

MINUTES
FREEPORT TOWN COUNCIL MEETING #08-22
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, APRIL 19, 2022
6:00 PM

Vice Chair Egan called the meeting to order at 6:00 p.m.

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

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood for the Pledge of Allegiance

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #07-22 held on April 5, 2022 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting # 07-22 held on April 5, 2022 and to accept the minutes as printed. **VOTE:** (Daniele & Fournier)(5-Ayes)(1-Excused)(1-Abstain-Bradley)

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

- The public works department would like to ask residents to please contact the Freeport public works department to check the roads ROW before planting trees, building stone or wood fence.
- The Freeport Library will be open on Fridays again starting this week.
- Vice Chair Egan gave a synopsis of the April 9th Downtown Visioning Open House. Approximately 125 people attended and there was a lot of community input. We have not yet received the summary report from Principle Group.

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

Councilor Fournier was congratulated by a constituent regarding the repeal of the Victualer License at the last Council meeting.

There was discussion as to whether the earmarks got turned in for the Sewer Department. It is believed that everything was submitted within the timeframe.

Vice Chair Egan requested that we set up an Appointments Committee meeting before the next Council meeting on May 3rd to address a vacancy on the Sustainability Committee.

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

Public Works is testing out electric power equipment (trimmers, leaf blowers, etc) that will replace the 2 stroke and 4 stroke powered equipment currently being used. They are starting with testing commercial grade leaf blowers. The electric power used comes largely from the solar farm that we are invested in. It comes not directly to us, it goes to the grid and then we are issued credits. The Council has been hearing about this issue for a few years and have worked with contractors who are using the battery powered equipment already with good reviews. Councilor Fournier wanted to make sure they get feedback on how the equipment performs.

Posted Road signs have been removed.

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

Robert Stevens: Member of Climate Action Now Group, thanked the Council for the appropriation to get the Farmer’s Market going. His sub groups are working on several issues such as Transportation (increasing Breeze ridership), Housing (weatherization campaign), Solar action (increase solar participation) and more. They should have a Climate Action Plan to present to the Council in September.

Peter Anzuini: Referencing the presentation that Speaker Fecteau gave on LD2003 Affordable Housing Bill, at the last council meeting, he asked if passage of that bill would affect the zoning requirements in the Village Residential Zone (in South Freeport) to reduce the square footage requirement? The bill would not require or demand that Freeport rezone to accommodate what may or may not have been mentioned in the bill. The language in the bill is to allow a homeowner who is restricted by zoning to only having one dwelling unit per lot, to be able to add an accessory dwelling unit or second unit. All of the other local zoning and setback and water/sewer requirements are required to be upheld. The State is not reaching over anything other than giving property owners the right to petition their community to add a dwelling unit if otherwise everything else is in line. If all other requirements are met, then the town can’t deny just because the zoning says it’s one dwelling unit per lot.

Joyce Clarkson-Veilleux: Informed that she is working with the American Legion to do a Get Out the Vote Campaign for the RSU5 Budget Validation Election. In conjunction with the Clerk’s office, they produced an absentee ballot request form and information mailer. The mailer went to residents 65 years or older which turned out to be 2,306 voters. She went on to point out that voters cannot get an absentee ballot until after the May 25th Budget Meeting and that is in conflict with the 30 days of absentee voting as outlined in law. We need to work with the RSU to address this conflict and work on a better school budget calendar. The Town Clerk clarified the source of the problem is the conflict between 20-A (School Budget statute) and 21-A (State Election Law) and the requirement is to hold the budget meeting within 30 days of the election. State election law calls for a full 30 days of absentee voting. The closer the Budget Meeting is held to the Election Day, there are less days to do full absentee voting as the ballot can be issued but cannot be allowed to be returned until the day following the Budget Meeting. This problem needs to be addressed further up the chain by our Legislators. Councilor Fournier gave several reasons that the law should allow for us to vote the RSU Budget in November. The voter participation numbers are much higher in November elections. One problem with a November budget process is the lack of knowledge of budget needs when you are projecting 7-8 months out.

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

ITEM # 75-22 To consider action relative to adopting the April 19, 2022 Consent Agenda.

