

MINUTES
FREEPORT TOWN COUNCIL MEETING #10-22
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, MAY 17, 2022
6:00 PM

Chair Piltch called the meeting to order at 6:00 pm

	PRESENT	ABSENT	EXCUSED
Councilor Chair Daniel Piltch, 25 Quarry Lane	X		
Council Vice Chair, John Egan, 38 Curtis Road	X		
Councilor Matthew Pillsbury, 36 Todd Brook Rd	X		
Councilor Chip Lawrence, 93 Hunter Road	X		
Councilor Darrel Fournier, 3 Fournier Drive	X		
Councilor Jake Daniele, 264 Pownal Road	X via Zoom		
Councilor Edward Bradley, 242 Flying Point Road	X arrived at 6:20 pm		

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood for the Pledge of Allegiance

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #09-22 held on May 3, 2022 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting # 09-22 held on May 3, 2022 and to accept the minutes as printed. **VOTE:** (Lawrence & Fournier)(5-Ayes)(1-Absent)(1-Abstain-Egan)

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

On June 14th the Council has a joint workshop with the Conservation Commission here in Council Chambers to talk about HedgeHog Mountain and what we want to see done with the property. There is a mountain bike trail proposal.

Freeport Players are having a live show at MeetingHouse Arts June 10-12 and June 17-19. The show is "That's Life". Come have some laughs.

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

The Winslow Park Commission met and the ramp project will be done at the end of the month. The playground project will probably be done in the fall due to some problems with the bid process. They don't want to disrupt summer activity.

Councilor Egan attended the ACAF board meeting in April as the Council liaison. They are busy so sign up for their email. They are in the process of establishing a strategic plan, laying out elaborate fund raising goals. They are coming out of pandemic on good footing.

The Downtown Task Force, which is made of mostly people from boards and committees plus a handful of members of the public, met on May 5. They talked through their working document which is made up of 75-80 items that were in the back of the Principle Group report. Chair Piltch asked people to sign up

COUNCIL MEETING #10-22
MAY 17, 2022

for a line item in which they think their group can spearhead. They will report back to the Task Force, which will hopefully meet monthly. This will be a good place to coordinate and say “this group, needs that group in order to do something”. It will also be a place to filter and prioritize funding to bring back to Council. The group has no authority, but will dig into the weeds. They are meeting again on the 26th via Zoom and the public is welcome to attend. If progress is made it may come back to the Council on June 7 or the following meeting including a list of requests and suggestions for prioritization. Brett Richardson of FEDC is going to start tracking grant requests. Complete Streets has also reviewed this document.

The Police Advisory Committee met last night (May 16). The meeting prior, the guest was a social worker that has worked with Portland and Westbrook programs and talked about what that looks like. The group is endorsing the idea of hiring a full time social worker embedded in the Police Department. They are willing to help with writing the job description and the search process. They encouraged the town to pursue grant opportunities to fund this position as other municipalities have.

Councilor Pillsbury inquired about the current situation with Portland’s Asylum Seekers and the restrictions Portland is making to their city budget to limit expenses. We do have some Asylum Seekers here in Freeport. Portland’s defense is that they are not going to stop helping people but are going to start following the same standards other municipalities have for 15 years. Voucher placements are nothing new to Freeport. We have had voucher placements in our hotels over the years. For general assistance purposes, if someone wants to reside in this community, they are considered a resident. We are not expecting a huge amount of new cases. That number may go up, we are going to watch. The State was providing Portland with 90% assistance and that may be available to other municipalities also. It is going to be affected heavily by availability of hotel rooms. We need to ask for updates from FEDC/General Assistance on a regular basis.

Councilor Fournier: We are a destination location and we have lost 2 motels in the last few years. Can we track to see the impact on the town? From a business standpoint they are doing better with the rooms being used by voucher recipients than having them remain vacant. They are individual business owners and they need to figure out what works for them. He wants to know if there will be enough rooms for people to come and stay in Freeport. This will have to play out.

Councilor Bradley asked if we are we promoting the relocation of immigrants to our town? The manager stated we are not. The Casco Bay Lodge had contracted individually with the City of Portland to house people. If someone is objecting to the relocation, the town would have land use and licensing control over the hotels, but these are private contracts and we would have no say. Whether there is an impact to the town will depend on if these people come to the town for assistance. It is very defined in law how we process those applications. Towns, like Portland, have been going above and beyond those standards for years. 70% of funding is provided by the State and 30% by the municipality. We are not playing an active role in the relocation, but we do have to respond if someone makes a general assistance application.

