

MINUTES
FREEPORT TOWN COUNCIL MEETING #05-21
HELD REMOTELY USING ZOOM TELECONFERENCING TECHNOLOGY
TUESDAY, FEBRUARY 23, 2021

<u>ROLL CALL OF MEMBERS:</u>	PRESENT	EXCUSED	ABSENT
Edward Bradley, 242 Flying Point Road	x		
Jake Daniele, 264 Pownal Road	x		
John Egan, 38 Curtis Road (Chair)	x		
Henry Lawrence, 93 Hunter Road	x		
Daniel Piltch, 25 Quarry Lane	x		
Douglas Reighley, 2 Harbor Ridge Road	x		
Tawni Whitney, 56 Baldwin Road (Vice Chair)	x		

Using the zoom platform Chair Egan called the meeting to order at 7:13 p.m. after presenting the 2020 Citizen of the Year Award to Jim DeGrandpre. He took attendance and noted that all Councilors as well as the Town Manager are here this evening. He explained how members of the public would be able to participate at various times during the meeting.

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Viewing Vice Chair Whitney's flag, everyone stood and recited the Pledge.

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #03-21 held on February 2, 2021 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #03-21 held on February 2, 2021 and to accept the minutes as printed. (Reighley & Piltch) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Councilor Bradley mentioned that he reads these Minutes carefully and cannot believe what the Secretary does with our Minutes. He cannot believe the degree of detail and accuracy of what she does. We don't say it to her but he went through the Minutes this time and she followed everything to a tee! Chair Egan agreed and thanked her.

THIRD ORDER OF BUSINESS: Announcements

Chair Egan announced:

- There will be a **Special Municipal Election** on Tuesday, March 9th at the **Town Hall** from 7:00 AM – 8:00 PM regarding authorizing the Town to issue general obligation bonds in an amount not to exceed \$634,000 to fund our local share of costs to construct bicycle and pedestrian ways as part of a MDOT project to replace the Desert Road and Mallett Drive bridges over Interstate 295. Residents may vote by absentee ballot or come down on Election Day, March 9th. For information on absentee ballots contact the Town Clerk at 865-4743 x123. There is also a website called Connect Freeport which would give a lot of information about the project and the Election.
- Effective March 1, Freeport will be **posting roads** to limit heavy loads. The posting will continue until May 1st dependent upon the weather. All heavy vehicles are required to attain a permit to

COUNCIL MEETING #05-21
FEBRUARY 23, 2021

operate on a posted road in Freeport regardless of temperature. Regular delivery route trucks are exempt (Oil trucks, Propane Gas Trucks, Trash Haulers, Municipal Vehicles and other necessary vehicles). For more information contact Public Works at 865-4461 or check our website: www.freeportmaine.com for the list of posted roads.

- **Volunteer Drivers are Needed to Drive Neighbors in Freeport and Pownal to their COVID-19 Vaccine Appointments.** We could use your help making sure that everyone in our community, who is eligible and would like to be vaccinated, can get to their scheduled appointment at the Mid-Coast Parkview Health Regional Vaccination Clinic at Brunswick Landing. *If you have already been vaccinated* and would like to help out please contact Sarah Lundin at 865-3985 x205 or at slundin@fcsmaine.org.
 - The Freeport Town Council, Town of Freeport, together with the Freeport Economic Development Corporation, and a team of urban planners, designers, and local residents are holding a community planning process to reimagine the future of Freeport's downtown. From now through May, we are gathering input on Freeport's Downtown and we want to hear from you!
- If you would like to be involved in this process, you can take a survey and you can attend the Freeport Downtown Vision Zoom Workshop on February 25th. To register for the workshop and to take the survey, go to the "Municipal News" section of the Town's website.
- **The Annual Orientation for Board & Committee Members** will be held on Wednesday, March 24, at 5:30 p.m. via Zoom. Topics to be covered include the Freedom of Access Act, the Public Notice & Meeting Process and administrative duties of Committee Chairs and staff persons. All Board and Committee members are encouraged to attend this session. Please contact jhanselman@freeportmaine.com if you would like to attend.
 - [Midcoast Maine Ca\\$h](http://Midcoast Maine Ca$h) is offering **free tax preparation** to qualified filers during the tax season. Online tax preparation is available at cashmaine.org or you can call 207-295-6340 for more information

Chair Egan advised that he received an e-mail request for the Town to potentially consider a resolution or at least discuss having a resolution to consider making Freeport a Second Amendment supporting community. This is something that has happened in a number of other communities. The particular focus is on having a declarative statement by the Town Council supporting Second Amendment rights in this State. Individually he is not inclined to move this forward but wanted to bring it forward to the Council to see if there is interest in Councilors here having this item on a future agenda for consideration. If there is an urge for that, we can put it on to an agenda. He wanted Councilors to be aware and the Manager can circulate that information if Councilors wish to have it on a future agenda.

Councilor Reighley advised that as a lifetime member of the Sportsman's Alliance of Maine and as a hunter and fisherman, he has no desire to move this. Councilor Bradley asked if this would be to outlaw assault rifles and things like that? Chair Egan advised that no, it is a request for the Town to make a

COUNCIL MEETING #05-21
FEBRUARY 23, 2021

declarative statement in support of Second Amendment rights. Councilor Bradley asked if it is about gun registration and things like that? Mr. Joseph noted it is the opposite. It is in reaction to recent town actions in a town up in the county where they declared a sanctuary city where they would not enforce federal laws beyond the Constitutional requirements for gun ownership. Councilor Reighley noted it is Fort Fairfield and Mr. Joseph agreed. Mr. Joseph pointed out that if any Councilors want that on an agenda, they should contact either Chair Egan or him before the agenda is made for the next meeting.