BE IT ORDERED: That the April 19, 2022 Consent Agenda be adopted.

MOVED AND SECONDED: That the April 19, 2022 Consent Agenda be adopted. **VOTE:** (Egan & Lawrence)(6-Ayes)(1-Excused)

(Council Chair Piltch) (5 minutes)

ITEM # 76-22 To consider action relative to setting a Public Hearing for May 3, 2022 at the Town Council meeting starting at 6 pm in the Town Council Chambers at 30 Main Street, Freeport to discuss Proposed Amendments to the Official Zoning Map for the Town of Freeport pertaining to Shoreland Zoning.

BE IT ORDERED: That a Public Hearing be set for May 3, 2022 at the Town Council meeting starting at 6 pm in the Town Council Chambers at 30 Main Street, Freeport to discuss Proposed Amendments to the Official Zoning Map for the Town of Freeport pertaining to Shoreland Zoning.

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

The substantive change is that several things have been removed from the map and attached as addendums to the map so they can be changed without having to readopt the map. Coastal Bluffs and Flood Zones are now addendums that can be changed by the respective authorities. If MGS adopts different Coastal Bluffs maps, currently the town would have to change the zoning map. If you don't change the zoning map for years, it remains inaccurate. This will allow incorporating those changes by Order of the Council. The Flood maps will be changing in the next year or two and the Council will not have to take action to stay up to date as the new maps will just take the place of the old ones.

MOVED AND SECONDED: That a Public Hearing be set for May 3, 2022 at the Town Council meeting starting at 6 pm in the Town Council Chambers at 30 Main Street, Freeport to discuss Proposed Amendments to the Official Zoning Map for the Town of Freeport pertaining to Shoreland Zoning. **VOTE:** (Pillsbury & Lawrence)(6-Ayes)(1-Excused)

(Town Manager, Peter Joseph)(5 minutes)

ITEM # 77-22 To consider action relative to setting a public hearing for May 3, 2022 at the Town Council meeting starting at 6 pm in the Town Council Chambers at 30 Main Street, Freeport to discuss the creation of a new proposed Shoreland Zoning Ordinance for the Town of Freeport.

BE IT ORDERED: That a public hearing be set for May 3, 2022 at the Town Council meeting starting at 6 pm in the Town Council Chambers at 30 Main Street, Freeport to discuss the creation of a new proposed Shoreland Zoning Ordinance for the Town of Freeport.

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

This is the language that will be amended in the actual Zoning Ordinance to update the Town to comply with the minimum requirements of the Shoreland Zone Act. We currently have an ordinance that is in conflict with the Shoreland Zone from the State.

MOVED AND SECONDED: That a Public Hearing be set for May 3, 2022 at the Town Council meeting starting at 6 pm in the Town Council Chambers at 30 Main Street, Freeport to discuss the creation of a new proposed Shoreland Zoning Ordinance for the Town of Freeport. **VOTE:** (Daniele & Lawrence) (6-Ayes)(1-Excused)

Note: The new Ordinance would be based on existing shoreland zoning regulations that are contained in the current Zoning Ordinance and would be put into a new ordinance. The language would also be updated to comply with the minimum requirements of the State of Maine's Mandatory Shoreland Zoning Act.

(Town Manager, Peter Joseph)(5 minutes)

ITEM # 78-22

To consider action relative to setting a public hearing for May 3, 2022 at the Town Council meeting starting at 6 pm in the Town Council Chambers at 30 Main Street, Freeport to discuss amendments to Chapter 31- Coastal Waters Ordinance.

Proposed amendments include text changes to make sections of the Ordinance consistent with the minimum requirements of the State of Maine's Mandatory Shoreland Zoning Act; updated standards for Float, Dock and Wharf permits including a new standard for the length of a Float, Dock or Wharf; removal of an outdated reference to aquaculture; removal of fees from the Ordinance text; and additional non-substantive text amendments.

BE IT ORDERED: That a public hearing be set for May 3, 2022 at the Town Council meeting starting at 6 pm in the Town Council Chambers at 30 Main Street, Freeport to discuss amendments to Chapter 31- Coastal Waters Ordinance.

