

MINUTES
FREEPORT TOWN COUNCIL MEETING #15-19
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY JUNE 4, 2019
6:30 p.m.

	PRESENT	ABSENT	EXCUSED
John Egan, 38 Curtis Road	x		
Scott Gleeson, 23 Park Street	x		
Eric Horne, 62 Pine Street	x		
Henry Chip Lawrence, 93 Hunter Road	x		
Douglas Reighley, 2 Harbor Ridge Road	x		
Sarah Tracy, 2 Pettingill Road	x		
Tawni Whitney, 56 Baldwin Road	x		

Chair Tracy called the meeting to order at 6:30 p.m. and took attendance. All Councilors were in attendance along with Town Manager, Peter Joseph.

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 #14-19 held on May 21, 2019 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #14-19 held on May 21, 2019 and to accept the minutes as printed. (Gleeson & Reighley) **VOTE:** (7 Ayes)

THIRD ORDER OF BUSINESS: Announcements

Chair Tracy announced:

- **RSU5 Budget Validation Election will be held June 11, 2019** at the Freeport High School Gymnasium from 7 am to 8 pm. Absentee ballots are available in the Clerk's Office or by calling 207-865-4743 x122 or x123.
- The **Annual Spring Clean-Up** takes place the first two weeks of June. During these two weeks residents can bring their one free pick-up truck size load of waste to the Recycling Center. Residents will need to bring their coupon which was included in the recently delivered town wide flyer.
- First **Free Camping Week at Winslow Park for Freeport residents** will be June 15-23, 2019. The **Close to the Coast Race and Family Fun Day** will be held on Saturday, June 15th. The race begins at **9:00 am.**, followed by a 1K Kids Fun Run at 10:00 a.m. Race and awards are followed by a **FREE BBQ with food, live band and adult beverage tent from Gritty's for all racers and their families.** More information can be found on the Town's website calendar.

- There will be a **shellfish license lottery** for 1-resident commercial license and 2-resident student commercial licenses. Applications must be received between 6/1 and 6/15. Lottery will be held on 6/17/19.
- This year's **Fourth of July Parade** is being organized by Nancy Trottier and Michelle Barker. If you would like to participate in this year's parade you will need to register. Information on the parade and how to register can be found on Freeport Community Services website. Or you can contact: Nancy Trottier ntrottier@fcsmaine.org; 865-3985 x220, or Michelle Barker at mbarker@bathsavings.com or 865-6998.

Chair Tracy thanked both of them for heading up the parade. It is a big job.

FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Reighley reported that last Wednesday he attended the GPCOG Summit and was involved in a program asking “What Works?” He indicated what he thought worked for the Town of Freeport with a plug to GPCOG and their joint purchasing opportunities that they provide that are cost savings for us and also about our own Council that we are willing to listen rather than bringing a prepositioned approach in not changing. He thinks it works for us. We do our planning and budgeting over a five-year period of time so we have opportunities to have some ebb and flow over what we are doing but we are focused to save as much as we can for the Town of Freeport and be as beneficial to the Town of Freeport.

This morning he attended a Traffic and Parking meeting and mentioned that great changes are coming to us through Ordinance change which was the basis of their discussion today but they had other points that they talked about. They worked long and hard and the Council will see a shift in direction for the benefit. A lot of this came from information gathered through the Active Living Committee. Working hand in hand really influenced some of the things that Traffic and Parking is going to do and they will also be using a new name soon to be presented to all of this once they get approval through Ordinance.

Councilor Whitney noted that she attended the Sustainability meeting last night. It was very positive and they had a lot of ideas on how to reduce the contamination in the silver bullets.

Councilor Horne advised that he and the Town Manager sat in a meeting with the DOT. It was a preliminary public information session for the bridges. It is Exit 17 in Yarmouth and there are two bridges there and Exit 20 and Exit 22. These are big projects coming down the pike in year 2, 3 or 4. They are not sure how to space them because traffic implications are pretty daunting. They are looking to gather input from the community and this preliminary public information session was a good first step. They also are taking into consideration all the feedback that was given to them in a charrette that we held a year or so ago that Donna Larson led. It was a positive interaction with the State, Members of the Yarmouth community were there because this impacts them as well. He warned residents to be aware that there is some major road construction coming and if anyone is interested in bike/ped access across the highway, please lean into this and make your voice heard to MDOT. The dates of other public hearings will be made public so stay tuned.

Councilor Horne explained that there is a Tree Canopy Project going on in town through the State. The effort here is to do a full inventory of our Town’s trees. These are trees that are inside of the Town’s right-of-way or on Town property. A number of people were trained on Thursday and again on Saturday. Middle School kids got involved on how to measure trees and the biomass from the canopy. There will be

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a full inventory of our trees and over time the hope is to leverage that process into some tree planting for which we can get grant money for. The vision is to have Freeport have a lot more tree canopy.

Councilor Egan noted the Ordinance Committee had a request as to how would the Council go about suggested changes to Ordinance as it relates to community solar farms. Right now, our Land Use Ordinance is silent on those and there is likely to be potential for some community solar farms in our community. He wants to get ahead of that and not have our Land Use Ordinance be a hurdle. He asked if the process starts at the Planning Board or does it start at the Council. Chair Tracy mentioned it might start at Ordinance but offered to have an off-line discussion on where that starts. She questioned if it is silent, does it mean it is a hurdle. Councilor Egan noted it might potentially be a hurdle if it is not permitted and not disqualified. There may be an opportunity for us to steer it a bit. There is pending State Legislation that might stimulate this activity. Chair Tracy mentioned discussing it off-line with the Town Manager. She doesn't feel in the first instance the Council would have to take it up but it certainly will come to Council.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph reported:

Reminder regarding objects placed/constructed within Town rights-of-way (ROW) – Placing objects such as bushes, trees, fences, decorative rocks and flowers in the Town's ROW may become a problem when it comes time for roadside mowing, ditching work and plowing. This is especially the case around driveways, should the need arise to repair or replace a culvert. Please contact the Public Works Department (865-4461) for information regarding the location of the Town's ROW on your street prior to doing any such substantive landscaping improvements along your road or street. Though Town crews do their best not to cause damage to property, the Town of Freeport cannot be held responsible for anything erected or located within the Town's ROW.

