

MINUTES
FREEPORT TOWN COUNCIL MEETING #16-20
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY, JULY 21, 2020
6:30 PM

This meeting was held online/virtually, using Zoom teleconferencing

| <u>ROLL CALL OF MEMBERS:</u> | PRESENT | ABSENT | EXCUSED |
|---------------------------------------------|----------------|---------------|----------------|
| John Egan, 38 Curtis Road (Chair) | x | | |
| Eric Horne, 62 Pine Street | x | | |
| Henry Lawrence, 93 Hunter Road | x | | |
| Daniel Piltch, 25 Quarry Lane | x | | |
| Douglas Reighley, 2 Harbor Ridge Road | x | | |
| Sarah Tracy, 2 Pettengil Road | x | | |
| Tawni Whitney, 56 Baldwin Road (Vice Chair) | x | | |

Chair Egan called the meeting to order at 6:32 p.m. via zoom and welcomed everyone. He explained the process that will be followed for members of the public who wish to participate this evening. He took the roll. All Councilors were present along with Town Manager, Peter Joseph.

FIRST ORDER OF BUSINESS: Pledge of Allegiance.

While viewing flags displayed by Vice Chair Whitney and Keith McBride, the Pledge was recited.

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #15-20 held on July 7, 2020 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #15-20 held on July 7, 2020 and to accept the minutes as printed. (Reighley & Horne) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

THIRD ORDER OF BUSINESS: Announcements

Chair Egan shared the sad news that Suki Rice has passed away. The Council had a conversation a few weeks ago about her contributions to the Freeport Sustainability Advisory Board and her many contributions to this community. She has been ill for some time. We remember Suki and her contributions to our community.

NOMINATION PAPERS will be available July 27th for the November 3, 2020 municipal election for the following offices:

COUNCILOR AT-LARGE – 1 seat
COUNCILOR DISTRICT 2 – 1 seat
COUNCILOR DISTRICT 3 – 1 seat

RSU #5 Board of Directors – 2 seats

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SEWER District Trustees – 2 seats
WATER District Trustee – 1 seat

Nomination Papers are due back to the Town Clerk's Office no later than 6 p.m. on Wednesday, September 9, 2020. *For more information, call Freeport Town Clerk Christine Wolfe at 865-4743, Ext. 123 or email cwolfe@freeportmaine.com*

FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Reighley advised that this morning the Complete Streets Committee met (Chair Egan attended as well). They are continuing to work on the Policy of the Complete Streets and hopefully, it will be resolved at their next meeting on August 4th. It will then be moved to the Ordinance Committee after that for Ordinance Committee review and recommendations. If all goes well, and if Ordinance agrees, it will move to the Council. It has been a long and thorough process. A lot of volunteer hours have been put in and he extended great commendation to the Complete Streets Committee members. Chair Egan pointed out that Chair, Doug Leland has put in an enormous amount of hours into that policy document really incorporating a wide range of stakeholders and issues. The Council will look forward to that coming to the Ordinance Committee and eventually to this group.

Councilor Whitney announced that this morning she attended two meetings. One was with Councilor Piltch for the COVID Loan Program. They received another application that they are planning to approve. She is grateful that we have that program out there to help Freeport businesses keep their heads above water. She also attended a Freeport Main Street Closure meeting this morning. She will leave the update for Keith McBride who will be speaking on it in a few minutes.

Councilor Piltch advised that he met with a small group of folks interested in reviewing the Police policies for Freeport so that effort is moving forward with the Chief's enthusiastic support. For the next step they will be convening with a group of people interested in the policies in particular. There may be a larger discussion about systemic things but for now they are focused on the policies. If anyone is interested in being part of the smaller group, he urged them to contact him or the Chief and they will make arrangements. Chair Egan mentioned he is encouraged to see that we have a group of residents interested in that as well as the Chief's enthusiasm. It should be a fruitful process.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph started off with a bit of good news but cautioned about it is not intended to be a celebration or a let your guard down piece of notice but just some of their observations from the town-side of things, and from the Fire/Rescue side of things. The Chief will be on later but is not on right now just regarding the current situation of the COVID Pandemic and the steps people are taking here both locally in Freeport and in Maine. They are encouraged by what they are witnessing locally. A vast majority of people are following guidance recommendations, standards and this includes businesses and residents when they are out and about. He is hopeful that that good behavior is what is leading to our super low transmission rate and he will knock on wood when he says this. It is good to see people doing what they can and hopefully reaping the results of it but at the same time, he wants to see people stay vigilant and continue to follow all the guidelines. This is where we can either keep this thing low or relax and slack off and turn into other parts of the country where we have seen spikes happen. This is a critical time but they are

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encouraged by what they are seeing and want people to keep up the good work. They have seen no problems whatsoever in any of our Town buildings with people following recommendations and people staying safe. What we are witnessing out on Main Street is fantastic and in the business community and off Main Street as well. It is nice to walk into stores and have somebody greet you with the standard guidance with a bottle of hand sanitizer and say, please do this, this and this. People are taking it very seriously so he thanked everyone in the business community. He recognizes it is not an easy time and thanked all the residents.

