**MINUTES**

**FREEPORT TOWN COUNCIL MEETING #25-21**

**TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT**

**TUESDAY, DECEMBER 21, 2021**

**6:30 p.m.**

**ROLL CALL OF MEMBERS: PRESENT EXCUSED ABSENT**

Edward Bradley, 242 Flying Point Road **x (arrived late)**

Jake Daniele, 264 Pownal Road **x**

John Egan, 38 Curtis Road (Vice Chair) x

Darrel Fournier, 3 Fournier Drive x

Henry Lawrence, 93 Hunter Road x

Matthew Pillsbury, 36 Todd Brook Road x

Daniel Piltch, 25 Quarry Lane (Chair) x

Chair Piltch called the meeting to order at 6:30 p.m. and welcomed everyone. He took the roll and mentioned that Councilor Bradley has not yet arrived but everyone else was present including the Town Manager, Peter Joseph.

**FIRST ORDER OF BUSINESS**: Pledge of Allegiance

Everyone stood and recited the Pledge of Allegiance.

**SECOND ORDER OF BUSINESS**: To waive the reading of the minutes of Meeting #24-21 held on December 7, 2021 and to accept the minutes as printed.

Mr. Joseph advised that we have some people doing a test run tonight and Sharon is home taking the minutes so it is important that Councilors have their microphones turned on.

Councilor Fournier noted he has one “l” in his name.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #24-21 held on December 7, 2021 and to accept the minutes as amended. (Egan and Daniele) **VOTE:** (5 Ayes) (2 Excused-Lawrence & Bradley)

**THIRD ORDER OF BUSINESS**: Announcements

Chair Piltch announced:

* Freeport residents are allowed **two (2) 5-gallon buckets of sand per storm**. Sand is located adjacent to the silver recycling bullet on Hunter Road in front of the Public Works Facility.
* **Annual Winter Parking Ban is in effect.** Parking is prohibited on all town streets from 11:00pm to 7:00am from November 1 to April 15.
* Our Annual Donations request letter has been mailed. Tax deductible contributions for the Library and/or Fire Rescue can be submitted to Town Hall, 30 Main Street, Freeport.
* We are looking for volunteers who would be interested in serving on Town Boards and Committees: We have volunteer opportunities on the Board of Appeals, Board of Assessment Review and also two students to fill out the Police Advisory Board. We experience vacancies regularly, so even if we don’t have an opening on a board of your interest, please submit a Board/Committee application for us to have on file.
* Please remember dog licenses expire on December 31st of each year. Please be advised that we will NOT be holding a rabies clinic this year, so please plan accordingly. You may register at the Freeport Town Hall or online at: [www.doglicensing.com](http://www.doglicensing.com).

Vice Chair Egan announced that coming up in January Freeport Climate Action Now Network is planning a discussion and education forum for January 20. He wanted to put that date out there for anybody interested in learning about climate change and what municipalities and residents can do to prepare for some of the possibilities that are coming and learn more about the science behind what is going on with our climate.

**FOURTH ORDER OF BUSINESS**: Information Exchange

Vice Chair Egan wanted to pick up on what Chair Piltch said about vacancies. He serves on the Appointments Committee and they met to get a couple of members on the Sustainability Advisory Board but we have two other groups serving our Town that are in desperate need of candidates and we don’t have enough people willing to do that. If anyone is at all interested in learning more about how our Town Government functions and how they can contribute their energy, experience and perspective, we would welcome them. Please get in touch with Chris Wolfe or Judy Hawley at Town Hall for an application to get on to one of our Boards or Committees.

Chair Piltch reported that he was recently at a meeting of the Conservation Commission which among other things manages Hedgehog Mountain. The New England Mountain Bike Association is proposing building some mountain biking trails on Hedgehog Mountain. They were going to come tonight but there is some other stuff they want to work through with the commission first. He wanted to give the Council a heads up that that is going on and it looks like it could be a pretty neat thing. They are basically ironing out where the trails are going to be and make sure how everything lives happily together so people can enjoy the park on foot can do so and people on bike can do so and coexist. Chair Piltch imagines that will probably be coming to the Council in January.

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

Mr. Joseph announced that some freezing rain is coming in tonight so they delayed openings at Town facilities until 10 a.m. which hopefully will get us past any freezing rain. It pretty much will only affect the Town Hall and the Recycling Center.

He mentioned that they have been pretty busy with staffing activities with changes, hires and things like that. While we are still understaffed in a couple of small areas, he has two soft agreements that are not finalized yet so he can’t announce them but we have two tentative employment agreements coming to the Council on January 4 for a new Assessor and a new Library Director. They are working on finalizing the actual agreements and getting everybody on board. They have two great candidates that they are thrilled about and everybody is excited. They have also had three hires at the Public Works Department in the past couple of months. Kimberly St. Pierre has come to us. She previously worked at Shaw Brothers Construction and started out as a Laborer and Sidewalk Plow Driver and is capable of using high tech innovation in plowing sidewalks. Earl Gibson has been impressed by this and wanted to mention it to Mr. Joseph. We also have Jonathan Hart, a Freeport resident and a member of the Freeport Fire Department

Call Company for a long time. He was previously working for the Postal Service but is coming to us full

time in the Public Works Department and we are excited to have him. We have a third employee who has not been finalized but we are hoping to bring him on in the next few weeks. We will announce him at the next meeting. It will leave one vacancy in the Public Works Department and Mr. Joseph feels that is pretty good.

Mr. Joseph announced that Bob Konczal our outgoing Assessor and Arlene Arris our Library Director will be leaving as of December 31. Because of obvious COVID concerns we are not planning any big bashes but if anyone who knows the two of them and wish to reach out, by all means give them a call or send them an e-mail. Bob has been a Town employee for 20 years as our Assessor. Arlene has been here for 46 years. That is the longest full-time record that he can find in our recorded history and he feels it is pretty impressive. He congratulated both of them on great outstanding careers with the Town and wished them the best in their retirements.

Mr. Joseph mentioned that they have been pretty occupied for the past two weeks putting out a lot of COVID fires from a personnel standpoint. He did not have anything bad to report but just dealing with a lot of the regulations coming into effect in the next three weeks. They are trying to figure out what is going on at the federal level with the OSHA requirements about the vaccination, masking and testing standard. It has been difficult because the case has been on hold at the Appeals Court and they just ruled upholding the temporary emergency standard at the Appeals Court and it is now going to the Supreme Court. We are just watching and trying to figure what the effect will be and what the effective dates are. He wanted the Council to know that we are paying attention to that. The Emergency Standard would require us as an employer with over 100 employees to either have all fully vaccinated employees or those that are not vaccinated, testing weekly and wearing masks at all times inside buildings. Interestingly enough, that will apply to everybody on the Council and anybody that gets a check regardless of the amount from the Town. They will be contacting the Council as employees and the supervisors too when they have a final date and a final policy that is going into effect. It has been a lot to deal with. They are not expecting a lot of controversy but like any scenario when you have a 15-page draft policy handed to you by OSHA, there is a lot of fine tuning to do before you have a document that actually works for the Town.

Chair Piltch asked Mr. Joseph to recap the Remote Participation Policy for everyone. Mr. Joseph explained that the Remote Participation Policy for Councilors and Public is being tested tonight as he mentioned. The zoom feed is up there and we have some people watching and staff members as well. If everything works out, we will be going to this for the public as well. We will be posting zoom links on future agendas and this will be our new practice. In terms of Council members, you are really the ones contemplative about being present for a quorum for voting and things like that. The Remote Participation Policy that is now allowed under State law that the Council adopted 2-3 months ago and several of our other Boards have adopted a very similar version as well, Planning, Project Review, Complete Streets and a few others. It does not allow you to not come to a meeting if you do not have a reason but if there is a valid reason, and there are many valid reasons why you cannot be here, you are allowed to participate remotely. That would cover any COVID concerns, if there is an exposure, if you are ill and ill for no COVID reason, you can stay home and it would be great and not cough over someone three feet away. It will allow you to participate remotely and it will allow you to participate if you are travelling and you can’t physically be at the meeting for a valid reason. The only thing it doesn’t contemplate well is if you don’t feel like coming to the meeting. There has to be a reason and I don’t want to come to the meeting or deal with constituents and want to hide behind the computer screen are a few things the Legislature said are not valid reasons and won’t let people participate remotely for.

Chair Piltch asked if people should give advance notice? Mr. Joseph mentioned that as long as that person can get Chair Piltch or him, there should be a link up and they should be able to use the link. Council members should be able to participate just like the public remotely if there is a valid reason they can’t be here. Councilor Bradley asked if someone has a legitimate concern about COVID would that be a valid reason. Mr. Joseph advised that if anyone is at any increased risk whatsoever, let Chair Piltch or him know what the concern is. They will look at the policy and as long as it falls under it, and it may also be that you live with a family member who is severely immuno-compromised or at higher risk, etc., even if you are perfectly healthy, those are valid reasons.

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

Mary Davis, President of FEDC explained that she provided a big presentation to the Council two weeks ago and talked a lot about the Design Week that was coming up. She will not be doing a big one tonight.

The group has put out its first set of weekly e-mails that will be coming out between now and the February Design Week. It is linking you into the website so you can see all the information they have, where they are going, what the workshops look like, what the agenda is intended to be for this week and you will also be able to sign up. In the first three hours that they sent the registration forms out, they have 100 people already signed up for the workshops. That is what the Council will see from them in the next little bit. It will be quiet for the next week or so but she will be back at the next Council meeting to tell you where they are with the planning for February. She urged Councilors to go into the e-mail and sign up. She wants them there. She requested that Councilors spread the word with other people because they really want the Town involved with this.

Chair Piltch pointed out that registrations are now open on [www.Freeportdowntown.me](http://www.Freeportdowntown.me). The website has been updated with all the Design Week information. Design Week is February 3-7 and we are keeping a close eye on how COVID progresses. There are remote opportunities to participate.

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

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ITEM # 225-21 To consider action relative to adopting the December 21, 2021 Consent Agenda.

 **BE IT ORDERED**: That the December 21, 2021 Consent Agenda be adopted. (Piltch & Lawrence)

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

 **VOTE**: (7 Ayes) (0 Nays)

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ITEM # 226-21 To consider action relative to a new liquor license for Nighthawk Kitchen. PUBLIC HEARING

**MOVED AND SECONDED:** to open the Public Hearing. (Pillsbury & Lawrence) **VOTE**: (7 Ayes) (0 Nays)

No public comments were provided.