Island Rover Update:

The town has met with the executive director of Wolfes Neck Center. He was open to the idea of launching from the farm, as long as due diligence is reached. Town staff has a meeting with the full board of the Center to present the issue and get their input.

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

COUNCIL MEETING #10-22
MAY 17, 2022

The Memorial Day Parade will be at 10 a.m. this year. There is a ceremony immediately following at Memorial Park on the Corner of Bow and Park Street.

Road Project Updates: Pownal Road is a State paving project. It is a shim and overlay job, not a comprehensive rebuild project. Two other big State projects are the MDOT bridge replacements at Exit 20 & 22. We have had several complaints about traffic control at the Exit 20 Bridge project. They will be installing Jersey barriers and traffic lights, but the flow is being controlled at this time by flaggers. Morning traffic is experiencing backup problems. The town is trying to get the State to address the issue. The plan is to maintain two-way traffic throughout the construction. Not the single lane with no jersey barriers that you are seeing now.

The Maine Municipal Association is looking for volunteers for the Legislative Policy Commission. If any elected official, including the Council, would like to serve they are welcome. There is a time commitment. If you have interest in State policy this is an interesting several hour weekly debate on what MMA's position will be on upcoming legislation. About 70 officials serve on that committee.

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

Bob Lothrop 138 Wardtown Rd: Asked if the lights on Desert Rd will be permanent. It was clarified that there will be permanent lights, but not at the location they are currently at. He had a concern about a property behind him on Renee Rd that they are looking to expand to be non-draining. It is actually on the Project Review Board agenda tomorrow night, May 18 at 6 pm in Council Chambers. His property has culverts on either side and after dredging last summer his yard was completely flooded. He can't mow it and has to wear boots to mow. He wanted to speak with the developers tonight so he could ask them directly.

The dredging at Florida Lake will happen in 3-5 years and they will lose a lot of their property if this continues. He would like to speak to his District Councilor in the future. He was directed to speak with the Town Planner. Last year he did speak with the Town Engineer and Public Works but since then he has seen more and more deterioration. Staff will get in touch with him and his concerns will be forwarded to the Project Review Board. He was encouraged to photograph his property under different conditions.

Joyce Clarkson Veilleux, Police Advisory Committee Chair: The Police Advisory Committee is advocating for the town to look at establishing a position for a trained mental public health or a social services worker embedded in the Police Department. This person would be able to provide intervention, education, outreach and case management. This person would work independently and would be a connection between the residents and the treatments, services and facilities throughout the greater community. There are grants available for this position. Fifteen communities in Southern Maine have this position currently. They are suggesting a liaison with Pownal and Durham because of RSU5.

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

COUNCIL MEETING #10-22
MAY 17, 2022

ITEM # 103-22

To consider action relative to a new liquor license for Sam's Italian Food.
PUBLIC HEARING

MOTION: to open the Public Hearing (Pillsbury & Lawrence)**VOTE:** (7 -
Ayes)

Sam's is reopening under new ownership. The liquor license is new. Sam's has always been a stable business.

MOTION: to close the Public Hearing (Pillsbury & Lawrence)**VOTE:** (7-Ayes)

Councilor Bradley expressed concern about the owners/managers listed on the Liquor License application. The majority share holder at 80% is Trans Shares and we have no idea who or what this company is or who the owners really are or what they produce, they are a dark hole to us. The only process that included a background check was the Victualer license application which was recently repealed. We are the first level of approval before State approval. Our approach in the past for a first-time license is to approve and then if there are problems the State will repeal the Liquor License. Councilor Bradley feels we should ask the exact same questions of the corporate owners as we do for the individual owners and he is uncomfortable with not knowing about the corporation that is most likely setting policy at 80% ownership.

Mr. Joseph: Generally when they are reviewed if the applicant has had issues and problems the license would not be approved. Previous practice has been to approve a first-time license unless otherwise known as a problem. We have not previously background checked applicants. Councilor Bradley would be happy with issuing a conditional approval and have staff review of the information provided from Trans Shares. He is not trying to hold up the process.

