

**MINUTES
 FREEPORT TOWN COUNCIL MEETING #03-21
 HELD REMOTELY USING ZOOM TELECONFERENCING TECHNOLOGY
 TUESDAY, FEBRUARY 2, 2021
 6:30 p.m.**

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

Chair Egan called the meeting to order at 6:30 p.m. He took attendance and noted that all Councilors as well as the Town Manager are here this evening. He explained how members of the public would be able to participate this evening.

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood and recited the Pledge.

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #02-21 held on January 19, 2021 and to accept the minutes as printed.

Councilor Reighley pointed out that on Page 3, paragraph 3. The sentence should read: Councilor Reighley advised that the Ordinance Committee held a meeting ~~and~~ with Councilor Piltch, our Town Planner and our Town Manager and he, etc. etc. He suggested removing *and* and replacing it with *with*.

Councilor Bradley referred to Page 2 in the second paragraph under Fourth Order of Business. The second sentence, *avid* should be replaced by *avoid*. In the same paragraph he may have said so the neighborhood wouldn't *feel so junky* but he would prefer that the Minutes say *look so junky*. He then referred to page 3 and suggested adding to the second sentence: *This would show* District 2 neighbors. He then referred to page 4 and in the first paragraph requested that the sentence be changed to read: Councilor Bradley is not in favor of *retail* cannabis in our community.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #02-21 held on January 19, 2021 and to approve the minutes as amended. (Reighley & Piltch) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

THIRD ORDER OF BUSINESS: Announcements

Chair Egan announced that there will be a special Municipal Election on Tuesday, March 9 at Town Hall regarding the authorization of the Town to issue General Obligation Bonds in an amount not to exceed \$634,000 to fund our local share of costs to construct the wonderful bicycle and pedestrian additions to

the MDOT Bridge Project as MDOT plans to replace the Desert Road and Mallett Drive bridges over

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Interstate 295. A public hearing has also been scheduled for February 23rd, a couple of weeks in advance at 6:30 p.m. via zoom to discuss the warrant article to be voted on at this Municipal Special Election. There are now also two informational sessions scheduled for the 18th and 22nd of February prior to the public hearing. There is also a website called www.Connectfreeport.com that has a significant amount of information as well as detailed drawings of the improvements. There is a lot of action, a lot to learn and a lot of information available for the Special Municipal Election on Tuesday, March 9th to approve the bond.

The Appointments Committee is seeking residents interested to serve on our Boards and Commissions. Current vacancies and terms expiring at the end of March include spots on the Board of Assessment Review, Coastal Waters Commission, the Library Board of Trustees and the Project Review Board. If you have an interest or a skill you would like to contribute to those groups, please contact Volunteer Opportunities on the www.Freeportmaine.com website or e-mail Johanna Hanselman.

The Transfer Station is now accepting bulky waste and metal waste for disposal. The improvements have been completed. Chair Egan thanked everyone for their patience on that.

The AARP Tax Aid Program is not planning on having any in-person tax appointments this spring. If the Town hears about any other tax prep programs or AARP plans such as virtual or phone appointments, we will post this information on our website at Cable Channel 3.

FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Reighley advised that this morning the Complete Streets Committee met along with Chair Egan and Councilor Daniele and had a very healthy discussion about the bridge. The talk on the bridge was key. In our packet we have a frequently asked question page which is being revised but it is pretty accurate right now. He suggested that we use this anytime we can. It has also been suggested that we write letters to the Editors of the *Times Record*, *The Forecaster*, and the *Press Herald* about the bridge project. It is a way to get ourselves out there along with the media that we have in use right now. It was a very well-run meeting fully staffed, first time in years, thanks to the Appointments Committee and some good new members. Councilor Daniele pointed out that the Active Living Committee is preparing to sunset and he feels we are already having good conversation about information flow and making sure everything goes smoothly when that happens at the end of June.

Councilor Reighley pointed out that the Chair of the Committee does a really great job of creating a Talent Aging Calendar and he would encourage the Council to look at it. Chair Egan agreed. He has seen it in use.

Chair Egan wanted to follow up. In addition to Letters to the Editor, we have the attention from the reporter from *The Forecaster* who has been covering this issue and expressed an interest in writing another story now that we have dates set for a public hearing and information sessions. Hopefully, we can get some earned media in *The Forecaster* as well as some of the other papers.

Councilor Daniele advised that there will be a Letter to the Editor on Thursday from the Vice Chair of the Complete Streets Committee. He recommended that everyone check it out because he defines it very nicely. There is also a Facebook page that was set up by GPCOG and suggested that it be checked out too.

Vice Chair Whitney pointed out that she attended the first Age Friendly Freeport and Pownal meeting that they have had since COVID hit. It was put together nicely by Sarah Lunden at the Community Center and they had full attendance. The COVID vaccines were discussed and when we will get more. She was

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pleased to tell the participants that Lois Skillings is going to give an update on the COVID vaccines this very night. Hopefully, some of the folks from that organization will be here to listen in tonight. We appreciate her being here. She advised that they still have money that was donated to offset any financial hardship you may have experienced during this time. If you have been impacted financially, your job has been affected and you are having a hard time paying a bill, please reach out to Johanna Hanselman at Town Hall. There is money set aside to give you some relief.

She wanted to provide an update as promised on the activity downtown and while this was reserved in Other Business, the presentation they have tonight is so brief, they want to do it now while there are many ears listening. She noted the Street Gang is going strong and Visit Freeport is one of their gang members. They are doing Freeport Flavors of the Month this year so they are keeping up with their tradition. She explained that you can receive a bingo card and as you order out from different businesses or you buy something, you earn a sticker. If you get bingo, you are entered into a lotto and a chance to win \$1,000. It is a great way for people to get out and about and experience Freeport. The Street Gang Subgroup is working all over downtown. Visit Freeport presented the 2021 Marketing Plan which is exciting. The Council and all community members should see this Marketing Plan on Visit Freeport. They are doing an excellent job representing not just their members, but all businesses around Town. If there are businesses in Town that are not members, she encouraged them to jump on because they do a great job promoting.

The Planning Board has a public hearing for three downtown zoning changes to support positive downtown development coming up.

Vice Chair Whitney apologized for not having more updates in the Council's packets but they have to be in the packets by Thursday and they are moving along at such a quick pace that by the time they would be in the Council's packets, they would be outdated by tonight. In the future they plan on e-mailing the updates on Tuesdays so the Council will have the most up to date materials beforehand.

Mary Davis, President of FEDC, displayed Slide 3 and explained that over the past two weeks the Community Connector participants were identified and they agreed to be part of the project. They are a wonderful group of folks. This week is the release of the stakeholders' surveys and all the marketing materials that will go into the hands of the Community Connectors. They will start to get it out to the community. You will start to see posters and communications going out this week. She asked that Councilors add to their calendars the community events. The first will be on February 25.

The intention of these Community Connectors is to be more inclusive. They have identified 12 folks that know the community so well that they will be able to reach out and get more community involvement. When the Council looks at these Community Connectors, they will see familiar names. This is a way to bring in high-activity community members who can help to amplify the information out and to help amplify the information back. They will have a lot to do in the next few weeks but they are critical to make this happen. She suggested that the Council think about this as a big funnel where everybody gets to put their information in at the top of the funnel, then through all the surveys, the one-on-one feedback, we then go into public meeting, public meeting, public meeting and then come to the Council and say, here is the set of ideas that have come out that seem to be able to be done now, that are low hanging fruit that will make an impact in a short amount of time. That is the whole idea and is the update they wanted to provide tonight. They will take more time next week to show the Council the surveys, the one-on-one questions and all the other marketing and background materials.

Councilor Reighley mentioned that we have Connect Freeport working on one name and now they are introducing Community Connectors, which might be confusing. He asked Ms. Davis if she could come up with a different name? She replied that if he believes this will confuse people, they can certainly do that.

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Councilor Piltch pointed out that the Community Connectors are people, where Connect Freeport is a site or a movement. Ms. Davis mentioned that the public will see on the website that they are going to call it Vision Freeport with a similar look and feel but a different name. They want people to understand that they are connected but not the same. Chair Egan noted it is not a public term that is going to be there. He mentioned that the graphic visual of a funnel is great and will stick in his head and is the kind of process a lot of people have been asking him about so he will refer them to that.