LED project update – I'm happy to report that the installation phase of the LED streetlight project has been successfully completed, and all of the Town-owned streetlights have now been successfully converted. The next phase of the project will be submitting our newly certified light plan to the electric utility so that our monthly bill can be adjusted.

Winslow Park Beach Access Improvements

– I'd like to take the time to thank Winslow Park Manager Neil Lyman, as well as John, Brad, Dennis and Jill from the local citizen's accessibility task force, for taking the time to meet last week at the Park for a site visit to evaluate potential accessibility improvements to the beach area. Based on the alternatives discussed at that meeting, Neil will be working over this summer to explore potential ramp access points to the beach, as well as other accessibility improvements throughout the Park. Updates will be provided as options are evaluated over the coming months.

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

No Public Comments were provided. The Council moved on.

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

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ITEM # 95-19 To consider action relative to adopting the June 4, 2019 Consent Agenda.

BE IT ORDERED: That June 4, 2019 Consent Agenda be adopted. (Egan & Horne)

Chair Tracy reviewed the items for members of the public.

VOTE: (7 Ayes) (0 Nays)

ITEM # 96-19 To consider action relative to a new liquor license by Brickyard Hollow Brewing Co. at 20 Bow Street.

BE IT ORDERED: That the new liquor license application for Brickyard Hollow Brewing Co., 20 Bow Street, Freeport be approved. (Horn & Gleeson)

Mr. Joseph explained that this will be located in the public market portion of the former Amato's on Bow Street. It is under construction and not yet opened. Parking has not been finalized but it will be wrapped up before he goes to get his permits from the Codes Officer. It is a pretty routine one. They will be serving alcohol as a result of the liquor license. Chair Tracy noted that they have made nice improvements.

VOTE: (7 Ayes) (0 Nays)

ITEM # 97-19 To consider action relative to FY20 Operating, Capital and TIF Budget. PUBLIC HEARING.

Finance Director Jessica Maloy explained that the public hearing is designed to allow residents to comment on the Operating Budget, the Capital Budget where it stands and the TIF appropriation. Chair Tracy noted that we have already been through the process of our five-year Capital improvement program. The Capital Budget is year one of that. We started in January and finished in March on that. We have already had a lot of discussion on that already.

Chair Tracy pointed out that this is where the Council will take recycling comments so everybody does not have to wait until the end of the meeting.

MOVED AND SECONDED: To open the public hearing. (Gleeson & Reighley) **VOTE:** (7 Ayes) (0 Nays)

Chair Tracy asked that people speak for three minutes or less to give them an opportunity to say what they need to say and leave room for others to say what they need to say as well. We have had a lot of meetings and comment already on recycling so she asked that those who have already had an opportunity to comment at prior meetings, make room for those who have not already had an opportunity to comment to date. Those new to the discussion should get first priority. If anyone is coming up to speak, it would be helpful if they could identify themselves by name and if they are a Freeport resident. She provided the major considerations that the Council was working with at its last meeting.

Speaking in favor of retaining silver bullets in Freeport were:

Emily Carter of Quarry Lane
Valy Steverlynek of Pine Street

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Amanda Myers, Forest Street resident
Mary Lehmer, Freeport resident
Joe Migliaccio, South Freeport resident
Doug Leland of South Freeport resident
Heidi Vierthaler, Freeport resident
Jonathan Santos, Freeport resident
Suki Rice from Sustainability Committee
Amanda McPherson, Freeport resident
Bonnie Vierthaler, South Freeport resident

MOVED AND SECONDED: To close the public hearing. (Gleeson & Horne)
VOTE: (7 Ayes) (0 Nays)

Chair Tracy thanked everyone for sharing their comments. The Council has heard everyone and she will open this up for discussion. She advised that this is a budget discussion and the Council has fiscal considerations that it is considering. Scenario #1 is the one which was presented at the last meeting. It is the scenario where all silver bullets are removed at the start of the fiscal year which is July 1. It adds a staff person at the Transfer Station too in recognition that we need more access at the Transfer Station if we are going to take away the neighborhood recycling containers. There is an operational savings of \$25,000.

Vice Chair Gleeson read an e-mail from Rod Regier, Freeport's Ecomaine representative into the public record urging the Council to eliminate the use of silver bullets in Freeport.

Chair Tracy explained that Scenario #2 is the same as #1 but is where the Council landed at the last Council meeting. The Council discussed delaying the removal of all the silver bullets for a month (until August 1) because of lack of notice and wanting to apprise people of the change. There is a savings of \$20,400.

Scenario #3 keeps two of the silver bullets and removes two but does not add staff at the Transfer Station and that has a budget savings of approximately \$13,375.00. Scenario #4 was floated at the last Council meeting although never voted on that three of the silver bullets would be removed but we would retain one and add one full-time staff person at the Transfer Station. That has an overall added cost of \$6,350.00.

She has heard and understands that this should not be a purely financial decision but reminded everyone that the Council is the arbiter of the Town's financial resources and we have a whole population that is not in this room that is on fixed incomes and begs us not to increase taxes. We do have a significant loss of revenue this year since we no longer have income from the Bartol Library Building which a potential major hit to our Operational and Reserve Budget. We are not looking at this in a vacuum. Reasonable people can differ on where the values are placed but for context it is important to know that the Town as a whole is suffering a revenue hit that is substantial. If not abated, it would result in some increase in taxes that would be material.

The first discussion is whether or not the Council wants to re-open the vote as a result of hearing public comment and further discussion and further information. Councilor Reighley addressed the public and noted that they are probably the best at recycling. They are not the reason why the silver bullets have to be taken away. It's the other people who are not here tonight that put the plastic bags full of garbage in because it is convenient for them. One of the things we gain in a controlled environment is less contamination and better recyclables.

