

**MINUTES  
FREEPORT TOWN COUNCIL MEETING #10-20  
TUESDAY, APRIL 28, 2020**

**This meeting was held online/virtually, using Zoom teleconferencing.**

<b><u>ROLL CALL OF MEMBERS:</u></b>	<b>PRESENT</b>	<b>ABSENT</b>	<b>EXCUSED</b>
John Egan, 38 Curtis Road (Chair)	x		
Eric Horne, 62 Pine Street	x		
Henry Lawrence, 93 Hunter Road	x		
Daniel Piltch, 25 Quarry Lane	x		
Douglas Reighley, 2 Harbor Ridge Road	x		
Sarah Tracy, 2 Pettengil Road	x		
Tawni Whitney, 56 Baldwin Road (Vice Chair)	x		

Chair Egan called the meeting to order at 6:30 p.m. via zoom. He mentioned that they are doing their best to circulate information and make sure the Council can hear from those attending. Mr. Joseph explained how the meeting would be conducted this evening and recognized six people in the audience. If anyone feels public comment is warranted, they should use the “raise hand” feature and that will signal him that someone wants to speak and he will ask the Chair to recognize them to speak. He also explained how people can use their phones if they wish to speak. Chair Egan thanked Staff and members of the public for coming and suggested that they try to keep their microphones on mute if they are not speaking. He then took the role and everyone was connected.

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

Viewing the flag on Chief Jordan’s right shoulder, everyone recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #09-20 held on April 7, 2020 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #09-20 held on April 7, 2020 and to accept the minutes as printed. (Reighley & Lawrence) **ROLL CALL VOTE:** (7 Ayes)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Egan advised that there will be a pre-recording of Memorial Day ceremonies so they can be broadcast on the Town’s television Cable Channel 3 on Memorial Day. It will be recorded soon and he is pleased to see that tradition will continue in spite of the challenges that has been happening in our community.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Chair Egan mentioned that we have not had a significant number of committee meetings. Councilor Whitney advised that she attended the FEDC meeting this morning and heard so many positive things that were touched upon. One of the things that came from the meeting, FEDC was wondering if they could get a statement from us on what our mission is after the regulations are lifted. What we see Freeport looking like and how the Council would like to see the Town unfold as restrictions get lightened a bit. Businesses are eager and the FEDC Board would like to report back to them.

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Councilor Tracy mentioned that the Governor's edict came out this afternoon and she briefly read through it and feels we need time to digest the multiple parts to get a cohesive message. She feels we will have to follow the Governor's guidelines but the concept about creating a communication about the Town's approach, we are a town with lots of visitors and having some sort of communication even if it isn't divergent from the Governor's policies, makes some sense but she doesn't feel it can be crafted tonight. Chair Egan agreed and would not presume to have any superseding opinion about whether it is the right list, or not the right list, too inclusive or not inclusive enough. He would leave that to the Governor who is getting a lot of good advice from the State's Public Health folks. He agrees that the Council can probably echo very lightly and re-forward the message as it pertains to Freeport and answer questions as they come up. He asked Mr. Joseph if Staff is getting inquiries from businesses about what timing might be knowing that this just happened today. Mr. Joseph indicated that he has heard nothing relative to the new announcement. We are just trying to figure out what the implications are. We have hospitality stuff like Winslow Park and have a Staff meeting scheduled tomorrow at 10 a.m. and will have a better handle then. This is one of the things they will be talking about. We haven't heard a lot from the business community but he feels they are getting a lot of information from the State. He doesn't expect it to happen under information sharing at a Council meeting, but the thing that would be most useful to the business community is if we were going to diverge from the Governor's recommendations significantly such as the Town feels like it is appropriate to recommend something more restrictive such as a public health restriction or anything like that on any of the sectors that would affect our economy, that is what people are interested in knowing about in as far advance as they can in the business community. That is what we should focus on. If we are going to say, "yep, please follow the Governor's orders," that is great and clear. If someone has a proposal to do something different than what the State is recommending, he feels we should give as much notice to people as possible.

Chief Jordan echoed Mr. Joseph's comments. He plans to have a Staff meeting tomorrow to discuss office re-openings and retail, hospitality, etc. He hopes to at least come up with a plan for the Town Office and other Freeport facilities. Perhaps that is something they can work in town-wide businesses. Chair Egan believes this addresses to Councilor Whitney, Keith and Mary the question of the Town's response in terms of the shutdown.

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

**Re-opening Plan**

Mr. Joseph advised that he was working on a re-opening plan until he saw the Governor's directive this afternoon which he doesn't have any comments on because he will need to digest it. By reopening he is talking about Town facilities here and not businesses. They will have to start analyzing things because there are certain things that have not been exempted. They may have to start doing some in-person mandatory business. He will be working with Town Staff and Department heads over the coming weeks to come up with some safe practices they can use to allow the public back into the building. It may include a few strange things like limiting the number of people inside a building, remote access, etc. While he doesn't have any answers, they will be looking at some technological methods to hopefully make it work in addition to old-school stuff like tape marks on the floor. It may include things like face coverings for the public when they are in the building. He doesn't have an official list yet but expects that in the next 1-2 weeks. He will bring it to the Council when it exists. While there are a lot of things we can do remotely, there are a lot of things we need to do in the office, too. We are being cautious and it may include modifications to some buildings as well such as partitions, lines, queues, etc. to keep people safe. These will be announced when they are finalized so people will know what to expect when we open the doors to our buildings.

**COVID Relief Funds for Local Businesses**

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Mr. Joseph advised that towns and municipalities around us are undertaking COVID relief funds for local businesses and he has talked to people in the community and the business community as well as some Councilors about this. We were forwarded some examples from colleagues that work in these communities such as Saco, Bath, Bucksport, Auburn, etc. that are doing these programs. There are also some other community-support programs and he will talk about this later tonight and ask for approval. While everyone he spoke with is in favor of the Town supporting the business community, the challenge is to find non-tax dollars to fund a program like this. He is anticipating that businesses and residential taxpayers are going to have problems coming up so either segment of the taxpaying population would be receptive to raising taxes to provide relief funds. He and the Finance Director looked at some places where there is money available that is not tax raised money. One good fit would be the Downtown Destination Freeport TIF Program. When we take out everything that is planned for the next Capital year, what we have already approved to spend this year and the balance and do the math. It comes up to a balance in that fund of \$150,000 that we are carrying right now and it is still there. His proposal is to run this before the Council right now and get a head nod or green light to come up with a formal proposal that he can bring back next week or the next couple of weeks. He would like to move on this quickly and provide an initial \$50,000 seed from the Downtown Destination Freeport TIF and then match an additional \$50,000 in donations up to a total of \$150,000 to make grants available to small businesses. He has not determined what that small business number is but that is who everyone is trying to help right now to keep from going under. This is a work in progress. Examples he has seen is doing loans between \$2,500 and \$10,000 per recipient targeted to small business for a term of 1-2 years. Most have been interest free and that is what Mr. Joseph supports the most. Perhaps a 1-2 year -term with no interest and possibly with interest if they go beyond that term. One thing he was excited by was that we could put restrictions on it so that it is used to pay rent, mortgage, payroll and utilities so these are vital expenses and are things that go back into the community. The recipient then pays their employees, landlord or utilities which returns to local money.

Chair Egan asked for clarification. A minute ago, Mr. Joseph mentioned making grants and then switched to making loans. He asked if he is proposing making the fund conduct both of those or just loans? Mr. Joseph advised that his initial lean right now is towards making loans and the majority of these have been loan programs. He is proposing that this be an interest-free loan if it is paid within a certain term. He reminded the Council that this is not a formal proposal but simply ideas he is throwing against the wall. He will need to develop a proposal to bring to the Council which would involve a committee, formal evaluation criteria so we determine how to distribute these dollars and clearly there would be more demand for these dollars than we have to give, he believes. He is looking for a show of support or good idea/bad idea from the Council. He would try to move this as fast as possible because there are people that need money right now.