Councilor Fournier would be comfortable approving conditionally, with staff review. We are trying to bring business in and we are saying they are guilty before they get here. He supports approving the license.

Councilor Pillsbury: They have filled out the form as they have been asked to and we are making the assumption that they are guilty before proven innocent. We can change the process but they have completed the process as asked.

This public hearing was published publicly for last meeting and tonight. If people have a problem, they could be here tonight and speak for or against and since no one is here then the Chair is comfortable supporting the license tonight.

The form cannot be changed as it is a State Liquor Licensing form and the hearing tonight is required by the State before they will approve the license. If there were applicants that you didn't want to have the license, the municipality could deny the license. The State is the second level of approval. A denied applicant could appeal the denial. The Clerk's Office has a good relationship with Liquor Licensing and they will advocate for us and hold liquor licenses to persuade compliance of municipal issues.

Councilor Daniele searched the companies profile online. The company is a financial technology company based in York that specializes in transitioning small businesses into employee owned operations. They currently have fifty businesses they operate right now.

COUNCIL MEETING #10-22
MAY 17, 2022

BE IT ORDERED: That a new liquor license for Sam's Italian Food located at 7 Main Street, Freeport be approved. (Pillsbury & Fournier)**VOTE:** (7-Ayes)

(Council Chair Piltch) (5 minutes)

ITEM # 104-22 To consider action relative to setting a public hearing to discuss a new liquor license application for Freeport Oyster Bar.

Ken Spartan supports making the process more business friendly in Freeport and suggested a check list to assist new potential business owners. He applauded the repeal of the Victualer License Ordinance. The Council did try to assist with speeding up the process for liquor license public hearings, but has to adhere to the State statute and will have the license available the night of the meeting.

BE IT ORDERED: That a public hearing be set for June 7, 2022 at the Town Council meeting that starts at 6:00 pm. to discuss a new Liquor License application for Freeport Oyster Bar at 43 Main Street, Freeport (Fournier & Lawrence)**VOTE:** (7-Ayes)

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.

(Council Chair Piltch) (5 minutes)

ITEM # 105-22 To consider action relative to the 2020 foreclosures.

The Finance Director, Ms. Maloy, explained that the article before them is to authorize the foreclosure of 93 Pleasant Hill Rd. The Municipal Facilities Committee met and agreed that it would be in the best interest to do a public bid process which needs Council approval. This is land and building. It is not a primary residence for the homeowner. The last payments made were in 2019 and the owners are not in a financial situation to maintain this property. This is a non-conforming lot. The next part of the process would be the public bid process. Councilor Fournier was pleased that there would be a minimum bid set to protect our interest. A condition of the sale would be making the lot conforming.

Councilor Bradley asked what a non-conforming lot means and what needs to be done to make it a conforming lot. He asked if this work would be done before the bid process? It would not be done before the bid process because that would put the effort on behalf of the town to make it conforming. The issue with the front lot is that it was divided incorrectly and there is a 50 foot right-of-way through the structure to the lot behind it which was split off from the original acreage. The front lot is non-conforming because the structure doesn't meet setbacks.

There are three abutting property owners that could make the lot conforming by adding to their parcel. A buyer may not buy and occupy the house. The house may need to be torn down. Anyone who buys it will most likely tear down the structure and add the acreage to their lots. The structure or the right of way may possibly be moved if an abutter purchased the lot, pending there is agreement from the owner of the back lot.

COUNCIL MEETING #10-22
MAY 17, 2022

Councilor Bradley questioned whether we should not put the condition on the lot to open it to greater sale price by opening to other potential buyers instead of just the three abutters. The average buyer would not be able to buy it and make it conforming. They would buy the land and hold the violation (which the town would probably not enforce) with no way to correct it. The only way to make it conforming is to add it to an abutter's property. Both the land and building are non-conforming because someone wrote and recorded a deed to themselves and split the land without getting municipal approval or legal review.

Councilor Lawrence pointed out that someone could buy the non-conforming lot and make it conforming if one of the abutters was willing to sell them enough land to correct the violation. The house would need to be moved or removed. It is owned by the Town since February 18th, 2022.

