

MINUTES
FREEPORT TOWN COUNCIL MEETING #05-19
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY FEBRUARY 26, 2019
6:30 p.m.

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

Chair Tracy called the meeting to order at 6:30 p.m. and took attendance. All Councilors were in attendance as well as the 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 #03-19 held on February 5, 2019 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #03-19 held on February 5, 2019 and to accept the minutes as printed. (Reighley & Gleeson)

VOTE: (7 Ayes)

THIRD ORDER OF BUSINESS: Announcements

- Join Freeport Conservation Trust and the Town of Freeport's Sustainability Advisory Board on Wednesday, February 27th for a free viewing of a feature-length movie in the Freeport Community Center, 53 Depot St. **TOMORROW.** Tomorrow is an inspiring documentary that presents actions being taken in hundreds of communities around the world to sustain humankind by changing the way we live. The movie will show from 7-9 p.m. Come at 6:45 p.m. for refreshments.

- **HOMESTEAD EXEMPTION REMINDER**
Under this law, homeowners are eligible for up to a \$20,000 reduction in their permanent residence's property valuation. If you have owned a home in Maine for 12 months prior to April first, you may apply for this program. You only need to apply for this exemption once. Other exemptions include the Veteran's Exemption and the Blind exemption. Forms are available at the Tax Assessor's office or on the town's website at www.freeportmaine.com

FOURTH ORDER OF BUSINESS: Information Exchange

Vice Chair Gleeson advised that the Municipal Facilities Committee met and worked on getting a waiting formula together to get the finalized rfp for the Bartol Library that the Town Manager is working on and get that process moving forward so things are moving quickly. It might be something the Council can discuss at its next meeting.

Councilor Reighley explained that he represented Freeport unofficially tonight at John Duncan's retirement from GPCOG and PACTS. Chair Tracy extended her congratulations to John.

Chair Tracy pointed out that the Appointments Committee will be meeting tomorrow morning. They are doing interviews for Planning Board. We still have vacancies for a District 4 representative to Active Living, a vacancy for a District 4 representative to the Hunter Road Fields Committee, a vacancy for a District 4 representative to Traffic and Parking and there are two vacancies for the Winslow Park Commission. Councilor Lawrence noted he has received interest from a potential District 4 person for the Hunter Road Fields Committee. Chair Tracy mentioned she would report on that at the next meeting.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph displayed the Town's new colorful website which launched between last night and today. He explained the Home page and how to find the most used features on the website. Each department head will have full access to their pages which was not done before. A lot of the content from the old website that had not been updated has been eliminated. He mentioned that if someone finds something that doesn't work, he would like them to let him know.

Chair Tracy asked if there is a title for volunteering for boards and committees and Mr. Joseph noted it would be a great one and can add one. Mr. Joseph mentioned that he can put an emergency banner across the top when necessary. He is happy with it but is still learning. It is good to have that project completed. It has been a year in the works.

Mr. Joseph explained the mobile optimized design and how to use it. Chair Tracy noted that it looks good and thanked Mr. Joseph and staff for all the work that was put in on this.

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

MOVED AND SECONDED: To open the public comment period. (Gleeson & Reighley) **VOTE:** (7 Ayes)

Darrell Fournier, retired Fire Chief and Freeport resident called the Council's attention to the Water Company and that the hydrants are not being shoveled out in a timely manner. He did see that the Fire Department sent out their personnel to shovel the hydrants. He met with the Fire Chief and the Town Manager and asked if that cost was taken away from the contract we have with the Water Company. He provided some historical information that 15-20 years ago a committee was formed to investigate buying the Water Company. When a decision was made not to buy it, an agreement was made with the Water Company at that time that is not being fulfilled today. 1.) Their representative would live in town

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and would be available to respond to emergencies such as water main breaks at businesses or residences. 2.) In the event of a large fire, the Water Company representative would assist us. Since Ron Seaman retired 5 or 6 years ago, he does not believe that position has been filled. They are now responding out of Saco to respond to water main breaks or assist with fires. He is not sure if that is still a policy or not. As a taxpayer he is not sure they are meeting the obligations they said they would do. When the Council is in the middle of budget it will have relations with them. Hydrant rental is a significant part of the budget that we pay and he feels they need to be held accountable for that. He wanted to bring this to the attention of the Council so it could look at that during budget deliberations. He would be willing to answer questions on that down the road to get this addressed.

