

MINUTES
FREEPORT TOWN COUNCIL MEETING #13-19
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY MAY 7, 2019
6:30 PM

	PRESENT	ABSENT	EXCUSED
John Egan, 38 Curtis Road	x		
Scott Gleeson, 23 Park Street	x (arrived at 7:33 p.m.)		
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 except Councilor Gleeson who will be arriving later. Town Manager, Peter Joseph also was in attendance.

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Everyone stood and recited the Pledge.

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #12-19 held on April 23, 2019 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #12-19 held on April 23, 2019 and to accept the minutes as printed. (Egan & Reighley) **VOTE:** (6 Ayes) (1 Excused-Gleeson)

THIRD ORDER OF BUSINESS: Announcements

Councilor Whitney announced that on May 13 at 6:30 The Freeport Sustainability Committee will be holding an event at the Freeport Community Center. There will be a chance to preview the EVs in the parking lot. There will be a presentation by Barry Woods who is the Director of Electric Vehicle Innovation for Revision. There will be an opportunity to drive and ride a range of electric vehicles. Local food and beverage including Maine Beer Company will be provided free of charge.

Councilor Whitney announced that on Saturday, June 1 at one o'clock an animal presentation by Sparks Ark will be held at the Bartol Library, the former Abercrombie and Fitch Building. They will bring several animals and will provide a brief education about each animal and give audience members a chance to meet each animal. The cost for this fun family event will be \$5 a ticket. Mark your calendars for this wonderful event.

Councilor Reighley announced that on May 29th GPCOG is having its Annual Summit and they are asking the question "What works?" That means what works in Freeport. He is looking for input and anyone who has ideas or suggestions can contact him. He explained that this would mean municipal but if we are active and connected to our community, it certainly could be the community. It is open and designed to be fast paced. He has a minute to speak. Chair Tracy mentioned that he could talk about the private/public partnership with the Cultural Center.

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Councilor Egan wanted to reiterate the event Councilor Whitney just talked about. From a personal perspective, he just made the jump to an EV car and is now a total EV zealot. He feels it will be a fantastic opportunity for residents to come and eliminate fears and apprehensions about what it feels to drive on electrons instead of gasoline. He is now a battery electric driver.

Chair Tracy announced:

- **The Freeport Community Library Annual Book Sale** took place from May 4-9th.
- **Plans are underway for this year's Memorial Day Parade!** The parade will be on Monday, May 27th. If you have ideas on how to improve on past parades and remembrances, or know of civic groups that can participate, please contact Johanna Hanselman at 865-4743 x120. This is an important event and it takes work to keep it alive and vibrant.
- **Mark Your Calendar for:**
 - *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.
- First **Free Camping Week at Winslow Park for Freeport residents** will be June 15-23, 2019.

Councilor Horne had a public service announcement about recycling. He mentioned looking into the silver bullet in South Freeport and noticed there were plastic bags of recyclables in it. He reminded residents not to put plastic bags in the silver bullets. Chair Tracy explained that the plastic bags should be kept open so residents can dump out the recyclable items into the silver bullet and can then bring home the plastic bag container. Mr. Joseph repeated the instructions.

FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Reighley advised that the Ordinance Committee met on May 1 and did some positive work and much of that the Council will see tonight. One of the things he finds exciting about this Ordinance Committee is that they are actually taking out of date materials and bringing them up to speed. He attended the Traffic and Parking meeting. Consolidation of Active Living and Traffic and Parking is not going forward but the work that was done in those joint meetings will be reflected in ordinance changes that were finetuned today and will be reviewed and revised. The changes will probably be approved in the June meeting of Traffic and Parking and possibly put forth for public comment. The Council will see the change in August. On Monday night he made his annual visitation to the Zoning Board of Appeals. It is a committee that does not have a liaison. In the 33 years he served on that Board, there was never a Councilor that came. He has made it his purpose to visit at least once a year. There are other committees that do not see any Councilors showing up to see how they are doing. He suggested that the Council choose a committee that does not have a liaison and visit once. Chair Tracy mentioned she could provide the list of assigned committees. Councilors can then sign their names to visit.

Chair Tracy asked what the Board of Appeals reaction was and what were they doing. Councilor Reighley reported that they had two requests for a limited setback reduction that was designed so slight encroachments on setbacks do not have to go through the Hardship Criteria in granting variances. He found it useful to see how the Board handled it and thought they did well.

Councilor Horne advised that the Appointments Committee met this morning and he is always impressed with the quality and range of people that volunteer for the Town's committees and today was no exception. They were able to make appointments that will be coming our way.