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

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This is the final arrival of the language we've been talking to Coastal Waters about; wharfs and weirs into various segments of our shoreland to get compliance and consistency with balancing all of the uses in those areas.

MOVED AND SECONDED: That a Public Hearing be set for May 3, 2022 at the Town Council meeting starting at 6 pm in the Town Council Chambers at 30 Main Street, Freeport to discuss amendments to Chapter 31- Coastal Waters Ordinance. **VOTE:** (Lawrence & Fournier) (6-Ayes)(1-Excused)

(Town Manager, Peter Joseph)(5 minutes)

ITEM # 79-22

To consider action relative to setting public hearing for May 3, 2022 at the Town Council meeting starting at 6 pm in the Town Council Chambers at 30 Main Street, Freeport to discuss amendments to Chapter 21-Freeport Zoning Ordinance, including removal of Shoreland Zoning regulations and additional non-substantive text amendments throughout the Ordinance.

Text amendments are proposed to the following Sections: Section 104, 201, 202, 203, 204, 302, 304, 402, 403, 404, 405, 406, 407, 407.A, 408, 409, 411, 412. 413, 414, 415, 416, 417, 418, 420, 421, 422, 423, 424, 425, 426, 428, 504.A, 504.C, 504.D, 505, 507, 509, 515, 520, 524, 525, 526, 526.A, 527, 528, 531, 534, 601, 602.

BE IT ORDERED: That a public hearing for May 3, 2022 at the Town Council meeting starting at 6 pm in the Town Council Chambers at 30 Main Street, Freeport to discuss amendments Chapter 21-Freeport Zoning Ordinance.

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

There is a long list of sections in the proposed zoning language that will be amended and there is no need to read them all tonight as we are just setting the Public Hearing.

MOVED AND SECONDED: That a Public Hearing be set for May 3, 2022 at the Town Council meeting starting at 6 pm in the Town Council Chambers at 30 Main Street, Freeport to discuss amendments Chapter 21-Freeport Zoning Ordinance. **VOTE:** (Fournier & Lawrence) (6-Ayes)(1-Excused)

(Town Manager, Peter Joseph)(5 minutes)

ITEM # 80-22

To consider action relative to adopting the FY23 Capital Budget.

Jessica Maloy had provided new Capital Budget packets for the Council and pointed out the only difference is the addition of a late request for replacement of fencing at the Library. That is reflected in a \$20,000 increase in the Municipal Facilities article, bringing that total to \$460,000 vs \$440,000. That brings the total appropriation before you to \$1,610,000. This does not include any impact for the ACAF request of \$25,000. That would be under Destination TIF if they choose to add it in. She did not receive

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any additional information on the request, so it was not added into the figures. The Vice Chair stated that he had received that information yesterday and will share. Councilor Bradley asked if this budget document includes the FEDC and Library request, which it does. The Finance Director clarified that the reason the ACAF request wasn't included was because she was specifically asked for more information on the request and that was not provided to her so she felt she shouldn't add it.

Councilor Fournier asked about the replacement of just the chassis, not the plow, and using the body of the Public Works Truck and whether that was taken into consideration. With the unit being replaced, that is not recommended or cost effective. The unit up for replacement is the first stainless body they purchased and it was a different grade of steel. The 4-5 purchased after are a higher grade steel and will be used for 8-12 year cycles. Councilor Bradley inquired as to how much money we would save if we explored Councilor Fournier's suggestion. The Town Manager's guess was on a \$200,000 purchase there would be \$50,000 (mid 10,000s) savings. Is there any benefit to doing this? The Finance Director understanding is that we would have to replace the body before the chassis would then have to be replaced so you wouldn't get a full life cycle of a two cycle expansion. There may be some benefit but you're paying to mount it on mounts, taking the truck out of service and sending it away for 2-3 months to get it swapped over which is an additional expense you wouldn't have if done right the first time. It would put us on half cycles if this makes it two years and has to be replaced, as opposed to 12. The trucks are lasting 10-12 years, the reason we went from carbon steel to stainless. The first truck they bought is the one we are replacing now, which was a different grade of stainless. It is not as rust resistant or corrosion resistant as the ones they bought 7, 6, and 5 years ago on. It's a different grade steel and they are not recommending it get transferred over.

