

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #11-19**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY APRIL 2, 2019**  
**6:30 p.m.**

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

Chair Tracy called the meeting to order at 6:34 p.m. and took attendance. All Councilors were in attendance along with 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 #08-19 held on March 19, 2019 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #08-19 held on March 19, 2019 and to accept the minutes as printed. (Reighley & Gleeson) **VOTE:** (7 Ayes)

**THIRD ORDER OF BUSINESS:** Announcements

Councilor Horne explained that the State of Maine has an ongoing program that used to be called the Circuit Breaker Program for taxpayers but they now call it the Property Tax Fairness Credit Program. It is operated out of the Revenue Service. They have a website: [www.Maine.Gov/revenue](http://www.Maine.Gov/revenue). In the upper right, click on the Tax Relief tab. This is a program set up that you may qualify for a tax rebate or an abatement if your tax bill is disproportionate to your income. It is something that has been around a long time but is not always known by the public.

Chair Tracy announced:

- **Districts 3 & 4 Workshop with the Town Council** will take place on April 23<sup>rd</sup> at 6:30 p.m. at the Freeport Community Center. The Regular Town Council Meeting will follow the workshop.
- **The Annual Orientation for Board & Committee Members** will be held on Tuesday, April 9<sup>th</sup>, from 6:00 p.m. -7:15 p.m. in the Town Council Chambers. Topics to be covered include the Freedom of Access Act, the Public Notice & Meeting Process and

administrative duties of Committee Chairs and staff persons. All Board and Committee members are encouraged to attend this session.

- And mark your calendar for the next **Freeport Free Movie Day at the Nordica Theatre** which will take place on Wednesday, April 24<sup>th</sup>. Donations for the Freeport Lioness-Lions Club will be collected. Proof of residency is required.
- **The Freeport Community Library Annual Book Sale** is taking place from May 4-9<sup>th</sup>. They will be accepting books from April 15 – May 3<sup>rd</sup>. This year there will be a Preview Night for the Book Sale on May 3<sup>rd</sup> from 5:00 –8:00 p.m. and there will be a \$10 cover fee.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Reighley advised that although he did not attend, he got briefed on the meeting today of Traffic and Parking. They are working on approving designs for public walkways on Mallet Drive and the Library. At the last meeting they dealt with the one on Depot Street. Once they see something, they are going to try to clean up the whole mess and make everything uniform in Town. They also had a continued discussion on the evolution of the new committee joining Traffic and Parking and Active Living. That is continuing to go well with some good comments.

Councilor Whitney pointed out that she and Chair Tracy had a great Aging in Place meeting. It was well attended. They had Patricia Oh from AARP attending and found her to be a great contributor. There is a workshop scheduled on April 23<sup>rd</sup>. There are a lot of good ideas coming together. She noted that Freeport is already doing so many wonderful things to help people age in place and it is going to be really nice to see how it goes.

Councilor Egan advised that Hunter Road Fields met last Thursday. That committee is comprised of user groups who do a good job of stewarding that Town asset. The RSU5 maintains it but the Town owns it for clarity. We actually share an employee who physically does the groundskeeping. He was out there yesterday and found there is no mud on the playing surfaces. The drainage is working very well. The focus of that committee meeting was to talk about the 4 or 5 weekends out of the year where there is likely to be an overcrowding of activity. The fields are successful in attracting tournaments and there are a couple of overlap weekends between two sports at the same time. There is a plan to do a very minimal amount of gravel improvement to an extension of the current Hunter Road Fields at the far end which would be the north end of the road towards the woods and then some limited temporary unpaved, un-graveled parking to the right of that toward the Landfill. It would provide approximately 35-45 additional spaces. In addition, all the user groups are working on being precise about their scheduling and communicating that to their teams and their families so we can avoid the parking bottleneck. There is a good effort so we don't have unauthorized and harmful parking on top of the blueberry fields. There may be a couple of tournaments where those groups might come forward and ask for a little bit of traffic control from the Town. It would be a good idea and would help manage that valuable asset.

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

Mr. Joseph advised that we have been pretty busy over the past few weeks with non-stop meetings but he feels we are getting to the light at the end of the tunnel. Right now, we are in the middle of budget

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development which will be coming to the Council at the end of April. We are working a little bit on staff turnover. We have an open recruitment in the Planning Department for the Planner's position. It went out on Wednesday or Thursday of last week and will be open for 3 ½ weeks. That position comes before the Council for appointment so he plans to let the Council know when we are closer. Participation will go through the chair and vice chair.

**Staff Update – Police Department**

The Freeport Police Department is pleased to announce the hiring of Officer Emily Lopez. Officer Lopez was sworn in by Town Clerk, Christine Wolfe on her first day of work, April 1, 2019. She previously was employed as a Marine Patrol Officer and holds a law enforcement certification from the Maine Criminal Justice Academy. If you see Emily performing her new duties around Town, please feel free to introduce yourself and say hi!

**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)

Sarah Cronin representing Granite Farm Subdivision read a prepared statement voicing concerns with the proposed Young's Lane Subdivision that abuts them. She provided copies of the statement indicating a residential matter that has been ongoing since August of 2018. Copies of the statement and photos were provided to the Council and Town Manager.

Chair Tracy thanked Ms. Cronin and noted the Council would not discuss the matter now but will address it with the Town Manager.

**MOVED AND SECONDED:** To close the Public Comment Period. (Reighley & Gleeson) **VOTE:** (7 Ayes)

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

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ITEM # 54-19                      To consider action relative to amendments to Chapter 28, Article 2 "Waste Haulers" of the Solid Waste Disposal Ordinance. PUBLIC HEARING

**MOVED AND SECONDED:** To open the public hearing. (Reighley & Horne) **VOTE:** (7 Ayes)

Adam Bliss, Town Engineer explained that one issue the Council has discussed for a number of weeks now is contaminated recycling. We have identified a few different sources of that but the source we are talking about this evening is contaminated recycling within garbage bins collected at the curbside by private haulers. The Town has a Solid Waste Ordinance, Chapter 28 and within that is Article 2. Waste Haulers. We have added two pieces of proposed language that transfers fines that Ecomaine levies on the Town for contaminated recyclables and passes on those fines to the private hauler. Within Article 2 we have added language that this is the gist of.

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Chair Tracy explained that this is to recover fees that are assessed against the Town for actions taken by the haulers.

There were no public comments provided.

**MOVED AND SECONDED:** To close the public hearing. (Reighley & Horne) **VOTE:** (7 Ayes)

**BE IT ORDERED:** That amendments to Chapter 28, Article 2 “Waste Haulers” of the Solid Waste Disposal Ordinance be approved. (Reighley & Gleeson)

Chair Tracy advised that the Council is enacting this tonight but the language in the Ordinance expressly indicated that it will go into effect as of January 1, 2019 so it is retroactive which we are allowed to do if we do it expressly, and that is to recover fees that started to be assessed against us as of January 1 so that we will be held neutral. Prior to January 1, we were not assessed any fees for contamination so it is not an issue.

**VOTE:** (7 Ayes)

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ITEM # 55-19                      To consider action relative to the proposed Capital Program for FY2020. THIS IS A PUBLIC HEARING.

**MOVED AND SECONDED:** To open the public hearing. (Whitney & Gleeson)

Chair Tracy pointed out that Councilors have in their packets the Proposed February 28, 2019 Capital Improvements Program. That is a five-year program and the first year is for the next capital budget is fiscal year 2020. The purpose of this public hearing is to hear from members of the public about any comments they have on that Capital Budget. She directed members of the public to please identify themselves and limit their comments to three minutes.

There were no public comments provided.