He mentioned how they are continuing to deal with little things in Town operations such as spending a lot of time about someone travelling out of state, or someone doing a vacation and yelling down what those personnel policies would look like and how doing COVID testing on the return and things like that are going to run. We are putting a lot of time into small personnel matters, etc, in our effort to try to keep our employees safe but also thanks to our employees that are asking the questions and telling us when they have concerns ahead of time and coming in and talking to us. He is really happy and proud with how everyone is holding up. He is aware that some people are still hurting in terms of unemployment and business downturn. He wanted to focus on that. In that light Vice Chair Whitney did mention that we have a committee that has been working on the Main Street closure question and there are eight people in the audience right now. Some of them may be here both on Zoom and Facebook to hear us talk about this so he wanted to provide an update. It was originally on the agenda at the end but Council leadership wanted he and Keith McBride to provide an update as to what the Committee's recommendation is. Keith will talk about this. It is not an FEDC recommendation. It is a joint Town, Chamber, FEDC, Visit Freeport and some of the individual businesses that have participated in this discussion as well. It is really a business community and in Town decision, discussion and recommendation.

Keith McBride explained that they are making a recommendation at this point that they should reopen Main Street vehicular traffic effective this weekend. It was a collaborative group that worked on this and he listed all the participants that worked on it. He noted that Adam Bliss and Earl Gibson also played a role in helping them get their application to MDOT for the closure as well as Chief Jordan who talked about the logistical issues of public safety in getting vehicles around the closure. He explained how the process started back in April when John Egan noted he had been hearing from residents saying, "Why can't we do something more?" Discussions started in closing Main Street because it provided two things: 1) much needed space for people to feel safe coming here for social distancing and 2) an experiential atmosphere that allowed people more room to walk and experience Main Street. Their process was inclusive of a lot of different ideas and feedback. They went through a lot of revisions to their plan based on that including a lot of residents and downtown adjacent neighborhoods wanting to be sure that the traffic wouldn't be re-routed down their streets making them unsafe and busy. Overall they were encouraged because it was worth a try. It entailed a lot of work by the people he mentioned earlier. They were also able to engage some of our leaders in Augusta to help us as relating to getting through to MDOT. The goal was to have this in place for July Fourth and that deadline moved pretty fast.

Throughout they had to balance public safety not only from traffic but also from the Corona Virus. They didn't want to have an unsafe goal of people attracted here without face coverings, without hand wash stations and sanitizers. We received a lot of participation from local businesses on that. At the same time, they had to walk this delicate line in having an attraction without it being too much of an attraction. We wanted people to come here but not too many people. In walking this fine line, they were never sure where the sweet spot was. Again, they were encouraged by residents and businesses who said it was worth a try and could be something that would have a huge impact considering a lot of the normal attractions were likely going to be axed for all of 2020 and have been for the most part.

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When we look at the traffic numbers which is something we talked about over the past few weeks. Retail traffic in general over the last two weeks is down 45% nationally, down 47% in the Northeast region compared to last year. The Maine Turnpike has reported that their traffic over that same time period is down about 26%. Acadia's traffic year to date is down about 35% yet Freeport's foot traffic for retail businesses is estimated to be down over the last three weekends 68%, 55% and 55% so we are significantly further down. This tells him that there are events such as going to Acadia, going to your camp on a lake or going to the beach where it is more outdoors and is seen as more available and safe whereas shopping in stores in Freeport, people are still seeing as being risky which is why an idea like opening up Main Street and advertising it as it is more safe and there is room for social distancing seemed like a good idea as a way of trying to attract people. They heard a lot of mixed feedback from our businesses. Some people said they were in favor of it and it either had helped or had the potential to help but for various reasons, they hadn't yet seen the benefits. They heard from a number of businesses that were very much against it and some that insisted it was hurting their business. It was very mixed and they were not sure what to do with that split down the middle feedback, kind of almost two polar opposites of the spectrum. They had said from the beginning that if they were not getting the results, they could pull the plug on this and it could stop. He does not feel they are seeing the results right now that tell them it is having a real positive impact. He feels the work for this committee is to go back to the drawing board a bit. His hope is that they will engage some of the residents and businesses that encouraged them to launch into this effort in the beginning and also engage some of the businesses that said it was not working for them and try to figure out if they can refine this idea that has a greater impact because businesses are still hurting. The numbers he gave on traffic are bearing out on sales figures, but he does not have access to those numbers. The businesses he has talked to anecdotally reflect that that is true and the stakes are way too high for them to sit on their hands and do nothing and say that it will work itself out. They have to make an effort here to do something and if this wasn't the right thing to do, they are going to persist and work with those people until they find something that will have an impact. He feels that is the best thing right now that they can do. It is a difficult time. It is a complicated issue and there is very little that we can do to hold back a macro international issue like the Corona Virus and challenges but if there are things they can do, they should do them and they are worth trying. They will continue to explore this. The approval from MDOT is to do this anytime between now and Labor Day. If there is a way they feel this can be tweaked, they may come back and say they want to try this again but will do it differently. There is a lot of work to do between now and then before they can formulate something that they feel will have a bigger impact. There are a lot of folks to talk to and a lot of information to gather so they are proud that they were able to get this done with a lot of hands that made for light work to get this approved through MDOT in a record pace. They appreciate the Council's support especially being willing to participate in some of the funding for marketing, which he does not feel they took full advantage of. He thanked the Council for its participation but wanted to be clear in their recommendation that we re-open Main Street pending any further decision sometime later on by the Council to close it again for some other basis under some other set of plans.