Councilor Egan mentioned he attended the Freeport Conservation Trust Annual Meeting last night. It was an excellent panel presentation on climate change and an excellent presentation from our Representative and Speaker of the Maine House who then fielded questions from the audience. There is a lot of demonstration of opportunities and collaboration efforts where we could work with other communities. The first example would be Portland and South Portland combining efforts on a number of things including a significant solar installation. Beside the tangible projects like solar or recycling, there are also some from a policy perspective. Those two communities, and others, are making commitments to set sustainability goals for their municipal operations which he would love to add to our agenda. He explained that when he says goals, he means an actual performance goal. Chair Tracy noted that the Council would have to know what some of those other communities are doing and then we can tee that up for discussion. The Director of the Freeport Conservation Trust informed Chair Tracy that that meeting was video taped and will be running on our Community Access Channels. She appreciates the Cable Department recording it and making it available to people that could not attend.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph reported:

Freeport Public Works Department scheduled projects for 2019:

Final surface pavement – Baker Road from Cedar Lane to the end of Baker

Paving Overlays – Pownal Road (from Durham Road to Breezy Acres) Percy Street, Pratt Street, Richards Lane, Murch Road, Bragdon Road, Cove Road, Porters Landing and Fogg Point Road.

Ditching and General Maintenance (this includes drainage ditch, culvert, and shoulder repair and maintenance, as well as the removal of brush and dead vegetation) – Flying Point, Staples Point, Spar Cove, Grant, Route 125/Wardtown from the Grant/Lunt intersection to the Durham Town line and Sequoia.

Town-wide striping is currently underway throughout Town and is scheduled for completion this week.

Public Meeting for Pownal/Percy/Pratt/Richards paving project -On Thursday, June 20th at 6 p.m. in the Town Council Chambers there will be an informational meeting regarding the upcoming paving for Pownal Rad, Percy Street, Pratt Street and Richards Lane. For more information, please contact the Public Works Department at 865-4461.

LED Streetlight replacement project – The Town's contractor is expected to start the scheduled LED streetlight upgrade throughout Town this week. The replacement of all 217 Town-owned fixtures is expected to take two weeks, and be completed by Memorial Day. The fixtures are shown in pictures for installation and waiting indoors at the Public Works Garage.

Mr. Joseph mentioned that we bought out the incandescent streetlights from CMP at the start of this fiscal year on July 1 and we saw a reduction from \$48,000 to \$26,000 in cost just from buying those streetlights out from CMP this year. He feels Nathan Poor who is currently the Town Manager in Falmouth should

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get an award. He started this project ten years ago. Councilor Horne pointed out that this is something that works and is certainly something that Freeport has benefitted from. He asked Councilor Reighley to put this on the What Works list for GPCOG.

Chair Tracy thanked Donna Larson for bringing the streetlight replacement project to us. She identified and pushed it and it makes fiscal sense for our community.

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

There were no public comments provided. The Council moved on.

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

ITEM # 70-19 To consider action relative to adopting the May 7, 2019 Consent Agenda.

BE IT ORDERED: That May 7, 2019 Consent Agenda be adopted. (Reighley & Horne)

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

VOTE: (6 Ayes) (Excused-Gleeson)

ITEM # 71-19 To consider action relative to amendments to Chapter 34, Winslow Park Ordinance. PUBLIC HEARING.

MOVED AND SECONDED: To open the Public Hearing. (Whitney & Reighley) **VOTE:** (6 Ayes) (Excused-Gleeson)

Mr. Joseph introduced the amendments which are not major changes to the Park. They are to align the Ordinance with what is going on down at the Park.

Councilor Horne referred to Article IV. Rules for Harb Cottage, No. 6 about boat docking. He asked if all boats associated with Harb Cottage must be pre-registered or is the dock open to non-Harb Cottage use? Mr. Lyman mentioned he makes everyone at Harb Cottage put a registration in with him so he knows what is on there and if they are going to have two sailboats and a power boat. Occasionally, someone will call and ask if they can bring their boat over while they attend a birthday party. He can look and see if the dock is open and let them know they can use it for the afternoon. It does not happen often.

Councilor Reighley noted he is the liaison to the Winslow Park Commission and he sat through the process with the Ordinance Committee and it is a case that should move forward. Chair Tracy noted she received a constituent comment that they were concerned about handicap access on the beach and suggested that it be required through the Ordinance. She asked Mr. Lyman how we are doing with handicap access to the beach. Mr. Lyman noted they will put in an area just before the gate with two handicap parking spots that will have a bench in an area over the beach. He can't say there is a great plan for getting to the beach. They have replaced all the picnic tables in the day use area with handicap picnic tables. All new buildings are handicap accessible. They have handicap accessible showers but he still does not see a great option in having a handicap accessible beach. They looked into doubling the length of