**MOVED AND SECONDED:** to close the Public Hearing. (Pillsbury & Lawrence) **VOTE**: (7 Ayes) (0 Nays)

**BE IT ORDERED**: That a new liquor license for Nighthawk Kitchen located at 200 Lower Main Street, Freeport be approved. (Pillsbury & Lawrence) **VOTE**: (7 Ayes) (0 Nays)

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ITEM # 227-21 To consider action relative to proposed amendments to Chapter 21 Freeport Zoning Ordinance, Section 515. Noise Regulation, to clarify what types of temporary use of machinery are not covered by the standards in this Section of the Zoning Ordinance and to add a cross reference to the regulations in Chapter 39: Loitering, Curfew and Noise Ordinance which does regulate the temporary use of machinery.  PUBLIC HEARING

 **MOVED AND SECONDED:** to open the Public Hearing. (Fournier & Lawrence) **VOTE:** (7 Ayes) (0 Nays)

Town Planner, Caroline Pelletier explained that this was discussed at the last meeting. Based upon

requests from some of our residents, the Council recently made a change to the Town’s Loitering,

Curfew and Noise Ordinance which has to do with the hours of operation for different types of

machinery with the intent to address some of the noise residents are hearing from construction. There was

a desire to also incorporate something into our Zoning and Subdivision Ordinance so that applicants will

be on alert when they come in that we have these regulations. Our Town Attorney felt it would be best to

add a bit of clarification in the Zoning Ordinance but add a cross reference to the Town’s Loitering,

Curfew and Noise Ordinance and that is what you also have for the Subdivision Ordinance. This had to

go to the Planning Board at a request from the Town Council.

Chair Piltch clarified that the Council previously passed the new Loitering, Curfew and Noise Ordinance

 but we are adding a cross reference to that new Noise and Subdivision Ordinance, and Zoning and

 Subdivision Ordinance. Ms. Pelletier advised that because this is in the Zoning and Subdivision

 Ordinance it did not fall under the purview of the Ordinance Committee. It had to go through the

 Planning Board and the process outlined in State law and Freeport ordinances requires a Planning Board public hearing before the Council public hearing.

No public comments were provided.

 **MOVED AND SECONDED:** to close the Public Hearing. (Fournier & Lawrence) **VOTE:** (7 Ayes) (0 Nays)

**BE IT ORDERED**: That proposed amendments to Chapter 21 Freeport Zoning Ordinance, Section 515. Noise Regulation, to clarify what types of temporary use of machinery are not covered by the standards in this Section of the Zoning Ordinance and to add a cross reference to the regulations in Chapter 39: Loitering, Curfew and Noise Ordinance which does regulate the temporary use of machinery be approved. (Fournier & Lawrence) **VOTE:** (7 Ayes) (0 Nays)

Councilor Bradley noted he is not clear. He asked Ms. Pelletier if the Council added construction to the Noise Ordinance? Ms. Pelletier explained that the Council changed the daytime hours and clarified what kind of machinery can or cannot operate during those daytime hours. You also added restrictions that you can’t use certain machinery on holidays. Councilor Bradley added that he just wants to know what the Council is doing tonight. Ms. Pelletier advised that the Council is putting people on alert in the Zoning and Subdivision Ordinance that you have a Loitering, Curfew and Noise Ordinance that regulates certain machinery and certain noises they should be aware of and they should restrict the hours in which they can generate noise using such machinery. She provided examples.

Vice Chair Egan added to clarify what the Council is acting on this evening if he has it right, we are now separating out elements and cross referencing our specific Noise Ordinance so there is clarity in the Subdivision Ordinance about where to go for definitions of noise, machinery, hours of operation, etc. Even though we have had conversations about what those specifics are relating to noise, the action we are taking tonight is to cross reference them in the Subdivision Ordinance. Ms. Pelletier agreed and pointed out we will have one specific set of standards that all the documents will be referencing.

 **VOTE:** (7 Ayes) (0 Nays)

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ITEM # 228-21 To consider action relative to proposed amendments to Chapter 25 Freeport Subdivision Ordinance, Article 11.9 Conformance with Zoning Ordinance and Other Land Use Ordinances, to add a cross reference to the Loitering, Curfew and Noise Ordinance. PUBLIC HEARING

**MOVED AND SECONDED:** to open the Public Hearing. (Lawrence & Fournier) **VOTE:** (7 Ayes) (0 Nays)

No public comments were provided.

**MOVED AND SECONDED:** to close the Public Hearing. (Lawrence & Fournier) **VOTE:** (7 Ayes) (0 Nays)

**BE IT ORDERED**: That proposed amendments to Chapter 25 Freeport Subdivision Ordinance, Article 11.9 Conformance with Zoning Ordinance and Other Land Use Ordinances, to add a cross reference to the Loitering, Curfew and Noise Ordinance be approved. (Lawrence & Fournier) **VOTE:** (7 Ayes) (0 Nays)

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ITEM # 229-21 To consider action relative to proposed amendments to Addendum I (Freeport Village Overlay District) of Chapter 21 Freeport Zoning Ordinance. The proposed amendments would clean-up existing text conflicts regarding the applicability of sections of the Freeport Village Overlay District document. The only substantive amendment would be the removal of the requirement that passive solar panels on new homes are required to face internal or private areas of the home site. PUBLIC HEARING

Ms. Pelletier explained that this request was received from an applicant that was building a new house in

Freeport. We have the Freeport Village Overlay District and based upon the uses and different things that

are happening, there is a different set of standards. The applicant that is building the new house wanted to

put on solar panels. On Page 12 there is a standard that says you can’t have solar panels facing the road.

They would have to face internally for new dwellings. Since the Planning Board and the Council just put

a lot of work into solar regulations, it seemed like an appropriate request to bring this forward. Again, an

existing house would not have this restriction but a new house would. In addition to that change on Page

12, we are doing a bit of clean-up to the document, not changing the standards. There has been minor

conflict with the language and she provided examples. She advised that they are getting rid of the

 headings and are reformatting the Table to have consistent language with the Applicability Section. The

Planning Board wanted to put it in the front of the document as opposed to the rear to make it more user

 friendly. There is no substantial change there. It is really reformatting and cleaning up. The real change is

 striking the prohibition of the solar panels facing the road.

**MOVED AND SECONDED:** to open the Public Hearing. (Daniele & Lawrence) **VOTE:** (7 Ayes) (0 Nays)

There were no public comments provided.

**MOVED AND SECONDED:** to close the Public Hearing. (Daniele & Lawrence) **VOTE:** (7 Ayes) (0 Nays)

 **BE IT ORDERED**: That proposed amendments to Addendum I (Freeport Village Overlay District) of Chapter 21 Freeport Zoning Ordinance be approved. The proposed amendments would clean-up existing text conflicts regarding the applicability of sections of the Freeport Village Overlay District document. The only substantive amendment would be the removal of the requirement that passive solar panels on new homes are required to face internal or private areas of the home site. (Daniele & Lawrence)

Councilor Bradley requested that someone explain to him the process. If the Planning Board does this, it

doesn’t go to Ordinance, it goes from the Planning Board directly to the Council?

Ms. Pelletier explained that this is part of the Zoning Ordinance so legally it has to go to the Planning

Board before it can come to the Council. Councilor Bradley clarified that the Ordinance Committee has

nothing to do with Planning Ordinances and Ms. Pelletier agreed.

Councilor Daniele asked if solar is okay on all new homes and existing homes everywhere else in

Freeport and what about ground-mounted units? Ms. Pelletier mentioned that yes, you can do it as an

accessory and yes, you can put solar on existing and new houses. The way this is written, if these

individuals wanted to build their house and then come in separately for a permit after the fact once their

house is existing, they probably could have fit into that. In a couple of these cases, they want to be good

applicants and do everything up front and that was the situation so they were kind of being penalized by

building that new house here. Vice Chair Egan noted the Council wants to encourage making it easier for people to get through with a single shot. That’s good.

 **VOTE:** (7 Ayes) (0 Nays)

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Chair Piltch noted the Council is done with public hearings for tonight. We are now on to setting public

hearings for our next meeting. There are five potential public hearings on the agenda to discuss for our

January 4th meeting.

ITEM # 230-21 To consider action relative to setting a public hearing to discuss proposed amendments to Chapter 21 Freeport Zoning Ordinance, Section 104. Definitions, Section 526.A Food Trucks, to update the definition of a food truck to include a trailer; update standards for food trucks including permitting them during Temporary Activities which are being held to draw visitors to Freeport; to update the food truck permitting and licensing process; and clarifying exemptions for food truck licensing.

**BE IT ORDERED**: That a public hearing be set for January 4, 2022 at the Town Council meeting starting at 6:30 pm to consider proposed amendments to Chapter 21 Freeport Zoning Ordinance, Section 104. Definitions, Section 526.A Food Trucks, to update the definition of a food truck to include a trailer; update standards for food trucks including permitting them during Temporary Activities which are being held to draw visitors to Freeport; to update the food truck permitting and licensing process; and clarifying exemptions for food truck licensing

**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. (Bradley & Daniele)

Chair Piltch noted he has been following this one through the Planning Board and writing about it in his Newsletter. He thinks it is a great idea.

Town Planner, Caroline Pelletier explained that during the pandemic we had an Emergency Ordinance and the Council adopted a lot of provisions to allow our businesses to move forward and try some different things out. One of them was food trucks. Freeport has standards for food trucks but back in the day when they were originally adopted, there was some resistance and concern for the existing brick and mortar businesses. We adopted standards and they were allowed in limited places and required a lot for paperwork. The Planning Board has heard from a lot of people wanted to allow food trucks and the different kinds of things they need to support the business. They have heard a lot about food trucks in the Visioning process and Staff and applicants have identified some frustration in our paperwork process on the books. There are a couple of different ways food trucks are permitted in Freeport. Certain areas of U.S. Route One South and the Nature-based Art Overlay District which is where the Desert of Maine is located. If you have an existing business that has been through Site Plan Review, they can have a food truck accessory to that. In the areas shaded gray, Lower Main Street, Desert Road and U.S. Route One North, you can have a food truck accessory to Artisan Food and Beverage, typically referred to as our breweries.

