

MINUTES
FREEPORT TOWN COUNCIL MEETING #14-19
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY MAY 21, 2019
6:30 p.m.

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

Chair Tracy called the meeting to order at 6:30 p.m. and took attendance. All Councilors were in attendance along with 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 #13-19 held on May 7, 2019 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #13-19 held on May 7, 2019 and to accept the minutes as printed. (Reighley & Gleeson) **VOTE:** (7 Ayes)

THIRD ORDER OF BUSINESS: Announcements

Councilor Whitney announced:

- The Freeport Sustainability Advisory Board is sponsoring another series called Greening Freeport, Growing our Town's Canopy of Trees. It will be held on Monday, June 10 from 6:30 to 7:30 at the Freeport Community Center. Randall Arness, President of Land Use Consulting Firm Greener Prospects will be presenting. Complimentary food and beer from Maine Beer Company will be provided.
- On June 1st Sparks Ark will be at the Bartol Library at 1 p.m. for an animal presentation. Tickets are \$5. Chair Tracy clarified that this is the old Abercrombie & Fitch Building in the downtown.
- Memorial Day is a day when our nation unites to remember all the women and men that served our country and are now gone. The Freeport Masonic Lodge and American Legion are hosting a free breakfast at the Freeport Masonic Lodge from 8-9:30 a.m. It is a time when veterans can gather to remember those that they have lost.

Councilor Horne announced that on May 29th at 6 p.m. in the Freeport Town Office Maine DOT is hosting a public hearing about the bridges that will be worked on in the coming years. One is the Mallet Drive Bridge over I-295. There is a Desert Road Bridge over I-295 and in Yarmouth there are two bridges they are looking at.

COUNCIL MEETING #14-19
MAY 21, 2019

Councilor Egan announced that tomorrow evening at 6:30 p.m. is the RSU5 Budget discussion and local community input session at Freeport High School. This is a chance for anyone with questions or ideas about how the RSU composes its budget and what its priorities are. The follow up is the budget validation vote for the School District on June 11. He encouraged anybody with any interest in following how the school budget is spending its money to come to that meeting as well as the budget validation vote on June 11th.

Chair Tracy announced:

- **This year's Memorial Day Parade**
The parade will take place on Monday, May 27th. The Parade leaves Holbrook Street at 9:30 AM with the ceremony at the Town park on Bow Street beginning at 10:00 AM.
- The **Annual Spring Clean-Up** will take place the first two weeks of June. During these two weeks residents can bring their one free pick-up truck size load of waste to the Recycling Center. Residents will need to bring the completed coupon included in a town wide flyer (which includes details and conditions) which should hit mailboxes the middle of May. It is yellow.
- First **Free Camping Week at Winslow Park for Freeport residents** will be June 15-23, 2019. The **Close to the Coast Race and Family Fun Day** will be held on Saturday, June 15th. The race begins at 9:00 am. For children, there is a 1K Kid's Fun Run that will begin at 10:00 am, all children participating in the race receive a prize provided by Wilbur's of Maine and no registration is required for the fun run. Race and awards are followed by a FREE after race BBQ with FREE food, live band and adult beverage tent from Gritty's for all racers and their families. More information can be found on the Town's website calendar.
- There will be a **shellfish license lottery** for 1-resident commercial license and 2-resident student commercial licenses. Applications must be received between 6/1 and 6/15. Lottery will be held on 6/17/19.

FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Reighley advised that he attended the Winslow Park Commission meeting. Discussion centered around dogs on leash. Having dogs on leash walking from the parking area to the end of the campsites will be the new regulation. This should help solve some of the issues down at the park. There is also talk that they are going to put together a day for volunteering to help clean up the park in the spring. It may not happen this year but it is in the future plan.

Councilor Reighley also attended a Project Review Board meeting and had an opportunity to thank them for their volunteer service and the importance of volunteers that man all of our Town's Boards. It was a good meeting and involved an issue from his district. Chair Tracy noted she watched that meeting. It was very long and they did a good job.

Chair Tracy advised that we are in the process of interviewing for a Town Planner. The second round of interviews will take place tomorrow. It is exciting and will lead to filling that position.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph reported:

The Town of Freeport is looking to steward its tree canopy this summer, and you can help! Throughout the months of June and July, the Maine Forest Service's Project Canopy staff and teams of volunteers will be conducting an inventory of Freeport's public trees. If you are interested in helping, please meet at the Town Hall on either Thursday, May 30 from 6-8 p.m. or Saturday, June 1 from 10 a.m-12 p.m. for this Citizen Forester training. Attendees will learn the value of urban trees, tree identification, how to measure trees and how to use the USDA Forest Service's state-of-the-art iTree software. For more information, please e-mail kim.ballard@maine.gov.

MDOT is holding a preliminary bridge project meeting at the Freeport Town Hall Council Chambers on Wednesday, May 29, 2019 at 6 p.m. to discuss these two upcoming bridge projects:

- o Freeport: Routes 125 & 136 over Interstate-295, Bridget #5721
- o Freeport: Desert Road over Interstate 295, Bridge #5720

The public is encouraged to attend to learn more about these upcoming projects. Mr. Joseph would like these to be done in two separate years so the town is not paralyzed east to west.

