

**MINUTES  
FREEPORT TOWN COUNCIL MEETING #01-17  
FREEPORT TOWN HALL COUNCIL CHAMBERS  
TUESDAY JANUARY 3, 2017  
6:30 p.m.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
Peter Anzuini, 87 South Freeport Road	x		
John Egan, 38 Curtis Road	x		
Leland Arris, 70 Glenview Road	x		
Scott Gleeson, 23 Park Street	x		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sara Tracy, 2 Pettingill Road	x		

Chair Tracy called the meeting to order at 6:30 p.m. and took the roll. Everyone was in attendance.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #24-16 held on December 20, 2016 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #24-16 held on December 20, 2016 and to accept the minutes as printed. (Gleeson & Sachs)

**VOTE:** (7 Ayes)

**THIRD ORDER OF BUSINESS:** Announcements

- **THERE WILL BE A REGIONAL SCHOOL UNIT NO. 5 SPECIAL ELECTION AT THE FREEPORT TOWN OFFICE ON JANUARY 10, 2017.** The polls will be open from 7 a.m. to 8 p.m. on election day. Absentee ballots are also now available. A copy of the sample ballot is available on the Town website and sample ballots are also posted at the Library, Community Center, Town Office, Post Office and Dougherty's Store. The **deadline** to request an absentee ballot is **Thursday, January 5th at 6 p.m.** Please contact the Clerk's Office at 865-4743 x123 for any questions.
- **The Appointments Committee will be meeting soon** to review applications for vacancies on Town Boards and Committees. Currently there are vacancies on: Active Living, Cable TV, Hunter Road Fields, Library Board of Trustees, and the Winslow Park Commission. If you are interested in serving on a committee, an application is available at the Town Hall and at [www.freeportmaine.com](http://www.freeportmaine.com)
- **There is a lot going on at the Freeport Community Library this month for adults, children and family!** In January, the library will host a series of informative events related to the 2017 Camden Conference topic "***Refugees and Global Migration: Humanity's Crisis.***" This series begins on Friday, January 6<sup>th</sup> at 6:30 p.m. with Susan Roche, Executive Director of the Immigrant Legal Advocacy Project. She will talk about its work helping low-income immigrants improve their legal status, working for more just and humane laws affecting immigrants. This will be followed by four other programs throughout the month.

- **There will be a Kaffeeklatch on Tuesday, January 10, 2:30-4 p.m.** Come enjoy home-baked items and a cup of coffee/tea and celebrate life, good cake, and our community in a relaxed and warm atmosphere. Everybody is welcome. No sign-up required. Organized by Valeska Hornschild-Boar.
- **On Wednesday, January 11 at 6:30 p.m.** Denis Ledoux author of *Turning Memories Into Memoirs, A Handbook for Writing Life stories* will give a free workshop on memoir writing. The workshop is ideal for beginners as well as more advanced writers who want to write their own life stories.

- *AND For the Kids:*

**There will be a Puppet Show on Wednesday, January 11 at 2 p.m.** Come enjoy this puppet show based on the First Nation tale about winter, Shingebiss. Puppeteers are from the Maine Coast Waldorf School. For children ages 3-6.

- And on **Wednesday, January 18th from 2:30-4:30pm** Henna Artist Mandy Roberge is coming to the library! This all-natural skin adornment, known formally as mehndi, is deeply rooted in Middle Eastern and other cultures across the globe. To be eligible for your free tattoo, you need a signed parental consent form available at the Children's Desk. For young adults, grades 6 and up.
- For a full list of events, go to the Library's website at: <http://www.freeportlibrary.com/>
- **Please remember that all dog licenses expire December 31st of each year.** You may register your dog at the Freeport Town Hall or online at: [www.doglicensing.com](http://www.doglicensing.com). *Please be aware that you must renew your dog license no later than January 31st of each year, or a late fee of \$25.00 per dog will be charged.*
- There will also be a **Rabies Clinic at the Town Hall from 9:00 a.m. – 12:00 p.m. on Saturday, January 28th.** Vaccinations are \$15.00 for both dogs and cats. You may license your dog during the rabies clinic.

#### **FOURTH ORDER OF BUSINESS:** Information Exchange

Chair Tracy advised that she and the Town Manager met with two members of the Island Rover Foundation and Carter Becker about a week ago. The purpose of the meeting was to see if there is any way that we could bridge the gap we have had and get to some sort of agreement. There was nothing that came out of that meeting. The ball is in the court of Island Rover to propose something that would address the Council's concerns. We have not received anything to date. She wanted Councilors to know that we are proceeding ahead with our authorized plan which is to file pleadings with the Cumberland County Superior Court in accordance with the terms of the Consent Order. She will let the Council know when that has been filed and will share those public documents with the Council. If people want a copy of them, they can request one from the Town Manager or get them at the Court.

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

Mr. Joseph reported:

- Two Freeport Town employees participated in the “Wreaths Across America” event between Freeport and Arlington National Cemetery in Washington D.C. last month. Officer Jason Bartlett and his sons participated in the escort from Maine to Washington, and Finance Director Jessica Maloy participated in the laying of the wreaths at Arlington with family members. Thanks to both Jason and Jessica (and their families) who took the time to honor our veterans this past holiday season.
- The Freeport and Brunswick Police Departments would like to remind residents that it is a crime for a person who does not have a permanent place of business in the State of Maine to come to your residence and sell you goods or home repair services. As the weather is no longer favorable for these scams, new techniques are employed. One example is a salesman coming to your residence claiming to have excess stock from a trade show that he will sell to you on the spot at a steep discount. The product is normally a brand that you don't recognize so you do not realize that the price you are paying is not actually at a “steep discount”, and the equipment could even be stolen property.
- On December 23<sup>rd</sup>, the Brunswick Police Department apprehended a 31 year old male, from Anchorage, Alaska working on behalf of ZT Industrial, LLC of Somersworth, New Hampshire, selling power products such as generators door to door on US Route 1 in the area of the Brunswick-Freeport town line. He was driving a rented truck, and claiming to be selling excess product from a trade show. Neither he nor ZT Industrial, LLC was licensed as a transient seller in Maine. The individual was summonsed for being a Transient Seller without Registration (32 MRS 14702 (2) (A)), a Class E Crime. The Police Department reminds all residents to always request to see a seller's Maine transient sales registration before engaging with a door-to-door salesperson.
- On the day after Christmas, the “silver bullet” near the Public Works garage on Hunter Road was found strewn with recycling and trash as shown in the picture provided. I would like to provide another reminder that it is never okay to leave trash or recycling outside of the containers at the drop-off sites. There is a happy ending to this story, however, Local resident Troy Thompson took it upon himself to clean up the refuse left outside of the container. The Public Works Department and Town Manager's Office would both like to extend our thanks and acknowledge Mr. Thompson's efforts!