The first thing you have is a change to the definition of a food truck. They added the word “trailer”. When the standards were first adopted, we had a restaurant owner who wanted to have a trailer. It was denied by the Codes Officer at the time but went to the Board of Appeals and they decided that a registered trailer would be considered a food truck. That clarifies that definition and reflects current practice. One of the ways you can have a food truck in the downtown today, you cannot have them as accessory to an existing business but you can have them if you have a special event that would be permitted through Public Safety when you expect 250 people or greater. We quickly realized during the pandemic that people wouldn’t want to have those events. In other events that are designed to attract people to Freeport but might not be as large. Essentially, we are changing that special event down to a temporary activity, kind of lowering that threshold.

Under No. 1, these are the existing standards for food trucks. We are making some tweaks to this language based upon past conversation and feedback, the Planning Board has had with applicants over the years. The two most significant changes for food trucks are 1) for food trucks that are either temporary activity or accessory, we learned we need to pay attention to where they are going and paying attention to whether they are impacting ADA parking. We would be changing the permitting process slightly. If you are a business in the areas noted on the map and you want to have a food truck accessory, you would be filing a once-a-year permit as a property owner/business owner saying you want to have a food truck accessory. This was brought to Ms. Pelletier by a resident on Route One South because every food truck operator has to hunt down the business owner to sign off and say they will make sure they are licensed, we will be there when they are open and they can use our bathrooms, etc. That would be a once-a-year permit, minimal fee, very easy for them to acknowledge that they know what the standards are and will follow the rules if they are going to have a food truck. The food truck operator would need to be licensed. They go through Codes Enforcement and we see a lot of permits right now. We are hoping to streamline it and make it quicker. The other reason it makes sense is that our Victualer’s licenses go through the Town Clerk and she is already collecting some of that information from people that are serving food in Freeport. The biggest change the Council will see is a change in the way we license them. Now they can do a one day, a 30-day or a 365-day permit. Everybody is pretty much doing the one day. We have heard that the cost for the 365-day is $500 and they are telling us it is a lot cheaper to go other places and the way the current permit is it is site specific. They can do a year but they have to stay in that one site. What you have before you for new permitting language is Option One for up to 3 days. Option Two is to permit for a year. Once you permit for a year, you can go anywhere in Freeport acknowledging you are either doing accessory work permitted or with a temporary activity permit. There is a little bit of we will have to work together. Our businesses are going to have to make sure their food trucks have licenses. For the yearly license, there is a lot of paperwork and running around involved in this so we want them to come in once, bring their registration and their Victualer’s license and everyone can go on their way. The last standard that this clarifies in here is that if you are having a food truck on your property, you are paying for everything and it is not open to the public, no permits would be required. If the Council decides to go forward with this, she will bring a fee structure.

Councilor Fournier mentioned he is looking at the map and he is looking at Wolfe’s Neck old main barn where they do serve food. He is in favor of food trucks but wants to make sure we include weddings and venues that are outside the district we are looking at specifically. Ms. Pelletier explained that because they can’t do it on a permanent basis, if they had a temporary activity going on, they could do it there. If they are having a private function and they are paying for all the food and no one is coming up and paying. If they are hosting a Farm Day and have a bunch of food trucks and we can go and pay for our own food, we would want them to be licensed. The concern is for public health.

Councilor Daniele asked if a high school sporting event would be a temporary event. Ms. Pelletier advised that they could have a temporary activity permit for something special going on. She explained how one would get a temporary activity permit. Mr. Joseph provided examples such as Movies in The Park, or when the RSU brought a food truck in for the teachers that could be a temporary activity under the new standard.

Councilor Bradley had questions on the standards and if they apply to temporary activities? Ms. Pelletier provided an answer but her microphone was not working.

Chair Piltch noted that the public hearing is set for January 4th. Councilor Bradley asked how notice of the public hearing is provided and to whom? Ms. Pelletier advised that in this case, they notified everyone in all of the districts that would be impacted by this. They also put an ad in a newspaper of circulation They did not do a town-wide notice. Councilor Bradley asked if there is a reason we should not give notice to the entire town? Ms. Pelletier added that it is above and beyond our notification. They did send notices to the Village Commercial I because that is where there has been the most interest. Councilor Bradley advised that he would appreciate it if places like Wolfe’s Neck and other places we know do food trucks got notices so they could look at it and make sure it doesn’t disrupt some practice they have. He mentioned the Desert of Maine and could imagine other places that we could reasonably expect food trucks to be. Ms. Pelletier offered to do a spot check of where we issued permits. She is not sure we issued any to Wolfe’s Neck in the past but would be happy to do some direct notification for the public hearing. Councilor Daniele agreed it should be more inclusive and suggested putting a note on the temporary permit that they could have a food truck and that would tell everybody who is eligible that they could have one.

 **VOTE:** (7 Ayes) (0 Nays)

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ITEM # 231-21 To consider action relative to setting a public hearing to discuss proposed amendments to Chapter 30, Victualer’s Licensing Ordinance to update Section 2. License Required to include Food Trucks requiring Victualer Licenses.

**BE IT ORDERED**: That a public hearing be set for January 4, 2022 at the Town Council meeting starting at 6:30 pm to consider proposed amendments to Chapter 30, Victualer’s Licensing Ordinance to update Section 2. License Required to include Food Trucks requiring Victualer Licenses.

**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 & Lawrence)

Town Planner, Caroline Pelletier explained that we have a standard on the books today that when you do nine or more food trucks, you need to get a Victualer’s License. It was not cross referenced in the Victualer’s Ordinance. She and the Town Clerk feel it makes sense to include this standard in the Victualer’s Ordinance so if for some reason you are looking at that, it is clear when a food truck needs to get that license. It is really a clean-up and providing consistent language.

 **VOTE**: (7 Ayes) (0 Nays)

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ITEM # 232-21 To consider action relative to setting a public hearing to discuss proposed amendments to Chapter 21 Freeport Zoning Ordinance, Section 501. Temporary Activity, to add a standard about maintaining accessible (under the Americans with Disabilities Act) parking and access; requiring property owners to sign-off on applications for multi-tenant properties; and to remove the restriction on permits in the Village Commercial I “VC-I” and Village Commercial II “VC-II” Districts that restrict the displacing of parking spaces during certain times for the year.

**BE IT ORDERED**: That a public hearing be set for January 4, 2022 at the Town Council meeting starting at 6:30 pm to discuss proposed amendments to Chapter 21 Freeport Zoning Ordinance, Section 501. Temporary Activity, to add a standard about maintaining accessible (under the Americans with Disabilities Act) parking and access; requiring property owners to sign-off on applications for multi-tenant properties; and to remove the restriction on permits in the Village Commercial I “VC-I” and Village Commercial II “VC-II” Districts that restrict the displacing of parking spaces during certain times for the year.

**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. (Pillsbury & Daniele)

Town Planner, Caroline Pelletier advised that during the Emergency Ordinance we allowed our businesses to try some things they ordinarily didn’t try out so you asked the Planning Board to make some of these permanent. That is where it started but she and the Town Manager received phone calls and outreach by residents that we are signing off on these temporary activity permits but, in some cases, it is disrupting accessible parking and that is something the Town should be paying attention to. During COVID we were looking at that so after hearing from some residents, it seemed like a valid concern. There are accessibility standards that come into play and in this case when we give somebody a temporary activity permit, we are kind of giving them special approval to do something beyond what is ordinarily allowed under their Site Plan. In Section 5015 there is a standard regarding Accessibility. If you are going to displace parking spaces, you need to be looking at where you will be relocating them. They need to be on the closest accessible route possible. There was a lot of discussion on this at the Planning Board and in behind the scenes. It started with language that said put them in equal proximity but in looking at it, equal proximity for accessibility might not be the best thing. If there is a curb there and no tip down, if somebody is in a wheelchair or a walker, they will not be able to get onto that curb. One of the Planning Board members brought up that we should not just look at the parking, we should look at the access route and how people are getting around and make sure the whole thing is working.

Under C, there is a little bit of wordsmithing to clarify that a farmer’s market would be included in Standard C. We have had cases with temporary activities and now when we get to the last standard, we might be allowing more of them in the village. When you have cases of multiple tenants on a property, one tenant might want to come in and block off a parking lot, but the other tenant might not think it is the best idea. When they come in for that, there is a standard that the landlord has to sign off on it. If the landlord is going to give them approval, that is fine but we don’t want to get into temporary activity permits used over misplaced parking when you have multiple tenants which we do have in the village.

Finally, the biggest change for us is that parking has been pretty important to Freeport and we are unique that we have this shared parking concept because there are private property lines and a lot of parking lots. We have this shared parking and have done things to incentivize people to participate and at one point in time you could never find an empty parking space in the summer. We are not seeing that now and the community seems to feel we have enough parking so we are striking the standard that has a limit on displacing parking for a temporary activity in the downtown Village Commercial I and Village Commercial II the week before Memorial Day until the week after Labor Day. If we got rid of parking because of some changes and potential redevelopment and we have less parking and there is no place to park, we may need to revisit it. For now, in current times, this seems to be a valid condition and something our businesses could take advantage of to further support their operations. It might make it easier for tent sales or outdoor seating or things like that.

 **VOTE:** (7 Ayes) (0 Nays)

Chair Piltch noted the Council will have another public hearing on this on January 4th.

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ITEM # 233-21 To consider action relative to setting a public hearing to discuss proposed amendments to Chapter 21 Freeport Zoning Ordinance, Section 409. Commercial District I “C-I”, Section 411. Commercial District III “C-III”, Section 413. Village Commercial District I “VC-I”, Section 414. Village Commercial District II “VC-I” and Section 602. Site Plan Review to add standard to allow seasonal outdoor seating when certain conditions can be met, and to be subject to Town Planner Review under Section 602.C.1.c.1 of the Freeport Zoning Ordinance.