The second thing Mr. Fournier wanted to bring to the Council's attention, after discussing with a lot of local residents, is the school budget and how it is a significant part of the Municipality's costs. The number of people that vote on the school budget is relatively low. After reading articles, it appears the State of Oregon is leading the way in promoting voter participation to address local needs. They allow absentee ballots to every property owner in the town to vote on items such as the school budget and those types of items. He talked to the Town Manager and realizes there are laws in effect but did not want to get into that tonight. He thinks we may have an opportunity to look at how to do business differently in the Town of Freeport and maybe look into mailing absentee ballots out. He had relatives that lived in town that had a hard time getting out to vote and could not participate in that. If we could mail out an absentee ballot with a one-page sheet of what is being requested that year, he thinks people would be involved and educated and it would increase the participation of people approving that budget. He is not sure anything can be done this year but hopes we can look outside the box and come up with an idea to increase participation. He plans to discuss this with Mr. Joseph to see if there is anything we can do to foster this along. He could bring in a group of people that would like to see this happen.

Chair Tracy mentioned that the Council should look into the laws on absentee voting and discuss that. Mr. Joseph has done some research and discussed it with Mr. Fournier. There are definitely some changes that would have to happen at the State level. Mr. Fournier knows that that would be a challenge. It is an interesting idea from Mr. Joseph's point of view. Voting laws are very strict about what we can and cannot do with absentee ballots. It would be a statewide change. It could be mandatory statewide like what is happening in Oregon or it could be an opt in local thing. If it is presented as a local opt in change, it would definitely require Council deliberation.

Councilor Horne asked if the town has a contractual relationship with Maine Water? Do they own the system outright? Mr. Joseph advised that they own the system outright and set their rates through a rate-setting process. While he was not here at that time, there are people that are still here. There were a lot of formal and informal agreements made that aren't of a contractual nature but he thinks they were interpreted and intended to be contractual. They are a public utility and serve the town. Councilor Horne asked if we have any leverage? Mr. Joseph thinks there was leverage in the past. Mr. Fournier pointed out that a committee called the Water District have members elected annually which has been a non-active committee. It was established probably 20 years ago and they sat down and did a formal study on the costs and benefits of going with that. As far as a written contract, Mr. Joseph is right as they look for a significant rate increase coming this year, it is time to bring up, "if you want a rate increase, what are we getting?"

Chair Tracy suggested that Mr. Joseph investigate what is going on at the PUC if they have a pending rate case. It might be something we want to look at. Once we know what the posture is, we can make a decision. Vice Chair Gleeson asked if people run for the Water Committee? Mr. Joseph answered that yes, there are people on it. Councilor Lawrence mentioned there are three people on it but they haven't met in a long time. Mr. Joseph noted they are a quasi-governmental separate body elected similar to the

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Council and they represent the town. It is an overlapping responsibility to the town. They are not functional like the Sewer District's Board of Directors. The Sewer District is a functioning governing board. There is not an actual company or budget that the Water District representatives actually oversee. It is an existing committee and he feels Mr. Fournier is correct on how it was established. As for the question about leverage, sure there is leverage but the leverage was 20 years ago when the discussion was when the Town was thinking about purchasing and taking over this publicly-owned public utility not a privately-owned public utility like Maine Water Company. They have been bought out several times but it is still a corporate-owned public utility. They still have to play by the same rules as a public utility but it is where the management is located essentially. Chair Tracy feels there are issues to look into on this. If any Councilors are interested in helping with the effort, it would be appreciated. We have people working on various activities that are going on. If someone does not have a pending project and would be willing to help, let her or Vice Chair Gleeson know. It would be good to look into these issues and see what is going on and what leverage we do have.

MOVED AND SECONDED: To close the public comment period. (Lawrence & Reighley) **VOTE:** (7 Ayes)

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

ITEM #31-19 To consider action relative to adopting the February 26, 2019 Consent Agenda.

BE IT ORDERED: That February 26, 2019 Consent Agenda be adopted. (Egan & Reighley)

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

VOTE: (7 Ayes)

ITEM #32 -19 To consider action relative to Victualer License Ordinance compliance for Doherty's North Freeport General Store, 130 Wardtown Road.

BE IT ORDERED: That a Public Hearing be scheduled for March 19, 2019 at 6:30 pm in the Freeport Town Hall Council Chambers to determine whether Doherty's North Freeport General Store, 130 Wardtown Road is required to obtain a Victualer License pursuant to Section 8 of Freeport's Victualer License Ordinance (Chapter 30).