On the plow and wing, the mechanic was asked about the life cycle and he thought they could be repurposed. Councilor Fournier can support this for this year, but his understanding is we now have the same body styles and the same amount of steel in each body moving forward and that those will be repurposed down the road so all we have to buy is a chassis as opposed to buying a dump body and head gear and plow gear which he thinks is wise.

Councilor Daniele pointed out that we could appropriate the money and they could still continue the conversation on this. We are not making a purchase decision tonight, just an allocation decision. It is the manager's understanding that the next 3-4 in line if everything holds true to what they are seeing for performance, they would recommend not to buy an additional body with it, that we would swap it over. The question is the number of years we would get out of it.

Councilor Daniele asked about the funds to redo the grounds at Town Hall and if that request was in this year. It was actually funded last year and the money is still available. That is on the Town Engineer's schedule for summer or fall of this year. This project was held to wait for the result of the Downtown Revisioning process.

The current amendments to the FY23 Capital Program are \$1,610,000 which is on page 2. On the last page of the information packet is a list of the amendments with the exception of the \$25,000 ACAF request. The information received from the Director and Board Chair at ACAF was for the \$25,000 to cover expenses for additional infrastructure of a projection/sound equipment unit that they are building into the facility to allow them to do things like the Bates College Film Festival we just had. Councilor Egan went on to outline the benefits to our community that Meeting House Arts provides now and will provide in the future.

If the town wants to use the Meeting House Arts building would we rent it or would that be in kind? Councilor Egan said it would probably depend on the event and their schedule, so we may have a lot of

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options to do things there. This allocation will bring the Capital Budget total to \$1,635,000 and the Funding Source from TIF to \$210,000. The Destination TIF is the funding source for this particular request.

MOVED AND SECONDED: to add \$25,000 to the overall FY23 Capital Budget to include this request from ACAF **VOTE:** (Egan & Bradley) (6-Ayes)(1-Excused)

BE IT ORDERED: That the proposed Capital Program for FY2023 be approved.

MOVED AND SECONDED: To amend the original motion to include the words “as amended” to the end. **VOTE:** (Bradley & Fournier) (6-Ayes)(1-Excused)

MOVED AND SECONDED: To the proposed Capital Program for FY23 be approved as amended **VOTE:** (Bradley & Fournier) (6-Ayes)(1-Excused)

(Finance Director Jessica Maloy)(60 minutes)

ITEM # 81-22 To consider action relative to approving the 2022 Short-Term Rental Registration Renewals.

BE IT ORDERED: That the 2022 Short-Term Rental Registration Renewals be approved.

We will review the Short-Term Rental Ordinance soon, so this is solely the review of the Short Term Rental renewals that need Council approval annually. There have been zero filed complaints on renewals. There have been inquiries about some operating without the registration. Also, we had complaints about units that couldn't be approved. For instance, we also had the Links at the last meeting where we need to do a Consent Agreement with them for them to be able to rent a unit. No one on the renewal list had complaints last year.

Councilor Bradley felt we did not put teeth into this ordinance. This was mostly a notification and reporting ordinance and he felt we should be proud of the success.

Councilor Lawrence pointed out that we set 300 limit and we had 150 before and now we are down to 53 that registered. He doesn't see the whole point because it's only 53 and we only had 2 bad actors. Most of this is covered by other ordinances we already have in force. It's similar to the Victualer Ordinance that we just voted out. The Vice Chair would agree but would like to see a couple of years of data before we conclude this is unnecessary. The issues that instigated this were real and came from specific incidents. What we are doing tonight is look at complaints of which there aren't any.

MOVED AND SECONDED: That the 2022 Short-Term Rental Registration Renewals be approved. **VOTE:** (Pillsbury & Lawrence) (6-Ayes)(1-Excused)

(Town Clerk, Christine Wolfe)(10 minutes)

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ITEM # 82-22 To consider action relative to signing the RSU5 Budget Validation Election Warrant for June 14, 2022.

BE IT ORDERED: That the RSU5 Budget Validation Election Warrant for June 14, 2022 be signed.