**MOVED AND SECONDED:** To close the public hearing. (Gleeson & Lawrence) **VOTE:** (7 Ayes)

Chair Tracy noted the Council would be discussing the Capital Budget later.

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ITEM # 56-19                      To consider action relative to scheduling a public hearing for April 23, 2019 related to the addition of “Section XII Exceptions” to Chapter 22, Design Review Ordinance. This section is related to government signs and signs otherwise required by law.

**BE IT ORDERED:** That a Public Hearing be scheduled for April 23, 2019 at 6:30 pm in the ~~Freeport Town Hall Council Chambers~~ to consider the addition of “Section XII Exceptions” to Chapter 22, Design Review Ordinance. This section is related to government signs and signs otherwise required by law.

**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

**MOVED AND SECONDED** To amend the location of the public hearing from Freeport Town Hall to Freeport Community Center. (Reighley & Gleeson)  
**VOTE:** (7 Ayes)

**VOTE ON BE IT ORDERED AND BE IT FURTHER ORDERED AS AMENDED.** (Reighley & Gleeson)

Mr. Joseph advised that reviewing in front of the Ordinance Committee some changes to the Sign Ordinance, he became aware that the Sign Ordinance exempts governmental signs from the requirements of the Sign Ordinance. However, the Design Review Ordinance does no such thing. This applied in one case to a sign in front of Town Hall that we are looking at but as he read further realized that it applies to every governmental sign issued or placed anywhere in the Town of Freeport such as speed limit signs, road signs, directional signs and governmental signs like in front of businesses. This mirrors the language from the Sign Ordinance that would exempt governmental signs from Design Review. We have never done that and we are not planning to be reviewing those signs by Design Review. The Ordinance Committee discussed this and approved the intent. There were a few changes but nothing major from what the Ordinance Committee considered. This would still subject signs that are located on a building that is reviewed for Site Plan Review and would still subject signs to Site Plan Review including the sign at the Town Hall. It is not exempt from that process.

Chair Tracy reminded the Council that we appropriated sufficient funds from last year's fiscal budget for a sign at Town Hall that will be electronic for purposes of governmental function which is to inform our residents and businesses of ongoing items in times of emergencies, locations of shelters, availability of clean water, all the things we were unable to communicate to our residents in the October 2018 storm. This is a continuation of our efforts to be transparent. This is how it was generated but there are other purposes to the Ordinance as well.

**VOTE:** (7 Ayes)

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Councilor Reighley referred to the Granite Farm Homeowner's Association Statement and requested that this be put on the next agenda. Chair Tracy agreed that this could be discussed at the next Council Workshop scheduled at FCS on the 23<sup>rd</sup>. Mr. Joseph mentioned that those are typically informal discussions about any ongoing issues. This would not be on the agenda but the intent would be to discuss it during the workshop which would be an appropriate avenue for that. Chair Tracy mentioned that if there are other people who want to speak, that would be a good time for them to do that.

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ITEM # 57-19                      To consider action relative to awarding a design contract to Atlantic Resource Consultants for Concord Gully Brook Watershed Restoration Project in the amount of \$25,303.00

**BE IT ORDERED:** That Atlantic Resource Consultants be awarded the contract for Concord Gully Brook Watershed Restoration Project in the amount of \$25,303.00

*Note: \$75,000.00 was included in the FY19 Comprehensive Town Improvements Capital Budget for Concord Gully Brook Watershed Restoration. (Horne & Gleeson)*

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Adam Bliss, Town Engineer explained that Concord Gully Brook is an urban impaired watershed here in Freeport. The Town successfully received a grant from the Maine DEP and EPA for Phase 2 Restoration which consisted of stream restoration and stormwater controls in the village to intercept runoff before it gets into the stream. This bid award is for design work related to those construction projects. He plans to function as the Project Manager and Project Coordinator. This is a local firm that does work in Freeport with the right qualifications.

Chair Tracy mentioned that the Council included \$75,000 in the last Capital Budget for the Concord Gully Brook Watershed restoration and she noticed that this amount is substantially less than \$75,000. She asked what happens to the balance of the amount the Council allocated. Mr. Bliss explained that a portion of the balance was used for Phase 1 construction work and the other balance will be used for construction in Phase 2.

Councilor Egan asked Mr. Bliss to outline the improvements actually being done with this work and what does Phase 2 construction implementation actually look like on the ground. Mr. Bliss advised that there is a planning function to this as well as a design function. We are really in the conceptual planning phase of where we will ultimately construct the control measures. We are identifying Town-owned properties and properties where they are privately owned, where we could easily get a construction easement over them. The question always comes up, do you treat it at where the damage is done or do you treat it at the source. We are addressing it at the stream where there is damage but also at the source where rainwater falls on the pavement and we are intercepting a certain volume of that rainwater before it sheet flows off the pavement and into the drainage system.

**VOTE:** (7 Ayes)

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**OTHER BUSINESS:**

1. Council Goals update

Chair Tracy explained that this is an opportunity to revisit these to make sure we are moving in the right direction. They are divided into guidelines at the top and goals at the bottom.

**Guidelines:**

1. The Council will prioritize, evaluate and control expenditures in operating and capital budgets to mitigate the impact on the taxpayers and maintain a stable tax rate, while providing the highest quality services possible within the resources available. Chair Tracy noted the Council has been working on this non-stop since the first of January through the budgeting process and thank Town Staff for providing a budget that is cognizant of the tax impact. Mr. Joseph advised that he cannot calculate what the tax impact will be on the Operating Budget but the Capital Program tied to the tax rate through secondary impacts is significantly lower this year. The Finance Director and Mr. Joseph take guidance from directives like this from the Council when they are in the process of budget development and putting it all together right now. That is one of the things that they are weighing is how to effectively try to get to the tax impacts of where we have been over the past several years. Chair Tracy added “with a decrease in revenue to work with.” Mr. Joseph noted there is not a lot of new revenue.
2. The Council will promote transparent intercommunication, information exchange and collaboration on direction and process between Councilors, while conducting the Town business in a fair and efficient manner. The Council will prioritize: (a) transparency of decision-making

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and of Town government operations; and (b) attendance at Town Council and assigned Committee meetings. Chair Tracy feels the Council has been doing a decent job of transparent intercommunication, information exchange and direction and practice between Councilors. The Council does not deliberate in private, only in public. Councilors have been doing a good job attending Council and assigned Committee meetings as well as updating each other on those committee meetings. Councilor Reighley mentioned that by attending these meetings, he gets an opportunity to see the wonderful group of volunteers who have dedicated their time to the efforts of the Town of Freeport and he commends them for all the good work that they do.

3. The Council will promote efforts to engage Freeport residents and businesses in the governance, operation and activities of the Town of Freeport. Chair Tracy mentioned the things that come to mind that the Council is working on. The roll-out of the new Town website which is much easier for our residents and citizens to navigate and figure out what is available. The Council is still working on getting the Town Hall sign up and running so we can communicate with our residents. We also included money in the Public Safety budget for the rotating signs so they can use the more portable signs. Councilor Reighley advised that he has constituency hours in a very public spot and people avail themselves to meeting with him. He is confident Councilor Lawrence has the same office. Mr. Joseph mentioned not wanting to plug any specific business on air but this is a long-established public house and the public is always welcome. Councilor Horne mentioned Johanna Hanselman who works on the Municipal Bulletin and that is another important form of communication.

Chair Tracy explained that the Council has recently been working with FEDC to address the downtown issues which involves a lot of Board members who are members of the business community. She believes that the Council is working cooperatively with the business community.