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)

Gerry Kennedy of Pine Street explained that they have had an overlay in his district for a number of years that has not been acted on. He collected a petition from his neighbors asking to sunset that Overlay District. He presented the petition to the Council. Chair Tracy noted she and Vice Chair Gleeson have received an electronic copy. Mr. Joseph offered to forward a copy to the Council. Mr. Kennedy explained that it has been twelve years and the District was originally residential housing. A group came forward to do a retirement community by the water tower off of Pine Street. That was not successful by the initial group and it was sold to another company but no action has been taken at all. The area is sensitive environmentally and they would like to see it returned to the original zoning. He hopes the Council will look at this and come to some type of agreement. He offered to provide more signatures if needed. Chair Tracy noted he appropriately positioned the item in front of the Council and it will be addressed in a few weeks.

Guy Quartrucci followed up on Mr. Kennedy's comments. He explained that this controversial Overlay initiative came forward in 2006 and was reviewed at the Project Review Board in 2008 and renewed with some concern by the Board in 2011. No activity has occurred at the site since its 2006 inception and the property is currently on the market. Its sheer magnitude is ridiculous in relation to its location. It was simply a poor concept and a poor decision.

Chair Tracy advised Mr. Joseph that it would be appropriate to give notice to whoever owns the properties in the Overlay District so they will have an opportunity to weigh in. Mr. Joseph agreed to notify all the property owners in the District.

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:

ITEM #86-19 To consider action relative to adopting the May 21, 2019 Consent Agenda.

BE IT ORDERED: That May 21, 2019 Consent Agenda be adopted. (Egan & Reighley)

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

VOTE: (7 Ayes)

ITEM # 87-19 To consider action relative to amendments to the Zoning Ordinance, Section 409, regarding overhead doors in the Commercial District I “C-I”. PUBLIC HEARING

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

Chair Tracy asked Mr. Joseph to summarize the Zoning Ordinance Amendment which the Council reviewed at the last meeting. Mr. Joseph explained that this recommendation removes the limitation of one overhead door per side that is visible from Route One. Things like automobile service, boat storage yards, etc. have frequently run against this over the past several years. Several projects have had to relocate a building or re-orient the building in strange ways to make sure service doors are not visible and things like that. There are both current and pending applications that will be affected by this so it is very timely and relevant. This removes the restriction and adds a place in Section 527 that says that the doors should not be designed to stand out. Development is much different than what was anticipated. Commercial services are the bulk of what is being developed down there. The Planning Board held a public hearing and unanimously recommended this with the additional language to not let the doors stand out. There was no opposition voiced at the public hearing.

Keith McBride, FEDC Director, pointed out that he very much supports removing the overhead door restriction that has been in place. He expressed concern at the Planning Board level with Donna and Caroline as they were working on this language. We are coming off a project at the Project Review Board level where the question of an overhead door was at issue. The standard of visibility was really what became the issue there. The interpretation of what that means and how it should be applied really became a problem to the point where we are looking at a proposed building 500 feet back from Route One behind trees, other proposed buildings, behind landscaping, behind fencing and one could possibly see a bit of a door over here. That was standing at the site during a site walk. In his opinion, that is not how we should be regulating this. He has concerns with the wording, “*should not be designed to visibly stand out.*” We are trying to regulate the aesthetic of something and that is difficult to do with words. There is no consistency from one Board member to the next. Color, material and form are legitimate things that anybody proposing a building will understand and know how to fix. Visibly standing out doesn’t mean anything and he doesn’t know what that means. It is a complicated standard. His concern is that we are fixing one problem which is the barrier of development that overhead doors pose, but he suspects that down the road there will be a fight over well, it’s visible and because it is big and takes up a large portion of the façade of a building so by their very nature, they visibly stand out. He would like to see something in this ordinance clarify that. He does not have a suggestion on what that is and feels the Planning Board

COUNCIL MEETING #14-19
MAY 21, 2019

didn't. He feels the Planning Department understands that he is trying to talk about aesthetics. He wants to take emphasis away from "can you see it" and take visibility out of it. More discussion followed.

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

BE IT ORDERED: That the proposed amendments to the Zoning Ordinance, Section 409. Commercial District I "C-I" be approved. (Lawrence & Horne)

Sam Kapala, Planning Board Chair was asked to come to the podium. Chair Tracy explained that discussion has been around the language in the ordinance, particularly section 527. B. f. "Buildings with overhead doors shall be designed to not visibly stand out and may be accomplished through the use of color, material and/or form." Keith's concern is with the words, "visibly stand out," is a little subjective so it is not so centered on "can you see it?"

Mr. Kapala explained that this was added to give as much flexibility as possible to people coming to Freeport with proposals for development while leaving a little control with the Project Review Board in the event something they find objectionable comes their way.

Councilor Lawrence noted that overhead doors have come a long way and they can be added and not look like an industrial complex which is what we are trying to avoid. He has been in restaurants where they have an overhead door that opens up to a very nice area. Mr. Kapala explained that this was in the discussion and the intent was to make it more appealing. Chair Tracy advised that she likes the concept of reasonableness and offered for discussion: the overhead doors should be designed to not unreasonably stand out. This would give a little more subjectivity and context to the Project Review Board.

Mr. Kapala explained that the Planning Board hopes to look harder at that district in the next couple of months thinking about how to promote more kinds of developments that are not just car washes and boat dealerships. They would like to see more than industrial uses but are not yet there. He feels the change to replace *visibly* with *unreasonably* is a good change.