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the ramp which would make it up to ADA code. The problem is the ledge going in and they would have to blast it out to go up and it would go from the bottom of the ramp to the road, you would go that far again into the picnic area and then have to build shorter walls in order to get that to ADA standards. Because they get such wash out down at the beach, they go down and fix it with sand but then there is a lip at the bottom of the paved ramp and he asks what can be done when one gets to the bottom. They have discussed this at length at commission meetings and he did put a plan together with a cost of \$60,000-\$70,000 but it wouldn't have been up to ADA standards but it would have been better. He has spoken to Mainers With Disabilities and they thought it was not a terrible idea even if we didn't get to ADA but felt that very few places have found a good way to get to where you need to be with that sort of elevation. The best place would be to go from the boat ramp but we would be putting the handicap ramp someplace where people are backing down all day which Mainers With Disabilities thought was not an option. They advised that we would have to have a safe place for entry and parking which would only be at the current paved ramp.

Chair Tracy asked if there were any consultants that could help other than the disability groups. Mr. Lyman believed there are but the price he is giving is for the construction and has nothing to do with consulting, Army Corps of Engineers, DEP, etc. You would need the same size book of rules and regulations when they did the erosion control because they would be doing major construction on a waterfront site. It would be a huge project but noted he feels it is feasible. Chair Tracy agreed and because it is a Town resource, she feels we should invest some limited dollars and time to see whether there is some sort of solution even if it is not perfectly ADA compliant. Personally, she feels it is time to reach out and see if there are people experienced with this issue. Mr. Lyman mentioned making it easier for people to get down there would be one thing but ADA compliant would be a whole other project. Once you get to the beach, you have to have level surfaces to travel on so they would have to put some sort of structure in along the wall going up that would deal with the tides coming in or out. The Commission pushed forward the last time this was discussed and decided that when the ramp is in disrepair and needs to be repaired, they will go forward with some sort of other project. The ramp was recently put in when the erosion control was done on the beach.

Councilor Horne likes the idea of taking a deeper dive on what possible options might be. He wonders if there is a service the Town could provide to bring some kind of a conveyance such as a golf cart. Mr. Lyman explained that they have an off-road wheelchair and they leave it near the gate. It has been used once or twice but since the ramp is so steep, it takes a couple of people to get somebody in that down to the beach. It is a good hill. He feels that if they were to do anything with that ramp besides what is there, they would absolutely need a consulting agency because it would be a huge permitting process to get it where it needs to be. There is ledge going on either side of the ramp.

Mr. Joseph mentioned that there is a disability advocacy group that has been focusing on the downtown area and from time to time they come in and talk with him about Town facilities. They have a talent pool of people in Freeport dealing with this public issue with some private sector consultants on disability access so they may already have some of those connections. Several times some of them have said "if you ever need help on Town projects" and this may be one that we could use their help on. He feels he can reach out to them and asked Mr. Lyman if there is a chair or vice chair on the commission that would like to hear their thoughts, he is sure they would be more than willing to provide some design feedback and understand the dilemma of doing a public project that does not meet ADA even if it makes it better and sometimes it is legally worse than leaving it as is but it is functionally better. It is worse for our residents not to do anything but legally it is worse to do something that doesn't meet the standard. Mr. Lyman noted that in dealing with disabilities, they tend to let things slide that they might not say if you were a private homeowner in public spaces. He feels it is feasible and grants could be utilized in that situation.

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Councilor Egan mentioned there is a group in Portland that does advocacy as well contributing to design discussions specifically for mobility impaired folks and it is called Alpha One. They do fantastic things. Chair Tracy feels it is incumbent upon the Park and the Town to do a little more investigation. Mr. Lyman noted he would be happy to reach out if there is an organization that can help. Chair Tracy assumes there is funding at Winslow Park for looking at this but if it becomes an issue, it is sort of a Town issue, she invited Mr. Lyman to come and talk to the Council.

MOVED AND SECONDED: To close the Public Hearing. (Whitney & Reighley) **VOTE:** (6 Ayes) (1 Excused-Gleeson)

BE IT ORDERED: That amendments to Chapter 34, Winslow Park Ordinance be approved. (Whitney & Reighley) **VOTE:** (6 Ayes) (1 Excused-Gleeson)

ITEM # 72 -19 To consider action relative to approving a new Special Amusement Permits.

MOVED AND SECONDED: To open the Public Hearing (Horne & Reighley) **VOTE:** (6 Ayes) (1 Excused-Gleeson)

Mr. Joseph explained that this is a standard permit requiring a vote by the Town Council to ensure that entertainment activities are not disturbing to the neighborhood in which they are located. This is a new application.

There were no public comments provided.