Vice Chair Whitney advised that Freeport Friends has received vaccinated driver volunteers to help people get to their appointments. She will connect with Sarah Lundin and let her know.

Councilor Bradley advised that we just had an amazing Citizen of the Year event and it is a tribute to both Jim and everything he has done but those things don't come together by themselves and he wanted to acknowledge and thank Kathy Smith for all the work she did to get the word out to everyone about the Citizen of the Year and keep it secret so Jim could have the surprise that he clearly had.

FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Reighley advised that the Ordinance Committee met between our last meetings and we have before the Council tonight the result of work on this Short-term Rental Ordinance going back to January of 2019. If the Council would like to see the stack, this is what we have gone through in building this. He greatly appreciates the work of the Ordinance Committee team, Councilor Piltch, Chair Egan, Sarah Tracy, Mr. Joseph, Ms. Pelletier and himself. They had a lot of help from towns. The Assistant Town Manager in South Portland was a great contributor. He thinks they went beyond low hanging fruit. It is well thought out and they will be asking for input from the Council to wrap it up and get it going so they can have it in place for the summer season.

Councilor Bradley announced that tomorrow at 10 o'clock there will be an organized car parade to further surprise and honor the Citizen of the Year at Wolfes Neck Center. Anybody who would like to join the car parade is more than welcome. We will have the plaque to physically give to Jim so he will have evidence that this was not a sham. It will convene at Mallett Barn on Wolfe Neck Road and go back to the farm and circle the farm porch. He understands Jim will be there to wave and accept the plaque. Chair Egan thanked Councilor Bradley for all his work in organizing that. Councilor Bradley confessed that all he did was call Kathy Smith.

Vice Chair Whitney advised that she has been attending many meetings about the Downtown Vision process. The reach out has been enormous in this town. The Project Team has over 22 volunteers who have reached out through e-mails, web links, Facebook pages, community postings, Freeport Town mailings and the Cable Station. They have had surveys going out and people communicating with each other the old fashion way, attendance at Town meetings to inform community members. Mary Davis, President of FEDC attends many of them. Many people are saying they are receiving multiple notifications about what they are doing and that makes them very happy. The main purpose was to get this word out as far as they could so that everybody has an opportunity to get involved. The first way to get involved is to fill out the survey which Principle put together. It takes a little time but they want to get everyone's feedback so they can come up with a great vision for Downtown. They recently had some good press in the *Portland Press Herald* about the work they are doing. She and Mary Davis have been going door to door downtown extending their posters. Whether they met the store owner or the young worker, they informed them of what is happening. They got a tidbit of their feedback and again, encouraged them to fill out the survey. The next step aside from the survey, this Thursday they have a Town Meeting. It is easy to attend. It is virtual and we are going to learn so much. Principle is going to

COUNCIL MEETING #05-21
FEBRUARY 23, 2021

walk us through the process. If someone knows someone that does not have a computer, Chip Gray at the Harraseeket Inn has extended his ballroom. She will be there because she is taking some Elders there and will attend virtually but in public. It will be COVID safe and they will all be wearing masks.

Mary Davis, President of FEDC reminded everyone that the first phase was all about community feedback. This was their time to go to community businesses, Town membership and make sure folks have a voice in the process for determining what is next for downtown Freeport. That will conclude in an early action plan that they will see in a Town meeting on May 18. We so far have 400 survey results which is a 10% response rate she feels is wonderful. They have 138 people attending the meeting on Thursday and she is very pleased with the time people have spent on the surveys. She is thankful for the 22 volunteers that have spent lots of time to make sure the community has the opportunity to put their voice in on this and for the community members that took the time to fill out the survey. She noted they will be back in touch with the Council on the next two phases as they go through the budgeting process because those phases will be creating the postcards that will help us see the full plan. She feels they are doing well. She displayed a poster that residents will see everywhere. Chair Egan thanked Vice Chair Whitney and Ms. Davis.

Chair Egan wanted to share briefly given the opportunity here to talk about a lot of great convergence of ideas and energies in the community. Councilor Daniele suggested that maybe we have a State of our Community video and address that he would be happy to share, and get a recording up on our various channels of communication in an effort to continue to try to amplify our communication out to the community and solicit communication back from the community. To take advantage of the timeframe here before the Election, he will try to do this in the next 7 to 8 days by the end of next week so it can be up before the Election since that is one of the great things to be talking about is the efforts by ConnectFreeport as well as everything that Tawni and Mary just described. He will ask if Councilors have items, topics or dynamics they would like to have presented in the State of our Community in 2021. He will try to keep the discussion of COVID-19 to a minimum and focus on a lot more positive things going on. If Councilors have items, topics or dynamics they would like to be included in that, please copy the Manager and e-mail them to him and he will make sure they get into the remarks. This is an opportunity to take a moment to share a lot of great things that are going on. Various constituencies around Town may not be as informed as others about all of the different things. There is a wide variety of things going on.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph reported that he would focus less on positive things and more on COVID but promised to do it in a positive way. If residents are vaccinated and want to drive others to be vaccinated, they should contact Sarah Lundin at Freeport Community Services or Councilor Whitney through the Freeport Friends group. Johanna Hanselman in his office has also been working trying to find people. Most of those trips will be to Brunswick to the former Naval Air Station's Recreation facility on Neptune Drive.