As part of the committee, Mr. Joseph echoed that recommendation and shared that opinion. He clarified what was a kind of macro economic indicator, turnpike traffic is down 26% right now. It is system wide at most interchanges. Freeport is lagging a little bit in the general highway traffic. He plans to watch this for the remainder of the summer. We have a lot of the traffic stats from local businesses such as L.L. Bean. They have shared some of their foot traffic stats and we are sharing some of the vehicle traffic stats with them so we can see what is going on.

Chair Egan thanked Keith for his work on this committee and the challenging decision to get through but it appears to have been a consensus type. If there is going to be any more conversation, he suggested leaving it for the end of the agenda. He feels it will be modest at that point since we have such a clear recommendation from the committee. He asked Keith to express the Council's gratitude to the committee.

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

Chair Egan explained how members of the public could indicate their wish to address the Council.

MOVED AND SECONDED: To open the Public Comment Period. (Reighley & Tracy) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Chair Egan reported that he received a lot of feedback on the vehicle closure experiment on Main Street. It was not all on one side. It was mixed and it was great to see so many people engaged with the process and we got a lot of compliments as a Council to consider something like that and try out an experiment, particularly since we had less than 14 total days to pull that off from when we voted on it and put it in action. He thanked everybody for chiming in on it.

No public comments were received.

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

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

ITEM # 125-20 To consider action relative to adopting the July 21, 2020 Consent Agenda.

Chair Egan reviewed the items on the Consent Agenda and asked if any Councilor had a reason to pull anything off of the Consent Agenda. There were none provided.

BE IT ORDERED: That the July 21, 2020 Consent Agenda be adopted. (Whitney & Reighley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

ITEM # 126-20 To consider action relative to Special Amusement Permits. PUBLIC HEARING.

MOVED AND SECONDED: To open the Public Hearing. (Piltch & Reighley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

There were no public comments provided.

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

BE IT ORDERED: That the following Special Amusement Permits be approved pending Code Enforcement and Fire Rescue approval and payment of all fees due for licensure.

Cadenza, 5 Depot Street, Freeport

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Harraseeket Inn, 162 Main Street, Freeport
Stars and Stripes Brewing, 8 Varney Road, Freeport (Piltch & Reighley)

Mr. Joseph explained that there may not be a lot of Special Amusements during the current situation. This would be music, dancing and may even cover juke boxes and the playing of music in bars and restaurants. This is essentially entertainment at a place where alcohol is served. They are all renewals and there have not been any complaints or problems.

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

ITEM # 127-20 To consider action relative to an Affordable Housing TIF request from Freeport Housing Trust for Property at Quarry Ridge Apartments.

Chair Egan noted that the Council has the whole balance of the TIF narrative to read so we won't make any Councilors read all of that. It is presented as part of the public record as our agenda. We have already had a public hearing on this Tax Increment Financing at our last meeting. We had some discussion and the actual decision to approve or disapprove the TIF was tabled pending legal review of some of the documents that were included in that which were still pending at the time of our last meeting.

Keith McBride feels we are good with legal and the bigger question was getting the language of the order right that appears in all its glory in the Council's agenda tonight. Matt Peters is here to answer any questions regarding the actual project itself but he feels we are good with the documents. Mr. Joseph noted one typo was corrected in the set of documents for final approval for the record. The word "assess" was corrected.

Chair Egan asked if any Councilors have any follow-up questions or concerns about moving forward with the vote. No one raised a hand. He did not believe it was necessary or appropriate to read 2 ½ pages of the order so we have action relative to granting an affordable Tax Increment Financing request to Freeport Housing Trust for the property at Quarry Ridge Apartments with the Whereas as printed in the agenda.

WHEREAS, the Town is authorized pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, to designate an Affordable Housing Development District and adopt a related Development Program; and

WHEREAS, the Town has identified a need for the development of affordable rental housing within the Town and has identified certain property that is available and suitable for such development; and

WHEREAS, the Town has received a proposal for the development of said property, including the rehabilitation of 34 rental housing units, which will be in line with the Town's goal to provide safe and affordable housing opportunities to lower and moderate income households in the Town, as well as improve and broaden the tax base of the Town and improve the general economy of the Town; and

WHEREAS, the Town has held a public hearing on the proposed Quarry Ridge Affordable Housing Tax Increment Financing District (the "District") in accordance with the requirements of 30-A M.R.S. § 5250(1) upon at least ten (10) days' prior notice published in a newspaper of general circulation within the Town; and,

WHEREAS, the Town desires to designate the proposed District and adopt the proposed Development Program as presented to the Town Council this day and as has been on file in the Town Clerk's Office at Town Hall; and

WHEREAS, it is anticipated that the Director of the Maine Department of the Maine State Housing Authority (“MSHA”) will approve the designation of the District and adoption of the Development Program;

NOW THEREFORE, **BE IT ORDERED:**

Section 1. The Town Council hereby finds and determines that:

(a) Designation of the District and adoption and implementation of the Development Program will contribute to the expansion of affordable housing opportunities within the Town, and therefore constitute a good and valid public purpose, and will contribute to the expansion of affordable housing opportunities within the Town or to the betterment of the health, welfare, or safety of the inhabitants of the Town; and

(b) The Town Council has considered all evidence presented to it with regard to any detriment to any party’s property interests or adverse economic effect on or existing business and has found and determined that designation of the District and adoption and implementation the Development Program will not result in a detriment to any party’s property interest or an adverse economic effect on any existing business in the Town, and any such detriment or adverse economic effect is outweighed by the contributions expected to be made by the projects and improvements described in the District and the Development Program to the availability of affordable housing within the Town or to the betterment of the health, welfare, or safety of the inhabitants of the Town.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town Council hereby designates the Quarry Ridge Affordable Housing Tax Increment Financing District as presented to the Town Council.