MOVED AND SECONDED: To close the Public Hearing. (Horne & Reighley) **VOTE:** (6 Ayes) (1 Excused-Gleeson)

BE IT ORDERED: That the Special Amusement Permit for Stars and Stripes Brewing, 8 Varney Road be approved. (Horne & Reighley) **VOTE:** (6 Ayes) (1 Excused-Gleeson)

ITEM # 73-19 To consider action relative to FY20 Operating, Capital and TIF Budget

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 proposed Fiscal Year 2020 Operating, Capital and TIF Budgets for the Town of 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. (Lawrence & Reighley)

Finance Director, Jessica Maloy explained that this is standard protocol to put public notice out there.

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

ITEM # 74 -19 To consider action relative to amendments to the Zoning Ordinance, Section 409. Commercial District I "C-I"

BE IT ORDERED: That a Public Hearing be scheduled for May 21, 2019 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss the proposed amendments to the Zoning Ordinance, Section 409. Commercial District I “C-I”

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. (Egan & Reighley)

Mr. Joseph explained that this came out of discussions in applications before the Project Review Board in the Route One South area where there were restrictions on overhead doors. This was brought by applicants, the Project Review Board and FEDC was involved as well, to the Planning Board to get some amendments through the pipeline on removing some of those restrictions on overhead doors in the Route One South District. It was approved by the Planning Board and they felt it was a priority to get these changes in place so projects could move forward.

Councilor Reighley asked how long this has been going on. He seemed to recall that it was two or three years. Keith McBride, FEDC Director explained that this was explored a few years ago specifically relating to different types of uses. Rather than hospitality and retail, we have seen more service-oriented businesses that rely on access through things like this. At the same time, we have had interest from other types of businesses that utilize overhead doors for more customer access featuring architectural designs when a place with overhead doors could throw them open and open their retail area to outdoor seating or retail as well. Applicants and FEDC came to the Planning Board and asked to talk about this requirement and how it is getting in the way of more innovative things that are trying to get done down on Route One. At that time there was a change made that overhead doors that are for architectural purposes for retail, restaurant or other uses that are not meant for vehicular access are not included in that requirement. The change was made about two years ago. This is another step in the same direction in response to other proposals. Since 2018 there have been business developments down there that rely on overhead doors and have had to twist and turn and form their buildings in such a way just to get around that requirement. He feels we need to update what our Zoning Ordinance says to reflect the demand for what wants to be on Route One South and for what the Town wants to see happen. We are looking to diversify and have new types of businesses such as light manufacturing, some warehousing, but not massive warehousing, because they are compatible. There is a huge demand for that. This is something that will help get some of that done. The Planning Board’s recommendations on this were really well thought out and well made to the Council.

Councilor Reighley noted that this Ordinance was reviewed and changed in 2018 and now we see another change coming forward which means that we are really looking at how to plan for our future. Councilor Horne asked if there is an upper limit on the number of doors. Mr. McBride mentioned that they can’t visibly stand out. Mr. Joseph noted the conditions listed and the Project Review Board could approve something in excess of the one door per side visible. There have been buildings approved with more than one overhead door. Mr. McBride mentioned that there has been some difficulty in interpreting that language at the Project Review Board level. In driving down Route One, one can see that the Board in some cases, has taken some projects and looked at it in a different way than others.

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

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ITEM # 75 -19 To consider action relative to a new liquor license application for Cadenza, 5 Depot Street, Freeport.

BE IT ORDERED: That a Public Hearing be scheduled for May 21, 2019 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss the new liquor license application for Cadenza, 5 Depot 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 & Horne)

Mr. Joseph explained that this is a new venue in an existing space. He believes there have been liquor licenses there before but each one has to go before the Town Council for approval. This is an opportunity for the public to come and speak if there is any valid reason why that LLC should not hold a liquor license. Chair Tracy pointed out that this is also a music venue located where the Theatre of Awesome was previously located. They have already held events. They have a website called: www.cadenzafreeport.com, and is really great. Councilor Horne is excited to see a venue like this come to town and that people are willing to bring their activity here. Mr. Joseph explained that the new owner of the entire building will be occupying the upstairs offices and making it a priority to lease out some of the store fronts downstairs. It is a real revitalization of that area of town.

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

ITEM # 76-19 To consider action relative to Victualer License Ordinance compliance for Doherty's North Freeport General Store, 130 Wardtown Road.

BE IT ORDERED: That a Public Hearing be scheduled for May 21, 2019 at 6:30 pm in the Freeport Town Hall Council Chambers to determine whether Doherty's North Freeport General Store, 130 Wardtown Road is required to obtain a Victualer License pursuant to Section 8 of Freeport's Victualer License Ordinance (Chapter 30).