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

No one was interested in providing public comments. The Council moved on.

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

---

ITEM #189-16      To consider action relative to an ordinance imposing a moratorium on Retail Marijuana Establishments and Retail Marijuana Social Clubs.  
PUBLIC HEARING.

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

Chair Tracy noted that this was tabled on December 20. It is proposing a six month moratorium on any retail marijuana establishments or retail marijuana social clubs in part because our Ordinances do not have the requisite capacities to handle those proposals and also because this is allowed pursuant to a recently passed referendum and the State is actually enacting rules that are not yet issued.

Mr. Joseph explained that he received a couple of inquiries that were not discussed at the last meeting. The State has up to nine months to write regulations from the 31<sup>st</sup> when the Governor signed that certification, to enact the State regulations that will affect us. This is for six months and the goal is to have the Town Council and Planning Board's work done, but we could extend it, to enact any regulations we need well before the State would actually allow applications or sales to take place anywhere. This is not designed to delay the process beyond the time the State is going to take on this.

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

**BE IT ORDERED:** That the ordinance imposing a moratorium on Retail Marijuana Establishments and Retail Marijuana Social Clubs be approved.

*Note: This public hearing is continued from the 12/20/16 meeting.* (Arris & Gleeson)

Councilor Egan asked what the next steps in the process are. Does it start at the Planning Board since the question is about where rather than it or will the Council be talking about “if” we are going to allow it in the community.

Mr. Joseph noted that the Town has a broad “yes” or “no” vote for social clubs or retail establishments. If someone applies for a license for one of those things at the State level, however the State rule making process happens, the law calls for a place in that procedure for the Town to be consulted and the Council will have a “yes” or “no” vote as to whether to allow that type of establishment in Town. The Town also has the ability to put into place zoning restrictions for appropriate zones for this to happen and any of those things that the Council could do for any other use that is legal under our Zoning Ordinance. The customary way for this to happen is to start at the Planning Board so the Town Planner and the Planning Board have asked him that when they come in to workshop, to set something up with them in January or early February. If the direction from the Town Council is going to be “no anywhere, ever” they want to know that before they spend a lot of time doing that work. The appropriate way to do that would be a workshop with the Planning Board and the Council and not necessarily an action, maybe just talk it out before sending the Planning Board off to develop regulations. The Council could be “no, we don't want any regulation on it, we don't want it here at all.” Mr. Joseph noted that the language in the Ordinance would prohibit accepting applications and Town Staff has been directed to not discuss where these could be located until we come up what the regulations will be.

Councilor Egan referred to the sixth WHEREAS, 3<sup>rd</sup> line and suggested eliminating *and are inadequate to prevent the potential for serious public harm from the future establishment of retail marijuana establishments and retail marijuana social clubs.* Discussion followed. Mr. Joseph pointed out that it is within the purview of the Town Council to change any wording in the Ordinance that does not fit Freeport or its views on the matter. It can be amended in anyway the Council feels appropriate.

**MOVED AND SECONDED:** To amend the proposed Ordinance and strike from the sentence: *and are inadequate to prevent the potential for serious public harm from the future establishment of retail marijuana establishments and retail marijuana social clubs.*  
(Egan & Sachs)

Councilors Sachs and Rixon agreed to striking this.

**ROLL CALL VOTE ON AMENDMENT:** (7 Ayes)

Councilor Anzuini mentioned that the State has nine months to get this accomplished and we are putting a six-month moratorium. There are so many pieces of this that are required, he asked what would happen if the State does not address one piece of the regulation. Will it come back to the Council and what is the Town's recourse. Chair Tracy explained that the Council will go through a process in which we will try to figure out when we are ready to actually lift the moratorium, where the recommended locations for these establishments will be and in the first instance, whether we would allow them in our Town. We will be working in this period and a month or two before the moratorium is up, we add an alarm and take an evaluation at that point and say "where are we, where is the State, do we need more time?" That is the first avenue. The second avenue is to say right now, we know the State is going to take 8-9 months and we do not want to be in that pickle because it probably requires another public hearing and process, we want to extend it right now to give ourselves adequate breathing room to see what comes out from the State and then enact our final Ordinance. She asked Mr. Joseph if there is anything preventing us from more than six months. Mr. Joseph was not sure tonight but suspected that they had to be six months to start and was unclear if there is a process for doing one longer than six months. He offered to get this information at a later date. In order to get an extension, the Council would have to show that it has been actively working and not simply voting for another six months to go.

Councilor Sachs pointed out that there is a lot within this Ordinance simply around a store, a social club, a testing facility and cultivation piece. She wanted to put this forward to Councilors before meeting with the Planning Board to see if there is any piece that they are comfortable with or whether it is a blanket "no." There is a lot to consider. Councilor Anzuini mentioned that at the national level cigarette companies are starting to work on marijuana oil to use in vapor cigarettes which would be part of the legalization process and wondered how this would be addressed.

Chair Tracy pointed out that the Council would have to evaluate later on if there is something not addressed in the State regulations. She is not sure we have the power to regulate something that is not regulated by the State. We may have the ability to just say "no" but we may be limited in what we can do if it is not addressed by the State regulations. She questions whether the Council has the power to outright ban these activities. When we did the methadone clinics, she understood that the Town did not have the authority to ban them in Freeport. She asked if the Town is legally permitted to ban a marijuana retail establishment or social club or are we prohibited and it becomes a situation where we have to decide where best it could be located. Mr. Joseph noted that as in methadone clinic discussion, using zoning is very difficult and in most cases, it is impossible to ban a specific use from an entire town. Zoning is a tool designed to regulate negative effects of a business. He provided instances such as the adult entertainment restrictions in our Zoning Ordinance. While we do not ban that, we have very strict restrictions on what those establishments can be around and what they cannot be around. If we say we will not allow this anywhere in Town, most of those cases are lost in court. Zoning is a terrible tool to ban something unless you can show that every space in town will have a negative effect from that business. He is not sure if the vote for one marijuana social club is the same for all marijuana social clubs or if it is by use. He would have to consult this.

Councilor Sachs mentioned that when the workshop time with the Planning Board is established, it would be helpful for Councilors to submit questions to the Town Manager so that he can give them to the Planning Board, to the Town Attorney or for him to check with Maine Municipal before we move into a workshop because she is sure we are all thinking about some of these issues. It would be helpful to have this framework for discussion as we move into the workshop. Chair Tracy requested Councilors to submit any questions about our authority related to retail marijuana establishments, social clubs or zoning in the next two weeks.

