

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #23-19**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY OCTOBER 1, 2019**  
**6:30 P.M.**

	<b>PRESENT</b>	<b>ABSENT</b>	<b>EXCUSED</b>
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		

Following the Volunteer Recognition, Chair Tracy called the meeting to order at 6:33 p.m. and took attendance. All Councilors were present as well as 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 #22-19 held on September 17, 2019 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #22-19 held on September 17, 2019 and to accept the minutes as printed .(Reighley & Horne) **VOTE:** (7 Ayes)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Tracy announced:

- **Freeport Movie Day at Nordica Theatre– Wednesday, October 16, 2019.**  
Residents of Freeport are welcome to view a movie absolutely FREE! Donations for the Harraseeket Grange will be collected. Proof of residency is required.
- **Nominations are now being accepted for the 2019 Citizen of the Year**  
Each year the Freeport Town Council presents a Citizen of the Year Award to honor those who have significantly contributed to the quality of the Town. Nomination forms are available at the Town Office, the Freeport Community Library and can be found on the Town’s website. Deadline for nominations for the 2019 Citizen of the Year Award is December 12, 2019.
- **CHANS Home Health & Hospice will be conducting their Annual Seasonal Flu Clinic at the Freeport Town Office on Monday, October 21<sup>st</sup>, 1PM – 3PM.** CHANS can bill insurance for those receiving a flu shot, so please bring your insurance card if you have one. The flu shot clinic is free; and donations are accepted.

- **2019 Election Absentee Ballots will be available beginning October 8<sup>th</sup>. The Election will take place on November 5.**
- **Home Energy Assistance Program (*formally known as LIHEAP*) intake workers will be taking walk-in appointments for Heating Assistance at the Freeport Community Center on: Wednesday, October 16<sup>th</sup> from 9AM – 3PM.**

A list of required information needed to complete your application can be found under *Municipal News* on the Town's website.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Reighley advised that he attended two meetings. First, he attended the meeting of the Freeport Working Group to Welcome New Mainers. He noted that it is getting close to feeling like they have accomplished what they were tasked to do. They have an excellent resource guide that is in place for anybody to look at. It is online. The work this committee has done is laying a great foundation for potentially any future events along these lines. He thanked Melanie Sachs for bringing this forward and asked her to speak about a second part of that meeting that took place regarding an awareness fundraising event.

Mrs. Sachs explained that one of their goals is to have education awareness around asylum seekers and the process they go through and resources available both Statewide and locally. There will be an education awareness event on November 7<sup>th</sup> at the Freeport Community Library from 6:30-8 p.m. She encouraged people to come and hear about the barriers for folks coming to our Greater Community seeking asylum.

Councilor Reighley pointed out that the second meeting he attended was this morning- the Complete Streets Committee formerly known as Traffic & Parking. Doug Leland asked members to look at six items and choose an interest so they could shepherd them and be the liaison or the lead person in working with whatever it may be. For example, we have two bridges that are going to be replaced so one of our members is going to focus on that particular group and go from there. There is a request coming forward from the Complete Streets Committee that we host a workshop with all of the Committee Chairs where there is overlapping responsibilities that could be reduced down to one committee so there is more control and less redundancy.

Councilor Whitney advised that after Freeport became an AARP certified town, they put together a steering committee for Aging in Place. The committee is strong, active and doing very well. They recently received a grant which allowed them to write an action plan and that is in process. They actually are in the process of making a tri-fold containing emergency numbers, etc. that will be mailed out to all Freeport citizens. They just completed another grant with regards to transportation and this will allow them to assess needs and get more drivers to help those at home get around town for not just medical appointments but for other appointments as well. There is a lot brewing and she feels it is exciting to be a part of it. In regards to the Asylum Seekers, just a few moments ago she was at the apartment of one of the Asylum Seeker families that just moved out of her house and found them to be so happy to be a part of our town and working at the high school. They are very grateful to be a part of this community.

Chair Tracy thanked Councilor Whitney and a bunch of residents who came together this week to outfit the Asylum Seekers with the needs they had for their apartments. That has been an ongoing effort. She

COUNCIL MEETING #23-19  
OCTOBER 1, 2019

knows we have more than a few families hosting Asylum Seekers in Freeport and it is a testament to how they are opening up their homes and getting them to where they need to be. While it is rewarding, it also takes a major commitment. On behalf of Freeport, they are representing our community well. She thanked them.

Councilor Egan advised that last week he attended a special meeting at GPCOG. There was a presentation from Bruce Wagner, the Director of Finance Authority of Maine who was there specifically as the Chair of the Governor's State Economic Planning Council. He is charged with shepherding in input and expertise from all over the State to help the Governor's Office and Staff write a State Economic Development Plan. He specifically came to GPCOG to hear from a number of invited communities. It was not as big a crowd as Councilor Egan was hoping. There were probably 4 or 5 communities in addition to Portland represented there. Transportation in this part of the State is one of the top issues as well as the labor shortage. Transportation is becoming a regional issue. It is not just a downtown Portland or outskirts of Portland matter so there is a lot of good information coming forward about what communities in the southern third of the State are doing to coordinate their transportation planning efforts. He felt it was a good discussion.