Chair Tracy took a straw vote on replacing visibly with unreasonably. There were (7 Ayes) and (0 Nays).

f. For buildings with overhead doors, the overhead doors should be designed to not ~~visibly~~ *unreasonably* stand out; this may be accomplished through the use of color, material and/or form.

Mr. Joseph suggested that the Council continue it and table it to the Council's June 18th meeting.

MOVED AND SECONDED: To table to the June 18th meeting. (Gleeson & Reighley) **VOTE:** (7 Ayes)

Mr. Joseph noted that he will talk to Caroline tomorrow and will put it on the next Council agenda. That will take care of any waiting period and will comply with the Charter. Chair Tracy thanked Mr. Kapala for coming tonight and mentioned that if he needs a Councilor at the Planning Board meeting to let her know.

COUNCIL MEETING #14-19
MAY 21, 2019

ITEM # 88-19 To consider action relative to a new liquor license application for Cadenza, 5 Depot Street, Freeport. PUBLIC HEARING

MOVED AND SECONDED: To open the public hearing. (Horne & Reighley)
VOTE: (7 Ayes) (0 Nays)

Chair Tracy explained that this is the new theatre and music venue between Petrillo's and the flower shop down on Depot Street. Mr. Joseph mentioned this is coming to the Council because it is a new liquor license location with a new owner and new business.

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

BE IT ORDERED: That the new liquor license application for Cadenza, 5 Depot Street, Freeport be approved. (Horne & Reighley) **VOTE:** (7 Ayes) (0 Nays)

Chair Tracy wanted to mention that we have had a lot of focus on diversification of the downtown and this is really in line with what is going on. She recommended that people go and check it out. She and Councilor Whitney really enjoyed it.

ITEM # 89-19 To consider action relative to Victualer License Ordinance compliance for Doherty's North Freeport General Store, 130 Wardtown Road. PUBLIC HEARING

BE IT ORDERED: That a determination be made whether Doherty's North Freeport General Store, 130 Wardtown Road is required to obtain a Victualer License pursuant to Section 8 of Freeport's Victualer License Ordinance (Chapter 30).

Chair noted that she is going to move to table this. It is related to a Victualer's License for a local business and she has information that this might be resolved by our next meeting. She would like to give it one more chance because she doesn't want the Council to be punitive to our businesses and will try to work with them. If it is not resolved at our next meeting, we will take it up.

MOVED AND SECONDED: To table to the June 4, 2019 meeting. (Reighley & Horne) **VOTE:** (7 Ayes) (0 Nays)

ITEM # 90-19 To consider action relative to amendments to Ordinance Chapter 39, Loitering, Curfew, and Noise, Section 103 "Noise". PUBLIC HEARING

MOVED AND SECONDED: To open the public hearing. (Gleeson & Horne)
VOTE: (7 Ayes) (0 Nays)

Chair Tracy advised that the Council discussed this at the last meeting. This is a change to our Noise Ordinance in response to some unfortunate noise infractions in particular neighborhoods related to firearms in an unusual manner that has caused some anxiety and fear. The way our Noise Ordinance is

COUNCIL MEETING #14-19
MAY 21, 2019

currently structured whether the Ordinance is violated is measured from a public way and this strikes that language so that it can be measured internal to private property. By striking the language proposed, you could determine that a violation of the Ordinance was occurring even if it was in the woods and causing a neighbor harm from a noise perspective. She opened the meeting up to public comment.

Sarah Vector from Desert Road noted she has neighbors that shoot guns way too close to their property and also set off fireworks to scare off birds of prey from their chickens. She loves her neighbors and has never called the police or wanted to get them in trouble. She would personally be in favor of anything that contributes to the sense of security. Her kids do get scared and they and their friends go inside when they hear it.

Paul Kendrick of 92 Kelsey Ridge Road advised that he and his wife have lived there eleven years. When they moved there the Conservation Trust asked residents to sign on to easements for a trail and they were happy to agree to. He explained where his land exists and the trails that take them out to Litchfield Road. The noise from the gunfire at 2 p.m. are as intrusive as they are at 6 o'clock at night. He mentioned how the nature of "rural" has changed in Freeport. There are two new housing developments down there and letters were submitted from Litchfield Road neighbors. The noise is incredible when it starts. It is not a Second Amendment issue in his mind, it is a noise issue and also issues of safety.

Councilor Reighley pointed out that Mr. Kendrick attended the Ordinance Committee meetings and sat through the process. His question is was he satisfied with the process and satisfied with the changes moving forward in the Ordinance. Mr. Kendrick noted he is very happy.

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

BE IT ORDERED: That the proposed amendments to Chapter 39, Loitering, Curfew and Noise, Section 103 "Noise" be approved. (Gleeson & Reighley)

Chair Tracy mentioned that there was a discussion on this at the Ordinance Committee meeting. There is a strong tradition of hunting in Freeport and this is not designed to shut down that tradition. It is designed to provide a little more recourse to address unusual noises. In the instance they were discussing that precipitated this, the description of these kinds of noises was that it sounded like an explosion in my backyard. It is out of the norm. It is a subjective standard but will provide a little more flexibility in terms where one can judge the impact of the noise. The impact can be judged from private property to private property as opposed to having to stand on the street and say, is it unreasonable from here when it may be tucked back in the woods. It is not to prohibit the use of guns at all in Freeport. Councilor Gleeson brought up shooting too close to a neighbor's house and Councilor Reighley advised that shooting too close to a neighbor's house is regulated by State Law and is well defined. Chair Tracy noted that this does not make the issue go away. It will have to be dealt with through enforcement and ultimately if challenged, through litigation. It does not relieve property owners from having to make a complaint. It is not an easy issue. It is changing where that is measured from.