Councilor Anzuini mentioned taxation and asked if it would be State driven or can the Town put a local impact tax on it. Chair Tracy did not know the answer to that and noted it could be one of our questions but any time we talk about any local tax, we get beaten back down with a bat. This is a good question for the Town Manager to research.

Councilor Egan asked if this process looks anything like what the Town did when it banned fireworks. Is there a precedent there. Mr. Joseph explained that this would be a good analogy to the “yes, no” decision that this would give the local governing body in this case. Councilor Sachs asked Mr. Joseph to research how the Town acted upon the fireworks restrictions.

Councilor Rixon asked how Freeport voted on the Marijuana Referendum. Councilor Gleeson guessed it was 57%. in favor of the referendum but did not want to be quoted. Chair Tracy advised that the Council would keep moving ahead and she is confident someone will find the answer on a personal device.

**ROLL CALL VOTE ON AMENDED ORDER:** (7 Ayes)

---

**TABLED BUSINESS:**

**MOVED AND SECONDED:** To move Item #182-16 off the table. (Sachs & Gleeson) **VOTE:** (7 Ayes)

ITEM # 182-16      To consider action relative to the conditions placed on the \$100,000 contribution to the Tri-Town Track and Field Project approved by the Council in the FY 17 capital budget.

**BE IT ORDERED:** That the language in the agreement between RSU No. 5 and the Tri Town Track and Field Committee as presented does not violate the conditions approved by the Town Council on June 7, 2016. (Anzuini & Sachs)

Chair Tracy noted that the document that came out in the packets is not the document the Council is working with. The document the Council is working with is the one she sent around yesterday and has been posted to the Town's website. She provided a summary noting that the Council voted to give \$100,000 contribution to the Tri-Town Track and Field Facility which is the project up for referendum on January 10. As part of that contribution, the Town attached certain conditions which were laid out in the June 7 meeting dealing with access that Freeport residents should be entitled to given that the Town has given significant money to the facility and also allowed for the Town to have use of the facility for at least two times per year at a date and time to be mutually agreed upon by the Town and the RSU5. As part of the process, the RSU5 and the Tri-Town Track and Field Committee had to enter into an agreement that governs the Tri-Town Track and Field Committee's giving of the money that was raised privately and from the Town of Freeport to the RSU5 to put towards the project. Part of that agreement were conditions that were reiterated from the June 7 Town Council conditions. When the RSU5 and their attorney saw those conditions, they proposed certain revisions to those conditions. The issue on the table is whether that language in the agreement between the committee and the RSU5 is consistent with our June 7<sup>th</sup> conditions. One of the issues raised on December 20<sup>th</sup> was a concern about the proposed language requiring that anybody who uses the facility for the two times per year would have to have evidence of liability insurance. It was a mandatory requirement. The Council discussed that this could have the potential to prohibit non-profit organizations from being able to access the facility due to that requirement and the costs associated with it. The council tabled it and she reported back to the committee what the Council's concerns were in an e-mail. The committee reported back to the RSU5 and their attorney. Due to the holiday, we have not heard back from them for a little bit of time. We did hear back from them at the end of last week and they agreed to remove that liability insurance language in Condition #4 of their agreement but there is a catch because they do indicate that they still would need to rely on their long

standing policy of related to public facilities and in that policy are some guiding principles and factors. One of those factors to further guide community use does say that a certificate of insurance shall be required as appropriate to the particular use. Based on the RSU5 attorney's e-mail, he interprets this as discretionary but it still is a factor they would consider. Chair Tracy brought this up for the Council's consideration and discussion.

Councilor Egan asked if their discretion kicks in when there are more than 250 people or more. Chair Tracy replied that no, it does not depend on the number of people that are at the event. She explained that the Town of Freeport has an Ordinance that requires notice for outdoor events with attendance in excess of 250 people. That notice has to be written to the Town and it has to provide evidence that the event has authorized by the owner of the property on which it is held and the owner or the person conducting the event has to secure adequate liability insurance for the event. It doesn't have to be the person holding the event, it can be the property owner.

Councilor Gleeson pointed out that they are continually striking out Freeport residents and inserting residents of the RSU5. He understands what they are trying to do but this is a condition of our gift. We are assuring that Freeport residents have use of the track. We are donating \$100,000 of our money and there is nothing unreasonable about us making sure that Freeport residents will have use of the track. He is bothered that they continue to strike out "Freeport residents" because we as a town are giving a donation of \$100,000 of our money to make this track project work. He would prefer that they leave the Freeport in there and if they are concerned about it, they can issue a follow-up statement saying that all residents can use the track. He is having a tough time of that.

Councilor Anzuini agreed with Councilor Gleeson. From a school standpoint he believes it is separate branding. They want to have their own brand and he is not sure he is in favor of helping them brand something that we have a large tax bill for. Councilor Arris agreed with Councilor Gleeson and believes he put it very eloquently.

Councilor Sachs noted that these are the general guidelines for the RSU5's acceptance of all of the funds from the Tri-Town Track and Field Committee. She asked if these are a separate codicil for the Freeport Town Council's allocation of \$100,000. Chair Tracy noted she would have to check that because she has not read the agreement in its final form. Councilor Sachs explained that to her, the RSU5 is trying to make sure that the entirety of the money is not only the gift from the Town Council but from residents of all three towns. They are all pieces of that same gift and they are saying this \$100,000 and the rest of it says "of course, all residents of the RSU5 have access to the track when it is not being used and it is open." She likes that they did not strike out #4. They also understand that Freeport has gone ahead and made this allocation and can have two special fund raising events.

Chair Tracy pointed out that our conditions are our conditions and they have not been changed. She agrees that perception is everything and one of the things that the RSU5 has been trying to do is unite the towns. In adopting an agreement that specifically excludes the two other towns, they were sensitive that it would create a negative perception where the purpose of the language was to facilitate people getting behind this project. This is going to bond and if the bond is passed, all residents of the three towns will be contributing \$1M bond that was already issued for the high school but was not used and the re-allocation of \$600,000. It far exceeds the \$100,000 that Freeport is contributing. Councilor Gleeson added that Freeport is the only town that contributed money on its own.