Despite vaccine supply restrictions, we have the highest rate of vaccinations in Cumberland County and we want to keep winning that race. As of today, almost 18% of County residents have received one dose and almost 10% have received two doses of vaccine. It is going up about a quarter to a half percent a day and the number is still limited by vaccine supply. As you have all seen nationwide, there is talk about that ramping way up. He thanked the medical workers for doing all that. The 7-day rolling average of new COVID infections Statewide have dropped. The highest day of this pandemic in Maine was January 15 which was exactly 14 days after New Year's and that was over 600 new infections that happened. We are down to about 130 infections per day and it has been a steady downward curve. He has been having conversations with Town Staff and watching that number. We would like to see it going down but at a

COUNCIL MEETING #05-21
FEBRUARY 23, 2021

minimum flatten out. They are talking about opening facilities. Obviously, all the restrictions still in place Statewide would apply. That would be masking, social distancing, best practices and things like that including occupancy limits. They are talking about the Library and the Town Hall. While he does not have an announcement tonight, he noted that the Council will hear from the Town within the next week on what that schedule is going to look like. By the next week he means it will be in the next few weeks. They are feeling pretty good and ask that people continue to help them out. He urged residents to stay tuned. They are hoping to move back to the Library opening and moving away from the appointment only structure to Town Hall. Obviously, there will be occupancy limits as required by State Law until those are lifted. They have seen a little hope that that might be sooner rather than later at this point.

Councilor Reighley advised that he received his first vaccination at the Naval Air Station this past week and found everybody to be helpful. He suggested that drivers pretend they are going to the Flight Deck but don't stop there. Keep going towards the Rec Building.

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 # 27-21 To consider action relative to adopting the February 23, 2021 Consent Agenda.

BE IT ORDERED: That the February 23, 2021 Consent Agenda be adopted.
(Egan & Reighley)

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

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

ITEM # 28-21 To consider action relative to a public hearing for the March 9, 2021 Special Referendum Election. **PUBLIC HEARING.**

MOVED AND SECONDED: To open the public hearing. (Piltch & Lawrence)
ROLL CALL VOTE: (7 Ayes) (0 Nays)

Councilor Reighley advised that he noticed that the Election is posted on the Town's sign and is very visible. He mentioned the revised edition of the Frequently Asked Questions submitted by Greg Michaud that is well outlined. He suggested that Councilors carry them around in their back pockets for anybody who wants to know more about it. He is hoping the Council is writing Letters to the Editor between now and March 9th.

(Note: the 03/09/21 Referendum Election will ask voters to decide on the following question:

Do you favor authorizing the Town of Freeport to issue general obligation bonds?

COUNCIL MEETING #05-21
FEBRUARY 23, 2021

in an amount not to exceed \$634,000 to fund the local share of costs to construct bicycle and pedestrian ways as part of a Maine Department of Transportation project to replace the Desert Road and Mallett Drive bridges over Interstate 295 and to appropriate the proceeds of the bonds for said purpose?)

Chair Egan read the language that will appear on the ballot into the public record. He explained that the Council has been talking about this pretty consistently but wanted to have this public hearing in front of the March 9th Special Election which is two weeks from today.

There were no public comments received.

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

Chair Egan noted that as a Council, we are relatively familiar but we can have a conversation about the bridge and the progress. He partially attended a public information session last week led by Councilor Daniele and our Town Engineer, Adam Bliss. He thanked them for presenting and participating in that. Unfortunately Chair Egan had another commitment and couldn't stay until the end. He asked if there were a lot of questions and answers from the public?

Councilor Daniele replied that there was a good amount of participation. There were probably 10 to 15 people in the first one and 13 in the second one. He heard good questions about the possibility of adding art. Questions about who does the maintenance? We are responsible for plowing but the snowplow drives over the Desert Road Bridge already so it is not a big concern. People asked about other crossing options such as the railroad, a bike/ped bridge which is something we discussed before. As of Monday night, we received requests for 100 absentee ballots and 45 have already been returned. If anyone wants to do a Letter to the Editor in *The Forecaster*, it is due by noon on Friday. It will come out in Thursday's paper and would be the last chance. Chair Egan was hoping we would get a little bit of coverage in *The Times Record*. He plans to write to them.

Chair Egan explained the reason why we are voting in March which is outlined in the Frequently Asked Questions.

Councilor Bradley pointed out that we have the unanimous Council in support of the bond and it would be helpful if we could issue a unanimous statement as a Council that we support the bond so that most of the people in Town would know it is rock solid and in the wheelhouse. It could be a card in *The Forecaster* that says: Freeport Community, The Freeport Town Council unanimously supports the bond issue and urges you to say yes on the following bond issue at the March 9th Election. Chair Egan felt it was an excellent idea.

Mr. Joseph did not want to replace what Councilor Bradley just said, but noted that on the ballot it says the Council recommended 7 Ayes/0 Nays. Chair Egan mentioned it is good to know if you have shown up to vote but it doesn't do any good if you are not actually looking at a ballot at the polling place or on your kitchen table with an absentee ballot. Chair Egan advised Councilor Bradley that he would follow up on this and see if he can get something in next week's *Forecaster*. He feels it will help to have it in there with our logo. We will be able to use it to highlight the ConnectFreeport website which is another place for people to go and find out information.

Councilor Reighley mentioned that if Chair Egan wrote that statement quickly, maybe all Councilors could sign it showing unanimous consent. It was also suggested that people would like to see what it

COUNCIL MEETING #05-21
FEBRUARY 23, 2021

would look like without these improvements. The suggestion is to go to Falmouth and look at the Lunt Road Bridge that went in that has absolutely nothing to provide for bike or pedestrians.

Chair Egan mentioned he would work on the letter and circulate it to make sure the wording is something everybody can support and then get virtual signature consent and then we can submit it with all of our names on it. It is a good idea. Councilor Pilch mentioned that if Chair Egan has a hard copy of the letter in Town Hall, Councilors have to go in this week to have pictures taken for the Town Report, they could sign it in person. Chair Egan advised that he would try to get it there by noon tomorrow.

Chair Egan gave public thanks to Councilor Jake Daniele for organizing the ConnectFreeport activity and being a champion of this project and mobilizing through his networks and community connections.