MOVED AND SECONDED: That the Council re-open the discussion. (Horne & Whitney) **VOTE:** (7 Ayes) (0 Nays)

Chair Tracy mentioned that the way she hopes this will work is to talk about where we are, resolve any outstanding questions we have, get additional information we need and then float different proposals we are thinking about and the reasons for that. She requested that Councilors get the landscape out there before putting a motion on the table.

Councilor Egan reflected that he feels it is a totally different dynamic to sit up here and have a room full of people than to sit up here and have a room full of empty chairs. He noted that at the last Council meeting, he was one of the four that voted in the 4 to 3 vote and he did not take it lightly. He pointed out that across this entire group, there is not one person who is against recycling or who wants to see recycling end. We are all striving very hard to continue to do recycling and maintain the environmental position that this community has. He is open to a compromise. His vote was on taking a position on the economic efficiency and the endless chasing of our tail of having the most convenient location and not having the ability to address the contamination or the inefficient cost of hauling. He is nervous about making it too convenient and wanted to stress the context that is if we are going to lower the bar so much, we will be continually chasing the contamination. He is open to a compromise but personally is skeptical that we can change those behaviors but recognizes that he is here representing a lot of the community and agrees with Councilor Reighley that the room is pretty heavily on one side of this issue but it is a public meeting and everyone had a chance to come and hear this so he is listening to our residents.

Councilor Horne pointed out that his position remains the same. He wanted to keep all four silver bullets but heard some compelling testimony from our own Staff on the types of contamination they witnessed. At one point someone actually opened the end of the silver bullet to place a television in and then were able to close it again and that put the contamination issue higher on his radar than it had been before. There was an engine transmission put in a silver bullet and he viewed how it is dealt with at Ecomaine when he went on a tour. The contamination issue is there for sure. He absolutely believes that the accessibility piece is key. For him, it is having silver bullets deployed in centrally located places but not necessarily on a main drag where folks that are not from Freeport but are on their way to work and use our silver bullets as a trash receptacle. Even tourists may use them. He would like to see the silver bullets continue and would like to see them in town, possibly at each end of the downtown but they are placed out of the way, but residents know where they are but not everybody will see them and get to them. He feels that holding recycling to a cost efficiency standard is similar to holding education to a cost efficiency standard. Recycling does cost money to do the right thing but we are not talking about a huge amount of money here and if we play our cards right, we could stand to save some money based on our current expenditures particularly if we go to a two silver bullet scenario. He is not seeing a compelling financial reason for our taxpayers that for \$9.00 per household, you have a service that you use constantly, he feels it is a good value. He appreciates Rod Regier's point of view and assumes that his comments come as a private citizen although he serves on the Ecomaine Board. They see a correction coming in the market. He is open to compromise but does not want to retreat.

Councilor Gleeson noted he did not vote to remove the silver bullets at the last meeting. He is willing to compromise. He likes it when people are in the room but also likes to know he is independent. Ironically, Scenario #2 was one he was thinking about and feels it is a good compromise. He heard that people were excited about the additional staff person but he cannot support Scenario #3 that has two silver bullets and an additional staff person. While he did not vote with his fellow Councilors, he feels their thinking was sound.

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Councilor Lawrence pointed out that he put up the motion for the removal of the four silver bullets. He feels it is a fiscal responsibility that the Council has. While it is not a lot of money, \$9.00 here, \$8.00 there, and it is not a big savings but it is a savings. Education is very important and we have been talking about it for six months. He asked if contamination has gone down. He feels it is great that we have a lot of good ideas but he would support Scenario #2 and if the market rebounds, we can put the silver bullets back. Yes, we will have another full-time employee at the Transfer Station and it benefits the whole town, not just a part of it. He feels recycling is a very important thing that a community does and feels the Transfer Station is the way to go.

Councilor Whitney explained that she did not vote last time to remove the silver bullets. The good thing about that vote is that it brought everyone here tonight and the energy displayed over the last two weeks from kids to adults is important. She is in favor of the two silver bullets but concerned about the extra staff person at the Transfer Station. She feels the Council could put ourselves in a position where we have the extra staff person and then find out there is a great way to recycle. Fiscally she doesn't like that option. Ultimately if we have two silver bullets, it will push some people towards the Transfer Station which has the compactor. There is a "gift shop" located there and instead of putting a baby mattress in one of the silver bullets, you can actually put it in the "gift shop" and maybe come out with something. She is in favor of two silver bullets and no additional staff person.

Councilor Reighley explained his position was to listen and then to vote and he voted in favor of what the Council approved which was Scenario #2. The education piece has been brought up tonight. He feels the best place to educate is at a site that is supervised. It shows in the existing contamination rate. Our Transfer Station is something that most towns do not have where there is somebody there on site saying you can put that here, you can put that there. Everything is clean and we have a better product which can then be marketed out. Towns have been counting on a reversal of the salability of product and now they are having to set these aside because they are not coming on line. The facilities that are supposed to take place in Maine are no way close to getting into the position to receive things so this is the ideal time for us to take the silver bullets away to increase the educational opportunity at the Transfer Station and then we can probably become better recyclers. People from Durham are the principle users of the silver bullet at North Freeport General Store. In South Freeport, people getting off their boats help to fill up the facility. Behind the Police Station, there is no window back there so inside there is plenty of contaminated material. Maybe a better place would be at Earl Gibson's facility but if we could put it inside the fence, it would be good because it would tend to have a control factor. Overall, we could improve our education and improve the quality of the material that gets recycled by having it focused in one spot. These silver bullets are not being recycled. They will be available and we can bring them back as we need them. He would still support Scenario #2.