**BE IT ORDERED**: That a public hearing be set for January 4, 2022 at the Town Council meeting starting at 6:30 pm to consider proposed amendments to Chapter 21 Freeport Zoning Ordinance, Section 409. Commercial District I “C-I”, Section 411. Commercial District III “C-III”, Section 413. Village Commercial District I “VC-I”, Section 414. Village Commercial District II “VC-I” and Section 602. Site Plan Review to add standard to allow seasonal outdoor seating when certain conditions can be met, and to be subject to Town Planner Review under Section 602.C.1.c.1 of the Freeport Zoning 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. (Fournier & Lawrence)

Town Planner, Caroline Pelletier referred to the back of the document that has a map and the fact we are talking about four specific Zoning Districts. We are talking about VC-I which is the downtown core, VC-II is just north of us so it is the area near McDonald’s and Mallet Drive and then going down south on Main Street when you get to Lower Main Street past the L.L. Bean headquarters down to Yarmouth and the Commercial Districts. Again, during the pandemic we relaxed our standards and let people try out outdoor seating. Typically, it is something you would have had to come in and amend your site plan. You would have shown us what you plan to do and where you would put it and maybe provide more parking. There were more rules in place. She would say that a lot of us enjoyed outdoor seating during the pandemic. The outdoor seating we had in town always seemed busy when we were driving by. What the Planning Board has come up with is standard language that will apply to these four districts. You could use an area of up to 1,000 sq. ft. They had open communication during the process with some business owners and looked at what people had done during COVID to see what kind of area we are talking about. They also took into consideration building codes which would come in when you started to creep above a certain square footage. When the Planning Board talked, they said it should really be temporary. We are not talking about all year so they decided May to October 31st. That is what the Planning Board felt was a reasonable time for outdoor seating. The outdoor seating under this provision would need to be located entirely on private property and they couldn’t create new impervious area because then we would get into stormwater issues. If they have an existing back patio or want to put it safely in a parking area, a walkway or on grass, they could do so. Then again making sure when they are doing this, everyone is paying attention to accessibility and people being able to get in and out.

What about the person that wants to put their outdoor seating in March? If you want to go longer, you can as long as you follow the current rules in place, you need to amend your site plan, look at your parking and go through whatever level of review. This is designed to have reasonable limitations and everybody knows it is going to go away. This is designed so it is subject to Town Planner review or Staff review. They would come in, draw on their plan, look it over, make sure they are meeting the threshold, sign off on it and report it to Project Review but they would not have to go before a Board.

Chair Piltch thanked Ms. Pelletier for walking the Council through this proposal. Vice Chair Egan also thanked her. He mentioned it is tedious language and the Council is way down in the weeds, maybe even in the dirt here on how things grow in these ordinances. He wanted to highlight for anyone listening and for folks here in Town Hall that this is example of innovation. We are actually listening to what our businesses are asking for. We are contemplating new ways to create our economic activity in downtown and as clumsy and slow and drawn out as it seems, this is how Town Government innovates. We are trying new things and relaxing some of the stuff we have had in place for years and years and he wanted to applaud the Staff and the business community for bringing this stuff forward and he is hoping some of these experiments work well and they no longer have the word pilot or temporary attached to them and this is just the way we do business in our community. Thanks for that.

 **VOTE**: (7 Ayes) (0 Nays)

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Councilor Piltch noted that this next one is closely related. He understands it is also about outdoor seating

and it is potentially changing the Design Review Ordinance and that it does not apply to these new

seasonal accessory outdoor seating. Ms. Pelletier added that it is the only change being contemplated in

 this case.

ITEM # 234-21 To consider action relative to setting a public hearing to discuss proposed amendments to Chapter 22, Design Review Ordinance pertaining to seasonal accessory outdoor seating.

**BE IT ORDERED**: That a public hearing be set for January 4, 2022 at the Town Council meeting starting at 6:30 pm to consider proposed amendments to Chapter 22, Design Review Ordinance pertaining to seasonal accessory outdoor seating.

**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 & Daniele)

Town Planner, Caroline Pelletier explained that the Design Review Ordinance comes under the purview of the Council but the Administrative Code says the Planning Board can provide the Council with input on that. Although the Planning Board talked about this, they did not have a formal public hearing on it. They forwarded the outdoor seating with the recommendation that the Council consider whether or not you want to make it exempt from Design Review.

We have a lot of different rules in downtown Freeport and she thinks Design Review has really been an important ordinance in getting Freeport where it is today and maintaining some of the historic charm. The down side is that virtually anything you do on the exterior of your building or your site, you have to go before the Project Review Board. There is very little that Staff can approve. If you are at home on the weekend and want to change your front door, you need to go to the Board. If you want to paint your house a certain color and you are in the color district, you have to go to the Board. In her opinion, this would be a big change. It is temporary outdoor seating and happened during the pandemic. We got a lot of complaints but she wanted to make the Council aware that there are a lot of other things people are coming to review for. The Planning Board is hearing a lot about these regulations and she is confident they will be hearing and discussing about them as we continue with the visioning. She wanted the Council to understand the big picture and how this fits in.

Chair Piltch asked if Ms. Pelletier has the flexibility if someone came in and said they wanted to do some neon florescent public seating, even though it is temporary, based on your opinion, would you be able to say no, I don’t think that fits in with the character of the downtown? Ms. Pelletier advised that she would not be able to say that with the way this is written. If the Council wants to put it subject to Town Planner review, we could put it in a different location and if they did come in with neon seating, she would not sign off on that but that is not how it is written today. It was that way in the Zoning Ordinance. The Council could shift it. This is under your purview and the Council has to decide how to do it. If you want to move it so she is looking at it for the standards of Site Plan Review and Design Review, whoever is in the role could do that. Chair Piltch clarified that Ms. Pelletier would want to have standards by which she could review it as opposed to have it be her arbitrary opinion. Ms. Pelletier agreed the Council could do it subject to Town Planner review. She added that if they came in and she looked at it for compatibility to make sure it is not a neon inflatable. They will come in to the Town Planner for Site Plan. More discussion followed.

Chair Piltch asked what it would look like if the Council added that language? Ms. Pelletier mentioned that there is a section where it says the Town Planner can approve minor modifications to signage on page 5. She suggested moving that language over to No. 3 and adding that the Town Planner can make a decision on temporary outdoor seating.

**MOVED AND SECONDED:** To amend the prepared language the Council will be considering at the Public Hearing to include requiring the Planner’s consent and coordination of outdoor seating as one of the activities. (Egan & Lawrence) **VOTE:** (7 Ayes) (0 Nays),

Councilor Daniele asked if the Board could negate Ms. Pelletier’s decision if they saw a sign downtown that they didn’t like? He would like to see the Council have a mechanism to rectify a mistake if one should happen. He does not want to see the Council have a 5-year problem because of one decision that went through one person. Ms. Pelletier added that they have always been overly cautious. She does get complaints from residents and she tries to be respectful of that. She feels this is an interesting point and one worth looking at.

Mr. Joseph asked if we can investigate before this goes to public hearing, he wants to find the answer to the question he has asked. He thinks Ms. Pelletier is making administrative decisions when she is Staff approving things that may be appealable to the Board of Appeals, in the same passion that a Code Enforcement decision would be appealable to the Board of Appeals? Ms. Pelletier agreed that is something we should clarify for both ordinances. Mr. Joseph added that if there is an applicant that doesn’t like the decision, they would have an appeal. For example, let’s say the Codes Officer issues a building permit but the applicant doesn’t like it, it is appealable to the Board of Appeals. Mr. Joseph suggested looking at that because he is not an expert in that field. Councilor Daniele noted that rather than having an attorney come in, asked if we could add a blurb that says the Board could appeal the Planner’s decision within a certain time limit. In that way everybody would have seen it, they get notified. Mr. Joseph just wants to clarify if the Planner’s decision would be the same as the Codes Officer’s? It wouldn’t really matter what we put in for language, there would be a statutory appeal process as well.

Councilor Daniele asked if he could appeal it if it has nothing to do with him? Mr. Joseph agreed he could. Ms. Pelletier feels it is a good question and it might be a legal question because there are appeal processes for both of these ordinances. Some of them go to court. Typically, an appeal process for the Project Review Board decision would be 30 days after they make their decision.

Councilor Fournier referred to the folks that live in the Design Review District and have homes and may have to replace a front door. Will this allow for a smoother process to make that happen? He would be in favor of letting the Town Planner make that decision so we don’t have a long process for the residents.

Ms. Pelletier advised that for her, this is a huge change from the way we have been doing stuff in Design Review. People come for everything, planters on their building or a front door. She feels that as a result of the vision we will hear a lot more about this and will be looking into the standards.

Councilor Lawrence noted that this is for seasonal outdoor seating and asked if they would not have to apply for this every year once it goes into effect? Ms. Pelletier agreed and noted this is an effort to streamline it.

Chair Piltch pointed out that the Council is setting a public hearing. It is not committing us to say we will agree to all this. We will talk about it more in January and listen to the public. We will be able to tweak it and also will learn more with the legal opinion about the appeal process.

 **VOTE:** (7 Ayes) (0 Nays)

Chair Piltch explained that on January 5th the Council will be workshopping with the Planning Board and discussing longer-term issues such as what should we do with our ordinances and things like that. It is not on our Town Council calendar but recommended that Councilors set aside January 5th. Ms. Pelletier advised that the Planning Board typically meets at 6 p.m. so they are thinking 6-8 p.m. She will mail everyone an agenda. The Board has been wanting to talk to the Council in a group workshop and also get more clarification on cannabis and the Comp Plan.

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ITEM # 235-21 To consider action relative to adopting the Cumberland County EMA Mitigation Plan.

**BE IT ORDERED**: That the Cumberland County EMA Mitigation Plan be adopted. (Daniele & Egan)

Fire Rescue Chief, Paul Conley explained that the County has taken on the position of writing the master plan for mitigation for the whole Cumberland County. It will address issues with things like flood plains, infrastructure, projects, culverts and stuff so we don’t continually throw federal money into things that basically happen annually. The document is 127 pages long and covers 27 communities here in Cumberland County. This sets the stage for us to piggyback on a lot of their work. He has identified some of the things in our community moving forward. In the aspect of moving forward, it gets us tied into the process to receive federal money if we do have a disaster that causes us problems. He recalled some instances that occurred in Freeport where we reached through the County and were able to recoup some of that money. He encouraged the Town to jump on board because it benefits all of us in Cumberland County.