Could we make this available, even as a non-conforming building and lot, to provide housing in this critical shortage time? The Council could choose to not enforce any portion of their Ordinances. The manager would recommend only doing this if there is a public benefit, and it looks like they have identified one. We would want to look at the house and deal with any potential code violations first. There are identifiable problems with becoming a landlord and especially with a non-conforming lot and structure. It was described as a small workshop by Councilor Fournier and didn't think they had been allowed to live in it for several years.

The vote tonight will be on whether to place this out to bid. The bid has a baseline minimum of approximately \$10,000 including all back taxes, interest and fees (administrative costs). The Town Manager will review the bids, following the guidance of the Municipal Facilities Committee, awarding to the high bidder. The land value of \$78,000 was based on when it was being used as a dwelling. Now the land value will be what its value is to an abutter. We were taxing him based on the values below before the violation was discovered.

BE IT ORDERED: That the Town Treasurer be authorized to foreclose on the following property:

<i>018-090-00A-000</i>	<i>93 Pleasant Hill Road</i>	<i>Land & Building</i>
0.7 Acres;	Land Valuation \$78,100;	Building Valuation \$37,200

BE IT FURTHER ORDERED: That the Town Manager be authorized to sign any deeds or documents necessary to execute these transfers/disposals.
(Lawrence & Fournier) **VOTE:** (7-Ayes)

(Finance Director, Jessica Maloy)(5 minutes)

ITEM # 106-22 To consider action relative to the write off of 2021 taxes.

This is a duplicate assessment on Smiling Acre Drive. The Assessor abated the current year's assessment. Because this is last year's taxes it has to come before Council for permission to be written off. It was taxed under another map and lot and was duplicately added to this one. This happened when it was a new transfer of ownership.

BE IT ORDERED: That the Town Treasurer be authorized to write off the 2021 taxes on the following property:

<i>018-012-005-000</i>	<i>Smiling Acres Dr</i>	<i>Land Only</i>
------------------------	-------------------------	------------------

Duplicate Assessment (Bradley & Lawrence)VOTE: (7-Ayes)

(Finance Director, Jessica Maloy)(5 minutes)

OTHER BUSINESS:

1. Discussion of Parklet(s) for summer 2022 (Town Manager, Peter Joseph)(5 minutes)

MDOT has to consent to these locations and will want to see minutes of the meeting approving the Parklet. The proposal from staff is to replace the parklet in front of Derosier's that was present last summer. There is some manhour costs for the construction of the parklet by Public Works. We currently have not been asked for any other locations, but the Council should have a discussion about how these would be handled.

Councilor Bradley spoke about the process for approving Principle Groups recommendations such as this. He doesn't want to see these decisions made without the process that goes with the prioritization for implementation of all the recommendations. Why pick this project over something like the band stand at Memorial Park? Is there something about this parklet that makes it low hanging fruit. What part does this decision play in the adoption of action items that Principle presented to us, that we are still creating a process to deal with.

There is a process for prioritizing all the 80 items on the list from Principle and the Chair doesn't believe this is even on the list. This was a quick hit early action to see if the community liked it. He's not sure if this project affects any others and there is no budget request with it. Other early action projects include the Skate Park which is also coming back. Councilor Lawrence spoke in favor of moving forward with the Parklet. There will be a phase when these will go away if Main Street is redesigned in a few years and these are incorporated into a new design.

Councilor Fournier spoke about the need to treat everyone fairly and if other businesses want to have Parklets they should be allowed the same right. The Town Manager asked if the Council would like to have an approval or review process for future Parklet requests. We haven't had any other requests from businesses. Councilor Lawrence supports a process for the time period between now and when they adopt what they are going to do from the Plan. The early action plan supported Parklets. If the Council supports this and examining other locations, we can come up with a plan to review them and bring them back for Council approval.

A parklet is something in the right-of-way such as a seating area or some type of a mini park feature within the road right of way. Typically, they are eatery bump outs into parking areas. Last year other businesses were asked and none had interest in a Parklet.

Councilor Fournier questioned our liability if someone is injured. Mr. Joseph stated that we are responsible in the sense that if someone is injured in Freeport, the Town could be named in a lawsuit. The real legal consideration is if there is negligence. There are standards that must be met. MDOT does not approve them without jersey barriers that are angled, and we have to send a site plan. We are always going to be subject to being sued.

