

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #24-21**  
**TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT**  
**TUESDAY, DECEMBER 7, 2021**  
**6:30 p.m.**

<u><b>ROLL CALL OF MEMBERS:</b></u>	<b>PRESENT</b>	<b>EXCUSED</b>	<b>ABSENT</b>
Edward Bradley, 242 Flying Point Road	x		
Jake Daniele, 264 Pownal Road	x		
John Egan, 38 Curtis Road (Vice Chair)	x		
Darrell Fournier, 3 Fournier Drive	x		
Henry Lawrence, 93 Hunter Road	x		
Matthew Pillsbury, 36 Todd Brook Road	x		
Daniel Piltch, 25 Quarry Lane (Chair)	x		

Chair Piltch called the meeting to order at 6:32 p.m. and welcomed everyone. He took the roll and everyone was present including the Town Manager, Peter Joseph.

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

Everyone stood and recited the Pledge of Allegiance.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #23-21 held on November 9, 2021 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #23-21 held on November 9, 2021 and to accept the minutes as printed. (Bradley & Lawrence) **VOTE:** (7 Ayes)  
(0 Nays)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Piltch announced:

- Citizens at home can watch Freeport's TV3 in several platforms. In addition to being available on Comcast Channel 3 in Freeport, our LIVE channel and our VOD (Video-on-Demand) system are available via Internet on Amazon Fire TV, Apple TV and Roku and as an App on your Android and iOS devices. Instructions for accessing our services on these platforms is available on the FCTV3 Home Page on the Town website under "Frequently Asked Questions (FAQ)".
- Public Works, Building and Grounds and the Police Department currently have job openings. Interested applicants should contact Judith Hawley at 865-4743 x119 for more information. Job postings are also available on the Town website.
- **Nominations are now being accepted for 2021 Citizen of the Year**  
Each year the Freeport Town Council presents a Citizen of the Year Award to honor those who have significantly contributed to the quality of the Town. Nomination forms are available at the

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Town Office and on the Town's website at [www.freeportmaine.com](http://www.freeportmaine.com). Deadline for nominations is December 9, 2021. December 13<sup>th</sup>.

- Please remember dog licenses expire on December 31<sup>st</sup> of each year. You may register at the Freeport Town Hall or online at: [www.doglicensing.com](http://www.doglicensing.com).

Mr. Bradley pointed out that he read somewhere that the deadline for Citizen of the Year was December 12 but Joyce Veilleux advised that the deadline is December 13<sup>th</sup> as shown on the Town's website so Chair Piltch suggested using December 13<sup>th</sup> as the date for the deadline.

Vice Chair Egan invited anyone that is interested to join him Friday, December 17 for an evening discussion with Senator Angus King at Meeting House Arts on Main Street. Tickets are available if you go on the Town's website and find a link to find a way to get those tickets. If you have never spent an evening with Angus King speaking, he can guarantee you are in for an enjoyable evening. He is a fine public speaker and a great conversationalist plus it is a great fundraiser for Meeting House Arts.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Daniele advised that the Sustainability Advisory Board had an excellent lecture series yesterday to return to normalcy a bit. Two local residents spoke and he watched it on line but he recommends that other people do so too. They had it in-person as well but he couldn't make it. Chair Piltch added that it was very informative.

Vice Chair Egan advised that not quite 12 months ago our Council formed a Social and Racial Equity Committee as a regular committee of the Town Council. It was generated largely by interested residents that were asking the Council to address racial inequality and implicit bias in our town government. He is reporting this evening that the committee finished a report of our review of our HR policies and other documents that were solicited from Staff through the Manager and Assistant Manager for review of potential implicit bias and certain review of equality standards and made a number of recommendations. They were highlighted in a submission made to the Assistant Manager at the beginning of November so there has been a bit of a plateau and now a pause and that committee is going to reboot itself at the beginning of next year and we will solicit membership in that committee again. It started out as a very large committee which we thought would be an inclusive way to get everybody that had an interest in it but it turned out to be a little too unwieldy for that many people to feel connected so we will go back to a typical 6, 7 or 8 structure. If anyone has an interest, please contact him or Chris Wolfe at the Town Office for an application to get onto that committee. It will be reinvigorated in January.

Chair Piltch advised that Winslow Park has had a very good year despite not being 100% open. Financially they are doing just fine. A handicap accessible ramp should be going in by spring. They have a new playground that is in the works as well. As a heads up, he thinks they will not be hosting the Lobsterman Triathlon next September largely due to the impact it has on the park so it is probably not going to be happening.

There has been a handful of discussions around expanding Broadband access in town so we are well covered by one provider. There are funds available for Broadband expansion in general so we have the option of investigating and researching if it would make sense to have an overlay and a second provider in town to increase competition and also bring some newer technology in that might give everyone better speed. For now, it is an exploratory phase that we are in so if anybody has an interest in participating in a

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community-driven group that explores that, please get in touch if you have an interest in pursuing that.

Chair Piltch welcomed new Councilors Darrell Fournier and Matthew Pillsbury to the first regular Council meeting.

Downtown Visioning Project Update – Chair Piltch mentioned that he has been participating in this with former Councilor Whitney, Mary Davis, Caroline Pelletier, our Town Planner, Chip Gray from the Harraseeket Inn and representatives from L.L. Bean who joined us on the Planning Committee working in conjunction with our consultants, the Principle Group out of Boston who have been doing a great job. He turned it over to Mary Davis who is President of FEDC and has been very involved in the project. She will walk us through the project as to what has been done to date and where we are now.

Mary Davis provided a brief update on the Freeport Downtown Vision Plan. She explained that the project came up because we wanted to take a look at downtown and wanted to make sure we had a collective vision of what the future of downtown was all about. They wanted it to be a community consensus with a lot of input and a lot of involvement. They wanted to be very inclusive with the public to have an actionable plan that comes out of it. They wanted to do things and not just talk about doing things. They wanted to adapt it to the results and the needs of the future. They know that retail has changed and they know that COVID has changed things so they knew it was time to rethink what they wanted the downtown to be and they wanted to build community and stewardship. The leadership team is a wonderful group of folks that have spent a lot of time with her on this including Dan, Caroline and Tawni who says she will be here again. She has not gone away, Chip Gray and Russell Preston with Principle and Alec Intraversato from L.L. Bean.

She explained that they have three phases of the process and they are in the center of the Second Phase. In the First Phase they received over 2,500 pieces of information they got from residents, visitors and kids on what they wanted in the downtown. She explained some of the things they tried this summer such as parklets where people could sit. They also put in a pop-up skate board park down by the Railroad Station and that was well received by the kids. They found that what people said they wanted, they actually used.

In the second phase now, they went back to the businesses and landowners because as we start to think about what we want to do, they will be the ones impacted by all this change. They are preparing for the Downtown Design Week in February. The Third Phase is coming back to the Town Council with a clear plan. Over the course of the last month, there have been four days where they met with business owners and landowners, 19 of them. They constitute about 90% of the total square footage in the downtown. She explained who they met with to say what do you see, what do you want, what are you looking for? If we decide to change some things, how open are you to working with us? They got really wonderful response from them and really good feedback on how happy they were to be included in the process. They pulled together community connectors who are a group of Freeport residents to help us get the community involved in this. They met at the Harraseeket last week to bring the Community Connectors back into it and reenergize them and get the community involved in their next set of processes.

They have had weekly leadership meetings and see each other a lot. We have Council outreach to involve people and they are working on their communication updates so there will be a website and newsletters coming out on a regular basis between now and their February meeting.