Chair Tracy advised that she was in favor of Scenario #2 which was to remove all silver bullets but she went home and felt physically ill. It was one of the most difficult decisions she has made on the Council and she has been here six years. She has strong support for recycling and a personal commitment to recycling. It is her job and she is a regular at the West Street facility. She works a lot and appreciates the convenience of the silver bullets because she does it at off hours. She understands what that is asking of people to recycle at the Recycling Facility. She gets it. It is the Council's responsibility as stewards of the public resource to make sure that the way we use our resources is smart, prudent and efficient. Sometimes you do stuff because it is the right thing to do but not at all costs in her world. There has to be a balance because everyone is paying and not everybody has the ability to pay. There is a huge contingent in this town that is price sensitive. They want to stay and they want representation on the Council to help them stay. She agrees with Councilor Lawrence, that these decisions are never in hundred thousand dollar increments. They are in increments of \$5,000 and that is how we make our decisions. Do we fund this, it is \$5,000 or that which is \$10,000 and so the order of breaking it down by family, is really little. The

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precedent for looking for efficiency or cost benefit is one that is not new. In our State we fund money for energy efficiency. We pay our electric bills and that goes into a fund to pay for measures through Efficiency Maine. We don't fund all measures. We fund cost beneficial measures. There is actually an analysis that says what program is Efficiency going to roll out and make available for people. They don't roll out everything. That is a concept the Council has as public stewards of the public resource which she feels is important and she does not take it lightly. It has been shown that the cost benefit on this aside from convenience is a tough one. We are spending a lot of money to take very large receptacles down the highway by trucks burning diesel fuel and they are not full. It feels fiscally and environmentally wasteful. She feels it is prioritizing convenience over what is the right way to be doing this. We have an opportunity to do this the right way. We have a lovely Transfer Station which has a compactor and people helping to minimize contamination and make sure when we fill that thing and ship it down, it is full. She believes it is time for a behavior change. While the silver bullets have been great and she enjoys using them, it is time to be a little more nuanced about our recycling practice. She is having trouble continuing on our current path and prioritizing convenience over some of these other factors. On the other hand, she feels it is important to recognize that it is a service that people value and there is a responsibility to communicate the basis for our decision and why it is important to shift behavior. She has been giving some thought to whether there is a compromise the Council could entertain and put out there a compromise in terms of time. The compromise she is proposing is that we continue with two silver bullets for the coming year and use this time to educate our residents about why contamination is an issue and how to change their behavior with respect to what they are recycling and also why it is important to recycle in an efficient manner both from an environmental perspective and fiscal perspective. She proposes that at the end of that year that we move down to zero silver bullets and we increase the accessibility at the Transfer Station in terms of adding staff so there is a material change in terms of accessibility. She understands that it doesn't solve the accessibility issue. She feels reasonable people can differ on this. She fundamentally believes that the model needs to change and shift to a model recycling now that we have the commitment, now that we have changed our lives to say that we could do better and we need to bring along our community. She feels we can do that through education but obviously there will be some that fall by the wayside and we cannot avoid that. Overall, she believes we can have a better model. We're not the only town struggling with this issue. It feels like an out-voted model. Convenience is great and going to Bow Street every night is convenient but sometimes you say, "I have to tighten my belt and only go once a week." That is the reality and is how she is feeling about it right now. She feels like we are in a fiscal and environmental time when she believes we can do better. Through education and the commitment to recycling she believes we can do better. She is proposing a compromise for consideration.

Councilor Reighley pointed to the compromise and asked if it could be two silver bullets for up to a maximum of one year's time, it is reviewed quarterly and if we see no improvement in the contamination rate on a quarterly basis, we could pull them at that review. Chair Tracy mentioned that for her, the contamination issue is not the only issue. She is proposing a year because it is important to bring people along and educate them and pulling them out because contamination doesn't improve, doesn't feel like part of that commitment to her. Other people can weigh in.

Mr. Joseph noted that this is a tough decision and we have looked at this the same as the Council on the staff level. The problem is you can have cost effective ways to do it, you can have convenient ways to do it and you can have cheap ways to do it but you can only have two of them. If there was a way to fix this correctly that made everyone happy, we would have found it four meetings ago and done it. He feels whatever comes out of this will be a compromise in some shape. It is just a question of what the compromise form takes. He pointed out that we don't acknowledge why the Transfer Station is as clean as it is. We assume it is because everybody is very educated there because Suzanne puts out these great educational boards. He has learned it is a little bit different. This weekend he was there and saw Josh who works at the Transfer Station bent into the recycling compactor with one of those "grabbers" picking trash

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out of the compactor. He explained that someone threw their household garbage bag in here. He tried to tell him he couldn't put it in here but he got in his car and sped off. Even there where he is standing five feet from the opening, there is a sign that says "don't put this in here", the person still throws it in right in front of him and leaves. The point is that it happens even where it is manned. The reason why our stuff is clean there is because the staff dumpster dives. Josh had a trash barrel full of household garbage that he had just pulled out of there that people threw in right in front of him. Suzanne observed the same thing when she was at a silver bullet. People still threw their trash in in front of her. The reason we need to acknowledge why the Transfer Station works so well and the reason that moving everything there will clean up the recycling stream, should the Council choose to go in that direction, is because the employees are willing to pull it out and to duplicate that somewhere else or to replicate those results, we would really need to have handling of the material. He doesn't want to have illusions on how that would go.

Councilor Horne pointed out that at the bottom of the scenarios there are numbers in parentheses and he is assuming that the parentheses are the savings to the budget. He referred to Scenario #3 and the savings are \$13,000. He is wondering and thinking of Chair Tracy's proposal, is there a version in that proposal where in a year's time we can re-assess rather than say they are going to be taken off line? We have a lot of moving parts to get this right. The trucking costs are not going away. Councilor Gleeson advised that he is all for Chair Tracy's compromise but he is not sure we can bind future Councils. Chair Tracy noted that it is really a matter of education. We certainly can have a revisiting period but if the decision is going to have two and then we will see, then there is really no reason to have an education to our community about the shift that is likely to occur. It might happen or it might not. The scenario she is proposing is that we are giving advance notice of a change and spending the next year explaining why that change is expected to occur. It can be re-evaluated and information can influence that decision and Councilor Gleeson is correct. We can't bind future Councils, so they could do whatever they want with it.