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

Mr. Joseph explained that this was on a previous Council's agenda maybe two months ago. They worked out an agreement with the property owner. There is hope they will be able to get current before this hearing. He wants to be clear that he, the Finance Department Clerk and the Town Clerk have taken several steps outside of the normal process to try to work this out and have continued to work with the property owner in regular communication to try to resolve this. Chair Tracy asked if there is a legal requirement for them to obtain a victualer's license. Mr. Joseph noted that under our Ordinance, before enforcement for somebody operating without a victualer's license can take place, essentially the Town Council has to issue a determination in each case that the business that has not obtained a victualer's license is required to get one and has not done so. It was originally intended as a kind of a legislative

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check on the executive staff enforcement action so it has to filter through the Town Council. We have been in communication with them and they are attempting to stay current on the monthly payment plan.

Chair Tracy mentioned that the North Freeport Store is a Town institution and we support the staff's attempts to resolve this prior to it coming to the Council. Everybody has an obligation to pay taxes and we cannot waive that obligation. We do want to try to be as friendly as possible to businesses as we can and residents where we can. Mr. Joseph mentioned that the property owner is communicating with the Town to keep us updated on what is going on.

NOTE: Councilor Gleeson arrived at 7:33 p.m.

VOTE: (7 Ayes) (0 Nays)

ITEM # 77-19

To consider action relative to scheduling a public hearing to consider amendments to Ordinance Chapter 39, Loitering, Curfew, and Noise.

BE IT ORDERED: That a Public Hearing be scheduled for May 21, 2019 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss the proposed amendments to Chapter 39, Section 103. "Noise".

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. (Horne & Reighley)

Mr. Joseph explained that this amendment went before the Ordinance Committee and this has to do with a change to the Noise Ordinance removing the restriction in the enforcement of the Noise Ordinance saying that no person in, or adjacent to the street or public ways of the Town and had a list of all the noises and disturbances that they cannot make. It essentially means you cannot make a public nuisance on the ways or public places of the Town. It removes on the ways or public places of the Town and just says you cannot make a disturbance with that entire list of disturbing actions that you cannot take, noise, profane, loud boisterous noises, things like that. It broadens it from enforcement of a public nuisance to give the Town the ability to enforce what otherwise would be a private nuisance, which is a noise from somebody on their private property line from a person with a boom box set up and is blasting music at 120 decibels pointed at their neighbor's property but it is a quarter of a mile from any public way, park or place. Under our current Ordinance, we cannot get involved in that respect. This would allow us to say that it is a violation of our Ordinance to make that noise that is audible off your property line even if it is to your next-door neighbor. This came from complaints about noise backing up to conservation land, etc.

VOTE: (7 Ayes) (0 Nays)

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ITEM # 78-19

To consider action relative to scheduling a public hearing to consider amendments to Ordinance Chapter 13, Life Safety Code.

BE IT ORDERED: That a Public Hearing be scheduled for May 21, 2019 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss substantial revisions to Chapter 13, Life Safety Code, including renaming the ordinance to “Fire Prevention Ordinance.”

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. (Lawrence & Reighley)

Codes Enforcement Officer, Nick Adams, explained that this Ordinance is renaming it from the Life Safety Code to the Fire Prevention Code. Our current ordinance is from the 1980s and is pretty much outdated and does not have the correct language to enforce it. We are bringing it up to date with what the State already has. Everybody has to meet this already but it is enforced by the State and this will bring the Town’s Ordinance to be in compliance with that and will allow them to enforce it with new inspections throughout. It is not anything that businesses and other owners wouldn’t have to do currently. They had a couple of meetings with the Ordinance Committee on this and a couple of amendments were done and everything has gone forward and looks good so far. He offered to answer questions.

Councilor Horne asked if there is anything new that the Town will have to do as a result of the Ordinance change or is it basically bringing current practices into compliance. Mr. Adams mentioned it was current practices but he did put some stuff in about building permits and construction permits. We could potentially ask the State to get delegated review for State Fire Marshall permits. Therefore, the businesses would not have to wait 6-8 weeks for permits. We could do them in-house. Right now, that is not a proposal but if we put the language in there, the Chief and he are already doing them now but there is another step they could go forward with. If the language was in our Ordinance, they would have to set it up with the commissioner. Mr. Joseph provided more explanation. Councilor Reighley pointed out that in this particular case, if we look at the Ordinance as it is current for this revision, there is basically a blank page with titles but there are no words that go along with it.

Chair Tracy mentioned she appreciated the work Mr. Adams has done. She asked how to get this out to businesses and let them know this is happening. Mr. Joseph noted his preferred method of distribution to businesses is to give a copy to the Chamber of Commerce Director and ask that they put this out to their membership. It doesn’t get to every business in town but it does get to a couple of hundred of them. The non-members find out from their neighbors. He would be glad to do that. He doesn’t think it puts any additional restriction on them that currently the State codes do not put on them so it shouldn’t be viewed as more restrictive. It may put additional scrutiny on them in terms of compliance but he thinks the majority of businesses in town already are aware of what the standards are or become aware of them when they apply for building permits or go through Site Plan Review. 95% of the businesses are already complying with these directives or will become aware when they have to go through a review of some sort.