Vice Chair Egan thanked Chief Conley for the summary. He asked the Chief if he recalled any conversation in the plan that relates to increased frequency or severity of potential disasters as a result of climate change? Chief Conley advised that he could not honestly say specifically since he was a fast study of this and getting to that point. What he can address is that certainly the aspects of it are that we don’t want to make the same mistakes that we have had so it is identifying those projects that will have long-term impact for infrastructure within the County. Vice Chair Egan mentioned that he heavily applauds the coordination effort in having the County take the lead. He thinks it is an excellent idea.

Chair Piltch added that he skimmed through the document and read a lot of it. His initial thought was that it was going to be more about emergencies and disasters and was surprised that there was as much in there about environmental issues and climate change. He can’t give specifics but they did talk about it.

Councilor Fournier added that Freeport has been mapped out and we know due to hurricanes and storm surges Duck Away Trailer Park is a certain area where we have concerns. When this was done, climate change was not the hot issue. We were more focused on hurricanes and the increased severity of the hurricanes. The document does look at that but it might not give us the specifics to do with climate change but it was addressed extensively when he had the other hat on.

Councilor Bradley noted he has not had a chance to read the plan but does it commit the Town to any resources that we ought to know about if we are approving it? Chief Conley advised that it does not other than the fact of what we establish as our threats and what our mitigation plan is going forward. He has been told by the County Planners he should be prepared to produce our lists in March. They are moving forward with what has been identified. Sometimes those things allow us to go after grants for that type of work and also that type of work could be placed into our Capital Improvement Plan with funding from that perspective.

Councilor Bradley noted that when we say to this and it sounds all very positive, we will qualify for a lot of federal money and all the things we want. Does it also require us to apply local tax dollars to certain kinds of priorities? Chief Conley replied yes. Councilor Bradley explained that he would want to read the plan before moving forward. Councilor Fournier pointed out that this plan does not say Freeport, Maine has to spend $10,000 to replace a culvert on Wardtown Road. This plan looks at a bigger picture and if it is adopted, if we have an event on Wardtown Road, then we could qualify for federal funds to fix the mitigation if something happens. He does not think it is very specific that we must do something. Councilor Bradley mentioned he is not sure what it does and asked if the Council has to vote on it tonight.

Chair Piltch advised that it could be tabled. Councilor Bradley noted he would like to table this for a reasonable period of time to give anybody who wants to read the 127 pages to see if there is a tax implication or a resource implication for the Town and which we might be perfectly delighted to make but he wants to know what we are doing. Mr. Joseph added that he read in the plan that we have until February 25th and Chief Conley agreed. Mr. Joseph advised that there are 4 or 5 pages on climate change so we have time if the Council wishes to table it. Chief Conley advised that it has to be signed off by the 25th of February.

 **MOVED AND SECONDED**: To table to January 18, 2022. (Bradley & Fournier)

Councilor Fournier asked if there is a procedure that it could be reviewed and we authorize the Chairman to sign off so it doesn’t take up further Council time? He feels it is a pretty standard document.

Chair Piltch noted that they are asking for the Council to approve it as a Council.

 **VOTE TO TABLE TO JANUARY 18, 2022:** (7 Ayes) (0 Nays)

Chair Piltch advised that the Council will discuss it again on January 18. Chief Conley added that he would have a County Representative attend with him so he can answer any technical questions. Chair Piltch advised the Council that if they have any questions, they should contact Chief Conley with the specifics.

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ITEM # 240-21 To consider action relative to Town Council Committee Assignments.

**BE IT ORDERED**: That the Town Council Chair’s nominations for Committee Assignments to the Special Projects, Municipal Facilities, Ordinance and Appointments Committees be approved. (Bradley & Lawrence)

Chair Piltch explained that those specific committees need approval by the full Council. The list that you have also includes appointments to committees we are not technically approving tonight but are there for the Council to have a gander at. He does not believe he was able to get 100% accuracy in giving everybody what they asked for but he was able to get pretty close. He knows some folks are on quite a few committees so he thanked his fellow Councilors for offering to be on so many committees. He knows it can take up a lot of time and others know. He asked if there is any discussion around the committee assignments?

Councilor Bradley mentioned that he does not have any question about the specific assignments but in terms of what the responsibilities are for the committees. Does it reside somewhere and is it accessible to those of us who were appointed to those committees? He is not interested in a list but rather what the committees are responsible for. Chair Piltch noted that the Ordinance specifies the committees, why they exist and what their mission is. Some of them have a voting member of the Council. Others like FEDC have a Council liaison so he is there to attend, participate and report back. Councilor Bradley brought up Special Projects and asked if there is some place that describes what Special Projects does?

Mr. Joseph advised that it is in the Charter but there is not a hard description of it. It is very condensed in what it does. He mentioned that they are all mentioned in the Charter or the Administrative Code.

 **VOTE TO APPROVE THE COMMITTEE ASSIGNMENTS**: (7 Ayes) (0 Nays)

**OTHER BUSINESS:**

1. Discussion with Rick Knowlton of Maine Water Company regarding potential ownership transfer of Bow Street and Winston Hill water tanks.

Mr. Joseph asked Mr. Knowlton to leave his microphone on. Mr. Knowlton provided some historical documents and gave a concise summary of the history of the water tank ownership in Freeport. Everything he talked about with Mr. Joseph is accurate according to the Town’s records and documents that Mr. Joseph has.

Mr. Knowlton explained that there is a history to the two water storage tanks in Freeport. The leasing of these tanks dates back to 1972 when the Bow Street tank was originally constructed. The practice was continued in 1994 when the Winston Hill tank was constructed. In June of this year the lease agreement that was executed in the year 2000 expired. It was a 21-year lease and they extended the agreement through this month hoping that we would have some time to actually meet with you and start this discussion. In simple terms Maine Water Company would like to take ownership of the water tanks. They are critical assets to the water system. They are expensive to maintain. The management of their use of the structures and the coordination with cellular antennas and other communications, the ground facilities adjacent to the tanks that are necessary, just as a coordination effort that Maine Water has been coordinating and needs to continue to coordinate. As we look forward, we are certainly going to reach a time where these two tanks reach the end of their useful life and at that point in time, he thinks Maine Water Company should be the entity that should be planning for and executing the replacement of these tanks as part of the water system. They want to ask the Town for consideration of this transfer of ownership of the structure. They are perfectly happy to recognize and continue the financial arrangement of the cellular leases. Those leases were a big reason why the arrangement continues today. He would be happy to go into any details on that. Their effort is not to change how things are practicing but simply to recognize that these are critical water utility structures. Their rate payers and Freeport’s tax payers, our mutual customers are supporting the costs of maintenance and operation through their water bills and it would be appropriate in the long run for what was always intended to be a transfer of ownership if you read the 1972 document with the Bow Street tank if they were able to find a way to actually make that transfer happen. He offered to answer any questions or dive into further details.

Mr. Joseph wanted to add one thing to what Mr. Knowlton said. He asked that he allow 3 or 4 seconds to when we stop talking and he stops talking because there is a 2 second delay and it needs to go both ways.

Mr. Joseph wanted to add which is consistent with what Mr. Knowlton said and told him. Mr. Joseph noted he is not in the habit of giving things away free but it is morally and ethically the Town always intended for these to end up in the ownership of Maine Water Company. Also, he thinks it needs to be noted that Maine Water and their predecessors and people in the future will be paying to maintain these tanks and they have paid to maintain these tanks at significant cost. Last year there was a $600,000 repainting of the Bow Street tank that was completely funded by Maine Water without any negotiation about, hey Freeport, this is really your tank and you need to be paying this $600,000 that is needed to continue the operation of this tank. They have done the long-term maintenance and they have done the long-term operation and they are maintaining it like it is their own asset at this time. It all supports their request. He can’t think of a down side. They have agreed to let the Town retain the leasing rights at least in concept, and we are working on the granular details of the leasing rights to the outside of the tanks which is important to telecommunications moving forward and the Town. He has talked to Councilor Lawrence about that. He knows there are a couple of people that would like to do more business with us leasing on the outside of the tanks. He thinks it would be agreeable to Maine Water and would be agreeable to us if we go forward with this deal. Otherwise, we will have to reconsider how to do those leases.

Councilor Fournier asked Mr. Knowlton if both Bow Street and the tower off Pine Street have emergency communications for public safety? There was a generator that gives us emergency power when we lose power and he would want to make sure we still have the authorization to use the top of those tanks and any further expansion of our communications has to happen, it would be included. Mr. Joseph offered to answer that but asked Mr. Knowlton to confirm that what he is saying is accurate when he is done. Mr. Joseph advised Councilor Fournier that it is contemplated in here. They recently just did an expansion of Town facilities for telecommunications that their people have approved and has been installed in the past three months at Bow Street. Mr. Knowlton confirmed that that is the intent of Maine Water Company going forward that all of the telecommunications maintain a priority position on the tanks even ahead of the cellular antennas from their perspective.

Councilor Bradley asked if Maine Water achieves any financial benefit from acquiring ownership that is not part of the deal but is a result of their relationships with other entities that we don’t know about? Mr. Knowlton replied that the answer is no. From a regulatory perspective this will not impact their user rates. The property would be transferred to their books as a contribution and so with no further investment in the structures they already have through the maintenance program, they really will not be altering the rate base that they are allowed to earn a return on. They will not be altering the fundamental rate structures so the transfer will not result in any windfall of any kind to the Water Company. In fact, it clarifies the liability of the Water Company over the long term.

Councilor Fournier recalled that the water tanks were bonded through a bond issue and the Town voted on them. He asked if those bonds been paid off? He imagines they have some value and he would like to know what the tank values are. Mr. Joseph advised that the bonds have been paid off but he agrees there is a value but is not sure that the value would outstrip the replacement liability. They are expecting a 40-year life span on both of those tanks but asked Mr. Knowlton to confirm the expected life and how he would calculate value on them.