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

Mr. Joseph explained that this is the result of the unique provision in our Victualers Licensing Ordinance that a determination has to be made if a business doesn't have a victualer's license and is supposed to, the Council must determine that they are required under the terms of the Ordinance to receive one. In this case obviously, staff is fairly confident that that is the case so it is on the agenda for the Council to look at but must determine that that determination is correct. If in fact they are required and have not received one, the enforcement can be taken care of without further Council enactment. It is a determination to see

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whether or not enforcement would be warranted effectively. The Council is actually determining if under the terms of this ordinance, is that business required to obtain a victualer's license? In this case, it is a business whose victualer's license has expired and has not renewed. This is the first step of an enforcement process.

Chair Tracy mentioned that the Town Clerk's memo says that the Council has to provide three days' notice of the time and place. We have obviously noticed this at the Town Council and there will be a letter mailed to the proprietors of Doherty's North Freeport General Store. Mr. Joseph advised that after the Council sets the date and place for a public hearing, the Town Clerk will send a certified with return receipt letter to the owner so they are aware of it.

Councilor Egan asked Mr. Joseph if the business owner is aware that this is going on and are they contesting that they don't need a victualer's license? Mr. Joseph advised that yes, they are aware of it. They have been contacted several times. Their previous license expired December 31 and a few contacts were made by the Town Clerk's office. Councilor Egan knew that the business owner was out of town on vacation during the first few weeks of January which may be part of the reason the town has not heard from him. Mr. Joseph advised that if it is renewed, it will be put on the Council's agenda for an issuance. Councilor Reighley pointed out that Doherty's Store had issues last year too so he has seen this two years in a row. He asked if there is anything we can do to make sure the owner understands he has to do these things every year and pay his taxes on time? Mr. Joseph is confident the business understands the requirement at this point. It is just a question of whether it is done or not. Holding a public hearing is the only mechanism the Town has to enforce that ordinance.

VOTE: (7 Ayes)

ITEM #33-19

To consider action relative to amendments to Zoning Ordinance, Chapter 21, Section 104, Section 409 and Section 411 to allow car washes, and clarify setback reductions in C-1 District and to clarify combined setback requirements in C-3 District.

BE IT ORDERED: That a Public Hearing be scheduled for March 19, 2019 at 6:30 p.m. in the Freeport Town Hall Council Chambers to consider amendments to Zoning Ordinance, Chapter 21, Section 104, Section 409 and Section 411 to allow car washes and clarify setback reductions in C-1 District and to clarify combined setback requirements in C-3 District.

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

Mr. Joseph explained that the Town Planner and Planning Board representatives will be at the public hearing in three weeks. The three public hearings before the Council to schedule are three zoning amendments that were all brought about by applicants before the Planning Board. They filled out applications and went before the Planning Board and presented their case. The Planning Board takes it and deliberates and they make other changes. These recommendations came from the Planning Board based on three separate applications that were made to the Board for zoning amendments. Each of these

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were recommended by the Planning Board so that was the first filter. They look at it from a zoning perspective and make a recommendation to the Council either pro or con.

VOTE: (7 Ayes)

ITEM #34-19

To consider action relative to amendments to Zoning Ordinance, Chapter 21, Section 426 to differentiate islands that are connected to the mainland with a causeway and those only accessible by water, and to establish restrictions accordingly, to update timber harvesting language, and update the use of “nature interpretation” to outdoor recreation and outdoor recreation school.

BE IT ORDERED: That a Public Hearing be scheduled for March 19, 2019 at 6:30 pm in the Freeport Town Hall Council Chambers to consider amendments to Zoning Ordinance, Chapter 21, Section 426 to differentiate islands that are connected to the mainland with a causeway and those only accessible by water, and to establish restrictions accordingly, to update timber harvesting language, and update the use of “nature interpretation” to outdoor recreation and outdoor recreation school.

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

Mr. Joseph explained that we have an Island District which is very restrictive. All of our islands are in that district except Bustin’s which has its own rules. The two islands that are being sought to be differentiated are the island at Little Flying Point which is connected by a causeway and Bartol Island which is in Harraseeket River connected by a causeway. The owners have approached and said these two islands are different because they are connected by a road system. They are not really islands even though they are drawn as islands on the Town’s map with a thin causeway connecting them. That is what the application focused on and changes that would be appropriate so that other uses might be allowed there that would not be intended to be done on islands separated from the mainland.