Councilor Lawrence suggested using six months rather than a whole year. In six months, we can figure out how to educate people and look at it in six months Councilor Gleeson feels it should be reviewed in one year. Councilor Reighley pointed out that we have a lot of people here talking favorably about wanting to continue to recycle. He asked about citizen monitoring and if people are willing to go out and monitor these silver bullets which will help in reducing contamination. It could be something set up amongst the group. He asked Josh Olins if he is willing to lead that charge but Councilor Whitney mentioned in the meeting last night, they talked about many ways of monitoring the silver bullets and one of them is using an intern over the summer that would help educate and monitor. Another one is a "Sign Up Genius" which is effective. They would put it through a large e-mail list and have people sign up to monitor the silver bullets. People will be proud to do it.

Councilor Horne noted he doesn't want to see us do a full-on education campaign and get people to go necessarily to the Transfer Station because that is assuming that the silver bullets are going away. He is having a hard time of saying good bye to the silver bullets. He sees silver bullets as not something we want to phase out but want to make better.

Councilor Lawrence suggested doing a review in six months. If we don't see contamination improvement, take them away. If we have a lot of contamination improvement, keep them for a year. What we are doing is not working but the education piece hasn't been there. It is expensive to transport the material but let's make sure it is clean. Councilor Horne noted that we will never get away from the transportation issues even if we get contamination down to nothing. Councilor Lawrence explained that he likes Option #2 but could compromise if we can look at this and say in six months, they have done a good job and kept the material clean. Try to educate people and see if their use goes down. If it goes down, we won't need to keep them there. We are looking at two things: use goes down because people

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are going to the Transfer Station and for them to be clean. If they are contaminated 25% of the time, why wait a whole year.

Councilor Reighley explained that Option #2 is his favored option, but he could support Chair Tracy's compromise with Councilor Lawrence's six-month review. Councilor Lawrence pointed out that in six months the Council will be able to tell if education is working. Councilor Reighley advised that if in six months we see a drastic reduction in contamination, we will then go on to the full year. If we see a continued reduction, we could extend another six months and another six months as long as there is a contamination rate of what we have been looking for. We could continue going on because we have achieved what we were looking for.

Chair Tracy felt she had to reset why she proposed the proposal. For her, a piece of it is contamination and the desire to get people to go to the Transfer Station because there is only less than 1% contamination there, maybe because people are picking it out but also because it is supervised and people can't just dump stuff in unattended. That is a component but for her the issue is that we are spending significant money for containers that are going down not full. It is environmentally wasteful and unnecessary and also fiscally unnecessary. This concept of we are going to monitor contamination and if the contamination rates go down, doesn't address that piece for her at all. Those are the big drivers. Contamination, she believes, is a function of some education and she believes that some people will always use our silver bullets as trash receptacles for varied reasons. She feels no amount of education will change that. She is having trouble with the measure of our outcome being how we are doing on contamination because it does not address her concerns at all. Chair Tracy explained that there appears to be two options on the table. We have the Councilor Horne option which is keep two silver bullets and no staff person and the bifurcated option which we could negotiate if we end up going this way. She is reluctant to negotiate the details at the moment because she doesn't feel we have consensus on that. The general gist of the bifurcated option being two silver bullets and no staff person, but with the forecast to the next Council to remove the silver bullets after a period of time yet to be determined, combined with an educational campaign about why that can be an opportunity for our community. Those are the two options and procedurally someone can put a motion on the table. The first one, obviously, will have some sort of advantage. The other way to handle it is to do a straw poll, but neither of them are on the table for a motion, but we can give an indication of which one we would prefer. That would be her preference.

Straw Poll:

Councilor Egan –would support Chair Tracy's originally stated compromise position to retain two containers in the community. He would specify that they are not in specific neighborhoods which potentially may reduce the amount of contamination and there is an education effort about recycling and collectively we are moving towards directing recycling to the Transfer Station, whether it is in six months or a year. He is paying particular attention to the person closest to the facts and information which is Rod Regier and his comments.

Councilor Lawrence agreed with Councilor Egan. He feels the containers should go away sooner rather than later with the education that we can teach people to go where they need to go. He is still in favor of #2 but could compromise and go with what Chair Tracy proposed.

Councilor Horne likes the Councilor Horne option. He doesn't want to re-educate to send people exclusively to the Transfer Facility at a future date. Granted, we can't bind future Councils, but he would rather the education effort be structured to the optimum use of silver bullets.

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Chair Tracy noted she is in favor of the bifurcated option she proposed. It is the more ideal option from a recycling point of view. She understands that it doesn't address all of the accessibility concerns. The convenience and the ease that obviously has a lot of merit and agrees that it will be harder to work it in. She has confidence in our community that we have a commitment to recycling and she believes that recycling at the Transfer Station is the better way to recycle, and the silver bullets, while convenient, need to be re-evaluated. She is in favor of the bifurcated option that we keep them and we educate people as to why it is important to go to the Transfer Station and then we phase them out over time.

Councilor Gleeson is in favor of Scenario #3 but educating people to go to the Transfer Station. He thinks it is a good idea but worries about doing an immediate sunset provision even though he knows full well it won't bind future Councils to doing it. He is leaning towards #3 without Chair Tracy's provision. He mentioned he is not usually indecisive.

Councilor Whitney feels like she wants to give more time for education with some of the ideas Sustainability has proposed, but also respects Chair Tracy's fiscal points which are true. Even if they are not full, we are trucking down there a lot. She is struggling with what would happen in a year from now and if it would be tearing the band-aid off again.

Councilor Reighley explained his original vote was in Scenario #2 but after a lot of research and input and listening to his constituency, his vote would be to support Chair Tracy's proposal. He does like Councilor Lawrence's review after six months but can support what Chair Tracy has put forward.

Chair Tracy pointed out that the majority is for the hybrid option. She feels the Council should discuss how that would be. We have some disagreement on timing and also have comments about conditions around that.