Mr. Knowlton advised that the Bow Street bonds have long been retired and all of the costs of maintenance of the structure since then have been paid for by Maine Water Company and its customers. The Winston Hill tank is a slightly different situation and the bulk of that structure was paid for by the EBA Grant that was received by the Town to extend water and sewer services down Route One South. There was a Town match required and there was a small bond that was 10 years in length for the combined project and it included the sewer and water extension and the water storage tank. Again, that was 1994 so it was 27 years ago and those bonds are long retired. He agrees the structures have value. They are critical to the operation of the water utility. If they were to pay for the structures in this transaction which they could do, any payment would go back and influence their user rates. It would impact their assets and their rate base and they would roll that into the regulated program that they follow to establish user rates with the Public Utilities Commission. Can they pay for the structures? Yes, they can. Will it impact the user rates if they do so? Yes, it will so that is part of the discussion we can have if we move forward and transfer the structures at no cost to the water utility, then there is no impact on user rates including the public fire protection bill to the Town of Freeport. It is a piece of the discussion they want to make sure we are all on the same page on.

Councilor Bradley asked to what extent is there an overlap between the ratepayers and the taxpayers? What percentage of the taxpayer base are ratepayers for the Water Company? Does anybody know? Mr. Joseph wanted to say 40-50% but asked the Town Planner if she would have anything that would show the coverage from the last update of the Comp Plan? He feels they have not expanded significantly. Councilor Bradley suggesting saying it is 50% for the purpose of discussion so in concept 50% of the taxpayers are subsidizing another 50% of the ratepayers who are also taxpayers. Mr. Joseph advised that 50% of the taxpayers in the 70s and 80s when these bonds were paid off, are subsidizing 100% of today’s ratepayers. Councilor Bradley does not have public water but asked Mr. Joseph to tell him why it is fair for people like him to be not receiving the benefit of the value of the property to lower his tax rates going forward. Mr. Joseph explained that current taxpayers have not put any money into it but the previous taxpayers historically did. It is a valid question. If we want to do that it would essentially be mostly an accounting transfer between the ratepayers and the taxpayers. That is absolutely something we could consider. Councilor Bradley feels there is a reason why Mr. Joseph does not want to do that. Maybe there is no reason but it is something Mr. Joseph felt was fair. He feels it is a reasonable question and if taxpayers were to realize we are giving to the Water Company a substantial value without compensation, they may ask why and he would like to have an answer for that. Mr. Joseph feels we should look at who paid the original debt service on the tanks. He asked Mr. Knowlton how much of the debt service to finance the tanks historically was paid for by the Town versus Maine Water Company? If Maine Water Company paid the bulk of the debt service, it wouldn’t be ethically right to charge them again because the ratepayers had already paid and we would essentially be double charging them. If the majority of the bond service, debt service and the purchase price of the tanks were paid for by the taxpayers, which he does not believe was the case, then Councilor Bradley’s position is 100% correct that yesterday’s taxpayers should be reimbursed by today’s ratepayers to be equal and fair.

Mr. Knowlton advised that it is different on the two structures. On the Bow Street structure from 1972 to 1992 they made lease payments to the Town of $1,000 a year so that was $20,000 returned to the Town on their $150,000 original investment. From ‘92 through the year 2000 their annual lease payments increased from $1,000 to $3,500 a year so they paid a similar amount over the next eight years in lease payments. In 2000 with the introduction of the cellular antenna lease revenue to the Town, the Town agreed at that time that the cellular antenna revenue made it unnecessary for the water utility customers to continue to make lease payments on both of the structures so the water utility has not paid back the Town in full for the original cost they invested in the Bow Street structure. The water utility on the Winston Hill structure actually donated the land to the EDA project, transferred ownership of the land they owned for many years to the Town of Freeport in order to allow that tank to be constructed on that site. The EDA Grant would not allow federal funds to be spent on private property so they made a contribution to the project that was part of the in kind and local match to the federal funds that made the extension of water and sewer down U.S. Route One South possible so they made a comparable investment to the Town at the time the Bow Street tank was constructed. That is a different situation.

Councilor Fournier advised Councilor Bradley that seven years ago we lowered our ISO ratings. ISO comes in and is the insurance rates we pay for sprinkled buildings and also includes the rural area. Once we lowered our ISO ratings, we were a Class 8 in-town and a Class 10 out of town. He personally saved on his home $300 a year through his fire insurance tax charged to him for fire protection. There is certainly value to the residents outside of the hydrant district. One thing Mr. Joseph wanted to add to the discussion on value and cost recovery over the years that would need to be factored in to the discussion. Mr. Knowlton alluded to the record 100% supports the intent of the Town was to transfer the tanks back at a set time. When it came that time, the Town started to realize some significant revenue from leasing the exterior of what the Town said it would give back to Maine Water Company and his predecessor did not leave pennies and nickels on the floor. He did really well for the taxpayers and Town in terms of getting every single last source of revenue he could find. That was the decision that was made to not transfer the tanks back as was originally agreed to Maine Water Company after that time period. One antenna lease on a water tank makes between $20,000 and $30,000 a year and there are five and about to become maybe six of them out there on these towers right now which would generate easily $100,000 to $120,000 a year.

That is current revenue we have because we held on to these tanks after the agreed time we were going to hand them back over. He feels it is fair because Maine Water never banked on those revenues either. They were a new source of revenue that was not anticipated in the 70s that we were going to have antennas on tanks. At the same time, the Town has benefitted and because they are not proposing to take the leasing rights to those structures over, we will continue to benefit. The real long-term financial benefit is the leasing rights and they are huge for our Public Safety purposes if those antennas continue to be on them. It is clear in his mind that the Town is making out financially. If he is hearing from the Council that we need to account for those things, that is a very good point and we should put some numbers together and do some accounting so that no one is losing sleep that we are giving up a lot of money. He is comfortable with it but needs to put it on paper for everyone to see that it is clear.

Chair Piltch mentioned that this is not an action item but asked Mr. Joseph what he is looking for tonight?

Mr. Joseph noted he talked with the Council once before that it is going on. Just so there is public awareness so the Council is aware of it. We are under somewhat of a time crunch. He is confident he and Mr. Knowlton can extend things month to month if necessary but there are other carriers waiting for us to finalize this deal so we can move forward and finalize deals with them which is fine. He wanted to make sure there wasn’t a big unseen item that needs a lot of attention. It sounds like there is a little item that needs attention that he is confident could be done in two weeks. Our attorneys are working on drafts on what these would look like. They need a few tweaks and he is confident he and Mr. Knowlton could solve in about five minutes of discussion. He feels there needs to be further negotiation if this isn’t the road to go down. Councilor Bradley advised that nothing he raised is designed to throw Mr. Joseph off the path he is on. He is encouraged to hear Mr. Knowlton say if there is a value there the Town believes it ought to acquire, he is willing to talk about it. The key to this is knowing what the numbers are and he wonders if we could get some help that would look at this objectively and say here are the pieces of all of this and here is how we are going to deal with it and here is how we are going to come up with a number we are willing to transfer this property for. More discussion followed. Mr. Joseph offered to take a stab with the Finance Director and if they need an independent utility appraiser, they can do that. Mr. Knowlton feels that is a reasonable direction and would be happy to work with the Town’s accounting firm or anyone else. Vice Chair Egan feels this is a pressing need for everyone in our community. Other Councilors agreed. Mr. Joseph is confident he can bring this back to the Council at the second meeting in January.

1. LL Bean, Inc. /Concord Discontinuance

Chair Piltch explained that this request to discontinue part of Concord Road which is part of L.L. Bean’s corporate headquarters project and also has an impact on the trail we are building in conjunction with L.L. Bean and others essentially over to West Street. The Pine Street multi-use trail would come out on Concord Road to Main Street and they are asking us to discontinue the back half of Concord Road so they can maintain it as a private road. Mr. Joseph added that they are the abutting property owner on both sides of the road and typically we have only considered these requests when all the abutters have requested it at the same time. One happened six or seven years ago when Davis Avenue which was requested by the Harraseeket Inn who owned both sides all along Davis Avenue. In these cases, it relieves us of the maintenance. There is really only one other property owner with a driveway entrance and the ability to get into their driveway entrance is on Concord Road. We liked not to have any discussions that would impact any of the property owners other than L.L. Bean so we picked a location that was passed the property line where they own on both sides of it and we have talked about a potential turn-around so the Town would cease operations at that turn-around. The rest of it would essentially become private property for the parking lot system and road network for the upgrade they are doing. The point about the trail system is a good one because a permanent public easement a little bit further down there would continue.

When we discontinue a road, we would continue to have a public easement, not owned by the Town but by the public which may play into the trail construct if that is the direction that is chosen. We have a representative from L.L. Bean here if there are questions. This is conceptual and came up as part of their master plan construction process.

Kylie Mason from Sebago Technics explained that they are talking about the small blue area on the map displayed that they are requesting to be discontinued. The red area would be the right-of-way to remain including the area around the proposed hammerhead. The blue area was a right-of-way but essentially was a driveway that served a private home that L.L. Bean acquired. It was demolished several years ago but is part of the development area. They are proposing a connection between the existing parking lot and the new future parking lot. This discontinuance would benefit the continuity of that driveway. This has been approved by the Project Review Board. They have met with Public Works and what this does is allow it to be fully on L.L. Bean land and not have the public maintain it. L.L. Bean’s representative advised that the reason that the turn-around is further down is because there is not sufficient room right there to put a turn-around without getting into the setbacks. It comes after the pond instead of immediately after the Pet Pantry property which they would have the obligation to maintain. Mr. Joseph feels it will be a lot cleaner if we just end the road and there would be a sign that would say, end of public way like we do on private roads. Ms. Mason agreed that was a great suggestion.

Vice Chair Egan mentioned that in a concept discussion about potentially having a parking spot or two associated with the turn-around so that eventually when the trail is constructed, people could park in a few spots that are not on the company’s private parking. He asked if that still makes sense? Ms. Mason advised that they are really out of space next to the wetland area. It is really a matter of can we fit the space in and still provide turn-around area for public service. She pointed out the area where the challenge is finding enough space and getting that right-of-way around it. She doesn’t think there would be an issue with allowing access (her microphone stopped working).