Chair Tracy mentioned it would be good to do that but also include a notation that these are not new standards.

VOTE: (7 Ayes) (0 Nays)

ITEM # 79-19 To consider action relative to the Council's Letter of Support for the Town of Freeport's application to AARP to become an Age Friendly Community.

BE IT ORDERED: That the Council support the Town of Freeport's application to AARP to become an Age Friendly Community and so indicate in a letter of support to accompany the application. (Whitney & Reighley)

Councilor Whitney explained that during her campaign she had the privilege of visiting many Freeport homes and hopes everyone knows that Aging in Place is very important to her. Tonight, she is presenting to the Council a completed application to AARP and a letter of support for their signatures. Municipal support is important because age-friendly changes need to happen at this level. There is no cost to join AARP and once we are a member, we have the privilege of receiving grants to help Freeport become more age friendly.

Chair Tracy noted that the Council has the application which has been filled out and a copy will be sent around for signatures. Councilor Horne pointed out that Councilor Whitney has made this happen very quickly and he is happy to sign it. Chair Tracy thanked Tegan Milligan-Barber and the folks at FCS. She explained that they have been working hard, too and are putting together a steering committee that will involve all members of interest groups in Freeport and will be a long-range plan that will also consult with AARP so the whole community will use this resource. The Council is looking forward to participating in the process as well. Councilor Reighley agreed with Councilor Horne that this happened very quickly and it shows that we can accomplish our goals quickly as long as we focus on them.

VOTE: (7 Ayes) (0 Nays)

ITEM # 80 -19 To consider action relative to the disbursement of Cemetery Perpetual Care Funds.

BE IT ORDERED: That the following Perpetual Care Funds be disbursed according to the schedule printed on the agenda. (Egan & Reighley)

Finance Director Jessica Maloy explained that she comes to the Council annually asking for this disbursement to the cemetery associations listed. It is what these funds earned for interest during the past year. The Veteran allotment component is at the current budgeted amount of \$25 per grave

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<u>CEMETERY</u>	<u>INVESTMENT INCOME</u>	<u>VETERANS' ALLOTMENT</u>
BURR	\$ 3,184.49	\$ 8,000.00
DAVIS	\$ 38.85	\$ -
WOODWARD	\$ 348.79	\$ -
GROVE	\$ 1,251.54	\$ 2,350.00
CARRIE THOMAS	\$ 17.64	\$ -
WEBSTER	\$ 351.02	\$ 1,850.00
WOODLAWN	\$ 475.56	\$ 2,375.00
SO FREEPORT	\$ 1,189.51	\$ 2,425.00
FLYING PT	\$ 178.75	\$ 450.00
TOWN	\$ 73.30	\$ -
Total	\$ 7,109.45	\$17,450.00

VOTE: (7 Ayes) (0 Nays)

OTHER BUSINESS:

1. Council discussion regarding potential regulation of “vapes” and vaping accessories.

Vice Chair Gleeson explained that he had this put on the agenda because of reports he has been getting from our school principals. He disclosed he has a son in Middle School as multiple Councilors do. They were discussing vaping and how it has been a problem nationally. Now we are seeing an alarming rise in the Middle School, primarily in 8th Grade. Vaping is highly addictive and it is estimated that some of the younger users are going through 2-3 pods a week which is somewhat alarming. At the high school level, there is some addiction counseling going on so it is already starting. The problem with this is that it seems to be the targeting of the flavors and the substance that is going into vapes. It is cotton candy, Kool Aid and a lot of people feel this is targeting younger users. We have always been a town that has been somewhat cutting edge and always had our stance on where do we want to be as far as what is the message we want to send, is whether or not we want our kids exposed to this. He figured we should bring it up because as he had this idea, South Portland is going through this as he speaks where a Vape Shop was opened up across the street from a Middle School. That got him thinking that as retail vacancies increase and prices come down, we could have the potential of a Vape Shop opening up Main Street since there is nothing that would prohibit that in close proximity to our schools where we are trying to send the message that we don’t need young people vaping and getting addicted to nicotine yet we would possibly have the potential of having a vacant space opening within 1/10th of a mile from a school. He throws this out so see what the Council’s appetite would be to have a basic discussion, thoughts. He is one of the anti-regulation guys and finds it ironic that he is the one bringing this up. While one could certainly argue that vaping materials could be purchased from Amazon or they could go to another town, at least this could be a statement of where Freeport stands on the issue and where we value safety for our kids, etc. This is where his mind was going on this. He has data from South Portland and an article that is a proposed Ordinance that they will actually be voting on. He wanted to see what everybody else was thinking and thought the Council should discuss to send to Ordinance to look at or if there is no appetite to pursue. Everybody knows where he stands on it.