VOTE: (7 Ayes) (0 Nays)

ITEM # 91-19 To consider action relative to amendments to Ordinance Chapter 13, Life Safety Code. PUBLIC HEARING

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

COUNCIL MEETING #14-19
MAY 21, 2019

Fire Chief Jordan summarized the Ordinance change. This brings the Town into agreement with the State of Maine and the codes that are part of the Fire Marshall's office that the State is enforcing at this time. It also gives all the exemptions that the State gives. There is one change to make the ordinance in agreement with the Subdivision Ordinance to move within 1,000 feet of all dwellings in the development to within 2,650 feet or ½ mile of all dwellings within the development for the water supply. This is in 13.5 A. 1. Chief Jordan caught this late last week that it was in disagreement. Mr. Joseph advised that Chief Jordan is going make that change from the Fire Department's perspective through the Planning Board's process for the Subdivision Ordinance since it is a zoning change. There are legitimate reasons why it should be 1,000 feet and not 2,650 feet but that is a multi-step process.

There were no public comments provided.

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

BE IT ORDERED: That substantial revisions to Chapter 13, Life Safety Code, including renaming the ordinance to "Fire Prevention Ordinance" be approved. (Whitney & Reighley)

MOVED AND SECONDED: In Section 13.5 A. 1. change what reads currently within 1,000 feet of all dwellings in the development to 2,650 feet (½ mile) of all dwellings in the Life Safety Code. (Reighley & Horne) **VOTE:** (7 Ayes)

BE IT ORDERED: That substantial revisions to Chapter 13, Life Safety Code, including renaming the ordinance to "Fire Prevention Ordinance" be approved as amended. (Whitney & Reighley) **VOTE:** (7 Ayes) (0 Nays)

ITEM # 92-19

To consider action relative to setting a public hearing for a new liquor license by Brickyard Hollow Brewing Co. at 20 Bow Street.

BE IT ORDERED: That a Public Hearing be scheduled for June 4, 2019 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss the new liquor license application for Brickyard Hollow Brewing Co., 20 Bow Street, Freeport.

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 3 and the Town's website. (Reighley & Gleeson)

Mr. Joseph explained that this is a new liquor license in the former Amato's public market area. The primary owner/operator is Frank Grondin but it is a holding company. The stalls will remain divided.

VOTE: (7 Ayes) (0 Nays)

OTHER BUSINESS:

1. Consideration of town wide policy regarding notice of board and committee public hearings and corresponding fee structure.

COUNCIL MEETING #14-19
MAY 21, 2019

Chair Tracy explained that this issue came out of the Project Review Board last Wednesday. The Board took up a controversial subdivision proposal and the neighbors to the subdivision were concerned that the notice of the Project Review Board hearing was issued in *The Times Record* which for the past 15 years is how the Town of Freeport has noticed its public hearings. It is a daily periodical and provides the most flexibility for issuing public notices. The point was made that the newspaper of general circulation that most people read is more along the lines of *The Forecaster*. That newspaper is what some surrounding towns use for their notices for public hearings. It is a weekly and is a little limiting. If we were to change our practice to get into a publication that is more widely read in town, we would have to consider changing the fee structure. She understands that the cost of getting into the *Press Herald* or *The Forecaster* is higher than the *Times Record*. The Project Review Board acknowledged that it really needs to be a town-wide change. We can't have just one committee doing it one way and you really should be thinking about the whole town. They suggested keeping the *Times Record* notice because it is a daily and satisfies the legal timeframe for notice but adding *The Forecaster* notice. It would create a little more expense for developers but \$100 on a multi thousand-dollar proposal in order to allow people to participate in the public process might be something that may be acceptable. That is something we could consider.

Councilor Reighley pointed out that as we have evolved into internet communication, the actual usage of print is greatly reduced and the number of people who subscribe to newspapers is greatly reduced. It may be an archaic law that requires us to have something that goes to a print and that may be a change that has to take place at the State level but he sees no real reason to change from what we have done for 20 years or more. It is unfortunate that people don't read papers anymore but we do post on Local Channel 3 and on our Town's website and we send out notification to neighbors on issues that involve them. He feels we have done pretty much everything we can do but it is unfortunate that some people didn't check everything.

Chair Tracy noted that the Council would not solve this tonight. The question is do we want to look at it. Mr. Joseph advised that a little research has been done and there is good reason to do the minimum legal in the *Times Record* or the *Press Herald*. Each public hearing that we notice has a different standard. There are several different standards in timing and why you have to notice. For example, a zoning change at the Planning Board level, the State requires that it be published in a newspaper of general circulation twice. One more than 12 days before and one more than 7 days before the zoning change happens. When the Council does ordinances, only our Charter says that "you shall publish a notice in a newspaper of general circulation." However, you can use alternate methods if they are calculated to reach more residents of Freeport. For local Council ordinances, there is a ton of flexibility. For the Planning Department with a subdivision notice, which was the one in question, there is a different State standard. The same standard published in a newspaper of general circulation published once greater than 7 days before and then a second time between 7 and the day of. The standard about Second Class Mail really points to the *Press Herald* or the *Times Record* and the *Times Record* being the more affordable of the two was chosen years ago.