Mr. Joseph explained that this is a convoluted legal process. There are a lot of steps we will have to take. There will be two or possibly three meetings to start this process. Even though they are the only abutting landowner, we are still going to have to go through notification in the State’s Statutory process and have L.L. Bean weigh damages and that kind of stuff. They are requesting it so it shouldn’t be an issue. These steps would take time and would be a concern if there were abutting landowners that wouldn’t want us to give the road up who would potentially have damages. That is the benefit of working with them being the sole property owner. Vice Chair Egan sees this as a very small portion of the road, not giving up the road and it has to be less than 25 feet. Mr. Joseph estimated the right-of-way is probably about 100 feet that we are discontinuing probably? Ms. Mason estimated it was 100 feet in length. Vice Chair Egan clarified that we are not vacating the road, we are vacating a very small section at the end of the road. Mr. Joseph mentioned that all he is saying is that discontinuing a small section is a lot of work but if it is agreeable to all parties, it should go fairly smooth. He noted the Council will start having orders and findings on future agendas. This is one that the Town Attorney will have to write up with the correct steps to take. It is similar to the paper street discontinuance but has other steps. This is an actual right the Town would be giving up.

1. Discussion regarding long term lease extension request from L’Ecole Francaise du Maine for Soule School property on South Freeport Road

Mr. Joseph advised that he gave a very brief write-up in the packet. This has been discussed and put on hold and we have had a Council turn-over since then. We have Willie who is the representative of the L’Ecole Francaise du Maine here as well as the Principal. This request came in about four years ago and we started talking about it with the Council. A few things got in the way and then the pandemic happened. Now four years later they need to get this on track. The specific request is a long-term lease on the property. They have been operating on the property 16 years and they have requested a 100-year lease which would essentially allow the school to remain there in perpetuity with them as a user of a foreign language school in South Freeport. Generally, there is not a lot of neighborhood opposition. They fit in well in South Freeport and are pretty well known. They have established a name and a brand and complement Freeport very well. This is a public asset. There were a lot of other uses considered at the time before this was leased to the French School. Probably a lot of those commercial, residential selling the property for development uses didn’t go over well at the time and probably wouldn’t go over well with the neighborhood if we brought them forward. He mentioned that those are the alternatives we are giving up by entering into an agreement if we want to with the school. We have a draft lease agreement which is similar to the one that is in your packets. There are a few tweaks that he has to talk with Willie about that will take about a day before he is ready to distribute it for consideration. He thinks the attorneys who looked at it did a pretty good job. We also have an Executive Session scheduled at the end of the meeting. There are specific things that might need to be talked about privately in negotiation on the instructions from him if we want to go back to the French School on something specific in the lease negotiations or something like that. We can hear from Willie and the Council can say things publicly if there is something you feel is a bargaining position or a lease negotiation type of thing you need to say, we have the option to say it in the Executive Session rather than saying it publicly.

Councilor Bradley asked if the lease for the entire parcel with the building and the Conservation land?

Mr. Joseph advised that it is not. It is for a portion of the parcel excluding the Conservation land. The red and the blue are included in the lease. Councilor Fournier asked if parking would be an issue in the summer. A lot of residents go to Bustin’s and leave their vehicles there. Will it still be allowed? Mr. Joseph replied yes, and that it has worked out very well because that is not when the school needs the parking. He gets no complaints from the public on that.

Councilor Bradley noted that the compensation is property taxes estimated for the year in exchange for the lease. Mr. Joseph added that the lease agreement he gave the Councilors in the packets is approximately $18,000 per year. They pay $9,000 twice a year. Councilor Bradley asked how is the evaluation of the property is created. How do we decide what it is worth in order to assess what the property tax should be? Mr. Joseph does not feel it is. It is not tied to that any more. That was the amount that was chosen and now the rate is escalated annually. He added that he suspects the property is worth more than when they took it over because of upgrades that they have done. Councilor Bradley added that the fact that valuations in South Freeport have escalated beyond anyone’s beliefs. His question is what is the valuation we associate with it. His question to the school is why don’t you buy it as opposed to leasing it for 100 years?

Willie added that the lease started in 2005 and at that time the building was supposed to be demolished. The Town Council felt that the French School and the Village of South Freeport would be a good match. They renovated the building and brought it back to code at a big expense. In 2006 the lease went all the way to 2025 and 2016 he approached the Town and he explained that unfortunately the renewal of the lease for 2025 and most of their creations are ending in 2022, 2023 and 2024. He requested in 2016 to re-evaluate the time of the lease and renew it sooner so it would match their calendar. At that time the Council suggested the sale of the school building which they didn’t oppose at all. At the meeting in October of 2016 the Town Council unanimously rejected the idea of selling the building but encouraged the Town and the School to work together to work on the lease. While the word 100 years is circulating around but they are really asking for 20-year increments. The Town Attorney and the School’s Attorney have come up with a document and they would feel it is fantastic if this could be resolved.

Mr. Joseph doesn’t believe there was appetite from previous Council to sell the building and there was feedback from the neighborhood that there was opposition to selling the asset. There was not a lot of opposition to the lease under similar terms of what is going on now in terms of the neighborhood.

Councilor Bradley mentioned that he is hearing they don’t need a 100-year lease. They would like a 20-year extension. Willie advised that they would like an automatic mechanism to renew for 20 years several times. Councilor Bradley feels the Council should know what the value of the property is before we conclude what the lease terms should be. Mr. Joseph advised that the school property is very valuable but the entire property is not saleable because of a conservation restriction on about three fourths of the land. Councilor Bradley wants to be fair to the school but he also wants to be fair to our taxpayers which is part of our jobs. Councilor Daniele would like to talk about this in Executive Session. He is confident the Council could have a good conversation.

Chair Piltch added that he had two children that attended the French School. They had a great experience and found it to be a wonderful school. They have teachers that come from France and live here and he feels it is an asset to the Town in general. It is a reason why people want to come and live here especially when they have young kids. It puts us on the map a bit. The Ambassador to France actually came and spoke at the school with other dignitaries. More discussion followed.

1. Discussion regarding 2022 Town Council Goals

Chair Piltch mentioned that in looking through the packet, he was hoping the 2021 Council Goals would be in there but he didn’t see it. Mr. Joseph asked the Town Planner to provide the 2021 Goals.

Chair Piltch thanked Ms. Pelletier for the 2021 Goals. He suggested that these are the 2021 Guidelines and Goals that the previous Council adopted about a year ago. He heard from a couple of people that have suggestions for new Guidelines and Goals for this year. Rather than trying to get through everything and adopt a new document tonight, he suggested going through the old document and red line and say this is worth keeping or not worth keeping and have a bit of discussion about here are some new items we want to consider. At our next meeting we can take what is left over from 2021 if anything, and the addition of new stuff and we can adopt a new document next time if everybody is okay with that.

The top half 1 through 4 are Guidelines. They are not necessarily measurable but they are things we should keep in mind when making decisions. The last three items are Goals which by the end of the year we want to have this done. That was the intent.

He read the first paragraph and noted that he is okay with that. He thought the Council might want to change the first Guideline because he doesn’t feel it is all COVID 19 pandemic related any more and would take that out but leave in we prioritize and evaluate and stable tax rate and provide services because it is all important.

Councilor Bradley feels it is a little early to be normalizing COVID when there are so many ways COVID is affecting our residents and us as a financial institution. He does not have a problem taking it out of the Guidelines but if the conversation comes back, he would like to add something later on.

Chair Piltch clarified that we should take out the portion of the sentence that says: while the Town is subject to the pressure of the COVID 19 pandemic but leave in the Council will pay particular attention

to interrelated impacts on expenses and income, etc. Others agreed.

Chair Piltch advised that he will propose a draft and send it back after tonight.

Chair Piltch read: The Council will promote accountability etc. No one had a problem with it.

Chair Piltch read: The Council views climate change impacts as a serious, etc. Councilor Bradley noted he has no problem keeping it because he also agrees with it but when we get to goals, we get more specific about action items to make it more robust than just a guideline to govern general decision making. Others agreed.

No 4. Chair Piltch read: The Council will be active in maintaining a strong relationship with the RSU5 etc. Chair Piltch feels that the Chair and Town Manager attend an RSU5 Board meeting once a year but the sentiment is accurate. We want to be involved because it is 68% of our tax bill that we collect from our residents. Councilor Bradley pointed out that the RSU and the Town are connected through ACAF. RSU has funded ACAF and ACAF has supported RSU programs. If it weren’t for the substantial subsidy that the Town’s taxpayers provided, ACAF would not exist. There is a collaboration piece with respect to the interest piece of the citizenry in having the two entities work together to support their product which is kids and kids’ education and things like that. He suggested adding that we would be active in maintaining a strong collaborative relationship with the RSU Board and neighboring municipalities with respect to their mutual interests. It would be seeing if there are things we can work on together which we haven’t done in a long time. Mr. Joseph advised that we haven’t done any meetings in person with the RSU Board for two years because of the pandemic. Councilor Daniele feels more communication with the RSU would be great and we could talk about the impact to the whole town. Councilor Bradley mentioned all the State money they are keeping to help reduce the tax rate. Chair Piltch mentioned that they will specify that in a line item in the budget saying this is the impact of State money. He advised that we are always welcome to go to school board meetings when they are talking about budgets and say, as a member of the Council, here is my opinion so he would encourage that. Chair Piltch noted we want to collaborate and are looking at ways to do it.

Chair Piltch mentioned the Goals and read: The Council will create an aging calendar matric etc.

And recalled that Councilor Reighley was a proponent for this but one of the issues was it would take somebody’s time to maintain it and keep track of it all. He would be okay with getting rid of it. Councilor Bradley mentioned he would be okay with doing it. He can’t tell the number of times things have come up and we said we will look into that or follow up on that and it falls off if you don’t pay attention to it and keep your own calendar, you rely on this and get lost. This is all of us so if we can’t do it, let’s get it off but if we can do it, he thinks it would be useful and something we could look at the beginning of the meeting and say where has that gone?

Chair Piltch mentioned an alternative that is in Falmouth and Portland where Councils have annual workshops where they say what do we want to accomplish this year or in future years? Falmouth has a list that is probably 4 pages long of 20 items on a page and then they rank them and the A’s are the things they want to get done this year. They meet half way through the year to check in and say, done or we have to focus on this one. It is a more annual look at things. He wouldn’t mind doing the longer thing. It is probably a bit more time for us because they do a half day workshop and bring in a facilitator. It sounds like a valuable meeting and it would be great for us to get to know each other and have a more informal discussion. Councilor Lawrence feels it would be a great way to get everybody on board and marching in the same direction. Councilor Bradley explained that his comment was focused on more things like at the last meeting we were going to determine if noise was coming out from a property’s boundary or going in from outside a boundary and he asked a question about it. He only remembered because it is in the minutes and we haven’t done anything on that. Those things fall off our plate. Shame on him because those are things he should be following up on. He suggested keeping a list from our minutes and maybe have Sharon as she is going through the minutes note things that should be answered so there is a list somewhere so he doesn’t have to keep them in the back of his head that those things are mattered and there they are.