In February the Downtown Design Week will take place. The whole idea of this is to bring the community together. By that time, you will have some pictures of what could be. You will have verbiage of what can be and they will have scenarios to bring to the community. It will be a combination of live and zoom and people will be able to participate either way but the idea is that we will have workshops

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where we will bring to the community what we are trying to do. They will have specific topic areas, downtown residential is one and everyone will be encouraged to come so they can get their feedback. They will have an Open House at the end and a closing workshop. That is what they are doing in Phase Two. There is a lot of work to be done between now and February. They are really excited about it. They have such good participation and support from the Town, the Town Council and our businesses that they really feel like they are going in the right direction.

Chair Piltch added that at a FEDC meeting this morning, it was noted that 18 new businesses in town in the last year so he feels the tenure has changed a lot and we are on a roll in terms of the trajectory for Freeport and its downtown. He feels it is encouraging. Mrs. Davis agreed that FEDC is excited to see the new businesses.

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

Mr. Joseph reported that last Friday was Sparkle Parade and it looked like the Fourth of July on a busy summer weekend and you could not get into the downtown. It was fantastic. He thanked Visit Freeport for drawing so many people to Freeport. He also wanted to thank some Town employees that had a part in that as well. Specifically, we had a lot of on-duty staff. We had the entire Police Department and almost all of the Fire/Rescue Department who were working or driving in the parade. We had Public Works who had a repeat entrance. Danny, Tammy and Bob from Public Works decorated one of the plow trucks and entered it. Also our Building and Grounds Superintendent, Brent Moon had a surprise cameo appearance in his role with the Fire Department driving the old '49 fire truck. He thanked everyone and hopes he didn't miss anyone. He knows a lot of people in the business community and Visit Freeport circles with the Chamber and the FEDC group and have done a lot for this past week. It is definitely noticed and as Chair Piltch said, in terms of vibrancy in the downtown, this was a pretty good indicator that people are interested in coming to Freeport again.

We have been following up on conversations that we had with GPCOG about starting the process for a Climate Action Plan. He knows we have a lot of input from residents in the past month or so on this. The good news is we followed up on some of the work that former Council Chair Egan had put down last spring to get some proposals from GPCOG about starting the Climate Action Plan. He has been talking with them. We don't have the final quotes on what the second half will look like but he is putting it together for the Council's budget process this year. Assuming that looks good and we can propose that in this upcoming budget, we hope to agree with GPCOG to start that work, the pre-cursor to the Climate Action Plan this year. We have most of the funding available. It is about \$6,000 and the Sustainability Advisory Committee has committed a large chunk of that money from their operating budget this year so that is great. They are bringing a lot to the table. Vice Chair Egan asked Mr. Joseph if he said start this fiscal year? Mr. Joseph agreed and it means before June 30<sup>th</sup>. That original proposal that he, Vice Chair Egan and the Town Planner received last year was about three or four months' worth of work according to Kristina from GPCOG so we will start that before the start of the year and that work stands on its own but it would be incorporated into a free-standing climate action plan if the Town decided to pursue that so it would not be done in a vacuum. It would be useful if you chose not to budget for that but it would also contribute to that if you choose to include that in the budget next year. He talked with them and it is a natural 1, 2 set of work. We know what we are talking about here for rough estimates. The work they are doing in Falmouth is about \$14,000 all in but the two towns in the Lakes Region they are doing together is about \$22,000. They think that Freeport will be less than either of those because they are getting better at doing this and more cost effective. He is still waiting to see those numbers and will let the Council know what they are and will also include them in the budget next year.

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Councilor Fournier asked if other communities will be in this planning process other than Falmouth and Windham? Mr. Joseph mentioned there are several in the area. When he talked with the GPCOG Director he learned that there are at least four or five communities involved. Vice Chair Egan added that the communities around us are in slightly different places in terms of their engagement and what they are getting going on but there is a pretty broad group of communities in this part of Maine that are moving forward on this.

Mr. Bradley asked Mr. Joseph to remind the Council what the work is? Mr. Joseph mentioned he would have to look it up. It is several items. If he can get it before the end of the meeting, he will read it off but he will forward it to him in an e-mail if he can't locate it tonight.

He noted that the Chair read about the open positions we have. He feels they have been busy with recruitment and selection. The Fire Chief's selection process has just wrapped up and there is someone in the audience for the Council's consideration just down on the agenda. They have a Library Director search process that is in mid-stride right now. Our Library Director, Arlene Arris is retiring at the end of the month. She has worked for us 40 years and for the last 5 or 6 years she has been our Library Director. Bob Konczal, our Assessor is also retiring at the end of the month after many years of work with the town. We are in mid-stride on the selection process for Assessor as well. As Chair Piltch announced, we have four vacancies in Public Works but the good news is we have hired a couple of people within the past couple of weeks and we have a few interested parties asking about the positions. The other position in Building and Grounds has been open for nine months. We have a rolling application process for the Police Department due to a few planned retirements and also natural attrition that happens there. We are almost fully staffed right now but we are expecting the need for at least one officer over the next 12-month period. We are already in recruitment for that because it can take up to two years to get a new trainee, if we have to go that route to be on the street.

Chair Piltch wanted to add that at the School District meeting he and Mr. Joseph attended last week, there are also a number of positions open at the school district for substitute teachers, bus drivers and a few other things as well. Mr. Joseph noted that they are specifically hard up for bus drivers so if anybody knows someone that has a Commercial Driver's license and is looking for work, there are quite a few people that can use those skills in the public sector.

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

Peter Engle of 18 Wind Point in Freeport. He is here on behalf of his wife who is here in the audience to support the Town taking immediate action on climate change in regard to the Study and Funding as well as the action plans in our fiscal year. He is a Solid Waste consultant and works on composting and recycling programs. While he thought it was important to do recycling, it is a whole new ball game now. This is a really big thing of our generation. We need to urgently act now on all levels, global, local and personal and the actions must be bold, effective and equitable. He stated that we are doubly challenged because we have to get it right. We don't have time for trial and error so this is why he thinks it is important that we do these kinds of groundwork studies to establish a base line against which we can measure to look at the alternatives and carefully identify the ones that will give us the most effective impact on reducing our carbon footprint. Therefore, he wanted to support the work the Sustainability Board and the Town have already been doing on this. He thanked them and noted he really appreciates their work on this. You secured some funding and you are looking for more funding and we need to move as quickly as possible.

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A large group of citizens are getting involved so there will be a large group of players coming to the table. He thinks it is a great time for all of us working together and to lead the way for our community, our children and basically our planet.

Susana Hancock of Flying Point Road advised that she returned from Europe where she attended the U.N. Summit in Glasgow and then went on to Geneva and explained the whole process that was discussed. She went to Glasgow. She explained that she found that the climate was somewhat an afterthought. Everybody here knows what is at stake, whether it is for your grandchildren or your children. You are scared of the future. We have kids in this town with anxiety so great that they are calling into school sick. They are literally ill and non-functional yet we are incredibly fortunate to have great ideas in this town but we need to capitalize on them. (The Secretary's recorder failed here!)