Section 3. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town Council hereby adopts the Development Program for the Quarry Ridge Affordable Housing Tax Increment Financing District in the form presented to the Town Council.

Section 4. The foregoing designation of the District and adoption of the Development Program shall automatically become final and shall take full force and effect upon approval of the District and Development Program by the Director of the Maine Department of the Maine State Housing Authority (MSHA), without requirement of any further action by the Town, the Town Council, or any other party.

Section 5. Pursuant to the provisions of 30-A M.R.S. § 5250-A, the percentage of the Increased Assessed Value to be retained as Captured Assessed Value in the District and the term of said District is confirmed as set forth in the Development Program.

Section 6. The Town Manager be and hereby is authorized and directed, on behalf of the Town of Freeport, Maine, to submit to the Director of MSHA for review and approval, pursuant to the requirements of 30-A M.R.S. § 5250, the application and such other documentation as may be necessary or appropriate for the final approval of this District and the Development Program. The Town Manager is further authorized and empowered, at his or her discretion from time to time, to make such technical revisions to the District or the Development Program for the District, as the Town Manager deems reasonably necessary or convenient in order to facilitate the process for review and approval of the District and Development Program by MSHA, or for any other reason,

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so long as such revisions are not inconsistent with these resolutions or the basic structure and intent of the District and the Development Program.

Section 7. The Town Manager be and hereby is authorized, empowered, and directed to enter into the Credit Enhancement Agreement contemplated by the Development Program, in the name of and on behalf of the Town, such agreement to be in such form and to contain such terms and provisions, not inconsistent with the Development Program, as the Town Manager may approve, the Town Manager's approval to be conclusively evidenced by his or her execution thereof.

This Order shall take effect immediately upon adoption. (Egan & Reighley)

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

ITEM # 128-20 To consider action relative to a bid award for a Fire Rescue ambulance.

BE IT ORDERED: That Autotronics be awarded the bid for a Braun Ambulance in the amount of \$268,246.00.

*Note: The Rescue Reserve balance is \$719,274.56 as of 6/30/2020.
The Council Appropriation for Ambulance purchases stands at \$286,335.25.
(Tracy & Reighley)*

Chair Egan advised that this is a Capital Budget acquisition. We are actually spending the money so we will have it as a vote this evening. He noted that the Council had a lot of discussion about it during the Capital Budget so we can refresh folks on what the investment will be.

Mr. Joseph explained that this is a replacement for one of our ambulances and noted there is a change to the Dodge heavy duty pick-up truck style chassis. This is a decision they made and the Chief can talk about the specifics. It is a four-wheel drive.

Fire Chief, Charles Jordan explained the bid results they received. They chose Braun and he feels they ended up getting the best ambulance for the least amount of money. He explained the addition of the Power Load stretcher system which brings the entirety of the project to \$268,648.00. Mr. Joseph agreed that this was a wise decision to keep our folks healthy.

Chair Egan explained that previously when we have been making vehicle purchases particularly in transitioning the Police vehicle fleet, we moved away from Mopar towards Ford for the SUVs and sedans. He asked Chief Jordan if he has any concern with the Dodge truck motor and transmission in terms of the long haul. He knows that diesels are much more durable than gasoline engines but we had some anecdotal feedback from Earl Gibson on the long-term ability of the Chrysler Dodge product. Chief Jordan assured Chair Egan that they researched this and this is exactly what they wanted. He listed other communities that have them. He mentioned problems he experienced with Fords. Mr. Joseph added that this is a medium weight ambulance option. It is a slight duty increase to a medium duty from a light duty. Chief Jordan believes they will be able to get extra time out of them and their overall maintenance costs will be less. They are painting it white so when they resell it, they won't lose \$15,000. Mr. Joseph mentioned that they can't sell the yellow one so that is not a joke.

Councilor Piltch mentioned the amount in the order is different from the total cost. Mr. Joseph agreed that the amount should be \$268,648.00 not \$268,246.00.

MOVED AND SECONDED: To amend the order and change the dollar amount to \$268,648.00. (Piltch 7 Reighley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

ROLL CALL VOTE ON AMENDED ORDER: (7 Ayes) (0 Nays)

OTHER BUSINESS:

1. Discussion of Library reopening

Mr. Joseph noted that we have been doing curbside for over a month and it has gone really well. Physical upgrades have been done to the Library which include a new drop slot, some upgrades to the Library check-out areas with physical shielding of plexiglass panels. We have developed a plan on what access is going to look like to keep contact between people down. This is what they have been doing with their time as well as the curbside which takes a lot of effort. We have a first phase and a second phase here. We are recommending to move forward with Phase One on Monday, August 3rd and it will be open access back up for the public in the Library. If everything goes according to schedule, we are planning to open on Monday, Tuesday, Wednesday and Thursday to the public starting at 12 and on Monday and Thursday closing at 5 p.m. and on Tuesday and Wednesday closing at 7 p.m. Friday will be reserved for curbside pick-up because there are still people that will want to use that program. Our Library staff will be doing curbside pick-up on Fridays. We can do curbside outside of those hours but it will be by special appointment and need-based. Our goal is to open and assess what the demand is for in-person. We are anticipating there will be a reduced demand for people being inside the building but obviously it is still there because people are using curbside on a regular basis. We will see what the balance is between in-person demand and curbside once we open up. We will do that for a while and see if we have any problems doing slightly reduced hours. Phase Two will obviously be once the bumps are all ironed out of Phase One, we will be going back to a nearly full-time schedule with a few little changes to the schedule from what was there before. It will be dependent on how well the public is able to use the Library and how well the Staff is able to keep up with the additional requirements they will have to do.