Mr. Joseph feels for action items, one suggestion he would have is when we table things, the Town Clerk puts them on a future agenda and every time the agenda item comes up, she talks with him or the Chair and Vice Chair and mentions we have a tabled item here. Are we ready to talk about it? The answer can be no, we are still working on it or yes, it goes on the agenda. Those are for action items but it is kind of a catch to make sure a tabled item doesn’t fall through. He doesn’t know how we can get to that point but that is what he wants to see when writing the agenda. The Clerk has the list of everything that needs to get put on an agenda but he doesn’t want to make more work for her. Chair Piltch feels it is more about open questions and items to follow up. It might be action items or result in action items.

Councilor Bradley suggested as the Council goes through the meeting, we call out to Sharon to put this on a To Do list. It would be like an action item list at the end of each set of minutes. Mr. Joseph feels that Staff could maintain it at that point and he and Council leadership would paste it on a master list after each meeting and cross them off when they are settled or don’t cross them off because they need to be done. Chair Piltch feels the idea is to carry that list forward from one set of minutes to the next set of minutes. When it goes on the To Do list there should be a presumptive owner. Councilor Lawrence suggested adding our names such as Chip asked this and if Staff has questions, they know which Councilor to contact. Chair Piltch feels it is a good idea and we will try that.

No. 2 under Goals, Chair Piltch read it and noted he thinks we are in the middle of doing all these things so we should leave it in for another year.

Chair Piltch read the next Goal that the Council will affirm that Freeport is a welcoming and inclusive place to live, etc. Vice Chair Egan feels it is still a value but is not a measurable goal. We have the Equity Assessment Committee and it will be reinvigorated in January. He feels it should go up into the Guidelines.

Chair Piltch wanted to spend a few minutes for Councilors to add a quick summary of goals or guidelines that they want to add to the document. Councilor Pillsbury likes the idea of having a sort of Council Retreat to set the agenda for the year. Otherwise, it feels reactive if we are sitting here doing day to day stuff. To him, it would be a logical first step to set that process for establishing the Council’s ability to set goals. Chair Piltch asked if everybody would be willing to do this in January before we do the budget? The Council nodded in agreement.

Councilor Fournier suggested that the Council should continue to make Freeport business friendly and easy operations for businesses and townspeople alike. He wants to give that responsibility to the Manager to address what issues we have and come back with a plan so the Council can help before budget season and address what needs to be done. He feels it is a number of things but feels we are heading in the right direction in what we have done tonight but we need to continue that momentum. Chair Piltch agreed that we need to dig in and figure out what we want the Manager to do. Councilor Lawrence added that we should streamline operations so it is easier for residents and businesses to get what they need done. Councilor Bradley agrees and feels there are inputs coming at us from a lot of different directions. Downtown Re-visioning is certainly sending us signals that we need to do things differently. He suggested that the Council get specific about what we are talking about rather than saying to Peter, go and make us business friendly. Councilor Fournier suggested an Executive Session but Mr. Joseph did not feel it tips the boxes for one. It might be a workshop with the Planning Board. Chair Piltch mentioned the Town of Falmouth worked with a facilitator so he will work with Mr. Joseph to figure out how we might do something like that and will ask Councilors about dates and things like that. He will try to get that done in the next month or two so we will put this on hold and come back to it. The possibility of serving alcohol followed.

Chair Piltch noticed it was 9:47 and the Council still has one additional item and then the Executive Session.

1. Discussion regarding a Communications Position (Vice Chair Egan) (15 minutes)

Chair Piltch noted that the Council has talked a lot about a communications position over the year. He asked Vice Chair Egan to offer some thoughts.

Vice Chair Egan explained that he asked to have this item on the agenda to “socialize the idea” of having communications as a task. When we have issues going on, we are constantly asking how do we let people know and how do we find out what is happening with such and such a dynamic. How does the public find out that we are actually doing this? The clearest example he has happened in 2020 when we had this ridiculous timeframe handed to us from the DOT about having an official vote to authorize our cost share for the bike/ped lanes for the bridge. We had a choice to either act quickly so we could meet the DOT timeline and have input on their design and meet their schedule or we could do our usual and put a ballot issue out on the normal election cycle which would have been June. This was in September/October of 2020. We chose to have the weird special election in March. Happily, largely because of Councilor Daniele’s efforts and Connect Freeport we got 1,800 people to show up and vote in March. It happened to be a hot issue that a lot of people were talking about. We struggled a lot on how do we tell people to come and vote in March when there is nothing else on the ballot and we have never voted in this town in March.

How do we get that across? If we had a communications task assigned to a person and whether it is a half time or whatever but somebody whose job it was and was trained and skilled and had capacity not off the corner of their desk, we would have a plan. We would say to that person or group or whoever was doing it that we need a communications plan on how to get this communication out and by the next meeting, we would have it. We had a lot of conversations about Short-term Rentals and wanted to know what people are doing in the community, we had conversations about trash pick-up, and conversations about a lot of things that we really wanted input and we struggle with how do we get this information out. He is just wanting to think about the idea about how we can have a communications plan proactive and have a channel so when we come up with an idea about what we would like to gather input from the town, we have a channel on how to get it out. He is not talking about just the notice in Town Hall, Channel 3, Library and our website because we are not reaching 95% of the general public with a passive off in the corner kind of effort.

Councilor Lawrence asked if we need to hire a half time or full-time employee or should we first figure out what we need to do so perhaps hire some communications expert and let them know this is what we need to get out and what is the best way to do that? When they say this, and this and this, we can determine whether it looks like a full-time job or whether it is 10 minutes every other week. Vice Chair Egan agreed that it could very well be that the opportunities where we find the utilities for this are 4 to 6 times a year and could very easily be handled with a contract with a communications firm that we build a relationship with and understands what is going on here in our community so we don’t have to spend six hours explaining why we want to have higher density housing in our downtown and they understand what we are doing and can say, I have ideas on that. He just wants to bring up the idea to talk it up.

Councilor Lawrence asked if anyone understands what the FECD is doing to get information out because they have a 100 people signed up to be part of this. He is sure they had a lot of communications that went out about it. Chair Piltch noted it was a lot of volunteers putting time in. If we had a communications person, they would be coming to that person and ask if they could help them to get 100 people to sign up. Councilor Bradley mentioned that FEDC and the Downtown Principle Group have been working on communications for about eight months and it has been their principal job to get out ideas to the community. He is stunned that it is not more than 100 people but knows it will happen. Chair Piltch noted that it was just in the first hour.

Councilor Daniele feels a communications consultant is interesting because we could have them say, what could we do to get more involvement without having a position. If we had an e-mail list of everybody in town, it would be easy to get information out to people but maybe there are cheaper ways than getting a full-time person or part-time person, not that he is against that. This is the kind of ideas Vice Chair Egan was hoping for. Chair Piltch mentioned we had an intern over the summer and one of the things we tasked him with was to study this a bit. He scratched the surface but his recommendation was that we need multiple channels to reach multiple people. E-mail is fine for some people but not everybody reads them all the time. Some people are not really on their devices. They are not computer people. They need printed material. The intern’s advice to us was yes to everything. We need multiple channels if we really want to get into engagement. In his discussion with the Falmouth Council Chair, he asked her about their communications progress where they had studied the issue and hired a part-time person initially to work on a few specific things. Over time, once that person was in Town Hall, people found other reasons to say, now that we have them. As an example, we have this Police Advisory Committee and Chief Goodman has a bunch of ideas and feels it would be great if we could tell the community about this and this but we don’t know how. If we had somebody who was asking what is going on, we would be happy to share. He doesn’t think there would be any shortage of things for a person to do. It is more of how much money do we want to dedicate to it.

Mr. Joseph mentioned it is not a great use of his time or our Staff’s time to be focusing on Freedom of Access Records requests and things like that. If we had a full-time Staff person to focus on things like that, he could see a lot of things being freed up and he thinks 40 hours a week in the first week we would find a use for this person and we would get better outgoing communications as a result. He feels we need to go down this road. It is the Council’s budgetary decision and he does not know if there is the appetite to add a full-time Staff person as a Communications Specialist but we could use it on Staff for sure. Councilor Bradley asked if Tom Pierce has got the interest or capability of performing this. He is the guy he thought had the potential for addressing some of these issues but not all of these issues we are discussing. He doesn’t know where that all stands. Mr. Joseph feels he has the technical multi-channel and the technical ability to get things out there. What he is talking about is that but he is seeing a content producer, someone who is writing copy. He sees this as working with Tom in a lot of cases like here is the content and the message we are sending, get this to 47 different channels. That is what the technical broadcast of this does. There is a lot of other stuff he has to do that is not related to communications so he would envision Tom and whatever this position ends up being very in sync. Maybe it is the same department and maybe it is the same person for some of those duties. Chair Piltch extended kudos to Tom because of the different things we have to view live meetings now that is great. That is awesome. Mr. Joseph added that Tom is capturing content around the town as well. Chair Piltch suggested that the Council ask the Manager to include this position in the budget and when we are looking at the budget we can see if we are astounded by the number and we could talk about it. We will at least talk about it and figure out the right number to put in. Councilor Daniele added that the Sustainability Committee is also talking about hiring a Sustainability Coordinator and maybe this position could be both of those things. Chair Piltch added that FEDC would also like someone to help with communications. Councilor Bradley mentioned that all our organizations have exactly the same needs and for the Town to provide it, it makes a whole lot of sense.

**Executive Session**

ITEM # 236-21 To consider action relative to an Executive Session pursuant to 1 M.R.S.A. § 405(6)(C) pertaining to a Real Estate matter.

 **MOVED AND SECONDED:** That the Town Council enter Executive Session. (Lawrence & Fournier) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

**MOVED AND SECONDED** That the Town Council exit Executive Session. (Lawrence & Bradley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

**MOVED AND SECONDED:** To adjourn at 10:34 p.m. (Lawrence & Daniele) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

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Respectfully submitted,

Sharon Coffin, Council Secretary