

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #17-21**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, JULY 20, 2021**  
**6:30 PM**

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

Chair Egan called the meeting to order at 6:32 p.m. and welcomed everyone. He took attendance and noted that Councilor Piltch is excused this evening but all other Councilors are here as well as the Town Manager.

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

Viewing the flag, everyone recited the Pledge of Allegiance.

Chair Egan mentioned that the agenda is pretty meaty tonight so he apologized in advance if it appears he is moving the conversation along briskly. He feels nothing elegant is done at 11:15 at night so the Council will try to move through its agenda appropriately.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #16-21 held on July 6, 2021 and to accept the minutes as printed.

Councilor Bradley referred to Page 2 under the Fourth Item of Business, seventh line down. Where it says it ~~stung~~ them, should have read *stunned*. Further down on the same page in the last paragraph, The Arts ~~stage~~ should have read the Art Gallery.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #16-21 held on July 6, 2021 and to accept the minutes as amended. (Reighley & Lawrence) **VOTE:**  
(6 Ayes) (1 Excused-Piltch) (0 Nays)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Egan announced:

- The Appointments Committee will be meeting soon to interview candidates for
  - The Newly Established **Police Advisory Committee**
  - A vacancy on the **Project Review Board**

Vacancies also exist on the **Appeals Board and Shellfish Conservation Commission.**

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Applications and more information on committees are available at the town office or on the town's website at [www.freeportmaine.com](http://www.freeportmaine.com). Please return completed applications as soon as possible to the town manager's office or email [jhanselman@freeportmaine.com](mailto:jhanselman@freeportmaine.com)

- **NOMINATION PAPERS FOR THE NOVEMBER 2021 MUNICIPAL ELECTION WILL BE AVAILABLE ON JULY 26<sup>th</sup>** for the following offices in the Town of Freeport:  
Town Council: At-Large and District 4 for 3-year terms  
Sewer District: 3 seats for 3-year terms  
Water District: 1 seat for 3-year term  
RSU: 2 seats for 3-year terms  
Papers are due back to the Town Clerk September 8<sup>th</sup>.
- **The Winslow Park Summer Concert Series is back!** This week's Concert, which take place on Thursday, July 15<sup>th</sup> at 6:30 p.m. will feature Rob and Maggie Coffin. Pack a picnic dinner, grab a blanket and enjoy a lovely evening at the Park with the whole family!

Chair Egan has been contacted a number of times about getting a plaque of Florida Lakes history from the mid-20<sup>th</sup> century. While he has not been able to do this, he plans to do it soon.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Daniele noted he saw in *The Forecaster* and on the Town's Facebook page that there is an on-line public meeting for Freeport regarding the replacement of the 125/136 Mallett Drive Bridge at Exit 22 and also the Desert Road Bridge. The information is on line.

Councilor Bradley explained that Public Works and Harold Arndt have worked diligently for the last few weeks on the property near the Island Rover to remove the "junk" from the right-of-way. He went down yesterday and found it to be a remarkable improvement and it was all they hoped for but there is more that can be done but a second phase can begin with the sale of anything of value which will take place over the summer. In the fall they will assess what is left believing it is excess and not valuable and whether they can develop a launch plan that meets all the needs and concerns of all the parties. It is a job well done to start the process and get it going. He noted that the residents in his District feel good about it and the parties feel good about it. It bodes positively for the possibility of a launch.

Councilor Bradley got a call from a constituent that has a concern about a possible setback problem they have with the sale of their house. They have a problem with financing and a short window to sell their house under a financing package. They are working on a number of different ways to resolve it but possibly they may be asking us to sign a Consent Order relating to a waiver of a minor setback problem. He is trying to work with them and would like to take out of order a request for a public hearing at our next meeting. He will call it off if it is not necessary. Chair Egan agreed that the Council could set a public hearing later in the agenda. Councilor Reighley asked if this has already gone before the Board of Appeals? It usually needs to go to the Board of Appeals and they will resolve it for them. Councilor Bradley noted he will not go that way unless someone tells him he has to. The bank has not raised it. Mr. Joseph mentioned that this is a self-report by the bank and not the Town saying they have done anything wrong. The Town is not making the accusation that they have done something wrong. It appears the bank is being cautious in saying there is an issue. There are 3 or 4 steps before we would get involved in that. If they have a violation and we are not convinced they do, we have not seen any monumented survey that shows they are in violation.

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The bank has done a mortgage survey that indicates there may be a violation which is not enforceable in the Town's perspective and we are not looking for it unless a neighbor comes and says there is an issue. Councilor Bradley admitted he did not know what the right thing is to do. He is doing what his constituent asked him to set up a public hearing. Mr. Joseph did not feel they were asking the Town to write a Notice of Violation. He believes they are asking us to determine that it is not a violation and we think it is not. Chair Egan mentioned a boundary survey appears to be what is next in line for the buyer. Mr. Joseph added that there are other avenues that they could take but we are not sure what they will take.

Councilor Reighley advised that the Complete Streets Committee met on the 13<sup>th</sup>. He was not present but has the Minutes in front of him and Doug Leland was present and will be talking about one of those items tonight. They worked with the Downtown Visioning Proposal and he understands that Greg Michaud is going to be involved with painting intersections at Holbrook Crossings and Kendal Lane. They discussed the bridge projects and they are working on more of the Connect Freeport Project updates. They are working on a Complete Streets Committee web page and voted unanimously to recommend to the Council acceptance of Doug Leland's proposal. Adam Bliss talked about the paving plan coming up.

Vice Chair Whitney reported that part of their vision plan has started to come to light and it came to light at night. It was dark here in Freeport and they had all kinds of people around. They hosted a balloon event that took place at the high school and they had over 150 people take flight that night to the sky including Chair Egan and Councilor Bradley. It was great and so beautiful. She thanked their sponsors, Casco Bay Ford, AARP and Brunswick Dental Health that greatly offset the cost of hosting the event so they were able to give Freeport Community Services \$500 of their proceeds.