Joyce Veilleux of Island View Lane. She mentioned the proposal for a skate park. The pop-up skate park went very well down by the train station. It was very visible and you could see it when you were driving by. If something went wrong, it was visible and could be taken care of. It was also very accessible to EMS in the event someone landed incorrectly. She understands there is a new location being considered and there is a group that is looking to put a plan together and bring it back to the Council. She has a couple of areas she wants the Council to consider. It needs to be reviewed by our Fire and EMS Director for egress for an ambulance. It is a dangerous sport and we need to make sure the site is accessible easily. She also suggested that it needs a panic button that rings at Dispatch. These are seen on school campuses now. It is not an area that is visible by cars driving by. She would also like to see a Booster Club with it so the parents of the kids that are using it, do some of the maintenance. Even though we are not going to have to pay to build it, the taxpayers will have to maintain it. A lot of these kids are old enough that they could take on some of the responsibility of doing some of the maintenance. Chair Piltch clarified that the outdoor skate park being planned will go into Leon Gorman Park which is adjacent to Bow Street Market. There is another group that is thinking about building an Activity Center which may include an indoor skate park and they are looking at land near the train center for that.

Bob Stevens of 50 Moose Crossing wanted to express his appreciation for what the Town is taking on working into this year the assistance that is coming from GPCOG. That is great. The Sustainability Board jumped in and provided some of its own money and the Manager pulled it together. They are so excited about that. He noted that he will play a role for Mason Morfit who lives at 59 South Freeport Road and is on the Steering Committee of Freeport Climate Action Now. He is not here tonight but meant to address the Council at what he thought was going to be another November meeting but there wasn't another November meeting. He asked him to read to the Council what he wanted to say. Mr. Stevens read the letter into the public record. Mr. Stevens thanked the Council for listening to Mr. Morfit's words.

Councilor Bradley advised that this is the first time he has heard of a specific action suggested that could be a priority for the town. As an electric car owner himself, he realizes that range anxiety is something that keeps lots of people going lots of places. It occurred to him that if we became a town that became known as a place where electric cars could be charged, and we are trying to attract people here to address the downtown revisioning, that the combination of energy that is behind climate change and actions such as you described and as Mary described today as an action plan that is coming together for the downtown seems like a perfect kind of collision to him. He encouraged those people responsible for both those things to talk about how we can distinguish ourselves in both respects. Mr. Stevens agreed it was a great idea other than the word "collision." Mr. Stevens advised that Freeport Climate Action Now has had some little meetings around town. They are planning on having a Forum at the Community Center on January 20 at 7 p.m. The reason is to get people's ideas, who wants to work on what, some want to work on national issues and others want to work on local issues. They are trying to get the word out on that and

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hope they can get it set up for zoom so they can get as many people involved as possible. He thanked the Council for listening.

Chair Piltch wanted everyone to know that the Council got a half dozen or more e-mails over the last few days in support of the project Mr. Joseph talked about and other folks have mentioned as well.

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

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ITEM # 213-21            To consider action relative to adopting the December 7, 2021 Consent Agenda.

**BE IT ORDERED:** That the December 7, 2021 Consent Agenda be adopted.  
(Egan & Lawrence)

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

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

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ITEM # 214-21            To consider action relative to setting a public hearing for a new liquor license for Nighthawk Kitchen.

**BE IT ORDERED:** That a public hearing be set for December 21, 2021 at the Town Council meeting starting at 6:30 pm to consider a liquor license for Nighthawk Kitchen located at 200 Lower Main Street, Freeport.

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

Chair Piltch noted that this is the first of four items tonight where the Council is just voting to set a public hearing. The public hearing is not tonight. The Council is just voting to set the public hearing.

Mr. Joseph explained that this is the space adjacent to Mast Landing Brewing. Night Hawk Kitchen is currently the food truck that is out in the parking lot and they are looking to be permanently located in the space between where the food truck is and Mast Landing. Councilors mentioned how delicious their burgers are.

Councilor Bradley asked if this is a food truck? Mr. Joseph advised that it is currently a food truck accessory to Mast Landing Brewing. They are going into the bricks and mortar next to Mast Landing Brewing. Councilor Bradley noted it is good to hear. Chair Piltch mentioned that the Planning Board has been tweaking our Food Truck Ordinance to make it easier for food trucks to do business in town and he expects it to come to the Council soon.

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

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ITEM # 215-21            To consider action relative to setting a public hearing to discuss proposed amendments to Chapter 21 Freeport Zoning Ordinance, Section 515. Noise

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Regulation, to clarify what types of temporary use of machinery are not covered by the standards in this Section of the Zoning Ordinance and to add a cross reference to the regulations in Chapter 39: Loitering, Curfew and Noise Ordinance which does regulate the temporary use of machinery.

**BE IT ORDERED:** That a public hearing be set for December 21, 2021 at the Town Council meeting starting at 6:30 pm to consider proposed amendments to Chapter 21 Freeport Zoning Ordinance, Section 515. Noise Regulation, to clarify what types of temporary use of machinery are not covered by the standards in this Section of the Zoning Ordinance and to add a cross reference to the regulations in Chapter 39: Loitering, Curfew and Noise Ordinance which does regulate the temporary use of machinery.

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

Town Planner, Caroline Pelletier provided background information to the Council. Councilor Bradley asked if it regulates noise entering a lot from outside or is it solely designed to regulate noise originating inside a lot and crossing or arriving at a lot line that way? Ms. Pelletier explained that typically when we look at it, we look at the noise at the property line. We have had construction noise originating on site out to abutters. It could also be noise on a private road going in.

Councilor Bradley asked Ms. Pelletier to focus on that issue at the public hearing because he feels there are a lot of noise issues around town and if this affects them, we should know it at the public hearing. Ms. Pelletier advised that the Council already changed the standard and it already exists. What is before you is just a cross reference.

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

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ITEM # 216-21

To consider action relative to setting a public hearing to discuss proposed amendments to Chapter 25 Freeport Subdivision Ordinance, Article 11.9 Conformance with Zoning Ordinance and Other Land Use Ordinances, to add a cross reference to the Loitering, Curfew and Noise Ordinance.

**BE IT ORDERED:** That a public hearing be set for December 21, 2021 at the Town Council meeting starting at 6:30 pm to discuss proposed amendments to Chapter 25 Freeport Subdivision Ordinance, Article 11.9 Conformance with Zoning Ordinance and Other Land Use Ordinances, to add a cross reference to the Loitering, Curfew and Noise Ordinance.

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

Town Planner, Caroline Pelletier said this applies to subdivisions. Chair Piltch added that citizens brought this forward two years ago that were concerned about this for a long time and have been patient and he

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assumes they will be here at the next meeting and will be glad to have this done. He thanked Ms. Pelletier for shepherding this through.

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

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ITEM # 217-21 To consider action relative to setting a public hearing to discuss proposed amendments to Addendum I (Freeport Village Overlay District) of Chapter 21 Freeport Zoning Ordinance. The proposed amendments would clean-up existing text conflicts regarding the applicability of sections of the Freeport Village Overlay District document. The only substantive amendment would be the removal of the requirement that passive solar panels on new homes are required to face internal or private areas of the home site.

**BE IT ORDERED:** That a public hearing be set for December 21, 2021 at the Town Council meeting starting at 6:30 pm to discuss proposed amendments to Addendum I (Freeport Village Overlay District) of Chapter 21 Freeport Zoning Ordinance. The proposed amendments would clean-up existing text conflicts regarding the applicability of sections of the Freeport Village Overlay District document. The only substantive amendment would be the removal of the requirement that passive solar panels on new homes are required to face internal or private areas of the home site.

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

Town Planner, Caroline Pelletier explained the Freeport Overlay District and what it contains. She mentioned that the Planning Board and Project Review Board would like to see some revisions to this document. One of the challenges is the formatting. It is something they will be digging into more.

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

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ITEM # 218-21 To consider action relative to the acceptance of State and Federal Funds for fiscal year 2022.

