determine how much is reasonable to keep in reserve accounts (Councilor Bradley)

Set process for how we are going to accept applications for ARPA funding before summer (Chair Piltch)

Determine if our Capital Reserve Budget is properly funded and we have a proper schedule to set our budget priorities (Councilor Fournier)

Review our codes and permitting processes in Town Hall (Chair Piltch)

MINUTES
FREEPORT TOWN COUNCIL MEETING #02-22
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, JANUARY 18, 2022
6:30 PM
Hybrid Meeting

<u>ROLL CALL OF MEMBERS:</u>	PRESENT	EXCUSED	ABSENT
Edward Bradley, 242 Flying Point Road	x		
Jake Daniele, 264 Pownal Road	x		
John Egan, 38 Curtis Road (Vice Chair)	x		
Darrel 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 6:30 p.m. and welcomed everyone. He took the roll and noted that all Councilors were present including 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 #01-22 held on January 4, 2022 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #01-22 held on January 4, 2022 and to accept the minutes as printed. (Lawrence & Daniele)

VOTE: (7 Ayes) (0 Nays)

THIRD ORDER OF BUSINESS: Announcements

Chair Piltch announced the following:

- Join the Town of Freeport from Feb 3rd to the 7th for a public design workshop for the Freeport Downtown Vision Plan. The project team will host an open studio in downtown and facilitate roundtable discussions, a block party, and workshops to co-design the future of downtown Freeport together with the community. For more information and to register visit:
www.freeportdowntown.me
- The Appointments Committee is seeking residents interested in serving on some of the many Town Boards and Committees. The Committee will be meeting soon to discuss filling current vacancies and terms which will be expiring at the end of March, including spots on the Appeals Board, Hunter Road Fields, Board of Assessment Review, Coastal Waters Commission, Library Board of Trustees, Planning Board, Winslow Park and Project Review Board.

For more information on Town Boards and Committees as well as applications go to freeportmaine.com (see “Volunteer Opportunities” on the homepage). Applications are also available at the Freeport Town Hall.

COUNCIL MEETING #02-22
JANUARY 18, 2022

- The AARP Foundation Tax-Aide program has not fully launched for the new tax season. If you visit the website below near the end of January, you should find the “Site Locator” tool where you enter a zip code and find locations nearest you for in-person tax preparation (with limited personal contact due to Covid-19). If you visit the page now, you’ll find information on online tax preparation assistance and self-filing software that’s available at no cost to qualifying taxpayers. <https://www.aarp.org/money/taxes/aarp/taxaide/>

Vice Chair Egan pointed out that coming up this Thursday at 7 p.m. virtually on the Town’s Zoom account, will be a workshop and seminar on Freeport Climate Action Now, an educational and informational session for people in our community to learn more about what they might be able to do to address changes in our climate and to better understand what is causing those and also to learn more about the people and groups in our community that are working towards this issue. It is 7 o’clock this Thursday. It is all on line and will be originating here in Town Hall and broadcast on the Town’s zoom account. There is a large banner across the post on the south end of Town where Desert Road comes into Route One. There is information and details there or just go to the Town’s website where you will be able to find information about it.

FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Lawrence reported that he attended the Complete Streets meeting last Tuesday and they are figuring out how to get us a path from the downtown to the YMCA and the Royal River Bridge. They have come a long way thanks to L.L. Bean and the group that is doing the Solar Farm. They were very excited about it. Chair Piltch added that he is also excited about that trail.

Councilor Bradley, reporting on the Island Rover, he advised that he received from Attorney Braden, an attorney for Harold Arndt a launch plan that was in a fair amount of detail and he sat down this week with the Town Manager and Adam Bliss and went through it in detail. They made some decisions among themselves of what they need to do in terms of due diligence before they bring it to the Council. They will be doing that over the next couple of weeks hopefully. He is hoping to have a package for the Council’s consideration at the next meeting or the one after depending on how that work goes. Chair Piltch mentioned that a lot of people will be very happy if that boat gets launched.

Councilor Lawrence asked how the clean-up went? Councilor Bradley advised that between what Earl did for the Town, what Harold did on his own and what Carter did, there was substantial clean-up of the right-of-way and the site. If anyone went out there, they would say a lot of work has been done and it is a lot better. The plan is between now and the summer for Harold to try to sell the things he thinks has value and then have a last round of clean up at the end. Councilor Bradley is pleased to have this cooperation and collaboration and that it is leading towards productive, collaborative discussion about the launch plan itself. At least in concept it is working. All hands-on deck, so to speak. Councilor Lawrence thanked Councilor Bradley for his excellent work on that.

Mary Davis, President of FEDC, advised that two weeks from this weekend, they are doing their Downtown Design Weekend. As the Council has seen before, the weekend is divided into several different meetings and this is really going from Phase One where we talked about what we wanted to Phase Two and Three where we now design what we can do so in Phase Three we have a plan that comes out of that back end. During this Design Week there are two meetings, the kick-off and the closing that will be at the high school. These will be public meetings, forums where they will be describing exactly what they will be doing for the week and exactly what will be coming out of the week. In the center of

COUNCIL MEETING #02-22
JANUARY 18, 2022

that week will be seven workshops that are based upon what we as a community said were important topics to us. They will be diving down into what they can do based upon what we said we wanted. There will also be open studio time when the community can come in and take a look at some of the designs and sketches and things that are being done. Again, it is a great weekend that is in front of us. How to get involved? Please go to the website where you can sign up for either the workshops themselves or for the newsletters that are coming out. One of the big things they have been doing over the past couple of weeks is all about communication. They are sending newsletters out on a weekly basis that give more details of the content behind each one of these workshops. They tell you more about what the background is, what the questions are, what to think about before you get to the workshop. They also put posters up on Facebook, on Freeport Friends in community locations trying to get as many people as possible signed up for this Downtown Design Week to get community involvement.

She displayed a slide that showed who has signed up for what. She explained that COVID is always playing into how they are doing this planning. At some point she believes they may be an interesting case study of how to do a complete downtown planning during the entire period of COVID. They have had tremendous response from our community for attendance at these meetings. They have 96 people signed up for the Kick-off. Because of this, one of the changes they adopted is that the workshop, the kick-off and the closing will be live in person with masks in the high school and then the actual topic workshops themselves will be remote. They made the choice this week to make planning for those remote needs because the numbers of people that wanted to attend were increasing and they wanted to make sure everyone was safe. There is more to come on that and the Council will hear much more about that. The idea was that they want people involved and with technology and other things, they are working to make sure they can include everyone where they can so they can get the community's insights on where to go from here. She thanked the community for all of the passion and participation in this. They are really looking forward to it.

Chair Piltch thanked Ms. Davis, Caroline and everybody else on the Project Team. He mentioned that each Councilor has a schedule that was up on the screen. There are extra copies on the back table as well. If anyone needs a schedule, he would be happy to share. He clarified that there is a kick-off workshop Thursday evening and a closing workshop on Monday evening. Those are both in person at the high school. There is also a live streaming of both of those. If anyone doesn't want to attend, they can watch them on tv. The blue Topic Sessions are remote only so Councilors can zoom into those if they want to participate. The purple areas on Sunday are for open office hours and you can make an appointment and come in and talk to the folks. He wanted to extend an invitation to any Councilor that wants to talk to him one on one or Ms. Davis and the Project Team to make sure you are getting the information you would like to have prior to Design Week or anytime. Just let him know. Both he and Ms. Davis would be happy to meet with you. He pointed out that he did put on the calendar two additional Council workshops dedicated to the Downtown Design Vision. Those are Tuesday, March 29 and Tuesday, April 12. He will have them on the formal calendar at the next meeting but he wanted to give the Council a heads up. That was response to our last meeting when we tried to anticipate how many workshops we would want to have. After Design Week is done and the plan starts to solidify, we will have an opportunity to workshop here at the Council on those two Tuesdays. We can do more if we need to. There were no questions and Councilors thanked Ms. Davis for her presentation.

1. Update on COVID and Mid Coast Hospital status (Dr. Chris Bowe and Lois Skillings) (15 minutes)

Chair Piltch advised that Dr. Bowe and Ms. Skillings asked to speak to us tonight about what is going on at the hospital and the conditions there. Ms. Skillings thanked the Council for inviting them back. She noted it was about a year ago that they were here to talk about their vaccine efforts and is confident

COUNCIL MEETING #02-22
JANUARY 18, 2022

everyone has seen the results of that over the past year. As they are seeing the latest surge that started in earnest in late November and is really ramping up now, they felt it was important for the Council to get a pulse check from the local health care system. She advised that Dr. Bowe is their Chief Medical Officer and she is Freeport Falcon Lois from Pownal and feels it is always great for her to come to Freeport. Caroline provided her screen sharing abilities. Ms. Skillings advised that Mid Coast Hospital has been at full capacity since around thanksgiving. In late November they really started to see the ramp-up of in-patients throughout the Maine Health System. In the last few weeks of December, they started to see a slight decline in the numbers of patients. As of today, they are caring for 12 in-patients at Mid Coast but in late December, it was 25 a day. They are seeing a huge amount of community increase. In their Emergency Department, every single day is overflowing. They have a 21-bed emergency department and they are basically seeing over 40 patients at once. They now have hallway stretchers that they put patients on in the Emergency Department's overflow. Every one of their 54 Medical Surge Beds has been full at Mid Coast and their Intensive Care Unit has also been full so it is really the most challenging that they have seen here since the beginning of the pandemic. In November they paused for patients who didn't need emergency surgery but was for more elective such as joint replacement surgery where they would need to spend a night. Two weeks ago, they dialed back their free-standing ambulatory surgery center so they could transfer that staff to help them care for the in-patients in the Emergency Department. They also transferred some of their primary care providers, an Internist and a Nurse Practitioner to help in their Intensive Care Unit and on their Medical Surgical Unit. This need to redirect some staff because of staffing shortages because of this surge they are seeing of the highly contagious Omicron variant that has been really prevalent in Maine since late December. She displayed a graph showing the peak of all of MaineHealth in all of the State of Maine state wide and New Hampshire state wide. She added that they are coming here tonight to appeal to the public and let the Council know that the health care system is as challenged as it has ever been and people are working so hard. They asked that everyone wear a mask regardless of their vaccination status. The good news with Omicron they are seeing is that the disease is mild for people that are healthy and are vaccinated and have boosters. The bad news is that it is spreading like wildfire. She urged everyone to get vaccinated and as soon as they are able, to get their booster shots. At the end of this presentation, she has examples of where people can get their booster shots easily. The vast majority of those hospitalized with COVID 19 and those on respirators and those dying of COVID 19 are unvaccinated. She asked that everyone please be kind and patient with their care team members. People are working extraordinary hard every single day in the face of significant capacity and staffing challenges. It is like nothing she has ever seen in her career with the number of patients they are seeing and also the challenge they have now with staffing shortages. She also requested that everyone get their flu shots. They are seeing influenza in Maine and it is helpful when people get their flu shot to decrease the number of patients they are seeing in the hospital.

Dr. Bowe advised that they would be happy to answer any questions and engage in any dialogue but when asked what people can do to help prevent the spread of the coronavirus? Masking is one of the things that has been proven to limit the spread of the coronavirus. It is a significant addition to help protect both yourself and others. When combined with vaccinations and boosters, and then efforts to maintain physical distance with those outside of your households, being careful with hand hygiene which we have all been learning to do over the past two years and avoiding those large gatherings and ensuring that you are in adequately ventilated spaces as much as possible are the basics. The basics have been working as much as people are able to. They have a strong impact on preventing people from becoming infected. They have been fortunate to have evidence of that. At Mid Coast Hospital, transmission between staff and patients has been incredibly rare. In fact, the very few times where a staff member has been infected by a patient with the coronavirus, each time they were able to identify what was missed in their personal protective equipment. Over the two years of this pandemic, they have had less than five cases of a staff member being infected. It really goes to show the value of those basics. Wearing masks indoors in public spaces is a definite way to protect ourselves. He displayed a slide showing the effectiveness of masks and

COUNCIL MEETING #02-22
JANUARY 18, 2022

explained it. He pointed out that there is dramatic protection by wearing a fit tested N-95 but even when you step it down to a simple surgical mask, you double the amount of time and then half as much of a dose in those 30 minutes. This goes to reinforce the benefit of masking when we are around individuals in our homes so we have added time to be in the grocery store or all those tasks we need to do in public and be safe around others who may be infected and perhaps don't yet know they are infected. Some people can be infected for as much as 48 hours before they see signs they are infected. If we are careful around others, we can protect ourselves from that exposure. He added that one really important thing is vaccination. So far, they have given over 73,000 doses of the vaccine and had an amazing community response. They really encourage people to get vaccinated and if they are eligible for a booster, to get that booster. While there is certainly a lot of information online, if someone is uncertain or is hearing lots of different information and is confused whether they should be vaccinated or not, they ask that they go to their trusted health care provider and talk to them about whether they should be vaccinated. They continue to offer vaccinations on their campus. They have sign-ups for appointments. They have established what they call their Walk-in Wednesdays where people can come in between 9 a.m. and Noon and get a vaccination. They don't have to sign up in advance. They also have a phone number for people to call and get help with making an appointment if that Wednesday doesn't work and they need someone to help them. He is a practicing emergency physician and is seeing people in the Emergency Department and when they have been vaccinated, it is pretty predictable that they don't get as sick. Certainly, people can have a lot of underlying illnesses and get infected even after being vaccinated and it can make them sick but it doesn't make them as sick as what they have seen with patients that were not vaccinated. They want to keep their patients as healthy as possible so they encourage those vaccinations. He thanked the Council for letting them both present tonight and offered to answer any questions for the Council. Ms. Skillings advised that their message is that the health care system here at Mid Coast throughout Maine Health is that they are experiencing the biggest surge of COVID patients since the beginning of the pandemic and is putting a big strain on your health system and is impacting the care they want to be available to provide for patients that don't have COVID so they are asking the public to do everything they can to help once again stop the spread and bend this curve especially as they are going through the highly contagious Omicron phase they are in right now.

Chair Piltch thanked both of them for taking the time to come in and give the Council this update. He also thanked the staff at the hospital for doing what they are doing. He recognizes it is not an easy time for them. Councilor Bradley asked how many booster shots make sense and what the time period between them should be? If someone has been boosted, is it the end of it or should they be looking at another booster if you are concerned about being fully vaccinated? Dr. Bowe explained that right now the boosters are available six months after you received Pfizer. It is different on each vaccine you received. If you received the Johnson & Johnson vaccine, it is after two months. If you received a course of Pfizer, it can be after six months. With Moderna, it is after five months. There is not a second booster dose timing recommendation yet but he suggested that we all hold on and wait because he anticipates there will be further boosters in the future. Right now, make sure you are vaccinated and if eligible for a booster, get that first booster. There are some unique situations where people have a high degree of immuno-suppression from a disease that they have or medications they have been given, and may qualify for a fourth shot. Connecting with your physician or health provider can help you see if you are one of those people and they can get you in and vaccinated.

Councilor Fournier feels we have done a good job of getting the message out to properly wash your hands and wearing masks when you are around people and we have seen a lot of that. He also has seen some negative aspects with some of the mandates that have concerned him with people leaving the health care profession and public safety. He knows that Dr. Bowe has experienced some of that in their organization. If we have a strong positive message, he hopes we can accomplish that without having a lot of backlash from people who want just push the system when we say they have to do something. There are people out

COUNCIL MEETING #02-22
JANUARY 18, 2022

there that will be obstinate and not do it. It would be nice if we could find a middle ground to get everyone wearing a mask. He hopes we can accomplish that without having required mandates. Ms. Skillings noted she saw Councilor Fournier's point and would like to reinforce that the actual vaccine mandate was a big help with the number of people. While we may have lost a few, here at Mid Coast they lost a little more than 1% of their workforce but actually the number of their workforce that were out of work because of COVID, and the length of time now because of the boosters Omicron is actually less than before the vaccine mandate in health care. She thinks we will find that in health care it is going to work out okay for them to have had that. She fully understands the sentiments of the public. It is hard and everyone is tired of this pandemic. That is why they wanted to tell the Council that they are just having this one more push here. It is really hard right now with Omicron. There are some good parts of what is happening right now as Dr. Bowe explained. We are seeing that this variant is not causing a serious disease, especially among vaccinated people. They tend to have fewer symptoms and is tending to pass quickly. There is still the matter of the vulnerable people among us and right now the health system is overwhelmed. That is really the issue right now. Dr. Bowe added that the health system and their staff are overwhelmed. If you need to come to our Emergency Department, there is a chance you will be on a stretcher in the hallway. They don't want to treat you on a stretcher in the hallway. They want to treat you in a room but they need to see you somewhere so they can take care of you and their teams are working extra shifts because their partners and colleagues are out sick with COVID. They are so grateful for what their staff has done and at the same time, the public at times is less patient because they expect, of course, to get excellent care and be seen really quickly. They are surprised when there is anything holding them back from being seen or visiting someone. They feel bad about limiting visitors but they just can't have them present right now because of the risk of infection being so high and so much of their staff being out from these exposures. They request that the public have patience with their staff because their staff is doing such an incredible job and any steps, wearing that mask so you don't infect someone else and you don't get infected and then when a family member or a neighbor has appendicitis, they can get in and get seen and be taken care of right away. That is where their teams want to be. They want to be able to focus on taking great care of patients the moment they came in and not figure out who can work today and how can they manage all those normal tasks that are so much harder in times of COVID.

Councilor Fournier asked if the Maine CDC will be coming out with any mandates. Dr. Bowe did not know. Ms. Skillings advised that they are not asking the Council to have a mandate. They recognize that public policy is the Council's expertise. Their expertise is health care and they feel everybody should be wearing a mask. They know that masking prevents the spread of this disease. Whether or not and how you require it in a municipality is something that is complicated but they support it. If the Council were to choose to do that, it is something they would support. Chair Piltch asked if someone shows up on their door step in the Emergency Department, you will provide care and won't turn them away on the street. Is COVID impacting your ability to provide care in all the other parts of the hospital? Dr. Bowe advised that it is as Lois described earlier. They have had to limit some of the regular care that they would normally do. They have a lot of safety measures in place to ensure that they don't have someone come to their hospital and get COVID at the hospital but they take a lot of added time. Ms. Skillings advised that since Thanksgiving, they have not been able to do joint replacement surgery for people that might have to spend a night because they haven't had a bed. They are still seeing people in their primary care offices. They are aware that people need their preventative care so they are doing everything they can to keep that access to health care as open and available as they can but sometimes it may take a little bit longer for the things that are not urgent or emergent. She noted that she has been a nurse for 42 years and she has never seen it like this. She has never seen the number of deaths they have seen from COVID patients. She feels this is going to impact an entire generation of health care providers with the amount of disease and death that they have seen.

COUNCIL MEETING #02-22
JANUARY 18, 2022

Chair Piltch thanked them for taking the time to come and talk to us. Ms. Skillings added that they are very hopeful that they will soon be turning from pandemic to endemic and learning how to live with COVID and get to a better place. She thanked the Council for their attention tonight and for all they are doing.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph advised that everything we have been working on in the past two weeks is on the table tonight so he will save his comments until we get there. He thanked our Public Works Staff, Police, Fire and also the Public Works Staff. Specifically, a lot of people don't know, but behind the scenes we do work up a bit coming into a high wind event. We had one last Friday and we had one just yesterday. While neither of them materialized, there were some scary numbers going out from 60+ mph gusts on the coast. We didn't see anywhere near that but thanks to both of our chiefs and also our Public Works crew who were in plowing all day yesterday. We were fine but he wanted to give them a little acknowledgement for the behind the scenes work on Friday over the phone and yesterday. We are good for now but of course; those events can pop up any week. We will stick around when they happen. Chair Piltch thanked the Public Works Department and all the folks in town that keep us going.

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

Chair Piltch explained that if anybody wants to talk about masks, they should hold off because we will be taking public comment on that when it comes up later on the agenda. He mentioned that speakers should limit their comments to 3 minutes.

Mike Yates advised that he is representing his daughter and son-in-law tonight and their business. He has lived here for 48 years. The recent activity they had with the Codes Enforcement Officer was not a pleasant experience. In his opinion, they experienced some things that he feels should not have happened. He feels this individual does not know what he is doing but should go to school to learn how to deal with his customers, the taxpayers. His daughter's daycare has been here for 20 years but had to move into another facility and invested a lot of money into it. They requested that this gentleman come down and go through it with them but he did not have time. His son-in-law wrote up a little thing and e-mailed it to him. He is giving it to the Council. He doesn't want anyone coming in and investing money when it is unnecessary. The nursery school is doing very well. He mentioned that they had the State Fire Marshall come down as well as the head of the Licensing Division but got no response from the CEO who is our own Town person. He may be a great guy and may know everything but he is just saying it was not a good experience.

Councilor Bradley asked Mr. Yates if the specifics of his concerns are listed in the e-mail he provided? Mr. Yates indicated that they are. He also feels the former Fire Chief was a bad actor.

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

ITEM # 18-22 To consider action relative to adopting the January 18, 2022 Consent Agenda.

BE IT ORDERED: That the January 18, 2022 Consent Agenda be adopted.
(Piltch & Egan)

COUNCIL MEETING #02-22
JANUARY 18, 2022

Chair Piltch reviewed the items on the Consent Agenda. In addition to what is on the printed agenda, the Appointments Committee met just before the Council meeting and have some nominations they would like to add to the Consent Agenda

BE IT ORDERED: That the following appointments to Boards and Committees be approved:

Appeals Board from now through September of 2023-Linda Hines

Library Board from now going through March 31, 2025-Kay Majcher

Sustainability Board from now going through September 30, 2023 – Leslie Graham

1 Student appointment to the Police Advisory Committee from now going through September 30, 2022 – Conrad Anderson

1 Student appointment to the Police Advisory Committee from now going through September 30, 2023 -Savannah Tracy.

Project Review Board from now through March 31, 2024 -Lynn Hamlen

Chris Wolfe wanted the Council to know the reason why there is a Victualer in front of your place setting is because it was a late arrival today. That is why Derosier's Restaurant's Victualer's was at your place setting. It was already on the agenda but got here late.

Councilor Bradley advised that he will be abstaining from the vote because one of the appointees comes from his family.

VOTE ON ADOPTING THE CONSENT AGENDA: (6 Ayes) (1 Abstention-Bradley) (0 Nays)

ITEM # 19-22

To consider action relative to setting a public hearing to discuss proposed amendments to Chapter 10 Ordinance Requiring Notice for Outdoor Events with Attendance in Excess of 250 People, to add a standard about maintaining accessible (under the Americans with Disabilities Act) parking and access.
PUBLIC HEARING.

Chair Piltch feels this action is updating the language in this Ordinance to make it similar to the language we updated at our last meeting. This Ordinance is not one that we updated last time and is mostly about ADA parking and similar accessibility requirements for outdoor events with more than 250 people.

MOVED AND SECONDED: to open the public hearing. (Pillsbury & Lawrence) **VOTE:** (7 Ayes) (0 Nays)

There were no public comments provided.

MOVED AND SECONDED: to close the public hearing. (Pillsbury & Lawrence) **VOTE:** (7 Ayes) (0 Nays)

BE IT ORDAINED: That proposed amendments to Chapter 10 Ordinance Requiring Notice for Outdoor Events with Attendance in Excess of 250 People, to add a standard about maintaining accessible (under the Americans with Disabilities Act) parking and access be approved. (Pillsbury & Lawrence) **VOTE:** (7 Ayes) (0 Nays)

COUNCIL MEETING #02-22
JANUARY 18, 2022

ITEM # 20-22 To consider action relative to the enactment of Freeport Ordinance Chapter 61, Emergency Ordinance: Face Covering Mandate to be effective January 18, 2022 until February 16, 2022 pursuant to the Freeport Town Charter, Section 2.14 “Emergency Ordinance”.

Chair Piltch explained that the policy regarding Town employees’ vaccination and testing is not on our agenda tonight. We have a policy for mandating that people in municipal buildings like Town Hall and the Library must wear masks and that is not what we are talking about tonight. What is on the table before us tonight is an ordinance that would require people to wear masks when they are in buildings that are open to the public such as stores, restaurants and things like that within the Town of Freeport.

BE IT ORDAINED: That Chapter 61, Emergency Ordinance: Face Covering Mandate to be effective January 18, 2022 until February 18, 2022 pursuant to the Freeport Town Charter, Section 2.14 “Emergency Ordinance” be enacted.
(Daniele & Bradley)

While this is not an official public hearing, Chair Piltch opened the meeting up for public comment and requested that the comments be limited to 3 minutes. There may be people on zoom that will share their comments after we hear from people in the room.

June Chambers, co-owner of Sunrise Café advised that she is here to speak for herself, the café and her employees. She feels they have done a really good job at their café keeping people managed. They have stopped people visiting from table to table and have been diligent with sanitizing. Her staff has worked very hard and they talked about the mask mandate that was going to come up. The anxiety level for them is very high thinking they will have to wear a mask for 9 hours. She is shorthanded and worries about losing the dedicated employees she does have. She is not sure that along with all the things they are doing now and they are going to have to police people to wear a mask. When there was a State mandate, people were very hard to manage. She wants to keep doing what they have been doing. They have not had a problem with COVID outbreaks at the café.

Dominic Petrillo, a local business owner started off by saying it is a bad idea for the Town of Freeport to adopt this emergency measure. He does not think that a Town enforced mask mandate is a good idea. In going through the mandate, he has a lot of things he has an issue with. The public buildings definition, it looks like if you are in the back space, the office space, the mask mandate does not apply. The exceptions are pretty open ended. It doesn’t clearly define what an exception is and anybody can just make up anything. The exception he decided is applicable to him fits into this description. The posting requirement makes sense. Of course, they will have to post if there is a mask mandate. The 30-day effective period is probably a good idea. He would like to see something say that it can be changed at any time with the Council’s consent. He also sees that there is a \$500 per occurrence civil violation. That needs to be more clearly defined. It is not clear what an offense is or how many offenses you can have within a building in the same day. He thinks it is nonsense to have business owners enforce this rule. If the Town Council wants to make a mandate for people in the town, you can find some other way to enforce it rather than make business owners and their employees responsible for enforcing this mandate. It is total nonsense for the Council to assign that to people that work in a business. If you want to do it, you can pay for extra police to go around and police but the Town should not be expecting people within businesses to enforce this mask mandate and the potential of a \$500 fine per occurrence of a violation for that person in the business is ridiculous. Going down a little further, there is something he thinks is even worse in this mandate. The Freeport Police is authorized to enforce this ordinance so you mean to tell him that he is supposed to call the cops and have the cops come down and tell somebody to put a mask on if they walk into the building? It doesn’t make any sense and he thinks it should be tabled today and at

COUNCIL MEETING #02-22
JANUARY 18, 2022

least looked at very clearly. Some of those items that are not clearly defined should be defined and it should be left to the individual at the business as well. There is no reason to put a mask mandate up there that everyone has to follow. We are all adults and can make adult decisions for ourselves walking in businesses and having masks on. The vast majority of people that come into his restaurant have masks on when they proceed to their seat. Some of the employees mask and some of them don't but again, they are all adults and can make that decision for themselves. If someone doesn't want to come into the business because there are some that are not masked at all times, they don't have to come in. This is a private business and he thinks it is foolishness to ask that everybody be required to wear a mask inside a private setting as it is defined in this emergency mandate.

Chair Piltch clarified that they were careful to craft the ordinance so that the business owners and operators were not required to enforce the mandate. They are required to put a poster in the window saying that masks are required in the business but they are not expected to be the people that are policing the mandate. Mr. Petrillo asked if the expectation is that somebody else calls the police or somebody in the restaurant calls the police? Chair Piltch advised that some of the Councilors will have questions along similar lines and we will definitely talk about that.

Andrew Arsenault wanted to speak in opposition to this mask mandate. On the radio today there was a discussion about children wearing masks. He is sure this will pertain to schools because they are public buildings. They said that young people learn especially well if they can see other people talk. When you deny children the ability to see people's mouths and see them talk. Even with a new immigrant trying to learn the English language, if they can't see people talk, they can't understand how to pronounce words. He learned in this building that you have to learn how to do these things and you can't do it wearing a mask. It is a 50-50 shot whether these things do anything or not. Some doctors say it is really for the comfort of the other person so you don't spit or breathe on them when you are hanging over them. He is opposed.

Jim Hughes advised that he is a professional engineer and has lived in Freeport more than 40 years. He provided a handout to the Council. He added that he is not a doctor but he is a scientist and engineer. He wanted to speak in opposition to this forced mandate on masks. He disclosed that he sells air purification equipment. He watched closely the COVID thing for two years now and since it is part of his business, he has to be up to date on it. He would recommend following the science. He explained his handout. It is his opinion that masks are totally ineffective against the virus and are just not working. What we heard from MaineHealth is what he would call establishment doctors. The non-establishment doctors are given the truth on COVID. One of the questions he would ask these doctors is what are they giving these sick people? Are they giving them Ivermectin? That is what they should be giving them and if they don't, they will have a hospital full of sick people. He pointed out that cruise ships are going out again and of all the cruise ships going out, they had at least 96% of the people vaccinated and that is because they have kids on there that are not vaccinated. Basically, all of the adults are vaccinated and all are wearing masks. 86 of them have had break-outs so tell him how the masks are working. He is in favor of the mask versus no mask leaving the individuals with decision. The businesses in town can make the decision on how they want to treat their customers. He noted he could talk for another hour.

From the zoom audience, Jenny Yasi mentioned she just did a quick look up proceeding of the National Academy Sciences of the USA. There is a preponderance of evidence indicates that mask wearing reduces transmissibility per contact by reducing transmission of infected respiratory particles in both laboratory and clinical context. She went to a grocery store this morning and was surprised to see how many people were not wearing masks and seemed to not understand that they were putting her at risk. She is aware that restaurants are able to keep people from smoking indoors and they are able to get people to wear shirts and shoes indoors and there are many other regulations that restaurants need to do to keep their customers

COUNCIL MEETING #02-22
JANUARY 18, 2022

and employees safe. She and her husband have not gone to a restaurant for two years while they used to go to a restaurant twice a week. They would be going to restaurants if all the employees were wearing masks and if the spacing was safe. This is the same for grocery stores. She has been ordering groceries on line because it is scary for her to go to the grocery store. There are many things she would like to be able to do. She would like to go swimming at the Y but she is afraid they don't have people wearing masks in the Gym Room and does not want to walk through a cloud of virus particles. From some of the research she has read, some of those particles can stay suspended in the air for hours. In the pool, it is not so bad because chlorine kills the virus and they have more spacing for people in the pool. In the Gym Room, it puts people at risk. She strongly supports the mandate because right now we are in an emergency situation. She wears a mask to protect all of you from getting COVID and really wants people around her to have the same consideration for her life and health so we can stop this pandemic as soon as we can. She does not believe the mask mandate needs to go on forever but it will really help us reduce the number of people in the hospital and make sure if someone is in a car accident or has a heart attack, they will get the care they need. She thanked the Council for considering this mandate.

There were no additional zoom comments provided. Chair Piltch advised that this is before the Council tonight as an emergency ordinance. We felt it needed to be passed without the normal two-week process to set a public hearing, have the public hearing and then pass a regular ordinance. As an emergency ordinance it requires a vote of five Councilors to vote for this in order for it to take effect. That is what we will be up against.

Councilor Fournier asked Mr. Petrillo if he would be willing to put up a sign saying "we highly encourage that masks be used in our establishment?" He explained how he walked into a store in Brunswick and did not appreciate how he was greeted. He is trying to find a balance where it would trigger him walking in there with a sign at the door to put his mask on. Mr. Petrillo added that he has heard many times that people are greeted unpleasantly about a mask mandate. He does think that if the Council were to come out with a strong recommendation for masking, most businesses would comply with it. He has a sign up in his restaurant that recommends people wear masks but are not required. He thinks the vast majority of businesses in Freeport have a sign that does recommend. Maybe some kind of a statement from the Council encourages a conspicuous sign that strongly recommends wearing a mask. Maybe just a simple e-mail from the Town that is a letter sized piece of paper that people could print off with a picture of a mask and make it easy for people so they could print the attachment themselves and would have a ready-made sign for their business window.

Councilor Lawrence stated he is not for this for all the reasons already stated. He feels it will be expensive for the businesses to comply and it is hard to police this. He feels masks do not work. He lived through a month of COVID with his family. They all wore masks. When the doctor talked about what they are doing at the hospital, they are wearing gloves, goggles and N-95 masks. He feels this is a feel-good policy that is not needed. He hates wearing a mask and is against the State telling us what we have to do. If someone is terrified of this disease and he gets it, or you have a compromised immune system, what you really need to do is not come to Town. Find someone else to help you get what you need. If you can't find someone, call the Community Center. They have plenty of people that will help you get what you need but to force everyone to wear a mask because you are afraid is the wrong approach. That is his two cents.

Councilor Pillsbury advised that he is 100% in support of this. He feels it is the least we can do as a town. He wanted to go on record saying he has received numerous e-mails in support of this and had really well thought out arguments. We have been dealing with this for two years. Everyone is tired of it but if we don't actually do something, we are going to continue to live with this. He doesn't think it is fair to say, if you are afraid of this, stay home. It's a public health and we have to do what is good for common good and we need to move past this. He is in support of it.

COUNCIL MEETING #02-22
JANUARY 18, 2022

Councilor Fournier is opposed to this. He feels it should be a positive approach and not a punitive approach. We will learn more as we go each day. He is encouraged by the numbers that are coming down. He will be voting against this this evening.

Councilor Daniele wanted to point out that it does say in here the time period is from January 18, 2022 to February 16, 2022 unless the ordinance is repealed by the Town Council. He asked Chair Piltch to speak to the teeth of this a bit and how he envisioned crafting it. Chair Piltch added that the two specific things that the draft before the Council mandates: 1) the owner or operator of a business needs to post a poster at the entrance in a window saying that masks are required. The other mandate is that individuals are required to wear a mask. Those are really the only two mandates in here. The owner has to post a poster and individuals have to wear a mask. For enforcement, he will let the Town Manager speak because he has had discussions with the Chief about it. His intent is that it is a graduated enforcement. The first time this happens, it will be would you mind putting a mask on please? The second time it happens it will be more of an educational approach. If we do need to call someone in to enforce it, it will be a) did you know we have an ordinance and it is not an ask anymore and you really need to wear a mask if you want to stay here. He doesn't believe that the day after we enact this that the Police are going to be writing \$500 tickets to anyone not wearing a mask. That was not the intent. The intent is for them to come and explain that we now have a mandate like Portland and Brunswick does and like South Portland is considering tonight and Bath will be considering tomorrow night. It is an education to try to encourage people to follow the mandate rather than a punitive start levying fines here and there. We do need to put some teeth behind it or otherwise it will be completely ignored. If somebody is habitually, intentionally and aggressively not complying, there is an option to levy some fines.

Councilor Daniele added that his girlfriend is a nurse in the Emergency Department and he can see the toll it takes on her when she talks about work. He does not like wearing a mask and doesn't think it is fun but if this is a way he can help the people trying to care for everyone and if the Emergency Department is normally an hour wait but right now is an 8-hour wait, that means we are all not getting care and our health care system is struggling. This is a gesture to everyone in our health care system saying we see what you are doing and whether it is the most effective thing or not, we are all at least thinking about it and we are showing our support. Perhaps people are washing their hands more because of it. He will be voting in support.

Councilor Bradley thanked whoever invited the hospital folks here today. For him, it put the significance and severity of our current situation in this community in stark profile. Mr. Joseph clarified that it is very timely that they were here but they asked to come on their own. Councilor Bradley thanked them for coming and asking to come. Because they were here, it put things in stark profile. He really respects and appreciates the people that are opposed. The people in front of us are some of our most respected business people and have made points. He wants to address a couple of them because he is not sure the points they raised. He started with Mr. Petrillo that it is ridiculous to have a business enforcing this. Councilor Bradley agrees with that but businesses are free to decide in their business how they handle the maskless person but you yourself have to observe it. Many people started speaking at the same time. Finally, Councilor Bradley stated that he heard what Mr. Petrillo had to say and feels that the ordinance deals with the concern he raised that he does not have to enforce this as a business. If it did, he would not support it after thinking about it. He wanted to give credit to Mr. Petrillo in this discussion. That is all.

Councilor Bradley wanted to say one more thing to Mr. Arsenault because he also respects him over the years, what he says and how he thinks about things. His concern is that kids can't wear masks. We can't make kids wear masks. It doesn't make sense. This does not apply to kids and he wanted to say that too. They are exempted from this ordinance. Chair Piltch advised that a separate Board makes rules for kids in school. Councilor Bradley wanted Mr. Arsenault to know that his point is given credit in this ordinance.

COUNCIL MEETING #02-22
JANUARY 18, 2022

He wanted to acknowledge it on the record. Mr. Arsenault was not at the podium so the Secretary did not capture his comments.

Councilor Bradley addressed the point that it was just a gesture. It is a clear indication that the leaders of this town who were elected by a lot of people, feel strongly because of the sorts of things the hospital folks said to us tonight, we should make something that enforceable. How we enforce it is like everything else. We have a speeding limit on the highway but people don't stop cars that are speeding and force them off the road. They don't even call the police. They just speed and is that just a gesture? He doesn't think so. He thinks most people are law abiding, even those that don't want to wear a mask. 85-90% of them will wear a mask that were not going to wear a mask but because this ordinance creates a law to do it. He thinks it will happen. There will be some that don't and what happens in those circumstances is a concern to him too. It may be that a business gets into a confrontation with a customer because of this. It may be that customers get into confrontations with customers because of this. Those are all good points but when he thinks about the whole thing, the situation we are in, the hospitals are in and our families are in, we are the leaders of this town and he feels it is time for us to say something firm and clear with all its warts and defects. He appreciates you coming forward and pointing some of them out but he will vote for this.

Chair Piltch advised that he hates wearing a mask. He is always grumbling about it but he recognizes why it is a good idea for him to do it so he does it. Our draft ordinance here is only for 30 days. If we don't do anything, it will expire February 16th. There is a chance we may decide to extend it for another 30 days but as for now, it is only for 30 days. Other towns are doing it for longer. We have the capability to do it for 60 days but chose to do it for 30. Like Jake said, we can repeal it. At another meeting we can say things are looking up, we don't need this anymore. We can get rid of it. One of the things that struck him as important is that we can request, ask, suggest or strongly recommend but there is a large contingent of people that will say if I don't have to, I won't. He thinks this is meant to address the bulk of those people. We will not get 100% compliance. If we are at 50% compliance now, and get to 70%, 80%, 90% or 60%, that is still better than where we are and it will help our population, our residents, the hospitals to be able to provide care. He has two relatives. One has been waiting for a joint replacement for months but because the hospital is overwhelmed with COVID, it doesn't have time to do his joint replacement so he is in two months more of pain. He had another relative who had a quadruple bypass delayed twice because the hospital didn't have enough capacity because they were dealing with COVID patients. He feels that is pretty serious and anything he can do in his position to help our health care system cope with this once in a lifetime event, he is going to do it. He gets that some people will be upset and angry but he feels it is his duty to do that and listen to the comments he has gotten over e-mail, Instagram and certainly by voice. Another thing he wanted to say is that while it is a personal choice if you choose to wear a mask, that choice affects other people in the room, in the store. It affects people that will wind up seeking medical attention so it is a personal choice but it is also a community choice. It is a choice we have to make as a community and not everyone is going to support that choice but it is one we must make for the community. He feels having the mandate in place will offer some comfort to people that are in stores and are uncomfortable approaching other people saying, would you please wear a mask? I am in a vulnerable position but I have to buy groceries so I have to be here and I would appreciate it if you would wear a mask. If the response is "I don't need to." That puts that person in an awkward situation and frankly it puts them in a dangerous situation. This gives them some comfort knowing they can make that same ask knowing they have somewhere to go if things don't go well in a polite way, there are other ways of dealing with it now. He did talk with a handful of business owners who all came back saying with one exception, thank you for doing this. It makes my job easier as a business owner. I don't need to convince people of my opinion. I can just point to this and say well this is the rule. I didn't make the rule but this is what the rule said. Thank you for doing that. I don't want to be in a position where you will come down on me or come down on the high school students I hire if they are not enforcing it harshly enough. Thank you for not making me do that.

COUNCIL MEETING #02-22
JANUARY 18, 2022

Councilor Daniele asked if there is a way to modify it slightly, could we just put in restaurants could choose to opt out if they put a sign up saying they have opted out and publicly disclosed that? Is that something the Council would be interested in because then it would be all of our choices to go into that facility. We all have to go to grocery stores but we all don't have to go to a specific restaurant.

Councilor Pillsbury said he appreciates the civility we are showing in part of the dialogue. We may not always agree but it is part of the process and he feels it is an important one that is being lost tonight. To Councilor Daniele's point he mentioned the employees that need to have that job but are unable to pick up and go someplace else. Councilor Daniele noted we have heard from our business community that this could be a problem and there is a group of people who would like to not have masks. Councilor Lawrence added that we should put a specific if we are going to pass this, you have to wear an N-95 and wear goggles. If you don't, you have a chance of getting this. He stated that masks do not work. He just lived through it. They were all masked but they still got it. He feels it is a nice gesture. It will be very costly and he thinks people won't come to town because of this unless every town around us does it and they have no place else to go. Councilor Daniele recalled the slide that was up from Mid Coast showed that if he was not wearing a mask near a person that had COVID, in 15 minutes he could get a high enough virile overload. If he was wearing an N-95 and they are wearing an N-95, it doesn't mean there is a zero chance he could get it. Of course, the virus still can get through if we are in a confined space for a long time. It is not unfathomable that people who live together over the course of two weeks, the virile load could be high enough that you could pass it along. Going to the grocery store, what is the probability that enough virile load gets through because the holes might be this big but there are also parts that catch. If he is at the grocery store and he is wearing this mask and everybody else is wearing this mask, he believes that for the hour he is there, he is very protected. More discussion followed.

Councilor Fournier added that he wishes the State CDC would come out with some sort of guidance so we would all have some sort of reasonable expectations to follow. Chair Piltch wishes that too so we wouldn't have to have this discussion. Mr. Joseph explained that he only has a few things he would add to what Chair Piltch has said. For enforcement, what will happen is indicated by what happened when this happened about a year ago. We had an active mask requirement in Town from the State which was enforceable and how that was responded to should be taken as an indicator of what would happen this time around. He did not think we wrote any individual tickets but there were several instances where education happened. The Police were called by shop owners primarily but also by some patrons who saw people not wearing masks indoors when they were required to. What is reflected in this ordinance is that there are still trespassing laws in effect and if a business owner wants to people to wear a mask, that is still enforceable. That will be a large part of enforcement this time around. As for public safety, there is not an expectation that these will be alpha one calls to drop everything if someone calls in a mask violation at Bow Street Market. The Police will respond every time there is a call but if there is something life or death going on that is different, that will take priority. If there is nothing on the list, they are going straight to the call. Will it add to the workload? Yes, but will it impact any life or safety? No. Will it be an impact to policing ability? No, it will not. Is it expected that tickets will be issued like hotcakes? No, it is not. The officers were given clear guidance a year ago on how to interact with people and how to not escalate scenarios over a mask or creating an issue when there is no issue. The only way it can escalate is when somebody refuses to leave a property and the property owner wants them out of the property. If a business owner doesn't want somebody gone and they refuse to put their mask on, they might be issued a ticket but may not be asked to leave the property. That could be one outcome. A lot of it will have to do with how a property owner wants the Town to respond to what is happening on their property. This is not a way we could go and Councilor Bradley hinted at it. It could be a lot more stringent but it gives the ability to enforce things if a bystander is concerned or a shop owner is concerned but it doesn't necessarily require it. He suspects there will be quite a few people reporting those things but it is not a mandatory requirement under this ordinance so it tries to strike a middle ground but there is a potential for

COUNCIL MEETING #02-22
JANUARY 18, 2022

conflict. Some business owners were very concerned that their employees are not comfortable having a confrontation with somebody. We are desperately trying to not make that happen. Chair Piltch asked if Mr. Joseph feels there will be added cost in scheduling more people on a Police shift than we do today? Mr. Joseph explained that this is not planned and if that became an issue, the Council would probably hear from the Police Chief or him. Chair Piltch advised that in Portland and Brunswick, they offered a version of a poster that business owners can download and print and then put in their windows. He would like to do something similar and if a business owner doesn't have access to download and print, we could have a few copies here that they could come in and pick one up. It might add some minor cost. Mr. Joseph mentioned that he is planning on doing a similar set-up if this goes forward tonight. He added that Brunswick's website has a one pager that you click on the banner at the top of the website that gives all the information about the mask ordinance. He would like to copy that template but add By Order of the Freeport Council instead of By Order of the Brunswick Council. Chair Piltch added that he wouldn't mind if all the neighboring towns used a similar looking poster. Mr. Joseph mentioned the dates in here were just a stab at effective dates and if the Council feels different, they can be modified. It is proposed to go into effect tomorrow with the posting requirement being a week from now. He thinks it was intended so it would do something quickly but understanding that businesses might not get the word out. The second argument is what if the word doesn't get out to visitors, too? That might require a bit of tweaking. The second thing is about the \$500 fine. He has heard from people in the community, business owners and Councilors that have read this. Is this the right amount? There is no right answer to that if the Council is comfortable with something smaller. We don't expect to be issuing a lot of these tickets but only in instances where there is an outright refusal to follow a directive. He may be worrying about something that is really not going to happen. This all relies on a judge saying that what we are doing is just and fair if we try to take civil action against somebody for \$500 and the judge might say it is only reasonable to impose a fine of \$100. Chair Piltch added that he hopes we issue zero summons for this and we never collect any money. He got comfortable with the \$500 because that is what the other towns doing something similar have done. That is where it came from but he is open for discussion.

Councilor Lawrence was not just talking about cost to the town but cost to businesses losing their workers or people not coming to town because they don't want to deal with a mask. He asked if there is a way to track how this is working? How do we track stemming the spread? This is why we are doing this so how do we know if we are being effective? Mr. Joseph advised that from an operations standpoint we can easily report how many calls we got. Councilor Lawrence interrupted saying he is talking about masks being on people and stemming the spread so if in the next few weeks, the numbers keep going up, are they wearing masks? Mr. Joseph noted that the problem is we don't know who from where is here and where do they go after they leave here. It is hard to make a scientific finding that we are being effective. Councilor Lawrence pointed out that it is fairly unenforceable and we can't track the effectiveness. Mr. Joseph explained that we would be lying if we said we could track the effectiveness with the resources we have now. Councilor Lawrence added that we are not encouraging, we are saying you have to. Chair Piltch feels we will achieve greater compliance but not 100% compliance. This is better than doing nothing in his opinion. Councilor Lawrence added that in his opinion, it is not.

Councilor Daniele asked if there any move to allow potentially places of business to allow their patrons and employees be maskless? He is crafting a restaurant because the people they are serving would not be wearing a mask. Why are we making the servers wear a mask? He is asking if the Council would be interested in doing that? Councilor Bradley advised that he is not interested in doing that. Councilor Fournier would like to see an option that gives the businesses a way to run their businesses appropriately. Councilor Lawrence feels the businesses should be allowed to opt out.

Vice Chair Egan appreciates Councilor Daniele's effort to try to find a narrow path to walk and would echo what Councilor Pillsbury said. He feels it is refreshing and encouraging sitting up here to know we

COUNCIL MEETING #02-22
JANUARY 18, 2022

can have a pleasant and cordial conversation treating each other with respect. He does not agree that there should be a place for a particular business to opt out because he doesn't believe we are in a position to decide where that line is. For example, what if the Art Gallery comes in and say, why do we have to have masks on in the Art Gallery? There are only four people in here at one time, or whatever the argument might be. He feels if we get on to the slope in deciding what business might be able to opt out, he thinks it puts us in a very difficult position saying why we say yes to them and no to others. He appreciates the challenges the two business owners brought forward. It has to be exceedingly difficult dealing with this. He does not have any expertise listening to the health experts. He is a community development finance person but in terms of how long the masks have to be on, he will listen to the folks who provided comments at the beginning of the meeting.

Chair Piltch advised that he is not comfortable adding an opt out clause because he feels it makes the mandate not a mandate. It makes the mandate more of a request which is where we are today. The other thing that would concern him is that it might backfire by encouraging people to come and make a point of not wearing a mask and encouraging people from other localities and say I want to support this idea of opting out in not wearing a mask which will have the opposite effect of our poster system we are trying to address tonight. If we attract many people to come to a place by saying they are taking a stand by choosing to not follow this mandate, we will have more people in the hospital, not less. Councilor Daniele thinks allowing anybody to opt out is not a good idea but if somebody can go in a restaurant and sit without a mask on, in his mind we are saying that the people who are not wearing a mask are the ones potentially affecting others means we are requiring the servers to wear their masks while their patrons are not. For him, that is the where it is getting weird. We are not getting arbitrary about it. The business activity says you don't have to wear a mask while you are in a public building so he doesn't know if the employees should. He is confused about this. To him, that is a clear stance. It is not wishy washy. If the person coming to patronize doesn't have to wear one, why are we forcing the employees to wear one. Chair Piltch noted that if there were a way to require people to wear masks while they ate, he feels it would be an interesting discussion to have but it is not possible. He feels there are certain categories that are excluded in this ordinance. If you are in a restaurant and you are eating, you are going to take your mask off so we have to make some allowances for that but he doesn't want it to become a slippery slope. The exceptions are limited to the people who are really unable to wear a mask.

Councilor Bradley **MOVED** the question and Councilor Pillsbury **SECONDED** it.
ROLL CALL VOTE: (6 Ayes) (1 Nay-Egan)

VOTE IN FAVOR OF THE MASK ORDINANCE AS WRITTEN: (5 Ayes) (2 Nays-Fournier and Lawrence)

Chair Piltch thanked the public and the Council for an effective debate.

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

WHEREAS, Cumberland County is currently designated as a county with a high level of COVID-19 community transmission, and

WHEREAS, the U.S. CDC is currently recommending people wear face coverings in public indoor settings in Cumberland County, and

WHEREAS, the Freeport Town Council voted to require face masks in all Municipal Buildings, and

WHEREAS, the Freeport Town Council wants to continue to protect the public health, safety and welfare of the entire community, including its residents, employees, and visitor's, and

WHEREAS, the Freeport Town Council determines that this warrants an immediate response in order to protect public health, and

WHEREAS, the Freeport Town Council further determines the current situation of the pandemic to be an emergency affecting public life and public health, as specifically included in Section 2.14 of the Freeport Town Charter, and

WHEREAS, in light of the foregoing, the Town of Freeport Town Council deems it proper and necessary to temporarily require the use of face coverings in all public buildings,

NOW THEREFORE BE IT ORDAINED:

That for the time period from January 18, 2022 until February 16, 2022, unless this ordinance is repealed by the Town Council prior to February 16, 2022, the following emergency regulations shall be in effect, and shall apply to any Public Buildings within the Town of Freeport.

Section 1. Definitions

For the purpose of this Ordinance, the following terms shall have the following meaning:

Face Covering means any cloth or tightly woven fabric that can be worn on an individual's face over their nose and mouth and substantially complies with the United States Center for Disease Control's recommended guidance for masks, such as surgical masks, N95 respirators, double-layer cloth gaiters, or any similar mask that fits snugly around the nose and chin, has multiple layers and/or inner filter pockets, and does not let light through when held up to a light source.

Person means any individual regardless of their status within a Public Building including but not limited to an employee, an owner, a customer, a licensee, an invitee, a visitor, or any other individual.

Public Building means any building or portion of a building within the Town of Freeport that is regularly accessible to the general public. For purposes of this Ordinance, a Public Building shall not include a private residence or a private residential unit in a building that contains multiple units, a public pre-school or K through 12 school (which remains under the authority of the RSU #5 Board of Directors), a church or other house of worship, and/or office space where the occupant(s) can be physically separated from the general public.

Section 2. Face Covering Mandate

(a) Starting January 19, 2022, any Person shall wear Face Coverings over their nose and mouth any time they are in a Public Building, within the Town of Freeport, unless otherwise excepted in Section 3.

(b) Persons must also wear Face Coverings over their nose and mouth any time they are using or operating public transportation conveyances, including buses, trains, taxis, rideshares, vehicles for hire, or any other ride services within the Town of Freeport.

(c) Persons inside a Public Building or portion thereof may temporarily remove their Face Coverings to participate in the primary purpose of the business, such as eating or drinking, only to the extent that such removal occurs at an isolated location, such as a table or booth, and that any Person who removes such Face Coverings must restore their Face Coverings as soon as their

activity is completed or to the extent that they traverse or move about the premises away from their isolated location.

(d) Persons using a pool and/or hot tub in a Public Building may temporarily remove their Face Coverings while actively using the public pool and/or hot tub in the Public Building. Any Person who removes such Face Coverings must restore their Face Coverings as soon as their activity is completed or to the extent that they traverse or move about the premises away from the pool and/or hot tub.

Section 3. Exceptions

(a) Any Person under the age of five (5), anyone with a medical condition that is complicated or irritated by a facial covering, anyone with difficulty breathing, or anyone who is unconscious, incapacitated, or otherwise unable to remove the Face Covering without assistance is not required to wear a Face Covering.

(b) Any Person who is alone in a Public Building is not required to wear a Face Covering so long as they remain alone.

Section 4. Posting Requirement

Each Public Building and each separate business or separate premise within a Public Building must post signage at the public entrances and at such locations within the building in which POS (point of sale) or other transactions occur (such as cash registers), stating that Persons entering are required to wear face coverings by order of the Freeport Town Council. Signage requirements outlined in this section will have an effective date of January 25, 2022.

Section 5. Effective Period

This order shall be effective as of the date of adoption and shall expire in thirty (30) days after the date of adoption, unless otherwise re-enacted by the Freeport Town Council prior to such expiration.

Section 6. Enforcement

(a) The business and/or owner, operator, or their designee, operating any Public Building(s) as defined by this Ordinance, who does not post a notice of this regulation, in accordance with Section 4 of this Ordinance, shall be in violation of this Ordinance, and such violation shall be a civil violation subject to a fine of up to \$500, per day.

(b) Any Person who does not comply with Section 2 (Face Covering Mandate) of this Ordinance shall be in violation of this Ordinance, and such violation shall be a civil violation subject to a fine of up to \$500 per occurrence.

(c) Any owner, operator and/or their designee, and/or employee of any public building may contact the Freeport Police Department for assistance if such owner, operator and/or their designee, and/or employee wishes to remove a person from the Public Building when such Person refuses to comply with Section 2 of this Ordinance or leave the Public Building upon request. Any individual who refuses to comply with Section 2 of this Ordinance or leave the Public Building upon lawful request of the owner, operator and/or their designee, may be subject to trespass order and/or prosecution pursuant to the Maine Criminal Code.

(d) The Town Manager or their designee is authorized to institute or cause to be instituted by and through the Town Attorney, in the name of the Town of Freeport, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this ordinance. The Freeport Police Department is also authorized to enforce this ordinance.

Section 7. Conflict

In the event of a conflict between this ordinance and any law, rule, or regulation issued by the state or federal government requiring the use of face coverings, the more restrictive standard shall apply.

Section 8. Severability

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any section, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such unconstitutionality, invalidity, or unenforceability does not affect the validity of any remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance.

ITEM # 21-22	To consider action relative to a request for Freeport Pownal Little League to construct a T-ball field adjacent to the existing Baseball Field.
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Chair Piltch explained that this request came from the Little League to construct a T-ball field. Mr. Bliss, Town Engineer advised that he manages our wonderful assets and facilities with Pownal Road Fields being one of them. In this case he is the messenger between a request from Freeport Pownal Little League to construct a little league field at Pownal Road Fields. He reached out to some of the stakeholders and got endorsement for that request by Freeport Pownal Little League. In addition, the President of Freeport Pownal Little League has found a funding source to construct this field. That field will be from the far end of the parking lot adjacent to an existing ball field. Its dimensions will be Little League-sized for T-ball players. We are not concerned with balls flying 300 feet down the power line or into other fields, etc. This request comes out of need as Freeport Pownal Little League has been displaced from two of their existing fields and this rather under-utilized facility which we have invested money in over the years provides a great opportunity.

Vice Chair Egan feels it is a great idea and thanked Mr. Bliss for his presentation and the diagram. His only question is do the Little League folks anticipate that there could be concurrent games on this new projected field as well as the tired but existing little league field that is in place now? Mr. Bliss noted that they have had this type of discussion at the Hunter Road Fields. We have to define the problem if it is a capacity problem or a scheduling problem and in this case it is a scheduling approach. We will stagger practices and games so we don't have these conflicts. Freeport Pownal Little League manages all the scheduling and is well aware of that. Vice Chair Egan noted he is strongly in favor of this because he is aware of the fact that Freeport Little League has lost access to precious fields and that L.L. Bean has agreed to construct one but it will be a little while. This is great to get this installed at the Pownal Road Fields. Councilor Fournier asked what the maintenance plan will be once the field is built? Mr. Bliss advised that this facility is different from the hunter Road Fields because we don't have a defined policy or maintenance agreement with the RSU. All the grass cutting of the field is essentially handled by the RSU. They have been the predominant users of that field for football practices, football games and Middle School football games and some Lacrosse practices as well. He is not anticipating a responsibility by the Town in the near future. Councilor Fournier felt that was the right answer and thanked Mr. Bliss.

Councilor Daniele asked if there is any money that can be used to spruce up the existing field a little bit? Mr. Bliss advised that two years ago the Town partnered with the Youth Football League to invest \$30,000 in the whole football field which is inclusive of the baseball field. It was tired so we spent \$30,000 to improve the turf and the soil and amended it. It has irrigation so it has that going for it. Councilor Daniele asked if the baseball field received any of that? Does the baseball field get used very much now that it has the football posts in the outfield? Mr. Bliss noted it has been his experience that the

COUNCIL MEETING #02-22
JANUARY 18, 2022

Freeport Pownal Little League does a lot of maintenance to their fields. They do it by volunteer work and they do it because they are passionate and they have a great leader of that organization who cares. Councilor Daniele noted he lives across from that field and it doesn't appear it is as well maintained as the Hunter Road Fields. Mr. Bliss explained that Hunter Road Fields are immaculate and there are a lot of Maine towns are envious of how well we maintain the Hunter Road Fields facility. That field is a lot of newer and has a very sophisticated drainage system and beautiful care given to it. Councilor Daniele mentioned that when we build this, it will not help the little league field that is there currently? Mr. Bliss advised that not through this specific request but if the Council would like, he would reach out to the President of the Freeport Pownal Little League or can put the council in touch with him. Vice Chair Egan added that the current field is used as practice space and is what they are trying to add capacity for and reserve the games for the really nice stuff over at the Hunter Road facility.

Mr. Joseph advised that it goes back to the fact that those were maintained at a cost to the Town by the RSU. They were significant costs but if we want to add something that looks like that, it costs about \$150,000 a year to make those fields look that way. It would probably cost half for Pownal Road since it is half the square footage but that range is what you are looking at. Councilor Pillsbury speaking as a parent of a child who played last spring, the fields are used all the time and they had a lot of practices there with multiple teams and the space is really needed. He thinks it is a good idea. Chair Piltch added that he has two kids that played on every field in town and he can second it. Mr. Bliss added that greater utilization of this facility that abuts the Hunter Road Fields facility is a convenience for parents. Fewer parents have to go from way across town to pick up one child or when there are conflicting practices and they can't be in two places at once. There is a grander vision to this to make these adjoining fields better utilized.

BE IT ORDERED: That the request from Freeport Pownal Little League to construct a T-ball field adjacent to the existing Baseball Field be approved.
(Fournier & Lawrence) **VOTE:** (7 Ayes) (0 Nays)

Mr. Bliss advised that he can't wait to pass this message along he can't wait for warmer weather to play some baseball. Chair Piltch thanked the Little League. He feels they are a fantastic organization and very dedicated.

ITEM # 22-22	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. (Lawrence & Fournier)

Fire Rescue Chief, Paul Conley explained that he provided a memo to the Manager and it should be in the Council's packets to address some of the issues raised when we met a couple of weeks ago such as questions on climate control issues raised by Vice Chair Egan. The County Plan definitely has an interest in that. He tried to explain some of the questions Councilor Bradley raised on financial impact. He introduced Margaret Cushing from the County EMA as Chief Planner and architect of much of this large document. She will help answer questions. The risk for us to not participate is having to write our own mitigation plan which is hours and hours of work. We would have to submit it to FEMA for approval and the potential loss of some funding that would be available to us for pre-mitigation.

Chair Piltch thanked Ms. Cushing for being patient and sticking round until 8:45. She thanked the Council for considering this this evening. She noted she owed the Council an apology because in the first round when Councilors read it, they did not see Freeport in the Plan. That is because they went through

COUNCIL MEETING #02-22
JANUARY 18, 2022

about 15 iterations and every time they did it, they had to cut and paste and nobody caught the fact that two towns were missing from that. This Plan is a requirement of the Federal Emergency Management Agency every five years and the County assumes responsibility for doing these plans in Maine because we know that the towns do not have the time or resources to put in to writing these plans. It took her office about 18 months to do this so there are hundreds and hundreds of sections of the plan that are very specific regulations that need to be adhered to. They offer this to Freeport as an opportunity for you to come and get a free ride and say yes, this plan is acceptable to you and the biggest thing it will allow you is if you need pre-disaster mitigation funding, and that includes a lot of climate change actions. She knows Freeport participates in a Ten Town consortium that is working on climate change. There are plenty of projects Freeport derive from that that could very easily be part of pre-disaster mitigation funding. She would hate to see Freeport miss out on that. You could avoid missing out on that by approving the plan, you can write your own plan but understand that if you choose to not approve the plan, that is for five years and that is how long this plan stands with FEMA. While they will work with Freeport in every possible way they can, FEMA is the one that says if you don't approve the plan, you don't get funding. She wanted to say that they really want to help you in the mitigation process. They really want you to have the funding for it. They are willing to work with Freeport on grants. They offer Freeport everything they possibly can but it is contingent on your signatures. Ideally, she would like to walk away from here tonight with the template in your hands that has signatures from everyone here. That would be fantastic.

Councilor Fournier advised that in his previous life, they worked with the County and always adopted the Plan. If his memory serves him correctly, the Hunter Road culvert was used in a mitigation plan because of flooding down in the dip. They worked with the County so that trout could swim up through. It was done a number of years ago. He also believes the Desert Road culvert was also used by the plan. The Chief does not have the time to put a plan together and we shouldn't add any more to his plate. The County has always done a great job and we should support this with a unanimous vote tonight.

Councilor Bradley added that he has no idea of how much funding we are in danger of losing or gaining. Ms. Cushing advised that it is called Building Resilient Infrastructure and Communities. That is the new pre-disaster mitigation funding using climate change as an example. If you decide to build a jetty, then you can get probably 85-90% of the studies, engineering and the work funded by FEMA instead of having to fund that by yourselves. Ms. Cushing advised Councilor Bradley that there are millions and millions of dollars available but she could not tell him exactly the amount that is available. Councilor Bradley asked how soon we have to apply? Ms. Cushing advised that this funding cycle ended in December but the next funding cycle when you decide what you want and you develop your plan, bring it to them and they will work with the Maine Emergency Management Agency to help Freeport get into the next cycle of funding. Councilor Pillsbury asked if towns have opted out and what happened to them? Ms. Cushing advised that no town has opted out. Chair Piltch added that he found it to be a fascinating document. He read almost all of it and there is some really interesting stuff in it. He thanked Ms. Cushing for making the effort to put it together and feels it is something we can ride on her coattails on and would be happy to do that.

VOTE: (7 Ayes) (0 Nays)

Chair Piltch thanked Chief Conley and Ms. Cushing for coming in and explaining it all to us. Vice Chair Egan asked Ms. Cushing to wait five minutes and the Council would get her a signed copy.

ITEM # 23-22	To consider action relative to appointing Christine Wolfe as the Freeport Town Council Secretary.
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COUNCIL MEETING #02-22
JANUARY 18, 2022

BE IT ORDERED: That the appointment of Christine Wolfe as Town Council Secretary be approved. (Daniele & Lawrence)

Chair Piltch noted that there is a memo in our packets for this one as well. He mentioned that he was worried when Sharon left us but he is thrilled that we have someone willing to take on the onerous task of following us around and writing down what we say. Mr. Joseph explained that the official duties of the Council Secretary are outlined in the Charter Ordinances and are actually split between the Clerk's Office and the record which is what Sharon has done but there is a verbatim record which is the recording of the meeting that is kept by the Cable Department. Chris does the notices for the meeting so it is split up three ways and this will put two of those three duties in the purview of the Clerk's Office which he thinks is great. Chris is not sure this will work out so she has asked for a trial period. For many different reasons she is not sure the Council will be happy with her Minutes and we are not sure she will want to keep doing it. She is not sure she can stay away past 8 o'clock at night because she sleeps 8 to 4. These are things we are going to test out for the next 4-6 months or. So, if everything goes well, you will see Chris at your meetings and if there are any reasons it doesn't work out, we will just hire a minute taker. If that happens we will come back to you and let you know. He is really happy that Chris is volunteering. Chris added that if it works out, that's great but if it doesn't, it at least buys you some time. Chair Piltch thanked Chris for offering to do that. He also thanked Sharon who was waving to the Council He wished she were here in person so we could thank her in person. It has been a valuable thing she does and a testament that we never had much concern to change the minutes. Well done and thank you very much.

VOTE: (7 Ayes) (0 Nays)

Chair Piltch welcomed Chris and wished her luck staying awake.

ITEM # 24-22 To consider action relative to Public Peddler Renewals for 2022.

BE IT ORDERED: That the following Public Peddler Renewals for 2022 be approved.

1. Lily Perilla d/b/a Guilin Goodies
2. Dale Baker d/b/a Nick and Noah's (Bradley & Lawrence)

Town Clerk, Christine Wolfe explained that we have four public peddler spots in Freeport and these are the two people that were there last year. These two vendors were behind Starbuck's. She wanted to point out that some of the documentation we need is missing. Dale is not going to complete his unless he gets the spot that he desires, so if he gets that spot in the lottery, he will complete the insurance binder, etc. Please know that we don't issue these until we have all the documentation that we need but the applicants sometimes hold back pieces until they are assured of a good spot.

Councilor Bradley asked why the Council is considering this if the application is not complete? Ms. Wolfe advised that the applicant is not going to get insurance but this has to come to the Council for renewal because there are dates in the ordinance that require us to bring new applications and renewals to Council in January. There is a certain timeframe. Councilor Bradley did not have his microphone on. Ms. Wolfe explained that if you have an applicant that applies, then he even gets into the lottery. If he doesn't complete his application process, get his insurance and pay his fee, that spot is open on a first come, first served basis. We are not out anything. This applicant has paid \$110 in a non-refundable application fee just to come here to the Board and say I am interested in having my spot again this year. Councilor Bradley asked if his doing this is keeping anybody else from getting into the line for this spot. Ms. Wolfe said no because the renewals have first dibs and then we open it up for new applicants. She advised that

COUNCIL MEETING #02-22
JANUARY 18, 2022

there were only two and we have had no new applicants and they have until the close of business on Thursday and theirs would come to you at the next meeting. He is just a renewal interested in staying a renewal. If he doesn't complete his process, that spot is open on a first come, first serve basis. Mr. Joseph asked Ms. Wolfe if there is anything besides the five items he listed is missing? Ms. Wolfe advised that both applicants are waiting for their background checks and Dale will purchase insurance after the lottery. Chair Piltch clarified that this is the correct order. We grant the commercial license and she gets the insurance, parking, Victualer's and then she gives them the paper. Ms. Wolfe added that the two desirable spots are behind Starbucks and there are only two applicants so we are fairly sure that he will get it and will complete the process unless someone comes in before five o'clock on Thursday.

VOTE: (7 Ayes) (0 Nays)

ITEM # 25-22 To consider action relative to extending the sunset date of the Social and Racial Equity Ad Hoc Committee from October 20, 2021 to October 20, 2022.

BE IT ORDERED: That the Social and Racial Equity Ad Hoc Committee's sunset date be extended from October 20, 2021 to October 20, 2022. (Egan & Daniele)

Vice Chair Egan explained that this committee was comprised by Council action in December of 2020 and initially had a one-year lifespan on it. The committee started out with 16 members, several of which left the group for various reasons, mostly because they couldn't find the time over the course of 2021. A small but active group finished the primary task the committee identified which was a review of the HR Policy presented to the committee from Assistant Town Manager, Judy Hawley. A list of recommendations and some updates but mostly syntax and inclusive language was included in that recommendation as well as a change in the Table of Contents to make it a little more readable. Those comments were submitted in November. The committee has an interest in continuing because there are more policies and documents to review. They only had that one as a chance to review as well as wanting to move forward with additional education and communication issues which was not specifically outlined in the organizational purpose of the committee but has been clarified by the committee itself. He would like for the committee to continue meeting. As the liaison to that committee, he has an interest in seeing it continue and so he is asking for that action this evening.

Councilor Lawrence noted it has already sunsetted. It was 2021 and it is now 2022. Vice Chair Egan agreed. He is asking for a retro decision to move the sunset to October 2022. He explained that this committee is specifically interested and has tangible community interest from what he can gather. There are 5 or 6 people that continue to gather and meet to focus on the issues that potentially are still existing in Town documents in terms of potentially having out of date language, non-inclusive language and potentially implicit racial bias in some of the assumptions about how the Town does its business. He doesn't know what they are because he hasn't examined it all yet. The other purpose the committee would like the committee's existence to continue to be a communication channel for members of the public to come forward if they have experienced something or witnessed something that is related to racial equity and racial bias. That is part of the reason they want to continue for another year. Councilor Lawrence clarified that this is not for police action. It is something different and Vice Chair Egan agreed. He added that there is a channel for handling complaints in place. There was some conversation about the way some people were described and categorized and so that is updating the language. Another area focused on by the committee was hiring practices and does the Town encourage a diversity of candidates for positions/ Mr. Joseph noted that a lot of the things they found he would not say were racist language but they sure found a lot of sexist language because the entire code of ordinances for the Town was generated in the 1970s. He used to play a game with our former Police Chief about who could first find the police chief or

COUNCIL MEETING #02-22
JANUARY 18, 2022

his designee in every single ordinance because no one ever dreamt of the day when they were writing these ordinances that the gender would be different. He feels it is helpful to him and Judy to have a set of eyes looking that over because there are 30 or 40 pages. The transition to *they* solves almost all of those problems. Councilor Pillsbury feels the work the committee is doing is great and he would like to see it extended. Is the charge broad enough to continue the work Vice Chair Egan is talking about? What is the aim long term for this? Is there something we should be thinking about now: Should it come back to us in the summer?

Vice Chair Egan explained that it is structured year to year is because when it was first formed, the Council at that time made a decision to put it on an annual basis so it was not in perpetuity as a standing committee of the Council. There were some laser-focused tasks that the group undertook that first year and there were some challenges in getting participation on that committee from a number of different factors but there is now some additional people coming forward that want to participate in it because there are members of the public coming forward saying we all think as white people in this town that there are no racial issues and no glaring issues of inequality in our community but he can tell you that there are. There has to be some kind of channel for that to come forward and at least having a committee to talk about this issue is one way to have those voices be heard. If there is an issue, this committee can bring it to the Council. He does not feel that the charge to the original committee is too constricting at this point. Councilor Lawrence asked how diverse is the group. Vice Chair Egan mentioned that it started out with 16 members, 9 of whom were non-white. The group finished the year with 5 members and 2 of whom were non-white so there is an active effort to solicit some more input on the committee from non-white members of our community. Those folks are stepping forward. Councilor Lawrence asked that since it is social, is it diverse in that way, too? Vice chair Egan answered that it is.

VOTE: (7 Ayes) (0 Nays)

Chair Piltch thanked Vice Chair Egan for the work he does on this committee and asked that he forward his thanks to other members on the committee for the work they have been doing.

Chair Piltch explained that we have two items that have been moving in tandem from one agenda to the next. Item #194-21 and Item #195-21 both relating to Shoreland Zoning. The second one is a map that goes with the ordinance.

Caroline Pelletier, Town Planner explained that unfortunately due to other projects, the Planning Board has not made as much progress as we had hoped. At this time, she requested that the Council table this for another month to give them some more time to work on it. She has been contacted by a few residents that will be impacted by changes if they were adopted by the Council, this would allow them to go forward and do projects so we do have some people watching this and wanting us to move forward so it definitely is a project they need to get back to working on.

Chair Piltch advised that February 15th is a month from today so is that they are requesting? Ms. Pelletier mentioned that with the Vision and the Downtown Design Week, it will be tight but if they are not ready, they can bump it out another meeting. Part of this was workshopping with Chair Piltch and Councilor Bradley to go through and see if there are things we want to approach DEP on and if we have any leeway or some reconsideration ability on certain standards. She thinks some of the timing will depend on those discussions.

Councilor Bradley asked Ms. Pelletier to remind him on his recollection at the last committee meeting we talked about breaking out Shoreland Zoning from the Ordinance and dealing with it as a separate stand-

COUNCIL MEETING #02-22
JANUARY 18, 2022

alone ordinance and she was going to have the consultant work with her on that and then we were going to bring it back to the Council. He asked if he is wrong? Ms. Pelletier noted that he is correct. They took the initial steps of trying to pull it out but part of it is not only pulling it out and looking at what we can do and which ones we can look at, but also we have to clean up what is remaining in the current Zoning Ordinance and check all cross references. There is a pretty involved project but yes, Councilor Bradley is correct, we are looking at a stand-alone Zoning Ordinance. Councilor Bradley added that is what they are thinking about potentially bringing to the Council in February or March. Ms. Pelletier agreed and advised that they would get it drafted up and the next step would be to meet with Chair Piltch and Councilor Bradley to go through it and see what we want our next steps to be and whether or not it needs to go to DEP for input and then back to Planning Board or the Council.

Given all the work that still needs to happen, Chair Piltch recommended moving it out to at least March 1 which hopefully will give applicants time to do things before the summer but gives us a little more time to do what we need to do and then have a meeting with us and then bring it to Council.

MOVED AND SECONDED: To table Items #194-21 and 195-21 to March 1.
(Lawrence & Daniele) **VOTE:** (7 Ayes) (0 Nays)

TABLED FROM OCTOBER 19, 2021:

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.

COUNCIL MEETING #02-22
JANUARY 18, 2022

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.

OTHER BUSINESS:

1. Discussion of Water Tanks

Mr. Joseph advised that he has a document that he handed out with answers to a lot of the questions that have come up. He has notes from some residents and some Councilors. He offered to go through some of the supporting information. The original construction costs to the taxpayers for Bow Street Tank was \$225,000 in 1972-1974. The Winston Hill Tank was at no cost. It was primarily grant funded with local matches provided by the Sewer District and by the donation of the land to the Town by the Water Company. The Town is all in \$225,000. What were we paid back from Consumers Water and Maine Water Company? Of that \$225,000 the Town was paid \$43,000 until approximately 2000. In 2000 the Town had begun to generate lease revenue from the exterior of those tanks and the Town forgave the debt to Maine Water at that time. The Town said we are making so much money off this at this time that we don't need the money from the rate payers. It was a decision the Town made in 2000.

We got a question about industry norm for rent from a tank. Mr. Joseph noted this is a very tough one because it is not a common thing to have happened. Utilities generally own their tanks so the reasons why you might have a tank owned by somebody and operated by another party are pretty much limited to scenarios like this and are really weird. He wouldn't want to say there is an industry norm because it shouldn't happen this way in the industry which is why they want us to get rid of the tanks and give them to them so it does become the industry norm.

Revenue received by the Town for ownership of the tanks? We don't have good records prior to 2009 but we switched financial systems in 2009 and have records since then. We generated \$3,148,540 in revenues since 2009. The estimate moving backwards looking at the old records was \$159,000 a year before that. We would have to go back to the records to determine when the first lease was signed.

Mr. Joseph can tell the Council that it is probably closer to \$4M that has been generated off those tanks. None of that would have been generated if the water rate payers financed the tanks. It would have all gone to support the water rate payers instead of the General Fund. We spent \$225,000 but generated \$4M off the tanks.

Where was it stated that it was the intent of the Town to turn over the tanks to the Water Company? Mr. Joseph feels this is an interesting question for local government geeks like him to research. In 1972 there was an agreement between the Board of Selectmen. The Selectmen were authorized by Town Meeting to

COUNCIL MEETING #02-22
JANUARY 18, 2022

negotiate with Maine Water so they made this agreement. No. 10 on this agreement said: It is the intent of both the Water Study Committee and the company although the Town is not formally authorized to contract in this respect, the ownership of the stand pipe should be transferred for nominal consideration from the Town to the company at the termination of the lease. Mr. Joseph explained what a stand pipe is. What they meant by that is they don't have authorization because they were not a Legislative Body at the time. They were an Executive Body as the Selectmen so Town Meeting would have had to authorize that but it was the intent of the Selectmen to bring something back to them, which they did. It was brought to the Town Council at the termination of these leases. However, for two reasons they were not renewed. One is that the Town decided to build a second tank and utilize a similar type of agreement where the Town utilized federal grant money which was how Winston Hill was constructed in the 90s. That is why they didn't do it in the 90s and transfer it back. In 2000 they started to get the Telecom revenue and as he mentioned before, the former Town Manager did a really good job of looking out for the Town's finances and basically said, we are not going to go down that route. Let's renew this for another 20 years because the Town did not want to give up the leasing revenue. How was that changed? The Water Company said it didn't want the leasing revenue and the Town could take the exterior of the tanks and lease it in perpetuity as long as these tanks stand to your heart's content, they just want the ownership of the actual facility.

Again, Mr. Joseph feels the Town made the right decision not to transfer it and get the leasing rights to it. Maine Water Company has since changed their tune and are fine transferring it without the leasing rights if that stands in the way. That is why things are different and Mr. Joseph is here talking to the Council.

The expected lifespan of the assets, both of them are over 80 years and that translate to one more painting cycle. The painting happens every 20 years. Mr. Joseph will put this up on the website.

The value of the assets: the Town currently appraises them at \$400,000 for Winston Hill and \$665,000 for Bow Street and that is the value we would levy a tax on if they are transferred to a private owner. They are currently non-taxable because they are a municipal facility. That is what we say they are worth right now. Maine Water Company has told us there are 945 active accounts right now. More customers are served but do not have hookups for example, vacant parcels that are not built on yet. There are also roughly 100 fire services that are non-metered so they pay a rate yearly for that.

What would happen if the Town performed a public takeover of the Water Company assets? Mr. Joseph noted this has been in the back of his mind since this process started. He discussed this with Rick at Maine Water, the way that those values are calculated, it is from the rate payers' perspective and the value is automatically zero if it is an asset given or transferred into the system. This is by the PUC rules and there is no variance allowable here. If they don't put out rate payer money on the purchase of the asset, it is worth zero in a public takeover. There would be a great value placed on all the pipes, pumps and everything else in the system but not the tanks.

Would the cost of water increase? The cost to the rate payer would only increase if there is a cost to them to purchase it from the Town. Why transfer these tanks now from the Town's perspective? Maine Water has agreed to allow leasing which is the biggest single financial consideration of this whole thing which wasn't on the table 20 years ago. The existing agreement expired as of December 31 so if we are not going to go ahead with this, he needs to at least renew an agreement for one year or 20 years, whatever we want to do. Maine Water will continue to pay all maintenance costs because they will operate the facility so there is no cost to the Town. Maine Water is responsible for the future replacement of the tanks because it is likely to be the negotiated outcome if something were to happen to a tank or fail or a replacement needed to be made in 40 years. It is not guaranteed if we are holding the tank. It would be negotiated between the parties. It could be really messy. It is not a position he would like to leave the

COUNCIL MEETING #02-22
JANUARY 18, 2022

Town in 40 years from now. There would be some tax benefit from it that we are not collecting right now but it is not enough to make a decision on but it is an added bonus.

The question was who owns Freeport Water? Freeport Water was the original company and was always privately owned. It was owned by Consumer's Water of Maine at the time when all these agreements were put in place in 1972 and has been acquired by Maine Water Company who serves 11 additional communities besides Freeport, Maine. There are four public utilities owned by this public utility company. It is a U.S. company but it is a conglomerate water company. They have always been a private corporation.

Structural valuation performed on the tanks, they look at them yearly two or three times but Mr. Joseph does not have access to those reports but he could request them. They do evaluate them but in the off chance we become aware of a problem before they do, we call them and they have an engineer that is here as they have for years and repair the tank. We do not regularly check it. Dan's neighbors call us if there is a problem. They have an Internet control system and they are remotely monitored all over the place.

Councilor Fournier asked if they took over South Freeport? Mr. Joseph advised that they operate under contract to South Freeport for the operation and the billing. Councilor Fournier asked if they are trying to take that system over? Mr. Joseph advised that they wouldn't take it over but they are happy with the contract and service they have. Councilor Fournier recalled that there used to be an operator who lived in town and would respond on second alarm fires and open valves to get more water flow. He asked where are we on that? Mr. Joseph advised that they do not have anybody that lives in town. There is an engineer that runs a couple or three districts in southern Oxford County. A lot of the system is computer controlled but not everything.

Councilor Lawrence asked what happens at the end of the life of these towers? If they are replaced, do we still get the revenue from the towers and do we still own the outside if they are replaced? Mr. Joseph advised that it is not contemplated. On one of the parcels where we are retaining the land, it will be an easy negotiation. The other one on Bow Street there is no guarantee 40 or 50 years from now. The only way around it is if we owned it and commit to rebuild it in 40 or 50 years. That is what we are giving up potentially.

Councilor Daniele asked if we could include that we will give this to you but if any other existing tanks get built in Freeport by you, we want to be able to utilize the exterior. Mr. Joseph added its replacement on that site would probably be the easiest way. Mr. Joseph was not looking to grow but maintain would be good and we can talk about it for sure. Councilor Fournier added that we never thought we would have a Winston Hill but there has been talk about expanding up to North Freeport. He asked if we could put something there that would allow us to use a new tank for cellular or communication so we could continue with our current revenue stream like we have with our two. He wonders if they would be open to that? Mr. Joseph noted it is money but he doesn't know if they could have all of our future money. Vice Chair Egan asked what would be the economic incentive to pay for the whole new tank and give us the cellular revenue? Councilor Fournier did not know. It would probably not make economic sense for them. We have been very fortunate to do what we have done with cellular but there would be no incentive for a private company. Mr. Joseph added that he would not sign that deal if he was in those shoes. It is kind of how the calculus is done when you build a new tower and how much you can offset through the uses and stuff like that. He provided examples.

More discussion followed. Councilor Bradley advised that they are asking us to transfer the ownership of the water tower to them. Why are we giving them something for nothing? We already have the revenue stream from the outside. We know they are going to continue to use this for their rate payers and make the

COUNCIL MEETING #02-22
JANUARY 18, 2022

money they want even if we keep it. He is thinking that a taxpayer is going to ask him why he voted to give away the water tower that has some value to them for no return to the taxpayer. He does not know the answer to that question and none of this what we might negotiate helps him get there. Mr. Joseph explained the whole reason we owned them in the first place was to save money for the rate payers. The whole reason we took on that ownership, took on the loan for one and the grant financing for the other one was to save money for the ratepayers. We asked for that money from the ratepayers. That is coming straight from the ratepayers. That is how it is calculated. Councilor Bradley asked if there is some value they are asking us to give them and we are considering giving it to them for nothing other than to continue a right we already have. Mr. Joseph advised that we are giving it so we won't have to build a \$5M, \$20M or \$30M water tank in 2050 when it comes up for replacement.

Councilor Bradley asked why is the decision not to convey title to these water tanks preclude them or us from building a tank whenever a replacement is required? Why does our decision not to convey ownership of these tanks mean that we will have to build a replacement when replacement comes up? Mr. Joseph advised that it is certainly guaranteed that if we are not holding the tank, we are not in the discussion. Councilor Bradley noted fair enough but there is no requirement if we give them the ownership of these tanks that they are going to replace them in 50 years. Councilor Pillsbury added that it is also the ongoing maintenance and liability. We would have to pay to paint it and repair it. Mr. Joseph advised that the reason we don't pay for it now is that it is in the agreement that expired in December that they will do all annual maintenance. They may continue to do that or they may want a different conversation about it if we go forward. Councilor Bradley mentioned he is just trying to figure out how to explain to somebody that we gave somebody something but didn't get anything for it. He is still not hearing it but is open to hearing it. Councilor Lawrence tried to clarify it.

Vice Chair Egan asked since the contract expired, do we have any iron clad assurance that we get to keep the cell tower revenue if we charge them a fee? Mr. Joseph advised that it is the only thing we will get iron clad assurance because we own it. The ongoing maintenance costs and the replacement costs are not iron clad. They are negotiable. The only thing we can dictate is we own the exteriors of those tanks just like we own the inside of them right now. The question is do we want to continue to own the insides? Vice Chair Egan asked what the annual revenue is on the cell towers? Mr. Joseph advised that it is close to \$300,000 now. Vice Chair Egan noted we get to keep \$300,000 a year in revenue and the maintenance and liability of the replacement tank or we get to keep the \$300,000 in revenue and get rid of the liability and replacement costs.

Councilor Bradley added that Vice Chair Egan says we get rid of the liability and replacement costs but we wouldn't do it. It doesn't mean that they have to do it just because we gave them ownership of these tanks. It still doesn't answer his question of why we give it to them for no money? Chair Piltch pointed out that the maintenance is not insignificant and Mr. Joseph added that we are talking about hundreds of thousands a year for two tanks together probably. Chair Piltch feels if we don't give it to them, they may ask us to maintain them ourselves. Mr. Joseph mentioned it would become a much more drastic cost on the ratepayers. His question is what is the benefit to keeping them? He understands the question of asking for money if there is a negotiated price for some reason that we want the ratepayers to pay the taxpayers, he doesn't understand why that it is. The only reason we got into this in the first place was to save money for the ratepayers. If we want to milk the ratepayers now for this instead. Councilor Bradley noted he does not want to milk anybody. He is looking if there is a value for these assets we are considering transferring? Only the ratepayers use them. None of the people in his district or many other districts use, so is it fair to ask the whole town to pay for the value they use? He thinks there is at least a reasonable question there but he doesn't know what the answer to it is. He would like to know what the value would be and make some sense of that and then we can talk through the other issues.

COUNCIL MEETING #02-22
JANUARY 18, 2022

Councilor Fournier advised that he receives a benefit from the ratepayers because the hydrant on Bow Street is within a 5-mile radius from his home and he receives a lower insurance premium. He asked if we give them the tanks and we expand the system and go higher on Winston Hill, can we add more cell service to Winston Hill if that tank goes higher? Will that be part of the agreement we are going to have? If we are going to give away these tanks and maybe they come out with a new stand pipe 40 years from now and make the stand pipes bigger than here. He wants to have the access for communications in perpetuity. Mr. Joseph feels it could be negotiated and believes he could have that conversation. Assuming the technology stays the way it is, it is likely that radio or some sort will be required so he thinks it is a good assumption that we would at least want it for the same reason we want to retain the land since it is the highest land in town even if water tanks aren't a thing in the future, towers might still be and we might need to use that.

Chair Piltch asked Councilor Bradley if there is a benefit to the people in his district for not having a vibrant town burn down for lack of water? He thinks it is a benefit to everybody having hydrants up and down Main Street to protect it.

Mr. Joseph added that the closest he can come to this is looking at the financials. We built a \$150,000 asset with \$75,000 in finance fees and saved the ratepayers \$75,000 at the time in extra finance fees because they would have paid double on the market. That is what this whole thing was about. They paid us back \$43,000. That is really what the taxpayers expected. We are talking about what we expended on behalf of the rate payers. Because we did that, we are making millions of dollars extra that we never would have made before so in his opinion, we just hit red on a 14-color roulette table. It shouldn't have happened but we got lucky. If we want to go after the ratepayers for what the tax payers are owed, we can do that. It is a legitimate policy point if we want to charge the ratepayers for that \$180,000 difference but to him it seems like we ended up \$3.9 when you take into account those first ten years or close to \$4M in the positive. Understand that ratepayers' rates will go up and we will have to justify that. Probably 500 of those are in District One. It is not wrong to ask for the money back, however, it is really relevant on the scale of \$4M to talk about whatever that \$180,000 would be in today's dollars. Somebody at the time wanted to do a handout. Somebody in 2000 also agreed that Maine Water could stop paying us rent because we were doing so well off the returns. Chair Piltch advised that it strikes him as being greedy to ask for more when we have gotten so much out of this already and we will continue to get it. It strikes him that it is the fair thing to do to give them the tanks. Others agreed and Councilor Bradley gave up. Mr. Joseph advised that he will bring back the documents that our attorneys have been working on with the proposed transfer agreement at the next meeting. It sounds to him that to get this deal done, that might be something they would want to throw in. Councilor Lawrence feels we need to get this going so we can get the antennas on by the summer. We need to do that now, not April. Chair Piltch requested that anyone watching to please not shoot holes in the water tank. Mr. Joseph feels there is still some question about the details.

MOVED AND SECONDED: To adjourn at 9:53 p.m. (Egan & Lawrence) **VOTE:** (7 Ayes) (0 Nays)

Respectfully submitted,

Sharon Coffin, Council Secretary

COUNCIL MEETING #02-22
JANUARY 18, 2022

	OUTSTANDING OR UPCOMING ACTION ITEMS	INITIATED ON	PROPOSED BY	ADDITIONAL INFORMATION
#1	Review of Town fee schedule this year	1/4/2022	Councilor Pillsbury	Tasked for 2022
#2	Research availability of PCR Rapid Test		Councilor Bradley	
#3	Schedule dates for touring facilities		Chair Piltch	
#4	Institute Indoor Town facilities Mask Policy		Town Manager	
#5	Determine how much is reasonable to keep in reserve accounts		Councilor Bradley	
#6	Set process for how we are going to accept applications for ARPA funding before summer		Chair Piltch	
#7	Determine if our Capital Reserve Budget is properly funded and we have a proper schedule to set our budget priorities		Councilor Fournier	
#8	Review our codes and permitting processes in Town Hall		Chair Piltch	
#9	Break out Shoreland Zoning from Ordinance		Chair Piltch/Councilor Bradley	Tabled
#10	Resolve Water Tank contract		Mr. Joseph	

COUNCIL MEETING #02-22
JANUARY 18, 2022

END OF AGENDA (Estimated time of adjournment :00 PM)

Councilor Chair Daniel Piltch, 25 Quarry Lane	X
Council Vice Chair, John Egan, 38 Curtis Road	X
Councilor Matthew Pillsbury, 36 Todd Brook Rd	X
Councilor Chip Lawrence, 93 Hunter Road	X
Councilor Darrel Fournier, 3 Fournier Drive	X
Councilor Jake Daniele, 264 Pownal Road	X
Councilor Edward Bradley, 242 Flying Point Road	X

COUNCIL MEETING #03-22

FEBRUARY 1, 2022

Councilor Piltch called the meeting to order at 6:37 p.m. and welcomed everyone. He took the roll call. All Councilors were present and Town Manager, Peter Joseph.

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood for the Pledge of Allegiance.

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #02-22 held on January 18, 2022 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting # 02-22 held on January 18, 2022 and to accept the minutes as printed (Bradley & Daniele)**VOTE:** (7 Ayes(0 Nays)

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

Chair Piltch read the following announcements:

- Join the Town of Freeport from Feb 3rd to the 7th for a public design workshop for the Freeport Downtown Vision Plan. The project team will host an open studio in downtown and facilitate roundtable discussions, a block party, and workshops to co-design the future of downtown Freeport together with the community. For more information and to register visit: www.freeportdowntown.me
- The AARP Foundation has a Tax-Aide program. If you visit their website near the end of January, you should find the "Site Locator" tool where you enter a zip code and find locations nearest you for in-person tax preparation www.aarp.org
- Short term residential rental registrations expire March 1st of each year. Renewals that have made no changes to the property during the licensing year will only need to resubmit the 2 page application, an updated insurance policy or proof of coverage and the \$100 fee per rental.
- Subject: Exit 20 and 22 Bridge Replacement Projects: A pre-construction meeting is scheduled for February 3rd between the Maine DOT, Town Staff, and Contractors. This meeting will provide project details concerning the construction start dates, traffic management, and sequencing. Please stay tuned for further information regarding these projects. Information will be shared as it becomes available at Council meetings, on social media platforms, and the Town's website.

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

Councilor Bradley reported on progress with the Island Rover. A substantial launch plan has been submitted by the applicant and reviewed by town volunteers, some of which are BIW employees. The Town Engineer does not have a problem with the roads or with the tacking of the railway onto the ledge that they propose. Councilor Bradley does want to consult with another level of expertise. He is encouraged that there will be something to present to the Town Council at the next meeting or two.

Councilor Bradley also informed that the Wolf Neck Center for Agriculture and Environment has received a \$2.5 million grant to finish the Smith Center, which was the last piece of the development program they began five years ago. It took private funding and it is an enormous asset for the community. He encouraged people to reach out to their Board, Dave Herring or Genie Mattson who have been working on this.

COUNCIL MEETING #03-22

FEBRUARY 1, 2022

Lastly, there's going to be a presentation from the Sewer District to the FEDC on the 23rd to talk about Sewer District improvements and connection fees. There is a real opportunity for people who have for a long time not been exactly on the same page to turn a page and come together.

Councilor Pillsbury reported that the Freeport Climate Action Now digital launch event on the 20th went very well. It's up on YouTube and he would encourage you to check that out. He also felt the RSU January newsletter was a particularly good read. Superintendent Foley had a well written piece on the racist incident that happened in our town in November and the work that's being done at the school level on education around diversity, equity and inclusion. He would encourage everyone to go to their website and check it out. There was also a letter by Bonnie Violet talking about the journey that the new Mainers that are in our town now have endured. He also thanked Chair Piltch and Vice Chair Egan for the statement they put out regarding the incident. Chair Piltch explained that because there wasn't another council meeting for two weeks and they wanted to get something out quickly which is why it didn't come from the whole Council. Hopefully, tonight it will be discussed and the Council can come to some consensus if they want to do that also as a Council as well.