Vice Chair Whitney advised that they just heard from our Town Attorney that our Town Manager cannot sign a contract above \$75,000 without a public hearing. Although they were hoping to have a presentation by the Principle Group tonight, they will not be able to do that tonight. It would have been redundant to ask them to come tonight and then again in two weeks. She and Mary Davis will give the Council a brief update on what they have been doing but she first wanted to thank a few people now that she is here in Council Chambers. So much work has been going into the first phase of the Downtown work. There have been great ideas that have come through and they are hoping to get some of them lifted off the ground so that the Council will see them in the next couple of weeks. They couldn't have done it without Caroline Pelletier who has been with them through the whole process. Peter Joseph, our Town Manager will answer the phone or text or attend any meeting he is asked to attend. Adam Bliss has recently put in a lot of work to get a parklet built on Main Street. Earl Gibson from Public Works has been great. He has done a lot of work for them to do some of the painting from crosswalks to murals, etc. He has had a lot of challenges even with something as simple as paint. He has had calls with surrounding towns and had quite a few conversations with DOT and today finally, was able to get approval. We now know just the kind of paint to buy at Sherwin Williams. He went back to the paint store and told them when they came in, these were the things they were allowed to get. It is really with that great effort with everybody lifting that this makes it much easier to get it off the ground. She advised that she has spent so much time with her partner, Mary Davis and that she enjoys every minute of it. She thanked Ms. Davis for everything she does for her and the Town.

Mary Davis, President of FEDC noted this is the first time she has stood in person to talk about this project. The last feedback to the Council was about the first phase of the project which included getting feedback from nearly 2,500 people which she feels was amazing. Now we have to trial some of the things the town is telling us what they want. There are a lot of volunteers working on this. We are so fortunate having so many people wanting to be involved. Principle said they would learn a lot from these initial projects and she has to say it was an understatement. She feels they can find ways to do some of the projects but we have to be tenacious and stick with it to make things happen. We have three Council

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members that were here from 6 to 6:30 to make sure they are prioritizing the projects and working with the community. The community has given them a vision of what they want and they are going to keep driving forward to get those things done. There are two parklets being planned. They have a mountain bike group coming in saying they saw all the cool work being done and offered to start to do work. Principle will give the Council an update on what Phase 2 and 3 will look like. They will work with us even though they don't have a contract signed. They believe in the continuity of this project. They will be back to the Council next time.

Councilor Bradley mentioned there is a separation between ideas and implementation which was described as needing tenacious attention. If we want to see things happen, we ought to have some sort of mechanism, whether it is a small amount of money or a pool of volunteers that you could call on if you found executing an idea you had needed some help. It is hard to go from idea to project without some support. He doesn't know if that is possible. Ms. Davis mentioned that they are asking for donations of money to help them. They love volunteers and love having them involved but want to make sure they are being pulled into the project. She noted that she and Vice Chair Whitney go begging. Ms. Davis asked if she could have some money for something like this? Chair Egan noted he is confident that the Town Manager has a small discretionary fund of money.

Councilor Reighley mentioned he stopped at the Farmers' Market at the Grange Hall on Saturday. They are doing it on their own so if there is anything we can do to help them. Maybe the electronic sign could advertise the Farmers' Market every Saturday afternoon. He feels we should recognize that the Grange is the oldest grange in the State of Maine. It would be good for us to recognize it. Crafters will be there once a month.

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

Mr. Joseph mentioned he had items that have already been brought up by attentive Councilors.

- There will be an on-line virtual informational meeting for the Exit 20 and 22 Bridges which is a recorded presentation with additional information by DOT and then there is a live interactive question portion where you can submit questions to DOT about the project and hopefully, get some information back. It will be on line at all times. Information is on the Town's website.
- We will be having an informational meeting on the Spar Cove Road reconstruction that will take place during the end of August and early September. The meeting will be on August 11 at 6 p.m. in Council Chambers. If anyone wants to talk to the Public Works group prior to the project this is the meeting they should plan to attend.
- He has a retirement and a promotion to announce next. Our Fire Chief Jordan who was a previously retired fire chief is leaving us the beginning of September. He met his 5-year commitment to us. He has been a good member of our community. In his short time here, he has gotten involved. He is extremely personable and has done a good job. We will miss him. We will be recruiting for a Fire Chief.
- David Osgood retired after serving at least 30 years in a Crew Leader's position in our Public Works Department. Bob Bradley from our own Public Works Department has been selected to serve as our new Crew Leader. He is a 9-year employee and we are excited that he will be taking over that position. He will start immediately.

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

There were no public comments provided. The Council moved on.

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

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ITEM # 125-21                      To consider action relative to adopting the July 20, 2021 Consent Agenda.

**BE IT ORDERED:** That the July 20, 2021 Consent Agenda be adopted. (Egan & Reighley)

Chair Egan reviewed the items on the Consent Agenda for members of the public. Mr. Joseph explained what the Sealer of Weights and Measures is required to do.

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

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ITEM # 126-21                      To consider action relative to Adoption of a Remote Participation Policy for the Town of Freeport. Public Hearing.

**MOVED AND SECONDED:** To open the public hearing (Lawrence & Reighley) **VOTE:** (6 Ayes) (1 Excused-Piltch) (0 Nays)

Joyce Veilleux of District 2 noted she is very much in favor of opening this up so that members of the public that can't make it here for one reason or another will be able to participate in the future via whatever medium it is like Zoom.

**MOVED AND SECONDED:** To close the public hearing. (Lawrence & Reighley) **VOTE:** (6 Ayes) (1 Excused-Piltch) (0 Nays)

Mr. Joseph explained what the Remote Participation Policy entails. This will allow zoom technology and we are in the middle of installing Zoom so that you will be able to see somebody up on the screen. We are hoping there won't be further complications such as further COVID development and things like that. Each body has to adopt this so if the Council adopts this, we will make the recommendation to all Boards and Committees that want to use this, they will have to hold a public hearing and adopt it themselves. This was MMA's policy and Staff didn't make any changes to it. If there is anything that shouldn't belong in here, we didn't make any judgment calls.

Councilor Daniele suggested passing it the way it is. He wants to make sure it happens tonight. Councilor Reighley noted that MMA drafted the language and as such it is common language for all the communities within the State of Maine. If we begin to change that language, we will become unique. Councilor Bradley noted he would like to provide an amendment and asked for a moment to draft the language.

**MOVED AND SECONDED:** To amend the first sentence in the fourth paragraph of the REMOTE PARTICIPATION POLICY that has been subjected

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to public hearing to now state: The public will be provided a meaningful opportunity to attend via remote methods unless technically not possible and whenever any member of the body participates via remote methods. (Bradley & Lawrence) **VOTE:** (5 Ayes) (1 Nay-Reighley) (1 Excused-Piltch)

**BE IT ORDERED:** That a Remote Participation Policy for the Town of Freeport be adopted as amended. (Lawrence & Bradley) **VOTE:** (6 Ayes) (1-Excused-Piltch) (0 Nays)

Chair Egan explained that coming up the Council has a series of Public Hearings to be set at our next meeting. We will have a presentation of a number of particular items but for the public's consumption tonight, we are not actually discussing these items. We are just setting them for public hearings. We can clarify a couple of questions about what we are doing but the action and the public participation will happen at our next meeting. It will be a long meeting.