Chair Tracy had a question about the nature interpretation change to outdoor recreation and outdoor recreation schools. Does this mean that this change would allow an outdoor recreation school on Fox Island and Bartol Island? Mr. Joseph explained that currently the ordinance allows nature interpretation but does not provide a definition for nature interpretation. His understanding is that the Planning Board recommends changing the interpretation to include those two uses as well. Chair Tracy noted there is a big difference between an outdoor school that has a structure versus having a nature camp which is nature interpretation and there is traffic and some of the accesses. Bartol Island is a residential neighborhood. She asked if that came up at the Planning Board at all? Mr. Joseph explained he was not at those meetings. If it was discussed, it never made it into the Zoning Ordinance. That is for the Council’s judgment to determine if it is appropriate at this point because it holds no weight if it wasn’t put in the ordinance when it was adopted. Chair Tracy advised that she would like to get more background on this from the Town Planner before the meeting as to why a school was proposed as an allowed use on these islands and whose idea it was. Mr. Joseph advised that there are only residential structures on either of those islands.

VOTE: (7 Ayes)

ITEM #35-19 To consider action relative to amendments to Zoning Ordinance, Chapter 21, Section 104, Section 406 to allow boatyards in the MD-A and MD-B Districts (Route 1 North) and to clarify flexible setback reductions.

BE IT ORDERED: That a Public Hearing be scheduled for March 19, 2019 at 6:30 pm in the Freeport Town Hall Council Chambers to consider amendments to Zoning Ordinance, Chapter 21, Section 104, Section 406 to allow boatyards in the MD-A and MD-B Districts (Route 1 North) and to clarify flexible setback reductions.

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

Mr. Joseph explained that MD-A and MD-B are the entirety between 295 and the railroad tracks from approximately Kendall north to the Brunswick town line. It includes not just Route One but several of the side streets such as Prout, Allen Range and some of the side streets further up. The intention here is to add boat storage and boat yards as an allowable use in MD-A and MD-B. Other commercial uses are allowed in those zones as well.

VOTE: (7 Ayes)

ITEM # 36-19 To consider action relative to adding meeting with the RSU5 on March 28, 2019 to the Council meeting schedule.

BE IT ORDERED: That the Town Council meeting schedule be amended to add the RSU5 meeting on March 28, 2019. (Reighley & Gleeson)

Chair Tracy explained that this is a meeting we have every year with RSU5 and the governmental bodies, the Selectmen in the towns of Durham and Pownal. It is an opportunity to learn a little more about the RSU5 budget. It is an opportunity to also talk about any concerns or opportunities for collaboration between the towns. She encouraged full attendance and requested that Councilors let her know if they can't attend. She asked Councilors to please get this on their calendars. It is important to be there in a complete body. She assumes the other two towns have been notified of this meeting. Mr. Joseph assured her that they notified their people. He was on an e-mail chain with the two town administrators and the superintendent. Everybody has been made aware and he believes both towns have confirmed that their chairs and a few members will be there for that meeting. The meeting will begin at 6 p.m at the Freeport Community Center.

VOTE: (7 Ayes)

OTHER BUSINESS:

1. Public Works and Recycling update

Town Engineer, Adam Bliss provided a contaminated recycling report. He explained that this is based on data he receives from ecomaine on the recycling we bring in there. It is put into a data base with help from his friend Howie Berger who is in the audience this evening. He is a resident of Freeport. Mr. Bliss advised that contaminated waste is no longer being received in China which is an important issue. He displayed a screen showing the four silver bullets and the transfer station. 421 tons of recyclables were brought to ecomaine and 59 were rated as contaminated. We are currently paying \$70 per ton for waste and it will soon increase to \$73 per ton. He displayed a graph analyzing the data. Chair Tracy asked what the town pays for recyclables. Mr. Bliss explained that the town is an owner community and does not presently pay fees for contamination levels below 26%. As of July 1, 2019, we will pay \$35 per ton for all contaminated loads of 25% or below. Chair asked if even if it is 0-3% we will pay \$35 per ton for that load. Mr. Joseph noted that we would but that ecomaine's owner communities are going to \$35 per ton without penalties. We are going to be paying tonnage costs for recycling and the solid waste will be going up to \$73 per ton.

Councilor Egan asked if there is a minimum volume that we are expected to provide? Mr. Bliss advised that we do not have a minimum volume. Mr. Joseph explained that it is a controlled stream and everything we generate in Freeport whether it is residential, commercial or industrial has to go to ecomaine. There is no limit.