Vice Chair Egan, liaison for the Social and Racial Equity Committee, read a Proclamation that the committee actually wrote late last fall before this event occurred. The proclamation is in support of inclusion, social justice and non discrimination in the town of Freeport. Councilor Egan read the following Proclamation. Councilor Egan was asked if this is here for adoption and asked he stated that he would like it to be endorsed.

-Whereas it is imperative to the Town of Freeport, Maine's goals that we are a welcoming and inclusive community to all who seek to live, work, play, and thrive peaceably within our boundaries; and

-Whereas the residents of Freeport welcome and embrace people from all races, creeds, and orientations, and believes we are stronger as a society when we enthusiastically do so; and

-Whereas the Town of Freeport is committed to building trust amongst all its residents, including continued work and collaboration to insure inclusion and welcome diversity; and

-Whereas the Municipal Departments of the Town of Freeport will uphold and advance the goals of social justice and that all members of the community have the right to live peacefully, raise their families, and seek economic and academic opportunities free of discrimination.

-Now Therefore

-The Freeport Town Council, on behalf of the Town of Freeport, Maine, do hereby resolve: All Freeport residents, visitors, and guests, regardless of race, color, ethnicity, or gender identity are entitled to be treated with compassion, dedication, and equality in the pursuit of a peaceful life; and

-In the strongest terms possible, hatred and bigotry, overt and subtle, will not be tolerated by the Town of Freeport or it's officials or employees in any form; and

-The Town of Freeport commits to ensure its employees are trained in both implicit and explicit bias against any population and to ensure that the ideals of fairness and equality are upheld.

They took a few minutes to review as this was the first time some councilors were seeing it. Councilor Piltch stated her was okay with endorsing it. Councilor Lawrence wanted to know what it meant to "advance the goals of social justice, as that is pretty broad"? Councilor Egan said the goal is to treat everyone fairly. Councilor Lawrence stated that if the goal of social justice is to treat everyone fairly, then let's say that. Councilor Daniele was comfortable voting it as is. Councilor Piltch called for a show of

COUNCIL MEETING #03-22

FEBRUARY 1, 2022

hands for endorsing the Proclamation as is. **VOTE**: to endorse Proclamation as is : (5 Ayes)(2 Nays-Fournier & Bradley).

MOVED AND SECONDED: to amend the language in the goals of the Proclamation to read:

*-Whereas the Municipal Departments of the Town of Freeport will uphold **the goal of treating everyone fairly** and that all members of the community have the right to live peacefully, raise their families, and seek economic and academic opportunities free of discrimination.*(Lawrence & Fournier)**VOTE** (6 Ayes)(1 Nay-Bradley)

To adopt the Proclamation as amended **VOTE** (7 Ayes)(0 Nays)

Mary Davis of FEDC gave an update on Downtown Vision week. This process started with surveys and we are now down to specifics. This week is the next level of detail. Principle will ask us what we want. We can clarify what we do and don't want. Workshops are virtual with 80-100 people per session signed up now. They went all virtual for the workshops to make sure everyone is able to be involved. There was a newsletter sent out to over 600+ people. She encouraged people to print it out as it has the agenda and other important information about Design Week. We are recording the sessions and she encouraged everyone to attend.

FIFTH ORDER OF BUSINESS: Town Manager's Report (15 minutes)

Mr. Joseph apologized that we are experiencing Zoom problems this evening .

He announced the promotion of Gail Moody in the Finance Department from Counter Clerk to Accounting Assistant, filling Todd Reynold's vacancy. Please wish her luck.

He reported on the Emergency Face Covering Ordinance and stated that we have had 3 complaint reports. One regarded over-zealous enforcement and two were complaints regarding people not wearing masks so it has been not very contentious so far. The two non mask wearing complaints were resolved through education and the over-zealous enforcement was a private business decision so there was no part for the town to play.

Our attorneys are working on 3 real estate matters not on the agenda tonight. Our real estate attorney is working with Maine Water Company's attorney regarding some of the questions about the water tanks that were brought up at the last meeting. The second is the L'Ecole Francaise du Maine for Soule School property. They had conversations earlier this week. Lastly, we are working with Verizon representative on contracts for the water tanks pending. The attorneys are working directly with them later this week to give feedback.

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

1. Dominic Petrillo-owner of Petrillo's Restaurant spoke in favor of removing the mask mandate. He believes the mask mandate is ineffective. Surgical masks are best but are only good for 25 minutes before there is viral overload. At his restaurant the employees are the only ones wearing a mask so how is that effective? These are private business, not public. Council

COUNCIL MEETING #03-22

FEBRUARY 1, 2022

has the duty to act to support local businesses. He asked for a revote to remove the mandate under a motion to reconsider.

Councilor Daniele asked if he noticed a change in his business in the last 2 weeks. Mr. Petrillo said there has been no dip in business, but he has been asked to host a group and not enforce mask mandate and he declined. He did lose an employee over the mandate. Councilor Lawrence asked if he declined the request due to mandate and he said "yes".

2. Josh Olins-139 South Freeport Road.- Mr. Olins was the former chair of the Sustainability Committee but is now a board member only. He is proud of FSAB's accomplishments but would be remiss if he didn't point out missed opportunities due to lack of human power. As the urgency of climate change is becoming more evident, it is clear that we have to do more and we really need the support and guidance of greater minds and greater backing and believes it is time to hire a Sustainability Coordinator. He listed the numerous projects from planning to carbon footprint transportation, EVS charging infrastructure, energy project production, waste management, and so many more that need our attention and it's too much for volunteers. The position would pay for itself through grant opportunities and hopes we will add it to the future town budget.

3. Bob Stevens-member of Climate Action Now-Mr. Stevens and his group also supports the Coordinator position. Mr. Stevens talked about the Climate Action Now events and thanked us for advertising it in the bulletin as it increased attendance. The group is starting to deal with local food, conscious consumerism, equity and social justice or fairness, housing, energy efficiency, local transportation and carbon impact solver and energy coordination with municipal and State action plans. Lastly, he spoke in favor of keeping the mask mandate.

4. Al Brown- owner of Buck's Naked BBQ- Mr. Brown sent an email to the town without response. His point is that masks are worthless as reported by the CDC. K95 masks have better protection and many in the states are fakes. He talked about discrepancies in Covid reporting and changes in how we see it. He agrees with Mr. Petrillo and is asking the Council to reconsider and revote the mask mandate. If the Maine CDC doesn't mandate it then why does the town? The feeling that a mask is a medical device that will save us is wrong. Are we doing it because other municipalities did it? He now has 27 employees when he had 50 and 20 have had Omnicron, including himself. Mask mandates won't stop additional Covid cases.

Councilor Egan asked if it would have made a difference if the Maine CDC had issued the request? Mr. Brown replied affirmatively that it would hold more gravitas if it came from a medical community like the Maine CDC. We have to choose truth and lies. Councilor Lawrence agreed that it requires KN95 masks, goggles and gloves to be protected.

5. Jim Hughes-Spar Cove Road-spoke at the last meeting spoke against the emergency ordinance. He covered what he felt were mistakes in how Covid has been handled. It's the first time we locked down healthy people and not the sick ones. For first time doctors were told not to prescribe drugs and pharmacies not to dispense. Everything pushed to vaccinations. The vaccine was given a EUA, which is contingent on no treatment for the disease, therefore, treatments were suppressed. He would advise you to follow the money to such places as pharmaceutical companies. Masks are a way of scaring people to get vaccinated. Covid is

COUNCIL MEETING #03-22

FEBRUARY 1, 2022

treatable. Where is money going? He spoke to who he thought was making money on pandemic. He also asked the Council to rescind mandate, if not, then when it expires let it die.

6. Shane Reeves-11 Rainbow Lane, Freeport- He runs an auto shop in Yarmouth which doesn't have a mask mandate. Waits on customers all day that come in without masks. He has chosen to not shop in Freeport due to mandate. Masks should be personal choice and others have pointed out their ineffectiveness. As you travel you go through towns with and without mandates. He is 35 years old and had Covid and recovered with the approved medicines. He strongly encouraged the Council to revote and repeal the mask mandate.

7. Andy Arsenault-US Route 1- He spoke against mandate last time. How do we measure if it's successful? How have we achieved our goal He agrees with Shane Reeves issues. There are issues with the treatment. Has not had Covid and believes state is playing God. He spoke to the treatment options and against masks.

Councilor Piltch reminded the public that the mask mandate was passed as an emergency ordinance 2 weeks ago. They set it to expire in 30 days, so if they don't do anything at the next meeting it will expire. The council could vote to reenact it for any amount of time. Dan-mask mandate approved but if nothing happens it will expire in 30 days.

8. Zoom: Joyce Clarkson-Veilleux- Wanted to thank the Town Council for the option to Zoom the meeting. She hopes that the Council will take suggestions from the public on how to expend the ARPA funds. The pandemic taught us that we need more outdoor event places. She would like to propose a gazebo in park for small plays and musicals. This would help promote tourism. There could be education programs, movie screenings and lectures. It is in line with The Principle Group's survey that we want more friendly outdoor spaces. She would also like to see a couple of places for food trucks and having a dinner and a movie in the park would be a good thing. Also she would like to see a good playground. We already considering a skate park for older kids, but we need something for younger and handicapped kids that includes special equipment. Councilor Piltch explained that the ARPA funds have strings attached, but we are putting ideas in a bucket.

Councilor Piltch noted that our Charter, section 214 specifies how to repeal an emergency ordinance. It would take a vote of 5 in favor to repeal. It would also take a vote of 5 (majority plus one) to reconsider.

Councilor Lawrence wanted to make the motion to repeal emergency ordinance. When we made the ordinance, it was a gesture, we made it as law we weren't going to enforce, it wasn't vetted through. If the goal is to keep people safe, it doesn't.

MOVED AND SECONDED: That the ordinance from last meeting regarding temporary face coverings be repealed. (Lawrence & Egan)

Councilor Daniele thinks Mr. Arsenault made a good point about what is our end game. What matrix are we looking for?

COUNCIL MEETING #03-22
FEBRUARY 1, 2022

Councilor Piltch feels we are all in this together. Science changes, we learn things. Nothing is 100 percent effective. Masks are a tool and the guidance is to get vaccinated if you can. Masking is one thing you can do. He is looking at are we in an area of higher transmission and currently we are. How is it affecting the health care system? Are masks going to solve the problem –no. KN95 surgical masks are better than other masks. He is uncomfortable doing nothing. This is good middle ground and he is willing to give another 2 weeks. There are three matrix that Councilor Piltch is looking at. 1. Are we, Cumberland County, in an area of higher transmission? 2. What do ICU bed numbers look like and he can't remember the third but it's from the CDC website and is hospital related.

Councilor Lawrence wants to know how Freeport having a mask mandate is going to stop that. We are already on the down slope. We are at the end of pandemic. We closed country for two weeks and it still got around. We've been wearing masks for 2 years. It's just a gesture. He thinks it's everyone's personal choice to wear a mask. When we take away choice we take away a freedom. These are private businesses. When we talk about higher numbers in Cumberland county, what towns is it? If we are doing a mask mandate and Yarmouth isn't, then what's the point. It's not effective and we don't have a way to track it. Why does Cumberland county have higher rates? He understands people are afraid of Covid.

Councilor Fournier stated we are now seeing a decline in numbers since the last meeting. His grandkids got it. Let them back into school after 5 days. He talked about encouraging people instead of mandating. We are hearing people losing employees and business. Hopes we can reconsider.

Councilor Bradley stated he is not going to support motion. For him, Dan explained why he is not going to support a repeal. It is one thing we can do to slow Covid down and make the situation better. He doesn't view it as a gesture. We need to stay the course, it's only 2 weeks more. People are stopping him in the street to thank him for voting for this.

Councilor Pillsbury will be voting no also. He agrees with Councilor Piltch and Bradley. He does appreciate everyone coming and speaking tonight and doing it in a civil manner.

Councilor Daniele also heard from people who wanted it to go further. He echoes Dan's comments.

Councilor Piltch explained there is a motion on the floor to repeal the emergency ordinance and he explained that a yes vote would be to repeal and a no vote would leave the ordinance in place till February 16, 2022.

Peter Joseph clarified that at the next meeting the Council would need a 5-2 vote to reinstitute the ordinance after it expires in 2 weeks.

VOTE: (3 Ayes: Fournier, Lawrence, Egan)(4 Nays: Piltch, Pillsbury, Bradley, Daniele)

Councilor Bradley asked about the procedure to maintain the mandate. Peter Joseph stated that we want to make it permanent we would need to notice a Public Hearing and hold the hearing within 14 days.

COUNCIL MEETING #03-22
FEBRUARY 1, 2022

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

ITEM # 32-22 To consider action relative to adopting the February 1, 2022 Consent Agenda.

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

BE IT ORDERED: That the February 1, 2022 Consent Agenda be adopted.
(Pillsbury & Fournier)

Councilor Pillsbury asked why we need to approve individual donations. The Town Manager explained we have to accept anything outside of the regular budget process. You could hold till end of year and do it all at once in a different fashion. It can't be spent until it's received. Councilor Fournier asked why we couldn't use the annual letter as a mechanism and just appropriate the money when it's spent. Mr. Joseph explained that it's also is a public recognition of the donation. It makes it part of the public process.

Councilor Daniele asked what the Dr. Carrine Burns Fidelity Charitable Fund and the BenPaul Charitable Funds are. The Town Manager and Town Clerk were not able to provide additional information but will come back after doing some research.

MOVED AND SECONDED: To remove items #41-22 and #42-22 from the Consent Agenda and table them until the next meeting (Daniele & Lawrence)**VOTE:** (7 Ayes)(0 Nays)

VOTE: on Consent Agenda as AMENDED: (7 Ayes)(0 Nays)

ITEM # 33-22 To consider action relative to adopting the FY23 Budget Schedule.
The Town Manager explained that there are two parts to the budget process. There's the Capital budget, which is the five year program of capital budgets will happen for the next two months starting March 1 through April. Then starting May 1, and continuing through June we work on the operating budget. There are two month periods for the next 4 months. We have a target date for adoption on June 21st but in all actuality they have until June 30th to adopt a budget. That is cutting it close, but the Council can call an emergency meeting with proper notice. The budget timeline is laid out in the Charter, and runs later than other municipalities. Our charter states that as of the last day of the fiscal year, you have to have next fiscal year's budget adopted. It is good because it gives us the most accurate year to date data to look at as we're going through it. When we transmit the budget, we have 10 months of this fiscal year to go back and analyze as opposed to some municipalities that start January 1st that only have 6 months of the data to really look at for performance.

Councilor Pillsbury wanted to know if that gives enough time to implement the budget within those nine days. Specifically, what if you wanted to enact hiring one July first, that's the first day, you're never going to be able to do that. Mr. Joseph explained that we have enough fund balance to carry over. The only real problem would be a substantial reduction to the budget. For instance, if they voted to eliminate a

COUNCIL MEETING #03-22

FEBRUARY 1, 2022

department, he might have trouble getting that done in 2 days. We would hire contingent on the funding happening. It could affect hiring if someone was not willing to wait a month to see if they got funding.

Councilor Egan has been doing this for 5 years and finds the timing to be more than adequate. Most of the back and forth is on the capital budget rather than the operating budget. This year we will be talking about adding a few positions which will be added to the operating budget. There are probably 5 meetings on the capital budget before that is in place. And all that time, the Council is getting information on the operating budget. It may seem like they are voting on it at the last minute, but the Council has lots of advance notice to have conversations about it. By the time the budget is voted on there has been lots of dialogue and input.

BE IT ORDERED: That the FY23 Budget Schedule be adopted.

VOTE: (Fournier & Lawrence)- (7 Ayes)(0 Nays)

(Town Manager, Peter Joseph)(15 minutes)

FY 2023 Budget Schedule -	
DRAFT	
Thursday, February 24, 2022	Manager Transmits 5-Year Capital Program to Council
Tuesday, March 1, 2022	Manager and Finance Director Present 5-Year Capital Program During Council Meeting
Tuesday, March 1, 2022	Council Sets Public Hearing for April 5
TBD	Joint Meeting with RSU 5, Town of Durham, Town of Pownal (Community Center)
Tuesday, March 15, 2022	Council Workshop on 5-Year Capital Program
Tuesday, April 5, 2022	Public Hearing on Capital Program
Tuesday, April 19, 2022	Adoption of the 5-Year Capital Program
Thursday, April 28, 2022	Manager Transmits Operating, Capital and TIF Budget to Council
Tuesday, May 3, 2022	Manager and Finance Director Present Operating, Capital and TIF Budget
Tuesday, May 3, 2022	Council Sets Public Hearing for June 7
Wednesday, May 11, 2022	7:30-8:30 AM Department Head Public Informal Q&A Session
Wednesday, May 11, 2022	5:00-6:00 PM Department Head Public Informal Q&A Session
Tuesday, May 17, 2022	Council Workshop on Operating, Capital, and TIF Budgets
Tuesday, June 7, 2022	Public Hearing on Operating, Capital, and TIF Budgets
Tuesday, June 21, 2022	Target Date for Budget Adoption-Capital, TIF, and Operating Budgets/Appropriation Made

ITEM # 34-22

To consider action relative to amending the 2022 Town Council schedule to

COUNCIL MEETING #03-22
FEBRUARY 1, 2022

designate four additional workshop dates on March 22, March 29, April 12 and May 24.

March 22 is being added as a correction. There are normally three workshops to meet with Boards and Committees and this was left off the last schedule. March 29 and April 12 was talked about by the Council. This is the chance for the Town Council to have a say with the Principle Group. We can add if these two aren't enough. May 24th is a workshop primarily with FEDC. They will probably have a new executive director by then. This is a synchronization to say what are the goals and objectives of FEDC and are they aligned with the Council goals. This year the downtown vision may come up with a series of actions and plans that we need help adopting. We may ask for FEDC's help. This will be a good chance for the Council to really talk about the implementation of the plan.

BE IT ORDERED: That the Town Council Schedule be amended to designate four additional workshop dates on March 22, March 29, April 12 and May 24.

VOTE: (Lawrence & Daniele)(7 Ayes)(0 Nays)

(Council Chair Piltch)(15 minutes)

OTHER BUSINESS:

1. Discussion regarding Freeport following the State's lead in divesting fossil fuel holdings, as specified in LD 99 which says "The Treasurer of State may not invest in any prime commercial paper or corporate bonds issued by a fossil fuel company". (Council Chair Piltch)(15 minutes)

Councilor Piltch stated this is a discussion regarding Freeport following the State's lead in divesting fossil fuel holdings as specified in LD99 which says the Treasurer of the State may not invest in any prime commercial paper or corporate bonds issued by a fossil fuel company. It was signed and passed by the legislature and the governor. Maine was the first state to do that on a legislative basis so that it's required by law and not set as policy. Councilor Piltch believes it was in 2012 that Unity College here in Maine was the first college university to adopt that as a policy. Since then there have been 1485 institutions that have divested over \$39 trillion from fossil fuel holdings. He wants to look at this and see if the town wanted to do that also. He knows it would not be a large amount of money, but combined with other institutions it makes a big statement as a whole. He also feels it puts weight behind our intentions in implementing a Climate Action Plan. He wants to know if there is an appetite to look into this and come back with a proposed policy?

Councilor Pillsbury supports this and thinks it seems counter-productive to be using town funds to invest in fossil fuels.

Councilor Bradley wanted to know how much money this is and who invests this for us. Councilor Piltch stated we have a paid investment manager who invest our reserve balances. There are state rules about what we're allowed to invest in and they're basically very conservative investments. We don't make those decisions, we just set the policies that tell the managers where to invest our money. The current fund manager is Bangor Savings Bank Wealth Management division selected several years ago by a RFP. We will do another RFP in another year or two. They make some thousandths off each investment. John

COUNCIL MEETING #03-22

FEBRUARY 1, 2022

Egan stated that the balance would be eight to 10 million if you add up all the accounts. The town manager thought it was closer to six or seven. Part of the research that needs to be done is to find out how much of those investments are in fossil fuels but they are definitely in there. A lot of ours are tied to index funds. We don't target fossil fuels but we also don't avoid them and the research will help.

Councilor Egan explained there are two sides to the discussion. We make decisions about investment of our reserve accounts, which is a fiduciary decision. On one side of the coin is why would we choose an investment strategy that's not going to maximize our opportunity to get return? The other side is are we aligning our investment strategies with a value that we say we have in terms of recognition of climate change, and whether or not we should be investing and participating in companies that are contributing to negative climate impacts. It's worth discussing and he thinks it will be an easy decision, because our conservative investment strategy is such that it's not going to harm us from a fiduciary perspective in terms of a return to make that decision.

Councilor Fournier does not support this. He thinks we take more beneficial actions on other positions than this and he's not sure he would have interest in this. He thinks we can go to GPCOG and do environmental issues, we have the sustainability position. Those are the meat and bones issues.

Councilor Pillsbury stated that there is a real cost down the road to the town on climate change inaction. We are going to see real dollar costs to flooding and additional snow storms, etc.

Councilor Lawrence asked if the fossil fuel companies are not transitioning or doing research in electric companies.

Councilor Piltch said that one of the things he is trying to figure out is how to define a fossil fuel company. If you are investing in oil and gas exploration but also in wind and solar, are you a fossil fuel company? There are definitions used by the State or those 1500 other institutions that we can borrow. A lot of it is focusing on the top, the people who own the carbon resources in the ground and saying that if we divest from those companies, then there's less financial incentive to extract those resources from the ground. There are a lot of moving parts and the impact is there and it makes a difference. We are not proposing to spend any money on this. It is not a foregone conclusion that we will take a lower return when we do this. Some of the funds that are global sustainable funds have exceeded the index funds, some have not. We don't know if the fossil fuel sector is going to do well next year.

Councilor Lawrence commented that 40 years ago when he was a kid, we were told that oil would run out in 30 years and this problem was going to be taken care of itself. And we are still told that we are running out in 30 years and this is from the experts. (amended language)

Councilor Daniele stated if we invest in Exxon Mobil as a shareholder and we take that money out, it doesn't actually give them less money. It's just moving the stock price down a little bit. He agrees we shouldn't invest in Exxon Mobil new bond issues, but if the bond is already issued, does it change anything with who gets the return from that.

Councilor Bradley had earlier made the point that we should look into our investment strategy and this is a great piece to that chunk. Councilor Lawrence agrees we need to look at our investment strategy as a whole, but is not sure about this. We will do research and bring back to the council if necessary.

COUNCIL MEETING #03-22
FEBRUARY 1, 2022

2. Discussion regarding the Codes Enforcement and Planning Departments application, review, and permitting process. (Council Chair Piltch)(30 minutes)

Councilor Piltch explained that this is a general discussion on what permitting looks like in our town and can we improve it. Town Planner Caroline Pelletier displayed a chart that shows everything that the town does for reviews (*included as exhibit A of these minutes*). People will be shocked by the amount of review and regulation that we do. It's legitimate things that have been adopted over the years that when taken in whole is a stack of things to do to come into town. Our regulatory structure is similar to other towns of this size. The town planner and Codes Officer will give examples of the permitting process tonight.

Councilor Lawrence stated there was a franchise that wanted to come to town, but didn't because the town was too hard to work with and went to Topsham instead.

Town Planner Caroline Pelletier gave an overview presentation of what they do in planning and codes. In planning they deal with projects that are going to come before one of the boards. They come before the board for some type of use whether it's site plan, which is some kind of business subdivision. Or they might come for Design Review for building appearances. We have three levels of board review that we staff. Staff approval, which the town planner can sign off on, doesn't go to the board. Staff review is made up of 5 department heads for smaller projects that follow proper notification processes and posts agendas. They do staff reports and findings, notice of decisions and motions. Then there are larger projects that go to the Project Review Board which is a board of 7 appointed members that will be workshopping with the council on a Wednesday in March. So there is a little description of what they do: Site plan, Subdivision review and Design Review and the overlay District which they issue Design Review certificates for.

Caroline outlines the procedure when someone brings in an application. The first thing that happens to the application is that it is circulated internally throughout the all effected departments who see if anything sticks out before it goes to the board. Secondly, anyone could have an application that may trigger permits from outside the municipality such as Maine DEP, sign offs for water and sewer and Maine DOT. That is step one, getting through the planning process and receiving approval. The next step is to get permits from Code Enforcement. The codes officer staffs the Board of Appeals which luckily not much goes to. Reviews under the Code Enforcement purview include permits for building, electrical, plumbing, shoreland zoning, flood plain, peddlers on private property, sign permits, directional signs, Design certificates, temporary activity and well permits. Design certificates sometimes go to project review and sometimes to the Code Officer, depending on the project.

If a retail business is going into a new retail business, they could just maybe need a permit from Codes if they are doing interior improvements. A lot of times stuff triggers permitting from the State Fire Marshall, which is suffering a work backlog of construction permits, sprinkler permits and barrier free. There is other miscellaneous municipal permitting that comes into play such as Special Amusement, Victualer and Liquor licenses, Food Truck, Peddler on public property, Road Opening permits, Driveway entrance, Short Term Residential Rental permits, Sprinkler and Alarm permits and permits from the Coastal Water Commission. Caroline stated she may have missed something on the list. Not every project needs every approval.

COUNCIL MEETING #03-22

FEBRUARY 1, 2022

So what does this mean? Planner Pelletier gave real life anonymous examples. It would be great to have a flip chart that showed how to do the process. Unfortunately, that doesn't work because each situation and property is unique. They have pulled together two smaller easier projects. These are the types of projects that she hears complaints on because it might be a small business owner or someone just starting out and they are doing it themselves with big engineering firms. The first example is a business that has property in the Village Commercial 1 zone, which is downtown in the heart of the village and for some applications you're also in Design Review so they are going to look at the outside of the building. In this example they had an existing mixed use building, meaning it had residential and commercial businesses in the same building. There was space in the building that was retail and the person wanted to open an office without making physical changes to the site, no addition of parking or adding plantings, i.e. no physical changes. They needed to come to Design Review and Site Plan Review. Design review covered the signs and then Site Plan Review would cover the change of use. There are different levels of reviews, staff review and project review. The staff has the ability to send something to project review which is done if it's controversial. If they need design review and we can't do anything, they don't want to send them to two boards, that doesn't make sense. The quickest way to get this person on their way was to send them to Project Review.

Councilor Egan asked why if there were no site changes proposed, why is there site plan review? Town Planner Pelletier explained it is because the ordinance requires it. When an application comes in the biggest things they look at, especially in the village are trash and parking requirements. Do our utility providers have the capacity to serve that use? Councilor Egan asked if it would be possible if the site plan for the current permitted use, which in the example is retail, if that was itemized and presented to the applicant who's going from retail to office and the applicant could avert to you that they are not expecting any changes or differences and can live with what these requirements are. That the previous site plan which was approved conforms to this. Couldn't the applicant say I can live with this. I don't need any required changes and avoid a site plan review? Caroline explained, that would require an ordinance change and that herself and Nick Adams have looked at these kinds of things and believe that certain uses such as the change from retail to office could be made much easier so they don't have to go to the board.

How long does it take to go through the process? People will come in and go through property files to find out background and what is involved. In this example in the downtown village, the applicant was in town looking for a place to go. They submitted an application in August. We have a 21 day submission timeline to go to Project Review Board. If this was the only application, there's definitely plenty of time to work with them. The application was reviewed by staff and they look at 10 or so standards of Site Plan Review. They work with the applicant to help them complete the package. This applicant got on the agenda 21 days later and received approval to replace signage and get the change of use in one meeting. Quite often these are conditional like in this case and we follow up with them. They needed some permits from code enforcement and they needed the sign off for the sewer stating they had the connection to serve the new use. Once they had obtained these things they applied to code enforcement on September 20th for a permit and building and sign permits were issued on October 12th. That's a snapshot of the timeline.

Do we know how long the construction took after approval? Code Officer Adams stated he thought it was a week. He thought the occupancy was held up because of a parking requirement. So two months of review for a week of work and making sure they had certain required items.

COUNCIL MEETING #03-22

FEBRUARY 1, 2022

Example number two, also a smaller project in the downtown, is also in Design Review and Color Overlay District. We have a multi story building that was a restaurant which the applicant wanted to change to retail on the first floor and residential on the second floor. They needed Design Review for the outside building modifications and site changes. Then they needed site plan review for the change on the second story in the site modifications that they were making. Technically, on the first floor for that retail restaurant conversion, they wouldn't have needed anything beyond town planner review, so this one took longer. They started looking at the property in late winter, did research and were finally ready for a meeting on March 10 to look at the file, talk about process and get forms. Once they understand what the applicant wants to do, if something gets flagged they pull that department into the conversation. It can be overwhelming for the applicant to leave with a laundry list of things to do. They did their submission to go to the board two weeks later and were informed of missing items. They were on PRB agenda for April 21 where they got approval with conditions. A month later they submitted application for building and sign permits. They submitted a separate application for the retail because there was a small retail component on the first floor so they submitted a separate permit so they could have it reviewed for the first floor retail while still working on resolving some items for the second level. The reason it went till September is they had some conditions of approval that they didn't meet. They had to get Sewer District sign off and they had to show us that they weren't exceeding the impervious coverage in the village which is really important for stormwater and drainage. They submitted the outstanding documents and got the permit issued from code enforcement for the sign and building permit for the first floor. They still have that outstanding permit pending for the second floor. They needed State Fire Marshall approval which they received at the end of October and notified us of in December. A couple of weeks ago, they submitted the final plans that were approved by the Fire Marshall and now Nick can do final review. Nick Adams is hearing that review at the State Fire Marshalls Office is taking 3 to 4 months. Our process responded quickly but there's four months from when they were on the agenda and got their approval to front.

Councilor Egan wanted to know why did the applicant take four months to go from approval at the Project Review Board to submit their building permit? Caroline thinks it's because they didn't own it. Like a lot of people, small businesses come in and they'll have offers for properties contingent on purchasing it. They get the approval and they finalize their lease or they go ahead and close on the property which can contribute to the delay. She doesn't know if that was their case. It may take 11 months for the process, but 4 months of that is the applicant not coming back in when they could have and we see that with bigger projects. They are not going to buy property till they have their approvals.

Councilor Fournier inquired to what triggered that to go to the Fire Marshalls office? Nick Adams explained that State law says if you make a change to a public building such as mercantile business, place of assembly, mixed use buildings and things like that you have to get a state fire marshal permit for construction and a barrier free ADA under Title Five and under Title 25. We do have the authority to have delegated review to do that process. Nick is certified to do that and we have changed our ordinance to do that. We don't have the staffing to add on another 100 permits. We would have to get approval from the commissioner for local authority otherwise, all these public buildings that you do these changes of use to have to go to commissioner of public safety State Fire Marshall. Councilor Fournier believes we have the expertise to be able to deal with it locally and that's another issue we can talk about.

Chair Piltch asked if Nick was able to free up more time, could he do more of that and applicants wouldn't have to wait 4 months to make business bigger. Nick replied that he is doing the reviews anyways and just doesn't have the authority even though he has the certification. We have not yet

COUNCIL MEETING #03-22

FEBRUARY 1, 2022

made the requests to the Commissioner of Public Safety. Would this make it mandatory for the town to do all fire marshal reviews at the local level? We would do construction permits and they would do the Barrier Free which is ADA. We would have to say we are taking all delegated responsibility for these and do them all. We would collect the fee, a certain percentage of the state fees. Nick is reviewing under the building and fire codes, but we don't have the authority. Under title five, the Fire Marshall issues the permit but it's up to the local municipality to enforce it. So we've still been required to enforce the ADA going back on Title 5, but we never did the review before till 3-4 years ago. These buildings have already been approved by the Fire Marshall for those requirements. So it's a small change of use and the protection of the buildings would not be jeopardized, we could control that. With authorization from the commissioner and having people trained on this end, could have a significant reduction in the time of the process.

Staff review only meets a couple of times a year. The biggest thing they see now are fill permits for people doing fill and just putting a driveway but they don't have any other use of their property. In the downtown, people will do small changes, but because they have that design review component quite often they need to go to the full board.

Councilor Fournier inquired what it would take to have the authority to move some of those responsibilities which originally when the staff review committee was put together, their intent was to streamline processes. Sounds like we are not utilizing that. Caroline thinks we have streamlined the process. For example, you used to go to Design Review and then went to the Planning Board, but now you go to one board. Staff review is limited in square footage and what they can do. There has been resistance in the past to delegate things to staff, whether it be Staff Review Board or the Town Planner, just having one person signing off on something. We could look at increasing those limits because the couple limits we have on the books aren't capturing a lot of uses.

Councilor Fournier thinks we should give more authority to Staff Review so they could in fact act on it because it's a limited scope on what they are doing now. That's what we could talk about.

Staff review is made up of any of their designees and the Town Planner, Code Enforcement Officer, Town Engineer, Superintendent of Public Works and the Fire Chief. Those five department heads have the ability to review an application. They do have a notification process, the notification to abutters is only five days, that would be the biggest difference and they meet Tuesdays as needed at one o'clock. They meet a couple times a year, that's because there is no "as needed". It seems to be under-utilized.

John Egan would welcome suggestions on projects and applications that are close to that, but are over but could actually get dealt with that. It seems like a good cross section with a lot of different disciplines looking from different perspectives. That's an easy way to accelerate the timing process for an application, if we could better define and potentially expand what staff approval looks like. Caroline stated that one thing we could do is increase the square footage threshold.

How many does that catch that don't have to go to project review? Caroline would have to look at it. We can look at the last couple of years and see if we were going to make changes what they would capture. They have had a lot of design review certificates. If there's any subdivision or subdivision amendment involved, they must legally go before the Project Review Board.

We have two categories of issues, the first being the ordinances. We've got overlay districts upon Overlay Districts. It's a complicated town, partly by design, partly just because of evolution. There is

COUNCIL MEETING #03-22

FEBRUARY 1, 2022

confusing and conflicting language in the ordinances that needs to be cleaned up and you have ideas on your specific areas. Secondly, there is a lot of stuff going on and we're doing more of the work in town hall, not subcontracting the inspections. They had 50 projects this year. Some projects have been big and some have been controversial with different levels of public involvement and complexity.

The Town Planner and Code Officer have suggestions on ordinance areas that need to be reviewed and cleaned up that would make a difference in the overall process. They will also hear suggestions from the Project Review Board on March 16th at the workshop. They have frustrations and are eager to meet with the Council.

Ed Bradley stated we have heard that there are ordinance changes that could improve things. How do those kinds of concerns and considerations compare to the Shoreland Zoning Process that we're involved in? Shoreland Zoning is a huge project. There are simple changes we can bring forward by changing numbers. Not this big intertwine project we having waiting to get back to.

Chair Piltch asked if Caroline had ideas on the other category of problem about resourcing and how to deal with the increased volume of stuff.

Mr. Joseph stated that one idea they are batting around is the workload in codes and looking specifically at Nick's strengths, what he does and what he wants to do in terms of inspections. Then they looked at what takes away from his ability to do his inspections work which is primarily what we want him for. We need Nick for field inspections and commercial construction and things like that. Nick feels the things that take away most of his availability are zoning issues, zoning enforcement, Shoreland zoning enforcement, dealing with pre existing situations and non-conforming properties that come up during development. Situations come up and a person can't close on a property for instance and it takes a lot of time, money and attorney involvement. The intent is to have a Zoning Administrator that can handle those specific issues. Nick would continue to do field inspections and this person would handle issues of zoning and be in contact with applicants first hand and talk through the issue. They could save Nick 8 hours of time researching in the office and this could get us to the point where we could designate some of the fire marshal review authority also.

Two people recently on Route One came in. One was a new business in town who just innocently wanted a sign permit and the town was asking "how did you get there". It's supposed to be a retail shop and doing something entirely different and they had vehicles and were on public sewer. The second came in for an addition that was last approved as a school and it's now a woodworking operation that had never been flagged to they need to go through and made sure they have parking and that they'd need to handle their drainage for stuff they wanted to change. So we do see it and people in that scenario need help and handholding. Hand holding is a real thing if they've been running a business for 15 years and then all of a sudden someone from town hall tells them you're in zoning non-compliance and you can't do what your doing. This is well beyond the realm of what business owners deal with. They need a translator, not a hand holder, someone that would be a dedicated person working with the property owner to get to the Council if necessary. The thought process is to free up time for Nick to do inspections and get these processes done quicker. We are well within our statutory limits but this could shorten the process by a week or more. There is revenue in the codes line from permit issuance where this position would not have a tax impact and there would potentially be a decrease in attorney fees.

Councilor Fournier would like to get the ideas about zoning changes on the radar and see it addressed in a couple months. Caroline explained that legally zoning changes need to initially go to the Planning

COUNCIL MEETING #03-22

FEBRUARY 1, 2022

Board and then be recommended to the Council. She agrees we should get the discussion going. She requested feedback from the councilors in regards to what they have heard and improvements they would like to see.

Councilor Daniele asked if there was a way to suspend having to send them to us or expedite the process? Mr. Joseph stated that State law says any land use ordinance has to go to the municipal reviewing authority, which is the Planning Board, even when we are making little changes. The process could be challenged in the future and approvals thrown out if the adoption process is not followed correctly.

Mr. Joseph agreed that it would advantageous for the Council to meet with the Planning Board jointly instead of discussing at council level and then taking it back to the Planning Board. Councilor Daniele would like to see the council vote on one zoning change each meeting. He asked if it was better to make a giant change versus many little changes. Caroline Pelletier will be sitting down with Nick Adams and the Town Manager after Design Week to get ideas down on paper. She asked for a consensus vote tonight that the Council would like this to go to the Planning Board to make the adjustments as recommended to staff to streamline our building processes in town, simplifying it and reducing the amount of time to go through the process. This would include an advocate and ombudsman who will help applicants figure out the process similar to the role that FEDC director Keith McBride filled when helping businesses through the planning process. John Egan reiterated that he has high confidence in the integrity of the 5-person Staff Review team consisting of Town Planner, Code Enforcement, Fire Marshal, Town Engineer and Director of Public Works and that he would encourage routine processes be addressed at that level so things could move further. She is hesitant to bring a recommendation for Design Review as none of them are trained architects or historians. Design Review is a roadblock and should be not be eliminated but should be looked at and modified. The workshop with PRB is March 16th from 5-7 pm. Councilor Piltch recapped that we have ordinances to change, policies to revise and some resources to look at during budget season.

3. Discussion about the Mallett Drive Multi-Use Path project and grant acceptance from Maine DOT for survey, preliminary engineering design, and initial right-of-way impact analysis. (Town Engineer Adam Bliss)(15 minutes)

One responsibility Adam Bliss, Town Engineer, has is capital planning and project management of town roads and infrastructure. The topic of Mallett Drive is timely because it overlaps with the upcoming ridge project. Five of the current councilors were involved with the referendum vote last year that appropriated money for a 12 foot wide multi use path across exit 22. One of the talking points throughout the referendum process was what does this path connect into? As a communication tool, they created the Connect Freeport website. The story map helps tell the story of how this connects to the downtown and how it connects to commuters coming from 295, route 125 and 136 and our athletic fields, conservation land on outer Pownal Road, Pownal Road Fields, Hunter Road Fields and Hedgehog Mountain. Adam is also staff person for the Complete Streets Committee and Connect Freeport Working Group. The active living sunset in June 2021. They rebranded themselves as an ad hoc committee that rolls up their sleeves and looks at bicycle pedestrian type infrastructure for the betterment of the town. The Mallet Drive corridor is a great example of how Connect Freeport and Complete Street representatives came together to apply for a grant through the Maine DOT for a bicycle pedestrian path from Main Street to the proposed bridge. We are just information sharing and not

COUNCIL MEETING #03-22

FEBRUARY 1, 2022

asking for money. A very positive thing happened last week when Maine DOT sent a letter announcing we were awarded a grant for design and right of way acquisition of this Mallet Drive corridor. DOT has offered up to \$200,000 for services with a \$50,000 local match. This is just advance communication that this request will show as a capital request for FY23. The Mallet Drive corridor has been through Active Living and Complete Streets for a number of years. There are many planning documents that support a multi use path along this corridor. Something we know is coming in the next few years is the repaving of Mallet Drive which is State owned and town maintained. Since it is within the Portland Area Comprehensive Transportation System (PACTS), we are therefore eligible for grant money to pay for that road resurfacing. Couple the Complete Streets Ordinance adopted in December of 2020 and the eventual resurfacing of the road and all the planning documents that support this Mallet Drive multi use project and the timing is right to start designing, surveying and permitting this path.

Mr. Bliss turned over the floor to Doug Leland, former chair of Complete Street Committee who is also involved with the Bicycle Coalition of Maine and our prior Active Living Committee. Greg Michaud was commended for pulling this grant together. They just found out about the grant opportunity and had to have a completed application to Maine DOT in 3-4 weeks which was a short time for a comprehensive application. They just received the award last week and he now puts things into 3 categories: What do we know? What don't we know? And what do we speculate? What we know is that the project to connect the east side of Freeport with the west side has been a high priority since the Active Living Plan was completed in 2014. The bridge project has the 12 foot wide multi use path, but it stops at the end of the bridge. We're short of getting to the center of town which defeats a lot of the purpose of having the multi use path. We know there will be a bridge replacement and we know we have \$200,000 available to us if we shift in our portion of that to get this project through the planning, design and acquisition process. The Maine DOT approved the entire project through construction, our application was not just planning and design. The \$200,000 funding specifies planning, design and right of way acquisition which keeps the door open for additional funds in the future. What we don't know is actual construction costs. Based on Maine DOT estimates, it would suggest that construction costs would be an additional roughly \$750,000. If the project is delayed that number would probably go up. We also don't know what Freeport's share of that construction would be. Once the design is done, MDOT has left the door open for additional funding.

Councilor Egan asked Mr. Leland for a summarization of the definition of the corridor project. The bridge ends where the current entrance to 295 North is and that's where the multi-use path ends. The project would be getting from the end of the bridge to Main Street. To him, it's an off road, dedicated multi use path. Right now if you came off the bridge you would have to make your way down the shoulder to Main Street. The 12 foot path is on the south side of the bridge.

As a town, we have the municipal ordinance infrastructure in place to make us an attractive town for investment. We have both a complete streets ordinance which includes a complete streets policy and an Active Living Plan incorporated into the ordinance. All the pieces we have in terms of planning and commitment to these types of projects are in place, which are the types of things investors look at and say "this is a good bet on a town that has this level of commitment". Mallet Drive would be particularly attractive because there's already a bridge that's going in that's brand new, and it will likely integrate with our Freeport Downtown visioning work. This becomes a connector. It's a relatively short project in terms of length of a path as multi use paths go and would be a relatively short timeframe from investment to completion.

COUNCIL MEETING #03-22

FEBRUARY 1, 2022

Councilor Bradley asked if the project stops there or does it go beyond the downtown in other directions east and west? What's the ultimate scope of the project? Mr. Leland explained that it depends on how far you want to balloon it out and that if you look at Connect Freeport, they have a rough long term plan for a loop with the town of Freeport that goes out to Pine Tree Academy, Hedgehog mountain, Hunter Road Fields, Desert of Maine, the Maine Waldorf School and back down Desert Road to Route one back into town. Something like that is the long term vision. The other component of this is the Casco Bay trail which is going to be 72 mile off road trail from Portland to Lewiston, down the Androscoggin to Brunswick, back through Freeport into Portland. The section from Yarmouth to downtown is part of the East Coast Greenway as part of the Casco Bay trail as part of the Freeport Connect Loop Trail. Those are all running on the exact same trail. That's part of the vision in terms of right in downtown. He can walk them through where they are in this project. They know where the route is and now they are moving into the design phase on a few of those sections.

Councilor Bradley asked if planning from the center of downtown to Mallet Drive is involved in this. Mr Leland stated it is part of the Casco Bay Trail and part of the East Coast Greenway. He thinks from the Complete Streets perspective, they are waiting to see where the Freeport Downtown vision comes in on bike pedestrian.

Adam stated that this project will provide safe routes to school with connection between the Middle and High School. Adam was asked when he would need the money or at least the commitment for the local match. At first, they thought it had a 30 day fuse, which was why it was on tonight's agenda but after consult with the program administrator, we really have until May or June to make that commitment. At the very least get this documented that we are going through the capital planning process and a written agreement is contingent upon that approval. Where it's federal money, the monies are not available until that May-June timeline anyway.

Councilor Lawrence asked what will happen with Desert Road, exit 20? DOT is already making the connection from where the sidewalk ends at the crosswalk in front of the Irving to the Bridge, across the ramp and across the bridge. We have an appropriation request in the 5 year capital plan to connect the Hunter Road to the Divine Apartments sidewalk that they already built. He thinks it's for FY23 or maybe FY24, so it's imminent. It is a commercial development zone further down on Desert Road, which could have expansion and that's something we need to keep an eye on. The long term plan is to have the loop continue all the way down Desert Road. Adam is mindful of how we spend money but it would be really exciting to make this Mallet Drive connection to the Pownal Rd, Hunter Road Fields and Hedgehog Mountain and to complete the loop in and go cross country through those fields back to Desert Road. In addition to the Concord Brook trail this would be transformative for this town. He guarantees to find every dollar available as grant money.

Adam also explained that the \$25,000 previously voted is for the Safe routes to School study. The Maine DOT manager clearly said , the grant application you're applying for is for the Mallet Drive multi use path and you'll need to find a different avenue for the Safe Routes to School and so PACTs is that avenue. The engineer also got money for the study for Route One south. Councilor Bradley asked if Adam had given any consideration to private funding? He stated yes, community engagement is a major component of any capital project and certainly one of this magnitude. Mr. Leland explained that this trail network has connectivity to businesses, restaurants, breweries and retailers. He thinks there may be some synergy there to figure out how to get this done as well as through private funding.

COUNCIL MEETING #03-22**FEBRUARY 1, 2022**

Mr. Leland goes to Pennsylvania every few years to ride the trail there that is entirely off road. The gap portion is from Pittsburgh to Cumberland, Maryland and goes through small towns that were drying up due to the disappearance of the coal industry. The trail generated \$117 million for that stretch of trail in 2019. In 2020, they had their best year ever because people wanted to be outside during the pandemic. These trails generate a huge amount of interest and a huge amount of income for communities that make the initial investment to connect people into their community, which is why the sections we're working on right now are so important. The Casco Bay Trail Alliance is working really hard right now to open up the rail line from Portland into Lewiston. If that section opens up, it's important that Freeport has its section ready to go from Yarmouth into the center of Freeport. This parlays into downtown visioning and how patrons or visitors that come to town want an all inclusive experience from recreational to retail to a bite to eat to a nice bed and breakfast to stay at.

Adam displayed a graphic that showed 8 activity centers, Wolfe Neck being one of them along with the downtown village and the conservation lands. Complete Streets has requested 30 minutes for the workshop with the Council and they will use that opportunity to further communicate about the bridge project and status of other projects that are going on.

MOVED AND SECONDED: To adjourn at 9:48 p.m.(Lawrence and Fournier)VOTE:(7 Ayes)(0 Nays)

END OF AGENDA (Estimated time of adjournment 9:20 PM)

	OUTSTANDING OR UPCOMING ACTION ITEMS	INITIATED ON	PROPOSED BY	ADDITIONAL INFORMATION
#1	Review of Town fee schedule this year	1/4/2022	Councilor Pillsbury	Tasked for 2022
#2	Research availability of PCR Rapid Test		Councilor Bradley	
#3	Schedule dates for touring facilities		Chair Piltch	
#4	Institute Indoor Town facilities Mask Policy		Town Manager	
#5	Determine how much is reasonable to keep in reserve accounts		Councilor Bradley	
#6	Set process for how we are going to accept applications for ARPA funding before summer		Chair Piltch	
#7	Determine if our Capital Reserve Budget is properly funded and we have a proper schedule to set our budget priorities		Councilor Fournier	

COUNCIL MEETING #03-22

FEBRUARY 1, 2022

#8	Review our codes and permitting processes in Town Hall		Chair Piltch	
#9	Explore new fire rescue substation in District 2		Councilors Fournier and Bradley	
#10	Resolve Water Tank Contract		Mr. Joseph	
#11	Sewer district-workshop			
#12	Divestment Discussion and Investment policy			
#13	Planning and Codes Permitting policies			

MINUTES
FREEPORT TOWN COUNCIL MEETING #04-22
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, FEBRUARY 15, 2022
6:30 PM

Councilor Piltch called the meeting to order at 6:35 p.m.

ROLL CALL OF MEMBERS:	PRESENT	EXCUSED	ABSENT
Councilor Chair Daniel Piltch, 25 Quarry Lane	X		
Council Vice Chair, John Egan, 38 Curtis Road	X		
Councilor Matthew Pillsbury, 36 Todd Brook Rd	X		
Councilor Chip Lawrence, 93 Hunter Road	X		
Councilor Darrel Fournier, 3 Fournier Drive	X		
Councilor Jake Daniele, 264 Pownal Road		X	
Councilor Edward Bradley, 242 Flying Point Road	X		

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 #03-22 held on February 1, 2022 and to accept the minutes as printed.

MOVED AND SECONDED: To amend the minutes of Meeting #03-22 held on February 1, 2022 to have Councilor Lawrence's statements on page 11 paragraph 7 read as follows:

Councilor Lawrence commented that 40 years ago when he was a kid, we were told that oil would run out in 30 years and this problem was going to be taken care of itself. And we are still told that we are running out in 30 years and this is from the experts. (Lawrence & Bradley)

VOTE: (6 Ayes)(0 Nays)(1 Excused)

MOVED AND SECONDED: To accept the minutes as amended (Lawrence & Fournier)

VOTE: (6 Ayes)(0 Nays)(1 Excused)

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

Councilor Piltch read the following announcements:

- The town's Public Works Department will be posting roads effective February 28th. A posted road guide is available on the Public Works page of the Town website.
- The Maine DOT Bridge work will begin at Exit 20 / Desert Road with equipment mobilization in early March and construction demolition and earthwork starting in mid-March. Both bridges will be worked on simultaneously, with Exit 20 starting first in March 2022. Exit 22 demolition will start in late 2022. Exit 22 construction will commence in early 2023. The contractor's goal is to complete both bridges by late 2024 to early 2025 as work permits; the project's scheduled completion date is November 1, 2025. Updates for major work items will be provided on the Town's website, through social media, Maine DOT's Project Website, and the Portland Press Herald.

COUNCIL MEETING #04-22

FEBRUARY 15, 2022

- The AARP Foundation has a Tax-Aide program. If you visit their website near the end of January, you should find the “Site Locator” tool where you enter a zip code and find locations nearest you for in-person tax preparation www.aarp.org
- Short term residential rental registrations expire March 1st of each year. Renewals that have made no changes to the property during the licensing year will only need to resubmit the 2 page application, an updated insurance policy or proof of coverage and the \$100 fee per rental.

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

Greg Michaud, Chair of the Complete Streets Committee, gave the Council an update on what the committee is working on. This committee reports to and makes recommendations to the Council on a variety of things including streets themselves, sidewalks, trails, crosswalks, lighting, basically, anything to do with modes of transportation and the means to use them. The Committee provides recommendations to the Council and reports items such as the grant proposal for a multi use trail on Mallet Drive. They are very excited after attending Design Week and excited at how to help that process. After meeting, the committee is starting to provide some sort global recommendations in multiple areas, including things like the boulevard idea on Mallet Drive and Lower Main Street, parking on Main Street, integrated transportation system, power lines on Main Street, signage etc. He wanted to give a preview that the committees recommendation is coming and that the committee will be work shopping with them in a couple of weeks and they will know more of what Complete Streets does.

Ed Bradley gave a short update on the Island Rover. Both he and the Town Engineer reached out to call experts in different areas to review the launch plans. They got feedback and have had some questions asked. They are going to develop some more information and get it to the Island Rover launch proposal proposers. He had previously said it would be one or two meetings and it may go one meeting beyond that because of the response they got. He feels they are using due diligence to get closer to an understanding of what the issues might be and so they can make a recommendation to the Council up or down once they get through the process.

John Egan commented that Adam Bliss, the Town Engineer, staffs that committee. Therefore, we have a direct channel for public works, or public capital improvements that might be proposed through that committee to come through the engineer, which is an excellent channel, for the manager to hear about them as well as hearing them from Greg tonight. He went on to highlight the fabulous work of the Public Works Department with the crazy weather of rain and ice. Councilor Egan also had an inquiry from a constituent about an ordinance committee item last fall concerning lighting and what our ordinance has for lighting. He wanted to know when the next Ordinance Committee meeting is. It will be March 2, 2022.

Councilor Fournier had a citizen approach him about having the Town Councilor terms added to the town website, so he went into Town Hall on Monday to ask Christine if it could be done. It was done on Tuesday and he’s already had three emails thanking for the quick response.

Downtown Design week was a week plus ago from February 3rd to the 7th and it was fabulous with opening workshops, seven topic sessions on various topics and a closing presentation that summarized what the weekend was about which can be viewed anytime online.

Mary Davis reported that Principle was very excited with Design Week participation. In each interactive session between 40-60 people who came prepared to talk about the topics. A lot got discussed and a lot of ideas came out in the one hour. For her personally, to be at Town Hall and watch the incredibly talented team take our ideas and turn them into sketches and drawings, concepts and financial analysis that we could see was exciting. People feel these things are doable and that their voices are being heard. Mary

COUNCIL MEETING #04-22

FEBRUARY 15, 2022

went on to thank Principle Group for their hard work over the Design Week and to remind people that all the sessions can be viewed online and the drawings and renderings are on display at Town Hall. There is still time for input and she would encourage you to fill out the exit survey or you can also email to anyone who was chairing including Caroline Pelletier, Dan Piltch, Tawni Whitney, Chip Gray and Alexandra Intraversato. The next step is the public open house on April 9 at Town Hall where you will see another draft presentation of the outcomes. Now they are taking it from our ideas to our drawings to actually having to get it done. In May, they will have a work shop with the Town Council. Edward Bradley thought there were some sessions in March. Councilor Piltch explained that there will be a handful of project meetings. There is a public open house on April 9th at which the Principle Group will be ingesting all the information learned over Design Week and will draft a plan. That's when they will present the draft plan to the public, much like they did at the Open House. That will be held on the lawn at Town Hall, weather permitting, and will include lunch and some fun and the opportunity to give feedback on the plan. The end of the project is scheduled for May 3rd when Principle will hopefully give their final presentation to the Council. There is a Council workshop March 29 and a second on April 12th that we are ironing the wrinkles on right now where the Council can preview the plan and react to the Open House.

Mary Davis reiterated how good it was to have Complete Streets there. Greg Michaud literally got the whole group on a Zoom call with Principle. She is encouraging other groups who want more input to please continue to do so. This is going to be a community that gets this done.

Councilor Bradley stated that Complete Streets did that on their own initiative and that's the kind of input that will fill in the holes. Have we given thought to other groups that ought to be encouraged to do the same thing? This has played out a year earlier than he thought it would. He inquired if there was an agenda or a list or organizations in town that we would hope would do just as the Complete Streets Committee did, i.e. go through it from their point of view and look at all the opportunities and include things in the timeframe we're looking at. Mary responded that they have met with individual groups leading up to Design Week to give them an idea of where Principle is going and what they are doing. As we head into the next phase, we can follow up with those groups again and ask what they've thought and seen and what did you come up with. Freeport has so many groups. They have brought in the Climate Action Group and want them involved leading up to April 9th. Perhaps we need something more formalized to do that.

Town Planner, Caroline Pelletier, encouraged people to fill out the quick exit survey to identify your own top three things that you like and the three ideas that you need improvement from. She would encourage all of our community members, especially boards and committees that participated to work on that right now so we can incorporate into the plan. They would like them by the 21st of February. Councilor Bradley thinks that as the end part of this process, we ought to extend direct invitations to groups to do what Complete Streets did so that at the end of the day, if they don't do it, it's not our fault. We desperately want the information.

Chair Piltch added that we do have, in addition to the project team that carries the water to keep the project going, we also have 12 or so community connectors that we identified early on who can help us reach out to different groups. There were some that reached out to the different boards and committees and to the school board and school community. We leveraged them when it was time for input and he expects we will do that again. Two committees on the short list are the Planning Board and the Project Review Board as they will be key moving forward. He will get Councilor Bradley the list of community connectors in the groups that they've been reaching out to in the past.

In other news, the Sewer District is having a meeting the 23rd, which is next week. On the agenda is some information from an engineer that they've hired to advise them on the infrastructure needs going forward. There are big works in progress. The meeting is open to the public and the link is on the Town calendar. Chair Piltch also reported that the FEDC has been looking for a new executive director to replace Keith

COUNCIL MEETING #04-22

FEBRUARY 15, 2022

McBride. They believe they have it narrowed down to one candidate. As part of that, there's probably going to be an increase in the budget request to pay for that candidate. He doesn't know their timeline but they would like the Director in place soon, even though we are not voting the budget for another month or two. He brought it up to gauge if the council was comfortable with this and the potential budget increase before they offer the job to someone. Councilors can contact FEDC board for more details about the candidate or the potential budget increase.

Councilor Bradley stated it's hard to nod or not nod without having any idea what the number is. FEDC is paid essentially out of the Downtown Destination TIF and we have an idea of what that is. We know what the prior Director was making, so is the amount somewhere in the middle? Can you share a rough offer number? Councilor Piltch didn't know what the status was of the offer. He didn't know if they had finalized the offer, but he would guess that it wouldn't be double the previous number and it's probably more than a nominal increase. FEDC is anxious to make an offer, so if anyone has reservations please let us know the sooner the better.

Mary Davis clarified that she is anxious to get someone hired also. They had 37 candidates, of which they interviewed six and brought two finalists forward. This candidate watched all of the Downtown Visioning Workshops and he wanted to be on in plenty of advance time because he believes a big portion of this work is going to be continued to be spirited by FEDC, which they agree with. 100% of the interview team agreed on this candidate.

Councilor Fournier stated that he assumed since the position has been vacant for four months he's assuming there are some addition funds left over in that particular budget. If those funds are available, he would be interested in seeing what the short fall is because he thinks it would give us more wiggle room moving forward. Those funds have already been allocated for expenditure up to June. So that might be an option. Councilor Piltch said they can certainly have a discussion about the funds to date and how they can spend what they are going to spend on through the rest of the fiscal year at the end of June. His concern is going forward, if they hire the candidate for the next year and years to follow, are we going to have the budget to support that position into the future. He also noted that Mary Davis and the FEDC Board are all volunteers and she's been doing the job for months for zero dollars. Councilor Pillsbury inquired if we were under market with the previous Executive Director? Mary stated we were significantly under market as can happen in this day of market pressures. They looked at candidates on both the high and low end and the candidate they chose was in the middle.

Councilor Pillsbury wanted to know where we pull the data as to where the market sits now? What metrics are we looking at? Are we comparing peer sized towns? Ms. Davis answered that the market information was drawn from current postings, candidates and just the market analysis of looking at the market right now. They also have board members with knowledge of the subject. They did not go with the most expensive candidate but they also felt the candidate in the center of the crowd was the best and so it worked in all ways, shapes and form. Ms. Davis relayed that they had to look at salary surveys that if they are older, didn't necessarily work. They had to look at the salary service base and the current market.

Councilor Fournier knows that a number of other positions are going to be coming forward and realizes there will be tough decisions to make and he doesn't mind making them. He thinks this is an important position to have for this town to prosper in the future. The board was reminded that they can reach out to FEDC's seven board members who interviewed the candidate or get a chance to meet them before.

Chair Piltch wanted to highlight an item that is not on the agenda this evening. On January 18th we had a mask mandate go into effect which would stay in effect for one month unless we renewed it as it is set to expire tomorrow. If we were going to renew it, the item would have been on tonight's agenda and it is not our intention to renew it. It will expire tomorrow night. Private businesses may still require masks from patrons. We do not have any control over the schools, they are managed by the School Board. Town Hall

COUNCIL MEETING #04-22

FEBRUARY 15, 2022

and other public buildings (Library, Public Works, etc.) separately have a policy that requires masks in those spaces. The Town Manager explained that we are reevaluating that policy and that may change quickly. Councilor Pillsbury acknowledged that this wasn't unanimous or 100 % supported, but he appreciates everyone doing their best to follow the mandate. He's proud of our town doing the right thing and for everyone's viewpoints and thoughts on this.

FIFTH ORDER OF BUSINESS: Town Manager's Report (15 minutes)

The Town Manager gave an update on the Town Hall closing late in the day last Wednesday and all day Thursday. What they thought was a failing sump pump turned out to be a sewer blockage due to the service line out in the street which caused the problem. If you look at Grove Street you can see the excavation trench where they replaced the line. We could not have people in the building. We hired a professional cleaning company so everything is great in the basement, including air scrubbing and filtration. We apologize to those inconvenienced.

Road posting season is upon us and starts February 28th this year. Road postings continue from the day of posting until the subgrade warms up and dries out underneath the pavement. Heavy loads can still be allowed when roads are posted by permit. That depends on the weather and the specific road in question. Heavy trucks and loads can still be delivered usually early mornings when temperatures are colder. Please call Public Works at 865-4461 if you need to work that through. Utility deliveries and emergency service trucks are not subject to posted roads.

The Coastal Waters Commission (CWC) workshopped last week and action on the Commission's Ordinance proposal from last year has begun again at the staff level. The town met with the town attorney and they are having a meeting with CWC leadership later this week. The town has been advised that it needs to go to the Planning Board because it is a Shoreland Zoning amendment, which by law requires their input as the municipal reviewing authority. It will go to the Planning Board where all 800 plus shoreland property owners will get notice before it comes back to the Council. It will get plenty of public discussion and any issues or details will be ironed out in advance of it coming back here. It is on the fast track. Councilor Bradley inquired as to the subject of the ordinance and if there would be the site walk that had been discussed previously. Mr. Joseph said the ordinance was in regard to piers, docks, wharves and headwaters and that they can absolutely go out on a site walk before it comes back but nothing was formally organized for a site walk. The Council was asked if they wanted to do a site walk. The ordinance language may change based on feedback we got from the attorney and may change again at the Planning Board, but hopefully should be simpler to understand. The Manager thinks that a site walk should be with the CWC. We should wait a week or so. The actual proposal is not going to be a Coastal Waters recommendation, it's going to be a Planning Board recommendation because it's Shoreland Zoning. We'll want to see the final form that it takes either when it gets introduced to the Planning Board or when it makes it through the Planning Board so we know exactly what we're talking about. He thinks the site walk is still important. There are a handful of creeks and headwater areas that would likely be affected and those are the ones to focus on. One of the things identified at the staff level, in addition to what the Coastal Waters Commission identified are that our ordinance allows 125 foot extension from the bank, essentially over the wetland and over the mud flat into the water. The biggest concern is those extending both directions from either side without infringing on the other person across the bank's ability to put a wharf out. If you can go 125 feet from either side, you could go over into your neighbor's land, by our riparian water per our ordinance if you have more than 125 feet or riparian land. That's the kind of dimensions he thinks we're talking about, and the ones in question are much shallower than that at 10 to 20 feet width. There was also a question about how much water they needed at mid tide. The original proposal had those two components, both the amount of time that there was water, based on tide change and then the actual width of the channel itself. When the ordinance has a final form at the Planning Board, he'd be glad to share it with the Council then before it formally comes back to them because they will know what they're looking for.

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

Andrew Arsenault: He thought he heard a couple of meetings ago that there was going to be discussion about what our portfolio was invested in as far as Stocks and different bonds and that Bangor Savings was actually doing the investment for us. Andy is the treasurer at Flying Point Cemetery. Last year they received Veteran's money, but no perpetual care money because there wasn't enough money to disperse from the funds. He's not an investor, but it seems like in the last 10 years the stock market has done well. His request is that before we get into what are our stocks invested in or not invested in, we need to make a public viewing of what our portfolio is, who's managing it, and what our expectations and what our track record has been for our investor or our trustee. As someone who handles perpetual care money, we should be really looking at how we're investing those funds. One year, the town lost \$750,000 in our stock investment and luckily, we got it back. It costs the cemetery for 10 mowings at \$150 each and they receive \$450. There is not a lot of money in the perpetual care, but when they get none, it makes it hard. Most of the people in the cemetery don't have relatives. There are a few new graves that people are donating for, but it's an older cemetery and there aren't relatives left to donate. Years ago when he looked at the investments it was Fleet Bank and he showed it to a friend at A.G. Edwards who told him it was Fleet Stock. It was Columbia stock which was Fleet Bank and basically said it was uninsured and not well rated and we will probably get charged a lot of fees and weren't making much money. He thinks the word is fiduciary responsibility, we need to do the best we can. He would encourage us to be transparent and have a good discussion because it costs more and more every year to take care of these and we want our cemeteries to look nice. Councilor Bradley stated that they had met this afternoon to talk about exactly that. A few issues came up in the budget last year and this year. We are going to go through a review of our current investment decisions, our policies and our returns and we will make all those results transparent as soon as they are available. What the council decided to do was put an RFP out to all banks interest in us and our \$8 million worth of reserve funds, including cemetery and other funds and take a look at what we're doing, make recommendations about our policies and make some suggestions about the risk we're taking and the returns we're expecting and see if we should make any changes or not, whether we're okay where we are and then look at fees and other things that they charge and see if we could be in a better situation. It's been about 8 years since we did this and we are possibly more conservative than the current market justifies and we'll take a look at that as we've been asked to. As soon as the Council gets something they will present it to the public.

Dominic Petrillo-Upper Mast Landing Rd, Freeport- Thanked the Council for their service and hard work and is pleased the mask mandate is expiring tomorrow. He wanted to know if there's any thought to the Town Council considering a resolution to abstain from future medical mandates regarding private businesses, even public facing private businesses. In the absence of the mandate, privately owned businesses and residents will be allowed to make their own decisions based on the personal level of comfort. Allowing the State through the direction of the CDC to hand out that guidance is easier for people to accept. They are the first with the data and best suited to create even local ordinances. We then have the data based upon the local areas. Secondly, he filled out a FOIA request to obtain town emails between Midcoast Hospital regarding the pro mask mandate PowerPoint Presentation that was given the night the Council adopted the mask mandate. It indicated that there is one person who completes the FOIA request duties. He would also ask that the Council consider making a resolution in the event of a FOIA request is made, that a three person team completes and verifies the request. Furthermore, if one or more person on that three person team were to be material within the FOIA request, that they should recuse themselves as a conflict of interest and be replaced by a different person to complete the FOIA to remove any conflict of interest.

He also wanted clarification on the following. On February 1, there was a motion to reconsider the mask mandate. It was his interpretation of the language that we would be voting to reconsider the question

COUNCIL MEETING #04-22

FEBRUARY 15, 2022

initially asked not to be voting a new question of the inverse language or reverse language of the original question. He thinks the Code that was used was 201, he could be wrong but wanted clarification on the procedure used in the motion to reconsider and how that should work.

The Town Manager explained the Charter specifies how emergency ordinances are passed and rescinded so it has to be done according to that. It was passed as an emergency ordinance. There is no motion to reconsider in the town charter. It is a common Robert's Rule. The Council could decide to take that on procedural item, but to pass a local law or binding ordinance, it has to be according to the way the Charter lays it out. Mr Petrillo thinks his confusion comes from the language within the Town Council Rules. The Rules specify that the ordinance would be reconsidered, if that's correct. Mr Joseph explained that the Charter is the fundamental rules that we have to follow. The Rules of Procedure are just adopted by a majority vote of the Council. It's their own internal bylaws. To pass something that is legally binding, it has to be according to the procedure as laid out in the Charter for ordinances, an ordinance being any local law that has an enforcement provision in it. Mr. Petrillo's interpretation of the reading of the Town Council Rules, is that if you are to reconsider a vote, you wouldn't reconsider the inverse of the vote, you would reconsider the vote that happened and revote on that particular item. Councilor Lawrence had made a motion to reconsider.

Councilor Lawrence explained that what they were told that if they needed five to pass it, they would need five to rescind. Mr. Petrillo clarified that it was not then a motion to reconsider the mandate. Councilor Bradley asked what the significance of the distinction was? He stated that the significance of the distinction, while he's searching himself for an understanding of what it was that happened, because it was his understanding that if we reconsider the vote, then we would have a reconsideration of the vote, not that we would vote again on a different question. Councilor Bradley thought that what he was asked was whether he wanted to undo or rescind the ordinance that five of them had voted for a couple of weeks earlier. He and 3 others said "no", it didn't have the five votes the manager told them they needed, so the mandate stayed in effect. He believes they all knew what they were doing. Mr. Petrillo continued to believe that there was a procedural error in their process surrounding the reconsideration.

Ruth Milette of South Freeport Rd-spoke in support of Mr. Petrillo's comments and supports an end to mask mandates, an end to vaccine mandates and a rescinding of all those already in place.

Joyce Clarkson-Veilleux via Zoom: Spoke on the property tax program. The Maine Council of Aging estimates that more than 1/3 of Mainers over the age of 65 depend on Social Security alone. With the increased price in food, health care, heating, etc and property taxes, the average person is not able to survive. The State is working on what they consider to be part of the solution with the initiatives like LD1622, an act that will promote individual retirement savings. They've also brought back the State property tax deferral program for those earning less than \$40,000, which is actually a reverse mortgage program for payment of property taxes. Many don't want a loan and want to continue to help their community by paying property taxes and be able to leave their property to a family member. She proposes that the Town take the lead on this issue and look at developing a program that would cap property tax levels at age 70. There would need to be several qualifiers and would need to be voluntary. This could eliminate the fear of home loss for our seniors. Let's look at what this would cost other property owners in town.

Councilor Piltch will reach out to Representative Melanie Sachs to see about it's feasibility. Councilor Fournier would like us to see if the Assessor could do some research to see if we can do it locally. He's not saying the State doesn't do great work, but sometimes it takes a number of years to get some type of thing to be equal across the board. He'd like to ask the Assessor to take the idea of age 70, with 15 years residency, if that's something we can do legally, and take a hard look at it. He thinks it's a good idea.

COUNCIL MEETING #04-22

FEBRUARY 15, 2022

Tax exemptions have to be authorized by the State and there may be a program that allows those types of criteria to be used already, but we can't propose our own categories of tax exemptions. We can do research surrounding Joyce's suggestions and the several programs that have been passed in the past two legislative sessions that he's not up to speed on. We'll have the Assessor do the research and report back to the Council. Chair Piltch also suggested have Representative Sachs come speak to them. Councilor Pillsbury wanted to know if there was a way to get more data from the Assessor in terms of the demographics to see what we're looking at in the next few years. We understand that Maine is the oldest state in the nation, we have an aging population. What's it going to mean and can we crunch some numbers and see what the impacts might be to give us a better understanding as we potentially look to advocate or do other initiatives. Mr. Joseph stated we do not have dates of birth for property owners. We could distill down what there is for demographics out there and hope that it holds true between property owners and renters and allowing that assisted living or nursing homes may skew the numbers. The census would have most of this information.

Councilor Egan commented that the demographic that this would most likely apply to would be people on a fixed income. He suggest rather than changing how we tax or creating complex exemption rules the town should consider establishing a property tax Circuit Breaker Program that property owner's who met certain criteria and were at a particular income level would be able to apply for assistance in paying their property taxes. He thinks this would be easier to put into place. There are fewer rules on expending taxpayer money that you're politically accountable for to benefit taxpayers as opposed to just wiping clean the tax debt.

Andrew Arsenault: As we have Design Week and try to rejuvenate our town, we need to make it more business friendly and relax some regulations. We need to encourage more people to move to town and pay taxes, get our business going and pay our rents. At the end, we need to learn how to be tight with our budget. We need to make sure our businesses are easier to do business.

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

ITEM # 43-22 To consider action relative to adopting the February 15, 2022 Consent Agenda.

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

We clarified that the two Funds regarding donations that were discussed at the last Council meeting were donations from those Funds, not to those Funds. It was listed incorrectly on the Consent Agenda. They were both \$500 donations from those Funds to the Fire Rescue Department.

BE IT ORDERED: That the February 15, 2022 Consent Agenda be adopted.(Pillsbury & Lawrence)**VOTE:** (6 Ayes)(0 Nays)(1 Excused)

(Council Chair Piltch) (5 minutes)

ITEM # 44-22 To consider action relative to a long term lease extension request from L'Ecole Francaise du Maine for Soule School property on South Freeport Road.

The Town Manager did have one change to the lease. The documents in front of the Council have last year's rent amount. It states \$17,305 which is the current lease amount. It should state \$17,825.04 per year. There were a few changes requested by the Council one of which was a reduction from four guaranteed 20-year renewals to a 20-year term and one 20-year renewal with negotiations in good faith after the 20 year renewal. The school is ready to go. Councilor Fournier confirmed with Willie, the

COUNCIL MEETING #04-22

FEBRUARY 15, 2022

representative from the Soule School that he would be here for a long time. Councilor Pillsbury asked him about the issue they had surrounding accreditation. He explained to the Council that it was an issue with the calendar and with the revised terms it is perfectly fine. Chair Piltch acknowledged the asset that the French school is. We have a 20 year lease and a 20 year extension. Councilor Bradley has not previously seen the lease so feels he should abstain tonight, but he does support the Soule School. We will get the lease signed soon.

BE IT ORDERED: That the long term lease extension request from L'Ecole Francaise du Maine for Soule School property on South Freeport Road be approved.

BE IT FURTHER ORDERED: that the Town Manager be authorized to sign lease documents and to make any non-substantive changes.

(Fournier & Lawrence)**VOTE:** (5 Ayes)(0 Nays)(1 Abstention)(1 Excused)
(Town Manager, Peter Joseph)(10 minutes)

ITEM # 45-22 To consider action relative to a request for Use of Town Property by the Freeport Chamber of Commerce.

Chair Piltch explained the Chamber's March 12th Chocolate Festival. The Town Manager explained that a request for a bouncy house was denied due to the liability. The are requesting use of Town Property to use the lawn at Town Hall.

BE IT ORDERED: That a request for Use of Town Property by the Freeport Chamber of Commerce be approved.

(Lawrence & Fournier)**VOTE:** (6 Ayes)(0 Nays)(1 Excused)
(Council Chair Piltch)(10 minutes)

ITEM # 46-22 To consider action relative to a request for Use of Town Property by the Visit Freeport.

This is a request from Visit Freeport for Maker on Main which is a summer long festival that runs the first Saturday of the month from a variety of places on Main Street including Town Hall and Bartol Library. This is the third year of the event and has worked well in prior years.

BE IT ORDERED: That a request for Use of Town Property by the Visit Freeport be approved.

(Bradley & Lawrence)**VOTE:** (6 Ayes)(0 Nays)(1 Excused)

(Council Chair Piltch)(10 minutes)

OTHER BUSINESS:

1. Discussion regarding a Zoning Administrator position (Town Manager, Peter Joseph) (15 minutes).

The Town Manager provided a memo to the Council that includes the start of a qualifications and job duties list for a Zoning Administrator position. As it was written it was tailored it to working

with property owners to resolve zoning issues that are discovered and only using enforcement mechanisms which go through my office and the town attorney as the last resort when things can't be resolved. Non-enforcement resolution may include passing an amendment that would make what you were doing on your property that is currently a violation, no longer a violation if its not significant by for example asking the Planning Board to make something an allowable use. Another example could be making a change to a property to make it no longer non-conforming, which is a relatively easy change. It could also be getting an after the fact approval for things that may be allowed but never went through the approval process. The administrator would lead the applicant through the application process, which might go to Project Review or through the Zoning Board of Appeals for a variance. Last, but not least, a non-enforcement resolution might be bringing an exception that should be allowed to the Council for a Consent Agreement. Probably 5 of these items have come up over the past 2 years and they have been real headaches for the Town Council and Town Staff with 10 people trying to coordinate and it becomes a juggling act instead of having one person that's delegated to work with that person throughout the resolution process which can be a full time position. The position when not dealing with those matters the person would work on the extensive backlog of ordinance amendments to our Zoning Ordinance and some other Ordinances that we keep asking the Planning Board and the Town Planner to work on. The intent is for this to be a full time position. We need to find a person who can do the job, know the regulations and is a good customer service person. We would like to start looking for the right person. This has been identified as a priority to our Planning and Codes Department.

Councilor Bradley asked for clarification on the difference between issuing non-Land Use NOV's and Land Use NOV's. A NOV is just a notice of violation that there is a violation occurring on a piece of property. Land use being zoning or some other closely related ordinances like Subdivision. So this person would have to be qualified to issue NOV's. Initially, we would want to split them between the technical things which the Code Officer would continue to deal with such as Building Code, Life Safety, Fire and things like that as opposed to Shoreland Zoning, Zoning violations, a use violation or Subdivision violation which the Zoning Administrator would focus on. They would have the ability to do either's job, but that's how the envision the division of duties initially. They would have to be certified as a Code Enforcement Officer.

Councilor Fournier is in support of the position. He wondered if the new position could have the responsibility of Sustainability Coordinator. He envisions that position may be writing different applications but he is not sure. We could maybe kill two birds with one stone. It can be researched. He would also like to see the departments reorganized to have one department head be in charge of Planning, Codes Officer and Codes Administration because he feels the proposal set forth today would be adding another department head. Mr. Joseph stated that it wouldn't be adding a new department head but it wouldn't be consolidating them. It would be putting this underneath the Planner but the proposal that Councilor Fournier brought forth has already been brought to him by the Code Officer and the Town Planner to consider going forward. Councilor Fournier would highly encourage one department head with those responsibilities. He thinks it would give a greater flow and would help with communications and help with efficiency. Councilor Egan voiced his support for the position. Councilor Fournier stated he understood that the resources to fund this position were already in the funds generated through permits. If it was up to him he would say to get it done. The Town Manager's plan is to start advertising and if it happens within the next three months, they may need to come back to the Council for additional funding. The revenue is there in excess. It's not fair to say there is no tax impact. It would not raise the current tax rate because there is excess revenue in the Codes Office coming in. If we weren't to use that money to fund an additional position, the money would go back into the general fund and would reduce taxes. If there is excess revenue coming into Codes, then the codes application fees should be reviewed by the Council and should be reduced by that amount which is what we should do legally if we are not going to fund on a new position.

COUNCIL MEETING #04-22

FEBRUARY 15, 2022

Joyce Clarkson Veilleux via Zoom: Referencing what Councilor Fournier said about this position also being the Sustainability coordinator. She heard the term several times over Design Week and that there are federal funds available for people with this magic title. Could we include this in someone's job title so we qualify for federal funds. She also would like this person to have grant writing experience.

2. Discussion regarding allocation process for ARPA funding (Town Manager, Peter Joseph)(30 minutes)

We received ARPA funding totaling \$900,000 of which we have spend \$150,000. We have \$750,000 which can be spent according to the rules. The rules, over simplifying, allow for spending on things such as infrastructure, including water, sewer, broadband. They talk about affordable housing and hazard pay, which they already addressed to some degree. They also talk about lost revenue due to the pandemic. Chair Piltch proposed that when we ask for requests for this funding, he'd like to see big projects. He wants to see a small number of very large projects that have a meaningful impact. He doesn't know what they are, but what he proposes is a call for requests with guidelines saying this is the size of projects we'd like to see and then allow a month or so for request to come in.

Councilor Bradley stated that he'd like to respond that the size of the project doesn't necessarily determine its significance to the community. He is aware of a couple of smaller projects that are critical to organizations that are just getting their feet on the ground. Maybe we could have two categories, a small amount of money for small grant request of possibly \$50,000 and use the rest of the money for big grants so that we don't knock out of the box some of those organizations that are struggling to get going and are consistent with our Downtown Revisioning process.

Chair Piltch reminded that we do need to meet the guidelines set by the Treasury. Councilor Lawrence inquired if it included bike paths and things like that. We have these huge bridge projects going in and we've got to build entrance ways to it which is going to be expensive. If we could use the money for that, that would be huge. The Greenway connecting it all, that goes right to the downtown visioning. Chair Piltch said there is another bucket of money that came up with a brand new grant program by D.O.T. It's the Village Improvement Program or something similar to that which was specifically for slowing down Main Street.

Councilor Pillsbury recognizes that we don't want to move as quickly as possible. Is there a possibility of getting some technical assistance? He knows other municipalities are struggling with how to use these funds. Is there an opportunity for us to entertain some organization that could come in and give us some recommendations. Not someone to come in and say you need to do this, this and this, but would say if you focus on this type of project this is the type of return you will see. We thinks that as they get into the proposals, they are going to need some sort of metric for reviewing, grading, ranking and figuring out what's going to be beneficial to the town. If he had to look at it now, it would just be gut feeling as to thinking its going to be impactful. He'd like to have a process.

Councilor Fournier's question was whether we are up to date on our technology to transmit here our meetings as sometimes we struggle. Do we not have the proper infrastructure or equipment. We've talked earlier about getting out to our constituents in the town and he thinks that's a great medium to do it. Sometimes going with the least expensive doesn't address what we are trying to address and we end up doing it again. He would encourage Department Heads and the Town Manager to identify things that might not be working quite right that may fall in these categories and we take a look at that to see where we are at.

Town Manager Joseph thinks that some of the conductivity stuff that is allowed by ARPA funding doesn't really apply to the town. We've got some good conductivity, we've got good fiber serving our buildings, things like that. The town wide things are different matter. Is there a roll for the town to play in securing broadband for businesses and the general public? In terms of technology, it's getting difficult to manage five channels going at the same time and work. Tom and another person are in the control room. In six months, we've gone from going live here to cable and that's it to now to 15 different streaming services which need to be set up their own way. We've got Zoom people calling in and we're going out to Zoom. We need to get better at managing all the different inputs. He is not sure about ARPA projects that would fall under that though and put it out to department heads as Councilor Fournier said.

We have already done some premium pay with the ARPA funds. We talked about previously about premium pay for non first responders and some of that would be allowable. The Treasury has issued more concrete guidance that it would not be universal to all employees and that they would have to give justification that they were frontline employees throughout the pandemic and that they worked in place and not remotely and were contacting the public. There are other town employees that may qualify for that, but it's not across the board.

Councilor Fournier inquired if there had been feedback after this was administered to the Public Safety personnel. It was interesting after hearing the discussion of how some of the hours were changed and some of the staffing models have changed. He thought it was done properly. It didn't have as much of an impact on those other positions. Mr Joseph did not get any negative feedback although he's sure everyone would like to get a bonus. However, we have done a lot in terms of being flexible with our departments trying to adjust for public safety. There have not been outright complaints but he did have inquiries from Public Safety about hazard pay that was being issued in other towns and whether we were going to consider this, which we did.

Councilor Egan suggested we have three councilors work on an outline for potentially the next meeting and to consider Councilor Pillsbury idea of getting some technical assistance. He thinks GPCOG would be at the top of that list, because they're handling this type of work and the scope of work for a number of other venues. It may very well be that we don't have to engage with them at all or very limited, small scale. We could probably just get some of that advise on suggestions we might bring forward. It would be easier for the seven of them to respond to something that was in front of them. They can popcorn a number of ideas. He thinks to move it forward and not amorphous for a while, three councilors could put something together and bring it back and then they can tear it apart and start over again. We can get advise from GPCOG. Councilor Egan volunteered to be one of the three along with Councilor Bradley and Councilor Pillsbury. They will bring something back to the Council in the next meeting or two.

Councilor Bradley asked if the ARPA funding criteria was printed somewhere. It is over 200 pages long. The Town Manager could later summarize it for the Council. Jessica Maloy had a good summary through her professional organization with bullet lists that then link back to the Treasury documents that could be available to the Councilors.

3. Discussion of Victualer License amendments (Town Manager, Peter Joseph)
(15 minutes)

We have had discussion with Town staff and believe there is marginal, at best, to no value to this ordinance. It is a stumbling block and is a pain to staff and local businesses every year. It provides minimal to no benefit that we don't already have in our other ordinances. The purpose of the ordinance is to ensure that establishments serving food or drink intended for consumption by the

public prepare their food or drink in a safe and sanitary environment. He would hold that that is actually the purpose of the State Food Licensing requirements, and that this ordinance does nothing other than checking that somebody has received a State Food License. If you don't have a State Food License and we find out you don't through the Victualer License process, all we do is call the state health inspector. We're not actually doing anything. We're just checking State Food Licenses. The town could easily get a list of the issued State Food Licenses periodically to post and do our own internal check.

The specifics are as follows:

Issuance or Denial of License-this is the criteria on why you approve or don't approve a license.

1. if the applicant fails any part of a state inspection or local health inspection. (We do not have local health inspections, so if you fail your state inspection, you can't serve food. You don't need need a victualer's license to prevent somebody from serving food if you fail a state inspection).
2. If the applicant is not of good moral character. In determining good moral character the Town Council shall consider all evidence presented but shall, in addition, check the applicant's police record, if any. Conviction of a class D or more serious crime may be considered as evidence that the applicant lacks good moral character. (The Town Manager will let others comment on that in terms of social justice, potential racial justice perspective referring to the good moral character statement. It has the potential for abuse. He doesn't think this has a place in our ordinances. Social media takes care of judging people's moral character).
3. Failure to pay an outstanding fine, penalty or tax owed to the Town of Freeport by the individual, corporation or principal stockholder of the corporation that is applying for the license. (We already have a tax lien process if you don't pay your taxes. The only time he's seen this used in the last 10 years is for this provision, to twist someone's arm to pay their taxes that would have foreclosed anyways. Councilor Fournier reminded that years ago there was a seafood restaurant with a dispute on the line of the sidewalk that went to Supreme Court and they used the Victualer license to try to hold that up. Mr Joseph reiterated that we have the ability to collect any amounts due to us without needing a Victualer's license as a tool.)

Requirements and Conditions: (This is the only redeeming value of this ordinance according to Mr. Joseph).

The Municipal Officers may place conditions and requirements on the license. These conditions and requirements must be reasonably designed to promote the health, safety or welfare of the Public. Examples of possible conditions include, but are not limited to, specific opening and closing times, and measures designed to reduce noise. (Mr. Joseph would hold that we have the ability to do a lot of this anyways, specifically measures designed to reduce noise, we have a noise ordinance. What are the opening and closing times doesn't seem like something we want to be telling businesses. We also have a special amusement ordinance that governs things like generating noise like music, dancing and parties. For the \$135 annual permit fee, we are spending more than that on staff time to administer. He thinks eliminating the ordinance is minor as this doesn't have much redeeming value to the town).

Councilor Bradley asked what other ordinances do we have that relate to sanitation and public health and safety in the sale of food? We don't do public health inspections for food licensing. Only a few of the larger municipalities do those themselves, but the State does those and wouldn't let us do those ourselves even if we asked. Councilor Bradley stated we have millions of people go through our town and we're hoping to encourage people to eat here. We're talking about food courts and food trucks and peddler carts and all that stuff. He would guess that the State inspector shows up here once in a blue moon. He was reassured that they are active and that our local inspector, Joel Demers and the town are on a first name basis. Councilor Bradley asked if we know whether the State inspection of food sanitation is sufficient in our town. Mr Joseph stated yes, but Councilor Fournier had worked with the inspector more when he was Fire Chief. Councilor Fournier stated that the process was, and he's not sure now, but the Fire Rescue used to inspect every retail facility

COUNCIL MEETING #04-22

FEBRUARY 15, 2022

once a year. That included going into kitchens and checking the hood and gas systems. If a problem was detected, that may generate a call to the State and the State was always very responsive during his tenure.

The Town Manager stated that if we want to enforce anything here it has to come to the Town Council for the Public Hearing process to revoke someone's license before we can shut their business down as opposed to calling the State and having the inspector do same day what it would take us two weeks to do.

Councilor Bradley believes what he is hearing is that the State will fill the responsibility that this ordinance would have in terms of issuing a license and making sure that at the beginning of every year, the business is up to snuff.

The Town Clerk explained that the State Inspector is in charge of food safety and making sure food is safely served from any commercial kitchen. We don't know how often he is in town, but businesses are inspected annually.

Councilor Bradley stated that if it turns out that the State does the job that we would want done so that our community doesn't get the reputation of having unsafe food, which would be terrible for the town, then he'll support. If there's any question about the scope of coverage and then there being a need in town to have an ability to bring someone to task, if you take this ordinance out, we've got nothing. You don't have an ordinance that says the town shall bring a fine or take action with respect to public health and safety for food delivery or sanitation. Your leaving it to the State if you take this away. Would it be best to have a short ordinance that says something like it should be a violation of the town ordinances to serve food or the public in an unsanitary way. That way if we hear about something, and the guy isn't around, and you want to take some action you can either call them or you can bring an action on your own through your code enforcement officer. You have the standing in your own ordinance to do something on your own if you need to, it's a backup. The Town Manager doesn't know if we can legally do food inspections. We are not doing food inspections at the municipal level. We are just currently checking to make sure they have a State Food license. Councilor Bradley asked what all those ordinance provisions, it looks to him that we've got a whole range of provisions. We may not do it but we have the authority to do it. The Town Manager disagreed that we don't have the authority and that there are only a handful of municipalities that do their own food inspections and have been granted that authority by the State and then the State handles everyone else. Councilor Bradley stated that he would be stunned if the Code Officer found that a food cart was serving old clams in a stew and that he couldn't go to them and stop them. The Code Officer could probably stop them for a faulty gas fitting, but not for food safety. If we don't have the authority we should throw the ordinance out. If we do have the authority to do it, there is a basis in wisdom to hold it in reserve in case we need it. It doesn't have to be the whole ordinance section, but keep the teeth of it.

Councilor Fournier agreed with Councilor Bradley and reiterated that he makes a valid point. The Town Manager pointed out that the reference to the Life Safety stuff is not in this ordinance. We have the ability anyways. The Fire Chief or Code Officer can enter any establishment at any time on complaint or suspicion and order any corrective action that needs to be taken for Life Safety. That does not apply to DHHS food safety but he will do some research. We're not looking for any action here tonight. This is great discussion, we want to hear thoughts on all sides. If we have the ability to do local health inspections in terms of food safety then we need to think how we put that in an ordinance. He spoke again about how responsive the State is to complaints.

We are here to get the fever of the Council. There are a range of thoughts. How responsive is the State on weekends or holidays? By having Councilor Bradley's idea, that would solve a holiday

COUNCIL MEETING #04-22**FEBRUARY 15, 2022**

problem with bad seafood at a restaurant and you can take action and have public safety and otherwise we could do away with the ordinance. Councilor Piltch said we couldn't do that anyway with the ordinance, we'd have to have it come to the Town Council to revoke it. Councilor Fournier thinks you can have an emergency under the ordinance, when public safety is in jeopardy, which could be a food related item and give the authority to Code Enforcement. There is overlap between Code officer and local health officer but food safety inspections part of it is State specific. Is it delegated authority which we can apply for, which doesn't matter because we don't have the staff for it or can we do it at will. Please speak with Councilor Daniele when he returns as this is of interest to him.

Motion to adjourn (Bradley & Lawrence)(6 Ayes)(0 Nays)(1 Excused)

END OF AGENDA (Estimated time of adjournment 9:20 PM)

	OUTSTANDING OR UPCOMING ACTION ITEMS	INITIATED ON	PROPOSED BY	ADDITIONAL INFORMATION
#1	Review of Town fee schedule this year	1/4/2022	Councilor Pillsbury	Tasked for 2022
#2	Research availability of PCR Rapid Test		Councilor Bradley	
#3	Schedule dates for touring facilities		Chair Piltch	
#4	Institute Indoor Town facilities Mask Policy		Town Manager	
#5	Determine how much is reasonable to keep in reserve accounts		Councilor Bradley	
#6	Set process for how we are going to accept applications for ARPA funding before summer		Chair Piltch	
#7	Determine if our Capital Reserve Budget is properly funded and we have a proper schedule to set our budget priorities		Councilor Fournier	
#8	Review our codes and permitting processes in Town Hall		Chair Piltch	
#9	Explore new fire rescue substation in District 2		Councilors Fournier and Bradley	
#10	Resolve Water Tank Contract		Mr. Joseph	
#11	Sewer district-workshop			

COUNCIL MEETING #04-22

FEBRUARY 15, 2022

#1 2	Divestment Discussion and Investment policy			
#1 3	Planning and Codes Permitting policies			
#1 4	Victualer Ordinance Discussion/Review	February 2022	Councilor Daniele	

CEREMONY FOR CITIZEN OF THE YEAR

6:30 pm Town Council Chambers

Katrina Van Dusen was awarded the 2021 Citizen of the Year Award with a small ceremony outlining her accomplishments.

MINUTES

FREEPORT TOWN COUNCIL MEETING #05-22 TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT TUESDAY, MARCH 1, 2022

Chair Piltch called the meeting to order at 6:41 pm

<u>ROLL CALL OF MEMBERS:</u>	<u>PRESENT</u>	<u>EXCUSED</u>	<u>ABSENT</u>
Councilor Chair Daniel Piltch, 25 Quarry Lane	X		
Council Vice Chair, John Egan, 38 Curtis Road	X		
Councilor Matthew Pillsbury, 36 Todd Brook Rd	X		
Councilor Chip Lawrence, 93 Hunter Road	X		
Councilor Darrel Fournier, 3 Fournier Drive	X		
Councilor Jake Daniele, 264 Pownal Road	X		
Councilor Edward Bradley, 242 Flying Point Road	X		

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood for the Pledge of Allegiance.

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #04-22 held on February 15, 2022 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting # 04-22 held on February 15, 2022 and to accept the minutes as printed (Lawrence & Bradley)**VOTE:** (6)
(0 Nays)(1 Abstain)

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

- The Library Board of Trustees is preparing a community survey to go live the first week of March. The board and FCL staff are interested in the community's thoughts about the library, current and future services, and how FCL can best serve the community. This quick online survey will give library users the opportunity to provide us with valuable and specific suggestions for library services. The survey link will be included in the next Municipal Bulletin, the Library's March newsletter, and on the library's website.
- The town's Public Works Department posted roads effective February 28th. A posted road guide is available on the Public Works page of the Town website.

COUNCIL MEETING #05-22

MARCH 1, 2022

- The Maine DOT Bridge work will begin at Exit 20 / Desert Road with equipment mobilization in early March and construction demolition and earthwork starting in mid-March. Both bridges will be worked on simultaneously, with Exit 20 starting first in March 2022. Exit 22 demolition will start in late 2022. Exit 22 construction will commence in early 2023. The contractor's goal is to complete both bridges by late 2024 to early 2025 as work permits; the project's scheduled completion date is November 1, 2025. Updates for major work items will be provided on the Town's website, through social media, Maine DOT's Project Website, and the Portland Press Herald.
- The AARP Foundation has a Tax-Aide program. They are doing taxes at the Freeport Community Center, 5 Depot Street by appointment on Wednesdays only from 8:30 am to 1 pm.