Mr. Joseph pointed out that he has staff input items when the Council gets to the conditions and before a final vote. Chair Tracy suggested that he provide them now. Mr. Joseph mentioned there are two simple things on selecting the locations. We haven't talked about which two. He talked to Mr. Bliss in the hallway and asked if he could present a mile distance or time distance to the Transfer Station and learned he can do either one. The Council could make that decision at a future date once it is produced. It will be available if that is something the Council wants to use. Item 2 he cautioned that these are assumptions that we are basing the dollar values and the budget on. Assuming that the behavior doesn't match up with our wild assumptions of what the behavior will be, they want understanding from the Council that if something crazy happens and everyone starts going to the Transfer Station and the Council removes the two biggest offenders or something like that, we can come back in part of the six-month evaluation there will be staff reporting something is not working and we need to reconsider. Obviously, we would have to figure out how that would work financially but if this doesn't work out, he wants some understanding that this is a guess and estimate of what behavior will be. We may have to adjust this. He believes it is pretty solid but if it is crazy off the money, neither he or Mr. Bliss want to be the people saying "oops." These are assumptions on how people will behave.

Josh Olins, Chair of the Sustainability Committee, advised that they have known as long as the Council about the contamination and they did begin on an education campaign which they immediately put the brakes on as soon as they learned that the Council may be removing all the containers. They are on pause as far as education goes right now until the Council makes its decision. They are a volunteer committee and all have other jobs but have made a lot of contacts this winter. This is something they are happy and eager to take on. He reiterated that there are three sources of contamination and some of them can be fixed by education. We have heard a bit about wishcycling which is hoping you can recycle a pen but you can't. That is one area they really can't do much about. The other is the flat-out refusal so he would not

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like to pin this entire decision on the results of an education that they really can only work on one leg of the stool. That said, they are all on board with doing what they can to help out.

Assuming that the hybrid option passes, the Council has not done a formal motion and vote but let us assume for the moment, for purposes of discussion, that it happens because the straw vote indicates that there is majority support for it. She mentioned the time period and she has no problem with check-ins at six months. She does have a problem with removing silver bullets in a year. What we are trying to do is a behavioral shift to a purer form of recycling and she believes it takes time and in six months, the education will just be rolling out. We are all volunteers and she believes it will take some time. While she would be happy to monitor the contamination, people will be interested in that and she will be happy to have a check-in. She feels it is important to have a defined and substantial period of notice but is open to others' points of view. Councilor Egan agreed with that and it can be described fairly straight forward as: for economic reasons and for reasons related to where the recycling commodity market is, the Town is making a fiscal decision to consolidate recycling where it is most efficient and least contaminated which is at the Transfer Station. We realize it is a change in behavior and we will take a year to get everybody used to it and that is what the education is based on. He does not believe there are as many moving parts in there as maybe we have introduced here in our conversations, trying to balance all of the different features. He thinks that for us to continue recycling in an efficient way that is responsible for our role in stewarding the public's resource, is that it happens at the Recycling Center and we have plenty of data to support that decision. It is less convenient but he feels the important piece is that we will be recycling more material that we are collecting and we will be incinerating less recyclable material. Those are two conclusions that he is really expecting to see in a year's time.

Councilor Reighley pointed out that the review at the October 1st meeting will be at six months with a 12-month implementation and that involves the current Council. Chair Tracy mentioned the other thing is whether the Council decides on the location for the two remaining containers and Mr. Joseph offered deferral of the decision premised on the assumption that we will want to consider which ones are the furthest from town. She is reluctant to decide to pit neighborhoods against each other. It is important to have the silver bullets located in areas that it is not perceived that we are pulling from one neighborhood and giving to another. She would hope that the Council would decide for the remaining silver bullets that they be located in a very proximate and convenient location that is really more towards the center of town because people end up in the center of town at one time or another during the week. Obviously, we have West Street and we could entertain whether that particular location is ideal. There have been concerns by Fire and Rescue and the Police Department that it is conflicting with their uses so we have to keep that in mind. Another proximate and centrally located area is the Public Works and one is on one side of the highway and one is on the other. Neither are in a particular neighborhood. It will mean that everybody except those who happen to be right downtown needs to do a little bit of traveling but the hope is that everybody is downtown or near the highway at some point.

Councilor Reighley noted that silver bullets need to be placed on concrete pads. Chair Tracy explained that she entertained if it made sense to put a new silver bullet outside the Transfer Station. If the gates are open, you keep going in but if they are not, you have all hours access at that silver bullet. Our Town Engineer did some calculations and that was a cost of \$30,000 for the removal of trees, setting the pad and she does not believe it is a fiscally responsible position. There was consensus to defer that decision.

MOVED AND SECONDED: That we amend the vote that we took two weeks ago on the removal of the public access recycling containers and that we adjust to having two

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available for the coming fiscal year 2020 with an education campaign coordinated through the Town and its Sustainability Advisory Board to encourage folks to use the recycling facilities at the Transfer Station and there is a review during this Council's term to look at the contamination levels. (Egan & Reighley)

Councilor Horne advised that he will be voting no.

ROLL CALL VOTE: (4 Ayes-Reighley, Egan, Tracy & Lawrence) (3 Nays-Whitney, Gleeson and Horne)

9 p.m. - 3 Minute Break was taken.

Chair Tracy called the meeting back to order at 9:05 p.m. She learned that we had a couple of non-profit agencies that wanted to talk about our budget unrelated to recycling.