Chair Tracy mentioned that one of our own sources of recycling is Pine Tree Waste which is a private company and gets paid money to pick up garbage and recycling at residences and then brings it to ecomaine. Her understanding is that that charge is to Freeport because those trucks originate in Freeport. Do we then pass the cost through to Pine Tree Waste or do we need an ordinance change to do that? Mr. Bliss found this to be an excellent question and the short answer is we need an ordinance change to do that. The Ordinance Committee has met to discuss that and was directed to meet with Pine Tree to understand their position should this ordinance be amended. He met with Pine Tree last week in a joint meeting with the Town of Yarmouth's Public Works Director and Town Manager and would say that Pine Tree is very receptive to working with Yarmouth, Freeport and ecomaine to bring the contamination levels down. They shared with Mr. Bliss that they have no problem incurring those costs but they will be passed on to their customers. They told him it would be a nominal increase. While he doesn't know what nominal means, maybe on the order of a dollar or two either a week or a month, however they bill. They said the volume is so low and divided by the number of customers, it would be a nominal increase. Mr. Joseph calculated that it would mean \$300 per week in incurred costs.

Councilor Horne asked that if they are triggering costs for the Town of Freeport, they would pay us and then pass the costs on to their customers? Mr. Joseph answered yes. Councilor Horne mentioned that there would be some mechanism that we would charge Pine Tree for these overages and Mr. Bliss agreed. While it is easy to pick on Pine Tree, they do not have the ability to monitor due to their large customer base and extensive route in distance and miles or the ability to have a driver get out and inspect bins as they drive along. What they can do, and they shared this at last week's meeting, is have a video camera that sees what is being tipped into the compartment. Unfortunately, once they see it, it is already upside down and being dumped in. They can record that address with a GPS location and then provide the information back to the town so we can follow up and look at behavior change education.

Chair Tracy pointed out that they could hire another employee to stand on the back of the truck like they used to and decide not to pick up a contaminated load. They could decide not to for costs but they could do that. Mr. Joseph mentioned safety reasons for having someone on the back but someone could do a spot check inspection ahead in a separate vehicle. That is how it is done in cities and the inspector will

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reject recycling containers if there are more than a couple little odds and ends. They will put a sticker on it and wheel it off the curb and people will have to figure out why it got rejected or pay to dispose it somewhere else. Pine Tree could do that but it would significantly change their model and costs.

Councilor Reighley mentioned there is a camera at the South Freeport Store and asked how often it is monitored. Chair Tracy replied that we do it all the time, all day!

Mr. Bliss then displayed a colored tree map with six parts and explained it. Chair Tracy asked Mr. Bliss if he knows how much Freeport has paid for Pine Tree. She wants to know that because she feels we are subsidizing a commercial venture and feels it is totally unacceptable. Mr. Joseph advised that per the way that our structure is set up for solid waste disposal, the Town pays all tipping fees. It is per a charter amendment from many years ago that says the Town cannot enact user fees or pay per bag fees for disposal costs. It says RWS in the charter but that is Regional Waste Services which was the predecessor to Ecomaine. There are two components to everything you throw away. One is the disposal cost and the other is the transport cost. We are paying Pine Tree's disposal bill for the MSW portion. It has been that way for 30 years. It is a provision in the Town's Charter that requires it. It is not something the Council can change without a charter amendment voted on by the public.

Mr. Joseph advised that one-third of the recycling tonnage is generated at the Transfer Station, one-third is generated in all the silver bullets combined and one-third is from Pine Tree. While this is not accurate, it is a good way to think about it. Mr. Bliss feels we should also be thinking about reducing the number of containers and he is thinking of removing the one at Doherty's and the one on West Street and offered to change slides to send that point home. He gave his Transfer Station Manager a lot of praise. Mr. Bliss explained the last slide.

Josh Olins, Chair of the Sustainability Committee pointed out that \$35 a ton for recyclables waste is based on a commodity price. Right now, the bulk of what we are recycling at Ecomaine is paper and cardboard and that commodity price has dropped to a negative so in order to cover the commodity price, they are adding the \$35. It will not be there forever. Prices are climbing back up again. Plastic sells for \$800 a ton. Paper is really low right now. Allowing the haulers to pass on the fees to customers he is totally in favor of that. While it seems like a great solution, he doesn't think it is the end of it. It still allows the haulers to perpetuate this myth that their customers are actually recycling and what happens when they pass on \$1 a week or whatever to each customer, it is just getting put in the trash. Meanwhile, all the customers are thinking they are doing the right thing and not being educated properly and not sorting properly. If the Council decides to have an ordinance that allows them to pass on that cost, we should also encourage them to notify their customers that what is happening in those situations is not recycling. It's just trash burning.