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

Councilor Pillsbury: Wanted to call attention to what is happening in the Ukraine and the humanitarian crisis there. He encouraged people to learn as much as they can about what's happening and why. He listed several international charities that people can donate to.

Councilor Bradley: The information on the Island Rover launch plan has been shared with consultants hired by the town and 2 volunteers from BIW engineers. We have set up an informal meeting with those people and Mr. Grindle, the engineer for Carter Becker and Harold Arndt to talk it through.

Councilor Bradley held a District Two meeting via Zoom last night and had 10 to 12 participants to which he explained his understanding of the Downtown Visioning process. There were two things to point out. The first is that everybody is excited and secondly, there are a lot of people who are learning about this for the first time. As we go through the next couple of weeks, we need to make sure everyone gets the information who may not be on computers or in touch with town affairs the way they are. He is willing to talk with anyone.

He also attended the Sewer meeting and subsequent discussions. We've been apprised as a council and community of the Sewer Districts need to significantly upgrade the sewer plant to protect the harbor, to protect the quality of the water, to protect the marine resources, to protect our neighborhoods and for the next generation. From a downtown perspective the sewer connection fees are a problem in terms of revisioning and changing large spaces into small ones when these fees are so high. There has been an effort to engage the Sewer District due to these important issues and they are open to a discussion. At the FEDC meeting, it was suggested that the town council approve the development of a strike team to meet and talk about the intersection of these issues. He is willing to be part of that team as a member of the Council if he is the right person. He would like the council to assent or dissent to the idea as there is a meeting scheduled for next week hoping that the council would approve this concept. The idea of the strike team consisting of two councilors, and possibly town staff, who will bring back information to the Town Council and has no authority was endorsed.

Chair Piltch: As part of the Downtown Project team, he is open to ideas of how to get more people involved who feel they've been left out. Heading into budget season, keep this in mind as we will discuss adding a Communications Director position. Regarding the Sewer piece, we have been open to collaboration with them. FEDC could be a real ally to help us. His suggestion would be to have Councilor Pillsbury also join because the facility is in his district and he has concerned citizens.

Councilor Lawrence: Had ideas for getting information out including posting at Bow Street, Shaw's, Gritty's, Mast Landing. If we do a poster that says "Learn about your town" and provide a website and a

COUNCIL MEETING #05-22

MARCH 1, 2022

person in charge with a contact number, that might reach more people. The Chair stated the next big event is April 9th and we'll make sure to have some in advance of that.

Chair Piltch stated that the consultants to the Sewer District, when they analyzed the infrastructure, noted that there are improvements that need to be made in the short term that range from 8 to 25 million so there are funding challenges ahead of us.

Councilor Fournier: Noted that the relationship with the Sewer District has not been good in the past and this is a chance to open that up. There are a lot of grants out there and if we can cooperate and work together we will be more successful.

Councilor Egan: ARPA Funds update-He was hoping to have something for the Council in terms of a strategy and plan for the funds. We've already allocated a significant portion for Hazard Pay for first responders, Police, Fire and EMTs. There's a range of possibilities of what the funds can be spent on primarily hard lasting items that benefit the community infrastructure. Councilors Pillsbury, Bradley and Egan have worked to put together a document outlining and trying to balance the wide variety of ideas and opportunities out there with focus on the downtown projects and the likely capital budget that will accompany a lot of the ideas. They may have something to present at the next meeting or workshop.

Councilor Fournier: Reminded that the Council had a discussion at the last meeting about relief for citizens on fixed incomes. People are hurting and he hopes we make this priority one and act on it quickly.

Councilor Piltch reached out to Representative Sachs for more information on different State property tax programs that are available. He reminded that we have just wrapped up Downtown Design Week and Principal Group is writing the report which will come to the Council in 3 weeks' time and they will have at least a week or so to look at it. They will hold a workshop to focus exclusively on the plan on March 29th to dive into all the ideas. Included in the report will be some idea of project costs and funding sources. They get a second chance to dig into the report on April 12th. In between those two workshops is a public open house here at Town Hall on April 9th. There is a vote scheduled for May 3rd to adopt the plan and our contract with Principle will be up and then it's up to us to decide what we want to do from here.

FIFTH ORDER OF BUSINESS: Town Manager's Report (15 minutes)

Bridge Construction update: In March we will start seeing mobilization and they will be maintaining two-way traffic during the 2-3 year disruption.

The town removed the municipal facilities mask requirement following the expiration of the town-wide mask mandate ordinance which expired following the last meeting. He went on to explain the current CDC guidance on community levels of COVID and masking recommendations. Our county is staying in the red category so masking is still recommended. Chair Piltch added that the RSU will be meeting on the 9th to discuss masking policies in school as we do not do that here at the Council level.

Tax Relief Program update: In regard to the Senior deferral or tax relief programs brought up recently, the town assessor has constructed a comprehensive document of the assessment status of the town. The manager confirmed that we do not have demographic data linked to property ownership because assessments should be neutral to who the property owner is. This shows that 18.2 % of the population is 65 or older. We however do not have a way to link property ownership to age so not all of that 18.2 % are property owners due to rentals and nursing facilities and things like that. The manager has been

COUNCIL MEETING #05-22
MARCH 1, 2022

talking with the assessor about available existing and new programs for tax relief. He will pass onto staff that this is a priority issue for the Council.

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

Andrew Arsenault: Inquired about our funds reservoir as we head into budget season. Have the funds grown or shrunk that were previously used to purchase equipment without bonding years ago. He would also like to have a public airing of what's going on with the stock accounts when that information is available. What happened to our non-emergency ambulance transport contracts that we lost along the way? Are we going to try to get them back? They paid for equipment purchases. Councilor Fournier explained that they took a significant hit in non-emergency transports when Parkview Hospital closed. This is something that can be discussed on the Fire Department budget during budget season.

Councilor Egan reminded the audience that for the 6 years he's been on the council, all the capital budget is funded with reserves, there is no bonding, except for the Bridge Project which was a special thing. One to two million is allocated each year and it's entirely from reserves and not a burden on the tax levy.

Councilor Bradley stated that the single reserve fund that they used to have has evolved into a number of reserve accounts with significantly more money in them than is needed to fund the capital items that are projected. There will be discussion about the amounts in the reserve accounts during this council session which currently has \$8 million dollars in it. Tonight, we will set a public hearing for the capital budget at which we dive into those proposals. Peter Joseph pointed out that on the backside of the front page of the capital budget document, it has those broken out by funds and you can see how they've grown.

Chair Piltch offered to send interested residents a copy of the periodic newsletter that he does that includes information the capital budget and how the process works. He talks about our long-term debt, which is less than \$900,000 compared to 10 years ago when it was 6 million. Fifteen years ago, that amount was 17 million in debt. We've done good financial stewardship in the last 15 years.

Joyce Clarkson-Veilleux: She knows there will be a lot of entities looking for funding from the ARPA funds, but she believes that money was given to the town, and all the town people should benefit from it. If you are going to help fund a sewer or water system upgrade that is only used by a small minority of this town, that they would be limited to how much money they could get, according to the percentage of the town that they service.

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

ITEM # 52-22 To consider action relative to adopting the March 1, 2022 Consent Agenda.

Chair Piltch reviewed the items on the Consent Agenda.

BE IT ORDERED: That the March 1, 2022 Consent Agenda be adopted.
VOTE: (Lawrence & Daniele) (7 Ayes)(0 Nays)

(Council Chair Piltch) (5 minutes)

COUNCIL MEETING #05-22
MARCH 1, 2022

ITEM # 53-22 To consider action relative to the proposed Capital Program for FY2023.

Chair Piltch pointed out that there is a document in their packets that lists the different reserve accounts and what they're intended to be spent on. At the end of the document is also some narrative explaining the different line items for this year. The town manager briefly explained the budget timeline as laid out in the town Charter.

BE IT ORDERED: That a Public Hearing be scheduled for April 5, 2022 at the Town Council meeting starting at 6:30p.m. to discuss the proposed Capital Program for FY2023.

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. **VOTE:** (Pillsbury & Fournier) (7 Ayes)(0 Nays)

(Town Manager, Peter Joseph) (5 minutes)

ITEM # 54-22 To consider action relative to amending the Winslow Park Fee Schedule.

Neil Lyman, Park Manager spoke about how the Winslow Park Commission has not raised fees since maybe 2009-2010. They would like a small increase now as opposed to waiting and having to institute a larger increase later. With these proposed changes the park would still be 25 to 50% under comparables. The back and forth on the fee increase was primarily over seasonal campsites. The Park is financially sound on its own. The campsites were booked at about 97% last year. The biggest increase is in payroll and if they don't change fees they will stay stagnant because they can't make any more money in the summer.

Councilor Bradley pointed out there is a budget line for dogs and being concerned that there is occasional talk of limiting the dogs in the park, raised the idea of a type of membership for park dog walkers that would include a fee and give those people standing just the way campsite users have. It would give them standing to suggest rules and regulations. Mr. Lyman's concern was over who would regulate this dog membership. The town public road is where the main problems happen, it's not part of the Park. Councilor Bradley encouraged Mr. Lyman to investigate the Downtown Freeport website and review the ideas (such as a bus to local attractions) for any that would be good (or bad) for the Park as we would like his input.

BE IT ORDERED: That the proposed Winslow Park Fee Schedule be adopted.
VOTE: (Fournier & Lawrence) (7 Ayes)(0 Nays)

(Park Manager, Neil Lyman)(15 minutes)

TABLED:

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

COUNCIL MEETING #05-22
MARCH 1, 2022

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.

This was tabled in December due to questions raised and citizen concerns. The Town Planner met with Councilor Bradley and Piltch and they decided that one approach to take is to separate the Shoreland Zoning into a separate ordinance. The current Zoning ordinance is 275 pages and the current Shoreland Zoning is integrated all through that. They have pulled that text out into a stand-alone document that is being gone through with a fine-tooth comb. The goal is to have a draft document by the end of the week. If this is the approach we are going to take, we do need to then also create a second document which is the amended version of the Zoning Ordinance to take out the remaining references to Shoreland Zoning. Caroline Pelletier, Town Planner, thinks the best approach is to send it back to the Planning Board for public hearing of those two documents which does include a significant amount of public notice. We have also heard from Coastal Waters Commission that they want to pursue some possible amendments to Piers, Docks and Wharves that is also a Shoreland Zoning provision. It does have to go through Planning Board and follow notification process. If everything aligned, we could do it all at one time and notify our 800 shoreland zone property owners once which would be fabulous for efficiency and do it in one meeting. By tabling this item tonight, you keep it open. It already came before the Planning Board and through the public hearing process. Keeping it tabled will prevent having to repeat this process. Once you take action on the item, it's done and it would have to start over. Caroline explained why bringing it back in April will fit the Planning Board's timeframe better. It will also give time to go back to DEP and see if there's flexibility on items that would create more flexible standards.

Chair Piltch clarified that if we table this tonight, the next time we see it most likely we'll kill it in favor of a new recommendation that will come to us from the Planning Board. The Planning Board will meet hopefully in April, with a public hearing and do what they need to do. Once we are done with that process, that new item will be a new item on our agenda in the following months. Caroline Pelletier explained the Planning Board public hearing notification process requires them to have the document ready 12 days prior when the legal ad hits the paper and then there is legal notice to 800 people 7-10 days before. The next Planning Board meeting to have this is April 6th. She thinks if everything aligns perfectly they could have it as an agenda item then. However, if Coastal Waters is still working on their piece she would recommend we wait and do it all at one time. They hope to act on it before the summer season as they have heard from residents that this is holding up projects.

Caroline explained that we also have our own Shoreland Zoning standards which don't fall consistent with the State standards. The Codes officer is enforcing our Shoreland Zoning along with the State's standards. Any time we make changes it helps some people and hurts others. The new language removes the volume calculation. People with small houses on small lots, this would actually allow them to add on more. Part of this is amending the Zoning map to remove some areas from Resource Protection 1, in which you can't do anything.

Councilor Fournier asked if with the existing ordinance we have currently, are we enforcing it as up to date or as if everything had been put on hold. Ms. Pelletier said we are enforcing it. The State adopted the Shoreland Zoning regulations in 2015. The Town of Freeport did not pursue updating it. 2018-2019, the town went through the process and ordinance amendments were drafted, but it got sent back by the

COUNCIL MEETING #05-22
MARCH 1, 2022

State. This meant they had to start over. Councilor Fournier's concern is getting it done as quickly as possible. Caroline believes this is the right approach. It's more user friendly and is 60 pages as opposed to 275 and the end product will be better and easier for residents to understand.

Councilor Daniele asked if the plan is to move away from this, what's the harm in adopting this tonight? He knows it takes away from the opportunity for us to make changes to it and not have to repeat the public notice. If the plan is to public notice again for the big changes, if we adopted it now, wouldn't those residents be able to build right away? It would fix that issue and then we are going to change it all. Adopting this would be a 2-month adoption and we're already enforcing this based on the State. The Council could adopt as is, but they had heard from concerned citizens last time who wanted us to take a step back and see how the regulations impacted them. Keep in mind that once it is approved, it has to go to the DEP and once they receive it, they have an additional 45 days to review and comment. Councilor Daniele doesn't see the point in keeping this as a placeholder in case the new way we think we're going doesn't work. In which case, we'd have to adopt it anyway. Caroline laid out the options before the Council.

Councilor Bradley feels the document is incomprehensible. He was a marine attorney his whole career and he doesn't understand it because it's so integrated and confusing for the user to read. The Code Officer might be the only person who would know what the document meant and there would be a lot of arguments, debates and discussions which is why they recommended splitting it apart. He doesn't think it makes sense substantively, even though procedurally he understands the point. Councilor Lawrence agrees that if it's unintelligible and creates confusion, we shouldn't do it. If not intelligible, the document at least could be simplified.

Chair Piltch agrees that passing something as a temporary measure, and then passing something new while the first item is still under review will create a very complicated situation for anybody who would be applying for a permit under this temporary ordinance that's been approved but not yet ratified by the State. And then a new ordinance hot on the heels of that creates a complex legal situation we would be hesitant to put somebody in or put the town in. He commended Jake for always trying to find the middle ground.

One issue is whether we can change the zoning map now to free up parcels that are not going to be in Resource Protection One in the new plan. The Zoning Ordinance is a separate item than the Zoning Map. Why is it that the council can't pass the new map without passing the corresponding ordinance changes?

Caroline explained that they are related and you do have to make the text changes to support the map changes, and DEP has to review them both and sign off on the whole thing. It makes more sense to do it as one complete package so that your text and map align. It is bird habitat that is being removed from Resource Protection 1 that's making a big difference for some property owners as to whether they can build or not.

The suggestion before the Council is to table the item till April 5th with the intention of most likely abandoning this in favor of a new, simpler ordinance and map that we hoped the Planning Board would take up on April 6, followed by Coastal Waters and their changes so that by the end of April the ordinance could be back before the Council for public hearing and adoption. Peter Joseph hopes that the Coastal Waters changes should take place at the same time as Shoreland Zoning or it's too burdensome on residents.

Councilor Piltch asked if the Piers, Wharves and Docks is regulated in a separate ordinance that's managed by Coastal Waters, is Coastal Waters making a recommendation to the Planning Board to update

COUNCIL MEETING #05-22

MARCH 1, 2022

a land use related ordinance? Does Coastal Waters make the recommendation to either Ordinance Committee or Council to update that? And if they need to make the recommendation to Planning Board, should they have the recommendation in before the April 6 meeting? The Town Manager affirmed. It's the Planning Board's job then to recommend it to the Council. Zoning amendments can come from the Planning Board, Project Review Board and applicant or the Council. We would need those Coastal Waters amendments to include in the draft of the Shoreland amendments package that we publicly circulate.

Councilor Bradley reminded that we have seen the Coastal Waters recommendations and were reluctant to act on them because we didn't understand them due to not having had a site walk to see how they apply. He believed we were going to schedule a site walk, but that hasn't occurred and needs to be in this somewhere. If Coastal Waters does a site walk the Councilors can attend that.

Councilor Daniele asked for clarification on the history of this proposed ordinance in regard to the process it has been through. Mr. Joseph explained that this ordinance started back in 2016-2018 and was paused. We hired a consultant to work with the Planning Board to develop the standards about a year ago. Last fall the Planning Board brought these to the Council and there were major concerns in some parts about the structure. The concerns were that it was incomprehensible, unintelligible, dense and interlaced with the Zoning Ordinance. One suggestion is to just adopt the ordinance as is and then amend it later, but the Councilors were not comfortable with that, so they hit the pause button. Any substantive change to the ordinance would trigger it going back to the Planning Board for due process.

MOTION: To table both items, #194-21 and #195-21, until the April 5, 2022.
(Lawrence & Fournier)(6 Ayes)(1 Nay-Daniele)

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.

(Town Planner, Caroline Pelletier)

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. Preliminary Discussion of an Auxiliary Fire Station (Chair Piltch)(5 minutes)

We currently have one Fire Station and the question is whether we need a second. To go about exploring this it will go to the Municipal Facilities Committee (Councilors Fournier, Egan and Pillsbury and to also include Councilor Bradley). This needs analysis and it's best to have that done in a committee and point staff at the right research that needs to be done. Councilor Fournier explained the history. Ten years ago, we challenged the ISO rating, which is what we pay for insurances on our downtown businesses and what we pay for insurance in our residential homes. At that time our rural rating was a 9, the highest it could go was 10 and the rating for town areas was a five. They did a test and could flow in rural areas, 1,000 gallons a minute without disruption. That allowed them to drop the rural rating from 9 to 6 (lower the better). This is for homes within 5 miles of the station, outside of that 5 miles the rates increased significantly. They worked with a consultant and identified the area of Flying Point Rd, Wolfe's Neck, Outer Flying Point Rd as the area we did not cover through either a fire station that's close or mutual aid. We have the northern part of town covered by Pownal and Durham because they're within a 5 mile distance. During Councilor Fournier's time as Fire Chief, Wolfe's Neck Farm generously offered land for a fire station and they identified area where it would go. Plans were drawn up for a 2 bay stick built station with a small kitchen to house 1 engine and a rescue boat, etc. This area has homes of significant value. This idea had some momentum years ago, but priorities changed. A lot of work has already been done and Councilor Fournier would be glad to get this moving forward with the Municipal Facilities Committee.

Councilor Bradley pointed out that people have these homes of significant value but that doesn't mean they necessarily have a lot of money and their insurance bills go up sometimes \$3,000 because they are more than 5 miles from the fire station. His suggestion is to do a survey of those homes that would be affected and see if we can get some contribution to the cost due to the potential savings in insurance. He's not sure if they still have land for this, but he is sure they'd be open to the question. As they've grown and developed they have their own issues with fire insurance. They also have young people who may be anxious to get involved with a fire-fighting operations at a substation. Building a fire station doesn't mean it's necessarily staffed so getting people in that area involved might kill two birds with one stone.

Councilor Egan asked about the availability of a map showing everything outside the five mile area surrounding the current fire station. Mr. Joseph believes that was done before and three areas were identified including Staples Point, Fogg Point, Winslow Park area, Spar Cove, Councilor Egan's neighborhood and a good chunk of Wolf's Neck pass the farm and Lower Flying Point Rd half way down. He can easily recreate that for the Council. There was a report that may take some time to dig out, but it laid out response times and did automatic responses.

2. Discussion of Downtown Plan Response (Councilor Bradley)(15 minutes)

COUNCIL MEETING #05-22
MARCH 1, 2022

When Councilor Bradley asked to have this on the agenda, he was thinking ahead of what the process is going to be in terms of receiving and dealing with the Principle Group Plan. If we wait and vote on the plan in May, we would have lost some time that we could have spent putting together a group, whether it's at the council level, the FEDC level or a subgroup of the Council to advise the Council about priorities and funding opportunities which are closely related considerations going forward. FEDC is in agreement that there needed to be a point for taking the report, looking at the opportunities identified, the funding potentials that exists, matching those up and planning a timeline. FEDC would like to commit the time of Brett Richardson, the new FEDC Director, to be the lead on that effort going forward. He supports this and believes it's hard for the council to sort through technical issues and make prioritization decisions. Once the council knows the options, they are very good at deciding, but they're not great with analysis. Let a nimble group of people who want to be involved do the analysis and bring back to the Council clear options and alternatives without them having to spend the time to get there. He also thinks there should be a staff piece to this. He wanted to have the conversation before they found out they had waited a couple of months and lost the time where they could have had this group in place doing preliminary work getting ready for decisions they're going to have to make.

Chair Piltch would like to see the Council be more involved in what's going on with the project than they have been from the beginning. It was a fault of the process, not the Council. At this point, it's difficult to do a lot of analysis during a meeting which is partly why we have the two workshops scheduled at which they can dig into the Plan. Mr. Richardson who starts in 2 weeks can hopefully run point on getting grants and coordinating efforts across lots of different initiatives focused on downtown. He and Mary and the rest of the team are focused on coming back with a recommendation which he personally doesn't think he'll be ready to do until after the first workshop. The workshop is the first step and the Council will have a much better idea of what they need to carry on.

Councilor Lawrence brought up possible funding from the Federal Government, which he thinks Greg Michaud from Complete Streets, is already on top of. Putting together a team so that when we get these opportunities we can go right through them. We probably don't have time for this one, but we should go through the exercise so next time we are ready. Chair Piltch pointed out that there are grant opportunities that we probably miss out on because it takes a lot of effort to apply for grants. Some are easy with a couple pages and many are multiple pages and sections with supporting data like the one identified by Mr. Michaud which is between 5 and 25 million with a one million dollar match by the town. The town engineer has secured several transportation grants. GPCOG is around and has reached out to us to offer support and we have talked with them. He's hoping that as we go through our operating budget and talk about staffing and communications and the role of FEDC, that the Council identifies a person, team or group to be the grant group that says, something is coming up, let's stick this team on it. Councilor Bradley sees the process of prioritization of projects as being integral and connected to the question of what funding is available to support those priorities. The same group of people needs to be talking about both funding and prioritization of projects and should be put in place in advance of the first workshop and get their feet wet.

We are waiting for the Principle Group report and how they have distilled all the information from Design Week and how that will help us. We are going to have to have this group ready to respond to it. These are not projects that the report will say have to be done right now, so we have time to distill and say these are what we want. We need to prioritize what we want to do then go out looking for funding to see which we can do first. He doesn't see any harm in putting the team together to help us get the funding. We'd be able to say here are the projects and now we need to get the funding and having that funding team together will keep the ball rolling.

COUNCIL MEETING #05-22

MARCH 1, 2022

Councilor Egan asked if there was a way to encapsulate this conversation into a sentence or two for Mary Davis and Brett? Is there a way to take this and informally have at least some outline together so that the council has something to chew on for the March 29th? He wants to keep our momentum going. It would be good even if we had an informal look for Mary and Brett and a few others to search through the plan elements that are coming and having to identify a list of potential sources which we can start matching the source to the project.

Councilor Fournier would like to see the people who have been working on this come out with a list of wants and needs. The things they really need will be a priority to him. One of the challenges of the Council is that they need to know what the needs are, what's going to have the biggest effect.

Councilor Lawrence suggested that we look into what grant opportunities are out there now to give us an idea of what is possible.

Greg Michaud, Chair of the Complete Streets Committee, sees this broken into two distinct pieces. The first is leveraging the visioning information and turning that into priorities which is what Principle Group and FEDC have been doing. The second piece is taking those priorities and getting the funding to make it happen. It's the execution piece and that is where he thinks he can help. His thought is that we need a readiness plan so that the next time we want to write a grant, we'll be ready. He listed the things needed for the readiness plan including:

1. Town volunteers and the roles needed to complete the proposals
2. Develop time and resource estimates
3. Identify the town employees required to submit the proposal
4. Significant portion of grant writing is benefit and cost analysis-an enormous effort
5. Determine the consultant's resources that we want to use and pay for that would help us with the cost benefit analysis.
6. We may need project management support, grant writers or graphic design for the proposal
7. Estimated funding required to the town
8. Secure letters of support from Congressional representatives
9. Determine and work with State agencies

He sees all these things as creating the Readiness Plan, so the next time they write it, they know who all the people are.

Councilor Bradley stated that it seems to him, before you get to that stage, you have to know what you want to do. And you have to know what the funding is for doing the things you want to do to know whether or not your readiness group should be responding to a grant application for that. Who is it in the town that should be looking for funding opportunities which Principle is going to identify for us. Who is going to take a first cut at what a plan might look like and the timing of it and the scope of the investment that the community will have to consider doing if we bite into it. That is a circular question, but Mr. Michaud would start with the Readiness group. You don't need to know what the recommendations for the town are going to be to start working on a readiness plan.

Mary Davis from FEDC joined via Zoom. She is thrilled with the momentum. She agrees there are two large tasks here. Principle has a process that they're rolling out on how to bring the ideas to us and how to prioritize them. That's one group of work that has to be done in the next month to 6 weeks. In addition, start thinking about the funding group and how do we go about that. How do we put the resources in place to be able to make that happen is another large group of work. We need to move both forward, concurrently. Freeport is collaborating with one another in a way that is marvelous. If we had these two groups set up with the right people there will be collaboration between them because there's so

COUNCIL MEETING #05-22
MARCH 1, 2022

much desire to get this done. The group that has been moving principle forward are Caroline Pelletier from the Town, Dan Piltch from the Council, herself from FEDC, an LL Bean representative, Tawni Whitney from the Chamber and Chip Gray, owner of the Harraseeket Inn. She thinks there is going to be a power of resources that need to be pulled together to make that happen. She's happy to staff it and drive it forward and to drive the financing portion along with the right people. The funding portion takes time and resources, so we need to keep this in mind as we head into the budget season. This will take into the summer before they come back with something. Mr. Michaud stated that they will need some town resources to help put the Readiness Team together. This is going to take months and we will be through our budget season before potential requests for funds for this may come in. Councilor Fournier is in hopes we have a reserve account that will pay for potential expenses such as hiring an expert for example. The Town Manager explained the budget timeline and how requests may not make it into this budget. If we are outside these dates we will need to take additional steps. Is there something we can do now, during this budget process to make sure we have some kind of pot for this (for example a \$1,000 for a consultant or something similar). Mr. Joseph explained that there is not a pot there now, but the Council could make it.

Chair Piltch also reminded the council that there is also a workshop on May 24, which is after they've adopted the plan in theory. That is exclusively for them and FEDC and the public. It's a good opportunity to say "we've seen the plan, how do we get this done?" We may say then that we need more money and we could shift things around then. Mr. Michaud stated it is odd to say today that we need to find money, knowing we're going to get recommendations and not want to wait another year to act. We already have an inkling to what those things are that will bubble to the top so it makes sense to be thinking about setting aside money now, knowing it's coming.

Directive to add #15 to the Council to do list: Discussion of assembling a Readiness team and a Prioritization team to act on future initiatives.

3. Presentation of 5-Year Capital Program. (Town Manager, Peter Joseph & Finance Director, Jessica Maloy) (30 minutes)

Jessica Maloy, Finance Director gave the council the definition of a Capital Item which is an asset with a depreciable life of more than one year. Items are commonly over \$5,000 to \$10,000 in value. She also highlighted the goals of the Capital Planning Process.

The 2023 Capital Plan is coming in at \$1,565,052 which is \$57,000 less than last year due to staff pushing out projects to allow our reserves.

Ms. Malloy provided the Proposed Capital Budget to the Council prior to the meeting. She presented and reviewed the highlights of each Department's request as laid out below and answered introductory questions concerning:

POLICE: \$100,000 for 2 new units

FIRE: \$137,000 for SCBA bottle replacement and SCBA fill station

RESCUE: \$19,000 for computer aided dispatch units for apparatus

PUBLIC WORKS: \$190,000 replace truck 6 (chassis, plow and wing)

SOLID WASTE: \$70,000 replace skid steer with a tractor plus attachments

COMPREHENSIVE TOWN IMPROVEMENTS: \$375,000 including Arnold Rd rebuild, Mallet Drive Pavement Preservation & Sidewalk Extension, ADA Compliance Work, Road Condition Survey, Concord Gully Brook Watershed Restoration.

MUNICIPAL FACILITIES: \$440,000 including Computer Upgrades, Town Wharf repairs, Town Hall Bathroom Upgrades, Library Door Replacements, PW Air Compressor System, Town Wharf - Steel Piling, PW Equipment Lift, File Digitization, Red Light Upgrade, Revaluation Reserve Fund.

CABLE: \$24,000 Equipment Replacement and other improvements

BOARD, COMMITTEES AND COMMUNITY GROUPS AND OTHER REQUESTS: \$50,000 for Comprehensive Plan Update

DESTINATION FREEPORT TIF: \$160,000 for Sidewalk (4500 sq. ft) and FEDC-All TIF expenditures are considered in the Capital Process.

Following the presentation of Capital requests she discussed and provided a chart on the Reserve Funds as of 12/31/21 (unaudited).

The low benchmark is 20% of the 20-year plan and the high benchmark is typically the five-year plan. Four of our eight reserves are underfunded. She explained that the Rescue line at \$207,000 more than our average benchmark, actually has a designated funding source that comes from emergency rescue charges.

Councilor Egan asked if she remembered what we contributed to the overall Reserves from the fund balance at the end of last fiscal year. She thinks it was 1.2 million put into Reserves. Councilor Egan wanted to remind folks that these don't just appear out of nowhere. We're funding these with budgeting through our operating as well as savings throughout the year. Some of these items have their own revenue stream. The Reserve balances that we have to make these purchases of 1.5 million this year and 1.6 million last year, are because we've had this fiscal discipline about how we plan for these big capital items. We haven't had to bond for any capital pieces in over a decade so what we are following is paying off.

Ms. Maloy explained the funding sources to the Council. The primary one at this point is fund balance in excess of our policy, which is currently at one and a half months of budget. Five years ago that was not the primary funding source.

Councilor Fournier asked if we thought about bringing back the emergency transports for revenue. We have not done that to date.

Some other funding sources are sale of equipment and property, both real and personal property are funding your reserves, lease proceeds including the Bartol Library lease (prior major funding source, now throwing pennies), cell tower leases (now down to \$75-100,000 annually to the Reserves) and when there are balances left in these capital accounts.

Councilor Pillsbury wanted to know how they are doing estimates this year with the cost of goods and labor rising? In reply, we typically go out for quotes on the larger ticket items and usually there is an inflation clause in there to make sure we're covered.

Lastly, Ms. Maloy explained that the last two sources are amounts that are established for the reserves within our annual operating budget. Within our operating budget the Council can choose to fund a component of the Reserves. The third is interest that gets earned on the investment portfolio, which in this environment is not helping us.

Councilor Bradley asked how the ARPA funds are accounted for in the process? The ARPA funds are not deemed or considered unanticipated in that regard, because there are very strict Treasury guidance on

COUNCIL MEETING #05-22
MARCH 1, 2022

how and what they can be used for. They can be used for roadwork. There are other categories that can be explored. How do these work their way through the budget? Discussion around ARPA funds followed, but Jessica set up in her books as special revenue, where it's designated funds for whatever projects they deem so that it can be tracked separate from the general fund. Right now Jessica has those funds separated because there are very specific reporting requirements also and for accounting purposes this is easier. The next meeting is a workshop and April 5 is the public hearing and workshops. We'll have four meetings to dig in.

Councilor Fournier made a request that the Public Works Director, on the discussion of dirt roads, take a look at that and maybe there can be a cost savings down the road.

If we have one workshop and we get through everything that the Council has concerns on, we can strike the following workshops and condense the process that way. They spoke on how to condense the process.

Councilor Fournier brought up the possibility of starting future Council meetings at 5:30 p.m. There was also the suggestion of 6:00 p.m. An informal poll of the Councilors was taken to gauge interest. It may help some people attend and it may make it more difficult for others. We'll look into making this change and what is needed administratively and bring it back as an agenda item at the next meeting.

EXECUTIVE SESSION

ITEM # 56-22 To consider action relative to an Executive Session pursuant to 1 M.R.S.A. § 405(6)(C) pertaining to a Real Estate matter AND 1 M.R.S.A. § 405(6)(E) pertaining to a Legal matter.

MOTION: That the Town Council enter Executive Session. **VOTE:** (Lawrence & Bradley)(Ayes)(Nays)

MOTION: That the Town Council exit Executive Session. **VOTE:** (Daniele & Egan)(7 Ayes)(0 Nays)

(15 minutes)

-No action taken upon exiting Executive Session

MOTION: To adjourn at 10:10 pm. **VOTE:** (Lawrence & Fournier)(7 Ayes)(0 Nays)

END OF AGENDA (Estimated time of adjournment 9:30 PM)

COUNCIL MEETING #05-22
MARCH 1, 2022

	OUTSTANDING OR UPCOMING ACTION ITEMS	INITIATED ON	PROPOSED BY	ADDITIONAL INFORMATION
#1	Review of Town fee schedule this year	1/4/22	Councilor Pillsbury	Tasked for 2022
#2	Research availability of PCR Rapid Test		Councilor Bradley	completed
#3	Schedule dates for touring facilities		Chair Piltch	
#4	Institute Indoor Town facilities Mask Policy		Town Manager	completed
#5	Determine how much is reasonable to keep in reserve accounts		Councilor Bradley	
#6	Set process for how we are going to accept applications for ARPA funding before summer		Chair Piltch	
#7	Determine if our Capital Reserve Budget is properly funded and we have a proper schedule to set our budget priorities		Councilor Fournier	
#8	Review our codes and permitting processes in Town Hall		Chair Piltch	
#9	Explore new fire rescue substation in District 2		Councilors Fournier and Bradley	
#10	Resolve Water Tank Contract		Mr. Joseph	
#11	Sewer district-workshop			
#12	Divestment Discussion and Investment policy			
#13	Planning and Codes Permitting policies			
#14	Victualer Ordinance Discussion/Review	February 2022	Councilor Daniele	
#15	Discuss Readiness Team & Prioritization Team for future initiatives	March 2022	Chair Piltch	

MINUTES
FREEPORT TOWN COUNCIL MEETING #06-22
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, MARCH 15, 2022
6:30 PM

Chair Piltch called the meeting to order at 6:33 pm.

ROLL CALL:	PRESENT	ABSENT	EXCUSED
Councilor Chair Daniel Piltch, 25 Quarry Lane	X		
Council Vice Chair, John Egan, 38 Curtis Road			X
Councilor Matthew Pillsbury, 36 Todd Brook Rd	X		
Councilor Chip Lawrence, 93 Hunter Road	X		
Councilor Darrel Fournier, 3 Fournier Drive	X		
Councilor Jake Daniele, 264 Pownal Road	X		
Councilor Edward Bradley, 242 Flying Point Road	X		

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood for the Pledge of Allegiance

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #05-22 held on March 1, 2022 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #05-22 held on March 1, 2022 and to accept the minutes as printed. (Lawrence & Fournier)

VOTE: (6-Ayes)(0-Nays)(1-Excused)

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

- There will be a Draft Downtown Vision Plan Open House on April 9, 2022 from 11 am to 2 pm on the lawn at Town Hall. Register at <https://freeportvisionopenhouse.rsvpify.com>
- The town's Public Works Department posted roads effective February 28th. A posted road guide is available on the Public Works page of the Town website.

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

Councilor Pillsbury reported the Winslow Park Commission met and the ramp and playground projects have received bids and are moving ahead. The playground should be done in the spring also. They are talking about a donation form for the park.

Councilor Bradley reported progress on Island Rover. The launch plans have been reviewed and he may have a recommendation for the Council by the next meeting.

Councilor Piltch reminded that tomorrow night there is a workshop between the Council and the Project Review Board at 5 pm. There is also a meeting on March 29th to discuss the Downtown Vision before the Open House. There is a meeting April 12 to discuss the results of the Open House. It has been

COUNCIL MEETING #06-22
MARCH 15, 2022

recommended to shift that meeting to April 26th instead to allow Principle Group more time to prepare the report. We will have something to respond to rather than reviewing what was just seen. Councilor Bradley asked if the first time the Council will see the plan is on the 29th. Principle Group will be here on the afternoon of March 29th and the plan will be presented in draft form. The public sees it on April 9th and the Council will workshop on April 26th with May 3rd as the tentative adoption. The Council secretary will make these changes and update the website to reflect all Council meetings and workshops.

MOVED AND SECONDED: To adjust the Town Council meeting schedule to remove the Council workshop on April 12th and add one on April 26th. (Bradley & Fournier) **VOTE:** (6-Ayes) (0-Nays)(1-Excused)

Mary Davis from FEDC introduced the new executive director, Brett Richardson to the Council. She recapped the interview process and how excited they are to welcome him aboard. She talked about Mr. Richardson's qualifications before he greeted the Council. The Council also took the time to recognize Mary Davis's contributions and hard work during this interim and hiring process.

Mary also spoke on the Downtown Revisioning and how important and energizing it is to have the public involved in the meetings. It's a chance to hear the resident's opinions and ask questions and promote collaboration in the community.

Councilor Bradley mentioned how he is astounded by how many people know very little about what we've done with the Downtown Revisioning and we need to do something about it. We need to get the substance out that can be read by people who are not online savvy. We may need to pay for an article in the Forecaster. He is worried that we, as the Council, don't know what the whole town thinks, but instead only know what the interested parties are thinking. It's important that everyone knows what's going on in town with the Downtown Revisioning.

FEDC has permission to display all the Downtown Revisioning materials in the empty storefront at 54 Main Street. They are starting back up the newsletters with Principle that goes out to those that have registered. She encouraged Councilors to share and promote them with those not registered. There are people that are missing the information. Councilor Piltch and Ms. Davis met and counted 7-8 different channels of communication that were tried to get the word out. If Councilors choose to have District meetings with constituents, reach out to the Strategy team and they can attend to be a voice there. We can also use local businesses, like Bow Street Market, to hand out pamphlets. There are fliers being printed for distribution.

FIFTH ORDER OF BUSINESS: Town Manager's Report (15 minutes)

The town has 2 job postings. Information on the new Zoning Administrator position and the full-time replacement Police Officer are available on the Town website.

Public Works will be starting street and sidewalk painting ahead of schedule due to the mild weather so be aware as you are driving.

In regard to previous discussions regarding our financial investments and our exposure to fossil fuels, our preliminary report shows that approximately \$122,000 or 1.6% of our total investments would be attributable to fossil fuels. That constitutes 6.5% of our total equities. Only a minority of our investments are in stocks. They are going to now look into what the alternatives are. He is not sure if we will have a

COUNCIL MEETING #06-22

MARCH 15, 2022

working group or if it will just come back directly to the Council for review. This was a review of the whole portfolio and was everything that could be attributed to a company.

Councilor Lawrence asked if it was a review of the whole portfolio and what we can do to make it grow better not just a review of fossil fuels. The Town Manager explained that our growth rate for the part that is invested in equities is on track with markets. The 25% of the Reserves that are invested in the stock market are giving pretty close to a general market return and 75% of our reserves are in more stable instruments. When the Council reviews a new policy on Fossil Fuels the allocations can be reviewed at the same time and amended to be more or less aggressive by a vote of the Council.

Councilor Fournier thanked the fast action on moving forward the Zoning Administrator position and asked about the possibility of this position being rolled into the Environmental issues position or would this be discussed during the interview process? Mr. Joseph stated it was not part of the Zoning Administrator job posting. There is some thought of a shared position with Yarmouth for the Sustainability Coordinator position. We also have staff that has interest in those kinds of functions as well. We will know better when we see who the candidates are and what their interest are.

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

Stephen Migliore: He has owned a home in Freeport since 2005 and wants to discuss the Short-Term Rental Registration Ordinance. Stephen was gauging the Council's interest in reviewing and amending the current ordinance. They rent their vacant home because it is the only way they can afford to keep it. They try to keep it clean and safe while respecting the neighbors which he thinks was the vision behind the program in the first place. He utilizes a service called Breezeway that certifies to the safety of the home and gives an insurance discount. He wanted to know if the Council would consider incorporating something like that because many of the requirements that need to be fulfilled in the Short-term rental application process are redundant to what is done through the Breezeway certification process. That is one suggestion. The second matter is that the initial application process was "a bit bumpy" and the process had not been thought through. This year his application is late which he takes responsibility for. Other important correspondence is mailed to his home and in this case, it was emailed and then missed by him. Is there a different way or a possibility of automatic renewal? He also inquired as to the fee schedule and if it was a revenue source or a way to cover the cost. We compared other towns which ranged from no fee to \$1,000 and he also feels the late fee of \$200 is too high. There is not an opportunity for relief on the late fee that he will be required to pay this year. Chair Piltch confirmed that we would be reviewing the ordinance at the one-year mark which is in May and has noted Mr. Migliore's concerns.

Andrew Arsenault: Spoke on the town divesting from petroleum-based stocks and encouraged the town to take a hard look before we do that. The U.S. is one of the cleaner refiners of petroleum around the world. He spoke about less favorable producers around the world and the amount of petro-chemical products we use in our everyday lives. To divest and de-bank these companies is short sighted, and he gave examples of our necessity for petroleum-based products. Please be careful how you send a message because these are good American companies. You might have political views and not like what they do, but we need them now to move ahead.

Sally Leland: Announced the upcoming Sewer District meeting on Monday at 7 pm.

COUNCIL MEETING #06-22

MARCH 15, 2022

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

ITEM # 56-22 To consider action relative to adopting the March 15, 2022 Consent Agenda.

Chair Piltch reviewed the items on the Consent Agenda and suggested removing the second item which is Victualer Licenses. Since we may be repealing this Ordinance in two weeks, he would like to take these off the agenda tonight. Town staff would not pursue any action against any business for not having a Victualer License during that time.

The Board and Committee appointments were reviewed. The question was raised as to why we removed the district requirement on Nelson Larkins appointment to the Hunter Road Fields. The Town Clerk explained that there must be a representative from each of Freeport's four districts, a RSU5 representative and a Conservation Commission representative. Mr. Larkins lives in District 2, but our vacancy was for District 4. In order to keep Mr. Larkins as a valued member of that committee, the Appointments committee recommended removing the district requirement in order to maintain the integrity of the committee. There were no other applicants for the Hunter Rd Fields Committee. It was also discussed that Craig Sickles is retiring from RSU5 and discussion followed as to whether to make this appointment. It was decided to make the appointment and fill the position when necessary. The Town Clerk will reach out to Mr. Sickles and inquire about his retirement.

BE IT ORDERED: That the March 15, 2022 Consent Agenda be adopted.

MOVED AND SECONDED: To remove Item 61-22 from the Consent Agenda. (Piltch & Daniele)**VOTE:** (6-Ayes) (0-Nays)(1-Excused)

MOVED AND SECONDED: To approve the Consent Agenda as amended. (Pillsbury & Lawrence)**VOTE:** (6-Ayes) (0-Nays)(1-Excused)

MOVED AND SECONDED: To table Item #61-22 for two weeks until the next regularly scheduled Council meeting on April 5, 2022. (Piltch & Lawrence)**VOTE:** (6-Ayes) (0-Nays)(1-Excused)

(Council Chair Piltch) (5 minutes)

ITEM # 57-22 To consider action relative to setting a public hearing for April 5, 2022 to discuss a proposed ordinance Chapter 63-Blasting.

Councilor Fournier inquired as to whether it is necessary to read the **BE IT FURTHER ORDERED** when there is a public hearing. The Town Manager is researching that. This ordinance was brought forward by a resident, not petition. The town had a spate of projects last summer that were blasting, upsetting and disturbing some nearby residents. The proposed ordinance sets a notification process for blasting and a pre-blast survey of foundations and buildings near the blast site and water supplies which is common in other towns. It is not taking an enforcement position. It puts a burden on the developer or someone doing the blasting, but it is reasonable. There are people with legitimate concerns such as medical concerns, children or animals or with sensitivity to blasting. It's the least we can do to put this notification process in place. This ordinance was modeled after other towns so we're not going out on a limb here.

COUNCIL MEETING #06-22
MARCH 15, 2022

Councilor Fournier mentioned that it did not appear that storage of dynamite had been addressed in this ordinance which can be a hazard to a neighborhood. They have had issues in years past including a private individual who had dynamite in their back yard, which luckily was able to be controlled. Commercial operations are governed by the State Fire Marshal's Office. The process where they transport the dynamite in and when they would blast would be covered under the proposed ordinance, not storage. That could be looked at if there is concern. Ordinances with comparable language did not address the storage issue either.

BE IT ORDERED: That a Public Hearing be scheduled for April 5, 2022 at the Town Council meeting starting at 6:00p.m. to discuss the proposed Chapter 63-Blasting Ordinance. (Fournier & Lawrence) **VOTE:** (6-Ayes) (0-Nays)(1-Excused)

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.

(Town Manager, Peter Joseph)(5 minutes)

ITEM # 58-22 To consider action relative to setting a public hearing for April 5, 2022 to discuss the proposed repeal of Chapter 30, Victualer Ordinance.

The Town Manager and Codes Officer have looked into the State Health Inspection Program which covers restaurant licensing and food preparation. The biggest concern he thought was how do restaurants get inspected. In 98% of municipalities, the State is the health inspection authority, conducts a thorough process, inspects regularly and has on call staff. There are a few municipalities that run their own health inspection programs after being delegated that authority by the State. What comes with that is that the municipality is responsible 24/7, holidays, weekends, night times, vacations to always have somebody able to respond to any health emergency issues, not just related to restaurants. The Victualer license has nothing to do with that other than mentioning it. Eliminating the Victualer Ordinance would not remove our ability now or in the future to opt into the Health Inspection Program. Councilor Bradley wanted to know if we have a health safety concern with one of our victualers, would we have the authority to take any action with respect to that health issue if it was an immediate threat? Mr. Joseph replied that if it was food based in the kitchen, then the answer is no. We would have no additional different authority than we have today. We would call Joel Demers, our DHHS inspector to come down. If the Victualer Ordinance is repealed the town still can't react to a food emergency in any kitchen or establishment in town for things covered under the Health Inspection Program. Life Safety issues can be addressed by the Town and a lot of those fall under the Police Chief or Fire Chief authority. Independent of the Victualer license, we have a way to respond to health safety emergencies that are posed by victualers in their establishments and we don't lose that by repealing the ordinance. We have not denied or revoked a Victualer license in the time that Manager Joseph has been with the town, but we have had to conduct public hearings for revocation because of unpaid taxes. There is already a mechanism in place for unpaid taxes through tax lien and foreclosure processes. A license has not been denied in at least the last 10 years.

BE IT ORDERED: That a Public Hearing be scheduled for April 5, 2022 at the Town Council meeting starting at 6:00p.m. to discuss the proposed repeal of Chapter 30, Victualer Ordinance. (Lawrence & Daniele) **VOTE:** (6-Ayes) (0-Nays)(1-Excused)

COUNCIL MEETING #06-22
MARCH 15, 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.

(Town Manager, Peter Joseph)(30 minutes)

ITEM # 59-22 To consider action relative to the Annual Report on Affordable Housing TIF (Tax Increment Financing) Districts for Oak Leaf II and Quarry Ridge.

This is the annual report that's required where we report all of our affordable housing units to the State. The Assessor put together the list of the two TIF Districts and the number of affordable units is on the report. The thing here is to shine a light if an Affordable Housing TIF was being used for non-affordable housing. Both TIFs cover only affordable housing units so it's straightforward. Councilor Bradley brought up the concern that we are certifying that these units are not only being offered to, but are also occupied by families with those income levels and we don't have confirmation that is indeed true. What are the ramifications if we certify they are Affordable Housing and they are rented to people at market rate? There is an April 30 deadline on the report. We can do more research on this. Councilor Fournier has worked with families there and they have to certify annually their income and he is comfortable with the people administering that and he doesn't think it's being abused. The report completed by the Assessor is the units that are being taxed and where that TIF money is going. We have 25 and 34 units in those buildings assessed as going into this Affordable Housing TIF. We have agreements on both of those where a portion of the tax revenue is returned to them as a benefit for providing affordable housing. These units are covered under other State Programs also. Quarry Ridge is covered by other State programs where they have different criteria for meeting assistance levels. Councilor Lawrence asked if the State certifies that they stayed affordable housing units. They do, but Mr. Joseph wasn't sure if it's the same criteria that we're seeing here, the 120% and they have several different programs that have different standards. We can get a certification from the Executive Director of Freeport Housing Trust stating the number of units set aside as affordable housing units. What if it comes back that these aren't affordable housing units? Mr. Joseph explained that it would put the TIF in question. The Freeport Housing Trust is the only entity that benefits by having 50% of the taxes go into a TIF Fund which is returned to the Housing Trust to essentially pay off the operating costs for the building. If they were decertified for not having the affordable housing units, the TIF would go away.

Chair Piltch is comfortable certifying that these units still exist and are intended to be used the way they've been reported to us. There are other mechanisms we can use to enforce it, if we find otherwise. Councilor Bradley would prefer to wait as he doesn't want to certify something they don't know the answer to, which is different than voting to support. Councilor Fournier feels that we could act on this tonight and if we find out otherwise, we could take legal action. Mr. Joseph clarified that the Council would be comfortable with written documentation from Freeport Housing Trust Office stating the units are still occupied as required by the TIF as he can get that without problem before the next meeting.

BE IT ORDERED: That the Annual Report for Affordable Housing TIF Districts for Oak Leaf II and Quarry Ridge be approved. (Daniele & Pillsbury) **VOTE:**

COUNCIL MEETING #06-22
MARCH 15, 2022

MOVED AND SECONDED: To table Item #59-22 for two weeks until the next regularly scheduled Council meeting on April 5, 2022. (Daniele & Pillsbury) **VOTE:** (4-Ayes) (2-Nays, Lawrence & Fournier)(1-Excused)

(Town Manager, Peter Joseph)(5 minutes)

OTHER BUSINESS:

1. Discussion of amending Town Council meeting time (Chair Piltch)(5 minutes)

Internal discussions have occurred about amending the Town Council Rules of Order and Procedure to start meetings at 6:00 pm instead of 6:30 pm which can be done with simple majority vote and no public hearing. It was clarified that this will start with the April 5th regularly scheduled Council meeting and the two upcoming workshops on next Tuesday and the following Tuesday will remain at 6:30 pm.

MOVED AND SECONDED: That the Town Council set their regularly scheduled meetings at 6 pm. starting with the next meeting (Fournier & Lawrence) **VOTE:** (6-Ayes) (0-Nays)(1-Excused)

2. Debrief of meeting with Sewer District. (Council Chair Piltch)(30 minutes)

Councilor Bradley gave an update on the collaboration meeting with the Sewer District. The Council at one of the last meetings appointed a small committee to meet with a group from the Sewer District to talk about issues of common interest and ways in which collaboration might help both the District and the Town during a time when they both have major issues on their plate that relate to one another. The Sewer District has between \$8 and \$25 million worth of plant modifications that consultants say need to be do in the foreseeable future. Not doing this will affect the quality of our harbor, quality of our water, desirability of living in District 3 with odors and the clamming industry which is a part of the marine economy, all of which are important to the Sewer District and the town as well. The other side of the equation is the Downtown Revisioning process has made them realize that sewer connection fees are a critical issue to changing the way in which the downtown works. Connection fees are important to the Sewer District as they fund repairs, modifications and needs to improve the plant as they arise. They came away from the meeting thinking the time is right to consider the whole range of options for working together in finding funding sources and collaboration opportunities. Chair Piltch pointed out that he echoes what Councilor Bradley stated and reminded that the Sewer District has been effectively managing things for years and has not been in the paper, so clearly things are being done right there. The town is unsure what the Sewer District is looking for in terms of collaboration such as grant writing or financial contributions. Councilor Bradley explained it could be all that. The small committee is not making any decisions, other than to identify alternatives and to present them to the Council.

Councilor Lawrence asked if we are talking about doing what needs to be done and has that been identified? Or is it more “what can we do to make it better, the whole thing including the town? The Sewer District has a comprehensive report of what needs to be done in the midterm (3-4 years) and then a little longer term.

Councilor Fournier would like to see them open up the discussions to include talks on personnel. There is also duplication of equipment that we already have at Public Works. Many municipalities have the Sewer Dept. as an active municipal department where they share resources. He is a supporter of regionalization when we look at departments.

COUNCIL MEETING #06-22

MARCH 15, 2022

Councilor Piltch pointed out that all Sewer District rate payers are taxpayers in the Town of Freeport, but not all taxpayers are on Sewer District lines which we need to be aware of. However, the sewer does go through downtown and development in downtown benefits all. We can be somewhat strategic in how we deploy any funds or make any incentives such as subsidizing a sewer fee in order to encourage the right kind of development.

Councilor Bradley was looking for feedback on what the sub committee had provided to date and whether it was valuable or not. Councilors spoke in support of continuing the group. The group welcomes any guidance.

Mary Davis, FEDC, spoke about the importance of clean water and the allure of coming to Freeport. We are one of the 9 visiting spots of Maine for the summer and water quality is very important to us and especially from an economic development point of view. Many of the sewer users are businesses on Route One South and downtown. So, we have a good reason to make sure as a town, that we have the infrastructure improvements that we need, because those residents are using the sewer system and are going to continue to. The second thing, as we add downtown development such as housing, is that the connection fees are a town problem.

Councilor Daniele asked what the connection fee is and was informed that it's a complicated formula with many different factors but they have heard numbers such as \$150,000 to \$200,000 for a large development. A daycare was quoted \$7,000 for a connection fee which is significant. Connection fees have been used for Sewer Department operational support. We need to think about future growth because we will grow.

Lee Arris, Sewer District General Manager, agrees that the connection fee is the catalyst that brought us to this stage. He stated that the district is not wedded to the fee but is wedded to the income. They have two sources of income and connection fees are one of them.

Chair Piltch asked where our connection fees fall, too high, too low or on par? We don't have those answers yet but that is the kind of information he is looking for from the sub-committee. Councilor Lawrence also asked how much money do we need to run it and how many customers do we need to bring that number down and bring the connection fee down. The monthly fee which is the other revenue piece, what do we need to bring that down and what do we do to get there?

Councilor Bradley encouraged the Council to share with him and Councilor Pillsbury the likely issues they will have. The Chair will meet with the FEDC, Councilors Pillsbury and Bradley to go over his concerns and they would like input from everyone to help guide their discussions.

Mr. Arris spoke about the \$850,000 ARPA funds received by the Town. When the Sewer District is making application for monies that are available to them for infrastructure development, if the town has not just shown their support and interest, but has committed some monies, it awards them points towards receiving the grant monies. They are currently making applications and they would be greatly assisted if there were still ARPA funds available to commit to the Sewer District projects. Mr. Arris spoke about past projects and the need to bond for them. They have been now able to set money aside through saving connection and user fees. It is not just the 1200 people on the sewer that benefit. This is an environmental utility that benefits the entire population, not just in town but for anybody connected to the water. He explained in response to a specific incident a constituent had, that they do not charge money to people who come in and want to change something, if their usage doesn't change. There is a State chart that's been worked out through the Subsurface Wastewater Laws that tells them when a new facility or

COUNCIL MEETING #06-22

MARCH 15, 2022

business comes in what the maximums are. They use those numbers to determine what a capacity fee might be. There are several changes of use where they don't do anything.

Sally Leland wanted to clarify that there are different municipalities that do a flat rate fee for everybody, whether they are on the system or not, so basically a tax. There's no question that the District is beneficial to the town, the businesses and the people visiting the town.

Lastly, Mary Davis spoke about the importance of the town developing the capabilities of getting funds and the ability to write grants.

3. Workshop on 5-Year Capital Program. (Town Manager & Finance Director) (30 minutes)

The Town Manager explained that the Department Heads are not present this evening at the request of the Council. If there are any questions regarding their specific capital requests, then we can ask them to come before the Council at the next meeting/workshop before adoption of the Capital Plan. At our next meeting on April 5, we have a public hearing and on April 19th we are due to adopt the Capital Plan. This is not the appropriation of funds. It is just adopting the Plan.

Councilor Fournier asked if the SCBAs could be held off a year and maybe be eligible to be purchased with a grant? This was looked into and the SCBAs expire by the end of this year. The grant period doesn't open or would not get awarded if we were even eligible until the spring of 2023 which is beyond the expiration of the bottles. At Public Works he supports the lift 100%. The truck that is being replaced has a stainless-steel dump body in awesome shape. Why don't they just replace the chassis and remount the dump body and plow gear? He likes the idea of stainless-steel bodies and we could get 2 to 3 chassis under the dump body. Finance Director Maloy explained that this truck may have additional problems but she will investigate this further to see if it is a viable option this year and in the future.

His second question was in regard to the Tractor for the Transfer Station. What are the justifications for that? We have several tractors around at Public Works and Building and Grounds.

There was no Capital appropriation for Fire last year, therefore, there is no number under Fire for the Council approved items for 2022 on page one of the Capital Plan document. It was clarified that the FY22 Projection is what they would need in FY23. Just like right now they are projecting out what they will need in FY24, FY25 and FY26.

In regard to the Reserve balances that are reported, they are as of December 31st of 2020. If we took the amount the manager proposed and assumed that the Council approved it, and subtracted that from the Reserve balance, that would be the Reserve balance that projected it in December 31st of 2022 with the exception that we typically appropriate funds to go into the Reserves to help build this back up. It won't be higher, but it could be lower unless the market tanks and we start having money taken from us instead of earning it. Councilor Bradley wondered whether the Capital budget reflected any thinking about how that might change if the Principle Group recommendations are adopted.

The Town Manager said that it was intentionally silent on that with the understanding that it's intentionally silent. They haven't seen any financial estimates. The one thing that is included is the revisioning of Mallet Drive. That was on the table before the Downtown Revisioning process. Councilor Bradley asked if there are any other items in the Capital budget that could be viewed as money available to accomplish downtown goals? Is there a bandstand in there? Also, could the manager earmark all the

COUNCIL MEETING #06-22

MARCH 15, 2022

things that might have funds that have applicability as we go through the process so those of us thinking about where money comes from could have reference to the Capital Budget. He also encouraged the Council to consider spending more than \$25,000/year on the Concord Gully Brook Improvement Fund.

The Town Manager explained approximately \$9 million is set aside that will be TIF revenue generated by the taxes on their new buildings that they're constructing that will be put back into the District to fund stormwater improvements with their new developments they are doing. Most of that is going to be parking lot work and detention. They have already been through Site Plan Review. That's work they are doing on their 5 parcels, essentially the parking lots on the banks of the Concord Gully Brook. There is money that is generated in the TIF, a smaller amount at the beginning, but a larger amount at the end that goes into the town TIF project account. One of the approved uses for those funds is stormwater improvements. There are multiple funding sources we are going to use for Concord Gully Brook improvements. The \$25,000 you see is just coming from town Reserves that already existed prior to the TIF. There will be other sources available including the TIF to increase that amount each year. Councilor Bradley requested a copy of the TIF document which will be provided to him.

Mr. Joseph explained that the TIF had initially included off-site improvements that were removed from the final TIF. The recollection is that we gave them a pile of money to do work on their site and it felt weird to ask them to do work on our Brook. Instead of giving them money to fix our Brook, we said why don't we keep it and fix it ourselves. The Town Engineer had also mentioned previously that this is a project that is going to take decades and throwing more money at it won't significantly improve anything. It will be better to throw money at it gradually over time to really make the improvement. This is not a \$5 million-dollar project but is instead a series of projects like stream bed rehabs or similar with project amounts of \$25,000-\$50,000.

Councilor Fournier in regard to Comprehensive Plan Improvements, requested a detailed cost analysis of what we spend on the Burnett Road each year. The Manager had that information and will provide it after the meeting and provided an overview. It does not cost as much to maintain the dirt road over a 20-year period as paving it would. We get 15 years before we have to worry about maintenance of paving and 20 years before having to repave. It is maybe half to two thirds what we had spent on regrading including manpower, trucks, gas and dirt. It doesn't account for intangibles things like run off, degradation of abutting property, etc. Even if there is a \$120,000 difference in the cost analysis, you have to look at the benefits to abutting property owners and the environment of not living on a dirt road or not having run off.

Councilor Fournier also mentioned the increase in infrastructure at Wolfe's Neck Farm and the associated increase in traffic anticipated over the next few years. We need to take a look at what we are doing down there.

Chair Piltch mentioned that FEDC hired someone who is more expensive, and they are going to requests more money. Also, there will be a request from the Town Planner for work on Ordinances and Design Review. That will get discussed more at the Project Review Board workshop tomorrow night. It was clarified that this expense will go in the Operating Budget as it will include consultant fees and will have recurring fees. Chair Piltch asked about adding projects to FY23 once we get the report from Principle Group. Ms. Maloy explained that the vote on April 19th by the Council is just the adoption of the Capital Plan. The vote they do in

COUNCIL MEETING #06-22
MARCH 15, 2022

June is the appropriation of year one of the plan. If there is something you want added at this point to years 2 through 5 of the Plan, just let her know and it can be added. If it's after April 19th it will be added next year.

Councilor Bradley inquired about the latest date to add an item into next year's Capital Budget. He is aware of a small TIF request that is coming in for support of the Arts and Cultural Alliance in the next days. The last chance to approve that as a Council and make any last-ditch amendments would be the second meeting in June, unless they call a special meeting. The disadvantage to not having it now is that it doesn't get discussed during the Capital process. The Finance Director asks Department Heads to not make changes to year one of the Capital Plan so the Council sees this for five years before we make the appropriation. You know what we are reserving for. She constantly removes year one requests and puts them into year two. Councilor Bradley wanted to remind that some of these Projects have no history and are learning on the fly what their needs are. They have substantial investments in Meetinghouse Arts and they've also got some stress and they didn't know about it last year and couldn't put in a request, but their feeling it now. The disadvantage is they are having the capital discussion now and then this becomes an additional decision of whether to give something else up for a committee request considering especially with the way the Reserve dollars are now.

Mr. Joseph explained the advantages of getting Capital requests into Jessica in January or February as it ensures it is placed on the Capital Plan for review during the process. ACAF would need to have the request into the Town in January to be on this Plan but the Council could amend the Plan on April 19th to add any item. ACAF needs to get the request to Finance before April 19th and the sooner the better.

Councilor Piltch brought up the subject of the increased popularity of bodycams and whether we should wait for there to be a policy instituted first before we discuss adding this item? It is correct that we will wait for a policy first.

He also asked for clarification on the timing of the two TIFs and how much longer does the Downtown TIF provide revenue and when does the Concord Gully TIF start to provide revenue? Ms. Maloy believes the Downtown TIF is good for 5 more years and Concord Gully will start this fall (a positive increment this year which is not much). Mr. Joseph explained the dynamics of TIFs and the that we get smaller slivers up front, then medium slivers and then a lot on the back end.

Councilor Fournier would like us to look at the funding from the Revenues for the Capital Budget for five years instead of three. That way when we look at a large item such as a ladder truck we are not forced to go to bond. There was discussion about whether the 5-year plan is funded or partially funded. It is something to look at in the future.

The Councils list of tasks on the agenda were updated.

Motion to adjourn at 9:05 pm (Lawrence and Fournier) **VOTE**: (6-Ayes)(0 Nays)(1-Excused)

COUNCIL MEETING #06-22
MARCH 15, 2022

	OUTSTANDING OR UPCOMING ACTION ITEMS	INITIATED ON	PROPOSED BY	ADDITIONAL INFORMATION
#1	Review of Town fee schedule this year	1/4/2022	Councilor Pillsbury	Tasked for 2022
#2	Research availability of PCR Rapid Test		Councilor Bradley	completed
#3	Schedule dates for touring facilities		Chair Piltch	
#4	Institute Indoor Town facilities Mask Policy		Town Manager	completed
#5	Determine how much is reasonable to keep in reserve accounts		Councilor Bradley	Duplicate of #7
#6	Set process for how we are going to accept applications for ARPA funding before summer		Chair Piltch	
#7	Determine if our Capital Reserve Budget is properly funded and we have a proper schedule to set our budget priorities		Councilor Fournier	
#8	Review our codes and permitting processes in Town Hall		Chair Piltch	Duplicate of #13
#9	Explore new fire rescue substation in District 2		Councilors Fournier and Bradley	
#10	Resolve Water Tank Contract		Mr. Joseph	
#11	Sewer district committee work			
#12	Divestment Discussion and Investment policy		Councilor Piltch	
#13	Planning and Codes Permitting policies			
#14	Victualer Ordinance Discussion/Review	February 2022	Councilor Daniele	done
#15	Discuss Readiness Team & Prioritization Team for future initiatives	March 2022	Chair Piltch	

END OF AGENDA (Estimated time of adjournment 9:35 PM)

COUNCIL MEETING #06-22
MARCH 15, 2022

MINUTES
FREEPORT TOWN COUNCIL MEETING #07-22
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, APRIL 5, 2022
6:00 PM

Chair Piltch called the meeting to order at 6:03 pm.

	PRESENT	ABSENT	EXCUSED
Councilor Chair Daniel Piltch, 25 Quarry Lane	X		
Council Vice Chair, John Egan, 38 Curtis Road	X		
Councilor Matthew Pillsbury, 36 Todd Brook Rd	X		
Councilor Chip Lawrence, 93 Hunter Road	X		
Councilor Darrel Fournier, 3 Fournier Drive			X
Councilor Jake Daniele, 264 Pownal Road	X		
Councilor Edward Bradley, 242 Flying Point Road			

X-Council Bradley arrived at 6:10 pm

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood for the Pledge of Allegiance.

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #06-22 held on March 15, 2022 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #06-22 held on March 15, 2022 and to accept the minutes as printed. (Lawrence & Daniele)(5-Ayes)(1-Absent)(1-Excused).

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

- There will be a Draft Downtown Vision Plan Open House on April 9, 2022 from 11 am to 2 pm on the lawn at Town Hall. Register at <https://freeportvisionopenhouse.rsvpify.com>
- The town's Public Works Department posted roads effective February 28th. A posted road guide is available on the Public Works page of the Town website.
- In-person programming has returned to the library! Please check our events calendar on the website or sign up for our monthly newsletter for more information.

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

It was agreed to move Other Business Item #1-Discussion on LD2003 (Affordable Housing Bill) up to Information Exchange as we have guest speakers Representative Sachs and Speaker of the House Fecteau and sponsor of the bill. Representative Sachs introduced Speaker Fecteau who presented a complete overview of LD2003, "An Act To Implement the Recommendations of the Commission To Increase Housing Opportunities in Maine by Studying Zoning and Land Use Restrictions. It would be good to know how the work we are doing here in Town with revisioning, Planning and Rezoning conversations either aligns or diverges from the vision in the Bill.

COUNCIL MEETING #07-22

APRIL 5, 2022

Speaker Fecteau brought a PowerPoint presentation outlining the development of LD2003. *The entire presentation is provided as an attachment to these minutes.* He explained Maine's Housing Crisis statistics and details and the reasons why housing supply has not kept up with housing demands in Maine. He spoke on actions that have already been taken to address our housing crisis.

He explained each of the original recommendations of the Commission which were nearly all unanimous. He then went on to explain how and why the original recommendations were amended and a compromise reached. The changes loosening the restrictions on Accessory Dwelling Units were detailed along with the changes to the bill during development.

Speaker Fecteau then took questions from the Council. He refuted the one size fits all argument against the bill. This bill is getting better with the constructive input of municipalities.

Councilor Bradley gave an Island Rover Update. We received a letter from council for the Island Rover and we are developing a response that he would like to bring back to the Council at the next meeting on April 19th. They would be asking the Council to respond positively to what is presented or not. It's a meeting where we either go forward or give up as he sees it.

The Sewer group met and was joined by Mark Winter of Senator Collins Office who presented to them information on Earmarks for the Sewer District and almost instantly FEDC, the Sewer Group and the Council sort of commissioned an effort to apply for Earmarks for the Sewer District. The deadline came this week so it was a tight timeline.

Councilor Egan reported that the Appointments Committee met recently to fill vacancies on the Planning Board and Project Review Board that will be coming forward tonight. There are still several vacancies for anyone interested.

He also attended a Climate Action Now meeting that was focused on transportation. That group is organically coming out of our community and not associated with the Council. They are coordinating with our Sustainability Committee. If you are looking for a way to make a difference, get involved with this group.

Chair Piltch congratulated the Freeport Drama Group for taking first place in the One Act Competition of Agatha Christy's *The Patient*.

New England Mountain Bike Association has proposed paying for and adding some mountain bike trails at Hedgehog Mountain. They have met with the Conservation Commission to sort out next steps. The Conservation Commission would like to study some sensitive areas around the summit. They are studying this over the growing season and it may take a while to finalize a new management plan for the mountain. We would like to workshop with the Conservation Commission and the Association on June 14, 2022 to see the plan and let the public weigh in. Councilor Bradley asked if this met the time deadlines and issues. The timing is around the funding as people have made commitments to donate significant amounts of money and that people may be concerned if the project didn't move forward. The challenge for the Town is to show signs of progress so the funding doesn't go away while they hone the plan. They were going to look into whether there is a hard deadline on the funding and get back to us. Councilor Bradley wanted to ensure that waiting until June to hold this workshop wouldn't jeopardize the funding. Chair Piltch felt as though if it were an issue they would make us aware. Councilor Daniele inquired as to why we can't do this sooner than June 14th and approve part of the plan excluding the summit. This is not a viable option as they need to know that they have the trail elevation at the crucial summit area before they construct trails at the base. We are unsure if NIMBA is okay with waiting until June as they were

COUNCIL MEETING #07-22

APRIL 5, 2022

not at the meeting with the Conservation Commission but we do know they wanted to start construction this season. This does pushback the time-line but the Conservation Commission needs this time to do their analysis. We will see if this June 14th meeting can be pushed up sooner.

MOVED AND SECONDED: To add a Workshop to the Town Council schedule for June 14, 2022 at 6 pm in conjunction with the Conservation Commission to discuss the mountain bike trail. (Piltch & Egan)VOTE: (6-Ayes)(1-Excused)

We have 11 vendors signed up for the Farmer's Market that will take place at Town Hall Property on Fridays. Two members of the Climate Action Now group have agreed to take over the management of the Market and are busy taking care of all the logistics. They have made a request for seed funding to get it off the ground of up to \$2,500. There is money in the budget to cover this but the Council needs to approve, which they did.

+-*95Joyce Clarkson-Veilleux reported for the Police Advisory Committee is in the beginning stages of working with the Police Department and looking at the possibility of a Mental Health Coordinator/Social Worker position. Joe Friedman, Mental Health Coordinator for Westbrook and Portland will be a guest speaker at their next meeting on April 18, 2022 at 6 pm. She encouraged councilors to attend.

FIFTH ORDER OF BUSINESS: Town Manager's Report (15 minutes)

The town has full time positions open for a Zoning Administrator, Police Officer and a Seasonal Grounds Maintenance position. Details available on the Town website. We welcomed new employee Luke Chapman to Public Works and recognized Kim McClullen for her promotion at the Library to full time.

Staff has submitted plans for consideration at the next Project Review Board meeting April 27th to reup the pop-up Skateboard Park from last summer in the corner of the train parking lot. This would be for a 6- month period, weather permitting from May to end of October.

The town's Memorial Day festivities, including the parade, will be organized by the Freeport Chamber of Commerce except for the ceremony which is organized by town staff. We have not held a celebration in two years. Returning Fourth of July events were briefly mentioned.

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

There were no public comments.

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

ITEM # 62-22 To consider action relative to adopting the April 5, 2022 Consent Agenda.

Chair Piltch pointed out the addition of the reappointment of Ford Reiche to the Project Review Board for a one-year term to expire March 31, 2023 that was added to the Consent Agenda after it was originally sent to the Town Council. The Chair reviewed the other items on the Consent Agenda.

COUNCIL MEETING #07-22
APRIL 5, 2022

BE IT ORDERED: That the April 5, 2022 Consent Agenda be adopted.

VOTE: (Piltch & Lawrence)VOTE: (6-Ayes)(0-Nays)(1-Excused)

(Council Chair Piltch) (5 minutes)

ITEM# 63-22

To consider action relative to the proposed Capital Program for FY2023.
PUBLIC HEARING

MOTION: To open the public hearing VOTE: (Pillsbury & Lawrence)(6-Ayes)(1-Absent)

Joyce Clarkson-Veilleux suggested that under Municipal Facilities we look at our Municipal Buildings such as Fire/Rescue and Police which are busting at the seams. Perhaps in FY23 we need to hire an architecture firm to do a study and offer suggestions. This problem will exacerbate with the increase in the local population.

MOTION: To close the public hearing (Pillsbury & Lawrence)(6-Ayes) (0-Nays) (1-Absent)

Ms. Maloy directed the focus to the last page of the Capital Plan where the list of proposed changes they've discussed are laid out.

1. The FEDC changes have been applied to the Destination TIF article and the impact to the current year requested is \$25,000. The net impact to the 5-year plan is \$183,710 which is reflected in the plan.
2. There was a request that came in from ACAF for \$25,000 to continue their work progress on their facility.

One item she was asked to report on was changing out the chassis of a Public Works truck rather than replacing with a new truck. This is the last truck in the fleet where this isn't the best option. This is one of the older trucks and the bed bottom is not stainless so it is not recommended for this replacement. All subsequently purchased Public Works trucks had a higher-grade steel and this could provide for two chassis replacements.

The other item was whether the Transfer Station had the ability to borrow a tractor from another department. Town Engineer Bliss explained the nature of the request. They did some research and found that replacing the 2003 skid steer with a tractor is the best route. Public Works and the mechanic both feel the tractor is in bad shape. By going with a tractor with attachments instead of a skid steer they can lower the capital request to \$60,000. This would reduce the capital request by \$10,000. By going with tractor they can equip it with a bucket, fork lifts, salting machine and a mower. This piece of equipment would need to be utilized during inclement weather at the Transfer Station and would not be available to be shared.

The Capital Plan is slated to be approved at the next meeting.

COUNCIL MEETING #07-22
APRIL 5, 2022

In past years, we have contracted out the mowing of our 2 landfills which mowed twice per year costs the town between \$5,000 and \$10,000. We would perform this service in house and save operational costs.

Councilor Daniele asked for more information on the FY24 Capital request for Public Works expansion project. Will this address Mrs. Veilleux's concerns. The Town Manager cited that the Police Department is at capacity so that is the top priority. Fire is close to maxing out and the Public Works is tied with Fire and has been pushed out for the last 2 years. Our facilities currently meet our size requirements but without room for expansion. We also may be able to apply ARPA funds to Municipal Facilities expansion projects. Councilor Pillsbury reminded the Council that as we go through the Downtown Revisioning process we need to keep this trickle-down effect in the back of our minds and the funding to accomplish it.

Councilor Piltch gave an update on the FEDC item. Thanks to Mary Davis filling in as Executive Director on a volunteer basis, there is a surplus of \$30,000 - \$40,000. There is a workshop with FEDC on May 24th where we focus on what to do next with the Downtown Plan.

Councilor Lawrence asked for clarification on the ACAF funding request as he didn't recall seeing it there prior. Ms. Maloy stated it was a request for funds that she received after the Capital Plan had been printed. That would make the total amount of funding for ACAF \$210,000 if this is approved too. Initially, it was a one-time request at \$120,000 and we have other similar venues in town that are in competition with ACAF. The request letter did not list out the specifics for the use of the monies. We fund the Chamber of Commerce at top tier which is \$3,000 this year. What other organizations do we fund? We have a Human Service contract and a Use of the Building with Freeport Community Services but these are for services. We fund Freeport Historical Society at \$10,000 (up \$5,000 this year). The town also has provided the Chamber with \$1,500 which is now \$3,000. We don't fund Visit Freeport but did help with the Sparkle Parade with an in-kind contribution.

Councilor Egan spoke about his concern in establishing a pattern of capital improvement money going towards the operating costs a non-profit organization. We do that in another couple areas. He's hopeful ACAF will become self-sustaining but they are not there yet and he supports this request.

Councilor Bradley pointed out that this is a Downtown Destination TIF which specifically authorizes payments to activities like this. Secondly, remember that ACAF got caught in COVID and in a regulatory situation that increased their capital costs for finishing Meeting House Arts. The intent is not to come after TIF funds. He went on to speak about the benefits to the town that Meeting House Arts provides but it is currently at risk and we should reassess if the request is the same next year. Ms. Maloy read the letter of request to the Council. Councilor Pillsbury supports the request, but he would like more detail to the request. It was again pointed out that there are other arts venues in town that have suffered through COVID and they aren't getting any money or support. We would have the ability to add this request before voting the Capital Plan at the next meeting.

COUNCIL MEETING #07-22
APRIL 5, 2022

MOTION AND SECONDED: To ask ACAF to bring more detail so there can be greater comfort and broader support from the Council for adding the request. (Egan & Lawrence)(6-Ayes)(0-Nays)(1- Absent)

The Town Manager shared an email on Barnett Road, the longest dirt road we maintain. Public Works spends \$13,000/year in maintenance costs for Barnett Rd. Today to pave Barnett Rd would be \$375,000 give or take. We would get 15 years without any annual maintenance. That would be a cost savings of \$195,000. There is a net of \$175,000. Is that worth a lifetime of not having to drive down a dirt Rd?
We will vote the Capital Budget at the next Council meeting.

(Finance Director, Jessica Maloy)(30 minutes)

ITEM # 64-22 To consider action relative to discussing a proposed ordinance Chapter 63-Blasting. PUBLIC HEARING

The Town Manager gave an overview of the proposed ordinance. We do not currently have a blasting ordinance. Blasting ordinances regulate dynamite used to remove bedrock, ledge etc. from the ground. The issues include notice that blasting will be occurring, which most companies do, but are not required to in Freeport. That leads to frequent surprises when blasting occurs. There are also legitimate medical concerns in people and animals. With notice they can be made aware and make other arrangements. The other thing the ordinance does is establish a pre-blast process for surveys of the blasting area. This is a base level notification and survey and analysis ordinance.

MOTION: To open the public hearing (Lawrence & Daniele)(6-Ayes) (0-Nays) (1-Absent)

MOTION: To close the public hearing (Lawrence & Daniele)(6-Ayes) (0-Nays) (1-Absent)

BE IT ORDAINED: That the proposed ordinance Chapter 63-Blasting be adopted. **VOTE:** (Lawrence & Daniele)(6-Ayes) (0-Nays) (1-Absent)

(Town Planner, Caroline Pelletier)(15 minutes)

ITEM # 65-22 To consider action relative to the proposed repeal of Chapter 30, Victualer Ordinance. PUBLIC HEARING

We are proposing repealing the Victualer License. It was redundant in some of the health and safety aspects and not proper in the criminal background check requirement which was actually a “moral character” check instead of background. It feels of racial profiling and we want to get that out of the ordinances. The Police Chief does not want to be asked to make that type of decision.

The Town Clerk asked that the Council take under consideration how we would prorate and refund for previously paid but unused Victualer Licenses. The fee paid is \$135 without liquor service and \$150 with.

MOTION: To open the public hearing (Daniele & Lawrence)(6-Ayes)(1-Absent)

COUNCIL MEETING #07-22
APRIL 5, 2022

The owner of Athena's Cantina spoke in favor of repealing the ordinance and about her experience with double paying for 2 Victualer Licenses due to operating both a restaurant and a food truck.

MOTION: To close the public hearing (Daniele & Lawrence)(6-Ayes)(1-Absent).

BE IT ORDAINED: That Chapter 30-Victualer Ordinance be repealed in full.
VOTE: (Daniele & Lawrence)(6-Ayes)(0-Nays)(1 Absent)

Significant discussion ensued about how to prorate the refund of fees. It was determined to not refund fees paid in the prior fiscal year and to prorate back to March 1st. The Town Manager mentioned that the next ordinance we may be looking to repeal is the Video Game Ordinance as it is an obstruction to a possible new business in town.

MOVED AND SECONDED: To refund Victualer fees on a prorated basis.
VOTE: (Daniele & Lawrence)(6-Ayes) (0-Nays) (1-Absent)

(Town Planner, Caroline Pelletier)(15 minutes)

ITEM # 66-22 To consider action relative to amending the Town of Freeport Fee Schedule.

The fee schedule needs to be amended to incorporate the new Blasting Ordinance fees and remove the Victualer license fees. Councilor Daniele inquired as to how this will affect the Food Truck fees with the Victualer License requirement now removed. The Food Truck fees are unaffected by this and remain at \$50 for 3 days and \$200 for one year. He also suggested that we reduce the one-year fee to incentivize people to come in once per year and reduce the amount of interactions at Town Hall which was the intent of the Food Truck changes. He was suggesting removing the 3-day license and having just the one year for a reduced price. They also discussed established brick and mortar restaurants in town that have high overhead costs and we need to take them into consideration also when allowing Food Truck competition.

Amanda Kent asked about financial consideration for Freeport residents that own and operate a restaurant and/or food truck. Is there a financial break for business owners such as Tais, owner of Athena's Cantina Restaurant, that are run by a Freeport resident and may have a food truck. Is there a financial perk for her as she is already paying taxes on a business? It was discussed earlier and part of the process was to remove the Victualer requirement which we just did. Councilor Lawrence is in support of not charging a Food Truck fee to Freeport residents. The Town Planner reminded the Council that last year at this time a Food Truck was paying \$500 for the year, plus the Victualer license of \$135 which is why nobody did it. As of tonight, we already have 2 that have licensed for the year. We also have the same amount of work and staff time to process a 3-day license and a one-year license and some of the fee is to recoup that cost. They decided to let food truck fees sit for one year and reassess then.

BE IT ORDERED: That the fee schedule be adopted as amended to add a fee for a Blasting Permit and remove Victualer License fees. **VOTE:** (Bradley & Daniele)(6-Ayes)(0-Nays)(1 Absent)

COUNCIL MEETING #07-22
APRIL 5, 2022

(Town Planner, Caroline Pelletier)(10 minutes)

ITEM # 67-22 To consider action relative to endorsing the 2022 Dog Warrant.

The Town Clerk explained that the dog warrant was instituted in 2013 after it was repealed by the State. The clerk at that time brought it to the Council and they adopted the warrant process which requires that annually as of April 1st we turn over the list of unregistered dogs to the animal control officer for collection of late fees and possible summons. The clerk's office spends a significant amount of time trying to get dog owners to license their animals annually. We do email reminders, post on Facebook, the town website, local channel 3, electronic signs, council announcements and finally calling all the remaining 400 dog owners last week. Councilor Bradley made the suggestion of turning the list over to ACO and simply send them a bill. He felt we spent too much time on this task. The dog license fee and \$25 late fee are set by statute and non-negotiable. If the Council repeals the warrant process, the ACO would not have that legal directive to go to each dog owner and give summons if they remain unlicensed by July 1st. The primary purpose of the dog licensing requirements is to ensure that they are vaccinated against rabies. The Council would be open to reconsidering this warrant process before next year.

BE IT ORDERED: That the 2022 Dog Warrant be signed **VOTE:** (Egan & Lawrence) (6-Ayes)(0-Nays)(1 Absent)

(Town Clerk, Christine Wolfe)(5 minutes)

ITEM # 68-22 To consider action relative to permission for a Food Truck on Town Property for the April 9, 2022 Downtown Revisioning Open House.

The Open House is on this Saturday from 11 am to 2 pm. and Athena's Cantina Food Truck has been asked to participate. It will be on Town Property at Town Hall so permission needs to be provided. Only one truck was asked due to registration numbers and possible inclement weather, but they will change the wording to make it plural so there can be more than one food truck at the event.

BE IT ORDERED: That a Food Truck(s) be allowed on Town Property for the April 9, 2022 Downtown Revisioning Open House. **VOTE:** (Piltch & Egan)(6-Ayes)(0-Nays)(1 Absent)

(Town Manager, Peter Joseph)(5 minutes)

TABLED ITEMS:

ITEM # 61-22 To consider action relative to the following Victualer Licenses.

This item needs to be dismissed as we have repealed the Victualer License Ordinance in item #65-22.

MOVED AND SECONDED: That we dismiss the tabled item # 61-22. (Pillsbury & Daniele)
VOTE: (6-Ayes)(0-Nays)(1 Absent)

COUNCIL MEETING #07-22
APRIL 5, 2022

BE IT ORDERED: That the following Victualer Licenses be approved pending Police, Fire and Code Enforcement approval and payment of all fees due to the Town of Freeport.

1. Athena's Cantina
497 US Rt 1 #10
2. Athena's Cantina – Mobile Food Truck
497 US Rt 1 #10
3. Crepe & Karak
Food Truck
4. Antonia's Pizzeria Bar & Grille
193 Lower Main Street
5. Dominos
8 School Street

This item is contingent on the proposed repeal of Chapter 30-Victualer Ordinance, item # 65-22 above.

(Town Manager, Peter Joseph)(5 minutes)

ITEM # 59-22	To consider action relative to the Annual Report on Affordable Housing TIF (Tax Increment Financing) Districts for Oak Leaf II and Quarry Ridge.
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The Town Manager has a verbal confirmation and a procedural update from Matt Peters, Executive Director of the Housing Trust that they do meet the criteria. He will put that in writing and it had not been received as of tonight's meeting. The Housing Trust also has to report to the State independently as well. It's certified through DHHS. The manager will forward on the Annual Report once he receives the writing confirmation from Freeport Housing.

BE IT ORDERED: That the Annual Report for Affordable Housing TIF Districts for Oak Leaf II and Quarry Ridge be approved. **VOTE:** (Lawrence & Daniele)(6-Ayes)(0-Nays)(1 Absent)

(Town Manager, Peter Joseph)(5 minutes)

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;
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COUNCIL MEETING #07-22
APRIL 5, 2022

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.

Chair Piltch is recommending leaving these as tabled items. The Shoreland Zoning Ordinance is currently becoming its own Ordinance, separate from the Zoning Ordinance. The new ordinances are not ready to be voted on tonight as they are being taken up at the Planning Board meeting tomorrow night. We cannot vote on anything yet, so it is best to table these till the next meeting when we will vote the two new ordinances.

MOVED AND SECONDED: Table item #194-21 and #195-21 until next meeting. **VOTE:** (Lawrence & Egan)(6-Ayes)(0-Nays)(1 Absent)

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.

(Town Planner, Caroline Pelletier)(30 minutes)

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

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. Discussion on LD2003-Affordable Housing Bill (Melanie Sachs)(15 minutes) *This item was moved to Information Exchange earlier in the meeting.*
2. Discussion regarding 4 Dixon Rd, 6 Dixon Rd and 8 Dixon Rd and a request for a Consent Agreement with the Town Council (Town Manager, Peter Joseph)(30 minutes).

The Town Manager noted that the property owners are in the audience. The property is owned by the Links. He displayed an aerial photo of the three structures on the property. The property has two cottages and one house. The house on Harraseeket Rd, 2 Dixon, all used to be part of one lot. There was a structure closer to the water that was removed in the 80's. The timeframe to rebuild the structure had passed and Shoreland Zoning at the time would not allow another structure to be created. The previous owner had sought permission when this was all one parcel to build up on Harraseeket Rd. The house is now owned by the Winters. The town gave permission for the house to be built upland in exchange for an affidavit from the previous owners that one of the two cottage units would be removed as a dwelling unit. The building could stay but the dwelling went away. That was in 1985. It may have been removed for a short period of time. Most of town records show it was in place from 1989 onwards. The Links have owned the property for just 10 years. They are two to three successors in title beyond when this was created. The previous two predecessors in title had to remove that unit. The predecessors to the Links bought and operated it as two rental cottages for many years. It was sold to the Links as two rental cottages and one primary structure. There were building permits issued. It was allowed to be functionally divided by the Zoning Board which separated the upland parcel from the parcel now owned by the Links. 4 Dixon, 6 Dixon and 8 Dixon are now on one parcel. At that zoning proceeding it was repeated stated that there were 3 units used as 2 rental cottages and a house. None of this gives any legal right for these to be there but it was repeatedly stated to the town. The town never raised any issues with the owner at that time. The Zoning Board agreed to the proposal and there was no opposition to the location being configured as two cottages and a house. The boathouse was later renovated by the previous owner to be a residence about 2005-2006 (the larger building). In 2005, the impervious area was also expanded (asphalt/pavement) as shown on the display. All three structures are on wood piers and suspended over the water. It was devegetated around 2005. During that time the town also inspected the work going on the boathouse turning into the residence. The CEO inspection happened when that work was not yet completed but the aerial photos show it was paved and they were building the patio. We signed off on construction of a garage that opens onto asphalt that isn't supposed to be there by law. Also, a door opening onto the patio was allowed by the town to be constructed. The town would argue that none of this legally blesses any of the violations on the property i.e. the number of units and the impervious surface. However, we don't think it's right for enforcement action and it's not the Link's fault. We think that it is justified to consider a consent agreement. The unit of concern is the unit number. The short-term rental ordinance brought this issue to light and we found there is only 1 rentable cottage there. There was a 1985 affidavit signed by the property owners at the time that stated that one of the cottages would not be operated as a separate unit. These were violations that went unnoticed by the Town.

Councilor Egan, who does not normally support Consent Agreements, feels that this is the solution because the current owners had no part of all these violations. Mr. Link did secure title insurance. Additionally, he did speak with code enforcement when they bought the property about possible

COUNCIL MEETING #07-22

APRIL 5, 2022

encumbrances or things he needed to be aware of. The Code Officer at the time stated he was watching the redevelopment of the property and was unaware of any concerns so the Link's purchased the property. The reason the title insurance didn't catch this is the 1985 affidavit was never filed with the Registry of Deeds. It was in the 2 Dixon file and was never duplicated and put in the 4, 6 or 8 Dixon files.

None of this is the Link's fault and the Consent Agreement will clear the title moving forward for successors of the property. State would require a NRPA permit for the impervious surface, which they have done for other work on the property. If that was approved by the State, we could consent to the Shoreland zoning violations which is the impervious cover, if they could permit the work within 75 feet through the State. It would be a condition. We don't think it's appropriate for fines. We would look for attorney fees and make that part of the agreement with the Links. Town staff inspected the location and no work has been done since 2001 and the cottages are seasonal only. There was a consensus to move forward with the work on the Consent Agreement.

EXECUTIVE SESSION

ITEM # 74-22 To consider action relative to an Executive Session pursuant to 1 M.R.S.A. § 405(6)(C) pertaining to a Real Estate matter.

MOTION: That the Town Council enter Executive Session. **VOTE:** (Egan & Lawrence)(6-Ayes)(0-Nays)(1 Absent)

MOTION: That the Town Council exit Executive Session. **VOTE:** (Egan & Lawrence)(6-Ayes)(0-Nays)(1 Absent)

(10 minutes)

Motion to adjourn at 9:32 pm (Egan & Lawrence)(6-Ayes)(0-Nays)(1 Absent)

END OF AGENDA (Estimated time of adjournment 10:30 PM)

COUNCIL MEETING #07-22
APRIL 5, 2022

	OUTSTANDING OR UPCOMING ACTION ITEMS	INITIATED ON	PROPOSED BY	ADDITIONAL INFORMATION
#1	Review of Town fee schedule this year	1/4/2022	Councilor Pillsbury	Tasked for 2022
#2	Research availability of PCR Rapid Test		Councilor Bradley	completed
#3	Schedule dates for touring facilities		Chair Piltch	
#4	Institute Indoor Town facilities Mask Policy		Town Manager	completed
#5	Determine how much is reasonable to keep in reserve accounts		Councilor Bradley	Duplicate of #7
#6	Set process for how we are going to accept applications for ARPA funding before summer		Chair Piltch	
#7	Determine if our Capital Reserve Budget is properly funded and we have a proper schedule to set our budget priorities		Councilor Fournier	
#8	Review our codes and permitting processes in Town Hall		Chair Piltch	Duplicate of #13
#9	Explore new fire rescue substation in District 2		Councilors Fournier and Bradley	
#10	Resolve Water Tank Contract		Mr. Joseph	
#11	Sewer district committee work			
#12	Divestment Discussion and Investment policy		Councilor Piltch	
#13	Planning and Codes Permitting policies			
#14	Victualer Ordinance Discussion/Review	February 2022	Councilor Daniele	done
#15	Discuss Readiness Team & Prioritization Team for future initiatives	March 2022	Chair Piltch	

MINUTES
FREEPORT TOWN COUNCIL MEETING #08-22
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, APRIL 19, 2022
6:00 PM

Vice Chair Egan called the meeting to order at 6:00 p.m.

	PRESENT	EXCUSED	ABSENT
Councilor Chair Daniel Piltch, 25 Quarry Lane		X	
Council Vice Chair, John Egan, 38 Curtis Road	X		
Councilor Matthew Pillsbury, 36 Todd Brook	X		
Councilor Chip Lawrence, 93 Hunter Road	X		
Councilor Darrel Fournier, 3 Fournier Drive	X		
Councilor Jake Daniele, 264 Pownal Road	X		
Councilor Edward Bradley, 242 Flying Point Road	X		

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood for the Pledge of Allegiance

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #07-22 held on April 5, 2022 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting # 07-22 held on April 5, 2022 and to accept the minutes as printed. **VOTE:** (Daniele & Fournier)(5-Ayes)(1-Excused)(1-Abstain-Bradley)

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

- The public works department would like to ask residents to please contact the Freeport public works department to check the roads ROW before planting trees, building stone or wood fence.
- The Freeport Library will be open on Fridays again starting this week.
- Vice Chair Egan gave a synopsis of the April 9th Downtown Visioning Open House. Approximately 125 people attended and there was a lot of community input. We have not yet received the summary report from Principle Group.

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

Councilor Fournier was congratulated by a constituent regarding the repeal of the Victualer License at the last Council meeting.

There was discussion as to whether the earmarks got turned in for the Sewer Department. It is believed that everything was submitted within the timeframe.

Vice Chair Egan requested that we set up an Appointments Committee meeting before the next Council meeting on May 3rd to address a vacancy on the Sustainability Committee.