MOVED AND SECONDED: To reopen the Public Hearing. (Gleeson & Reighley)
VOTE: (7 Ayes) (0 Nays)

Chair Tracy welcomed FCS and thanked them for their patience. Freeport resident Pat Palmer, President of the FCS Board introduced John Donnelley, a Freeport resident and Treasurer of FCS. Mrs. Palmer wanted to tell the Council about the work that FCS does. She thanked the Council for its commitment to FCS. She read a listing of all the services they provide. Mr. Donnelley explained the request that was made by their Executive Director. The request is comprised of two parts and is reflected in two places in the Town's Operating Budget. In the Health and Human Services part of the budget, there is a request for \$21,000. It is the same request that was made last year. \$16,000 of it is for operations and \$5,000 is dedicated to the Camp Scholarship Program. The other part that is in the Operating Budget is under the Building and Grounds area of the budget and that is \$49,000. It is broken down into two pieces. There is a contractual lease for space that the Town rents in the Community Center. That part is \$39,449. There are two pieces to that request. In the existing lease, in addition to the lease payments for the space being leased to the Town, there is a \$5,000 commitment for building improvements over time. Last year we came to the Council since FCS undertook a very extensive capital plan for the maintenance of that building over a 30-year actual life of that building. They realized that they needed to fund this Capital Reserve Account \$30,000 a year. In the lease the Town was contributing \$5,000 and FCS was required to match that \$5,000 with another \$5,000 which gave them \$10,000. Last year they asked the Council and it was approved, to increase the Town contribution to \$10,000 and FCS contributed \$20,000 to the Capital Fund they had within their organization. The request they are making this year is flat to what was approved last year but does include \$10,000 for the Capital Reserve and FCS and its operating budget contributes \$20,000 to make a \$30,000 contribution to its Capital Reserve Fund which will ensure the ongoing maintenance of the Community Center, the mechanicals, carpeting, roof, etc. Those are the two components of the request they are making to the Town. He asked what would be the process of trying to amend the lease so that the \$10,000 contribution becomes part of the lease. Right now, it is \$5,000. Contractually it will require them to match it even though they are exceeding that much now.

Chair Tracy mentioned that they did consider it last year but decided to not do that at the time. It is fair to raise it again. It sounds like it might be a workshop discussion and then a Council decision. Mr. Joseph noted that it is a Council document and to amend or nullify it and do a new one with that change would take a vote of the full Council. Chair Tracy explained that assuming the Council approves the budget as it currently stands, the money is in there for this year. If the Council was to amend the contract to include it in the contract, it would still be in our budget but it would no longer be discretionary because it would be

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a contractual obligation. She offered to have that discussion when the Council concludes its budget session. She recommended that Mr. Donnelley reach back out to Mr. Joseph to start the process.

Councilor Egan asked if FCS is being proactive about replacing things when they break and Mr. Donnelley explained how they have an on-going schedule that allows them to maintain that facility in the top-notch condition that it is in. Councilor Horne wanted to give a shout out to Gordon Hamlin for generating all the spread sheets which was impressive.

Chair Tracy thanked them for all the work they are doing and for partnering with us on the Aging in Place initiative.

Chair Tracy asked Jessica Maloy if she needs another motion with the numbers decision to modify the budget accordingly. Ms. Maloy believed she would read Scenario #3 on the memo.

MOVED AND SECONDED: To reduce the Recycling Budget 0404 by \$13,375 to reflect adjustments shown on the attached spread sheet. (Horne & Reighley)

Chair Tracy clarified that the attached spread sheet is Scenario #3 but as modified by the motion that already passed prior to this discussion. It was a policy decision.

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

Chair Tracy explained that another motion is needed to increase the Recycling Budget by \$4,500 to reflect the adjustment for waste tipping fees because there is an increase in the household waste tipping fees beginning on July 1, 2019 from \$70.50 to \$73.00 per ton.

MOVED AND SECONDED: To increase the Recycling Budget 0404 by \$4,500 to reflect the adjustment tipping fees 0404-3500. (Reighley & Horne) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Chair Tracy advised that the Council will be voting on the budget two weeks from now on June 18. She asked if there are motions or amendments the Council would like to entertain. She recommended that Councilors review the budget and if there are any concerns or changes needed, please give her, Councilor Gleeson or Mr. Joseph a heads up before the next meeting because they want to be prepared to discuss it and entertain it.

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

TABLED:
ITEM # 89-19

To consider action relative to Victualer License Ordinance compliance for Doherty's North Freeport General Store, 130 Wardtown Road. PUBLIC HEARING

MOVED AND SECONDED: To open the public hearing. (Horne & Reighley) **VOTE:** (7 Ayes) (0 Nays)

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Chair Tracy asked Mr. Joseph to bring the Council up to speed because this was an item we didn't take up previously because we were hoping it would be resolved. Mr. Joseph explained that it has not been resolved. It has been on and off the agenda for about three months now. Victualer's licenses are renewed in January and in this case, the vendor did not obtain a Victualer's License because of non-payment of taxes. There are outstanding finances but specifically relevant to the Ordinance there are outstanding real estate taxes on the property. We were told prior to the last Council meeting, and we did work in good faith, that there was a financial arrangement on the way and we were going to receive full payment of 2018 and 2019 taxes. Both installments are past due. 2018 was liened already and would have been in tax foreclosure soon and 2019 is nearing the lien process now. Ms. Maloy advised that the last she heard no payments have been received. The Ordinance is pretty specific. You have to be current on taxes. Mr. Joseph knows there has been concerns about if communication was adequate in this case. The retailer was talked to immediately after by the Town Clerk. She did call and provided an update on what happened at the last Council meeting and was made aware that it was Tabled and it was re-noticed in the paper so there has been communication and that was when we were told financial arrangement was coming but never materialized. That is the history. Our Ordinance is funky in that it asks the Council, before enforcement action for non-obtainance in obtaining a Victualer's License. The first step is that the Council has to make a determination that the vendor should be required to get a Victualer's License before enforcement can move forward. That is all that is in front of the Council right now. The rest of it can be handled just like we would any other enforcement action. This is like the check on staff enforcement of not obtaining a Victualer's License. The Council needs to come to a determination that yes, that qualifies. The minimum standard for a Victualer's License is the preparation of food. It is pretty cut and dried. There is preparation of food that happens at this location. That is not disputed by the owner or the Town. Mr. Joseph advised that there is a copy of the installment contract that was entered into between the Town and the vendor in an attempt to get current to make payments. This is something the Town tried to bend over backwards to make happen for businesses and we did it in this case.

There were no public comments provided.

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

BE IT ORDERED: That a determination be made whether Doherty's North Freeport General Store, 130 Wardtown Road is required to obtain a Victualer License pursuant to Section 8 of Freeport's Victualer License Ordinance (Chapter 30). (Horne & Gleeson)

Chair Tracy noted we have heard the background and have tried to defer this decision to try to get an arrangement worked out but it is before us now and we do have a requirement that taxes be paid prior to the issuance of a Victualer's License. We hold other businesses to that standard. This is a difficult decision because Doherty's North Freeport Store is a local institution and the Town continues to try to work with them and maybe Staff can do that in the next phase of discussions.