Councilor Fournier also reiterated that he wants to ensure that all businesses that may ask for this type of approval are all treated equally. If a business on Route 1 South wants a tent or similar, they should not be

COUNCIL MEETING #10-22
MAY 17, 2022

told they have additional requirements such as a sprinkler system for example. He will support the Parklet if he can be reassured on this.

The Chair explained that earlier in the year we had eased up on our restrictions on temporary outdoor seating so tents could be put up on their property. A Parklet on Route One South would be dangerous. The Parklet will return for Council approval until they pass an Ordinance that allows it or Main Street is redesigned. The design process should take into consideration that we have had these successful parklets and they should be incorporated into the Main Street redesign. The Town Manager said we don't need an ordinance because it's a use of town property approval that would be needed.

Councilor Lawrence would like to see this earlier next year.

Everyone in favor of putting the parklet back up in the same location as last year and other potential parklets may be brought forward for staff review and Council approval. At least 5 councilors were in favor of this.

2. Short Term Rental Registration Ordinance review-(Chair Piltch)(30 minutes)

Review of Short-Term Rentals: This started July 1, 2021 and the first registration cycle ended March 1, 2022. There were 53 STRs, 11 new for this year, 4 renewals were late and paid a late fee.

Councilor Fournier: Is it important to have a drop dead date, can they register any time during the year and do we need a late fee? The Chair mentioned that they instituted the late fee for people who may think "I won't register till they catch me and when someone catches me, I'll register then since there is no penalty or late fee". Councilor Lawrence does not support the late fee. He would like the ordinance to be pared back to require name of owner (so we can call owner) and for safety have a fire extinguisher in the kitchen. All the rest of the STR Ordinance is covered in other ordinances. We had zero problems with the compliance of the ordinance standards and had no complaints. There were seven that got hung up and couldn't be approved because they had problems that needed to be addressed. We've had zero complaints against registered short-term rentals that were then found to be true and that we had to take action on. Councilor Lawrence pointed out that we thought we had a huge problem, but there were zero violations. There are more rentals than registrations, so there are more out there that need to comply. He does agree that we should have people register so we know where they are, who they are and who owns the property so we know who to call.

The Town Manager explained the difference between having a Short-Term Rental and operating an Inn/B&B as defined by the number of bedrooms in our Ordinances. If the full house is rented it's a Short-Term Rental, if just rooms are rented it would be Inn/B&B.

The application is a complicated document and Councilor Fournier wants to know if there is a way to make it simpler. This year we registered 55 properties. Three hundred STRs are our cap so that we don't see what has happened in other communities where the housing stock was eaten up by STRs. The peak before COVID was about 150 properties being rented.

What inspection or town efforts were made to determine whether violations occurred in the 53 registered rentals? No resident complained about any STR, but no town staff inspected to determine if there were any violations outside of the application process. We don't really know if they have fire extinguishers, but no one complained. There are roughly 20-50 that are on a platform that are not registered. Some of the platforms do not allow us to specifically identify

COUNCIL MEETING #10-22
MAY 17, 2022

the property address or property owner from initial searches. Today the number of listings for Freeport, or purported to be Freeport, had ballooned to 125.

The Chair suggested reaching out to the hosts using email through the Airbnb platform to let them know they need to register with the municipality.

Councilor Daniele reminded that not everyone has to register their STR as the ordinance allows for up to 14 days in each year without the registration requirement. These people could be advertising on Airbnb and not be in violation. Some of these postings could be just one or two week annual rentals while people are away themselves.

The Clerk went on to explain that applicants struggled with the application process in a few areas including providing the property deed, providing insurance documents that had the required minimum coverage and lastly being able to provide proof of the legal number of bedrooms. The house may have sold as a 3 bedroom, but it was only ever permitted as a 2 bedroom. This is where the Code Officer has found some issues that needed to be corrected by the property owner before we would issue the license.

The seven outstanding ones are a little bit deeper and may require resolution at the Council level. These issues were found through having the STR Registration process. One of the seven is being resolved with a Consent Agreement that has already been before the Council.