MOVED AND SECONDED: : That the RSU5 Budget Validation Election Warrant for June 14, 2022 be signed.

VOTE: (Fournier & Lawrence) (6-Ayes)(1-Excused)

This is the official Election Warrant which is the connection between the RSU and the Town which we are required to endorse. The signature page is the execution of the ability to put a budget in front of the voters. Our action tonight endorses that. Could the council not sign the warrant and what would that do, would it give us leverage to address issues with the RSU budget process? It would stop the election from happening until attorneys got involved. The town manager looked into this about 5 years ago, the statute says the municipal officers have to “call” the election. The municipal officers “shall” call the election so inaction on the warrant would result in legal action.

We added a task to the Council list to look further into this issue surrounding the Budget Meeting timeline and set up contact with the RSU5 staff to discuss solutions.

(Town Manager, Peter Joseph)(5 minutes)

TABLED:

The next two items are tabled since last fall. This will be addressed at the public hearings we just set for May 3, 2022. The two items tabled are no longer necessary. We have now incorporated the changes into the documents that we are going to vote on May 3rd. Councilor Bradley would prefer to keep these items tabled until the new ordinances (amendments) are adopted. The Vice Chair believes that we have superseded these ordinances with the action (changes) we have coming on May 3rd. The tabled items below will make all the required changes without making Shoreland Zoning a separate ordinance.

MOVED AND SECONDED: To table items # 194-21 and # 195-21 until May 3, 2022 **VOTE:** (Lawrence & Bradley) (6-Ayes)(1-Excused)

ITEM # 194-21 To consider action relative to amendments to the Freeport Zoning Ordinance pertaining to State mandated Shoreland Zoning regulations. Text amendments are proposed to the following sections: Section 104. Definitions; Section 201. General Restrictions; Section 202. Non-Conformance; Section 203. Changes and Amendments; Section 302. Zoning Map; Section 303. Zoning District Boundaries; Section 304. Map Corrections - Shoreland Zone and Resource Protection District (to be repealed); Section 401. Purpose and Land Use Controls; Section 402. Rural Residential District I and Rural Residential District IA; Section 403. Rural Residential District II; Section 409. Commercial District I; Section 422. Industrial District II; Section 426. Island District; Section 507. Shoreland Zone Regulations; Section 601. Enforcement; and Section 602. Site Plan Review. Some additional non-substantive text amendments are proposed

throughout the Ordinance to correct typographical errors and to incorporate gender-neutral pronouns.

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

ITEM # 195-21

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

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

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

1. **OTHER BUSINESS:** Discussion of ARPA Funds Spending Plan (Councilor Egan)(15 minutes)

Our first allocation of ARPA funds was hazard pay for EMS, Fire and Police that were on the front lines the first 2 years of the pandemic. We have \$743,000 not allocated. We brought this up at a Council meeting and three Councilors were tasked with meeting to come up with recommendations. These are suggestions for discussion. The discussion will be within the parameters of what we have for allowable use for ARPA Funds. We have a timeline tonight on making a decision on how we are going to receive the funds. The proposed language of an order provided to the Council from the Finance Director reads as follows:

"The Town of Freeport is electing to use the standard allowance of up to \$10 M, not to exceed our total award allocation, for identifying revenue loss. Our total remaining award allocation, after the previously expended Premium Pay to our Emergency Responders, is \$751,260.73. These Revenue replacement funds will be further allocated to general governmental services at a future meeting."

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If we make action to vote allocations of ARPA funds for specific projects, then those recipients become subrecipients and become subject to the Federal funds reporting, which we want to avoid. The first action for us to consider is taking the funds under that category which are General Revenue Loss, which frees us from having the obligation of having a subrecipient do reporting. We can still make allocations how we see fit. We have to make that designation in the month of April.

The second item is if we pass funds over to another municipal entity such as one of the utilities they would become responsible for the reporting as subrecipients. That is not an inconsequential task.