Councilor Anzuini asked if small local non-profit groups such as Scouts would have to pay \$150-\$200 for insurance to have an event there if nothing else is going on. Councilor Sachs explained that this was her concern and for her, the fact that they have inserted "if required by the RSU" makes a difference to her. Per their own lawyer, this is discretionary. They don't have to charge those little folks if they don't want

to. They don't have to assume it for those over 250 but they certainly can. It is within their discretion and the non-profit did not dispute that right for them to do so. Unfortunately they have not utilized that discretion and have required insurance uniformly, which is their right, but she wanted to bring this forward. She heard a lot about it on Election Day and this seems like an opportunity to have a wider conversation about that. Chair Tracy noted that they are on notice given our concerns that this is an issue. She referred the Council to the Policy they received attached to an e-mail entitled Community Use of School Facilities. This is a long standing policy that they have had in place and is not new and includes things such as *a certificate of insurance shall be required as appropriate to the particular use*. It allows for some judgment.

Councilor Arris wanted to comment on the idea that we were excluding someone on our set of conditions. He noted that the Council appropriated \$100,000 in the name of the citizens of Freeport and we were not excluding anyone. We were simply donating taxpayer money to a project and he doesn't understand how anyone could read in that we were excluding anyone because we wanted to mention Freeport citizens. We are representing our own people here. Chair Tracy agreed and noted this is why she said it does not change our conditions. When she mentioned the perception of excluding people was with respect to the RSU5's agreement with the Tri-Town Track and Field Committee which is separate from our conditions. It is her understanding that they were concerned that they were excluding people, not that we are.. Everybody agrees that we can do anything we want to attach to our gift. Councilor Arris mentioned that he is confused about the issue here. Chair Tracy explained that the issue is just whether the agreement between the RSU5 and the Tri-Town Track and Field Committee, which raised money from a variety of sources, one of which was the Town, whether the language in that agreement (it is not an agreement we have to sign off on) violated our conditions. That is what we are deciding. The language in front of the Council in the e-mail provided yesterday doesn't change our conditions. Our conditions still stand. The question is does this language violate our conditions of the gift as further amended in response to our concerns. That is the question before us.

Councilor Anzuini noted that he believes every large organization requires smaller organizations to come up with insurance. For instance when the Town lets the park hold activities, it requires insurance. He is not sure that that changes the language but it is the intent of the people that originally took the vote. He believes that is what it comes down to and he doesn't know what the answer is because he was not part of the process. If the Council is going to vote on this and he assumes it is, Councilor Arris asked how he should vote if he wants to leave the language the way it was when the Council originally contributed the \$100,000. Chair Tracy explained that if Councilor Arris feels this language does not respect those conditions that the Council originally issued on June 7, he should vote "no". Councilor Arris noted that the language went to the RSU5 and they changed the language and sent it back to the Council. He asked if this is their language. Chair Tracy explained that this is their requested amendment to the agreement between the Tri-Town Track and Field Committee and the RSU5. They saw it sometime in November and said that they understood what the Council was asking for but indicated that they were in this agreement too and wanted changes. The Council didn't like some of their changes and sent it back and here are further revisions.

Councilor Gleeson noted he wants the track to happen but he is struggling because of what he said earlier. He asked if the Council would be jeopardizing the project if it does not vote this through. He wanted to be clear that this is not pertaining just to the Town of Freeport. This not a condition necessarily focused on the Council's \$100,000 contribution. This is essentially the overall condition of the Tri-Town Track and Field Committee's donation, of which \$100,000 is a small part of the total donation.

Chair Tracy noted that this language is part of a much larger agreement that deals with lots of other considerations such as the naming of the track, the materials, issues such as what if the Tri-Town Track and Field Committee doesn't come up with the private funding, etc. This is just the language that relates back to the original conditions that the Council had. It does not change the Council's conditions. This is what the RSU5 and the Committee are agreeing to.



Councilor Sachs feels these conditions overall reflect the Council's intent. The most important one for her was No. 1 that the budget allocation will be revoked if the construction of the project has not commenced by December 31, 2017. She advised Councilor Anzuini that she is the Councilor that brought up No. 4 in terms of the impact on small non-profits because it was a conversation that was very immediate. It is not her preferred language and she would have liked the language re-proposed but she feels like she has been heard. If she could push back, she would say that she would really like the language the Council proposed. It would be stronger for non-profits. She will be paying attention and will invite people to talk to the School Board about that particular issue.

Councilor Egan pointed out that the Council's original language was silent on insurance and it still doesn't. This language the Council is voting on tonight is not in agreement that we submitted with our gift. It is part of a larger agreement, which we are not a party to so he feels that they did hear us and made some amendments. The reason why they struck out "Freeport" out seems reasonable because that language is in the larger agreement with all three towns and it is absolutely the intent of the RSU5 to not be highlighting separations among the three towns, that they would do that. He is comfortable that what they are proposing back does not violate the Council's original intent and does not change our conditions. Our conditions still say that Freeport residents will be able to use the track.

Councilor Sachs clarified that when Condition No. 4 was talked about, we had the precedent of asking the movie theater that we had funded through a TIF to make sure that two non-profits would be able to twice a year reap the benefits of that. Secondly back in June, the preponderance of evidence around more consistent application of the insurance policy that they have had in the past has really been evidenced only in the last year from all accounts. It has been less discretionary than it has been in the past so while it was not spelled out, the intent of this Council back in June was truly to make sure that there was access for either the Town of Freeport or non-profits.

Councilor Rixon agreed with Councilor Egan and Sachs. He can see that the folks in the RSU5 in writing this want to be as inclusive as possible with all three towns.

Chair Tracy asked Councilor Anzuini to re-read the BE IT ORDERED.

**BE IT ORDERED:** That the language in the agreement between RSU No. 5 and the Tri Town Track and Field Committee as presented does not violate the conditions approved by the Town Council on June 7, 2016. (Anzuini & Sachs)

**ROLL CALL VOTE:** (6 Ayes) (1 Nay-Arris)

Councilor Gleeson explained that while he was a bit stodgy on his reasoning, he feels it is important with a vote coming up that the Town puts its commitment forward for the vote. He still wishes the Council had its original language. Councilor Arris feels this is much to do about nothing so he voted "no".

---

Councilor Sachs noted that the results of Freeport voting on the Marijuana Referendum, 3,064 voted "yes" which is 55.36% and 2,471 voted "no" which is 44.64%. Councilor Gleeson explained that reporting off the top of his head that he was only off by 1.7%. Mr. Joseph mentioned this was slightly higher than the Cumberland County total of 55.17% "yes" and 44.83% "no".

---

**MOVED AND SECONDED:** To take Item #191-16 off the table. (Gleeson & Sachs) **VOTE:** (7 Ayes)

ITEM # 191-16 To consider action relative to adopting the Town Council goals.