4. The Council will be active in maintaining a strong relationship with the RSU5 Board and neighboring communities. Chair Tracy advised that the Council was just in a meeting with Pownal, Durham and Freeport and RSU5 to discuss the upcoming RSU5 School Budget. As part of that conversation, we also did a lot of information sharing about hot topics between the towns. The upcoming infrastructure improvements that the towns will be undertaking and opportunities for synergies between the towns in terms of sharing resources or knowledge. We are sharing funds. The RSU5 and Freeport are entering into a partnership to improve the Pownal Road Fields which Freeport owns but RSU5 primarily uses. Because it has been dubbed the "Dust Bowl", it needs a significant infusion of new grass so that it no longer will be the laughing stock of the region anymore. We are working with RSU5 on that and we are also exploring a solar project.

Councilor Reighley mentioned the relationship we have with GPCOG. We have many representatives and have good representation. He feels we are pretty well respected.

Goals:

1. The Council will pursue solutions related to renewable energy and energy efficiency to reduce the energy costs to the Town of Freeport. Chair Tracy requested that Mr. Joseph provide an update in terms of his sense in where we are with solar power. Mr. Joseph explained that he has taken this over with the departure of Donna Larson. We are slowly exploring two avenues at this point. One potential avenue is in town and one potential is outside of town. Both would work completely. In conversations with Councilor Egan who is a little bit of a financing guru on the solar field, has given him an informal guideline of June/July to have a cooperative proposal with any of the government entities that are interested in working with us. He has been talking to the School

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District and they have actually started a Sustainability Committee. They are evaluating whether or not to pursue or how to pursue a solar option through the RSU. That has slowed their potential participation a little bit. June/July is a break point for cooperation. If nothing by then, we pursue a Town -only option on a Municipal facility like the Public Works Garage which would be smaller in scale but easily achievable because it would only be us with the goal of getting that in place by December where there are some break points for federal credits. This is where Mr. Joseph is. He will continue exploring co-operational avenues with other government entities and maybe private businesses in town. If we don't have something firm that people can commit to by the end of May, beginning of June we will actively pursue doing a rfp locally and talk with the Facilities Committee and the Town Council about what it would look like. It would be a much simpler process that we can undertake ourselves.

Mr. Joseph explained the issue of putting together a large array was the lack of good space to do it on. The Sewer District and the RSU were initially interested in cooperating in a three-way project with the Town. We did some research and engineering work and looked at what those numbers would look like. Even the Town by itself to fully offset 100% of our electric use, we don't really have the available space to do that. We have a couple of locations which are close to prime in terms of orientation and available free space. All of the large open land that we have, such as the landfill for example, has no electrical service. He is looking at two locations. One is local and the other is within another municipality. Those are very dependent upon other people. If we want to speed up the process, the Council should tell him to pursue something on our own and he will start doing that immediately.

Councilor Reighley asked if the Sewer District is still wanting to be involved. Mr. Joseph replied that they are. The land between Route One and the Interstate Highway where it doesn't seem to be suitable for any type of building and is privately owned, could it possibly hold an array? Mr. Joseph advised that MDOT mentioned that they have no interest in installing utilities within their rights-of-way. There are opportunities on private land but you get into rent, lease or purchase of land anywhere to do this but to make it as financially viable as possible, you would want to do it on land that you don't have a high cost for. If you are aware of land that has three-phase power that can take this, or if anybody is out there who would love to have a municipal project on it, or the public, or corporations that would love to partner with us, by all means, contact Mr. Joseph. He would be open to exploring it. Even some of the non-profits he has talked to or private landowners have to charge something for the use of their land. Whether it is a yearly lease fee or an outright purchase, it would be up to the negotiations.

Councilor Egan explained that Efficiency Maine is going to have a program for municipalities to engage in some other renewal energy improvements such as some electric car charging stations and other alternatives as a result of a settlement they are receiving. There will be some programs coming up for municipalities to dovetail in the installation of solar array through the Municipality of Freeport. Chair Tracy mentioned that we started discussions with Efficiency Maine and we are scheduling a call with them next week if schedules align. We are moving forward on that.

Councilor Horne asked if there would be an opportunity to discuss solar at some point. Chair Tracy suggested taking up solar at the next meeting or the meeting after.

2. The Council will explore infrastructure and policy opportunities that will promote active lifestyles for Freeport's residents and visitors.

Chair Tracy advised that we have been asked to fund some improvements for Florida Lake which is a Town-owned property which the Conservation Commission oversees to make that property



more accessible to residents and visitors. We have been working on the Cousins River Bridge project as we have discussed pretty frequently. The bridge will be reworked and replaced in the near future and Freeport is working collaboratively with the Town of Yarmouth to help shape the design for that bridge which is being designed by MDOT. We hope and expect that the bridge will include a pedestrian pathway to the side of the bridge to allow walkers and bikers to cross the bridge safely. We are actively working on that thanks in large part to Councilor Horne and Peter Joseph who have been manning the shop on that front. We have also been asked to fund a match of a planning grant for exploring a multi-use pathway along Route One South, potentially not on the Route One roadway but maybe even back in the woods. Our Active Living Committee came before us last week and talked about all the efforts that they have undertaken and are continuing to undertake to facilitate active living and facilitate walking and biking in Freeport.

Councilor Reighley wanted to include the fact that we are going to see a complete streets program being presented to us in the near future. Chair Tracy noted the complete streets policy would be developed by the Active Living Committee and other members. It would basically be a policy that articulates how our streets accommodate all modes of traversing. Councilor Reighley mentioned that it would also include the detailed discussion on pathways and bikeways. Mr. Joseph added that we are continuing open, loud, very public discussions with MDOT about the futures of some of the arterial connections, being Exits 20 and 22 overpasses. He, Chief Nourse, Mr. Bliss, reps from Active Living, Traffic and Parking and Project Review Boards had a discussion today at a site walk at both locations with MDOT, GPCOG and DOT's consulting engineer. A public process will begin within the next 3-6 months for both bridge projects. They will be designed big and discussed together but probably not constructed in the same year. It will be a 3-5-year window for the construction of those bridges. Those are major construction projects.

3. The Council will explore and undertake two initiatives to facilitate aging in place. Chair Tracy mentioned that we are already working on that effort. Patricia Oh, as Councilor Whitney mentioned, is the AARP representative for aging-friendly communities. She has a wealth of knowledge and resources to help guide us should we decide we want to become an age-friendly community. It does not cost anything and it just opens us up to an opportunity to partner with them and get their support in basically undertaking anything we decide will be appropriate for Freeport to become more age friendly. It is pretty flexible. Towards that end, we will be holding a workshop and hope to have Patricia Oh and three potentially municipal representatives from three other towns that have undertaken Aging in Place initiatives that provide a wide range of approaches. That is the first action item and the second action item which we will discuss more at the workshop is to become a member of an official age-friendly community under AARP which is a simple application and a commitment by the Town Council that we are going to be looking at these efforts and trying to be a better age-friendly community. It is not a huge commitment other than a commitment of intent. The hope is we will be able to do some things at the municipal level that will allow people to stay here in Freeport as they age and not have to leave. That is our hope. FCS has a Vista volunteer and her whole job for the next year is to coordinate sort of an aging in place examination. They will be reaching out to all representatives in the community to learn what the community needs to facilitate being age friendly and aging in place. The Town will be participating through her and Councilor Whitney and anybody else that wants to be involved.  
Councilor Whitney pointed out that there will be a kick-off breakfast this Friday at the Freeport Community Center from 7:30-9 a.m. It is to get energy going in town.

