

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.

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;

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).
---------------	---

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	