**BE IT ORDERED:** That the Town Council goals for calendar year 2017 be adopted as presented.(Gleeson & Sachs)

Chair Tracy explained that this document was provided yesterday which is a basic clean-up of what was discussed over the past two or three meetings. It should say “Final” up in the corner. The goal was to reflect the edits, suggestions and positions discussed by the Council in previous meetings. If there are concerns about any particular language, she offered to entertain that now.

Councilor Anzuini explained that he has an amendment to suggest:

**MOVED AND SECONDED:** To amend Goal #5 and eliminate three words: *and carbon footprint.* (Anzuini & Gleeson)

He explained that he would like to keep Goal No. 5 as—The Council will explore solutions related to renewable energy and energy efficiency to reduce the energy costs of the Town of Freeport. He feels carbon footprint has a lot of connotations and has been used in the past as a political discussion. It involves forestry, fossil fuels, gasoline and those types of things that generate CO<sub>2</sub>. By putting that in the goals we are providing a slant as to why we are doing this and enlarges the conversation that he is not sure is appropriate to have.

Councilor Egan concurred to remove those three words because the term carbon footprint has many definitions, some of which we may agree with and some of which we may find hard to believe. Councilor Sachs agrees it would be hard to measure and agrees with Councilor Arris that the more measurable we can make our goals, the better.

**ROLL CALL VOTE ON AMENDMENT:** (7 Ayes)

Councilor Arris explained that he would like to address the issue of measurable results and maybe set up a mechanism when this comes back to us next year that we can actually have some analysis presented by the Town Manager and staff addressing the goals and what examples of where we have been successful or unsuccessful.

Councilor Sachs explained that the Council has done this a number of different ways. The Council did it at midway to see where it was. As chair, she polled all the Councilors and asked for examples of how they moved the goals forward and then did a public report out in June. She feels the Council could certainly wait until next year to talk about progress. If some Councilors were not going to be here, we could choose to do it in October to see how we have done around the goals. She liked doing it in June because it gave the Council a chance to acknowledge where it hadn't had a chance to work on some of these and gave a good sense to the public about where we were. Budget season is brutal and sometimes it doesn't work out.

Chair Tracy feels it is important to measure how we are doing and a mid-year check-in would be a good thing so we don't let it get too far away from us and we realize that we haven't done what we set out to do. She feels the burden should be on the Council and not staff to determine whether it has met its goals but Mr. Joseph can help. Since these are our goals, we should keep track of how we are doing and push our own goals forward.

Councilor Arris feels staff should be aligned with where we are heading with our goals and they should have some part in evaluating and making suggestions as to where we are would be beneficial. Chair Tracy agrees that staff should be part of the process but in measuring where we are, the onus should be on us and certainly input from staff would be great.

Mr. Joseph explained that our Finance Director does a write-up of the Council Goals and determines what are the overriding goals of the governing board. Each department has goals too. As the Council is working on what it has accomplished, at the same time Department heads could provide feedback on things that staff has done that the Council might not be aware of. He offered to work with Jessica and other department heads to put this together and give it to the Council midway through the year or at the end of the year. It works for them and will not be putting an additional burden on them.

Councilor Anzuini feels it will be easy to make No. 3, 4 and 5 measurable and quantifiable. There are some pieces of clarity in there. At some point we will be able to say, this is what we have achieved to date.

Chair Tracy asked if the Council would want to have a workshop early on since now we have our goals. How are we going to get this rolling as opposed to just launching into the budget. Councilor Sachs suggested a reminder memo from the chair about things we talked about at length. Chair Tracy advised that we will adopt our goals. She will take it under advisement and figure out where we will go from there.

**ROLL CALL VOTE ON AMENDED GOALS:** (7 Ayes)

---

**MOVED AND SECONDED:** To adjourn at 8:05 p.m. (Sachs & Gleeson)  
**VOTE:** (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #02-17**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY JANUARY 17, 2017**  
**6:30 p.m.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
Peter Anzuini, 87 South Freeport Road	X		
John Egan, 38 Curtis Road	X		
Leland Arris, 70 Glenview Road	X		
Scott Gleeson, 23 Park Street	X		
William Rixon, 66 Varney Road	X		
Melanie Sachs, 84 Kelsey Ridge Road	X		
Sara Tracy, 2 Pettingill Road	X		

Chair Tracy called the meeting to order at 6:33 p.m. and took the roll. Everyone was in attendance.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #01-17 held on January 3, 2017 and the Executive Session held on December 6, 2016 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #01-17 held on January 3, 2017 and the Executive Session held on December 6, 2016 and to accept the minutes as printed. (Gleeson & Sachs) **VOTE:** (7 Ayes)

**THIRD ORDER OF BUSINESS:** Announcements

**The Freeport Community Library has a number of great events coming up for everyone!** This month the library is hosting a series of informative events related to the 2017 Camden Conference topic "*Refugees and Global Migration: Humanity's Crisis.*" This series continues with three more scheduled events this month.

**On Wednesday, February 1 at 3:45pm** kids ages 6-10 can build a race car out of the Library's collection of LEGOS. Participants will then race their creations down the special race track. Limited to 30 racers. Sign up required.

**And, Mark your calendar for the Library's Annual Chocolate Bash** – Wednesday, February 8<sup>th</sup> from 6:30 p.m. to 7:30 p.m. This will be an evening full of good chocolate, good friends and great music by the Cul de Sax!

For details on these programs and for a full list of the Library's events, go to [www.freeportlibrary.com/](http://www.freeportlibrary.com/)

**Income-Eligible Residents of Freeport and Yarmouth may qualify for Free Ride Passes on the Metro BREEZ.** Income limits are posted on the town's website. Interested applicants must complete a simple application at the Freeport Town Hall. Please contact Johanna Hanselman at, 865-4743

*x120 for more information or stop by the Freeport Town Hall during regular business hours (Monday – Thursday, 7:30 a.m. – 6 p.m.) to complete an application.*

**Please be aware that you must renew your dog license no later than January 31st of each year, or a late fee of \$25.00 per dog will be charged.** You may register at the Freeport Town Hall or online at: [www.doglicensing.com](http://www.doglicensing.com).

There will also be a **Rabies Clinic at the Town Hall from 9 a.m. – 12 p.m. on Saturday, January 28th.** Vaccinations are \$15.00 for both dogs and cats. You may license your dog during the rabies clinic.