Chair Tracy added that it might be recycling, in most instances it is just the \$35 cost which is recycling. She wanted to be clear that we are saying they should pass on the cost or not. It is a competitive market and that is a private business. We are saying that we are not going to subsidize a private business and have the Town of Freeport paying their costs. She does not want to get that confused in this and make it appear that we want to pass on cost. We have no opinion as to whether the cost should or should not be passed on. Consumers can make a decision as to whether they want to continue to get their services when the costs go up or not. Our taxpayers should not be paying for the costs of a private recycling hauler and we also need to have a philosophical discussion about whether our taxpayers are going to be paying for the costs of recycling and whether we as a town want to subsidize for residents and businesses. That is a policy discussion and we need to have it. Mr. Joseph advised that that is part of the reason why Freeport and Yarmouth met with Pine Tree was to say "this is what we are considering doing which has already got Council support and will likely happen. Can you tell us what your business response to that is?" He

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feels it was important to bring that information to the Council. Does that mean they just stop collecting recycling completely since three-quarters of the loads are going to be treated like MSW and they just say, "we don't want to do recycling any more and will just throw it in the trash." We need to know that.

Councilor Lawrence asked what makes the bins contaminated? It looks like there is an opportunity for education. Mr. Bliss mentioned when this issue became a hot topic, ecomaine was responsive to adding more educational workshops. Freeport had at least three of them since that time. They have recycling educators and coordinators on staff. Josh Olins mentioned that he would break down the word contamination into two real categories. One is you don't know, you don't care or you don't have time. It is a laziness. You don't know so you toss it in. No one is looking so you toss it in. The other side of contamination is called wish-cycling where you look at a pen or toothpaste tube and you say, oh that is plastic and could be recycled and they will know what to do with it. You toss it in the bin and hope that it gets recycled. Education can address some of both of those areas but it will not address the folks that put stuff in when we are not looking or use it as a way to save their own money. The greatest thing they are doing now is an app and everybody in the community needs to have one on their phone. It is called Recyclopedia and can be downloaded from the App Store or from ecomaine's website directly. Schools and businesses should have it. It should be on the front page of our Town's website. He mentioned that waste products were much simpler in the past. Now we have containers with multiple products so it has gotten very confusing. The best thing we can do is educate.

Howie Berger advised that the data comes with a trap. You go to how much money does this cost and how much are we paying? That needs to be addressed but he is hard pressed looking at the data and say we are getting 60 tons of data out of 420 collected which really comes out to 18% and 19%. That is not a very good goal. When the data is sitting there and showing you that you are skewed to the right and you are skewed to the right significantly. The idea that somehow or other there doesn't need to be addressed taking high volumes of level 6 pollutants and bringing them down to a controllable level seems if we don't come away with some way to address that, we have not understood what Adam or Josh are trying to tell you or rather what the data is trying to tell you. It was raw data put in with no prejudice and no multiplier. Just look at it and try to find a way to get across the point that what is currently in place does not work. What you do to address that is clearly legislative but the data itself is coming back and expressing that there is a flaw in the system. You don't want to say over the course of a year we gave 120 tons of polluted material to ecomaine. It just seems like it was relatively straight forward and if the Council can come up and find a way to address that, both from Pine Tree's standpoint. The idea that someone could just say it is only a couple of bucks, Josh would be outraged. It is tons of more polluted material and the silver bullets spoke for themselves as well.

Chair Tracy asked Mr. Bliss if he will address the other topics on his agenda tonight. She asked if he wanted to address one or both of them. She thinks the Council should talk about whether to have a policy discussion tonight. She would propose tabling it and having a full policy discussion at another meeting on recycling. We would have options on the table for the things that we can do. The Ordinance piece will come to the Council on what we do about Pine Tree but there is a larger discussion we are having here is how are we going to approach recycling because we are paying per ton which we were not doing before and there is a fair amount of contamination and we need to address that and how do we do that?