ITEM # 29-21 To consider action relative discussing amendments to Section 602.C.1.i of the Freeport Zoning Ordinance and Article 6.2.D.1, Article 7.1.C.1 and Article 8.1.H of the Freeport Subdivision Ordinance to require that additional notification be published in another paper of circulation within the Municipality in cases where legal public hearings are scheduled to be held. **PUBLIC HEARING.**

MOVED AND SECONDED: To open the public hearing (Lawrence & Reighley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Town Planner Caroline Pelletier advised that this was discussed at the last meeting. These changes would apply to applications before the Project Review Board. It would apply to Site Plan when there is a Public Hearing and Subdivision when there is a Public Hearing. Legally there are certain times especially when it comes to Subdivision Review, that we have to run a newspaper ad in a newspaper the meets certain thresholds. It has to be able to be mailed. Like the Council, she uses *The Times Record* for the legal notices. During the review process on bigger projects they had during the past year, she heard from people that they don't feel our notification is adequate. They feel a smaller local paper such as *The Forecaster* would be a better way to reach our citizens. Because we have to keep the legally required notification, this would be an additional notification and if the Board was having a public hearing this change would see an ad in either *The Times Record*, or if we couldn't make that, maybe the *Press Herald* and then a second ad in another local paper, most likely *The Forecaster*. The other times this would come into play is with a Site Plan. For Site Plans the Board doesn't always do a public hearing. They would typically only do it for a large project. In cases that they did, it would require this second notification. If the Council decides to move this forward, Ms. Pelletier would probably be back before you next month because there will be additional fees. Since they have not been budgeted, she will be bringing new updated fees back to you for a public hearing so you can consider whether or not those are fees we want to pass along to the applicant.

Chair Egan welcomed comments from the public and explained how to address the Council. There were no public comments provided.

MOVED AND SECONDED: To close the public hearing. (Lawrence & Reighley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Councilor Bradley asked if Ms. Pelletier has any idea about how much this cost adds to any particular application and what would be the smallest kind of subdivision application that would incur that? Would it be for one lot? Ms. Pelletier replied that yes, it would be one lot. If a subdivision comes to the Board for a lot line amendment or adjustment, they always run an ad and it has to have a public hearing. For example, she had one last week and had to run a legal ad in *The Times Record* twice and the cost was

COUNCIL MEETING #05-21
FEBRUARY 23, 2021

\$140.00. Depending on the size of the project, she took a sample subdivision ad for just a basic project and the estimate she got back from *The Forecaster* was \$170.00. We are looking at combined costs to our applicants of over \$300.00. *The Forecaster* is pricier. We also charge applicants an abutter fee up to \$50 per letter. It would be adding an additional \$170.00. Our current public hearing fee is \$110.00. Even if this doesn't go forward, she will be coming to the Council to raise it because it is not covering the cost of running legal ads anymore.

Councilor Reighley mentioned that we discussed presenting this to our State Representative and State Senator so action could take place in the State since the State mandates this requirement. Basically, newspapers are going out so there needs to be a different way in order to do this which may not have any cost factor at all. Ms. Pelletier advised that the Site Plan Public Hearing would be a Municipal requirement but the Subdivision Public Hearing requirements would come under State Law. Councilor Reighley asked if we have done anything about contacting our State Representative and State Senator? Ms. Pelletier did not believe we have and Mr. Joseph added that he has not. He does not believe he was part of the discussion to contact them but he can certainly do that pretty quickly. Councilor Reighley advised that it would help with the resolution and Chair Egan agreed if we are going to be laying on an additional cost on something that is not likely to be here several years from now in terms of having access to a locally mailed newspaper that is going to be able to provide this. He is not sure how forward thinking we are in instituting this in our local Ordinance. Mr. Joseph asked if the question is to eliminate the newspaper requirement completely Statewide and move to some kind of electronic or digital notification? Is this what we are talking about?

Chair Egan mentioned that when the Council talked about this the last time, the context was generally, we are recognizing the decline and viability of newspapers in the print version and, therefore, has the State begun to look at mandates for public notices which are all older language before there was any threat to newspapers in terms of viability? We are following State Law here that says we have to notify and publicly notice things in vehicles which may not be around several years from now. The question is: is the State reviewing how it is going to require its public notice process?

Ms. Pelletier explained that their practice is similar to the Council. They do post public hearing notices on their agendas and on the website. They also have an e-mail group with about 90 people who get all of the Planning Department Minutes, agendas and notices. That is how they are reaching the digital world in this day and age. Mr. Joseph explained that the request that drove this initial consideration was that people wanted more newspaper advertisement in a different type of medium of newspaper which would be kind of the tabloid newspaper, if that makes sense. Chair Egan thinks the emphasis we are struggling with here is not about whether or not we should have more or less public discussions of our meetings. We are making a change in our Ordinance to comply with State Law on something that may not be available to us in the near future which is mailed printed newspapers.

Councilor Daniele mentioned the residents that brought this forward were specifically talking about large projects and if that is true, he asked if we want to change *The Forecaster* part to just being a certain size so, we are not putting this cost on everybody who tries to divide their lot if we move forward with this. It could be a compromise as the State figures out that the problem would only be if they are dividing it four ways or some other number, then we would want to give additional information out. Councilor Lawrence feels the part we are having an issue with is that the State mandates that we use a paper that is mailed and that is going to be a problem in a few years. If we do away with the requirement, we still have to notify and it does not stop us from notifying more. It is not the mandate from the State to pass something that is not necessarily going to be there. If we do it now, it makes it easier.