Councilor Gleeson advised that FEDC met last Tuesday and have a couple of projects they would like to start working on outside of what they normally do. They want to continue to work probably with the Planning Board on mixed uses downtown as the retail environment is changing. That is their big priority. The other one that is kind of interesting had support with the Chamber, but the Chamber mentioned to FEDC about having a downtown festival event. Many remember the L.L. Bean 100-year festival when they shut down Main Street and had local vendors and it was a neat thing that Freeport had. They realize that a lot of towns have their own Clam Festival, Cumberland Fair, etc. While we have L.L. Bean concerts, we don't really have a local event where we could have local sports groups-things like that- and raise money through concessions, etc. This is not even in the planning stage but Councilor Gleeson mentioned that he would bounce it off the Council to see if there is any appetite since something like that would be a huge undertaking. It would require Police and Public Safety. There are a lot of facets to it. He really likes the idea and in his post-Council career he would be willing to volunteer for a committee on it. That is what FEDC is working on and he wanted to leave it as food for thought.

Chair Tracy pointed out that Keith McBride of FEDC was interviewed this week on Channel 8. We had a profile on downtown Freeport and how the changing economy is bringing in opportunity for local businesses to fill some of the spaces that are being left by the larger businesses changing their profile. She thought it was a well balanced and good story and suggested that Councilors check it out.

Peter Joseph explained that approximately ten years ago, initial preliminary flood maps were being considered for Cumberland and York Counties. (He was not here then.) The existing maps are 25-30 years old and if you look at them in the Planning Department, they just show blue blobs where the flood zones are with no parcels. They have basic streets but no parcel lines and no structures. They are pretty useless if you are trying to build a house on the water. There are a few areas that are changing for inland rivers and ponds but they are not major. For the most part in Cumberland and York Counties, the revisions inland are taking folks out of flood zones because they are more accurate in two-foot contours as opposed to ten-foot contours. Coastal people are generally going in. The impact in Freeport is not huge but it is significant. There are properties that will change.

These are flood insurance maps so if you have a federally backed mortgage, your bank is required by the federal government to require a homeowner to buy flood insurance if he or she is in a flood zone. It does not mean anything to a cash owner, cash buyer of the property, or if there is not a mortgage on the house. There are some pretty significant hikes that will happen in flood insurance. It does not get cheaper. It gets

COUNCIL MEETING #23-19  
OCTOBER 1, 2019

more expensive. Why people care is if their property goes into a flood zone, they may have to pay hundreds or thousands of dollars per month in insurance or else not be able to get a mortgage on the property and seriously affect the ability to sell a house.

Ten years ago, when the preliminary firms were released, the Town contracted with Bob Gerber of Ransom Engineering to evaluate FEMA's proposed changes. He found two specific areas that were lacking in Freeport. At Ransom's advice, they thought the problems were based on FEMA's modelling that created those maps. The Town prepared an appeal that the model was incorrect. Delays then happened and FEMA, for various reasons outside of any of the towns doing, the project was placed on hold until last year when they said: here are the new preliminary flood maps which are identical to ten year ago flood maps. The Town contacted Ransom Engineering and had a community meeting. The Town decided to submit an appeal based on the work done ten years ago and the question was would they still accept ten-year old work. Yes, they would. Nine specific towns joined together and hired Ransom Engineering to do a comprehensive appeal. Freeport declined and decided to go with our old work that had been done because it was still relevant. In August of last year, we submitted our appeal and sent it to FEMA. In November we received a letter saying they received it and would let the town know when they were ready to move on. Nothing happened until a month ago. We received a letter from FEMA saying our appeal was rejected because the application was incomplete. There was digital data that was not included. We did not show them how we got to the end result. Every other community got their appeals rejected for several reasons. He mentioned that we met with FEMA and with Ransom Engineering. We met with FEMA again and everybody got exact facts. Our options are we could have submitted a Scientific Resolution Panel Request which is an internal administrative policy through the federal agencies and you have to agree not to go to federal court. We could go to court which is expensive and we would not be guaranteed anything. We could submit a comment letter basically asking FEMA to reconsider which does not bind our hand at all. After consulting with the Engineer representing all those towns and all the attorneys, we were advised to submit a comment letter saying here is all the data that was missing. We had it and the assumptions in the appeal are still valid. Your model is incorrect. We are retaining our rights to take court action. It is an option that is out there. The ultimate resolution is that after the maps are effective, we have the ability to submit an amendment to those maps and FEMA said that is absolutely the correct procedure. If we correct all the stuff we didn't submit initially, they will consider them. That is where we are at. The timeframe would be June or July when these maps go into effect. SRP requests will slow the whole process down. We will be doing revision work. Mr. Joseph will be speaking to the Council before we spend money on that.

Chair Tracy feels it is unfortunate that the Town is in this position. It could have been avoided with some additional attention to detail but here we are. She asked Mr. Joseph and Town Staff to give a sense of how many structures are affected. Mr. Joseph did not have this information tonight. To the extent that private landowners end up being in the flood zones and they want to challenge it, they have a private right to go to FEMA and try to amend the maps. The Council is doing it as a Town on behalf of its residents but it is a slow process. For people listening living on the coast and you think this might be affecting you, come into the Planning Board and take a look at the maps. She advised them to seek Counsel at this point. We did have a community meeting to let landowners on the coast know this was going on. We have tried to be as transparent as possible which is why we are giving this update now. It is to let people know it is going on but this is something affecting all the coastal communities and frankly, it is kind of a mess.