Mr. Joseph advised that last week Yarmouth decided to close all their silver bullets and go to a compactor only solution, single stream like we have at our Transfer Station for very similar reasons to really control the contamination rate that way. When they make that change, that would have some implication on us. Chair Tracy noted we may recycle some of Yarmouth's. Mr. Joseph estimates that some portion will come to Freeport. Mr. Bliss advised that the data tends to equalize that if we take away silver bullets, the remaining containers will receive more volume. We can't get to zero percent. It is unattainable. Chair

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Tracy agreed but we can consider options. On the ones we keep, do we gate them off and not have in the dark of night drop-offs or do we install cameras. Mr. Joseph mentioned monitoring them and using staff resources and look at expenditures to actually actively monitor them or camera monitor them. He mentioned the Council has a regular meeting next week and he and Chair Tracy and Vice Chair Gleeson can talk after tonight's meeting about the agenda. Next week there is a light agenda and we know what the topic is. Chair Tracy proposed doing that.

PACTS Collector Roadway: Pavement Condition Report

Mr. Bliss mentioned this is information sharing and is really a state of the roads update. The background is the Town of Freeport with at least fourteen other Greater Portland communities are part of PACTS. We are in PACTS because the federal government and the U.S. Census Bureau has defined an area that places road maintenance responsibility onto the town. It is actually a cost sharing between the town and the federal government via the State of Maine DOT and PACTS. We are only talking about the roads within the PACTS boundary. Those roads received a pavement condition rating through a contract with an outside consultant. We were one of fourteen that participated in that. That report has been finalized and the rating scale is 0 to 100. 100 is the best and 0 is complete failure. An example of 90 to 100 would be Route One South which we just paved. South Freeport Road would fall into that category. He displayed a graphic showing when and how much we pay for the roads that we treat. We want to treat roads at 75% of their lifespan. It costs \$1 per unit whatever that unit might be, a ton of asphalt or \$1 per square yard what have you, rather than let them fail completely when it costs 25 times as much. We received an overall score of 82 which is a good score. The average was 75 for the entire Greater Portland area. He displayed a map focused on color and explained it. He noted that we compete for federal funding and that is why we paid a consultant to rate these roads because it objectively grades the roads rather than subjectively and politically.

He explained that we just paved Route One South and Lower Main Street and thanked the Council for moving funds and combining two fiscal years together so we could pave the two sections at once and saved a lot of money by doing so. The South Freeport Road we paved in 2016 and 2017 and it was graded very well. He explained that a section of South Freeport Road is unique in that it is a State maintained road but still falls in the federal PACTS area. That will be changed by DOT this summer. The other roads are South Street, Bow Street, Upper Main Street, Mallet Drive and Route One North. Mr. Bliss considers Route One South, Lower Main Street from Desert Road to West Street, Upper Main Street from West to Mallet and Route One North. In two years' time, Mallet Drive, and the way he thinks of Mallet Drive is an intersection of three circles. One circle being that we already have Mallet Drive in the Capital Plan. MDOT is looking at rehabilitating the bridge overpass which is the second circle. The third circle relates to this report is that in two- or three-years' time, is when we will be eligible for 75% federal match and 25% town match to receive funding for paving that road.

As for when it will be done, Mr. Joseph emphasized that there are a lot of moving parts because there are three big moving parts and probably five or ten smaller moving parts to tell you what year that is going to be built in. It will be built when all three of the agencies, local, federal and state get together and say, "we can program it all this year." Adam's estimate of three years is a pretty good one. He can talk about where that falls on the priority list for PACTS funding. Mr. Bliss advised that the best he can predict is about three years' time.

Mr. Bliss displayed another bar chart and explained that if we put the road conditions into bins, we have a lot of roads that scored 95-100. It makes sense because we paved the roads he just mentioned. This maybe concerning the 2.3 miles of road that ranked 50-55. We don't want a road to go to 30 or below because that is when we bear the entire cost of reconstructing it. 1.4 miles of that is the DOT paving work on

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South Freeport Road this summer. He displayed other charts showing how we are going to treat the roads shown in the bar chart and flew through that. Mr. Joseph requested that Mr. Bliss display the entire list for the PACTS region and where our highest priority road which is Mallet Drive scores. Mr. Bliss displayed the entire list and explained that one part has already been funded in the current year. There is only \$2.2M available to pave roads so we have to wait our turn.