Councilor Reighley mentioned that a buyer has to be 21 to purchase tobacco products. He asked if purchasing a pipe in a tobacco shop is regulated or could a 15-year old go in and buy a pipe to put tobacco in. Mr. Joseph believed so but our Police Chief will be here in five minutes and he can ask her. Councilor

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Reighley explained that the 15-year old can't buy tobacco products so the vaping material is supposedly not permissible and that would take care of that. He asked if vaping is also used for fruit flavored non-tobacco product? He does not know if that is the case. If a regular tobacco pipe is not regulated we probably should seek a ruling to govern those instruments as well because the pipe can be used for other substances. Councilor Gleeson did not want to defend any particular position but what has been brought to him and the concerns in our schools is primarily the vaping. The reason it has been so explosive is its portability and the flavors and the scents. He has heard that students have been using a hand lotion that smells like the same vaping. It is more a new twist on an age old problem where we have had a massive decline in smoking and a substantial increase in vaping.

Councilor Whitney mentioned she has had a lot of discussions about this with Councilor Gleeson and wanted to support his thinking. She asked her son what he would think if vaping were banned in Freeport and he said it would send a great message because vaping must be bad. Her daughter said a lot of people would be thankful because a lot of people have become addicted already so they would be thankful because they would have to try harder to get the materials.

Councilor Horne applauded Councilor Gleeson for bringing this up. It is a community issue across the country and is hitting our community. We would be remiss as a Council to not at least look at this. Marketing tactics for these vaping companies are absolutely targeting children. If there is a legal way for us to hit back, he feels the Council has an obligation to explore this and protect our kids.

Chair Tracy agrees there are some issues we would need to grapple with. Commerce is one and adults' rights to purchase is another issue. As a counterpoint she agrees that this is a serious issue for our youth and would be happy to entertain it at the Ordinance Committee which is the appropriate venue. She feels they are weighty issues and we are going to need to take it slow and have advice of Counsel and figure out the right balance to strike. Enforcement is another and they are not supposed to be selling to underage youth and that has always been a tool that we used which is consequences for businesses that do sell to young kids and, of course, enforcement in our schools and consequences for using those materials. She supports the process of sorting it out and it looks like there is work to do at Ordinance. She advised Councilor Gleeson that it would be helpful if he continues to be involved in that process. She noted that we will circulate the South Portland Draft Ordinance which is a prohibition on the sale of flavored tobacco products.

2. Council discussion regarding potential regulation of medical marijuana dispensaries.

Chair Tracy explained that this is hers because she is Chair of the Town Council. It is not hers because it is her issue. We were approached by purveyors of medical marijuana dispensaries who are registered businesses in the State of Maine and are reputable businesses. One of which is interested in knowing if the Town of Freeport would like to entertain a business located here. Currently, we do not have the regulations in place to allow that to happen. We would have to take some Council action but the threshold discussion is whether the Council wants to take that issue up and learn more about it so she felt it was an appropriate topic to bring forward to the Council. We have had prior discussions on adult use recreational marijuana and that is distinct from medical marijuana. They are regulated in separate structures while it is related, it is a different subject altogether.

Mr. Joseph explained that legally in the State there is a firm distinction between the Maine Medical Marijuana Act which was established years ago and a few years ago enacted Recreational Use Marijuana by voter referendum. As a result of that referendum, previous Town Councils considered and adopted a prohibition on five uses but now there are four uses because they eliminated the social club which would

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essentially be a smoking club at the State level potentially. We prohibited the five that were in place at the time. Essentially all of the adult use categories are prohibited anywhere within the Town of Freeport. The Council was given the power under State Law that enabled you to do so. At this point in time if you wish to establish any of those uses once they are finalized and licensed by the State, somebody would have to get the Town Council to repeal those previous prohibitions and do what the State calls an opt in action which would be to passively allow it. Previously, the Medical Marijuana regulations were not set up where the Town could opt out by passing an Ordinance. The Planning Board looked at regulations about growth facilities and dispensaries but did not take action at the time because there were changes in place at the State level which actually happened last December which change it from the ability for somebody to come in if it wasn't prohibited and locate a business in Town to having the Town having to opt in. We are at the default point in Medical Marijuana use where the Town has not opted in so it is not legal to locate any of those uses here. None of this applies to caregivers which traditionally are the smaller operations. If they are done as a commercial operation, they would have to be reviewed by the Town but a lot of these are kind of home occupations, secondary uses that fly below the threshold for approval for any Town uses. Those do exist in Town relatively unregulated. They are regulated by the State. There are some grow operations that have legally established in Town that are pre-existing legally here for medical marijuana. Those would not be permitted to establish at this point in time because of a couple of changes at the State and Town level. What is here is here. The question is whether or not the Council is interested to take an opt in action that would open up medical marijuana consideration in Town. Unless the Council does that, the default answer that businesses get at the Planning office or his office is no, we are not open for business for that use until the Town Council does that opt in action. There have been several dozen inquiries on the Adult Use Retail side and a few on the Medical Marijuana side over the past two years so there is interest out there.