4. The Council will take reasonable efforts to resolve the Island Rover matter in 2019.

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Chair Tracy explained that the Council has been working on this actively for the last two years and longer than that. We have been in active litigation. It has been dormant because Counsel for Carter Becker who is involved in the matter changed hands and they requested more time to kind of get up to speed and we have also been in discovery. It has come to her attention that this matter is soon to be placed on a trial calendar so it will speed up relatively quickly. We will be talking with our Town Attorney about that this week. We had undertaken efforts to see if there was any avenue to provide a different way out of this situation. There has been some activity on that front including site walks with environmental agencies and trying to explore whether there could be ways to get permits to launch the boat. At this point it has not come to a lot of fruition in terms of forward moving action. We will continue to explore those opportunities as we can.

Councilor Egan asked if putting this on a trial calendar would be adjudication on the contempt or on the original finding way, way back when the violation of the Ordinance was cited. Chair Tracy explained that in the contempt matter, it has largely been adjudicated. The Island Rover was found in contempt of the original agreement to remove the boat by a certain date or sign over the deeds or the ownership. That we have actually had an order in our favor and also a finding of attorneys' fees for us. We also had another action which was adjudicating the underlying issue of whether the ownership should be transferred to Freeport and the deed pursuant to the terms of the settlement agreement and that fundamentally involves a determination of who is the owner. When we got the contempt order, the court suggested before the Town was to do anything, the underlying ownership issue should be adjudicated. We have now switched back to the other action and that is what has been percolating for the last few months and that is what will go on the trial docket. That would determine the ownership and if the Town has the right to do such things as enter into a writ of possession or to resolve that boat one way or another.

5. The Council will coordinate with FEDC, other committees, and other local partners to identify and undertake efforts to encourage the continued vitality of the downtown district.

Chair Tracy explained that the Council has already workshopped this with FECD and they are committed to going through a process of identifying potential ways to encourage the vitality of the downtown. The Town has pledged to reach out to other municipalities that have encouraged their downtown vitality in the face of change, which is a situation we find ourselves in. We have asked the Planning Board to take a look at what they may be able to do to facilitate mixed use in the downtown area. That is something a little longer range that we are looking at as well. As everybody knows, the Bartol Library building is available and we are undertaking a deliberative process to try and find a suitable occupant for that. There are a myriad of things but one is to contribute to the vitality and vibrance of the downtown district.

Councilor Horne explained that members of the Sustainability Committee reached out to the State of Maine and they operate a Canopy Program which is a tree cover, making sure trees in a community are healthy and they have strategies on how to add trees. The State has agreed to come to Freeport and do a full survey of all of our canopy assets for free. People will get together in April to hash out the details. This is a late breaking thing that is still developing. The comment was made that Freeport is kind of a keystone town for the state because so many people from out of state come here sometimes first or second. They sort of view Freeport as a gem in a showcase.

Chair Tracy advised that we are considering whether to allocate some capital funds to beautify the downtown district by adding trees in a median to buffer the roadway a bit. Councilor Reighley hopes we can show the State representatives our brown tail moth dilemma.

## **2. Continuing review of FY20-FY24 Capital Budget.**

Chair Tracy pointed out that the Council has had the Capital Budget for quite a while. We have workshopped it and gone through it with the department heads. This is an opportunity to address any items we need to consider that we haven't been considering yet. To wrap up some loose ends with respect to funding requests that we are still trying to get our hands around and to start thinking if Councilors want to make any modification to the proposed Capital Budget. It is within our power and if Councilors want to amend the budget in anyway, we should start getting a sense of that now.

Police and Fire heads were asked to be here but if nobody needs to talk to the chiefs, Mr. Joseph suggested dismissing them. Councilor Horne had one question for the Fire Chief. The former utility truck is for sale and he asked if he received any bids. Chief Jordan explained that there has been very strong interest in that truck and he wishes he had two of them. Mr. Joseph advised that he has received inquiries as well. Department heads were dismissed with the exception of Mr. Bliss and Ms. Maloy.

David Webster explained that he is a founding member of the Arts and Cultural Alliance of Freeport, (ACAF) and is chair of the Venue Search Committee for ACAF. He is here to alert the Council of their intention to make a formal TIF request. Their committee and various local organizations have considered over 20 locations to see if those locations could fulfill the space needs of a multi-use cultural arts activities center. They have worked to narrow down their efforts and have been meeting with, and examining the possibility of making use of space within the First Parish Church at 40 Main Street. They have drafted a concept of ideas they felt would be workable for the community as well as ACAF and the church. This has led to their proposal to lease and convert the Main Street level of the church into a multi-use, performance and arts activity center for the Town. After many constructive meetings, they are very close to reaching a mutually agreeable lease agreement that each group can bring back to their respective controlling bodies. The negotiations have been cooperative and positive with an extraordinary sense of respect for each other's needs. ACAF has allocated funds for them to conduct due diligence and their committee is working with a structural engineering firm, an architect and a contractor. They are working to finalize concrete details and costs for the work that will be needed to transform the church space. He publicly thanked them for the rapid efforts to secure the information they need now in order to accommodate the Council's timeline for its budget. Based upon their input as well as theater designers and others regarding art workshop and exhibition space, they have worked with a contractor to prepare a working budget for the renovation and conversion for the space to be used as a multi-use and cultural center.

To ensure the success of the project ACAF is requesting the Town Council approve a TIF contribution of \$144,000. If that contribution is received, ACAF is confident it can raise the remaining \$144,000 that will be needed to complete the remaining renovation project. Mr. Webster explained that a budget is attached showing details and he would be happy to answer questions.

Councilor Reighley asked what they do for fundraising. Mr. Webster explained that they have 100% from their Board which has been expanded to 13 members now. They have raised about \$10,000 but have not been interested in raising money for no purpose. They have a number of grant proposals that are in for a number of projects. Some of which are in cooperation with the schools. The schools have been enthusiastic about having a place for after school activities and are interested in cooperating with them. They have not yet been successful with grants.

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Councilor Horne asked if this is to pull funds from the Destination Freeport TIF and is the one that mentions specifically Arts and Culture and its creation. Mr. Joseph explained that VC-I through IV are approved uses and this is definitely VC-I that is being discussed. It specifically is to be used in VC-I-IV Districts so the church building would be for Capital Projects in the Arts and Culture that advance the creative economy. This is as qualifying as you can get. Councilor Reighley asked about the Freeport Performing Arts Center of the Freeport Community Center. Mr. Webster explained that the Performing Arts Center is a school-based location and the school uses the stage as a classroom and there is challenge in booking that space. The other challenge with that space is that events are often appropriate for 100 people and if it is a 500-seat theater, it feels vacuous. At the Community Center, he knows of one group that has to stop when the train goes by. The noise is an issue there. The space is too small for the Community Band or Community Chorus. There is a niche and that is that 100-200 seat facility plus a place for visual arts activities and exhibits. A lot of artists told them they would like to exhibit their work on Main Street and for workshops. That is the niche he is talking about. The lease agreement with the church is for 10 years with an option to renew with no undue reason for non-renewal. The original church was the Town Meeting Hall and they are excited about seeing the building used by their community. They have done a great job of negotiating to protect themselves and also done a great job of helping them to find solutions.

Chair Tracy asked if there has been any discussion of alternative funding sources such as a construction loan with a bank that the building owner would need to undertake and ACAF paying those payments off other than just the Town and private fundraising. Mr. Webster explained that they have had some discussion regarding the idea of having some fundamental ongoing support that would be going on through the years and use that as a way to get bank support to secure a loan to do the upfront work when they know they have the revenue coming over a period of time. Chair Tracy asked if the Town were to decide that it could fund a certain level over a period of time, is there some flexibility with timeframe? Mr. Webster noted that whatever the Town can do will be greatly appreciated and they will do the rest but yes, they have flexibility and that would be an option to explore something that they could secure a loan to do the upfront work knowing there were a stream of revenue over a period of time that they could build upon.