**AARP will once again be providing free Tax Preparation assistance** for low-moderate income households, with special attention to those 60 years and older at the Freeport Community Center. Beginning Thursday, January 19th you can call 865-4743 x100 and leave a message for an appointment. On that day, and once a week thereafter, an FCS volunteer will be calling people back with an appointment date and time.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Anzuini reported that the Winslow Park Committee has gotten a quorum and got caught up on past minutes. They are now beginning to evaluate what it would take to fix their current utility shed. They were happy to have everyone back.

Councilor Anzuini advised that the Traffic and Parking Committee met this morning and talked about ADA requirements around parking spaces so they are moving along.

Chair Tracy reported that the Appointments Committee met this morning and did a fair number of appointments. They will be announced at the next Council meeting. The committee appreciates all the people who served and whose terms were finished. They look forward to more applications coming in.

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

Mr. Joseph reported:

- The Town Engineer has recently submitted a renewal application for our “Submerged Lands” lease of the area occupied by the Town Wharf in South Freeport. Many are not aware that the sub tidal land under the Town Wharf (and all sub tidal land in the state, actually) is leased from the State of Maine, typically on 30-year terms. The Town Engineer worked with the Harbormaster and town Manager's Office on preparing and submitting this application, and the Town is expecting a decision in the near future. Mr. Joseph thanked Adam Bliss and Jay Pinkham for working on the application.
- As many may be aware, this past Saturday morning there was a tragic fatal motor vehicle accident near Exit 22 on I-295 which impact traffic in both directions for more than three hours. Several state and local agencies, including State Police, Freeport Police and Brunswick Fire responded to the scene. Some people have expressed interest as to why Brunswick Fire, instead of Freeport, responded to an accident so close to downtown Freeport. Per standard operating policy, Brunswick Fire regularly handles calls within Freeport on I-295 southbound to Exit 22, while Freeport handles calls within Brunswick on I-295 northbound up to Exit 28. This arrangement helps to avoid having to turn slow moving fire apparatus through the median turnarounds on the interstate, which is very dangerous to both our firefighters and the motoring public. In this case,

Freeport Fire/Rescue provided station coverage for Brunswick for the approximately 2.5 hours that Brunswick was responding. I would like to take this opportunity to thank the State Police, Freeport Police and Brunswick Fire employees who responded to this long and particularly difficult call this weekend.

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

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

There were no public comments provided.

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

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

---

ITEM #01-17                      To consider action relative to adopting the January 17, 2017 Consent Agenda.

**BE IT ORDERED:** That the January 17, 2017 Consent Agenda be adopted.  
(Arris & Gleeson)

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

Councilor Anzuini referred to the request to use Freeport's Memorial Park on Bow Street and the amount of insurance coverage being provided by the Coastal Humane Society for their event. Mr. Joseph explained that the Town would require \$400,000 but if they can't procure that, they would either do a \$500,000 policy or a \$1M policy if those are the common numbers.

**ROLL CALL VOTE:** (7 Ayes)

---

ITEM #02-17                      To consider action relative to endorsing a CDBG grant applications:

**BE IT ORDERED:** that the following CDBG grant applications be approved:

1. Gorman Park – conversion of skating area into natural play area and flower garden.
2. Wardtown Mobile Home Park Cooperative – water pressure system upgrade and community building / office. (Gleeson & Sachs)

Donna Larson, Town Planner explained that this is a grant that we applied for last year but was not awarded. Changes have been made and some of the work was done over the summer. We are reapplying for something significantly different and lower than what we did last year. This would give us the funding to go forward and fill in what was the former skating pond and coordinating with any work being done by the Sewer District, who is doing a variety of projects there. The plan is to make it a part wildflower garden and also include some edibles such as high-bush blueberries. The other part of what was the skating pond will become a natural play area which will include rocks, logs and simple things for kids to play on. There won't be any big structures but some of the existing railings will be used as a balance

beam. Comments on this go back to 2012 when she got a tremendous amount of comments on this area. If the Town is able to obtain the grant, it will be able to make these changes.

Ms. Larson is also submitting a Canopy Grant to the Maine Department of Forestry tomorrow. That will help with some of the plantings for areas having erosion problems. A floating garden will be installed in the stormwater pond. It is like a raft but will stay in the pond. The plants take the nutrients out of the water. It is pulled in and the vegetation is cut back. This keeps the vegetation from accumulating in the bottom of the pond. It will improve the water quality.

Chair Tracy noted that the total estimated cost of the project is \$50,000 and the request for the CDGB Grant is \$28,000. She asked if the remaining \$23,000 would be a Town match or if some of it would be coming from the Canopy Grant. Ms. Larson explained that she is not including any of the Canopy Grant in that amount. She is including \$12,000 that has been pledged by local businesses. The Town's cost in this would be \$10,000. The Canopy Grant is for another \$8,000 and it has a 50/50 match and she will most likely be using part of the CDBG to match that grant. She noted it is tough working with grants because you never know if they will be awarded so she tries to keep them untangled wherever possible. She has had discussions with the Town Manager and she won't have an answer as to whether the grant was awarded before the Council starts its discussions on the budget. She plans to put it in the budget because it is easier to take something out than it is to put it in. She will put the matching funds in the budget and will take them out if they are not going to use them.

Councilor Egan asked if there was some kind of discussion or process with anybody on terminating the skating activity. Ms. Larson noted there was lots of discussion internally and lots of discussion with L.L. Bean and people who live in the area. Ms. Larson explained that there is a skating pond and water does accumulate in it but it is not designed to be a water retention area. The smaller lower pond is a detention area and that is taking water from the parking lots. That pond is there to stop the water and let the sediment fall out. Councilor Egan advised that he is all in favor of the floating garden because it is an excellent way to clean the water in the lower pond. Ms. Larson explained that there is a structure with a gate valve underground and noted where it is located and that this controls the water in the pond.

Councilor Sachs asked if the requests would come to the Council. Ms. Larson explained that the Canopy Grant is for \$8,000 and this would be \$10,000. The Canopy Grant will not come to the Council. It does not require an endorsement. She explained that the Town might be doing some of the work but it has not yet been fully vetted. This application is due in two weeks and the Council has an incomplete application because she got it as far as she could on Thursday but there is more coordination that needs to go in. It has not yet been completely resolved as to who will do what.

**Wardtown Mobile Home Park Cooperative-**Ms. Larson suggested that Dale Whitmore explain what is being proposed. Mr. Whitmore advised that they have an opportunity to acquire a portable classroom from the Waldorf School which they plan to use as a community building/office. It will allow them an opportunity to get more people involved in their meetings and become more involved in decision making. It could serve as a warming center in the winter during power outages. It would provide space for community lunches, suppers or any type of get-togethers to help the residents feel more connected to the community. It will give residents a chance to meet other residents. They are spread out over 39.8 acres. It will give the older residents comfort, safety and security. This building is not new and needs some work. Volunteers within the community have shown a willingness to give of their time and talent to make this place something they can all enjoy together. He noted that they will not be coming to the Council for any money for this but they will be searching for donated kitchen equipment and plumbing fixtures.