FIFTH ORDER OF BUSINESS: Town Manager's Report (15 minutes)

Public Works is testing out electric power equipment (trimmers, leaf blowers, etc) that will replace the 2 stroke and 4 stroke powered equipment currently being used. They are starting with testing commercial grade leaf blowers. The electric power used comes largely from the solar farm that we are invested in. It comes not directly to us, it goes to the grid and then we are issued credits. The Council has been hearing about this issue for a few years and have worked with contractors who are using the battery powered equipment already with good reviews. Councilor Fournier wanted to make sure they get feedback on how the equipment performs.

Posted Road signs have been removed.

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

Robert Stevens: Member of Climate Action Now Group, thanked the Council for the appropriation to get the Farmer's Market going. His sub groups are working on several issues such as Transportation (increasing Breeze ridership), Housing (weatherization campaign), Solar action (increase solar participation) and more. They should have a Climate Action Plan to present to the Council in September.

Peter Anzuini: Referencing the presentation that Speaker Fecteau gave on LD2003 Affordable Housing Bill, at the last council meeting, he asked if passage of that bill would affect the zoning requirements in the Village Residential Zone (in South Freeport) to reduce the square footage requirement? The bill would not require or demand that Freeport rezone to accommodate what may or may not have been mentioned in the bill. The language in the bill is to allow a homeowner who is restricted by zoning to only having one dwelling unit per lot, to be able to add an accessory dwelling unit or second unit. All of the other local zoning and setback and water/sewer requirements are required to be upheld. The State is not reaching over anything other than giving property owners the right to petition their community to add a dwelling unit if otherwise everything else is in line. If all other requirements are met, then the town can't deny just because the zoning says it's one dwelling unit per lot.

Joyce Clarkson-Veilleux: Informed that she is working with the American Legion to do a Get Out the Vote Campaign for the RSU5 Budget Validation Election. In conjunction with the Clerk's office, they produced an absentee ballot request form and information mailer. The mailer went to residents 65 years or older which turned out to be 2,306 voters. She went on to point out that voters cannot get an absentee ballot until after the May 25th Budget Meeting and that is in conflict with the 30 days of absentee voting as outlined in law. We need to work with the RSU to address this conflict and work on a better school budget calendar. The Town Clerk clarified the source of the problem is the conflict between 20-A (School Budget statute) and 21-A (State Election Law) and the requirement is to hold the budget meeting within 30 days of the election. State election law calls for a full 30 days of absentee voting. The closer the Budget Meeting is held to the Election Day, there are less days to do full absentee voting as the ballot can be issued but cannot be allowed to be returned until the day following the Budget Meeting. This problem needs to be addressed further up the chain by our Legislators. Councilor Fournier gave several reasons that the law should allow for us to vote the RSU Budget in November. The voter participation numbers are much higher in November elections. One problem with a November budget process is the lack of knowledge of budget needs when you are projecting 7-8 months out.

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

ITEM # 75-22 To consider action relative to adopting the April 19, 2022 Consent Agenda.

BE IT ORDERED: That the April 19, 2022 Consent Agenda be adopted.

MOVED AND SECONDED: That the April 19, 2022 Consent Agenda be adopted. **VOTE:** (Egan & Lawrence)(6-Ayes)(1-Excused)

(Council Chair Piltch) (5 minutes)

ITEM # 76-22 To consider action relative to setting a Public Hearing for May 3, 2022 at the Town Council meeting starting at 6 pm in the Town Council Chambers at 30 Main Street, Freeport to discuss 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 May 3, 2022 at the Town Council meeting starting at 6 pm in the Town Council Chambers at 30 Main Street, Freeport to discuss 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.

The substantive change is that several things have been removed from the map and attached as addendums to the map so they can be changed without having to readopt the map. Coastal Bluffs and Flood Zones are now addendums that can be changed by the respective authorities. If MGS adopts different Coastal Bluffs maps, currently the town would have to change the zoning map. If you don't change the zoning map for years, it remains inaccurate. This will allow incorporating those changes by Order of the Council. The Flood maps will be changing in the next year or two and the Council will not have to take action to stay up to date as the new maps will just take the place of the old ones.

MOVED AND SECONDED: That a Public Hearing be set for May 3, 2022 at the Town Council meeting starting at 6 pm in the Town Council Chambers at 30 Main Street, Freeport to discuss Proposed Amendments to the Official Zoning Map for the Town of Freeport pertaining to Shoreland Zoning. **VOTE:** (Pillsbury & Lawrence)(6-Ayes)(1-Excused)

(Town Manager, Peter Joseph)(5 minutes)

ITEM # 77-22 To consider action relative to setting a public hearing for May 3, 2022 at the Town Council meeting starting at 6 pm in the Town Council Chambers at 30 Main Street, Freeport to discuss the creation of a new proposed Shoreland Zoning Ordinance for the Town of Freeport.

BE IT ORDERED: That a public hearing be set for May 3, 2022 at the Town Council meeting starting at 6 pm in the Town Council Chambers at 30 Main Street, Freeport to discuss the creation of a new proposed Shoreland Zoning Ordinance for the Town of 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.

This is the language that will be amended in the actual Zoning Ordinance to update the Town to comply with the minimum requirements of the Shoreland Zone Act. We currently have an ordinance that is in conflict with the Shoreland Zone from the State.

MOVED AND SECONDED: That a Public Hearing be set for May 3, 2022 at the Town Council meeting starting at 6 pm in the Town Council Chambers at 30 Main Street, Freeport to discuss the creation of a new proposed Shoreland Zoning Ordinance for the Town of Freeport. **VOTE:** (Daniele & Lawrence) (6-Ayes)(1-Excused)

Note: The new Ordinance would be based on existing shoreland zoning regulations that are contained in the current Zoning Ordinance and would be put into a new ordinance. The language would also be updated to comply with the minimum requirements of the State of Maine's Mandatory Shoreland Zoning Act.

(Town Manager, Peter Joseph)(5 minutes)

ITEM # 78-22

To consider action relative to setting a public hearing for May 3, 2022 at the Town Council meeting starting at 6 pm in the Town Council Chambers at 30 Main Street, Freeport to discuss amendments to Chapter 31- Coastal Waters Ordinance.

Proposed amendments include text changes to make sections of the Ordinance consistent with the minimum requirements of the State of Maine's Mandatory Shoreland Zoning Act; updated standards for Float, Dock and Wharf permits including a new standard for the length of a Float, Dock or Wharf; removal of an outdated reference to aquaculture; removal of fees from the Ordinance text; and additional non-substantive text amendments.

BE IT ORDERED: That a public hearing be set for May 3, 2022 at the Town Council meeting starting at 6 pm in the Town Council Chambers at 30 Main Street, Freeport to discuss amendments to Chapter 31- Coastal Waters 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.

COUNCIL MEETING #08-22
APRIL 19, 2022

This is the final arrival of the language we've been talking to Coastal Waters about; wharfs and weirs into various segments of our shoreland to get compliance and consistency with balancing all of the uses in those areas.

MOVED AND SECONDED: That a Public Hearing be set for May 3, 2022 at the Town Council meeting starting at 6 pm in the Town Council Chambers at 30 Main Street, Freeport to discuss amendments to Chapter 31- Coastal Waters Ordinance. **VOTE:** (Lawrence & Fournier) (6-Ayes)(1-Excused)

(Town Manager, Peter Joseph)(5 minutes)

ITEM # 79-22

To consider action relative to setting public hearing for May 3, 2022 at the Town Council meeting starting at 6 pm in the Town Council Chambers at 30 Main Street, Freeport to discuss amendments to Chapter 21-Freeport Zoning Ordinance, including removal of Shoreland Zoning regulations and additional non-substantive text amendments throughout the Ordinance.

Text amendments are proposed to the following Sections: Section 104, 201, 202, 203, 204, 302, 304, 402, 403, 404, 405, 406, 407, 407.A, 408, 409, 411, 412. 413, 414, 415, 416, 417, 418, 420, 421, 422, 423, 424, 425, 426, 428, 504.A, 504.C, 504.D, 505, 507, 509, 515, 520, 524, 525, 526, 526.A, 527, 528, 531, 534, 601, 602.

BE IT ORDERED: That a public hearing for May 3, 2022 at the Town Council meeting starting at 6 pm in the Town Council Chambers at 30 Main Street, Freeport to discuss amendments Chapter 21-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.

There is a long list of sections in the proposed zoning language that will be amended and there is no need to read them all tonight as we are just setting the Public Hearing.

MOVED AND SECONDED: That a Public Hearing be set for May 3, 2022 at the Town Council meeting starting at 6 pm in the Town Council Chambers at 30 Main Street, Freeport to discuss amendments Chapter 21-Freeport Zoning Ordinance. **VOTE:** (Fournier & Lawrence) (6-Ayes)(1-Excused)

(Town Manager, Peter Joseph)(5 minutes)

ITEM # 80-22

To consider action relative to adopting the FY23 Capital Budget.

Jessica Maloy had provided new Capital Budget packets for the Council and pointed out the only difference is the addition of a late request for replacement of fencing at the Library. That is reflected in a \$20,000 increase in the Municipal Facilities article, bringing that total to \$460,000 vs \$440,000. That brings the total appropriation before you to \$1,610,000. This does not include any impact for the ACAF request of \$25,000. That would be under Destination TIF if they choose to add it in. She did not receive

any additional information on the request, so it was not added into the figures. The Vice Chair stated that he had received that information yesterday and will share. Councilor Bradley asked if this budget document includes the FEDC and Library request, which it does. The Finance Director clarified that the reason the ACAF request wasn't included was because she was specifically asked for more information on the request and that was not provided to her so she felt she shouldn't add it.

Councilor Fournier asked about the replacement of just the chassis, not the plow, and using the body of the Public Works Truck and whether that was taken into consideration. With the unit being replaced, that is not recommended or cost effective. The unit up for replacement is the first stainless body they purchased and it was a different grade of steel. The 4-5 purchased after are a higher grade steel and will be used for 8-12 year cycles. Councilor Bradley inquired as to how much money we would save if we explored Councilor Fournier's suggestion. The Town Manager's guess was on a \$200,000 purchase there would be \$50,000 (mid 10,000s) savings. Is there any benefit to doing this? The Finance Director understanding is that we would have to replace the body before the chassis would then have to be replaced so you wouldn't get a full life cycle of a two cycle expansion. There may be some benefit but you're paying to mount it on mounts, taking the truck out of service and sending it away for 2-3 months to get it swapped over which is an additional expense you wouldn't have if done right the first time. It would put us on half cycles if this makes it two years and has to be replaced, as opposed to 12. The trucks are lasting 10-12 years, the reason we went from carbon steel to stainless. The first truck they bought is the one we are replacing now, which was a different grade of stainless. It is not as rust resistant or corrosion resistant as the ones they bought 7, 6, and 5 years ago on. It's a different grade steel and they are not recommending it get transferred over.

On the plow and wing, the mechanic was asked about the life cycle and he thought they could be repurposed. Councilor Fournier can support this for this year, but his understanding is we now have the same body styles and the same amount of steel in each body moving forward and that those will be repurposed down the road so all we have to buy is a chassis as opposed to buying a dump body and head gear and plow gear which he thinks is wise.

Councilor Daniele pointed out that we could appropriate the money and they could still continue the conversation on this. We are not making a purchase decision tonight, just an allocation decision. It is the manager's understanding that the next 3-4 in line if everything holds true to what they are seeing for performance, they would recommend not to buy an additional body with it, that we would swap it over. The question is the number of years we would get out of it.

Councilor Daniele asked about the funds to redo the grounds at Town Hall and if that request was in this year. It was actually funded last year and the money is still available. That is on the Town Engineer's schedule for summer or fall of this year. This project was held to wait for the result of the Downtown Revisioning process.

The current amendments to the FY23 Capital Program are \$1,610,000 which is on page 2. On the last page of the information packet is a list of the amendments with the exception of the \$25,000 ACAF request. The information received from the Director and Board Chair at ACAF was for the \$25,000 to cover expenses for additional infrastructure of a projection/sound equipment unit that they are building into the facility to allow them to do things like the Bates College Film Festival we just had. Councilor Egan went on to outline the benefits to our community that Meeting House Arts provides now and will provide in the future.

If the town wants to use the Meeting House Arts building would we rent it or would that be in kind? Councilor Egan said it would probably depend on the event and their schedule, so we may have a lot of

COUNCIL MEETING #08-22
APRIL 19, 2022

options to do things there. This allocation will bring the Capital Budget total to \$1,635,000 and the Funding Source from TIF to \$210,000. The Destination TIF is the funding source for this particular request.

MOVED AND SECONDED: to add \$25,000 to the overall FY23 Capital Budget to include this request from ACAF **VOTE:** (Egan & Bradley) (6-Ayes)(1-Excused)

BE IT ORDERED: That the proposed Capital Program for FY2023 be approved.

MOVED AND SECONDED: To amend the original motion to include the words “as amended” to the end. **VOTE:** (Bradley & Fournier) (6-Ayes)(1-Excused)

MOVED AND SECONDED: To the proposed Capital Program for FY23 be approved as amended **VOTE:** (Bradley & Fournier) (6-Ayes)(1-Excused)

(Finance Director Jessica Maloy)(60 minutes)

ITEM # 81-22

To consider action relative to approving the 2022 Short-Term Rental Registration Renewals.

BE IT ORDERED: That the 2022 Short-Term Rental Registration Renewals be approved.

We will review the Short-Term Rental Ordinance soon, so this is solely the review of the Short Term Rental renewals that need Council approval annually. There have been zero filed complaints on renewals. There have been inquiries about some operating without the registration. Also, we had complaints about units that couldn't be approved. For instance, we also had the Links at the last meeting where we need to do a Consent Agreement with them for them to be able to rent a unit. No one on the renewal list had complaints last year.

Councilor Bradley felt we did not put teeth into this ordinance. This was mostly a notification and reporting ordinance and he felt we should be proud of the success.

Councilor Lawrence pointed out that we set 300 limit and we had 150 before and now we are down to 53 that registered. He doesn't see the whole point because it's only 53 and we only had 2 bad actors. Most of this is covered by other ordinances we already have in force. It's similar to the Victualer Ordinance that we just voted out. The Vice Chair would agree but would like to see a couple of years of data before we conclude this is unnecessary. The issues that instigated this were real and came from specific incidents. What we are doing tonight is look at complaints of which there aren't any.

MOVED AND SECONDED: That the 2022 Short-Term Rental Registration Renewals be approved. **VOTE:** (Pillsbury & Lawrence) (6-Ayes)(1-Excused)

(Town Clerk, Christine Wolfe)(10 minutes)

COUNCIL MEETING #08-22
APRIL 19, 2022

ITEM # 82-22 To consider action relative to signing the RSU5 Budget Validation Election Warrant for June 14, 2022.

BE IT ORDERED: That the RSU5 Budget Validation Election Warrant for June 14, 2022 be signed.

MOVED AND SECONDED: : That the RSU5 Budget Validation Election Warrant for June 14, 2022 be signed.

VOTE: (Fournier & Lawrence) (6-Ayes)(1-Excused)

This is the official Election Warrant which is the connection between the RSU and the Town which we are required to endorse. The signature page is the execution of the ability to put a budget in front of the voters. Our action tonight endorses that. Could the council not sign the warrant and what would that do, would it give us leverage to address issues with the RSU budget process? It would stop the election from happening until attorneys got involved. The town manager looked into this about 5 years ago, the statute says the municipal officers have to “call” the election. The municipal officers “shall” call the election so inaction on the warrant would result in legal action.

We added a task to the Council list to look further into this issue surrounding the Budget Meeting timeline and set up contact with the RSU5 staff to discuss solutions.

(Town Manager, Peter Joseph)(5 minutes)

TABLED:

The next two items are tabled since last fall. This will be addressed at the public hearings we just set for May 3, 2022. The two items tabled are no longer necessary. We have now incorporated the changes into the documents that we are going to vote on May 3rd. Councilor Bradley would prefer to keep these items tabled until the new ordinances (amendments) are adopted. The Vice Chair believes that we have superseded these ordinances with the action (changes) we have coming on May 3rd. The tabled items below will make all the required changes without making Shoreland Zoning a separate ordinance.

MOVED AND SECONDED: To table items # 194-21 and # 195-21 until May 3, 2022 **VOTE:** (Lawrence & Bradley) (6-Ayes)(1-Excused)

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.

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.

1. **OTHER BUSINESS:** Discussion of ARPA Funds Spending Plan (Councilor Egan)(15 minutes)

Our first allocation of ARPA funds was hazard pay for EMS, Fire and Police that were on the front lines the first 2 years of the pandemic. We have \$743,000 not allocated. We brought this up at a Council meeting and three Councilors were tasked with meeting to come up with recommendations. These are suggestions for discussion. The discussion will be within the parameters of what we have for allowable use for ARPA Funds. We have a timeline tonight on making a decision on how we are going to receive the funds. The proposed language of an order provided to the Council from the Finance Director reads as follows:

“The Town of Freeport is electing to use the standard allowance of up to \$10 M, not to exceed our total award allocation, for identifying revenue loss. Our total remaining award allocation, after the previously expended Premium Pay to our Emergency Responders, is \$751,260.73. These Revenue replacement funds will be further allocated to general governmental services at a future meeting.”

COUNCIL MEETING #08-22
APRIL 19, 2022

If we make action to vote allocations of ARPA funds for specific projects, then those recipients become subrecipients and become subject to the Federal funds reporting, which we want to avoid. The first action for us to consider is taking the funds under that category which are General Revenue Loss, which frees us from having the obligation of having a subrecipient do reporting. We can still make allocations how we see fit. We have to make that designation in the month of April.

The second item is if we pass funds over to another municipal entity such as one of the utilities they would become responsible for the reporting as subrecipients. That is not an inconsequential task.

The sub group of councilors (Bradley, Egan, Pillsbury) met and discussed what to do with the funds and they distributed their proposal to the Council prior to the meeting. The breakout is a synthesis of the conversations and proposes a 30/40/30 split of the funds. The proposal includes an allocation (30%) to FCS to work directly with people who have been negatively impacted by COVID. We already have an allocation channel in our Capital Budget for FCS. Secondly, an allocation of funds (40%) available to cost share some of the improvements in the Downtown Revisioning Plan. Lastly, the remaining 30% to an infrastructure project (that benefits a large segment of the community) that would be subject to the reporting requirements of Federal funds receipt which include procurement and wage rate compliance.

We do not have to decide on ratios tonight. The only action that is timely in April is whether to take the funds as a bulk sum. The treasure portal is now open for NEUs (non-entitlement units) to do their annual reporting. The town has already committed the funds for the Premium Pay for emergency responders of \$153,649.43. Total ARPA funds were \$904,910.16 leaving a balance of \$751,260.73. The Treasury has come out with enhanced guidelines on how to assist municipalities without requiring the extensive reporting that is required with an allocation of 10 million or more. To do this, they offered to municipalities to adopt the standard revenue loss allowance of up to 10 million dollars not to exceed your award amount. Prior to this there were expense categories 1-7 and each category dictated what you can spend your money on and what you have to do for reporting requirements if you choose that category. One of the categories was Revenue Loss however, you had to calculate and document the revenue loss. The Treasury said if your award is under 10 million, you can use that as your standard allowance and your reporting requirements are basically “yes, we’ve received \$904,910.16 in funding, and we are going to spend it on this....” You have to narrate how you spent that money on the general course of governmental services. The Sewer District would be considered a subrecipient because they are not the receiver of those funds and it is not in the general course of our governmental operations. The town would be responsible for the reporting and holding them accountable and not allowing funds unless we have the information for the reporting or we become responsible for that money.

Our first reporting deadline as a NEU is April 30, 2022 and annually thereafter. If we are adopting the standard allowance it has to be done this reporting period because there is no guarantee those requirements will remain for the next reporting period. We are asking you to elect the standard allowance for the remaining balance. You can allocate these funds at a later date, you just need to adopt the standard allowance. You have to appropriate the ARPA funds before the end of 2024 and they have to be expended by 2026. She would encourage the Council to take it’s time spending the funds because there are audit restrictions on Federal funds spent at certain threshold. She thinks if we spend \$750,000 in one year there are special audit requirements.

Councilor Bradley asked about limitations on spending the funds for other type projects if we chose “governmental services”. If we expend funds from a category other than governmental services, we would just be held to those reporting requirements. It is Ms. Maloy’s understanding that they can change categories at any time, but Councilor Bradley would like some type of confirmation that this decision won’t limit us in the future as to how we can expend the funds. MMA’s recommendation is that this

COUNCIL MEETING #08-22
APRIL 19, 2022

designation is the best-case scenario for 95% of the municipalities in Maine. General governmental services covers things such as paving, fire, infrastructure, etc. The Manager explained that the only options you are cutting out are things you wouldn't appropriate tax dollars for. If it's part of the Downtown Vision and we are going to spend tax dollars on, then it's general government services. For example, the money we have spent on Principle Group would qualify.

If we don't adopt this tonight, we can still take the ARPA money and in the future we will have to designate the subrecipients, greatly expanding the reporting requirements. This potentially expands the scope of people you can give money to. Examples of the expanded reporting requirements were provided to the Council. Councilor Bradley feels this is a major governmental support bill. We are supporting FCS which is General Assistance, we are supporting Downtown Revisioning to the extent that it is municipal projects and the last is the infrastructure projects. His understanding was that this money was to support people who had been affected by COVID. That was one of the components of the money.

We do not report to the Federal Government what we are planning to use the funds for. Once the council obligates the funds, then Ms. Maloy will report what has been obligated. All they care about in the end is what the funds were actually expended on. If we want to obligate the money outside of General Government Services we would designate the category and have the expanded reporting. Using General Government is the most flexible category, covering 99% of what we would do as a smaller municipality with the ARPA funds. There are some projects not considered General Government that are enumerated in the original uses that have very specific requirements that must be met or we become responsible for repayment of that money.

Any monies not expended on a particular project that had been obligated would be reallocated to another project as long as the funds are obligated by 2024 deadline.

We do not have an unlimited list of what you can do with the funds. If we provide the service through our general operating fund now it would be covered under this umbrella of revenue loss. We don't want to do anything that would restrict the use of the money by making a quick decision. If we spend the funds through the Destination TIF or through Municipal Facilities or the Operating Budget, that would all be covered under general service. We will research to make sure that we are not blocking ourselves from using the other enumerated very specific purposes by doing this election. We can always find a general governmental services to use this ARPA money on and then budget for something else. The money we save using this ARPA money can be used for anything else such as paving Barnett Road.

MOVED AND SECONDED: "The Town of Freeport is electing to use the standard allowance of up to \$10 M, not to exceed our total award allocation, for identifying revenue loss. **VOTE:** (Lawrence & Daniele) (6-Ayes)(1-Excused)

Councilor Pillsbury encouraged us to work on a timeline for disbursing some of the funds to people negatively affected by COVID. We will set a discussion item for May 17th Council meeting. Should we have an RFP process for funding requests? It was determined that an open RFP would be very staff intensive and leads to individual lobbying and winners/losers. We don't want to create more divisiveness in the process. The subgroup of Councilors were trying to funnel it in so they would have more specific recommendations to make to the Council.

We will continue this conversation following the Island Rover discussion.

2. Discussion on potential Island Rover launch (Councilor Bradley)
(30 minutes)

COUNCIL MEETING #08-22
APRIL 19, 2022

The most significant issue with the Island Rover over the last few years has been the launch. There are several different options looked at. Shore Drive was one of the first locations looked at. The other sites looked at were Marietta Lane, Little Flying Point and Wolfe's Neck Center. Several years ago the focus was Shore Drive. The town got a permit application for an over the road permit. We held a public hearing and did not approve the permit because there were legal objections from abutters. Councilor Bradley, when he got on the Council, started a conversation with the parties involved. The Town did some clean up on the sites. The parties involved started looking at other launch sites with the Wolfe's Neck site the focus. It would require private property owned by Wolfe's Neck Center to be crossed to get to the water. The site is right before the Burnett Road bridge. This more recent attempt at resolution didn't start with the prior red flags. There are yellow flags that we need to look at. One of the primary things to be worked out is the Town going on behalf of the other parties to Wolfe's Neck and see if they are interested. The Town would have a similar roll if we were to consider Marietta Lane. Is the Town interested in moving forward with this role as mediator or intervener?

The Town Engineer, Adam Bliss, displayed a map showing the overall view of the area in question. The boat currently sits on Bucknam Rd. The proposal is to transport it along Byram Ave, Lower Flying Pt, down Burnett Road to a sliver of private property owned by Wolfe's Neck Center adjacent to the town owned bridge. The applicant has identified this route as a feasible option. The Town met and provided them with a number of items that should be provided in order for the conversation to continue. We have a summary letter that all parties agree is information needed to complete the launch design. Approaching the land owner should occur next before completing the launch design.

The launch design can be outlined in three sections. Section one is the actual transport of the vessel over the roadways. Segment two is if allowed by the property owner, would be the placement of that vessel on a trestle rail system that connects ground into the water. Segment three is its placement in the water to be towed out to sea by a barge. Mr. Bliss showed a schematic of the rail system to be used showing steel rails with a fixed foundation to the ground and mats in the water that are used to guide the vessel. The proposal includes using steel anchors to connect into the ledge at the top of the rail system that would be removed after completion or cut flush with the ground. Geotechnical engineers will be utilized to confirm the plan actions.

The applicant will also have to demonstrate that the tides are high enough to raise the boat, and its weight, depth and width and allow it to be spun around and towed out to sea. We are looking for assent from the Town Council for us to reach out to the land owner before we move onto the next level of design. Councilors Fournier and Lawrence spoke in favor of moving forward with a formal plan.

Councilor Bradley reiterated that Mr. Grindle is the real deal, a marine guy who knows what he's doing and he hasn't provided the details because he has not been paid yet to do that. The owners of the vessel are not going to pay \$10-\$30,000 for the details until they know that this is conceptually the way we want to go. Mr. Grindle agreed to put together the points of development of the plan that need to occur before he feels confident he can do it. It's a back and forth collaborative at this point.

Prior conversations with Wolfe's Neck Center did not go well. At the end of the day, we need to go to them and say we would all be working together to get this done, but if they say no we will respect that too.

We are not disagreeing that this is a pathway to consider. The assent portion says this is a reasonable plan and there are outside consultants that are providing foundational reality about how it's going to happen. There is not a lot of risk in asking Wolfe's Neck to help participate.

Councilor Bradley wants there to be the independent consultant that looks at the final estimates of all the issues ahead of us and that it's a risk worth taking and it is going to cost us some money. Adam Bliss wants a geotechnical consultant to look at the final calculations and say yes/no. Councilor Bradley wants the same thing to happen with the calculations with respect to buoyance, tide and transport down the rail system. Some of the recommendations we have going forward before we would assent to this is indemnification, insurance, and all the things you would want to see with a commercial operation where there was the potential for harm or damage.

The Council gave support for Mr. Bradley to go forward with this and take it to Wolfe's Neck Farm.

CONTINUED DISCUSSION ON:

1. **OTHER BUSINESS:** Discussion of ARPA Funds Spending Plan (Councilor Egan)(15 minutes)

Vice Chair Egan recapped the earlier conversation surrounding ARPA funding and explained the reasoning for continuing the discussion.

FCS was one of the groups listed for ARPA funding and the question was raised whether we have asked them how much they actually need. We haven't done that yet but that does need to be done. FCS has communicated to us a request for increase in funding of \$10,000 for the Human Service Agencies and a recently identified cost for transportation shuttle service for resettled refugees at the inns on Route 1 South costing \$60,000 a year. That is something the towns been asked to cover and it's not in our budget. These have been identified as needs never mind giving back to community members damaged by the current economic situation.

Councilor Fournier mentioned providing relief to our elderly and whether there are some of these funds that could be utilized for that. That is included in the \$10,000 increase for FCS in the form of providing funds for the Age Friendly Freeport group.

Councilor Pillsbury agrees that it is critical that we provide relief to those who have been economically disadvantaged and are struggling to pay rent, heat and just cost of living increases. We also have the visioning process that will benefit the entire town that he felt was important. And lastly, a broad infrastructure project for the funds. We can play with the buckets, but overall this is intended to support the residents of the town and get positive change.

Councilor Lawrence pointed out that we have these two large bridge projects coming to town. Part of that plan with the MDOT knocking down the cost, was us building the trails. Was that included in the Downtown Visioning bucket? Councilor Egan said that it was at the surface but not specifically identified. Councilor Daniele likes the idea of the three buckets and we can play with the percentages. We do have a Connect Freeport group that's been doing a lot of work behind the scenes and the 30% for infrastructure in town could be utilized by them for studies on trails and sidewalks. That could be the infrastructure project. He supports the idea of the subgroup and if they could meet again and dial it in a little before the next regular council meeting that would be helpful.

MOVED AND SECONDED: to adjourn at 8:45 pm. **VOTE:** (Lawrence & Fournier) (6-Ayes)(1-Excused)

COUNCIL MEETING #08-22
APRIL 19, 2022

	OUTSTANDING OR UPCOMING ACTION ITEMS	INITIATED ON	PROPOSED BY	ADDITIONAL INFORMATION
#1	Review of Town fee schedule this year	1/4/2022	Councilor Pillsbury	Tasked for 2022
#3	Schedule dates for touring facilities		Chair Piltch	
#3	Schedule dates for touring facilities		Chair Piltch	
#6	Set process for how we are going to accept applications for ARPA funding before summer		Chair Piltch	
#7	Determine if our Capital Reserve Budget is properly funded and we have a proper schedule to set our budget priorities		Councilor Fournier	
#9	Explore new fire rescue substation in District 2		Councilors Fournier and Bradley	
#10	Resolve Water Tank Contract		Mr. Joseph	
#11	Sewer district committee work			
#12	Divestment Discussion and Investment policy		Councilor Piltch	
#13	Planning and Codes Permitting policies			
#15	Discuss Readiness Team & Prioritization Team for future initiatives	March 2022	Chair Piltch	
#16	Attend RSU Budget meetings- send new Superintendent a letter to work with us on schedule-legislative action	4/19/22	John Egan	

END OF AGENDA (Estimated time of adjournment 9:40 PM)

COUNCIL MEETING #08-22
APRIL 19, 2022

COUNCIL MEETING #09-22
MAY 3, 2022

MINUTES
FREEPORT TOWN COUNCIL MEETING #09-22
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, MAY 3, 2022
6:00 PM

Chair Piltch called the meeting to order at 6:00 p.m.

	PRESENT	ABSENT	EXCUSED
Councilor Chair Daniel Piltch, 25 Quarry Lane	X		
Council Vice Chair, John Egan, 38 Curtis Road			X
Councilor Matthew Pillsbury, 36 Todd Brook Rd	X		
Councilor Chip Lawrence, 93 Hunter Road	X		
Councilor Darrel Fournier, 3 Fournier Drive	X		
Councilor Jake Daniele, 264 Pownal Road	X		
Councilor Edward Bradley, 242 Flying Point Road	X		

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood for the Pledge of Allegiance

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #08-22 held on April 19, 2022 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of meeting # 08-22 held on April 19, 2022 and to accept the minutes as printed. (Lawrence & Fournier) **VOTE:** (5-Ayes)(1-Abstain-Piltch)(1-Excused)

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

Cable TV Regulatory board is looking for volunteers. This Saturday is the first Makers on Main of the year. This is the third year and the event continues to grow. New this year we will have food trucks near the Freeport Historical Society. There is a Boots and Brews 5K event sponsored by the Freeport Chamber of Commerce on Sunday May 15th at 9 am. The first week of May is Municipal Clerk's week and we would like to thank our clerks.

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

Councilor Bradley reported that there will be a meeting this week to discuss the Island Rover boat with Wolfe's Neck Center and discuss the possibility of using a small section of their land for the potential launch.

On June 14th the Town Council will hold a workshop in conjunction with the Conservation Commission to discuss and get public input on the potential building of mountain bike trails at Hedge Hog Mountain. New England Mountain Bike Association has offered to build these at no cost to the town.

COUNCIL MEETING #09-22

MAY 3, 2022

FIFTH ORDER OF BUSINESS: Town Manager's Report (15 minutes)

We have been enthralled in the budget process for about a month. He thanked the Department Heads for their input. We will be presenting an operating budget proposal to the Town Council this evening.

The Town would also like to thank the Boy Scouts for helping to clean up of Memorial Park in advance of Memorial Day.

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

Alexis (on Zoom): Wanted to get more information on LD2003, the new Housing legislation. Have we been thinking about this and how might this effect the town in the future? Chair Piltch explained that we hosted Speaker of the House Fecteau recently and the consensus of the town council is that we are supportive of this effect to increase housing. The town has already taken action to increase housing in the downtown area and we support LD2003. We had already determined that this would not be a big change for Freeport because we already allow most of the things in the bill.

Stefanie Millette (on Zoom): Stephanie is here to advocate for the condo associations along the railroad tracks. She represents residents that already live in the downtown and may be impacted by increased housing. She is requesting that before events go up (such as the skateboard park) that there be public notice letter to the Condo Associations along the tracks surrounding sound and noise ordinances when this plan gets further along similar to when L.L.Bean has their concerts. One of the challenges for these homeowners is they are mostly working families and it's difficult to attend public meetings. Chair Piltch recognized that the Council needs to reach out and talk with people in the downtown more and outreach the condo associations also.

Cassandra Bemis: Lives on Park Street in the downtown and her street is proposed as a slow street on the Vision Plan. There is already a speeding problem on the street. If there is going to be more traffic flow on that street, what will be done to protect kids, pedestrians and to make sure the speed limits are obeyed.

In other areas of town where we have had speed concerns, the police have a procedure with the Complete Streets Committee where they put up speed monitoring and talk about ways they can control speed, so if it's an issue there is a way to deal with it. We are hoping to be more proactive.

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

ITEM # 88-22	To consider action relative to adopting the May 3, 2022 Consent Agenda.
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The Chair reviewed the items on the Consent Agenda.

BE IT ORDERED: That the May 3, 2022 Consent Agenda be adopted.

MOVED AND SECONDED: To waive the reading of the minutes of meeting # 08-22 held on April 19, 2022 and to accept the minutes as printed. (Pillsbury & Lawrence) **VOTE:** (5-Ayes)(1-Abstain- Bradley)(1-Excused-Egan)

(Council Chair Piltch) (5 minutes)

COUNCIL MEETING #09-22
MAY 3, 2022

ITEM # 89-22 To take Item # 90-22 out of order and prior to other items of business as required by the Council Rules of Order and Procedure #6.
We are asking for permission to take the Downtown Vision Plan presentation out of order on the agenda.
The Town Council may do so by a majority vote.

BE IT ORDERED: That Item #90-22 be taken out of order.

MOVED AND SECONDED: That Item # 90-22 be taken out of order. (Piltch & Lawrence)
VOTE: (6-Ayes)(1-Excused-Egan)

(Council Chair Piltch) (5 minutes)

ITEM # 90-22 To consider action relative to Accepting the Downtown Vision Plan from Principle Group.

The motion tonight will be to accept the plan and not necessary approve or endorse it. The plan includes a lot of things to do and it is a menu to choose from, a vision to march towards. We have a lot of work to do and changes to make. The plan just got released today and we need time to digest it. There is a website for people to go to for review of the plan and make comments at: www.freeportdowntown.me. The Town Councilors and other interested parties also have emails and phone numbers listed for outreach on that website also.

Russell Preston from Principle Group presented an overview of the Downtown Plan to the Council and public. The plan is as much about action as it is vision. The only way to know if some of these ideas are implementable is to take action on them. It's difficult to say what action to do next, we need to do them all next.

Principle believes they have stayed true to the 5 goals. The introduction includes the things that Freeport has done right in the past and how we can learn from that. These plans are living documents. It's important that we consider the region and those regional benefits and effects. He discussed the early action projects that have already been completed and their success.

The Plan is organized around the town's value set. When ideas come forward later, what are the goals and value sets we want to align with. This Plan is meant to give you something to start conversations with. In 15-30 years will downtown look like the plan, the answer is no. The point of the Plan is to say this is the dream and there will always be refinement.

At a high level the Plan is "Downtown for All". The Plan is structured as a summary of the effort and some very tactical things that can be done to move that strategy forward. This is meant to be a reference document. The second chapter is around the idea of the New England Village and the missing housing type that is not being delivered. It's not just about providing affordable housing but to provide attainable housing for everyone. Some of this is repairing choices that were made over decades and repair our downtown neighborhoods. Downtown has very little area for new development and there may be only 20-30 buildings that can be built on these parking lots over a generation.

On top of new development and bring housing to town, another element was how to make the retail economy in the downtown more resilient. This is where they started. We have a unique collection of stores with the L.L.Bean anchor. How do we let this flourish with one third local, one third regional and one third national stores. There has to be intention around new businesses that come in. Then how do we promote universal access. When you come to Freeport, you become a pedestrian. Walking has to be

COUNCIL MEETING #09-22
MAY 3, 2022

central to the downtown. Downtowns have walkable streets and return the streets that have been lost to parking lots. This is important because every time you get into a car there are implications around sustainability that you are a participant in. We need to shift to get people out of their cars. Related to that there are other things to do on top of the mobility challenge. The climate change conversation needs to continue to be imbedded into the conversation downtown.

Once the downtown is more sustainable, it will be how do we make downtown more wonderful and remarkable to be here. That will give us the most competitive advantage. Downtown needs to be the outside trail head for the entire state.

Supporting Local and Arts and Cultural Incentives is another component. Thinking about how we support culture. Part of this formula is looking at where we can put public art.

Principle detailed the “Twelve Catalyst Sites” that were identified along with proposed action items as outlined in the Plan.

1. Bow Street & Main Street intersection. (redesign)
2. L.L. Bean’s Flagship Campus
3. Rebuild Main Street
4. Redevelop Depot Street
5. Reposition Freeport Village Station
6. Make Mallet Drive Part of Downtown
7. Create a Square at Main Street and West Street
8. Celebrate Downtown’s Cultural Venues
9. Build a Multi-Use Market and Mobility Hub
10. Improve Memorial Park
11. Redevelop Middle Street
12. Enhance School Street

How do we implement this? Principle organized it into a collection of action items. It’s a way to give us guide posts. At the back of the Plan is an appendix outlining the planning process as to how we all got to this point.

Chair Piltch reminded that this Plan represents the culmination of the three phases of work that have centered around public input. This is the best and brightest ideas we have heard to date. It’s not a map of what we must or will do, it’s a vision of what we could do. These are ideas and conversation starters. Nothing that involves town funding, approval, property will happen without the 7 Councilors being involved.

On May 5, there will be a meeting to bring people into the fold on how to help us figure out which of these things to do. Several groups have been invited to this meeting to express their views. This might be an ongoing monthly meeting. This group will dive into the Plan.

Councilor Bradley gave accolades to Principle Group and Mary Davis along with flowers for all the work done that kept the energy going. Mary gave a brief recap of how we took action and got to this point in the process.

Councilor Pillsbury asked about where do municipalities run into problems once Principle is done. What can we be proactive about. Mr. Preston replied that some municipalities’ plans have moved along faster than others and that we need to keep the community engaged and involved. It takes the community to have energy. Principle realizes and doesn’t just build a plan but are building the social capital between

the connections of people who have participated so there is a working relationship and the plan keeps moving.

Councilor Fournier asked if the town is headed in the right direction taking into account some of the changes we have or will be making in our Zoning. Principle reminded us that if our zoning was perfect they wouldn't have had to do the plan. Zoning is always part of the problem, but is also part of the solution. It's important that the town is open to changes in zoning, that's a battle we don't have to overcome. Zoning is one of the bigger implementation tools that moves the Plan forward.

What is the understanding with Principle Group when we have questions about the implementation? That is a conversation that needs to be had if that's what Freeport wants from them. Principle will also facilitate conversations with other groups that will help us move the plan forward. If we have questions, we can still outreach to Principle Group and they can help us or direct us to the right resources. They have some municipalities that they worked with for years.

NOTE: a copy of the Downtown Plan has been included as a part of the minutes for this presentation.

BE IT RESOLVED: That the Council accept the plan as presented.

MOVED AND SECONDED: That the Council accept the plan as presented. (Piltch & Lawrence) **VOTE:** (6-Ayes)(1-Excused-Egan)

(Councilor Chair Piltch)(60 minutes)

ITEM # 91-22 To consider action relative to Proposed Amendments to the Official Zoning Map for the Town of Freeport pertaining to Shoreland Zoning. **PUBLIC HEARING**

Town Planner, Caroline Pelletier, gave a history of the Zoning map. A few years ago the town tried to update the Zoning ordinance to meet the minimum shoreland zoning requirements that the State adopted in 2015. We did a partial public hearing process and it came back and needed a lot of changes. We then brought on Mike Morse, shoreland expert, who formerly worked for DEP and he helped us update the ordinance. We had a pandemic and it sat on a shelf. It went through planning board and council process and then at the council level it came up that our shoreland zoning is really confusing and we should look at it and find a better way. One thing that hasn't changed much is the Zoning map. The biggest change in the map is that we used to have a lot of the map that was Resource Protection I because of bird habitat. You can't do pretty much anything in Resource Protection I so the State said we could take them out of that designation and changed it to Shoreland Zoning. They will have setbacks from the water, clearing restrictions and meet shoreland regulations, but people will have the use of their property. We had to clean up how we were drawing our streams, some setbacks and show shoreland on the island. The other big piece is that we digitized the map back in 2013. This new map incorporates any zoning map changes since 2013 and the new shoreland zoning changes. One thing previously approved is there used to be red lines along the water designating unstable coastal bluffs that has now been removed and now people will revert to the State's maps. DEP is requiring that we have the addendum of the Coastal Bluffs Map as part of the ordinance. Another problem identified is that our Zoning Map did not accurately reflect the flood plain so now we are referencing the FEMA Flood Maps. The current Flood Maps are the 1980's black and white version that is now

attached as an addendum to the Zoning Ordinance. Both the map and Zoning Ordinance need to be adopted together in order for them to match.

MOTION: To open the Public Hearing (Fournier & Lawrence) **VOTE:** (6-Ayes)(1-Excused-Egan)

Joyce Clarkson Veilleux: Supports putting the Shoreland Zoning as a stand alone ordinance. It will make it much easier to understand for the average user. She spoke about the gray areas. The DEP felt it was so important that they address it in paragraphs 2 and 3 of the Chapter 1000 Rules. She suggests that we also continue to look at the special conditions. The people responsible for state law and Chapter 1000 have not been to Freeport and seen the small lot sizes. Many are 50ft x 100ft lots. When you talk about only 20% can be non-vegetative surfaces, that includes your house, driveway and walkway. Those homes don't get decks and porches, decks or garages because it would cover too much surface. It's so restrictive that they can't do anything on those small 50 ft lots. That needs to be continued to be looked at and some type of variance request written up.

Alexis Grillo-Lower Mast Landing Rd (on Zoom): Here tonight to advocate for passing the new map and ordinance. They bought their property in 2019. It was a derelict building. It is currently in Resource Protection I and will be in Shoreland Zoning if this passes tonight. They have been renovating for the last 3 years and they are half way done and they can't do anything more until these changes pass.

Katrina Van Dusen: Someone asked her how the new ordinance addresses sea level rise. She doesn't think this ordinance or the State's addresses it. Shoreland zoning is one of the ways we can protect our undeveloped coastline of the Harraseeket. She is here to advocate to see the resource protected rather than see more development and erosion control structures and those things. In regards to the Coastal Waters Ordinance amendments, she would like to continue to work on how to collectively regulate where docks are allowed on our small tidal creeks and inlets. Don't feel like they are done thinking about that with the changes you are making to the shoreland zoning tonight.

Rob and Rachel Clegg (on Zoom): Thanked Council for meeting on this tonight. After years of DEP working with the town to depict the zoning map accurately, he hopes it time these changes are solidified. The area has been determined to not need the Resource Protection I designation. With these changes, they will be able to locate to Freeport as residents and raise their family.

MOTION: To close the Public Hearing (Fournier & Lawrence) **VOTE:** (6-Ayes)(1-Excused-Egan)

BE IT ORDERED: That Proposed Amendments to the Official Zoning Map for the Town of Freeport pertaining to Shoreland Zoning be approved. **MOVED AND SECONDED:** (Fournier & Lawrence) **VOTE:** (6-Ayes)(1-Excused-Egan)

(Town Planner, Caroline Pelletier)(15 minutes)

(this commentary was provided during the public hearing for item #91-22 as they are linked)

This stand alone Shoreland Zoning Ordinance will be easier to use and understand. Mike Morse from Archipelago gave a presentation to the Council highlighting the zoning changes. Overall, the amendments were intended to bring the ordinance into compliance with the State's minimum standards including State Shoreland Zoning law as well as Chapter 1000-Shoreland Zoning Rules. Some of the standards are going to be more restrictive and some may be less restrictive. Some that are unique to the Town of Freeport were preserved.

Highlights of amendments:

Definitions: are at the heart of the regulation. What does this term mean? A number of additions and revisions to existing definitions were made to better explain what is intended and comply with State. Bigger impact change for landowners would be the changes regarding Non-Conforming Structures that don't meet the minimum setback by definition. Previously the town ordinance and DEP standards utilized two very specific metrics to determining what the expansion limit is that were very difficult at times to figure. The new metrics that have been incorporated into the new ordinance use two totally separate metrics that are consistent with the State law change in 2013 and DEP rule changes in 2015. The new metrics are footprint and height. Overall, the consensus is that these standards are less restrictive and simpler. That is the biggest change in the ordinance.

As, previously mentioned, the removal of the town regulations of moderate and high value bird habitat from Resource Protection 1 which was a change made by the State in 2012. These are now regulated under the DEP Natural Protections Act.

Some of the language in the Principles and Accessories Structures Section (306-B.3) clarifies lot coverage within the Shoreland Zone. It also incorporates an exemption the State allows for areas that have naturally occurring ledge.

Section 306.N. Clearing of Vegetation Standards: Significant to landowners trying to figure out what they can remove for trees within the 75-foot buffer.

Section 306.O.: Added a new section for hazard trees, storm damaged trees and dead trees. How do we know if it's that type of tree. There have been some industry standard definitions applied and address when and if replanting needs to occur.

Section 306.P.: Exemptions to Clearing Standards: also a new section but generally consolidates clearing standards that have been in place. A several new exemptions added i.e. hazard waste clean-up. There is a maintenance section so if you've been clearing for years you can continue. There is a section for non-native invasive plant species in the Shoreland Zone.

Section 306.Q. Revegetation Requirements: This is a new section. There have been policies at the town and State level around when replanting needs to occur. This formalizes those policies.

Section 403.C. Incorporates a State law requirement that the town has been administering and enforcing since 2014 which says an excavation contractor who is performing excavation in the shoreland zone more than 1 cubic yard must be certified in erosion control best practices through DEP.

Section 403.D. adds another State law provision that there has to be a photographic record submitted with an application in the Shoreland Zone. This is an enforcement tool.

Lastly, there a handful of changes in the Administration Section that are mostly housekeeping.

Mr. Morse believes having a separate Shoreland Zoning Ordinance will work for the town.

Councilor Bradley asked if he needed a permit to deal with erosion in the Shoreland Zone. He was informed that yes, if it's at the shoreline and it's shoreline erosion you would need to have CEO review.

Chair Piltch did a side by side comparison of the DEP Chapter 1000 Shoreland Rules (which are the minimum standards) and he had the new shoreland zoning ordinance open and went through them

COUNCIL MEETING #09-22
MAY 3, 2022

paragraph by paragraph. He had a list of 2 pages worth of questions for the CEO and Town Planner as to discrepancies he found between what the State requires and what we require and they those were explained to him but it was a very similar document.

If the Council takes action on this tonight, it will still need to go to the DEP for review within 45 days of receipt. The ordinance may be returned from DEP for additional changes so this is not a final document tonight.

Councilor Daniele asked if any resident had lobbied for something to be included. No person lobbied for the standards to be more restrictive. Anything they added incorporated the minimum standards. There is some concern in Freeport because there are parts with really small lots and they can only cover 20% of their lots. There is a provision to go get a variance, but to be realistic that is hard to get. So, this was flagged. If we get the minimums through, we can decide if we want to continue to talk with DEP to see if there is some flexibility to change lot coverage. Two things the Town Planner had inquiries on. One was changing the Zoning Map because there were people who couldn't do anything on their property because they were in Resource Protection I. Also, we do have residents who would be helped by getting rid of the big volume calculation which will enable them to add on.

MOTION: To open the Public Hearing **MOVED AND SECONDED** (Lawrence & Fournier) **VOTE:** (6-Ayes)(1-Excused-Egan)

MOTION: To close the Public Hearing **MOVED AND SECONDED** (Lawrence & Fournier) **VOTE:** (6-Ayes)(1-Excused-Egan)

BE IT ORDAINED: That a new proposed Shoreland Zoning Ordinance Chapter 65 for the Town of Freeport be adopted. **MOVED AND SECONDED** (Lawrence & Fournier) **VOTE:** (6-Ayes)(1-Excused-Egan)

Are we going to look into the paragraph 2 & 3 at a later time. Ms. Pelletier stated it was a big relief to get this ordinance cleaned up, but there will continue to be amendments as they start using it. She is already working with the DEP on a potential amendment. She has also been working with the South Freeport Water District on some amendments to Resource Protection. The Planning Board was interested in seeing if the DEP has any flexibility with lot coverage on small lots. If they are open to the concept, it would follow the same process. The Planning Board would notify the whole shoreland zone, make a recommendation and then return the ordinance to the Council. This ordinance wouldn't change that either way. This ordinance has the State minimum of 20% lot coverage.

If there are suggested amendments by residents, they will be directed to work with staff to float the proposals by DEP program staff just to see if there is a possibility. There are a few more than just the lot coverage that people have been asking about. It was felt by staff and the Planning Board that the best course was to get the Ordinance adopted and then start a conversation with DEP and see where it goes.

Note: The new Ordinance would be based on existing shoreland zoning regulations that are contained in the current Zoning Ordinance which would be put into a new ordinance. The

language would also be updated to comply with the minimum requirements of the State of Maine's Mandatory Shoreland Zoning Act.

(Town Planner, Caroline Pelletier)(30 minutes)

ITEM # 93-22 To consider action relative to amendments to Chapter 31- Coastal Waters Ordinance. **PUBLIC HEARING**

Last spring there was conversation between Coastal Waters and the Council about limiting the length of docks in certain areas and there was question about some of the language. The town planner met with the town manager, CEO, chair of Coastal Waters, the former chair of the Coastal Waters, and the town attorneys to look at the language.

Piers, docks and wharfs are actually a shoreland zoning standard, they are in the Chapter 1000. It's optional to municipalities to regulate them, but Freeport has always decided to regulate them. Twenty years ago we had them in our zoning ordinance and we had them go to our Planning Board. In the mid 2000's we changed that process and took those standards out and put them in the Coastal Waters Ordinance and we switched the reviewing authority to Coastal Waters. It's a fine approach but we still have to be compliant with the DEP minimum. At the meeting about the new dock length, it was also identified that if we are going to start changing standards that are really shoreland zoning, not only do they need to look at what Coastal Waters wanted to add but also meeting the State's minimum requirements for shoreland zoning. In our current regulations we are missing minimums but we are already more restrictive. For example, we have a length restriction of 125 feet. That's not DEP a standard.

Ms. Pelletier went through the Coastal Waters Ordinance and amendments for the Council: There are a series of definitions that are required to make the ordinance conform with the applicable sections of shoreland zoning along with some clean up. Also omitting the fees and adding them into fee structure as a best practice and omitting terms defined but not used. The biggest changes are going to come under Article 13-Piers, Docks and Wharfs and other structures. This is the language the town attorney advised us we need to consider putting in as the minimum. One of the items that came up at the Planning Board that wasn't in the original draft was the standard regarding certified letters. That was updated based upon feedback to reflect the boards current practice.

The biggest changes are the approval standards. After working with the attorney, standard 2 was added: in addition to the length of 125 feet, no part of the project may extend more than ¼ of the way across the width of a water body or wetland as measured by the straight line distance from the highest annual tide of the shoreline in which the project would be placed to the highest annual tide mark on the opposing shoreline. There has been a lot of discussion on this. If you have two shorelines where do you measure to figure how far they can go and what is something we can enforce. The compromise was to go by the HAT (highest annual tide), not taking up more than 25% which provided some consistency with the way the Army Corp. does some of their measuring. It is further limiting them 125 feet in narrow places.

Caroline outlined the changes for the Council that are before them tonight. Language added was in reference to portions of a project being no wider than 6 feet which is a DEP requirement for non-tidal waters. So we need to add a stand for non-tidal waters but we don't need the standard for tidal waters. Six feet width is stricter than DEP requirements and Coastal Waters has not have time to vet through this. We have the DEP minimum worked into the ordinance, so the council

wants to strike that requirement if they want to. We use this ordinance not only for coastal waters but for piers, docks and wharfs in non tidal waters, so we need to add a provision tonight. The proposed amendment would strike proposed #4 by the Planning Board and replace that. We are adding non-tidal waters to a coastal waters ordinance. We are putting these shoreland zoning provisions in our Coastal Waters Ordinance but they apply to tidal and non tidal and other authorities like the Code Officer who uses the same standards so we need to incorporate that. The proposal is to keep the standard on non- tidal areas and remove the width about tidal areas for now.

Standard 16 that was flagged at Planning Board: When not in use as a functionally water dependent structure all temporary portions of a project shall be stored to meet the required shore setback of the applicable Shoreland Zoning district. A lot of these projects are seasonal so they keep a portion of the pier but they take the floats out and store in different places. Once you take them out they are not water dependent they turn into structures and structures have setbacks to protect the vegetation. DEP stated we don't need the standard in the ordinance, but that is a policy decision by DEP and that's how we need to be enforcing it so we are better off to have it included.

Mark Morrissey, chair of Coastal Waters, supports striking the projects in the tidal areas. Additional housekeeping amendments will be coming to the Council after notification and Planning Board approval. They can make amendments that do not affect shoreland zoning without triggering the State's extensive notification policy. It could be tabled now, but it depends on the changes they want to make. If we don't pass it tonight we don't have the more restrictive dock language and we are not compliant with Shoreland zoning.

Councilor Fournier clarified that if a dock is removed from the water that had previously been laid on ledge and tied to a tree for the off season, it will now have a setback that will require them to lift them up and put on mainland with a certain setback from the water. DEP stated we don't have to have it in our ordinance that way, but that's how we have to enforce it that way which is more difficult if not included in the ordinance language.

MOTION: To open the Public Hearing **MOVED AND SECONDED** (Daniele & Lawrence) **VOTE:** (6-Ayes)(1-Excused-Egan)

Carter Becker spoke in support of passage of the ordinance and striking the one section. Tim Forrester from Atlantic Environmental spoke (via Zoom): supports changes and Mr. Becker's comments. He has worked with people to get them to remove their floats from the resource. He did that by building boat haul outs that were done correctly where they are over ledge and not damaging trees, or expanding non conforming issues, etc. There is not currently a definition for a haul out, but if you attach the haul out to a pier it becomes part of that structure and you can get approvals for that. Right now if someone on the island has a dock, they could have to haul it back to the mainland for storage in the off season. He hopes that conversation around this can continue.

Councilor Fournier asked Mr. Becker if proposal this would have a detrimental effect on his customers or the fisherman. He said it does as there are large expenses with boat removal from the water. Floats will have to be moved substantially more and that is an inconvenience and expense for the customer.

Councilor Bradley inquired whether a dock that breaks loose and ends up on his property each year will be illegal without being permitted? In our ordinance, we enforce the

shoreland zoning, and this would be considered a non-water dependent structure and would need to meet the structure set back on the property which is usually 75 feet from the high water mark or the top of the bank. We are enforcing it, we don't need the standard, but it's not clear. The clearest standard is on page 23, 2nd paragraph down #16: "When not in use a functionally water dependent structure, all temporary portions of a project shall be stored to meet the required shore setback of the applicable Shoreland Zoning District". If this wasn't in hear the CEO would not come and say the docks that you have been storing on the shore for 20 years are in violation. He could come today, but he'd have to cite in a very confusion way how it violates instead of reading the clearer ordinance language and we can do that because we regulate structures in the Shoreland Zone and their setbacks. Councilor Bradley would move to strike this standard language (#16) however, we can enforce it now. He would prefer to not make it clear and let DEP come down. DEP is saying we have a correct interpretation of the standard. It is a minor violation on a couple hundred parcels in town, but it's not at the top of our list for the past 5 years. Project Review Board is making sure the storage issue is addressed when a new application for a dock is received.

Councilor Fournier was concerned about the enforcement aspect and potential abuse or use of the standard to perpetuate neighbor complaints. If we want to address the area where the sea grass comes in and tidal areas like that, he is comfortable. He's not comfortable doing every shore around the area. The tidal areas are already covered.

Mr. Morse clarified #16: this is the section suggested by DEP for enforcement. Section 8. Approved. a.iii-this is the other controlling language that is not in the town ordinance today. It falls under umbrella to regulate piers, docks and wharfs the town needs to incorporate this core language. If you scrap the recommended language, there is nothing the DEP can do about that because it's not in the State's language. If you scrap Section 8.a.iii-(no more than one pier...), he can't predict what the DEP would do with that but he envisions that they would issue a conditional order where they approve the amendments but add this as a condition. This applies to applications for new projects.

When this issue arouse with DEP, Carter Becker and Tim Forrester where instrumental in trying to amend this statutory language to allow for a float haul out in addition to a pier ramp or float project.

In regards to storing a float, we don't need to have the language in the ordinance and we are correctly interpreting that you can't store a float within 75 feet of the high water mark or top of the bank. Our Code Officer should still enforce that requirement even if not in our ordinance.

Would this be retroactively enforced? It is enforceable today, but that's a question for the Codes Officer.

MOTION: To close the Public Hearing (Daniele & Lawrence) **VOTE:** (6-Ayes)(1-Excused)

BE IT ORDAINED: That amendments to Chapter 31- Coastal Waters Ordinance be adopted. **MOVED AND SECONDED:** (Daniele & Lawrence) **VOTE:** (6-Ayes)(1-Excused-Egan)

MOVED AND SECONDED: To add the proposed amendments to Coastal Waters Ordinance changes per all DEP changes noted in blue text of the presented document. (Daniele & Lawrence) **VOTE:** (5-Ayes)(1-Nay-Bradley)(1-Excused-Egan)

MOVED AND SECONDED: to strike Article 13, Section 8 subsection xvii- “when not in use as a functionally water dependent structure, all temporary portions of a project shall be stored to meet the required shore setback of the applicable Shoreland Zoning District”. (Lawrence & Fournier) **VOTE:** (6-Ayes)(1-Excused-Egan)

MOVED AND SECONDED: to strike Article 13, Section 8 subsection a. subsection iv “for projects in tidal areas, except for the float portion of a project, any project used for non-commercial uses shall not be wider than six (6) feet” and and renumber the sections accordingly (Piltch & Lawrence) **VOTE:** (6-Ayes)(1-Excused-Egan)

Note: Proposed amendments include text changes to make sections of the Ordinance consistent with the minimum requirements of the State of Maine’s Mandatory Shoreland Zoning Act; updated standards for Float, Dock and Wharf permits including a new standard for the length of a Float, Dock or Wharf; removal of an outdated reference to aquaculture; removal of fees from the Ordinance text; and additional non-substantive text amendments.

(Town Planner, Caroline Pelletier)(30 minutes)

ITEM # 94-22

To consider action relative to amendments to Chapter 21-Freeport Zoning Ordinance, including removal of Shoreland Zoning regulations and additional non-substantive text amendments throughout the Ordinance. **PUBLIC HEARING**

This is the new ordinance with the Shoreland Zoning removed and a lot of language clean up. Two things to note, we are repealing the Shoreland provision and there was a section we have used for map corrections. Any changes to the map are Zoning Map amendments and you need to treat them like that, i.e. it has to go through Planning Board and Council hearings and council approval.

This adds a provision for Board of Appeals-if someone in the shoreland goes for a variance, we have to notify DEP. Also, there was a standard under Site Plan Review, one of their standards for environmental consideration is based on DEP language and that has been updated.

MOTION: To open the Public Hearing **MOVED AND SECONDED** (Pillsbury & Lawrence) **VOTE:** (6-Ayes)(1-Excused-Egan)

MOTION: To close the Public Hearing **MOVED AND SECONDED** (Pillsbury & Lawrence) **VOTE:** (6-Ayes)(1-Excused-Egan)

BE IT ORDAINED: That amendments Chapter 21-Freeport Zoning Ordinance be adopted. **MOVED AND SECONDED** (Pillsbury & Lawrence) **VOTE:** (6-Ayes)(1-Excused-Egan)

Note: Text amendments are proposed to the following Sections: Section 104, 201, 202, 203, 204, 302, 304, 402, 403, 404, 405, 406, 407, 407.A, 408, 409, 411, 412, 413, 414, 415, 416, 417, 418, 420, 421, 422, 423, 424, 425, 426, 428, 504.A, 504.C, 504.D, 505, 507, 509, 515, 520, 524, 525, 526, 526.A, 527, 528, 531, 534, 601, 602.

(Town Planner, Caroline Pelletier)(30 minutes)

ITEM # 95-22 To consider action relative to setting a public hearing to discuss the FY23 Operating, Capital and TIF Budgets.

BE IT ORDERED: That a public hearing be set for June 7, 2022 at the Town Council meeting that starts at 6:00 pm. to discuss the FY23 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.

MOVED AND SECONDED:(Bradley & Lawrence)**VOTE:** (6-Ayes)(1-Excused-Egan)

(Finance Director, Jessica Maloy) (5 minutes)

ITEM # 96-22 To consider action relative to setting a public hearing to discuss a new liquor license application for Sam's Italian Food.

BE IT ORDERED: That a public hearing be set for May 17, 2022 at the Town Council meeting that starts at 6:00 pm. to discuss a new Liquor License application for Sam's Italian Foods at 7 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.

MOVED AND SECONDED:(Bradley & Lawrence)**VOTE:** (5-Ayes)(2-Excused-Egan & Fournier)

(Council Chair Piltch) (5 minutes)

ITEM # 97-22 To consider action relative to setting a public hearing for May 17, 2022 at the Town Council meeting starting at 6 pm in the Town Council Chambers at 30 Main Street, Freeport to discuss proposed amendments to Chapter 31- Coastal Waters Ordinance in regard to Mooring Assignments.

BE IT ORDERED: That a public hearing be set for May 17, 2022 at the Town Council meeting starting at 6 pm in the Town Council Chambers at 30 Main Street, Freeport to discuss proposed amendments to Chapter 31- Coastal Waters 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.

This would incorporate into the changes to the Coastal Waters Ordinance that we just made tonight. These changes involve moorings outside the Harraseeket River. It is the CWC (Coastal Waters Commission) that is bringing this forward and promoting mooring fees and assignments outside the Harraseeket Harbor. The Chair stated this has been discussed the CWC for at least 3 years.

Jeff Stenzel, member of the CWC, explained that there has been an expanding number of moorings outside the anchorage and the Harbor Master is concerned about safety issues. He wants to keep track through registration of these moorings. Not imposing the same fee structure as inside the anchorage. He wants to ensure the safety of the both the placement and how they're constructed and how they are configured. It will be a light touch. The waiting list is years long and with the growth of aquaculture, it has created some conflicts.

Councilor Bradley inquired about the number of man hours required to carry out the provisions. The Harbor Master did not address that but he is out and about also with his Shellfish Warden duties. He's also responsible when people submit permits for LPAs and Leases, he has to go out and give feedback to the State so he is all over these waters. The CWC was asked to come back to the Public Hearing with more information on man hours and costs. Mr. Stenzel's understanding is that the Harbor Master had already gone out and tallied the number of moorings this would affect.

MOVED AND SECONDED:(Fournier & Lawrence)**VOTE:** (6-Ayes)(1-Excused-Egan)

(Harbor Master, Charles Tetreau) (5 minutes)

ITEM # 98-22	To consider action relative to an EMS Week Proclamation May 15- May 21, 2022:
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Chief Conley explained that this is an annual event. Back in 1974 President Ford signed into Proclamation that in the month of May we would celebrate EMS and honor our workers. He is developing ways to highlight the EMS workers in Freeport as we have had a few tough years with COVID fatigue. During the week of May 15- 24 they will have some special events and trainings to honor.

WHEREAS, emergency medical services is a vital public service; and

COUNCIL MEETING #09-22
MAY 3, 2022

WHEREAS, the members of emergency medical services teams are ready to provide lifesaving care to those in need 24 hours a day, seven days a week; and

WHEREAS, access to quality emergency care dramatically improves the survival and recovery rate of those who experience sudden illness or injury; and

WHEREAS, emergency medical services has grown to fill a gap by providing important, out of hospital care; and

WHEREAS, the emergency medical services system consists of first responders, emergency medical technicians, paramedics, emergency medical dispatchers, firefighters, police officers, educators, administrators, pre-hospital nurses, emergency nurses, emergency physicians, trained members of the public, and other out of hospital medical care providers; and

WHEREAS, the members of emergency medical services teams, whether career or volunteer, engage in thousands of hours of specialized training and continuing education to enhance their lifesaving skills; and

WHEREAS, it is appropriate to recognize the value and the accomplishments of emergency medical services providers by designating Emergency Medical Services Week; now

THEREFORE, be it resolved: that May 15-21, 2022 be proclaimed as emergency medical services week in the Town of Freeport.

MOVED AND SECONDED:(Daniele & Lawrence) **VOTE:** (6-Ayes)(1-Excused-Egan)

(Fire/Rescue Chief Conley)(10 minutes)

ITEM # 99-22 To consider action relative to amending the Town of Freeport Fee Schedule.

These are relating to the Coastal Waters Ordinance and the removal of fees from the ordinance. That allows us to amend the fees at any time rather than amending the Ordinance. The fee schedule will be returning on the next agenda to deal with moorings outside the anchorage.

BE IT ORDERED: That amendments to the Town of Freeport Fee Schedule be accepted. **MOVED AND SECONDED:**(Bradley & Daniele) **VOTE:** (6-Ayes)(1-Excused-Egan)

(Town Planner Caroline Pelletier)(5 minutes)

TABLED:

Chair Piltch explained that we have the following two tabled items that have been basically replaced and are essential mute now with the amended Zoning Ordinance and new Shoreland Zoning Ordinance adoptions. The Council can take a vote to take them off the agenda or just not act on them and they go away. We technically still have a standing motion on the floor that was tabled in October and the town manager would recommend to just vote it down. It's on the table so there needs to be a yes or no vote or

a vote to table it indefinitely. Discussion continued on the best course of action to dismiss these two tabled items.

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.

VOTE ON THIS PREVIOUSLY TABLED ITEM: (6-Nays)(1-Excused - Egan)

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.

VOTE ON THIS PREVIOUSLY TABLED ITEM: (6-Nays)(1-Excused - Egan)

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. Discussion RE: South Freeport Duplicate Street Names (Town Manager, Peter Joseph)(5 minutes)

In the early to mid 90's for E911 purposes the town explored renaming three duplicate streets in South Freeport: Main, Middle and Park. There was pushback from homeowners. The town E911 addressing committee did some research, talked with state officials and were advised that as long as the town could differentiate between the street names in our dispatching system. What resulted was the suffix SF being added to the streets in South Freeport. While not ideal, that works for dispatching at this time. For example, there is a 30 Main Street and a 30 Main Street SF both with 04032 zip codes. There are approximately 15 duplicates like this example. These addresses in South Freeport are not able to be added into the postal service database because SF is not a legally recognized suffix. So these people do not exist in UPS, Fed Ex, DHL, USPS databases. The complaint was brought to us that these residents are not able to receive packages as they end up at the post office. They get bounced around and most times sent back. Renaming the streets was massively unpopular. We spoke with USPS, they said the SF is the problem not that we have two streets with the same name. We need to change it to just S, which is recognized by the post office. That is the staff's recommendation. The town manager is asking for the Council's thoughts on this before he sends out notices to those affected.

Councilor Lawrence suggested making the official name of the street Main Street SF, so the suffix is actually part of the name. We could call it Main SF Street but that would mean changing account names and things like that. What we can do is call it Main Street S. Those addresses don't receive mail. However, legal addresses for voter registration, driver's licenses and passports and the major shipping agencies are tied to that.

We could also change the name to South Main Street or Main Street S which is what the post office will recognize. This is going to get people riled up and Councilor Fournier thinks we should go with South Main Street to ease confusion for EMS also. It's used for parcel addresses and legal addresses. They want a suffix after street to make it a different street for 911 and the postal service.

The town manager's proposal is to send out notices to get feedback to see how impactful this will be. The real issue is that people are having trouble getting packages and they are driving the issue. Councilor Pillsbury supports getting the resident's opinions and do what best serves them. This does not incorporate anything the Postal Service might do or change.

The plan is to send out a letter from the Assessing Department saying we are considering this. The town manager will bring it back to the Council.

COUNCIL MEETING #09-22

MAY 3, 2022

***Joyce Clarkson-Veilleux came to the podium to speak on a Item 97-22: setting a public hearing for amendments to the Coastal Waters Ordinance in regards to moorings outside the Harraseeket Harbor. The town was having technical difficulties with the Zoom feed and she could not make her comments from home. She is here to answer Councilor Bradley's question as to why no one was here this evening to talk about this item. She informed the council that it was because no one knew about it. It has not been on the agenda for the CWC agenda for the last 3 months. She is concerned as a boat owner, living on the coast and follows the CWC. There has been no notice or public hearing at the commission level. She is requesting that we rescind the Public Hearing just set and send it back to Coastal Waters for them to notify the public and have a public hearing on this issue.

Chair Piltch encouraged the public to attend the public hearing and speak on the issues at that time. We don't have to vote on it next week. We can make suggestions to go back to CWC or the Ordinance Committee. We may not want to take action next week. The minutes have not been published for public viewing. Councilor Bradley agrees with Joyce due to some of the conversations we just had on Item # 97-22. There may be a fair amount of development that still needs to occur on this and thinks it should be flushed out at Coastal Waters before it comes to the council. The public hearing we just set can be tabled at the next meeting to a future date. That item could be reconsidered or it could be tabled. She asked for a consensus of the councilors that this would be tabled on May 17th, which she got.

Ken Mann-Has had a mooring for 50 years and this is 3rd time the town has tried to regulate moorings outside of the harbor. Every time they do there is public interest and the reason they are not here is because no one knows about it. He disagrees with the proposal to have residents with rights of ways have their moorings lined up with that right of way. This needs more work and go back to CWC. Why doesn't the council just repeal the public hearing for the 17th and send it back and not waste time?

We could reconsider this item, but the Chair is hesitant to make that change as the public may already be under the belief the public hearing will be held in 2 weeks. Councilor Fournier would rather repeal the public hearing as it's cleaner. The Rules of Order were checked and it was determined they could take a motion to reconsider. Councilor Pillsbury is not comfortable with reconsideration of the item.

MOVED AND SECONDED: To reconsider the item setting the public hearing for May 17, 2022 and vote to rescind our decision to hold a public hearing on the item pending the Coastal Waters Commission consideration of the issues. (Bradley & Lawrence)(4-Ayes)(2 Nays -Piltch & Daniele)(1-Excused-Egan)

Councilor Daniele asked about the process for taking things out order and changing the Rules of Order in order to take this up for reconsideration. The town manager spoke about keeping to the Rules of Order and the importance of public perception when we don't follow them.

MOVED AND SECONDED: To take the item (#97-22) out of order on our agenda. (Lawrence & Bradley)(5-Ayes)(1-Nay-Piltch)(1-Excused-Egan)

We do not have a public hearing for #97-22 and to refer it back to Coastal Waters Commission.

2. Budget Presentation (Town Manager & Finance Director)(30 minutes)

Jessica Maloy presented a Powerpoint presentation of the budget to the Council starting with Proposed Tax Changes for FY2023. For FY23, the county is coming in at a levy increase of \$2,233 dollars. The RSU is proposing an increase of \$593,363. Transit came in at an increase of

COUNCIL MEETING #09-22
MAY 3, 2022

\$3,231. The RSU still needs to be voted on. The local levy is being proposed at an increase of \$534,800. The total proposal that is before you is for all four taxing bodies is a .55 cent increase to the mil rate.

The town manager talked about his philosophy in providing the tax levy first, because that is what we are sending to the tax payers. There is a big number showing for budget expenditures, but you will also see on revenues a big number. His focus is the levy impact because that's what you are taking out of people's pockets.

The town has a 1,201,000 increase in expenditures this year. The major drivers were additional staff positions (\$335,000) considered, COLA (\$225,000) as well as salary and benefit changes (\$129,000), increase in paving budget-overlays (\$100,000). The town manager clarified the additional staff positions (PD Mental Health Professional, Zoning Administrator, Fire/Rescue Conversion and a Sustainability Coordinator).

Continuing with expenditures, we have grant matches of \$60,000, \$40,000 for ordinance work, \$36,105 for Debt Service increase and Miscellaneous of \$276,000.

There is an offsetting revenue of \$666,200. Increases include \$425,000 revenue sharing increase, \$75,000 use of fund balance, \$50,000 building fee income increase, \$50,000 excise tax increase, \$35,000 interest income increase and \$20,000 solid waste.

This means there is a tax levy impact which is equivalent to 9.9%. Which would mean from our municipal FY22 tax rate of \$2.81 it would increase to \$3.07. Some items for consideration that are were not included are: new communications position of \$100,000, Port Teen Center \$8,250 (historically supported-application not received in time), Grange Hall of \$10,000.

May 11th-Public Information Sessions: 7:30 am – 8:30 am, 5:00 pm – 6:00 pm in Council Chambers

May 17th – Council Workshop

June 7th – Public Hearing on Operating Budget

June 21st -Target Date for Budget Adoption.

The town manager took some time to speak on the inflation numbers in relation to our municipal levy increase. The last two budget cycles the budget has been held flat through the Covid pandemic. This year you are seeing the items that were cut or put on hold the last two budgets. The biggest increases are in programs we've been asked to include. The ARPA funding can be used here, but that is a one-time revenue. Councilor Bradley encouraged a grant administrator position. Could that tie into the Sustainability position? It would be tough to find someone who is a grant writer let alone a grant writer with sustainability skills too.

MOVED AND SECONDED: To adjourn 10:45 pm. (Lawrence & Bradley)(6-Ayes)(1-Excused-Egan)

END OF AGENDA (Estimated time of adjournment 11:05 PM)

COUNCIL MEETING #09-22
MAY 3, 2022

	OUTSTANDING OR UPCOMING ACTION ITEMS	INITIATED ON	PROPOSED BY	ADDITIONAL INFORMATION
#1	Review of Town fee schedule this year	1/4/2022	Councilor Pillsbury	Tasked for 2022
#3	Schedule dates for touring facilities		Chair Piltch	
#3	Schedule dates for touring facilities		Chair Piltch	
#6	Set process for how we are going to accept applications for ARPA funding before summer		Chair Piltch	
#7	Determine if our Capital Reserve Budget is properly funded and we have a proper schedule to set our budget priorities		Councilor Fournier	
#9	Explore new fire rescue substation in District 2		Councilors Fournier and Bradley	
#10	Resolve Water Tank Contract		Mr. Joseph	
#11	Sewer district committee work			
#12	Divestment Discussion and Investment policy		Councilor Piltch	
#13	Planning and Codes Permitting policies			
#15	Discuss Readiness Team & Prioritization Team for future initiatives	March 2022	Chair Piltch	
#16	Attend RSU Budget meetings- send new Superintendent a letter to work with us on schedule-legislative action	4/19/22	John Egan	

MINUTES
FREEPORT TOWN COUNCIL MEETING #10-22
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, MAY 17, 2022
6:00 PM

Chair Piltch called the meeting to order at 6:00 pm

	PRESENT	ABSENT	EXCUSED
Councilor Chair Daniel Piltch, 25 Quarry Lane	X		
Council Vice Chair, John Egan, 38 Curtis Road	X		
Councilor Matthew Pillsbury, 36 Todd Brook Rd	X		
Councilor Chip Lawrence, 93 Hunter Road	X		
Councilor Darrel Fournier, 3 Fournier Drive	X		
Councilor Jake Daniele, 264 Pownal Road	X via Zoom		
Councilor Edward Bradley, 242 Flying Point Road	X arrived at 6:20 pm		

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood for the Pledge of Allegiance

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #09-22 held on May 3, 2022 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting # 09-22 held on May 3, 2022 and to accept the minutes as printed. **VOTE:** (Lawrence & Fournier)(5-Ayes)(1-Absent)(1-Abstain-Egan)

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

On June 14th the Council has a joint workshop with the Conservation Commission here in Council Chambers to talk about HedgeHog Mountain and what we want to see done with the property. There is a mountain bike trail proposal.

Freeport Players are having a live show at MeetingHouse Arts June 10-12 and June 17-19. The show is "That's Life". Come have some laughs.

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

The Winslow Park Commission met and the ramp project will be done at the end of the month. The playground project will probably be done in the fall due to some problems with the bid process. They don't want to disrupt summer activity.

Councilor Egan attended the ACAF board meeting in April as the Council liaison. They are busy so sign up for their email. They are in the process of establishing a strategic plan, laying out elaborate fund raising goals. They are coming out of pandemic on good footing.

The Downtown Task Force, which is made of mostly people from boards and committees plus a handful of members of the public, met on May 5. They talked through their working document which is made up of 75-80 items that were in the back of the Principle Group report. Chair Piltch asked people to sign up

COUNCIL MEETING #10-22
MAY 17, 2022

for a line item in which they think their group can spearhead. They will report back to the Task Force, which will hopefully meet monthly. This will be a good place to coordinate and say “this group, needs that group in order to do something”. It will also be a place to filter and prioritize funding to bring back to Council. The group has no authority, but will dig into the weeds. They are meeting again on the 26th via Zoom and the public is welcome to attend. If progress is made it may come back to the Council on June 7 or the following meeting including a list of requests and suggestions for prioritization. Brett Richardson of FEDC is going to start tracking grant requests. Complete Streets has also reviewed this document.

The Police Advisory Committee met last night (May 16). The meeting prior, the guest was a social worker that has worked with Portland and Westbrook programs and talked about what that looks like. The group is endorsing the idea of hiring a full time social worker embedded in the Police Department. They are willing to help with writing the job description and the search process. They encouraged the town to pursue grant opportunities to fund this position as other municipalities have.

Councilor Pillsbury inquired about the current situation with Portland’s Asylum Seekers and the restrictions Portland is making to their city budget to limit expenses. We do have some Asylum Seekers here in Freeport. Portland’s defense is that they are not going to stop helping people but are going to start following the same standards other municipalities have for 15 years. Voucher placements are nothing new to Freeport. We have had voucher placements in our hotels over the years. For general assistance purposes, if someone wants to reside in this community, they are considered a resident. We are not expecting a huge amount of new cases. That number may go up, we are going to watch. The State was providing Portland with 90% assistance and that may be available to other municipalities also. It is going to be affected heavily by availability of hotel rooms. We need to ask for updates from FEDC/General Assistance on a regular basis.

Councilor Fournier: We are a destination location and we have lost 2 motels in the last few years. Can we track to see the impact on the town? From a business standpoint they are doing better with the rooms being used by voucher recipients than having them remain vacant. They are individual business owners and they need to figure out what works for them. He wants to know if there will be enough rooms for people to come and stay in Freeport. This will have to play out.

Councilor Bradley asked if we are we promoting the relocation of immigrants to our town? The manager stated we are not. The Casco Bay Lodge had contracted individually with the City of Portland to house people. If someone is objecting to the relocation, the town would have land use and licensing control over the hotels, but these are private contracts and we would have no say. Whether there is an impact to the town will depend on if these people come to the town for assistance. It is very defined in law how we process those applications. Towns, like Portland, have been going above and beyond those standards for years. 70% of funding is provided by the State and 30% by the municipality. We are not playing an active role in the relocation, but we do have to respond if someone makes a general assistance application.

Island Rover Update:

The town has met with the executive director of Wolfes Neck Center. He was open to the idea of launching from the farm, as long as due diligence is reached. Town staff has a meeting with the full board of the Center to present the issue and get their input.

FIFTH ORDER OF BUSINESS: Town Manager’s Report 15 minutes)

COUNCIL MEETING #10-22
MAY 17, 2022

The Memorial Day Parade will be at 10 a.m. this year. There is a ceremony immediately following at Memorial Park on the Corner of Bow and Park Street.

Road Project Updates: Pownal Road is a State paving project. It is a shim and overlay job, not a comprehensive rebuild project. Two other big State projects are the MDOT bridge replacements at Exit 20 & 22. We have had several complaints about traffic control at the Exit 20 Bridge project. They will be installing Jersey barriers and traffic lights, but the flow is being controlled at this time by flaggers. Morning traffic is experiencing backup problems. The town is trying to get the State to address the issue. The plan is to maintain two-way traffic throughout the construction. Not the single lane with no jersey barriers that you are seeing now.

The Maine Municipal Association is looking for volunteers for the Legislative Policy Commission. If any elected official, including the Council, would like to serve they are welcome. There is a time commitment. If you have interest in State policy this is an interesting several hour weekly debate on what MMA's position will be on upcoming legislation. About 70 officials serve on that committee.

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

Bob Lothrop 138 Wardtown Rd: Asked if the lights on Desert Rd will be permanent. It was clarified that there will be permanent lights, but not at the location they are currently at. He had a concern about a property behind him on Renee Rd that they are looking to expand to be non-draining. It is actually on the Project Review Board agenda tomorrow night, May 18 at 6 pm in Council Chambers. His property has culverts on either side and after dredging last summer his yard was completely flooded. He can't mow it and has to wear boots to mow. He wanted to speak with the developers tonight so he could ask them directly.

The dredging at Florida Lake will happen in 3-5 years and they will lose a lot of their property if this continues. He would like to speak to his District Councilor in the future. He was directed to speak with the Town Planner. Last year he did speak with the Town Engineer and Public Works but since then he has seen more and more deterioration. Staff will get in touch with him and his concerns will be forwarded to the Project Review Board. He was encouraged to photograph his property under different conditions.

Joyce Clarkson Veilleux, Police Advisory Committee Chair: The Police Advisory Committee is advocating for the town to look at establishing a position for a trained mental public health or a social services worker embedded in the Police Department. This person would be able to provide intervention, education, outreach and case management. This person would work independently and would be a connection between the residents and the treatments, services and facilities throughout the greater community. There are grants available for this position. Fifteen communities in Southern Maine have this position currently. They are suggesting a liaison with Pownal and Durham because of RSU5.

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

COUNCIL MEETING #10-22

MAY 17, 2022

ITEM # 103-22

To consider action relative to a new liquor license for Sam's Italian Food.
PUBLIC HEARING

MOTION: to open the Public Hearing (Pillsbury & Lawrence)**VOTE:** (7 - Ayes)

Sam's is reopening under new ownership. The liquor license is new. Sam's has always been a stable business.

MOTION: to close the Public Hearing (Pillsbury & Lawrence)**VOTE:** (7-Ayes)

Councilor Bradley expressed concern about the owners/managers listed on the Liquor License application. The majority share holder at 80% is Trans Shares and we have no idea who or what this company is or who the owners really are or what they produce, they are a dark hole to us. The only process that included a background check was the Victualer license application which was recently repealed. We are the first level of approval before State approval. Our approach in the past for a first-time license is to approve and then if there are problems the State will repeal the Liquor License. Councilor Bradley feels we should ask the exact same questions of the corporate owners as we do for the individual owners and he is uncomfortable with not knowing about the corporation that is most likely setting policy at 80% ownership.

Mr. Joseph: Generally when they are reviewed if the applicant has had issues and problems the license would not be approved. Previous practice has been to approve a first-time license unless otherwise known as a problem. We have not previously background checked applicants. Councilor Bradley would be happy with issuing a conditional approval and have staff review of the information provided from Trans Shares. He is not trying to hold up the process.

Councilor Fournier would be comfortable approving conditionally, with staff review. We are trying to bring business in and we are saying they are guilty before they get here. He supports approving the license.

Councilor Pillsbury: They have filled out the form as they have been asked to and we are making the assumption that they are guilty before proven innocent. We can change the process but they have completed the process as asked.

This public hearing was published publicly for last meeting and tonight. If people have a problem, they could be here tonight and speak for or against and since no one is here then the Chair is comfortable supporting the license tonight.

The form cannot be changed as it is a State Liquor Licensing form and the hearing tonight is required by the State before they will approve the license. If there were applicants that you didn't want to have the license, the municipality could deny the license. The State is the second level of approval. A denied applicant could appeal the denial. The Clerk's Office has a good relationship with Liquor Licensing and they will advocate for us and hold liquor licenses to persuade compliance of municipal issues.

Councilor Daniele searched the companies profile online. The company is a financial technology company based in York that specializes in transitioning small businesses into employee owned operations. They currently have fifty businesses they operate right now.

COUNCIL MEETING #10-22
MAY 17, 2022

BE IT ORDERED: That a new liquor license for Sam's Italian Food located at 7 Main Street, Freeport be approved. (Pillsbury & Fournier)**VOTE:** (7-Ayes)

(Council Chair Piltch) (5 minutes)

ITEM # 104-22 To consider action relative to setting a public hearing to discuss a new liquor license application for Freeport Oyster Bar.

Ken Spartan supports making the process more business friendly in Freeport and suggested a check list to assist new potential business owners. He applauded the repeal of the Victualer License Ordinance. The Council did try to assist with speeding up the process for liquor license public hearings, but has to adhere to the State statute and will have the license available the night of the meeting.

BE IT ORDERED: That a public hearing be set for June 7, 2022 at the Town Council meeting that starts at 6:00 pm. to discuss a new Liquor License application for Freeport Oyster Bar at 43 Main Street, Freeport (Fournier & Lawrence)**VOTE:** (7-Ayes)

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.

(Council Chair Piltch) (5 minutes)

ITEM # 105-22 To consider action relative to the 2020 foreclosures.

The Finance Director, Ms. Maloy, explained that the article before them is to authorize the foreclosure of 93 Pleasant Hill Rd. The Municipal Facilities Committee met and agreed that it would be in the best interest to do a public bid process which needs Council approval. This is land and building. It is not a primary residence for the homeowner. The last payments made were in 2019 and the owners are not in a financial situation to maintain this property. This is a non-conforming lot. The next part of the process would be the public bid process. Councilor Fournier was pleased that there would be a minimum bid set to protect our interest. A condition of the sale would be making the lot conforming.

Councilor Bradley asked what a non-conforming lot means and what needs to be done to make it a conforming lot. He asked if this work would be done before the bid process? It would not be done before the bid process because that would put the effort on behalf of the town to make it conforming. The issue with the front lot is that it was divided incorrectly and there is a 50 foot right-of-way through the structure to the lot behind it which was split off from the original acreage. The front lot is non-conforming because the structure doesn't meet setbacks.

There are three abutting property owners that could make the lot conforming by adding to their parcel. A buyer may not buy and occupy the house. The house may need to be torn down. Anyone who buys it will most likely tear down the structure and add the acreage to their lots. The structure or the right of way may possibly be moved if an abutter purchased the lot, pending there is agreement from the owner of the back lot.

COUNCIL MEETING #10-22
MAY 17, 2022

Councilor Bradley questioned whether we should not put the condition on the lot to open it to greater sale price by opening to other potential buyers instead of just the three abutters. The average buyer would not be able to buy it and make it conforming. They would buy the land and hold the violation (which the town would probably not enforce) with no way to correct it. The only way to make it conforming is to add it to an abutter's property. Both the land and building are non-conforming because someone wrote and recorded a deed to themselves and split the land without getting municipal approval or legal review.

Councilor Lawrence pointed out that someone could buy the non-conforming lot and make it conforming if one of the abutters was willing to sell them enough land to correct the violation. The house would need to be moved or removed. It is owned by the Town since February 18th, 2022.

Could we make this available, even as a non-conforming building and lot, to provide housing in this critical shortage time? The Council could choose to not enforce any portion of their Ordinances. The manager would recommend only doing this if there is a public benefit, and it looks like they have identified one. We would want to look at the house and deal with any potential code violations first. There are identifiable problems with becoming a landlord and especially with a non-conforming lot and structure. It was described as a small workshop by Councilor Fournier and didn't think they had been allowed to live in it for several years.

The vote tonight will be on whether to place this out to bid. The bid has a baseline minimum of approximately \$10,000 including all back taxes, interest and fees (administrative costs). The Town Manager will review the bids, following the guidance of the Municipal Facilities Committee, awarding to the high bidder. The land value of \$78,000 was based on when it was being used as a dwelling. Now the land value will be what its value is to an abutter. We were taxing him based on the values below before the violation was discovered.

BE IT ORDERED: That the Town Treasurer be authorized to foreclose on the following property:

<i>018-090-00A-000</i>	<i>93 Pleasant Hill Road</i>	<i>Land & Building</i>
0.7 Acres;	Land Valuation \$78,100;	Building Valuation \$37,200

BE IT FURTHER ORDERED: That the Town Manager be authorized to sign any deeds or documents necessary to execute these transfers/disposals.
(Lawrence & Fournier) **VOTE:** (7-Ayes)

(Finance Director, Jessica Maloy)(5 minutes)

ITEM # 106-22 To consider action relative to the write off of 2021 taxes.

This is a duplicate assessment on Smiling Acre Drive. The Assessor abated the current year's assessment. Because this is last year's taxes it has to come before Council for permission to be written off. It was taxed under another map and lot and was duplicately added to this one. This happened when it was a new transfer of ownership.

BE IT ORDERED: That the Town Treasurer be authorized to write off the 2021 taxes on the following property:

<i>018-012-005-000</i>	<i>Smiling Acres Dr</i>	<i>Land Only</i>
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COUNCIL MEETING #10-22
MAY 17, 2022

Duplicate Assessment (Bradley & Lawrence)**VOTE:** (7-Ayes)

(Finance Director, Jessica Maloy)(5 minutes)

OTHER BUSINESS:

1. Discussion of Parklet(s) for summer 2022 (Town Manager, Peter Joseph)(5 minutes)

MDOT has to consent to these locations and will want to see minutes of the meeting approving the Parklet. The proposal from staff is to replace the parklet in front of Derosier's that was present last summer. There is some manhour costs for the construction of the parklet by Public Works. We currently have not been asked for any other locations, but the Council should have a discussion about how these would be handled.

Councilor Bradley spoke about the process for approving Principle Groups recommendations such as this. He doesn't want to see these decisions made without the process that goes with the prioritization for implementation of all the recommendations. Why pick this project over something like the band stand at Memorial Park? Is there something about this parklet that makes it low hanging fruit. What part does this decision play in the adoption of action items that Principle presented to us, that we are still creating a process to deal with.

There is a process for prioritizing all the 80 items on the list from Principle and the Chair doesn't believe this is even on the list. This was a quick hit early action to see if the community liked it. He's not sure if this project affects any others and there is no budget request with it. Other early action projects include the Skate Park which is also coming back. Councilor Lawrence spoke in favor of moving forward with the Parklet. There will be a phase when these will go away if Main Street is redesigned in a few years and these are incorporated into a new design.

Councilor Fournier spoke about the need to treat everyone fairly and if other businesses want to have Parklets they should be allowed the same right. The Town Manager asked if the Council would like to have an approval or review process for future Parklet requests. We haven't had any other requests from businesses. Councilor Lawrence supports a process for the time period between now and when they adopt what they are going to do from the Plan. The early action plan supported Parklets. If the Council supports this and examining other locations, we can come up with a plan to review them and bring them back for Council approval.

A parklet is something in the right-of-way such as a seating area or some type of a mini park feature within the road right of way. Typically, they are eatery bump outs into parking areas. Last year other businesses were asked and none had interest in a Parklet.

Councilor Fournier questioned our liability if someone is injured. Mr. Joseph stated that we are responsible in the sense that if someone is injured in Freeport, the Town could be named in a lawsuit. The real legal consideration is if there is negligence. There are standards that must be met. MDOT does not approve them without jersey barriers that are angled, and we have to send a site plan. We are always going to be subject to being sued.

Councilor Fournier also reiterated that he wants to ensure that all businesses that may ask for this type of approval are all treated equally. If a business on Route 1 South wants a tent or similar, they should not be

COUNCIL MEETING #10-22

MAY 17, 2022

told they have additional requirements such as a sprinkler system for example. He will support the Parklet if he can be reassured on this.

The Chair explained that earlier in the year we had eased up on our restrictions on temporary outdoor seating so tents could be put up on their property. A Parklet on Route One South would be dangerous. The Parklet will return for Council approval until they pass an Ordinance that allows it or Main Street is redesigned. The design process should take into consideration that we have had these successful parklets and they should be incorporated into the Main Street redesign. The Town Manager said we don't need an ordinance because it's a use of town property approval that would be needed.

Councilor Lawrence would like to see this earlier next year.

Everyone in favor of putting the parklet back up in the same location as last year and other potential parklets may be brought forward for staff review and Council approval. At least 5 councilors were in favor of this.

2. Short Term Rental Registration Ordinance review-(Chair Piltch)(30 minutes)

Review of Short-Term Rentals: This started July 1, 2021 and the first registration cycle ended March 1, 2022. There were 53 STRs, 11 new for this year, 4 renewals were late and paid a late fee.

Councilor Fournier: Is it important to have a drop dead date, can they register any time during the year and do we need a late fee? The Chair mentioned that they instituted the late fee for people who may think "I won't register till they catch me and when someone catches me, I'll register then since there is no penalty or late fee". Councilor Lawrence does not support the late fee. He would like the ordinance to be pared back to require name of owner (so we can call owner) and for safety have a fire extinguisher in the kitchen. All the rest of the STR Ordinance is covered in other ordinances. We had zero problems with the compliance of the ordinance standards and had no complaints. There were seven that got hung up and couldn't be approved because they had problems that needed to be addressed. We've had zero complaints against registered short-term rentals that were then found to be true and that we had to take action on. Councilor Lawrence pointed out that we thought we had a huge problem, but there were zero violations. There are more rentals than registrations, so there are more out there that need to comply. He does agree that we should have people register so we know where they are, who they are and who owns the property so we know who to call.

The Town Manager explained the difference between having a Short-Term Rental and operating an Inn/B&B as defined by the number of bedrooms in our Ordinances. If the full house is rented it's a Short-Term Rental, if just rooms are rented it would be Inn/B&B.