Councilor Horne mentioned that he has run into this with aquaculture leases and noticed that *The Forecaster* will run announcements about pending lease applications but he has been told by the State it is not a legal notice. Mr. Joseph mentioned that it does not preclude doing a notice in *The Forecaster* as well, but maintaining that legal notice to meet the minimums will be required in one of the two papers for now.

Councilor Gleeson pointed out that *The Forecaster* is the only one of the three that he does read. Mr. Joseph mentioned costs. Chair Tracy noted that since it doesn't satisfy the legal requirement, we would be

COUNCIL MEETING #14-19
MAY 21, 2019

essentially adding \$150 to each application with a 2x4" notice. Mr. Joseph explained that the Project Review Board is waiting to see if the Council wants to change anything.

Councilor Reighley mentioned that this is one complaint we have had in over 20 years and we have demonstrated that the system works. Notification in print advertising is not the best option. The change needs to take place at the State level. Councilor Egan suggested making use of the Town's new electronic sign.

Chair Tracy pointed out that one of our goals is to increase transparency and involvement in Town government so to put a notice in a newspaper we all go out of our way to pick up seems consistent with that goal. On the flip side, \$150 is expensive and we do want to make development not burdensome but in the whole scheme of things, she is not sure it tips the scales. She would be in favor of adding that but maybe not doing it tonight but having another discussion after Project Review Board talks about it.

Councilor Horne is undecided. Councilor Gleeson worries about adding another cost as far as development but agrees with Chair Tracy it is not a huge burden so he is undecided. Councilor Lawrence is not for it. He feels there are other ways to do it. Chair Tracy explained that the message to the Project Review Board is that the Council has not decided to move forward on this. They can consider it afresh and they have the power to change their own notices if they so choose. Mr. Joseph advised that they have to meet both standards but the State is much more restrictive.

2. Continuing workshop on Operating, Capital and TIF budgets for FY20 including discussion on FY20 Recycling budget options.

Chair Tracy explained that Jessica Maloy is at a conference and not able to be here tonight. The goal is to talk about some ongoing substantive discussions we have been having particularly around recycling. She mentioned that the Council's next meeting is scheduled on June 4th and it will be adopting the budget on June 18. We have been talking about the recycling issue for some time but we don't have to make a decision tonight. However, it would be nice to get a direction tonight. If we can't do that, there is obviously more time to talk about it. Mr. Joseph noted he plans to provide a 2-minute update on the Police Animal Control item afterwards.

Chair Tracy recognized Adam Bliss, Town Engineer, Rod Regier, our representative to ecomaine and Suzanne Duplissis from our Transfer Station and explained that at the last Council meeting we asked Mr. Bliss, Mr. Regier and Ms. Maloy to provide an analysis of what the costs would be if we changed our options with respect to the silver bullets. She recapped the analysis and noted that our silver bullets are half full by weight when they go down to ecomaine. There is a second issue of contamination fees that ecomaine is starting to charge for the silver bullets which are more contaminated than the recycling receptacle at our Transfer Station because it is manned and the quality that goes in there is materially better. The proposal the Council has been kicking around is whether we remove some or all of our silver bullets to save contamination fees and also to save inefficiencies from a financial perspective, trips and potentially from an emissions perspective trip down to ecomaine with half-full by weight silver bullets. On the flip side there has been discussion about the contamination perspective and more robust educational program needs to be instituted to talk to people about the impacts of contamination fiscally and from a proper recycling perspective. There has also been discussion of reducing the silver bullets available, and arguments raised about whether that recycling material would just then be thrown out and whether that would also increase the cost to the Town because we pay for trash that is brought to ecomaine. Finally, there has been discussion about whether asking people to travel to the Transfer Facility versus going to silver bullets actually increases greenhouse gas emissions. She explained that the Council

COUNCIL MEETING #14-19
MAY 21, 2019

has a spread sheet that was prepared at the request of Council and she requested that Mr. Bliss explain what it shows.

Councilor Reighley advised that Yarmouth has eliminated their silver bullets since the 1st of May and it would be interesting to know if there is any feedback.

Mr. Bliss explained that Town Staff was requested by Council to present a couple of options and analysis of leaving the containers in place versus removing them. There are two options in a color block chart in a table before the Council. He was asked to present the impact to the annual budget over the course of a year. Option One is status quo. They leave operations as they are and leave the silver bullets in place and factor in changes to tipping fees by ecomaine. The bottom line is the 2020 Manager Proposed budget for the status quo option is \$501,650.00. Option 2 is to remove the four silver bullets and here we have to start making some assumptions. The three of them that met to discuss the options were conservative. They want to make sense while giving the benefit to the doubt that residents will continue to recycle. Option 2 is to remove the four silver bullets, using the conservative estimate that 2/3 of the silver bullet recyclables will be thrown out. He does not think that will happen but wanted to give residents benefit of the doubt and allow them time to make behavior changes. They have to add a staff person under this option to be able to accommodate the added volume at the Transfer Station. By removing the silver bullets the cost of that staff person is essentially offset by the hauling costs to bring the silver bullets down to ecomaine which amounts to \$60,000 over the course of a year. With other changes, the bottom line is removing the silver bullets, 2/3 of the recyclables converted to waste, there will actually be a budget reduction to \$473,000. Again, there are assumptions here and he wanted to bring to light that he could spend a lot of time going over various scenarios but requested being pragmatic for the sake of efficiency and time.