**BE IT ORDERED:** That the following American Rescue Plan Act Funds for fiscal year 2022 be accepted.

1. NEU First Installment \$451,930.02
2. NEU Second Installment \$451,930.02

Total ARPA Funding \$903,860.04 (Pillsbury & Lawrence)

Mr. Joseph explained that this is a giant pot of money distributed to municipal and state governments across the country as part of the American Rescue Plan Act. It roughly works out to a little more than \$100 per capita in similar sized communities as Freeport or smaller. The State of Maine received proportionate funding on a per capita basis. That is where those numbers come from. Jessica has put together a memo here. We won't make any decision tonight and there

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is no proposal to spend this money right now. There is a window until 2024 when the money has to be spent. This outlines what the basic uses and purposes that can be funded through the project. We do have one proposal that is very close to coming in front of you. It was Item 219-21 but we pulled it at the last moment because it needs a little refinement. Under Section B of her memo which is generally considered hazard pay which is premium pay to first responders who worked actual hours during COVID. That is basically police, fire and most of those departments in our town. There are complicating factors and we have to go through and anybody making over 150% of the median income for Cumberland County would have to be justified before we pay them any of the money. We do have some employees working overtime make significantly over that although their base pay would not indicate that you would think they would but somebody that works 60 or 70 hours a week might be making \$90,000 or \$100,000 a year when their base pay is significantly lower than that. We do have to go through and pull apart the rosters and actually do a little more work on that but the Council can expect that there will be a differential in the proposal on how we actually worked during the Emergency Declaration approximately April 2020 until approximately March 2021 when the Emergency Declaration was lifted. Where we are going with that proposal is that it is for First Responders only is that everybody who worked in the Town in-person anywhere put themselves at risk. The Council put themselves at risk when they were in live meetings but there were some people who didn't get a chance to say, hold on before I run into that house where a crime has been reported, I am going to ask if they have their masks on and what their vaccination status is. We didn't see anyone who worked on the ambulance refuse to work given a COVID positive transport. Our employees should all be complimented. They all wore their PPE before vaccinations were available. None of them caught COVID but they didn't know what the likelihood of that was or how well that PPE worked in the early day of emergencies. That is the justification for the thought process. We would consider a different amount later for non-first responders depending on what money is available. It is something to be considered in the future. One of the big pots available for funding is for utilities, water and sewer. We don't have anything to say about that but we did reach out to representatives of the Sewer District and had a productive meeting with them today. There are other uses that may come forward. That is an overview. He wanted to be clear that what he is talking about in terms of premium pay is 10-15% of the total pie. It is not the entire \$900,000.

Chair Piltch clarified that tonight the Council is only voting on accepting the funds. We are not voting on spending the funds. Mr. Joseph explained how it could be budgeted in the next budget process or acted upon separately by the Council as a supplemental appropriation. Councilor Lawrence asked if this is a matching fund or is it here is some money for these purposes? Mr. Joseph explained that Chunk No. 1 was distributed in October and Chunk No. 2 was a future date. He wanted to say this spring but Jessica can tell you the exact date we received the first payment and when the second one is due. It is not matching but there are strings attached so it is important to note there are a lot of restrictions with this. There are audits and reporting requirements. And federal requirements. The Treasury Department will have to spot audit and will be checking these things randomly. Jessica is on top of this but has a little bit of nervousness, that he said he would convey to the Council for sure, about outside agencies and where we are providing funding to other groups. We are on the hook for that money if anything isn't followed in terms of the standards. He talked about this with Water and Sewer. If it is a project, we will be supervising the bidding, awarding and procurement just to make sure that if we give somebody a chunk of money, the federal government doesn't say, oh Freeport, we don't

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care if you gave them \$50,000, you owe us that money because you didn't follow the correct standards.

Councilor Fournier asked if there is a specific timeframe where these funds must be expended specifically? Mr. Joseph noted he didn't have the end date but it is in 2024 so we have about three years. Councilor Egan pointed out that it must be encumbered by 12/31/24 and spent out by 12/31/26. Mr. Joseph added that we would have to sign the contracts by the end of 27. We already have the first installment in an account. If we turn it down, it will go back out to somebody else.

Councilor Bradley asked if FEDC could take a look at assistance to households, small businesses, non-profits others impacted such as tourism, travel, and hospitality. There were a number of businesses that took a beating during COVID. These funds could help them with that and it could go with the downtown revisioning and a lot of other things. Mr. Joseph agreed. Councilor Lawrence asked if this is going to every town or just specific towns? Mr. Joseph explained that it is distributed differently. There are entitlement and non-entitlement communities. Every municipality in the United States will be offered these funds. Staff does not have any proposals other than the premium pay so if the Council wants to come up with a process on how these things will be submitted, there is no one knocking on the door just yet. We are all coming up with ideas right now we will really be entertaining ideas from outside groups for things that Councilor Bradley talked about. There would have to be interest in the community to participate in a program. Water and Sewer's potential projects are going to need some interest. There are complications with this money and if it is a small amount of money, it might not be worth it to them, just like a grant. There is no rush. If that is something the Council wants to entertain like an application process with a timeline, they could certainly develop it for the Council. Councilor Fournier asked if this is only going to be expended through the municipality or will it be shared with the RSU? Mr. Joseph advised that this is only for expenditure through the town. Councilor Bradley pointed out that there may be a lot of interest in this and people will be coming forth and you would want to know which one you thought has the biggest impact for other things you were trying to accomplish. He encouraged the Council to get this information out and Chair Piltch noted he would work with the Town Manager to come up with ways to get the message out and then come back and setting a date for a workshop if someone wants to come in and propose an idea. Mr. Joseph suggested having a proposal deadline and we would be able to evaluate the ideas and give feedback to the folks because he suspects a lot of the ideas will not be applicable to this funding. There is a lot of guidance available and we would have to go through it to see if any of the proposals on how to use the money are ruled out by the guidance.

Chair Piltch noted that there are other pots of money beyond this. Some are targeted for businesses, industries like agriculture and aquaculture so if we have that workshop and find that there are good uses but not appropriate for a municipal allocation, we may be able to make some recommendations and say, here are some other people you should call. Mr. Joseph advised that we are the only people that have this money to give away. He doesn't know anyone else other than the municipalities that is publishing it. It is administered by the State but the State has hired an outside company to distribute all the money. Councilor Bradley mentioned that we may be able to help our businesses and our organizations even if we don't have the money to distribute rather than us picking them up in a maybe or not have a broad publication and have this guy

from the State come in and explain it. It seems like we could provide a function that could help and maybe get a lot of money into town that would help us do some things.

Mr. Joseph mentioned there is a whole pot of money which is the transportation bill that would actually will help offset some significant actual projects that are out there. Part of that bill is being targeted towards municipalities, the guidance is that it is specifically designed for projects where you are in a waiting list for State matching or something like that. It is designed to accelerate projects that otherwise would be in a queue and we have a few of those. He has already had a preliminary conversation with our Town Engineer about projects that are in the match wait list with PACTS and with the State MDOT matching projects. This is not through the State at all. It is through the USDOT granting money to towns to bypass a lot of the regional and state cost sharing agreements for the town to take on the whole project themselves. Chair Piltch asked if we could use that money for our bridge bond? Mr. Joseph noted he is investigating that. We need more research on it. Councilor Bradley added that if Russ Preston and the Principle Group came up with a recommendation for transportation for the downtown getting people back and forth and out into our various assets, those things could qualify. Mr. Joseph agreed.

Councilor Bradley asked Mr. Joseph where this body of information he is referring to? Is it a Treasury Guidance? Is it a document that explains this in detail? Mr. Joseph offered to get it and Councilor Bradley noted he would like to see what it looks like.