The application is a complicated document and Councilor Fournier wants to know if there is a way to make it simpler. This year we registered 55 properties. Three hundred STRs are our cap so that we don't see what has happened in other communities where the housing stock was eaten up by STRs. The peak before COVID was about 150 properties being rented.

What inspection or town efforts were made to determine whether violations occurred in the 53 registered rentals? No resident complained about any STR, but no town staff inspected to determine if there were any violations outside of the application process. We don't really know if they have fire extinguishers, but no one complained. There are roughly 20-50 that are on a platform that are not registered. Some of the platforms do not allow us to specifically identify

COUNCIL MEETING #10-22
MAY 17, 2022

the property address or property owner from initial searches. Today the number of listings for Freeport, or purported to be Freeport, had ballooned to 125.

The Chair suggested reaching out to the hosts using email through the Airbnb platform to let them know they need to register with the municipality.

Councilor Daniele reminded that not everyone has to register their STR as the ordinance allows for up to 14 days in each year without the registration requirement. These people could be advertising on Airbnb and not be in violation. Some of these postings could be just one or two week annual rentals while people are away themselves.

The Clerk went on to explain that applicants struggled with the application process in a few areas including providing the property deed, providing insurance documents that had the required minimum coverage and lastly being able to provide proof of the legal number of bedrooms. The house may have sold as a 3 bedroom, but it was only ever permitted as a 2 bedroom. This is where the Code Officer has found some issues that needed to be corrected by the property owner before we would issue the license.

The seven outstanding ones are a little bit deeper and may require resolution at the Council level. These issues were found through having the STR Registration process. One of the seven is being resolved with a Consent Agreement that has already been before the Council.

Councilor Pillsbury asked how this ordinance originated and where we got the language from. It started out with a citizen recommendation. The language was borrowed from several other municipalities, along with the Ordinance Committee, Staff, citizen and lawyers all weighing in. The first year seems to be going okay and there is a movement to simplify it. Should we have staff look at it to see if things could be removed or amended rather than having the Council sit up here and try to dissect it out? It can then be brought back to the Council to say, if you want to simplify it, here are some options. Each of these points have already been painfully hashed over for at least 5 hours. Everyone had a reason why each of these points be in the ordinance, so the Manager is hesitant to suggest any be removed.

Councilor Bradley's recommendation would be to send it back to the Ordinance Committee and see if we can make it a registration ordinance. This could be simplified to one page. A lot of what the ordinance holds is registration, what if it's late, what if you transfer it, basic life safety stuff which everyone supported. There is also some stuff like noise and parking. The Chair doesn't think we should send it back and if we do we shouldn't send it without a directive such as fix the parking issue. If any Councilor has a suggestion for changes they should voice them now and they can be discussed and then sent to Ordinance. It could be cleaned up to be a Registration Ordinance only. We are going to face the same issue when we start dealing with the moorings outside the Harbor, which will be discussed at length at Coastal Waters level instead of the Ordinance Committee level before coming to the Council for approval.

Councilor Lawrence feels that the insurance requirement should be removed. It is their responsibility and we shouldn't be in the middle of that. We already have an ordinance that addresses trash, so that doesn't need to be in the STR Ordinance as well. The noise complaints

COUNCIL MEETING #10-22
MAY 17, 2022

should be covered under the Noise Ordinance. The fee is fine to cover staff time, but he doesn't agree with the late fee.

Councilor Fournier questioned the occupancy requirement. Bedrooms in Airbnbs can be very different. He had heard about parking concerns so if there is not another ordinance to back that up, he supports that. He is not sure how we are going to enforce an Evacuation plan. That should be the renter's responsibility.

Councilor Egan: We had extensive conversations about whether renting out Short-Term Rentals is a business or not. If it's a business, there is precedent for protecting the public and the town having insurance requirements and rules about what you can or can't do with your business. And if it's not a business, then what do we tell the property owner who bought next to a Short-Term Rental that rents out to a whole rowdy football team. This is a business activity in a residential neighborhood. The reason we have Zoning is to define uses described and regulated. Ultimately, it was determined that we would try a registration format and to do that there needed to be parameters about what would constitute a Short-Term Rental and whether the property was safe to go in to. In the first 6 months, the initial challenges have not been whether there have been noise or parking in the street complaints. The challenges have been that people had done things to their properties and hadn't gotten the proper permits. With safety in mind, if there is a fire and emergency services arrive to find 7 people in an apartment over the garage that wasn't permitted that isn't good. That is why we have that information in the STR registration, for public safety. He doesn't believe this is control or regulation burden on the operation of the STR because we are just asking them to tell us what they're doing. The purpose was to collect data for a couple of years. We have some work to do to get the unregistered into compliance. That's not a penalty thing, we have an ordinance, and everyone needs to play by the rules. He agrees that it's functioning the way we intended, and he agrees with the Chair.

Councilor Daniele: Agrees with Councilor Egan. The first time we heard from people who wanted it stricter and from people who didn't want anything. He would prefer to leave the Ordinance as is for a little longer.

The Chair understands that there is a consensus, while not unanimous, to leave the Ordinance as is. He is welcome to talk with anyone one on one about the Ordinance. There was a 5-2 straw poll in favor of not amending the Ordinance at this time. An audience member was encouraged to speak during public comment next meeting or emailing any or all of the Councilors with comments and concerns.

3. Workshop on Operating, Capital and TIF Budgets (Finance Director, Jessica Maloy)(60 minutes)

Tonight is the Council's workshop. There is a public hearing June 7th on the budget. There will be a budget workshop on the agenda also. The budget adoption happens the second meeting in June. If there is time at that meeting, you can make changes at that time, but the Finance Director should know about them ahead of time so she can adjust the numbers for adoption. There is only a public hearing on the 7th. The Council has tonight and then one more meeting to make changes unless there is a last minute change on the 21st. The Charter requirement is the Council adopts a budget prior to the end of the fiscal year.

COUNCIL MEETING #10-22
MAY 17, 2022

The deadline is June 30th. If a budget is not adopted, the one before you will become the adopted budget. There is no chance of not having a budget. The Chair suggests a summary overview of the budget.

The major drivers that are new in the budget are the proposed programming and positions that have been discussed at the Council or Committee level. The addition of a Mental Health professional within the Police Dept. at about \$100,000 for pay and benefits is included. At this stage, we are not looking to partner with Pownal or Durham on this position. Brunswick has been looking into a similar position and we may have more luck partnering with them instead. Durham and Pownal contract Police services. Is this position something we want to provide and ask them to contract with us for. There are possible grants to fund this position. If we are going to make the position available to RSU5, maybe some sort of funding could come from them to offset the cost. The bulk of the time for this position would be responding to emergency mental health situations, i.e. drug overdoses, etc. There may be some overlap of what the School Resource Officer does, but not the bulk of their time would be at the school. They also want this position to follow up on PTSD, which is needed.

Could we not hire a new Police Officer position in order to fund this position. The Manager encouraged the Council to not do that. We have not been at full staffing in many years. Reason two is even at full capacity there are still gaps when there is single officer coverage. We would go more in that direction if by attrition we not hire a replacement and replace it instead with this new position. It wouldn't get us ahead. We also need coverage for vacations and the like so Councilor Lawrence would not be in favor of that idea. We would also have a correlating increase in overtime and reserve level funding if you go that route and your wearing employees out. The consensus of the advisory committee is that they want this position fast so want it put in the budget. The Police Department's response to this idea initially was luke warm but the more they've discussed it the department supports it. The question will be in a year's time whether it has helped. The Manager explained what the some of the job description would be.

Councilor Bradley understood that the value of this position is that it would reduce significantly the numbers of potential violent interactions between people with guns and people with training to deal with mental health issues. This could potentially avoid situations where someone is killed by an officer in a violent interaction by them responding with a firearm, as their training teaches them to do. This Mental Health person could possibly actively avoid these tragic circumstances for both the officer and the person killed. He supports this position. The Manager gave examples of how the person in this position would do exactly what Councilor Bradley spoke about.

Councilor Fournier asked if Parking Ticket revenues went into the General Fund. The Town has not had significant parking revenues for several years. Parking ticket revenues have dropped from \$75,000 to \$15,000 over the last few years. Maybe we need to hire someone as this used to be significant revenue. This was affected by lack of staff and the lack of visitors due to Covid. He would like the Chief to research whether there can be some cost savings with this new position assisting with follow up duties or shifts at the Department. This position will not cover police shifts that would otherwise be covered by a police officer. He would prefer to see a reduction in overtime rather than not filling a police position.

Major Drivers continued:

The second driver is a Zoning Administrator position at a cost of \$115,000 with pay and benefits. There is close to enough revenue in the Building Permits to cover this position. The building revenue line was increased \$50,000 from the 2022 budget.

The third item is a benefit only impact of \$80,000. It is the conversion of two full time equivalent positions from part time wages into full time Fire Rescue Supervisor with no anticipated pay increases. We will have savings on the per diem side. This also helps with retention.

COUNCIL MEETING #10-22
MAY 17, 2022

The inclusion of a part time Sustainability Advisor at \$40,000 wage impact and no benefit package. This position is not mandated by the State or Federal government, but is something the town is taking on themselves. Currently, Planning staff is spending 10 hours a week assisting the Sustainability Committee. Councilor Pillsbury asked about combining the positions of Sustainability with a Grant Writer or a Communications position. He would rather see a full-time person that would have a combination position. Chair Piltch believes it would be difficult to find a person with the correct skill set to satisfy both positions and ideally he would like to see two separate full time positions (Sustainability and Grant Writer). Councilor Bradley doesn't feel we need an expert grant writer, but instead we need someone who can harvest what is in the general register. He supports trying to put these two positions together. Councilor Lawrence supports hiring a Grant Writer vs the Sustainability Coordinator. What is the job of the Sustainability Coordinator? We need someone who can make sense of the programs for all residents. The Manager explained what some of the potential duties this position would take on. We have invested with GPCOG for sustainability too, which can be effective because we are talking to multiple communities. Councilor Fournier supports the joint position. The cost to have a full time combines position with benefits would be approximately \$110,000.

The Manager spoke about the difficulty we are experiencing in finding qualified applicants for some of the specific positions such as Zoning Administrator. Councilor Pillsbury supports all three positions and is open to separate or combined positions, but these are all assets to the town.

Councilor Daniele pointed out that our municipal budget is projected to go up 10%, which is a total levy increase of 4.25%. Do we have the political will to say 10% is a good number this year? That's the bigger question. He is uncomfortable at 10%.

If we funded some of the increases in the budget using ARPA money or more of our General Fund balance than we plan to, would that bring down the municipal budget increase and levy increase numbers? This would be a one time decrease unless we are funding one-time expenses. Ms. Maloy gave examples of both one time and recurring costs and how this would be affected by using ARPA funds. The paving and the prep for the Comprehensive Plan would both be one-time expenses. The Grant Match line is new to the budget and may be recurring. We could use \$200,000 of the ARPA money to offset those three items. The differences in the paving covered under the Operating Budget vs Capital Budget and what is one-time vs recurring costs were discussed. However, the ordinance work and the grant match may be one-time items, but it is not recommended to consider paving as a one-time expense. The Grant Match will not be a one time expense because we will continually apply for grants and this will become a regular budget line.

If we lower our municipal 10% levy increase to 5%, it would only lower the total levy from 4.25 to 3%. If the municipal increase was 0% the total increase would still be 2% (RSU portion) increase. The town budget plays a small piece in the total levy increase. Every \$50,000 saves you .02 on the mil rate. The Treasury has issued guidance on the ARPA funds in that they are designed to also assist with hiring and retaining staff even though it is a one time savings so you can jump start forward movement.

Each year the town leaves a set amount of money in the General Fund. Last year we underspent our budget by almost 1 million that will go into the General Fund. They are proposing using an additional \$75,000 to offset increased spending. That's increasing it to \$675,000. The Town has been conservative in their revenue projections and the use of budgeted expenditures. Historically, if a department was frugal with their operating budgets, that money will then in turn go into their capital reserves and be used to fund those capital investments and not have a mil rate impact. In the last few years, those margins have been compressed. We have lost major sources of revenues over the last 4 years. The expense budgets have

COUNCIL MEETING #10-22

MAY 17, 2022

needed to be increased due to increased cost of supplies including wages and benefits. The million dollars will revert to either Fund Balance or Capital Reserves. Typically, more goes to Capital Reserves than remains in Fund Balance, but any variation can occur. We do have increased revenues as Revenue Sharing is at a full 5%, which is higher than expected. The Homestead also came in higher. Of the million, \$675,000 will go towards reducing the budget and \$325,000 would go towards Capital. The \$325,000 going to Capital Reserves should be higher. Ms. Maloy would recommend putting the whole million in Capital. The roads alone are higher than that and we have a fire truck on the horizon. We are currently over funded in our Fund Balance as what the policy states is 2 months reserve. Each year, \$500,000-\$700,000 is the range that should be added to Capital. Councilor Fournier would like the Department Heads to try to find additional revenues such as Non-Emergency transport or parking enforcement.

Grants are not a revenue source as they require matching funds. It does save money, but there is a % match. There are grant matches of \$60,000 in the budget, leveraging \$300,000 worth of the money for the Mallet Street design.

The Manager has been tasked with trying to find \$250,000 worth of one-time costs that we can apply ARPA funds to that takes us to about ½ of our levy increase and take the 10% to 5%. Ms. Maloy suggested that we could use \$300,000 of ARPA funding to offset the General Governmental Services. We don't want to fund something that will be in next year's budget going forward. Councilor Pillsbury would like a chunk of the money to go to FCS for assistance. Those costs are astronomical. There is an ARPA committee that is discussing this. Councilor Bradley would like to know more about FCS funding and their other sources of revenue for this. FCS is more than willing to come talk with the Council about funding in the next week or two.

We have also talked about freezing property taxes for long time senior residents, we shouldn't lose sight of that. There is a new State program that will provide assistance in that vein. You could also ask FCS to earmark money for elderly assistance.

The Council will be reviewing Capital Reserve and Fund Balance Policies at the next meeting and talked about a few subjects in regard to what should be discussed at that time.

Motion to adjourn at 9:37 pm (Lawrence & Bradley) **VOTE:** (7-Ayes)

END OF AGENDA (Estimated time of adjournment 9:15 PM)

MINUTES
FREEPORT TOWN COUNCIL MEETING #11-22
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, JUNE 7, 2022
6:00 PM

Chair Piltch called the meeting to order at 6:03 pm

	PRESENT	ABSENT	EXCUSED
Councilor Chair Daniel Piltch, 25 Quarry Lane	X		
Council Vice Chair, John Egan, 38 Curtis Road	X		
Councilor Matthew Pillsbury, 36 Todd Brook Rd	X		
Councilor Chip Lawrence, 93 Hunter Road			X
Councilor Darrel Fournier, 3 Fournier Drive	X		
Councilor Jake Daniele, 264 Pownal Road	X		
Councilor Edward Bradley, 242 Flying Point Road			X

FIRST ORDER OF BUSINESS: Pledge of Allegiance

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #10-22 held on May 17, 2022 and to accept the minutes as printed.

-needed correction to Freeport Oyster Bar owner's name in minutes from Spartan to Sparta.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting # 10-22 held on May 17, 2022 and to accept the minutes as amended. **VOTE:** (Daniele & Fournier)(5-Ayes)(2-Excused Bradley & Lawrence)

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

- Late opening: the library will be opening at 12:00pm on Monday, June 13th for staff training. There will be no storytime that day.
- The Friends of the Freeport Community Library are having a book sale in September 2022, but they need a lot of volunteers to make it happen. Volunteers are needed for a variety of tasks. Sign up online by visiting the library's website, freeportlibrary.com.
- We will be holding a lottery for Commercial Shellfish Licenses on June 16, 2022 at 10 am. Available licenses include 3-adult resident commercial, 1-adult non-resident commercial and 2-student resident commercial.
- We have openings on various Boards and Committees including: Board of Assessment Review, Appeals Board, Cable Regulatory, Project Review Board and the Shellfish Committee. Please contact the Clerk's Office for details.

COUNCIL MEETING #11-22

JUNE 7, 2022

- The reconstruction of Spar Cove Road will start next Tuesday and should be completed within the next 45 days.
- As mowing season is here we would like to remind everyone do not blow grass clippings into the roadway as it is very unsafe for motorcycles and bicycles.
- June 22 at 6 pm in Council Chambers Community Resilience Workshop for a more sustainable Freeport. Learn about climate hazards and impacts facing Freeport and give input on project prioritization in conjunction with GPCOG. Also available on Zoom.
- The Public Works department was thanked for regravelling and grading the entrance to Florida Lake.

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

-Next Tuesday, June 14th the Town Council has a joint workshop with the Conservation Commission to talk about the future of Hedgehog Mountain. They will discuss the proposed new mountain bike trails and other items pivotal to the future.

FIFTH ORDER OF BUSINESS: Town Manager's Report (15 minutes)

-Skate Park Update: We have had complaints regarding noise, train track safety and hours of operation. We have reached out to volunteers that put it together and the police about legitimate concerns regarding train track safety. It will be posted and we are asking for skaters to limit use after 8 pm to address the noise concerns. We have asked the police to help us address this. It can't stay in that location if we can't address the concerns of the surrounding homeowners.

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

Joyce Clarkson-Veilleux shared that her elderly mother is in Maine Medical and relayed her mother's wishes to have an absentee ballot and encouraged people to vote on Tuesday.

Jay Staples thanked the Council for letting him sing on the sidewalk in Freeport. He does it out of love and wants to continue. The ordinance outlines amplification and the town could shut him down and he is willing to work with the town to rectify the issues but would like to meet with the Town administration to discuss, which was agreed to. For the town, we are concerned about the amplification and noise. Councilor Daniele spoke in favor of finding a solution so Mr. Staples can continue.

The Town Clerk for the Town Council to consider Deputy Clerk Carrie Weeman as the representative for Freeport/Harpswell on the Maine Municipal Association's Legislative Policy Committee. The Town will contact the Administrator in Harpswell to work out the details and come back to the Council next meeting if necessary.

Jodi Rayo, preacher and non-resident of Freeport, spoke to the Council in regards to also being able to preach her message on the sidewalks just as Mr. Staples does with his music. She also requested a meeting with the administration to work out the details. Mr. Joseph also agreed that we would meet and discuss those same issues regarding amplification on the sidewalks.

COUNCIL MEETING #11-22
JUNE 7, 2022

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

ITEM # 107-22 To consider action relative to adopting the June 7, 2022 Consent Agenda.

BE IT ORDERED: That the June 7, 2022 Consent Agenda be adopted.

MOVED AND SECONDED: That the June 7, 2022 Consent Agenda be adopted. **VOTE:** (Pillsbury & Daniele)(5-Ayes)(2-Excused Bradley & Lawrence)

(Council Chair Piltch) (5 minutes)

ITEM # 108-22 To consider action relative to discussing a new liquor license application for Freeport Oyster Bar. PUBLIC HEARING

MOTION: to open the public hearing (Fournier & Daniele)(5-Ayes)(2-Excused)

MOTION: to close the public hearing (Fournier & Daniele)(5-Ayes)(2-Excused)

BE IT ORDERED: That a new Liquor License application for Freeport Oyster Bar at 43 Main Street, Freeport be approved.

MOVED AND SECONDED: That a new Liquor License application for Freeport Oyster Bar at 43 Main Street, Freeport be approved. **VOTE:** (Pillsbury & Daniele)(5-Ayes)(2-Excused Bradley & Lawrence)

(Town Clerk, Christine Wolfe)(10 minutes)

ITEM # 109-22 To consider action relative to the Operating, Capital and TIF Budgets. PUBLIC HEARING.

MOTION: to open the public hearing (Egan & Daniele)(5-Ayes)(2-Excused)

MOTION: to close the public hearing (Egan & Daniele)(5-Ayes)(2-Excused)

Peter Anzuini spoke about why he moved to Freeport in 1980. He fears the Council represents newly arrived elite. There are 1,200 people on fixed incomes and inflation costs are \$3,000-6,000 in additional spending. He spoke about not expanding government services. He gave examples of how the Council has allowed this to happen over the last years including the Metro Bus Service. The original cost was \$25,000 and now it's \$90,000 and he doesn't see high ridership. Another example is street sweeping that has gone from twice a year to daily. Do we need to clean them daily? The town budget has a 13% increase and we have no authority over the school budget which just got approved at \$37 million. Tax payers have difficult decisions in what they want to cut for services. He outlined the cuts he would like to see in the FY23 Budget including many of the proposed new positions and council donations.

Brian Sloat, 27 year member of the Fire Department, spoke about the Fire and Police communication problems. The Police recently went from analog radio communication to digital. The Fire Department has analog except for one radio in the station, the ambulances and the two chief officers. He is Fire Police and it's extremely important to have communication with the Police on scene. Portable radios cost approximately \$1,000 each. To change over the Fire apparatus to digital it takes a key for the radios that cost \$60 per radio. \$25,000 will take care of 25 portable radios and he explained their importance.

COUNCIL MEETING #11-22

JUNE 7, 2022

Everyone has a pager that gets every call dispatched. If the fire goes digital, the pagers will no longer work, so that will need to be kept in mind. Right now, the communication is not good.

Joyce Clarkson Veilleux, chair of Police Advisory Committee, spoke on the proposed Mental Health Professional position. She spoke on how police calls have increased with our increased hotel traffic used as housing. She went into detail on the job description of the position and the advantages to society and the Police Department with the addition of this position. She provided a detailed outline of the suggested job position to the Council (and is attached to the minutes as addendum #1). There are 11 nearby communities with this position already.

Elizabeth Ring, member of the Police Advisory Committee also spoke in favor of the Mental Health position and how critical it is to creating a healthy community. She explained about the need for this position and the benefits.

Peter Anzuini provided some statistics about crime in 2020: Freeport had 47 crimes that were violent in nature that included 12 rapes and 35 assaults. 868 property crimes were reported. Therefore, he supports an additional officer not the Mental Health Professional. In regard to cost of living, Freeport gets a D- and that is due to property taxes. He provided copies of his data to the Council.

MOTION: to close the public hearing (Egan & Daniele)(5-Ayes)(2-Excused)

Councilor Fournier explained that 18 years ago the town spent a significant amount of money on the radio systems across the board. They had interchangeable radios and everything was supported at that time. The radios Mr. Sloat spoke about are 18 years old and they aren't supported on buying spare batteries or technology. Police did go digital and that's the wave of the future. He envisions the fire department going digital and he doesn't support spending money to fix a problem on equipment they can't use in the future when they go digital. The item of greatest concern, we have trained with the Police for 8 years on active shooter training. The protocol is the police go in initially, isolate the threat and are immediately followed by police and fire paramedics. Communication is critical. The other area they are utilized is Fire Police, who go out on all car accidents, hazardous material spills, etc. They help on various areas and we have great support and he supports finding funding for this. The upgrade would cost approximately \$30,000, but they will come back with a hard number for next meeting. The Town Manager explained that we have already done some upgrades. When we upgraded the entire radio broadcasting system we went from 2 transmission sites to 4 and lowered the wattage so it got a better blanketing and all the radios received better coverage because of that. This upgrade was a \$200,000 expense that just went online this winter. The entire system is built to digital system specs. At that time, the Fire Department didn't want to go digital and for good reasons they chose not to. For the radios we have bought since then, they only need the \$60 key to change from analog to digital, the old ones cannot do that. There is still cross communication, but it has to go through dispatch. The RSU5 buses should also be in the loop of conversation on this issue. Chief Conley spoke on who on the workforce is assigned the current portable radios which can be adjusted. On the fire ground, anyone working that should have a radio because it is a potential life link to the outside. They have discussed the critical needs and the long-term vision. As far as current apparatus, we only have 3 engines, a ladder and tanker that don't have electronic key in place on it, everything else has it. If we go digital, the pagers don't work anymore. In the Fire Rescue Capital Budget is a program called Street Wise which would allow the pagers to come in on cell phones that could help if they go 100% digital. This is suggested to be a Capital Expenditure that may be funded with the ARPA funds as a one-time expense. The Manager explained how the ARPA expenditures will appear on the agenda next meeting.

COUNCIL MEETING #11-22

JUNE 7, 2022

Councilor Fournier also spoke on the new position of Mental Health Professional. He wondered if that could be partially supported by parking ticket revenues. The Police Chief thought that conservatively \$25,000-\$30,000 could be raised. He's not sure about supporting the Sustainability position as we are already working with GPCOG.

The Chair clarified that the crime rates that Mr. Anzuini shared with the Council were rates per 100,000 and that we did not have 12 rapes, the rate is well below Maine and national numbers. There is no money allocated for the Grange or Port Teen Center this year. The last 2 years we have had relatively flat budgets, but this year we have inflation of 6-8%. We were projecting a tax increase of 4.25% but with the changes we have made to the budget before us tonight it is down to a 3.3% increase. This budget includes a half Sustainability Coordinator that we may share with another town, a Mental Health Coordinator and does not include the Communications position.

We have instructed staff to come up with additional revenues. If you measure the actual dollar amount increase of the town operating budget against the town's total budget it's 2.3 % increase from last year to this year. Councilor Egan supports the Mental Health position. Freeport scored well on other variables in Mr. Anzuini's handout including livability, crime rates, amenities, housing, schools, cost of living (D-), and employment user ratings. Except for cost of living, Freeport scored well on the other categories. That's the feedback he gets. He has gotten 50-75+ requests for the Sustainability coordinator and climate change is an enormous topic facing everybody. We need staff capacity to work on it or we'll miss grant and planning opportunities like we already have.

One issue we are trying to keep up with is being competitive in hiring for Public Safety. Our pay scale is one of the reasons we have difficulty filling positions.

Are we hurting ourselves by only hiring a half time position? If this person is overwhelmed and there is more work to be done, are we going to be able to open it up. Long term this problem is not going away. The position may be able to pay for itself in the future. If we make a commitment to a person as a half time, we are locked into that. We are currently considering sharing the half time Sustainability Coordinator with Yarmouth. We did shared General Assistance with Yarmouth for many years and there is a good relationship on shared staff.

Freeport has a reputation as being hard to do business with. We have made changes addressing zoning and other issues. Part of the discussion was that the Codes office had 1,800 permits. There was a recommendation to have a Zoning Administrator to come in and stream line some of the business coming to town. Councilor Fournier believes this is a critical position. This person could be of significant assistance to businesses coming in. He is not convinced we need the Sustainability Coordinator position. The Zoning Administrator was approved in the mid-year cycle and has been posted. We are looking for the person with the right qualifications.

Most of the other towns with full time Sustainability positions are much larger towns and we may be okay with a half time shared position with Yarmouth to start. We do need to find out what Yarmouth decides before we can hire.

Note: Budget approval is scheduled for June 21, 2022

(Town Manager, Peter Joseph) (30 minutes)

COUNCIL MEETING #11-22

JUNE 7, 2022

ITEM # 110-22 To consider action relative to setting a public hearing to discuss a new liquor license for the Nicholson Inn.

BE IT ORDERED: That a public hearing be set for June 21, 2022 at the Town Council meeting that starts at 6:00 pm, to discuss a new liquor license for the Nicholson Inn.

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.

MOVED AND SECONDED: That a public hearing be set for June 21, 2022 at the Town Council meeting that starts at 6:00 pm, to discuss a new liquor license for the Nicholson Inn. **VOTE:** (Daniele & Egan)(5-Ayes)(2-Excused Bradley & Lawrence)

(Town Clerk, Christine Wolfe)(10 minutes)

ITEM # 111-22 To consider action relative to setting a public hearing to discuss a new liquor license for the Sunrise Cafe.

BE IT ORDERED: That a public hearing be set for June 21, 2022 at the Town Council meeting that starts at 6:00 pm, to discuss a new liquor license for the Sunrise Café located at 475 US Route 1, 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.

MOVED AND SECONDED: That a public hearing be set for June 21, 2022 at the Town Council meeting that starts at 6:00 pm, to discuss a new liquor license for the Nicholson Inn. **VOTE:** (Pillsbury & Fournier)(5-Ayes)(2-Excused Bradley & Lawrence)

(Town Clerk, Christine Wolfe)(10 minutes)

ITEM # 112-22 To consider action relative to setting a public hearing to discuss a new Special Amusement Permit for Freeport Oyster Bar.

It's called the fun permit. It is needed when there is a liquor license and live music, entertainment and/or dancing. We may look at the Special Amusement Ordinance for repeal in our move to be more business friendly. We may also consider rethinking the Pinball Ordinance for repeal later.

BE IT ORDERED: That a public hearing be set for June 21, 2022 at the Town Council meeting that starts at 6:00 pm, to discuss a Special Amusement Permit for Freeport Oyster Bar.

BE IT FURTHER ORDERED: That copies be distributed equally between the

COUNCIL MEETING #11-22
JUNE 7, 2022

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.

MOVED AND SECONDED: That a public hearing be set for June 21, 2022 at the Town Council meeting that starts at 6:00 pm, to discuss a Special Amusement Permit for Freeport Oyster Bar. **VOTE:** (Fournier & Daniele)(5-Ayes)(2-Excused Bradley & Lawrence)

(Town Clerk, Christine Wolfe)(10 minutes)

ITEM # 113-22 To consider action relative to amending the Freeport Library Fee Schedule

This is a \$5 non- resident increase to make it a divisible number. Average yearly costs are \$75-30 so we are comparable. Library is not at capacity, so we are not adding staff so there is no real costs to us.

BE IT ORDERED: That the Freeport Library Fee Schedule be amended to increase the price of Non-Resident Library Cards to the following: \$15 for 3 months, \$30 for 6 months and \$60 for 12 months.

MOVED AND SECONDED: That the Freeport Library Fee Schedule be amended to increase the price of Non-Resident Library Cards to the following: \$15 for 3 months, \$30 for 6 months and \$60 for 12 months. **VOTE:** (Daniele & Egan)(5-Ayes)(2-Excused Bradley & Lawrence)

(Library Director, Courtney Sparks (10 minutes)

ITEM # 114-22 To consider action relative to amending the Town Council schedule to add August 16th, 2022 as the Bustins Island Annual Meeting.

Councilor Egan would like to get refreshed on what the legal structure of a Village Corporation is. There is a legal and contractual relationship with the island and the residents, but it's not the same as our town.

BE IT ORDERED: That the Town Council schedule be amended to add August 16th, 2022 as the Bustins Island Annual Meeting.

MOVED AND SECONDED: That the Town Council schedule be amended to add August 16th, 2022 as the Bustins Island Annual Meeting. **VOTE:** (Egan & Daniele)(5-Ayes)(2-Excused Bradley & Lawrence)

(Town Manager, Peter Joseph)(5 minutes)

OTHER BUSINESS:

1. General Assistance Program Update-(Freeport Community Services)(Sarah Lundin)(30 minutes)

FCS has taken over the administration of the General Assistance Program. The Executive Director gave an update on the homeless population including three categories: the traditional homeless, people in transition due to unexpected circumstances and lastly the recently influx of immigrants to the Portland area and the declaration by Portland to not give services above and beyond the State standards. Portland

COUNCIL MEETING #11-22

JUNE 7, 2022

is just doing what other municipalities have been doing all along, being limiting to State standards, but this is contributing to a housing crisis. The result has been overflow coming to Freeport's hotels for housing. All hotels are privately owned and decisions to work to accept overflow are individual business decisions.

The Town Manager outlined the problems they are having with communications regarding daily changes to the housing crisis. When he is updated by Ms. Lundin he is passing along new information as soon as it's made available. Currently, the hotels providing housing in Freeport are the Best Western and The Casco Bay Inn. Around 200 individuals are staying at the two locations. FCS is providing them with food, using extra money secured through grant monies. She outlined the other groups and services being provided to the families. She outlined what other neighbor communities are providing, including the Best Western in Yarmouth which is also an overflow housing site. Since May, FCS has spent about \$5,000 worth of assistance including food and non-food emergency items on 12 families. This does not include housing costs which is being paid by the State. There may be an impact on the town if we are required to provide housing to families in the future.

She explained how a municipality becomes responsible for someone, either a citizen of the community or someone who moves to the community, when they are not able to provide for themselves. There are very specific income State guidelines that must be followed. There are a lot of barriers and hurdles to the GA Program that applicants have to get through and it is not a long-term solution. The new Mainers groups (specifically refugee and asylum seekers) are not allowed to work during the immigration purpose. GA is an interim stop gap for emergency needs. Anyone who is following the legal path to immigration qualifies for GA when they present in Freeport. It can take 6-8 months if not longer to get naturalization. Their situation is not going to improve until they have authorization to work. The reauthorization process is also cumbersome and long. We should send a letter to our Congressional Representatives about the restriction against working. We are seeing a shift to using hotels for housing as an emergency stop gap because there is no housing. There are concerns that over the winter we may see that the only housing in the greater Portland area is in Scarborough, Westbrook, South Portland and Freeport, where there are big blocks of hotels. The responsibility does fall on the municipality where they hope to reside. Due to the fact that we adhere to the GA maximums, the number of nights allowed may be limited but the problem is limited housing options. Now with shelters being full, we are obligated to provide emergency shelter for someone. We have a large number of hotel rooms, so we may become a catch area. There are an increasing number of hotels that do not want to participate in the GA program which is up to the property owner. It's not an emergency yet, but it does cause concern from a financial liability stand point.

Councilor Fournier suggested that we may need to look into an impact fee for these hotels that are changing from seasonal hotels to having residents for a longer term stay. Town departments, including FCS and Public Safety, have felt the impact from the influx of housing seekers. We are not working with other larger municipalities, like Bangor, because they are all dealing with the same issue too. The families receiving assistance have been very appreciative of the help.

We will be seeing an increase in need this year from residents that may have not needed it before. The food pantry numbers have more than doubled. Gas vouchers are being utilized regularly. Electrical disconnects are coming in fast and CMP is being tough and it's hard for families. We've seen an increase in the Backpack Program for school lunches. Emergency Assistance can help with any random need, such as dental care, car repairs, etc. Councilor Pillsbury supports using the ARPA funds to help support this.

COUNCIL MEETING #11-22

JUNE 7, 2022

2. Discussion of Capital Reserve and Fund Balance Policies (Chair Piltch)(30 minutes)

There are three pieces to this are: do we have the right amount of money in our Reserves; are we investing it the right way and lastly, should we remove fossil fuel companies from our portfolio of investments.

Councilor Fournier: When he looked at the capital budget for this year, he was under the belief that we try to be fairly accurate on our five year projections. He sees that we have comfortable funding for 2-3 years, but doesn't see us at the level for 5 years. In 1983, the department heads were under fire because the town was bonding all of the fire apparatus, dump trucks and police cruisers and the town was in trouble. He doesn't want to see the town going backwards on our capital budget because there are significant purchases coming down the road. This fall we should see if we can set a policy outlining where we want to go and how we are addressing that.

The Council is provided information in the budget that outlines each of the 10 Reserve Funds and what the high and low benchmarks are for each, which we are more or less between. The benchmarks are driven by the 5 year Capital Plan and we can have that discussion each spring when we do the Capital Budget. We can look at if we have enough in the Reserves. We haven't bonded anything in 10 years other than the Bridge Bonds we just approved. We are banking on having to spend the low benchmark amount over the next 5 years. If we had an account, which we don't, that was wildly outside of the benchmark range, then he would be in support of putting it in non risky traditional investments like equities.

Councilor Egan: Counts on the professionals we use to make the investment decisions but is happy to review their profile of what they think the risk is for Reserve accounts. He is comfortable in the fact that in his 6 years on the Council, they have approved between \$1.5 and \$2.5 million dollar capital budgets each year with Reserve accounts. The balances are still quite healthy. In 2017, we bought a \$800,000 firetruck because we planned for it and paid for it without bonding. Most of the items in the Capital are \$20,000-\$150,000 scale.

Two years out we have a ladder truck coming up for purchase at approximately \$1.4 million dollars, so significantly more. Councilor Fournier suggested hiring a company that would look at the investment policies to see if it mirrors where we want to go. The Town Manager is conservative and he likes conservatism but are we missing some opportunities because of our policies.

The manager added that the benefit to paying by saving is we get the interest on the money for the 5 years we are saving and many vendors give discounts for cash. Sometimes we receive the product faster when paying in advance.

The Chair is reasonable comfortable with the risks the town is taking now. He will make a motion to adjust our policy to divest out of fossil fuel investments. We do have investment professionals that look to the Town Council to tell them how much risk we want to take.

Councilor Pillsbury would like to see a mechanism in place for review of the investment policy on a regular basis. His concern is that our policy is not responsive. There is no set review or finance committee, we find ourselves with the same policy we've had for years. He also encourages discussion about diverging from certain investments, it's a socially responsible thing to do.

COUNCIL MEETING #11-22

JUNE 7, 2022

In the short term, if anyone has changes they want to recommend, let the Chair know and we'll get them on the agenda. The Chair supports the idea of reviewing the policy periodically.

3. Discussion regarding Bow Street Parklet (Town Manager, Peter Joseph)(15 minutes)

We put up a parklet on Main Street that has worked well. There is a request for a second one on Bow Street in front of Island Treasure Toys and Brickyard Hallow. It is town property and would take up 2-3 parking spaces. The business owners will maintain it and there is not opposition from other business owners. A map was displayed showing the parking spots to be utilized. It would be for all public use, not just the businesses. We would construct the platform, which would be reusable, and the jersey barriers with a total cost of \$1,000. The platform at Derosier's costs the town zero dollars. They will not serve liquor outside. We need a platform to make it ADA accessible. Accessibility options to the space were discussed and ultimately it was determined to go with the original plan. Chief Goodman spoke about the safety issues and why the jersey barriers are there and set specifically to protect the people using the parklet. There has been 100% support from patrons using the parklet on Main Street.

MOTION: To approve the proposed Parklet on Bow Street. **VOTE:** (Egan & Daniele)(5-Ayes)(2-Excused Bradley & Lawrence)

4. Discussion of a Pride Crosswalk (Chair Piltch)(15 minutes)

This originated with the Town Council. This is a human gesture and shows support for a neighbor or friend. We are not doing it because a lot of our neighboring communities are. The cost is insignificant compared to the impact it could have. It's important to show support for members of our community who have been marginalized and victimized. This is a small gesture, an olive branch. The Chair described the significant challenges faced by the LGBTQ community.

Councilor Pillsbury fully supports the crosswalk. Councilor Fournier does not want to see pushback if other groups want to paint a crosswalk for their groups. He would like to see a crosswalk painted red, white and blue. Let's celebrate our country and if we celebrate one, we are going to have more request come in too. The request on the table is not coming from a specific group. It's up to the council to say this is a good idea.

The logistics issue as to whether this is permanent is, it would need to be repainted each year and the Council leadership is transitional and may choose to not do it in the future.

It was pointed out that D.O.T. wants crosswalks painted in white to identify pedestrians. Our reading of it agrees that the lines should be white but we are proposing painting the spaces between the white spaces. The State has allowed this and does not want to cease political statements being made on the municipal level. Councilor Egan does not see it as a political statement.

Councilor Daniele heard discussion about using town resources for this and suggested opening it up to donations. Councilor Egan offered to pay for the paint.

Peter Anzuini spoke against the idea of the crosswalk. We should have a policy so that all applicants have a process and everyone is treated equally by the Council.

COUNCIL MEETING #11-22

JUNE 7, 2022

Annique Milite spoke against the idea as it's an empty gesture and inefficient use of tax payer funds. She offered other suggestions the Council could pursue that would be more effective treatments and tributes out there.

Melanie Sachs via Zoom: Spoke as a resident of Freeport. She brought it back to the Council goals of 2021-2022 that "the Freeport Town Council is committed to engaging our residents and one another in respectful constructive dialogue about issues facing our community." Freeport is a wonderful place to live, work and visit and has a reputation for inclusiveness and kindness. Specifically in goal 3, in the same document, it states the Council will affirm that "Freeport is a welcoming, inclusive place to live and does not tolerate racism, prejudice or discrimination of any kind". This core value will be reflected in the town's public facing communication channels and materials. She supports the downtown sidewalk affirming and supporting the LGBTQ community as it aligns with the Council's goals stated above.

A resident, formerly on Zoom, came into the meeting to speak to the Council directly. They spoke in favor of the crosswalk. Their existence is not a political statement, it's who they are. The damage being done around the country to other Trans and queer people is very scary. To have the town they grew up in validate that they care about who they are is very important and it's appreciated.

The cost would be approximately \$200. The manager can bring back a firm estimate and understands some people are in opposition and may not want to use tax payer monies. The Council offered to pay for it or to fund raise. Other groups may come forward with similar crosswalk requests.

Joyce Veilluex (via Zoom) asked about the location of the crosswalk. She suggested putting them near the schools so those that a bullied most can see them daily. The chair would like to see it someplace more visible.

MOTION: To adopt a pride crosswalk in celebration of Pride Month each year.

VOTE: (Pillsbury & Piltch)(4-Ayes)(1-Nay- Fournier)(2-Excused Bradley & Lawrence)

EXECUTIVE SESSION

ITEM # 115-22 To consider action relative to an Executive Session pursuant to 1 M.R.S.A. § 405(6)(C) pertaining to a Real Estate matter.

MOTION: That the Town Council enter Executive Session. (Piltch & Daniele)(5-Ayes)(2-Excused Bradley & Lawrence)

MOTION: That the Town Council exit Executive Session. (Egan & Daniele)(4-Ayes)(1-Nay- Fournier)(2-Excused Bradley & Lawrence)

(30 minutes)

MOTION TO ADJOURN: (Piltch & Daniele)(5-Ayes)(2-Excused Bradley & Lawrence)

END OF AGENDA (Estimated time of adjournment 10:15 PM)

COUNCIL MEETING #11-22
JUNE 7, 2022

	INITIATED ON	PROPOSED BY	ADDITIONAL INFORMATION
#1	1/4/2022	Councilor Pillsbury	Tasked for 2022
#3		Chair Piltch	
#6		Chair Piltch	
#7		Councilor Fournier	
#9		Councilors Fournier & Bradley	
#10		Mr. Joseph	
#11			
#12		Councilor Piltch	
#13			
#15	March 2022	Chair Piltch	
#16	4/19/22	John Egan	

MINUTES
FREEPORT TOWN COUNCIL MEETING #12-22
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, JUNE 21, 2022
6:00 PM

Chair Piltch called the meeting to order at 6:03 pm

	PRESENT	ABSENT	EXCUSED
Councilor Chair Daniel Piltch, 25 Quarry Lane	X		
Council Vice Chair, John Egan, 38 Curtis Road	X		
Councilor Matthew Pillsbury, 36 Todd Brook Rd	X		
Councilor Chip Lawrence, 93 Hunter Road	X		
Councilor Darrel Fournier, 3 Fournier Drive	X		
Councilor Jake Daniele, 264 Pownal Road	X		
Councilor Edward Bradley, 242 Flying Point Road	X arrived at 6:05 pm		

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood for the Pledge of Allegiance

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #11-22 held on June 7, 2022 and to accept the minutes as printed.

Chair Piltch asked that “Skate Park Update” be added to the minutes to clarify the Town Manager’s Report.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting # 11-22 held on June 7, 2022 and to accept the minutes as amended. **VOTE:** (Lawrence & Fournier)(5-Ayes)(2-Abstain-Bradley & Lawrence)

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

- **NOMINATION PAPERS FOR THE NOVEMBER 2022 MUNICIPAL ELECTION WILL BE AVAILABLE ON JULY 28th** for the following offices in the Town of Freeport:
Town Council: At-Large and District 1- (3 year terms)
Sewer District: 2 seats - (3 year terms)
Water District: 1 seat -(3 year term)
RSU: 2 seats -(3 year terms) and 1 seat –(2 year term)
Papers are due back to the Town Clerk September 14, 2022.
- We have a Community Resilience Workshop in Town Council Chambers from 6-8 pm to learn about climate hazards, the impact to Freeport and the priority of projects.

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

Council Bradley spoke about the Girl’s and Boy’s sports teams and their wonderful winning seasons. He recommends listening to the January 6th Hearings, regardless of your political standings. Lastly, the Wolfe’s Neck Center Board of Trustees met and have decided to not allow the launch of the Island Rover on their property.

COUNCIL MEETING #12-22

JUNE 21, 2022

John Egan: Summarized the productive meeting last week with New England Mountain Bike Association (NEMBA) and the Conservation Commission regarding the building of mountain bike trails at Hedgehog Mountain. There is great enthusiasm for the project. He also will be working with the Conservation Commission on the idea of installing a completely ADA pathway into Florida Lake. It's relatively flat and a great resource. The Chair observed that the town has done a very good job at keeping things accessible.

FIFTH ORDER OF BUSINESS: Town Manager's Report (15 minutes)

Officer McManus is retiring at the end of the month after 35 years of service, 24 as School Resource Officer. He was recognized at a retirement party.

The Pride Crosswalk previously discussed will be painted in front of Town Hall at the start of the access driveway. The cost estimate is \$875 which the Council agreed to raise funds for and we are 7/8 of the way there (\$50 balance).

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

Andy Arsenault: He is treasurer of the Flying Point Cemetery. The cemetery only receives \$450 a year for Veteran grave maintenance. They want 10 mowings, but this pays for 3. The town is getting 1.6% on the investment, which he thinks is low. He hasn't heard a report on what happened. He believes we should ask Bangor Savings, who manages the account, why the return has been poor. He also attended the meeting with the Conservation Commission and NEMBA and hopes that we set a timeline to move this forward and when the Commission will come back to the Council. He commended Councilor Bradley for reporting back on the Island Rover issue and he encouraged the full Council to report to the public on this issue and the Downtown Revisioning progress. Mr. Arsenault also spoke against the Sustainability Coordinator position as we already work with GPCOG and this is duplication of services.

Chair Piltch reported that himself and Councilor Pillsbury will be meeting with the Finance Director to review the investment policy.

Downtown Revisioning Process: There will be an Implementation Task Force meeting June 23rd at 6 pm via Zoom and everyone is encouraged to attend. They are in the progress of narrowing down the work plan to a dozen projects they will present back to the Council. Last Wednesday, there was a good size housing project, 67 units, that presented to the Project Review Board (PRB), so we do have exciting things going on.

The Conservation Commission have given themselves a December deadline to update the Management Plan. We can take Council action before that, but they are in charge of managing the land.

Councilor Bradley: There was a significant amount of talk around design during the Revisioning Process of what would look good for Depot Street. Does any of this get into that process or is it just what the investor wants and what the PRB will approve? We have not updated our Design Review Plans since the Downtown Revisioning process has been complete. There are a number of standards that would have to apply in the Downtown District. The PRB has to rule by what's on the books today. One of the items on the work plan is to update the Design guidelines with what came out of the Vision Plan. Is anyone in town talking with applicant to try to convince them that things in the Downtown Plan would be in their best interest. The applicant was involved in the Downtown Visioning Process and met with the Principle Group directly. Councilor Bradley wants to ensure that the items brought forward by Principle as options

COUNCIL MEETING #12-22

JUNE 21, 2022

get filtered down into the first big project coming out of the process. He would like to be able to say that right out of the box we were able to provide housing in a style that is consistent with the feel of Depot Street.

When the Town met with FEDC, the idea of a TIF District was discussed for specifically that purpose so that we can say even though it meets the design standards officially, we are willing to incentivize it if you will consider making these design changes that the Town would like to see. It would be better to have that apply uniformly to all the projects coming before us rather than dealing with separate developers on different projects. FEDC is spearheading that. It's not too late to gather consensus and enthusiasm of what would be in that District. Everyone is encouraged to follow the Project Review Board meetings.

Councilor Fournier: In regard to Zoning and Design Review, do we need to prioritize that so we don't put needless roadblocks and hurdles up and we become a more friendly place to do business in. He would be in favor of fast tracking correcting those issues.

We can't add more restrictions and requirements and at the same time speed it up and make it friendlier and easier. We have to balance that. There is money set aside in this budget for a consultant to help us update our Design Review Guidelines. The Developer for this project, is not asking for anything from us and are designing according to the current standards. Councilor Bradley stated that the town has been through a \$200,000-\$300,000 Downtown Revisioning project that has identified housing and housing design as an important element of redoing our downtown. There is nothing to stop us from sitting down with the Developer, independent of the PRB, and talk with them about whether they would consider the items that would meet our design needs and wishes. Who is it that is taking our ideas to the Developers? Outside of the world of rules and regulations, we have the Downtown Revisioning which we are committed to. A new developer coming into town may be interested in doing some of what we would suggest to them and if it costs the Developer more money, the town is in a position to potentially be able to provide some of that or parking relaxation. He hopes we can find room to make sure we follow the benefits of having gone through the Downtown Revisioning Process and not get stuck in the world of today's Design Review. He is suggesting not telling them what to do, but ask them. There are multiple preapplication meetings with staff and developers. Who's sitting in for the town from a visioning point of view on these meetings? There are 7 staff members that are involved, with the Town Planner being the lead. Several developers had one on one meetings with Principle Group that contributed to the Vision. Another developer was convinced to come to Freeport because of the Downtown Revisioning Process as our needs aligned with his vision. We are ultimately limited in what we can force a developer to do, if our Ordinances don't support that.

Councilor Daniele asked if we would add something to our ordinances that would require developers to reference the Downtown Revisioning or that they are aware of it. We will follow up on that but it would need to originate at the Planning Board level.

Lance Fletcher: He is asking the Council to change the building code. The legislature and Council approved MUBEC which contains the 2015 Energy Code. The 2021 Energy Code was included by the Legislature last year in the Stretch Code. As codes go, the 2021 was a significant leap beyond the small incremental changes made from 2009 and 2021(they make changes every three years). Buildings built under the 2021 Code are 10-15% more energy efficient than those constructed under prior Codes. The cost of implementing this code is less than 1% of the construction costs and the payback starts the first winter. As the prices of energy go up, the savings go up. This is a small first step.

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

COUNCIL MEETING #12-22
JUNE 21, 2022

ITEM # 119-22 To consider action relative to adopting the June 21, 2022 Consent Agenda.

BE IT ORDERED: That the June 21, 2022 Consent Agenda be adopted.

MOVED AND SECONDED: That the June 21, 2022 be approved. **VOTE:**
(Piltch & Lawrence)(7-Ayes)(0-Nays)

(Council Chair Piltch) (5 minutes)

ITEM # 120-22 To consider action relative to setting a public hearing to discuss a new liquor license for the Nicholson Inn. PUBLIC HEARING

John Boland spoke briefly about their desire to add a liquor license to their newly purchased business.

MOTION: To open the Public Hearing (Pillsbury & Lawrence)(7-Ayes)

MOTION: To close the Public Hearing (Pillsbury & Fournier)(7-Ayes)

BE IT ORDERED: That a new liquor license for the Nicholson Inn be approved.

MOVED AND SECONDED: That a new liquor license for the Nicholson Inn be approved. **VOTE:** (Pillsbury & Lawrence)(7-Ayes)(0-Nays)

(Town Clerk, Christine Wolfe)(10 minutes)

ITEM # 121-22 To consider action relative to setting a public hearing to discuss a new liquor license for the Sunrise Cafe. PUBLIC HEARING

The applicants have informed us that they are withdrawing the liquor license application so there is no need for the Public Hearing. Different options were discussed as to proper procedure in this instance (Table vs. Withdraw or Deny).

MOVED AND SECONDED: To table item # 121-22 indefinitely. **VOTE:**
(Piltch & Lawrence)(0-Ayes)(7-Nays)

MOVED AND SECONDED: To withdraw item # 121-22. **VOTE:** (Lawrence & Bradley)(7-Ayes)(0-Nays)

MOTION: To open the Public Hearing

MOTION: To close the Public Hearing

BE IT ORDERED: That a new liquor license for the Sunrise Café located at 475 US Route 1, Freeport be approved.

(Town Clerk, Christine Wolfe)(10 minutes)

COUNCIL MEETING #12-22

JUNE 21, 2022

ITEM # 122-22 To consider action relative to setting a public hearing to discuss a new Special Amusement Permit for Freeport Oyster Bar. PUBLIC HEARING

MOTION: To open the Public Hearing **VOTE:** (Fournier & Lawrence)(7-Ayes)(0-Nays)

MOTION: To close the Public Hearing **VOTE:** (Fournier & Lawrence)(7-Ayes)(0-Nays)

BE IT ORDERED: That a Special Amusement Permit for Freeport Oyster Bar be approved. **VOTE:** (Fournier & Lawrence)(7-Ayes)(0-Nays)

(Town Clerk, Christine Wolfe)(10 minutes)

ITEM # 123-22 To consider action relative to the repeal of Freeport Ordinance Chapter 44: Pinball and Video Machines.

The Town Manager gave a brief history of Pinball Machines and Video Machines and the reasons why they became regulated. Chapter 44 regulates pinball and video games, coin operated or anything that takes cash in exchange for game play. Staff review of this agrees that this would just be a revenue for the Town if an arcade business was started in Town. This would generate \$100 per game per year. He gave examples of other types of activities that do not require a fee to the Town. There is the potential of a business coming to Town. There is a term we try not to use anymore. The applicant must be of "good moral character". That was generally used to disqualify people and is discriminatory. We try to get these requirements removed from our Ordinances.

We are required to hold a public hearing before repealing any Ordinance in Town.

BE IT ORDERED: That a public hearing be set for July 5, 2022 at the Town Council meeting that starts at 6:00 pm. to discuss the repeal of Freeport Ordinance Chapter 44: Pinball and Video Machines. **VOTE:** (Lawrence & Daniele)(7-Ayes)(0-Nays)

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.

(Town Manager, Peter Joseph)(10 minutes)

ITEM # 124-22 To consider action relative to a Use of Town Property request for Bow Street Park on August 6, 2022 and September 3, 2022 by ACAF.

This will be for folk music in Memorial Park. This is a chance to get more enthusiasm around the Downtown Plan. This will provide four hours of free music in Memorial Park on those two dates.

BE IT ORDERED: That the Use of Town Property request by ACAF for Bow Street Park on August 6, 2022 and September 3, 2022 be approved. **VOTE:** (Daniele & Lawrence)(6-Ayes)(0-Nays)(1-Abstain- Egan)

COUNCIL MEETING #12-22
JUNE 21, 2022

(Vice Chair Egan)(10 minutes)

ITEM # 125-22 To consider action relative to a Use of Town Property request for The Met

The owners of The Met approached the Town about parklet in front of their building, but unfortunately that was not a feasible logistic option. We offered the suggestion of outdoor seating on the sidewalk instead. This will allow the restaurant to use the brick sidewalk for a few feet in front of the building. This is outside their lease envelope as about 3 feet would be on town property. They need one of the four tables to be ADA compliant. They also need a detectable barrier (planters or rope, 27" or less) for cane detection. Any umbrella needs to be up 8 feet and not extend into the right of way. They will need to add the Town of Freeport as additionally insured on the insurance policy.

BE IT ORDERED: That a Use of Town Property request for The Met be approved. **VOTE:** (Bradley & Lawrence)(7-Ayes)(0-Nays)

(Town Manager, Peter Joseph)(10 minutes)

(ITEMS # 126-22 TO # 129-22 ARE PRESENTED BY FINANCE DIRECTOR, JESSICA MALOY)(30 minutes)

ITEM # 126-22 To consider action relative to the acceptance of State Funds for Fiscal Year 2023.

There are two adjustments that were made including item #129-22 the Capital Budget was increased by \$37,000 from the public works truck chassis replacement. The bids came in higher than expected. The second item is #129-22 under "Be it Further Ordered" for the use of ARPA funding we included the \$40,000 for the Fire Rescue radio upgrades.

Councilor Fournier wanted to clarify that from here forward with future truck replacements, we will be looking at just replacing the chassis due to the purchase of stainless dump bodies that will last 2 chassis. He asked the Fire Chief about the EMA Center that we use in the event of natural disaster and whether the radios there would be compatible if we change over to digital. The Chief responded that there is only 1 analog radio there, so the answer is "no". The prior EMA Center location is now no longer being used in that capacity. They will discuss this in further length at another time.

Councilor Lawrence spoke in reference to the \$12,000 for GPCOG. The \$6,000 previously appropriated for GPCOG was for phase I of the plan. This amount is for Phase II. Phase II is to complete a Climate Action Plan, in addition to the Phase I work in place now. They were separate but together the phases will make up the complete Plan. He is concerned as we are seeing bids come in higher than expected due to the current environment with inflation and he doesn't see spending on that as prudent for the Town. We should be trying to save as much as can. This has been designated as one of the items to use ARPA Funds so removing it from the budget will not have a tax impact.

MOTION: Remove the \$12,000 for the GPCOG Climate Change Plan from the budget. **VOTE:** (Lawrence & Fournier)(1-Ayes)(6-Nays)

Councilor Egan: We specifically put this allocation in the Federal ARPA category as it's one-time money to spend on one-time items. That's why it's there and not our Operating Budget. The engagement with GPCOG is to collaborate with them and other communities to prepare a Climate Action Plan which

COUNCIL MEETING #12-22

JUNE 21, 2022

is preparatory for our community to get ready for significant physical impacts from climate change. Councilor Lawrence gave other examples of where he felt the \$12,000 could be better used. Councilor Fournier feels we should focus on the part time Sustainability Coordinator. We do need to plan for climate change but he can't support this appropriation and the Sustainability position and he favors staying with GPCOG as it does work with multiple communities.

Councilor Pillsbury: Climate change is real and there will be a real cost to our town, the longer we delay we are doing ourselves a disservice. Money is tight, but this is a foolish initiative to try to squeeze some money from. He supports both the Sustainability position and GPCOG work.

Councilor Bradley supports the GPCOG allocation. It's hard to know what to do about climate change, but this is the right kind of money to spend now to help us decide what we're going to have to do later. We have not made a contractual commitment to GPCOG yet.

For a median household in Freeport, they would be paying \$.50 to \$1.00 for us to hire the Sustainability Coordinator.

MOTION: To not fund the part-time Sustainability Coordinator. **VOTE:**
(Fournier & Lawrence)(2-Ayes Lawrence & Fournier)(5-Nays)

Councilor Daniele thinks the Coordinator will help us collaborate with our neighbors more and have someone who is the point person for GPCOG and he supports the position. The idea is this position would be tasked with seeking out grant opportunities. We can reassess this position at any time if it does not produce results. We are currently looking for grant opportunities to fund this position, at least partially.

State Revenue Sharing update: We are budgeting \$1,150,000 which is the State's projection for FY23 which is the full 5%.

Non-Emergency Transport Budget: Are we going to try to generate revenues through Non-emergency transport (NET)? We have been working on getting it into a positive fund balance before we dissolve it and put it in Fire Rescue which will be in the general operations of the town. There are minimum NET runs at this point. The only thing currently budgeted are wage hours when they do that. As an enterprise fund, we are talking about taking that and absorbing that into general fund operations instead of having the enterprise fund. Councilor Fournier is asking that we look at NET as a revenue stream. We have discussed local low impact transports that would not be draining to the department. There is a staffing shortage that effects all NET transport services. We are trying to be a friend to Midcoast Hospital. We have been doing transports from Midcoast to home for Freeport residents. We need to look out for our emergency needs.

With inflation at 8%, the original budget had a tax levy increase of 4.25%. Since then, we have brought that increase down to 3.3%. The only portion that changed was the municipal levy.

BE IT ORDERED: That the following categories for State Funds be accepted for Fiscal Year 2023:

1. Municipal Revenue Sharing
2. Local Road Assistance

COUNCIL MEETING #12-22
JUNE 21, 2022

3. State Aid to Education (including Federal pass-through funds and property pass-through funds and property tax relief)
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

VOTE: (Egan & Lawrence)(7-Ayes)(0-Nays)

ITEM # 127-22 To consider action relative to the Operating Budget for Winslow Park for Fiscal Year 2023.

BE IT ORDERED: That \$397,960 be approved for the Winslow Park budget from July 1, 2022 to June 30, 2023 and \$23,000 be approved for the Harb Cottage budget from July 1, 2022 to June 30, 2023. **VOTE:** (Pillsbury & Lawrence)(7-Ayes)(0-Nays)

ITEM # 128-22 To consider action relative to adopting a Non-Emergency Transport (NET) budget for fiscal year 2023.

BE IT ORDERED: That the Non-Emergency Transport Budget in the amount of \$74,021 be approved for fiscal year 2023. **VOTE:** (Fournier & Bradley)(7-Ayes)(0-Nays)

ITEM # 129-22 To consider action relative to the adoption of the Fiscal Year 2023 Operating Budget for the Town of Freeport.

The Operating Budget could be done as separate agenda items in the future.

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 be raised by taxation, said action for Fiscal Year July 1, 2022 to June 30, 2023 Municipal Budget.

<u>FY 2023 Appropriations</u>		
General Government	\$	2,034,295
Protection and Enforcement	\$	3,500,805
Health and Welfare	\$	42,000
Human Service Agencies	\$	40,800
Community Center Building	\$	45,600
Public Works/Solid Waste	\$	2,579,645
Library	\$	525,620
Unclassified	\$	2,834,760
Debt Services-Local	\$	70,700

COUNCIL MEETING #12-22
JUNE 21, 2022

County & Transit Tax	\$	1,374,422
Bustins Island	\$	277,000
Abatements	\$	25,000
Total Appropriations	\$	13,350,647
<u>FY 2023 Estimated Revenues</u>		
Non-Property Tax	\$	2,076,000
Intergovernmental	\$	2,319,500
Charges for Services	\$	400,800
Licenses and Permits	\$	543,700
Fines and Forfeitures	\$	48,300
Miscellaneous	\$	116,000
Total Estimated Revenues		\$5,504,300
Amount Transferred from Undesignated Funds	\$	780,000
Amount to be Raised by Taxation	\$	7,066,347
Total Revenues		\$13,350,647

BE IT FURTHER ORDERED: That the following appropriations be made for the Capital items/projects listed below, and that the Capital Budget for FY2023 be adopted, as presented on the agenda, totaling \$1,462,000:

Police	New Patrol and Changeover Equipment	100,000
Fire	SCBA Bottle Replacement	77,000
	SCBA Fill Station	60,000
Rescue	Computer Aided Dispatch Units	19,000
Public Works	Truck Chassis Replacement, Plow & Wing (Truck 6)	227,000
Solid Waste	Skid Steer Replacement	70,000
Comprehensive Town Improvements	Arnold Road Rebuild	250,000
	ADA Compliance Work	75,000
	Road Condition Survey - Asset Management	25,000
	Planning Concord Gully Brook Watershed	25,000
	Restoration	
Municipal Facilities	Computer Upgrades -	125,000
	Townwide File Digitization	15,000
	Town Hall Bathroom	25,000
	Upgrades Library Door	30,000
	Replacements Town Wharf	7,500
	Repairs Revaluation	7,500
	Reserve Fund Town Wharf	100,000
	Steel Pilings	100,000
	PW Equipment Lift	30,000
	Red Light Upgrade	20,000
	Library Fencing Replacement	

COUNCIL MEETING #12-22
JUNE 21, 2022

Cable Television		
	Equipment and other improvements (Channel 14)	4,000
	Equipment Replacement - (Channel 3)	20,000
Boards and Committees		
	Comprehensive Plan Update	50,000
Total FY 2023 Capital Budget		\$ 1,462,000

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 \$1,462,000:

Police Reserves	\$	100,000
Fire Reserves	\$	137,000
Rescue Reserves	\$	19,000
Public Works Reserves	\$	227,000
Solid Waste Reserves	\$	70,000
Public Infrastructure Reserves	\$	375,000
General Administration Reserves	\$	147,500
Building Reserves	\$	312,500
Cable Television Reserves	\$	24,000
Other Reserves	\$	50,000
Total FY 2022 Capital Transfer from Reserves:		\$ 1,462,000

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 2023 be adopted, as presented below, totaling \$210,000:

Sidewalks	45,000
ACAF Performing Arts Center	25,000
Freeport Economic Development Corporation	140,000
Total FY 2023 Destination Freeport TIF Budget	210,000

BE IT FURTHER ORDERED: that the following appropriations from ARPA Funding be made for the items and projects listed below, totaling \$252,000:

Paving	100,000
Grants Match	60,000
Fire Rescue Radio Upgrade	40,000
Ordinance Work	40,000
GPCOG Climate Plan	12,000
Total FY 2023 ARPA Funded Projects	252,000

**** Councilor Lawrence changed the reading of the “BE IT FURTHER ORDERED” for the Reserve Funds to correct a typographical error in the total amount which should read \$1,462,000. VOTE:** (Lawrence & Daniele)(5-Ayes)(2-Nays Lawrence & Fournier)

COUNCIL MEETING #12-22
JUNE 21, 2022

ITEM # 130-22 To consider action relative to awarding a bid for SCBA Bottles.

Our SCBA Bottles are going out of code. We are trying to get ahead of supply chain issues. We are about 12 weeks out for delivery. They did come in under budget. Bottles were estimated at \$77,000 and the estimate for the Fill Station came in at \$40,000.

BE IT ORDERED: That the bid for 70 - SCBA Bottles be awarded to Industrial Protection Services in the amount of \$67,408.00. **VOTE:** (Daniele & Lawrence)(7-Ayes)(0-Nays)

(Fire Rescue Chief, Paul Conley)(10 minutes)

ITEM # 131-22 To consider action relative to awarding a bid for a SCBA Compressor Fill Station.

We bought the last compressor from IPS, but they do not support the current compressor. The problem was Scott got out of the line and getting parts became the issue. The new compressor is Bower whose been in business 75 years. Twelve towns around the county have it, so we are comfortable going with that. Industrial Protection Services was just the dealer for Scott.

BE IT ORDERED: That the bid be awarded to Industrial Protection Services in the amount of \$40,012.00. **VOTE:** (Bradley & Fournier)(7-Ayes)(0-Nays)

(Fire Rescue Chief, Paul Conley)(10 minutes)

ITEM # 132-22 To consider action relative to a bid award for a Public Works Equipment Lift Replacement.

Councilor Fournier: We certainly need the lift. The advantage of this one is it can go under each individual wheel and you can move it around the garage and allows PW to free up space. This lift has the capability to pick up a fire truck which the last one couldn't do. This came in under budget by \$15,000.

BE IT ORDERED: That the bid be awarded to Vehicle Service Group of Windham, Maine in the amount of \$84,373.14. **VOTE:** (Egan & Lawrence)(7-Ayes)(0-Nays)

(Public Works Superintendent, Earl Gibson)(10 minutes)

Note: \$100,000 was included in the FY23 Public Works Capital Budget for the purchase of a new Public Works Equipment Lift. This will be a savings of \$15,626.86.

ITEM # 133-22 To consider action relative to a bid award for a new Public Works Plow Truck and Plow Equipment.

This came in over budget by almost \$37,000. Earl Gibson, Public Works Supervisor, reported that in a meeting with GPCOG he discovered we are in better shape than other surrounding communities. No one anticipated this much of an increase in one year. HP Fairfield took the initiative and bought trucks and per the Council's approval he will call them and sign a commitment letter in a few seconds because the

COUNCIL MEETING #12-22
JUNE 21, 2022

price is going to increase tomorrow afternoon. The alternative of revamping the existing outgoing truck which would give a 2 year longer life to this truck. The alternate bid to this one is a potential 2 year delivery on the vehicle (still above \$190,000). The 20,000 to \$60,000 to rehab to the existing truck to keep it running would not equal the same amount of amortized value as buying the new truck now for \$37,000. Other bidders would not be able to supply a truck for 2-3 years. HP Fairfield would be able to have a truck to us for this winter.

BE IT ORDERED: That the bid be awarded to HP Fairfield in the amount of \$226,880 for a new Public Works Plow Truck and Plow Equipment. **VOTE:** (Pillsbury & Fournier)(7-Ayes)(0-Nays)

(Public Works Superintendent, Earl Gibson)(10 minutes)

Note: The exceeds the approved expenditure amount of \$190,000 by \$36,880. The Public Works Reserve is \$1,104,033 which would support this bid overage.

ITEM # 134-22 To see if the Town of Freeport will vote to change its plan for its eligible, non-Freeport Police Benevolent Association (FPBA) police officers effective July 1, 2022, for future service only.

This only affects a few non-union employees. The total amount involved is about \$7,000 for all people involved. Freeport was one of two municipalities in our comparable group that offered the lower retirement plan 2C instead of 3C. As part of our union negotiations we agreed to move to 3C. That is an increase contribution for the employee and the town. It offers a larger calculation at the end of retirement for what the annual pension would be. The contributions go up about 2%. We did this for union employees, but not for non-union employees which include the Harbor Master, Sergeants, Supervisors, Lieutenants and Chief. To be in the plan you must be a certified law enforcement officer. When officers get promoted some of their benefits go down, mainly the health insurance and retirement costs increase. It adds up to half of the raise they receive and they have the added job responsibilities. This is a disincentive to take a promotion.

Councilor Egan spoke in support of this change and referenced the difficulty in finding and retaining good officers like we currently have. He hopes this will help us recruit and keep excellent Officers.

BE IT ORDERED: That the Town of Freeport agrees to:

- a) Provide Special Plan 3C to its permanent, full-time, non-FPBA police officers who work 20 or more hours per week, 52 weeks per year for service rendered after June 30, 2022. Service for non-FPBA police officers rendered before July 1, 2022 remains under Special Plan 2C.
- b) Continue to provide Special Plan 3C to its permanent, full-time, FPBA police officers who work 20 or more hours per week, 52 weeks per year.
- c) 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.
- d) 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.
- e) To authorize Peter Joseph, Town Manager to sign the Amended Agreement between the Town and the Maine Public Employees Retirement System.

VOTE: (Fournier & Lawrence)(7-Ayes)(0-Nays)

(Town Manager, Peter Joseph)(10 minutes)

OTHER BUSINESS:

1. Discussion of Stretch Codes (Vice Chair Egan)(10 minutes)

Three topics to introduce: a) What are Stretch Codes, b) why are we talking about it and c) see if there is a plan to get something in place for a formal adoption. Councilor Egan heard from numerous constituencies, including the Climate Action Now group, building trades people, folks interested in promoting sustainable construction methods in Maine along with other people participating in Code compliance and adoption at the State level. The Stretch Code is an enhancement on certain elements of the Building Code that relate to energy efficiency and sustainability within building practices. A more efficiently built building is more energy efficient. We have a very old built environment in Maine. A lot of what we may be apply stretch codes may be in renovations where it's much harder to get those things accomplished. There is enthusiasm to set these parameters for encouraging our building trades and developers to go to these Stretch Codes and make more energy efficient and higher sustainability buildings. The flip side is that these could cost more money. There are already an array of Codes and building requirements to get a permit. If you don't have a design professional who knows how to apply these codes, a small contractor can be left with their head spinning. Codes and Planning were asked to talk about it and come back to the Council with ideas. We need an understanding and dialogue with our staff that deal with it on a daily basis. We don't want to create something that is more problematic to development.

Councilor Fournier would like to know what the square foot cost for a single-family residential home and multiple family home would be. He wants to do more research on this and see where it takes us. He recognizes the benefits of energy efficiency, but he wants to know what the associated costs are going to be.

Councilor Daniele: The Sustainability Advisory group discussed the benefits of surrounding communities adopting this too. This would ensure builders not thinking that it is hard to build in just Freeport, but the whole community endorses the Stretch Codes.

It is on the radar of FEDC.

Bob Stevens of Climate Action Now: Their group has interest in climate change, fossil fuels and the planet. There is a lot of building in Freeport right now including the 145 units on Desert Rd the Downtown Vision Plan contemplates building. In Freeport, we have the 2015 Building Code. The latest version is the 2021 Stretch Code. If the Department of Energy determines that the code makes significant improvements in energy efficiency the State has to look at the Codes within 2 years and certify they've looked at the residential codes. It doesn't have to happen immediately. The 2015 Code was mandated in 2021.

The had a table at the June election. They had 100s stop and get information. There were over 160 people who signed letters to the Council saying please do this and adopt the Stretch Code. Mr. Stevens read several of the letter's comments to the Council.

Andrew Arsenault: He's concerned that we come up with a Code so complicated the applicant can't understand from the Code what he needs to comply. The land owner should be able to figure it out before

COUNCIL MEETING #12-22

JUNE 21, 2022

he comes to Code Enforcement. He's not against the Code as he hasn't read it yet. We should be business and building friendly.

Lance Fletcher: Spoke with 2 young but experienced builders who were eager to sign the letters in support of the Stretch Code. IECC Codes are developed with all the stakeholders present.

The Climate Action Now Group are going through options that will actually make a difference. Why is this a priority? How do we explain to a global warming denier that this is important now? Codes are minimum standards to start with. Cumberland has already adopted the Climate Action Plan which includes adopting this code. It's a small step but it's in the right direction.

What about incentives for meeting the extra code, similar to heat pump installations. For example, the building permit might be less for a more energy efficient home, along with the energy savings they get. Maybe there is grant leverage for that and it's a good job for our Sustainability Coordinator. We do have questions that need answering. Does this apply to commercial buildings too? How much would apply to renovations? The Code Officer and some builders are needed to come to a future meeting (July or August) to answer some questions.

Councilor Fournier wants the tax bills to include information about the tax program for people over 65 years of age as it needs to be done by December and has recently been expanded. When the State is ready to administer these programs we will definitely get the information out to residents.

It was requested that we add two more Free Dump Days in the fall.

Motion to adjourn at 9:15 pm (Bradley & Lawrence)

END OF AGENDA (Estimated time of adjournment 9:50 PM)

MINUTES
FREEPORT TOWN COUNCIL MEETING #13-22
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, JULY 5, 2022
6:00 PM

Chair Piltch called the meeting to order at 6:02 pm

	PRESENT	ABSENT	EXCUSED
Councilor Chair Daniel Piltch, 25 Quarry Lane	X		
Council Vice Chair, John Egan, 38 Curtis Road	X		
Councilor Matthew Pillsbury, 36 Todd Brook Rd	X		
Councilor Chip Lawrence, 93 Hunter Road	X-arrived at 6:06 pm		
Councilor Darrel Fournier, 3 Fournier Drive	X		
Councilor Jake Daniele, 264 Pownal Road	X		
Councilor Edward Bradley, 242 Flying Point Road			X

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood for the Pledge of Allegiance

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #12-22 held on June 21, 2022 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting # 12-22 held on June 21, 2022 and to accept the minutes as amended. **VOTE:** (Daniele & Egan)(5-Ayes)(2-Excused-Bradley & Lawrence)

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

- **NOMINATION PAPERS FOR THE NOVEMBER 2022 MUNICIPAL ELECTION WILL BE AVAILABLE ON JULY 28th** for the following offices in the Town of Freeport:
Town Council: At-Large and District 1- (3 year terms)
Sewer District: 2 seats - (3 year terms)
Water District: 1 seat -(3 year term)
RSU: 2 seats -(3 year terms) and 1 seat -(2 year term)
Papers are due back to the Town Clerk September 14, 2022.
- The Public Works Department has started their Annual catch basins cleaning and has also started paving Spar Cove Road. They will start Arnold road after the first of July.
- The Town of Freeport is working with the Greater Portland Council of Governments (GPCOG) to enroll in the State of Maine Governor's Office of Policy Innovation and the Future (GOPIF) Community Resilience Partnership. As part of the enrollment process, the Town hosted a community workshop on June 22, 2022. The purpose of the workshop was to learn about the climate hazards and impacts facing Freeport, to hear about priority projects that will help the town be more resilient and for the community to give input on which projects should be prioritized for funding. Part of the workshop included a survey. The deadline to complete the

COUNCIL MEETING #13-22
JULY 5, 2022

survey has been extended and will close at the end of the day on 07/08/22. If you missed the workshop and want to review materials, or if you would like to take the survey, please visit the Town's website where you will find a post under "Municipal News" for the workshop recording and materials and a link to the survey.

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

Councilor Egan walked with Climate Action Now in the 4th of July parade. He thanked Public Safety for their work.

FIFTH ORDER OF BUSINESS: Town Manager's Report (15 minutes)

We received notification from the county government that they are holding a Finance Committee caucus on August 8, 2022. At the county level they start the process in August. The member communities in our District will meet and nominate 2 people to the Finance Committee. The Committee works with the County manager and Finance Director to prepare a draft budget to present to the County Commissioners for final action. The municipal officers normally fill the positions on the Finance Committee. Please let the Town Manager know if you are interested.

We have been working with Comcast which are our Cable TV Franchise holders. Our Franchise agreement is up and we've not had an active cable committee constituted during Covid to work on that. Comcast is fine with extending the current agreement for 1-2 years. We would prefer a one-year period, but we need to start the contract negotiation process for that. We need to fill the vacancies on the Cable Committee but have had little interest outside of two residents. We may have a Council sub-committee work with those two residents (Peter Anzuini and John Goran) and Tom Pierce, the Cable Director on the project.

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

There was no Public Comment

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

ITEM # 137-22 To consider action relative to the repeal of Freeport Ordinance Chapter 44:
Pinball and Video Machines. PUBLIC HEARING

MOTION: To open the Public Hearing (Pillsbury & Daniele)(6-Ayes)(1-
Excused)

Colin Cheney, Freeport resident spoke in support of the repeal. It's forward looking for the Town.

MOTION: To close the Public Hearing (Pillsbury & Lawrence)(6-Ayes)(1-
Excused)

COUNCIL MEETING #13-22
JULY 5, 2022

BE IT ORDERED: That the repeal of Freeport Ordinance Chapter 44: Pinball and Video Machines be approved. VOTE: (Pillsbury & Lawrence)(6-Ayes)(1-Excused)

(Town Manager)(10 minutes)

ITEM # 138-22 To consider action relative to approving a new lease with Verizon Wireless for a new cellular antenna site at the Town's Bow Street water tank.

There are a few small details in the legal language that will still be changed. No key components are intended to be negotiated further. The questions were mostly about insurance. This is a new lease for a secondary location on that tank. Verizon has other locations in town and are trying to increase their coverage. This has been hung up with the Water Tank transfer. Maine Water still needs to take it back to their stakeholders. We got an extension from Maine Water to execute these leases. It will be between the attorneys when the Manager will sign.

Even with the transfer of ownership of the tank to Maine Water, the Town is retaining the lease for communication and the income for the communication antenna.

Councilor Pillsbury inquired about the differences in the two leases. The positions on the tanks are different and the tanks are different (have different values). We requested that the T-Mobile extensions be uniform to both. T-mobile had proposed different rates at the different tanks, we smoothed them by saying we wanted them the same at both locations. They are three completely different values between them. Two look the same, we asked that they be \$2,500 per instead of 2,200 and 2,800 initially proposed. This will be the second new lease in 5 years and the two extensions. The prior 4 were in the \$2,000 to \$2,500 range. We are paying slightly less than that. That's the going rate now.

What is the reason for the change in the annual escalators? That's what the two sides would agree to. In negotiations we got a higher base rate with a lower escalator and the other was fine with the higher escalator. The higher escalator lease is a higher value lease also.

In years past, we asked in addition to the lease, for access to Public Safety equipment in buildings and emergency generators. Does that still happen? Is that something we should ask for in the future? We have one site that is co-located with Tel Co in their equipment locker using their backup power. Both of these have our own independent back up power on site. We have constructed at Bow Street and Winston Hill our own enclosures with our own backup power. Typically, that is something we deal with the Tower Operator about. T-Mobile is just putting their antenna on the tower. The two key relay channels have backup power at them.

Chair Piltch shared concern about the escalator. We can approve it with the condition that they agree to a 3% escalator. One is set up 15% every 5 years and the other is 2% every year.

BE IT ORDERED: That the new lease with a twenty-five year term for a new cellular antenna site at the Town's Bow Street water tank held by Verizon Wireless be approved.

BE IT FURTHER ORDERED: That the Town Manager be authorized to execute any documents required to effectuate said lease *~~extensions~~, including

COUNCIL MEETING #13-22
JULY 5, 2022

any non-substantive alterations and/or amendments to the proposed documents recommended by the Town Manager or Town Attorney. **VOTE:** (Fournier & Lawrence)(6-Ayes)(1-Excused)

(Town Manager)(10 minutes)

*this is a new lease, not an extension.

ITEM # 139-22 To consider action relative to approving the T-Mobile lease extensions for the existing cellular antenna sites at the Town's Bow Street and Lookout Drive/Winston Hill water tanks.

This lease is in its final form. It's been signed off by legal on all sides except the final clearance between Maine Water and the town attorney. We don't expect any changes. There is the option there for changes but, they are in PDF and ready to execute when we get clearance. These are existing sites that have been in operation for twenty or more years. There used to be both T-Mobile and Sprint on each tank. T-Mobile bought Sprint and they removed the Sprint equipment earlier this year. T-Mobile will reuse the Sprint mounting points. This will let T-Mobile stay on both tanks for 25 years at market rate.

BE IT ORDERED: That the two lease extensions with twenty-five year terms for existing cellular antenna sites at the Town's Bow Street and Lookout Drive/Winston Hill water tanks held by T-Mobile, USA be approved

BE IT FURTHER ORDERED: That the Town Manager be authorized to execute any documents required to effectuate said lease extensions, including any non-substantive alterations and/or amendments to the proposed documents recommended by the Town Manager or Town Attorney. **VOTE:** (Lawrence & Fournier) (6-Ayes)(1-Excused)

(Town Manager)(10 minutes)

ITEM # 140-22 To consider action relative to voting the Official Ballot-District 23 for the Maine Municipal Association's Legislative Policy Committee.

Our Deputy Clerk, Carrie Weeman, is in the running for our District. Both the Manager and the Carrie Weeman spoke with the Town Administrator in Harpswell and she thinks Carrie will do a great job and is happy to take a back seat. Brunswick is half on the District and Freeport and Harpswell together make up the other half. We each nominate one person to the LPC. Harpswell will gladly endorse Ms. Weeman for the LPC.

BE IT ORDERED: That the Council cast their vote for Carrie Weeman, Deputy Clerk, Town of Freeport for the -District 23- Maine Municipal Association's Legislative Policy Committee. (Daniele & Lawrence)(6-Ayes)(1-Excused)

(Town Manager)(5 minutes)

OTHER BUSINESS:

1. Discussion of Special Amusement Ordinance (Vice Chair Egan)(10 minutes)

The Town Manager, after discussion with staff, believes we should keep the Ordinance and not repeal but we do want to make some changes. The value of the ordinance is that it puts the Code Officer in the room where the entertainment will be occurring for annual inspections. The Code Officer specifically looks at items such as egress and fire suppression. We do have a few places with dance floors/band. There is value to doing annual inspections. The problem we encounter with the ordinance procedure is the public hearing requirement for a new issuance since there is nothing to react to. Staff suggest a shell issue permit if they meet code and zoning for everything else. They would automatically get the permit after an inspection for egress and life safety. If there are complaints throughout the year that would trigger a public hearing on renewal. At this time, the process to get a permit is about 4 weeks due to the requirements to set and hold a public hearing.

Councilor Egan inquired about the requirements that trigger the amusement permit when a liquor license is involved. A liquor license holder must have an amusement permit to have music/entertainment. He questioned whether all the inspections to get the liquor license would be sufficient enough that we could issue the amusement permit based on that. The Code Officer rarely now finds any violations because they were picked up previously. Inspections pick up items such as blocked entrances/exits, walls being built, things getting stacked that block egress. The Code Officer could have eyes on the establishments annually to confirm safety issues are addressed. Councilor Egan questioned whether the liquor license holder wouldn't get an annual inspection to keep the liquor license. The Manager said he didn't think so. Live entertainment/music are only a concern due to the entertainment crowding factor it could generate.

Could we change the liquor license to say there is the potential for an annual or more frequent inspection? However, that is a State process and we don't have the authority to change. The Council could change the Amusement Ordinance to read "we may inspect if you have a liquor license".

Councilor Fournier asked whether the Fire Rescue inspects the retail businesses annual like they used to years ago. The Fire Rescue do walk through establishments, but not on a scheduled basis. They discussed the necessity of attaining warrants to enter certain areas and the necessity for the annual inspection with the amusement permit to check for life safety issues. If the establishment does not allow entry then the Council does not issue the Amusement Permit. Councilor Fournier is concerned that we are not inspecting our businesses. He also does not want to put more work on the Code Officer. We could possibly have other employees certified in NFPA do the egress checks also.

Councilor Lawrence recapped the process: You don't need to come to the Town Council and ask permission due to difficulties with the timing of having a public hearing. We'll leave it up to staff to inspect. The Manager stated that he also doesn't want to put more work on the Code Officer. He is already doing annual inspections as part of the renewal process and he sees value in this and has previously caught some issues during them. What the Manager is proposing is that these permits come to the Council if there is a problem or we have legitimate complaints similar to the Short-Term Rental process.

The Manager reminded the Council of their ability to make the Ordinance read however they would like it to and with any requirements or restrictions. Councilor Fournier says he supports this change as long as the work load is spread out over several people.

COUNCIL MEETING #13-22

JULY 5, 2022

What if the establishment doesn't have a liquor license, shouldn't they be inspected too? The thought is that with liquor licenses there is inebriation and probably where this ordinance initiated from. These establishments need to meet code requirements and standards. They discussed other establishments that may trigger a fire or codes inspection.

Permits in theory are tied to facilitating the work needed for this. This is a source of revenue to support being able to do these functions. If we get rid of this stuff, we may not have the ability to get staff help for the overload.

They are \$125 and we issue 7 per year. Councilor Daniele supports pairing it down and doesn't support the idea of having a "fun permit".

The Council directed the Manager to make suggestions at staff level and bring it back to the Council or to Ordinance Review, if necessary. The goal is to reduce the restrictions but leave the safety parts of the ordinance.

2. Discussion regarding NEMBA mountain bike trail proposal at Hedgehog Mountain (Chair Piltch)(30 minutes)

Chair Piltch recapped the Public Forum held previously and was discussed at the last Council meeting. The way it stands now the Conservation Commission has given themselves a deadline of December of this year to update the Management Plan for Hedgehog Mountain. Until then, there is no indication if they're in support or not in support of the mountain bike trails. This is before us as a Council to say, do we want to direct the Conservation Commission, make a recommendation or ask the Conservation Commission for something before December or do we want to take some action or do we want to wait until December.

Councilor Egan thinks we should have a clear presentation of enthusiasm and support for the proposal in broad terms and let them negotiate sort of how they are going to manage. Part of the reason for December is to allow for seasonality of vegetation. It would be wise for the commission to have absolute clarity and no doubt about the Council's position which he hopes is in support of approving the proposal. He thinks we can have those things happening parallel so we don't get to an update of the Management Plan in December and have another 4 months of contemplation. The updates and review of the Plan should be in the context of trying to find a way to incorporate most of the proposal from NIMBA to install at their expense the mountain bike trails.

Councilor Lawrence stated it wasn't the issue of whether people wanted mountain bike trails there, the problem was the height because you want ups and downs and to do that you had to go through some conservation areas. Then there was the safety issue of people walking up trails and crossing the trails and speeding bikes going down. He thinks everyone is working towards having bike trails there and between Bradbury and our mountain, it would be awesome.

There is confusion around how to define "summit". The existing Management Plan from 10 years ago says bikes are not allowed on the summit or summit area. If they go almost to the summit on the back side and the trails go on another and we don't have people and bikes in the same area at the top. This is what they are trying to get to. The commission will have to figure out how to draw the line of what the summit is and where do you allow the bike trails.

COUNCIL MEETING #13-22
JULY 5, 2022

Councilor Egan: The presentation from Trail Builders gave clear demonstrations of how they build high arch bridges. They are also concerned about cross traffic.

Councilor Pillsbury: He has heard public concern about the ongoing expenses of maintenance and upkeep and management for the Town. After it's fund raised and it's built, what we heard is that's the end of it in terms of the people who raised the money. It's going to be expensive to maintain. We heard from the Commission that the Town doesn't give them enough money to appropriately maintain things. We should better support them and he supports this but it's an ongoing liability. He needs more of a concrete plan and he's not saying it's not worthwhile, but he has concerns. Councilor Fournier mirrored Councilor Pillsbury remarks. He wants to see a fund set up to cover the ongoing expenses. We do get CREEP in this town. He has heard complaints about trails at Bradbury Mountain not being maintained due to State funding cuts. Let's make this something that will be successful for many years and he supports it.

Councilor Daniele added that these trails will be machine cut which will greatly reduce maintenance and Bradbury's weren't. These trails will be cut so that they won't get the ruts. He supports this project going forward but doesn't want to alienate the Conservation Commission either. They may feel we are pushing this on them and making them act quickly and do things. We have asked the Commission to manage this and we don't want to step on too many toes because they are volunteers.

Councilor Pillsbury: This seems like a large enough project that it could one of the key parts of the Downtown Revisioning. Who else do we need to engage in this? He's afraid that some of these projects might develop on their own in isolation. It's a problem if we fund raised all this money and invested in Hedgehog, but it's not connected anywhere, it's not part of the big picture. If we had thought more logically maybe there's a way to fundraise the trails and some connections or increase the scope to make it more viable and better. What about ADA compliance out there and is there an opportunity for access out there. This is going to be the crux of the problem, developing all the plans for the visioning. How do we do them in the right way and how do we get the most bang for the buck.

Councilor Lawrence: We are kind of doing that and the first big step is the bridges being built. You've seen what the engineer has put together and all the trails that are supposed to go right by there and right down Murch Road. He agrees it needs to be coordinated, but it already is because we have a plan to build trails out to and past that spot. We can do the projects individually because they will all be connected eventually.

Councilor Daniele: Connect Freeport meets monthly on this kind of thing. They are an active part of this Plan. Everyone is excited to make those connections. That's what's going to keep this going.

Councilor Pillsbury: Let's be mindful to bring people into this, not to slow the project down, but if we are going to put time and money into this project let's make sure it's wisely spent. It's so loose because we are in the development stage.

The Conservation Commission has a lot on their plates. Usually this time of year, they are building bridges and clearing trails and they are volunteers. That is why it's taking a while. There is a consensus from the Council to move this forward a little and let us know if you need help. We have specific concerns about the summit area, parking, ongoing maintenance plans, costs and concerns about safety of trail crossings. Maybe they can get a working group together to come up with an iteration of the Plan. We would like them to be chipping away at it. We want them to know the Council is heavily in support of them doing something instead of nothing. We don't want to lose NIMBAs interest. We will make the

COUNCIL MEETING #13-22

JULY 5, 2022

offer to do the negotiating with NIMBA for the Commission if that would help and not overstep. That way NIMBA knows we want and are working on this.

There is no staff person for the Conservation Commission. The Manager and Council Liaison attend their meetings. To that point, is it time we look at that and assign a staff person to make it more efficient. We put a lot on our committees.

Chair Piltch: There has also been talk about whether we should have a Parks Department. We have the need but not the staff or budget for it. Established staff does the parks area. They discussed staffing challenges. Councilor Pillsbury supports looking at our staffing. Councilor Lawrence supports a coordinator. There was talk of seeing if the new Sustainability Coordinator might be able to assist.

The way the Ordinance is written now, the Commission needs to approve a Management Plan by two thirds (5 of 7 people). They recommend the Plan to the Council and the Council approves it. If a new Plan is not approved the old one stands. The old one says no bikes on non-designated trails, on the summit or the Summit trail. You could argue every trail is a designated trail and they bike their now.

Town Manager: There is nothing in our Plan that currently prohibits any of this from happening other than you don't have cut trails. You have constructed trails specifically for biking. He thinks the only thing that would need to formally change in that plan is if there is some consideration for "Summit" and what Summit means. The Summit trail is off limits due to certain vegetation at the summit area. There is nothing in the management plan that says that biking couldn't go to the summit.

They discussed postponing the next meeting due to several Councilors being unable to attend. We can decide later in the week.

Motion to adjourn (Lawrence & Fournier)(6-Ayes)(1-Excused)

END OF AGENDA (Estimated time of adjournment 7:20 PM)

MINUTES
FREEPORT TOWN COUNCIL MEETING #14-22
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, JULY 19, 2022
6:00 PM

Vice Chair Egan called the meeting to order at 6:00 pm

	PRESENT	ABSENT	EXCUSED
Councilor Chair Daniel Piltch, 25 Quarry Lane			X
Council Vice Chair, John Egan, 38 Curtis Road	X-remote		
Councilor Matthew Pillsbury, 36 Todd Brook Rd	X-remote		
Councilor Chip Lawrence, 93 Hunter Road			X
Councilor Darrel Fournier, 3 Fournier Drive			X
Councilor Jake Daniele, 264 Pownal Road	X		
Councilor Edward Bradley, 242 Flying Point Road	X		

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood for the Pledge of Allegiance

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #13-22 held on July 5, 2022 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #13-22 held on July 5, 2022 and to accept the minutes as printed.

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

- **NOMINATION PAPERS FOR THE NOVEMBER 2022 MUNICIPAL ELECTION WILL BE AVAILABLE ON JULY 28th** for the following offices in the Town of Freeport:
Town Council: At-Large and District 1- (3 year terms)
Sewer District: 2 seats - (3 year terms)
Water District: 1 seat -(3 year term)
RSU: 2 seats -(3 year terms) and 1 seat -(2 year term)
Papers are due back to the Town Clerk September 14, 2022.
- The public works department has started their Annual catch basins cleaning and has also started paving Spar Cove Road. They will start Arnold road after the first of July.

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

Councilor Bradley wished to thank Harbor Master Charles Tetreau for finding and returning his dory previously owned by Peter Horne that the family was restoring and that was very sentimental to them. The dory was lost during the exceptionally high tides and was found today.

FIFTH ORDER OF BUSINESS: Town Manager's Report (15 minutes)

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

COUNCIL MEETING #14-22
JULY 19, 2022

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

ITEM # 141-22 To consider action relative to setting a Public Hearing for Special Amusement Renewals.

This is for renewals and is not affected by the proposed changes being considered to the Special Amusement Ordinance.

BE IT ORDERED: That a public hearing be set for August 2, 2022 at the Town Council meeting that starts at 6:00 pm. to discuss the following Special Amusement Renewals.

1. Hilton Garden Inn, 5 Park Street
2. Athena's Cantina, US Route 1, Unit 10
3. Stars & Stripes, 8 Varney Road
4. Harraseeket Inn, 162 Main Street
5. Cadenza, 5 Depot Street
6. Mast Landing Brewing Company

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.