Councilor Horne asked if the best case scenario is if FEMA would accept our data and go with our assumptions. Chair Tracy replied, "Yes, if we get to the point where the maps are issued and we can submit a letter of map revision." We have no reason to believe that they wouldn't agree with our data if we can get all of the information to them. The best case scenario would be that they agree with us and they would basically take a less severe approach with respect to how much of our shore frontage is in the

flood zone in those particular transects. There are a lot of transects we are not challenging. Mr. Joseph advised that all the appeals have to be exhausted and then all the towns are issued one set of maps. Chair Tracy explained that it is annoying and taking a long time but those properties and structures not in the flood zone but will be put into the flood zone when these new maps come out, they have gotten by until those new maps go into effect. The delay helps those people. It does not help the people that will come out of the flood zone. They get messed up because this has slowed down and they are in the flood zone. Mr. Joseph added that it is a much lower concern here than in the towns with huge swaths of parcels going into flood zones. Chair Tracy advised that this is part of trying to prepare for climate change. They are trying to recognize the fact that sea levels will potentially be rising and those kinds of issues. People need to be aware of it. Mr. Joseph advised people that have come in over the past few years, nothing has changed mapping-wise.

**FIFTH ORDER OF BUSINESS:** Town Manager's Report

1. Mr. Joseph advised that there is a proposed vehicle sale. The Council was made aware of a dump truck replacement and a trade-in was part of the deal. The Town of Union has approached us. They experienced a fire and lost some of their vehicles and they are very interested in purchasing that vehicle at the trade-in price. It would make no difference to us. We are going to get the same amount of money. It was not conditioned on a trade-in. He feels it was a great move for our Public Works Department to reach out to them. He wanted the Council to be aware because there is a provision in our sale of town equipment policy that the Council has to be made aware of it. None of the financial terms are changing but the potential buyer would change. If any Councilors have a concern, they should feel free to find him anytime this week.
2. Work will be done at Soule Park next to the old Soule School in South Freeport around the playground and school area in the next two weeks. 8 trees have been identified as unhealthy and should be removed. 7 need dead wood removed. The work will be done by professional arborists. He is trying to make people aware of it. The Conservation Commission and Conservation Trust are aware of this and the Conservation Commission has approved it and people from South Freeport should be aware that it has gone through all the channels and has been sanctioned by the Town. The Conservation Commission has discussed replanting.

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

There were no public comments provided so the Council moved on.

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

---

ITEM # 154-19                      To consider action relative to adopting the October 1, 2019 Consent Agenda.

**BE IT ORDERED:** That October 1, 2019 Consent Agenda be adopted.  
(Reighley & Gleeson)

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

VOTE: (7 Ayes)

---

COUNCIL MEETING #23-19  
OCTOBER 1, 2019

ITEM # 155-19 To consider action relative to approving proposed amendments to Chapter 46: General Assistance Ordinance and Appendices A-D & H for the period October 1, 2019 to September 30, 2020.

**BE IT ORDERED:** That a Public Hearing be scheduled for October 15th at 6:30 p.m. at the Freeport Town Council Chambers, 30 Main Street, to discuss amendments to Chapter 46: General Assistance Ordinance and Appendices A-D & H for the period October 1, 2019 to September 30, 2020.” (Whitney & Lawrence)

General Assistance Director, Johanna Hanselman explained that every year the Town Council is required to adopt the General Assistance Ordinance and any annual appendices updates. This evening the Council needs to set a public hearing and take public comments at the next Council meeting. After they are adopted, she will send confirmation up to the State. By us doing that, we are in compliance with the State which ensures we will get our portion of reimbursement for our GA expenditures which she is sure the Council wants to do. Chair Tracy agreed.

**VOTE:** (7 Ayes)

---

ITEM # 156-19 To consider action relative to awarding a bid for study of fire apparatus fleet and equipment.

**BE IT ORDERED:** That Emergency Vehicle Response be awarded the bid for study of the fire apparatus fleet and equipment of the Freeport Fire Department in the amount of \$14,800.

*Note: An appropriation in the FY20 Operating Budget (account 0202-3400) in the amount of \$14,500 was approved for this item. (Gleeson & Horne)*

Fire Chief, Charles Jordan explained that this is an apparatus study of the current fleet and a future needs assessment. The majority of the study looks forward towards replacing the pumper, the tanker and the ladder truck with two units so three units go into two. The crux of the issue is does the pump go with the ladder or does the pump go with the tanker. That is where the focus of the study really goes and how does this all match in with the potential for regionalization down the road and how do we keep our great RSO ratings at the same time.

Chair Tracy noted this came in a little over budget but is not a huge amount. Given the expenditure of each of these apparatuses which could be \$700,000 or \$800,000 at least, it seems like money well spent to try to construct them properly. Chief Jordan agreed and noted he did the same study in Rockland and saved the study fee in the first two hours he was at the facility working on the pre-bid documents by having specialists there.