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

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ITEM # 219-21                      To consider action relative to the appointment of Paul Conley as the Freeport Fire Rescue Chief.

**BE IT ORDERED:** That the appointment of Paul Conley as the Freeport Fire Rescue Chief be approved. (Egan & Lawrence)

Town Manager, Peter Joseph advised that he has written a memo outlining quite a bit of detail on Paul. He recognized his tenure here with the Town. Obviously, he became interested in the position when it became available. We had some moderate interest in the position which was great. He explained what stuck out about Paul's candidacy besides his dedication to the Town. He shares some of the same ideas about where improvements to Fire/Rescue can come from. Paul has a real interest in developing both internal and external candidates to fill open positions. Mr. Joseph is encouraged to see some energy and upward movement possibly in our ranks for people that have proven themselves and are dedicated to be given an opportunity to step up and then for us to try to backfill those rank-and-file positions with new candidates. Mr. Joseph is looking forward to working with Paul for internal development of the department which he heard from a lot of candidates that they have been waiting for years.

Councilor Fournier congratulated Paul noting he did a great job when he worked with him. He is confident Paul is up to the challenge ahead of him.

Paul pointed out that they have an awesome group of people that work for us. They are dedicated and he can say that our people stepped up to the plate and provided emergency care no matter if the dispatch was positive COVID, negative covid or nothing. They did everything right and he can honestly say we didn't lose anyone to COVID during the pandemic. He mentioned we are not out of the woods yet but it appears the worst is over. As the Council thinks about the money that is for that, he can't say how much he would

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say that Fire, Police and Rescue deserve some recognition. He is sure he and the Manager will have discussions on that in assessing the needs. He feels there is a lot of challenge in recruitment and retention but he wants this place to be a welcoming department to come into and wants to put the tools in place for training and education to support them. During the budget season, he wants to discuss with the Manager and Finance Director to get his people appropriate pay. They are on the low scale and that is a center of conversation he hears every day and he does not disagree with them. He feels the town supports them very well with equipment but they will look at some of the smaller equipment replacement. On the medical side, they just instituted all new protocols. He is also responsible for Emergency Management of our community and shared his goals. He finished by saying he is up for the challenge and really appreciates this opportunity. He thanked Mr. Joseph for having faith in him.

Councilor Egan noted he had the honor of being on the interview for this position and was really impressed by Paul's interview. He knows everybody here and can just jump right in. He has been acting chief four times before this appointment so he is obviously ready for this job. He congratulated him and Councilor Bradley congratulated him. He asked him if there are ways for the department to interact with the people in the community at times when they are not burning up or having heart attacks? Is that a good thing to do or is it problematic. Paul advised that he feels it is a great thing to do and is proud that prior to COVID striking, we had a wonderful Public Safety Community Open House for the citizens to come and filled the building. The success was built upon partnership with FCS, Red Cross and the Library coming in and partnering with them. He believes they are the fabric of this community. They offered CPR training and got AEDs into public buildings and the schools. Councilor Bradley mentioned he loved hearing what Paul had to say. He encouraged him as he goes through the budget process to remember that a lot of those things cost money and he should not be shy to ask the Council to support him in those endeavors.

Councilor Bradley mentioned that in District 2 there was discussion about a substation out there in the past. He is interested in that because a lot of people pay a lot of insurance premiums because we are more than 6 miles from downtown. Could we look at that issue again and see if we can make it work?

Paul advised that it is more than just putting a fire engine in a barn on a piece of property and we have nobody to respond to get it. We can put the equipment there and the infrastructure but if we don't have the personnel to respond, we are no further ahead than we were. The challenge we are talking here is the staffing. We run short periodically because we don't have enough. He is sympathetic because he lives on the outskirts and faces the same challenges being a resident of Freeport. It is more than just putting a fire truck in a place. He presented those arguments to the folks in District 2 and noted we have ADA requirements, safety requirements and all kinds of things to start adding the numbers up. The study really needs to be our response time to the needs or bang for the buck on that. He is not opposed to revisiting the issues and doing the due diligence. More discussion followed. Mr. Joseph mentioned that staffing is a challenge.

Chair Piltch advised that he wanted to thank Paul and the whole department. It has been an unusual couple of years. He admires the bravery with which the department rushes out and do what they do in support of the Town. He thinks it is great. A measure of success is how little we see you're here or how little we read about you on the front page of the newspaper in a controversial item. It is admirable and makes our job a lot easier. He can't want to have Paul installed as Chief. Paul shared a story of what happened during the Sparkle Parade.

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

Town Clerk, Chris Wolfe swore Paul Conley in as Freeport Fire Rescue Chief

ITEM # 220-21 To consider action relative to the 2022 Town Council meeting schedule ~~and District Workshops.~~

**BE IT ORDERED:** That the Town Council meeting schedule be adopted as written. (Bradley & Lawrence)

Chair Piltch mentioned that the April 19<sup>th</sup> meeting coincides with School Vacation week. If it impacts anyone, he would entertain moving that a week later. In May we have five Tuesdays so we could push those meetings back if we wanted.

Councilor Fournier asked if there would be an opportunity before the Council deliberates on the budget to spend four hours and see what we have for public facilities. Mr. Joseph and other Councilors felt it would be helpful. Mr. Joseph advised that the Council could have a meeting and can adjourn at all those locations and say we are going to the Library next, etc. It would not be difficult but we would have to make sure Sharon can take down any actions as long as you don't take any votes in those meetings, it is a simple set of minutes.

Chair Piltch mentioned he was going to propose more workshop time. He was in a FEDC this morning he was going to advocate for more collaboration between FEDC and the Council. There is a lot going on with economic development and the Comp Plan coming up so he would like to invite FEDC to spend more time with us as a Council. This kind of needs more workshop time and he is up for it. Unless there are a lot of Councilors that don't want to do it, he and Vice Chair Egan can take a stab at how to set up workshops to do FEDC collaboration and touring our facilities in addition to all the other workshops we do in the spring.

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

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TABLED FROM OCTOBER 19, 2021:

Chair Piltch explained that we are not ready to vote on Item #194-21 and 195-21 because we are working on them and trying to make them clearer for us and the residents that might have to refer to them. Mr. Joseph asked Caroline Pelletier if there is a clear date in the future, she would be comfortable that we would have the revision work done to give her some breathing room? Ms. Pelletier suggested putting the second meeting in January and if they need more time, the Council can table it again.

**MOVED AND SECONDED:** To continue to table Item 194-21 and Item 195-21 until January 18, 2022. (Lawrence & Fournier) **VOTE:** (7 Ayes) (0 Nays)

ITEM # 194-21 To consider action relative to amendments to the Freeport Zoning Ordinance pertaining to State mandated Shoreland Zoning regulations. Text amendments are proposed to the following sections: Section 104. Definitions; Section 201. General Restrictions; Section 202. Non-Conformance; Section 203. Changes and Amendments; Section 302. Zoning Map; Section 303. Zoning District Boundaries; Section 304. Map Corrections - Shoreland Zone and Resource Protection District (to be repealed); Section 401. Purpose and Land Use Controls; Section 402. Rural Residential District I and Rural Residential District IA; Section 403. Rural Residential District II; Section 409. Commercial District I; Section 422. Industrial District II; Section 426. Island District; Section 507.

Shoreland Zone Regulations; Section 601. Enforcement; and Section 602. Site Plan Review. Some additional non-substantive text amendments are proposed throughout the Ordinance to correct typographical errors and to incorporate gender-neutral pronouns.

