

AGENDA
FREEPORT TOWN COUNCIL MEETING #18-21
TOWN COUNCIL CHAMBERS
30 MAIN STREET, FREEPORT
TUESDAY, AUGUST 3, 2021
6:30 PM

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 Daniel Pilch, 25 Quarry Lane
Councilor Douglas Reighley, 2 Harbor Ridge Road
Councilor Jake Daniele, 264 Pownal Road
Councilor Edward Bradley, 242 Flying Point Road

FIRST ORDER OF BUSINESS: Pledge of Allegiance

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #17-21 held on July 20, 2021 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)

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 # 144-21 To consider action relative to adopting the August 3, 2021 Consent Agenda.

BE IT ORDERED: That the August 3, 2021 Consent Agenda be adopted.

(Council Chair Egan) (5 minutes)

ITEM # 145-21 To consider action relative to an Ordinance to award a contract in the amount of \$100,233 to Principle Group for the completion of Phases Two and Three for the Downtown Freeport Vision Plan. PUBLIC HEARING.

MOTION: To open the Public Hearing

MOTION: To close the Public Hearing

BE IT ORDAINED: That an Ordinance to award a contract in the amount of \$100,233 to Principle Group for the completion of Phases Two and Three for the Downtown Freeport Vision Pan be enacted.

NOTE: *The Town Council previously determined that it is in the best interest of the Town to waive the Town's sealed bid requirements in the selection of Principle Group, in favor of a qualifications-based selection process.*

NOTE: *The Town Council appropriated \$100,000 for this project in the 2022 Capital Budget.*

(Council Chair Egan) (15 minutes)

[ITEM # 146-21](#)

To consider action relative to a Consent Agreement from Robin Lapoint, for a property at 8 Tumbler's Hill Road (Tax Assessor Map 24, Lot 71B) for the purposes of allowing a mislocated building that does not appear to meet the required setbacks for the underlying zoning district be allowed to remain. PUBLIC HEARING.

MOTION: To open the Public Hearing

MOTION: To close the Public Hearing

BE IT ORDERED: That a request for a Consent Agreement from Robin Lapoint, for a property at 8 Tumbler's Hill Road (Tax Assessor Map 24, Lot 71B) for the purposes of allowing a mislocated building that does not appear to meet the required setbacks for the underlying zoning district be allowed to remain.

(Council Chair Egan) (20 minutes)

[ITEM # 147-21](#)

To consider action relative to the Redistricting of the Freeport Municipal Voting Districts. PUBLIC HEARING.

MOTION: To open the Public Hearing

MOTION: To close the Public Hearing

BE IT ORDERED: That the Town Council determines whether to alter and change the boundaries of the Freeport voting districts to contain as nearly as possible the equal numbers of voters per the Freeport Town Charter.

(Town Clerk, Christine Wolfe) (5 minutes)

[ITEM # 148-21](#)

To consider action relative to an order authorizing the issuance of \$634,000 of bonds and notes (approved by the voters on March 9, 2021) to finance the local share of the construction of bicycle and pedestrian pathways at the Exit 20 & 22 overpasses; and to discuss entering into a local cost sharing agreement with MDOT to provide for the construction of the same. PUBLIC HEARING.

MOTION: To open the Public Hearing

MOTION: To close the Public Hearing

APPROPRIATION ORDINANCE # 101 OF THE FREEPORT TOWN COUNCIL

ORDINANCE TO AUTHORIZE THE ISSUANCE OF \$634,000 IN GENERAL OBLIGATION BONDS FOR CONSTRUCTION OF BICYCLE AND PEDESTRIAN WAYS ON I-295 BRIDGES

WHEREAS, the Maine Department of Transportation (“MDOT”) is undertaking I-295 bridge replacement projects on Desert Road (Exit 20) and Mallett Drive (Exit 22), which provide opportunities for the Town to construct bicycle and pedestrian ways on each bridge (the “Project”); and

WHEREAS, to complete the Project with bicycle and pedestrian ways, MDOT requires a local match from the Town of up to \$634,000; and

NOW THEREFORE, BE IT ORDAINED:

1. That under and pursuant to the Freeport Town Charter, including Article VI and Section 8.03 therein, and the laws of the State of Maine, including Section 5772 of Title 30-A of the Maine Revised Statutes, and approval of the voters of the Town at a referendum held March 9, 2021, the Town Council authorizes the issuance of general obligation bonds of the Town, and notes in anticipation thereof, in a principal amount not to exceed \$634,000 (the “Bonds”) to fund the Town’s local match for the Project and appropriates the proceeds of the Bonds for the Project;
2. That the Town Treasurer and the Town Manager, acting singly, are authorized to arrange for the sale of the Bonds at public or private sale to such parties as either determines to be in the Town’s interest, to execute and deliver loan agreements and other contracts for that purpose, including without limitation loan agreement(s) with the Maine Municipal Bond Bank, and to select and hire such financial advisors, underwriters, registrars, paying agents, transfer agents, and other consultants, if any, as either deems necessary to assist with the sale of the Bonds, all on such terms not inconsistent with this Ordinance as either shall approve;
3. That the Treasurer and Town Manager, acting singly, are authorized to prepare, issue, and provide for sale of the Bonds at one time or from time to time, as one or more separate issues, and to determine the date(s), maturity(ies), denomination(s), interest rate(s), place(s) of payment,

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call(s) for redemption with or without premium, form(s), and other details of said Bonds, including execution and delivery of said Bonds against payment therefor;

4. That the Bonds be executed and delivered by the Treasurer and countersigned by a majority of the Town Council, and otherwise be in such form and contain such terms and provisions not inconsistent herewith, as they shall approve, their approval to be conclusively evidenced by their execution thereof, and that any signature thereon may be by facsimile to the extent permitted by law;
5. That the Treasurer be authorized, as applicable, to designate the Bonds as qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the "Code");
6. That (i) no part of the proceeds of the Bonds shall be used, directly or indirectly, to acquire any securities and obligations, the acquisition of which would cause the Bonds to be "arbitrage bonds" within the meaning of Section 148 of the Code; and (ii) the proceeds of the Bonds and the Project shall not be used in a manner that would cause the Bonds to be "private activity bonds" within the meaning of Section 141 of the Code;
7. That in connection with the Bonds, the Treasurer be authorized to execute and deliver on behalf of the Town an Arbitrage and Use of Proceeds Certificate in form approved by the Town's bond counsel, and to covenant on behalf of the Town to file any information report and pay any rebate due to the United States in connection with the issuance of the Bonds, and to take all other lawful actions necessary to ensure that the interest on the Bonds will be excludable from the gross income of the owners thereof for purposes of federal income taxation and to refrain from taking any action which would cause interest on the Bonds to become includable in the gross income of the owners thereof;
8. That the Treasurer, Clerk, Town Councilors, and other proper officials of the Town are authorized to execute and deliver on behalf of the Town such other documents and certificates as may be necessary or convenient to the issuance, execution, or delivery of the Bonds, and to do or cause to be done all such acts and things, not inconsistent herewith, as may be necessary or desirable in order to effect the issuance, sale, and delivery of the Bonds and the accomplishment of the Project;
9. That if the Treasurer, Clerk, or other Town official for any reason be unavailable to, as applicable, approve, execute, or attest the Bonds or any related financing documents, the person or persons then acting in any such capacity, whether as assistant, deputy, vice-chair, or otherwise, be authorized to act for such unavailable official with the same force and effect as if such official had himself/herself performed such act;
10. That if any of the officers or officials of the Town who have signed, attested, or sealed the Bonds shall cease to be such officers or officials before the Bonds so signed, attested, and sealed shall have been actually authenticated or delivered by the Town, such Bonds nevertheless may be authenticated, delivered, and issued with the same force and effect as though the person or persons who signed, attested, or sealed the Bonds had not ceased to be such officer or official;

and also, any such Bonds may be signed, attested, or sealed on behalf of the Town by those persons who, at the actual date of execution of the Bonds, shall be the proper officers or officials of the Town, although at the nominal date of the Bonds any such person shall not have been such officer or official;

11. That the Treasurer in consultation with Bond Counsel is authorized to implement written procedures with respect to the Bonds for the purpose of: (i) ensuring timely “remedial action” for any portion of the Bonds that may become “non-qualified bonds,” as those terms are defined in the Code and regulations thereunder; and (ii) monitoring the Town’s compliance following the issuance of the Bonds with the arbitrage, yield restriction and rebate requirements of the Code and regulations thereunder; and

12. That the Clerk record an authenticated copy of this Ordinance in the Town’s records as required by the Town Charter.

(Town Manager, Peter Joseph) (15 minutes)

APPROPRIATION ORDINANCE # 102 OF THE FREEPORT TOWN COUNCIL

[ITEM # 149-21](#)

To consider action relative to the proposed state/municipal cost sharing agreement with the Maine Department of Transportation for the construction of multi-use paths at the Exit 20 and 22 bridge projects, in an amount up to \$634,000.

BE IT ORDAINED: That the proposed state/municipal cost sharing agreement with the Maine Department of Transportation for the construction of multi-use paths at the Exit 20 and 22 bridge projects, in an amount up to \$634,000 be approved.

BE IT FURTHER ORDAINED: that the Town Manager be authorized to execute the final agreement on behalf of the Town, to include any clerical/non-substantive changes from the draft agreement approved by the Town Council.