He explained that the well house and equipment was constructed with a new well in 1995. The pressure tanks that currently serve 60 pads they have were installed at that time which is 22 yrs ago. The normal lifespan for a pressure tank is 15 years. They had an assessment done by a professional engineer before they purchased the park and they also had plumbers come in and look at these tanks. All of these tanks are

rusted on the outside and they were informed that two of them should have been replaced a while back. They have four and they want to replace all four of them with new hardware at one time to be proactive rather than reactive. He explained the process for shutting the system down in order to replace the tanks. This is why they are requesting this grant. They did have a vote up there to spend up to \$12,000 for a \$50,000 grant. Ms. Larson has the resolution. They had 79% of their eligible voters vote and it passed overwhelmingly 36 to 5 to spend the \$12,000 match if this grant was awarded. He offered to answer questions.

Councilor Egan thanked Mr. Whitmore for his explanation. He worked on the Freeport Housing Trust Board which used to own and control this park. He noted that the community transformed from a group of renting residents, some owners, who were in a landlord/tenant relationship with the property manager and even though some of them owned their unit, did not feel they had any chance to control their destiny up there. They didn't own the land underneath them. The effort to create a cooperative is a long process and it reflects an enormous amount of effort by the group to come together. He applauded the efforts to now focus on spending money as a cooperative which is not a small feat. He feels this is a great opportunity and the model that Wardtown Park has is one that could be used and demonstrated in many places around the State whether or not you are in a mobile home park or any other kind of gathering where there is a group of people of modest means who have an aligned sense of taking control of what they want to do and then go out and do it. He feels it is great. Mr. Whitmore informed Councilor Egan that right now there are seven other cooperatives wishing they were like them. He feels they are fortunate to have people interested and want to make it successful. His partner, Mel Hodgkins was called to Pembroke and was unable to be here this evening.

Councilor Arris echoed Councilor Egan's words and advised that he is familiar with the process of changing to a cooperative in health care. He has relatives that live in that park and is aware that these projects are very necessary. He is pleased that they are willing to put their money where their mouth is there and are not coming to the Council asking for money. This seems like a perfect plan.

Councilor Anzuini asked about the flower garden in Gorman Park and if the silt will be taken out of that pond. Ms. Larson explained that the lower pond needs to be dredged first and have that be the bottom of the fill for the skating pond. That is not part of this grant. Business owners in the area pay into a fund to treat the stormwater from their site. That money is used to maintain the pond so she plans to take the money for that pond from that fund. She estimated that there is \$30,000 in that fund. She has received a price to get the dredging done at \$15,000 and another price that is \$5,000. She plans to go out to bid and suspects it will be in that range somewhere. She described the type of equipment needed with a long arm that can sit in one place and reach a distance. Mr. Joseph pointed out that that may or may not be reflected in the stormwater budget this year in the Operating Budget based on conversations we yet to have with our Town Engineer. We talked about that possibly being funded as an alternate revenue source and expended out of that fund. We are yet to have that discussion and where that will show up in the budget. It will be a zero tax dollar project but it will show up somewhere. He will have that discussion with Adam Bliss and Jessica Maloy in the next few weeks. Chair Tracy noted that a portion of the \$30,000 will go towards the dredging but asked if there is any case for using any of the other money in that fund towards any of the work in this project to offset some of the Town match. Ms. Larson felt that it could and ultimately that would be a decision for the Council to decide. It is all local money, not something from the State or Federal Government. When the pond was set up, it was set up with a TIF. There is still capacity left in it. There is a one time buy-in fee and then there is an annual maintenance fee that goes into it. She is confident we could use the funding for at least part of the other project.

Councilor Sachs noted she is a little hesitant with the price tag cost benefit for the project. She is aware of the enormous amount of history that has gone into the work. She is aware that there are not many green spaces for in-town spaces for kids to play that are easily walkable. She plans to vote on this tonight because it is just to enable us to put in the grant application but will do so with a bit of a caveat. She understands that the increase match was to be more attractive in terms of the application but it is that



increased match that gives her pause. She is excited that there is some creativity around the utilization of funds because \$18,000 is more than she expected because she has seen the evolution of the project. She is certain that the Council will continue to have discussions during budget but just carefully earmark where this will go in the budget is her request. Ms. Larson explained that last year she asked for \$75,000 and was told that she would have to lower the amount. She is trying to give the funders something that they can fund. Councilor Sachs pointed out that Wardtown Park is a no brainer even though they don't yet have the surveys.

Chair Tracy pointed out that she feels we should put in the application. It would be great to have that space utilized. It would be a benefit to the community to have people use it, particularly people that do not have the resources to send their kids to other programs that get kids outside. She feels the Council should really think about ways to find funding sources that exist that would not be part of the regular budget. She will look forward to having a nuts and bolts discussion about what is really needed from the budget.

There was general agreement to vote on both of these together.

**ROLL CALL VOTE:** (7 Ayes)

---

ITEM # 03-17                      To consider action relative to the Town Clerk's election report for the January 10<sup>th</sup>, 2017 RSU Special Election.

**BE IT ORDERED:** That the Town Clerk's election report be accepted. (Sachs & Gleeson)

Mr. Joseph, Town Manager provided the report:

**Question 1: Yes-1654 No-1308**

**Durham:** Yes-219 No-440

**Freeport:** Yes-1319 No-667

**Pownal:** Yes-116 No-191

**Question 2: Yes-1603 No-1313**

**Durham:** Yes-205 No-443

**Freeport:** Yes-1282 No-682

**Pownal:** Yes-116 No-188

Total Number of Registered Voters at Poll Opening Time-7116

No. of Registration Cards handled by the Registrar on Election Day (new voters and change of address, name or party)-26

Total Number of Ballots Cast-2013

Percentage of Voters Who Cast Ballots-28%

Number of Absentee Ballots Requested-341

Number of Absentee Ballots Cast-332

Percentage of Votes Cast by Absentee-16%

Number of Absentee Ballots Never Returned To Us-7

Councilor Anzuini noted the low voter participation and explained that the budget cycle for the RSU for the last three years has been primarily 20% so from an RSU standpoint, 28% is pretty good. From a general election, the RSU is below all the November votes. There is still a lot of conversation going on

about why the vote was taken in January so there is still a lot of conversation out there about this. Mr. Joseph pointed out this past November, the turnout was over 80% but it was a very special election. Councilor Arris pointed out that during this January Election, out of every 100 registered potential voters in Freeport, 18 supported this referendum. One of our goals is to get more people involved in the process and in what we do. In analyzing this in the long term, it may be good for proponents of special elections but he would submit when you have 82 out of 100 voters not participating or not supporting whatever wins, it is a dangerous signal that the whole process is not working. He hopes the Council will look at this in another way as Councilors to see if there is some other way to get people more involved that would make this process more legitimate.