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ITEM # 127-21

To consider action relative to setting a public hearing to discuss Redistricting of the Freeport Municipal Voting Districts.

**BE IT ORDERED:** That a public hearing be set for August 3, 2021 at the Town Council meeting that starts at 6:30 pm at Freeport Town Hall, 30 Main Street, Freeport to discuss Redistricting of Freeports Municipal Voting Districts.

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

Town Clerk, Christine Wolfe explained that our Town Charter states that at least once every five years the Town Council will review the boundaries of the existing voting districts and after a Public Hearing shall alter or change the boundaries if necessary so each District will have the same number of voters in it. She started redistricting in 2016 and realized that the number of changes they were getting in new registrations was so that she just couldn't do it until after the Presidential Election. It was finished in 2017. She displayed a chart and explained that the numbers are off very little and are very close. Her recommendation would be to come back to the public hearing and leave the current boundaries as they are right now. She will look at them again after the 2024 presidential election.

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

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ITEM # 128-21

To consider action relative to setting a public hearing to discuss an order authorizing the issuance of \$634,000 of bonds and notes (approved by the voters on March 9, 2021) to finance the local share of the construction of bicycle and pedestrian pathways at the Exit 20 & 22 overpasses; and to discuss entering into a local cost sharing agreement with MDOT to provide for the construction of the same.

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**BE IT ORDERED:** That a public hearing be set for August 3, 2021 at the Town Council meeting that starts at 6:30 pm at Freeport Town Hall, 30 Main Street, Freeport to discuss an order authorizing the issuance of \$634,000 of bonds and notes (approved by the voters on March 9, 2021) to finance the local share of the construction of bicycle and pedestrian pathways at the Exit 20 & 22 overpasses; And to discuss entering into a local cost sharing agreement with MDOT to provide for the construction of the same.

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

Mr. Joseph explained that as Councilor Whitney brought up, any contract over \$100,000, to be safe, our Town Attorney recommended that we hold a public hearing on the contract with DOT even if it is an extra step. While we are doing that, we will also discuss the actual bond order. We have authorization from the voters. The bond bank requires the Council to vote to endorse the application. This is important because the first payment will be due in November. DOT will award the contract this fall.

We have great support but this is a formality and we need to do these steps.

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

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ITEM # 129-21

To consider action relative to setting a public hearing to discuss proposed amendments to Section 32-601 (K) of the Shellfish Conservation Ordinance.

**BE IT ORDERED:** That a public hearing be set for August 3, 2021 at the Town Council meeting that starts at 6:30 pm at Freeport Town Hall, 30 Main Street, Freeport to discuss proposed amendments to Section 32-601 (K) of the Shellfish Conservation Ordinance.

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

Chair Egan noted the Council would be following up a recommendation from the Shellfish Commission. One of the things will be an item of residency for permit holders and he has had some dialogue on that from some permit holders. The action will be on August 3<sup>rd</sup>.

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

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ITEM # 130-21

To consider action relative to setting a public hearing to discuss proposed amendments to Chapter 2 Administrative Code, Section 509. Inspections Division of the Freeport Town Ordinances.

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**BE IT ORDERED:** That a public hearing be set for August 3, 2021 at the Town Council meeting that starts at 6:30 pm at Freeport Town Hall, 30 Main Street, Freeport to discuss proposed amendments to Chapter 2, Section 509. Inspections Division of the Town of Freeport Ordinances.

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

Mr. Joseph explained that the next three items are all different but have the same premise. Our Codes Officer is here if the Council has questions for him. All of them have updated standards that are adopted by the State effective by a certain date and we really have no choice but to enforce them. Mr. Adams has to enforce them by law. The International Energy Code will be a significant update to contractors that will be a challenge for people to meet. Mr. Adams advised that it will probably raise the price on a normal house by \$8,000-\$10,000. This is a State-wide standard.

Councilor Bradley noted that at first look, it is administrative and small potatoes but as described, it is pretty comprehensive and when you get these regulations, there is always a lot of room for interpretation. If we are going to be interpreting these in a certain way, having some sort of summary on how Mr. Adams sees them being applied would be helpful to the community. He wanted Mr. Adams to give people advance notice on how he would be interpreting so they will know what to expect.

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

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ITEM # 131-21      To consider action relative to setting a public hearing to discuss proposed amendments to Chapter 13, Fire Prevention Code of the Freeport Town Ordinances.

**BE IT ORDERED:** That a public hearing be set for August 3, 2021 at the Town Council meeting that starts at 6:30 pm at Freeport Town Hall, 30 Main Street, Freeport to discuss proposed amendments to Chapter 13, Fire Prevention Code.

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

Chair Egan noted this is very similar to the last item where the Council is setting a public hearing to discuss changes to Chapter 13.

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

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ITEM # 132-21      To consider action relative to setting a public hearing to discuss proposed amendments to Chapter 17, Electrical Code Ordinance of the Freeport Town Ordinances.

**BE IT ORDERED:** That a public hearing be set for August 3, 2021 at the Town Council meeting that starts at 6:30 pm at Freeport Town Hall, 30 Main Street,



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Freeport to discuss proposed amendments to Chapter 17, Electrical Code Ordinance.

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

Chair Egan noted the Council is setting a public hearing to discuss changes to Chapter 17, our Electrical Code Ordinance.

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

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ITEM # 133-21            To consider action relative to A Resolution regarding the Maine Department of Transportation's unused freight easement on the St. Lawrence and Atlantic (SLA) Rail Corridor as written in the packet.