Councilor Egan asked if the lease negotiations talk about the property owner's potential decision if they were to sell that property within the lease term? Does the lease survive a sale? Mr. Webster indicated that ACAF would have first option. The church people have been very clear that they don't want to sell the building. They love their building and want to see it used. If they were forced to sell the building, ACAF is first in line and it is written in the lease as he understands it. This church is owned by its 22 members. They are not in a desperate situation. Their parking situation has not changed.

Eric C. Smith, Church Trustee, explained that due to some careful planning, there is a stable funding source for the church that more than pays for the cost of the building and its maintenance as well as part of the program costs. This is a golden opportunity for the congregation to serve the community which has always been its mission and to have more people use the building that they have been caring for and protecting for 126 years on Main Street. The Historical Society has not been a party to these negotiations as such but there may some consultation making sure that the architectural integrity of the exterior and interior of the building are preserved with whatever renovations go forward. However, given the community needs there has been some conversation among many parties including the Historical Society of the value of the access that is cut between the Historical Society at 45 Main Street, the church and proposed Art Center at 40 Main Street and the Community Center directly behind it. It has the potential to have a cultural access with ample parking there and easy walking access between the three buildings.

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Councilor Horne asked about the lower level and what will the proposed renovation activity occur. He recalled having Cub Scouts in that basement. Mr. Smith mentioned that the church has been in conversation with a number of groups to enhance the use of the building. They are talking about migrating a lot of the community groups that used the upstairs down to the lower level. The lower level is where a lot of the church mission would happen and a lot of the other community groups that meet in the church would meet at the lower level. It would free up that Main Street level for full use by ACAF and its member groups. Mr. Webster pointed out that all the renovations they are talking about are all dedicated to the one level they will be using as a facility. There will be a clear line between the activities the church is going to do on the lower level and the activities they will do on the main level. There is a carve out for their services. They will still have Sunday morning where they will be able to use their space and if they wanted to do something like an event, they would need to come to ACAF as any other group and do a rental agreement, so there are clear lines of demarcation. Mr. Webster explained that one of the things that has been a problem for using the church for the chorus is the fixed railings, fixed pews and pulpit that were put in in 1956 so they are not original or historic. Those items prevent the altar space from being used as a performance space. It is cluttered with stuff that can't be moved. Their proposal is to take that and make it moveable items that can be used on Sundays and then taken off and add a stage on front which would increase the size so that it would be large enough for the Community Chorus to use. The same would be for the Community Band. Chair Tracy asked if these groups would be charged for using this space. Mr. Webster noted that they would be charged. They are designing a mechanism where there will be revenue from ticket sales and revenues from rentals. They have been approached by a theater company from outside Freeport that has been looking for a space. They have not worked out the details but there would be payment. On the sides, there are two rooms that will be opened up and become a visual arts area, a gallery, a place for workshops, a place for micro businesses to attract the community in, for people who can't afford to rent a storefront at Christmas or anytime. They are looking forward to the opportunity to support micro businesses and be attractive to people that come to town.

Councilor Egan thanked Mr. Smith for providing the contexts. He is more comfortable with what the Council might be able to do knowing that the church group is going to continue to steward the building and has a revenue stream for that. That was his biggest concern. It looks like a fantastic relationship. Good work. Mr. Webster added that they fulfilled a number of the strategic plan items such as increasing their Board, establishing a relationship with the schools and now looking for a location. Once they have their pieces in place, they can go to the community and say we are ready to work. The plan to open this facility depends on when the structural work can begin, whether they get all the dollars they have to raise and whether the TIF comes in immediately, like in June, they will start to work. If it comes in increments, they will have to phase in. The stage will be the first thing. He suspects that by the end of the summer, there will be small events and the stage will be in more useable space for the fall. The two rooms on the side and the space are still viable. There is an organ endowed there that should be used and should draw people off the street.

Chair Tracy asked Ms. Maloy what is the balance in the TIF. Ms. Maloy noted that as of July 1, 2019 it is projected to be \$309,000 but does not include any of the projects within the plan for FY 20 or the \$20,000 appropriation for the Nordica Theater payment which is for a few more years. If the projects that are there now pass appropriation, the Council would reduce that \$309,000 by \$171,000. You would end up with \$138,000. That deduction includes the \$20,000 Nordica payment and the Detectable Ramp Panel replacements of \$6,000, the replacement of the sidewalks on School Street from Main to Middle for \$45,000 and FEDC appropriation for \$100,000. Chair Tracy realizes that some of these expenses are ongoing but she assumes the balance gets replenished. Ms. Maloy noted that every year there is on average between \$250,000-\$300,000 is raised through taxation under the TIF. Chair Tracy mentioned the request from the Historical Society that is not factored into Ms. Maloy's list and does not factor in the potential tree improvement project.

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Councilor Reighley pointed out this is a significant amount of money being requested. This is more than \$20,000. He would like to have this go before a public hearing to get input from the community. No one knew it was coming tonight and he wants to give them a chance to speak. Chair Tracy noted we are down to the wire here but we do have another meeting on the 23<sup>rd</sup> and it doesn't mean we can't fold another public hearing on the 23<sup>rd</sup> on this specific item.

Chair Tracy explained that in looking what we have and what we have for requests, she is not sure there is enough money to fund Mr. Webster's full request. It would be helpful to the Council for a breakdown of different permeations of the request. What would be required to start the project and make a material step forward and perhaps open the doors. She does not see the numbers working so a breakdown of different options would be helpful to the Council. Mr. Webster agreed that that is entirely doable and mentioned that the budget they presented is the working budget they have in order to say within 6 months, 9 months or a year, to be fully functioning on that level in Phase One. They, like the Council, have to work with what they have and if in fact the Town can support them, it will be a big step forward in terms of their being able to go to others to get additional support. The more the town can do, the better they are. We all work within our means. If the town can do anything, that means they have to do more and that is okay. They are ready to do that. He will get the budget broken down in the manner Chair Tracy asked for.

Ed Bradley wanted to clarify the question. Was Chair Tracy asking if they could divide the request in phases to the Council so that in one year the Council might phase Fund X and in year two another? Chair Tracy explained the difficulty of being unable to bind future Councils. She is not sure the Council could make a multi-year commitment. Mr. Joseph explained that her point is good and accurate. Appropriations are set each year on a single year basis. The Council does not appropriate multiple years in the Capital Budget. It is just the first year. The Council can bind future Councils but it is generally with bonds and that is why there is a different standard for issuing a bond and would involve a public hearing and referendum and things like that. In the regular budgeting process, the Council could make an order or take an action to do it but there is nothing barring a future Council from reneging on that. Chair Tracy pointed out that she is reluctant to setting the precedent and it would potentially put ACAF in a difficult position because we would really say we are putting it in the Capital Plan but it doesn't mean that we will do it. Mr. Webster advised that they would do what they could to put the Council's mind at ease and help people understand a way forward. They have the capacity to do a lot and they wish to seize this opportunity. Chair Tracy thanked Mr. Webster for his time.

Mr. Joseph advised that the Council needs to take a look at the potential contribution to the Historical Society and whether it would come from TIF or not. There would only be specific circumstances where it would come out of the TIF. If the number the Council is considering is a part of this, we need to consider it. Councilor Gleeson asked when the Nordica Theater requested back in the day, he knows there were incentives so Nordica could be here, could it be viewed as similar to what ACAF is trying to do? Mr. Joseph mentioned it is a completely different legal beast. It is a credit enhancement agreement that is entered into along with the TIF Program. When we developed the TIF Program that was then approved by DECD and the Council voted on and adopted it, there was also a contract that was signed where we obligated \$20,000 a year to be paid until 2022. That was a legally binding action the Council took back in the day. Ms. Maloy explained that the point of a credit enhancement agreement under the terms of a TIF through the generation of a TIF is the Town would be obtaining some sort of infrastructure improvement or addition that it would not normally be able to afford to bring in under its own dollars. You would have an external investor that comes in and says "I want to build you a theater but with some kind of kick-back so that overtime some of that expense comes back to me" but it gives the town an immediate infrastructure investment. The difference is that it was through the generation of the TIF. This is asking

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for existing TIF money to be used for something. It is not to establish a TIF where there would be a potential kick-back that could be agreed to over a long period of time for an infrastructure investment.