Arlene Arris pointed out that she wants to start slowly. They will reassess themselves in August, see what the schools will be doing and how the State is doing. See what the CDC says our levels are. In the first step, they will let ten people in at a time. They will have little baskets similar to a grocery store with a number on it. 30 minutes will be allowed for browsing. Unfortunately, they have to take away anything that would be fun such as sitting down and doing computers because their idea is that people will not be allowed to linger since it is not a safe time to do that right now. What will be back to normal is if people need to come in and fill out Library cards, use the Fax machine or use the copier. That will be in the Lobby. They have safety shields up. People will come in the Main Entrance and there will be markings on the floor. When they leave, they will use the door that goes to the Meeting Room. They are trying to do the social distancing as much as possible so people will feel comfortable and not feel we are congregating too much in the Lobby. Unfortunately, they won't have the computers on for the public so they will see what the demand is and what people really want to have. Staff will be wearing gloves at the front desk. They will be wiping down often. The plan is to start slow, ten people at a time and keep it to 30 minutes. Curbside is going great. People are used to it and they have signs up. She feels it will be great to move on to the next step. She pointed out that the Library has a brand new website. It looks awesome and is user friendly. She publicly thanked their Friends Group for helping them to do extra things. If anyone needs a Library card, she requests that they call because they are not physically open. If an appointment is made, they will make it happen. Friday afternoons will be reserved for curbside but exceptions can be made on a

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case by case basis. People will be required to wear masks and hand sanitizer will be provided at the front door.

Councilor Tracy thanked Arlene for her efforts in getting the Library open and accessible.

2. Discussion regarding request to vacate paper street as shown on Town Plan 114, located roughly parallel to Lower Flying Point Road as depicted on the Plan of Flying Point Shores, section III, dated October 1939.

Chair Egan advised that the Council has an illustration of this and had a brief mention at a previous meeting about this paper street. It does get at the larger issue of the whole list of paper streets that are still on the record in our community. He is not recommending that the Council take up the larger issue this evening. We are just going to deal with some conversation about this particular one since it has been brought forward by abutting residents.

Mr. Joseph mentioned he wanted to bring an audience member over. She is Pat Lewis who is the requester that originally started this. He noted that she brought this to our attention but he also received some correspondence from Kevin Call who is also a neighbor and in support of this. He has not heard from anyone opposed to this. This is not the final action tonight but this would be to put it out there and get the discussion from the abutters as to why they want this vacated which he feels is a pretty simple discussion and then provide notice that you are intending to do this at a future meeting so if anyone is opposed, they can provide some input before you take that action.

Ms. Lewis mentioned she sent a letter and explained that the paper street cuts right across the middle of the property and it really limits what they can do with the whole parcel. She mentioned the setbacks that limit even more. When she added the setbacks up, it came to more than half of the piece of property she has. It is really restricting in the total use of possible plans that could be done with the property. She has been working with a contractor and when he contacted Town Hall, it said her survey needed to be updated with the 2009 shoreland setbacks. She had that done. Her surveyor put the paper street on the survey along with the paper street setbacks which was new and that is when she became concerned about how much land is she really going to be able to use out of the lot she has. This is what brought her forward to doing research on paper streets and if it would be possible to eliminate it. Lower Flying Point Road is close by and that is what is used for access anywhere in the neighborhood. She feels Mr. Joseph did a nice job in summary about the paper streets in that particular area. She explained that Lot 12 ½ goes through Lot 16. Mr. Joseph pointed out that these lots were originally sold as 50-foot wide camp lots and they were all consolidated over the years. Ms. Lewis' lot now includes these 4 ½ lots and then a section that was excess land that was held on to when Annie Brewer did the original subdivision. Over the years all of these have taken on the land across the paper street that fronts on Lower Flying Point. There is no good reason they can think of to keep the paper street and there is very little actual reason that they can imagine to use them. Ms. Lewis noted she looked up a lot of the deeds and most of the land that was bought between the lots and Lower Flying Point Road was bought shortly after most of the lots were sold. She feels people realized right away that access to get to their lots was going to be through Lower Flying Point Road rather than the paper street that exists now. People she has spoken with have indicated that the paper street was never used. She mentioned that her lot is wooded as are the lots next to her. There may be some lots that are not wooded but the majority of them are wooded. It would be an undertaking to try to change it into a useable road.