**WHEREAS,** the Casco Bay Trail network envisions an off-road bicycle and pedestrian trail network connecting Portland, Lewiston-Auburn, and Brunswick, Maine; and

**WHEREAS,** the Casco Bay Trail Alliance vision is consistent with and complimentary to Freeport's "Connect Freeport" vision; and

**WHEREAS,** the Connect Freeport vision and activities are consistent with and complimentary to Freeport's Complete Street Committee Ordinance and Complete Street Policy; and

**WHEREAS,** the Casco Bay Trail network includes in its vision a 26-mile, disused rail corridor (hereinafter "Casco Bay and Royal River SLA Corridor") from Portland to Falmouth, Cumberland, Yarmouth, North Yarmouth, Pownal, New Gloucester, and Auburn, currently known as the St Lawrence and Atlantic rail corridor, that was acquired by the State of Maine in 2007 and 2010; and

**WHEREAS,** the Casco Bay and Royal River SLA Corridor is integral to the Connect Freeport vision to establish an off-road trail the connects Freeport to Portland; and

**WHEREAS,** an off-road connection between Freeport and Portland will impact Freeport's economic development through bicycle tourism, regional recreational use, and commuting; and

**WHEREAS,** the Casco Bay Trail Alliance, formed in 2019, created a vision, and is leading the effort, to convert the Casco Bay and Royal River SLA Corridor to a multi-purpose "trail-until-rail" to be included in an off-road multi-use trail network connecting Portland, Lewiston-Auburn, and Brunswick, Maine; and

**WHEREAS,** the Casco Bay Trail network is part of a broader Maine Trail Plan issued by the Maine Trails Coalition in 2020, which calls for the construction of multiple specific rail-trail projects over the next decade, each of which would connect with existing multi-use trail infrastructure; and

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- WHEREAS,** long-distance multi-use trails are a key recommendation of a 2010 report “Improving Maine’s Quality of Place Through Integrated Bicycle and Pedestrian Connections” by the Maine Dept. of Transportation, State Planning Office, Dept. of Conservation, and Center for Disease Control and Prevention; and
- WHEREAS,** a freight operator, Genesee and Wyoming, holds an operator easement, but is not currently operating freight service on the rail line; and
- WHEREAS,** the contract between MaineDOT and the Genesee and Wyoming freight company allows for the abandonment of the freight easement by November 2021; and
- WHEREAS,** abandonment of the freight easement will enable a decision-making process to be led by MaineDOT about the future best use of the Casco Bay and Royal River SLA Corridor; and
- WHEREAS,** it is recognized that some part of the rail corridor is potentially also suitable for future passenger rail service, but that a 2019 study commissioned by the Maine Department of Transportation (“Lewiston Auburn Passenger Rail Service Plan”) recommended that any future passenger rail between Portland and Lewiston-Auburn should avoid the Casco Bay and Royal River SLA corridor south of Yarmouth; and
- WHEREAS,** there is an alternative corridor that could also be used to extend passenger train service between Portland and Lewiston-Auburn that is still actively used by trains, including Amtrak, thereby allowing both public purposes, trains and trails; and
- WHEREAS,** it may be worthwhile for the Town of Freeport to express its interest in the Casco Bay and Royal River SLA Corridor to MaineDOT

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FREEPORT ASSEMBLED THIS 20<sup>th</sup> DAY OF July, 2021, THAT:**

The Freeport Town Council hereby petitions the Department of Transportation to

1. accept the abandonment of the above-referenced freight easement,
2. to the extent the Department is considering any extension or amendment to the above-referenced freight easement, provide a notice-and-comment procedure to ensure that all voices are considered before granting a benefit at no cost to a single company, and
3. create a Rail Corridor Use Advisory Committee to consider future use of the Casco Bay and Royal River SLA Corridor as a multi-use “trail-until-rail.” (Daniele & Reighley)

Chair Egan explained that Doug Leland, a long-standing member of our Complete Streets Committee and a big champion of this project, would be standing in for our Engineer.

Mr. Leland explained that he is here as a member of the Complete Streets Committee and also as a member of the Board of the Casco Bay Trail Alliance. He noted that in the Council’s packet there is information that basically shows what the vision is of the Casco Bay Trail Alliance which is an off-road multi-purpose trail that would connect Portland to Lewiston/Auburn, Brunswick and back to Portland. Depending on

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where you start and finish on that path, it is somewhere between 50 to 80 miles that would be off-road. One of the key pieces of this is a 26-mile section of abandoned rail line owned by the State and leased at no cost to a rail carrier that runs from Portland (by the B&M Baked Bean factory) to Auburn. That line has been abandoned for several years and leased to the Genesee and Wyoming Rail Carrier at no cost in 3-year increments. That 3-year period is ending on the last day of October this year. It is of interest to the Casco Bay Trail Alliance and consistent with recently passed State legislation that this rail line which is owned by the State of Maine be evaluated to see what is the best public use for that rail line that has been abandoned and there has not been any maintenance done on it over the last several years. The resolution before the Council is asking that first ideally, the State would accept the abandonment of that line and take it back so it is no longer leased. Second, begin to evaluate the use of that rail line in terms of its best public use. The legislation in Maine right now calls for the MDOT to establish a railway advisory council to evaluate lines like this which they are currently doing for a rail line between Portland and Fryeburg and they are currently doing for a trail from Brunswick up to Augusta. There is some potentially time sensitivity to this issue although they know the lease ends at the end of October. There have been some requests of the Department of Transportation as to what their intentions are and what their timing is. There has been no response so in theory MDOT could take action on this tomorrow or they could wait until the end of October. What this resolution is doing is saying that we, as a town, have an interest in this rail even though we are not actually on the line. Yarmouth passed a resolution similar to this last week and North Yarmouth is in a Council meeting right now doing the same. Portland, Falmouth and Brunswick are also in the middle of this process. All they are trying to do is get the message to the Maine Department of Transportation that we would like this returned to the public and evaluated before they consider future use.

Chair Egan mentioned that having six or seven of our neighboring towns saying the same thing, MDOT may pay close attention to our petition. Mr. Leland explained that one of the criteria they use to determine when to assign a Rail Advisory Committee is how much interest there is in the towns affected by that rail line. Even though we are not on that trail, we will have the Beth Condon Trail coming through the Cousins River Bridge. That puts off-road biking between Freeport and the New Hampshire border 3 1/2 miles away from the Cousins River Bridge and the center of town. He would say that this trail would be to the State of Maine as the Back Cove Trail is to the City of Portland, It will be that popular for everybody and economically to Freeport so we do have an interest even though we are not on the line. Mr. Leland answered questions for Councilors. Councilor Bradley noted he knows there is a big vision out there and he knows it is in everybody's mind. At some point he would like somebody to come in and explain to the people that are nodding as the Council talks. He doesn't see anything wrong with it and is not opposed to it at all but he would like to know what it is. It makes him uneasy. Chair Egan mentioned Complete Streets has a handle on the bigger vision and a piece of it was highlighted on the Connect Freeport website. He is confident they could reinvigorate that effort. Councilor Reighley invited Councilor Bradley to come to the Complete Streets meetings on the first Tuesday of each month at 7:30 a.m. Mr. Leland noted that the Complete Street Committee would be very open to a broader audience.