Ms. Pelletier clarified that this requirement is above and beyond what State Law requires. Now we will be

COUNCIL MEETING #05-21
FEBRUARY 23, 2021

printing in two papers where State Law for Subdivision only requires one. She noted that we have two size subdivisions. We have a major and a minor. The downside is that a 3-lot subdivision could probably be the minimum. It doesn't seem big but if it was next door to you, it could seem big. That could be one of the arguments. For Site Plans she really doesn't run them that much. If we do run them for Site Plans, it is a Site Plan that is a Subdivision like a big apartment building, so if you wanted to come up with a compromise, she could look at altering what is before the Council and requiring it for major subdivisions and not the additional requirement for Site Plan and minor subdivisions. We could reach out to the State and see where it stands out on their radar changing their legal obligations. Councilor Daniele advised that he never used *The Times Record*. When we are talking to the State, if we could choose to use *The Forecaster* to meet the paper requirement, it makes more sense to him because it is a local paper that can be picked up anywhere in Town.

Councilor Reighley asked if we may involve MMA in this since it is a Statewide issue. Mr. Joseph advised that we should not this year. We already missed the legislative cut-off for lobbying but it is something we can talk to people about to see if there is appetite for it. More discussion followed.

Chair Egan feels this particular issue of how we advertise Planning Board agendas and Project Review Board agendas is part of a much larger question about how we are managing the interface of development in our community and he knows there is an effort going forward to review other ordinance language in our land use plans to review where the obstacles are and how it can be confusing and anecdotally, we are not known as a very friendly community to do business with. He is hesitant to go forward with hard action this evening but he is torn because it is in response to residents saying they are not hearing about our events so he is struggling to go forward with this action item.

Councilor Lawrence feels we are just going around in circles. He likes the idea of letting the Town figure out what it wants to do instead of making it an ordinance. We still have to comply with the State but we are forcing this on ourselves. We can say this is a big enough project, we should put it in the paper. Mr. Joseph asked Caroline if it was in an ordinance and something was not noticed and people did not know about a meeting because it was not published according to the ordinance, that would be a flaw, possibly fatal, against the process for that application? If it was in our rules of order and procedure, that would just be a strike against the Town because we screwed up but would not go against the applicant? Is that a safe way of looking at it? Caroline added that across the Board with a fee, yes, we would want to do it with ordinance that way.

Chair Egan feels the Council is not ready to adopt this tonight. Mr. Joseph mentioned there is no pressure to move forward. Councilor Bradley mentioned that he is listening to this and he does not hear an outcry or outrage in the community about this. There are some people who knew about the project and wished they had some other way to find out about it. He does not see any compelling interest to do this and sees it imposing a significant additional cost on a lot of people in town when it is not really a big enough project. He will vote no on this even though he generally favors more public notice than less. Councilor Lawrence agreed with Councilor Bradley.

BE IT ORDAINED: That amendments to Section 602.C.1.i of the Freeport Zoning Ordinance and Article 6.2.D.1, Article 7.1.C.1 and Article 8.1.H of the Freeport Subdivision Ordinance to require that additional notification be published in another paper of circulation within the Municipality in cases where legal public hearings are scheduled to be held be approved. (Lawrence & Reighley) **ROLL CALL VOTE:** (1 Aye-Piltch) (6 Nays)

COUNCIL MEETING #05-21
FEBRUARY 23, 2021

-
- ITEM # 30-21 To consider action relative to setting a public hearing to discuss enactment of proposed Ordinance Chapter 61: Short-term Residential Rental Registration Ordinance.
- BE IT ORDERED:** That a virtual public hearing be set for March 16, 2021 at the Town Council meeting starting at 6:30 pm to discuss enactment of a Short-Term Rental Ordinance.
- BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office and the Town Manager's Office (and at the Town of Freeport Community Library, if open) for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel and the Town's website. (Reighley & Lawrence)

Councilor Reighley mentioned he was remiss in not thanking the citizenry that also assisted in the construction of this ordinance. They received a lot of help from a lot of different sources.

Councilor Bradley noted the Council is setting up a hearing for a specific time and it is unlikely it will happen at 6:30. There are two hearings scheduled for 6:30. Chair Egan added that the meetings start at 6:30 which is how we advertise them. Councilor Bradley understands but it is not what it said. Mr. Joseph agreed that it is never accurate. Councilor Bradley mentioned a solution is not to put a time and we would not be misleading anyone. They can check the agenda and see where it is. Councilor Lawrence suggested changing the wording to say, the Town Council meeting starting at 6:30 p.m. Councilor Bradley felt that was fair enough. Mr. Joseph offered to investigate that with the Town Clerk.

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

-
- ITEM # 31-21 To consider action relative to setting a public hearing to discuss amendments to Ordinance Chapter 4, Freeport Personnel Policy adding Section 23: Earned Paid Leave, and making various clerical amendments.
- BE IT ORDERED:** That a virtual public hearing be set for March 16, 2021 at the Town Council meeting starting at 6:30 pm to discuss amendments to Chapter 4 Freeport Personnel Policy.
- BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office and the Town Manager's Office (and at the Town of Freeport Community Library, if open) for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel and the Town's website. (Daniele & Reighley)

Mr. Joseph explained that the Legislature passed a law Statewide granting paid leave to all employees in the State, part-time, full-time, it doesn't make a difference. They get one hour of earned paid leave for every 40 hours that they worked. It is intended to give paid leave to part-time employees. We have to comply with it. We have been accruing that as of January 1 as required by Law. Our personnel policy dictates how we do things in regards to personnel and it does not match the new State Law. How we are proposing to comply with State Law is to grant earned paid leave as required by Law to part-time