Councilor Egan pointed out in Section 4.0 it says the field analysis will start in spring of 2019 and the letter is dated September 9, 2019. He asked if this was a typo or did it already get started. Chief Jordan explained that he did have them here a week or two ago but it was not the spring of 2019. Councilor Egan is not convinced that we have to spend \$14,000 for a consultant to tell us what we need to replace when we have been talking about apparatus replacement in the three years he has been here. Are we at a place where we just don't know enough about what the new equipment can do or should do? He is not sure what this assessment will be providing. Chief Jordan explained that it is very forward looking even

COUNCIL MEETING #23-19  
OCTOBER 1, 2019

though it examines the past, it is really getting to the future and provides the blueprint going forward and he feels we need that extra piece of professional help. He has had good luck with them before and is confident we will easily save that money that we are spending on this by having them assist us. He can guarantee that there is no connection these professionals to any company that might sell apparatus to us.

Councilor Reighley mentioned that Chief Jordan advised that the study done in Rockland was deemed money well spent. Chief Jordan agreed.

**VOTE:** (7 Ayes)

---

ITEM # 157-19                      To consider action relative to a bid for Portable Radios for the Police Department.

**BE IT ORDERED:** That Radio Communications Management, Inc. (RCM) be awarded a bid in the amount \$24,905.50 for Portable Radios for the Police Department.

*Note: Payment for this purchase will come from the Communications Upgrade Account (5681) which currently has a total of \$228,147.45 and is split between Police Department (0802)/Fire (0803)/Rescue (0804).*

Police Chief, Susan Nourse mentioned that the letter she wrote to the Town Manager lays out the need for the portable radios. They are at the end of their factory support. Components will no longer be made for them. Those radios are their life line to other officers and there is no way of knowing when the end of a life of a radio is going to happen and they don't want to wait until that point before they replace a vital part of their service. They are also looking at the infrastructure of the radio system and are looking at how they can improve that with different types of antennas and microwaves. She basically knows how the system works but is not a radio communications expert so she would defer to the Town Manager if he wants to answer any questions about systems.

Mr. Joseph indicated that this is preliminary but we will have a proposal come to the Council most likely during the Capital Program discussions next year. There had been an ongoing project that was funded, which is why you see some surplus in that account. It is because there had been previous appropriations made for radio systems upgrades. When the project did not happen, staff at the time said it was outside of their realm and we are just essentially putting Band-Aids on a system that needs to be redesigned comprehensively. There have been several meetings for the whole system and he and staff have gone and looked at a system that was recently revised in Falmouth. He expects to have a project proposal to talk about during the Capital Program next year. The radio purchases that the Chief is describing are forward compatible with pretty much anything we will do in the future. All of them are analog and digital compatible and they will be reprogrammed to make them compatible with any system upgrade we do in the future. Any of the three major standards we use in the future will be compatible with these radios.

Councilor Egan asked Chief Nourse if the manufacturer gave her an indication of a radio's useful life. Chief Nourse explained that it was a conversation she had with our current vendor because the department has been having a lot of issues. She asked if there was a way to generalize the life span of a radio. They were our suppliers but they no longer sell the radios we currently use. She estimates that our radios are 10-15 years old. Councilor Egan is glad to hear that the radios will be forward compatible.

**VOTE:** (7 Ayes)

COUNCIL MEETING #23-19  
OCTOBER 1, 2019

Mr. Joseph suggested taking up ITEM 161-19 out of order.

**MOVED AND SECONDED:** To take Item #161-19 as the next item.  
(Gleeson & Reighley) **VOTE:** (7 Ayes)

ITEM # 161-19            To consider action relative to a Use of Town Property request by Freeport Fire Company to use the Freeport Public Safety building and area surrounding the A. Stan Davis Museum on October 19, 2019.

**BE IT ORDERED:** That the request to Use of Town Property by the Freeport Fire Company be approved. (Lawrence & Horne)

Town Manager, Peter Joseph explained that the Freeport Fire Company is an independent non-profit comprised of retired and current members of the Fire Department. They have approached the Town about using Town property for a fundraiser to help the Farmington Fire Relief Fund. The request is to serve alcohol within their leased property. Chief Jordan advised that there will be a snow fence going down the middle with them on one side and the Police will be in between. Mr. Joseph advised that he did not want any surprises for the Council. This will be within their leased property. Chief Jordan is comfortable with the arrangement that there will be a division of real estate there. He will be a member of the Temperance Society and no lines are crossed but he is not the applicant. He explained what will be offered.

**VOTE:** (7 Ayes)

Chair Tracy pointed out that Chief Jordan went to Farmington on his day off and spent time supporting their Fire Department. A lot of communities have been doing that. On behalf of our community, Chair Tracy appreciates Chief Jordan taking personal time to assist another community. Chief Jordan noted he felt it was an absolute privilege and we have another crew going up on Thursday. They will need support for a while. Chair Tracy advised that if Chief Jordan needs any approvals, to let her know. It is a dire situation for them with staff in the hospital recovering and the loss of one of their fire trucks. Our hearts go out to them.

---

ITEM # 158-19            To consider action relative to acceptance of a grant for culvert on West Street.

