

AGENDA
FREEPORT TOWN COUNCIL MEETING #02-22
TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT
TUESDAY, JANUARY 18, 2022
6:30 PM

ZOOM: Please use the link below to join the meeting virtually:

<https://us02web.zoom.us/j/85329034471>

To participate by telephone dial:

US: +1 646 558 8656 or +1 312 626 6799 or +1 301 715 8592 or +1 669 900 9128 or +1
253 215 8782 or +1 346 248 7799

And enter webinar ID: 853 2903 4471

FROM: Peter E. Joseph, Town Manager

TO: Councilor Chair Daniel Piltch, 25 Quarry Lane
Council Vice Chair, John Egan, 38 Curtis Road
Councilor Matthew Pillsbury, 36 Todd Brook Rd
Councilor Chip Lawrence, 93 Hunter Road
Councilor Darrel Fournier, 3 Fournier Drive
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 #01-22 held on January 4, 2022 and to accept the minutes as printed.

THIRD ORDER OF BUSINESS: Announcements (15 minutes)

FOURTH ORDER OF BUSINESS: Information Exchange (15 minutes)

1. Update on COVID and MidCoast Hospital status (Dr. Chris Bowe and Lois Skillings)(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 # 18-22 To consider action relative to adopting the January 18, 2022 Consent Agenda.

COUNCIL MEETING #02-22
JANUARY 18, 2022

BE IT ORDERED: That the January 18, 2022 Consent Agenda be adopted.

(Council Chair Piltch) (5 minutes)

ITEM # 19-22

To consider action relative to setting a public hearing to discuss proposed amendments to Chapter 10 Ordinance Requiring Notice for Outdoor Events with Attendance in Excess of 250 People, to add a standard about maintaining accessible (under the Americans with Disabilities Act) parking and access.
PUBLIC HEARING.

MOTION: to open the public hearing

MOTION: to close the public hearing

BE IT ORDAINED: That proposed amendments to Chapter 10 Ordinance Requiring Notice for Outdoor Events with Attendance in Excess of 250 People, to add a standard about maintaining accessible (under the Americans with Disabilities Act) parking and access be approved.

(Town Planner, Caroline Pelletier)(30 minutes)

ITEM # 20-22

To consider action relative to the enactment of Freeport Ordinance Chapter 61, Emergency Ordinance: Face Covering Mandate to be effective January 18, 2022 until February 16, 2022 pursuant to the Freeport Town Charter, Section 2.14 “Emergency Ordinance”.

BE IT ORDAINED: That Chapter 61, Emergency Ordinance: Face Covering Mandate to be effective January 18, 2022 until February 18, 2022 pursuant to the Freeport Town Charter, Section 2.14 “Emergency Ordinance” be enacted.

WHEREAS, COVID-19 is a communicable disease that is easily contracted through personal contact with infected individuals in the community, and

WHEREAS, Cumberland County is currently designated as a county with a high level of COVID-19 community transmission, and

WHEREAS, the U.S. CDC is currently recommending people wear face coverings in public indoor settings in Cumberland County, and

WHEREAS, the Freeport Town Council voted to require face masks in all Municipal Buildings, and

WHEREAS, the Freeport Town Council wants to continue to protect the public health, safety and welfare of the entire community, including its residents, employees, and visitor’s, and

WHEREAS, the Freeport Town Council determines that this warrants an immediate response in order to protect public health, and

COUNCIL MEETING #02-22
JANUARY 18, 2022

WHEREAS, the Freeport Town Council further determines the current situation of the pandemic to be an emergency affecting public life and public health, as specifically included in Section 2.14 of the Freeport Town Charter, and

WHEREAS, in light of the foregoing, the Town of Freeport Town Council deems it proper and necessary to temporarily require the use of face coverings in all public buildings,

NOW THEREFORE BE IT ORDAINED:

That for the time period from January 18, 2022 until February 16, 2022, unless this ordinance is repealed by the Town Council prior to February 16, 2022, the following emergency regulations shall be in effect, and shall apply to any Public Buildings within the Town of Freeport.

Section 1. Definitions

For the purpose of this Ordinance, the following terms shall have the following meaning:

Face Covering means any cloth or tightly woven fabric that can be worn on an individual's face over their nose and mouth and substantially complies with the United States Center for Disease Control's recommended guidance for masks, such as surgical masks, N95 respirators, double-layer cloth gaiters, or any similar mask that fits snugly around the nose and chin, has multiple layers and/or inner filter pockets, and does not let light through when held up to a light source.

Person means any individual regardless of their status within a Public Building including but not limited to an employee, an owner, a customer, a licensee, an invitee, a visitor, or any other individual.

Public Building means any building or portion of a building within the Town of Freeport that is regularly accessible to the general public. For purposes of this Ordinance, a Public Building shall not include a private residence or a private residential unit in a building that contains multiple units, a public pre-school or K through 12 school (which remains under the authority of the RSU #5 Board of Directors), a church or other house of worship, and/or office space where the occupant(s) can be physically separated from the general public.

Section 2. Face Covering Mandate

(a) Starting January 19, 2022, any Person shall wear Face Coverings over their nose and mouth any time they are in a Public Building, within the Town of Freeport, unless otherwise excepted in Section 3.

(b) Persons must also wear Face Coverings over their nose and mouth any time they are using or operating public transportation conveyances, including buses, trains, taxis, rideshares, vehicles for hire, or any other ride services within the Town of Freeport.