COUNCIL MEETING #05-21
FEBRUARY 23, 2021

employees and create a new category of leave called Earned Paid Leave. For full-time employees we already give leave well in excess of that requirement. The law was intended to guarantee the minimum accrual of leave for workers Statewide. We accrue at a much greater level than that for all of our full-time employees so we are proposing to convert sick time at the rate required by the law for EPO to convert the existing accrual of sick time for full-time employees to Earned Paid Leave as required by law. One hour for every 40 hours worked would be converted to Earned Paid Leave. This will give full-time employees an additional option on how to spend their sick time. Earned Paid Leave under law can be used for any purpose. Sick time can only be used for sick time or taking care of an immediate family member under our current policy. Really it is not giving anything additional to full-time employees and not imposing any additional cost on the Town for full-time employees. It complies with the law in that respect. We already give that sufficient amount of leave but call it something different. We also give vacation and everything else. It will be adding a part-time benefit for employees which is required by law because we do not currently give leave sufficient to meet the State Law to part-time employees. The departments that rely on part-time help will obviously be impacted the most such as the Fire Department and Winslow Park. It would be essentially be adding 1/40th or 2.5% to the cost of part-time labor.

Councilor Bradley asked if he was hearing this correctly that we are going to convert for full-time employees the opportunity to convert their sick leave into Earned Pay but they can't use it unless they are sick? Mr. Joseph agreed that is correct but the use of that would be limited to only a few circumstances so they will be accruing approximately sick time and then one hour for every 40 hours worked. Councilor Bradley asked if Mr. Joseph has done an analysis on what this will add to the Payroll Budget? Mr. Joseph did not believe it would add much for a full-time employee because the only people that would be using that are people who don't use their sick time regularly or at last one-half of their sick time regularly. Once leave is accumulated, the long-term liability for that is covered in our financial statement so in our audit it accounts for how much time is out there in the books. Councilor Bradley asked when we get to the end of the year, and only half of the sick leave for full-time employees has been used, what does Mr. Joseph do with the half that has not been used? Mr. Joseph explained there is an average rate and we budget a percentage over whatever the regular payroll is essentially to cover what overtime shifts would be required. Most of our departments are not filled when somebody goes out sick. Some shifts at the Police Department probably would be covered if somebody called out sick but not all shifts. If somebody in his department calls out sick, we don't call somebody in on overtime to take that shift. We just have one less person in the office. It will only apply to scheduled shift workers at the Police Department.

Councilor Bradley felt he was not making his question clear so he offered to come in and talk to Mr. Joseph. Mr. Joseph explained that vacation and sick leave will come as what is called EPL vacation leave and will be limited to 40 hours and you will not accrue more than that. Vacation leave you are only allowed to carry over one week per year. Sick leave accrues unlimited but there is a cap on the amount that is convertible to cash on someone's separation. They are all capped in some fashion. It will take some of the unlimited sick time that accrues forever and convert it to EPL which would be up to 40 hours per year that would likely be more usable than accruing forever and sitting in a bank.

Councilor Bradley mentioned he is looking forward to a conversation with Mr. Joseph on this.

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

ITEM # 32-21

To consider action relative to a new non-resident Public Peddler application from Dale Baker d/b/a Nik & Noah.

BE IT ORDERED: That the new non-resident Public Peddler application from Dale Baker d/b/a Nik & Noah be approved pending receipt of all required documents/licenses and fees. (Whitney & Reighley)

Mr. Joseph explained that this would have been a renew in most circumstances. They held a 2019 license from the Town but nobody took out their 2020 licenses because of the COVID situation last summer so the process is a new application but the applicant would have held a renewal license last summer if we had issued any. He was located behind Starbuck's in 2019 for the entire summer. This is the second application this year so there will be two people planning in some way to peddle food this summer. The lottery has already been done for the resident peddler. This is for the one non-resident and this person will choose from the three remaining spots that were not lotteried off. There will be two vacancies that can be filled on a first come, first served basis after these two licenses are awarded. The locations are voted on yearly by the Complete Streets. Councilor Reighley advised that the locations have not been changed but he didn't think they had been voted on either.

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

OTHER BUSINESS:

1. Update on Downtown Visioning Project was done earlier.
2. Update on Comprehensive Plan process

Town Planner Caroline Pelletier explained that the Planning Board is looking forward to its workshop with the Council on March 9th to get some feedback on potentially what the Council will be looking for. Internally her assistant has been doing a lot of research as to Comp Plans in our neighboring communities, what we are looking at for budget, who people are using and how they are getting it done and timelines. Not many people are doing it in-house. They are bringing in a consultant for at least some portion of it. For potential costs, the bare minimum seems to be about \$40,000 even if you are doing most of it in-house up to a potential cost of \$200,000. We are looking at a significant dollar value should we hire an outside firm to do everything. Her predecessor did a lot of the last plan with the help of the Planning Board and part of the reason we have a Planning Board is that they can put time in to adjust our Ordinances and our Comp Plan. The Planning Board will be looking for a little guidance at the workshop and she will bring other figures. She asked if the Council sees the Planning Board taking the lead working with consultants and bringing in other community members for the applicable parts? They really want to hear from the Council. She added that she will be back to the Council to bring two more amendments the Planning Board has worked on. One is for changes to Village Commercial Zoning and for new solar regulations. Their last big project right now is wrapping up Shoreland Zoning. The Planning Board meets next Wednesday and will be looking for feedback from the Council on the 9th so if there is anything she can provide that would be helpful, please let her know.

Chair Egan advised that he would start making a list of things to bring up. He mentioned the need to meet with her tomorrow to discuss Resource Protection 1 and Resource Protection 2 and related to future land uses coming forward such as solar.

Councilor Reighley pointed out that Ms. Pelletier and her Staff are doing a tremendous job and he appreciates the work she does. Councilor Whitney echoed the same comments and added how much she is appreciated in Freeport. She thanked her.