Chair Egan asked for comments from Councilors. Councilor Reighley mentioned that rent is the biggest cost to a retailer. He would put the loans towards rent. Vice Chair Whitney mentioned she has had discussions and learned that businesses only need \$1,000 or \$5,000 to keep their heads above water. She is supportive of this concept and would like to personally try to raise some of the money outside of the tax dollar. Councilor Piltch noted he feels this is a great idea and would like to see what programs are available and where we might be able to fill the gaps. He suggested partnering with landlords or other entries asking them if we offer this support, can they chip in some support. He would be happy to help out in any way he can. Councilor Tracy also supported the program and would like to make it as user friendly and as easy as possible. Timeliness is really important. She suggested leaving it to Staff to be prudent about the criteria and leave it to the businesses to articulate what they need it for. These are loans and we expect the money to be paid back. We have some cash available. Let's get some cash out. We have a role to support our community. Let's do it quickly. Councilor Horne agreed with what has been said so far. He leans more towards loans and less towards grants unless there is a very special situation that needs further

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examination. Councilor Lawrence agreed with the whole concept in general and with everything that has already been said.

Mr. Joseph will have an update for the Council next Tuesday. If this involves a supplemental appropriation from this year's budget, it would probably have an order setting a public hearing on next week's agenda. He thinks he can have this in place and ready to go with nods from the Council and be waiting for the final appropriation vote even if it takes 2-3 weeks to cut the check. To have everything in place, they could even do applications and evaluations before then if we get that far ahead of it. He does not believe it will slow them down at all. He is looking at this as possibly a 3-week program.

### **Update on Pandemic Situation**

Chief Jordan pointed out that with social distancing and flattening of the curve-type strategies that are in place, we have not seen the hospital capacity tried which has been good. It is just a matter of keeping it that way for a while longer. They received some N95 masks this week. They are hearing anecdotal evidence of people having symptoms of heart attacks and strokes not wanting to go to the hospital. From personal experience going to the hospital, he feels they have done a great job separating functions and please, please, please if anyone has a true emergency, don't let that play into their decision making. Call them and they will do everything they can to safely get them to the hospital and they will do everything they can to treat them safely.

### **Current Budget Status**

Mr. Joseph advised that we have the draft budget that he and the Finance Director are working on for next year which will be transmitted to the Council on Thursday. They are chewing through a lot of things right now with the economic uncertainty out there. In terms of this year's budget, they are pretty confident that they are going to make revenue and getting close to it. They are going to be below expenditure because we have some curtailment of department activities due to the slowdown. We are not spending as much operationally as we would be at this time of the year. He will have a better estimate at the second meeting from now. We have two months left in the year so we are watching our revenue lines and our budget lines pretty closely here. He has seen some stories from other municipalities near here that may have budgeted closely to the bone and didn't have any room to wiggle when their excise revenues, building permit fees, etc. were not coming in as scheduled. He thinks we are okay and only because this hit in March and April instead of December. Otherwise, we would be singing a different tune like the other larger municipalities like we are seeing. He will get more in this at future meetings. While it doesn't look great, we are not in a crisis mode economically here for the Town from the receipts and expenditures portions right now.

Councilor Tracy thanked Mr. Joseph and Ms. Maloy for their good fiscal management for the Town. She has a sense that Freeport is in a good spot and does not have a lot of debt. We have a lot of planning and that obviously is benefitting us during this time. She appreciates it. She communicated that she and Mr. Joseph had a discussion earlier today where lots of businesses are shaving and entities across the State are finding ways to be more efficient and more conservative with their capital because this may be a long term, more like a recession. She asked Mr. Joseph, as he rolls out the budget, to include recommendations or at least acknowledgement of areas where they are recommending cuts, efficiencies or whatever it is. If they are not recommending things, also a rationale for why that is so we can understand the full range of mechanisms that we have to make sure we continue to stay responsible and continue to ensure that there won't be a major tax hit next year and keep our eye on the ball.

Mr. Joseph thanked Councilor Tracy and noted that he and Jessica both love it when people ask in-depth questions about our financial operations. They love to talk about it.

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

**MOVED AND SECONDED:** To open the public comment period on non-agenda items.  
(Reighley & Horne) **ROLL CALL VOTE:** (7 Ayes)

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No public comments were received.

**MOVED AND SECONDED:** To close the public comment period on non-agenda items. (Reighley & Lawrence) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

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

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ITEM # 67 -20 To consider action relative to adopting the April 28, 2020 Consent Agenda.

**BE IT ORDERED:** That April 28, 2020 Consent Agenda be adopted. (Egan & Lawrence)

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

Councilor Reighley noted that Suki Rice has resigned from the Sustainability Committee. He feels she was a great asset to that committee and to the Town. Chair Egan agreed.

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

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**CONTINUED FROM MARCH 17, 2020 TOWN COUNCIL MEETING:**

ITEM # 53-20 To consider action relative to the addition of Section 617 “Municipal Tree Task Force” to the Freeport Administrative Code. PUBLIC HEARING

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

There were no public comments provided.

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

**BE IT ORDAINED:** That the addition of Section 617 “Municipal Tree Task Force” to the Administrative Code be approved. (Whitney & Reighley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

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**CONTINUED FROM MARCH 17, 2020 TOWN COUNCIL MEETING:**

ITEM # 55-20 To consider action relative to amendments to Chapter 34, Section 16(a) “Camping Reservation System” of the Winslow Park Administrative Policies Ordinance. PUBLIC HEARING

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

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No public comments were provided.

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

**BE IT ORDAINED:** That amendments to Chapter 34, Section 16 (a) “Camping Reservation System” of the Winslow Park Administrative Policies Ordinance be approved. (Horne & Reighley)

Councilor Reighley advised that this Ordinance change was brought before the Ordinance Committee and it was unanimously approved. Councilor Horne thanked Neil Lyman for his work on this. Chair Egan agreed and mentioned that Neil does a great job down there. **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

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ITEM #68 -20 To consider action relative to various amendments to Chapter 49, Section 7 & 10 of the Freeport Towing Ordinance. PUBLIC HEARING

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

Mr. Joseph pointed out that we have some comparable fees in there per request and a little analysis that was run finding that what is out there runs the spectrum from what we have now to what we are proposing. It is a small group and a lot of towns do not have fee structures established by order of the council. It is just whatever the market rate is so we are in the middle of the pack in that regard.

No public comments were provided.

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

**BE IT ORDAINED:** That amendments to Chapter 49, Section 7 & 10 of the Freeport Towing Ordinance be approved. (Lawrence & Reighley)

Councilor Reighley advised that this was brought before the Ordinance Committee and it was of interest to Councilor Tracy to get comparison fees and this was approved by the Ordinance Committee and forwarded to Council. **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

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ITEM # 69-20 To consider action relative to various amendments to Chapter 15, Street Regulation Ordinance. PUBLIC HEARING

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

There were no public comments provided. Mr. Gibson and Mr. Bliss did not have anything to add.

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

**BE IT ORDAINED:** That various amendments to Chapter 15, Street Regulation Ordinance be approved. (Piltch & Reighley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

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ITEM # 70-20

To consider action relative to proposed amendments to Section 507.H.2 of the Freeport Zoning Ordinance and the Official Zoning Map of the Town of Freeport pertaining to the identification of coastal bluffs. PUBLIC HEARING.

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

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

**BE IT ORDAINED:** That proposed amendments to Section 507.H.2 of the Freeport Zoning Ordinance and the Official Zoning Map of the Town of Freeport pertaining to the identification of coastal bluffs be approved. (Tracy & Piltch)

There were no public comments provided. Caroline Pelletier, Interim Planner directed the Council to Page 4 in their handout, No. 2. has reference to the map amendment issued by Maine Geological Survey. After further discussion with Staff, the Town Attorney and the Maine DEP, the preference would be that we strike the reference, *or as amended through an official letter of map amendment issued by Maine Geological Survey.* It is a formality for now but they have ideas on how to make this language a little more flexible in the future. She expects the Council will see more tweaks when it sees the complete overhaul of the shoreland zoning. She displayed maps for the Council and answered questions. She pointed out that anytime we make changes to the official Shoreland Zoning Map or to the Shoreland Zoning Section of the Ordinance, we need to send it to DEP. They have 45 days to sign off on it and give us their blessing. The Council will see it in the Ordinance. They have 45 days to get back to us in writing but if any new applications come in in the meantime, they will be reviewing them for the new changes.