Councilor Gleeson noted he is a precedent kind of Councilor and although it is an entirely different structure, he thinks the Council has assisted in trying to get businesses downtown that enhance the downtown. Ms. Maloy gets what he is trying to compare but she would be hesitant to make that link. The financial difference between the two birds makes one an eagle and one a crow. They are still birds but are very different birds. She can appreciate the link Councilor Gleeson is trying to make. From a financial perspective for her, they are two so very different things.

Chair Tracy moved into the Historical Society and explained that we have a request from them to fund a \$20,000 donation under similar auspices which is that there is value provided to the Town both in the services the Society provides to residents and visitors but also services that the Society provides to the Town itself in terms of preservation of records, etc. The Historical Society maintains the structure downtown as both a museum and an opportunity to see historical archives and the gardens and all the things it offers. Mr. Joseph read from the TIF Program what the Council can spend money on for improvements in the District. He thinks there may be an opportunity to make payments under Capital Projects within the Arts and Cultural District that advance the creative economy. The Council would have to make an argument that the Capital projects it is contributing to advances the creative economy or events that advance the Arts and Culture. Either of those are opportunities but the Council would have to make a determination or staff would have to make a determination agreed to by the Council that whatever it is contributing would tick those two boxes. Chair Tracy noted that is for it to fall beneath the TIF. She asked if it doesn't fall beneath the TIF and the Council decided to fund it, where does it come from? Ms. Maloy replied that she assumes it would have to come out from Boards and Committees Reserves. The balance in that reserve is \$38,000 and we are looking for \$62,000 this year so she will be increasing half of this year's budget to cover that. Plus, in two years we have \$125,000 in appropriation for the Harbor Master's boat. Ms. Maloy mentioned she has been going back and forth whether she feels it should be under the Police Reserve or whether it should be considered more of the Harbor and encompassing the Shellfish Commission. Historically the Harbor Master was separate from P.D. In the Capital Plan before the Council we have the boat for Marine Patrol and this is the replacement of the physical harbor boat. That is where it is for this fiscal year. Mr. Joseph explained that traditionally Coastal Waters Commission was the budget unit the Council will see in the Operating Budget for the Harbor Master's functions which we will transition this year as well. That is from years and years ago.

Councilor Egan recalled hearing from the Police Chief and Chief Jordan at the last Capital Budget workshop that there was a consolidation to have just one boat and we are buying a new boat this year. Chair Tracy explained that we will have two boats but one is a smaller skiff. We will have one big boat and a smaller one on a trailer. We are selling one big boat and buying a smaller boat. The larger boat will be maintained for harbor duties.

Chair Tracy advised that we did some investigation with regards to the Historical Society's request whether there are corporate memberships for the Society and if so at what level. Based on a conversation she had with Jim Cram, the Executive Director, it is her understanding that there are different levels of corporate membership but there are corporations that do donate as members every year at the \$5,000 level and those would include L.L. Bean, Linda Bean, Brewer's and larger businesses in town she assumes is in recognition of the services they are provided by the Society. If the Council were to consider an ongoing contribution, it would be in the nature of an operating budget allocation because it is ongoing and it is \$5,000 or less. If the Council has an appetite to provide some funding, it is possible to break it up so you are considering an ongoing funding and considering another source of funding which the Council needs to figure out if it wants to do that but it might be in recognition of the parking impact. Councilor Horne

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mentioned services that the Society might currently be paying for whether it is plowing. We asked if there were things we are doing in town that might be as easily complimentary cost saving in-kind service part of the package. We didn't have a specific answer to that. Chair Tracy did not have any additional information on that. Mr. Joseph mentioned the only thing they could think of was snow removal. Eric Smith, President of the Freeport Historical Society noted there are a number of maintenance costs that they pay towards maintaining the shared parking lot behind 45 Main Street and there are additional specific costs paid to clear the walkways along that parking lot and the walkway that comes from the parking lot to the Main Street sidewalk. Those are significant expenses. He also floated that certainly an operating cost contribution in the form of a membership for the Town of Freeport would be a welcome recognition of the services the Society provides on behalf of the town. Another thing the Council is considering is the reason why they approached the town this year was in large part due to the significant financial hit they are taking because of the parking requirement changes. He heard Mr. Joseph say that one of the possible uses of the TIF is the provision of parking spaces in that district and if that were considered a one-time payment that would assist them in maintaining that parking lot, given the fact that their significant revenue coming in from that is ceasing this year and they are left with the requirement to maintain that parking lot for the health and safety of the people that will park there regardless but without the benefit of the income coming in from that rental. They can get specific information on what the costs are that they pay to maintain and whether that is in the form of a TIF payment or whether it is an in-kind donation.

Chair Tracy mentioned it would be helpful to get information on costs to maintain the parking lot and also external costs the Society pays third party contractors that would fall within services that the town might be able to provide while it is providing its own town services so that it is low incremental cost to the town but would be a relief to the Society's budget. Mr. Joseph asked Mr. Smith to get Mr. Cram to give him a call sometime this week. He would be glad to sit down and go over those so that he can bring it back to the Council. Chair Tracy advised that she needs to know from the Council if it is not an in-kind donation situation, and it is really coming out of our budget, what is the level at which the Council is interested in, if any, in providing funding for the Historical Society because it all connects together. We are quickly reaching a point where we need to make a decision on that.

Councilor Horne asked Mr. Smith about the \$20,000 he is seeking now to address the parking issue he mentioned, is that preferable to a lesser amount over time? Mr. Smith advised that the critical budget shortfall they are facing this year is directly related to the loss of parking lot revenue and that is going to continue into next year. They also came last year to the Town for an operating contribution much like a membership. They both have separate values to the organization. They value some of the in-kind support they are receiving from the Town but on an ongoing contribution in recognition of the direct services they provide on behalf of the town itself and the benefit they provide Freeport as a destination. Those are certainly something they would be seeking on an ongoing basis but this year they are looking to recoup some of those parking costs. Councilor Reighley asked what they do for fundraising. Mr. Smith advised they have one major fundraiser a year which is their Annual Gala. They have a membership drive and an annual appeal which have been increasing their fundraising in the past year. Of course, they have the business sponsorships they have been discussing at various rates including the top \$5,000 level. They have smaller fundraisers over the year and all of their programming does bring in some money. Their sales are not a significant source of income for them.

Chair Tracy noted she is looking for feedback on whether the Council has an appetite to support the Historical Society's request either in an ongoing contribution or a one-time contribution or both and at what level?



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Vice Chair Gleeson explained that he does not know what amount he would be willing to provide and is willing to hash it out. He likes the membership idea. It is good optics to have the Town have a membership. Future Councils can decide on how long to continue that membership. It is always an annually reviewed thing. Do we do more than \$5,000? He would leave it open to other Councilors but he would like to do something to offset this one particular year. He would not favor every year going for the parking lot. Councilor Horne agreed with Councilor Gleeson on both points. He would favor the \$20,000 asked for this year and some kind of ongoing membership. Councilor Gleeson asked him if he is suggesting \$5,000 and a \$20,000 or is he suggesting a \$5,000 and a \$15,000 to make \$20,000. Councilor Horne mentioned he could be moved around on the numbers and he would like to see the package on the in-kind services that the Town may be able to provide. In concept he appreciates both pieces.