**BE IT ORDERED:** That a grant for a culvert on West Street be accepted.  
(Egan & Gleeson)

Town Engineer, Adam Bliss explained that he provided a memo to the Council but did not include any numbers. This culvert replacement is on West Street just below the cemetery. It is within the Concord Gully Brook watershed. This project is considered one of the highest priorities in terms of restoring this watershed. Councilors are welcome to take a walk with Mr. Bliss and he will show them what a restricted culvert and a lot of rainfall looks like coming out the other end. He feels we are fortunate to be able to combine two grants together to pay for almost all of the entire project. An EPA grant was obtained in 2018. DEP gives out \$5M every year and Freeport successfully received \$95,000 which pays for a significant amount of the project. The Town's portion will be paid out of the Concord Gully Brook Watershed Restoration Capital Account.

Councilor Egan asked Mr. Bliss to explain what a culvert actually does to improve water quality in run-off. Mr. Bliss explained what is involved.

**VOTE:** (7 Ayes)

Chair Tracy noted that she is pleased that we can do this without a significant expenditure for the Town.

---

**MOVED AND SECONDED:** To move Item #160-19 in front of Item #159-19.  
(Tracy & Gleeson) **VOTE:** (7 Ayes)

ITEM # 160-19 To consider action relative to joining the Metro Breez.

**BE IT ORDERED:** That membership in the Greater Portland Transit District and continuation of the BREEZ bus service after December 31, 2019 be approved. (Reighley & Lawrence)

Chair Tracy explained that the history on this is that we have had a pilot project with the METRO BREEZ for three years at a cost of \$35,000 a year, give or take, to test the service and determine if it would be successful or not. It has been very successful. Ridership numbers have been greater than anticipated and the bus line has been extended. Now it is time to determine whether or not we are going to join the Greater Portland Transit District like other communities that have a bus service. They are actually members of the Transit District and pay the full costs of the service that they use and a portion of the overhead of the Transit District as a whole. That cost is approximately \$77,000 so it is an annual increase of approximately \$40,000 over what we have been paying. We have received significant comments over the past month and particularly in the past week from residents who use and support the service. Tonight, she is aware there are residents here who want to make further comment and we would like to hear from them. Greg Jordan, the General Manager of METRO, is here to answer questions. He did give a presentation at our meeting two weeks ago. If anyone is interested in background information, they can call it up on demand video live and we have a packet in our materials which is online which lays out all kinds of information including boardings and pretty much everything one would want to know about the service. She invited the public to come to the podium and asked that they identify themselves and give the Council their view and try to keep it brief.

Mr. Joseph explained that there is a packet in front of the Council with approximately 38 emails. As of 4 o'clock this afternoon, he received emails that are separate. Four more have come in this afternoon.

Christian White, a Freeport resident explained that he and his family take the BREEZ down to Portland. He supports it because there is a great issue of reducing carbon emissions. He finds that he can jump on the BREEZ for \$3 and get to Portland and do what he needs to do and come back. It is like the cost of two gallons of gas but he is not driving his car. Freeport has a mix of riders coming up from Portland going to Bean's, the restaurants, students and the breweries. He is a big advocate of the BREEZ. He shared that has not seen anybody get on in Yarmouth or get off in Yarmouth.

Mandy and Mike Davis, Freeport residents advised that they are users of the BREEZ. They are environmental activists that do not own a car and choose to live in Freeport. The BREEZ provides them with access to Brunswick as well as Portland. This service alleviates single drivers and helps with carbon footprint. Half of their Patagonia staff comes from Portland and they are having a hard time making ends meet on retail wages but the BREEZ gives them an opportunity to go car-less as well. They would like to see public transportation continue in Freeport. Councilor Reighley asked if they see people getting on or off in Yarmouth and Mrs. Davis advised that she has.

COUNCIL MEETING #23-19  
OCTOBER 1, 2019

Melanie Sachs of 84 Kelsey Ridge Road advised that as a former Councilor, she is a big proponent for the bus for economic development as well as transportation. She appreciates the Council's diligence with which it is looking for return on investment as she followed online. The Council is adhering to the data points and the data points out that this is a good investment. This targets elderly, students, young people, folks that are unable to drive for whatever issues. It is important to keep that in mind. In all her research she hasn't seen that we talked to METRO about bus shelters that was in the original agreement. We talked about them coming forward with those. Yes, they have to go through Design Review, however, particularly for the folks that are at the stops further down, if we are going to encourage ridership, particularly in the area down by Casco Bay where we have Varney Square Apartments, Maplewood Apartments and several others, having a shelter is really important. She would like to see those conversations move forward with METRO so that the attractiveness and usability of the bus remains constant for everyone. She wants everyone to be comfortable as they wait for the bus. She encouraged the Council to vote to join METRO BREEZ this evening.

John Peterson, Freeport resident, advised that he has been employed in the environmental field for 35 years. When the service first started, he had parking at work and could afford going back and forth. He decided to ride because he felt it was the right thing to do. In the first year, ridership wasn't quite as much and he thought it would not work out. In the last couple of years, he noticed a lot of ridership and feels it is a big success. He has been struck by the diversity of ridership. There are professionals, students, disabled people, tourists, and low-income people riding the BREEZ. He strongly encouraged Freeport to continue to do the right thing.