**BE IT ORDAINED:** That proposed amendments to the Freeport Zoning Ordinance pertaining to State mandated Shoreland Zoning regulations be approved. Text amendments are proposed to the following sections: Section 104. Definitions; Section 201. General Restrictions; Section 202. Non-Conformance; Section 203. Changes and Amendments; Section 302. Zoning Map; Section 303. Zoning District Boundaries; Section 304. Map Corrections - Shoreland Zone and Resource Protection District (to be repealed); Section 401. Purpose and Land Use Controls; Section 402. Rural Residential District I and Rural Residential District IA; Section 403. Rural Residential District II; Section 409. Commercial District I; Section 422. Industrial District II; Section 426. Island District; Section 507. Shoreland Zone Regulations; Section 601. Enforcement; and Section 602. Site Plan Review. Some additional non-substantive text amendments are proposed throughout the Ordinance to correct typographical errors and to incorporate gender-neutral pronouns.

*Note: Mike Morse from Morse Environmental Consulting, LLC will be present to give an overview of the proposed updates. If you have property specific questions, please contact the Codes Office 207-865-4743 ext. 102 prior to the meeting.*

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ITEM # 195-21                      To consider action relative proposed amendments to the Official Zoning Map for the Town of Freeport (pertaining to Shoreland Zoning).

**BE IT ORDAINED:** That proposed amendments to the Official Zoning Map for the Town of Freeport (pertaining to Shoreland Zoning) be approved.

(Town Planner, Caroline Pelletier)

*Note: The boundaries of the Shoreland Zone, as regulated by State law, will be updated. Many areas previously designated as Resource Protection 1 are being amended to "shoreland area". Areas within coastal flood plains will remain in Resource Protection however will not be shown on the map, as the boundaries will be based upon the FEMA (Federal Emergency Management Agency) Flood Insurance Rate Maps, as adopted by the Town Council*

**OTHER BUSINESS:**

1. Request for Council consideration of Consent Agreement to allow Single-Family Dwelling as a use at 30 Morse Street (VC-1 Zone)

Chair Piltch mentioned that Ms. Pelletier provided a memo on this item. Mr. Joseph advised that the simplest way to sum this up is that the property is located in the VC-I Zone. Since it was put into that zone, it had always had a single-family residence on it, so it was a grandfathered pre-existing non-conforming use. The house was torn down and a building permit was issued and a foundation was poured. Some work was completed but the structure was never finished. It is essentially a foundation with a deck

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on it so it is not an open hole, not a safety threat but it is not a finished structure. This is across from the old front entrance to Morse Street School that faces Morse Street. The problem with that situation is when a non-conforming use ceases on the property for a given period of time, the grandfathering is lost and it becomes an illegal non-conforming use or not an approved use. As long as the building permit was active on the property, it could be rebuilt. However, the building permit lapsed and the structure was not completed and it sat for a period of four years or so since then. State law in the Zoning Ordinance is pretty clear on what happens in that case. It is perfectly clear that once the legally non-conforming use lapses and stops, it can be reused in a conforming use. There are many conforming uses on the property but most of them are commercial. Residential uses are allowed but single-family ground floor residences are not allowed. Multi-family commercial (3 or more) is allowed.

Mr. Joseph advised that there were circumstances that did not allow the property owner to finish the construction which they have talked to us about. There are several avenues available. The property is on the boundary line between the V-I and the VC-I and it could be rezoned. It is a small lot. It is approximately 50' x 50'. The V-I zone would put a lot more restrictive setbacks on the property but doesn't allow non-combustible construction in the zero setbacks. Moving the zone would not really work because the existing plan and foundation would not be useable in the V-I Zone most likely. They are approaching the Council now and asking if the Council would consider a Consent Agreement. Some of us have dealt with a few of these in the past year. A Consent Agreement is essentially saying yes, that is a violation and yes we will allow you to do the violation and keep it in perpetuity so it is a blessing of a violation in the Zoning Ordinance. They can be done for any number of reasons. This one would be to allow a use that is not an allowed use in the zone. Chair Piltch added that the VC-I is the same district as Main Street and we are saying in that zone if someone wanted to come in and build a single house on Main Street, we are saying that that is not the kind of house we want in the village core. Morse Street is close enough to Main Street that it is part of that same zone so that is the reason it is not an approved use in the VC-I.

Councilor Lawrence noted that we are trying to make the downtown more residential but this is a use that might be approved in the future. Chair Piltch advised that we want more housing so don't take up a lot with a house but put in a multi-family or some sort of complex to encourage more dense residential development. Councilor Lawrence noted that you couldn't do that on this piece of property because it is not big enough. Mr. Joseph advised that the lot could support commercial multi-family but single and two would not be allowed without an accompanying commercial use.

Councilor Fournier recalled dealing with this years ago and met with the people that put the original foundation in. Unfortunately, the family fell on some hard times which was not any fault of them. He would personally allow them to build a structure there. It would be a plus addition to that neighborhood. Councilor Lawrence agrees with Councilor Fournier.

Ms. Pelletier explained that the Council needs to be aware if you are considering this and you entertain a Consent Agreement, they can't just run out and build a house tomorrow. They are in the Design Review District and they have a foundation they are hoping to reuse. They would have to comply with the various setbacks granted in the past so if you grant the Consent to allow the use, they would still have to go to the drawing board in regards to Design Review and verify that the foundation is in the right spot to use it and then go through the building permit process. She wanted the Council to be aware of the full picture. Chair Piltch asked if there is a question about whether the foundation is in the right spot? Ms. Pelletier mentioned that it could be determined on a site walk before they can get the building permit.

Mr. Joseph added that there are dimensional concerns about a wood frame construction on the property. The foundation appears to be very close to the side lines and there has not been a survey done in recent

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times on the property with boundaries marked. The side setbacks are 15 and the back setback has a variance attached to it. Ms. Pelletier advised that if they stay V-I and go non-combustible construction, they could have a zero setback on the side. They needed a front and rear setback which they got. Mr. Joseph explained what non-combustible construction would require. It is not wood frame construction.

Councilor Bradley asked why the applicant is coming to the Council before all those other things are taken care of? Ms. Pelletier explained that it is not a permitted use today and they can't apply for a building permit for a non-permitted use.

Councilor Pillsbury pointed out that it was mentioned that the Council weighed in on a few of these issues in the past. He asked what the criteria is for weighing in other than just I feel it is a good idea versus I don't feel it is a good idea? What does the Town feel is a fair solution? Mr. Joseph noted it is a political judgment and in your judgment you this is something you want to encourage or not encourage. We had one where a building was too close to a sideline and was there for 15 plus years and no one ever knew there was a problem until they got a survey to sell their house and couldn't sell it without an agreement to allow it to be there. He provided other examples.

Councilor Daniele asked if there is a Staff opinion on this? Mr. Joseph added that personally the use itself existing does not offend his sensibilities for having a residential use on that property. He is concerned about using the Consent Agreement as a tool when there are other relief options available and there are other uses for the property but he doesn't think there is interest on the part of the seller and buyer in those other potential commercial uses. The real answer that needs to be answered is do we want to encourage commercial uses only and not single-family residences in the VC-I Zone. He is concerned about the use of a Consent Agreement tool every time one comes to us because we are essentially saying that a violation is okay and you can keep it. Ms. Pelletier added that she agrees and shares his concern about the use of a Consent Agreement. There is a big community decision about residences in our downtown. Our Comp Plan doesn't talk about single family residences. She feels the applicant is willing to give you some of their history and why they feel it is their last resort. It really comes down to a judgment call.