Councilor Tracy asked if the request is to eliminate the entire paper street from one end to another or is it only to eliminate the paper street from Lot 12 ½ through 16? Mr. Joseph mentioned that Ms. Lewis is

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requesting to eliminate the paper street in front of her house but the Staff recommendation is that we see no reason to keep the entire paper street. He noted that it doesn't connect anything. This would create no land locked parcels. There may be private rights-of-way that exist after the Town vacates its paper street right-of-way that they will have to sort out on their own. All those subdivision owners originally were probably given some implied rights across the paper street. They may need to do some agreed vacation between themselves or expunging those from the deed chain. He does not know why anyone in the neighborhood would be opposed to that but the Town is not going to mount that legal work.

Chair Egan thanked Ms. Lewis for coming this evening and filling the Council in on her particular situation. Councilor Reighley explained that he served on the Zoning Board of Appeals from 1985 onward. This area has been a sore point for the Town and in Board of Appeals issues from before he even came on. These 50-foot lots, consolidation and what Ms. Lewis is talking about is restricting to what they can actually do. The obvious solution is buy more lots so they can have side frontage but the 75 foot setback is a big criteria that we put in and really did squeeze the lot sizes down. You can probably put in a hallway facing the bay and that is about as far as you can walk wide to either side but you have no depth on either end from the shoreline or the road frontage. He favors the removal of this paper street.

Chair Egan pointed out that the Council is not taking any action this evening. It is trying to flesh out the issues and get some guidance and take a temperature on moving forward with a recommendation if this does become an action item and the action would be to vacate the paper street as indicated on the diagram. Councilor Reighley asked if the Council can add more paper streets into this so we can begin cleaning this up throughout the town or are we going to work on just one street at a time?

Chair Egan recalled having this conversation previously and there are many hundreds of paper streets. Former Councilor Rod Regier told us that they attempted to do a blanket vacation of all of the paper streets a while ago but there were too many exceptions to do it all at once. At that time (perhaps 15 years ago) they ended up doing them one or two at a time which is not very efficient and not very helpful to other property owners but short of either going through the list or doing them all at once in a blanket shot, he is not sure there is a purpose in a Staff task to identify those which make sense now and we can easily vacate and then take up some controversial ones one at a time. He is not certain that is an efficient use of Staff time to get to that. The action is clear for this particular one and unless someone has a better idea on how to approach the many hundreds of paper street issues, he is not sure the Council will be able to tackle it anytime real soon. Councilor Reighley suggested that the Complete Streets Committee take a look at it. Chair Egan feels the Council is not in a position right now to take on the blanket vacation of all the paper streets that are on the record in the Town of Freeport but we can at least move this one forward to our next meeting.

Councilor Tracy advised that she supports addressing any paper streets that are specifically brought to the Council by residents. She has been a Councilor for six years and noted that they have addressed about three batches of them. When people spend the time and actually bring it before us and make a case, we should address it. She supports this particular request and is happy for the Council to entertain the entire paper street. Kevin Call has also requested similar treatment so it makes sense to look at it as a group. She does not support the Council taking on the issue in its entirety. She listened with interest when former Councilor Regier came before us. He was very clear that it was a mess and it took over two years and she does not feel that is a very good use of our resources. We have lots of work to do. We have to re-vision downtown. We have to figure out how we are going to make people's lives better but eliminating paper streets is really not an integral use of those resources unless somebody raises it to us. Chair Egan agreed with that sentiment completely.

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Mr. Joseph advised that Kevin Call provided a letter in support of this as well for many of the same reasons Ms. Lewis has mentioned. He welcomed Mr. Call to speak but he did not. Chair Egan mentioned that there is a pretty good consensus that the Council will take this up as an official action item to move forward with Staff recommendation to vacate the paper street at the next meeting or any subsequent meeting where we can fit it on to the agenda. Mr. Joseph felt it did not look as if it needed to be put off.

3. Discussion regarding acceptance of 10.86 acre open space parcel from Warren Gerow, located on Pownal and Murch Roads (adjacent to Pownal Road Field and Hedgehog Mountain conservation property).

Chair Egan mentioned that the Council has a map and illustration in its packets and Mr. Joseph displayed them on a screen and advised that this came to us through a subdivision application which Mr. Gerow had submitted. He pointed out the parcel on the screen. A very small part of the lot is already built on for the northern most trail of the Hedgehog Mountain trail system. The Rec trails skate along the edge of the property so it is already used for Town purposes even though we don't own it thanks to the previous owner and to Mr. Gerow for never telling us to vacate there. The subdivision proposal of six lots went to the Project Review Board and Mr. Joseph pointed out what is the proposed donation. It is close to 11 acres.

Mr. Gerow thanked the Council for taking this up. He feels Mr. Joseph did a great job covering the nuts and bolts of the background. It is a conservation subdivision with open space. In those subdivisions there is always the question of how to manage the open space and often it stays with the development. In this case it seemed like a good fit for this land to become part of the Hedgehog Mountain Recreational facility. It would be a benefit for the townspeople in general. There is a little protection there and opportunity for access to Hedgehog. It is a small hop over to the Hunter Road Fields for people that have kids. The parcel he purchased has a 33-foot strip that goes up. It was an existing trail that gets a little use and would be included in the open space and provides some legitimate access for Murch Road people into the Hedgehog Recreational area. There is a snowmobile trail that crosses Lot #1 and #2 that does not get a lot of access. It was not groomed this winter and someone on the Project Review Board or Conservation Committee indicated that that trail is not actually on any of the local clubs' maps. It doesn't provide access to anything that you cannot get to from other means. He believes there may be opportunity to relocate it through the open space. He has gone through many steps with the Project Review Board, an initial meeting followed by a site walk and the next meeting is preliminary approval. A submission is due in the middle of August for that. The Board is hopeful that for preliminary approval he would have a good agreement with the Town as far as moving forward. He has been working with Powers & French and it is on their radar to draft some sort of agreement or draft deed description that the Town is in favor of this proposal.

Chair Egan asked if there are any owners of Lots 1,2,3,4,5 now. Mr. Gerow indicated it is all vacant land. Chair Egan feels it is an excellent idea to turn the flag pole to create access to Murch Road and public access to the trails. He wonders if it is possible for the small stump segment of the snowmobile trail to fall onto that as well if there was a need to get road access to that trail. It doesn't seem to go very far. The other end of it is alongside Hunter Road fields up to Hunter Road itself so it is largely parallel to Murch Road. It doesn't go much further either side of that. It makes sense to have an outlet either to Hedgehog Mountain Road or Murch Road rather than having snowmobiles drive across Elmwood Road. He apologized for his dog wandering onto Mr. Gerow's land in the back since he uses that trail every day to walk his dogs. He asked Mr. Gerow how long he has been working this process to create this subdivision and propose this donation of land. Mr. Gerow advised that he put the land under contract in November or December in 2019. For full disclosure, he is a land surveyor and an engineer. He has hired out

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stormwater, vernal pools and wetland stuff because he is not an expert on them. It has been completed. He had his first submission in February and after COVID hit, things really slowed down but it is not anyone's fault.

Chair Egan is glad to hear that progress is moving forward and applauded his intention to take this undevelopable parcel and contribute it to the Hedgehog Mountain Public Land. He thanked him for presenting this and coming this evening.

Councilor Reighley mentioned the property owner at Lot 63-A does not match up with who is on Mr. Gerow's survey. He asked when the survey was done. He also asked what the road frontage is on Murch Road and is it the same distance when you get to the South point on Lot 63-1. He also asked Mr. Gerow if he is planning to remove the trailer in the laneway. Mr. Gerow does not own the trailer. The lot for the trailer is 33 feet wide and then extends back over 800 feet. He owns just on the other side of it. His road frontage on the Murch Road is 33.7 feet as shown on the plan so it is 66 feet from the stonewall to the property line. Councilor Reighley noted it is 33 feet when he gets to the South point of 63.1. Mr. Gerow agreed that it is plus or minus a couple of tenths but is very close to that. His survey was done this past winter. Councilor Reighley thanked Mr. Gerow for donating this land.

Councilor Tracy added that this seems like a wonderful opportunity. Not to be the skunk in the woodpile, but part of her job is to look at potential exposure that comes from owning the land. She asked if there is any environmental review but she is not sure what kind of review would need to have been done. She asked if the Council could be assured that we don't have any environmental exposure as a result of the Town acquiring ownership of this parcel. Mr. Gerow pointed out that there isn't anything in the Subdivision Ordinance that would require him to do an assessment in the nature of environmental disasters in ground field sites. There are things like natural habitat, historical sites and artifacts and of course, there is resource protection and wetlands, etc. Off the top of his head, he doesn't believe there is anything there. Across the road there are old cars and an old landfill and things of that nature. He does not think there is anything that in any review he needs to do as far as subdivision approval goes for that off the top of his head. Councilor Tracy appreciated that. She asked Mr. Joseph if the Town has looked at this from that lens at all. She doesn't want to make an issue where there isn't one but also does not want to acquire buried trash or a sunken oil tank without having looked. Mr. Joseph advised that this is something he and Mr. Gerow have not yet discussed but probably would as we go on through it. His recommendation is almost always that we do a Phase One that could run a few thousand dollars. He does not intend to negotiate that here publicly with him about who would do that and who would do what. There is mutual benefit to both sides in this transaction so they can talk about that offline separately. Phase One is generally just a visual assessment and if there are obvious signs of an old oil barrel leaking in the middle of a field. It doesn't get involved with drilling into the ground and seeing what is there unless there is something that is seen. Chair Egan added that there are a number of assessments you can do on a parcel which is essentially a public records screen and title search. It is all of the historical and available public records search in Phase One except for walking the site and observing any physical recognized environmental conditions and those are usually in the several hundreds. As a minimum, he would recommend that the Town engage that. There are any number of firms that would do that and he is sure Adam Bliss knows a number of them. That would be a very modest investment for us to assure that at least there is no public record of something happening there. If we find anything, then we could go to a more elaborate plan such as a Phase One. He instructed people to bring their hip boots since it is an extremely wet area and if you go 10 feet off of the cross country running trail along the southern boundary of this parcel, you will be in pretty deep muck. It would be a challenging site investigation for sure. It is pretty heavily forested and he has not seen any blueberries in there. Mr. Joseph advised that this is not an old junk yard or potential landfill site. This one has been relatively unbuilt but that is all part of the acquisition process. Those would obviously be conditions. To get to Mr. Gerow's timing, he needs an

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indication from the Council and Mr. Joseph would provide it to the Project Review Board. He has talked to the Town Planner about what they are looking for. They wanted an indication from the Council that it is interested and is pursuing it. They would make his final approval most likely conditional on acceptance of a deed by the Town. They want to make sure the Town is interested before they go forward. Since everyone is interested in pursuing it and it gets Mr. Gerow moving forward, and it will get us looking at the parcel. Mr. Gerow advised that the Conservation Commission did not do a site walk with him. The Project Review Board did.