**BE IT ORDAINED:** That proposed amendments to Section 507.H.2 of the Freeport Zoning Ordinance and the Official Zoning Map of the Town of Freeport pertaining to the identification of coastal bluffs as amended pursuant to the recommendations made by the Town Planner, Caroline Pelletier at tonight's meeting be approved. (Tracy & Reighley)

Councilor Piltch asked what the timeframe is for the comprehensive Shoreland Zoning overhaul. Mrs. Pelletier advised that there is significant public notification that is involved in the hearing that would go to the Planning Board. It would be over 800 notices but right now with current events and the limits of zoom technology, she is hoping for summer.

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

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ITEM # 71-20

To consider action relative to the proposed establishment of the Concord Gully Brook Tax Increment Finance (TIF) District. PUBLIC HEARING

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

Ed Bradley pointed out that he is a member of the FEDC and was a member of the subcommittee which was allowed the opportunity to look at the details of the TIF proposal presented by L.L. Bean. Their

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committee had a lot of detailed questions about the proposal and how it was set out and whether it was fair and responsible for taxpayers, the Town and L.L. Bean. At the end of the day, he as a member of the committee, thought that most of those issues were addressed directly by those who were involved in negotiations and resolved in one way or another. To make a decision based on specific items of agreement or disagreement is wrong in this case. His view, as someone who has been involved in TIFs in this town since he was a Councilor in the 80s, is that this is a TIF that represents a commitment by a major company to our town that is absolutely amazing. At this point in our time and in our development, L.L. Bean is willing to make this kind of development is extraordinary and we should not lose the opportunity to take advantage of it. He emphasized that as the pandemic works its way through the waterfall that he heard described at the FEDC meeting this morning, it will ultimately hit the taxpayer and what will ultimately happen is that you as a Council will find a difficult accommodation of a lot of different interests and having this project contributing to our tax base will be an extraordinary asset to you. He encouraged the Council, as one person who has been involved in the process and who has dealt with minutia and he still has issues he would love to resolve if he were given the full range of his mind to bring to bear but he doesn't think they matter. What matters he thinks is approving this and getting on with our lives and recognizing the contribution L.L. Bean is making to our community by bringing this huge investment to our town. He would recommend that the Council approve it despite whatever minor or even major concerns you might have about the deal.

Andrew Arsenault advised that he would like to echo Mr. Bradley's comments. At this point in time and what is going on with the economy, he thinks we should support L.L. Bean in this venture. He does not believe we will lose any tax money over last year and to get Concord Gully Brook fixed and the infrastructure they are going to put in is an asset to Freeport. To make the commitment for them to stay in Freeport is a good thing and he feels the Council should support it.

Keith McBride of FEDC noted he sent to the Council a brief statement in support but wanted to go through some of the verbiage in it to get it on the record. Since November of 2019 a large contingency of participants from the Town, FEDC and L.L. Bean have diligently utilized the TIF policy laid out by Freeport as well as laws from the State of Maine and other legal and internal protocols to both draft, negotiate and bring to final approval the finite details of the TIF Development program and the Credit Enhancement Agreement for the Concord Gully Brook TIF. During this time members of this group were meeting weekly and sometimes daily to bring the collected feedback to bear on the process and bring in experts, the Council and the community for additional input. Feedback and questions from these many sources were discussed, debated and included in the process in formulation of the final plan which includes safeguards for all parties. What the Council is reviewing today is the output of these individuals whose expertise has provided a thorough and well-defined program for a continuing partnership between the Town of Freeport and L.L. Bean. He included in his memo a list of all the folks that were involved and deserved thanks. In the interest of time, he did not go through and read the entire list. The work done over this six-month period has resulted in the best possible agreeable outcome. The deal protects the public and will also play a proactive role in helping our largest taxpayer, and most important community member accomplish the improvement and the update of their home on Casco Street. The improvements anticipated in this project which include added taxable value from the redevelopment of Casco Street, the company's continued investment and commitment to Freeport and the value of the stormwater improvements and the condition of Concord Gully Brook accomplish goals that have real benefits for both the Town and the company. He mentioned that they completed their Finding of Fact which is in the Council's packets in a memo dated March 17, 2020 and included a finding that there were other considerations which they would support in any resolution that was agreeable to the parties and feel that all the questions that were lingering have been resolved in a way that he feels is mutually beneficial. For these reasons, they feel that the TIF and the Credit Enhancement Agreement are ready tonight for a final vote and approval and encourage the Council to vote in favor of the agreement as it is currently constituted. He thanked the Council for its time and the important intention that has been put into this

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matter. He knows a lot of Councilors have spent a lot of their own time trying to work through things. He appreciates it.

Ed Bradley noted that he and Andy Arsenault served on the Town Council together in the 80s and never agreed on one thing, but they do tonight!

Councilor Reighley pointed out that the Council received an e-mail from Doug Leland stating his strong support of approving of this TIF. Mr. Joseph advised that he forwarded on an e-mail received from former Council Chair Jim Hendricks generally in favor of the TIF.

**MOVED AND SECONDED:** to close the public hearing. (Horne & Piltch)

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

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ITEM #72-20                      To consider action relative to the establishment of the Concord Gully Brook Tax Increment Finance (TIF) District and the approval of the relevant District Documents.

Chair Egan mentioned that this is a fair amount of description and if we have to read 2 ½ pages to get it into the public record. Mr. Joseph asked Attorney Im if they can make a motion to approve as printed on the published agenda and would it suffice? Attorney Im advised that if it is available to the public, that is fine. Mr. Joseph advised that the reason this is so lengthy is because there are findings that support the TIF decision and is not bad that everyone has read through it but that is why the detail is there because it is the actual order and it will be this long when we send up a certificate that the Town Clerk, if it is approved will add her certification to. Chair Egan noted there is a Preamble and a BE IT ORDERED so he asked Attorney Im if we can do both of these as presented. Attorney Im asked Mr. Joseph if this is the draft order to be adopted that we are talking about? Mr. Joseph indicated that yes, it is laid out as ITEM 72-20 on the Town Council agenda whereas the starting words are WHEREAS, THE Town is authorized pursuant and ending with BE IT ORDERED: with all seven sections and ending shall take effect immediately upon passing. Attorney Im indicated that it would be fine and whatever is logical for the Council to take if they want to take the Preamble first. Chair Egan clarified that he was trying to save someone from having to read 2 ½ pages of text here but it is by no means the end of the conversation once we open the item for conversation. He is happy to entertain any conversation, any discussion of the items or the specific sections of the BE IT ORDERED. We are not dispensing any dissection of the text by having it admitted as presented in the agenda.

WHEREAS, the Town is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate a Tax Increment Financing District and adopt a related Development Program; and

WHEREAS, the Town has identified certain property within its commercial zoning district that is centrally located, underutilized and in need of redevelopment, and has received a proposal for the development and expansion of said property by an existing commercial property owner; and

WHEREAS, designating the proposed District and adopting and implementing the Development Program will

- Maintain existing tax revenues;
- Enhance future tax revenues generated by new development throughout the Town;
- Install storm water improvements and other environmental improvements;

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- Maintain existing jobs;
- Assisting established construction businesses in the Town, thereby retaining existing employment opportunities;
- Construct new recreational trails that have a significant potential to promote economic development;
- Provide long-term, stable employment opportunities for area residents; and,
- Attract businesses and promote the economic viability and sustainability of the general economy of the Town.

WHEREAS, the Town has held a public hearing on the proposed Concord Gully Brook Development District and Tax Increment Financing District #6 (the "District") in accordance with the requirements of 30-A MRSA § 5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town; and,

WHEREAS, the Town desires to designate the proposed District and adopt the proposed Development Program as presented to the Town Council this day and as has been on file in the Town Clerk's Office at Town Hall; and

WHEREAS, it is anticipated that the Commissioner of the Maine Department of Economic and Community Development ("DECD") will approve the designation of the District and adoption of the Development Program;

NOW THEREFORE, the Town Council hereby Orders as follows:

**BE IT ORDERED:**

Section 1. The Town Council hereby finds and determines that etc. etc. be approved as written. (Reighley & Lawrence)

(a) Adoption and implementation of the District and the Development Program will generate substantial economic benefits for the Town and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and valid public purpose and will contribute to the economic growth or well-being of the inhabitants of the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town; and

(b) The Town Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that adoption and implementation of the District and the Development Program will not result in a substantial detriment to any existing business in the Town, and any adverse economic effect of the District and the Development Program on

any existing business in the Town is outweighed by the contributions expected to be made by the projects and improvements described in the District and the Development Program to the economic growth or well-being of the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town Council hereby designates the Town of Freeport Concord

Gully Brook Development District and Tax Increment Financing District #6 (the "District") as presented to the Town Council.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town Council hereby adopts the Development Program for the District in the form presented to the Town Council.

Section 4. The foregoing designation of the District and adoption of the Development Program shall automatically become final and shall take full force and effect upon approval of the District and Development Program by the Commissioner of the State of Maine Department of Economic and Community Development (DECD), without requirement of any further action by the Town, the Town Council, or any other party.

Section 5. Pursuant to the provisions of 30-A M.R.S. § 5227, the percentage of the Increased Assessed Value to be retained as Captured Assessed Value in the District and the term of said District is confirmed as set forth in the Development Program and related Credit Enhancement Agreement.

Section 6. The Town Manager be and hereby is authorized and directed, on behalf of the Town of Freeport, Maine, to submit to the Commissioner of DECD for review and approval, pursuant to the requirements of 30-A M.R.S. § 5226(2), the application and such other documentation as may be necessary or appropriate for the final approval of this District and the Development Program. The Town Manager is further authorized and empowered, at his or her discretion from time to time, to make such technical revisions to the District or the Development Program for the District, or to the scope, cost or description of the public improvements to be financed with the portion of tax increment revenues generated by the District and retained by the Town as described in the Development Program, as the Town Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and Development Program by DECD, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

Section 7. The Town Manager be and hereby is authorized, empowered and directed to enter into the Credit Enhancement Agreement contemplated by the Development Program, in the name of and on behalf of the Town, such agreement to be in such form and to contain such terms and provisions, not inconsistent with the Development Program, as the Town Manager may approve, the Town Manager's approval to be conclusively evidenced by his or her execution thereof.

This Order shall take effect immediately upon adoption.

Chair Egan explained that this is the time for conversation and he knows there will be a lot of questions and comments because we have been talking about it for a while. There has been a lot of good information presented and a lot of good discussion and questions from the Council about whether or not this is where we want to be doing things and how we want to be doing things with the tool we have which is a TIF.

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Councilor Horne thanked all the folks involved in putting this TIF together. It is a complicated application with a lot of moving parts. He has struggled with this a lot and mentioned some of the minutia that can trip us up and he has struggled through some of that. Overall, he thinks a TIF in this situation is totally appropriate and he supports the concept of a TIF for this application and this applicant. He appreciates what the applicant is trying to do here but in the end for all of us on the Council we all have to be comfortable and have a high degree of comfort with the final numbers and what he has really struggled with in this TIF, is the scale of the Credit Enhancement Agreement. He was hoping to see a smaller CEA. In his view, he feels the needs of the taxpayers and the needs of the applicant would have been better balanced had the CEA been of a different scale. That is the central issue he has struggled with since the very beginning of this. He feels all the information has been there but the overall size of this has not been such that he is comfortable with it. He will be voting no but recognizes that the momentum is going in a different direction but in good conscience for him and from where he sits, this is the conclusion that he has come to. It is easy to vote yes but much harder to vote no. He will be dissenting on this.

Councilor Tracy asked Mr. Joseph if we are only talking about the Credit Enhancement Agreement in this discussion or the entire document. Mr. Joseph replied that it is the entire document. The Credit Enhancement Agreement is an accessory. What we are talking about tonight first and foremost is the actual district creation and development program. The Credit Enhancement Agreement is an important part of that but kind of goes along with the District Program and the District plan.

Chair Egan asked if it is possible to separate the action this evening and have action on the TIF and separate action at a subsequent meeting on the CEA. Attorney Im advised that the way the Development Program is drafted, the CEA is an integral part of it so he doesn't know if the Council could adopt the Development Program without really revising it if we were going to take the CEA out of consideration this evening.

Councilor Tracy explained that she has questions. One is directed towards L.L.Bean and the other is directed towards the Credit Enhancement side. Another is directed towards our Town Attorney and those involved in the development of the Town Development Fund, sort of the Town side. With respect to the CEA portion, she appreciates Bean's process working with the Town to come up with different scenarios that match as closely as possible the concerns of Councilors. One thing that was dropped for various reasons is the Conference Center which she understands is not part of the CEA at this point. She continues to believe that it is a value to the Town and would be interested in seeing if there is a way for Bean's to find some sort of an arrangement that the Town would still have the ability to access that facility. The request is whether Bean's would consider allowing access maybe once or twice a year for Town purposes or an approved designee in the event there is a need that would be better served by a state-of-the art facility of that size. She is thinking about having a big informational forum that could not be accommodated by the school's performance center. She asked if it is still in play in some form. Jeanne Sanders from L. L. Bean advised that they have always seen the Conference Center as a benefit for the Town and that has not changed. They are not asking for any reimbursement for the cost of constructing it but pulled it out of the negotiations for the Credit Enhancement Agreement to keep it clean from that perspective. They have every intention of allowing the Town and other groups to use it. They are looking forward to the day when 900 people will feel comfortable getting together again. Councilor Tracy appreciated that and appreciated that she pulled it out of the Credit Enhancement Agreement. She asked that there be some sort of arrangement that is more formalized. Her vote is encompassing of that benefit as well and would like to see some sort of commitment by Bean's that sets out some parameters for Town access on an annual basis. She asked that Bean's work with the Town Manager to come up with some separate agreement that formalizes that a bit and gives the Town some certainty about access to the facility. She is glad that Jeanne included it. Jeanne offered to discuss this with Mr. Joseph.

Councilor Reighley explained that we have been discussing this for a number of months and he is surprised that some of his constituents have not expressed anything regarding this TIF. They are finding it

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very favorable. He is listening to his constituency as this is moving forward. Because there is very little input on this, it is a very easy decision to make voting for the people that elected him to move forward with this and approving it.

Councilor Lawrence thanked everyone for putting all this work into this. He has been in favor of this project since the beginning and wants to do this environmental program. If we don't do this, he feels this is something they don't have to do per DEP recommendation. It is a great project for the Town and he plans to vote yes for it.

Vice Chair Whitney pointed out that she is very grateful for being a part of this project and finds it very exciting. She has been a big fan of this since the beginning and is very grateful for all the time that L.L. Bean, FEDC and their Board members and the TIF Committee have put into this. During this time of financial recession and pandemic, she is thankful there is a deal to consider. She is proud to have L.L. Bean on our side. She thinks that TIFs are complicated financially and she is privileged to be able to vote yes for sure. She is definitely voting yes.

Councilor Piltch thanked everyone involved. He knows it has been a lot of work to get to where we are. Not everybody got what they wanted and it was not an easy negotiation. He thinks it is great to have L.L. Bean in Freeport and have them as an economic partner for 100 years and hopes it lasts another 100 years or so. He gives them kudos for offering this environmental project to begin with. The financing is difficult. He wanted to address the Credit Enhancement Agreement. We have been spending about \$50,000 a year for the last three years to help Concord Gully Brook and improve the water quality. If we approve the CEA, we will be spending ten times as much on Concord Gully Brook so he thinks we are saying if we approve the CEA that it is ten times more important than we said it was over the last few years. What strikes him now is the timing. If this were a few months ago or a year from now, it would be a lot easier to talk about. This is a difficult time right now for everybody. We don't know what the future holds especially financially. What we are doing tonight is voting on making an obligation to pay \$9.6M over the next 20 years with very little chance to back down. He is concerned about having to face some of his constituents that are in tough times and might see taxes go up and might see a reduction in services. Those things could happen and he is nervous that it might happen. He would love to come back in a year and say we have everything designed now and know what we are up against and know what the economy has done and we are both in a better position to figure this all out. He would love to support that but understands it is not on the table tonight. What would have made him embrace the project more fully would be that the project as a whole would have included a trail and guaranteed after this is all done that there is a trail. He is sort of echoing what he heard at the public hearings. He thinks we are heading in that direction but does not see it as a firm agreement. He has heard from constituents that ask if we do this, does it solve the Concord Gully Brook problem. Do we spend this money and say we have done it? He believes the answer he heard is that it will not entirely solve the problem. There is merit to it but it does not fix the problem entirely. That concerns him as well. The scale of it is a lot to swallow for a town this size. The CEA is what he has a problem with.