Chair Tracy advised that she is not asking Councilors to say what their ultimate position is on this issue. The questions before us is that there is a business in particular that is asking to give a presentation and to have us listen to their case for us taking this up. Her point, in consultation with Council leadership, is that it is not fair to take the issue and have people come in and make presentations and prepare if this is a non-starter. This is a temperature test of the waters here and that is what she is looking for. Mr. Joseph noted an aside to that obviously it would be remiss to take an opt in action without first instructing the Planning Board to examine and recommend some zoning restrictions, zoning definitions for these uses because to do that would open up the Town without regulating like any other use. That process would involve cost and time both to the applicant, the Planning Board, the Planning staff. If there is not appetite on the Council to adopt any of these changes, to really not direct them to go through the Zoning amendment process and waste the Planning Board, Town Council and business owner's time going down that avenue.

Councilor Reighley disclosed that when he fractured his back, he was able to be certified for the use of medical marijuana. His wife works for one of the certifiers of medical marijuana and she had an interest in being here tonight but the hour prevented her from staying. She would be able to get some resources put together so we could have intelligent questions and answered by parties not interested in opening a retail operation or a dispensary in our Town. He would offer that to Council if there is interest in exploring a change in our Ordinance.

Councilor Gleeson pointed out that he is a "no" and has done some research. He asked basic questions and wanted to know if we would have any sort of tax revenue. In Windham, there isn't any tax benefit. They do get some basic fees and are renting nine storefronts but they are not dispensaries. They have not seen any increase in crime but it has only been five months for a lot of these stores. One negative is that it has driven warehousing prices up for the indoor growing operations. He does not see this as a huge tax revenue driver but even if it were, he would still be opposed. If a business chose to either buy a building or construct one, they would be paying property taxes.

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Councilor Horne advised that he was contacted by somebody interested in the issue on the medical marijuana side and he is a hard “no” on this one because he is concerned about the Town’s brand. We have a lot of outdoor, restaurants, arts and culture identity and a lot of investment. If we were to go in a direction like this, it poses the question does it re-identify us in anyway, maybe in a way we don’t want. If his research is correct, there are many other towns that have medical marijuana and recreational use marijuana available so he doesn’t feel there is a great hardship in Freeport for not offering those services. He has three kids walking through town. He told that person that he is a “hard no” and he would not change his mind.

Councilor Whitney asked why bouncers are at the doors. Councilor Gleeson clarified that it was someone that is there for security. Councilor Whitney explained that the thought of the need to guard the doors at a business downtown, she is a hard “no” also.

Chair Tracy does not disagree with anything that has been said. She would be open to learning more and understanding the issue better before she foreclosed the question. She does not think this type of activity would be appropriate for our downtown but it is something that can be fixed with zoning and regulating these uses to areas that are more industrial out of the center way. She had concerns about once you get one started, does it mean it is a haven for a bunch. She does not want Freeport to be a haven for a bunch so it is a concern. She is open to listening to people in the industry and neutral people along lines that Councilor Reighley was talking about to better understand the issue. She does not have a good grasp right now of what the factors are that need to be waived. She can’t say where she would come out. She is not a hard “no” but she is not an easy “yes” either. She would be okay doing the due diligence and the work to listen and understand it better and try to make a decision that is in the best interest of our community.

Councilor Lawrence agrees that we should at least get the information before making a decision. Chair Tracy noted that the Council will have to have further discussions. She appreciated everyone’s willingness to be frank. It makes sense to proceed and use the Town’s resources and time to put the work in because the outcome is unclear. We will have to have off-line discussions and Council leadership in conjunction with the Town Manager will make a decision if it makes sense to bring it forward. They will be happy to have feedback from Councilors off-line if anyone has thoughts they didn’t want to share from the dais.

Councilor Reighley feels it is important for the Council to listen and inquire within our constituency to see what the actual feeling of the Town is. We’re truly elected representatives.

Chair Tracy thanked everyone for their time. This will be tabled and we will have further discussions.

3. Workshop on operating budget followed.

MOVED AND SECONDED: To adjourn at 10:59 p.m. (Reighley & Horne)
VOTE: (7 Ayes) (0 Nays)

Respectfully submitted,

Sharon Coffin, Council Secretary

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