Councilor Bradley pointed out to Ms. Davis that at the meeting on the 28th there was a suggestion that there would be a mechanism for providing access to the work of the Connectors and then provide input back to the Principle Group. He asked if she has the timing on that? Ms. Davis advised that it will all be launched this week. They are working right now on the website, the marketing materials, the surveys, the one-on-one questions and they want to pick that all up and put it out together.

Vice Chair added that if there are any people out there feeling they are not getting the information fast enough, get in touch with any of them. They will be folded in. That is what it is all about. Councilor Reighley thanked FEDC's improved participation with the Council. It is something we have asked for for many years and it is now coming forth and is greatly appreciated. Ms. Davis added that it goes both ways. Having two Council representatives at these meetings is getting a lot done. She thanked the Council.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph wanted to start off by thanking the Public Works crew. They have been out since last night and have gotten a good 18 hours in. He appreciates their work and noted the roads look as good as they can with 2 inches of sleet.

He is happy to announce that our Finance Director advised him that for the 8th year in a row the Town of Freeport has been awarded the Government Finance Officer's Association's (GFOA) Distinguished Budget Presentation Award. That specifically has to do with our final comprehensive pdf version of the budget which is about 250 pages that gets put together after the Council passes the budget with all the documentation, the back-up, the worksheets, everything. It is all the narratives. This gets put together in June or July every year after the Council passes the annual budget. We have been awarded that award for 8 consecutive years. We are one in four municipalities in Maine that have received that on a regular basis and one of 1,700 across the United States and Canada. It is a document that is available in the Finance Department's section on the Town's website if any resident wants to take a look at it. It is in a pdf form. He congratulated Jessica Maloy and the Finance crew and all our department heads who participate in that write-up every year. Chair Egan noted it is a nice recognition.

Mr. Joseph advised that he has spent the past few days talking with all the department directors on their Capital budget submissions. We have the actual budget schedule ready for the Council to take a look at later this evening. He has several meetings set up with community groups over the next couple of weeks so our budget preparation process is underway. He mentioned to the few groups that regularly talk with us, now is the time to look out for communications from us or touch base with the person they usually deal with.

Councilor Reighley mentioned that he was out on the roads today and found that Freeport's roads were far to superior to the roads in Yarmouth. Mr. Joseph agreed Public Works has done a good job and he will pass that comment along to them.

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

Chair Egan explained how the public can participate this evening. He advised that previously we had planned to have an informal discussion on cannabis this evening but it has been moved to the March meeting. He mentioned that he is hoping later in 2021 when everybody has been vaccinated, we will look forward to be able to convene in person and we can have a much more interactive dialogue with members of the public. He is aware that it is less than ideal here on zoom but it is all we have to maintain our transparency as your Town government.

There were no public comments provided so Chair Egan closed the public comment period.

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

ITEM # 18-21 To consider action relative to adopting the February 2, 2021 Consent Agenda.

BE IT ORDERED: That the February 2, 2021 Consent Agenda be adopted.
(Egan & Reighley)

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

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

ITEM # 19-21 To consider action relative to amendments to Freeport Zoning Ordinance Sections 104 (Definitions) and 201 (General Restrictions), pertaining to Shoreland Zoning. PUBLIC HEARING.

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

Town Planner, Caroline Pelletier explained that we discussed this briefly at the last meeting. Within the past few years we have run into a couple of situations where we have some Freeport residents that own large parcels of land. Because a tiny portion of those parcels is within the shoreland zone, they are unable to split because DEP and the Town would consider them non-conforming with regards to shore frontage. In some cases, we have lots that are on the opposite side of the road from the water but still within that 250 feet. Because they do not abut the water, there is no physical way even though they are in the shoreland zone, that they can meet that frontage requirement. It has been restricting our landowners from creating additional lots where they own quite a bit of land. We also have some cases going back where there were large non-conforming lots that were inadvertently split into lots that are no longer buildable because they should not have been created in the first place. Because this has been coming up repeatedly as an issue in Freeport, the Codes Enforcement Officer and the Town Manager worked with the Town Attorney who worked with DEP to come up with some draft language that would ultimately make the change to our Shoreland Zoning standards to protect the resource but not put additional restrictions on property owners where they are not necessary. We think there are potentially 30 lots that would fall under this. They did work with DEP and they told the Town to go through the process of amending the Zoning Ordinance and send the language back to DEP for final review and they would have to approve it if it went forward. She did bring examples to show if it is helpful to the Council.

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Councilor Bradley has questions about a big lot that potentially has 30 acres that is on the water so part of the parcel that is along the water is in the shoreland zone. He understands what would happen here is that they would be allowed to split the portion that is more than 250 feet away from the water into non-shoreland zoning and could split it into different parcels. Ms. Pelletier agreed that it was correct but they couldn't do it today because that little sliver of the 30 acres doesn't have that shore frontage requirement. While she referred to it as a little sliver, she agreed it could be acres but they don't meet that requirement. In a tidal area they wouldn't have that 150 feet of required shore frontage. Mr. Joseph added that it would have to be less than 150 by 250.

Councilor Bradley is interested in hearing more about the circumstance in the example in the document where there is a 34-acre parcel with a fair amount of shore frontage on Maquoit Bay and it looks to him that this would allow that owner and a lot of owners on Maquoit to split off the shorefront 250 feet in, create one lot there and then have a number of different non-shore lots behind. He asked Ms. Pelletier if that is right. She replied that is correct if they are in the three zoning districts that would apply and if they can meet all the other standards in the Zoning Ordinance.

Councilor Bradley noted that what we are trying to do here is give those kinds of landowners the right to create multiple lots that they could not now make. The way they could do it is by creating a rectangular lot along the shore in the Shoreland Zone and make it a shorefront lot and all the upland lots will then be divisible into ordinary lots. Ms. Pelletier agreed this is correct and explained that we have had a case where they did that. They cut out the shore frontage so it wasn't part of their lot and then cut out their remaining land. Councilor Bradley asked if anyone has looked at what that does to land usage along the shore? Now what we have are a lot of big lots that go to the shore that can't be reduced in size because of this rule. By reducing the rule, we are encouraging the subdivision of a lot of small lots along the waterfront. He doesn't know if that is good or bad. His question is has anybody looked at that as a land use issue? Mr. Joseph advised that we have looked at that but it is important to note that it would not allow creating a greater non-conformity than currently exists within the shoreland zone. He suggested using the lot Councilor Bradley mentioned that has 30 acres. It has one violation because it doesn't have the correct amount of frontage. It would not allow the creation of 30 lots with 5-foot wide strips down to the water that are all waterfront. All of the non-conformity has to be retained on a single lot or else you are creating two non-conforming lots which is greater than one lot. Councilor Bradley using the example of the lot he has been talking about, the owner would create the waterfront lot and behind it there would be the opportunity to subdivide that parcel into three or four more parcels creating on what was one big lot four or five lots that are very close to the water. Has anybody looked to see if this is good land use? His parcel would do this and he doesn't know if he would want this or not personally. From a Town perspective do you want to see a lot of subdivisions in big lots in areas that are on the water side of Flying Point Road? He doesn't know but wants to know if someone has looked at that or talked about it from a land use perspective. Councilor Bradley's second question is when someone does that, are there any property tax implications for other owners? Now that we have the right to do it, will they be assessed as though they are potential lots as opposed to one big lot? Mr. Joseph advised that from an assessment perspective, let's say you have a 100-acre parcel in a one-acre zone. You do not get assessed the value of the highest potential use of your property, say 100 one-acre lots worth \$150,000 each. Your value does not go up 100 times. It may be worth more than a single building lot but until those subdivision approvals go through, you have no vested interest in the lot. The Town only gets a tax benefit from the added value on the lot once there is an approval in place. That may happen before something is built for sure.

Mr. Joseph explained that when you have a large lot, you are generally taxed for a single-family buildable lot and you have excess acreage. What that excess acreage is worth is based on the market and our Assessor calculates that out. It is not directly one to one with the highest valued use of the property. For example, in Councilor Bradley's case if he has a subdividable lot otherwise, and you could make up to

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five lots, he wouldn't get taxed on five lots. He would be taxed for one buildable lot plus some small amount for excess land. Councilor Bradley asked if that would change in this zone with this change? Mr. Joseph advised that it shouldn't. His understanding is that it won't but he is not the Assessor. There should be no difference in how excess land is handled but he is not the person that can commit that. Councilor Bradley noted that is his question and his concern. By doing this we may be creating a tax burden on a large number of lots that are in the same situation as Lot 19 that will suddenly have the opportunity to apply for subdivision. As long as there is no additional taxation on them before they do that as a result of this, his question is answered. He would like to know the answer on that before he votes. Mr. Joseph offered to get the answer by making a telephone call.

Chair Egan asked Ms. Pelletier to clarify that if there were to be a separation of the shore frontage, and the additional non-shore lots were created, there could be no more non-conformity in any design of those lots? Ms. Pelletier advised that they can't further reduce the shore frontage of that remaining portion of the land. In discussions with the Town Attorney, when they crafted this language, it is only applicable in three zones and there is a lot of land area in these RR-1, RR-2 and V-2 zones. Part of the reason was to limit the number of cases where it does apply. That is why it wasn't town-wide. She added that it is human nature that there is always going to be somebody who will chop their lot into little pieces. In the cases she has dealt with during the past year, there has been a lot or two where people wanted to cut out but not big subdivisions.

Councilor Reighley asked if the Planning Board, Project Review Board and the Board of Appeals have a position in recommending this action? Ms. Pelletier advised that the Board of Appeals would not be involved in this. The Planning Board looked at this under Shoreland Zoning and the Project Review Board would only get involved if somebody were going to subdivide. They were not asked to weigh in. It was strictly between Staff, the Town Attorney, the Town Manager and the DEP to come up with the language to fix the situation that we have had occurring a few times now. The Planning Board did recommend the change. There was only one comment received from a resident that has a lot they can't build on now because it was done years ago. They are here tonight.

Councilor Daniele asked how many people this affects that didn't know this would be an issue when they purchased their land? Ms. Pelletier did not know if they knew it was an issue or not. She feels there may be cases where it hasn't been caught. The people here tonight have a lot that was cut out years ago and it came up during review that it shouldn't have been cut out because the previous owner didn't meet that requirement back in the day. She feels there may be 30 lots in this situation but she suspects people don't know they are in this situation. Councilor Daniele asked if the Council could grant amnesty to the people that this is happening to? Could we allow the owners to build on their lot but not allow the large lots to be subdivided? He doesn't know how other Councilors feel about the idea of chopping up the big lots and potentially change the character of small communities. Mr. Joseph added that it is his understanding that the concern from the Attorney was that it had to be written uniformly in a way that doesn't just call out specific properties. It would apply to a whole class of properties. That discussion was not just held with the DEP but also with the Attorney General's Office. These are cases that typically exist in divisions that have not gone through subdivision. Ms. Pelletier added that there have been cases where building permits for houses have already been issued on lots created in this situation so they were legally granted a permit to build a house so we can't take action on them today. Again, this would help those situations to conform as well.

Keith and Heidi Andrews thanked the Council for taking the time to listen to what Ms. Pelletier has outlined and consider the amendment to the Ordinance. They purchased the lot they currently own and attempted to obtain a building permit. They are the one lot being discussed and the lot that is across the street and there are homes directly around them that came from the same parcel where this problem arose.

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Mr. Andrews felt they were blindsided by the fact that they were unable to get a permit for a number of reasons. First and foremost, the fact that other land was permitted to be improved upon and developed that was sharing the same infractions that their land was. Before they purchased the property, they attempted to get a limited setback variance for their building envelope and that ultimately was approved by the Board of Appeals and at that point they felt they should buy the lot and then get a building permit. At that point they were met with the issues. They currently have a 2 ½ acre buildable lot in the RR-2 Zone. It is on the opposite side of a public right-of-way which is Lower Mast Landing Road. There is probably less than 10% of that parcel within the 250-foot shoreland zone of the Harraseeket River. They were definitely surprised at the response from the Town especially having known that other parcels had been developed as recently as 11 years ago. Their lot was separated in 1991. He has been trying to find a resolution that would allow them to build a modest home. They have done everything they can to get a building permit. To have this Ordinance amended is the only way to get a building permit. They have been working with the Town on this for almost two years. Mr. Andrews feels this is one way that Freeport can encourage responsible development.

Chair Egan thanked them for the explanation, patience and diligence. He is trying to understand how much process they have been flogged with in order to get to this point this evening. Mr. Andrews mentioned that the communication they had with Codes Enforcement and other Town departments led to some confusion as to how to proceed. They tried to keep in the loop of what was transpiring but it did feel like the steps that were needed to be taken were not very clear. Originally, they were told that they would have to get the DEP to sign off on it. It was very difficult to finally get to this point and they are happy to be at but it was not an easy process for them. They spent a year talking back and forth before they really got to where they needed to be. They were not given much direction on what they could do with this so she reached out to the DEP. They feel Ms. Pelletier has been amazing since this went to her.

Councilor Piltch mentioned that he lives in the neighborhood and walks by this lot often. His question and thought is why haven't they put a house on that lot yet? Now he knows what the delay is but walking by it, it doesn't appear to be a waterfront lot. It is across the street from a bend in the upper reaches of the Harraseeket River but it seems awkward to him that the property owners have not been able to build on it. He feels we are not creating any additional density in the neighborhood so he supports the change and apologized that it has taken this long to get their home and hopes to fix that.

Councilor Reighley noted he served on the Board of Appeals for many years, they had this situation come up many times. The unfortunate thing is being told something versus what is in the Ordinance is important criteria. It is really understanding what the Ordinance is and appreciates Councilor Bradley's position on whether he favors this change or not. It impacts 30 lots and it would be increasing the density into an area that has poor water quality that will only get worse.

Councilor Daniele asked if it is possible for the Council to say that these lots can only be divided once every five years and that would alleviate some of those concerns and then it is a blanket statement for all non-conforming lots. It would give some protection to the idea of let's put 20 lots in this spot. He asked if that is legal? Mr. Joseph explained the way the subdivision law works currently, you do not need approval to divide every five years. However, you would have to go through the Town's subdivision approval process to do anything more than that. You can create a single lot every five years without triggering subdivision review. That is in our regulations already.

Chair Egan explained that he is inclined to rely on and trust our Planning Board's process for handling these questions that are popping up spontaneously with us this evening. The Planning Board looks at this stuff on a regular basis with guidance and shepherding from our Planner.

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Ms. Pelletier clarified that the heavy lifting on this language really did come from the Town Attorney and the DEP. They were the ones working on this language over the past year plus. It had to go to the Planning Board legally under State Law because they are Freeport's Municipal Reviewing Authority but she said that they relied heavily on the recommendation of the DEP based on the language included in the Council's packet and the advice of the Town Attorney who had worked so closely on this.

Mr. Joseph had two points. One is to answer Councilor Bradley's earlier question. He did get the Town's Assessor on the phone and obviously there is no black and white answer to that question. He will try to give a minimal amount of detail. Typically, if you have a lot on the waterfront, the first buildable acre or whatever meets your 2.5, the first buildable lot is worth \$300,000 to \$700,000 in Freeport depending on the quality of the coastline. General acreage beyond that is usually about \$10,000. The situation Councilor Bradley described, the valuation would never increase for making this change, but would have to be reflected by the market. So, all of a sudden if Councilor Bradley's property or someone else's property that is on the water becomes a lot more valuable because it is divisible and people are willing to pay more for it, that would be reflected in Councilor Bradley's valuation. He and the Assessor can't say no it is not going to affect anything because if all of a sudden property in Freeport becomes worth 10% more because of this, then all of our taxes are going to go up because Freeport is a more desirable building place. There is that kind of tangent that could always drive prices. The process he described for excess acreage; the Assessor does not feel that anybody that anybody would be charged double for having two divisible lots. Generally, it is a small marginal amount of value for each building lot or acreage or whatever beyond the existing lot. All bets are off when something is approved or you are working towards getting your approval. The answer is not simple black and white so it doesn't help Councilor Bradley. Councilor Bradley noted it does help him. He appreciates the distinction.

Mr. Joseph pointed out that this has been a huge long process for Keith and Heidi and what they and most of the Council do not understand is that this is the third situation that the Town has been in the past 3 or 4 years where Councilors, Mr. Joseph, Codes and Planning were taking displeasure from property owners when they found that they couldn't divide their property and the Council leadership at the time was asking the Town Attorney to try to find ways to allow these things to go forward. The Andrews are the third iteration where this has come across our desk and they have been trying to find a solution for 3 or 4 years. It has been an unpleasant dream over the past 3 or 4 years for the Town to try to deal with this and not have to put property owners in that situation.

Vice Chair Whitney mentioned that she appreciates the fact that we can see the Andrews family tonight. She feels really bad for what they have gone through and appreciates their patience and respect for Staff. She feels Ms. Pelletier does a great job too. She feels bad that they have been paying for this lot and not being able to live there. She hopes the Council can get them some resolution.

Chair Egan invited members of the public to participate in the public hearing but there was no response from the public.

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

Councilor Bradley appreciated the answer Mr. Joseph and the Assessor gave. The way he reads it is there may be an indirect increase in your property valuation because you now potentially have a right to subdivide that you didn't have before. It might make your land more valuable and it might make your taxes higher but it is not a lot by lot assessment that will occur because of this. From that perspective he feels like everyone does, sympathy and empathy for the Andrews. He thinks he is directly affected by this

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and he believes his property is now subdividable and it means that the Council just made him very wealthy and he will abstain.

BE IT ORDAINED: That amendments to Freeport Zoning Ordinance Sections 104 (Definitions) and 201 (General Restrictions), pertaining to Shoreland Zoning be adopted. (Piltch & Reighley) **ROLL CALL VOTE:** (6 Ayes) (1 Abstention-Bradley) (0 Nays)

ITEM # 20-21

To consider action relative to setting a public hearing for February ~~16~~ 23, 2021 for the purpose of discussing amendments to Section 602.C.1.i of the Freeport Zoning Ordinance and Article 6.2.D.1, Article 7.1.C.1 and Article 8.1.H of the Freeport Subdivision Ordinance to require that additional notification be published in another paper of circulation within the Municipality in cases where legal public hearings are schedule to be held.

BE IT ORDERED: That a virtual public hearing be set for February ~~16~~ 23, 2021 at 6:30 p.m. for the purpose of discussing amendments to Section 602.C.1.i of the Freeport Zoning Ordinance and Article 6.2.D.1, Article 7.1.C.1 and Article 8.1.H of the Freeport Subdivision Ordinance to require that additional notification be published in another paper of circulation within the Municipality in cases where legal public hearings are schedule to be held.

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

Chair Egan clarified that the public hearing will be on February 23, not February 16.

Town Planner, Caroline Pelletier explained that the Project Review Board has had a couple of projects for review that the public has really been involved in. They heard repeatedly from members of the public that they feel that even though we put notices in *The Times Record* and do direct mail to abutters within the requirements of the Ordinance, it is not enough. They don't feel that *The Times Record* is an adequate use to give public notice of public notice of meetings. The Council previously talked about this and the Town has always used *The Times Record*. We typically use it for all of our notices and if we can't, we use the *Press Herald* for certain things that come under State Law for the Planning Board. For subdivision we have to use a paper that meets certain requirements and one of them is being mailed so we can't just use *The Forecaster* for our legal public notice requirements because it does not meet the thresholds. The Project Review Board sent this item to the Planning Board for consideration and the Planning Board was supportive of it. What it essentially would do is set a requirement for cases where the Project Review Board has a public hearing so that it is not every meeting, a public hearing is at least once for subdivision and in certain cases if we have large site plans. In cases where we are having formal public hearings, we are required to put an ad in the paper in addition to putting it in the newspaper of general circulation i.e. *The Times Record* or the Portland paper, we would put another ad in a local paper. The one thing the Council would need to consider that the Planning Board did not weigh in on out of their duties and responsibilities is who is going to pay for the requirement? One of her questions for the Council is her thought was if the Council decides to set a public hearing on the additional notice, she would also bring back some proposed fees to go along. If we had to run a single ad for a simple subdivision, it is a little more than \$100 to run it twice in *The Times Record*. To run it once in *The Forecaster*, it would be another

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\$140. This is not money planned for in the Municipal Budget. If we are going to increase it, does the Council want her to bring back the appropriate fee structure that would go along with it?

Chair Egan advised that the Council is not taking any action tonight but if the project needs to be advertised, we don't control a whole lot about the cost of that advertising but that is something that all applicants go through. If we are adding a requirement to be more transparent, then the burden does fall on the fee schedule for the applicant. He is hesitant to say that because he is really motivated to be carving through our Land Use Ordinance to find ways to make it easier for projects to come forward and throwing more fees and yet another publication seems to be in the opposite direction, so he is in conflict with his own suggestion here. In this particular matter, being consistent is the most important thing and we are consistent with that application of fee requirement of all our other applicants so he feels we should pass that on as well. Councilor Reighley added that one of the things we really have to consider is are papers going to be around much longer? *The Times Record* seems to be the only one that seems to be surviving. Chair Egan agreed and felt the same thing when the language in the Ordinance says a paper of general circulation. It could be just a few years when that is not available here if everything is then electronic. We have to consider that language as well and phrasing it as "generally delivered media channel" or something like that that may not include a printed newspaper.

Mr. Joseph feels that is a really good point but the problem is that State Law requires it to be not just a newspaper of general circulation but a newspaper of general circulation that is entered into the mail of the United States of America. *The Forecaster* is not mailed and we don't have the ability to strike the requirements from certain procedures that are required for notices under State Law. It may be a good thing to talk to our State delegation Legislators about. Chair Egan agreed.

Ms. Pelletier clarified that the changes before the Council would have nothing to do with public hearings for the Planning Board. Those are handled differently. Subdivision is under State Law so it has to be mailed but Site Plan at Public Hearing, although it is not as often, it is a requirement of our local Ordinance so the Council would have some flexibility here. At the last Council meeting someone said that *The Notes* is no longer being published so when the Ordinance was written, there were at least two or three other options and now we are down by one. She may be back to the Council with a change to modernize.

Councilor Lawrence asked if there is a way the Council can force these to the website and have just a "Here is a public hearing on our website" for the Planning Board or whatever Boards we have so we can reduce the cost. Putting it on the website would not be expensive and it could be put on months before the public hearing. Mr. Joseph added that we would be in favor but the problem is residents indicated they wanted to see it in a paper, *The Forecaster* specifically. He agrees it is moving towards the past but we are hearing from residents that they still want us to be in there. While it doesn't make sense, that is what the public wants and why it is in front of the Council. It has come from multiple requests.

ROLL CALL VOTE to establish a public hearing on the amended date of February 23rd.
(7 Ayes) (0 Nays)

ITEM # 21-21 To consider action relative to the annual renewal of the Bow Street Park Usage Agreement with the Hilton Garden Inn.

BE IT ORDERED: That the Bow Street Park Usage Agreement for 2021 be approved. (Piltch & Lawrence)

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Mr. Joseph pointed out that there have not been any changes in the past several years. This is primarily an agreement for weddings. Last summer it was off the table legally but perhaps one happened at the end of the summer for a very small group. This has been routine.

Councilor Bradley had questions about the liability insurance and feels the limits are very low. He does not feel it is much more money to increase the limits for somebody like the Inn. He would encourage the Council to raise those limits by a factor of \$1M or \$2M unless someone tells us it is absolutely uneconomical. He also asked if anybody has read the policies? Do we know what their insurance policies cover? Mr. Joseph explained that our main concern is property damage to the park. We have a \$400,000 limit and it has to be gross negligence and the whole point of this agreement is that we go down and inspect the park and he can't imagine a situation arising out of the wedding use of the park where the Town would not be putting somebody walking through the park if the wedding didn't happen in the same danger where we would be liable. While Councilor Bradley is not trying to raise the point that this is a dangerous place but he can certainly see exposure for the Town and the Council should be careful to ensure that the policies that we are relying on actually provide us that coverage in those circumstances. Mr. Joseph agreed Councilor Bradley's point is good and he agrees with it. Just because he doesn't think our risk is high doesn't mean he doesn't think we should not increase our coverage. Councilor Bradley noted he doesn't think our risk is high either but they are asking us for something, so let's make sure we are covered. Councilor Bradley asked if the Council could wait to vote on this agreement and give Mr. Joseph an opportunity to answer those questions to his satisfaction? He would be happy to delegate this to Mr. Joseph to do. Chair Egan agreed it is a Staff function to go and iron this out. Mr. Joseph offered to talk with our insurance carrier and the Town Clerk and will look it over.

Chair Egan suggested taking an amendment to table this matter. Councilor Bradley asked if it would be appropriate to approve it subject to Mr. Joseph's satisfaction on the issues of liability issues and coverage? Chair Egan noted he just asked Councilor Bradley this and was told the Council should not vote on it. Councilor Bradley explained that he did not know that was the question. He is perfectly happy to have Mr. Joseph make the judgment about what the appropriate liability issue is and that the policies provide the coverage we need.

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

ITEM # 22-21 To consider action relative to adopting the 2022 Budget Schedule.

BE IT ORDERED: That the proposed 2022 Budget Schedule be adopted as printed. (Bradley & Reighley)

Chair Egan noted the dates are printed in the agenda and February 9 is our first workshop which is actually not on this schedule. The Council does not have any meetings the week of the 15th but we have a regular Council meeting on the 23rd. This calendar schedule kicks off on Thursday, the 25th. Discussion followed.

FY 2022 PROPOSED Budget Schedule	
Thursday, February 25, 2021	Manager Transmits 5-Year Capital Program to Council
Tuesday, March 2, 2021	Manager and Finance Director Present 5-Year Capital Program During Council Meeting
Tuesday, March 2, 2021	Council Sets Public Hearing for April 6

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TBD	Joint Meeting with RSU 5, Town of Durham, Town of Pownal (Community Center)
Tuesday, March 16, 2021	Council Workshop on 5-Year Capital Program
Tuesday, April 6, 2021	Public Hearing on Capital Program
Tuesday, April 27, 2021	Adoption of the 5-Year Capital Program
Thursday, April 29, 2021	Manager Transmits Operating, Capital and TIF Budget to Council
Tuesday, May 4, 2021	Manager and Finance Director Present Operating, Capital and TIF Budget
Tuesday, May 4, 2021	Council Sets Public Hearing for June 1
Tuesday, May 18, 2021	Council Workshop on Operating, Capital, and TIF Budgets
Tuesday, June 1, 2021	Public Hearing on Operating, Capital, and TIF Budgets
Tuesday, June 15, 2021	Target Date for Budget Adoption-Capital, TIF, and Operating Budgets/Appropriation Made

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

ITEM # 23-21 To consider action relative to new resident Public Peddler applications.

BE IT ORDERED: That the new resident Public Peddler application submitted by Guiyu Perilla d/b/a Guilin Goodies be approved pending receipt of all required documents and fees. (Daniele & Reighley)

Mr. Joseph advised that this is the only application we received for a new resident. There are no renewals this year because nobody held them last year. If there were multiples, the actual awarding would be filled by lottery and then the available spaces would be filled by lottery. These peddler locations are on public ways.

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

OTHER BUSINESS:

1. Update on Covid-19 regional vaccination efforts

Mr. Joseph introduced Lois Skillings from Mid Coast Hospital and Mid Coast Parkview Health that are in Brunswick. He asked her to come and update the Council on what Mid Coast has planned. He displayed the slides for Ms. Skillings.

Ms. Skillings thanked the Council for inviting her tonight. She grew up in Pownal and is a Freeport High School graduate. She has been a nurse for 41 years. She explained their plans to develop a large-scale regional vaccination clinic to battle the COVID-19 pandemic. The single most important way to turn the tide on this pandemic is to vaccinate the greatest number of people they can against this disease. They determined that there are 75,000 eligible people for this vaccine in the region and recognized that this vaccination clinic will be offered by appointment to reduce long lines and wait times. There is another reason to be safe and at the same time they will be able to move people through quickly and they estimate they will be able to provide 800 vaccinations per day, six days a week or 10,000 first vaccines and 10,000 second vaccines every single month. They know that local pharmacies will eventually be administering vaccines once the supply chain comes into a good place in our country but that is one person at a time. These large-scale clinics are really the way to get the most numbers of vaccines out to the general public as safely and quickly as possible.

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This has been in a close community partnership where they reached out to regional towns and one example is making sure that regional law enforcement is involved in this as well and also our large medical groups like Martin's Point and Maine Health are also collaborating with them on patient communications, vaccine scheduling and staffing the clinic with professionals at the vaccine center.

She advised that Pfizer and Moderna are vaccines being given in Maine in two shots. Additional vaccines are being developed such as J & J which is a one-shot medicine so logistically will be easier to navigate. All through the 1900s we recognized that vaccines are most likely the greatest medical advance ever in humanity to have the biggest impact on mortality and these two vaccines, Moderna and Pfizer are also very effective. They are 94% to 95% effective and there were no shortcuts taken in the research for these vaccines. The approval was more efficient because the stakes were so high. The side effects after these vaccinations are what you would expect after a vaccine. People have a sore arm, sometimes a headache or body aches and very few people have had a fever. When she had her vaccine at the clinic, she celebrated that reaction because it meant that her body was developing an immune reaction and it would be ready in case she was infected by COVID-19 to mount an immune response. Those are the things to watch happen. What you don't want happening is a severe allergic reaction and although rare, it can happen. This is why they have health professionals on standby at this clinic observing people for 15 minutes after the vaccination and for people who have a history of allergic reactions for 30 minutes so they are monitored closely to make sure they are not having a severe allergic reaction.

The current vaccine eligibility is for people who work in health care, people who work in long-term care and congregate living, both residents and staff and people who are over 70 years old, law enforcement, fire fighters and EMS folks were included in the 1-A category. They anticipate that the next group to be approved will be people who have underlying health conditions, people who are 65 and other essential workers like teachers, grocery store clerks and manufacturing employees and others in similar professions. They are waiting and following these rules carefully as they are coming from the Maine CDC and the U.S. CDC. When this can happen depends on the amount of vaccine coming into the State.

They are having a multi-faceted approach to scheduling individuals with outreach to people over 75 by phone and by e-mail. They also have a website and a phone number of a call system for those that they can't reach quickly. That phone number is 877-780-7545. This is for anyone that is eligible. It is not only for Mid Coast patients or Maine Health patients or Maine Med patients or Martin's Point patients. It is really for anybody that is eligible to call who is over 70 and even for people under 70 if they want to get their name in line for when it becomes available for over 65. They realize that the folks at that team verify eligibility and connect with the scheduling team but they are currently navigating thousands of phone calls so they are asking folks to please be patient. Calls are being returned in the order they are received. They are working on additional scheduling solutions like websites and other things. This will settle out in the next few weeks and people will be able to get their vaccines as long as they get vaccines coming into Maine. That is the limiting factor. She explained that there are 330,000 people over 70 in Maine eligible to get this vaccine and we are getting 18,000 doses a week. This week it increased to 20,000 but this is half of what we were told it would be a few months ago. They really appreciate everyone's patience. If they had waited to vaccinate one small community at a time, she believes it would be years to vaccinate the people who need this vaccination in order for us to have the level of immunity in our community. The number of people vaccinated needs to be the large majority and she is pleased that this is happening so quickly and asks folks to be a little bit patient. If you call once, they will hold your spot and you will hear back but it may take a few weeks.

She explained that even after receiving the vaccine, there is the possibility of still being able to transmit this disease even though it is 94% effective. That is not 100% and there is still the possibility that you

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could come down with COVID even after being vaccinated but what we really need is to have as many people become vaccinated so we have the same thing happen with COVID as we do with other infectious diseases that we really see decrease in the community because of herd immunity where enough people have immunity to the disease. They are asking folks to continue to avoid gatherings, wear masks and maintain distance and contact primary care providers for needed care.

She offered to provide the PowerPoint presentation to put up on the Town's website for people to see so they will know that these resources are available.