Peter Anzuini of 87 South Freeport Road advised that he is here to speak in opposition to joining the METRO going forward. When the pilot was started, we said let's put money in. The federal government is putting money in. Let's try it and see if ridership goes up and then we can talk about how much the Town will pay for the subsidy that is occurring. We have been paying for the pilot but we haven't been paying a lot because the federal government puts money in. Now we are saying the federal government is not giving money anymore so we have to come up with the money. The question becomes what is the other means of supporting the METRO other than property tax revenue. \$3 seems to be pretty cheap, would \$10 make a difference in ridership because that is how much the property tax owners are going to pay. They are going to subsidize the whole METRO on property taxes so that means that every property tax is going up 50 cents. There has to be other ways. He is opposed to having property taxes on people that are subsidizing transportation for people that make more money than the people that are in Freeport.

Travis Pryor, Freeport resident advised that he sent an e-mail to the Council. He has seen a lot of folks get on the bus in Yarmouth. Mrs. Pryor mentioned that she has as well. He has seen a big interest in public transportation in Freeport. He agrees there are pros and cons to costs and what it benefits such as wear and tear on our roads, etc. We do subsidize a variety of programs if we see a value to our community. It alleviates parking in the downtown.

Chair Tracy asked Greg Jordan to come to the podium. Mr. Anzuini mentioned that there are no longer any federal subsidies for this service. She looked at the CIPs and it seems to reflect to federal money. Mr. Jordan advised that there is continued federal support for the project. He noted that within the METRO system the percentage of federal funding for operations is roughly between 30 and 35%. It will be similar for the BREEZ. He mentioned that the METRO receives a small amount of State funding for public transit. Councilor Horne asked if there is a capital upgrade to the system, what is the federal contribution for it. Mr. Jordan advised that it is typically 80% federal and 20% local. For fleet replacement it is 85% federal 15% local.

COUNCIL MEETING #23-19  
OCTOBER 1, 2019

Councilor Reighley asked Mr. Jordan if he had an update on Brunswick. Mr. Jordan advised that he is meeting with Brunswick tomorrow. Chair Tracy brought up bus shelters and using advertising on the buses to fund the shelters was rejected because of aesthetic issues. Mr. Jordan explained that they provided a shelter at the Park & Ride near the Maine Beer Company. Going forward, and presuming they are going with a permanent service, they will want to work with the Council for future shelter locations and bus stop improvements as needed. Shelters will have to go through Design Review in the downtown. Mr. Jordan pointed out that the Board has not taken action on this per se, but if a community opts out of advertising, there would need to be some sort of contribution to help with the light cleaning and maintenance that would need to occur. It is not a hard policy right now but is something that will need to be taken up in the future. Chair Tracy added that at the time, we discussed maybe having Public Works assist with some of the cleaning but it never came to fruition. Melanie Sachs pointed out that it was Public Works cleaning and maintaining the shelters as in-kind contribution.

Mr. Anzuini asked about rate recovery in Form B-1. Mr. Jordan advised that their fare recovery is just below 25% on their system. The BREEZ is a little higher. He explained that they are bringing new money to the table for projects that couldn't be done with all the local contributions.

Councilor Lawrence agrees that public transportation is great but the cost is high. Councilor Reighley asked if there is a fare increase, will the recovery ratio change. Mr. Jordan advised that it would.

Kathleen Meade of Guptil Avenue pointed out that the reality is that people are using the BREEZ and it is making a difference in the amount of traffic we are seeing in town and the amount of parking that is needed. She sees diversity of people traveling back and forth and she particularly likes the construction workers she sees at one bus stop on a regular basis. Yes, it needs tax money but our taxes are paying for a lot of stuff out there. The quality of life by public transportation should be supported by this Council.

Mr. Davis explained that they work in the environmental industry but are environmental activists first. It is hard for us to think beyond the current state of how we drive and how we live with our motor vehicles right now. It will change in the future but we don't know what that will look like. It may be cost prohibitive for us as well as environmentally prohibitive for us to have internal combustion engines in the very near future. The BREEZ will give us an opportunity to go south or north once those changes happen.

Peter Anzuini noted it sounds like he is in the minority tonight. He understands the concept of where we are going in the future, the solar impacts, etc. The bottom line is just because someone wants to take a \$3 ride, it means that someone in Freeport with a home value average of \$236,000 will pay a \$135.00 tax for that \$3 ride.

Travis Pryor of Snow Road mentioned that the value of what we spend our money on is very important. We invest in a variety of differ public infrastructure needs to serve demographics. For about a decade now, kids are not choosing to get their driver's licenses but we don't see this much in the rural areas. We also are the oldest state in the country and the increase in the population will not be able to drive and will depend on public transportation which is a good reason to support this service.

Chris Hanson of South Street advised that he started taking the BREEZ about two years ago. We now need a big city bus because there isn't enough room on it. The service is getting used more. There are a lot of people standing on the bus, especially coming back. He doesn't have a car and it helps him to be able to get to work.

John Peterson acknowledged the comments that have been provided. He personally would pay more for a fare. He feels easing the burden on our roads is a big benefit and there are other benefits.