Councilor Reighley pointed out that this would be in three phases. In-kind we can establish because when a snow blower goes down the sidewalk, it can easily do the sidewalks that are there. #2 is membership which is a very logical approach on this. It does show our continued support and the shortfall at this particular time is the result of our making a change in parking requirements and we may have to accept it for this one year so that is the other \$15,000. The in-kind can be subtracted out of the \$15,000 so \$5,000 contribution as an annual membership and \$15,000 made up of in-kind and whatever monetary difference it would be. Councilor Egan mentioned he heard that the membership thing would come out of an Operating Budget and one-time would come out of Article 9 of the Capital Budget. Ms. Maloy added that it depends on whether it is voted on under the TIF but the \$15,000 would be out of the Capital and \$5,000 out of the Operating. Councilor Egan explained that he is much more inclined to the one-time \$20,000 to help with the parking. He is strongly in favor of the in-kind. He is slightly less enthusiastic about committing to an ongoing membership until he understands more about the two-way street of what we get from that membership. Councilor Whitney agrees with what is being proposed. Chair Tracy disclosed that her husband is on the Historical Society's Board and both her parents are on the ACAF Board but she doesn't get any financial remuneration from either so she doesn't feel she needs to recuse herself.

With respect to the Historical Society, she feels strongly that we should participate in an ongoing membership. It reflects our recognition of the Society's contribution to the downtown. It is an alternative to shopping. It does provide a connection to what Freeport used to be and provides a soul in what is perceived to be a little bit soulless although we are constantly working to counteract that. She thinks it is important to participate on an ongoing basis. That does not mean that she feels we should participate in every valuable non-profit entity that exists in town on an ongoing basis. She feels this non-profit has a strong connection to the town and it is important to recognize. She would favor the membership and feels it is a big statement. We would be at the top level along with other key entities in town like L.L. Bean and is a statement we should make. With the respect to the remainder, she would say the \$15,000. She would not increase the request. She would like the Town Manager to work with the Director to see what would be a value to the Society. She does not want to do something that is not of value in terms of in-kind contribution but would like to mitigate the financial impact where we can if it is a small incremental burden to us but is a budget benefit to the Historical Society. She asked Mr. Joseph to work with the Historical Society and come back with a proposal. Mr. Joseph will rope Mr. Bliss and our Building and Grounds people to understand if there is anything that is incremental to us that would save them a lot of money or is it just going to be paying out of pocket for us to do it. It would be equivalent to a cash contribution. Chair Tracy noted that if it is equivalent to a cash contribution, we don't want to incur any liability and just deal with it. In light of the fact that we have had a significant draw on our resources this year, she could be convinced that we would fund it at a little less than the full ask but will defer to others on that.

Councilor Egan recognizes that we have constrained resources but understands using something out of the Capital Reserve is not going to hit the tax bill. Ms. Maloy explained that there are benchmarks with the

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reserves and we try to stay within the funding of the five year and 20% of the twenty year. Councilor Egan remembered that. Ms. Maloy noted the difficulty we are currently in is that we have been in a very poor rate environment so what typically would have helped supplement continuation of a particular level of those reserves has been non-existent for almost ten years so we have been having to replenish the reserves through some of the savings under the Operating Budget. When we experience an increase in our fund balance because we either reduced operating expenses or we had unanticipated revenues come in, we would make a recommendation to transfer that money into reserves to help maintain those balances. That fund balance level is where we try to maintain for operating purposes 2 ½ months of operating expense. Anything above and beyond that we typically have requested to move to reserves. This year we have a significant revenue shortfall on both the operating side and the reserves side. There were earmarked revenue sources that went directly to reserves so the Bartol lease revenue was split 50/50 between the General Fund and the reserves. We lost that entirely for both components and now the only secure funding is with the cell tower leases so there is money that comes in through the franchise fees, both cable and cell tower that will fund the reserves. Other than that, it will come from the Council's operational savings or unanticipated revenues or increased taxation.

Chair Tracy pointed out that the operational savings and the Operational Budget is quite flat as it is given concerted efforts of the Town Manager and Finance Director to lean on department heads to thin their operational budgets. Ms. Maloy explained the set components to the budget that typically always increase and we are having to find other non-inflationary charges that they try to reduce or see where they can be cut back. She always tries to bring minimal impact before the Council. We have been under 2% for the last two years and she is not expecting it to be under 2% increase before the Council with that significant loss of revenue.

Chair Tracy pointed out that we have three ways to fund the reserves: operational savings, unanticipated revenue and then we have revenue sharing but we can't count on it. We have had a gravy train for the last five years and things were working pretty smoothly but now the train is slowing if not stopping. We have to get real and stop thinking about the reserve as a slush fund. It is going to start hitting the tax rolls pretty soon. Mr. Joseph noted that a nickel on the tax rate would get us about \$80,000. Chair Tracy asked Mr. Joseph that if we were to increase by five cents on the mil rate, what would be the increase in dollars to someone who owns a \$200,000 house? Mr. Joseph noted it would be \$12.50.

Councilor Reighley advised that he asked in past meetings a comparison of mil rates or neighboring towns. Mr. Joseph is planning to put that info together in the next month.

Chair Tracy brought the Historical Society discussion to a close. She feels we know where we are going but there is more investigation to do.

### **Town Beautification and Trees**

Councilor Horne explained that drivers on Route One North through Falmouth will see on the left side islands that are filled up with planters and trees. He was struck that that was a pretty good idea in an otherwise unusable pretty ugly space. The idea came from Falmouth but as you drive through Freeport particularly north of Gritty's and as you approach the Fire Station, there are hundreds of yards of third lane space that are not needed for turning because there is no curb cut and no place to turn. His idea was to at least explore what was done in Falmouth. As an invitation to our town, to have more green space, more trees, less pavement seems like a great investment. If we make our town look great, it will pay dividends. Chair Tracy noted that at the last meeting, we asked the Town Engineer to go work some numbers and give us an idea of what we are talking about and if it can be phased.

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Mr. Bliss mentioned that the way he likes to think of Councilor Horne's idea is if you create an inviting space, people will come. If you create a space that is inviting, green and shaded, people will come. This is an example of street scaping. We would be taking a wide width of black asphalt and making gravel out of it. There are areas on the order of 100 feet long by 10 feet wide which is essentially the width of a travel lane by 100 feet long. There are swaths along that corridor between just south of the overpass bridge down towards Bath Saving Bank. That doesn't mean we plant a 100-foot swath. He doesn't think the costs would support it so he took a 25-foot long swath by 10 feet wide and made assumptions. Granite curbing for both aesthetic and function drainage and assumed a certain area of pavement removal or the full area removal. There is excavation and traffic control. He thought this through with the intention of being realistic about the cost. There is hope of wanting it to come down really low so we can dress up as much as possible but we should also realize that this is a DOT road and DOT work always carries a premium. The number in front of you represents a street tree with supplemental plantings within that 25 feet long by 10 feet wide area. Chair Tracy pointed out that the Council did not have anything in front of it. and Mr. Joseph offered to go and make copies.

Mr. Bliss noted that for that area he came up with an \$8,000 island. Curbing is over a quarter of that cost. He was generous with plantings but he would prefer to have it be more an aesthetically pleasing large diameter tree than a Charlie Brown tree. He considers that area as a unit and then we can translate it to a number of potential areas. We could get potentially 10-20 of them within those identified areas but he is not saying we should. Mr. Joseph noted that part of that plays into biting off small amounts each year and incrementally adding them. They could be like cookie cutters and could be replicated in various areas of Route One.