(Town Manager, Peter Joseph) (15 minutes)

[ITEM # 150-21](#)

To consider action relative to proposed amendments to Section 32-601 (K) of the Shellfish Conservation Ordinance. PUBLIC HEARING.

MOTION: To open the Public Hearing

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MOTION: To close the Public Hearing

BE IT ORDAINED: That proposed amendments to Section 32-601 (K) of the Shellfish Conservation Ordinance be enacted.

(Marine Resource Officer, Charles Tetreau)(15 minutes)

[ITEM # 151-21](#)

To consider action relative to proposed amendments to Chapter 2 Administrative Code, Section 509. Inspections Division of the Freeport Town Ordinances. PUBLIC HEARING

MOTION: To open the Public Hearing

MOTION: To close the Public Hearing

BE IT ORDAINED: That proposed amendments to Chapter 2, Section 509. Inspections Division of the Town of Freeport Ordinances be enacted.

(Code Enforcement, Nicholas Adams)(5 minutes)

[ITEM # 152-21](#)

To consider action relative to proposed amendments to Chapter 13, Fire Prevention Code of the Freeport Town Ordinances. PUBLIC HEARING

MOTION: To open the Public Hearing

MOTION: To close the Public Hearing

BE IT ORDAINED: That the proposed amendments to Chapter 13, Fire Prevention Code be enacted.

(Code Enforcement, Nicholas Adams)(5 minutes)

[ITEM # 153-21](#)

To consider action relative to proposed amendments to Chapter 17, Electrical Code Ordinance of the Freeport Town Ordinances. PUBLIC HEARING

MOTION: To open the Public Hearing

MOTION: To close the Public Hearing

BE IT ORDAINED: That a proposed amendments to Chapter 17, Electrical Code Ordinance be enacted.

(Code Enforcement, Nicholas Adams)(5 minutes)

[ITEM # 154-21](#)

To consider action relative to setting a public hearing for a new Special Amusement Permit for Mast Landing Brewing Company.

BE IT ORDERED: That a public hearing be set for September 7, 2021 at the Town Council meeting that starts at 6:30 pm at Freeport Town Hall, 30 Main

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Street to discuss a new Special Amusement Permit for Mast Landing Brewing Company, 200 Lower Main St, Freeport.

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

(Town Manager, Peter Joseph)(5 minutes)

[ITEM # 155-21](#)

To consider action relative to Planning Board consideration of land use regulations related to cannabis cultivation and cannabis manufacturing and processing.

BE IT ORDERED: That the Freeport Town Council directs the Planning Board to develop land use standards as the Planning Board deems appropriate to allow both cannabis cultivation and cannabis manufacturing and processing uses within Freeport. Said regulations to include the determination of appropriate zoning districts, the development of any recommended performance standards, and the development of any other relevant land use regulations that the Planning Board deems necessary.

(Council Chair Egan)(30 Minutes)

[ITEM # 156-21](#)

To consider action relative to the approval of an Order of Vacation, proposing to vacate a 40-foot-wide Unnamed Road running parallel to Lower Flying Point Road. The Unnamed Road is approximately 40 feet wide and begins at the intersection with Lower Flying Point Road, whence it runs parallel to said Lower Flying Point Road along the boundary of lots 1-28, as shown on a subdivision plan entitled "Plan of Flying Point Shores – Section III, dated October, 1949 (hereinafter, "the Plan"), which Plan is recorded in the Cumberland County Registry of Deeds in Plan Book 35, Page 44; and

BE IT ORDERED: The Municipal Officers of the Town of Freeport, Maine, pursuant to 23 M.R.S.A. § 3027-A, having given best practicable notice to all abutting property owners and the Freeport Planning Board, hereby order the vacation of the 40-foot-wide Unnamed Road running parallel to Lower Flying Point Road. The Unnamed Road is approximately 40 feet wide and begins at the intersection with Lower Flying Point Road, whence it runs parallel to said Lower Flying Point Road along the boundary of lots 1-28, as shown on a subdivision plan entitled "Plan of Flying Point Shores – Section III, dated October, 1949 (hereinafter, "the Plan"), which Plan is recorded in the Cumberland County Registry of Deeds in Plan Book 35, Page 44; and

Appended hereto and hereby incorporated as Exhibit A to this Order is a list of all the names of the owners of lots shown on said Plan together with their mortgagees of record.

(Town Manager, Peter Joseph)(10 minutes)

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OTHER BUSINESS:

1. [Legislative update with District 48 State Representative Melanie Sachs](#)
(20 minutes)
2. Discussion of Water Tanks (Town Manager, Peter Joseph)(30 minutes)

END OF AGENDA (Estimated time of adjournment 11:00 PM)