Chair Tracy pointed out that using Option 2, if you were to assume that instead 2/3 of recycling gets thrown out, only 50% of the recycling gets thrown out, then instead of \$473,000, we will be down to \$471,000. If you assume that 1/3 of the silver bullet recycling gets thrown out because the silver bullets are not available anymore, then you are down from \$473,000 to \$469,000. Mr. Joseph noted that this mirrors his understanding. Chair Tracy mentioned the big driver of some of the offset of the savings is to have another staff person at the Transfer Facility to increase the hours at a cost of \$35,360.00. The question was raised if that person could be a half-time staff person. Mr. Bliss explained that the reality is that it is difficult to hire part-time staff for a position that does not offer benefits. Councilor Reighley advised that the advantage of having a staff person there during the open hours shows because of the contamination rates we see differ in non-supervised versus supervised so we actually have an indirect savings there in reduced contamination fees.

Councilor Egan pointed out that the other huge driver nearly twice the cost of adding staff is the savings of \$60,000 in hauling partially full or nearly empty containers. That is a compelling factor for him. He does not see how we can continue to do that at that kind of cost.

Councilor Horne advised that he takes a completely opposite view in that he feels he is concerned about the displaced recyclables even if it is 2/3 or 1/2 because some of the preliminary data coming out of some other cities that have eliminated their silver bullets is that they lose about half. Expecting residents to drive to the Transfer Station, we are basically displacing the costs from the Town to the residents. We will be taking up their time and their fuel to drive to the Transfer Station. They will stockpile the recyclables in their garage for the weekly trip to the Transfer Station or they are going to throw it away. He is confident we will see an increase in displaced recyclables in a significant amount. He feels the price of not recycling is higher on a lot of other levels in unmeasurable ways. He feels we have to give education a chance on the contamination front. He would be in favor of doing a probationary period with the silver

COUNCIL MEETING #14-19
MAY 21, 2019

bullets and if there are some serious offending units, we can eliminate those and then go down to a truncated number of silver bullets. He is not ready to hang up the silver bullets. He feels it is worth the extra \$28,000.

Councilor Reighley noted there is no market value on recycled material anymore. He asked what are we going to do with it if we continue to take everything in whether it is clean or not. He feels it is a losing battle but if we can compact, increase our weight and reduce the volume, then maybe we have a chance.

Chair Tracy brought up the fact that because the silver bullets are so accessible, we are actually recycling recyclables for non-residents who stop on their way through and put their recyclables in. From a fiscal point of view, we are paying to recycle material from non-residents. Mr. Bliss explained that we had Town Staff visit each location for an entire day over the course of a week in March of this year. They recorded anecdotal information in terms of visitors and what they were depositing, etc. At least two locations, 50% of the people that dropped off on that particular day were from out of town. We are supporting out-of-town users whether they are coming from the north and northwest or from the south up to Freeport. Mr. Joseph added that in the location behind the Police Station and the one in South Freeport had much lower rates.

Mr. Joseph advised that the strong majority of users has curbside pick-up with access to recycling which essentially is Pine Tree or Transfer Station users such as himself who bring both up and none of what is being talked about tonight will be affected. The people who would be affected are users who have a trash service that doesn't do recycling pick up. He doesn't know if it is 25% or 10%. Suzanne and Mr. Bliss could probably put some numbers together to get the number of people who contract with the different haulers that do or don't.

Josh Olins, Chair of the Freeport Sustainability Advisory Board referred to a note he e-mailed to the Council. He understands that the Council is considering options including the removal of containers. He has been very open to support that but recently as Chair of the Freeport Sustainability Advisory Board, he reached out to ecomaine Directors regarding the high contamination rates. His goal was to simply find out what the effect has been on the towns that have removed silver bullets or recyclable containers in their towns. What they shared is startling. He explained the changes Portland, Augusta and Scarborough have experienced since removing bins from public access. Their Board's advice is the best way to maintain the highest rates of recycling is to keep as many silver bullets in the public reach as possible.

Rod Regier of South Street explained that he has been representing Freeport on ecomaine's Board for some time. He has been involved and an advocate for recycling in Freeport for over 25 years. He doesn't think the mix of recyclables has changed. Over half the tonnage has been mixed paper. Reducing the silver bullets has not changed the mix of recyclables. For recycling to work, it has to be easy but it also has to be cost effective. Silver bullets certainly qualify as far as easy and convenient but at this point, they fail for cost effective. No amount of education is going to change the fact that the overwhelming costs for the silver bullets is the transportation charge. and there is still the risk of contamination penalties by ecomaine. He doesn't think it will go away.

Sarah Vector, a member of the Freeport Sustainability Committee read a letter from Valy Steverlynk into the public record urging the Council to not remove the silver bullets.