The sub group of councilors (Bradley, Egan, Pillsbury) met and discussed what to do with the funds and they distributed their proposal to the Council prior to the meeting. The breakout is a synthesis of the conversations and proposes a 30/40/30 split of the funds. The proposal includes an allocation (30%) to FCS to work directly with people who have been negatively impacted by COVID. We already have an allocation channel in our Capital Budget for FCS. Secondly, an allocation of funds (40%) available to cost share some of the improvements in the Downtown Revisioning Plan. Lastly, the remaining 30% to an infrastructure project (that benefits a large segment of the community) that would be subject to the reporting requirements of Federal funds receipt which include procurement and wage rate compliance.

We do not have to decide on ratios tonight. The only action that is timely in April is whether to take the funds as a bulk sum. The treasure portal is now open for NEUs (non-entitlement units) to do their annual reporting. The town has already committed the funds for the Premium Pay for emergency responders of \$153,649.43. Total ARPA funds were \$904,910.16 leaving a balance of \$751,260.73. The Treasury has come out with enhanced guidelines on how to assist municipalities without requiring the extensive reporting that is required with an allocation of 10 million or more. To do this, they offered to municipalities to adopt the standard revenue loss allowance of up to 10 million dollars not to exceed your award amount. Prior to this there were expense categories 1-7 and each category dictated what you can spend your money on and what you have to do for reporting requirements if you choose that category. One of the categories was Revenue Loss however, you had to calculate and document the revenue loss. The Treasury said if your award is under 10 million, you can use that as your standard allowance and your reporting requirements are basically “yes, we’ve received \$904,910.16 in funding, and we are going to spend it on this....” You have to narrate how you spent that money on the general course of governmental services. The Sewer District would be considered a subrecipient because they are not the receiver of those funds and it is not in the general course of our governmental operations. The town would be responsible for the reporting and holding them accountable and not allowing funds unless we have the information for the reporting or we become responsible for that money.

Our first reporting deadline as a NEU is April 30, 2022 and annually thereafter. If we are adopting the standard allowance it has to be done this reporting period because there is no guarantee those requirements will remain for the next reporting period. We are asking you to elect the standard allowance for the remaining balance. You can allocate these funds at a later date, you just need to adopt the standard allowance. You have to appropriate the ARPA funds before the end of 2024 and they have to be expended by 2026. She would encourage the Council to take it’s time spending the funds because there are audit restrictions on Federal funds spent at certain threshold. She thinks if we spend \$750,000 in one year there are special audit requirements.

Councilor Bradley asked about limitations on spending the funds for other type projects if we chose “governmental services”. If we expend funds from a category other than governmental services, we would just be held to those reporting requirements. It is Ms. Maloy’s understanding that they can change categories at any time, but Councilor Bradley would like some type of confirmation that this decision won’t limit us in the future as to how we can expend the funds. MMA’s recommendation is that this

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designation is the best-case scenario for 95% of the municipalities in Maine. General governmental services covers things such as paving, fire, infrastructure, etc. The Manager explained that the only options you are cutting out are things you wouldn't appropriate tax dollars for. If it's part of the Downtown Vision and we are going to spend tax dollars on, then it's general government services. For example, the money we have spent on Principle Group would qualify.

If we don't adopt this tonight, we can still take the ARPA money and in the future we will have to designate the subrecipients, greatly expanding the reporting requirements. This potentially expands the scope of people you can give money to. Examples of the expanded reporting requirements were provided to the Council. Councilor Bradley feels this is a major governmental support bill. We are supporting FCS which is General Assistance, we are supporting Downtown Revisioning to the extent that it is municipal projects and the last is the infrastructure projects. His understanding was that this money was to support people who had been affected by COVID. That was one of the components of the money.

We do not report to the Federal Government what we are planning to use the funds for. Once the council obligates the funds, then Ms. Maloy will report what has been obligated. All they care about in the end is what the funds were actually expended on. If we want to obligate the money outside of General Government Services we would designate the category and have the expanded reporting. Using General Government is the most flexible category, covering 99% of what we would do as a smaller municipality with the ARPA funds. There are some projects not considered General Government that are enumerated in the original uses that have very specific requirements that must be met or we become responsible for repayment of that money.

Any monies not expended on a particular project that had been obligated would be reallocated to another project as long as the funds are obligated by 2024 deadline.