Councilor Lawrence pointed out that the location of this lot is right across from Morse Street School. He doesn't see a commercial use going down there in this particular instance and does not see where that is a benefit to the Town. Chair Piltch mentioned there are other uses for the lot and we can decide tonight what we want to see there for the next hundred years or so. If we say they can't put a single-family house there, what would happen to the lot? It would probably encourage people to look at more dense residential development but maybe they don't want to do it on a 50' x 50' lot. Maybe it would make sense to wait until there is an adjacent lot or some other larger development that no one will do now if we fill the area with single-family homes. By sticking to the zoning laid out by the Planning Board, it would encourage that kind of more dense development to happen. It might not happen this year. It might take a while that would probably benefit some people more than others. That could be a reasonable outcome in the future and that would support what we are saying we want to see.

Jason Landry mentioned that his son, Michael Landry is the owner of the property. They decided to sell it and have a sales and purchase agreement with a Freeport resident. They met with Mr. Adams to discuss what could be built on that lot. He said it was approved prior to all this. The foundation was put in and a stone wall has been done around the property. The sales agreement is contingent on whether they can put a house on it. If not, they won't buy the property. The setbacks on the front and rear were approved but no side setbacks were ever approved. He said no setbacks are required in the V-I so they were not requested so that should carry over since they wouldn't request them if they are not needed. There is a granite marker on the property next to it and it is clearly 2 to 3 feet away. If the foundation is encroaching on whatever the setback is, they would have to take it down and move it over and that is not something

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somebody would want to go through the expense of tearing down a full foundation. The house that he purchased had to be torn down and removed to put another house there. He noted that no one on the street is opposed to this. There is a parking lot behind it and one beside it and a school across the street. There is only one resident and that resident is actually in the new zone, V-I. He talked to the Town Planner and tried to figure out if it would make sense to change that but then they definitely wouldn't meet the 15–20-foot setbacks on a 50' x 50' lot. The residents on the street do not want to see anything commercial on a residential street. He reviewed the Comp Plan and read that residential dwellings make it walkable and bike-able. He feels it is unfortunate it is in the VC-I Zone and that was just recently changed last year upon the recommendation of the Planning Board and Council. They are interested in selling it to someone who is interested in buying it.

Mr. Joseph explained that the intent of the Ordinance when that line was redrawn sometime in the 90s was that eventually everything located in the VC-I Zone would migrate over to being one of those large uses through attrition. He doesn't think a single-family home next to a single-family home is offensive in anyway. However, it is contrary to the intent of the ordinance. We can't approve things not allowed by the Zoning Ordinance. Councilor Daniele asked if the Council could completely rezone it and not just the VC or VC-I that would allow it. Mr. Joseph added by itself, no. Ms. Pelletier explained why creating a whole new zone would not be easy and there are time constraints on the applicant. She suggested the Council review the other uses she included in their packets. More discussion followed.

Councilor Fournier asked when the foundation was poured? Mr. Landry advised that it was in 2014. Councilor Fournier explained that he feels comfortable allowing the applicant to build what was originally intended there. Vice Chair Egan asked Ms. Pelletier to explain what is required to keep a building permit active and not let it lapse. She mentioned they can ask for a 6-month extension and that is what they did in the past. She is not sure how long they can keep doing that. It has been years at this point. Once they start the work, it keeps the permit alive but there has to be continuous progression. Vice Chair Egan clarified that progress would have been required of the applicant on the building permit to keep it moving forward. The tool of the Consent Agreement is a last-ditch final resolution when there are no other solutions available. On page 2 of the memo, we are far from a place where there are no other uses allowed unless we grant a Consent Agreement for a single-family house. A number of the uses listed would be perfectly concurrent with the school such as education activities, childcare activities, outdoor education, etc. He does not think the Council is in a place where the gravity of a Consent Agreement is the only thing available to help out someone who is caught in a crunch of the dynamics. Mindful of not having the resources to execute on a plan to build something, he believes a fair amount of time has gone by since we have had that. It's been 6 or 7 years. Mr. Joseph added that it could be used as a professional office very easily.

Chair Piltch asked Mr. Landry if he looked at any other allowable uses to see if there would be a potential buyer interested in that? Mr. Landry advised that they never approached that. His son still had the dream that he was going to build there. It took a long time for Mr. Landry to convince him that it was not going to happen. The property is in foreclosure and he has worked with the bank and got an extension because he told them that they have a sales and purchase agreement. His son will be able to pay the debt to the mortgage company and the other liens on the property and let somebody build a house that was already started there. That is really where they are. He is hoping it will not go through the foreclosure and they have a closing date if it all comes together. If it doesn't, then unfortunately it could go into foreclosure.

He would like this to have another Council meeting so the residents on the street will have a voice to say if they would prefer to have a professional building there instead of a residential building. He understands the vision but noted there is a permanent foundation ready for a dwelling. He doesn't know what it will take to make this happen. He feels it is a unique situation.

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Chair Piltch noted the Council is not going to vote on anything tonight so if there is general consensus that it is worth pursuing a Consent Agreement, lawyers probably would have to get involved to draw up a Consent Agreement to meet preliminary approval that would then come back to us to set a public hearing so the other residents or anyone that wants to comment on could comment on it. That sounds like it is a few months away. Mr. Joseph added that full speed, all possible haste to get two attorneys working on it non-stop for a week and the Council wanting to go ahead, it is about a month's process but it is probably two months. Whoever builds the structure would have to come and get Design Review and the building permit and all those kinds of things. Mr. Landry mentioned the potential buyers understand the process they need to go through. They are working to try to make this happen.

Chair Piltch did not remember who made the comment are we creating a prejudice for the Boards that come after us to say we approved this Consent Agreement and now Design Review or the Codes Officer is in the position of saying no it is not an approved use but say they have to approve it because the Council said they wanted it done. Councilor Daniele asked if the Council could backdate the building permit rather than okaying a non-permitted use? Mr. Joseph says with a straight face that there has been zero work done on the property for at least enough time. He advised that the building permit cannot be extended. An extension of six months is what is contemplated in the ordinance. More discussion followed.

Councilor Bradley asked how the Council could get to the end of this? Chair Piltch noted that Mr. Landry is here to get some idea of whether this likely would move forward if they go to the trouble of drafting a Consent Agreement and getting preliminary approval, getting a public hearing set and, of course, we would all want to hear what the public has to say before casting our official votes. To the degree anyone is comfortable saying they are likely to consider this in the future and offer the opportunity for you to say what you feel. You are not obligated to say one way or the other but it would give them some idea where our heads are at today. It is a non-binding opinion.

Councilor Pillsbury noted he is open to what is fair and right. He has concerns using a tool saying we don't know what the solution is so let's just do a Consent Agreement so he is on the fence on this one.

Councilor Fournier advised that if this cannot be resolved with Staff, he is in favor of getting this property built and eliminate the safety issues and follow through with the original intent. He would be an affirmative on this.

Councilor Lawrence would also be affirmative. This is not a hard decision to make because a house would fit on that property very nicely. He is for this and feels it is a no brainer.

Councilor Daniele noted he is on the fence. He would like to find a clever way to define dwelling or changing a date. He is open to continuing to talk.

Councilor Bradley is on the fence. He needs some time to think about it. What goes on in the downtown matters to him so the points being made about walking and biking downtown resonate because those are the things being discussed in the revisioning and this is pretty close to that. Those are the things he is thinking about and doesn't know how he will come out.