Councilor Pillsbury asked how this ordinance originated and where we got the language from. It started out with a citizen recommendation. The language was borrowed from several other municipalities, along with the Ordinance Committee, Staff, citizen and lawyers all weighing in. The first year seems to be going okay and there is a movement to simplify it. Should we have staff look at it to see if things could be removed or amended rather than having the Council sit up here and try to dissect it out? It can then be brought back to the Council to say, if you want to simplify it, here are some options. Each of these points have already been painfully hashed over for at least 5 hours. Everyone had a reason why each of these points be in the ordinance, so the Manager is hesitant to suggest any be removed.

Councilor Bradley's recommendation would be to send it back to the Ordinance Committee and see if we can make it a registration ordinance. This could be simplified to one page. A lot of what the ordinance holds is registration, what if it's late, what if you transfer it, basic life safety stuff which everyone supported. There is also some stuff like noise and parking. The Chair doesn't think we should send it back and if we do we shouldn't send it without a directive such as fix the parking issue. If any Councilor has a suggestion for changes they should voice them now and they can be discussed and then sent to Ordinance. It could be cleaned up to be a Registration Ordinance only. We are going to face the same issue when we start dealing with the moorings outside the Harbor, which will be discussed at length at Coastal Waters level instead of the Ordinance Committee level before coming to the Council for approval.

Councilor Lawrence feels that the insurance requirement should be removed. It is their responsibility and we shouldn't be in the middle of that. We already have an ordinance that addresses trash, so that doesn't need to be in the STR Ordinance as well. The noise complaints

COUNCIL MEETING #10-22
MAY 17, 2022

should be covered under the Noise Ordinance. The fee is fine to cover staff time, but he doesn't agree with the late fee.

Councilor Fournier questioned the occupancy requirement. Bedrooms in Airbnbs can be very different. He had heard about parking concerns so if there is not another ordinance to back that up, he supports that. He is not sure how we are going to enforce an Evacuation plan. That should be the renter's responsibility.

Councilor Egan: We had extensive conversations about whether renting out Short-Term Rentals is a business or not. If it's a business, there is precedent for protecting the public and the town having insurance requirements and rules about what you can or can't do with your business. And if it's not a business, then what do we tell the property owner who bought next to a Short-Term Rental that rents out to a whole rowdy football team. This is a business activity in a residential neighborhood. The reason we have Zoning is to define uses described and regulated. Ultimately, it was determined that we would try a registration format and to do that there needed to be parameters about what would constitute a Short-Term Rental and whether the property was safe to go in to. In the first 6 months, the initial challenges have not been whether there have been noise or parking in the street complaints. The challenges have been that people had done things to their properties and hadn't gotten the proper permits. With safety in mind, if there is a fire and emergency services arrive to find 7 people in an apartment over the garage that wasn't permitted that isn't good. That is why we have that information in the STR registration, for public safety. He doesn't believe this is control or regulation burden on the operation of the STR because we are just asking them to tell us what they're doing. The purpose was to collect data for a couple of years. We have some work to do to get the unregistered into compliance. That's not a penalty thing, we have an ordinance, and everyone needs to play by the rules. He agrees that it's functioning the way we intended, and he agrees with the Chair.

Councilor Daniele: Agrees with Councilor Egan. The first time we heard from people who wanted it stricter and from people who didn't want anything. He would prefer to leave the Ordinance as is for a little longer.

The Chair understands that there is a consensus, while not unanimous, to leave the Ordinance as is. He is welcome to talk with anyone one on one about the Ordinance. There was a 5-2 straw poll in favor of not amending the Ordinance at this time. An audience member was encouraged to speak during public comment next meeting or emailing any or all of the Councilors with comments and concerns.

3. Workshop on Operating, Capital and TIF Budgets (Finance Director, Jessica Maloy)(60 minutes)

Tonight is the Council's workshop. There is a public hearing June 7th on the budget. There will be a budget workshop on the agenda also. The budget adoption happens the second meeting in June. If there is time at that meeting, you can make changes at that time, but the Finance Director should know about them ahead of time so she can adjust the numbers for adoption. There is only a public hearing on the 7th. The Council has tonight and then one more meeting to make changes unless there is a last minute change on the 21st. The Charter requirement is the Council adopts a budget prior to the end of the fiscal year.

COUNCIL MEETING #10-22
MAY 17, 2022

The deadline is June 30th. If a budget is not adopted, the one before you will become the adopted budget. There is no chance of not having a budget. The Chair suggests a summary overview of the budget.

The major drivers that are new in the budget are the proposed programming and positions that have been discussed at the Council or Committee level. The addition of a Mental Health professional within the Police Dept. at about \$100,000 for pay and benefits is included. At this stage, we are not looking to partner with Pownal or Durham on this position. Brunswick has been looking into a similar position and we may have more luck partnering with them instead. Durham and Pownal contract Police services. Is this position something we want to provide and ask them to contract with us for. There are possible grants to fund this position. If we are going to make the position available to RSU5, maybe some sort of funding could come from them to offset the cost. The bulk of the time for this position would be responding to emergency mental health situations, i.e. drug overdoses, etc. There may be some overlap of what the School Resource Officer does, but not the bulk of their time would be at the school. They also want this position to follow up on PTSD, which is needed.

Could we not hire a new Police Officer position in order to fund this position. The Manager encouraged the Council to not do that. We have not been at full staffing in many years. Reason two is even at full capacity there are still gaps when there is single officer coverage. We would go more in that direction if by attrition we not hire a replacement and replace it instead with this new position. It wouldn't get us ahead. We also need coverage for vacations and the like so Councilor Lawrence would not be in favor of that idea. We would also have a correlating increase in overtime and reserve level funding if you go that route and your wearing employees out. The consensus of the advisory committee is that they want this position fast so want it put in the budget. The Police Department's response to this idea initially was luke warm but the more they've discussed it the department supports it. The question will be in a year's time whether it has helped. The Manager explained what the some of the job description would be.

Councilor Bradley understood that the value of this position is that it would reduce significantly the numbers of potential violent interactions between people with guns and people with training to deal with mental health issues. This could potentially avoid situations where someone is killed by an officer in a violent interaction by them responding with a firearm, as their training teaches them to do. This Mental Health person could possibly actively avoid these tragic circumstances for both the officer and the person killed. He supports this position. The Manager gave examples of how the person in this position would do exactly what Councilor Bradley spoke about.

Councilor Fournier asked if Parking Ticket revenues went into the General Fund. The Town has not had significant parking revenues for several years. Parking ticket revenues have dropped from \$75,000 to \$15,000 over the last few years. Maybe we need to hire someone as this used to be significant revenue. This was affected by lack of staff and the lack of visitors due to Covid. He would like the Chief to research whether there can be some cost savings with this new position assisting with follow up duties or shifts at the Department. This position will not cover police shifts that would otherwise be covered by a police officer. He would prefer to see a reduction in overtime rather than not filling a police position.

Major Drivers continued:

The second driver is a Zoning Administrator position at a cost of \$115,000 with pay and benefits. There is close to enough revenue in the Building Permits to cover this position. The building revenue line was increased \$50,000 from the 2022 budget.

The third item is a benefit only impact of \$80,000. It is the conversion of two full time equivalent positions from part time wages into full time Fire Rescue Supervisor with no anticipated pay increases. We will have savings on the per diem side. This also helps with retention.

COUNCIL MEETING #10-22
MAY 17, 2022

The inclusion of a part time Sustainability Advisor at \$40,000 wage impact and no benefit package. This position is not mandated by the State or Federal government, but is something the town is taking on themselves. Currently, Planning staff is spending 10 hours a week assisting the Sustainability Committee. Councilor Pillsbury asked about combining the positions of Sustainability with a Grant Writer or a Communications position. He would rather see a full-time person that would have a combination position. Chair Piltch believes it would be difficult to find a person with the correct skill set to satisfy both positions and ideally he would like to see two separate full time positions (Sustainability and Grant Writer). Councilor Bradley doesn't feel we need an expert grant writer, but instead we need someone who can harvest what is in the general register. He supports trying to put these two positions together. Councilor Lawrence supports hiring a Grant Writer vs the Sustainability Coordinator. What is the job of the Sustainability Coordinator? We need someone who can make sense of the programs for all residents. The Manager explained what some of the potential duties this position would take on. We have invested with GPCOG for sustainability too, which can be effective because we are talking to multiple communities. Councilor Fournier supports the joint position. The cost to have a full time combines position with benefits would be approximately \$110,000.

The Manager spoke about the difficulty we are experiencing in finding qualified applicants for some of the specific positions such as Zoning Administrator. Councilor Pillsbury supports all three positions and is open to separate or combined positions, but these are all assets to the town.

Councilor Daniele pointed out that our municipal budget is projected to go up 10%, which is a total levy increase of 4.25%. Do we have the political will to say 10% is a good number this year? That's the bigger question. He is uncomfortable at 10%.

If we funded some of the increases in the budget using ARPA money or more of our General Fund balance than we plan to, would that bring down the municipal budget increase and levy increase numbers? This would be a one time decrease unless we are funding one-time expenses. Ms. Maloy gave examples of both one time and recurring costs and how this would be affected by using ARPA funds. The paving and the prep for the Comprehensive Plan would both be one-time expenses. The Grant Match line is new to the budget and may be recurring. We could use \$200,000 of the ARPA money to offset those three items. The differences in the paving covered under the Operating Budget vs Capital Budget and what is one-time vs recurring costs were discussed. However, the ordinance work and the grant match may be one-time items, but it is not recommended to consider paving as a one-time expense. The Grant Match will not be a one time expense because we will continually apply for grants and this will become a regular budget line.

If we lower our municipal 10% levy increase to 5%, it would only lower the total levy from 4.25 to 3%. If the municipal increase was 0% the total increase would still be 2% (RSU portion) increase. The town budget plays a small piece in the total levy increase. Every \$50,000 saves you .02 on the mil rate. The Treasury has issued guidance on the ARPA funds in that they are designed to also assist with hiring and retaining staff even though it is a one time savings so you can jump start forward movement.

Each year the town leaves a set amount of money in the General Fund. Last year we underspent our budget by almost 1 million that will go into the General Fund. They are proposing using an additional \$75,000 to offset increased spending. That's increasing it to \$675,000. The Town has been conservative in their revenue projections and the use of budgeted expenditures. Historically, if a department was frugal with their operating budgets, that money will then in turn go into their capital reserves and be used to fund those capital investments and not have a mil rate impact. In the last few years, those margins have been compressed. We have lost major sources of revenues over the last 4 years. The expense budgets have

COUNCIL MEETING #10-22
MAY 17, 2022

needed to be increased due to increased cost of supplies including wages and benefits. The million dollars will revert to either Fund Balance or Capital Reserves. Typically, more goes to Capital Reserves than remains in Fund Balance, but any variation can occur. We do have increased revenues as Revenue Sharing is at a full 5%, which is higher than expected. The Homestead also came in higher. Of the million, \$675,000 will go towards reducing the budget and \$325,000 would go towards Capital. The \$325,000 going to Capital Reserves should be higher. Ms. Maloy would recommend putting the whole million in Capital. The roads alone are higher than that and we have a fire truck on the horizon. We are currently over funded in our Fund Balance as what the policy states is 2 months reserve. Each year, \$500,000-\$700,000 is the range that should be added to Capital. Councilor Fournier would like the Department Heads to try to find additional revenues such as Non-Emergency transport or parking enforcement.

Grants are not a revenue source as they require matching funds. It does save money, but there is a % match. There are grant matches of \$60,000 in the budget, leveraging \$300,000 worth of the money for the Mallet Street design.

The Manager has been tasked with trying to find \$250,000 worth of one-time costs that we can apply ARPA funds to that takes us to about ½ of our levy increase and take the 10% to 5%. Ms. Maloy suggested that we could use \$300,000 of ARPA funding to offset the General Governmental Services. We don't want to fund something that will be in next year's budget going forward. Councilor Pillsbury would like a chunk of the money to go to FCS for assistance. Those costs are astronomical. There is an ARPA committee that is discussing this. Councilor Bradley would like to know more about FCS funding and their other sources of revenue for this. FCS is more than willing to come talk with the Council about funding in the next week or two.

We have also talked about freezing property taxes for long time senior residents, we shouldn't lose sight of that. There is a new State program that will provide assistance in that vein. You could also ask FCS to earmark money for elderly assistance.

The Council will be reviewing Capital Reserve and Fund Balance Policies at the next meeting and talked about a few subjects in regard to what should be discussed at that time.

Motion to adjourn at 9:37 pm (Lawrence & Bradley) **VOTE:** (7-Ayes)

END OF AGENDA (Estimated time of adjournment 9:15 PM)