VOTE: (Bradley & Daniele)(4-Ayes)(0-Nays)(3 Excused-Lawrence, Piltch & Fournier)

(Town Manager, Peter Joseph) (5 minutes)

ITEM # 142-22 To consider action relative to accepting the Extension of Cable Television Franchise Agreement between the Town of Freeport and Comcast of Maine/New Hampshire, Inc., for the period of 07/30/22 until 07/30/23.

BE IT ORDERED: That the Extension of Cable Television Franchise between the Town of Freeport and Comcast of Maine/New Hampshire, Inc., for the period of 07/30/22 until 07/30/23, be approved.

BE IT FURTHER ORDERED: That the Town Manager be authorized to execute the agreement in place of the Council.

VOTE: (Daniele & Bradley)(4-Ayes)(0-Nays)(3 Excused-Lawrence, Piltch & Fournier)

(Town Manager, Peter Joseph) (5 minutes)

Motion to adjourn at 6:10 pm (Bradley & Daniele)(4-Ayes)(0-Nays)(3 Excused-Lawrence, Piltch & Fournier)

END OF AGENDA (Estimated time of adjournment 7:30 PM)

MINUTES
FREEPORT TOWN COUNCIL MEETING #15-22
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, AUGUST 2, 2022
6:00 PM

Chair Piltch called the meeting to order at 6:00 pm

	PRESENT	ABSENT	EXCUSED
Councilor Chair Daniel Piltch, 25 Quarry Lane	X,		
Council Vice Chair John Egan, 38 Curtis Road	X		
Councilor Matthew Pillsbury, 36 Todd Brook Rd	X		
Councilor Chip Lawrence, 93 Hunter Road	X		
Councilor Darrel Fournier, 3 Fournier Drive	X		
Councilor Jake Daniele, 264 Pownal Road	X		
Councilor Edward Bradley, 242 Flying Point Road	X (via Zoom)		

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood for the Pledge of Allegiance

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #15-22 held on August 2, 2022 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting # 15-22 held on August 2, 2022 and to accept the minutes as amended. **VOTE:** (Daniele & Egan)(4-Ayes)(0-Nays)(3-Abstain: Fournier, Lawrence & Piltch)

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

*Music event happening this Saturday, August 6 in Memorial Park. This is the first of many events that are going to be held downtown on a Saturday this year. It coincides with Makers on Main. All afternoon there will be free talented music going on.

*Sunday, September 25, 2022-Freeport's participation in National Drive Electric Week. It will focus on the transition away from fossil fuels in automobiles and more sustainable use of machinery focusing on electricity. Sponsored by Climate Action Now.

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

*The bridge that went off of the Pownal Rd Fields was replaced so you can now park at Pownal Rd. Fields and walk to Hedgehog Mountain. It looks amazing.

*The Social Racial Equity Committee (SREC) has been meeting regularly and included a statement on Affordable Housing as an equity issue in the Council packets for tonight. Linda Berger is here from the committee and is going to read the statement which is encouraging the Council to tackle the issue of affordable housing from a regulatory perspective and how we can move the issue to the planning board. Ms. Berger read the following statement to the Council.

Freeport Social and Racial Equity Committee
Recommendation for Affordable Housing

The Freeport Social and Racial Equity Ad Hoc Committee (SREC) was created by the Freeport Town Council in late 2020. As our work continued over the past few months we have had discussions on the topic of housing diversity and affordability. We believe that a diversity of housing at varying income levels supports a vibrant community. With a diverse workforce comes a diverse buying public which supports a diversity of businesses. This is certainly a goal of the Freeport Downtown Vision Plan.

The need for affordable housing has been going on for a long time. It is becoming more apparent and urgent as the Freeport Downtown Vision Plan unfolded and new developers have begun the process of submitting plans for housing in the downtown. Changes to the Freeport zoning regulations need to be updated to catch up with the sudden building momentum.

In order to address the necessity of creating updated building and zoning standards that address this need for affordability and encourage equity and inclusion we would like the Freeport Town Council to direct the Planning Board to develop recommendations and standards aimed at improving housing diversity and affordability.

We are happy to work with the Council and the Planning Board in an advisory manner and to assist in gathering data that supports this initiative.

We appreciate your comments and are happy to answer your questions.

Thank you,
Members of the Freeport Social and Racial Equity Committee

July 27, 2022

Councilor Egan would like to have considered placing this as an “Other Business” item at the September 6th meeting to talk about different ideas around what the Town Council might do in a direction to the Planning Board to bring elevation to this issue and be more proactive. Matt Peters from Freeport Housing Trust is in the audience tonight. We have an excellent organization in town already doing this. They know a lot about how this works and would be an excellent partner in whatever this collaboration is. Matt introduced himself and supports the committee’s recommendation that the Council look into all options of how they can support affordable housing in Freeport. Planning Board direction and regulatory response is one angle and there are other possibilities and hopes we pick the ones that fit for Freeport as well as meeting the goals of inclusion and equity. They look forward to future conversations and collaboration.

Councilor Pillsbury would like to know if we can have some concrete things that are on the table. He is in support but can’t wrap his mind around what we are talking about putting in place. If we had a laundry list of suggestions or ways to make improvements to the process, it will be great and make for more productive dialogue.

Councilor Fournier: We had a workshop where rezoning existing land and possibly going up multiple stories. He’s not sure where that stands. Can 24 South Street be repurposed from single stories to into multiple stories. He agrees with Councilor Pillsbury that it would be helpful to have some bullet points and items that have been a problem that the Council could address.

Councilor Pilch: We have a vacancy on the RSU5 Board. The Town Council can appoint to fill the vacancy until the next annual election in November. We have one interested candidate, Kara Kaikini. He reached out to her, but she was not available to come tonight. It’s not on the agenda tonight, but he would suggest putting it on the next agenda. If anyone else is interested in the position, they can also submit a letter of interest.

Downtown Vision Update: Task Force meets once a month on the 4th Thursday of the month. At the end of the Principle document are a list of 70 – 80 projects. Some were aspirational goals, some were actual projects. Last meeting, they confirmed the goals and will bring forward 10 prioritized ones to the Council. They will do the same with the 50 projects and will pick the top projects. They are getting input from

boards, committees and the task force. Mary Davis, Code Enforcement, Planning and himself went through the initial details regarding feasibility and can it be done in a couple years. All of that should come to the Council in September or October for prioritization. The goal is to do this before we start budgeting for next year.

Mary Davis: We should be pleased that after 2 years we have a downtown vision. The community came together. Now is the messy part, the implementation and challenges and projects and trouble shooting. She's asking us to persevere. When this started out it was all about downtown, they were worried about the vacancies and the decreasing lease rates. We have seen positive changes. The vacancies are down. We have apartment complexes opening up and town events. Lease rates are lower than a lot of new communities in Maine. The businesses report that people are coming, but they are spending less.

There are three things going on right now to help us implement what we said we wanted:

1. Policy and Ordinance changes: At tomorrow's Planning Board meeting they are proposing an ordinance change to take us from where we were to where we want to be. The Planner and Planning Board are proposing a change in the parking requirements for downtown residential. She encourages people to participate in the process with these Ordinance changes.

2. The Downtown Residential: We currently have several developers interested in the downtown area. It's expensive and risky for the developers and for Freeport to get exactly what we want, so they are trying to bring everyone together. We have a win with residential in the downtown and the developers have a win of getting a building they can afford. It's good for residents and makes the downtown more viable. It opens up opportunities for living that currently don't exist. Our average house, not on the water, is over \$500,000. Downtown already has the sewer and water infrastructure in place. The design can get messy, it's more about being collaborative to get this the way we want it.

3. Educating & supporting the projects as we implement them. You'll hear one implementation today from Town Engineer Bliss about putting a park in front of Town Hall and many others when they are brought to the Council in September or October for prioritization. There are a lot of residents volunteering to help get these projects under way that were envisioned. We are better when we work together.

Chair Pilch and Councilor Pillsbury met with the Finance Director to review the Trust Funds and Reserve Funds; how much are in them, and where they are invested. We are going to meet with the investment advisor in September to talk about policy. He hopes to do that on an ongoing basis, but something we do annually or twice annually.

FIFTH ORDER OF BUSINESS: Town Manager's Report (15 minutes)

- He recognized Brent Moon for rebuilding the bridge at Pownal Rd Fields. Fantastic job done in 1.5 days in the heat while continuing to do their regular work.
- LD290 Property Tax Stabilization Program: Passed in the most recent legislative session and just went into effect. Residents can apply at the Assessing Department. If all the following are true you should consider applying for the program: 1) you are at least 65 years old, 2). You are permanent resident of Maine, 3) you've had a Maine homestead you've owned for at least 10 years. 4). You are eligible for a homestead exemption on the property that you are looking to place into the stabilization program. It stabilizes your tax paid at your yearly property tax that you pay to the town at the rate of that current year. Enrollment goes until December this year. If you qualify and apply, your next tax payment the following year would be frozen at the current levy. You must apply and be eligible each year. If you lapse your new property tax becomes what it would have been. Contact Min, our Assessor, or Louise, our assistant assessor in our Assessing Department at assessing@freeportmaine.com or stop in to see them. Councilor Pillsbury inquired whether the difference will be made up by the State 100%. Is there risk there? By statute, they wouldn't have to provide 100% if they didn't have funding. Are we thinking down the road, what will happen if we don't collect all our property taxes. Yes, the concern

would be that the program may either end up being on the local tax base to pay for it or the program may lapse or may be revoked because there is not state funding for it. There are operational concerns about it. How long the state funds this has been raised by Representative Sachs. Revenue sharing was just returned to the full 5% this year. In the future, the legislature could reduce the funding for this. We'll need to watch, it would act as a property tax shift if that happens so other tax payers would pick up what the overage would be from the discount provided to other taxpayers. This could raise legal concerns.

The Town will make sure to get word out about the Stabilization Program through avenues including mailings, website and social media placement. There is an email list being maintained through the Assessing Department of interested residents. This is a State Program and the word is getting out through the media. Councilor Fournier would like to see an annual mailing since residents need to reapply each year. It should be feasible to send these out. The Manager spoke about the tax implications of not staying current with the Program.

- We did have an auction of tax acquired property. The facilities committee made a recommendation to the Council who approved the sale of the property. We had a bid process. The property is tentatively scheduled to be purchased by an abutter for \$16,000. One of the concerns the Facilities Committee had was to recoup both our taxes and staff time that went into this process. We do, so we met those conditions set forth by the Council. There were a lot of interested calls. This property had issues on it and we assumed it could only be corrected by an abutter to bring it into compliance. None of the people who couldn't make it compliant bid on the property.
- Shared (Yarmouth)Sustainability Coordinator: There is a resolution on the agenda for some sustainability items. We are looking into grant funding for this position per the Council's input. Both Yarmouth and Freeport are applying for grant funding as listed as a priority in the resolution you'll be looking at later. Yarmouth did not fund the ½ time position and is relying solely on grant funding.

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

Robert Stevens: Thanked the Council for considering sending reminders to senior citizens. Glad to see item #147-22 and that we are following through on the State Resilience Partnership's Community program. He is interested in #3 of the resolution: Protect and conserve green space. We have wonderful green space in Town that is being used by the Farmer's Market. There is a proposed project there for a building whose purpose is to come up with something so ugly that improvements will fly through. There are serious questions with the Design Review and whether it complies with the design requirements. If that falls through, he is asking the Council to talk with the owner of the property about purchasing it, as it ties in so perfectly with the town.

Freeport Climate Action Now: Electrify Freeport is a big item they are promoting being held at the Freeport High School. A lot of electric vehicles and products will be there. Lastly, years ago the town looked at the capped dump near the Recycling Center and possibly having a solar project there. The proposal was too big for the service that is available at that site. It was determined that 3-phase was going to be necessary. Others are working on community solar that doesn't require being that close to a substation. Just having the one cycle that is available near their houses can be used for up to 100-150 kilowatts. That could provide the equivalent of electricity for 17-18 homes. The town owns the site and doesn't have any income from it now which would change and would be a source of income if developed into a solar farm.

COUNCIL MEETING #15-22

AUGUST 2, 2022

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

ITEM # 143-22 To consider action relative to adopting the August 2, 2022 Consent Agenda.

BE IT ORDERED: That the August 2, 2022 Consent Agenda be adopted.

VOTE: (Pillsbury & Lawrence)(7-Ayes)(0-Nays)

(Council Chair Piltch) (5 minutes)

ITEM # 144-22 To consider action relative to Special Amusement Permit Renewals. PUBLIC HEARING.

Two businesses (Athena's Cantina and Mast Landing Brewing Company) need to be removed from the Public Hearing as they did not return their applications and do not currently have live entertainment. They can reapply at a later date if they need to hold Special Amusement Permits.

BE IT ORDERED: That the following Special Amusement Renewals be approved pending Code Enforcement and Fire Rescue approval. **VOTE:** (Fournier & Lawrence)(7-Ayes)(0-Nays)

1. Hilton Garden Inn, 5 Park Street
 2. Athena's Cantina, US Route 1, Unit 10
 3. Stars & Stripes, 8 Varney Road
 4. Harraseeket Inn, 162 Main Street
 5. Cadenza, 5 Depot Street
 6. Mast Landing Brewing Company, 200 Lower Main Street
- (Town Clerk, Christine Wolfe)(10 minutes)

ITEM # 145-22 To consider action relative to setting a public hearing to discuss a new liquor license application for China Rose.

No discussion

BE IT ORDERED: That a public hearing be set for September 6, 2022 at the Town Council meeting that starts at 6:00 pm. to discuss a new Liquor License application for China Rose, located at 23 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. **VOTE:** (Lawrence & Daniele)(7-Ayes)(0-Nays)

(Town Clerk, Christine Wolfe)(10 minutes)

ITEM # 146-22 To consider action relative to setting a public hearing to discuss a new liquor license application for Goodfire Brewing Company, LLC.

No discussion

COUNCIL MEETING #15-22

AUGUST 2, 2022

BE IT ORDERED: That a public hearing be set for September 6, 2022 at the Town Council meeting that starts at 6:00 pm. to discuss a new Liquor License application for Goodfire Brewing Company, LLC, 180 South Freeport Road.

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. **VOTE:** (Daniele & Lawrence)(7-Ayes)(0-Nays)

(Town Clerk, Christine Wolfe)(10 minutes)

ITEM # 147-22 To consider action relative to our enrollment in the Community Resilience Partnership.

The Town needs to pass this Resolution in order to enroll in the Community Resilience Partnership which is a competitive grant program offered by the State. After we enroll we will be able to apply for grants between \$5,000 and 50,000 per town. If we partner with another town it could increase up to \$120,000. It does not require matching grants for the vast majority of projects. There are 79 different projects that align with the State's Climate Action Plan. We held a community workshop to see what we should prioritize for this grant. They came up with priority areas. The provided memo has the language that is required for us to enroll in the program. We do not have to pass the whole language, just the ones with asterisks. Freeport Sustainability Advisory Board (FSAB) met June 13 and passed this draft resolution that is before you tonight.

Councilor Egan: Would this help us fund the Sustainability Coordinator position or is it related to the project? Ms. Smith, Assistant Planner, stated it could be used to partially fund the Coordinator position or the Climate Action Plan.

Councilor Lawrence: What else does this bind us to? Will the State say "you have to do this". Ms. Smith clarified that we would have to give them an update of how it went, this is how we spent it and the lessons that we learned. The State's 79 action items are so broad that it would be tough to find a non-sustainability project that didn't fall into one of the categories. If we did, it would require a 10% matching grant.

Councilor Fournier: Do we have the authority to bind future Councils to what this is saying here. He doesn't believe we do. A number of the action items on the resolution would do that. A future council could make a contradictory resolution, but the Chair does not see anything that says we will spend money three years from now. If there was a binding commitment to money we weren't going to spend in this fiscal year, that would be a problem. The Manager thinks it would more be a political problem, if we said these were our priorities, a future council overturned them which they could do. If there is no matching grant, he is not super concerned. If a future council decides not to participate, that wouldn't put us on the hook for any money. This can be discussed at the staff level.

Councilor Pillsbury: Is Yarmouth's participation based on if we get this grant and is our submission of the grant only in coordination with them. If we have to go it alone, he is open to trying to fund the other half of the Sustainability Coordinator. He believes a full-time person will be more effective. We have a lot that we want to see happen. Getting someone soon is important.

Peter Joseph: Yarmouth voted to not fund it outside of the grant and their participation is contingent on them receiving the other half of the grant. The grant amounts are higher if we apply together for a joint project, but we are eligible for them individually. If they get the grant, Yarmouth will go into this position

COUNCIL MEETING #15-22

AUGUST 2, 2022

with us. We can't apply for a grant until we pass this resolution. Can Yarmouth apply for the grant if we haven't adopted the resolution. The deadline is September 30 for this round and March 22, 2023 for the next. The grants are competitive. It's a \$125,000 limit for a joint application and \$50,000 for each individual town.

They discussed the grant timeline. If we were not grant funding, the hiring timeline would be an approximately 3-4 weeks posting, 2-week selection process and 2-week hire process. That would put us back two months. The grant deadline is September 30th. Do we post for a half-time coordinator position saying it may be potentially for full time? Or do we wait and not have one for 60-90 days past September 30th? Posting for both full and part time would be awkward. With the current job market, people are not waiting for conditional job offers. It will put us back 60 if we go for the grant funding, but it gives us access to more money and a full-time position.

Councilor Lawrence: Asked if we get the grant funding, what happens with the funding for next year?

If we get the grant funding, it would pay for a little more than 1 year's salary, but it would fall back on us after that. It technically is in our budget this year, because we funded a half-time position. It would be unfortunate to have to let someone go. Let's post for the half time position and mention there is the opportunity to expand this into a full-time role, "maybe". There are other possibilities for funding outside of the grant also.

Councilor Fournier: Suggested picking a few priority projects and hiring under a contract with the possibility of hiring full time down the road. Bring someone in and be specific about what we need to get the ball rolling. If it works out, we can fund a ½ time position and maybe 6 months of testing the water on both sides, that could work out. We could have funding somewhere in the budget to allow contractors to do specific projects in the community.

Councilor Pillsbury: It doesn't make sense to wait for what may or may not happen. Down the road, he worries about someone who only wants a part time position and we want to expand this to full time. Then we need to cut ties with that employee because it's not the fit they want versus hiring someone as a "contract to try", knowing we have the funding and we can always make that half time hire once we find out if Yarmouth got their grant or not. He is worried if we hire a half time person and Yarmouth gets the grant money and this person doesn't want full time we will have someone who long term the fit is not right. He doesn't think a second half time person would be good. The Chair suggested contract work because it opens up a different pool of people.

Councilor Lawrence: If we hire contractors, it gives us a chance to see what we actually need. It also gives us the time to find a perfect candidate.

Councilor Daniele: Or we could not hire one contractor, but instead say we want this priority to get done at \$20,000 that we have funded with the idea that the person we are bring on is going to come from the grant money and we are going to pool with Yarmouth and say no we are going after the \$120,000 as a group and if that gets funded we can hire someone great.

Chair Piltch: Talked about the advantages of having an employee over a contractor. Contractors are judicious but on call rather than down the hall. We've had a lot of requests for a Sustainability Coordinator that could help on specific topics.

We may be talking about scenarios we won't get, so we should post the job and see what we get for applicants. He would like to move on something, waiting is not the right thing to do.

COUNCIL MEETING #15-22
AUGUST 2, 2022

Before us tonight is whether we want to join the program. The Chair asked if there was any language in the resolution that commits a future Council? To him, they seem more like goals. Councilor Fournier feels that the language states “we will transition to electric vehicles” and that is a commitment. He doesn’t think this is a good policy statement. We are not saying we must buy electric vehicles in the future. If we take incremental changes, this could take a long time.

Ms. Smith: Originally this was a model Resolution from the State. You can edit or remove any section except for the first “Whereas” statement and last two “Resolved” statements. It is important to take action tonight we have already missed one deadline for grants and this has a September 30 deadline.

Councilor Lawrence supports only using the required language and not all the additional “whereas” statements. It seems to him it could be committing the town to additional things.

Councilor Daniele: Could we start the grant process now knowing the imminent vote is happening in September? We could vote on it September 6th, as long as we are actively pursuing the grant, that’s what matters. Is it a problem if we don’t sign the Resolution till September? We need the Resolution passed so we can finish writing the grant application and submit it as a full packet.

Councilor Egan: Communication he is receiving is overwhelmingly in support of us taking an active step and particularly to have the Council show leadership on this. We had discussion during the budget process about how this would be easier with a grant and here it is before us. He’s comfortable committing to all the language. For him it’s important to take steps to bring the community forward.

Ms. Smith: They were planning to meet soon with the Sustainability Committee to identify projects we were going to select to work on. The coordinator is one of many projects the community identified.

Robert Stevens: Spoke very much in favor of the coordinator and moving quickly. The “resolves” are binding but the “whereas” are statements of we feel this way or that, not binding.

Councilor Egan: This resolution came from a public process with their participation. He supports adopting the whole thing.

Councilor Fournier reminded that some people have a different opinion and don’t support this. He stated that at the end of a solar panels useful life it is buried. The majority of our solar panels are coming from China, a country not particularly our friend. He’s glad we supported the part time coordinator.

***WHEREAS**, the Town of Freeport has completed the Community Resilience Partnership’s Community Resilience Self-Assessment and List of Community Actions, and held a community workshop on 6/22/22 which prioritized the following action areas:

- 1) Support a new Sustainability Coordinator and development of a Freeport Climate Action Plan.
- 2) Improve Municipal Operations - Efficiency and Electrification. Provide equipment upgrades and efficiency improvements to priority buildings. Install EV chargers in municipal buildings to support future electrification of the municipal fleet.
- 3) Protect and conserve green space.

WHEREAS, the Town of Freeport experiences flooding, intense storms, drought, high heat emergencies, and other natural hazards and seeks to better prepare for future conditions;

WHEREAS, planning for community and infrastructure resilience will protect people, preserve businesses and the local economy, and reduce the impact and costs of natural disasters;

WHEREAS, investing in energy efficiency and weatherization improvements is proven to lower municipal electricity expenses and make buildings more comfortable for employees and visitors;

WHEREAS, transitioning municipal fleet vehicles to electric vehicles lowers fuel and maintenance costs and reduces the uncertainty of variable fuel prices on municipal budgets;

WHEREAS, the Gulf of Maine is warming 99% faster than other oceans around the world, and ocean acidification and warming ocean temperatures pose a serious economic and cultural risk to Maine

COUNCIL MEETING #15-22

AUGUST 2, 2022

maritime industries, heritage, and tourism;

WHEREAS, shifting seasonal temperature and precipitation patterns threaten local natural ecosystems, economic activity such as agriculture, tourism and outdoor recreation, including winter sports and other outdoor activities, and public health due to increased incidence of heat-related illness and tick-borne illnesses such as Lyme disease;

WHEREAS, the Town of Freeport is prepared to reduce energy use and greenhouse gas emissions, and increase the resilience of people, infrastructure, and businesses;

WHEREAS, addressing climate change will present economic opportunities for the Town of Freeport as well as opportunities to invest in the public good and cost-saving practices;

WHEREAS, the State of Maine's four-year climate action plan, *Maine Won't Wait*, seeks to put Maine on a trajectory to decrease greenhouse gas emissions 45% by 2030 and 80% by 2050, and achieve carbon neutrality by 2045;

WHEREAS, achieving these emissions and resilience goals will require Maine to act with urgency to slow the causes of climate change and prepare people, communities, and the environment for climate-related impacts to come;

WHEREAS, the Community Resilience Partnership provides grants to municipalities and Tribal Governments for activities that lower energy expenses, reduce greenhouse gas emissions, and increase community resilience in alignment with the state's climate action plan and goals;

***BE IT RESOLVED**, the Town of Freeport commits to participating in the Community Resilience Partnership, which supports community leadership in reducing greenhouse gas emissions and increasing resiliency to extreme weather and climate change impacts;

***BE IT FURTHER RESOLVED**, the Town of Freeport designates Caroline Pelletier, Town Planner, to coordinate planning, implementation, and monitoring of energy and resilience projects and to be the primary point of contact to the Community Resilience Partnership. **VOTE:** (Egan & Daniele)(5-Ayes)(2-Nays Lawrence & Fournier)

(Town Planner, Caroline Pelletier)(15 minutes)

ITEM # 148-22

To consider action relative to a Street Name Changes for South Freeport.

The Town Manager explained the problem is in the suffix naming of three streets in South Freeport Village that are listed as "SF". It was used to designate South Freeport. The postal service does not recognize SF because it is not a cardinal direction. S is a cardinal direction so Main Street S, Middle Street S and Park Street S would be compliant postal service designations that would still give them unique designators from the Main, Park and Middle Streets in town. We have done two notices on this. We did have some good conversations with residents. Everyone was generally in favor of it. We are unsure what the Postal Service will do. Everything in Freeport is 04032 outside of the South Freeport post office boxes which is 04078. Once these three streets are put on the database and are deemed to exist, the actual properties themselves will have an 04032 zip. No different than they currently do now, those properties do not exist in the eyes of the government because there is not an accurate street name they can enter into their database. This seems like a no brainer but is a touchy subject in South Freeport Village. We have heard from residents that it is a nightmare to receive packages in South Freeport from UPS, Fed Ex or DHL. This will solve some of those delivery problems for people (at least the ones the town is responsible for creating.)

Councilor Fournier: Will this work with the E911 system that gives the geography? - It will not change any of the GEO coordinates associated with the properties. It will dispatch to Main Street S instead of Main Street SF. They are used to doing it now and have a good success rate especially with the GPS coordinates. The Manager will check with Brunswick and the Police Chief to make sure there are not any gaps in the timing. It is probably a problem with Consolidated phone carrier. That is a priority.

John Ellis (Main Street South Freeport): He is pleased with this action. The sellers at his closing stated "have fun chasing mail for the rest of your life" and it has been true for him and his family. This is a step in the right direction. People in South Freeport think their zip code is 04078 when it actually is 04032. He is hoping for a totally distinct zip code for South Freeport as this is how other municipalities have solved similar issues. You

COUNCIL MEETING #15-22

AUGUST 2, 2022

wouldn't have to change the street names then. If the postal service decides to do home delivery, it would solve that problem. He wanted to put it on the radar while it is not squarely what the council is voting tonight.

The Manager has spoken with the postal service. The easiest thing to do would be to rezip. They did speak to the regional addressing officer for the area who did have reasons against that solution. The town would be in favor of doing a new zip or putting them in the old zip, whatever makes it easier for the people down there. The postal service has to agree to do that. He will pass this along to the Postal Service.

Councilor Egan would be in favor of a letter of support or a resolution to encourage the Postal Service to take action on this and create a new zip code. The Manager said he didn't want to give false hope that this would make a difference, but is happy to pass that along from the Council. He will see if that is something the Post Office would entertain. It is a separate issue from what is before the Council tonight.

BE IT ORDERED: That the three streets in South Freeport Village listed below be renamed as follows:

1. That Main Street SF renamed to Main Street S
2. That Middle Street SF renamed to Middle Street S
3. That Park Street SF renamed to Park Street S

VOTE: (Pillsbury & Fournier)(7-Ayes)(0-Nays)

(Town Manager, Peter Joseph)(5 minutes)

ITEM # 149-22 To consider action relative to a request for the Use of Town Property from Visit Freeport.

There are several locations including Town Hall property and the vacant property next door. Their application shows relocated handicap ADA parking and an increase from 2 to 4 handicap spots.

BE IT ORDERED: That request for the Use of Town Property from Visit Freeport for the Fall Festival September 30, 2022 through October 2, 2022 be approved. **VOTE:** (Fournier & Lawrence)(7-Ayes)(0-Nays)

(Town Manager, Peter Joseph)(5 minutes)

OTHER BUSINESS:

1. Conceptual Review of Town Hall Site Amendments (Town Engineer, Adam Bliss)(15 minutes)

This project

This project originated as a storm water management opportunity. We received a grant through the Maine DEP. After talk about the grant and the opportunity with the manager it grew into a site plan or downtown beautification project to draw people further down from the village to stop, relax, eat and have a beverage. People get to Grove Street and they turn around, but we want to draw them in. This project combines many viewpoints in improving the site including improving ADA accessibility, sustainability, aging in place, EV charging stations, an outdoor gathering area and perhaps an art and small performance space. There is added parking, storm water and pollinator gardens.

COUNCIL MEETING #15-22
AUGUST 2, 2022

The Town Engineer presented the proposed conditions overlaid onto an aerial photo taken in 2019. The concept shows a congregating area in front of the Town Hall Building and will have signage directing people to the proper department. His intent is to use locally sourced materials as much as possible and use materials that represent Freeport like granite. This includes retaining walls on site to make the entrances fully ADA compliant. The plan suggests bollard lighting, preferably a granite post. Mr. Bliss is looking for a yea or nay from the Council because he needs to go to the Project Review with this also. Mr. Fournier wanted to know what would happen when the granite bollard lighting gets hit by a tractor, which he believes will happen.

An EV charging station is on the Plan, but is expensive and we don't have money in the budget for that yet. He went on to explain the rain garden and how it will work as storm water management from the town hall roof.

They discussed the difference in level 2 or level 3 chargers and the cost to the user options. Mr. Bliss has visited other locations with charging stations for reference. A grant may cover a portion of the expenses for EV charging stations.

He pointed out the proposed ADA spots and will be consulting with an ADA consultant to make sure we do it correctly because there is an elevated sidewalk at one of the spots. He had to struggle with factors such as the ledge outcrop and congestion in the area. The plan relocates the flag and the memorial to more visible locations.

Councilor Daniele inquired whether we have funding for this. This project will need to be done in at least two phases, the first being the front Main Street area. Our Public Works Department will work on it this fall. We would have to wait till next spring if we hire out and we would pay double. We have a \$75,000 project budget and that doesn't go far.

Councilor Fournier inquired about a cross walk from Linda Bean's to Town Hall. That was previously discussed at Complete Streets. The end result was to explore adding a cross walk that connects over to Holbrook from the mailbox at our corner.

Chair Piltch asked about the center area being used as a performance area. Mr. Bliss explained that traffic noise and other factors may discourage this. Seating of \$500 for granite seating could get too expensive. They are preferring to not use brick, they want asphalt over concrete as well.

Phase 1 will focus on the front quadrant. Phase 2 will have to occur next year or beyond with a budget appropriation. We currently have a \$50,000 grant still pending and will hear in late August.

Public art was discussed, possibly in the circle area but will need to be approved by the Project Review Board. Councilor Egan suggested reaching out to Kim Metzger at the High School Art Department. The idea of adding food or food cart options was discussed. One of the public peddler locations is in front of town hall. Work may start at the end of September.

EXECUTIVE SESSION

ITEM # 150-22 To consider action relative to an Executive Session pursuant to 1 M.R.S.A. § 405(6)(C) pertaining to a Real Estate matter.

MOTION: That the Town Council enter Executive Session. **VOTE:**
(Piltch & Egan) (7-Ayes)(0-Nays)

MOTION: That the Town Council exit Executive Session. **VOTE:**
(Pillsbury & Egan) (6-Ayes)(0-Nays)(1-Councilor Bradley was
excused during the Executive Session and did not vote)

(30 minutes)

COUNCIL MEETING #15-22
AUGUST 2, 2022

END OF AGENDA (Estimated time of adjournment 9:00 PM)

	OUTSTANDING OR UPCOMING ACTION ITEMS	INITIATED ON	PROPOSED BY	ADDITIONAL INFORMATION
#1	Review of Town fee schedule this year	1/4/2022	Councilor Pillsbury	Tasked for 2022
#3	Schedule dates for touring facilities		Chair Piltch	
#6	Set process for how we are going to accept applications for ARPA funding before summer		Chair Piltch	
#7	Determine if our Capital Reserve Budget is properly funded and we have a proper schedule to set our budget priorities		Councilor Fournier	
#9	Explore new fire rescue substation in District 2		Councilors Fournier & Bradley	
#10	Resolve Water Tank Contract		Mr. Joseph	
#11	Sewer district committee work			
#12	Divestment Discussion and Investment policy		Councilor Piltch	
#13	Planning and Codes Permitting policies			
#15	Discuss Readiness Team & Prioritization Team for future initiative	March 2022	Chair Piltch	
#16	Attend RSU Budget meetings-send new Superintendent a letter to work with us on schedule-legislative action	4/19/22	John Egan	

COUNCIL MEETING #15-22
AUGUST 2, 2022

MINUTES
FREEPORT SPECIAL TOWN COUNCIL MEETING #16-22
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, AUGUST 16, 2022
4:30 PM

Councilor Chair Daniel Piltch, 25 Quarry Lane
Council Vice Chair, John Egan, 38 Curtis Road
Councilor Matthew Pillsbury, 36 Todd Brook Rd
Councilor Chip Lawrence, 93 Hunter Road
Councilor Darrel Fournier, 3 Fournier Drive
Councilor Jake Daniele, 264 Pownal Road
Councilor Edward Bradley, 242 Flying Point Road

Chair Piltch called the meeting to order at 4:30 pm.

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood for the Pledge of Allegiance

ITEM # 154-22 To consider action relative to an appointment to the RSU5 Board of Directors to fill a vacancy until November 8, 2022.

We have a vacancy on the RSU Board of Directors due to a resignation. This appointment would expire November 8, 2022. There is a RSU5 workshop/retreat in a few weeks and we would like to have Freeport fully represented so it's important to fill this position.

Kara Kaikini had previously submitted a letter of interest to the Town Council and RSU. She was joining via Zoom and spoke briefly to the Council about her desire to serve and her interests. She considers herself progressive and supports the mental health of teachers and parents, school safety and encourages how to live and work in the world safely and respectfully while continuing to support the school district.

There were no other applicants for the vacancy.

BE IT ORDERED: That the appointment of Kara Kaikini to fill a vacancy on the RSU5 Board of Directors with a term to expire November 8, 2022 be approved. VOTE: (6-Ayes)(0-Nays)(1-Excused- Daniele)

END OF AGENDA (Estimated time of adjournment 4:35 PM)

MINUTES
FREEPORT TOWN COUNCIL MEETING #17-22
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, SEPTEMBER 6, 2022
6:00 PM

	PRESENT	ABSENT	EXCUSED
Councilor Chair Daniel Piltch, 25 Quarry Lane	X		
Council Vice Chair John Egan, 38 Curtis Road	X		
Councilor Matthew Pillsbury, 36 Todd Brook Rd	X		
Councilor Chip Lawrence, 93 Hunter Road	X		
Councilor Darrel Fournier, 3 Fournier Drive	X		
Councilor Jake Daniele, 264 Pownal Road	X		
Councilor Edward Bradley, 242 Flying Point Road			X

The Chair called the meeting to order at 6:00 pm

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood for the pledge of allegiance

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #15-22 held on August 2, 2022 and Meeting # 16-22 held on August 16, 2022 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting # 15-22 held on August 2, 2022 and #16-22 held on August 16, 2022 and to accept the minutes as printed. **VOTE:** (Daniele & Lawrence)(6-Ayes)(0-Nay)(1- Excused-Bradley)

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

- **THERE IS STILL TIME TO RUN FOR OFFICE:**
NOMINATION PAPERS FOR THE NOVEMBER 2022 MUNICIPAL ELECTION ARE AVAILABLE for the following offices in the Town of Freeport:
Town Council: At-Large and District 1- (3 year terms)
Sewer District: 2 seats - (3 year terms)
Water District: 1 seat -(3 year term)
RSU: 2 seats -(3 year terms) and 1 seat -(2 year term)
Papers are due back to the Town Clerk September 14, 2022.
- The Friends of the Freeport Community Library Book Sale is back! September 23-25 from 10am-4pm. Preview night is September 22, 2022 from 4-8pm (\$20/per family, \$10 with FCL library card). Book sale volunteers can attend the preview night at no charge. They have lots of great programs lined up for the Fall including musical performances for children and adults - visit freeportlibrary.com or our Facebook page for information.
- Special event: Sunday September 25, 2022 at the Freeport High School. It is National Drive Electric week. If you have any interest about electric vehicles and home improvement devices check it out. This is an exposition, so you can test drive electric cars.

COUNCIL MEETING #16-22
SEPTEMBER 6, 2022

- Fire Prevention Week: Public Safety Open House October 12, 2022 5 pm-7 pm.

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

Councilor Fournier: Has received compliments on the work done by Public Works on Mast Landing at the boat launch. There is talk of getting a float out there at some point. The ramp had to be removed as it was never permitted when installed. There can be a permit application submitted for a float.

Chair Piltch: Mary Davis will be doing an update on the Downtown Revisioning. He would like to schedule a workshop on September 27, 2022. The idea is to invite the public and the Task Force and have a discussion with the Council before they start deciding on specifics.

The Planning Board is close to wrapping up their portion of the land use on the Cannabis Ordinances. Once they are done the Council has work to decide on licensing, fees, registration numbers, etc. Is there an appetite to start that work now? If the others are on board, the Chair suggested we do that at Ordinance Committee. There were nods of approval, so the Chair will get that going,

Mary Davis FEDC President: The Task Force has decided to bring their priorities back to the Council on September 27th, 2022 at 6 pm. There will be a special announcement made that meeting.

Their priorities include:

- support of the Planning Board recommendation to adjust the required parking on multi-unit buildings (1 space per unit proposal).
- Housing-FEDC decided to move forward with collecting data that will help the town make decisions on housing. How much housing do we have, how much is the average price, etc. What does affordable housing mean? They will bring this information about what kind of housing we need to the Council. She referenced the two current housing projects currently in levels of creation in Freeport.
- We have new businesses interested in coming to Freeport based on our visioning.
- FEDC has a survey going out to all businesses.
- GPCOG has reached out to FEDC. Housing and retail are big issues across Maine. They want to do an open workshop to talk about how we got the Downtown Vision done.

FIFTH ORDER OF BUSINESS: Town Manager's Report (15 minutes)

Welcomed new members of the Fire Rescue Command team in the audience. Chief Conley and the Manager implemented a plan to create a middle management team. They are about ½ way there in getting a management team together. The Manager introduced Scott Smith, the newest Deputy Chief. Long-time employee, Rick Pierce, has taken a position as a Shift Supervisor Captain. Mike Hanson has worked for us for a long time and is our other newly minted Shift Supervisor Captain. We have other supervisors and rank and file employees coming on over the next couple of years to round out the coverage team. We are hiring more full-time people and having less reliance on per diem and shift coverage.

Chief Conley gave a summary of each of the new Supervisor's history and qualifications. Deputy Sylvain and Chief Conley presented each officer with their helmet shields in an honorary ceremony.

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

COUNCIL MEETING #16-22
SEPTEMBER 6, 2022

Chris Palmer (Harmony Lane): His wife and he just moved here in August. The Council may remember assisting him last year with a consent agreement to allow the issuance of a building permit for an alleged subdivision violation. He thanked the Council for thoughtful consideration and movement of the issue to a resolution so they could build their home. He can't say good things about the whole process, which cost them a year and expenses they weren't planning on.

When their attorney drafted the consent agreement Mr. Palmer had language included to avoid further delays so that after signing they would receive their building permit. On June 1st, Mr. Palmer received notice from the Town Manager that he had instructed the Code Officer to have the permit ready to issue. June 24th he was notified the town needed to get one more signature on the Agreement. July 8th he received notice of all signatures and that it was being recorded (30 day process) and the Town would not ask the Palmer's to wait the 30 days. They waited 2 weeks and still heard nothing about their building permit. They reached out to their builder to inquire with the CEO. The CEO's response outlined his concerns with one of the transfers and that he had reached out to their attorney but hadn't heard back. He stated he would reach out when he was notified. They were supposed to receive their permit after the agreement was executed. The agreement specifically allows that the property can be conveyed as long as they didn't get a building permit. That would have covered the fact that the parcel went to Mr. Barkley's son instead of him. The Town Manager stated at the May 4th meeting that the transfer of the property wasn't a concern. So, the grounds on which the building permit was delayed wasn't valid.

He also wanted to speak to the subdivision itself. In July 2020, the Real Estate agent notified them there was a problem with the road and she suggested delaying the closing, which they did. Later in July they spoke with the Planning Board and inquired if there was a subdivision issue. They were told "no", there is no subdivision there, the problem was with the fill permit. It had to go before the Project Review Board, and were told they could build. In September, when the Board met it was also stated that there was no subdivision, it was a private road and the fill permit was issued. They closed at the end of October. The next day he got a copy of the plot plan for his parcel from the Planning Department. It was a version that shows parcel C as one large parcel, but they had actually only purchased a portion of that. He notified the Town of the error. Summer comes and they apply for their building permit and then they are informed there is a subdivision issue. They had been relying on information from the Town. And that was invalidated when the Town said there was a subdivision there.

He spoke about the interpretation of the Subdivision Ordinance. "When an ordinance contains exemptions, it should be construed liberally in the favor of the land owner". That is the interpretation from the State so much so that it's in the training manual for CEO's and in case law. Multiple other attorneys and real estate professionals have stated there is not a violation there. He wants answers on how and why the town went forward the way we did.

Once they were issued the permit, there were no further issues. There is nothing now that needs action. The Council will take this under advisement and possibly meet to discuss in Executive Session.

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

ITEM # 155-22 To consider action relative to adopting the September 6, 2022 Consent Agenda.

The Chair reviewed the Consent Agenda for the public.

BE IT ORDERED: That the September 6, 2022 Consent Agenda be adopted.

MOTION: to remove item # 172-22 (Mast Landing Liquor License renewal)

COUNCIL MEETING #16-22
SEPTEMBER 6, 2022

from the Consent Agenda to allow a representative to clarify recent actions by the applicant on their permit request. **VOTE:** (Egan & Lawrence)(6-Ayes)(0 - Nays) (1-Excused Bradley)

MOTION: to accept the consent agenda as amended. **VOTE:** (Piltch & Lawrence)(6-Ayes)(0 -Nays) (1-Excused Bradley)

Brian Maser, attorney for Mast Landing Brewing: Mast Landing and Nighthawk's Kitchen are adjoining businesses that had previously held individual liquor licenses. There was a window for takeout food so that food could go from Nighthawk's Kitchen to Mast Landing Brewing. When the establishments were inspected by liquor licensing, that set up was determined to be an interest in each other's liquor licenses. They closed the take-out window and he has worked with the State to get it open. Mast Landing's liquor license is up for renewal now. The State instructed them to apply for the renewal, but they are incorporating the entire premises into the liquor license and have created a new joint venture called Mast Hawk LLC to hold that license. This will solve all pass-through window issues for the food between the two locations. Nighthawks and Mast Landing will give up their individual liquor licenses. It is a renewal in the eyes of State Liquor Licensing.

MOTION: to approve the liquor license for Mast Hawk LLC. (Lawrence & Fournier) **VOTE:**(6-Ayes)(1-Excused Bradley)

(Council Chair Piltch) (5 minutes)

ITEM # 156-22

To consider action relative to a new liquor license application for China Rose.
PUBLIC HEARING.

MOTION: to open the Public Hearing (Pillsbury & Lawrence) **VOTE:** (6-Ayes)(1-Excused Bradley)

MOTION: to close the Public Hearing (Pillsbury & Lawrence) **VOTE:** (6-Ayes)(1-Excused Bradley)

BE IT ORDERED: That a new Liquor License application for China Rose, located at 23 Main Street be approved. **VOTE:** (Pillsbury & Fournier)(6 - Ayes)(1-Excused Bradley)

(Town Clerk, Christine Wolfe)(10 minutes)

ITEM # 157-22

To consider action relative to setting a public hearing to discuss a new liquor license application for Goodfire Brewing Company, LLC. **PUBLIC HEARING**

MOTION: to open the Public Hearing (Fournier & Lawrence) **VOTE:** (6-Ayes)(1-Excused Bradley)

MOTION: to close the Public Hearing (Fournier & Lawrence) **VOTE:** (6-Ayes)(1-Excused Bradley)

COUNCIL MEETING #16-22
SEPTEMBER 6, 2022

BE IT ORDERED: That a new Liquor License application for Goodfire Brewing Company, LLC, 180 South Freeport Road be approved. (Fournier & Lawrence) **VOTE:** (6-Ayes)(1-Excused Bradley)

(Town Clerk, Christine Wolfe)(10 minutes)

ITEM # 158-22 To consider action relative to setting a public hearing for a new liquor license for The Bakeshop LLC located at 123 Main Street.

BE IT ORDERED: That a public hearing be set for September 20, 2022 at the Town Council meeting that starts at 6:00 pm. to discuss a new Liquor License application for The Bakeshop LLC located at 123 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. **VOTE:** (Lawrence & Daniele)(6-Ayes)(1-Excused Bradley)

(Town Clerk, Christine Wolfe)(10 minutes)

ITEM # 159-22 To consider action relative to setting a public hearing for a new Special Amusement Permit for The Bakeshop LLC located at 123 Main Street.

BE IT ORDERED: That a public hearing be set for September 20, 2022 at the Town Council meeting that starts at 6:00 pm. to discuss a new Special Amusement Permit for The Bakeshop LLC located at 123 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. **VOTE:** (Daniele & Lawrence)(6-Ayes)(1-Excused Bradley)

(Town Clerk, Christine Wolfe)(10 minutes)

ITEM # 160-22 To consider action relative to setting a Public Hearing to discuss amendments to the Freeport Zoning Ordinance, Section 104 Definitions and Section 514. Off Street Parking and Loading.

BE IT ORDERED: That a public hearing be set for September 20, 2022 at the Town Council meeting that starts at 6:00 pm. to discuss amendments to the Freeport Zoning Ordinance, Section 104 Definitions and Section 514. Off Street Parking and Loading.

BE IT FURTHER ORDERED: That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community

COUNCIL MEETING #16-22
SEPTEMBER 6, 2022

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. **VOTE:**
(Egan & Lawrence)(6-Ayes)(1-Excused Bradley)

This is about changing Parking Rules for Downtown. The Planning Board has discussed it and held two public hearing. FEDC has talked about it as part of the Downtown Vision.

(Town Planner, Caroline Pelletier)(15 minutes)

ITEM # 161-22 To consider action relative to setting a Public Hearing to discuss amendments to the Freeport Zoning Ordinance, Section 104. Definitions and Section 202.C.1 Non-Conforming Buildings pertaining to the expansion of non-conforming buildings/structures.

BE IT ORDERED: That a public hearing be set for September 20, 2022 at the Town Council meeting that starts at 6:00 pm. to discuss amendments to the Freeport Zoning Ordinance, Section 202.C.1 Non-Conforming Buildings and Section 104. Definitions pertaining to the expansion of non-conforming buildings/structures.

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. **VOTE:**
(Pillsbury & Daniele)(5-Ayes)(1-Excused Bradley)(1-Absent- Lawrence)

(Town Planner, Caroline Pelletier)(15 minutes)

ITEM # 162-22 To consider action relative to setting a Public Hearing to discuss a proposed ordinance Chapter 64-Earth Materials Processing Ordinance.

This was at the Ordinance Committee for some time. It pertains to rock crushing. It had multiple changes and is ready to come back to the Council. The title also changed to "Incidental Processing of On-Site Earth Materials.

BE IT ORDERED: That a public hearing be set for September 20, 2022 at the Town Council meeting that starts at 6:00 pm. to discuss a proposed ordinance Chapter 64-Earth Materials Processing 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. **VOTE:**
(Fournier & Lawrence)(6 -Ayes)(1-Excused Bradley)

(Town Planner, Caroline Pelletier)(20 minutes)

ITEM # 163-22 To consider action relative to the replacement of the main entry way doors at the Freeport Community Library.

COUNCIL MEETING #16-22
SEPTEMBER 6, 2022

Public Works Supervisor, Earl Gibson explained the reasons he asked for a waiver of the bidding process which included the time frame, guarantee of the price and being able to get it done this year. Most companies will not hold their price until work starts which would be next year. Portland Glass gave us a guaranteed price. This project will be done this year if approved by the Council. One problem with bidding is the companies won't guarantee a quote or they have very small time frames. All other companies will do the work next year, but will charge the current price at the time. The town can bid now and take this price or bid it closer to the job time. This is for the two main entrances.

Councilor Fournier is not comfortable not getting bids. Formal bids take time. Mr. Gibson has called other companies but they would not guarantee the price or when the work would be done. The Portland Glass bid is \$33,050. In the future we will include a list of companies that declined to bid.

BE IT ORDERED: That a contract for \$30,000 for the replacement of the main entry way doors at the Freeport Community Library be awarded to Portland Glass. (Lawrence & Fournier)

MOTION TO AMEND: to amend the contract price from \$30,000 to \$33,050 for the replacement of the main entry way doors at the Freeport Community Library. **VOTE:** (Lawrence & Fournier)(6-Ayes)(1-Excused Bradley)

MOTION: To accept the motion as amended. **VOTE:** (Lawrence & Fournier)(6-Ayes)(1-Excused Bradley)

Note: \$30,000 was included in the FY23 Capital budget for this project. The Public Works Department is requesting that the competitive bidding process be waived, due to supply chain constraints and work availability.

(Public Works Supervisor, Earl Gibson)(10 minutes)

ITEM # 164-22 To consider action relative to the installation of a replacement fence at the Freeport Community Library.

The only difference in this bid is the price is guaranteed but the work won't be done until next spring. Mr. Gibson spoke with at least 3 companies for this bid. We can decline the bid and rebid in the spring. The upside is we may get competitive bids, but we may not and it may cost more next year. It could move us down the waiting list for job completion. This bid is good for 30 days so we could call other companies to check.

The standards of \$10,000 for quotes versus competitive bidding will be reviewed by the town. The competitive bid policy is from 1997 and the minimum amount of \$10,000 should be raised.

BE IT ORDERED: That a contract for \$19,140 for the installation of a White PVC Victorian Picket Fence at the Freeport Community Library be awarded to Main Line Fence. **VOTE:** (Daniele & Lawrence)(6 -Ayes)(1-Excused Bradley)

COUNCIL MEETING #16-22
SEPTEMBER 6, 2022

Note: \$20,000 was included in the FY23 Capital Budget for this project. The Public Works Department is requesting that the competitive bidding process be waived, due to supply chain constraints and work availability.

(Public Works Supervisor, Earl Gibson)(10 minutes)

ITEM # 165-22 To consider action relative to the sale of the following three pieces of Fire Equipment: Outdated Mobile Portable Radios, Tanker #2 and Engine #1

Radios: This is equipment that was removed from apparatus that was replaced when we went to the digital system. They are collecting dust on a shelf. Funds generated would go back into General Revenues. This includes a dozen mobile radios and about 30-40 portable radios that will be up for sealed bid. He does have a local interested party that will need to bid.

Tanker #2 and Engine #1 out to bid: Those are being combined into the new pumper tanker approved in the Capital Budget. The issue is in housing the apparatus. Past practice is to hold onto the old equipment until the new arrives.

Councilor Fournier inquired if that swap from two apparatus to one will affect the ISO rating. The Chief would have to research to see if reducing the number of apparatus would affect it. Deputy Sylvain explained how we meet the water requirement with ISO by having engines from other towns available. We worked hard to get a low ISO rating and Councilor Fournier wants to be assured this won't affect it. The town had gotten the Rural ISO ratings down from a 9 to a 5 rating. The intown structure was dropped from a 6 to a 4 rating. Deputy Sylvain explained that we always have 5 tankers (4 from other towns) at an out of hydrant fire. Businesses and homeowners are affected by the ISO rating when they pay insurance. Before any sales, the Manager will try to get confirmation that the rating will not be affected and will forward that out to the Council.

This bid process will not come back to the Council for approval. The used market is not good right now. Tanker #2 is a 1990 tanker and it needs to be retired. The Engine #1 is a 2001 and needs work. One concern is winterization and storage of these pieces of equipment. We want to have the new apparatus arrive at nearly the same time the old equipment goes. The new truck will be here in early 2023. The problem is aluminum shortages. There has never been a reserve on the sale of apparatus.

BE IT RESOLVED: That the following three pieces of Fire Equipment be offered for sale by sealed bid: Outdated Mobile Portable Radios, Tanker #2 and Engine #1. **VOTE:** (Egan & Lawrence)(6-Ayes)(0 -Nays) (1-Excused Bradley)

(Fire Rescue Chief, Paul Conley)(5 minutes)

ITEM # 166-22 To consider action relative to a contract with Greater Portland Council Of Governments (GPCOG) for a Climate Action Plan.

COUNCIL MEETING #16-22
SEPTEMBER 6, 2022

This was something that came up around public input and input from the Sustainability Committee during the budget process. We have been working with GPCOG on our enrollment in the Community Resilience Partnership which is a program through the State that we will apply for a grant from to support a full time Sustainability Coordinator with Yarmouth. They helped us get baseline data together to use for planning processes. FSAB supports this. The Council was provided with a copy of the GPCOG proposal. Although GPCOG will be leading the way on this one-year process, it will take some commitment from the Town. We anticipate that this will be 10-15 hours a week that will be covered by the Sustainability Coordinator.

The grant application deadline is September 20, 2022. We should receive an answer by the end of October or early November. We are now working on a job description and details with Yarmouth. When we have an indication that funding will be available we will put the job description out. The Assistant Planner is currently working with FSAB on all those matters and will continue at some level as staff support. She will transfer out of that roll when the Coordinator is hired. If this bid is awarded to GPCOG we expect they will start work in the coming weeks. Yarmouth is in a similar position with staffing and the phases they are at in the Climate Planning process. The job will be posted when we know the grant is approved. If the award comes through, the Town will still hire a half time coordinator and it will not be affiliated with Yarmouth. This is work that the coordinator will be doing.

The waiver request is because the amount is over the \$10,000 competitive bid policy amount. The Manager feels this is the best course of action, i.e. using a non-government regional organization to do it. They have done the first half and this is the second half. We previously approved \$6,000 for Phase I (FY21). What did we get for that appropriation?

Phase I: GPCOG has done baseline data for us. These maps and hand outs were provided at the Community Climate Action Planning Workshop in the spring. They have given us guidance for considerations into our planning process and a high level overview of steps, process and timeline for the Community Climate Action planning process. What are we getting for \$12,000?

Kristina Egan from GPCOG explained that Phase I was an initial planning and engagement phase where they engaged with the community and the staff to look at the existing planning process and ensure that they incorporate and consider climate change considerations into those. This is really the work of starting the Climate Action Plan i.e. setting emissions inventory baseline, looking at our vulnerability assessment. We are significantly further along than if we started it without Phase I. This is launching the climate action planning work of putting together the full report and doing public engagement. It is laid out in the proposal: data collection analysis, action planning and report drafting and finalizing.

Councilor Fournier: We invested last year, is there going to be another proposal next year or are we going to have a working document sometime in the future. Ms. Egan stated it's approximately a 12 month process and we would have a Climate Action plan with an implementation plan for going forward. She does not see any further proposals. At the end of this we will have a full climate action plan. This approval includes all phases and all aspects of the plan (listed as phases I, II and III in the memo provided). There are no plans for ongoing funding or further phases.

Councilor Egan: He wants to highlight the vulnerability assessment and the community engagement and priority setting which is the most important public work that as a Council we can do. We can see the numbers but if we are not fluent in what the units are and how they compare and greenhouse gas emissions etc. it can be hard to comprehend. The purpose of getting this work done is to have products and discussions out there with the general public. He hopes the community engagement and priority setting are a highlight and gets picked up and the new Coordinator will be a champion for those types of

COUNCIL MEETING #16-22
SEPTEMBER 6, 2022

events. Having a community engagement is crucial to having public participation in a buy-in eventually if we have to spend money on something. The vulnerability assessment is a good way to start on what those high-risk checklist items might be starting with Chief Conley's list of Emergency Management activities. We are using free Federal money that came to us to use for this. He wants more than a set of numbers and conclusions that few can digest and understand.

Councilor Fournier: Was told we were working with other communities on this, but wants to know if we are now going on our own. Ms. Egan stated Freeport will end up with our own Climate Action Plan. It's good timing because Yarmouth and Brunswick will also be engaging with GPCOG on Plans this fall. They are currently completing one in Falmouth so regionally there is a lot of community movement to begin this process of Climate Action planning. It is a collective effort and there will be regional sharing. Greenhouse gas emission data will apply to other communities. The total project is \$15,500 with GPCOG paying \$3,500 through a grant and Freeport funding \$12,000.

Public comment:

Peter Anzuini: Recommendation is to reject the GPCOG proposal for multiple reasons. What are we buying?

Deborah Milite: Recommendation is to reject the GPCOG proposal for multiple reasons. This is not free Federal money.

Annique Milite: Recommendation is to reject the GPCOG proposal for multiple reasons. This is the ruination of regular people.

Town Manager: To clarify, the GPCOG wording of "Freeport Service Fee" is budget tax dollars. There should be no assumption that it's coming from another source. It's a service to Freeport as a member community that they are billing us beyond what we usually get from GPCOG. For our purposes, there is no intention that it come from any other sources than budgeted dollars the Council appropriated.

BE IT ORDERED: That a contract with GPCOG for the completion of a Climate Action Plan be approved.

BE IT FURTHER ORDERED: That the town's competitive purchasing policy be waived for this project. **VOTE:** (Pillsbury & Lawrence)(4 -Ayes)(2 - Nays- Lawrence & Fournier)(1-Excused Bradley)

Note: The Council appropriated a one-time expense of \$12,000.00 to fund the GPCOG Climate Action Plan from ARPA Funding for FY23

(Town Manager, Peter Joseph)(30 minutes)

ITEM #167-22 To consider action relative to Automobile Graveyard and Junkyard Renewals.

Freeport Auto Parts did not return an application for renewal. This business was removed from the agenda. They could reapply later but the understanding is that the business is no longer operating.

BE IT ORDERED: That the following Automobile Graveyard and Junkyard Renewals be approved.

1. D.A.B Inc. (David Bolduc)

VOTE: (Fournier & Lawrence)(6-Ayes)(0-Nays) (1-Excused Bradley)

COUNCIL MEETING #16-22
SEPTEMBER 6, 2022

(Town Clerk, Christine Wolfe)(5 minutes)

ITEM # 168-22 To consider action relative to signing the Election Warrant for the November 8, 2022 Annual Election.

BE IT ORDERED: That the Election Warrant calling the November 8, 2022 Annual Election be signed. **VOTE:** (Lawrence & Daniele)(6-Ayes)(1-Excused Bradley)

(Town Clerk, Christine Wolfe)(10 minutes)

OTHER BUSINESS:

1. Affordable Housing (Vice Chair Egan)(20 minutes)

Councilor Egan outlined what we will likely see at the workshop on September 20th. A lot of the inquiries are coming from the public who are watching multi family housing being developed in Freeport, one project on Desert Rd, the project on Depot Street was approved and another one pending on Main Street. Those are the first significant multifamily developments in quite a few years. The Freeport Housing Trust hasn't built one since Oakleaf II in 2012. Our population has grown but more importantly the demand for more units with smaller households has grown. It is good timing as a Council to hear the issues going on, not just with rent restricted or targeted affordable housing, where there is an income criteria but also workforce housing (generally available rents) to live closer to where they are working. We have employment changes going on. We have our major employer building an enormous new office complex and changes in other businesses. Anecdotally, 75% of the houses sold in the last couple of years were over \$500,000.

We will have a couple of informal people available to present a small amount of data. This is not going to be an extravagant presentation. There will be conversation about vocabulary, something called a housing affordability index which is calculated on a regular basis by the State and looks back at the previous year. We can also get insight from real estate professionals about where trends in rents are going looking forward. Interest rates are a huge influence on that. There are a lot of different dynamics going on with housing sector in the State and our community. The workshop is meant to be informational for us to learn more. There will not be a tangible recommendation for the Council to take action on that evening.

Earlier this year we heard a presentation from FEDC on how TIFs work, that's one of tools that might come up as a possibility. It's an opportunity for the community to share in making something happen intentionally rather than waiting for something to happen accidentally. He referenced how short-term rentals are an influence in the housing sector in our community but not near the top priority that would cause us to do something different than what we have.

Councilor Fournier: Previous discussion with Freeport Housing included discussion of repurposing existing land they have in order to take single family units (for example, the Spring Street complex) and repurpose to multiple family units. The lenders might not agree, but it's a good topic that would have a lot of restrictions.

Councilor Egan outlined who they would like to hear from or who he has spoken with already. In the last 36 months, the town has more than 15 years of building activity going with the three housing projects. We want to continue to entice developers in our community. If we were to propose inclusionary zoning

COUNCIL MEETING #16-22
SEPTEMBER 6, 2022

(which he is not doing), that can be a powerful tool to get the development community to do X,Y,Z. In our region, no one else has that unless you go to Portland. That will end up having a negative effect because we'll never see those projects because they go somewhere else that doesn't have inclusionary zoning. That's an example of a leverage that is out there to try to get more affordable housing in your community, but it really needs to be in the context of what is the development community want to know and hear about our community as a place to do their project. One of the better things we can do is to put flexibility into our zoning.

Pure and simple we need more housing stock. Where it gets complex is we need the right varied type of housing stock. We don't have a firm grasp of what those numbers look like because we didn't set it as part of the vision.

Councilor Daniele brought up the issue of our schools being overrun and short staffed already and the conflict it will create if we increase housing and school attendance rates. This is an enormous issue. They have incrementally more students now.

The concept of changing zoning to allow smaller house lots was discussed.

Much discussion ensued about housing, housing options and problems and the topics and questions we will address at the workshop.

2. Update on Accessibility at Town Properties (Town Manager, Peter Joseph)
(15 minutes)

The Town Manager reported on what the town staff has been doing. This is half of the project which are public property improvements. These are the things that will generate the most public interest and concern because they are publicly accessible buildings. This also includes the portion of private buildings that are publicly accessible so that includes existing businesses that have accessibility issues and includes new construction that needs to comply with existing standards. Anything renovated over a certain standard need to meet accessibility standards. Not everything is actionable if it doesn't comply for private property that is publicly accessible. He has worked with the Codes and Planning Department to go over the processes they use for new construction and change of use. There are good processes at our level and the State level. It doesn't catch everything, but they catch 80-90 % of issues before they are put on the ground. The goal is to show the processes and the different levels of review. That will be included in the final list of this information. We've been focusing on accessibility for the last 5-6 years with town properties. In the last 2-3 years, there has been broadening to a wider scope of employees.

Our building and grounds are under order to build accessible tables only and this will eventually replace all the old non-accessible tables. The goal is to make where those go accessible also through improvements. As the department employees learn, they become interested in finding the problems with their own facilities.

Universal Accessibility: meaning you build the same feature for everyone to use. Here at Town Hall we have a perfect example. We have a set of steps and then we have a ramp to the side that was never built right initially. Why not just build a ramp centrally that everyone uses. Why build an accessible table and a non-accessible table, when you can just spend a little more money

COUNCIL MEETING #16-22
SEPTEMBER 6, 2022

and build both accessible. We are implementing those small changes as we go. Those happen on new constructions, but 100 years from now if that is the guiding principle every facility in Town will be perfectly accessible.

He showed pictures of Dunning Boat yard from both last year and with this year's upgrades. Dunning Boat Yard is located at Porter's Landing and the leased building is owned by the Town. The parking is all clean with guardrails delineating where the parking is. Something added during the design process was an actual compliant parking space there. There is a picnic area there and an ADA compliant picnic table and compatible mulch which is not great, but works. Ideally, it would be paved but it is only 10 feet off the water there. This made a portion of the area accessible with more improvements in the future (i.e. the ramp, etc).

Winslow Park: Has been doing some improvements over the years. They have been changing over to accessible picnic tables, accessible fire rings, shower facilities, etc. The park manager is looking to pave the area in front of the shower stalls to increase accessibility. Pictures of the Beach Access Ramp constructed this year were shown. It's a concrete ramp, beach front construction and we matted the top of it. This will be used with the beach chair that we've had for some years and the new float beach chair. We are adding paved accessible parking across from the ramp this fall. A sidewalk, crosswalk and signage will also be added. This will be completely funded by Winslow Park dollars.

Community Center Parking Lot: We don't own this parking lot but have a shared use lease. We are responsible for 40% of the cost of capital improvements on it. The existing lot had an accessible parking space that was marked as accessible, there was no loading or unloading. It was an 18 x 8 parking space and did not meet dimensional standards. The second spot was also 18 x 8, with no loading stall. It had just a marking on the ground and a sign. The Town Manager explained the visibility issues with the horseshoe drive there. Public Works has changed the two handicap parking spots to be adjoining, eliminating the visibility issue. This improvement only cost \$500 for the Community Center and we did the work. This is a small low budget improvement that we need to make at other town facilities also.

Public Works: Supervisor Gibson restriped all the parking in front of the Public Works office as there was no handicap parking in the entire facilities since when it was built in the 1990s. This is also the bus maintenance facility. They are installing a buzzer for the entrance door so that people can be let into the facility. ADA compliant doors will be added in the future.

Town Hall: The side entrance is the only ADA entrance and it's just a junky ramp. The new entrance will be a gradual main entrance ramp that all will use and the front exit will also be accessible.

Hunter Rd Fields: There is proper accessible parking installed when it was constructed in 2011/2012. Only two of the spots connect to a field. All the other spots are on the other side of drainage swails or grassy areas but some may not be able to be traversed. It did get approval when being built. Part of the overhaul project the Town Engineer is working on requires a site location permit to modify the ADA impervious there. We will do the parking lot there and these

COUNCIL MEETING #16-22
SEPTEMBER 6, 2022

accessible pathways from the ADA parking spaces to at least go to a viewing area where someone can watch a field.

You can't get to some of the areas in the baseball fields. The baseball field's improvements will include a hard pack or paved surface in the middle of the clover and a path going to it so people can use that location to view a game at any of those fields.

Public Safety Building: the stall in between the parking spaces has no curb tip down at the sidewalk. You have to unload and go out and around the parking space then up the ramp. The tip down is in the wrong location. This needs a small fix that needs to be done to meet the parking standards.

Motion to adjourn at 8:56 pm (Lawrence & Fournier)(6-Ayes)(1-Excused-Bradley)

END OF AGENDA (Estimated time of adjournment 10:35 PM)

MINUTES
FREEPORT TOWN COUNCIL MEETING #18-22
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, SEPTEMBER 20, 2022
6:30 PM

Chair Piltch called the meeting to order at 6:43 pm

	PRESENT	ABSENT	EXCUSED
Councilor Chair Daniel Piltch, 25 Quarry Lane	X,		
Council Vice Chair John Egan, 38 Curtis Road	X		
Councilor Matthew Pillsbury, 36 Todd Brook Rd	X		
Councilor Chip Lawrence, 93 Hunter Road	X		
Councilor Darrel Fournier, 3 Fournier Drive	X		
Councilor Jake Daniele, 264 Pownal Road			X
Councilor Edward Bradley, 242 Flying Point Road	X		

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood for the Pledge of Allegiance

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #16-22 held on September 6, 2022 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting # 15-22 held on August 2, 2022 and to accept the minutes as amended. **VOTE:** (6-Ayes)(0-Nays)(1-Excused, Daniele)

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

- The Friends of the Freeport Community Library Book Sale is back! September 23-25 from 10am-4pm. Preview night is September 22, 2022 from 4-8pm (\$20/per family, \$10 with FCL library card). Book sale volunteers can attend the preview night at no charge. They have lots of great programs lined up for the Fall including musical performances for children and adults - visit freeportlibrary.com or our Facebook page for information.
- The Assessing Department has completed its annual analysis and calculation of all real and personal property valuations. With our yearly analysis and updates, the current real estate valuations are in line with market value; therefore, there was no need to make town-wide valuation adjustments. The fiscal year 2023 saw a taxable valuation increase of 2.01% (\$42,785,205) from \$2,128,095,497 to \$2,170,880,702 with a mill rate increase of 2.25% from \$13.35/per thousand to \$13.65/ per thousand. The valuation increase was due to three main factors:
 1. New constructions: L.L. Bean's new office building, 40+ single-family homes (in various stages of completion), and miscellaneous construction projects.

COUNCIL MEETING #18-22
SEPTEMBER 20, 2022

2. Adjusting inconsistent property valuation factors for consistency and equitability with other similar property types.
3. The assessment of previously omitted parcels and updating and reclassifying property types.

As an agent of the State, the Town Assessor assesses property valuation in accordance with "just value," which the Law Court has interpreted to mean market value. The assessed valuation, combined with the annual approved municipal appropriations, sets the tax rate.

- Freeport Police Dept. has the following:
 1. Ongoing gun takeback initiative. If any citizen has unwanted firearms or ammunition they do not want around their home, they can bring these items into Freeport PD, during normal business hours and we will take them for them.
 2. Ongoing drug takeback initiative. We also have a drug takeback box in the lobby of the public safety building and will take back unwanted prescription drugs that are unwanted or unused.
 3. We have a program to assist citizens with relatives who are prone to wander due to dementia, Alzheimers disease or other medical reason. We will supply an RFID transmitter which can be then tracked by member agencies when one of our citizen has gone missing.

Councilor Pillsbury announced the significant staff shortages at RSU5 and encouraged those interested to find more information on the RSU5 website.

Councilor Egan toured the new L.L.Bean, Inc. office facility on Main Street. Of note is that L.L.Bean had all the different trades on this complex and had nothing but positive words about their encounter with the Town on this process including our Code Officer and Fire Department

Councilor Bradley reminded about the Energy Efficiency event on Sunday at the High School starting at 10 am. He also announced that Wolfe Neck Farm received a thirty-five million dollar federal grant. This is a great boom to the Freeport Community.

-Susana Hancock, local resident and RSU5 member, has done interesting things including spending a few weeks in the Artic. She is coming to speak on 9/29/2022 at 7 pm as part of Freeport Speech. The location is the Freeport Arts Center.

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

Councilor Pillsbury: Winslow Park had an incredible summer with high occupancy rates. Revenue projects are higher than past years. They have the accessible ramp in place. They are working on getting two accessible parking spaces paved in the fall. The playground is scheduled for the spring of next year.

Councilor Piltch: He and Councilor Daniele met with the Conservation Commission, representatives of NEMBA (New England Mountain Bike Association), Town Manager and Chamber of Commerce about the progress of the mountain bike trails at Hedge Hog Mountain. Things are moving forward. The Commission is continuing their work on their study which they plan to complete in December. This is part of a bigger project in considering how to connect those trails to the new highway bridge or Hunter

COUNCIL MEETING #18-22
SEPTEMBER 20, 2022

Road Fields, etc. and over time be able to bike all around town. A lot of this work is already underway. We are hoping to get construction started next year and raise some money.

Police Advisory Committee: In October they are sending out surveys, one is internal to the Police Department about what things they would like to see change. There is also a smaller survey if the public wants to participate.

The Social Services Liaison job has just been posted. This position will help with calls that might not be criminal or safety issues but when responding to someone who needs help getting connected to social services is involved.

FIFTH ORDER OF BUSINESS: Town Manager's Report (15 minutes)

Key Points: 2.25% tax rate increase-for reference, inflation during that time period was roughly 7.5%. There was a lot of talk during the budget season and he is pleased the tax rate came down lower than inflation. He went on to explain the chart included in his written report (see below). Freeport is amongst the lowest in equalized tax rates.

COASTAL CUMBERLAND COUNTY- SCARBOROUGH TO BRUNSWICK

NOTE: Estimated rates have been corrected by certified EQ'1/4 to allow more accurate comparison, these are not the actual tax rates established by the respective municipality!

NOTE: Certified/ EQ% shown may vary by up to 10% from EQ% established by Maine Dept. of Revenue

MUNICIPALITY	2022 EST. RATE @100% EQ	Declared 22 Rate	Declared 21 Rate	Certified EQ%	EQ year
PORTLAND	13.61	13.61		100%	2022
FREEPORT	13.65	13.65		100%	2022
CAPE ELIZABETH	13.75	21.15		65%	2022
SOUTH PORTLAND	14.00	15.56		90%	2022
SCARBOROUGH	15.39	15.39		100%	2022
FALMOUTH	15.51		17.43	89%	2021 *2021 RATE
NORTH YARMOUTH	17.92	18.10		99%	2022
WESTBROOK	18.10	18.10		100%	2022
YARMOUTH	18.59		21.62	86%	2021 *2021 RATE
CUMBERLAND	18.87	21.20		89%	2022
BRUNSWICK	19.74	21.69		91%	2022

RSU TOWNS:

POWELL	18.00	2022 Rate, unknown EQ%
DURHAM	20.25	2020 Rate, 100% EQ

We worked with Yarmouth on submitting a joint application to GOPIF (Governor's Office of Policy Innovation and the Future) in the amount of \$121,000 to fund a joint sustainability position for up to 15 months. We should hear back in October. We do have a job description ready but we are waiting to hear back from the State on the grant before posting.

He reported that we are almost fully staffed. We have hired 13 full-time staff over the last year. We do have one full time police officer position open due to retirement. We have three positions: one social service liaison and two full-time EMT/medic supervisor positions. The Sustainability Coordinator and Zoning Administrator are still to be filled.

COUNCIL MEETING #18-22
SEPTEMBER 20, 2022

Lastly, we looked at the wording for setting a public hearing and specifically the last paragraph. The Clerk had previously gotten a legal opinion and we looked through the charter and ordinances. It does not require the Council to verbally state them at the meeting. He only foresees a problem if we did not take care of the notice on our end administratively i.e. posting in paper, on website, etc.

SIXTH ORDER OF BUSINESS: Public Comment Period –

There was no public comment.

(30 Minutes) (Non-Agenda Items Only)

ITEM # 174-22 To consider action relative to adopting the September 20, 2022 Consent Agenda.

The Chair reviewed the items on the Consent Agenda for the Public.

BE IT ORDERED: That the September 20, 2022 Consent Agenda be adopted.

VOTE: (Piltch & Lawrence)(6-Ayes)(0-Nays)(1-Excused-Daniele)

(Council Chair Piltch) (5 minutes)

ITEM # 175-22 To consider action relative to a new liquor license for The Bakeshop LLC located at 123 Main Street. PUBLIC HEARING.

Ian Talmage, new owner, spoke about their new business The Bakeshop. He explained the menu and the layout. He was primarily a catering business previously. They have a long-term lease with extensions. They are invested to staying 5 years. They are doing renovations to provide a new face. They hope to open this fall.

MOTION: To open the Public Hearing **VOTE:** (Pillsbury & Lawrence)(6 - Ayes)(0-Nays)(1-Excused-Daniele)

MOTION: To close the Public Hearing **VOTE:** (Pillsbury & Lawrence)(6 - Ayes)(0-Nays)(1-Excused-Daniele)

BE IT ORDERED: That a new Liquor License application for The Bakeshop LLC located at 123 Main Street be approved. **VOTE:** (Pillsbury & Lawrence)(6 -Ayes)(0-Nays)(1-Excused-Daniele)

(Town Clerk, Christine Wolfe)(5 minutes)

ITEM # 176-22 To consider action relative a new Special Amusement Permit for The Bakeshop LLC located at 123 Main Street. PUBLIC HEARING.

No discussion on this item.

MOTION: To open the Public Hearing **VOTE:** (Fournier & Bradley) (6 - Ayes)(0-Nays)(1-Excused-Daniele)

MOTION: To close the Public Hearing **VOTE:** (Fourier and Lawrence)(6 - Ayes)(0-Nays)(1-Excused-Daniele)

BE IT ORDERED: That a new Special Amusement Permit for The Bakeshop LLC located at 123 Main Street be approved. **VOTE:** Fournier & Lawrence (6

COUNCIL MEETING #18-22
SEPTEMBER 20, 2022

-Ayes)(0-Nays)(1-Excused-Daniele)

(Town Clerk, Christine Wolfe)(5 minutes)

ITEM # 177-22 To consider action relative to amendments to the Freeport Zoning Ordinance, Section 104 Definitions and Section 514. Off Street Parking and Loading.
PUBLIC HEARING.

Caroline Pelletier: We are talking about Multi-Family Residential Units. It's three or more dwelling units typically apartments and condos. She displayed a map of the Village Commercial I District. Freeport does not have a lot of existing residential units downtown. They are mostly on the outskirts. There is some mixed-use development, some with multiple units in a building and 10 single family. Permitted today would be multi-family units (3 or more units) and mixed-use development, which clarified to include any number of residential and commercial units in one structure. We do not permit single family units in the Village, but existing units are allowed to be considered legally existing.

In 2021, we worked with FEDC, the Planning Board and the Council to remove some barriers to development. We changed building height requirements and removed land per dwelling unit requirements. In 2022, we completed the Downtown Vision.

She displayed a map showing VC-1 existing buildings and parking spaces, including the parking garages. The Planner went on to describe our current and past history of parking in Freeport. She explained the shared parking concept from the 1980's. The off-street parking requirements have changed over the years.

Highlights of the Powerpoint Presentation:

- Freeport is unique in many ways, in particular with regards to parking.
- We have many retailers/businesses located within close proximity, however many different property owners owning the structures and properties on which the businesses and parking are located.
- Back in the early 1980's Freeport moved to the concept of a shared parking system.
 - That means you could come to Freeport, park on almost any downtown parking area and shop/visit for the day without having to move your vehicle each time you visited a property owned by someone else.
 - This program was incentivized with a lower parking requirement if a property owner participated in the shared parking program.

OFF-STREET PARKING REQUIREMENTS:

- Downtown parking requirements have fluctuated - use, location, shared vs non- shared provided
- Early 1990's - developed leasing standards for shared parking and could meet minimum off-street parking requirement this way.
- Early 2000's -leased parking could be anywhere in the VC-1 district.
- Parking standards have continued to be amended over time to encourage development & eliminated for some uses (ie: Religious institutions, visitors centers, outdoor arts center with no permanent structures and indoor and outdoor arts center connected to a parking structure).
- 2018 - significant changes to parking requirements to further clarify the square footage used to calculate the parking requirement and lower the parking requirement for many uses. Allowed for parking re-calculations with the expectation that surplus parking would result, and surface parking could be re-developed into other potential uses.
- Due to the various changes in off-street parking requirements over the years, property owners in Freeport provide various amounts of require off-street parking. Some property owners with newer developed sites comply with current requirements, however other owners are legally non-conforming and are required to provide none or just a portion of what would be required for a project completed under current standards.

COUNCIL MEETING #18-22
SEPTEMBER 20, 2022

PARKING SPACES:

- About 3,000 off-street parking spaces total
- Town of Freeport owns approximately 250+/- off-street parking spaces downtown
- Estimated (due to 2018 changes) over 500 surplus parking spaces (existing and constructed, but no longer meeting a municipal parking requirement)
- Share parking pool has 184 parking spaces, of which 77 are leased

We would lose 98 spaces if the Depot Street lot owned by L.L.Bean is developed. We do count parking spaces and the Parking Garage always has space available. This year we have not seen that lots have been entirely full. We don't count on peak event days. The Downtown Vision shows a parking garage at Howard's Place in the future.

PARKING LOT USAGE:

Location	Name	2021 Average Vacancy Rate (unused parking spaces)	2016 Average Vacancy Rate (unused parking spaces)
Middle Street	CVS Drugstore	68.1%	39.8%
Village Station	Garage Lower Level (Level 1)	72.4%	53.2%
Village Station	Garage Upper Level (Level 2)	71.5%	40.4%
Cross Street	Howard Place	63.6%	40.5%
Main Street	Tuscan Bistro	59.8%	52.4%

PLANNING BOARD RECOMMENDATION:

BACKGROUND INFORMATION:

- Various studies include looking at residential parking requirements
- Identified more recently as a barrier to development
- Concept of removing parking minimums is reflected in current planning practices both regionally and nationally
- The Downtown Vision Plan addressed parking
 - Freeport needs to assess downtown parking requirements
 - "Allow residential users to share the parking space for retail or commercial uses.
 - Allow the market to define the correct amount of parking required by eliminating minimum parking requirements."

PROPOSED CHANGE:

- Clarify definition of shared parking so that residential uses are included in this system
- Allow the parking requirement to be met with shared and non-shared parking
- For multiple-family dwellings (3 or more units) lower the requirement (*minimum number of spaces required*) as follows:
Shared: 0.75 space per unit
Non-shared: 1.0 space per unit

NEXT STEPS:

COUNCIL MEETING #18-22
SEPTEMBER 20, 2022

The Planning Board finds that this amendment is:

- consistent with the Freeport Comp Plan of replicating the traditional pattern of traditional New England neighborhoods,
- allowing a variety of neighborhoods and housing types,
- providing flexible regulations to minimize negative environmental impacts,
- improving the walkability of neighborhoods so as to encourage community health,
- promote a variety of alternatives to the automobile,
- to provide a positive impact to the economic decline we have seen in downtown
- to encourage development and to encourage more people to live, work and play in our community.
- This issue be revisited and we monitor it closely and we realize this one change will have ripple effects and realize it means we need to look at other parking priorities that the public brought up today so we will be keeping a close eye on it.

We are basically lowering the number of spaces that a development would need. If we bring in cars and reduce the surface area for parking, we may set ourselves back. At this point we have an enormous surplus of parking. There is nothing in the shared parking system that would prohibit someone from building a “for profit” parking lot or garage.

FEDC Executive Director Brett Richardson: They heard the businesses concerns about customers in the door, not parking. Workforce having to commute is also an issue. FEDC had unanimous support of the lower standards proposed. The same people who own the parking spaces to support the retail are the same people who would be making the decisions to give up those spaces to support housing. They won't go so far that they will undercut their interest on the commercial side to support residential. The town would be creating more flexibility for developers to meet an emerging market.

The incremental change we are looking at is just for multi family residential units. We are not changing parking for stores.

MOTION: To open the Public Hearing **VOTE:** (Lawrence & Fournier)(6 - Ayes)(0-Nays)(1-Excused-Daniele)

MOTION: To close the Public Hearing **VOTE:** (Lawrence & Fournier)(6- Aye)(0-Nays)(1-Excused-Daniele)

BE IT ORDERED: That amendments to the Freeport Zoning Ordinance, Section 104 Definitions and Section 514. Off Street Parking and Loading be approved. **VOTE:** (Lawrence & Fournier) (6 -Ayes)(0-Nays)(1-Excused-Daniele)

(Town Planner, Caroline Pelletier)(30 minutes)

ITEM # 178-22

To consider action relative amendments to the Freeport Zoning Ordinance, Section 104. Definitions and Section 202.C.1 Non-Conforming Buildings pertaining to the expansion of non-conforming buildings/structures. PUBLIC HEARING

This was brought forward by the Code Officer. We get requests from property owners who want to expand on their structures, but they don't meet the setbacks. They would be legally non-conforming structures because they went in before Zoning. If your structure does not meet setbacks, expansion would require approval from the Board of Appeals. Due to changes made, they would also now need to prove hardship and get a variance from the Board of Appeals. Getting a variance can be a challenge. This amendment would allow legally non-conforming structures to expand if they do not increase the non-conformity and can meet the other standards that come into play. This would apply to any non-

COUNCIL MEETING #18-22
SEPTEMBER 20, 2022

conforming structure. The true intent is to help residents stay in their homes.

John Egan: This applies to any non-conformity. We are talking about a much broader set of non-conforming properties than just those that were built before there was a setback. The Planner clarified what is legally non-conforming and gave an example. We also see this in subdivisions built in the early 90's. They have acre lots and there is no way they can have a 50-foot setback on either side. He talked about the consent agreements that the Council has had before them. He does not want to encourage someone who has a non-conformity which is the result of a clear violation and now we are just smoothing it over because they didn't play by the rules. The Planner explained it must be "Legally" non-conformity. This is space and bulk standards and covers setbacks, building height and lot coverage. It does not cover cutting violations, splitting violations and all those other things.

Residents Thew Suskiewicz and Louisa Picard spoke to their personal experiences and desires to see this Zoning amendment be approved.

MOTION: To open the Public Hearing **VOTE:** (Bradley & Lawrence) (6 - Ayes)(0-Nays)(1-Excused-Daniele)

MOTION: To close the Public Hearing **VOTE:** (Bradley & Lawrence) (6 - Ayes)(0-Nays)(1-Excused-Daniele)

BE IT ORDERED: That amendments to the Freeport Zoning Ordinance, Section 202.C.1 Non-Conforming Buildings and Section 104. Definitions pertaining to the expansion of non-conforming buildings/structures be approved. **VOTE:** (Bradley & Lawrence) (6 -Ayes)(0-Nays)(1-Excused-Daniele)

(Town Planner, Caroline Pelletier)(30 minutes)

ITEM # 179-22 To consider action relative to setting a Public Hearing to discuss a proposed ordinance Chapter 64-Incidental Processing of On-Site Earth Materials Ordinance. PUBLIC HEARING

Our ordinances prohibits processing of materials from off site, unless you are a quarry or rock crushing operation that was approved under the processing section of the Zoning Ordinance. You can't bring in gravel and then crush it and sell off site. Those remain in place. Chapter 64 pertains solely to material processed on site, which wasn't a concern till about 5 years ago when rock crushing and processing equipment became more mobile. Users now can rent and access this equipment on the job site. This ordinance allows 1,000 yards to be processed on site. If you process more than 1,000 yards on site and it stays on site, you will need Project Review Board approval. There is a permit and application process. The original version had it coming to the Town Council and that was altered on the attorney's advise. Councilor Bradley suggested it be staff review rather than Project Review Board review. The Town Planner explained that the public notification process is vital and would be absent with staff review. She suggested substituting Staff Review Board as opposed to staff review. Staff Review Board includes: Fire Chief, Public Works Director, Code Officer, Planner, Engineer. The proposal also suggest adding the Police Chief. Another concern with staff review is that the decision would be made by one person which is why the original intent was for it to be a Council process. The Staff Review Board reviews gravel pit renewals already. The way the ordinance is written, if something comes to the Staff Review Board that is really problematic or controversial, they can vote to send it to Project Review.

Councilor Egan: He is concerned that 100 cubic yards in a gravel pit operation is very small, but 100 cubic yards, if your putting in a six parcel subdivision, is a significant amount of the site work and could cause significant disruption. He agrees with the Staff Review but feels the 100 cubic yards is too high. There

COUNCIL MEETING #18-22
SEPTEMBER 20, 2022

could still be significant disruption if they process 90 cubic yards. This has a more ample notification process than a standard site plan, like a commercial project. We are going to mostly see this in association with a commercial project that has already been through some level of the review process.

100 cubic yards is the equivalent to approximately eight 15-yard dump trucks. The 100 number was reduced from 200 which is what they use when they haul in other materials.

Councilor Fournier supports this version of the proposal and gave an example using his family property on Flying Point Rd. Chair Piltch stated this was brought forward by neighbors who had issues with the potential for this disruptive activity near their residences. We want to make sure that this activity doesn't suddenly appear in neighborhoods without notification. There is a public notice period and the suggested public hearing before Project Review. We don't want to encourage this activity.

100 cubic yards can be crushed in a couple days. Part of this was the Council already amending the Loitering, Curfew and Noise Ordinance so we have put a limitation on hours of operation.

There is a notification window of 500 feet from the property line. Fees are associated with the permitting.

The only thing from a practice that would be different is that now we notify within 200 feet and this would be notifying within 500 feet of the parcel boundary and paying the fee. This also has a formal public hearing process. The Staff Review Board does not conduct a formal public hearing, they do the typical notice posting and they would do direct mail to the abutters. The Staff Review Board does take public input and does have some limited participation. When things become controversial at Staff Review it would go to Project Review instead.

The consensus is to change Project Review Board with Staff Review Board.

MOTION: To open the Public Hearing **VOTE:** (Egan & Bradley) (6 - Ayes)(0-Nays)(1-Excused-Daniele)

MOTION: To close the Public Hearing **VOTE:** (Egan & Lawrence) (6 - Ayes)(0-Nays)(1-Excused-Daniele)

BE IT ORDERED: That proposed new Ordinance Chapter 64-Incidental Processing of On-Site Earth Materials with the amendment to strike Project Review Board and replace with Staff Review Board be approved. **VOTE:** (Egan & Lawrence)(6 -Ayes)(0-Nays)(1-Excused-Daniele)

(Town Manager, Peter Joseph)(15 minutes)

ITEM # 180-22 To consider action relative to approving proposed amendments to Chapter 46: General Assistance Ordinance and Appendices A- H for the period October 1, 2022 to September 30, 2023.

If we are going to get State reimbursement on general assistance dollars spent, we are required to use the State required levels. We have to change the Ordinance whenever those levels change. It is done by geographic region. We are amending our ordinance, so this requires a Public Hearing. We have been advised to not remove this from ordinance.

BE IT ORDERED: That a public hearing be set for October 4, 2022 at the Town Council meeting that starts at 6:00 pm. to discuss amendments to Chapter 46: General Assistance Ordinance and Appendices A- H for the period October 1, 2022 to September 30, 2023

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

COUNCIL MEETING #18-22
SEPTEMBER 20, 2022

placed on Freeport's local cable channel 3 and the Town's website. **VOTE:** (Pillsbury & Fournier) (6 -Ayes)(0-Nays)(1-Excused-Daniele)

(Town Manager, Peter Joseph)(5 minutes)

ITEM # 181-22 To consider action relative to awarding a bid for Digital Portable Radios and accessory equipment.

Chief Conley: This is the other part of the radio communications and portable radios that we talked about previously. He got 3 bids for thirty radios. There were three companies in Maine that he sent bid request to. He received one bid back from RCM. This is the company that put in the whole system that Fire Rescue has. This is a Kenwood product. The bid came back at \$28,991.00. The Capital Budget request was \$40,000. This is a consistent unit/model and has compatibility between Fire, PD and Rescue. These radios allow digital communication with Police. These will work with the mobile radios they have in the apparatus.

The lack of companies submitting bids was discussed. There is a concern that we are not getting competitive bids. The radios cost approximately \$1,200 dollars each , outside of this bid.

BE IT ORDERED: That Radio Communication Management (RCM) be awarded a bid for Digital Portable Radios and accessory equipment in the amount of \$28,991.00. **VOTE:** (Fournier & Lawrence)(6 -Ayes)(0-Nays)(1-Excused-Daniele)

(Fire Rescue Chief, Paul Conley)(10 minutes)

ITEM # 182-22 To consider action relative to modifying the Town Fee Schedule to eliminate Freeport Community Library (FCL) late fees.

Library Director Courtney Sparks: Historically, libraries charge late fees. FCL has been charging .10 per day for most materials with a cap of \$1.50 per item. With the pandemic most libraries stopped charging fees for a variety of reasons. We suspended late fees also. Neighboring libraries in our area have done this. Late fees are a source of revenue, an incentive to return books and they teach people to be responsible for their materials. She refuted each one of these purported benefits or incentives. We feel fines are inconsistent with the library's mission. Replacement fines for lost or damaged books would still be in effect. The library typically collects \$6,000 in fines. In FY22, the revenues were \$6,111, but this is the grand total of all revenues collected from the Library, not just late fees.

BE IT ORDERED: That the Town Fee Schedule be amended to eliminate Library late fees. **VOTE:** (Lawrence & Bradley)(6 -Ayes)(0-Nays)(1-Excused-Daniele)

(Library Director, Courtney Sparks)(10 minutes)

ITEM # 183-22 To consider action relative to adding a Council workshop on Tuesday, October 11, 2022 at 6 pm to review the work of the Downtown Vision Implementation Task Force with the Council and the public.

This would be a workshop between the Council, the Downtown Vision Implementation Task force and the public. We've done a lot of work on the Downtown Vision since it came out in May and we haven't had a chance to engage with the public. We get to say what the task force is recommending based on the plan then hear from the public. This will also allow us to start having a conversation about what to do with the plan. The Chair envisions incorporating some of the things from the Downtown Vision into the Council goals and guidelines. The Task

COUNCIL MEETING #18-22
SEPTEMBER 20, 2022

Force has split the vision into goals and projects. He hopes the workshop will be a good discussion about the projects. Councilor Bradley would prefer the Council meet outside of this public workshop. The Chair didn't want to exclude the public from the process so encourages the workshop.

BE IT ORDERED: That the Council set a workshop on Tuesday, October 11, 2022 at 6 pm to review the work of the Downtown Vision Implementation Task Force with the Council and the public. **VOTE:** (Piltch & Egan) (6-Ayes)(0-Nays)(1-Excused-Daniele)

(Council Chair Piltch) (5 minutes)

OTHER BUSINESS:

1. Discussion of long term library building/facility planning (Library Director, Courtney Sparks)(20 minutes)

Library Director Courtney Sparks: Discussions about library expansion have been going on since before 2017. There was money set aside for that possibility. The building is 25 years old. The consensus has been that Youth Services needs more space. In 2019, the library took \$7,500, talked with three architects, hired a firm, worked with them and they came up with a conceptual design. The plans were finalized in June 2021. They were given a project budget that came in at \$1,500,000 (today's dollars) which would have added 1,800 square feet almost exclusively for teens and renovated 3,000 square feet in Youth Services.

The library director was hesitant to bring this forward as it's a large amount of money and they were unsure about how the pandemic would affect libraries. They are happy to report that people are coming back nicely. Numbers are almost back to pre-pandemic levels. She is now seeing other areas that need tweaking other than youth services.

She would like to reengage the architectural firm that they previously used. She has unrestricted donation money that she would like to use in order to have a whole building architectural design. It would make sense to have a holistic study of the library. She would like to form a Working Group or Building Committee. We don't need a new library, but we do need to look at what this library really needs amongst all the areas. She outlined the stakeholders who may comprise the Building Committee.

Councilor Fournier would like to do the bid process on the architect.

The expectation would be approximately \$10,000 for the design. This will need to comply to the current bidding standards. There is likely a savings using the previous architect. This doesn't need Council directive, but we need to not do work that the Council won't support later. We are seeking consent.

COUNCIL MEETING #18-22
SEPTEMBER 20, 2022

EXECUTIVE SESSION

ITEM # 184-22 To consider action relative to an Executive Session pursuant to 1 M.R.S.A. § 405(6)(A) pertaining to an employment matter.