(c) Persons inside a Public Building or portion thereof may temporarily remove their Face Coverings to participate in the primary purpose of the business, such as eating or drinking, only to the extent that such removal occurs at an isolated location, such as a table or booth, and that any Person who removes such Face Coverings must restore their Face Coverings as soon as their activity is completed or to the extent that they traverse or move about the premises away from their isolated location.

(d) Persons using a pool and/or hot tub in a Public Building may temporarily remove their Face Coverings while actively using the public pool and/or hot tub in the Public Building. Any Person who removes such Face Coverings must restore their Face Coverings as soon as their activity is completed or to the extent that they traverse or move about the premises away from the pool and/or hot tub.

Section 3. Exceptions

(a) Any Person under the age of five (5), anyone with a medical condition that is complicated or irritated by a facial covering, anyone with difficulty breathing, or anyone who is unconscious, incapacitated, or otherwise unable to remove the Face Covering without assistance is not required to wear a Face Covering.

(b) Any Person who is alone in a Public Building is not required to wear a Face Covering so long as they remain alone.

Section 4. Posting Requirement

Each Public Building and each separate business or separate premise within a Public Building must post signage at the public entrances and at such locations within the building in which POS (point of sale) or other transactions occur (such as cash registers), stating that Persons entering are required to wear face coverings by order of the Freeport Town Council. Signage requirements outlined in this section will have an effective date of January 25, 2022.

Section 5. Effective Period

This order shall be effective as of the date of adoption and shall expire in thirty (30) days after the date of adoption, unless otherwise re-enacted by the Freeport Town Council prior to such expiration.

Section 6. Enforcement

(a) The business and/or owner, operator, or their designee, operating any Public Building(s) as defined by this Ordinance, who does not post a notice of this regulation, in accordance with Section 4 of this Ordinance, shall be in violation of this Ordinance, and such violation shall be a civil violation subject to a fine of up to \$500, per day.

(b) Any Person who does not comply with Section 2 (Face Covering Mandate) of this Ordinance shall be in violation of this Ordinance, and such violation shall be a civil violation subject to a fine of up to \$500 per occurrence.

(c) Any owner, operator and/or their designee, and/or employee of any public building may contact the Freeport Police Department for assistance if such owner, operator and/or their designee, and/or employee wishes to remove a person from the Public Building when such Person refuses to comply with Section 2 of this Ordinance or leave the Public Building upon request. Any individual who refuses to comply with Section 2 of this Ordinance or leave the Public Building upon lawful request of the owner, operator and/or their designee, may be subject to trespass order and/or prosecution pursuant to the Maine Criminal Code.

(d) The Town Manager or their designee is authorized to institute or cause to be instituted by and through the Town Attorney, in the name of the Town of Freeport, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of this ordinance. The Freeport Police Department is also authorized to enforce this ordinance.

Section 7. Conflict

In the event of a conflict between this ordinance and any law, rule, or regulation issued by the state or federal government requiring the use of face coverings, the more restrictive standard shall apply.

Section 8. Severability

The sections, paragraphs, sentences, clauses, and phrases of this Ordinance are severable. If any section, paragraph, sentence, clause, or phrase of this Ordinance is declared unconstitutional, invalid, or unenforceable by a court of competent jurisdiction, such unconstitutionality,

COUNCIL MEETING #02-22
JANUARY 18, 2022

invalidity, or unenforceability does not affect the validity of any remaining sections, paragraphs, sentences, clauses, and phrases of this Ordinance.

(Town Manager, Peter Joseph)(30 minutes)

ITEM # 21-22 To consider action relative to a request for Freeport Pownal Little League to construct a T-ball field adjacent to the existing Baseball Field.

BE IT ORDERED: That the request from Freeport Pownal Little League to construct a T-ball field adjacent to the existing Baseball Field be approved.

(Adam Bliss)(30 minutes)

ITEM # 22-22 To consider action relative to adopting the Cumberland County EMA Mitigation Plan.

BE IT ORDERED: That the Cumberland County EMA Mitigation Plan be adopted.

(Fire Rescue Chief, Paul Conley)(15minutes)

ITEM # 23-22 To consider action relative to appointing Christine Wolfe as the Freeport Town Council Secretary.

BE IT ORDERED: That the appointment of Christine Wolfe as Town Council Secretary be approved.

(Council Chair Piltch)(5 minutes)

ITEM # 24-22 To consider action relative to Public Peddler Renewals for 2022.

BE IT ORDERED: That the following Public Peddler Renewals for 2022 be approved.

1. Lily Perilla d/b/a Guilin Goodies
2. Dale Baker d/b/a Nick and Noah's

(Town Clerk, Christine Wolfe)(5 minutes)

ITEM # 25-22 To consider action relative extending the sunset date of the Social and Racial Equity Ad Hoc Committee from October 20, 2021 to October 20, 2022.

BE IT ORDERED: That the Social and Racial Equity Ad Hoc Committee's sunset date be extended from October 20, 2021 to October 20, 2022.

(Council Chair Piltch)(15 minutes)

TABLED FROM OCTOBER 19, 2021:

COUNCIL MEETING #02-22
JANUARY 18, 2022

ITEM # 194-21

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

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

(Town Planner, Caroline Pelletier)

ITEM # 195-21

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

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

(Town Planner, Caroline Pelletier)

Note: The boundaries of the Shoreland Zone, as regulated by State law, will be updated. Many areas previously designated as Resource Protection 1 are being amended to "shoreland area". Areas within coastal flood plains will remain in Resource Protection however will not be shown on the map, as the boundaries will be based upon the FEMA (Federal Emergency Management Agency) Flood Insurance Rate Maps, as adopted by the Town Council.

COUNCIL MEETING #02-22
JANUARY 18, 2022

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