COUNCIL MEETING #23-19  
OCTOBER 1, 2019

Melanie Sachs noted that for the last four years this Council has kept the budget increase to 1.15% or slightly higher. This issue leads us to many fiscal, environmental investments and quality of life issues this Council has carefully considered over the last six years. She encouraged the Council to be mindful to the bottom line of how this impacts. This remains an intractable issue and it takes something like this off of the table. When she knows there are careful considerations around road repair, active living considerations, every single decision you make within a fiscal context is related to one another and that is why you have these transparent hearings. She commits fully 100% to this particular investment for a myriad of reasons.

Fred Robie of Pleasant Hill Road mentioned he likes to ride a bike. He is 65 and is not the man he was 20 years ago. Pedaling to Portland and back is still something dear to his heart and wants to be able to do it as long as he can. He is facing the reality that his arthritis is not going away. He is experimenting with electric bikes and they are helping but when push comes to shove and you have biked your 20 miles to work, and you still need to get home, the BREEZ is a real option. He feels we all need to be aware that a cyclist is one flat tire away from being a pedestrian and having the BREEZ as an option is a Godsend.

Chair Tracy brought the conversation back up to the Council. Councilor Horne thanked the public for their comments. He is puzzled on this issue. He believes in public transportation and will be supporting it in this vote. Where he has been struggling on this issue is if we do join the Greater Portland Transit District, we become a family member of the District. If there is a new debt that is taken on by the larger system, Freeport as a 6% owner of the system, will be on the hook for any forward-looking debt. That is something to be aware of and the good news is that the federal government does put in a tremendously high percentage of capital improvements. He feels it is a success. Some things need to be subsidized and this is one of them.

Councilor Reighley mentioned that Los Angeles, when it was evolving, got influenced by General Motors and as a result, they have an inadequate public transportation system which causes considerable damage to our environment and considerable angst and frustration to residents in the Los Angeles area. We have had other transportation programs in the past that were great concepts only to be influenced away. One of those being inner urban where you could get on a public car that would go between cities at very little cost so people did not have to have automobiles. What we have here is an opportunity to grow our community and strengthen the bond between the area of Greater Portland and expand regionally and nationally. Public transportation will be coming more to the forefront. This is an initial cost and investment. It will affect what we will pay in taxes but it is for the benefit and growth of our community.

Councilor Egan advised that he is supporting this strongly. He feels it is an important service and the Council heard plenty tonight from people who are passionate about why we need to have it. He is taking the prospective that this is an investment. Subsidy brings the connotation that can polarize and he would rather look at it as an investment. He feels this is a very modest investment for this community to make for all of its residents. You might be on a bike today, but you might need to use the bus later. He rode the BREEZ and everyone was happy to be on it as he was.

Councilor Lawrence advised that his concern is that it is an expensive way to get around. He feels it is needed, but is very costly. He challenged the people that are running it to figure out how to recoup more of the costs. He doesn't think it will only work with a subsidy. He feels we can do better.

Councilor Gleeson mentioned he was skeptical originally but he is in the downtown all the time and sees people using it so he is in support of it. He gets heartburn whenever we have a \$300,000 or \$400,000 re-pavement we have to do on certain roads. Our town has, within walking distance, restaurants, a movie

COUNCIL MEETING #23-19  
OCTOBER 1, 2019

theatre, pharmacy. It is a relatively self-sufficient small town. When he hears about people going car-less, somebody could buy a home downtown and then would say, "The only thing is, I can't get to Portland." He sees that as an aspect he hadn't looked at. When you come up on the budget, this is really a \$30,000-\$40,000 increase to what we were budgeting. He suggested exploring the possibility to do some sort of way to pare back the Amtrak budget to offset this increase.

Councilor Whitney mentioned the one thing she heard going to so many doors was "please don't increase our taxes." She wanted to say to everybody listening out there that she hears them. She rode the BREEZ to get a sense of riding it. She heard from a grandmother who told her it was the only way she could see her grandkids. She is in support of this and all the points are valid.

Mr. Joseph advised that this comes out of the Town line on the budget and goes into its own line as a separate government entity on the tax bill underneath the RSU and above the County or something like that. The net impact from a tax perspective, the taxpayers will be paying an extra \$30,000 to \$40,000 per year on the Town's portion of the budget.