MOTION: That the Town Council enter Executive Session. **VOTE:** (Piltch & Lawrence) (6-Ayes)(0-Nays)(1-Excused-Daniele)

MOTION: That the Town Council exit Executive Session. **VOTE:** (Egan & Fournier) (6- Ayes)(0-Nays)(1-Excused-Daniele)

(15 minutes)

END OF AGENDA (Estimated time of adjournment 10:20 PM)

MINUTES
FREEPORT TOWN COUNCIL MEETING #19-22
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, OCTOBER 4, 2022
6:00 PM

The Chair called the meeting to order at 6:05 pm

	PRESENT	ABSENT	EXCUSED
Councilor Chair Daniel Piltch, 25 Quarry Lane	X		
Council Vice Chair, John Egan, 38 Curtis Road	X		
Councilor Matthew Pillsbury, 36 Todd Brook Rd	X		
Councilor Chip Lawrence, 93 Hunter Road			X
Councilor Darrel Fournier, 3 Fournier Drive	X		
Councilor Jake Daniele, 264 Pownal Road	X via Zoom		
Councilor Edward Bradley, 242 Flying Point Road	X via Zoom		

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood for the pledge of allegiance.

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #17-22 held on September 20, 2022 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting # 17-22 held on September 20, 2022 and #16-22 held on August 16, 2022 and to accept the minutes as printed.
VOTE: (Piltch & Egan)(4-Ayes)(0-Nay)(1- Excused-Lawrence)(1- Absent- Bradley)

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

- Freeport Fire and Police department is hosting a open house on October 12, from 5 pm to 7pm

We will have various equipment and demonstrations used by our public safety and public works personnel ongoing during the evening. A variety of community groups will be on hand promoting fire safety. Some of our participants will be Cumberland County Emergency Management, Central Maine Power with Safety City, Learn Hands only CPR, have your blood pressure checked, see the police K9 in action. And many more displays. Enter a drawing for some door prizes and bring a nonperishable food item for the FCS food pantry to enter a separate drawing. We look forward to seeing you Wednesday night October 12.

- The Town is always accepting applications for people that want to be on Town Boards and Committees to fill vacancies that come up. Fill out a Board/Committee application and return it to the Clerk's office if interested.

COUNCIL MEETING #19-22
OCTOBER 4, 2022

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

Councilor Egan: Got feedback from bicyclists about the intersection of Pleasant Hill Rd and Flying Pt Rd where there is a yield instead of a stop sign, which creates dangerous situations with cars yielding and passing bicyclist on the right. He is requesting that we get data from the Police Department or Public Works on accident rates there. That was referred to Traffic and Parking Committee. It is in their queue but they have not made any decisions or rulings.

After the successful housing workshop in September and from the large volume of emails, there seems to be a momentum for the Town Council to address the housing issue directly, so the Chair would like to suggest an idea of putting together a 12-15 month Ad-Hoc committee to look at data and to look at easy to find challenges we may have in our Zoning Ordinance. There may be items that Codes and Planning may be already able to identify. We have an offer from Freeport Housing Trust to put in 4-7 hours a month into that committee.

Councilor Fournier: Agrees we have to address housing issue, but do we currently have an infrastructure in place to assign to an existing committee, instead of creating a whole new one. Councilor Egan thinks staff is currently over tasked and didn't want to add to that. That would be fine if there was a committee who could take that on. Chair Piltch is hoping to have more knowledgeable people about the housing issues on the committee. Councilor Fournier supports using Freeport Housing Trust and that is what he was leaning towards. This will come back at the next meeting.

Councilor Egan gave an update on the successful Electrify Freeport event last weekend. He outlined all the displays available and congratulated Freeport Climate Action Now on the event.

Chair Piltch also gave an update on the Freeport Fall Festival. This was also a well-attended and successful event.

Councilor Bradley spoke about the sad events surrounding the passing of Theo Ferrara. He gave high accolades to the Police departments and other groups and officials searching for the missing child. Councilor Fournier also stated that searchers received no resistance from residents while conducting property searches.

FIFTH ORDER OF BUSINESS: Town Manager's Report (15 minutes)

The Town Manager also spoke about the events surrounding Theo Ferrara's search and passing. Everyone involved was given high compliments and accolades.

We received news this week that the Finance Department was awarded the FY23 Distinguished Budget Presentation Award for the 8th or 9th year in a row. High compliments to Jessica Maloy for her work on this document and award.

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

There was no public comment

COUNCIL MEETING #19-22
OCTOBER 4, 2022

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

ITEM # 186-22 To consider action relative to adopting the October 4, 2022 Consent Agenda.

The Chair reviewed the items on the Consent Agenda for the Public.

BE IT ORDERED: That the October 4, 2022 Consent Agenda be adopted.

VOTE: (Pillsbury & Fournier)(6-Ayes)(0-Nays)(1-Excused-Lawrence)

(Council Chair Piltch) (5 minutes)

ITEM # 187-22 To consider action relative to approving proposed amendments to Chapter 46: General Assistance Ordinance and Appendices A- H for the period October 1, 2022 to September 30, 2023. PUBLIC HEARING

The Town Manager explained that we have to do this every year to adopt the State's set rates in order to stay in the eligible pool for general assistance reimbursement from the State. It used to be a 50/50 reimbursement, but now is 70/30 if we use the State criteria. If Council doesn't adopt the State's criteria the municipality would receive no reimbursement. These are the allowable maximums. The State is good at reimbursing and do an extensive annual audit.

Councilor Bradley: To what extent to do we coordinate with Freeport Community Services to make sure they are following the same guidelines we would be if we kept the responsibility? We have weekly interactions with them and are very comfortable that the new administrator is making applicants go through the proper qualification process. The Finance Department is comfortable with what they are seeing for invoices. He also asked if the town could apply stricter standards and still receive State reimbursement on the others. Sarah Lundin from FCS responded. Her understanding is the expectation is we offer this resource for all essential needs as designated by the State. She outlined the needs they assist with. We can be more generous by spending private funds. Being more stringent would put us in disapproval of the State and we would risk losing funding. She explained about special exceptions.

MOTION: To open the Public Hearing (Fournier & Pillsbury) **VOTE:**(6-Ayes)(0-Nays)(1-Excused-Lawrence)

MOTION: To close the Public Hearing (Fournier & Pillsbury) **VOTE:** (6-Ayes)(0-Nays)(1-Excused-Lawrence)

BE IT ORDERED: That amendments to Chapter 46: General Assistance Ordinance and Appendices A- H for the period October 1, 2022 to September 30, 2023 be approved. (Fournier & Pillsbury) **VOTE:**(6-Ayes)(0-Nays)(1-Excused-Lawrence)

(Town Manager, Peter Joseph)(5 minutes)

ITEM # 188-22 To consider action relative to setting a public hearing to discussed proposed amendments to Section 202. D. Non-Conforming Lots of Record of Chapter 21 – Town of Freeport Zoning Ordinance.

COUNCIL MEETING #19-22
OCTOBER 4, 2022

Town Manager: A few years back the Council had conversations about Shoreland Zoning lots that were non-conforming lots dimensionally that were added onto and could not be divided. We went to the State and got special exceptions to some of those lots and they were taken out of dimensional standards. This does not apply to Shoreland Zoning but applies to everything outside the Shoreland Zone in town. The definition of a non-conforming lot of record is a lot that doesn't comply with zoning when zoning was instituted. Those lots are grandfathered and are considered non-conforming legal lots. That last forever as long as you don't change that dimension that is a violation under the new ordinance. The problem comes when someone doesn't have the correct dimensions (acreage, setbacks, etc) and they alter the dimensions of the lot in the positive direction. Legally, that involves a consent agreement with the Town Council. We can do that, but we can change our Zoning Ordinance to say if you change the dimensions of a lot of record and don't make the non-conformity worse, then you would be fine. For example, If someone has a half- acre in a 2 acre zone and they add another acre, as long as they don't create another violation they would be in compliance. You do not lose your non-conforming status. You don't meet the standards in zoning, but you've made the non-conformity less. It allows people who make their nonconformity better to utilize their lot and do something. If you lose your legally non-conforming status, you can't do anything until the violation is corrected. He gave other examples of situations where this would assist property owners or would harm them without passage.

The Planning Board has already had public hearings on this with limited public participation. The Planning Board was unanimous, but Councilor Egan would like more attention to this. The effort is to make it easier for people to improve their nonconformity so we should encourage and make it easier.

Councilor Fournier: asked for an example of what the process would be if this passes and he has a non-conforming lot that he adds an acre to and then wants to build on. How does this work? Assuming you dimensionally meet the standards for the zone, except for the thing you are grandfathered under, you still have to build with proper setbacks and that use is correct, etc. Whatever caused the non-conformity is ignored. The decision for is made locally at the Code office. These come up at building permit application review. Councilor Fournier wants to make sure the process is smooth and easy. These are solvable but would come to the Council for consent agreements which take time. We are saying we don't need to see them at the Council level.

Town Planner: The intent of the amendment is to remove something that has been identified as a barrier to certain residents. She also has a suggestion for a friendly amendment to the language we have before us here tonight: "Alteration of non-conforming lots: a non-conforming lot legally existing as of the effective date of this ordinance". That would be when it was first adopted in 1976. She is suggesting amending section D.1 to include "or an amendment of this ordinance". That means if someone's lot predates this Zoning Ordinance they could add land and still be considered non-conforming. If we are trying to be flexible, we should grant that same opportunity to someone's whose lot may have become non-conforming due to a Zoning amendment. She gave examples. We can amend the language after the public hearing so we can have it in writing for the next meeting. We have left out a small bracket of people that could become non-conforming as we amend the ordinance.

There was discussion surrounding what would happen if you add to the property and then try to take it back to non-conforming.

Scott Poulin: one of the individuals with a non-conforming lot who added a very small section to his lot to become more conforming and also wanted to move his garage. Upon building permit submission, now that he has added land and has become a non-conforming lot, he can't get a permit for the garage. The irony is that if he had done nothing, he could have gotten a permit to move his garage.

COUNCIL MEETING #19-22
OCTOBER 4, 2022

BE IT ORDERED: That a public hearing be set for October 18, 2022 at the Town Council meeting that starts at 6:00 pm. to discuss proposed amendments to Section 202. D. Non-Conforming Lots of Record of Chapter 21 – Town of Freeport Zoning Ordinance. (Egan & Pillsbury) **VOTE:**(6-Ayes)(0-Nays)(1-Excused-Lawrence)

Note: The amendment would allow for the alteration of legally existing non-confirming lots of record provided that the alteration does not create any new non-conformity.

(Town Manager, Peter Joseph)(5 minutes)

ITEM # 189-22 To consider action relative to accepting a grant from T-mobile for use as construction funds at Town Hall.

Town Engineer Adam Bliss: He worked with Brett Richardson, Director FEDC, to apply for a Hometown Grant which is given out by T-mobile to municipalities for community projects such as our project at Town Hall. They give out \$25 million over 5 years across the United States. In 2022, there were 500 applicants. Two municipalities in Maine received awards, Ellsworth and Freeport. This makes the town hall beautification project feasible without asking a lot from the taxpayers. The project will start in the spring.

October 11, 2022 at 6 pm at FCS, we have a workshop to talk about the progress of the downtown vision. At the start we are going to thank T-mobile for the grant.

Councilor Egan asked if the public could see a 3-D rendering of the project and to have images on the TV for viewing. Adam will have a display board at the open house that will be a color rendering. We can post on website and in a few weeks, he goes before the Project Review Board which is open to the public.

Councilor Bradley asked about whether applying for and receiving grants applies to the prioritization process that we are going through. Should grant applications come before the council for approval. Is there a way prioritization for funding is a prioritization for doing. He keeps coming back to process.

The Town Hall beautification project had already been approved before we finished the Vision Plan. When the opportunity for this grant came up we were going for a project already approved. Is the town going to aggressively pursue grants for things on the list and then prioritize that way or wait till we have our priorities set and then go after grants?

Next Tuesday at the workshop we will be talking about which pieces of the large plan we think we can start working on today and which goals we want to adopt. We will be having that discussion as a Council with the public and with public input advising us. After that is done and we have the input, it's up to us to say that these are our priorities, or we should change to others. That will start to happen in October, but continue to happen till the end of the year when we set our council priorities for the following year.

Councilor Bradley: since grantsmanship is a big part of how we may pay for the projects we want, he would like to talk and set a policy about funding and how it fits into the prioritization process.

COUNCIL MEETING #19-22
OCTOBER 4, 2022

Councilor Fournier: We used to encourage Department Heads to look for grants wherever they can. He doesn't want to see another hoop or burden that will slow the process down such as having to come to the Council.

The Town Manager discussed the shovel ready status of this plan.

BE IT ORDERED: That a grant in the amount of \$50,000 from T-Mobile for the purposes of Town Hall site plan beautification project be approved. (Pillsbury & Fournier) **VOTE:**(6-Ayes)(0-Nays)(1-Excused-Lawrence)

(Town Engineer, Adam Bliss)(5 minutes)

OTHER BUSINESS:

1. Discussion of Stretch Codes (Town Manager)(30 minutes)

MUBEC is a program established by the Legislature that applies to all towns in Maine. We enforce all of MUBEC as our standards and have for years. There are individual codes that make up MUBEC (the Residential Code, the Building Code, the existing Building Code, the mechanical code and the Energy Conservation Code.) They are all the 2015 standards that have been adopted by the State and we are required to follow in any regulation of building and permitting that we follow. They are updated every 3 years. There are 2018 and 2021 that exists. It's a lengthy process, there are committees involved at the State level. We are essentially 6-7 years back. The Stretch Code applies specifically to the Energy Conservation Code. The State allows municipalities to go beyond what's required. Energy codes usually increase over time. We want to increase energy efficiency of new construction. In Maine, that does not mean retrofitting old buildings, but it does mean there is usually a higher energy code standard (i.e. increasing "R" values, implementing new technologies or involve new standards to test air infiltration.) Buildings will be more energy efficient and should cost less to maintain. The current Stretch Code is the 2021. The 2021 Code should be adopted in early 2023 but this allows us to adopt the Energy Code ahead of when we would have to adopt it anyways. The benefits of 2021 Code will be to increase energy efficiency, decrease energy cost over lifetime of a structure and decrease environmental impact. If new codes are implemented there are some negatives if people don't understand how to do them. The Code officer has some concerns surrounding this. It could become unhealthy for homeowners if things are not constructed with proper ventilation, etc. It would drive up the cost of new constructions. There is a political component to this. Do you want a different standard than surrounding towns? The structure of the Energy Code remains the same, but this would incorporate the new standards.

Councilor Egan: The State hasn't adopted the 2021 Code and it's almost 2023 and it's hard to imagine how a 2021 Code is a real stretch. What we are doing here is adopting the latest building and energy code. It is the next Code that will be adopted. We are not talking about a far future Code. He thinks the pathway is to have this consideration for availability and put a date out in the future when this would be adopted by the town (months, not years) so that people can get used to it. We can have education and bring in resources. There are training modules about how to do the various assemblies. We could be proactive and hold trainings. We are keeping up with the State standard, not reaching that far. We should not rest on the inefficiency of the State adoption. The 2021 Code are small incremental elements of better understanding. Building science is a rapidly emerging technology sector and we know more about how to manage energy efficiency and indoor air quality. He suggests we spend more time articulating what these changes are, have a little time to digest then move forward with something in calendar 2023.

COUNCIL MEETING #19-22
OCTOBER 4, 2022

Chair Piltch would like input from the new Housing Committee, if we can get one together quickly enough. He doesn't want to diminishing the speed with which we address our housing problem. If these Codes work in tandem with what we want to do in housing then all systems should be go.

Councilor Fournier: What is the cost per square foot to add this Code? He asked before and hasn't gotten an answer. It is important to have the most energy efficient needs here, but he has new home owners who are asking for help knowing there are energy savings coming later, but are worried about the current costs of meeting the new Code. He explained how older Codes have changed as we know more. He suggested using the approach of carrot and stick by explaining about more energy efficient ways of construction and detailing the benefits and then letting the consumer decide.

Councilor Piltch: Are there ways we can help with financing? Do we adopt these Codes for everyone all at once or do we show leniency for certain types of constructions?

Councilor Bradley: How does the Code's Office feel about this? Does he need training before we adopt this? He thinks it is a good idea but let's not put the Code Officer under more pressure.

Town Manager: The Code Officer has little concerns about his ability to do it. He did voice the concern that he would be failing more people. Councilor Egan pointed out that it would not be our job to train the industry. Councilor Fournier asked how many outside contractors do we have working in our community? The plus side of the State doing it is that they do the training. If we educate homebuilders a lot of people would want to comply when they know the benefits.

Lance Fletcher: Talked about how codes have changed over his career as an architect. Portland, South Portland and now Cumberland enforce the Stretch Code. He addressed the cons as outlined in the Manager's memo.

(Con)Increased initial cost: ***that cost will be less than 1% of the cost of the building. The 2021 Code was a leap in terms of savings and efficiency (10% which start the first year)

(Con)Decreased building quality and resident comfort if wrongly constructed): ***this is true for any building. He can research a contractor before hiring for quality.

(Con)Adjustment period: ***professional builders know how to get educated on things that are changing and building science.

Naomi Beal, Executive Director of Passive House Maine: The Maine Housing Authority has already adopted the Code across the State. Upfront costs are incremental. Building a high-performance building with beneficial electrification can meet electric incentives that are prioritized at Efficiency Maine. There are appliances that can be purchased for cheaper. Passive House Maine does have training right now for builders. We build a lot and all of them should be to the best efficiency possible. She doesn't think the State will adopt the 2021 Code before March 2023.

Robert Stevens: Spoke in favor of adoption of the Stretch Code. He doesn't see this interfering with any currently planned constructions.

-Lyra Engels-wrote a letter to the Council in support of the Stretch Code. It was submitted to the Council, but not read.

John O'brien: new resident to Maine. Spoke in favor of adoption of the Stretch Code. Suggested a knowledgeable handout to builders/owners when building permits are reviewed.

Karen Podkaminer: Energy codes address a market failure. Spoke in favor of adoption of the Stretch Code.

COUNCIL MEETING #19-22
OCTOBER 4, 2022

Councilor Bradley asked about whether the Town would consider standing behind this financially. It is something that can be looked at.

Councilor Fournier suggested an incentive of a 1% property tax savings or credit for the new home builders that would sunset after a period of time.

2. Discussion regarding ARPA grant contribution to Freeport Community Services (Council Chair Piltch)(10 minutes)

There is approximately \$750,000 in remaining ARPA Funds. The Council talked about a grant to Freeport Community Services (FCS) with part of the funds. Due to the state of the economy, we are anticipating a large influx of heating assistance and General Assistance requests. We are seeing increases now. When we outsourced our General Assistance we anticipated 10 hours a month work time, but the GA Assistant is doing upwards of 60 hours a month. Does FCS need additional help? There is the increase in cases due to the placement of families in hotels on Route One South. The Manager explained what is and isn't covered and how the application process works for these families. He also talked out the housing crisis especially for immigrant families.

Chair Piltch: Downtown related projects, Infrastructure related projects and FCS were the three places they had decided to apply the ARPA monies to. We asked how FCS would spend this money and now it seems clear that there is a pressing need for more services. He is looking for consensus that this is still an appropriate thing to pursue. Then FCS can come back next meeting with more details.

Sarah Lundin FCS: spoke about the different types of heating assistance they provide and the types of fuels. Last year they had 80 applications for fuel assistance and they have current dollars for 40 families. She detailed how applications will be received this year and the other organizations that will be present to assist. FCS is usually the gap filler for fuel assistance. She explained how much fuel is provided. She also feels that GA is a good fit with FCS as they can also provide other services for those in need. FCS has been communicating with the town about their worries of upcoming needs. Pownal does receive assistance through FCS also so a \$50,000 donation could potentially assist someone in Pownal.

Councilor Pillsbury: supported 1/3 for each recipient of the ARPA money, but would like to see extra money come out of the Infrastructure third. The funds were intended for our most vulnerable residents.

Councilor Bradley: Would like to see the request quantified.

The current contract with FCS is \$12,000/year and the proposal is a 30-hour position in the \$36,000/year range. They were thinking the rest would be for heating assistance.

The Council does not want to look at FCS Capital Improvements at this time.

Robert Stevens: talked about weatherization rebates and how Freeport could administer a program like this by using FCS.

3. Discussion regarding ongoing planning for potential mountain bike trails at Hedgehog. (Council Chair Piltch)(15 minutes)

COUNCIL MEETING #19-22
OCTOBER 4, 2022

Recap: last summer we started conversations with NEMBA about mountain bike trails at HedgeHog Mt. property. There is a Management Plan that was out of date. They wanted to study the flora of the mountain in the process of updating the Management Plan. They wanted to do this over 4 seasons. Last month several entities got together to discuss and the general consensus was that it's a great idea but we need to work out the details. The area of concern is the summit area. The whole project was to be privately funded. The cost has grown to \$500,000 and to put that money together they are looking for a commitment from the Council that this is something we want to do. We are dancing a little bit because we don't have the Management Plan. He is proposing a letter of support saying that yes we think it's generally a good idea and we would like them to come back with a plan that would allow some mountain bike trails to be constructed based on the offer before us.

Margaret Gerber: Representing the Conservation Commission. They are working at an annual estimate cost number for trail maintenance and infrastructure costs. There will be trail maintenance costs in the future that need to be explored and discussed. There will be a role for the Town to play.

Councilor Pillsbury asked about the ongoing costs and maintenance responsibilities and who would be responsible. He still has these concerns and would like to have these covered.

NEMBA does do some trail maintenance. Machine cut trails like these would require less trail maintenance. We should identify any ongoing costs that the town may have i.e. restrooms, parking, trash removal etc.

It was recommended to handle this through a trust fund and Councilor Fournier would support that.

Councilor Pillsbury asked about accessible trails. That would be on the Town to fund.

Councilor Bradley asked about tort liability. What is the town's exposure? The Manager believes it would be the same as streets, sidewalks. Dangerous situations need to be corrected without negligence. We don't have implied transactional standard as we are not selling tickets.

Chair Piltch outlined what he is proposing to outline in the letter:

1. That Council supports the project to build privately funded mountain bike trails at the town owned Hedge Hog Mt.
2. That it would be property would still be open to other uses
3. The environmental impact is still being studied. We expect the Conservation Commission to come up with recommendations and a new management plan that will include guidelines for mountain bike trails and plans for ongoing maintenance.
4. That we endorse the project once the final plans have been worked out.

Dan added two additional notes for the letter including pending legal review and sorting out funding for ongoing maintenance. No letter of support binds future Councils.

Mason Morfit spoke about endowing for stewardship for the future of the trails. If we don't endow the property the Town needs to know the ongoing expenses and accept as a council that responsibility.

Motion to adjourn at 8:57 pm. (Egan & Bradley)(6-Ayes)(1-Excused)

END OF AGENDA (Estimated time of adjournment 8:30 PM)

MINUTES-revised
FREEPORT TOWN COUNCIL MEETING #20-22
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, OCTOBER 18, 2022
6:00 PM

Chair Piltch called the meeting to order at 6:05 pm

	PRESENT	ABSENT	EXCUSED
Councilor Chair Daniel Piltch, 25 Quarry Lane	X		
Council Vice Chair John Egan, 38 Curtis Road			X
Councilor Matthew Pillsbury, 36 Todd Brook Rd	X		
Councilor Chip Lawrence, 93 Hunter Road	X		
Councilor Darrel Fournier, 3 Fournier Drive	X		
Councilor Jake Daniele, 264 Pownal Road	X		
Councilor Edward Bradley, 242 Flying Point Road	X		

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood for the Pledge of Allegiance

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #18-22 held on October 4, 2022 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting # 18-22 held on October 4, 2022 and to accept the minutes as printed. **VOTE:** (Fournier & Piltch)(6-Ayes)(1- Excused-Egan)

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

Meeting House Arts is showing Our Town and it is spectacular. Everyone is encouraged to attend.

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

Councilor Bradley attend the Sewer District meeting last night. He came away thinking that it is time for those working on Downtown Revisioning and the Sewer District to get together again. There are positive things going on in the Sewer District, but they aren't going to solve the sewer problem for this town, or downtown or clambers or this harbor or anything that the Sewer District serves. We have Sewer as one of the items identified on the Revision priorities list. This is a good time to work together. There is money around that might apply to it and a lot of ideas of how to fund sewer improvements. He is proposing that they put on an upcoming Council agenda to discuss how as a Council they want to relate to and collaborate with the Sewer board. The Sewer Dept. Superintendent feels as though he's on an island down there. Brett Richardson is working on earmarks we didn't get and Lee Arris is working on Rural Development grants which he thinks has promise but there are other ways to fund things. As a Council and a Sewer board we have to decide to do it together and not leave the Sewer board hanging to figure it all out. There are issues inherent in that discussion, both historical memory and future responsibility. Chair Piltch is also on board with collaboration. Councilor Bradley proposed by consensus saying this is a good idea we would like to pursue with the Sewer Dept. and then choose a few people to do it with them. Councilor Bradley was under the impression that Brett Richardson (FEDC) was working with the Sewer Dept. and the Town after their first meeting, but they're not. Brett Richardson has ideas and supports FEDC being involved. They want to see the Town direct the process. If we are ready to do this he would suggest a couple people volunteer to work with Leland Arris (Sewer Dept.) to come up with a method or approach to collaboration that is more detailed. Brett also has ideas about funding if he knew the town wanted to do it and the Sewer Dept

is in the final stages of getting a response to the Rural Development Grant for \$14.7 million which doesn't come close to covering the costs and they still don't know the amount of the grant award. You have to fund the gap. The fees can't cover the cost of \$600,000 a year. Connection fees for downtown, which we were concerned about, can't cover it. Councilor Lawrence would be interested in working with this group. Councilor Fournier talked about the Sewer Districts autonomy. He thinks we should have a frank discussion about the issues past and present and would help with this group.

Councilor Pillsbury: Is the ask to get engaged in response to them trying to fundraise for their operational needs, because they had a comprehensive plan, but it wasn't an expansion of the district. It was going to be keeping things going for the next 20 years. Is this a discussion of how the Sewer District can better integrate into the visioning of the downtown or is it how to raise the money to meet their operational needs at this moment? It is both. They have significant capital needs to continue to operate in the near future. The needs for remedy and redress are increasing exponentially so we have to do this. They need to fund the gap, but the Council has recognized connection fees as a concern for revisioning and that's part of how they raise money. The Sewer Department has the money for annual costs of running the plant, what they don't have is the money to close the gap in the 14.7 million dollars which is also near-term revision, modification, improvement salvage of the plant. Beyond that there are repairs that may make it 5 years which could go at any time. Councilor Bradley thinks we ought to seriously consider being partners in this rather than critics. The Sewer District has previously thought of us as oversight without attachment. In previous meetings with the District they were hyper focused on their immediate needs and getting grant funding for it. The only thing that came from the meetings was that FEDC would help them apply for grants or maybe we could get earmarks for them, but they didn't seem ready for the second part of that conversation. The Sewer District agrees it's time to figure out how to solve the problem.

Councilor Fournier: What about a connection with the Brunswick Sewer District? That's a pricey look that would happen, however, when we look at our housing needs coming in the future, we are going to run out of room down there. He is excited about looking at alternatives.

Councilor Fournier and Councilor Bradley agreed to be the two Councilors that work with the Sewer District.

The Public Safety Open House was a great success.

The Downtown Workshop a week ago had approximately 120 people attend. The meeting focused on the 20 goals/projects. They will bring a shortlist back to the Council for discussion at the next meeting. We can vote on what the list is that we move forward as our starting point next year. There is no budgeting yet.

FIFTH ORDER OF BUSINESS: Town Manager's Report (15 minutes)

This week we got notification from Maine Municipal that our Annual Report was awarded the first place for our size population in the State.

Later this week we will be reposting the revised Zoning Administrator position. The position will be for a Land Use Specialist. We did revision the position to divide out the Codes and Building inspection things with the Land Use (i.e. Subdivision and Shoreland) and bifurcate that. This person will work with both Planning and Codes but they are focusing on two different buckets of Planning and Codes.

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

Joyce Veilleux: Chair of the Police Advisory Committee-She wants a feel from the Councilors. The Committee is doing a survey of where residents would like to see our Police Department 5-10 years down the road i.e. size, new types of positions etc. Once ready, she is asking for assistance with distribution utilizing the town's resources such as the Bulletin, website and email distribution lists. The survey will be no more than 5 questions. It was suggested to include it in the annual donations letter that is mailed in December.

Scott Poulin: Has 35 years of municipal and school finance and wants to recognize the hard work that went into the Finance award and wanted to thank them for their budgeting processes.

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

ITEM # 195-22 To consider action relative to adopting the October 18, 2022 Consent Agenda.

BE IT ORDERED: That the October 18, 2022 Consent Agenda be adopted. (Lawrence & Daniele) **VOTE:** (6-Ayes)(0-Nays)(1-Excused- Egan)

(Council Chair Piltch) (5 minutes)

ITEM # 196-22 To consider action relative to proposed amendments to Section 202. D. Non-Conforming Lots of Record of Chapter 21 – Town of Freeport Zoning Ordinance.
PUBLIC HEARING

Town Planner: We have been working on cleaning up our Ordinances. We did clean up to the non-Conforming section regarding structures. This has come up over the years. We have people who have legally non-conforming lots which means their lot existed before Zoning, not that they did something to make it illegal. People with these lots are stuck in the place, they were before Zoning existed and they can't alter their lots. An example of this situation was shared. What is before the Council tonight is language that is (in the Zoning Ordinance, outside the Shoreland Zone), if you have a legally nonconforming lot, you can alter that lot as long as you don't make it non-conforming in any other way and it wouldn't lose the non-conforming status. At the suggestion of the Department of Environmental Protection (DEP), we did add in there that it does not apply to lots in the Shoreland Zone because they have their own provisions in the Shoreland Zoning Ordinance.

Councilor Fournier asked how we fix the Shoreland. Any changes we make to the Shoreland Zoning have to meet the minimum requirements of the Maine DEP and any changes also have to be reviewed and approved by them. The new language we just adopted meets the minimum, but DEP does not have language that allows the municipality to include this provision in the Shoreland Zone. He asked what our options are to go to the DEP and say that we want people treated equally in our community and across the State. The Planner stated that we have worked with the DEP on other cases and we have been able to see changes. We did run this by DEP and they liked that we were clear. We wanted to make people understand that it does not apply in the stand-alone Ordinance. Our DEP language comes straight out of State statute, it would be a larger issue beyond us. We could reach out to our Representative. Councilor Fournier would like to see us push forward with trying to find a solution to this. We have more lots this applies to than we realize.

This allows people to increase their lot size. They can also reduce it back to the former size but not lower. They had not added a provision to lower the acreage back to the initial size and can get legal guidance if we want to add that. They discussed whether allowing this would be productive and why we should or shouldn't allow it.

MOTION: To open the Public Hearing (Pillsbury & Daniele) **VOTE:** (6-Ayes)(0-Nays)(1-Excused-Egan)

The Planner wants to amend the ordinance to add three words. On the cover page where it reads "alteration to non-conforming lots-a non-conforming lot legally existing as of the effective date of the" we want to add the words "adoption or amendment". That way it's not just the lots that existed when we adopted the ordinance but it's other people who could have become legally non-conforming due to a change we made in the Zoning. It would include anyone we have made legally non-conforming since 1976. Any future zoning amendments to the ordinance that made them non-conforming would be covered by this amendment.

Scott Poulin spoke about his specific non-conforming lot situation that would be rectified by this amendment and would allow him to get a permit and move his garage. He created a new non-conforming lot by adding a piece to his property that then prevented him from taking action on his property.

Joyce Veilleux: Has been non-conforming for three generations. It makes no sense that people on the shore can't do the same thing. They ought to be able to increase their lot size and not be penalized for it. The DEP language does not prohibit this, it doesn't allow it either. Let's be the first, put it in the ordinance and send it to the DEP. People in the Shoreland don't qualify for what the rest of the public does. Let's approve this but continue to work on it.

Carter Becker: Thinks this is good work. Let's continue it for the waterfront also. If we strike the one line that reads "the provisions shall not apply" he believes we would be sending it to DEP for a 45-day approval or denial. If they don't object, we get our ordinance. That would solve our waterfront problem. Send it up to DEP and the worst that happens is they say to put the wording back in.

Bill Creighton: Echoes Mr. Becker's comments.

Town Planner: if we want to make the change in the Shoreland, we have to amend the Shoreland Zoning Ordinance. We have consulted with DEP and we have gotten guidance that they agree this would conflict with what is in the Shoreland Zoning Ordinance and she would not want to amend it on the fly. If we want to amend it, we would amend the non-conforming section of the Shoreland Zoning Ordinance. If we take action as written, she will email the language to DEP and see if we can get an advisory opinion in writing if we can put it in the Shoreland Zoning Ordinance. If we can convince them, which she doesn't think we can, we would amend both ordinances at the same time to be clear and stay consistent.

Councilor Bradley: The sentence we are being asked to remove did not receive or require DEP approval because it's in the Zoning Ordinance and we're exempting it from the Shoreland Zone. If we strike that we will need an advisory opinion and they will have 45 days if we are making changes that could essentially affect the Shoreland Zoning. This way as written there is no question. We made the Shoreland a stand-alone ordinance so every time we make a change to the Zoning Ordinance it doesn't have to go to the DEP. Anything that could potentially affect the Shoreland, the interpretation is that this would conflict with the Shoreland Ordinance, but it's not going to be clear and it's going to raise flags and slow down Mr. Poulin. DEP has taken the full 45 days in the past.

Town Manager: The reason the wording has been included even though redundant is to clarify to DEP that this is not intended to modify Shoreland, so they have zero confusion that they are not reviewing this. DEP guidance is that you can't do this amendment in the Shoreland zone, but we will go back and get it in writing and give them the language and see what are steps are to advocate. If we take the language out there should be no confusion to the public that it changes anything in the Shoreland zone. DEP may or may not comment or ask us to put it back in. The Shoreland zone prohibits the proposed changes from applying in the Shoreland zone until we change the Shoreland zone. The Attorney General has advised the DEP that state law will not allow the modification of the lot of record definition in shoreland ordinances, in general, across the State in conformance with State laws.

Chair Pilch: If taking this language out doesn't clearly allow this to apply to Shoreland Zoning, because we have a separate ordinance we would need to amend in that case, assuming DEP approves so taking this out doesn't seem like it has an effect immediately. Taking it out may trigger DEP to say they may want to review it because it may not be clear now if you intended it to apply to Shoreland zones. This would potentially delay people such as Mr. Poulin for up to 45 days.

Councilor Fournier: Doesn't want DEP to come anywhere near the zoning because it is the business of the Town of Freeport. By adding this in does it raise a red flag. If we take it out, DEP doesn't get involved he would be in favor of that. Ms. Pelletier sees it differently. If we take it out and someone raises a concern then we get this reviewed again. If it says "does not apply to Shoreland zone" it's not going to the Commissioner's office because we were perfectly clear. The Planning Board did not talk about this in the Shoreland Zone, it was clearly mentioned that it wasn't going to apply there.

Andrew Arsenault: Planning Board-Would hate to delay Mr. Poulin any more. Supports the proposed language that was approved at the Planning Board including the Planners suggested amendment.

Councilor Fournier: Does MMA have the gumption to propose a bill through the LPC to address the problems in the Shoreland. Mr. Joseph relayed that there is great reluctance to address shoreland zoning at the legislative level.

MOTION: To amend the language to add “adoption or amendment” (Bradley & Lawrence) **VOTE:** (6-Ayes)(0-Nays)(1-Excused-Egan)

MOTION: To close the Public Hearing (Pillsbury & Lawrence) **VOTE:** (6- Ayes)(0-Nays)(1-Excused-Egan)

BE IT ORDERED: That proposed amendments to Section 202. D. Non- Conforming Lots of Record of Chapter 21 – Town of Freeport Zoning Ordinance as amended be approved. (Pillsbury & Fournier) **VOTE:** (6-Ayes)(0-Nays)(1-Excused -Egan)

Note: The amendment would allow for the alteration of legally existing non-confirming lots of record provided that the alteration does not create any new non-conformity.

(Town Planner, Caroline Pelletier)(30 minutes)

ITEM # 197-22 To consider action relative to a Tax Abatement for parcel 821-63-C-0

There are four tax years in question. We are allowed by State law to go back three years and correct. This lot was double billed for many years for an outbuilding. The Assessor’s recommendation is to refund the residents overpayment. This went on for more than three years, but we are only allowed to send a tax abatement refund for the past three years.

If the Council wants to appropriate outside of that process, it’s no different than appropriating money for a bridge, it’s a political matter. It would be nice to know how long this occurred for. Keep in mind that we want to be careful setting precedent with tax abatements that could involve significant funds.

Councilor Fournier: In fairness to a tax payer who has overpaid for many years, he feels we should make him whole.

Councilor Lawrence reminded that a future Council would not be bound to anything if this Council rebates overpayments outside the 3 years. He supports going further back. The manager will do some research and we can address during the budget process as funds would need to be appropriated. We could do this action tonight and look at it more then. We will work with the assessor and review the digital records (10-20 years back).

BE IT ORDERED: That a Tax Abatement for parcel 821-63-C-0 in the amount of \$596.64 be approved.
(Fournier & Lawrence) **VOTE:** (6-Ayes)(0-Nays)(1-Excused- Egan)

Note: The Assessor has determined that this parcel was erroneously assessed and taxed.

(Town Manager, Peter Joseph)(10 minutes)

ITEM # 198-22 To consider action relative to an ARPA funding award for Freeport Community Services in the amount of \$112,500.

Town Manager: The Council had previously asked Sarah Lundin, Executive Director of Freeport Community Services for more information on potential increased costs that FCS is experiencing and potential ways the funding could be used. We have a detailed memo from FCS on their additional costs. Capital items were included but are not a double ask. There are draft numbers in the memo. \$112,500 is rounding up for the difference for the 30-hour position, the programming and resources, mostly for the Fuel Fund, but a few other items including the

food pantry and similar. There were other additional ongoing Capital expenses that were included in the memo from last time.

Councilor Pillsbury: Is of the belief that the ARPA funds are to be used to benefit our most disadvantaged citizens during Covid and the ongoing impacts. He supports a third of the remaining ARPA funds be designated for FCS. He would like to give them a buffer and double the amount.

Councilor Fournier: The 30-hour a week position was supposed to be a temporary position for their operating budget until June. He hopes this doesn't show up as another position that needs to be added. He also questions whether that is enough money for fuel.

Town Manager: The Town is anticipating a one-two year need based on the numbers we are seeing. He's not convinced it will be permanent. The idea is that if it shows up next year, it will be part of the budget discussion. That's why it was left out of the recommendation amount here. His understanding was that if we needed this position going forward after July 1 of this year or next year, the Council would be deliberating on it during the budget process in a few months.

Remaining ARPA funds are approximately \$525,000.

Councilor Bradley: Did calculations that support this funding would provide 60 gallons per each of the 100 people twice per season so he supports adding to the number. We need to keep in mind that the waiting period for applications is months long before their intake appointment. He would be comfortable assigning more money to a quantifiable need such as heating oil.

Sarah Lundin: FCS has approximately \$45,000 set aside for fuel assistance this year to help about 40 households throughout the winter. She has provided a one-year snapshot to the Council. They are looking at needs and constantly reassessing. They have the Freeze out in February and there are also grant opportunities that will be back up plans.

Councilor Daniele: The transfer on funds from the Town to FCS occurs in a 2-4-week period and are instantly available for reallocation. We could approve this tonight and we can get a lay of the land. He would hate to do an extra \$100,000 then have a catastrophe in 2-3 weeks and we realize we erred. He supports approving this tonight and keeping a good dialogue going about FCS needs. Councilor Lawrence supports additional funding also. The \$87,250 for Essential Programming and Resources may be spent in any of the ways outlined in the memo. FCS's breakdown is to support the requested number. The Town's appropriation will be general financial support and they use it where necessary (i.e. fuel assistance or emergency disconnect for example).

Jessica Maloy explained ARPA funding requirements. When accepted the funds we did under the premise of loss of revenue and allowed us to use it for general governmental operations. When you are using it for a specifically designed purpose that is explicitly stated within the regulations you then have to follow suit of those regulations. Anything they use the money for would have to be reported in the same fashion as if we were to use it on our purposes for specific purposes. She outlined the reporting requirements that we must follow. The uses that are outlined in the FCS memo are governmental uses that we already provide some contribution to FCS for so it's just enlarging our contribution. It's not just money turned over that they can use freely, FCS is going to have to report and monitor and respond to us, because we have to report to the Federal Government. If it doesn't meet the requirements and they have spent the money, then the town is on the hook for it. This will be inline with FCS current report. We can allocate to General Assistance then they will put on that aspect of the program and there are no additional reporting requirements.

Councilor Bradley spoke the remaining ARPA funds and his support of doubling the requested amount. Councilor Lawrence proposed amending the amount to \$200,000.

Councilor Daniele: supports funding FCS with the requested amount. They can come back for additional funding if necessary.

We have until 2024 to appropriate the ARPA funds and until 2026 to expend them. The backpack program is run independently, separate from the RSU.

Chair Piltch recapped what has been discussed so far and would like to approve the request as written. He suggested holding a certain amount of ARPA funds in reserve for 6 months.

BE IT ORDERED: That an ARPA funding award for Freeport Community Services in the amount of \$112,500 be approved.

BE IT FURTHER ORDERED: -That another \$87,500 be held in reserve for 6 months that will be returned to the General ARPA fund if not used. (Lawrence & Fournier)

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

(Town Manager, Peter Joseph)(15 minutes)

OTHER BUSINESS:

1. Voting Update (Town Clerk, Christine Wolfe)(10 minutes)

We have been absentee voting last week and had 695 requests before we even started issuing ballots. Thanks to Councilor Daniele tonight we are at 1,157 ballots issued in just one week. We are on track to match our 2020 record of almost 5,000 absentee ballots. Voters have until the close of business of Thursday, November 3 to order their absentee ballots without special circumstances. They have three more weeks from tonight we will be closing the polls. The ways that absentee ballots can be requested has not changed. You can vote in person, call the clerks, order them at Maine.gov or do written application. The ways to return the ballot were outlined.

New this year voters may go to Maine.gov and not only order their absentee ballot, you can now track every aspect of your ballots path. In October of last year, we started providing the Accessible Absentee Voting feature that allows voters with print disabilities to use a standard screen reader software that allows them to vote from home. The other new item is Automatic Voter Registration at the DMV. When you do a driver's license you can register to vote at the DMV. This should reduce voter registration at the polls. The other new feature is Vote411.org. One of our biggest issues we have is that voter's come to us for candidate information that we are unable to provide due to voting restrictions. Vote411 reaches out to candidates, State and local, to submit a biographies or answer questions. On the town website we have made links to everything discussed here tonight. Voting location is still the High School Gymnasium. Ballots have to be returned to the Clerk by 8 pm Election night.

Preregistration is available to 16 year olds who may vote in a Primary at 17 and will automatically become registered at 18. They can do this when they get their licenses at the DMV.

The entrance for voting will remain the main High School entrance. The back entrance to the gymnasium was used just during the Covid mask restriction period for the school.

2. FY22 Audit Presentation (Finance Director, Jessica Maloy) (20 minutes)

Jennifer Conners, from Runyon Kersteen Ouellette presented the Financial Overview for FY22 Audit. They will be providing the finalized reports once they are complete. The financial statements did receive an unmodified opinion which means they are materially correct in accordance with generally accepted accounting principles, so that's a clean opinion on the financial statements. We are also required to do some testing under government auditing standards. Under those requirements they test internal controls as they relate to financial reporting. Under those testing requirements they had no material weaknesses (highest level of finding) and no significant deficiencies. A very clean audit. Ms. Conners went on to describe and explain the findings in the following presentation. Ms. Maloy explained how she manages the unassigned fund balance. It is our policy to keep 1.5 months of all expenses in unassigned reserve. In January, she will come back to the Council with the amount in unassigned fund balance for decision about how we distribute. Last year, we used some to offset taxes and the remainder went into reserves. She thinks something similar will occur this year. The GFO best practice is two months of expenses in reserve. The benefits of a well-funded reserve were discussed. We have been growing our Reserves, but looking out at the 5-20 year expenditures we have large items on the horizon. The last couple of years we have not had investment reserve growth and we will not have a sustainable reserve system if this continues. The money we invest, we don't make money on. We've been wanting to address this for a couple of

years. Councilor Bradley is less concerned about large expenses out 20 years and a small reserve now because he's seen that small reserve grow every year to the detriment of the taxpayer who is funding that reserve balance and seeing no use of those funds other than something we want in 20 years.

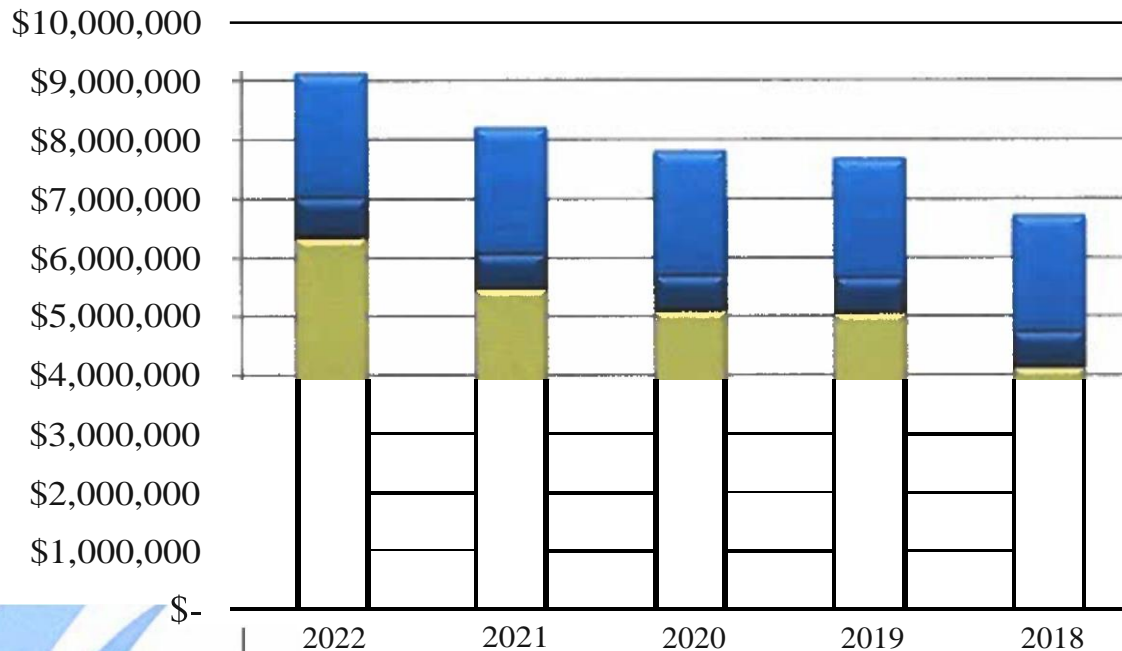
At the next meeting we will be talking about the 20 downtown projects and how we're going to fund them. The options for the fund balance are that we can return it to the taxpayers through tax rate reduction, we could transfer to Reserves or we can use it for an unbudgeted or unanticipated expense.

SUMMARY OF AUDIT RESULTS

- Timing of the Audit
 - Pre-audit May 25, 2022
 - Audit week of August 1, 2022
- **Report Required by Government Auditing Standards (GAS)**
 - No material weaknesses
 - No significant deficiencies
- **Financial Statement Opinion-Unmodified**

TOWN OF FREEPORT

General Fund - Fund Balance



	2022	2021	2020	2019	2018
Nonspendable	\$16,233	\$14,896	\$11,439	\$10,100	\$13,132
Committed	\$2,086,523	\$2,120,158	\$2,105,510	\$2,020,529	\$1,990,038
Assigned	\$675,000	\$600,000	\$600,000	\$600,000	\$600,000
Unassigned	\$6,355,090	\$5,472,919	\$5,096,893	\$5,057,027	\$4,128,874

Observations:

- **Committed fund balance**, which represents amounts set aside for tax stabilization, future employee benefits, and reserves, has increased 5% from 2018 to 2022.
- **Assigned fund balance**, which represents the budgeted use of fund balance for the next fiscal year, increased \$75k after remaining the same for the four prior fiscal years.
- **Unassigned fund balance** has increased 54% from 2018 to 2022.
- **Total fund balance** increased \$955,612, or 12%, from FY 2021.
- **Total fund balance** has increased \$2,400,802 since FY 2018, or 36%.

TOWN OF FREEPORT

General Fund Revenues

	Budget	I	Actual	Variance
Taxes	\$28,717,065		29,449,598	732,533
Licenses and Permits	296,400		355,686	59,286
Intergovernmental	1,878,800		2,351,790	472,990
Charges for Services	208,500		282,855	74,355
Fees and Fines	29,800		28,063	(1,737)
Unclassified	48,600		91,345	42,745
Investment Earnings	15,000		25,299	10,299
Total Revenues	\$31,194,165		32,584,636	1,390,471
Use of Fund Balance	600,000			(600,000)
Transfers In	480,000		450,000	(30,000)
Total Revenues and Other Financing Sources	\$ 32,274,165		33,034,636	760,471

Observations:

- Taxes were higher than budgeted, as the actual property tax revenues

include overlay, net of abatements, and excise taxes, which exceeded the budget by \$234K.

- Intergovernmental revenues were higher than budgeted as state revenue sharing was \$362K higher than budgeted due to changes at the state level.

- Charges for services were higher than budgeted, mainly due to recycling center revenues that were higher than anticipated.

- Total revenues were higher than anticipated by 4%.

TOWN OF FREEPORT

General Fund Expenditures

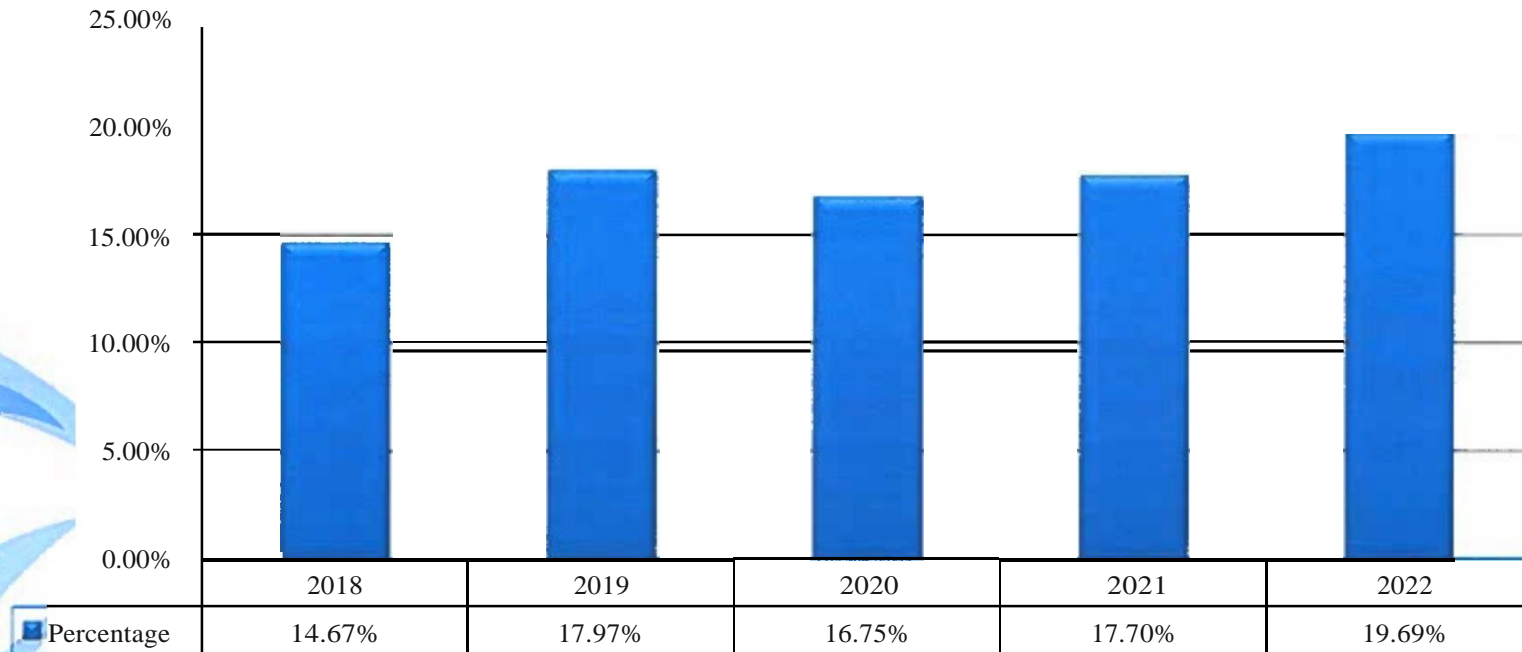
	Budget	Actual	Variance
General Government	\$2,037,340	1,890,137	147,203
Public Safety	3,243,285	3,147,346	95,939
Public Works	2,449,885	2,143,859	306,026
Community Services	867,470	786,179	81,291
Education	19,919,982	19,919,982	
Insurance and Benefits	2,060,600	1,901,944	158,656
County and Transit Tax	1,368,958	1,368,958	
Unclassified	292,050	284,649	7,401
Debt Service	34,595	38,269	(3,674)
Total Expenditures	\$ 32,274,165	31,481,322	792,843
Transfers Out		600,000	(600,000)
Total Expenditures and Other Financing Uses	\$ 32,274,165	32,081,322	192,843

Observations:

- General Government expenditures were under as some budgeted positions were unfilled.
- Public Safety expenditures were under budget as budgeted positions were unfilled and decreased use of reserve officers.
- Public works expenditures were under budget as less road work was completed due to staff shortages. In addition, there were budgeted positions that were unfilled.
- Community services expenditures were under budget due to budgeted positions remaining unfilled . In addition, costs related to the Amtrak station were lower than anticipated.
- Insurance and Benefits expenditures were under budget due to staffing changes and enrollment elections.

TOWN OF FREEPORT

UNASSIGNED FUND BALANCE AS A PERCENTAGE OF BUDGET



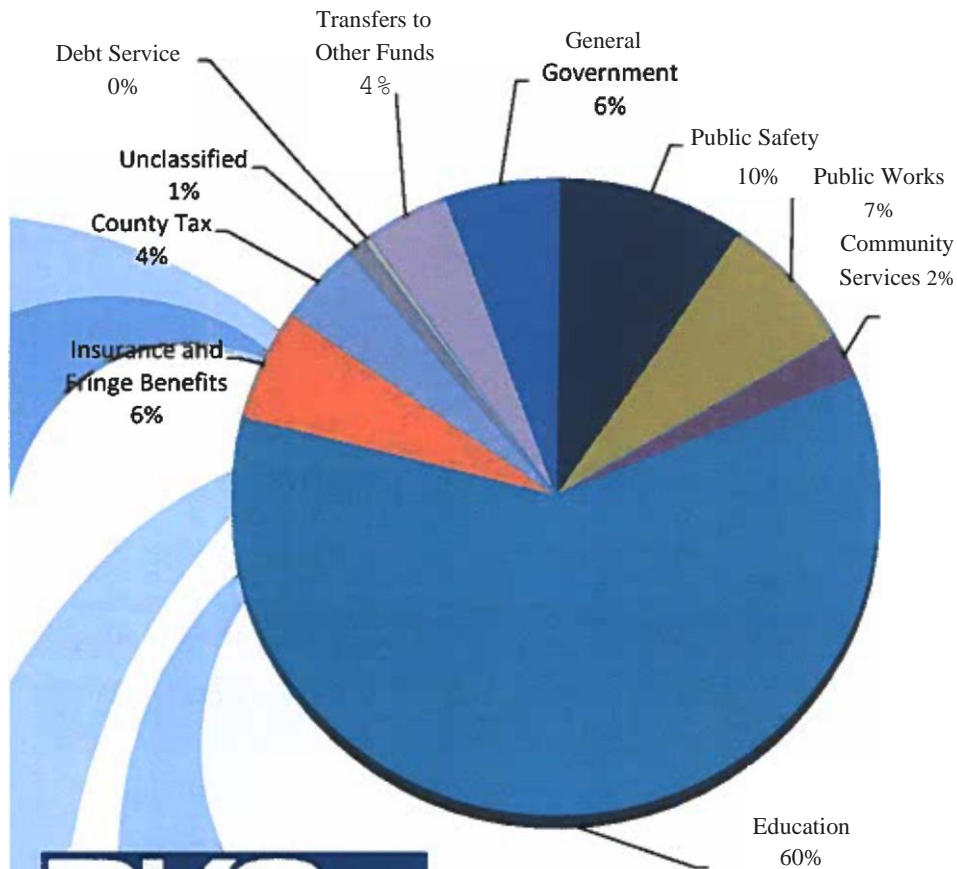
Observations:

- Unassigned fund balance increased as a percentage of budget over FY 2021.
- The Town's fund balance policy target is 1 ½ months of the budget, or approximately 12.5%, with an additional 5% of the target allowed for a maximum fund balance.
- Compared to the FY 2023 budget, the FY 2022 unassigned fund balance exceeds the maximum by approximately \$2 million.

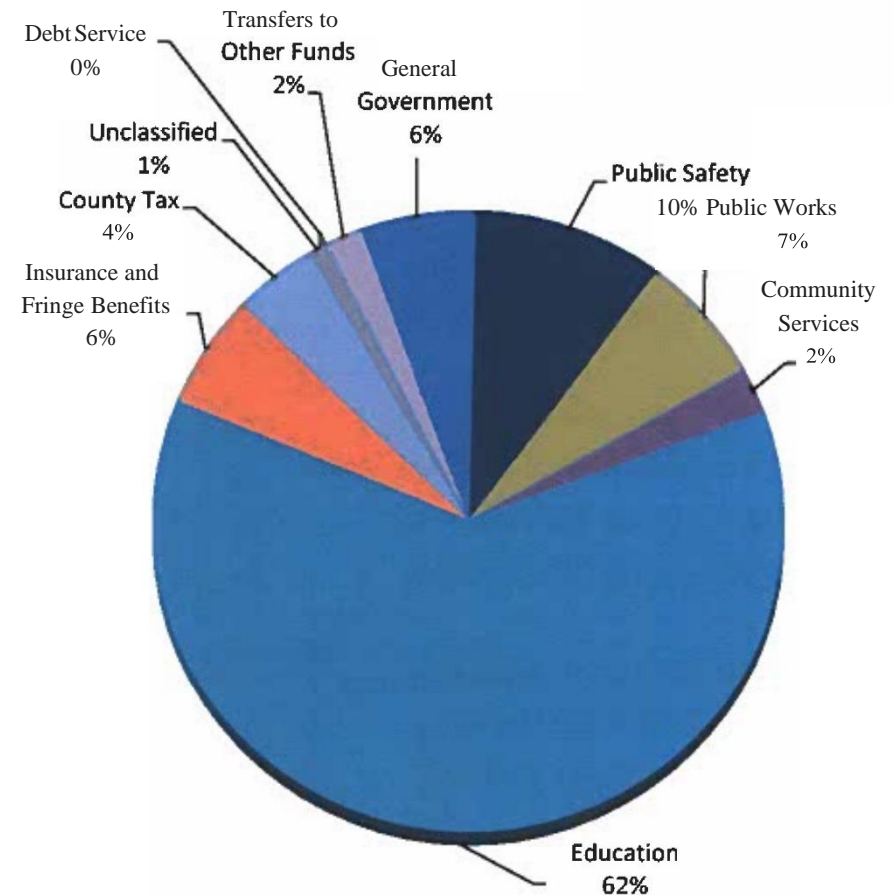
TOWN OF FREE PORT

Expenditures (Pie Chart)

2021



2022



TOWN OF FREEPORT

TOWN RESERVES

	6/30/2022	6/30/2021	Change
Police Department	215,886	194,160	21,726
Fire Department	974,715	903,416	71,299
Rescue Department	73,223	247,498	{174,275}
Public Works	421,717	255,999	165,718
Recycling	310,424	271,686	38,738
Comprehensive Improvement	2,350,200	1,818,070	532,130
Municipal Buildings	1,123,587	729,484	370,103
Boards and Committees	243,338	301,517	{58,179}
Capital Projects	6,287,646	6,963,711	(670,993)
Total Capital Reserves	\$12,000,736	\$11,680,469	\$320,267
General Fund	608,401	636,842	(28,441)
Total Reserves	\$12,609,137	\$12,317,311	\$291,826

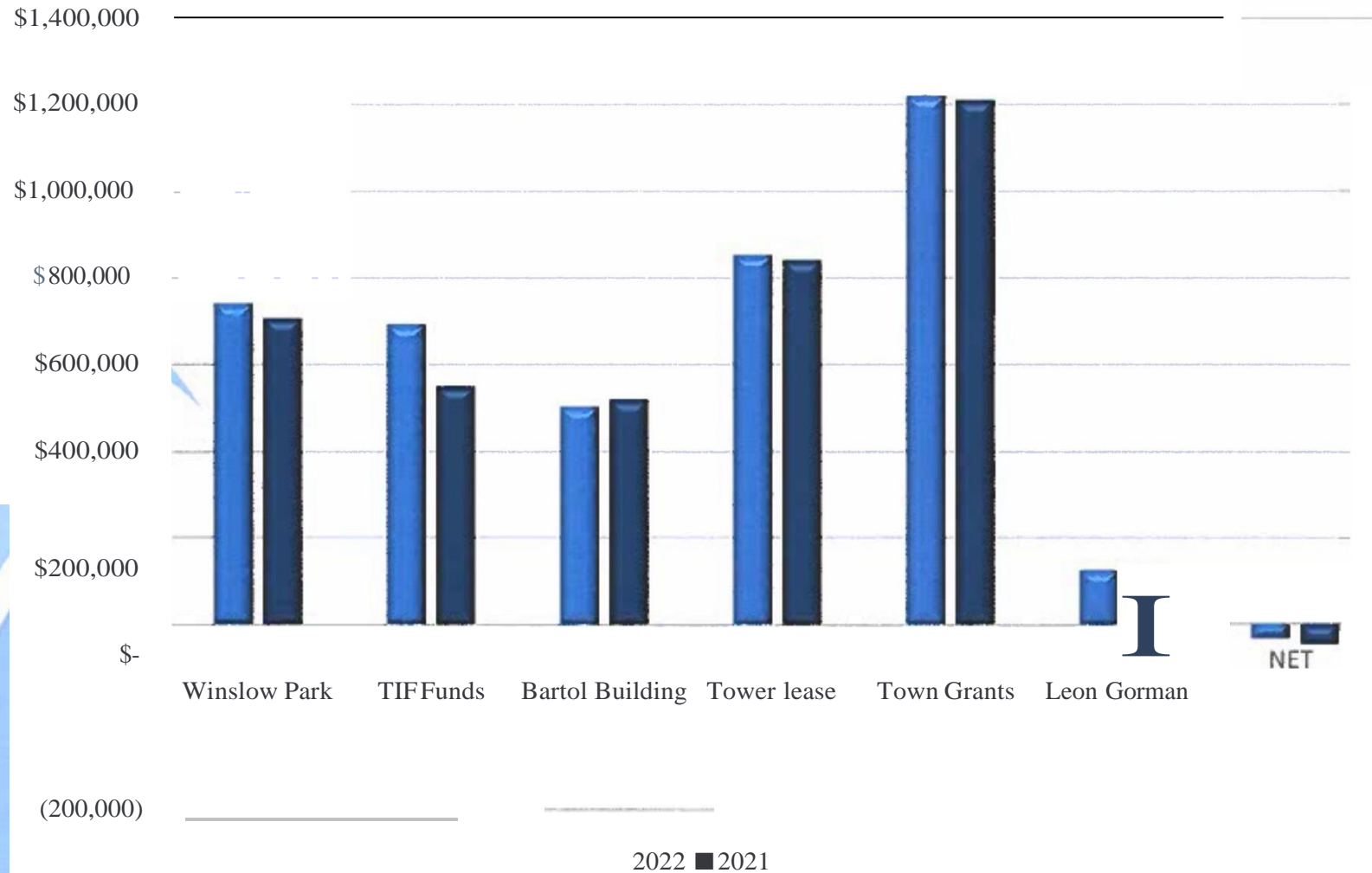
- **Rescue reserve** decreased due to spending on communications upgrade.

- **Public Works reserve** increased due to a transfer in for the dump truck replacement.

- **Comprehensive improvement reserve** Increased due to the bond proceeds for the DOT bridge work
- **Municipal Buildings reserve:** increased due to transfers in various projects
- **Capital Projects reserves-decreased** due to transfers to the other reserves.

TOWN OF FREEPORT

OTHER TOWN FUNDS



3. Competitive Bid Policy Discussion (Town Manager, Peter Joseph)(10 minutes)

The current policy has 3 sentences on competitive bids and 1 sentence on competitive quotes. It basically sets the dollar amounts and what we're supposed to do. We have a new policy to propose that has more details including meat about conflict of interest. Purchases under \$10,000 will be done on the open market as long as the cost is considered reasonable. Good services between \$10-\$25,000 would be by written quotation. Purchases over \$25,000 would be by sealed bid. Any purchase over \$100,000 needs to be approved by ordinance of the Town Council. Detail on waiver of bid process and what might trigger that is covered in the new proposed policy. They still need to better define single source item.

Emergency purchases-the policy outlines a process that truly defines what an emergency is. The Town Manager must notify the Council immediately if he does something outside the process. There have only been 3 or 4 emergency purchases that have happened in 10 years and were \$10,000 or less.

The policy also addresses combined purchases and Federal Procurement which is the Finance Directors language and specialty to make sure we are complying with current standards. It may need to be changed as Federal guidelines change. Could we just reference the Federal guidelines, so we don't have to change it every time and say "see the section". Or say "unless superseded by more recent guidelines" or something to that effect.

Implementation and roll out: the one more onerous thing that's going to be on department heads is a summary of how they complied with the purchasing process. When the department does the process for purchases, they will have to document the steps in the process. This is formalizing the process that we've been doing. The form will be made available and will substitute the memo they submit now. We do not use purchase orders.

Chair Piltch: For clarification we should define "immediate family member" and "potential conflicts of interest". The Single Source thing needs more work along with "emergency circumstances" which needs a definition. He is also confused on the middle category of \$10,000 to \$25,000 where it says the purchase can be made on the open market without getting competitive bids as long as the cost is reasonable. The required procedure would be to get bids from three qualified sources. The Manager suggested it reading "the required procedures to be solicited and evaluated. You want to go out and get three bids, but the issue is when we don't get three bids. They discussed examples of conflict of interest problems.

We do not have to accept the lowest bid, but we have to justify why we didn't and went with the most qualified bidder. Jessica will edit the draft policy and return it to Council.

4. Lodging Discussion (Town Manager, Peter Joseph)(30 minutes)

Starting in 2019, we have seen a large change in how our larger motels/lodging units are being utilized. Shelter overflow housing is a significant portion of this. There is a change in the demographics of who hotels rent to and use as semi-permanent housing for groups such as asylum seekers and refugee new Mainers. It's a shift in the demographic. The concern is driven mostly by the impact to town services. There is a drastic change in the nature due to a small segment of those populations that we talked about creating an overload on police, fire, emergency services and FCS who contracts for our General Assistance. These groups are in need and it is our responsibility to bear some of that need. Another huge shift happened when Portland during the pandemic changed their policies on who they were going

COUNCIL MEETING #19-22
OCTOBER 18, 2022

to be funding and shut down shelters. This is a dramatic shift for them to do the GA minimums. That moved a lot of people out. There are more people than beds in the area. The real shift has been to using hotels for either voucher programs or longer term stays regardless of the group, it's a change in capacity and occupancy patterns we are used to. Where it's an issue is because of the ratio of Freeport having a higher population of hotels per capita. We are small town budget and population base, with a large tourist base. Freeport is much higher than other municipalities in Maine. For example, Yarmouth has the same population, but they have 40 rooms being utilized and Freeport has hundreds. We're impacted more on a per capital and town operation basis because of that and that is why we want to start the conversation. We don't have a proposal or identification of the issues as it's several different factors being combined at the same time.

Police Chief Goodman: This has been a hot topic item in the Portland and surrounding area. They have been called to address the chronic homelessness that Portland had the lion's share of and the closing of their largest shelter has sent people out into the surrounding areas. We have seen a marked increase in the number of calls for service our officers have been engaging in. Mental health, drug issues, violent crime and regular crime, these are all issues that have increased especially along the Route One corridor where we have a high concentration of these hotel/motel rooms. We are in a unique position, there is not another community our size in southern Maine that has the amount of hotel rooms that we have that is dealing with a similar problem. He explained there are 2-3 officers working at night that go home over the shift. We are staffed to handle typical Freeport calls over that time, but when you start throwing in dozens and dozens of calls every week involving people who are in a high need category, it quickly starts to overwhelm the officers that are working. They have been attending meetings and trying to get on the same page with this issue. It's not unique to Freeport. It is unique in that we are one of the smallest communities that is taking such a big hit. He started talking about this with the manager 18 months ago. They have trouble filling positions and it is wearing down the officers with this additional load. They are in the process of filling the Crisis Worker position. He talked about the traditional use of motels in the summer season and how the hotels see the opportunity for full occupancy with the State assistance. In the winter months, the police see a large upswing of homeless people moving into the hotels for shelter. It's taxing on the limited resources the Police have. Hotels functioning as shelters is an issue. It's the impact on municipal services that has us concerned.

There has been an abject failure at the State for years. The State was happy when Portland was the dumping ground for everybody that nobody wanted to take care of. Portland did that willingly. There has never been a long-term plan regionally. There are many programs at the State that are funding people such as the ERA (emergency rental assistance) program or voucher programs.

Councilor Fournier: We have had facilities that have had a change of use. They are no longer open to the public for people to rent rooms. We need to look at that change of use. Can we require that these facilities hire a security officer to deal with issues? South Portland did require some of the hotels that were causing issues to staff an overnight position including medical and mental health positions, etc. In reality, shelters work by providing services not just a place to sleep and eat. That doesn't work in a shelter by hotel scenario because the services that people need are in Portland or Brunswick. There are not enough mental health or medical professionals in Freeport to barely deal with what's in town, let alone an influx. We don't have those resources here. Councilor Fournier suggested something similar to the fee structure that was enacted when they had an issue with false fire alarms years ago.

Joyce Veilleux: A lot of these people are being put up here with no transportation and no assistance with things such as help with appointments, medications, etc. This is not the job of the liaison. A well-trained security guard can probably take care of 75% of the calls. What some towns have done is a licensure for the facility. We don't have a license for this type of service. It would outline the minimum

COUNCIL MEETING #19-22
OCTOBER 18, 2022

requirements we think they should have such as security, a person there every day to make sure they are getting services etc.

Town staff is not looking to impose any system that wouldn't allow this to happen if it's needed. The goal is not to prevent hotels from being used as shelters if that is the highest and best use that is determined. We don't want to be the only place that has this happen and then turn out 50 people that don't have any place to go. At the same time, you have a conflict between an organization that exists for profit which is the hotel and then the services traditionally provided by a non-profit organization. The goal is to start examining why is this happening and are there things we need to do better to minimize impacts on the community if it's going to continue to happen here.

The police have met with Preble Street several times over the past few years to discuss the issues. All the stakeholders participated. Could they work with us to develop a specific plan? Discussion would be good with Preble Street to get their side of the coin. They would know exactly the programming that we need to give the people that are coming here.

It's a big difference to use the hotel as a shelter in place versus here's a private business making money off the backs of the funds that are available to house people. They can say they don't need to provide security because they can just call the police. We don't want to make it easy for them to make more profit. What exactly do they need and what exactly should we ask them to have on site and when we figure out what that is how do we enforce it. Right now, we don't have a mechanism to enforce it. If we were to look into a lodging license that says if you want to renew your license and have had extensive calls, we may require the hotel to have additional security or workers on site. We have nowhere to send people, this is a widespread southern Maine problem.

Councilor Pillsbury: how do we collect data? We can't craft a solution till we know the extent of the problem. We have asked that question (Police and FCS) and heard between 20-100 individuals on any given day. Hotels may decline to provide information about their clientele. The data we do have is the increase in municipal service calls for police services. The police are looking at increases in calls to that area of 200%. This is hundreds of calls per year, per location. What are the reasons. The Chief outlined the types of calls they are seeing a spike in. These are not nuisance calls and involve multiple officers for multiple hours. We have not seen the seasonal decrease in police calls that we normally see.

We also have hotels/motels in town that are not contributing to the problem. Let's not make it more difficult for them. Councilor Daniele suggested an additional meeting to discuss this issue.

END OF AGENDA (Estimated time of adjournment 9:25 PM)

MINUTES
FREEPORT TOWN COUNCIL MEETING #21-22
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, NOVEMBER 15, 2022
6:00 PM

Chair Piltch called the meeting to order at 6:00 pm

	PRESENT	ABSENT	EXCUSED
Councilor Chair Daniel Piltch, 25 Quarry Lane	X		
Council Vice Chair John Egan, 38 Curtis Road	X		
Councilor Matthew Pillsbury, 36 Todd Brook Rd	X	Via Zoom	
Councilor Chip Lawrence, 93 Hunter Road	X		
Councilor Darrel Fournier, 3 Fournier Drive	X		
Councilor Jake Daniele, 264 Pownal Road	X		
Councilor Edward Bradley, 242 Flying Point Road	X		

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood for the Pledge of Allegiance

SECOND ORDER OF BUSINESS: That the Town Clerk report on the returns of the November 8, 2022 Election.

Deputy Clerk Carrie Weeman presented the following Election Report.

TOWN CANDIDATE BALLOT: Elected

Town Councilor-At Large: John Egan

Town Councilor-District 1: Daniel Piltch

RSU Board of Directors (2) 3 year terms: Maura Pillsbury and Kelly Sink

RSU Board of Directors 2 year term: Kara Kaikini

Sewer District Trustees: Thomas Hudak and Katherine Wallingford

Water District Trustee: Write in winner/accepted-Clyde Young 5 votes (Tied with Thomas Hudak with 5 votes-declined position)

TOTAL NUMBER OF REGISTERED VOTERS: opening- 7,693

OF REGISTRATION CARDS HANDLED BY THE REGISTRAR ON ELECTION DAY (NEW VOTERS & CHANGE OF ADDRESS, NAME, OR PARTY) – 198

TOTAL NUMBER OF BALLOTS CAST – 5,288 (based on State ballots casts)

PERCENTAGE OF VOTERS WHO CAST BALLOTS – .68%

OF ABSENTEE BALLOTS REQUESTED – 2,370

RETURNED AND ACCEPTED – 2,288

PERCENT OF VOTES CAST BY ABSENTEE - .43%

COUNCIL MEETING #21-22
NOVEMBER 15, 2022

We are happy to report that election day went very smoothly. We never could have expected the number of registrations handled (198 registrations) to be at the Presidential levels (2020=148 registrations) especially with Automatic Voter Registration at DMV.

We had very few issues at the polls. Our office would like to inform the general public that Candidates are allowed to be present at the polls on Election Day and may state their name and/or thank you for voting. Candidates are always made aware of the rules and regulations surrounding their attendance on Election Day. While it may seem like electioneering, we always ensure that candidates do not step outside the limitations of the law.

With the volume of absentee ballots, we did utilize our option to process these ballots early. We convened on three separate days the week prior to election day to process 2,075 ballots into the tabulators. The early process memory sticks were then sealed until Election night. On Election night, after the Election Day total tapes were run, we then loaded the early processing sticks and ran the total tapes. The Warden then added Election Day totals to Early Processing totals and we arrived at our total reported on the Return of Votes Cast that is submitted to the Secretary of State's Office.

Our election staff made up of volunteers is pivotal to the entire election process. These dedicated volunteers work diligently to provide an election with the upmost integrity. All the training we provide cannot cover all the situations that may occur on the floor Election Day. We staff our team with an Election Warden who oversees all aspects of the election. We were so pleased to have Councilor Lawrence working with us and learning the A-Zs of elections. While there are always fires that need to be managed during the day, at least we were not the Clerk in Thomaston who had an election clerk show up at the close of polls with two sleeping roosters on her car who proceeded to investigate the polling area until an ACO arrived to capture the birds.

MOTION: That the Town Clerk's report be accepted. **Moved and Seconded** (Lawrence & Bradley)**VOTE:** (7-Ayes)(0-Nays)

(Deputy Town Clerk, Carrie Weeman)(5 minutes)

SWEARING IN OF NEW COUNCILORS:

Daniel Piltch (District 1) and John Egan (At-Large) were sworn in as the newly elected Town Councilors.

ROLL CALL OF MEMBERS: All Present

Daniel Piltch, 25 Quarry Lane
John Egan, 38 Curtis Road
Lawrence, Henry 93 Hunter Road
Jake Daniele, 264 Pownal Road
Edward Bradley, 242 Flying Point Road
Fournier, Darrel, 3 Fournier Drive
Pillsbury, Matthew, 36 Todd Brook Road

Councilor Lawrence was thanked for participating in the process as an Election Official. Councilor Egan spoke about how he observed the closing process at the polls as seamless. The Manager also thanked the Clerk's office for a well run election. Ms. Weeman gave an update on the State's Ranked Choice runoff for Congressional District 2.

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

COUNCIL MEETING #21-22
NOVEMBER 15, 2022

ITEM # 201-22 To consider action relative to the electing of a Chairperson and a Vice-Chairperson for the Town Council.

MOTION: That the nominations for the position of Council Chairperson be opened. (Fournier & Lawrence) **VOTE:** (7-Ayes)(0-Nays)

John Egan nominated Daniel Piltch for Council Chair. Darryl Fournier nominated Henry Lawrence for Council Chair.

MOTION: That the nominations for the position of Council Chairperson be closed. (Fournier & Daniele) **VOTE:** (7-Ayes)(0-Nays)

Councilor Fournier spoke in support of Councilor Lawrence for Chair. He would like a mixture of different ideas. He thinks there should be a reward for people who have put in a lot of time over the years.

Councilor Piltch: He feels that there are ongoing items that he would like to see through including the Downtown Vision. It took a while to get used to the roll and he wants to keep the momentum. If he gets the nomination, he would like to work on being more inclusive so it's less often that the Chair/Vice Chair and Manager are doing things alone. He'd also like to do a better job of setting goals for the year.

Councilor Lawrence: He has tried to stay neutral with the Downtown Revisioning. Our job as the Council is to be the neutral and deciding body instead of having a vested interest. He wants to be neutral and inclusive without an agenda.

Note: If more than one nominee, a showing of hands will determine the name for the following order.

BE IT ORDERED: That _____ be elected Chairperson of the Town Council.

Moved and Seconded: That Daniel Piltch be elected as Chairperson of the Town Council. (Daniele & Bradley) **VOTE:** (4-Ayes)(2-Nays Lawrence & Fournier)(1-Abstain Piltch)

MOTION: That the nominations for the position of Council Vice-Chairperson be opened. (Lawrence & Daniele) **VOTE:** (7-Ayes)(0-Nays)

Councilor Piltch nominated John Egan for Vice Chair. Councilor Fournier nominated Henry Lawrence for Vice Chair.

MOTION: That the nominations for the position of Council Vice-Chairperson be closed. (Lawrence & Daniele) **VOTE:** (7-Ayes)(0-Nays)

Councilor Bradley spoke that anyone would do a good job but is in favor of John Egan for Vice Chair to keep the continuity of the path we are on.

COUNCIL MEETING #21-22
NOVEMBER 15, 2022

Note: If more than one nominee, a showing of hands will determine the name for the following order.

BE IT ORDERED: That _____ be elected Vice-Chairperson of the Town Council.

Moved and Seconded: That John Egan be elected as Vice Chairperson of the Town Council. (Bradley & Daniele) **VOTE:** (7-Ayes)(0-Nays)

Councilor Bradley: Believes in the Councilors just elected to Chair and Vice Chair. He talked about having better communication between the Councilors. He doesn't want one person's voice to be more special over another's. The Chair will work at keeping other Councilors in the loop and he invites feedback. His opinion is one of seven and all meetings are open to the public. Anyone who wants to get involved can. Councilor Bradley stated we have a unique responsibility to represent our Districts and town. He wants to ensure that everyone has an equal input.

(Town Council) (15 minutes)

ITEM # 202-22 To consider action relative to amending the Town Council Schedule.

Our next scheduled meeting isn't until December 6, 2022. We should add an additional meeting. The goal is with the volume of items occurring that we have more frequent meetings of shorter length.

To get items on the agenda, the Chair and Manager sit down early in the prior week to set the agenda. To get a specific item on the agenda list, emailing the Manager, Chair, Vice Chair or Town Clerk will work. Any Councilor can add an item by majority vote of the Council. The Chair does have the authority to set the agenda, but a majority vote could add any item to the agenda.

BE IT ORDERED: That the Town Council Schedule be amended to add Tuesday, November 29, 2022 at 6 pm as a Town Council meeting. **VOTE:** (Daniele & Egan)(7-Ayes)

OTHER BUSINESS:

1. Turkey Bingo

The Fire Company holds a Turkey Bingo annually. They are a separate non-profit composed of former and current members of the Fire department. They were contacted by the State Gaming Commission that our letter of approval was expired. All beano games require the consent of the governing body of the Town and the consent for Turkey Bingo is over five years old. The Gaming Commission is requiring a new letter of approval. Councilor Fournier suggested having the letter allow this activity to carry on until further rescinded. They discussed how long the letter could be valid for. The letter is stale by the Gaming Commission after 5 years.

MOTION: that the governing body of the Town consents to turkey bingo being held by the Fire Company at the Fire Station on the Monday before Thanksgiving each year until further notice. **VOTE:** (Lawrence & Fournier)(7-Ayes)

COUNCIL MEETING #21-22
NOVEMBER 15, 2022

2. Sewer District:

There have been a series of meetings with stakeholders to develop options. FEDC passed a motion that they would like to see the council explore the sewer options and appoint a committee to do that. It will be on our next agenda with a list of proposed members. The Sewer District is proposing a 13% rate increase to fund operations and new amendments and modifications to the plant. Then a five year increase for the next 10 years. They are a lot of money that they are proposing to raise through connection fees which is what got us started in the beginning because of the impacts on the downtown. It has now expanded into the global benefits the town derives from sewer and whether there's either an opportunity for the town to participate in the costs. We are trying to bring these issues into focus so we can decide what to do. At the next meeting the Council will be asked to adopt the FEDC motion and to appoint the advisory committee.

We do sunset some of our committees. This committee may only be needed for 6 months.

3. Transportation issue:

With Downtown Revisioning we have been talking some about transportation. There is now a group working on transportation. One is along Main Street and then out to the satellite assets (Harbor, Wolfe's Neck, Desert of Maine, The Farm). As of today, we have an extended golf cart we can have in a pop-up way along with a commitment from the DMV to license it for our streets. We have a commitment that MMA will insure if we want to. We'll have a discussion later about whether we want it, how we do it and what it might cost. The idea is that it would satisfy small transportation needs for shoppers. Linda Bean has presented to the LLBean board whether they want to do it the way they do in Acadia moving from one area to another with their equipment. Discussions are being orchestrated. In Maine, there are things that make it difficult such as motor vehicle laws.

4. Housing:

Town Manager: This is in reference to the imminent end of the emergency rental assistance (ERA) program Statewide. That's important to use because there are approximately 80 family units in varying ways using the ERA program. The ERA has funded 30 families of new Mainers that are staying at the Best Western in Freeport, it's funding 30 families that are staying at apartments in Freeport that aren't new Mainers and it's funding about 20 families staying in two separate hotels also not in the new Mainer category. That program ran out of money. The State announced that November 30th that program will be over. Some families on that program have started receiving eviction notices. Some of those 80 will become homeless or are already qualified as homeless because they are living in hotels. We have talked with State officials and some things are being explored to house those families, but nothing concrete. FCS has been trying to pick up the pieces and make connections with volunteer money. Representative Sachs is working with us. It's a situation we have seen coming for a couple months. The State has some plans to address it but there is not anything comprehensive. Different non-profits are trying to step in to find solutions. It will come up in the Legislature that starts in a month, but it will be difficult to have a consensus. There's roughly 8,000 families around the State on the ERA program so we are 1%. We are disproportionately exposed due to our number of hotels/motels. The other acute thing is that once this assistance goes away, most of these people will turn to general assistance. At this point the emergency general assistance for housing is way under what is needed to support someone in a hotel or apartment. The town may raise the amount they provide to a family. However, we then get penalized for exceeding the limits. We contract GA to FCS and they will have families that they can offer something to but it will just be a portion of what they need for housing expenses. It will become acutely sharp in the next 30 days about what to do with new Mainers that are not allowed to get work permit status yet.

COUNCIL MEETING #21-22
NOVEMBER 15, 2022

Councilor Bradley reached out to Preble Street about whether we can address the loss of income for rental assistance as a town or whether we're going to try to meet it through some sort of prohibitive regulatory response that keeps these kinds of people from living in our town so we don't have this problem. There is a meeting tomorrow with them, Councilor Egan, the Town Manager and FCS to talk about what the other pieces are outside of rental assistance. What does the town have to do to support these 80 families. We can find a way to get through this winter and then the solutions are global. We can't support immigrant families unlimited any more than Portland. We can put pressure on a global solution and we could bring communities that don't have housing to the table including our neighbors Yarmouth and Falmouth that have money but no housing. That doesn't give them no responsibility.

ARPA monies: FCS has some money to address rent, but we did put some money aside that is discretionary. The town needs to take a leadership role in meeting the needs of its residents as this money goes away and we don't wait for a global solution. Councilor Bradley would like to have some hard dollar and cents numbers.

Councilor Fournier: For a number of years, they were provided for by the State and he thinks we have to make a strong stance on a leadership role in a couple areas. The first area is through our elected officials. We seen this coming and Portland has been dealing with it for many years. It's not going to be solved in the near future. We've got to use our voices through the LPC and MMA. We need a long-term fix. He hopes as a Council we will take that role to put the responsibility back at the State. We've heard the State is in good shape and has fund balances. This is a true emergency. All the communities need assistance. We need to be part of the squeaky wheel.

The dollar issues are up for debate. The bigger picture is that a lot of the shelter by hotels has been a backstop to fill a shelter need that's unmet. There are 20 placements that aren't linked to immigration status that are people who would be homeless otherwise that are on the ERA program. There are other families that are in hotels according to general assistance and according to voucher payments by outside agencies. The hotels preliminary lean is that they will not work with us on general assistance placements due to the experience they have had. There are not differentiating between whether someone is on ERA or not. They are telling FCS that they will not work with the Town of Freeport as an option. We do have a dollar problem and we have an actual housing stock problem because there aren't apartments, hotels or shelters to place people. This could become a homelessness emergency where there is not adequate shelter.

Do we know the numbers that are being paid and to whom? Could we come up with a figure that would maintain the basic cost of rental assistance that's currently in place that we are losing. These are the numbers we need to know so we can quantify it. We would not have access to the information about the 30 families in apartments because those are being paid by private contracts.

Some families have started getting eviction notices, but we do have a few weeks. Do we as a Council want to do an op-ed, pen something and put it in the paper. We can use our platform to yell as a council. Is GPCOG going to play a role in this? They have made several proposals for solution, none of which have gotten traction. They are trying to come up with facilities, with models. They haven't bit on it as an issue. We need to be a squeaky wheel. Stephen Gordon is our County Commissioner who we could reach out to. Councilor Daniele is looking for options, it seems like we are stuck. The legislature has the most tools to deal with it but is the most divided. They are not in session right now. They don't care about our 80 families in particular, it's a global problem that will take months to work through. We have the 80 families that could be on the street in a month.

COUNCIL MEETING #21-22
NOVEMBER 15, 2022

Other groups have been assisting to this point and because the State funding has run out they don't want to go in because the State penalizes us. It's Federal funding monies. There are two CAPS that distribute federal and state aid. It's a big pot of federal money approved by the State that was made available to the CAPS in the State. The money for this homelessness problem will be gone by the end of December. We've been talking about this for a year. We knew this was coming. Two weeks ago, the State announced the end of that program.

We need to put this in the paper and do a release and do it weekly. If we get public awareness it might bring solutions. The State has thrown this back in our laps. Maybe we can send a group to Augusta.

This is federal funding that has made these programs possible. Before people were being housed in motels, they had no shelter at all and that is a result of us not having housing stock in our state.

END OF AGENDA (Estimated time of adjournment 6:30 PM)

MINUTES
FREEPORT TOWN COUNCIL MEETING #21-22
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, NOVEMBER 29, 2022
6:00 PM

The Chair called the meeting to order at 6:05 pm

	PRESENT	ABSENT	EXCUSED
Councilor Chair Daniel Piltch, 25 Quarry Lane	X		
Council Vice Chair, John Egan, 38 Curtis Road	X		
Councilor Matthew Pillsbury, 36 Todd Brook Rd			X
Councilor Chip Lawrence, 93 Hunter Road	X		
Councilor Darrel Fournier, 3 Fournier Drive	X		
Councilor Jake Daniele, 264 Pownal Road	X		
Councilor Edward Bradley, 242 Flying Point Road	X		

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood for the Pledge of Allegiance

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting # 19-22 held on October 18, 2022 and #20-22 held on November 15, 2022 and to accept the minutes as printed.

Councilor Bradley: there is an error on first page. The Town Councilors that will meet and work with the Sewer Department should read Councilor Fournier and Councilor Bradley, remove Councilor Lawrence.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting # 19-22 held on October 18, 2022 and #20-22 held on November 15, 2022 and to approve as amended **VOTE:** (Bradley & Lawrence)(5-Ayes)(1-Abstain Egan)(1- Excused-Pillsbury)

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

- The Town is partnering with the Greater Portland Council of Governments (GPCOG) to develop Freeport's Climate Action Plan. A Climate Action Plan is a plan to address impacts from climate change and build a more sustainable Freeport. Municipalities use Climate Action Plans as roadmaps to make informed decisions and prioritize actions. We are in the early phase of this project, but there will be opportunities for the public to be involved in this planning process! The public can sign up to receive project updates and meeting notices, through the "Climate Action Plan" tab on the Freeport Sustainability Advisory Board's page on the town's website.
- **Nominations are now being accepted for 2022 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

COUNCIL MEETING #21-22
NOVEMBER 29, 2022

are available at the Town Office and on the Town's website at www.freeportmaine.com.
Deadline for nominations is January 5, 2023.

Freeport Sustainability Advisory Board will be hosting a lecture December 5th at the Library at 6:30. The topic is EPR (Extended Producer Responsibility) and Recycling.

The Freeport Players are doing a live show this weekend at the FPAC titled "It's Radio" at 7:30 pm Friday and Saturday and 2 pm on Sunday.

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

Councilor Bradley: As a result of the discussion at the last meeting about transportation, a small group has met and worked on the idea of transportation along Main Street and around town. He has asked Chair Piltch to put it on the agenda for some decision at the next meeting. The two things need to be decided; whether to take this extended golf cart vehicle and use it along Main Street and if you do, it needs to be registered and insured. We would need council consensus. This will be very small dollars and they envision doing it as a pop up on weekends and busy times to see how it works. The initial cost is \$250 and that's the deal with The Desert of Maine. The Manager can find this money and it should be a discussion item on the next agenda because there are things the town will have to take on with additional functions. If it's not extending beyond this year it is something the Manager can execute. We do this experiment and then decide if we want to lease it which would involve more money in the spring to use for the summer season.

Councilor Egan: At the intersection of Flying Point Rd and Pleasant Hill Rd is a yield sign instead of a stop sign which creates problems for bicyclists. After receiving citizen complaints, he brought this to the council to send to Complete Streets. He is following up with the Manager to make sure that we push this to the top so we have some focus on that. A stop sign would be a dramatic improvement on that intersection.

Councilor Egan was also contacted by a resident who tragically lost her son, Matthew McMillan in a motorcycle accident going over Exit 20 several years ago. Melody Seymour, the mother, has asked the council if they would support the idea of her petitioning to the State DOT to have a memorial name put on the bridge in her son's name. Senator Daughtry is supporting that at the State. DOT has advised that getting a letter of support from the town is the first piece to come forward. He is looking for Council support for this effort. It was an fatal accident involving him striking a boat trailer with his motorcycle as it was turning. There was no objection to a letter of support.

Chair Piltch: It is time to do Committee Assignments. If any Councilor would like to change and try something new, let him know in the next week or so. We can address this by the end of the year.

We are recognizing the significant achievement of one of Freeport's youth tonight. State Representative Melanie Sachs and Coach Jason Oullette presented Eli Spaulding with a Legislative Sentiment that was read aloud to the audience. The Coach outlined his incredible golf accomplishments including winning the Class B State and New England Championships this year. He was named All Conference and won the Chevie Award for the second year in a row. He is also a supportive teammate.

FIFTH ORDER OF BUSINESS: Town Manager's Report (15 minutes)

COUNCIL MEETING #21-22
NOVEMBER 29, 2022

There are two days left to sign up for the Property Tax Stabilization Program. Freeport has received 567 applications. 560 have been approved with 4 needing more documentation. Three were denied for not meeting the baseline qualifications. 284 million in valuation has qualified into that pool which is .3 billion out of 2.1 billion dollars of property evaluation in Freeport. That's 15% of all properties in town. 3.6 million dollars in taxes has been stabilized out of roughly 30 plus million. Representative Sachs was one of the first one to express concerns at the State level about the total cost of this Program and whether it's sustainable. That's going to be a tough number for Freeport which makes up just a few percentage points of the total statewide (less than 2% percentage of the total aggregate statewide valuation). Multiply that times 75 and that's the total. Any increase to that 3 million dollars in taxes supposedly now is going to be made up by the State. He and Rep. Sachs have concerns about that amount ever being appropriated in future years to cover that shortfall. It will be fine for this year and next, but we should be aware there could be a reduction in the State reimbursement in future years. The statute is silent as to what would happen if the State is unable to fully reimburse the municipalities. The amount in question will continue to increase as valuations increase of the years.

Councilor Bradley: if properties were to go to their actual market value as assessed and that was done all at once it would catch a lot of people off guard that haven't put aside the income to pay for that tax increase for the period of time that the state tax was stabilized.

This was not a bill that was vetted well. Representative Sachs explained that this bill will be looked at to correct issues in this legislative session. Improvements have been already made in the Homestead Exemption and will be slowly ratcheted to 100% reimbursement to municipalities overtime. Councilor Fournier wants to ensure that we start looking at this so we don't get blindsided.