Regarding stormwater, Mr. Bliss explained that stormwater is precipitation that falls from the sky and hits the ground and runs off into our streams. Paved surfaces have a lot of pollutants associated with them from chloride, phosphorous and other stuff. The Town of Freeport, thanks to the federal government and the U.S. Census Bureau, we are in a federal area that requires us to obtain a stormwater discharge permit and get it approved by the DEP. We go through that every five years and they issue the permit every five years. Sometimes the permit is extended because of negotiations. We are currently in the sixth year of the current five-year cycle. We are in negotiations with thirty municipalities in Maine and the Greater Portland communities have hired a technical and legal consultant to facilitate those negotiations. He expects the draft permit to be issued next month and that permit, if the schedule works out, will become effective a year from next July. What it means is that over the next year he will be taking our stormwater management plan that describes what we are going to do to comply with the new regulations and updating it. That is the big picture sense of stormwater. The focused sense is that the Town has a grant through the EPA and the Maine DEP on addressing water quality impairments both in Concord Gully Brook and Frost Gully Brook. We have a water shed management plan for Concord Gully Brook which is the blue shaded area more generally thought of as the village and Lower Main Street. There are streams that have impairments for chloride, bacteria and excessive parking lot and roof and building impervious areas. Rainwater falls from the sky and hits a parking lot and gets collected into a catch basin system and is discharged into a water body and it causes problems. We have impairments and we were successfully awarded a grant, basically a 50/50 match to begin the long-term process of restoring the water shed. We are not the only community with impaired water and it has been asked before, "what happens if we do nothing?" There is the low risk of being sued. There is the higher risk of having more expensive regulations put into our stormwater management plan forcing us to address it. We are addressing it proactively. He looks for grant opportunities and that is why the Council sees capital funding requests in the Capital Budget. He is expecting to have one in the Capital Budget this year for \$50,000 to fund the remainder of our match of this grant. He has asked for it in one big request and distributes it over a few years. To be clear that this is the second part of Phase 2 which builds off of Phase 1. Phase 1 consisted of stream restoration work off of Concord Road. Phase 2 will also do stream restoration work north of West Street and he will start to look at some of the impervious areas and how we can intercept stormwater and filter it rather than let it just rocket off the pavement. That is what Mr. Bliss is up to.

Chair Tracy asked Councilors if there is any information they need for a recycling policy discussion that we will be having next Tuesday. Is there anything the Council wants to have staff work on other than the options memo she described which is sort of the staff's top three recommended options.

Councilor Egan asked who owns the silver recycling collection containers? Chair Tracy noted they are owned by ecomaine. Councilor Egan asked if we addressed anything with them about changing the size of the openings on them? Mr. Joseph indicated that we have and learned that they are not interested. They don't want to deviate from their standard form which they own, since they go all over the place. They are not interested in an individualized solution for Freeport.

Councilor Lawrence asked what we are saving by going through ecomaine? Chair Tracy explained that we are co-owners of ecomaine and it is a long-standing arrangement. Mr. Joseph advised that we can get out of ecomaine but as an owner, we have capital obligations. We would have to pay our portion of whatever capital debt remains and honestly there isn't a better solution for a management district. It

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would be a huge additional cost. Councilor Lawrence asked where Ecomaine is located and Chair Tracy explained that she has heard that the facility is phenomenal so if anyone has any interest, they should go for a tour. Mr. Joseph explained the facility to Councilor Lawrence.

Councilor Horne mentioned that when staff is looking this over, the topic came up of reducing the number of silver bullets. He fears that in removing silver bullets, we might be sending more stuff to Pine Tree which will have a higher rate of contamination overall. Is there a way to bring the silver bullets into our facility as to presort before they go to ecomaine? Something different than just moving the pieces around would be helpful to consider options. He wishes he had greater ideas but he doesn't.

Mr. Bliss asked if there were any action items identified for our next meeting opportunity? Chair Tracy advised that the Council needs an options memo and one of the options is the recommendation to reduce the number of silver bullets. She heard from Councilor Horne whether there would be other options that would be different than that. Her question is for whatever silver bullets remain, what do we need to do to decrease contamination. She is focused on cost and for the taxpayers she represents, she is not interested in subsidizing contamination penalties when they occur. That is something she feels the Council needs to take a look at. The other action item is how much money have we paid on behalf of Pine Tree. When we have that ordinance discussion, we will need to know those figures. We can discuss it off line if that is not clear.

Chair Tracy thanked Mr. Bliss for his presentation and the visuals. She found them very interesting.

MOVED AND SECONDED: To adjourn at 8:40 p.m. (Reighley & Gleeson)
VOTE: (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary