

MINUTES
FREEPORT TOWN COUNCIL MEETING #01-19
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY JANUARY 8, 2019

	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			will arrive later
Tawni Whitney, 56 Baldwin Road	x		

Following a Council workshop, Acting Chair Egan called the meeting to order at 7:50 p.m. and took attendance. He explained that Vice Chair Gleeson is excused this evening and Chair Tracy will be arriving later. She is on her way home from Augusta. Town Manager, Peter Joseph was in attendance.

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 #26-18 held on December 18, 2018 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #26-18 held on December 18, 2018 and to accept the minutes as printed. (Reighley & Horne)
VOTE: (5 Ayes) (2 Excused-Gleeson & Tracy)

THIRD ORDER OF BUSINESS: Announcements

Acting Chair Egan announced:

- All **dog licenses** expire December 31st of each year. Dogs six months and older are required to be licensed by law. You may register at the Freeport Town Hall or online at: www.doglicensing.com. Dogs must be licensed no later than January 31st of each year, or a late fee of \$25.00 per dog will be charged.
- Freeport residents interested in submitting an application for any available public peddler locations may now do so from January 16-23. At the February 5th Town Council meeting, available public peddler licenses will be issued by lottery. The dates to apply are January 16-23 and a public lottery will be selected on February 5. Please contact the Town Clerk's office for more information on peddler carts.

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- A reminder that **Winter parking rules** are in effect. Parking is prohibited on all Town streets from 11 p.m. through 7 a.m. from now until April 15. For more information and a list of all other winter reminders such as residents being allowed two five-gallon buckets of sand per storm from the Municipal Public Works access sand lot, please go to the home page of the Town's website or contact the Public Works Department at 865-4461.
- The **Appointments Committee** will be meeting in January to consider appointments and re-appointments to various boards and committees of the Town. If anyone has an interest in serving on a board or committee, please complete an application and return it to the Town Hall. An application can be found on the home page of the Town's website under "Quick Links". He would encourage anyone to come down and ask to speak to someone in the Manager's office if they have specific questions about that. The Council is very interested in seeing residents in the public join the various committees that we have available. It is an excellent source of information.

Councilor Horne pointed out that on January 10 at 8:30 a.m. there will be a meeting open to the public of the Traffic & Parking/Active Living Committee Task Force here in Council Chambers. They are revisiting the concept of bringing those two committees together. He and Councilor Reighley will both be attending. If anyone else wants to attend, please come.

FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Reighley asked everyone to stay tuned for the next meeting because there will be a lot between now and then.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph mentioned he did not have anything written at this point but we are extremely busy this time of year between meeting with community groups and walking through with fourteen people so far, the Bartol building, getting some great ideas. The Finance Director, department heads and he are also starting to work on the budget process for FY 2020. It is hard to believe we are almost out of the teens. He mentioned the Capital Program and conversations they have been having with department heads and to some extent the boards and committees. This year he and the Finance Director do not have rough working numbers yet but are preparing for a decision-making process in the Capital Program that they may not have had in past years with the Council because of certain losses of Capital Program revenue. We talked earlier about the potential lease revenue we may be losing for Capital revenue but also parking changes and parking revenue which we are already starting to see in the terms of reduction and leases. It is about \$50,000 for the Town that goes toward reserve funding. It is not a crisis. It is not something to even be alarmed about but we need to be cautious with our Capital spending. He is just getting the word out there. In years past we may have had pretty easy goes as Capital Programs but he thinks there will be some prioritization this year and he may bring the Council some projects that need prioritization. With that decline in revenue, we may have to, not this year but in future years, look at other funding mechanisms such as bonding which is something we haven't done for a long time, for large purchases. While it is not a crisis, he just wants to put the word out there that this is the conversation that would send ripples through the stock market if we were a publicly traded company. This is just something to keep in mind. We are expecting it to be a little bit tighter. We have some good signs from the Operating Budget in terms of expenditure/revenue so he is not as worried about Operating Budget. It is a couple of months out still, just the Capital side of things we will be looking at reduced revenues of some sort into those reserve funds.

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The benchmarking the Council typically sees the Finance Director provide will be lower. We will not hit some of those five-year projections. He asked the Council to not be surprised.

Acting Chair Egan asked new Councilors to keep in mind that the budget process is long and very detailed. We get excellent information from the staff and one of the things that is still striking to him after being on the Council for several years, is that nearly all of the Capital Budget items are funded in part by reserve funding that the diligence and financial accrument of the staff managed over the years, if not decades, to where the Town has substantial adequate reserves to plan for Capital items. The discussion that Mr. Joseph just indicated is going to be a little bit different and the Council may have some harder decisions to make but there is still a substantial amount of reserves in there for the Capital items we will be talking about. Mr. Joseph added the forethought of Councils ten, twenty years ago when some of these financial policies were established to establish reserves and fund. Coming across financial windfalls and dedicating part such as leases of property. Allocating half of the lease for example to reserve funding. Those are decisions that people have made in the past that Mr. Joseph always likes to keep as guidelines for when we come across \$100,000 or \$400,000 in the future, we could think proactively instead of spending today. What could we do to earmark it so it becomes automatic for future spending? He noted that he hasn't come across \$100,000 in recent years but maybe someday.

Councilor Horne asked what the projected savings annually are for our LED conversion. Mr. Joseph mentioned it is budgeted and would not be good for Capital. He offered to look at it and adjust it for the Operating Budget. Some of the energy savings go into an Energy Savings Reserve but we needed some of it to pay for the LED lighting two years ago. That is another automatic thing that someone twelve or fifteen years ago thought would be a good idea.

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

MOVED AND SECONDED: To open the Public Comment Period. (Reighley & Horne) **VOTE:** (5 Ayes) (2 Excused-Gleeson & Tracy)

Josh Olins of 139 South Freeport Road and Chair of the Sustainability Advisory Board invited the Council and everybody watching at home and all Freeport residents as well as neighbors in nearby towns to come to their Inaugural Lecture in their new lecture series of Freeport Sustainability. It will be on Monday, January 14th at FCS from 6:30-7 p.m. This month's speaker will be Kevin Roche, Director of Ecomaine. He will answer questions we have on the recent changes in recycling and what to expect going forward. It will be a catered event by Wealden Farm as well as a beer tasting by Maine Beer Company. He is hoping a lot of folks will come. They have planned out six or so of these to be held on the second Monday of each month. They have some exciting things planned for the upcoming lectures such as an electric vehicle evening with cars that can be looked at when the weather is a little warmer. Barry Woods will be the speaker. They have a couple of Sustainability Coordinators from neighboring towns that will talk to us about some of the initiatives they are working on. They have some people will come and talk about home and health care products and some folks that will come and talk about gardening and pollinators. Passive house construction for very high efficiency commercial and residential building design will be another topic.

Acting Chair Egan thanked Mr. Olins and noted that he leads a good committee with a lot of good volunteers.

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MOVED AND SECONDED: To close the Public Comment Period. (Lawrence & Horne) **VOTE:** (5 Ayes) (2 Excused-Gleeson & Tracy)

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

ITEM #01-19 To consider action relative to adopting the January 8, 2019 Consent Agenda.

BE IT ORDERED: That January 8, 2019 Consent Agenda be adopted. (Egan & Reighley)

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

VOTE: (5 Ayes) (2 Excused-Gleeson & Tracy)

ITEM #02-19 To consider action relative to amendments to the Administrative Code, Chapter 2, Section 509: Inspections Department.

MOVED AND SECONDED: To open the Public Hearing. (Reighley & Horne) **VOTE:** (5 Ayes) (2 Excused-Gleeson & Tracy)

Codes Enforcement Officer Nick Adams explained that these are minor changes that are required. The State requires us to change the new codes from 2009 to 2015, keep the 2009 Energy Code, amend some standards with ventilation and radon and also delete out the section that required all new homeowners to hire a third-party inspector to do the inspections. Mr. Adams is certified to do them so he will do them through the process.

There were no public comments provided.

MOTION: To close the Public Hearing. (Reighley & Horne) **VOTE:** (5 Ayes) (2 Excused-Gleeson & Tracy)

BE IT ORDERED: That amendments to the Administrative Code, Chapter 2, Section 509: Inspections Department be approved. (Reighley & Horne) **ROLL CALL VOTE:** (5 Ayes) (2 Excused-Gleeson & Tracy)

ITEM # 03-19 To consider action relative to amendments to the Building Code, Chapter 11.

MOVED AND SECONDED: To open the Public Hearing. (Whitney & Reighley) **VOTE:** (5 Ayes) (2 Excused-Gleeson & Tracy)

Codes Enforcement Officer Nick Adams explained that this is similar to the Administrative Code. Basically, there are some clerical changes such as adding title on the first section and putting what is required in the Statute saying that the Codes Officer is the Building Official, just simple things like that. Down in Section 6 in Public Restroom Areas, it was said gross floor area but it wasn't defined and people asked a lot of questions so he changed it to say, "as defined in the Zoning Ordinance" which makes it

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consistent with how it is enforced. He also made amendments and deleted out Appendix A of the Plumbing Code because there is no Appendix A that has been adopted for twenty or so years.

There were no public comments provided.

MOVED AND SECONDED: To close the Public Hearing. (Whitney & Lawrence) **VOTE:** (5 Ayes) (2 Excused-Gleeson & Tracy)

BE IT ORDERED: That amendments to the Building Code, Chapter 11 be approved. (Whitney & Horne) **ROLL CALL VOTE:** (5 Ayes) (2 Excused-Gleeson & Tracy)

ITEM # 04-19 To consider action relative to amendments to the Electrical Code, Chapter 17.

MOVED AND SECONDED: To open the Public Hearing. (Horne & Reighley) **VOTE:** (5 Ayes) (2 Excused-Gleeson & Tracy)

Codes Enforcement Officer, Nick Adams explained that there are a couple of small changes to Chapter 17. He struck out “most current” and added 2017 which is the one adopted by the Electrical Examinations Board. He added “as amended by the State of Maine” so any amendments the State is going through will be adopted. That is what licensed electricians install by. There were some simple changes and he will keep a copy here in the office. He changed Section 2156, Title 30. There is no Title 30 anymore. It has been amended to Title 30-A and references the correct Statute. He removed some fees since we already have a fee schedule adopted by the Town Council. The Council can look at that yearly. There is no reason to have it in an Ordinance. There was some language at the end of that paragraph talking about homeowners doing their own work. He basically took that language out of the Statute. He did the same thing with Section 3, he removed the fees. Under the Electrical Inspector he put in the statutory reference on how the Town could actually adopt an Electrical Inspector. The Electrical Inspector must have a valid electrical license issued by the State. Before, it said, “Master’s License.” He wants to be sure it says, “Master Electrical License.” He removed the fees on how the Electrical Inspector is paid. He made a couple more clerical changes and took fees out again. In Section 6 he added a new section that allows the Electrical Inspector to remove a service or have a service disconnected. This is usually in a fire or in a condemned building. While it is not often used, it is good to have it in the Ordinance in case we ever need to.

Reference to correct the Violation Section in the Statute and that is all the amendments.

Acting Chair Egan pointed out that the Council had a briefing on these changes at its last meeting. The actual language was developed through the Ordinance Committee. The Council has quite a lot of process on this. He thanked Mr. Adams for his brief summary.

There were no public comments provided.

MOVED AND SECONDED: To close the Public Hearing. (Horne & Reighley) **VOTE:** (5 Ayes) (2 Excused-Gleeson & Tracy)

BE IT ORDERED: That amendments to the Electrical Code, Chapter 17 be approved. (Horne & Lawrence) **ROLL CALL VOTE:** (5 Ayes) (2 Excused-Gleeson & Tracy)

8:10 p.m. - Acting Chair Egan pointed out that Chair Tracy has arrived and will assume the Chair of the meeting.

ITEM #05 -19 To consider action relative to proposed amendments to Article V of Chapter 31, Coastal Waters Ordinance regarding the mooring application process and related fees as requested by the Harbormaster.

MOVED AND SECONDED: To open the public hearing. (Lawrence & Reighley) **VOTE:** (6 Ayes) (1 Excused-Gleeson)

Mr. Joseph explained that the sole purpose of the changes that are listed in here can best be summed up by stating we are looking to change to an on-line mooring system which, when it is fully operational, will provide electronic notification to people who hold moorings with the Town, when they need to renew them and allow them, from the comfort of their own home, to go in and renew their moorings without having to get a mooring form, write a check, send it in, process it. It will be relatively instant from the user's perspective. If this is adopted, we will have an amended fee schedule which the intent is to add \$6 to the mooring application fee and that will be before the Council at its next meeting. The only intent to adjust the fee, which Coastal Waters is comfortable with, the cost is \$6 for the on-line software. There is no net cost to the Town and the only increase to the user is the cost to use that system.

There were no public comments provided.

MOVED AND SECONDED: To close the public hearing. (Lawrence & Reighley) **VOTE:** (6 Ayes) (1 Excused-Gleeson)

Chair Tracy mentioned that she had a question about the limitation in any one year of not more than 25% of the new mooring assignments shall be assigned to non-recreational applicants. While she appreciates protecting the recreational users, we do have a vibrant commercial community and asked if there is any issue with this that Mr. Joseph is aware of. Mr. Joseph advised that the number was already there and it has been a balanced process for many years. He has not gotten a single complaint and assumes it is safe as it is until someone tells him otherwise.

BE IT ORDERED: That the proposed amendments to Article V of Chapter 31, Coastal Waters Ordinance be approved. (Lawrence & Horne) **ROLL CALL VOTE:** (6 Ayes) (1 Excused-Gleeson)

ITEM #06 -19 To consider action relative to accepting the Bow Street Park Usage Agreement with the Hilton Garden Inn Freeport for 2019.

BE IT ORDERED: That the Bow Street Park Usage Agreement with the Hilton Garden Inn Freeport be approved for 2019 and the Town Manager be authorized to sign the agreement. (Horne & Reighley)

Mr. Joseph explained that this has been standard practice for many years. This does not give exclusive use of the park to the Hilton Garden Inn. Because it is adjacent to their facility, they do host many weddings

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there. They come in and sign up for those. However, it is on a space available basis. They are just guaranteed the right to use it if they are the first come, first serve in this agreement. Residents can have the same reservation process through the Town. If a resident has a standing reservation, the Inn cannot bounce them from that date. It is not mutually exclusive. It is just a first come, first serve for any resident or the Inn.

Chair Tracy asked if the property is public while an event is going on. Mr. Joseph explained that if it is for a reserved use, where the park is reserved and a fee is paid for the rental of the park, it is for the exclusive use of the renter. People are able to use a public property for anything they want other than during a rented time. A common question he gets is, "Can we hold our wedding ceremony down there and not reserve the space?" The answer is yes, you can, but it also means you can't tell the person playing frisbee with their dog to get out of the reception area. It does happen.

Councilor Reighley asked if there have been complaints with the fees the Town charges. Mr. Joseph answered that the fees have been accepted for several years. He has looked at other outdoor public facilities such as beaches and parks. We seem to be pretty consistent with them.

Councilor Horne thanked the Clerk for putting this together. When this came up last year, we had no point of comparison to know if the \$200 was outrageously high or ridiculously low. He found it helpful. He mentioned that we are a little higher than some other places but knowing it is for an exclusive use justifies a high price. He feels the fees we have appear to be completely fair.

ROLL CALL VOTE: (6 Ayes) (1 Excused-Gleeson)

ITEM # 07-19 To consider action relative to adopting the 2020 Budget Schedule.

BE IT ORDERED: That the proposed 2020 Budget Schedule be adopted.
(Whitney & Reighley)

Chair Tracy feels it is pretty self-explanatory. This is the framework for the budget season and the dates need to be entered into the Council's calendars. It obviously gets a little hot and heavy in March and April but it spaces back out in May and then we are done in June. We do the Capital Program first and the Capital Budget is year one of the five- year Capital Program. We really decide on the whole Capital Program, vet it and then we table it. We go into the Operating Budget and then at the end we bring them both back together to adopt them with the Capital Budget being the year one of the Capital Program we already vetted. We try not to take changes between the time that we decide on the Capital Program and then vote on the Capital Budget. If changes occur, we have space to consider them. We also need to set time for our joint meeting with the RSU5, Town of Durham, Town of Pownal. She asked Mr. Joseph to reach out and get it nailed down so that we can get our hands around the School Budget, the major drivers behind the School Budget and understand that before they get too far in their process and also talk about joint initiatives that we can streamline and have synergies. Mr. Joseph agreed to reach out.

Councilor Egan noted that the School Budget is 68% or 69% of our total municipal budget. Chair Tracy agreed that it is the biggest driver of taxes. They have a very extensive process of public meetings and public hearings. This is an opportunity for the governmental entities to talk and make sure we are all on the same page of understanding. Most meetings end before 10 but there could be a couple of really late

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nights. That is just the nature of it but she will try to keep them to a minimum. The department heads, in May, make themselves available for Q & As on operational stuff and that is a great time to talk to them if you have not met all of them, to understand a little more about what is driving their budgets.

FY 2020 PROPOSED Budget Schedule	
Tuesday, Dec. 4, 2018	Council Workshop on Goal Setting
Tuesday, Dec. 18, 2018	Council Adopts Annual Goals
Tuesday, Feb. 26, 2019	Manager Transmits 5-Year Capital Program to Council
Tuesday, March 5, 2019	Manager and Finance Director Present 5-Year Capital Program During Council Meeting
Tuesday, March 5, 2019	Council Sets Public Hearing for April 2
TBD	Joint Meeting with RSU 5, Town of Durham, Town of Pownal (Community Center)
Tuesday, March 19, 2019	Council Workshop on 5-Year Capital Program
Tuesday, April 2, 2019	Public Hearing on Capital Program
Tuesday, April 23, 2019	Adoption of the 5-Year Capital Program
Thursday, April 18, 2019	Manager Transmits Operating, Capital and TIF Budget to Council
Tuesday, April 23, 2019	Manager and Finance Director Present Operating, Capital and TIF Budget
Tuesday, May 7, 2019	Council Sets Public Hearing for June 4
Tuesday, May 7, 2019	Council Workshop on Operating, Capital, and TIF Budgets
Wednesday, May 15, 2019	7:30-8:30 AM Department Head Public Informal Q&A Session
Wednesday, May 15, 2019	5:00-6:00 PM Department Head Public Informal Q&A Session
Tuesday, May 21, 2019	Council Workshop on Operating, Capital, and TIF Budgets (OPTIONAL)
Tuesday, June 4, 2019	Public Hearing on Operating, Capital, and TIF Budgets
Tuesday, June 18, 2019	Target Date for Budget Adoption-Capital, TIF, and Operating Budgets/Appropriation Made

VOTE: (6 Ayes) (Excused-Gleeson)

ITEM # 08-19 To consider action relative to a Use of Town Property request by the Freeport Chamber of Commerce for an event at the Bartol Library building.

BE IT ORDERED: That the Use of Town Property request by the Freeport Chamber of Commerce be approved.

Note: The request includes permission to serve alcohol by a licensed caterer. (Reighley & Lawrence)

Shawna Chigro-Rogers, Executive Director of the Greater Freeport Chamber of Commerce offered to answer questions for the Council. She explained that she submitted a certificate of insurance naming the Town as an additional insurer today. They are required to hold an Annual Meeting of their membership every January and included in that is an Awards Gala. They are currently taking nominations if anyone wants to go on their website and nominate folks. This year for a fundraiser they are doing a raffle.

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Their Annual Meeting is scheduled on January 30. From 5:30-8:30 p.m. will be cocktails and networking and the Awards Gala. They have a short formal membership business portion of the Annual Meeting. Anyone can attend and there are tickets available on line.

Mr. Joseph emphasized that the Town is a sponsor of the Chamber and it is a great time to put a lot of eyes inside that building in the business community. He is excited that the Chamber is interested in using it.

VOTE: (6 Ayes) (1 Excused-Gleeson)

OTHER BUSINESS:

1. Review and adoption of Council Guidelines/Goals for 2019.

Chair Tracy mentioned she was not able to be present for the majority of the discussion on Council Guidelines/Goals at the last meeting and Vice Chair Gleeson took notes. Unfortunately, he is not here tonight so she suggested Tabling it to the next meeting. She feels they won't change significantly.

Mr. Joseph added that the notes will be available for the next meeting.

ITEM #09-19 To consider action relative to an Executive Session pursuant to 1 M.R.S.A. § 405(6)(E) to consult with the Town Attorney regarding a legal matter.

MOVED AND SECONDED: That the Town Council enter Executive Session at 8:30 p.m. (Reighley & Lawrence) **VOTE:** (6 Ayes) (1 Excused-Gleeson)

MOVED AND SECONDED: That the Town Council exit Executive Session at 9:30 p.m. (Lawrence & Reighley) **VOTE:** (6 Ayes) (1 Excused-Gleeson)

MOVED AND SECONDED: To adjourn at 9:30 p.m. (Tracy & Reighley) **VOTE:** (6 Ayes) (1 Excused-Gleeson)

Respectfully submitted,

Sharon Coffin, Council Secretary