Vice Chair Whitney pointed out that this works very well with the Vision plans for downtown. It ties in with Connect Freeport very well.

Bob Stevens of 50 Moose Crossing speaking as a Freeporter who used to bike more than he does now, was on the Council when Freeport got interested in a green pathway and also as a father and father-in-law of two Freeport residents who love to bike with their children as well, he thinks Freeporters have an interest in this.

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

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ITEM # 134-21

To consider action relative to approving a contract agreement between the Town of Freeport and the Freeport Police Benevolent Association.

**BE IT ORDERED:** That the proposed contract agreement between the Town of Freeport and the Freeport Police Benevolent Association for the period of July 1, 2021 –June 30, 2024 be approved. (Whitney & Reighley)

Mr. Joseph explained that red lined draft attached to this is not what the Council will sign. The Council will sign the clean copy. The red lined draft outlines all the changes from the current 2018-2021 contract and red line changes are the proposed 2021-2024 agreement between the Town and FPBA. The FPBA represents our rank-and-file Police Officers so that is patrolmen, school resource officer and detective grade employees. It does not include any of the administrative employees, chief, lieutenant, sergeants, Marine Resource or Harbor Master at the Police Department. It is our only active union of Town employees. The Management Team initially consulted in February and in a few small points consulted with Council Leadership and came back and talked with the full Council at the last meeting to go over what the tentative agreement points were. The Union does the same thing. They negotiate with us and go back to their membership and say, yes, we accept those terms. What the Council has in front of you is a draft agreement that needs to be ratified by both parties. The Council is the ultimate ratifying approving authority for the Town and the membership of the FPBA will vote and accept the contract when the Town does. He explained the significant cost items in the contract. He feels the contract is fair overall.

Councilor Reighley thanked our Police Force for the great job that they do in community policing. The contract represents their interest in the community more so than just a pay check. Others agreed. Mr. Joseph agrees they are a real good group. Chair Egan agreed. Mr. Joseph asked the Council to endorse the contract and mentioned that a separate vote will be needed in ITEM #137-21 a bit later.

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

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ITEM # 135-21

To consider action relative to contracting with Freeport Community Services, Inc. for the provision of the Town of Freeport's General Assistance Program.

**BE IT ORDERED:** That the proposed agreement between the Town of Freeport and Freeport Community Services, Inc. be approved. (Bradley & Reighley)

Mr. Joseph asked our outgoing General Assistance Director, Johanna Hanselman to explain what this action is. He mentioned that she has a well-earned retirement coming up in less than two months but he doesn't want to think about it! She is also moving away. He added that we had been contracting for the Town of Yarmouth to provide General Assistance. When Ms. Hanselman knew she was planning to leave, she notified Yarmouth and they took their General Assistance back. We have a Human Service Agency in Freeport dedicated to Freeport and Pownal. FCS does a lot of other things for Freeport.

Ms. Hanselman explained that she has been working for the Town of Freeport for 26 years and really saw her retirement as an opportunity to re-evaluate how things are done at the Town Office. One of the ways they saw they could make this happen was to contract out services for General Assistance and really free up a lot of opportunities to do things differently in the Town Office. We go back a long way with FCS in trying to assist the really needy people in town. She introduced Sarah Lundin who started at Freeport

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Community Services a number of years ago and has been made Executive Director. She was also Director of General Assistance in the City of Westbrook and Ms. Hanselman knows firsthand that she was well respected in the General Assistance world. She feels the townspeople will be very well served in an easy way. She is asking the Council to approve the contract being proposed. Ms. Lundin noted she is super excited to bring this program in-house. They have worked hard to create FCS as a one-stop shop for a lot of community members. It is wonderful to bring it into an agency where we are able to say yes, we can meet the needs of the community. More discussion followed.

Councilor Bradley noted that Johanna Hanselman's service to this town has been outstanding and she elevated our reputation as a caring place and he will miss her terribly. He thanked her. Ms. Hanselman explained how generous this town is to each other and she feels it has been her privilege to be here. Councilor Reighley wants to make sure the Council has Johanna before us before she leaves. Chair Egan noted the Council would have a small reception.

Chair Egan pointed out that the contract takes effect September 1, 2021.

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

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ITEM # 136-21      To consider action relative to the waiving of interest of \$15.49 on the delinquent tax payment for 20 Lookout Dr.

**BE IT ORDERED:** That the waiving of interest of \$15.49 on the delinquent tax payment for 20 Lookout Dr. (Daniele & Reighley)

Chair Egan mentioned that the Council has a memo from our Finance Director on this item. Mr. Joseph advised that Staff does not have the authority to waive taxation fees, fines, etc. on things that have been set. The Council sets the interest rates on tax payments each year. This request is from a property owner who is requesting that a \$125.49 be waived as outlined in their e-mail listing the things that went wrong and they don't feel they should be assessed that amount. From a Staff perspective, we would turn this down unless there is some circumstance that the Town did something incorrect. We cannot control the mail once it leaves our facility. Councilor Daniele fears this would set a precedent and would be hard to turn away anybody else. Councilor Bradley asked if anybody else asked for a waiver this year? Mr. Joseph advised that no one asked the Council for a waiver but he does not know if anyone contacted other Staff. More discussion followed.

**VOTE:** (2 Ayes-Bradley & Lawrence) (4 Nays-Daniele, Whitney, Reighley & Egan). The motion failed.

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ITEM # 137-21      To consider action relative to participation in MPERS Special Plan 3C for certain Police employees.

**BE IT ORDERED:** That the Town of Freeport participate in MPERS Special Plan 3C for certain Police employees.

**BE IT FURTHER ORDERED:** That the Town Council agrees to:

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- a) Provide Special Plan 3C to its permanent, full-time police officers who work 20 or more hours per week, 52 weeks per year for service rendered after July 31, 2021. Service for police officers rendered before August 1, 2021 remains under Special Plan 2C.
- b) Continue to provide Special Plan 2C to all other permanent, full-time employees who work 20 or more hours per week, 52 weeks per year.
- c) Continue to exclude all other employees who are not permanent and full-time (i.e., who work less than 20 hours per week and/or less than 52 weeks per year) and its elected officials from participating in the plan.
- d) To authorize Peter Joseph, Town Manager to sign the Amended Agreement between the Town and the Maine Public Employees Retirement System. (Lawrence & Reighley)

Chair Egan noted the Council has already discussed this. Mr. Joseph added that it is a higher contribution rate so it is a larger retirement benefit when someone retires.