We do not have an unlimited list of what you can do with the funds. If we provide the service through our general operating fund now it would be covered under this umbrella of revenue loss. We don't want to do anything that would restrict the use of the money by making a quick decision. If we spend the funds through the Destination TIF or through Municipal Facilities or the Operating Budget, that would all be covered under general service. We will research to make sure that we are not blocking ourselves from using the other enumerated very specific purposes by doing this election. We can always find a general governmental services to use this ARPA money on and then budget for something else. The money we save using this ARPA money can be used for anything else such as paving Barnett Road.

MOVED AND SECONDED: "The Town of Freeport is electing to use the standard allowance of up to \$10 M, not to exceed our total award allocation, for identifying revenue loss. **VOTE:** (Lawrence & Daniele) (6-Ayes)(1-Excused)

Councilor Pillsbury encouraged us to work on a timeline for disbursing some of the funds to people negatively affected by COVID. We will set a discussion item for May 17th Council meeting. Should we have an RFP process for funding requests? It was determined that an open RFP would be very staff intensive and leads to individual lobbying and winners/losers. We don't want to create more divisiveness in the process. The subgroup of Councilors were trying to funnel it in so they would have more specific recommendations to make to the Council.

We will continue this conversation following the Island Rover discussion.

2. Discussion on potential Island Rover launch (Councilor Bradley)
(30 minutes)

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The most significant issue with the Island Rover over the last few years has been the launch. There are several different options looked at. Shore Drive was one of the first locations looked at. The other sites looked at were Marietta Lane, Little Flying Point and Wolfe's Neck Center. Several years ago the focus was Shore Drive. The town got a permit application for an over the road permit. We held a public hearing and did not approve the permit because there were legal objections from abutters. Councilor Bradley, when he got on the Council, started a conversation with the parties involved. The Town did some clean up on the sites. The parties involved started looking at other launch sites with the Wolfe's Neck site the focus. It would require private property owned by Wolfe's Neck Center to be crossed to get to the water. The site is right before the Burnett Road bridge. This more recent attempt at resolution didn't start with the prior red flags. There are yellow flags that we need to look at. One of the primary things to be worked out is the Town going on behalf of the other parties to Wolfe's Neck and see if they are interested. The Town would have a similar roll if we were to consider Marietta Lane. Is the Town interested in moving forward with this role as mediator or intervener?

The Town Engineer, Adam Bliss, displayed a map showing the overall view of the area in question. The boat currently sits on Bucknam Rd. The proposal is to transport it along Byram Ave, Lower Flying Pt, down Burnett Road to a sliver of private property owned by Wolfe's Neck Center adjacent to the town owned bridge. The applicant has identified this route as a feasible option. The Town met and provided them with a number of items that should be provided in order for the conversation to continue. We have a summary letter that all parties agree is information needed to complete the launch design. Approaching the land owner should occur next before completing the launch design.

The launch design can be outlined in three sections. Section one is the actual transport of the vessel over the roadways. Segment two is if allowed by the property owner, would be the placement of that vessel on a trestle rail system that connects ground into the water. Segment three is its placement in the water to be towed out to sea by a barge. Mr. Bliss showed a schematic of the rail system to be used showing steel rails with a fixed foundation to the ground and mats in the water that are used to guide the vessel. The proposal includes using steel anchors to connect into the ledge at the top of the rail system that would be removed after completion or cut flush with the ground. Geotechnical engineers will be utilized to confirm the plan actions.

The applicant will also have to demonstrate that the tides are high enough to raise the boat, and its weight, depth and width and allow it to be spun around and towed out to sea. We are looking for assent from the Town Council for us to reach out to the land owner before we move onto the next level of design. Councilors Fournier and Lawrence spoke in favor of moving forward with a formal plan.

Councilor Bradley reiterated that Mr. Grindle is the real deal, a marine guy who knows what he's doing and he hasn't provided the details because he has not been paid yet to do that. The owners of the vessel are not going to pay \$10-\$30,000 for the details until they know that this is conceptually the way we want to go. Mr. Grindle agreed to put together the points of development of the plan that need to occur before he feels confident he can do it. It's a back and forth collaborative at this point.