Kate Rosenfeld of Cortland Road and a member of the Freeport Sustainability Committee supported everything her colleagues have said. She supports trying to educate and doing better with recycling and would be all for a second compacter. She believes recycling is our future and we have to find a way to do it. Domestic markets are opening up in this country to use recyclables. She feels it is a mistake to remove

COUNCIL MEETING #14-19
MAY 21, 2019

the four silver bullets but would be in support of removing the ones that have a high problem with contamination. Her concern is that once we take away the silver bullets, recycling decreases.

Councilor Egan advised that he is all in favor of recycling but disappointed that the Council's position is perceived in the public that we are giving up on recycling. He sees that we are trying to be as efficient as we can with it and not waste money trying to do recycling and have it so convenient that we are attracting recycling materials from non-residents. He did a quick check of maps, and learned that none of the trips to the Transfer Station are more than 2 ½ miles so he is having a hard time understanding that a location for a recycling container that is no longer on your way out the door but is 2 ½ miles away is really going to be the end of recycling. He does not accept that and with good education he feels we could maintain a much higher level than the data from other much larger cities. He would be more than happy to have a compromise and have one container centrally located and it seems West Street is the most centrally located and maybe expand the capacity of that so it doesn't have to be picked up as often and we can cut down on the transportation costs. The people that are recycling are doing so because they want to and not because the container happens to be less than 2 miles from their house.

Councilor Gleeson agreed with Councilor Egan and is supportive of keeping a couple of them to try to meet in the middle but he is not sure it is fiscally responsible. That would be a compromise with a heavy-handed educational campaign to see if the contamination rates change with the remaining bullets. He would support the remaining bullets on South Freeport Road and West Street and see how it goes. He worries about the employee costs and the added manned compactor.

Councilor Reighley mentioned that if we consider the fact that we go to Brunswick or Portland to have dinner and we talk about the distance for us to get to the Recycling Facility, making the hours longer and making it available seven days a week is what is being proposed here. We are really talking about providing convenience that way. It is up to the individual who wants to recycle. He will feel very comfortable driving over to the Recycling Facility versus the convenience of stopping after he picks up his mail in South Freeport and going to the silver bullet.

Chair Tracy noted she is kind of where Councilor Egan is. For her, this is an environmental issue that is serious and important but it is a question of cost allocation. While she feels there is a role for a municipality to incentivize recycling, we also have competing roles of using the Town fiscal resources wisely. It is not cost effective to be hauling half full by weight silver bullets down to ecomaine once or twice a week. It feels wasteful to do that and it goes too far into subsidization and it feels like the subsidy of something that is not an efficient practice. She is not hearing a lot of talk about using education to explain that it is still important to recycle and change behavior to go to the Transfer Facility. She is hearing that we won't recycle. It will just go to the trash. She feels the Council could commit itself to an educational program explaining why the change is occurring and how we are trying to make it easier to recycle by increasing staff time and access to the Transfer Facility but it has the benefit of decreasing contamination because it is manned. It has the benefit of not subsidizing non-residents to do their recycling which she does not feel is fair to put on the backs of Freeport residents. If we had to keep a silver bullet, she would be in favor of keeping only one and putting it on West Street. Contamination is not the real issue. From a fiscal point of view, it is the transportation issue. West Street is a neutral location. If we were to leave a silver bullet in a neighborhood, it would be perceived as one neighborhood being favored over others which she does not feel is fair. Her first preference would be to remove all the silver bullets and increase staff time at the Transfer Facility but she could be open to leaving the West Street location with apologies to the Police who has been wanting it to leave. Mr. Joseph added that over the past four or five years the Police and Fire Departments have requested that the West Street container be removed. One thing that is not a comparable between Freeport and the other towns is our Transfer Station. The larger communities do not run a transfer station but Yarmouth does. A lot of them have full

COUNCIL MEETING #14-19
MAY 21, 2019

curb-side pick-up throughout their communities. To acknowledge the job our small staff of Suzanne, Josh and their various part-time helpers do throughout the year, the recycling rate is booked at 1% and Suzanne feels it is less than 1% but ecomaine won't give us credit for a half percent or a quarter percent. They do a fantastic job in manning it and watching it and has kept the contamination down. It shows how it should be done. Most of the other towns that utilize ecomaine don't have that feature to cut that contamination and it makes us a little different case. He acknowledged that people would be inconvenienced and it would discourage some from recycling but he hopes it will be less than the 58% for Portland or larger communities. He would strongly support and ask Adam and Suzanne to consider expanding access to additional weekdays or weekday nights and the Council is open to that. He has had discussions with Yarmouth about the possible cooperation between our two transfer stations and they would like to have us talk to their recycling committee. We are at the start of that conversation. If we can't cooperate on recycling, there is no chance to cooperate o combining police, fire departments, town halls or other hot button issues.

Councilor Horne recommended keeping the four silver bullets and watch for the contamination. If we have heavily offending units, we can talk about shrinking them. We will put folks on notice. Councilor Whitney feels the education Suzanne is giving our residents is remarkable and mentioned the wonderful sign she changes seasonally. She is concerned about fiscally adding another staff person. It may be expensive but it may be necessary at this point. She will be sad to see the silver bullets go away but it is a tough issue. She would be in favor of keeping one but choosing a neighborhood will be challenging and West Street has troubles keeping it there.