Councilor Piltch thanked Mr. Gerow for offering to donate the land. He feels it is generous and he is in support of it. He asked if by donating the land, it allows him to build more lots than he would otherwise be able to build or what kind of changes does the donation enable? Mr. Gerow advised that by conserving the land, the minimum lot size gets reduced, the setbacks get reduced a little bit. There is a bunch of metrics you still have to meet but at the end of the day straight up, it allows him to put two more lots in there. Mr. Joseph mentioned that Mr. Gerow's point is that could be achieved through either putting a conservation easement and protections on the property and retaining it with the subdivision association that is created or it could be donated to the Conservation Trust or could be donated to the Town. He has several options. Mr. Gerow agreed and pointed out that the majority of conservations and subdivisions in town, the subdivisions themselves maintain ownership of them and deal with the tax liability. Everyone owns a one-sixth or a one-twentieth interest in it and deals with it every year for taxes.

Mr. Joseph noted this is a rare situation where it is actually a win/win situation for everybody. Mr. Gerow gets something and his people in the future get a little bit less maintenance liability and record keeping and conservation liability and the townspeople get at least official use now of a trail and finally own what we have been taking advantage of for all those years if we do it. Normally we wouldn't jump at acquiring subdivision conservation property unless it abutted an existing Town property or there was an overwhelming Town benefit. A good example is the Florida Lake slight addition off of Baker Road that was made to Florida Lake as part of a subdivision that was done up there several years ago. We also took a back strip of property that abutted Florida Lake from a subdivision up there. We try to acquire them when they make sense. Chair Egan feels that this abuts a very valuable public asset now and we should take a look at it strongly. There are a lot people that use that trail. It is very accessible, it's flat and well maintained and in a great location with Hunter Road fields as Mr. Gerow pointed out. We are not taking any action this evening but Chair Egan feels Mr. Gerow received a good sense of feedback from the Council and he doesn't see any strong opposition for us to move this forward to a more formal action pending a little investigation that Mr. Joseph and his staff will undertake. Mr. Joseph indicated that he would communicate to the Project Review Board that we will be pursuing acquisition unless something comes up the Town is not opposed to taking the parcel. Chair Egan thanked Mr. Gerow for coming and for his participation.

4. Discussion on Main Street Closure.

Chair Egan explained that this has been largely taken care of earlier by a presentation by Keith McBride on the decision by the Working Group and business members of the committee to go ahead and suspend the vehicle closure of Main Street. The Council does not have to vote. We voted to allow it to happen and if the committee is recommending to suspend the activity, he does not believe there is a vote required by us to endorse or approve that action. The committee is entitled to go ahead and suspend it. It was entirely driven by the business community.

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Councilor Reighley explained that in the past the Town had a closure and it was successful because the Town also was permitted to have a beer tent and that historical fact was provided to him by one of the business owners on Main Street that might sell ice cream.

Councilor Tracy acknowledged all the hard work that went into this effort. She was in favor of it. She recognized that given the lower traffic and the way it unfolded, it may not be the right solution for now but she is glad that we tried it. She knows a lot of people spent a lot of time trying to make it as good as it could be from both an aesthetic and logistical perspective. She appreciates that. She feels we needed to try something. She does not consider this a failure. She is glad we gave it a shot and believes we laid the groundwork for when it is appropriate for perhaps a one-time closure later in the summer when it has a more effective feel if the numbers go down and it is safe. Now we know the logistics on how to make that happen and while she didn't know all the names of everybody that was involved, she wanted to say thank you. It was a good effort.

Vice Chair Whitney wanted to say to Councilor Reighley's point, we talked about so many details and it was such a fine balance between being so respectful of COVID and keeping everybody safe yet trying to entice people to come here. At one point we talked about a Margarita Tent. We really listened to the feedback from our residents and businesses and the whole time we were taking our pulse. It was exciting but very difficult. She feels they walked a tight rope on this one. This was one of their first attempts to try to get business back on Main Street and they are going to keep going. Who knows what the next one will look like. They are going to keep being creative and keep going to see what they can do to help.

Councilor Reighley advised that many people have questioned the worth of FEDC and here we have had two examples tonight of how FEDC benefits the Town with our TIF and street closure. He wanted to remind the citizens that we are getting our money's worth. Chair Egan echoed that and thanked Keith.

Mr. Joseph mentioned that the next meeting is the first meeting in August. Chair Egan mentioned that they have had conversations on how many things they have to work on. While he is disappointed the Council is not going out to Bustin's Island, and we may not have all seven of us here due to vacations but he feels we should keep the second meeting on the calendar to keep up with the workload if at all possible.

Councilor Tracy asked if there is a sense as to whether and when we will entertain the Recycling proposal, because if we get into October and then election time, we slow way down. If we are going to do some action, now is the time. Mr. Joseph mentioned that he has been talking about that at the beginning of August and he would expect further conversation later in August if we have a second meeting. Chair Egan advised that he has a bunch of data to share with the Council ahead of that meeting on the 4th. The Sustainability Committee has some data and Adam Bliss has some data and we have some perspectives so that will probably be the big item for the first meeting and subsequent meetings after that.

MOVED AND SECONDED: To adjourn at 8:25 p.m. (Reighley & Lawrence)

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

Respectfully submitted,

Sharon Coffin, Council Secretary