

AGENDA
FREEPORT TOWN COUNCIL MEETING #12-20
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY, MAY 19, 2020
6:30 PM

Join via Zoom: <https://us02web.zoom.us/j/84068935872>

Webinar ID: 840 6893 5872

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Webinar ID: 840 6893 5872

FROM: Peter E. Joseph, Town Manager

TO: Council Chair, John Egan, 38 Curtis Road
Council Vice Chair, Tawni Whitney, 56 Baldwin Road
Councilor Chip Lawrence, 93 Hunter Road
Councilor Sarah Tracy, 2 Pettengil Road
Councilor Daniel Piltch, 25 Quarry Lane
Councilor Douglas Reighley, 2 Harbor Ridge Road
Councilor Eric Horne, 62 Pine Street

FIRST ORDER OF BUSINESS: Pledge of Allegiance

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #11-20 held on May 5, 2020 and to accept the minutes as printed.

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

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

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

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

ITEM # 88-20 To consider action relative to adopting the May 19, 2020 Consent Agenda.

BE IT ORDERED: That May 19, 2020 Consent Agenda be adopted.

(Council Chair Egan) (5 minutes)

ITEM # 89-20 To consider action relative to amendments to the Concord Gully Brook Tax Increment Finance (TIF) District Development Program. **PUBLIC HEARING.**

MOTION: To open the Public Hearing

MOTION: To close the Public Hearing

AMENDED AND RESTATED ORDER OF THE FREEPORT TOWN COUNCIL

WHEREAS, this Town Council on April 28, 2020, following a public hearing, adopted an Order to designate the proposed Concord Gully Brook Development District and Tax Increment Financing District #6 and approve the related Development Program subject to possible changes to Table 1/Exhibit J (the “April 28 Order”); and

WHEREAS, this Town Council, on May 19, 2020, following a second public hearing, approved changes to the Development Program Table 1/Exhibit J and a technical correction to change the name of the TIF District to “Concord Gully Brook Development District and Tax Increment Financing District #7,”

NOW THEREFORE, the Town Council hereby amends and restates the April 28 Order in full as shown below, with amendments shown in legislative format (deletions in strikethrough; insertions underlined).

ORDER OF THE FREEPORT TOWN COUNCIL

WHEREAS, the Town is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate a Tax Increment Financing District and adopt a related Development Program; and

WHEREAS, the Town has identified certain property within its commercial zoning district that is centrally located, underutilized and in need of redevelopment, and has received a proposal for the development and expansion of said property by an existing commercial property owner; and

WHEREAS, designating the proposed District and adopting and implementing the Development Program will

- Maintain existing tax revenues;
- Enhance future tax revenues generated by new development throughout the Town;
- Install storm water improvements and other environmental improvements;
- Maintain existing jobs;
- Assisting established construction businesses in the Town, thereby retaining existing employment opportunities;
- Construct new recreational trails that have a significant potential to promote economic development;
- Provide long-term, stable employment opportunities for area residents; and,
- Attract businesses and promote the economic viability and sustainability of the general economy of the Town.

WHEREAS, the Town has held a public hearing on the proposed Concord Gully Brook Development District and Tax Increment Financing District #6 #7 (the “District”) in accordance with the requirements of 30-A MRSA § 5226(1) upon at least ten (10) days prior notice published in a newspaper of general circulation within the Town; and,

WHEREAS, the Town desires to designate the proposed District and adopt the proposed Development Program as presented to the Town Council this day and as has been on file in the Town Clerk’s Office at Town Hall; and

WHEREAS, it is anticipated that the Commissioner of the Maine Department of Economic and Community Development (“DECD”) will approve the designation of the District and adoption of the Development Program;

NOW THEREFORE, **BE IT ORDERED:**

Section 1. The Town Council hereby finds and determines that:

(a) Adoption and implementation of the District and the Development Program will generate substantial economic benefits for the Town and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitute a good and valid public purpose and will contribute to the economic growth or well-being of the inhabitants of the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town; and

(b) The Town Council has considered all evidence presented to it with regard to any adverse economic effect on or detriment to any existing business and has found and determined that adoption and implementation of the District and the Development Program will not result in a substantial detriment to any existing business in the Town, and any adverse economic effect of the District and the Development Program on any existing business in the Town is outweighed by the contributions expected to be made by the projects and improvements described in the District and the Development Program to the economic growth or well-being of the Town or to the betterment of the health, welfare or safety of the inhabitants of the Town.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town Council hereby designates the Town of Freeport Concord Gully Brook Development District and Tax Increment Financing District #6 (the "District") as presented to the Town Council.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town Council hereby adopts the Development Program for the District substantially in the form presented to the Town Council with changes to Table 1/Exhibit J as subsequently approved by the Town Council.

Section 4. The foregoing designation of the District and adoption of the Development Program shall automatically become final and shall take full force and effect upon approval of the District and Development Program by the Commissioner of the State of Maine Department of Economic and Community Development (DECD), without requirement of any further action by the Town, the Town Council, or any other party.

Section 5. Pursuant to the provisions of 30-A M.R.S. § 5227, the percentage of the Increased Assessed Value to be retained as Captured Assessed Value in the District

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and the term of said District is confirmed as set forth in the Development Program and related Credit Enhancement Agreement.

Section 6. The Town Manager be and hereby is authorized and directed, on behalf of the Town of Freeport, Maine, to submit to the Commissioner of DECD for review and approval, pursuant to the requirements of 30-A M.R.S. § 5226(2), the application and such other documentation as may be necessary or appropriate for the final approval of this District and the Development Program, ~~as may be subsequently amended and approved by the Town Council.~~ The Town Manager is further authorized and empowered, at his or her discretion from time to time, to make such technical revisions to the District or the Development Program for the District, or to the scope, cost or description of the public improvements to be financed with the portion of tax increment revenues generated by the District and retained by the Town as described in the Development Program, as the Town Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and Development Program by DECD, or for any other reason, so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

Section 7. The Town Manager be and hereby is authorized, empowered and directed to enter into the Credit Enhancement Agreement contemplated by the Development Program, in the name of and on behalf of the Town, such agreement to be in such form and to contain such terms and provisions, not inconsistent with the Development Program, as the Town Manager may approve, the Town Manager's approval to be conclusively evidenced by his or her execution thereof.

This Amended and Restated Order shall take effect immediately upon adoption.

(Council Chair Egan)(30 minutes)

[ITEM # 90-20](#)

To consider action relative to a supplemental appropriation of \$100,000 from the Destination Freeport Tax Increment Finance (TIF) District Fund for the purposes of establishing a Covid-19 Small Business Loan Fund. PUBLIC HEARING

Motion: To open the Public Hearing

Motion: To close the Public Hearing.

BE IT ORDAINED: That a supplemental appropriation of \$100,000 from the Destination Freeport Tax Increment Finance (TIF) District Fund for the purposes of establishing a Covid-19 Small Business Loan Fund be established.

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(Town Manager, Peter Joseph)(15 minutes)

[ITEM # 91-20](#) To consider action relative to setting a public hearing for June 2 at 6:30 pm to discuss an emergency Ordinance related to the temporary Suspension of Certain Ordinance Standards to Safely Accommodate Expanded Outdoor Business Activities due to COVID-19.

BE IT ORDERED: That a Public Hearing be scheduled for June 2, 2020 at 6:30 pm to discuss an emergency ordinance related to the temporary Suspension of Certain Ordinance Standards To Safely Accommodate Expanded Outdoor Business Activities due to COVID-19.

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 and the Town's website.

(Town Planner, Caroline Pelletier)(15 minutes)

[ITEM # 92-20](#) To consider action relative to the Capital Reserve Balances.

BE IT ORDERED: That the Town Treasurer be authorized to transfer \$190,000 from the Capital Cable Reserve and allocate it as follows:
\$140,000 to the Comprehensive Town Improvements Reserve
\$50,000 to the Boards and Committees Reserve
(Finance Director, Jessica Maloy)(10 minutes)

[ITEM # 93-20](#) To consider action relative to the disbursement of Cemetery Perpetual Care Funds.

BE IT ORDERED: That the following Perpetual Care Funds be disbursed.

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<u>CEMETERY</u>	<u>VETERANS'</u> <u>ALLOTMENT</u>
BURR	\$ 8,000.00
DAVIS	\$ -
WOODWARD	\$ -
GROVE	\$ 2,350.00
CARRIE THOMAS	\$ -
WEBSTER	\$ 1,850.00
WOODLAWN	\$ 2,375.00
SO FREEPORT	\$ 2,750.00
FLYING PT	\$ 450.00
Total	\$17,775.00

(Finance Director, Jessica Maloy)(5 minutes)

OTHER BUSINESS:

1. [Discussion regarding Public Peddler Fee deadlines.](#) (Town Manager, Peter Joseph)(5 minutes)

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2. [Discussion regarding an Affordable Housing TIF request from Freeport Housing Trust for Property at Quarry Ridge Apartments](#) (Council Chair Egan)(15 minutes)
3. [Workshop on Operating, Capital and TIF Budget](#) (Finance Director, Jessica Maloy)(90 minutes)

END OF AGENDA (Estimated time of adjournment 10:50 PM)