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

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ITEM # 138-21                      To consider action relative to Town of Freeport endorsement of the Energy Innovation and Carbon Dividend Act of 2021 (EICDA).

**BE IT ORDERED:** That the Town of Freeport endorse the Energy Innovation and Carbon Dividend Act of 2021 (EICDA). (Whitney & Reighley)

Chair Egan mentioned that he asked for this to be on the agenda this evening because we actually heard a presentation from our Sustainability Committee several months ago about this item. Councilor Piltch and others reminded him that lost track of it and the request from the Sustainability Committee is actually an endorsement for the Town signing on to letters of support and encourage our elected officials to move forward and press forward on this legislation which at this point has not been passed yet but is an endorsement of a municipality supporting it. It is an extensive piece of legislation that is addressing climate change and how to deal with carbon in our atmosphere and how to have our overall economy convert to less carbon and more renewable resources across all segments of our economy. The urgency from our Sustainability Committee was for our town to join with other towns locally in endorsing this and using it as momentum to encourage our national legislative delegates to address the issue. We are not committing any dollars or committing any efforts or any steps here. We are endorsing the legislation that is circulating right now and it was a strong recommendation from our Sustainability Committee.

Councilor Reighley appreciated all the work Susana Hancock from the Sustainability Committee did in preparing the document for the Council to read. It was very detailed and straight forward. He has had some constituency responses encouraging him to vote in favor of this. Chair Egan noted he has received similar comments.

Bob Stevens feels that locally we have done a lot with the Sustainability Advisory Committee working with the RSU5. Everybody is trying to do their part but it is something that has to be done nationally and internationally. This is something that takes the opportunity to support a bill that is there that hopefully can get us down to the level of carbon production that is needed to keep our temperature from going up 1.5 degrees. We have all seen what is happening around the world because of it. This is a good market approach that will help our own companies compete in Europe and not be at a disadvantage. He urged Freeport to endorse this.

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

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**OTHER BUSINESS:**

1. Continued discussion regarding request to waive civil penalty with Consent Agreement at 250 Wolfes Neck Road

Mr. Joseph advised that our Codes Enforcement Officer is here tonight to answer questions. He mentioned there was a lot of discussion at the last meeting focusing on whether the violations in question were knowing violations or unknowing violations. The Staff proposal that came forward that made the landowner make the request to the Council was because of the scope. There were several different violations.

It is fair to say that the State would not object to a single Consent Agreement for example, if this Consent Agreement didn't have a civil penalty in it. However, the feedback we have gotten is that they may become involved but would definitely be concerned if there was a pattern of cutting after the fact forgiveness on a regular basis given by the Town Council. If they saw that pattern developing, they would be concerned and there may be action by the State. He has not gotten any indication that that is going on yet and he is not trying to scare anybody. We have had four minor cutting events which have not come before the Council because they corrected the issue. Two of them are major ones. This one, and one other similar in scope within the past 12 months. He would not classify this as an epidemic and is not trying to scare the Council. It is something that we are seeing frequently and is being watched. The State is starting to say to Towns that they need to do something about this.

Attorney Gordon Smith advised that he is representing Jeff Davis. He wanted to address Councilor Bradley's request when he called him today to come down and look at the property but advised that Mr. Davis is renting it out right now. He wanted to get back to Councilor Bradley on that. He did not want to take the Council's time since there was a lengthy discussion at the last meeting. Chair Egan noted he was not present and invited Attorney Smith to provide a brief summary on the \$7,500 portion of the penalty that is a challenge for him. Attorney Smith advised that the violation occurred when his client was not aware of the Ordinance and became aware when the Codes Enforcement Officer and DEP informed him of the violation. Mr. Davis has been working the past year on the replanting plan to correct the violation. During that time there was no discussion of a civil penalty. They do understand that the Town has incurred legal expenses and is prepared to pay the \$2,500. Beyond that amount they believe it is a punitive fine. It is not a restitution fine. Restitution is in the cost of replanting. The question is: is a punitive fine appropriate in this situation?

Chair Egan asked about the dock application that was made to the Coastal Waters Commission and if it was made prior to the violation? Attorney Smith advised that the application was made several years ago and was denied by the Coastal Waters Commission. Mr. Davis put milk crates together with a wooden top to get his kayak out and not walk over the grass. That was considered a structure and was in violation so Mr. Davis removed it.

Chair Egan asked if the tree cutting within the Shoreland Zone was done without prior knowledge of it being a Shoreland Zone? Attorney Smith did not know the concept of the Shoreland Zone and the distances involved. Mr. Davis went down and clear cut up some storm damaged trees on his property. They were not all blow downs but they were storm damaged trees so he was just trying to clear them up. He still needed a permit to do that under the Ordinance but it was not a situation that he was trying to create a clear cut or create a better view or something like that.

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Councilor Daniele asked how many trees were taken out? Attorney Smith advised that there were 250 trees of various sizes. A number were less than 2 inches in diameter. Chair Egan is struck by one thing which he can't correlate which is that is protecting the trees inside a buffer zone on a salt water shore is a highly regulated issue and if there is a sense that it is a replanting process which may be a whole lot more effective than having to go through a long permitting process and being denied, we could see a considerable amount of the shoreline be deforested. He understands the plight of Mr. Davis but the Statute is pretty clear on what you can and can't do in that zone. He understands there may be some dispute as to whether Mr. Davis was aware of what was happening there and the gray area of clearing out storm damaged trees. He still can't reconcile.

Councilor Daniele mentioned he is worried about the precedent being set and equated it to someone speeding going 35 mph in a 25-mph zone and hits a mailbox. Whoops the police officer finds out and not only are you going to have to put a mailbox back but you are going to get a ticket for speeding. Whether you knew or not, if everyone who gets caught for speeding says I didn't know, everyone is going to speed. He is wrestling with the same thing here.

Councilor Lawrence mentioned that \$15,000 will be held to make sure the plantings are installed. If that doesn't happen, it becomes punitive so there is a potential punitive here if the re-plantings don't survive and are not taken care of, it will be a payment Mr. Davis has to pay. He is not for adding an additional \$7,500 since he is complying. We want people to comply with the laws. He is for dropping the \$7,500.

Councilor Bradley added he thinks at the end of the last meeting, he would have voted to waive the \$7,500. The way he looks at it now is that there is a punitive nature to this already. There is roughly \$12,000-\$15,000 worth of plantings and \$2,500 of legal fees so it is real money. The question of the \$7,500 is punitive and his understanding now is that this is a collection of offenses. This isn't simply about the issue of cutting the land from the Staff's point of view. There were a number of circumstances involved in this whole issue where Mr. Davis for one reason or another went out and did something that he knew he shouldn't have done. He knew he couldn't get a permit for a dock so he went down and put something down that served the same purpose. That is affecting him now.