Prior conversations with Wolfe's Neck Center did not go well. At the end of the day, we need to go to them and say we would all be working together to get this done, but if they say no we will respect that too.

We are not disagreeing that this is a pathway to consider. The assent portion says this is a reasonable plan and there are outside consultants that are providing foundational reality about how it's going to happen. There is not a lot of risk in asking Wolfe's Neck to help participate.

Councilor Bradley wants there to be the independent consultant that looks at the final estimates of all the issues ahead of us and that it's a risk worth taking and it is going to cost us some money. Adam Bliss wants a geotechnical consultant to look at the final calculations and say yes/no. Councilor Bradley wants the same thing to happen with the calculations with respect to buoyance, tide and transport down the rail system. Some of the recommendations we have going forward before we would assent to this is indemnification, insurance, and all the things you would want to see with a commercial operation where there was the potential for harm or damage.

The Council gave support for Mr. Bradley to go forward with this and take it to Wolfe's Neck Farm.

CONTINUED DISCUSSION ON:

1. **OTHER BUSINESS:** Discussion of ARPA Funds Spending Plan (Councilor Egan)(15 minutes)

Vice Chair Egan recapped the earlier conversation surrounding ARPA funding and explained the reasoning for continuing the discussion.

FCS was one of the groups listed for ARPA funding and the question was raised whether we have asked them how much they actually need. We haven't done that yet but that does need to be done. FCS has communicated to us a request for increase in funding of \$10,000 for the Human Service Agencies and a recently identified cost for transportation shuttle service for resettled refugees at the inns on Route 1 South costing \$60,000 a year. That is something the towns been asked to cover and it's not in our budget. These have been identified as needs never mind giving back to community members damaged by the current economic situation.

Councilor Fournier mentioned providing relief to our elderly and whether there are some of these funds that could be utilized for that. That is included in the \$10,000 increase for FCS in the form of providing funds for the Age Friendly Freeport group.

Councilor Pillsbury agrees that it is critical that we provide relief to those who have been economically disadvantaged and are struggling to pay rent, heat and just cost of living increases. We also have the visioning process that will benefit the entire town that he felt was important. And lastly, a broad infrastructure project for the funds. We can play with the buckets, but overall this is intended to support the residents of the town and get positive change.

Councilor Lawrence pointed out that we have these two large bridge projects coming to town. Part of that plan with the MDOT knocking down the cost, was us building the trails. Was that included in the Downtown Visioning bucket? Councilor Egan said that it was at the surface but not specifically identified. Councilor Daniele likes the idea of the three buckets and we can play with the percentages. We do have a Connect Freeport group that's been doing a lot of work behind the scenes and the 30% for infrastructure in town could be utilized by them for studies on trails and sidewalks. That could be the infrastructure project. He supports the idea of the subgroup and if they could meet again and dial it in a little before the next regular council meeting that would be helpful.

MOVED AND SECONDED: to adjourn at 8:45 pm. **VOTE:** (Lawrence & Fournier) (6-Ayes)(1-Excused)

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 APRIL 19, 2022

	OUTSTANDING OR UPCOMING ACTION ITEMS	INITIATED ON	PROPOSED BY	ADDITIONAL INFORMATION
#1	Review of Town fee schedule this year	1/4/2022	Councilor Pillsbury	Tasked for 2022
#3	Schedule dates for touring facilities		Chair Piltch	
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#6	Set process for how we are going to accept applications for ARPA funding before summer		Chair Piltch	
#7	Determine if our Capital Reserve Budget is properly funded and we have a proper schedule to set our budget priorities		Councilor Fournier	
#9	Explore new fire rescue substation in District 2		Councilors Fournier and Bradley	
#10	Resolve Water Tank Contract		Mr. Joseph	
#11	Sewer district committee work			
#12	Divestment Discussion and Investment policy		Councilor Piltch	
#13	Planning and Codes Permitting policies			
#15	Discuss Readiness Team & Prioritization Team for future initiatives	March 2022	Chair Piltch	
#16	Attend RSU Budget meetings- send new Superintendent a letter to work with us on schedule-legislative action	4/19/22	John Egan	

END OF AGENDA (Estimated time of adjournment 9:40 PM)