Councilor Bradley thanked Ms. Skillings for her presentation. As a Council, we have focused on vaccinations here thinking that it may be helpful to have the capacity to get vaccines in the arms in a local way. It sounds like the system she described is going to settle down and most of our concerns will be addressed. He suspects there will still be people that fall through the cracks and some of them will be our residents. As a Council we will be concerned about getting them vaccinated. He asked if she has spoken to Mr. Joseph about the possibility that we might set up a local vaccination site here at some point to supplement what her plan is? Ms. Skillings pointed out that right now, the efforts around the State is to really stand up these large-scale centers because we can get the greatest number of people through, for example, 800 people a day and that is going to help them vaccinate the greatest number of people quickly. The resources to do that such as the nurses, doctors and the pharmacists are finite so coordinating that infrastructure to have these large-scale centers where it can be delivered safely and quickly appears to be the way to get out the vaccine to the most people possible. That is why they are asking people from Freeport to drive to Brunswick so they can have that access close by. CHANS Home Care is working to develop a system and are actually starting tomorrow to bring vaccines into homes for people who are truly homebound. They are also working with transportation agencies to help folks that have transportation issues so we will be able to bring folks there. She imagines with the advent of the J&J vaccine that there may be easier ways of getting the vaccine out into local communities. Right now, the 2-shot vaccine protocol is complicated and requires sub zero storage and there are not a lot of these storage facilities available. They feel the best way to get the most people through is through their regional center. Later on in the spring or summer with the advent of easier one-dose vaccines, it may be possible for them to do their usual vaccine clinics like they do with the flu and bring it out to the public. Right now, because of the monitoring they want to do after the vaccine, of watching folks for 15 minutes at least or 30 minutes if they have had an allergic reaction in the past, doing these in centrally located regional places will get the most masses of people through. Councilor Bradley appreciated the answer and feels they are on the right track. He wanted Ms. Skillings to know that the Freeport Council passed a resolution making our ample resources available when it is decided to go local and they may decide to use us. Ms. Skillings explained that they are very familiar with how to bring those vaccine clinics out to the community and when the time comes and the resources are there, she believes it will be a good strategy but right now they just want to get the most people vaccinated that they can.

Councilor Reighley asked if he has made a reservation and forgot to write it down, will he get notified before he is supposed to go in or does he need to make another appointment? Is the vaccine an annual or one done like polio or small pox? Ms. Skillings asked Councilor Reighley to e-mail Midcoastcovidvaccine@mainehealth.org or call her and she will get him to the person that would need to help remind him of his appointment. Call the hospital and ask for her office and they can get that for him. They do not know if there will be a need for this vaccine more than once. This disease emerged a year ago in our country when it came to the U.S. It is amazing that we know as much about it as we do.

Mr. Joseph added that he ended up talking with Ms. Skillings after the last Council meeting and provided all the resources at her feet for the regional clinic. There were a few things she indicated that they could use such as law enforcement, crowd control, traffic direction and communication for spreading the work

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and this is why she is here tonight. There is potential involvement by the Town, the Community Center and the regional CDC and perhaps Freeport Friends would organize and assist people who can't get there. That conversation just started on Monday. Ms. Skillings added that transportation is one thing that is concerning for people who are frail and unable to get there. They would welcome and support that.

Vice Chair Whitney noted she is so glad to meet Ms. Skillings. She works with a large population of Elders here in town. She complimented Ms. Skillings' staff because she has called that number for many elders and found the people answering the phone to be extremely helpful. The clarity of Ms. Skillings' message tonight puts everyone who is listening at ease. Just knowing the process and that it takes patience is so helpful. She thanked Ms. Skillings for all her years of nursing. She has heard really great things about her. Ms. Skillings noted the amount of infrastructure that it takes to get this amount of vaccine out and into arms as quickly as possible really takes this kind of regional effort. Once things settle in, we probably can have more town by town but let's get the most vaccines in arms right now. She thanked the Council for their kind words. Chair Egan thanked her for her enthusiasm and outlook and was sure she has had a really long day. He hopes to get a copy of the slides to put on the Town's website so that we can direct people to flip through them. There is a lot of good information there.

~~2. Update on Downtown Visioning Project (Vice Chair Whitney)~~

3. Discussion of Town participation in clean-up of Bucknam Road Properties associated with the Island Rover case

Chair Egan noted the Council has had a brief discussion about this at its last meeting. Mr. Joseph mentioned we left it to see if there is support on the Council for us doing some defined amount of assistance to the clean-up effort of the properties down there.

Councilor Bradley advised that this is District 2. This is where the boat is and this is where the junk is. This is where the risks are and this is where the concerned neighbors live. Several meetings ago we talked about what is ahead of us. We identified \$100,000 in litigation costs to get us in a position we would own something we were not sure we wanted to own and then we identified some other issues related to the effect that the construction has had on the neighborhood, the current situation with respect to the safety of the site on young people, old people, drugged people and others. We have talked about the possibility where we could work something out by collaboration rather than litigation. He has talked with a lot of people and came up with a proposal the Council talked about in Executive Session and as a result of that he got a go ahead to explore it further. As he explored it further, what he got to was probably the best way to approach this without anybody's commitment on anybody's part is to develop some good will within and among the parties and also show District 2 residents that the Town is not ignoring their concerns about the mess and safety. He had communications with representatives of Mr. Arndt and feels the proposal that makes sense to him is that we start by taking some role in removing some of the obvious junk which Mr. Arndt would help us identify and move it to the landfill with his help and potentially with Mr. Becker's help but he is not sure about that. We then get a commitment to secure the vessel and that the steps that go up to it would be blocked in some way effective in keeping other than the most committed to get to the deck and then having doors locked up so no one can get into the bilge and die. Tonight, there is nothing else that we discussed is ready at any point to talk about. What is ready to talk about is whether the Town is willing to make any kind of a commitment to help clean up. His position on that is that one way to look at this is it is Harold's mess, let him clean it up and he could certainly respect and understand that but he asked other Councilors to remember that this boat and this mess got there because for 15 years the Town has stood back and cooperated or collaborated with Harold and whoever else is there. As a result, we have a big situation on this Bucknam Road/Byram Avenue neighborhood. His video showed what exists there now going down the right-of-way towards the vessel and identified an

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old trailer that is stuck in the woods. There are rough woods and trees that have blown down that are not related to the vessel. Then there is a piece of equipment that was in disrepair, some tarps that covered wood, some timbers, piles of logs used as rollers, more wood, a pile of corrugated metal which is the first thing that looked as though it might have some value. Then there are piles of materials, frames, wood piles, metal piles and wood sorts that go way back into the woods some covered by tarps, some not. More frames, more corrugated metal and then what looks like scattered piles of discarded material. Coming down into the site where the vessel was actually constructed, again more metal frames but the piles get more organized at this point but it is still hard to see without knowing what value they have or what use they have but they may. Getting into the construction site itself, there are some metal storage boxes, more piles of wood material, the base of the crane used to lift things up to the vessel. There is an indoor construction building, more recycled metal. He could not identify a building but mentioned it looks like a smelt shack. It goes beyond that shack a little of the way toward Byram but the junk really peters out. Coming back around the corner, you will start to see the vessel itself. There are stairs that anybody can get up providing they can walk upstairs. He mentioned that up there, the doors are not locked and anybody can open them up and fall into the bilge and it is not structured. It is an open fall if you go in there. Going by the vessel going up the road he came down, you are now looking at the other side of the road. You can see how close the houses are to the site. They can see the vessel and the mess that is essentially in their backyards.

In his discussions with Mr. Joseph, he explained that he is trying to create some good will and create an initial collaborative effort to do some clean-up of the basic junk. Harold's representative advised that he is willing to participate in that. He will identify what is really junk with the Town if the Town is willing to get some of it to the Town Transfer Station if we are willing to take it there. We will see where we go from there. He would like the Council to say yes, it makes sense for us to participate in this but limit our exposure to whatever it decides and let him go forward with an offer to Harold and Carter and say let's get going on this and let's not litigate, let's resolve it. It will show the neighbors that we are willing to address their concerns and it will make the vessel safe while everything is going on and it will give us some foundation together of doing something positive that will lead us to positive results in respect to other issues.

Chair Egan advised that it would be hard for him to respond to say that he would support it without knowing if it is \$800 or \$80,000. Mr. Joseph explained that he just ran two sets of rates with our Finance Director and Public Works Department in two different approaches. They both came out shockingly similar so it means we are way off the money or it is dead on the money. We got some quotes from a contractor in the area and their rate for disposal of three dump truck loads per day is \$2,000 per day. The Town rate comes out to about \$1,900 a day. He added that in the Town rate which is probably how they they would proceed if the Council wants to do, about \$1,400 of the \$1,900 would be opportunity cost only. The only hard cash that we would be paying out would be rental for a mini excavator and disposal costs to haul to Portland. The \$1,400 would be for time we are not doing on another project. Our employee with that truck would be working somewhere else that day and doing something for the Town if we were not doing this project. Chair Egan noted that it looks like there is at least 5 or 6 days of work there to remove the volume Councilor Bradley just showed in the video. He suspects it would be influenced heavily by the owner saying no, I have a use for this. No, I want to keep this so he does not have a sense of how much we just saw is removable debris or how much of it will be held on by the owner. Councilor Bradley did discuss this with Harold's representative and he is saying let's do this in three pieces. One piece will be stuff Harold puts ribbons on and calls junk. The second part will be sometime later when the snow goes away, Harold will have an auction out there and sell what he thinks he can sell. The third part would be for us all to come back together and look at what is left. We could decide then with no commitment on our part, we would look then to decide if we want to participate further. He suspects that would be affected by if we are getting progress on the other issues. He asked

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Chair Egan to pick a good faith number, is it a week, three days or four days at \$500 hard cash and say to them that in good faith we will make this commitment. We will wait until you mark it and wait until you tell us you have people to work along side of us. We will get it to disposal but we won't spend more than this amount of money. When we are done spending that amount of money, we will come back together and see what we accomplished. Right now, he would like to make a good faith gesture that we want to work this out. If we don't, we don't and that's okay too. If we don't do this step, he does not expect we will do much more. Right now, we are the ones working hardest to find a solution to this and he feels it is worth saving the \$100,000 we are going to spend if we don't figure this out. More discussion followed.

Councilor Lawrence advised he would like to commit \$500 a day or \$2,500 a week to help solve this issue. Councilor Daniele mentioned that since Harold is going to be selling some of that stuff, can we ask him to give us a percentage of that to offset some of our costs. It wouldn't have to cover everything but we would take half up to whatever it is. He asked if that would negate the good will part of this?

Chair Egan noted that if we put in five days, we should share in some portion of whatever metal is salvageable. He doesn't know what it will bring. Councilor Daniele advised that the tractor would be worth \$200. Councilor Reighley advised that he was on the Board of Appeals on the Thunder Road Junkyard that the Town was also heavily involved in and it went to Superior Court. The person who stored the junk cleaned it up by himself because the Town applied the correct amount of pressure. We may have held Harold's hand too long and listened to Carter Becker for too long on what is taking place there. We have an eyesore and people who created it. He doesn't support the good will on this site. He feels enforcement is the position he would prefer to see. Councilor Piltch asked if everybody who has an interest in the vessel be willing to sign liability waivers so that if we were to proceed with this and something terrible were to happen, there is no finger pointing later on saying, "It was nice of you to help me move my stuff but you caused damage and now you have to pay me for it." Councilor Bradley felt that was reasonable and he didn't see why they wouldn't sign a liability waiver if we are going to send a Town truck down there to help move that crap but it hasn't yet been discussed. Chair Egan feels that is a minimum.

Councilor Piltch noted he understands where Councilor Bradley is coming from and also understands where Councilor Reighley is coming from. We are asking the Town to spend money to help an individual site which is a dangerous precedent but he understands this is a special circumstance because the Town itself has an interest in the boat. He agrees with Councilor Daniele that it would seem odd if we were to spend Town money to do something and then someone else were to profit from the residue of what is left of the project. He can see both sides of this but doesn't know where he stands on this. If a thousand or two thousand dollars can go a long way towards making things better with a concrete outcome or some kind of definitive response, he would be more inclined to do it. If we help to clean up the site, does that mean that some of the claims against us would be dropped and would we have an easier path forward to reduce some of our litigation costs going forward? If we offer to clean it up and then we are still going to court, that is a little less compelling. Councilor Bradley clarified that there are no claims against us. The claims are against them. Councilor Piltch noted they are refuting our claims and can we get them to agree to our claims? Councilor Bradley added that that has been part of the overall goal to get rid of this litigation. He feels after the work he has done; we have a shot at it but it is not a guarantee and the first step is to do something positive together. He feels this is a cheap first step that could avoid spending a lot of money but he might not be able to bring it home. He is not getting any real enthusiasm out of Carter Becker. He talks and talks but Councilor Bradley doesn't know what he is going to do. Our next step, if we got this done, would be to start talking about how we can get this boat floated so it wouldn't be floated from Shore Drive, which is another thing District 2 residents want to see us do. He gets what everybody is saying. This has not been easy for 15 years but we have a shot at solving it. If Councilors don't agree and want to vote against it, he will not blame anybody but would feel it is a lost opportunity.

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Councilor Lawrence mentioned that we are looking at this as it is Harold's problem. He is looking at it as if it is our problem and we are trying to help all the other neighbors in the area. Yes, it is a lot of money but if you spread it out over all the people in the area, it goes a long way. This is a very cheap start to a solution. Chair Egan liked what Councilor Lawrence said at the beginning that we commit to a certain number of days but only do a certain portion of those initially because his hesitation this evening on this topic is that we don't see a lot of action on the other side when the Town is taking steps. If we go ahead and make a commitment which he feels we should, he wouldn't want to put all of our cards on the table at the exact same time because he feels we need to inch along with participation from the other side and see them step up and do something such as auctioning off materials. Possibly before we actually mobilize people and resources down there, we see that the owner has taken responsibility to have a metals salvage representative come and visit the site to get a sense if it is even saleable. Otherwise, they will just call and say, hey you have to come back and finish picking up all this stuff like it is our problem which has been the dynamic he has seen in his five years. He is interested in taking the step forward but feels we have to have a pretty good string to have the other side come in as well.

Councilor Reighley asked what has been the complaint situation on this over the last couple of years in Town Hall? Mr. Joseph went back four or five years and say two or three complaints from immediate abutters. There has been a lot of complaints about the scenario as a whole, but that is a lot wider. The Island Rover as a whole gets a lot of inquiries and complaints. He has gotten few complaints from the abutting property owners since construction on the vessel has stopped. There were a ton of complaints when they were down there welding and grinding and understandably it was a disruption. The whole time the construction was going on there was a vociferous objection from a cross section of the neighborhood. He feels it is the immediate abutters that are concerned the most. Councilor Bradley added that the neighbors all look to us as having had something to do with either allowing this to happen or enabling it. He does not disagree with them when he looks back at the history on it. There were 15 years of Consent Agreements that brought us to this point and he feels that everybody has raised fair points on how to go forward and he does not disagree with anything anybody said but asked in this first instance that the Council let it go forward pretty unhampered to see if we can develop the momentum to solve the thornier problems. If the Council doesn't want to do that, he will do anything asked of him because he does not want to spend that \$150,000 but he thinks there is less chance for success unless we have a positive experience together and that is based on his discussions with Carter, and Harold's representative. He is not saying he agrees with them, he is just saying it is a fact. This is a shot to see if we can get this moving forward and if we do, and the Council is happy, there will be other steps that will have to be considered. This is just the beginning and if the Council doesn't want to go forward and would rather just litigate and be done with it, that is easy. He doesn't know who wins, but it is easy.

Councilor Reighley asked what kind of a motion is needed? Councilor Bradley replied to approve five days with two of them reserved for any demonstration of cooperation and progress with respect to the removal of what is clearly junk. The owner will identify and flag material to be disposed of.

MOVED AND SECONDED: To authorize up to five days of work at prices quoted by the Town Manager, two or three to be reserved to ensure we have a good faith response and that response is involved in 1) Identifying the pieces that are subject to this removal at this stage. A liability waiver from all parties involved, Carter Becker as well as Harold Arndt. Without those things we are not prepared to spend a penny or to go any further. We are just going to litigate. (Bradley & Reighley) (no vote was taken).

Chair Egan explained that the separation between 3 days and 2 days happens after we have the liability and the permission and waiver of all indemnity and that the second two days of availability for the Town

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to remove stuff is whatever the owner has identified to retain that has salvage value that there is evidence of progress that that salvage operation is underway. Otherwise, our next two days if we get asked to come in again would probably be to take it and try to recover some cost with taking the material. We have to have some leverage in there. Councilor Bradley added that instead of making it so complex, why don't we just say three days and we can make decisions about two days or five days later if we are convinced he is making progress. Councilor Daniele still thinks it would be nice to get a little money back, but Councilor Bradley feels this will just go down a rabbit hole. Councilor Lawrence explained the only reason we are here is because it has been a long, slippery slope where we enabled this and we are just trying to correct an issue. More discussion followed.

Councilor Reighley requested that the motion be read back. The Secretary was unable to read it back since the additional comments were too long. Councilor Bradley offered to break the motion into three parts.

Councilors Bradley withdrew his original motion and Councilor Reighley withdrew his second.

MOVED AND SECONDED: 1. That the Council authorizes the expenditure of up to five days of effort by Town employees to clean up the site if the owner has identified the portions of the site that is junk and should be removed.

2. All parties sign a waiver of liability releasing the Town from any exposure to any damages that might result from taking the wrong stuff or anything happens on the site.

3. That two days of what we authorized be held back until we have ample evidence that the owner has taken positive steps to identify and sell the materials on the site he believes has value.

(Bradley & Reighley)

Mr. Joseph added that this will come back before the Council before we do a second part of anything. If Phase One happens with three days, the Council will definitely get a report or something where you will be able to give feedback.

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

3. Discussion of Connect Freeport website

Chair Egan explained that this is an update on the communications materials and the website for the Connect Freeport effort to raise awareness and educate our residents about the upcoming March 9th vote for cost sharing and floating a bond for the municipality for \$634,000. There has been a significant amount of activity coordinated by GPCOG. Councilor Daniele has taken over the direct engagement with the staff there to facilitate getting the right information and reviewing things along with our Town Engineer, Adam Bliss, and a really good group of folks at GPCOG who we heard from at our last meeting.

Councilor Daniele explained that it was mostly the Active Living and Complete Streets Committees that combed over the information and made sure it was correct. Carly was great and was quick to respond and is super helpful in that sense. We got a few responses to our request for pictures so he thanked those that did respond to his request. Carly ended up hiring a professional photographer because it sets up the website nicely. It looks really clean and is ready to go. The personal pictures people gave him might be used on Facebook. If anybody has any last-minute comments on the website, GPCOG is ready to go live. They are planning to start advertising on Facebook tomorrow so Freeport residents will start to see and get the message. Things should start moving very quickly from now on.

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Chair Egan mentioned that he appreciates Councilor Daniele stepping up and taking the reins on that process. He thanked him and noted that our community is really in a pivot mode. This Council right now has its hands on a couple of really significant pivot dynamics that are going on. This one is a big one because it is a 75-year window that is going to shut if we don't do a good job of getting the information out about the bridge improvements that will be available if we can cost share with MDOT. MDOT is not going to build the bike and pedestrian path. They will rebuild what is there now including a 14-inch wide walkway that is over Mallett Drive. Then it's another 75 years before anybody can walk or ride across that bridge. It is crucially important that we stress that time frame in the next several weeks and mobilize as many people as we can to support it and come out and vote on March 9th.

The effort we heard earlier from Mary Davis of FEDC on re-envisioning our downtown that Tawni is actively working on is another huge dynamic. It is a huge pivot. We have a lot of things going on. There are dozens of people involved in these discussions and the coordination and single messaging to make sure we are all pulling the rope in the same direction is critical. He is just trying to remind everybody about a number of significant things happening. We are about to engage in a couple of Ordinance changes. We are talking about potentially having solar development going on in our community which is a brand new thing. We will be talking about short-term rentals and we know we will hear about it when it is out in the public. We will continue to talk about Ordinance changes coming up to better reflect the change in dynamic going on in our downtown to encourage more residents to live downtown and to find out if there are better uses for the acres and acres of parking that we have that is largely unused except for a few days out of the year. These are the kinds of important things that are happening in our community and there is a lot happening. He knows there are a ton of e-mails and committee meetings for everybody to participate in but he wanted to highlight that this is a busy season. In the middle of all this, we are going to have to work on our budget which will require weekly meetings for about seven weeks in a row so we are coming into an exhausting period of the year. Let's not lose sight of the big changes and we have big opportunities here as a group to help lay down some foundation blocks for what this community will look like two years from now, five years from now, ten years from now. It is an exciting time.

Councilor Daniele asked if the voters do not approve the bond, will the bridges get a little bit better? There is a little more of a breakdown lane and a sidewalk built in. It just wouldn't be a separate path which is the safest and what he really wants. He noted that this can be found on the www.Connectfreeport.com website.

Councilor Reighley reported that from the Complete Streets Committee meeting this morning, it was discussed that the ballot language is missing and they want to add it in. Mr. Joseph has it. It is to answer what it means to vote yes or no on this particular bond request. It is a key element that is there. Greg Michaud created this and is in our audience, as is Adam Bliss.

Chair Egan advised that the tax impact if the bond passes is a teeny bit over 4 cents on our mil rate so it comes out to between \$8 and \$12 depending on the valuation of a typical house in Freeport on an annual basis. It is a very small impact and there will be discussion here coming up as we roll out this information. The Town will also have TIF income available to help offset these kinds of increases. While the cost of the bond is very nominal, there may be not much of an impact, if any, onto actual resident valuations because of the opportunity to offset it with TIF income from other decisions made previously in the recent past.

Councilor Bradley feels Chair Egan's summary is right on but there are people on the screen responsible for two of the most critical pivots he identified. Somewhere there is a connection between Connect Freeport and Re-envisioning the Downtown. It is already coming up in meetings that Tawni and Mary are hosting. He would encourage those leaders in those efforts to talk about what is appropriate about

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bringing those ideas together so there isn't confusion in the populace about either funding or approving and the Council has a clear picture about what the leadership thinks the direction should be. He had a question about the bond that is minor. The only issue that came up in our discussion of the bonding was the difference between 10 and 12 feet. While he was convinced to go to 12 feet, he believes this is going to be a question that comes up. His question is why not address it in the frequently asked questions? We are proposing 12 feet, not 10 and explain why. Councilor Daniele had a great response to that because over the next 75 years it will allow people to go back and forth by one another as opposed to having to wait for one another as traffic picks up. Councilor Lawrence added that there is a wall that separates the traffic from the path. Councilor Bradley is suggesting to expand the third question on the Frequently Asked Question page. We should say we have chosen 12 feet because it is the right answer for our town and these bridges and the alternatives including doing nothing or doing 10 feet do not satisfy our needs.

Chair Egan agrees and feels that discussing 12 feet and no other dimension is the way to keep everybody focused on why we are doing that and not have a comparison between 6 feet and 10 feet because then we will have everybody having an opinion on all those increments. He feels it would be great to say the 12-foot dimension was chosen because of the following: safety, accessibility and long-term duration. That is the reason why it is 12 feet. Councilor Lawrence noted that it says it is the safest option. Chair Egan feels it is the most important part if we are focusing on why the 12 feet was advocated and chosen by the committees that developed this proposal in the first place and why it has gone through design identification with Adam Bliss to get the materials in place and that is the plan that will go forward to MDOT if the bond is approved. Councilor Reighley noted he would speak for Greg and add more support for the 12 feet. Mr. Joseph explained that there is an opportunity to ask the question once because of the timing constraints and this is what was chosen as the most beneficial to the community. If the instructions on the ballot get more complicated than the actual question asked, you are going to lose.

Councilor Daniele agrees that Greg should include something that basically says why we chose the 12 over the 10 but it is not something that needs to be displayed at www.ConnectFreeport.com. When somebody asks any question, you should be able to go to this and say hold on and you read it and give them a similar answer. This is a resource. Mr. Joseph added that you don't need three rows with four columns each to describe this option with this and this. The answer is either zero or \$634,000 and this is what you get with zero and this is what you get with \$634,000. The answer is one or the other. There is not a third option. Councilor Lawrence does not want to confuse anybody. To make it clean and simple, we go with what we have but have an answer ready. Chair Egan advised that the bond is for 20 years. Councilor Piltch feels it would be good to put more about the financing on the website because it would be nice to show how much of the project MDOT is paying for and they are sharing the cost of the pathways and we have to contribute \$634,000 as our share.

Chair Egan thanked everyone who stayed in the audience. Councilor Lawrence advised that he will not be here on the 9th. He will be in Arizona but will be back on the 14th.

MOVED AD SECONDED: To adjourn at 9:54 p.m. (Reighley & Piltch) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Respectfully submitted,

Sharon Coffin, Council Secretary