He asked Mr. Davis to clarify if prior to the cutting, did he ask anyone else to do the cutting or if he asked a contractor to clear it for him? Mr. Davis replied that he did not. He felt he had the time so he proceeded to do the clearing up himself. He brought someone in to chip. Councilor Bradley referred to Attorney Smith's letter and asked what *the proposed fine be stayed means*? Attorney Smith provided his explanation for the terminology. Mr. Davis explained how he came up with the milk crate idea to use for a path to the water.

Councilor Reighley added that there are some nice photos but unfortunately, they are all after the fact. He asked if there are any pictures of the damaged trees to show what the blowdowns looked like? Councilor Reighley noted it would be lovely to see those and then be able to compare and see why he had to do what he did. Attorney Smith noted Mr. Davis does have some of those photos but he did not recall pictures were requested at the last meeting. He did not have any photos to share this evening of what it looked like before it was cleared up. Attorney Smith noted that they would be happy to provide those photos but at the last meeting the Council did not request pictures. Mr. Davis is planning to start the replanting in the fall. Councilor Reighley suggested collecting the \$10,000 and we then allow it to be applied to the replanting of the property. The money will be guaranteed to be used in the replanting.

Chair Egan clarified that the \$15,000 portion of the \$25,000 fine is held as unapplied but potential if Mr. Davis does not comply with the replanting, then that fine can be applied.



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Councilor Reighley mentioned that if the Council could actually see pictures of the property and could see the condition of the trees.

Attorney Smith advised that they are falling on the mercy of the Council and if pictures are required, they would be happy to provide them. He explained that the Town's Zoning Ordinance contains an enforcement provision that talks about fines.

Councilor Daniele stated that the most recent was a \$25,000 fine that was established by this body through the Town Manager. Attorney Smith mentioned that that fine was due to cutting after the fact of being warned and this one is different. Councilor Daniele asked Mr. Davis if when he bought the property, was it disclosed to him that it was in the Shoreland Zone? He asked how close to the shore did he build his house? Mr. Davis knew he couldn't build his house in the Shoreland Zone.

Chair Egan clarified that a Consent Agreement between Mr. Davis and the Town has had a fair amount of process already in place and the request we have is that a portion of the fines in the Agreement are being petitioned by Mr. Davis as being excessive. That is the point we are trying to get to this evening. He would also be interested to hear from Mr. Adams.

Mr. Joseph added that his understanding is that the Shoreland Zone has to be disclosed by law at the sale of property and also the Shoreland Zone was shown on the Mann and Associates survey commissioned by Mr. Davis.

Nick Adams, Codes Officer explained that this came to his attention last year. The Harbor Master mentioned that a dock was put in after it was denied by the Town. He was working across the harbor and saw it and the cutting and contacted Mr. Davis. Mr. Davis has been willing to work with him. In his 15 years this is the most egregious Shoreland violations he has seen. He has asked for photos to prove that the trees were storm damaged and hazardous. The Town and State took the position that they were not and they were cut. They have an appeal before the Appeals Board right now and could argue the point that there is no violation. Tonight, they don't agree with the \$7,500 civil penalty which is similar to another one in the same area where a homeowner and contractor cut not as many trees or put in a dock after they were denied but he settled on keeping it at \$10,000 with the \$2,500 the Town has incurred after discussion with DEP and the Town Attorney. They have allowed a lot of the saplings and seedlings to be planted. In the other application, they spent \$40,000 and planted more trees. This one they are saying \$15,000. He explained how many grids were violated as well as the other violations that were incurred. He encouraged the Town to consider what is being brought forward here by Staff. They thought this was fair. If the Town allows people to continue to cut down the buffer and not have any punitive damage, they are just going to continue to do it and replant and have an economic gain, it will be hard on the resource and they will have a view that nobody else can have because other people go by the rules.

Councilor Reighley asked if a structure was built within the setback? Mr. Adams advised that a patio, a walkway and two large decks were built right on the shore as well as the wharf itself that was connected to the decks which were built without a permit. The house is the only building built with a building permit.

Ken Mann of Mann Road read from an opinion by Mr. Davis's forester that planting large trees would cause erosion. There are also many seedlings in the cut area that are regenerating. Mr. Davis's motive was to deal with the dead and dying trees. Mr. Mann feels that the \$7,500 fine being proposed tonight is a very punitive condition being put on Mr. Davis and is not necessary and ridiculous. He feels the cure is worse than the disease.

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Councilor Bradley noted that we are talking about \$7,500. Will the Council agree to \$4,500 and \$7,500 is too high? He proposes \$4,500 as a way to recognize the financial distress and confusion and respect Mr. Davis and the Staff that is looking at these things to make sure they don't happen again in the future. Councilor Lawrence noted that it scared him that we are going to have Mr. Davis replant with trees and cause more harm than what has been done. Mr. Adams advised that where there are steep slopes that will be replanted with smaller trees and seedlings. The Town and State took that into consideration. The forester does not agree with the law and he is not an expert in Shoreland Zoning. Councilor Lawrence feels that trees are already starting to grow back. Mr. Adams noted that the forester's comments were written on the original plan. He is thinking of it as a forest and Shoreland Zoning completely doesn't go that way.

Attorney Smith noted he is not aware that the Town and the State have asked for photos. Mr. Davis noted he has photos and can bring them in. Councilor Reighley advised he would not vote for this without seeing the photos.

Councilor Daniele suggested giving Mr. Davis a time table to pay back the \$7,500 over 4 or 5 years and the precedent would still be there. Councilor Lawrence feels it should be nothing but he would be okay with \$3,500. Chair Egan mentioned there is a request from a counter party to reduce the punitive fee from \$7,500 to \$4,500. Five Councilors indicated they were ready to vote.

**MOVED AND SECONDED:** To modify the current Consent Agreement and remove the \$7,500 punitive portion of the fine altogether. (Reighley & Lawrence) **VOTE:** (2 Ayes-Reighley & Lawrence) (1 Excused-Piltch) (1 Abstention-Bradley) (3 Nays)

**MOVED AND SECONDED:** To modify the current Consent Agreement to edit the \$7,500 fine to a \$1,000 fine. (Lawrence & Reighley) **VOTE:** (2 Ayes-Reighley & Lawrence) (1 Excused-Piltch) (4 Nays)

**MOVED AND SECONDED:** To modify the current Consent Agreement to edit the \$7,500 fine to a \$3,500 fine with 5 years to pay. **VOTE:** (Bradley & Reighley) (5 Ayes) (1 Excused-Piltch) (1 Nay-Egan)

Mr. Joseph will speak to Mr. Davis tomorrow to see if he agrees with this and Mr. Adams will also work with the parties to see if they will sign.