COUNCIL MEETING #05-21
FEBRUARY 23, 2021

Councilor Piltch advised that last year when we did budgeting, we set aside \$25,000 for the Comp Plan. He asked if we spent that? Ms. Pelletier advised that we did not spend it and it will carry over and she assumes it will be spent quickly. Mr. Joseph explained that our budget request that will be for this will assume that the \$25,000 rolls over and we will be using it so the Council will probably see a budget number \$25,000 below what Caroline thinks she will need for the project. Chair Egan thanked Ms. Pelletier for bringing this forward and trying to keep it visible. Ms. Pelletier advised that if people are reaching out with ideas for the Comp Plan, she is keeping a folder. If residents reach out and they feel something is really important, she would be happy to take that and include it in her folder.

Councilor Whitney added that in the meeting she and Caroline were in earlier today, what they are doing right now is a great way for people to get involved and if they are eager to get involved with the Comp Plan and want to jump in now, early action will eventually fold into the Comp Plan so they would love to have them get involved now so they can then fold them over to the Comprehensive Plan.

3. Update on March 9 Bond vote for bridge improvements

Chair Egan asked Councilor Daniele if there is anything that we haven't talked about this evening that he wants to bring forward or questions he might have that either Staff or other Councilors can help clarify?

Councilor Daniele advised that he provided the updates earlier. Adam Bliss just sent him the total costs of the bridges and he will tabulate that so we will have an official number so we can say we are asking for \$634,000 of a \$15M or \$18M project. He will get that information out to everybody. Chair Egan pointed out that GPCOG has done a really good job putting together the ConnectFreeport site in a really quick timeframe. He is 10 times over impressed and awestruck with their capacity to do that and hopes we can use that resource for other potential items in the future. They are a great group of people to work with and a lot of that was due to the fact that Adam had a bunch of material ready to hand to them and weave that information into the site. He feels it flows very nicely and he is completely impressed. Councilor Reighley feels we should be proud of our own who heads up GPCOG and that is Kristina Egan. Chair Egan noted he will be talking with her next month on potential ways GPCOG might be able to work with out community on some climate action planning. They are taking a forward progressive position on items that municipalities and regions can start working on to prepare responses and proactive measures for adaptation and mitigation as it relates to climate change. As a coastal community he feels we are in the square of the center where that might impact us. He will bring information back after those initial discussions for potential engagement with GPCOG.

Councilor Piltch mentioned that the Executive Session might wind up talking about an issue that concerns a potential business interest of his so it is his intention to recuse himself from that and not participate in any discussion or any potential action. Before he hops off the meeting, he wanted to be available in case anybody has any questions for him about that. He would be available to answer questions in the public at next week's meeting as well.

Councilor Bradley noted this is not an easy thing to say but he feels it needs to be said now. At a Municipal Facilities meeting it became clear that Councilor Piltch had a proposal that was a for-profit venture between him and some other people that he knows that involved a potential use of the Bartol Building. In that meeting the question of the potential conflict associated with that was discussed. They relate to three different things. Chair Egan pointed out that this was a topic for the Executive Session. Councilor Bradley did not believe you could talk about conflict in Executive Session but he will do what

COUNCIL MEETING #05-21
FEBRUARY 23, 2021

the Chair wants. Chair Egan felt the whole topic was scheduled for Executive Session and Councilor Reighley agreed with him. Chair Egan is not opposed to what Councilor Bradley is trying to say but thought it was the purpose of the Executive Session.

Mr. Joseph clarified that the purpose of the Executive Session is to talk about potential real estate offers on Town property but the Facilities Committee did talk about it. That is a question of political judgment at this point but there is nothing prohibiting what Council Bradley is saying from being said out loud before going into the Session.

Councilor Bradley mentioned that by way of explanation, Municipal Facilities did not consider any of the real estate options that are going to be discussed in Executive Session. They couldn't get past the conflict issue and felt that they were best addressed by Councilor Piltch and not us because they are his issues and not ours until we know how he intends to act and perform under the options he has. When you started thinking about conflict issues, you didn't want to prejudice Councilor Piltch's proposal or anybody else's proposal by having it affected by a conflict resolution in the middle of the consideration of the proposals. We said to ourselves right or wrong that we would really like to see the conflict issues resolved with respect to Councilor Piltch before going into any comparative consideration of any different proposals. That is why he started outside but would be happy to do it inside if that is how the Council wants to go. He did not think you could talk about conflict issues under the restrictions of Executive Session which are related to local real estate positions.

Councilor Piltch offered to relay some of the concerns. He noted that he does not intent to partake in any discussion that has to do with the Bartol Building. He would not participate in any discussion or any vote on the building. He would step aside for all of that. If his venture winds up being the tenant in the building, he would not partake in any future discussions about managing the building so any expenditures of keeping up the building from a landlord's point of view, he would recuse himself from all of that. The reason being is that the new venture being proposed is a new business that would go into the Bartol Building. He would be a minority partner in that so he would have a financial stake in it and that precludes him from partaking in anything because there is a perception that there is a direct conflict there. He feels it is a good business for the Town and he does not want to get into trying to influence anybody's position on it but he would be happy to talk about the concept but he would only do that in public. He does not want to talk about it behind closed doors but that is how he would approach it. He would recuse himself before transactions are complete and related to the building afterwards.