We did have an airboat stakeholder meeting today and there is some decent progress going on there. They will continue to meet over the winter. DMR and the Commissioners office are leading that effort. The discussion centers around early morning hours as where the majority of complaints in Freeport and a few areas are being generated. The majority are concerning the Harraseeket River area. There are 60+ air boats registered around the state and Freeport has 4-5 of these. There are 30 in Brunswick. The focus is early morning hours and that seems what they're willing to tackle which wouldn't solve all the problems but would address resident concerns. DMR also is willing to propose administrative rulemaking and/or possibly legislation although they don't know what that would look like. There is a conversation that hasn't been resolved as to whether rulemaking would be location specific to areas of high complaints such as the Harraseeket River, Freeport, Casco Bay or whether it would be Statewide limit of hours or decibel levels or a specific time. The good news is that the staff is willing to propose some rules, even though they will not be popular with some residents and harvesters. That will probably happen in the spring. Residents, harvesters and Municipal reps from each town are represented on the 9 member board representing Freeport, Brunswick and Harpswell. The noise is a real issue especially in the morning hours. DMR is trying to not impact commercial harvesters negatively and also not having people woken up at 4 am.

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

Andy Spaulding: Has volunteered for the Active Living Committee and stays involved with Complete Streets through the group Connect Freeport. When the Active Living Task Force created the Active Living Plan, one of the major recommendations was to hire an Active Living Coordinator which has not shown practical since 2014/15. He wanted to encourage the councilors to consider a role for a staff person who may assist with items such as funding opportunities. We explore grant fundings and items such as easements for expansion. This would free up overtaxed staff and there would be an integration

COUNCIL MEETING #21-22
NOVEMBER 29, 2022

value also between complementary boards and committees (Complete Streets, Downtown Task Force, Connect Freeport, etc). One issue is knowing what other boards and committees are doing. He is encouraging we look at funding through the Concord Gully Brook TIF. This would need to be explored to see if allowable.

Complete Streets and MDOT met and discussed a Safe Routes to School. Maine DOT was favorable to the potential of using the highway corridor as a potential multi use path connection from Mallet Drive to Elm Street. Residents on Oak St. and Guptil do not like the idea of a path on their streets. He discussed grant opportunities that have not been applied for due to the bandwidth of the task. There is a long term need for an additional staff to assist. If there are grants available, it would be wise to hire outside staff to assist us with these tasks as opposed to utilizing current staff. We did discuss this during the budget process. Some of the grants were not appropriate for the time frame.

Mr. Spaulding explained the Grant Process Committee which has been collectively looking at grants and deciding whether to pursue. The Biden Harris Infrastructure bill has a provision that it has to go toward a community that has been socially disadvantaged and we probably wouldn't receive it. Identifying the grants is one thing but having the bandwidth to apply for them is another. We are probably not going to hire a grant coordinator, but if we need to contract for assistance we could probably find the funding for that. Many grants require matching funds, a decision made by the Council.

Could we have a line item for a contracted employer for grant writing during the budget season. Don't we have a contingency line to use for current opportunities available.

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

ITEM # 203-22 To consider action relative to adopting the November 29, 2022 Consent Agenda.

BE IT ORDERED: That the November 29, 2022 Consent Agenda be adopted.
VOTE: (Fournier & Lawrence)(6-Ayes)(0-Nay)(1- Excused-Pillsbury)

(Council Chair Piltch) (5 minutes)

ITEM # 204-22 To consider action relative to setting a Public Hearing for December 6, 2022 to discuss a Special Amusement Permit for the following:

Councilor Bradley questioned whether the special amusement activity was indoors or outdoors as it was slightly unclear on the application. The Town Clerk clarified that it appeared they mistakenly checked the yes box indicating outdoor activity. Activities related to the permit would be located on the private second floor space.

1. Mast Landing Brewing Co.

BE IT ORDERED: That a Public Hearing be set for December 6, 2022 at the Town Council meeting that starts at 6 pm in Town Council Chambers, 30 Main Street to discuss a Special Amusement Permit. **VOTE:** (Lawrence & Daniele)(6-Ayes)(0-Nay)(1- Excused-Pillsbury)

COUNCIL MEETING #21-22
NOVEMBER 29, 2022

(Town Clerk, Christine Wolfe)(5 minutes)

ITEM # 205-22 To consider action relative to a setting a Public Hearing for December 6, 2022 to discuss a supplemental appropriation to the FY23 Budget in the amount of \$20,000 for the procurement of police cruisers.

We budgeted two cruisers at \$30,000 and \$15,000 for equipment and change over. When the bids came back the cruisers were \$46,000 each. That was a uniform response from every dealership. We got a result from Casco Bay Ford and Augusta Ford came back at a few hundred dollars more. The second issue was getting the cars. We were originally going to buy one and pray we could find a second one in time for next years budget. In order to purchase the second that has become available we need the extra \$20,000 because that would be the cost over what we budgeted. If we wait till the next budget season the price will be higher. To get on an order list right now is about 12 months. An additional cruiser became available from someone else's order. Councilor Egan stated we are at a disadvantage by buying one or two cruisers only and we should partner with neighboring towns for a fleet purchase price. There is a shortage of available cars. We are at the mercy of vehicle vendors.

There used to be a State bid package that would give municipalities a choice of dealers under that group vehicle bid. The Manager stated he hasn't seen that in years. He will reach out to GPCOG about why we haven't seen that in collective bidding. Even if we did that there isn't the inventory. It's a seller's market.

We had a detailed Capital Budget which looked at fleet replacement. Every time we bump that we get out of sync and will pay 4 or 5 years down the road. We are out of sync on Rescue vehicles and we are going to see a huge cost increase on that. We have not adjusted purchasing to fall in line where we have a comfortable level on that. This is an example of where we change something and it has a huge impact. We will get by but in 12 months from now when we are running a vehicle with 110,000 miles on it instead of 80,000 we start seeing breakdowns and reduced efficiency. We have a replacement schedule that includes little to no down time on cruisers. The longer we go we lose efficiency.

The request is for an additional \$20,000 but the vehicle looks like it's only \$11,000-\$12,000 more. There is wiggle room in the changeover line that we would have been able to absorb a few thousand dollars but not \$10,000. Should we say an amount slightly more because we can put the money back. Any monies not expended go back to the Police equipment reserve fund eventually. Should we increase this up to \$24,000? The manager would be fine with that. If it's to small amount he won't be back for more money. The Police Advisory Committee sent out a survey and the top two or three themes from the majority of them were that the cars are unreliable, old, breaking down, or we don't have the number of cars we need per shift.

BE IT ORDERED: That a Public Hearing be set for December 6, 2022 at the Town Council meeting that starts at 6 pm in Town Council Chambers, 30 Main Street to discuss a supplemental appropriation, pursuant to section 6.08 (A) of the Freeport Town Charter in the amount of \$20,000 for the capital purchase of police cruisers. **VOTE:** (Daniele & Lawrence)(6-Ayes)(0-Nay)(1- Excused-Pillsbury)

(Police Chief, Nathaniel Goodman)(10 minutes)

COUNCIL MEETING #21-22
NOVEMBER 29, 2022

ITEM # 206-22 To consider action relative to a bid award for a new Recycling Center Tractor.

This is replacing an 18 year old skid steer tractor that is at the Recycling Center. One of the reasons we wanted to go with a tractor is because they want to do their own mowing. That will save \$3,000/yr and will bring it in house.

We budgeted this amount in our last fiscal year and this is just the execution of that authority with a savings of just over \$1,000. They didn't like the bids from their first request, so they sent out a second bid. This money has already been appropriated. The engines horsepower went from a 32 horsepower to a 52. The bobcat was not a tractor but was a utility vehicle. We wanted a self-contained broom so as you sweep it goes into a bucket. John Deere and Bobcat couldn't do that. His solicitation list was helpful.

BE IT ORDERED: That a bid award go to Wallingford Equipment of Auburn Maine for a new Recycling Center Tractor with attachments in the amount of \$68,900.00.
VOTE: (Bradley & Lawrence)(6-Ayes)(0-Nay)(1- Excused-Pillsbury)

(Public Works Superintendent, Earl Gibson)(10 minutes)

Note: \$70,000.00 was included in the FY22-23 Recycling Center Budget for the purchase of a new tractor with attachments. The total bid price with trade-in included is \$68,900.00. This will be a saving of \$1,100.00.

ITEM # 207-22 To consider action relative to a Sewer Funding Task Force.

Councilor Bradley: requesting action to create a committee to deal with potential collaboration between the town and the Sewer District with respect to funding improvements to the plant and associated items which include force mains and disinfection processes at the plant that are not included in the current proposal for improvements to the plant. The idea is that we would form a committee of people who have interest in the sewer district to determine if there is a way in which the town could or should support the Sewer District in funding its services to clean the sewer because of the general benefits it provides. We got involved with this over connection fees being charged by the Sewer District for modifications to buildings in the downtown which affected the Revisioning. Since then the issue has expanded to include a greater inquiry into the whole nature of the sewer district and it's relationship to the town, funding its projects and governance of the sewer district in participation by the town. The Sewer District manager has been transparent and helpful. He's open to talking about the range of issues. They had an initial meeting with people who have set this up for the consideration of the committee he's asking the council to form. This committee will be for 6 months and advisory to the Council and will present alternatives that the council might find reasonable and will provide information that will help the Council make decisions about whether to help fund and under what conditions. The people identified: Councilor Bradley and Fournier, the Town Manager and Town Planner, Lee Arris and Sally Leland from the district, resident Rod Regier, Dan Bacon and Brett Richardson from FEDC and consultant Brent Bridges. Two people we would like to ask to also join, Mark Winter and Clint Goodenow.

FEDC supports this request. The only thing not in the motion we should add or understand is when we are talking about funding we are not just talking about money. We are talking about the conditions and terms under which funding might be offered as a collaborative effort. The committee would not ignore

COUNCIL MEETING #21-22
NOVEMBER 29, 2022

that a financial contribution might involve more participation with the district. Right now they are pretty much stand alone and if you put in town money that may not continue to be true. He expects to be back in part of the revision process in time for the budget process.

Councilor Egan: the engineer cautioned that most Federal grant sources available to the district would reduce the grant that Rural Development is considering. That is true. That's why we may want to consider going after sources of funding ourselves. We may have areas we could get funding for that were not in the purview of the rural development, it would not reduce it. If we simply give the district money it would reduce the amount of grant available from the federal government.

Think about the Sewer District as more than a place you clean up dirty water, it's a service to the entire community including the quality of the harbor, recreational uses, the clambers, all the water issues along the shore and the boating industry in the town. They are all related to the district. We were cautioned to not go willy nilly producing funds that are within the purview of a grant that rural development is considering because if you do you may find they reduce the amount of the grant that they give. It's a 17.5 million dollar grant they are pursuing. They are not sure how much will be grant and how much will be loan.

Councilor Egan: Wondered if the contract that the Sewer District has is for engineering services or for capital planning and grant writing. It is a little of both. They are dragging them in on a lot of different meetings so it's hourly at this time.

Councilor Daniele asked about opening this group up to the general public. Every person was picked for their sense of experience and interest in the Sewer District. These would be open meetings if the committee is established by governance. Sally Leland is a tax payer representative and on the Sewer District. Councilor Fournier supports this committee.

Chair Piltch: to confirm, the committee is going to explore all possible funding including Town funding but we're not binding the town to commit to funding, just what that funding looks like. They will present alternatives that make sense to the committee. Brett Richardson has already cautioned between tying a particular funding mechanism to a particular TIF. TIF will definitely be a topic that will return.

Councilor Bradley wanted to know if anyone had any concerns. It's a positive offer on this committee to do the work of the council in the Revisioning process and the work of the town. Councilor spoke in favor of the committee. Councilor Fournier is finding refreshing the honest dialogue that is being had. We may not adopt everything that comes out of it, but this is progress.

Councilor Egan is concerned about the 74-76% of the people who are not served by the District voicing a voice about their tax dollars going to a government entity of which they get no benefit. He agrees that the Sewer District provides benefits besides somebody's pipe connection, but he's not sure there would be widespread consensus on that point. We should be well aware that any recommendation that comes forward for Town budget to support a particular project or any ongoing support for the Sewer District will be quite a discussion.

The Town Manager spoke about how the proposed board will contain a balanced and varied group of opinions.

COUNCIL MEETING #21-22
NOVEMBER 29, 2022

BE IT ORDERED: That a Sewer Funding Task Force be established, to exist for a period of six months, for the purposes of exploration of all possible funding sources for the Sewer District, including external sources, potential Town funding sources, federal funding and any other sources of funding, with a goal of bringing recommendations on the above-mentioned subject to the Town Council before its completion.

BE IT FURTHER ORDERED: That the following individuals be appointed to the Sewer Funding Task Force: Peter Joseph, Town Manager; Ed Bradley and Darryl Fournier, Town Councilman; Lee Arris, Manager of the Sewer District; Sally Leland, member of Sewer District and resident of District 3; Rod Regier, former Town Councilor; Dan Bacon, Representative of FEDC; Brent Richardson, Executive Director FEDC; Brent Bridges; Woodward and Curran consultant to the Sewer District. Also add 2 more names Mark Winters and Clint Goodenow if they agree. **VOTE:** (Bradley & Fournier)(6-Ayes)(0-Nay)(1- Excused-Pillsbury)

(Councilor Bradley)(45 minutes)

ITEM # 208-22 To consider action relative to establishing a Housing Task Force.

Councilor Egan: This is the formal action to follow up on the discussion we've had for the past several months culminating in the presentation from the Social and Racial Equity Committee in October of a report which we all received copies of regarding current housing status and glaring needs in the community and some demographic and census information to illustrate how certain segments of our real estate market are completely unaffordable to many residents in our community. The final recommendation of that report which was presented was to create a housing committee. We had conversation around whether it would be a formal committee or a task force with a shelf life. He is presenting a recommendation for a 12 month task force to focus on housing issues. We have the benefit of having a very successful non-profit in our community called Freeport Housing Trust which owns and operates successfully 170 units they have in the community. They work with a wide array of folks and through that housing they have done some ownership as well. They are trying to serve a broad slice of the community, not just low income. They have agreed to participate in this task force. They bring a lot of data and information and knowledge of the community. He has confirmation of a list of people who have agreed to serve. The particulars of what the committee might focus on are derived from the issues that each of them bring to that discussion. As a starter set he is suggesting a couple of things we can put forward that would be some particular active steps that the Council might take to spark a development project. We have two that have come forward recently and there is an opportunity to see if we could get a few more to create more housing stock in our community. We've had a lot of feedback about our Zoning Ordinance and our permitting process and encourage this group to focus on recommending three or more top zoning ordinance barriers that projects might be facing in terms of permitting. We have a state law in place now that allows for development of accessory dwelling units. Our Zoning already allows this so we don't have to focus on an authorization there, but he thinks we should be promoting it. He's not suggesting putting dollars out there to encourage it as other communities have done.

He does have a starter list of names and would be open to the public involvement:
Matt Peters, Freeport Housing Trust
Mitch Rouda, Planning Board
Brett Richardson, FEDC

COUNCIL MEETING #21-22
NOVEMBER 29, 2022

Vanessa Far, Participated with Principle Group, Professional Planner
Marty Mia, SREC member and was instrumental in the Report mentioned above
Someone from the Construction industry (He recommends Drew Wing from Zachau Construction)
John Egan, Council Liaison

Councilor Bradley: A lot of this relates to the Downtown Revisioning but it doesn't specifically identify how this effort would merge with the Downtown Revision if at all. He wants to know Councilor Egan's thoughts on that.

Councilor Egan: Any of the projects that are identified in the Downtown Plan are only going to get better if we have residents living in the downtown. If you talk to any planner, the number one economic development action a community can take is increase 24 hour residency of people living in downtown. That creates consumer demand. Councilor Bradley sees it does reference housing projects specifically in the downtown.

The Downtown Plan talked about residents that live within a radius of downtown so the project itself might not be downtown but for instance the new development on Desert Road contributes to the number of people who live, shop and work and could easily bike or walk downtown even though the project itself doesn't reside in that little square box we drew around downtown. The breweries have recognized the affinity locations of the south end of our Main Street and that could be other industries that serve population that are more proximal for bike rides and pedestrian access. The definition of downtown will evolve a little bit over time.

Councilor Lawrence: It shouldn't be limited to downtown, it should be the whole town. We don't have starter homes or the next level homes. We have very low income housing and high income housing and it doesn't bode well.

BE IT ORDERED: That a Housing Task Force be established, to exist for a period of twelve months, to study the problem of housing affordability in Freeport and to make recommendations to the Town Council for actions the town could take and policies the town could establish to encourage the development of affordable housing.

BE IT FURTHER ORDERED: That the following individuals be appointed to the Housing Task Force: Matt Peters, Mari Mia, Brett Richardson, Mitch Rouda, Vanessa Far, a representative of the construction industry, and John Egan

VOTE: (Egan & Daniele)(6-Ayes)(0-Nay)(1- Excused-Pillsbury)

(Vice Chair Egan)(30 minutes)

OTHER BUSINESS:

COUNCIL MEETING #21-22
NOVEMBER 29, 2022

1. Continuing discussion regarding concerns surrounding General Assistance and potential homelessness resulting from the anticipated elimination of the emergency rental assistance program (ERA Program) at the State level.

Town Manager: We held a meeting with the Manager, Councilors Egan and Bradley, a local affordable housing developer, a local hotel owner, Sarah Lundin and Mike Tausek of FCS, Greg Payne from the Governor's Office (housing expert) and Representative Sachs. They discussed some of the developments the State is going to extend the ERA program with additional money that has been recovered that was lost from the treasury transfer process essentially until the end of December. There is a proposal likely brought to the Legislature in the next 1-2 weeks to provide emergency housing funding continuing through the winter. That is not a done deal, but will likely have a lot of debate. There has been some funding identified as available but it's going to depend on a lot of other people. There's broad support in this part of the State, but the question is wider parts of the State where this isn't an issue. Will there be support to raise and appropriate State funds to take care of this issue. The proposal isn't formal, but there is movement on the immediate need. It doesn't address the long-term homelessness insecurity and housing shortage. It's not the same but it's tied closely to the housing affordability problem.

The Manager drafted a letter to be used for PR if it's the correct time to provide input. He was also asked for additional stats and has provided that in a memo to the Council. He summarized:

Best Western: 30 households – housing cost \$110/night=\$99,000/mos or \$1.2 million/yr
That's the portion covered by ERA right now. That is the amount of State money going to the hotels right now.

Food/non food/prescription: 30 households = \$25,000/mos= \$300,000/yr. That is a GA figure. That is a 70/30 split with the State picking up 70% of that.

Total cost for that facility: \$124,000/mos = \$1.5 million/yr.

Casco: no detail: not receiving ERA. Receiving funding from Portland General Assistance Office. Portland is honoring their commitment to continue to fund families that were placed there in the spring. He mentioned this because Portland is under no legal obligation to continue to honor it and he wants to put a place holder here that this could drop on us.

Other Freeport Hotels (mainly Econo Lodge and 44 Hotel North): Approximately 20 households.
Housing Costs=\$140/night = \$1 million/yr. This is State ERA money that is going to those households.
Potential food/non food prescription: \$200,000/yr. We are not seeing that because few of those families have qualified under General Assistance. We could be responsible for 30% of \$200,000/yr.

31 Other Households with ERA ending: we do not have specifics on this. The CAP agencies are not giving out that information. FCS estimated the rough allowance for GA would be about \$2,000/mos, we can only assume that this would be similar to what the ERA costs might be for rent.
Estimated Costs for 30 Households: \$750,000/yr (potential ERA costs)

Councilor Egan: The Federal Emergency Rental Assistance was announced to be ending at the end of November. His understanding is that through some negotiations, this may be extended through December. The Federal passed assistance for this is over December 31st. There is going to be a discussion quickly for legislation at the State legislature to come up with some solution. That is not a guarantee. The context of looking at these numbers there is the possibility the Town of Freeport will have to figure out what to do with these families, many of which are unable to work because of immigration status. The immigration issue is a whole different sector that needs to be tackled but in the meantime we need to get a handle on what this looks like if 20-50 families with no place to live and no income. There

COUNCIL MEETING #21-22
NOVEMBER 29, 2022

are hopeful signs about emergency extension from the State. There are at least 6 of these households with an expectant baby coming, just imagine that for a moment. There are a lot of people, advocates and organizations trying to solve the problem. There are social service agencies around Portland that are communicating with FCS which is doing an amazing job. The top priority that what is best for those households is at the top of the list in terms of decisions and impacts.

Councilor Bradley: There are two base problems, one is the new Mainers and those are the people at the Best Western and the Casco Bay Inn essentially. The rest are traditional people in poverty or in distress. They all have been getting ERA money and will be effected. The new Mainers though don't have the ability to earn money or take care of themselves because of immigration restrictions. The older Mainers do have that possibility but may be restricted by virtue of conditions that they experience personally. If this great plan doesn't occur, Preble Street offered to provide a social service assistant to help older Mainers who may have access to a whole range of social services that they don't access because of their personal problems and will work with them on a case by case basis.

Councilor Bradley inquired that when you get to the last two categories, it seems to be double counting. He understands that the 30 Best Western households may be relocated to Portland or South Portland. The Casco Bay Inn ones are ones that Portland's taking care of for now and the old Mainers which he understands roughly 20 families are filtered throughout our community. There are 81 households that are not Portland's responsibility that are on ERA in Freeport right now. The Town Manager explained the breakdown of the families and their eligibilities for assistance. It gets difficult because GA has been the bridge funding mechanism. There are longer term programs for support for people such as SSDI for people who cannot work. GA is not supposed to support somebody for years, just the months they need help getting into those programs. Councilor Bradley left these meetings understanding that there was a full court press to solve this problem through spring and through that time other solutions would be discussed. Recognizing that might not work, there was some question about what steps the town should be taking about if it doesn't. This is a daunting amount of money.

In years past we have helped maybe 10 households per month. Examples of ways we have helped people were given by the Town Manager. These were to fill in the gaps in funding. The real big difference now is the hotels being emptied during the covid pandemic, a large group of people becoming homeless, the shelters in Portland closing and people who would have received those services being moved out to another location including Freeport. That 51 number would have been 5 if it was the traditional Freeport GA case load.

Of the 28 new Mainer families at the Casco Bay Inn, they're not under this ERA deadline, but are there other looming deadlines for them or any reasons why the city of Portland might not have access to the funds they're using to pay for these folks today? The Town Manager is not aware of any drop off for that group. The plan for those families is a draw down, as those families are placed in long term housing or achieve work authorization, as they move out they are not being back filled by Portland. The Casco Bay Inn is not putting people from those other categories into those rooms. That's a private business decision.

The Best Western owner's reason for moving those people to South Portland is that it is better for them. They are closer to services, closer to transportation and all the things they can use. The issue is the kids who are in school. There was some discussion of providing transportation for these kids so they can stay in school

Councilor Fournier: Have we reached out to Catholic Charities or other organizations that may not be the traditional people who help but have had an influence on bringing people to our area?

COUNCIL MEETING #21-22
NOVEMBER 29, 2022

Sara Lundin: We are at the table with many of these groups being mentioned. Catholic Charities has been focused on refugees who settle in the area versus asylum seekers which there is a very big difference. FCS has been working with the Immigrants Rights Coalition who helped place the families here and working collaboratively towards a solution.

Some folks receiving ERA have gone from hotel to hotel so there's no agency placing them there. The ERA program was portable to allow folks to go where there would be more resources or jobs. There was discussion about the agencies making placements.

Representative Sachs:

She attends the Housing Caucus each week which is a group of legislators that tried to pass laws last year to put a small dent in the housing crisis. One of the pieces was significant in that you can now use TIF funds for Supportive Services. Should you choose to do things such as Part-time housing navigator, you can use TIF funds to do so. She thinks it would be permissible to revise the TIF as permissible and eligible expense. She spoke about how local realtors are working to help make housing placements and the help that new Mainers need.

Legislation: Greg Payne has been a long time person advocating within the affordable housing coalition as well as now being Governor Mills Housing expert. He came to Freeport and he's excited about the work we are doing collaboratively. She welcomes a letter from the Town Council and she's committed to doing everything she can within the Legislature to pass a package at least get us through the end of April. One of her focuses is pushing GA reimbursement up to 90%. This is a Statewide problem.

Councilor Daniele: Inquired about if we do not have funding after December, whether we have contacted the schools about the potential of using them as temporary emergency shelters? It's a phone call and he would like to have preliminary conversations. We haven't investigated yet, but may need to.

Let's see what happens with the State's emergency legislation as plan A (four-month reprieve). Don't waste your time on things you may never have to do in this time frame.

A potential Plan B (financial): While ERA may be ending there may be other hotel or hospitality facilities and/or private units in the community, if they were paid, may put up some of the families. One concern is that many of the hotels would like to shut down. Some hotels aren't going to take the referrals. It could be smaller apartments or churches. It would have to be coordinated and discussed. It's not as simple as a phone call to the RSU. To start develop a Plan B, is another major undertaking for a town like ours. Let's give Plan A a shot. Councilor Lawrence is skeptical of waiting on the State to do it. We have a meeting with the RSU and we will have them put it on their radar.

Councilor Fournier: After having run an emergency shelter in the past, we don't want to discuss this because we do not have the infrastructure to support this.

Sarah Lundin: There are a couple of agencies that did place people at the Best Western. There has been support for food but there's not been any on-site case management or support. FCS has been able to secure a full-time one-year position through Good Shepherd from a grant. She doesn't fault the agencies that were trying to house the hundreds of homeless being refused services after May 5th. It's unfortunate that there wasn't someone onsite everyday as she had hoped.

COUNCIL MEETING #21-22
NOVEMBER 29, 2022

General Assistance is not just the responsibility of where the person is from, its where they live or move to or claim general assistance. If you move into a hotel, you are a Freeport resident. He explained the breakdown in the State General Assistance program in this regard and the problem with non-support surrounding towns. Only 40-50 municipalities are picking up the problem.

(Chair Piltch)(60 minutes)

EXECUTIVE SESSION

ITEM # 209-22 To consider action relative to an Executive Session pursuant to 1 M.R.S.A. § 405(6)(A) pertaining to an employment matter.

MOTION: That the Town Council enter Executive Session amending to include pursuant to 1 M.R.S.A. § 405(6)(C) a Real Estate or Personal Property matter. **VOTE:** (Daniele & Lawrence)(6-Ayes)(0-Nay)(1- Excused-Pillsbury)

Matthew Pillsbury entered the Executive Session at 9:20 p.m. via phone as a non-voting participant. Mr. Joseph left the meeting at 9:20 p.m. **VOTE:** (Daniele & Egan)(6-Ayes)(0-Nay)(1- Present, non-voting - Pillsbury)

MOTION: That the Town Council exit Executive Session.

(15 minutes)

END OF AGENDA (Estimated time of adjournment 10:15 PM)

MINUTES
FREEPORT TOWN COUNCIL MEETING #22-22
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, DECEMBER 6, 2022
6:00 PM

	PRESENT	ABSENT	EXCUSED
Councilor Chair Daniel Piltch, 25 Quarry Lane	X		
Council Vice Chair, John Egan, 38 Curtis Road	X		
Councilor Matthew Pillsbury, 36 Todd Brook Rd	X		
Councilor Chip Lawrence, 93 Hunter Road	X		
Councilor Darrel Fournier, 3 Fournier Drive	X		
Councilor Jake Daniele, 264 Pownal Road	X		
Councilor Edward Bradley, 242 Flying Point Road	X via phone -non-voting		

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood for the Pledge of Allegiance

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #21-22 held on November 29, 2022 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting # 21-22 held on November 29, 2022 and to accept the minutes as written. **VOTE:** (4-Ayes)(0-Nays)(1-Abstain: Egan)(1-Absent, Bradley)

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

- **2023 Dog Licenses are available.** All dog licenses expire December 31st of each year. Dogs six months and older are required to be licensed by law. You may register at the Freeport Town Hall or online at: www.doglicensing.com. Please bring proof of the rabies vaccination and spay/neutering. *Please be aware that you must renew your dog license no later than January 31st of each year, or a late fee of \$25.00 per dog will be charged.*
- **Nominations are now being accepted for 2022 Citizen of the Year**
Each year the Freeport Town Council presents a Citizen of the Year Award to honor those who have significantly contributed to the quality of the Town. Nomination forms are available at the Town Office and on the Town's website at www.freeportmaine.com. Deadline for nominations is January 5, 2023.
- We have with us tonight one of the "Mainers to be thankful for" as written in the Press Herald. Bob Stevens was one of 8-10 Mainers who received this designation.

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

The Chair is inviting both Bob Stevens and Tawni Whitney to speak with us tonight.

Mason Morfit representing Freeport Climate Action Now (FCAN): Congratulated the town on receiving a Community Action Grant from the State for \$121,000 to hire a Sustainability Coordinator in

COUNCIL MEETING #22-22
DECEMBER 6, 2022

conjunction with Yarmouth. FCANs proposal tonight is that the town allocate \$150,000 from ARPA funds to fund a municipal rebate program for electrically powered devices. The intent of the program is to reduce the bills of Freeport residents while reducing greenhouse gas emissions that are the cause of climate change. On Election Day, 700 Freeport residents signed petitions to support the town doing so. According to the Efficiency Maine Program, heat pumps can reduce annual fuel costs by 50 % and reduce CO2 emissions by 55-60%. A proposal was presented to the Council prior to tonight with hopefully enough detail to start a conversation. This is available on the town website. Their proposed program is based on an existing state rebate program run by Efficiency Maine and supplemental municipal programs run by South Portland, Bangor, Auburn and other smaller cities around the state. These programs provide rebates for an array of electrically powered devices and efficiency projects ranging from electric vehicles, to heat pumps to weatherization programs. Rebates run from about \$1,200 for an air source heat pump, to two thousand dollars for an electric vehicle and up to 20 percent of project costs for insulation up to \$2,000. Higher rebates are available under some programs for low-income applicants. We are proposing a similar program for Freeport, with a cap on total rebates of \$2,000. They would require an Efficiency Maine rebate before they receive a Freeport rebate, a prerequisite of other municipalities. This condition means Freeport's money is doubled or more in advance and as a result, Freeport's program gets the most bang for the buck. They based the proposal amount on Auburn's model with a proportional request. Income eligibility requirements vary from program to program, none from some Efficiency Maine programs and none in all Auburn programs. This proposal has an income eligibility ceiling for Freeport of 90 percent of area median income which would be \$80,280 annual income for a household of 2 people to \$108,630 for a household of five. This will target the program on low to moderate income residents. We want to make heat pumps available to the people who are least able to afford them and would benefit most from a reduction in their heating bills. Administration of the program in other towns varies from the General Assistance Manager to the Sustainability Coordinator. Times vary amongst programs but is reported at less than 15 minutes in Auburn which processes 95% of the applications online. They suggest that a Zoom meeting be convened among existing program administrators, Efficiency Maine staff and Freeport staff to determine the least time-consuming process that meets Freeport's needs. Finally, they believe the Freeport program should be initiated as soon as possible. Weatherization contractors and heat pump installers are booking out months in advance. We need to give residents to schedule installations before next winter hits them with another round of fossil fuel price increases hit the state and the town of Freeport with more calls for heating assistance.

Robert Stevens was asked how they came up with the rebate figure and total figure. What was the calculation used to incentivize. They looked at other towns and the expenses of items. He explained a \$5,000 heat pump would include a \$2,400 rebate from Efficiency Maine and a \$1,200 rebate from Freeport that brings the cost to \$1,400 moving it into a more acceptable cost. The heat pumps for water are less expensive and the rebates are still good. This provides opportunities for people who would otherwise not be able to do it.

Regarding the administration, he has talked with Matt Peters (Freeport Housing Trust) and he is interested in this program. Freeport Housing has boilers that need replacing and they need to decide to replace the boilers at \$8,000 or should they go to heat pumps. If they go with heat pumps, they will be able to pass the cost savings on to the tenants. There are 25 homes on heat assistance that own their own homes and would qualify for the program.

Councilor Daniele inquired about the initial cost of the heat pump being prohibitive and a possible revolving loan fund may make sense. That approach had not been considered by FCAN. Efficiency Maine issues an eligibility determination letter before the individual spends any money with a contractor. If the town accepts that as evidence of qualification, that person could talk with the contractor and work out something. It will be a hurdle for some people. Efficiency Maine has a low-income loan program.

COUNCIL MEETING #22-22
DECEMBER 6, 2022

Councilor Lawrence: have we thought about making this a nonprofit and making it exclusive to Freeport, and then you can open it up to the rest of the state. With that we could do a lot of things differently. FCAN does not think they have the energy for that. They wanted to get something started in town. Councilor Egan inquired about how other communities were able to get uptake on the program with their residents. Mr. Morfit explained how other towns did it with word of mouth and little promotion. Mr. Stevens presented the petitions that residents signed on Election Day. He asked that the names and emails of the signers be added to receive the town bulletin to get the word out if this program starts.

Councilor Pillsbury: Are there eyes to how this program will be more sustainable instead of a one-time allocation of money. Are they thinking private fund raising or maybe it's a loan fund that has some sort of forgiveness. Auburn used ARPA money for both amounts they allocated for the program. What they are proposing is not perfect, there are details that need to be worked out. FSAB may be interested in working out a short loan program if it could be made sustainable. Does this generally make sense and how soon can it get going.

Councilor Fournier: Some people who have installed heat pumps are now struggling to make the \$400/month electric bills. Was the home insulated properly? Are we putting the cart before the horse? You have to make sure the home is the right place to put this. Instead of initially doing an air ceiling test, we should look first in the basement. Should we first seal basement floors to address humidity, etc. They included in this proposal, a rebate to look at consulting to make sure people have the right information before they jump in. The town has done grant programs for energy efficiency and sealing in the past. About 8 years ago we got a CDBG grant from the county that was used to do energy sealing and make weatherization improvements on a small scale (houses with single layer walls, etc).

We had a lot of requests to use the ARPA money. Are there are other sources to use such as the Inflation Reduction Act or LiHeap funds? Let's take some time and be thoughtful about it. The idea is to replace the Heating Assistance with the cost savings, so the band-aid approach isn't necessary.

Kathleen Sullivan (coordinator FCAN): spoke on people's positive reactions to the petitions in helping their neighbors and the support of heat pumps in general.

Chalmers Hardenberg: Supports this proposal. This is not just about next winter, these heat pumps run through the summer cooling. This is not just heat pumps, it covers landscaping equipment such as buying electric riding mowers and grinders. This will help not just heating but also the entire fossil fuel emissions. Quiet electric leaf blowers would also be a benefit.

Megan Shore (FSAB member): FCAN presented this proposal to FSAB members. The committee stands in support of efforts the Town can make to reduce carbon and greenhouse gas emissions and save money for our residents.

Mark Miller: complimented FCAN on their presentation. This program can expand the group that enjoys the superiority of electric appliances and once it's expanded you become a fanatic about it. Then can we expand to other communities in Maine.

Councilor Bradley (via phone): supports this. Let's do a pop up of this with not a lot of money but enough to get some experience with this in order to understand what the problems are in identifying the right people, right projects and working towards a bigger goal. Let's show we are committed to climate ideas.

COUNCIL MEETING #22-22
DECEMBER 6, 2022

Councilor Daniele inquired about the amount of money we appropriated for a Sustainability Coordinator before we got the grant. Consensus was around \$40,000-\$50,000. This would be a great first project for that person. That \$50,000 could be proof of concept. We based proposal numbers on Auburn but they were not income restrictive so we may not have as much demand as them.

Councilor Egan: Likes the idea of a pop-up. Let's have a heat pump demonstration with a vendor answering questions. Heat pumps should save money and there is something else wrong when somebody is experiencing a dramatic increase in their electric bill. When we are ready to launch the rebate program we will coordinate the event.

Councilor Pillsbury: He would support Freeport Housing Trust in making a conversion on a test basis.

Mountain Bike Trails at Hedgehog Mt.:

Tawni Whitney (Executive Director of Freeport Chamber): still working full steam ahead on creating mountain bike trails. It ties in with our vision of being outside and being more about experiences in Freeport. They did not want to ask the Town for financial support, but for this to be self-funding. She has had substantial donors come forward that would like to support the project but need to contribute before the end of the year for tax purposes. They came up with a way to raise money by allowing people to name a trail for \$50,000. She has 3 people ready to do that. We need to get a head nod from the Council that this is an allowable way to do this. NEMBA has worked with a designer and the signs will be beautiful and appropriate for Freeport. Donations will go directly to NEMBA. If things go well, this project could start this spring and ties into the Downtown Vision.

The Conservation Commission is reviewing a draft of the Hedgehog Mt Management Plan at their next meeting. Councilor Piltch will let the Commission know about the trail naming plan. The Council gave their nods of approval.

FIFTH ORDER OF BUSINESS: Town Manager's Report (15 minutes)

The Manager announced the \$120,000 grant for a shared Sustainability Coordinator with Yarmouth that was hushed until the State announced it. They are working on a memorandum of understanding (MOU) which will be brief. This will be 100% Freeport position and 100% Freeport grant. Yarmouth is not interested in housing or handling money. The grant application goes through Freeport but half of it has to be spent on Yarmouth time. The MOU will address their expectation of what the 50% of the time looks like. Personnel control of the individual rests with us. They are talking about who the interview committee will be and they've already got a job description and job posting. Those are being tuned up based on the grant application feedback and will be posted shortly.

We are still in the selection process for the Social Worker position. They had some good interviews with qualified candidates. They have not made a selection yet. We'll be talking about that more in the coming weeks.

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

Robert Stevens: wants to talk about the Stretch Code. The State is still looking at it and it takes time. Let's jump ahead and deal with it this year. It will make more efficient buildings and will help the planet.

COUNCIL MEETING #22-22
DECEMBER 6, 2022

He encouraged the Council to adopt the Stretch Building Codes which really are the next version of the building code (2024).

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

ITEM # 212-22 To consider action relative to adopting the December 6, 2022 Consent Agenda.

BE IT ORDERED: That the December 6, 2022 Consent Agenda be adopted.
(Piltch & Lawrence) **VOTE:** (6-Ayes)(0-Nays)(1-Absent-Bradley)

(Council Chair Piltch) (5 minutes)

ITEM # 213-22 To consider action relative to a Special Amusement Permit for Mast Landing
Brewing Co. PUBLIC HEARING

MOTION: to open the Public Hearing (Fournier & Lawrence) **VOTE:** (6-Ayes)(1-Absent- Bradley)

MOTION: to close the Public Hearing (Fournier & Lawrence) **VOTE:** (6-Ayes)(1-Absent- Bradley)

BE IT ORDERED: That a Special Amusement Permit for Mast Landing
Brewing Co be approved. (Fournier & Lawrence) **VOTE:** (6-Ayes)(1-Absent-Bradley)

(Town Clerk, Christine Wolfe)(5 minutes)

ITEM # 214-22 To consider action relative to supplemental appropriation to the FY23 Budget in
the amount of \$20,000 for the procurement of police cruisers. PUBLIC
HEARING

We talked about specifics at the last meeting. This was for the purchase of two cruisers that came back at \$11,000 more for each cruiser bid. We were able to secure one bid. The second cruiser wouldn't come in until after the order period next year. Initially this was a procurement problem. We were going to buy the one cruiser. However, the second lower bidder then had a cruiser become available so then we would have been short by \$20,000 for both purchases. There was some wiggle room on the changeover. If we appropriate the extra \$20,000 we could purchase both cruisers this year although we don't know about wait times for delivery. If not, we would purchase one and talk about it during the budget process. We researched group bids. There is not a current State bid out there. The last one expired in May 2022 but was a very specific bid package (not what we were purchasing). The State bids are only marginally different from what they offer for municipal bid packages. There isn't always a savings with larger bid packages because of associated additional transportation costs. He displayed the 2021 State bid spec sheet.

MOTION: to open the Public Hearing (Lawrence & Daniele) **VOTE:** (6-Ayes)(1-Absent- Bradley)

MOTION: to close the Public Hearing (Lawrence & Daniele) **VOTE:** (6-Ayes)(1-Absent- Bradley)

COUNCIL MEETING #22-22
DECEMBER 6, 2022

Councilor Egan: He would like to hear more about the 25 specification details that were just provided to hear the pluses and minuses. It seems part of the reason for the dynamic we're in where the municipalities can't agree on the specifications is because municipalities want different things and we are being played by the dealers who know that they can divide the buying group and have a negotiation on each of those and make more money. He's been watching Capital Budgets for years and we rarely miss with an estimate like this.

What may happen to the prices next year? We have talked about repair bills if we don't do this now.

Chief Goodman: We are well into the repair cycle for these cruisers. They have been perpetually behind with cruiser purchases for several years. When we delay putting cruisers online, we run over on the repair line which has historically run in the negative. These cruisers can be spec'ed in a number of configurations. We have a tendency in ordering bare bones specifications. He believes we are getting a very close price to the lowest margin we can get. We spend a lot of time on this. Towns that use out of state conglomerates are not getting a better price than those we received.

Councilor Fournier wanted to caution with messing with the Capital Program and vehicle replacements as it has given us problems. It ends up being more cost and more down time. It would be nice to have a discussion and get 5-6 communities to agree on a group bid. It would be a challenge.

Right now, we are in direct competition with people who are buying loaded versions of the same vehicles they are spec'ing so dealers are allocated a certain amount with current chip shortages. He explained how allocating cars for police production cuts into their bottom line. They struggle to get dealers to do business with them. He spoke about the limitations from dealers on bidding. The capital requests from four years ago are woefully short now.

What happens to the used vehicles was discussed. They are normally sold via private sale or traded. Traditionally, we run our cars so long they are only worth a few hundred dollars. Historically, we get \$300-\$700 for a trade in. We have taken bids before and get around a \$1,200.

The cars that would be coming offline would be in the 130-to-150-thousand-mile range. Police miles are a 4 or 5 to 1 ratio to civilian miles. More discussion ensued about the shortage of police vehicles. Thirty-eight cruisers that became available were spoken for in 2 hours.

Councilor Bradley: supports this appropriation.

BE IT ORDERED: That a supplemental appropriation, pursuant to section 6.08 (A) of the Freeport Town Charter in the amount of \$20,000 for the capital purchase of police cruisers be approved. (Lawrence & Daniele)
VOTE: (6-Ayes)(1-Absent- Bradley)

(Police Chief, Nathaniel Goodman)(15 minutes)

ITEM # 215-22	Review and approval of list of goals and project recommendations from the Downtown Vision Implementation Task Force.
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Mary Davis, FEDC and Councilor Piltch gave a presentation to the Council:

We started Phase I in December of 2020. We were in the thick of COVID. We came up with some of the pop-up ideas that we were just talking about. We had an early action plan that had five or six things in it

COUNCIL MEETING #22-22
DECEMBER 6, 2022

that we were able to accomplish. We learned a lot about how to get stuff done around town. Phase II we had a Downtown Design Week collecting a whole bunch of ideas and starting a community dialogue. That continued into Phase III with a Vision Plan. We had an open house here at Town Hall. One of the most powerful things that happened was the communication between the residents, the committee, the Council and Principle Group. The 137-page Plan was delivered in May. We went into implementation plan. We have a good plan to move us forward. We accepted the Vision Plan in May and two days later we started the Task Force to start talking about how to make process. They have met monthly since then. We can't do everything in the Plan but what should we start with. They came up with a lot of ideas about "we should tackle this before that". Their mandate was to say where do we start and what do we start with. They worked on that till October and then hosted a workshop at the Community Center to say "how did we do?".

FOLLOWING INFORMATION TAKEN FROM POWERPOINT PRESENTATION

Implementation Task Force:

40+ individuals representing 23 organizations (more are welcome) Monthly meetings since May, open to the public.

Charged with the following activities:

- Coordinate activities across projects (and committees)
- Communicate about updates
- Serve as a clearinghouse for resource requests (I need ... for my project)
- Provide recommendations to the Town Council regarding priorities
- Allow for, and encourage, public input throughout
- Meet in a public setting (noticed on the Town website, and open to all residents)

Steering Committee:

- Adam Bliss, Town Engineer
- Mary Davis, FEDC
- Caroline Pelletier, Town Planner
- Dan Piltch, Town Council

The Task Force is an enabler, but not a limiter. As today, projects can be done without needing to go through the Task Force. Downtown Vision Task Force can be a "fast lane" for projects ...providing extra coordination and unblocking. The Task Force might "groom" an idea from the list of Downtown projects before it goes to the Council for approval and resource allocation. Not all projects go through the Task Force. The other two ways projects could happen is that it's a new project that wasn't part of the original 137- page Downtown Plan but it's a good idea such as the golf cart idea. The last way is Other Project that doesn't go through the Task Force because they don't want to hear it or you don't want to wait or for whatever reason it's not appropriate, it's can go directly to Council. That leads to established projects with resources that have been allocated by the Council and potentially help from the Task Force.

The Guiding Principles were discussed.

Starting with the entire Vision Plan, which included input from 1,500+ participants ... we solicited additional input from boards, committees, staff, and residents to recommend 21 goals and projects to start implementing the Downtown Vision.

We followed a top down approach:

values → vision → goals → projects → priorities

COUNCIL MEETING #22-22 DECEMBER 6, 2022

The consultant's suggestions for high & medium items mostly aligned with Task Force recommendations. Task Force recommendations include public input + board/committee priorities + Task Force Steering Committee opinions

Goals are high level guidance that we should (all) be keeping in mind as we propose projects. Boards and committees should consider these when making policy decisions.

Each goal can have projects proposed to support it. Of the original 25 goals:

- 7 already incorporated into existing work
- 9 recommended for advancement (what we are presenting today)
- 9 are in backlog for future

The Task Force filtered for projects where the Town can have a meaningful impact within the next two years on a project within the limits of downtown.

Of the original 45 projects:

- 13 already incorporated into existing work
- 12 recommended for advancement
- 18 are in backlog for future
- 2 are mostly complete

There are also 10 Catalyst Sites that will require public/private partnerships. Some of these are already intertwined with existing goals/projects.

Where Do We Go From Here?

What we're looking for today is consent that these are good ideas and it's worth pursuing details. We don't have all the details/answers/costs tonight. The question is "Is it worth it for us to pursue getting answers to these projects?"

- Next steps will be project charters, refining resource requests, etc.
- Need to be mindful about capacity ... if we approve these (or more) what won't get done.
- Periodic updates to Council on projects (quarterly).
- Task Force can accept and evaluate new ideas and propose to Council at quarterly meetings

Nine Recommended Goals (These are guidelines)

GOAL: Reduce Vehicle Miles Traveled-GOAL: Reduce Vehicle Miles Traveled

A combination of strategies including designing better streets, creating safer biking and walking experiences, and making it easier to get around Downtown can help to nudge human behavior and encourage healthier transportation choices. The train station on Depot Street with Downeaster train service and the MetroBreez bus service are existing public transportation assets. Embracing public transit and encouraging development near existing transit facilities can reduce vehicle trips by giving people the opportunity to live close to where they work or run errands.

GOAL: Explore redesigning Main Street into a Universal Street or some similar alternative with slow- moving vehicles, outdoor seating and dining, street trees, and wider sidewalks-

Downtown has a number of existing parking lots and sites that could support new housing to attract retirees aging in place, young people, and those who work in Downtown Freeport. The Town wants and needs people of all ages, incomes, and abilities to live here. Proximity to schools, town hall, community center, library, shopping, a grocery store, L.L.Bean, jobs, Metro Breez bus, and the Train Station make downtown a great potential neighborhood for new housing.

GOAL: Encourage Multi-Family Housing and Mixed-Use Development in Downtown Freeport-

Downtown has a number of existing parking lots and sites that could support new housing to attract retirees aging in place, young people, and those who work in Downtown Freeport. The Town wants and needs people of all ages, incomes, and abilities to live here. Proximity to

COUNCIL MEETING #22-22
DECEMBER 6, 2022

schools, town hall, community center, library, shopping, a grocery store, L.L.Bean, jobs, Metro Breez bus, and the Train Station make downtown a great potential neighborhood for new housing.

GOAL: Encourage more public art, sculptures, murals, temporary installations, outdoor instruments, interactive installations--Public art plays an important role in placemaking and comes in a variety of forms from sculptures to street murals. Public art promotes a community's values, character, and cultural heritage, inspires connection, and can even become anchors to draw people to a destination. Public art can be funded through individual donors, local businesses or corporations, grants, crowdsourcing, or events, auctions, and sales.

GOAL: Support local arts and cultural programming, festivals, and events in downtown--Support new arts and cultural events and events that celebrate Freeport's heritage, such as walking tours, open studios events, haunted tours at Halloween, chalk art or fiber arts festivals.

GOAL: Recruit more local businesses and food merchants to open Downtown to maintain a mix of local, regional and national businesses--We've heard people say that Downtown Freeport has the potential to grow a local food scene if it can attract more variety and options for food and beverages. Locals want more small businesses and stores they can shop at in Downtown, shifting away from its reputation as an outlet center with mostly national retailers.

GOAL: Establish Downtown as a hub for trail connections, better multi-use pedestrian and bike access to and from downtown and surrounding areas, including better signage, ability to park (only) once, and maintain walkable routes--We know that there are a variety of beautiful trails, natural resources, and outdoor destinations within a short distance of Downtown. However, today these connections are not clear to locals and people from away. Downtown does not connect to Freeport's beautiful coastline along Harraseeket River and Maquoit Bay. Downtown can be the starting point - a trailhead to access Freeport's outdoor amenities.

GOAL: A downtown that supports people and families of all backgrounds and abilities--Support age-friendly interventions such as more benches and seating downtown, accessible public transportation and street design, conveniently-located restrooms, and a variety of housing choices. Freeport is committed to equity, diversity, and inclusion, because these values make us a stronger community. The diversity of people, and mix of residents and visitors makes Freeport special. The Town, businesses, and residents all have an integral role and daily responsibility to make Freeport welcoming and friendly to everyone. Offering a variety of housing options, jobs, and cultural activities helps to achieve this goal.

GOAL: Create Flexible and Multi-Functional Civic Space--A great neighborhood has a network of well-connected public spaces that are flexible and support the many functions of public life that happen day to day and month to month. Freeport's Downtown can have this characteristic if we can come together to think through these details, particularly as new development and larger infrastructure capital improvements happen. Short term "tests" can pilot ideas before making significant investments in permanent improvements.

Twelve Recommended Projects:

PROJECT: Establish Emergency Management Plan, Climate Resilience Plan--Establish a community resiliency and preparedness plan, Assess the impacts of climate change and how the Town can address them as whole.

PROJECT: Install EV charging stations at municipal facilities--Consider installing EV chargers at municipal properties in/near Downtown Freeport to further increase opportunities for EV charging stations throughout town. The Town can be a leader by encouraging sustainable choices while also having economic benefits to the community.

PROJECT: Encourage EV charging stations to be made available as part of new development--Work with local property and business owners to increase opportunities for EV charging stations

COUNCIL MEETING #22-22
DECEMBER 6, 2022

in Downtown and Lower Main Street. Not only does this encourage sustainable choices, it also has economic benefits and some companies are adding EV charging stations to their parking lots to attract EV drivers to stop and charge.

PROJECT: Transform Mallett Drive and Route 1 S to be gateways to Main Street pedestrian and bike-friendly boulevard-Right now, MeDOT and the Town are making investments in Mallett Drive, presenting a timely opportunity to truly transform how Mallett Drive functions. With bicycle and pedestrian safety improvements coming for the bridge, Mallett Drive can be designed as the new gateway to Main Street, bringing cars to a slower speed sooner. A redesigned street can also support new housing and business opportunities, too.

PROJECT: Create an Accessibility Map for Freeport's Trail system-Ensure that Freeport is accessible for all and friendly to those aging in place. A Town-wide Access map would take into account slopes, sidewalks, construction, and other barriers to pedestrians to promote accessible routes for people with different abilities. This could be done by partnering with a university or research organization using grant funding.

PROJECT: Assess Parking Requirements for Downtown-The Town should reassess Downtown parking needs, existing regulations and identify misalignment and opportunities for increased efficiencies. If parking requirements are too restrictive, it'll thwart conversion of empty commercial spaces to residential, and cause difficulty filling vacant spaces with new tenants. Taking a district-wide parking management approach will allow lots to be redeveloped even if they're too small to provide on-site parking.

PROJECT: Streamline the permitting process to make the development process quicker and more predictable-Throughout the process, we have heard that one of the barriers to development is the long and complicated permitting process for new development downtown. Updating the zoning and project administrative process for Downtown will provide the private sector with clear directions for how they can help implement Downtown's long-term vision in a more timely manner.

PROJECT: Update zoning for Downtown to align with the long-term vision-The Town has recently amended zoning in certain downtown zoning districts to allow increased density, building height, and reduced parking requirements. Enabling the kind of development shown on the catalyst site drawings will require further amendments including a defined framework of building and architectural standards, shop-front street standards, additional street types, civic space standards, districts and boundary adjustments and land use amendments.

PROJECT: Support Local Arts Programming, Festivals, and Events by building public infrastructure in existing public spaces-Freeport can continue to support local arts programming and events by building public bathrooms, a pavilion or shelter for outdoor events, stages for outdoor performances, and making the events permitting process easier to navigate. Use of current and future space could be considered (High School, parking lot behind ACAF).

PROJECT: Review sewer connection fees-Work to define predictable and consistent sewer connection fees for the downtown area. It is currently difficult for projects to plan for these fees and the fees are incredibly high to the point that they are discouraging development Downtown.

PROJECT: Use interesting wayfinding and "landmarks" to link people to local attractions outside Downtown -mountain, harbor, farm, beer, open spaces -Updated wayfinding could help all navigate around Freeport and support connecting the downtown with our many experiential attractions. This updated wayfinding could include a central gathering location downtown to enjoy a beverage and light fare outside while learning about the what Freeport offers in the downtown, waterfront, parks, resources, and offerings.

PROJECT: Rethink how parks are being maintained, potentially create a parks or maintenance department within Public Works-Improving and inviting more use of parks and open spaces will require additional maintenance to ensure spaces are well-cared for. The Town should explore

COUNCIL MEETING #22-22
DECEMBER 6, 2022

creating a parks or maintenance department within Public Works and scale up equipment and staffing over time to meet new, expanded needs.

Councilor Pillsbury spoke about his concerns in keeping the momentum going. Relying strongly on volunteers is not sustainable. He would like to see us focus on additional resources to help us keep this going. There are resources available for being an affiliate member of the Main Street Program. Principle Group had suggested we might want to have someone who's leading this. Keeping the momentum up and going is a lot of work.

Councilor Egan: Rather than going through the process of creating and hiring a position, we could contract for 20 – 24 months. The first task of that contract could be actually to write a communications narrative across all this, because one of the ways to get the energy amplified is to be telling the broader section of the community about it. We've kicked around the idea of a communications director inside Town Hall, maybe we can get some of the net effects of that by taking a look at a contract with the right firm that can initially do the communications narrative and secondarily to add energy to a lot of the tasks that are involved here just coordinating and connecting the activities to each other. They spoke more on the possibilities of this position. Councilor Fournier spoke in favor of a contracted position. Councilor Lawrence asked if they have thought about who might take over for the two of them.

Councilor Pillsbury: If we move forward with these projects as recommended and as we get into them problems come up, things change or the path moves. How do they envision adjusting to those changes and getting reauthorization? As we go from here, how do we stay engaged with the path we are on? The projects all had funding, staff time and community time so we wanted to do this and layer it into the schedule. If the Council gives the go ahead tonight, we can then do the homework and come back with the line item we want to add to the budget when we do that between February and May. We want to have that ready to go. In addition, we will come back every quarter and update on specific projects or outline roadblocks we're facing.

Do we envision more community engagement process as we get further down the road? When we had the town meetings, we had much more participation than expected. We can also highlight what is happening when we do the district workshops. Maybe we use contingency funds to help fund a position. Principle Group is willing to come back and assist with items and the Town can find some funding for that option. Maybe we reach out to them to help us with a specific project.

The Town Engineer talked about using some projects as building blocks to build momentum. They talked about the reconfiguration of Main Street as a place to start or return to.

BE IT ORDERED: That the recommendations for prioritization of goals and projects recommended by the Downtown Vision Implementation task force be approved. (Daniele & Lawrence) **VOTE:**)(6-Ayes)(1-Absent- Bradley)

(Council Chair Piltch) (45 minutes)

ITEM # 216-22 To consider action relative to the 2023 Town Council Schedule

We haven't done district workshops for three years. Do we want them added back? The Chair would like to set a goal setting workshop where they get a facilitator in to help elicit all the ideas and prioritize them. He suggests a Saturday meeting. We don't need to set the date tonight, but they will get a facilitator set up.

COUNCIL MEETING #22-22
DECEMBER 6, 2022

BE IT ORDERED: That the 2023 Town Council Schedule be approved. (Egan & Lawrence) **VOTE:** (6-Ayes)(1-Absent- Bradley)

(Town Manager, Peter Joseph)(5 minutes)

OTHER BUSINESS:

1. Discussion of Town Council Committee assignments (if necessary)(Chair Piltch)(10 minutes)

All Councilors will keep their assignments from 2022. We will make the three formal selections (Ordinance, Municipal Facilities and Special Projects) at the next meeting.

2. Discussion of a temporary downtown transportation experiment (Councilor Bradley)(15 minutes)

This stems from the Downtown Revisioning. It's embedded in the goals and the projects, but not specifically identified. When asked where is the transportation piece, a small group formed to deal with it which has led to the idea that transportation has two pieces to it in the downtown. The downtown should create a transportation hub, one along Main Street and the other is using the downtown as a hub for people who are here to shop to get them to some of the outside assets. He's not sure what all the spots would be. This idea he's presenting tonight is an experiment to see if transportation along Main Street makes sense. Councilor Bradley reached out to Doug Heestand from the Desert of Maine who has an electric extended 8 seat golf cart that we could run along Main Street on routes to be determined to see whether this works. Mr. Heestand was going to sell the cart, but is allowing the Town to use it on a license basis initially between now and the spring. He's asking for us to pay \$250 for that period. If it works, he's willing to lease it to us for \$1,000. If then we decide to buy it, he will sell it to us for what he has into it (\$9,000) and he will credit us the lease amount. It's almost no money to try it out. In order to get it going, we have to know that the Town will allow us to use it on the streets and wants to see us register it as a town vehicle and put liability insurance on it. DMV is willing to approve, and the town's insurance is willing to add it. We would use the driver's as town volunteers. He's worked with Kathy Smith who has done this in Washington D.C. Tawni Whitney is willing to get sponsorships. Mary Davis and Eric Smith are willing to work with us. He has recruited senior gentlemen as volunteer drivers. He needs to know if the Council is behind this before he proceeds with getting into the details and registering and insuring the cart. He will get everything together and bring it back to the Council.

Chair Piltch supports this but cautions that we identify what problem we're solving and how we know if it's successful. Winter may not be the best time to try it. We will keep logs and try it over varied times and events. Councilors Egan and Daniele spoke in favor of the experiment.

EXECUTIVE SESSION

ITEM # 217-22

To consider action relative to an Executive Session pursuant to 1 M.R.S.A. § 405(6)(E) pertaining to a legal matter and 1 M.R.S.A. § 405(6)(D) pertaining to

COUNCIL MEETING #22-22
DECEMBER 6, 2022

discussion of labor contracts between the Town of Freeport and the Freeport Police Benevolent Association.

MOTION: That the Town Council enter Executive Session. (Piltch & Egan)

VOTE: (6-Ayes)(1-Absent- Bradley)

MOTION: That the Town Council exit Executive Session. (Piltch & Egan)

VOTE: (6-Ayes)(1-Absent- Bradley)

(15 minutes)

END OF AGENDA (Estimated time of adjournment 9:15 PM)

MINUTES
FREEPORT TOWN COUNCIL MEETING #24-22
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, DECEMBER 20, 2022
5:30 PM Executive Session
(Regular Council Meeting to start at 6 pm.)

EXECUTIVE SESSION

Chair Piltch called the meeting to order at 5:30 pm.

ITEM # 220-22 To consider action relative to an Executive Session pursuant to 1 M.R.S.A. § 405(6)(E) pertaining to a legal matter.

MOTION: That the Town Council enter Executive Session. (Piltch & Daniele)

VOTE: (5-Ayes)(0-Nays)(2-Absent Lawrence & Fournier)

MOTION: That the Town Council exit Executive Session. (Egan & Piltch)

VOTE: (5-Ayes)(0-Nays)(2-Absent Lawrence & Fournier)

(15 minutes)

ZOOM:

Please click the link below to join the webinar:

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Webinar ID: 823 3039 6528

International numbers available: <https://us02web.zoom.us/j/82330396528>

FROM: Peter E. Joseph, Town Manager

TO: Councilor Chair Daniel Piltch, 25 Quarry Lane
Council Vice Chair, John Egan, 38 Curtis Road
Councilor Matthew Pillsbury, 36 Todd Brook Rd
Councilor Chip Lawrence, 93 Hunter Road
Councilor Darrel Fournier, 3 Fournier Drive
Councilor Jake Daniele, 264 Pownal Road
Councilor Edward Bradley, 242 Flying Point Road

COUNCIL MEETING #24-22
DECEMBER 20, 2022

FIRST ORDER OF BUSINESS: Pledge of Allegiance

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #23-22 held on December 6, 2022 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting # 22-22 held on December 6, 2022 and to accept the minutes as written. **VOTE:** (Daniele & Egan)(5-Ayes)(0-Nays)(2-Absent Lawrence & Fournier)

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

- **2023 Dog Licenses are available.** All dog licenses expire December 31st of each year. Dogs six months and older are required to be licensed by law. You may register at the Freeport Town Hall or online at: www.doglicensing.com. Please bring proof of the rabies vaccination and spay/neutering. *Please be aware that you must renew your dog license no later than January 31st of each year, or a late fee of \$25.00 per dog will be charged.*
- **Nominations are now being accepted for 2022 Citizen of the Year**
Each year the Freeport Town Council presents a Citizen of the Year Award to honor those who have significantly contributed to the quality of the Town. Nomination forms are available at the Town Office and on the Town's website at www.freeportmaine.com. Deadline for nominations is January 5, 2023. The Special Projects Committee makes reviews the nominations and makes the recommendation to the Council.
- Public Works would like to give a reminder to keep turnarounds clear so the plow trucks can turn their vehicles safely. Also, please keep the sidewalk clear of vehicles and trash cans.

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

Councilor Bradley: In regard to the Downtown Vision, the Transportation Group asked the Council for approval to put an extended cart on the town insurance policy and motor vehicle registration. Since then, ADA considerations have come up that are being taken seriously. It will delay any movement on that till we find a solution.

The Sewer Committee has met with FEDC and there are positive conversations going back and forth. In a short time, they have gotten focused on things like what does the District need, how could the town help and should they help and what are other towns doing that ought to help you decide if we want to do this.

Councilor Egan: (liaison to Meetinghouse Arts): Meetinghouse Arts will be before the Council on January 17, 2023 to give an update. They just went through a strategic planning process. They have broad ambitions for 2023 and beyond and would like to catch us up to date since we are a trusted partner.

There was a bump in the road getting the Housing Task Force off the ground. One of the proposed members declined due to the potential perception of conflict. They are working on another prospect and hope to convene in early January. The proposed structure of the committee is a 12-month ad hoc committee. There is an outline that has been used by other municipalities that are also forming housing committees, that he will offer in terms of organizing topics and suggested focus areas one of which is getting input from residents.

COUNCIL MEETING #24-22
DECEMBER 20, 2022

Chair Piltch: The Police Advisory Committee got a tour of the Police Station and the facilities. They will be forwarding a memo to the Council on their findings. We should see that before budget season.

FIFTH ORDER OF BUSINESS: Town Manager's Report (15 minutes)

Mr. Joseph thanked the Public Works Dept. for taking part in the Sparkle Parade. Kelly and Tammy worked to decorate the newest plow truck and entered it in the parade.

Fire Department did a presentation of their newest life saving devices that were purchased with donations made to Fire Rescue each year. We have three of these units now. Over the past few weeks they have had a string of three cardiac events, including bringing two codes back to life. Chief Conley spoke in detail about the events where the Rescue responded with life saving procedures. The device they have with them tonight was placed in service last Friday. The three pieces were purchased for \$60,000. It is a significant live saving device. He will demonstrate how quickly it can be set up to use on a cardiac arrest patient. This frees up crew from manually doing the compressions and becoming expended with the quality of compressions lowering as the rescue personnel tire out. This machine will run continuous. It makes it safer for the crew to transport while still maintaining CPR on the patient. It is potential life saving for both the patient and crew. He went on to detail another successful save of a cardiac event. He named the crews responsible for the great saves. During training on the device, they received another call at which they had another cardiac event where CPR was necessary and had a successful outcome. They have also been able to purchase a video laryngoscope if they need to put an ET scope in which was also purchased with generous resident donations. The CPR devices are about \$20,000 each. Each battery pack runs for 45 minutes and each device has 2 battery packs. They also can power with electricity. Once the device is on the patient, it remains in place in case there is another cardiac event in route to the hospital. He followed up with a quick video and demonstration of the device. Chief Conley also spoke about the precare that we are able to provide to patients before arriving at the ER. This device cannot be used on young children, the very weak or elderly and people who may exceed 350 lbs.

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

Robert Stevens: Mason Morfit and himself sent a letter to the Council describing how they think the ARPA allocation money could be used to help people in town who need help with heating and other purposes and also to help electrify Freeport. As he has gotten older he realizes we are in trouble with the climate. He believes the Council understands that too and is committed to try to help Freeport do what it can do locally. That's why 700-800 residents have suggested two ways to do that. One is to move ahead of the State regarding adoption of the Stretch Building Code and the second is to use the unallocated ARPA funds. If we want to be a leader, we need to move these things along. Inflation Reduction Act (IRA) funds will be coming along too. Adoption of the Stretch Code this year will help us try to stay ahead of the State. Don't send it to another committee to study more. We need action and he wonders if they are going to get it?

Chair Piltch: They don't have a date when they will take action. The spirit of the Council is to move the needle to try to lead on this issue. On the Stretch Codes, we have taken action on those and have a committee going and some discussion as to what the impact is. There are questions about whether we want to apply the Stretch Codes to everyone or just some of the buildings in town. There are nuances that we are looking into. There are a lot of people looking into requests of the ARPA funds.

COUNCIL MEETING #24-22
DECEMBER 20, 2022

Councilor Bradley: This town has a million things in the frying pan with a small number of people making the decisions. Things that are critical get lumped in with everything else and there's no process for determining that something deserves a priority. He is up here like everyone else looking for ARPA funds for his pet project, but he would give it all up to give climate it's due, so we could set an example and actually do something as opposed to think and plan about it. It's not the silver bullet that solves it all but it shows the residents that we think it matters most and it shows by example that they can get things done in the climate. He hopes we do the Stretch Code. Let's give some money to the climate. FCS and the Sewer Dept will also be asking for money but those things are in a line of issues that we're addressing to help the town generically. This is existential and he hopes we can do something and don't lose our chance to make a difference.

Councilor Pillsbury: He thought we decided to do a pilot program. One of the concerns he has is the sustainability of the program. Councilor Daniele had mentioned a loan program for folks that wouldn't have the upfront money to invest in heat pumps. The other issue is how are we going to run a program. Starting with some seed money and doing a pilot will demonstrate to us how we best run that, i.e. how would we coordinate with Efficiency Maine or whatever group we coordinate with. We want to leverage our money in the line of Efficiency Maine or other grants and then our money is last because there is a finite pool of it. He doesn't have a clear idea of how we're running that program, so he'd rather start with seed money. He thought that was the sentiment they had discussed.

The remaining ARPA funds are currently \$427,600. They had originally asked for \$150,000 to start the program. They have now suggested that the council put \$75,000 as a meaningful amount. Mr. Stevens has spoke with the Manager about the ability of staff to handle this and he thinks the way the program will be run will not create a burden on the staff. There are volunteers that would be happy to contribute time also.

MOTION: To appropriate \$75,000 for seed money to start the program going with the help and support of the Town Manager and staff and start learning the lessons to make this a sustainable program in the future. (Bradley & Egan)

Councilor Daniele: Would prefer to not go so fast and at the next meeting we discuss under Other Business a bigger picture of what the town wants to do with the ARPA money with the intent of putting things in a bucket and start making a decision about how much we choose to spend on this program then go forward and make that motion then. This is a worthy thing but what are those other buckets that may need funds. ARPA requests will come in over time. We have already made ARPA allocations including the funds given to FCS and the contingent money. Councilor Bradley can't think of anything more important than the climate as an important project.

Councilor Pillsbury: We had talked about using some funds for Freeport Housing Trust (FHT) to do these projects in their building to potentially lower rents. He would like to see that as part of the proposal. He sees the value in doing this as we already have a partnership with FHT. It's a value to the community and speaks to a wider group of people than those that might use the pilot program for a set amount of funding. He would be in support of something that had a distribution there as well. If we are willing to give \$75,000, where do we draw that line.

Councilor Egan: FCAN has approached FHT and has gotten a positive reception and commitment that if they can take advantage of the Electrify everything effort and match it with other rebates, they will use it to reduce rents. It is unclear how many units or households might actually benefit, therefore, how much of the initial allocation might go to that population of landlord units at FHT. They have already had that conversation.

COUNCIL MEETING #24-22
DECEMBER 20, 2022

Mr. Stevens spoke to the concept of a community solar project at the capped landfill site. FHT is interested in participating in something like that. The board has authorized a sum of money because they feel like they need another 160 kilowatts of electricity. So FCAN is working with FHT.

Chair Piltch: loves the spirit this is coming from. There is a lot of money coming out of the Inflation Reduction Act. They are still writing the rules but a lot of it is directed at that kind of help. He would like to get more information about that before we start depleting our ARPA funds. If we are starting a seed program, we can probably do with less than \$75,000 just to get it off the ground and see how much interest there is. He's hesitant to start the precedent that who gets here first can get ARPA funds. We initially set one third for FCS/social services, one third for downtown and a third for infrastructure. Now there's a fourth category that because the proposal is finessed and here first we are ready to spend the money on that before seeing what's in these other buckets which might take a few months to do. We should consider what might come out of that. He's hesitant to do something without announcing it without allowing the public to come in with support or otherwise.

Councilor Daniele: He is leaning the same way as the chair and notes we also have two councilors missing tonight and shouldn't move without their input. He spoke with FSAB about the \$40,000 they had for the Sustainability position and they are still going through the process of discussing where else that money may be used. He thinks having a discussion about ARPA funds at the next meeting would be productive.

Councilor Bradley: This is the downtown. Electrification and climate is part of the goal of the downtown revision plan. You can start with the \$75,000 and give them the assurance that they can set up the program. If we find as we went away and did other work for other sources, we might find other fundings and we could save the ARPA funds. He would like to see us do something. We can put this on the agenda for January 3rd. The Manager will work with Mr. Stevens before the next meeting. Councilor Bradley withdrew his early motion.

Councilor Pillsbury: Suggests that we come back with a number that FHT might be able to use. The reason that is important is that it's guaranteed affordable housing in perpetuity essentially, whereas someone that's a private resident gets the grant and if they sell their property, and someone buys that property that doesn't have the income restrictions they get the benefit. The heart of this is two things, one to get a more sustainable heating source for the environment but also to support lower income folks with their heating bills. He would like to see a piece of that that is concrete. They are working to nail that down with the Housing Trust.

Susan Nourse: She wanted to recognize the Police and Fire Rescue Departments for their good work throughout the year and this time of year the sacrifices of time away from family and friends taking care of Freeport. She is a plan person and spoke on her views on recent plans. She sees that the Town Council has embraced the recent development of Freeport's Downtown Vision Plan, a plan to revitalize the downtown area. Some ideas have been experimented with this past summer. She is waving the caution flag to making too many changes to existing guidelines that protect the quaint historic look of Freeport. Our New England Village center would lose its distinct character, one that residents and visitors enjoy if the permitting process for development are streamlined and changes made to such things as density, building height and architectural standards. Several of the projects identified in the plan conflict with the visual effect desired for Freeport's Historic District of town such as the Main Street redesign and placement of multi-family housing. Please use the Vision Plan as a guide and not a rule.

COUNCIL MEETING #24-22
DECEMBER 20, 2022

Thirdly, she spoke at McDonald's at the corner of Main and Mallet Drive. We are fortunate to have a fast food restaurant that has design features that compliment adjacent historic buildings. Forty years ago the town required McDonald's to modify its typical box appearance to fit with the existing character of the buildings on Main Street. The approval process came with much angst. As you walk on Main Street there are many examples of how town leaders have maintained the architectural character of Freeport as the small village it is. At the southern gateway at Main and West Street, there is an opportunity to shape that entrance for the town. Currently, there is a proposal before the Design Review Board for two multi-story apartment buildings on that lot. She wrote before about the visual affront those buildings would have to anyone traveling north over the train overpass. The proposed buildings are square and modern. There is nothing about them that fit within the neighborhood scale, height, proportion, rhythm or roof shape. It is not the town's responsibility to fulfill the developers wish to have certain profitability. It is our responsibility to have this building conform to the aesthetics established on Main Street. She thanked the council and manager for their service. The people of Freeport count on them to make decisions in large town changing decisions. The use of the property at West and Main has emerged as a town changing decision. She has been told that the use of that land at 22 Main Street is not up for consideration by the council. It is not something that has come before them for review. The council has had much influence about this plot of land in meetings with board and committee meetings or at social gatherings. She is asking that their influence be directed toward a use for this property that is compatible with the character of Freeport's downtown in scale and visual effect. Create a warm and welcoming gateway into Freeport, not a harsh unattractive box blocking this building. There seems to be a rush to get multifamily buildings approved in the downtown district. She agrees that the infrastructure supports that type of housing but does not agree that the proposed housing needs to be situated on Main Street or that it fits any of the required design components that form our downtown village. We will look to the town council for whatever change happens at 22 Main Street. People do pay attention when things impact them in a big visual way and this group of proposed buildings is a big visual atrocity. As a governing board, slow down and consider the long-term impact of any significant changes to the permitting process as it applies to the development in our village. Are we using the vision plan as a guide to maintain the desired historic visual effect? Let's make sure the southern gateway is pleasing to the eye for residents and visitors.

Councilor Bradley: There are things to be said that are real and concrete and are commitments and efforts that have been made that he thinks have to be merged with Ms. Nourse's thoughts if we are going to come to a decision that is correct for the town. It's got to be done quickly and it can't be done at the council level. McDonald's didn't happen at the council, it happened in the community as an outcry about something that was important to them. There are a lot of people concerned about the issues she raised but they are not putting forward a concrete set of concerns and objections or political effort that he thinks needs to be done before the kinds of things she's talking about can have an impact on the 2-3 years of planning that has gone into the downtown which these projects she's talking about are part of. He has talked to people with views on both sides and they raise concerns and go away. He doubts they have found a way to see their values realized by those on the council who are trying to do the right thing.

This housing project proposals are before the Project Review Board and will be there a number of times. They have some approvals but still have more that they need. The applicant will be before that board and that is a good meeting for the public to attend. You may also forward feedback to the Town Planner or council chair.

Michael Marcolla: Previously sent a letter to the council in regard to the short-term rental ordinance which he supports. He does not support the 16-guest limit which puts an unfair burden on some of the homeowners. He is one. He is a year-round resident of Freeport spending 44 weeks in their home and then do grandchildren care for 8 weeks in the summer and rent their residence. Their home has a private driveway on 3.4 acres with adjacent space for parking. Summer rentals starting in 2017 were mostly

COUNCIL MEETING #24-22
DECEMBER 20, 2022

large family reunions (over 16 guests). Since 2021, with the 16-guest cap, they have had to decline various family reunions leaving some weeks unfilled. This has a negative financial impact and sends the message that large family reunions are not welcomed in Freeport. This cap was a reasonable starting backstop, but excessive noise and congestion can be caused by smaller or larger groups. Have there been complaints on noise or parking? Would there be a high negative impact on amending the 16-guest cap. Our message is we are a 16 cap town and if you need bigger, go elsewhere. For the large homeowner, your rental options are limited. He hopes we remove the cap or set procedures by which owners can apply for an adjustment.

Councilor Daniele: asked about the number of bedrooms at his home/rental. Mr. Marcolla's year-round septic is zoned for 20 people. He pointed out that if he is zoned for year-round septic for 20, what would be the impact over a shorter period of time. You need to have technical people look into that.

Councilor Bradley clarified that what is being asked is an exception that an owner could apply for and qualify their property with Codes or someone to say there is enough rooms to take care of it and you can up the number to 20 for example. This is reasonable to refer to the Ordinance Committee. When this ordinance was adopted there was the thought that we would get experience with it and see how it worked out. Councilor Bradley will bring Mr. Marcolla's letter to the Ordinance Committee and will let him know when that meeting is so he can attend. By the ordinance, you cannot have more than 16 rental guests for dinner. An owner could however host the party privately as long as it's not a rental. We need to look at owner on premises as part of the ordinance considerations.

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

ITEM # 221-22 To consider action relative to adopting the December 20, 2022 Consent Agenda.

Chair Piltch reviewed the items on the Consent Agenda.

BE IT ORDERED: That the December 20, 2022 Consent Agenda be adopted.
(Pillsbury & Daniele) **VOTE:** (5-Ayes)(0-Nays)(2-Absent Lawrence & Fournier)

(Council Chair Piltch) (5 minutes)

ITEM # 222-22 To consider action relative to setting a Public Hearing for January 17, 2023 at the Town Council meeting starting at 6 pm for review and comment on Hedgehog Mountain Management Plan update as recommended by the Conservation Commission.

The Conservation Commission has been working to develop a new management plan which they're required to do by ordinance. It's a little overdue. The ordinance states they must pass by a 2/3 vote, which they did. Now it's required to come to the council for adoption after public hearing. He expects a lot of discussion at the hearing. There are details of the plan that people are going to want to dig into including whether we can have mountain bike trails and where can they go.

Tom Ross: Murch Road resident. Not happy with town dissemination of information. He came down to say that the conservation commission has done a fantastic job on the management plan. This town spent a lot of money on the fantastic downtown vision plan. This town has a chance to think

COUNCIL MEETING #24-22
DECEMBER 20, 2022

about a hundred years ahead on the gateway here to the western part of town. There is an opportunity for a master plan. He agrees that there should be snowmobiling, mountain biking and a paved path that folks could ride bikes on at Hedgehog Mt. He calls it the West Freeport Outdoor Recreation Area because there's about 6 properties of land. There is Pownal Rd Fields, the town landfill, Hunter Rd Fields, the Keith property, Hedgehog property and they all have different management plans. He has all of them. He remembers when it passed by 3 votes to buy the Keith property and then they came up with the management plan. He doesn't get on the conservation commission because they come and go. He's a long time resident and knows the property like the back of his hand. He asked the prior town planner to anoint him steward of the West Freeport Outdoor Recreation Area. He knows all the ordinance of the different properties so we can get a master plan out there. Years ago, he had to bribe the town and bring in high school students and offer to build the senior project trail for free with money from his pocket. It was an act of God, but they allowed it. He now sees that the town and NEMBA want to build long wanted trails out there and it doesn't pass the sniff test. He's been the steward out there for a long time and rides his mountain bike on the trails he should there. We need to make this 100-year vision (holding the management plan) when we're all gone. Let's think about what we can create out there as a master plan rather than the toy of the day which right now is NEMBA coming and saying they'll build mountain bike trails. We need to understand the hiking trails. This area is the Central Park of Freeport. He thinks it needs a vision, what we can think about that property when we are all gone.

The council may vote on this January 17th or if there are unanswered questions they may need to postpone. We've had significant conversations with NEMBA about building mountain bike trails on Hedgehog Mt. including the summit and the management plan specifically says the summit is ecologically too delicate for mountain bike trails. That's likely to be an issue on the 17th. The Hedgehog Mt. property and other recreational areas are shown on the map included with the management plan.

BE IT ORDERED: That a Public Hearing be set for January 17, 2023 at the Town Council meeting starting at 6 pm in Town Council Chambers, 30 Main Street, Freeport for review and comment on Hedgehog Mountain Management Plan update as recommended by the Conservation Commission. **VOTE:** (Daniele & Egan)(5-Ayes)(0-Nays)(2-Absent Lawrence & Fournier)

ITEM # 223-22 To consider action relative to the renewal of the Bow Street Park Usage Agreement with the Hilton Garden Inn.

The town has an agreement with the Hilton Garden Inn. They hold events there and pay us to rent the park when they hold events, but this is the formal agreement that gives them the right to schedule and reserve the park. They pay for it (\$200/use) The public could do this as well if they come and get the park usage agreement and get the council to approve it, you can take precedence as well.

Councilor Egan did outline an incident last summer where a music group had reserved the park and the Hilton also had a wedding that day. The hotel didn't reserve the park or indicate that they needed to use the park. The Town Clerk clarified that the calendars are now cross checked so that doesn't occur.

There is a band stand for Memorial Park envisioned as part of the Downtown Revisioning Plan. People in the community or the group investing in that may be affected by a use agreement for the hotel. As we go through thinking about investments in that, we ought to think about ways to protect that against occasional use by others. The farmer's market may be looking for a new space and we may want to leave Friday mornings open right now.

COUNCIL MEETING #24-22
DECEMBER 20, 2022

The Hilton sends an email to the Clerk and it's added to the calendar and Building and Grounds is notified of the reservation. Events are booked on a first come/first serve basis. Could the Hilton reserve the park for Saturdays, the whole summer, just to reserve them? They would pay the \$200 fee and they have never done this. If an event is free and open to the public there has not been a fee assessed to other groups that reserved the park. If someone however gates off the park for a private event, the council may look at that differently. Most weddings are booked for Saturday afternoons for a 4 hour window. Councilor Egan wondered if we should have a cap on the number of events we allow the Hilton to reserve the park for. The average number of reserved events preCovid was 7-8 per summer and since Covid it has only been 1 or 2 per summer so we probably don't need a cap now. We'll keep an eye to next year.

BE IT ORDERED: That the 2023 Bow Street Park Usage Agreement for with the Hilton Garden Inn be approved. **VOTE:** (Egan & Daniele)(4-Ayes)(1-Nays Bradley)(2-Absent Lawrence & Fournier)

(Town Manager, Peter Joseph)(5 minutes)

ITEM # 224-22 To consider action relative to Town Council Committee Assignments to Ordinance Review, Municipal Facilities and Special Projects.

BE IT ORDERED: That the Committee Assignments as listed below be approved. . **VOTE:** (Bradley & Daniele)(5-Ayes)(0-Nays)(2-Absent Lawrence & Fournier)

MUNICIPAL FACILITIES: Councilors Fournier, Egan and Pillsbury

APPOINTMENTS: Councilors Egan, Bradley and Lawrence

SPECIAL PROJECTS: Councilors Bradley, Lawrence and Daniele

ORDINANCE: Councilors Piltch, Bradley and Pillsbury

(Council Chair Piltch)(5 minutes)

OTHER BUSINESS:

1. Discussion of participation in project HOME with Freeport Community Services and Quality Housing Coalition (Town Manager, Peter Joseph)(30 minutes)

On Zoom: Victoria Morales, executive director of Quality Housing Coalition (QHC) and they do Project Home which is what we're discussing here. The QHC had submitted a grant application to Cumberland County under the Community Development Block Grant (CDBG) program. They had invited Freeport and Westbrook to participate due to some of the rehousing and settlement issues that we're going through. Project Home is a project where their organization works directly with landlords to prequalify/identify housing areas (apartments and landlords) for people who generally fall into the category of people who are in our general assistance program including new Mainers and people coming off the ERA program that don't have housing. They work with landlords ahead of time to identify families and they're able to place them. They do the housing navigation and the housing coordination feature. That is one of the things that FCS doesn't have the capacity to do. This is one of the missing links in what we do for GA, what we do

COUNCIL MEETING #24-22
DECEMBER 20, 2022

for housing and the landlord general market and how we make those connections. They negotiate the landlord needs and put people in those places. The council was previously provided with a memo detailing Project Home.

Victoria Morales: She talked about the member make up of QHC. In 2018, during the housing shortage crisis, these for profit and non-profit landlords came together to say what are we going to do to open up housing units, recognizing they have many barriers to getting into housing. That's how the project began. They started out with 20 units in just the Portland area and now they have 200 units they are overseeing, with 32 landlords in 5 counties. They work to bring landlords on board, to remove some of their barriers to apply for housing, to support them with financial guarantees and payments of damages if necessary if they agree to work with people with subsidies. They work with every subsidy here in Maine including Section 8. They provide to every tenant housing navigation and housing stabilization throughout the entire tenancy. Through this 99% of tenants are successful because they are there to navigate the system they are working in and make sure there is a strong tenant / landlord relationship.

Part of this conversation started with discussion of the grant preapplication that we did that goes along with the actual application that happens in January. We said yes to Westbrook that we want toglom onto your work so we can participate in that. We started having conversations about our immediate housing needs. We know there are families, whether that's 10 or 80, that are going to be homeless not by choice, possibly evicted from the emergency rental places where they're staying which is mostly hotels. There are also a few apartments and house rentals that also face the risk of eviction as the Emergency Rental Assistance (ERA) winds down. We discussed the timing between if this grant application is successful and we're able to establish these services semi permanently including Freeport, that would be great but we have an immediate need. People started talking about the short term and pitched an idea to the Manager and Sarah Lundin suggesting this is a group that could help us in the immediate short term. We have Amy Cartmell on the phone and Representative Sachs who have helped put them all together and recognizing that there is a group that could serve that intermediate need in Freeport. This is all great but there is a funding component attached to this. The Manager is fairly confident that \$20,000 for the housing navigator position that Victoria put forward which would be a roughly 20 hour per week for 6 months. That's the number put forward to us to have someone working directly on Freeport finding housing for that interim period until 6 months or if the grant application is successful which would be funding for one year. The other half is the kind of funding they use for gap funding including first and last month rent, security deposits. Some of it is gap but not all of it is gap funding. The difference between subsidy programs and the landlord incentives, whatever it would take to get somebody to agree to have that family stay there permanently. Also to address concerns that the landlords might not take a rental tenant in because they don't have the means to pay all kinds of costs. That amount they estimate is \$2,000-\$4,000 per family. He suggested \$20,000. It would be 5-10 families at \$2,000. You can do the math to double that. We probably have 10-40 families depending on how this shakes out that Victoria's organization could be helpful with. If the council wishes to participate, that is what you're looking at. There is really not a right number for the second half. What he and Sarah have suggested is to move forward with this with an immediate amount in a smaller amount to start the program. They feel like they could start finding housing for people quickly, like this or next week. Understanding that the number may increase if they're successful and committing to if there is a long-term success we may consider more long term funding.

Councilor Egan: Clarified that it was \$80,000 that was held back for FCS for future funding. He would be inclined to consider more giving how critical and acutely sharp the issue is. We are not taking a lot of risk because QHC has a proven track record for how successful this program is. It's a wheel that's already turning. The network they have built with landlords is a critical piece to this because that builds trust and confidence with those landlords talking to each other about the successes. We don't have enough money to buy that, it's already happening. We have an opportunity to amplify the request. If the request is \$20,000

COUNCIL MEETING #24-22
DECEMBER 20, 2022

he is in favor of that for the staffing request. The remainder would be some chunk of money that would be earmarked by the town for people that QHC finds for housing, \$20,000 to \$40,000 to \$60,000. Councilor Egan wants to make sure we provide the program with a ramp to success.

Councilor Bradley: His understanding is that FCS has not identified anything for the \$80,000 that was set aside from ARPA money that we would revisit if they identified a need. Here's the need, let's do it with that number and we use our judgements about the gap. It would be \$20,000 for this then some other amount from the rest of the money to do the gap funding. The landlords are not just in Freeport. We have people who are in the hotels that want to maintain their connection with Freeport, some with kids in school. Is there any effort to place them in units in Freeport? Yes, they hope to be able to find Freeport landlords that want to work with the program. They are in 5 counties and they use their extensive network. They will be looking for Freeport people to meet the needs of Freeport renters.

Councilor Daniele: Can we fund the housing navigator for 3 months instead of 6 to see how it's going. He assumes the amounts we need will be greater in the beginning and then it'll trail off as people get placed. Councilor Pillsbury also inquired as to how many families the coordinator would be realistically able to set up with housing. What is your success rate? When would this coordinator be ready to go, two or three weeks?

Victoria Morales: They will be devoting probably four team members to this and have a plan to come to Freeport Friday if all works out in order to work fast. The funding for hotels will continue until the end of January. This gives the team who is working hard to house folks in these situations a little more time. The Legislature is taking up a bill tomorrow. They house between 3 and 8 households per month. Their team is multi lingual. The good news is that the folks at the hotel are also very connected to their partners at Hope Acts because they are all seeking their work permits. She works closely with Hope Acts on those initiatives because being able to work and have sustainable housing creates housing stability. We know the timing is tricky.

Representative Sachs: She highly recommends funding the navigator for six months. This is not only a short-term solution it is also potentially long term. We know this housing crisis is not going to be 6 months long. She hopes the council funds this position so that if the CDBG application comes through, the funding won't be available until July, even if it's approved in March. So hopefully this position will go from January to July and then start July 1 and continue. That navigator position can help continue to build the network of landlords which so many community members are working on right now. You asked for short term solutions and long-term stabilization. This is what you asked for and you asked for a housing navigator. This is the missing link you asked for. She talked about ways to participate in the public hearings tomorrow around the original package that has small changes. Within that there is substantial housing relief money (22 million dollars) along with lots of heating assistance. The ERA money has been extended through January. There's no amount of money that will fix this problem, but let's put it to its best and most targeted use.

Amy Cartmell: Agrees that a six-month term for the housing navigator is essential. There is such an extreme shortage of rental housing right now, it will take that long or longer to find housing for as many folks as possible. All 183 housing units that Freeport Housing Trust has are full.

We were previously told that there are 80 families in temporary shelters of some sort in Freeport. How many of those families have been rehoused and how many will be affected by the end of the ERA in January? FCS has been able to house a few families at the Best Western. They were looking at about 80 families that were affected by the ERA ending, not all of them are in hotels. There are some in apartments.

COUNCIL MEETING #24-22
DECEMBER 20, 2022

A few of the families have been housed. There are about 25 at Best Western and about the same looking at the other hotels combined in the community. She wanted to touch on this resource as well for the families at the Casco Bay Inn. Although we think of them as safe because they are receiving general assistance from the city of Portland, they worry when the rug will be pulled out from underneath us also. Portland has exceed any State regulations as to how long they need to support these families. These efforts can be directed towards that. Beyond the hotels and urgent need now, this is going to be a long-term incredible resource for the community.

Chair Piltch: He supports this but also has a concern that if Freeport and a few surrounding towns do this, will it create a magnet effect. Might people come to Freeport to solve housing issues because we have ponied up and had these programs in place? It would be better to have a regional approach to a regional problem.

Representative Sachs: These 80 families are here now that need assistance. It's a very specific, we are not building an emergency shelter here in Freeport. It can't happen. We are working with the Housing Committee you set up to think about long term because long term what will help is more housing. Thoughtfully have that develop and plan full in a way that you'd like is fantastic. This is a specific program for an interim. There is specialty housing for lots of different folks. This is one solution that we can hopefully do.

Victoria Morales: We do need more regional coordination. It shouldn't be on every town to figure out housing insecurity and homelessness out. Their first attempt to be more regional was to go after that multi-community CDBG opportunity. She names other communities and organizations that fund housing navigators.

Manager Joseph: Should we earmark some of this funding that we may set aside for people who are here right now that are ERA and facing homelessness because of the end of ERA. At the same time, what if all those families are housed and we've got money and a housing navigator left over, we would hate to turn someone away that was homeless for another reason. He thinks we either set a condition that the money we're talking about now is targeted and focused on the immediate crises (i.e. the families that will be homeless at the end of January). At the same time do you want to make that formal to the extent that it would exclude other people. This is money well spent. There are enough families in town that have a need currently. He doesn't want to be the only town trying to solve this program.

If ERA or some substitute happens and is extended for 6 months or a year, will there be a push to bring in more people to house over the winter. FCS has that concern. They don't want to be doing wave number 2 or 3. Shelter by hotel is the emergency option. We don't want it to become the defacto answer to homelessness. It's great to keep people from freezing over the winter but it's not the answer to homelessness. Will this put a dent in the public safety issue that we have with the population of some of the folks in hotels on Route One that have seen an increase in public safety services. The Manager thinks a lot of the issues we are having are caused by long term population that Victoria's group may not be able to find housing for. Their group focuses on all types of people. This isn't a refugee asylum seeker targeted program. The homeless by choice population, people with long term mental health problems or problems of the sort, aren't people who are able to get into a stable housing program. That's why they're in a shelter to begin with. This is not generally a group you can set up with long term success even in Victoria's organization.

Chair Piltch recapped that the ask is for \$20,000 for Quality Housing and then another \$20,000 - \$60,000 for FCS to fulfill the Gap funding at FCS's discretion working with QHC. We think \$20,000 is the immediate need but the long-term need will be more than that. We shouldn't think it will be just \$20,000. We need to see some results in what the individual cost per family unit are before we know what the long-

COUNCIL MEETING #24-22
DECEMBER 20, 2022

term need is. If it's held by the town you can act quickly to change that as long as there's recognition by the council. Sarah Lundin would not object to this money coming out of the pot that of \$80,000 that was set aside for FCS.

MOTION: that we approve \$20,000 for the program as defined by Quality Housing Coalition and that we release half of the \$80,000 that we had held back for future needs at FCS (\$20,000 for QHC and \$40,000 for the Gap needs)VOTE: (Egan & Bradley)(5-Ayes)(2-Absent- Lawrence & Fournier)

EXECUTIVE SESSIONS

ITEM # 225-22 To consider action relative to an Executive Session pursuant to 1 M.R.S.A. § 405(6)(C) pertaining to a Real Estate matter and 1 M.R.S.A. § 405(6)(D) pertaining to discussion of labor contracts between the Town of Freeport and the Freeport Police Benevolent Association.

MOTION: That the Town Council enter Executive Session.

MOTION: That the Town Council exit Executive Session.

(60 minutes)

END OF AGENDA (Estimated time of adjournment 9:05 PM)