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

OTHER BUSINESS:

1. Discussion regarding the recent petition to repeal the Retirement Community Overlay District (Approved for Freeport Living LLC in 2006).

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Mr. Joseph mentioned that the Town Council received a petition. The organizer of the petition, Mr. Kennedy, is here in the event there are questions. This is to repeal an overlay district that was created. The Overlay District section in the Ordinance is very specific that the Town Council can repeal it if development has not started within a certain period of time. It's been about 13 years since the project was approved which is far beyond any time requirement in the Ordinance. There are no project approvals in place. The original property owner does still own the property but there is not a vested right to construct what was originally approved under this Overlay District. They would have to come back to the Project Review Board and get re-approved by the Town. This Overlay District does mean what was originally approved could be considered if it was left in place but it would still need an approval. It is not buildable without approval from the Project Review Board. The neighbors have approached and asked the Town Council to rescind it as outlined in the Ordinance. The procedure is outlined in the Ordinance. We have consulted with the Town Attorney and his recommendation is for the Town Council to treat it as a map amendment, so essentially an overlay district is creating a district on the Zoning Map. The map amendment process is a public hearing at the Planning Board, a Planning Board recommendation to the Town Council and then a public hearing at the Town Council and a vote by the Town Council. It is just like any zoning map amendment. To get a map amendment in front of the Planning Board there are three ways it can go. The Town Council can recommend that the Planning Board take it up and provide a recommendation to the Council which we do frequently. We give them direction. The other option is if the Town Council didn't want to do that, or nobody asked you, an applicant can approach the Planning Board on their own with an application fee. In this case, the petitioners, if the Council didn't want to send it to them, have the ability to approach the Planning Board but it is a \$300+ application fee. If there is broad support on the Town Council and things are sent by the Council to the Planning Board so the applicant doesn't have to bear that kind of cost. The other way it can be done is that the Planning Board can take it up on their own and send it to the Council. If the Council feels it is sufficient public interest, that it be taken up essentially on the Town's dime, recommend to the Planning Board and the Planning Board starts the process.

Councilor Horne asked if all the ducks are all lined up, what is the fastest time we are looking at. Mr. Joseph explained that it could be two weeks at the Planning Board and two meetings at the Council. He estimates it could be a month and a half at the fastest.

MOVED AND SECONDED: That the Council make a recommendation to the Planning Board to withdraw the Retirement Community Overlay District. (Egan & Reighley)
VOTE: (7 Ayes)

Guy Quartrucci noted he understands the process but the Planning Board generally doesn't meet in July and August. They would like to expedite this. Mr. Joseph offered to work with Planning Staff and invited Mr. Quartrucci to come in and talk with him. It could not be heard tomorrow because they have to notice a public hearing. If there is a second meeting in June, there is no reason it cannot be on it. They are very busy and have been having extra meetings. He committed to working with Staff to get it on there and not delay it.

Chair Tracy feels it is an important thing but it also has been sitting here for 13 years. We will say that we would like them to look at it.

2. Discussion regarding listing the Bartol Library Building with a Commercial Broker.

Mr. Joseph mentioned that he and Councilor Gleeson have met and exchanged phone calls with a couple of interested parties. Mr. Joseph contacted five local brokers that are active in Freeport. They got

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interested calls back from two brokers. They had conversations with responsive brokers. One was Mack Simpson who lives on Wolfes Neck. He was very interested and came down and met with them and looked at the property. He provided a proposal. The other realtor they talked to was Mark Malone who volunteers on the FEDC Board and helps out quite a bit with guidance. Both were very interested and he and Councilor Gleeson felt were competent. Notably the financial agreements were pretty much the same. They were both in the same range of standard real estate brokerage fees, which in this case would be 5% of the lease, which is pretty standard for most buildings. That is the middle of the range that they both landed on. He and Councilor Gleeson recommend listing with a broker. They think just because for a six-month term, and the enthusiasm from Mack Simpson of Porter & Company, they would like to list with them. He sees them both being equally qualified, but if for some reason the Council does not want to do that, he would not lose any sleep. Mark is a very qualified individual as well, but Mr. Joseph doesn't think we can go wrong with either of them. It is a contract and Mr. Joseph is looking for Council approval. They had discussions about possible tenants and were working with people looking for locations and definitely had some in the non-retail clothing realm and kind of stressed that we would like to focus on those, but diversification would be one thing we would look at or a lower lease rate if they could show it was a community benefit or diversification. They told him to not avoid bringing us a high paying client but don't turn someone away because they are a little different. If he has two offers, bring us both of them and we can analyze them side by side.

Councilor Gleeson explained that there has not been any response to our rfp proposals. He feels this is the way to go. Councilor Horne mentioned we do not have a community group hoping for this space and we may as well try to get the highest paying person at this point. Mr. Joseph explained that he is enthusiastic but it is never a done deal. They are looking for a six-month listing and if it is not something they can find in six months, they don't want it sitting vacant for two years while they flounder with it. They'll think it is time for us to look somewhere else. Mr. Joseph felt it was a fairly responsive attitude.

Mr. Joseph asked for a thumbs up to show that everyone is comfortable going in that direction and he got it. Chair Tracy mentioned when we ultimately get there, we need to also consider what that offer does to the market and if it shifts market values downtown. That is something we will have to keep in mind but we are not anywhere near that at this point. Mr. Joseph added that as a Freeport resident, Mr. Simpson is very interested in what the downtown looks like as well.

3. Continuing workshop on FY20 Budget

Chair Tracy felt the Council beat that to a pulp.

MOVED AND SECONDED: to adjourn at 9:45 p.m. (Horne & Reighley)

VOTE: (7 Ayes) (0 Nays)

Respectfully submitted,

Sharon Coffin, Council Secretary