Mr. Bliss would prefer to start closer to the village. Councilor Horne explained that he feels the phased approach is the responsible way to do it especially given our current state. The idea that they are replicable and can be done over time makes it more inviting in his view. Mr. Bliss suggested extending this concept, not in this fiscal year, to the wide sidewalks we have on Main Street. We can green them up as other communities have done. He offered to send the Council material on what other communities have done. Councilor Reighley explained that he ran a business in Falmouth for 18 years and Falmouth has been trying to become more beautiful. There is no downtown in Falmouth. There was no design plan involved in anything that was done in Falmouth. The Falmouth Council is still attempting to reduce big box stores even though there is a Walmart now and they are trying to do it with beautification of the Falmouth Shopping Center which was put in there in 1961. They needed something like this and they got some money and before they did the center stripping, they actually put utilities underground and added decorative street lamps and he feels it still looks like a barren wasteland down there even with all this going through. Falmouth is not the best example but if Burlington is brought up, it is a great example of how we can do beautification. It is a relatively inexpensive cost to do it, especially if we are going to do one island a year. Mr. Bliss encouraged the town to talk to the town of Yarmouth since they are looking at these same things, streetscaping and undergrounding of utilities. They are initiating planning studies and working with a consultant and maybe we can tie in on top of their work.

Mr. Bliss explained that we could narrow the island down and prioritize the tree as opposed to the tree and the under plantings. Chair Tracy pointed out that we will need to understand who is going to move it into the budget. We are now one meeting before the meeting night we adopt the budget. Historically, we have not really liked to entertain major changes on the night we are going to adopt the budget. People need time to think about it so we still have some moving pieces but she would like people to start making some decisions. Councilor Egan asked if there will be any scheduled discussion on potential request from ACAF at the April 23<sup>rd</sup> meeting? Chair Tracy explained that Councilor Reighley asked for a public hearing on that and we have asked for information from ACAF putting their request into smaller chunks so we need a discussion on that.

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Mr. Joseph asked if it could be a public input session rather than a public hearing. Councilor Reighley had no objection as long as we can alert the public to come and talk about it. Mr. Joseph will put it on the Town's website.

Chair Tracy pointed out that we have a request for a match for a Planning Study for the potential multi-use path on Route One South. The request was for \$50,000 and the match was for a total of \$100,000. We asked for more information and Mr. Joseph advised that we made the connections and have had preliminary conversations but he needs to sit down with DOT on a couple of the questions so they know we are looking for the information. He had a conversation today with somebody in the field directly related to this project. The biggest things are scope and cost questions they need to answer like what could the funding be spent on. This was directed from DOT at staff and maybe our Cousins River Bridge Committee because that was how the discussion happened. DOT asked us to consider this. Councilor Horne advised that Donna Larson brought it up at an Active Living Committee meeting. He felt the committee was excited about it because trying to solve the puzzle between the Cousins River Bridge and the town and this was directed at doing that. Mr. Joseph mentioned that part of the discussion from DOT was that they wanted to see commitment from Yarmouth and Freeport to study connections on both sides of the bridge before committing to funding a free-standing bike/pedestrian facility on the bridge. DOT also graciously suggested throwing money on their end if we were to do that. That number could be reduced after conversations with DOT and that is what he is looking at right now. They care about what we will spend and whether or not they will match it. Chair Tracy asked if the request for this path with respect to the bridge itself is in jeopardy. Mr. Joseph advised that DOT would like to see a connection to at least Old South Freeport Road or South Freeport Road from the bridge. The study of the entire corridor between Cousins River and Exit 20 is not part of what its' looking for. They want a connection to get kids or people not comfortable on bikes, etc. a way to get them to a lower speed road like the Old South Freeport Road, DOT is not saying we have to build it now but they would like to see us study it. Councilor Egan noted we have a great presence with GPCOG and we use this position to tell DOT not to worry about it, we will make sure that we work with the two communities to make a connection and he does not believe we have to spend \$50,000 on a study to see whether or not we are going to have a bike path from this bridge. If we are feeling that the DOT is pressuring and they are not going to spend the money on putting the element on a 100-year bridge because the town next to it does not want to do a \$50,000 study is pretty offensive to him. We can use GPCOG as our voice. Chair Tracy explained that the question is whether GPCOG functions in that way. Mr. Joseph advised that PACTS would be relevant to that discussion but he is unclear about the lobbying part. We may be on our own. A lot of the technical, planning, and funding on Route One does go through PACTS which is becoming a unit of GPCOG.

Councilor Horne is somewhere between \$50,000 and Councilor Egan's point so he asked if it would make sense to put in a lower amount such as \$10,000 to get a study and some value done and keep a place holder if the bridge is truly an issue. He thinks \$50,000 is too much. If we were to do this match, Chair Tracy asked Ms. Maloy where it would come out of. Ms. Maloy replied that the appropriation is currently under Boards and Committees Reserves. Chair Tracy asked if we say \$10,000, the match would be \$20,000 and what would that get us? Mr. Joseph explained that it would have to be bid out to see what the price would come back as. That would get us in the feasibility range, not to the engineering range. Chair Tracy asked if it would buy feasibility to the YMCA? Mr. Joseph offered to get estimates. Councilor Horne asked if we did the engineered drawings in house that would keep the State interested. Mr. Bliss thinks we should differentiate between planning and engineering design. Planning comes before design. He mentioned that there are a number of issues that have to be vetted. Property access being one of them, as well as topography and environmental stuff. He is not saying he can't do it but thinks there are a lot of factors that have not been considered. Councilor Horne clarified that we are only talking about engineering as close to the YMCA. Mr. Bliss noted that is more easily digestible. Chair Tracy explained

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that we are talking about skipping the planning from the Cousins River Bridge to the Y and skipping right to a rough engineering study done in-house and is that do-able? Mr. Bliss advised that he could do that in-house. Mr. Joseph pointed out that it is only 1,800 feet and we can make that happen. Chair Tracy noted it does not require a matching grant and we will just do it and we tell them that we are doing it. Just to be clear, we are going to ask Mr. Bliss to take on \$5,000-\$10,000 worth of in-kind work that we could be splitting 50/50 with DOT if we outsource that. After discussion, Mr. Joseph talked himself out of it.

Councilor Reighley added that this new proposed consolidation of Active Living and Traffic and Parking will be addressing these issues about pathways and walkways and one of the things that is used in the Ordinance suggestion is that a subcommittee would be formed with members of this new committee plus inviting partnerships and representatives of other groups representing bicycling or walking or whoever else would be involved in this and that partnership then brings in more the volunteer effort and less the financial burden.

**MOVED AND SECONDED:** To remove \$50,000 in the PPI Grant from Article 9, Item #2 under the Fiscal Year 2020 Budget. In lieu of the \$50,000 I direct the Town Manager to request the Town Engineer when he is available over the course of the next year to put together a rough engineered plan for the pedestrian access from the Cousins River Bridge to the Casco Bay YMCA. (Tracy & Reighley)

To summarize, Chair Tracy pointed out that we need ACAF to come back with building blocks for different permeations for a donation. We need to better understand from the Historical Society the possible in-kind contribution and whether it is worth considering. She will need feedback from Councilors who want to support an additional donation, what level they want. She would need an indication as to what Councilors would want to propose for the green space/tree project that was discussed tonight. All those things need to be reconciled within the TIF Budget we have which is stretched a little thin this year. That will take some trade-offs.

**MOVED AND SECONDED:** To adjourn at 9:30 p.m. (Reighley & Whitney)  
**VOTE:** (7 Ayes)

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Respectfully submitted,

Sharon Coffin, Council Secretary