Councilor Tracy offered to weigh in on the CEA but still has questions on the Town Development Fund. She has reservations about the CEA. If she was to choose where we would spend significant incremental tax money, the designation of these funds would not have been her choice. It is not her project. The CEA reflects an agreement with the developer of the project in negotiations with the Town but has to encompass some of the priorities of the very entity that is proposing this opportunity to have a sustained investment in Freeport of the size to have the company's headquarters remain in Town when they could go pretty much anywhere in the world, is critical. We have families that depend on this business and an identity that depends on this business. For better or for worse, this business is intertwined with this town and she thinks it is for better. It is a long-term family relationship and while she has questions during this process, the magnitude of the investment in Concord Gully Brook, that particular component is consistent with the values and mission of L.L. Bean. It is consistent with the nature of the project itself and have an

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initial impact on that resource. This is a big picture move and it is a partnership. While she doesn't love every piece of it, she thinks it is a strategic and smart investment for our town and is money we would not have had absent the company's decision to improve its facility and create additional tax revenue for our town. A lot of the additional tax revenue goes into the CEA but a lot of it goes into the Town's tax revenues as well and certainly in the back years, significant amounts go into the Town's tax revenues and ultimately it will be a great source of financial stability for this municipality. She ends up in the place where she wholeheartedly supports this agreement. It is complicated and a little messy. The time table is a little quicker than she had wished but at the end of the day, all those details aside, this is a no brainer for us and she supports it.

Councilor Tracy pointed out that we have been talking a lot about the Credit Enhancement Agreement which is the captured tax monies that go to the projects identified by L.L. Bean but there is this other component which is that there are captured tax monies that will go to the Town Development Fund and the use of those tax monies are articulated on Pages 8 and 9 of the TIF document which we received as part of our packet. It has become clear to her that the monies in the Development Fund need to be used for the purposes articulated there and she feels a lot of good people who have been working very hard on this agreement tried to put together a world of possible uses that are in front of her. She feels we are missing opportunities to create flexibility to use the funds in a variety of ways some of which we don't know yet what we want to use them for. We recently entertained the Freeport Arts & Cultural Meeting House project that nobody anticipated someone would come along and rehab a church for a theatre but we had TIF language that was broad enough that we were able to accommodate that request. She is concerned that the current language on Pages 8 and 9 is too limiting. She did float a question to the Town Manager and the Town Attorney about how broad can we get with the language. She would defer to our attorney but she did want to say that she had the opportunity to go through a document and perhaps Keith put together for us. We have an 88-page document with language from other TIFs and there is great opportunity that we could incorporate in this TIF. For example, we could use this money in the downtown and making the façade more attractive. We could use this money for burying public utilities in the downtown to make it look different. We could use this money for arts and culture. We could use this money for bus shelters for our public transit. We could use this money for downtown wireless service or broadband expansion. We know from this pandemic that one of the big differentiators in our town between the haves and the have nots is who has access to high speed internet and broadband. There are pages of ideas but she feels the list we have is not imaginative enough and would encourage us to do a little more work on that. There is going to be a lot of tax money in the back end and it would be too bad that we had amazing public trails and that is all we use it for. It is great but doesn't go far enough. She asked Attorney Im and asked how flexible and broad can this language be and can we make it specific or can we have an exercise where we have some catch-all categories that allow us flexibility. This is a long agreement over a long period of time and is a lot of money to spend particularly in the back years. How can we facilitate coming up with uses that we don't know about yet?

Attorney Im advised that the idea of the projects for the Town are supposed to be something that is contemplated or reasonably contemplated. It is not supposed to be a laundry list placeholder of things that might come up in the future. When you have things on the list, you are not obligated to do these projects. Circumstances change but at the same time you are supposed to have a project and cost in mind that justifies the capture of the tax increment. If you thought you wanted to do landscaping in the downtown and it was something you could put a cost on, we could certainly add that in here. The cost estimates we got far exceed the amount of TIF revenue that is going to be projected to go into the Town Development Fund. One of the directives he got from the Council was the capture on the back end or last ten years was supposed to return more to the General Fund and less to TIF projects. That brings the amount of TIF dollars that are available for these projects. If the Council wants to add certain things in there, they certainly can. The DECD wants some projects that are contemplated not just placeholders.

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Councilor Tracy's response to that is that we have a little more work to do. She understands that maybe the list we have exceeds the Town's Development funding that may ultimately be available. It also reflects a very narrow perspective. It is very trail heavy and that ultimately may be where the Town wants to go but maybe in the interim between the time when the monies are accruing and they are ready to be sent, we may have funded trails through a different mechanism. We may want to place this money for different uses. She is not sure how this fits into this whole schedule but is concerned that the present list is insufficient and is happy to help create a strawman of a more robust description so that it is not just a fix ion but we have to do more work on this list in her opinion. Attorney Im noted that if that is the direction the Council wants to go, he can certainly revisit the list and augment it.

Councilor Reighley asked if we vote on this tonight and approve it, can we then amend the list after this vote? Chair Egan believed the answer is yes and the list of projects can be updated. Keith pointed out that it is the case but you don't want to put yourself in a situation where you are asking to amend a TIF within a few months of getting it approved. It would be cleaner and the DECD would want it done in a cleaner fashion after just having it approved. The real question is whether an addition like that would require a separate vote of approval or whether that could be made as a motion to include some language in there about that which the Council can vote on it and approve and the Town Manager is authorized to sign the CEA and submit the completed program subject to that amendment to DECD for approval. He would have to rely on Attorney Im for his input on that. Attorney Im advised that you can always amend the TIF through an application process but that is not what we want to do now. We want to get this in final form but would have to modify the Council order. You wouldn't be adopting the Development Program in the form presented tonight with changes to the Town projects listed in Table No. 1 as agreed to subsequently by the Town Council. He is not sure about the timetable and how quickly we can agree on these things to add in and do that. We can certainly modify the order tonight and adopt everything subject to these agreed upon changes.

Chair Egan mentioned that his understanding is that the Town portion of the TIF capture account is not going to have much money in it for quite some time. We are not going to be launching on any of these projects in the first 12, 24 or 36 months. It is a bit out there before we have enough collected revenue to embark on any of these. Knowing that we can make an amendment later on, perhaps in a couple of years from now, that is not a process that is outside the lane at all. In fact, it happens quite frequently. He feels the bulk of our conversation has been on negotiating what is on the CEA side of the capture and while we have had extensive dialogue about that, he is mindful of having another discussion on it now, on the day we are supposed to be voting on the TIF. He is thinking that the opportunity we had to make some changes suggested by our attorney here allows us room to further clarify some specificity so that we can point to something in terms of what we are aiming for on the Town Development side of the TIF capture in subsequent years. He thinks it is also clear that by no means are we embarking on any of these projects whether they are listed or just contemplated in the next immediate future. He does not feel we are tying our hands to one set of things or excluding another set of things by taking an action this evening.

Mr. Joseph explained that he did the bulk of stabbing at that list and there were certainly more ideas than what ended up on the list. They got into doing cost estimates and the top items on the list were more than double what the TIF is going to generate for Town money over the life of it. He was trying to be conservative and not throw out stuff that didn't have a chance to get funded through the TIF. It was not meant to be any type of value judgment that those projects were better or worse. This is the first time that the full Council has taken a look at it. If all of those are terrible and the Council wants to remove them and put new things in there, there is not any hurt feelings there. Other than timing, he would have no concern with tearing the list up and starting over. He feels it is appropriate for the Council to questions anything that is on there.