Vice Chair Egan disagrees that using the Consent Agreement is a way out of this. He feels that is when we have no other options to try to meet the needs of something coming before us. He assured Mr. Landry that he is not unsympathetic to the case he is sitting with a property in foreclosure but is recognizing that the purchase and sale to someone who wants a single-family home is the shortest path from A to B and

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we have zoning and characteristics of zoning to look at a larger picture than just the shortest path from A to B. We have expiration of permits for these kinds of reasons. He can't get around the fact that there are at least a half dozen out of those 30 uses that could easily happen that does nothing to solve Mr. Landry's problem. That is not why he is against using the Consent Agreement. We have other tools to encourage this.

Chair Piltch tends to agree that there are other ways to resolve this but unfortunately, they would all take longer. He feels there are other uses and he tends to lean towards putting this back on the drawing board and saying who else can we get to buy the lot from the Landrys and figure out a way to make that happen.

Given that, Chair Piltch noted there are a few for and a few against and a lot on the fence so he doesn't know that we have a resolution and if Mr. Landry wants to pursue the Consent Agreement, we would be happy to entertain having him come back and going through the public hearing and see where that goes but there would be a lot of risk to that. Mr. Joseph asked Ms. Pelletier what the non-residential portion of a mixed-use development would involve? She read the Council the definition and noted that it does not say the ratio. Mr. Joseph is saying that this is something he can explore with the applicant and the buyer in addition to this non-committal 2-2-3 on the fence. Ms. Pelletier advised that they would have to go through Site Plan Review and Mr. Joseph indicated he understood. Vice chair Egan mentioned that if there was support that this is the resolution for the Council to support to try to support not only the case for Mr. Landry but the future homeowner we don't even know, then he thinks that would have some gravity of how we are trying to get to a reasonable solution. Mr. Joseph explained that the reason the applicants are here tonight is for them to gauge whether they are spending legal dollars to draft something up to get something in front of the Council for consideration. Vice Chair Egan added that the pathway to defining what that secondary non-residential use seems to be a lot smaller hump to get over than the Consent Agreement. Councilor Lawrence added that he feels it is fine if it lets them get it done. Ms. Pelletier mentioned she is happy to work with Mr. Landry and if he can bring his buyer in, they will explore options that will work for both parties. Mr. Joseph advised that the foundation can remain where it is as long as it doesn't deteriorate. He understands it is currently safe. Ms. Pelletier will follow up with Mr. Adams on that. Chair Piltch feels the Council has gotten as far as it can tonight. He appreciated the applicants' patience. If they need to come back before us, we are here. The next step is to go back to the Town Planner. Mr. Joseph added that he sees two Councilors leaning yes and two Councilors leaning no. They have not told Mr. Landry that they wouldn't consider a Consent Agreement but he does not have a lot of reassurance..Mr. Landry appreciated it.

2. Sparkle Parade Detail fee request from Visit Freeport.

Chair Piltch explained that this request is for us to help them with the fee involved with the parade they put on and other Sparkle activities they have going on. Mr. Joseph advised that this has been discussed by other Councils in the past. He doesn't think the Council has done it before. This is an outside event and detail rates are paid when a company hires Town Staff, essentially Public Safety Staff to man an event. It is a higher rate than what they otherwise would make because it is not a Town demand. There is a contract that says we are supposed to pay them at the detail rate.

Councilor Bradley recalled when the Town took over the Fourth of July Parade, it took over the expenses of the parade and that is how we finessed the insurance issue because it became a Municipal event with governmental immunity as long as we didn't do egregious things. That was the main reason but there was also a fee associated with the parade that the Town took over. He doesn't know why the Sparkle Parade wouldn't come under the same thing. He understands it is for the businesses but it is for the downtown and it is what we are doing making our downtown an experience so we don't suffer the internet malaise.

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It is important for Councilor Bradley to know that we would be doing this consistently with the other parade. Mr. Joseph mentioned that this is the one we don't do it consistently on. His opinion matches former Councilor Tracy's opinion that we should be funding it as well. Councilor Bradley

Councilor Fournier recalled having a tragic event happen during a Sparkle Parade when a young child was run over. The issue back then was that the Town was not supervising the floats, the routes or whatever. In this liability age with huge crowds with huge crowds, if we go down this road, he can remember how many times we had bike races that came in and a lot of events coming in. He feels this is a slippery slope. The Sparkle Parade brings people to town to support the business community. If we want to sponsor it with our insurance, perhaps we can do that. Mr. Joseph advised that the cost we are talking about is \$3,000 or \$4,000 or maybe up to \$5,000. They do inspect every parade now so the Police Department walks through at the Start line and mentioned that the Police did not allow uninspected vehicles this year to be in the parade but they were put on a trailer. He mentioned that we get requests from outside agencies for groups such as the Shriners that want to do the Clown car and mini trike on Main Street. It sets some kind of expectation that all parades will be funded by the Town.

Councilor Bradley does not feel he can correlate the Shriners with Visit Freeport. That is an organization that takes over a lot of work for us and is like the Chamber. From his perspective, it is a municipal organization but he may be wrong but that is why he would say this is no different than the Fourth of July Parade. It is a community event and if we can help them with \$3,000, he would give it to them.

Mr. Joseph explained that Staff feels similarly and that is why it is before the Council because they wanted to make sure that politically there is agreement. Chair Piltch asked if \$3,000 is the actual cost? Mr. Joseph advised that it is. Councilor Daniele asked if we could use the funding we discussed earlier for this since they struggled with COVID? Mr. Joseph advised that the Council could agree to give them a certain amount of money that is close to this amount. If they could quantify what they lost and it is close to \$3,000 we could provide funds from that. This is just the detail rate and they would still be hired by Visit Freeport. This amount is within the Treasurer and the Town Manager's discretion. It does not require Council approval. Chair Piltch noted that Visit Freeport is doing a lot of work we want done in our town and he thinks it is a great idea. He is a strong supporter of doing this. There were some head nods in agreement. There was no opposition to paying this. Councilor Fournier suggested that the Council agrees we will sponsor the parade every year and formally endorse spending \$3,000 and it will solve the problem. There were heads nodded in agreement.

### 3. Council Committee Assignments

Chair Piltch noted that in the Council's packet there is a lot of committees that we should be sending people to. The ones with the three after it means there are three Councilors that are appointed to those committees. The other committees get one Councilor. In some cases, it is just a liaison to attend and kind of share what happened back to Council. In other cases, they are actually voting members of the commission. Each one is slightly different. He asked Councilors to send him a list of what they want to be on and what committees you are interested in serving on. Some Councilors have assignments from last year and if anyone doesn't want them, shoot him an e-mail as well.

Councilor Fournier mentioned the Police Advisory Committee and there was some discussion years ago about having a Public Safety Advisor come in to bring up issues and provide a connection that they haven't had for a long time. He asked if this is something we can act on? He thinks it would be really helpful if they had a voice. Chair Piltch is not opposed to that. The history of the Police Advisory Committee came out in last year. There were five specific things they were recommended to look at

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which they did but there is nothing to say that can't be expanded or maybe something ad hoc, let's have some open house nights.

4. Discussion regarding 2022 Town Council Goals

Councilor Piltch advised that on the Town's website is a list of 2021 Council Goals and Objectives that we agreed are goals and objectives for the year. We don't have to keep those and carry them forward but we have an opportunity to agree amongst us that this is what we want to focus on in the coming year. It is not strictly required but seems like it is a good idea. He asked the Council to give this some thought and we will put it on the agenda for the next meeting or the one after and say this is what we want to do as a Council for next year.

**MOVED AND SECONDED:** To adjourn at 9:50 p.m. (Lawrence & Daniele)

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

Respectfully submitted,

Sharon Coffin, Council Secretary