Councilor Bradley noted that Councilor Piltch is saying there is a direct conflict where there is a financial benefit to be received by a Councilor for a project that the Council would approve. He is saying he would recuse himself from any of those decisions and will address that and any future management decisions that affect the Town by creating some kind of Chinese wall between him and the Town going forward from a management perspective. Councilor Bradley added that the other conflict that was identified and discussed was that the Town is currently engaged in a large planning process for revisioning the downtown and Councilor Piltch is a critical part of that process but will he, by virtue of being the Council's representative in that process and ultimately as a Councilor, be in a position to direct the decisions made under that Planning process in a way that benefits his proposal? Does that create a conflict? If so, how does anybody address that? These issues have been discussed by Councilor Piltch and the Chair but he feels they are important issues because they deal with a perception of conflict, they deal with real conflict, they deal with private responses from competing proposals and they deal with public perception about the integrity of a process which is critical to the downtown. He does not have a beginning thought about how to resolve it all but it would be irresponsible to raise it directly before we go into a comparison of projects.

COUNCIL MEETING #05-21
FEBRUARY 23, 2021

Councilor Piltch added that the downtown is the core of the district he represents so it would be difficult for him to do his job as a Councilor without participating in the Downtown Visioning project. With the current phase it is mostly about gathering feedback from the community and so there is a group of seven that is helping to shepherd the process but that group does not have authority to make decisions about what is going to be accepted or not accepted. It is a Council project and the small group is just helping to make it happen. He doesn't feel he would be in any position to strike any of the input out or favor any other input. He will be participating in the discussion on Thursday and the Town Walk and will preview the report just as everyone on the Council and in the public should have access to. When it comes back to the Council, he believes he would commit to the fact that whatever business he would be in favor of putting in the Bartol Building would be harmonious with whatever comes out of the Downtown project and if it is not, they would pull the plug. He would not want to do anything to the Bartol Building that does not support what the community wants to do. The idea he is proposing is based on anecdotal feedback over the last year or so but since the Visioning project is not done, he can't say it agrees with it. If it doesn't, they won't do it. He would also defer if the Council meets and says there is a perception of conflict even if there is no direct conflict. It is work he is passionate about and he would love to keep doing it but if the Council feels it creates a problem, he would be happy to discuss it.

Councilor Bradley mentioned that a number of different options came to mind. 1) Councilor Piltch could resign from the Council and go forward with his project and there would be no conflict. 2) He could resign from his project and stay on the Council and there would be no conflict. 3) He could withdraw the proposal. 4) We could delay the determination of the comparison and choice of projects until the revisioning project is completed and then we would know what it is and it would be less persuasive that anything Councilor Piltch participated in as a member of the Revisioning group and any impact on for the choice that goes into the Bartol Building so we could delay the choice on the Bartol Building until the early action plan is decided. He does not know if these things are helpful or focus the conversation, but they are all potential ways.

Councilor Lawrence pointed out that we are all citizens of this town and if we had businesses in this town, wouldn't we have this same problem? If he had a business and is on the Town Council looking out for the whole town and his business is specific, does that create a conflict? Councilor Bradley noted it is not the same one that Councilor Piltch is dealing with. He is sitting on a Council that is going to make decisions about his ability to conduct business but the terms of his business have a much more direct connection as a representative of the Town and as a business that needs Town approval and Town terms. L.L. Bean doesn't need anything from the Town or Bow Street. Councilor Lawrence agrees there is a lot more going on here but he was just bringing up his thoughts.

Councilor Reighley feels this back and forth is going back and forth. He understands Councilor Piltch's position and hears Councilor Bradley and Councilor Lawrence but feels it is time for the Council to move into Executive Session. Chair Egan feels the conversation continued here because both Councilor Bradley and Councilor Piltch wanted it to happen in public and not in Executive Session and that was part of the reasoning for having that conversation. Mr. Joseph would not encourage any further discussion on the potential terms of business proposals publicly with people who may be listening on any form of social media this is being broadcast that may have interest and may want to listen to what is being said. This was only talked about with three Councilors on the Municipal Facilities Committee. He feels the question of conflict is an appropriate question to have in public whether the Council solves that now or after hearing the proposal. It is out there.

Councilor Bradley noted it will be very hard to be talking about the merits of Councilor Piltch's proposal if you feel he has a conflict and that is the reason for dealing it in public and trying to get it resolved before getting into a comparative process of looking at different proposals for Bartol. That is his concern

COUNCIL MEETING #05-21
FEBRUARY 23, 2021

but he offered to do whatever the Council wants. Councilor Piltch added that his hope is that if the Council gets to the point in discussing the merits, he would not expect that the Council would treat his proposal any more favorable because of his position. If the Council does not believe it is a good proposal for the Town, he does not believe it should move forward. If it is a proposal that the Council believes will create more controversy, that is okay with him as well and it would not affect his ability to work with the Council in the future. He hopes there is a way to be fair and look at it on its merits and say this is a good thing or a bad thing. He would be happy to address the conflict issues in public if he needs to.

EXECUTIVE SESSION:

ITEM # 37-21 To consider action relative to an Executive Session pursuant to 1 M.R.S.A. § 405(6)(C) pertaining to the acquisition or disposal of public property /real estate.

Mr. Joseph explained the process that would be followed. Caroline will keep one account open.

MOVED AND SECONDED: That the Town Council enter Executive Session.
(Lawrence & Reighley) **ROLL CALL VOTE:** (5 Ayes) (1 Nay-Bradley)

MOVED AND SECONDED: That the Town Council exit Executive Session.
(Reighley & Whitney) **ROLL CALL VOTE:** (6 Ayes) (0 Nays)

Chair Egan reported that the result of the Executive Session is that the Council is not taking any action on the proposals submitted and the Town Manager is directed to collect additional information and the subject of which will be presented at the Council's next meeting on March 2. Mr. Joseph mentioned he would have enough time to have a conversation and will report back to the Council.

MOVED AND SECONDED: To adjourn at 10:19 p.m. (Reighley & Whitney)
ROLL CALL VOTE: (6 Ayes) (1-Recused-Piltch) (0 Nays)

Respectfully submitted,

Sharon Coffin, Council Secretary