Councilor Tracy feels that Attorney Im has suggested a potential workable solution. If we are ready to vote on this tonight, and we amend the order such that we acknowledge that Table 1 will be subsequently

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modified. From her perspective, she is putting the weight behind this document in support of it and would like it to reflect the flexibility she is asking for upon approval, not for 3 or 5 Councils later since they didn't vote for it. She would like to have a hand in articulating some of the possible uses mindful that they won't be put to use until a later time. She would be in favor of allowing the vote to proceed tonight with the recognition that Table 1 will be modified and to come back with a straw alternative proposal within the next week or maybe two weeks. It is important to have both sides of this agreement. Chair Egan asked Keith if we provide the flexibility that Councilor Tracy just articulated and was proposed and confirmed by our Attorney and incorporate it within the vote this evening, and we get the list in a week or two, is that going to interrupt the application submission? Keith replied that as long the order and vote of approval tonight and Attorney Im is confident that will be satisfactory to make it legal, as long as it is good enough and the document we forward to DECD which would include the order that is passed tonight and the document as it is modified in the coming week to add some projects to Table No. 1, as long as all that is sufficient to be approved by DECD, you do the best you can in your submission to them. One of the things you have to watch out for and you are proposing too many projects that your TIF is returning a lot to the General Fund and you are not putting enough into the Municipal Development Fund to pay for, it will cause the DECD some concern about that. There is a bit of a wait on returning a lot of that funding to the back end of this TIF to the General Fund and that was part of the strategy and part of the discussion. If Counsel, Town Council and Manager are comfortable with adding some additional projects in here and putting it in front of DECD for their approval, he doesn't think it messes up the timing or the flow of it as long as the order that is passed tonight Attorney Im agrees would be sufficient when it is included in the document that goes with a modified program later on.

Chair Egan noted that if we are to take an action, we want to be more articulate even though it is on a smaller side of the overall effort here so he thought he heard Attorney Im offer some suggested language that gets at the somewhat not settled list that Councilor Tracy is articulating. He would be in favor of amending the order that we have to incorporate Attorney Im's suggested text and let us fill in that list with the same effect which that it doesn't get submitted to DECD until we have a conversation about it. Keith mentioned that Chair Egan would not want to impair Mr. Joseph's authorization to execute the Credit Enhancement Agreement with L.L. Bean effective tonight so that it doesn't push that into any more doubt.

Mr. Joseph read the suggested language that Attorney Im e-mailed to him a minute ago. Mr. Joseph noted that Attorney's suggestion is an amendment to Section 3 of the order: Pursuant to Chapter 206 of Title 30A of the Maine Revised Statutes as amended, the Town Council hereby adopts the Development Program for the District substantially in the form presented to the Town Council with changes to Table 1/Exhibit J as subsequently approved by the Town Council.

**MOVED AND SECONDED:** To amend Section 3 of the order: Pursuant to Chapter 206 of Title 30A of the Maine Revised Statutes as amended, the Town Council hereby adopts the Development Program for the District substantially in the form presented to the Town Council with changes to Table 1/Exhibit J as subsequently approved by the Town Council. (Reighley & Egan) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** To amend Section 6 in the first sentence and add after District and the Development Program, *as may be subsequently amended and approved by the Town Council.* (Reighley & Tracy). **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

There were no comments provided. Attorney Im mentioned he is hearing about the public hearing requirement for the Council's consideration of the Development Program and if we are changing that, he is trying to figure out if it needs to be noticed in a subsequent hearing on the changes to the Development Program. His cautious side says yes. Mr. Joseph explained that if we are adding a potential new clause in there that somebody reading from home wouldn't know was in there. Attorney Im does not feel this will be a controversial change but feels it needs to be noticed. The process is we figure out what changes we

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need to make and then we notice it with ten days. We could take the action we were intending to do but the subsequent amendment of the Development Program requires the same public hearing and due process that we have gone through to get to today. Councilor Tracy feels we should do the proper notice process particularly since we just raised it and concluded that we probably need to do it. She doesn't think a 10-day delay overall will be materially detrimental to the entire deal particularly if we vote on the majority of it tonight. Attorney Im agreed. Mr. Joseph noted that the Council will be meeting on the 5<sup>th</sup> and the 19<sup>th</sup>. The Council can discuss ideas on the 5<sup>th</sup> and add them into the Development Program on the 19<sup>th</sup> and be done with it. That would be the most transparent way to do it and get 10-days notice in at the same time. Keith didn't think it would create any problem with submission and getting approval from DECD. He is not hearing that this is not approving or authorizing signature on the Credit Enhancement Agreement or approval of the establishment of a district tonight. We are just essentially having a public hearing and a vote on a small amendment to the program that will be approved tonight. He does not believe it puts us in any kind of a hole for DECD approval. Mr. Joseph asked L.L.Bean representatives that if this is approved tonight subject to changes to the Development Program, that does not change anything from their perspective. The program is approved and the CEA is approved with tonight's vote. Jeanne agreed and did not see any problem with that.

**ROLL CALL VOTE ON ITEM #72-20** To consider action relative to the establishment of the Concord Gully Brook Tax Increment Finance (TIF) District and the approval of the relevant District Documents as amended. (5 Ayes) (2 Nays-Horne & Piltch)

Mr. Joseph advised that he will get feedback from various Councilors and he, Greg and Keith will make some suggested revisions on the Town's end based on feedback he gets and will bring it to the Council next week for deliberation. We will then make final decisions and notice it on the 8<sup>th</sup> for hearing. Chair Egan requested that Councilor Tracy collect a short list from a couple of Councilors who may have an interest in this so we will have something to work with next week. Councilor Tracy requested that Councilors e-mail her or the Town Manager with their preferences.

Chair Egan said thank you and shared his admiration for this group for wrestling through a lot of details and particularly asking hard questions. He feels it is important for people to be able to speak about how they are feeling about things and particularly who they are representing. He applauded everyone's ability to articulate how they felt about this vote this evening. It is important to have these conversations. He thanked Peter, Keith, Mary and their Board for shepherding this through and providing an ample amount of information and answering all the questions.

Mary Davis echoed the appreciation for all the time that the folks from Bean's, the folks from the Board and the members from Freeport and the Council have put into this. It was not an easy decision and she appreciated all the opinions in this. She thanked all.

Carolyn Beem echoed Chair Egan's thoughts about how much thought went into this. On behalf of her colleagues at L.L. Bean she reiterated the thoughtful consideration that went into this and the various perspectives that came out of this. We are pleased with the result and appreciate your time. It was a lot of stuff to read through and a lot of reports to slug through. They are planning to have a big bonfire of all the drafts and you are all invited. They really appreciate all that you do for the Town of Freeport. Thank you. Chair Egan noted it is a two-way street and he thanked her.

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ITEM # 73-20                      To consider action relative to establishing the Freeport Covid-19 Relief Fund and accepting donations totaling \$8,750.00.

**BE IT ORDERED:** That the Freeport Covid-19 Relief Fund be established and donations totaling at least \$16,900 be accepted. (Whitney & Reighley)

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Mr. Joseph explained that this is the residential fundraising that has been taking place. We have had a number of residents step forward and donate this money and the General Assistance Department was tapped. This is designed for expenses that don't fall under things being covered right now. A lot of people came forward. He explained that the number had gone up to \$16,000. The amount that has been donated suggested that a separate fund needed to be established with parameters because it didn't fit any program that we have in place. Chris Wolfe texted him that the donations total \$16,900 as of today. Chair Egan suggested adding *at least* before \$16,900 and others agreed.

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

Chair Egan thanked the Freeport community for their donations.

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ITEM # 74-20

To consider action relative to the annual appointment of Nicholas Adams as Freeport Code Enforcement Officer, Electrical Inspector, Plumbing Inspector and Building Inspector.

**BE IT ORDERED:** That the annual appointment of Nicholas Adams as Freeport Code Enforcement Officer, Electrical Inspector and Plumbing Inspector effective through June 30, 2021 be confirmed.

**BE IT FURTHER ORDERED:** That the annual appointment of Nicholas Adams as Freeport Building Inspector effective through April 30, 2021 be confirmed. (Piltch & Reighley)

Mr. Joseph mentioned that this should be done annually.

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

Chair Egan asked Mr. Joseph to please pass on his deep satisfaction and congratulations. He feels Mr. Adams is doing an excellent job in this role.

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**OTHER BUSINESS:**

1. Discussion of request for waiving the Shellfish License fee.

Mr. Joseph explained that this is a recommendation from Charlie Tetreault, our Harbor Master with his approval on his recommendation. Because people are feeling the economic pinch, he has had several requests to move the renewal date for renewal licenses. New license fees are paid in June. Renewal licenses are half paid in April by Ordinance and half of the fee is due in May. It wouldn't hurt our cash flow at all. We had one request to waive license fees completely but it has since been rescinded but he knows there have been several requests to delay the full payment until the end of May. Charlie didn't see the harm and the initial read from DMR is that they didn't have a problem with it either. They have to approve any changes to our Shellfish Program even something minor like this. They have the final stamp of approval on it. They offered to put it in writing but we haven't yet received it.