Chair Tracy pointed out that she supports the service. It has been well used and it sort of goes to one of the functions we have which is how, as a Town, can we use our tax dollars to make people's lives better. This service is making many people's lives better. Working people, working families whose children need transport while they are working, disabled people, aging communities and those who choose for philosophical or environmental reasons to take the bus. She thinks it is a tangible way we can use our publicly funded money to have a real impact on people's lives but not at all costs. It needs to be efficient and earlier in the Council discussion a few months ago, she was pretty strong on getting rid of our recycling silver bullets because they were going down the highway half full and it was not efficient even though it was convenient. This is efficient and is being well used. This is something that feels environmentally sound and although it is an additional expense, it seems to be a good fiscal investment so for that reason she supports it. It is not without risk and she says it to Mr. Jordan and to Councilor Ray from Portland who is the Chair of the Transit District. We, Freeport, are investing \$40,000 extra dollars in addition to what we are already putting in a year and get one Board seat and it is not a lot on a big board. That is of concern to her because it means that we do not have full control over what happens in decisions on capital investments that are made. That is a leap of faith. As a Councilor in charge of our money, along with her peers, she says to Mr. Jordan and the Board that she trusts that the other communities that have more votes are fiscally conservative and will take into account the concerns of the minority member communities as they decide to move forward and adjust with the times and invest in the nature of the service as the group sees fit. She is not particularly comfortable with it but thinks on balance, given the benefit our community is seeing, and we are moving into a different world where not everybody will be driving their car down the highway, that this is something that makes sense for the community. She does it with some trepidation and she hopes it works out. She feels Mr. Jordan has been managing the service. It has been quite successful. She wishes the service the best and will continue to send her kids to Portland using it. Councilor Horne thanked Mr. Jordan for handling all the questions the Council put forward.

**ROLL CALL VOTE:** (7 Ayes)

---

2 Minute Break was taken.

**MOVED AND SECONDED:** That we consider under OTHER BUSINESS the FY19 Audit Presentation at this time. (Reighley & Gleeson) **VOTE:** (7 Ayes)

---

**OTHER BUSINESS:**

1. FY19 Audit Presentation (Auditors RKO)

Chair Tracy explained that Jennifer Connors of Runyon Kersteen Ouellette is here to talk about our Annual Audit. The Council has a summary of the Audit results in its materials. They are also online if people are interested in following along.

Ms. Connors asked Councilors to turn to page 2 containing the summary of the audit results. She went through the various slides and provided an explanation for them and answered questions for Councilors.

Councilor Reighley asked what the percentage was for education in 2015, 2016 and 2017. Ms. Maloy noted she could get that for him. It is continuing to show an increase and he feels we need to have a more serious discussion with the RSU in his opinion. Chair Tracy explained that the Council meets with the RSU5 every year and talk about the budget and how to streamline it and concerns about rising budget costs. She wanted to set the record that we do have ongoing communication with RSU5 about those expenditures.

Chair Tracy thanked Ms. Connors for staying so long and for the great report. Ms. Connors wanted to thank Jessica and staff for always being extremely organized. They have everything ready when she gets here. She appreciates the effort they put into it. Mr. Joseph mentioned we have less than 1% in debt service so we have a town with negligible debt service, a comparable on the low end tax rate for what we see around here and a 18% Fund Balance. Those three combinations point to very good financial health and huge capacity in terms of if an emergency came up for borrowing. He thanked the Finance team, particularly Jessica. Chair Tracy asked her to convey this message to her team.

---

ITEM #159 -19                      To consider action relative to the appointment of a Town Attorney.

**BE IT ORDERED:** That \_\_\_\_\_ be appointed as Town Attorney for the Town of Freeport. (Whitney & Reighley)

Chair Tracy mentioned that we have been through a year and a half long process of re-evaluating our Counsel relationship. We have had a very good and long relationship with Bernstein Shur. They have been excellent attorneys and great Counsel but we were approached by a local resident to evaluate that relationship and we discovered that we had not re-evaluated the relationship in about 15-20 years as far as she can tell. As a matter of good fiscal business, they decided to do some due diligence and discovered there are some good options out there. They have been through a process of receiving bids, have interviewed various Counsel including our existing Counsel and we would like to work with all of them and we may end up using different matters with different firms but we do have to center on one for our Town Attorney. That process has resulted in a recommendation by the Interviewing Committee and the collective recommendation is that we appoint Drummond Woodson as the Town Attorney for the Town of Freeport. Mr. Joseph explained that our Charter requires an individual named attorney and it will be Amy Chow of the law firm Drummond Woodson. That was included in the RFP.

**MOVED AND SECONDED:** To amend the BE IT ORDERED That Amy Chow of the law firm Drummond Woodson be appointed as Town Attorney for the Town of Freeport. (Gleeson & Horne) **VOTE:** (7 Ayes)

COUNCIL MEETING #23-19  
OCTOBER 1, 2019

Chair Tracy recognized the service provided by Bernstein Shur to us. It has been a very long relationship and they have served us quite well. We don't do this lightly but as the theme of our meeting goes we have to be fiscally prudent in appropriate places and this seemed to be one of those places where it makes sense to make a change at this point. It is not a forever decision but right now it seems to be the right one for this town and hopefully it will work out.

**ROLL CALL VOTE ON THE BE IT ORDERED AS AMENDED:** (7 Ayes)

---

ITEM # 162-19

To consider action relative to an Executive Session pursuant to 1 M.R.S.A. §405(6)(C) regarding a Real Estate matter. (15 minutes)

**MOVED AND SECONDED:** That the Town Council enter Executive Session. (Gleeson & Reighley) **VOTE:** (7 Ayes)

**MOVED AND SECONDED:** That the Town Council exit Executive Session at 9:40 p.m. (Gleeson & Reighley) **VOTE:** (7 Ayes)

**MOVED AND SECONDED:** To adjourn at 9:40 p.m. (Reighley & Lawrence) **VOTE:** (7 Ayes)

---

Respectfully submitted,

Sharon Coffin, Council Secretary