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### 2. Discussion regarding FEMA Flood Map appeals

Chair Egan noted that this is a discussion to decide if we are going to do, if anything, to agree or rebut the re-designation of the flood zone. Mr. Joseph provided a brief sordid history of flood maps that FEMA has been working on for quite some time. He explained the maps. Five years ago, the Town Planner reached out to properties in South Freeport but there was no interest to contest the red zone. It won't affect a bunch of waterfront properties. The biggest loser is Winslow Park and we have no intention to put structures there in perpetuity but there are four lots with five homes on them. More discussion followed.

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Mr. Joseph advised that there is an October deadline for information and we got slim to no interest to contest the red zone. Councilor Bradley suggested contacting John Brewer and Mr. Joseph agreed to contact him and some of the other major property owners involved.

There is a good chance that the appeal will not be successful. FEMA provided the maps and advised that they could be challenged.

We put in the appeal for a map amendment because we had already done the work and it was little or no cost to us. The 10-year-old data was updated three years ago. Do we want to continue to appeal this and spend money for such a tiny amount of designation of properties? Councilor Reighley feels we are spinning our wheels on this but we should be considering global warming and we need to move forward regarding global warming.

We will have to spend money if we decide to appeal for such a tiny amount of designation.

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### 3. Discussion of next steps for Town consideration of Cannabis Cultivation

Councilor Egan advised that the Ordinance Committee took up this issue and voted to move this particular item for discussion at the Council. The Ordinance Committee got an outline of exactly what the steps were for an opt in. At this point we have to decide if we opt in or opt out. In order for us to consider any action regulating a cannabis-based business, we would have to take a step forward to opt in. The Ordinance Committee considered that it would be a lengthy process with lots of public hearings but we should at least recommend moving forward.

The discussion this evening is whether or not this group is willing to take a formal vote at our next meeting to make an official recommendation to the Planning Board. We have two businesses in Freeport that employ 30 people which are in cultivation and are facing market extinction because the designation of their current use is as medical growers. If we did decide to opt out, those businesses would have to move with their 30 employees.

Mr. Joseph explained that we are currently opted out. Our next vote would be to opt in and elect the specific elements of the cannabis industry that we would like to opt in with. The recommendation from Ordinance is cultivation and manufacture only and formally recommend those two uses to our Planning Board to develop language. There will be numerous opportunities for the public to weigh in. Chair Egan explained why he was bringing this forward. More discussion followed.

Joyce Veilleux asked if it is for adult growing or manufacture? Chair Egan noted it has not yet been decided. Andy Arsenault pointed out that this is a federally prohibited substance. He feels Freeport should not go down this path. If medical marijuana goes away, those two companies can move away. He has no issue with the medical marijuana.

Hillary Lister representing the two businesses in Freeport advised that manufacturing would be making edibles and processing it into a tincture or salve. The federal government has taken a hands-off approach to states that regulate this and make sure that access is not available to minors. The businesses would only be able to sell to licensed retail stores. She also explained how taxes are tracked.

Chair Egan asked if the Council wants to spend time on this issue on August 3<sup>rd</sup> as an agenda item?

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Councilor Bradley explained that he would be willing to hear it.

Councilor Daniele feels there could be a dance studio in one of the buildings. We are in a good economic situation and we would not allow them to expand here.

Councilor Lawrence does not want to force two more businesses out of town.

Councilor Reighley advised that cannabis has been around for thousands of years and explained that because of strong drug lobbies it was pushed forward. It is not going away. He feels it is important for us to go forward.

Vice Chair Whitney pointed out that when she thinks about downtown, they created a value chart and she disagrees with this at every level. It is not a direction for Freeport to go in at such a pivotal time.

Chair Egan is in favor of supporting the two businesses we have and defining it as such to protect those two and he will check with Councilor Piltch.

Bradley – No

Daniele – No

Lawrence – Yes

Reighley -Yes

Whitney -No

Egan -Yes

Councilor Reighley suggested putting this on the ballot and let people in town to vote to opt in or opt out. He believes seven of us are elected but we are not hearing the voice of people in town. Councilor Bradley advised that he has heard from his constituents.

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Councilor Bradley brought up an item that he wanted to get on the next agenda. More discussion followed.

**MOVED AND SECONDED:** To take up an item not on the printed agenda. **BE IT ORDERED** That a public hearing be set for August 3, 2021 at the Town Council meeting that starts at 6:30 p.m. at Freeport Town Hall, 30 Main Street, Freeport to discuss a request for a Consent Agreement from Robin Lapoint, for a property at 8 Tumbler's Hill Road (Tax Assessor Map 24, Lot 71B) for the purposes of allowing a mislocated building that does not appear to meet the required setbacks for the underlying zoning district to remain

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Bradley & Daniele) **VOTE:** (5 Ayes) (1 Nay-Reighley) (1 Excused-Piltch) (0 Nays)

Mr. Joseph added that the Town is not of the opinion that there is a violation. Councilor Reighley added that the proper place for this to go is to the Board of Appeals.

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**BE IT ORDERED:** That a public hearing be set for August 3, 2021 at the Town Council meeting that starts at 6:30 p.m. at Freeport Town Hall, 30 Main Street, Freeport to

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discuss an Ordinance to award a contract in the amount of \$100,233 to Principle Group for the completion of Phases Two and Three for the Downtown Freeport Vision Plan.

**NOTE:** The Town Council previously determined that it is in the best interest of the Town to waive the Town's sealed bid requirements in the selection of Principle Group, in favor of a qualifications-based selection process.

**NOTE:** The Town Council appropriated \$100,000 for this project in the 2022 Capital Budget. (Whitney & Lawrence)

Mr. Joseph mentioned that the Charter requires a public hearing for anything over \$100,000. Councilor Bradley offered to donate the \$233.00 and Mr. Joseph advised that it is legal. Councilor Daniele suggested setting the public hearing anyway and Mr. Joseph agreed. He doesn't think a public hearing would be bad. More discussion followed.

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

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**MOVED AND SECONDED:** To adjourn at 11 p.m. (Reighley & Lawrence)

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

Respectfully submitted,

Sharon Coffin, Council Secretary