Chair Egan noted he is in favor of going ahead with this but are we at risk of potentially setting a precedent that all the other industries or vocations in our community that require licenses, inspections, etc. are now going to come forward and ask for a waiver of fees? Mr. Joseph doesn't think the threat is huge if we are not waiving it but are simply delaying it for a month. We took that action for taxes at the last meeting and maybe this was brought forward because of the action the Council took on taxes.

Councilor Reighley explained that there is a question in the proposed language in the third line where Mr. Joseph says "full payment of \$430 will before the end of May, It doesn't read correctly to him. Mr. Joseph

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agreed it should have read “will be due before the end of May and he mentioned that the Council should not use his draft language, just use it as a suggestion to craft your own if you make a motion but you can use it as a starting point.

Councilor Horne advised that he supports this. The restaurant business is in complete collapse and is where most of this product ends up. Any kind of assistance to the guys that aren't finding a market for their product is worth doing. He is not worried about the precedent in this situation. Councilor Piltch supports this as well. He reads this as delaying the fee. Councilor Tracy noted the proposal is to defer the full payment until the end of May so we are basically deferring 50% of the payment for a month. She asked why this would be better four weeks from now and it is double the payment. If we are going to do this, let's defer it for a little bit that actually matters. This is like a band-aid that doesn't do anything. She is not saying we waive it, she is saying let them start harvesting again and having a market. Mr. Joseph explained that if they don't do their renewals by May, we then take those licenses and they go into the “new pool” so other people get your license. That is the licensing structure for the way we give out the licenses. If we go longer than a month, in theory all those licenses are supposed to come up for grabs. They are not renewed. Councilor Tracy asked if there is any way to have a commitment to pay by September 1, for purposes of this pandemic, that we honor as sufficient for establishing the license requirement. Chair Egan feels we can take that risk. Mr. Joseph explained that up to 50 resident licenses are issued yearly and up to 10 for non-residents. Councilor Reighley indicated that the Council is not talking about a lot of money and suggested waiving this payment of the \$215. Mr. Joseph advised that Chris Wolfe just sent him a note that the majority of people have already paid this and there are only a few that are still outstanding. Councilor Horne noted that it is rare to have a license turn over so he likes Councilor Tracy's suggestion of doing some kind of commitment for September and if that person doesn't pay at that point, then the license can be put back into the lottery. At that point the license would have already been issued so the State requirements are satisfied but it will just go to a different individual. Councilor Reighley asked him to put it in language so the Council can vote on it. Chris Wolfe advised that she has maybe 18 that haven't paid yet but Lynn processed mail today and there were applications in there. There really is not that many outstanding. Her fear with messing with that May 30th is that everything in Ordinance with our lottery is laid out and dependent on them securing those renewals by May 30<sup>th</sup>. Councilor Tracy noted that the Council is trying to be creative here and she is not sure we are changing the Ordinance by adding something on that the action of committing to pay by September 1 is sufficient.

Councilor Piltch suggested that if we delay to the end of May only, but as we construe this new fund that we all seem to be in favor of for supporting local businesses, we say, if anyone needs a loan to help pay their shellfish fee, we can loan them \$430 payable in September and we don't have to change the due date. Councilor Tracy noted that it sounds great as long as it is a loan. Ms. Wolfe advised that the fee for a non-resident is \$430.

**MOVED AND SECONDED:** That the Freeport Shellfish Conservation Ordinance Chapter 32, Section 601 (E) specifying that 50-100% of the payment of the fee be submitted along with the application be met by a loan from the COVID-19 Relief Fund upon a Harvester's commitment to repay such loan by September 1 and the April payment be delayed to May 31. (Tracy & Reighley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays).

2. Continuing workshop on FY2021 Capital Program.

Chair Egan asked Mr. Joseph if this is our last discussion and a public hearing is next. Mr. Joseph noted that the public hearing is next week and final action can be next week after the public hearing. He has a

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list that Jessica and he put together of outstanding items from last meeting. Chair Egan does not feel that the Council needs to go through every line item in the budget again.

Mr. Joseph advised that the Stormwater request going up to \$50,000, he and Mr. Bliss are both comfortable staying at \$25,000. The Arts & Cultural Alliance is not making a request for additional TIF funding this year. FEDC can speak on their additional downtown request items. They are put on hold and they are still counting on deliberation with the Council for their base level of funding changing from \$100,000 to \$115,000.

Mr. Joseph received an estimate last week for the Cousins River Bridge from the State of Maine that the cost share for Yarmouth and Freeport will be \$139,000 so we will round it up to \$140,000 and was a giant TBD at the beginning. It would come under Comprehensive Town Improvements. Jessica has some suggestions for using reserves and moving the money around. There was also an outstanding question on the Library fence replacement that he has not had adequate time to follow up on and has not had a conversation with Arlene on that. He will report on that after the public hearing.

Chair Egan asked if the Cousins River Bridge is the only new item Mr. Joseph is bringing tonight and Mr. Joseph agreed and noted he just received it last week. Chair Egan asked for feedback on whether we want to include that in the 2021 Capital Budget. Mr. Bliss clarified that \$139,000 is expected from each community for just the bridge crossing. Mr. Joseph mentioned that they could very well ask us for portions of payment in this coming fiscal year. Councilor Horne advised that this project is going forward with going to bid in March 2021 with completion planned for 2022. The bike/ped improvements were included. Chair Egan asked Jessica if we have to take anything out to fit the \$140,000 in. She advised that the changes from the initial plan total \$254,400 with the largest component being the Cousins River Bridge and the inclusion of the Communications Project. At the last meeting it was requested to look at the Cable Reserve and see what funding would look like if we were to reduce that reserve. She would recommend putting it into Comprehensive Town Improvements given the nature of the road projects this year and coming up to help offset that exposure now knowing the amount of the bridge and we have 2-3 projects in the next five years that are also listed as TBD that will be in the same boat and be at mercy with the State and DOT when they do these projects. She doesn't know if the Council needs to cut a project at this point but will not discourage the Council from considering pushing some out. Chair Egan asked if even with the potential transfer of reserves from Cable to the Comprehensive Town Article? Jessica replied yes, it would be her recommendation and would like the Council to deliberate. As of December, we have a reserve balance of \$1.9M for Comprehensive Town Improvements but our 5-year plan with two items to be determined is already at \$2.5M and can guarantee that in the last few months that reserve balance has declined given our economic climate. It may be worthwhile realigning some of the road projects. Mr. Joseph added that a lot of our reserve funding when we turn a surplus in a budget year and Jessica comes to the Council with recommendations after the fiscal year has ended and often times after our audit. When we don't turn a surplus at the end of the year like this year and just scratch by and just make our revenue and just make our expenses or worse, don't make our revenue and have to cut expenses to match that, we have nothing to put into reserves and we are not making a ton of money into the reserves and other revenue sources right now. Jessica pointed out that what we used to have as designated reserve funding is no longer there and you do not have continual solid methods of funding your reserves at this point. Mr. Joseph mentioned for example the rental income from the Library Building that made us \$300,000 a year. He noted that we need to plan years 2 and 3 of the Capital Program and make the decision, do we raise these funds from taxes or do we bond them. Chair Egan asked Jessica that if she had the wand to take something out, what would she suggest for the first place to look in the Capital Budget. Jessica indicated that Grant Road has already been put off and she knows that it is the better road to keep in the program for this year. This is a difficult question to ask what can be put off this year. There are a lot of little things that have been building up. She noted she would have to do a little more digging.