Chair Tracy mentioned the Council has a couple of options. We have the Councilor Horne option of keeping all four and employing an educational outreach for a period of time and re-evaluate. It won't solve the transportation issue but education will potentially solve the contamination issue. We also have the option to go to zero silver bullets and if we did that, there appears to be support to pay for additional staffing to keep the Transfer Station more accessible but the cost of \$35,000 is significant. She also heard keeping one silver bullet and also increasing staff time at the Transfer Facility.

Councilor Lawrence asked how difficult it is to have a silver bullet brought back. Chair Tracy answered that it is not hard. We would have ecomaine drop it back off. Councilor Lawrence mentioned he is in support of getting rid of all four for the costs and see what happens. We have been recycling with the silver bullets and we have that data and we say, let's educate people. He asked if we have not been educating people. If we remove them, we can see what happens and it is nothing to put them back. We already have the habits. Councilor Reighley mentioned that we may go up \$35,000 in staffing but in hauling we drop \$60,000. In looking at Options 1 and 2 there is a savings of \$30,000 overall and we have supervision, guidance and education on hand at the Recycling Center. If all of a sudden we now see that everybody is in compliance and we have to have the container hauled every day because it is 100% clean and people are doing a good job, maybe we can go back and put silver bullets in but not in the fringe of our boundaries where other towns' residents can drop off materials but more centrally located.

Councilor Horne explained that if we went from four containers to one, it will fill up pretty fast and we may be back to the \$60,000 in transport costs because we will be transporting it multiple times. He fears that if we go from four to one, we will create a mess with recyclables falling out of the container and feels it will be a mistake.

Mr. Bliss explained the option of removing two silver bullets and had to make some assumptions. He assumed 50% of the volume removed goes to trash, so with the added staff person, we would be at \$515,000. Subtract out less than \$35,000 for no added staff person because we will need more full-time employees, we are at \$490,000 or so but he challenged the Council to remove the added staff person

COUNCIL MEETING #14-19
MAY 21, 2019

because we have a real challenge at the Transfer Station. We have two full-time employees that if they get sick or want to take a week of vacation, it is difficult and costly to find a person that will cover for them. Chair Tracy respectfully pushed back. Staffing and sick and vacation time is a different issue which is not before the Council right now. Mr. Joseph asked if going from four to two would actually reduce the amount put into the bullets. If people go to a bullet and it is full, they go and find an empty one. He would be comfortable saying remove two and leave two and leave the budget the way it is and he would go much closer to Option 1 in terms of financials meaning there is no savings but there is not a lot of additional waste being redirected to the Transfer Station. The way to find out is to do it. More discussion followed.

MOVED AND SECONDED: To keep two silver bullets with no increase in staffing at the Transfer Station. (Horne & Tracy) **ROLL CALL VOTE:** (1 Aye-Horne) (6 Nays)

MOVED AND SECONDED: To go with Option 2 and increase one staff person at the Transfer Station and remove the four silver bullets. (Lawrence & Reighley)

Councilor Whitney asked if the Council goes with Option 2 and find it is not effective and wants to add in more silver bullets, will we still keep the staff person? Chair Tracy explained that it will be a budget item. In this budget if we were to pass this motion, that budget impact is approved now and unless there was an emergency and we did some special budget change during the year, we would not reconsider that until the next budget. In the next budget we will have data and we could switch it all around again. Mr. Joseph added that if we are going in that direction, the more notice we could provide the better but it could be processed as a budget layoff. We don't do it often and don't take it lightly. Staffing hours were discussed and Mr. Joseph mentioned that this could be looked at. Mr. Bliss requested that staff be involved in the conversation and be flexible over a trial period to see what works.

ROLL CALL VOTE: (4 Ayes-Lawrence, Egan, Reighley & Tracy) (3-Nays-Horne, Gleeson & Whitney).

Chair Tracy noted it was not an easy decision. Keeping one silver bullet does not solve our problem and explaining why we are doing this is the appropriate avenue given the lack of cost effectiveness of the silver bullets. Councilor Reighley asked if on the removal of the silver bullets, will we want to have a notification and a certain time frame so people could become aware rather than just surprised they are gone. Mr. Joseph advised that since there is a budget change, July 1 would be the date but it would be tight. Councilor Egan would like the notice to be 60 days and have the removal start August 1. Mr. Joseph will sit down with Jessica Maloy and compute it. He will bring it back at the next budget workshop.

Mr. Joseph mentioned the Council briefly discussed the Animal Control Officer with the Town of Brunswick. They were told when they discussed it originally, "great, thanks Freeport." They answered the questions and said they were going to talk with their Council. He followed up with them and they said they were waiting to hear from Mr. Joseph. Both parties were likely on board with it based on the feedback he heard but the Council had a couple of questions that you wanted answered. The Chief will be here. The \$20,000 is not included in the Operating Budget and will have to be an option and action next meeting if we want to proceed. It is queued up for discussion and inclusion. Chair Tracy asked if the Council has anything on paper. Mr. Joseph advised the Chief did provided it but he will revise the original proposal with the information requested that the Chief got from Brunswick. He will go back and modify the proposal and put that out with the Council's packets for the next meeting.

COUNCIL MEETING #14-19
MAY 21, 2019

MOVED AND SECONDED: To adjourn at 9:35 p.m. (Reighley & Horne)
VOTE: (7 Ayes) (0 Nays)

Respectfully submitted, Sharon Coffin, Council Secretary