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Councilor Tracy asked if the \$150,000 for bike/ped connection to South Freeport Road is deferrable. Mr. Joseph advised there is a soft commitment there and is what led to the design of the bike/ped path on the Cousins River Bridge. DOT had wanted to see commitment from both towns to build a connection on either side. He doesn't think it needs to be done this year but it should be done in the same timeframe. If the bridge is going to be constructed this year, the idea was to do it this year or start it in the next spring/summer construction season. Chair Egan asked Mr. Bliss if the \$60,000 in the Article IX for Quiet Zone measures and \$60,000 for Hunter Road Fields parking lot expansion for less than 5-10 events a year to happen with parking challenges could it be accomplished with a lot less than \$60,000? Mr. Bliss feels when we do it, we do it right and make sure it is funded appropriately. He recommended removing it from the proposed Capital Budget for FY2021. He could not change the Quiet Zone improvements because it is a mandate by the Federal Rail Authority. Referring back to Hunter Rod Fields, Chair Egan mentioned that the stones that prevent vehicle access from the drive on the far northern end onto the fields have been moved and there is substantial trail damage from someone who drove across those running and walking trails. Mr. Joseph offered to have Earl Gibson take a look at those. Chair Egan advised Jessica that it might be \$60,000 that we could look at to trade off for a year. If we have a DOT project going forward that we have been pitching at them for several years to make these improvements for bike/ped access and then go back and say, we are not going to have the money. It is not good form. Mr. Joseph mentioned that we have 50% funding for the connector from South Freeport Road to the bridge already contingent on us spending the 50%.

Chair Egan noted if we are trying to manage the proposed Capital Budget total and we just added \$140,000, he suggested taking \$60,000 from the Hunter Road Fields Parking Lot extension. Jessica noted that those 10 events are probably not going to happen this year and you won't need the expansion. Councilor Reighley noted he has no objection to Chair Egan's proposal.

Councilor Horne noted that this is the first time the Council has been moving Capital funds and asked if the Council can slide money from one reserve to another. Jessica explained that we typically do not do a lot of moving of reserve funds from one to another. This is a special circumstance given the elevated value of the Cable funds and the need to spend that down and re-evaluating what level was important to have in the Cable reserve and where it might be better suited where that reserve value is so high. In a regular year we would not be having a discussion on moving reserve dollars around. It would just be looking at what we have in the plan and whether or not it fits into what we have for reserve funding. Last year when they brought the Council the 2021 Plan, they only brought \$1.2M worth of articles they would be looking at. Since then we have increased it over \$1.3M and now we are adding another \$200,000 to it. Chair Egan is looking at the plan as a whole and evaluating if this is the right time to do some of these projects both from a perspective of what we monetary have in the reserves as well as the economic climate of what we can afford to do. In this case she would be looking at the total Capital Plan and what we are proposing for value in that and not on specific reserves at this point. Chair Egan mentioned that was where he was going to reduce the overall total dollar. Councilor Tracy noted she heard that Chair Egan is proposing to defer it and wonders why we are doing that. It is a paper move and we are just deferring it for one year and we do have the money to do it. If you take the view that this is the perfect time to do it because there is nobody there and it is not disruptive, there may be value in doing it now. Chair Egan it is not just the same as moving around since we have added to the Capital Budget and just heard Jessica say this came forward at \$2.4M and now it is at \$2.7M and he is trying to get it back down towards the \$2.4M. Mr. Bliss added that it does take time to permit and design these sites and it is most advantageous to bid the work out in the late winter before contractors' schedules fill up. Construction calendar isn't necessarily calendar year 20. It is likely calendar year 2021. We can still do the bidding, permitting and design over winter and get it in a contractor's schedule for next year. He is certain we can find overflow parking for two events this year.

Chair Egan feels the additional \$140,000 item is worth trying to find a way to fit in. That was the reason for the suggestion on the Hunter Road Fields Parking Lot expansion. Councilor Horne supports the notion

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of pushing out the parking lot expansion if it can be done in a reasonable way and it doesn't take it off the table. Councilor Tracy is comfortable with that.

Councilor Reighley asked about the Town Hall Site Beautification project for \$75,000 under Manager Proposed. Mr. Joseph explained what it covers. Mr. Bliss provided an update on the sign. Everything hinges on the granite posts and it looks to be in mid-May when they restart production at the quarry. The plan was for Memorial Day but he is thinking it will be a couple of weeks after Memorial Day. The sign is going to happen.

Chair Egan advised that we will have a public hearing on what hopefully will be the final Capital Budget at our next meeting where we could possibly take action or potentially push final approval to the May 19<sup>th</sup> meeting.

Councilor Piltch asked about the \$15,000 for FEDC and if it is in the budget. Mr. Joseph explained that the request came in after the proposed plan was distributed to the Council. There has not been a motion to do it. The standard amount is \$100,000 unless someone makes a motion to increase it. Keith McBride provided an explanation for the request. They have chosen to withdraw the \$60,000 project related stuff request for now. In looking at their budget they have seen increases year to year and are still looking for an increase from their operating allocation from \$100,000 to \$115,000. Mary Davis noted that Keith has not gotten a salary increase and was corrected. If they see things needed for Freeport economic development, they will come back to the Council to see how they can make things happen.

Councilor Tracy mentioned that the Council needs some due diligence to see exactly what is going on and Keith offered to provide some data. His salary has not changed and asked if it is appropriate to have that motion in place to be considered as part of going to public hearing next week. Mr. Joseph advised there is no procedural problem making the motion next week. Councilor Tracy appreciated his oral overview but the Council has not seen anything on paper and asked for a schedule showing their budget and what items have increased over the last three years. She suggested that he work with Jessica. It seems to ask for more detail. Keith explained that he would be happy to do it.

Councilor Piltch asked about the \$150,000 suggestion to create a COVID Fund is a Capital thing. Mr. Joseph explained that the proposal is to spend that out of the current year's budget. We have money on hand and we can afford to do it and this is an unforeseen circumstance that came up.

Councilor Horne asked if there is a stripped-down version of the \$75,000 Town Beautification Project. Is there something we can do that doesn't cost that much that will get us part way? Mr. Joseph understands that it is a look and feel project but is not an emergency. It is understandable that it might not be a priority this year. Mr. Bliss added that there is a little grant funding as it relates to proposed stormwater work on site but it is not a huge amount. We would lose it if we don't do it this year. It is probably about \$5,000 to \$10,000. Jessica reminded the Council that the funding for that is out of the Destination TIF which is different than our other reserves. Mr. Bliss advised that a few Freeport contractors have stepped forward and expressed interest in the hardscape and landscape associated with that project. Chair Egan mentioned that the fact that it is inside the TIF, it outweighs the potential damage that we have. Taking \$75,000 out of the TIF doesn't solve the problem of the overall Capital Budget. It is a different funding stream than the other articles.

Councilor Piltch asked about the \$15,000 Speed Control Signage in Article IX and if this is something we need to do. Mr. Tracy advised that the people in those areas love them. Mr. Bliss mentioned that this was a recommendation from Complete Streets and they are effective traffic measures. They can be deferred a year without issue. The intent is to put them at the north and south entrances to the village to get vehicles to slow down. Mr. Joseph mentioned they are semi-permanent mounted but can be moved around town but you wouldn't want to do it every week.

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Councilor Reighley advised that we are rambling right now and we have a meeting next week which will give us a week to work on coming up with suggestions on how to switch around and try to eliminate \$300,000 as presented to us tonight.

Councilor Tracy had a question on the one-time investment in a piece of property abutting the Town Hall. She wonders if there is a way for the Municipal Facilities Committee to do an option that is less costly. She is wondering about the timing and how it fits into this discussion. Mr. Joseph advised that he would not put anything forward that has a huge capital outlay right now. He doesn't think we are at the point where we want to add \$600,000 into the Capital Program for the purchase. If we are talking about an option or first refusal, or alternate deals, he doesn't think we would need to put anything in the Capital Program. We could do that in the Operating Budget short term. The Facilities Committee meeting is scheduled for next Wednesday to talk about this. Councilor Tracy agrees it is not an appropriate time to be considering an outlay of \$600,000 but it is an opportunity and is a long-term investment. This economic climate may present an even better opportunity to talk to the owner about that. She hopes it stays on the table and we think about creative ways to preserve that opportunity. She doesn't want the budget process to pass us by. We need some sort of bridge. Mr. Joseph does not have a proposal to put the entire amount in front of the Council right now. If something comes up in the middle of the year and we will talk about it. He will update the full Council after the Municipal Facilities Committee meeting.

Chair Egan recommended that if Councilors come up with specific suggestions, feed them to Jessica and Peter and copy Tawni and him so he will know what is coming on the agenda next week with the context of trying to pull the Capital Budget back to the \$2.4M we were moving forward with prior to these other adjustments. He feels it will be difficult to do this and will be a big challenge.

**MOVED AND SECONDED:** To adjourn at 10:20. (Reighley & Horne)  
**ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Respectfully submitted,

Sharon Coffin, Council Secretary