Chair Tracy agreed that the Council certainly has an interest in voter education and making sure people are aware of votes. She feels it is unfair to say this was not a legitimate vote. It was well advertised. Chair Tracy explained that when the Council talks to the RSU in March, it will be talking about moving forward and hoping that the RSU will schedule votes during regularly scheduled elections. The Town should be taking that under advisement as well since it has the power to schedule votes in off cycles. The Council can talk about how to involve more people in the process. Councilor Anzuini pointed out that voter participation was even lower in Durham and Pownal and he feels there is something within the whole structure that needs to be evaluated.

Chair Tracy noted there isn't anything that would prohibit the Council from having that discussion in the group meeting on March 2. She advised that she was involved in the project as a volunteer and wished it had passed in all three towns. She is excited to see the project move forward and feels it will be a great resource for the Town.

---

**ROLL CALL VOTE:** (7 Ayes)

---

ITEM # 04-17                      To consider action relative to the renewal of resident Public Peddler licenses.

**BE IT ORDERED:** That the renewal of resident Public Peddler licenses be approved for the following peddlers with listed conditions of approval:

1. Jay Staples d/b/a Bonnie's (pending Police Chief approval)
2. Li Jin d/b/a Li's Chinese Express (pending Police Chief approval)
3. Linda Gastonguay d/b/a J&L's Hot Dogs (pending Police Chief approval)  
(Egan & Gleeson)

Mr. Joseph explained that these are renewals from people that held these licenses last year. The Ordinance gives them priority if they want to renew. Since we have four locations, there will be one new application available if all three of these people go through with them. The new application will go priority to a resident and then to non-resident applications. He explained that the (pending Police Chief approval) is in the Ordinance that they have to receive this approval from the Chief. The Ordinance lists things like evidence of good character and lists a bunch of things that could disqualify an applicant. We are not saying that any of these people have not met that but we are still waiting to hear from the State on the background check. He is hoping to get them back soon but the Council voting pending Police Chief approval will allow the Town to stop the process if something comes back saying we need to look at this further.

Councilor Sachs pointed out that on the application from J & L's Hot Dogs, a reference is from a Portland resident and asked if this is something the Council can determine if Mr. Ritchie is a Freeport property owner with a Portland address. Mr. Joseph suggested adding this as a condition of approval.

Chair Sachs made a friendly amendment.

**MOVED AND SECONDED:** to add to part 3 of ITEM #04-17 saying (pending Police Chief approval and pending furnishing of second Freeport property owner for reference.) (Sachs & Gleeson) **VOTE:** (7 Ayes)

Councilor Gleeson pointed out that the certificate of insurance for Li's Chinese Express has technically expired and offered to make an amendment. He asked if insurance for the Peddlers requires \$1M per occurrence and that it appears everybody else has \$1M per occurrence. Mr. Joseph offered to look this up in the Ordinance. Councilor Gleeson noted that this particular applicant is a long standing person that has had that cart and has a restaurant as well. He is absolutely fine with the application pending.

**MOVED AND SECONDED:** to add a friendly amendment to #2 of ITEM #04-17 (pending Police Chief approval and pending submission of corrected insurance certificate to reflect current coverage) (Sachs & Gleeson) **ROLL CALL VOTE:** (7 Ayes)

**ROLL CALL VOTE ON AMENDED ORDER:** (7 Ayes)

---

#### **OTHER BUSINESS:**

1. Investments Update (Bangor Savings and Jessica Maloy, Finance Director)

Ms. Maloy introduced Robert Cyr and Rob Snow from Bangor Savings Bank. They provided the Council with an update on the Town's Investment Portfolio for the calendar year 2016 and answered questions for Councilors.

Chair Tracy thanked them for coming this evening.

---

2. Fund Balance Update

Finance Director, Jessica Maloy provided a memo dated January 17, 2017 and explained that she annually reports to the Council in January. As of June 30, 2016 the Town had \$4,222,248 in unassigned fund balance. The Town's policy states that the General Fund will hold one and one-half months of the Town, RSU (Town portion) and County (Town portion) in fund balance. She noted that the Town has six fund balance designations-Non-spendable, Restricted, Committed, Committed Reserves, Assigned and Unassigned and explained each one. The Town has \$672,084 in fund balance above policy level and Staff recommends that the Council transfer the \$672,084 to the Capital Reserves, with \$100,000 to the Public Works Equipment Reserve and \$572,084 to the Comprehensive Town Improvement Reserve to build account balances to more appropriate levels in comparison with the benchmarks Ms. Maloy provided. She explained that Comprehensive Town Improvements cover roads, etc. She did not recommend to add to the Fire Reserve because she feels that a fire truck is easier to justify going to bond than roads.

Councilor Egan asked if there is another priority that the Council wanted to do, would they have the ability to ask Ms. Maloy to move balances within these various reserves. She indicated that the answer is "yes". Councilor Arris asked what the process be to do that. Ms. Maloy explained that it would have to be an action item brought forth in the budget process. She noted she would like to review this and get back to Councilor Arris. Mr. Joseph advised that another way that could or has happened is to have offsetting

transfers to and from reserves in the budget shown as revenue to the General Fund and then transferred out to another reserve by order of the Council which would not be a simple way to do it. If things come up during the budget process, there are ways the Council can restructure the whole three or four pages at the back of the budget which are the revenue sources can be restructured to show some of those transfers if we are given that direction from the Council. Ms. Maloy explained the high benchmark and low benchmark to Councilor Arris.

Ms. Maloy wanted to point out that the more fiscally conservative you are with your budget, the more we in turn put into the Capital Programs. We try to align those savings that the departments gained throughout the year into their reserve buckets so when they need an item, they would have it. She cautioned against saying "let's pull \$300,000 from her and put it into another one." She tries to keep it equitable as far as savings incurred throughout the year and where they are incurred as to where they go for Capital Programs.

Chair Tracy noted this is an "Other Business" item tonight. Is the proposal that the Council actually take action on this and decide where it goes. Mr. Joseph explained that the Fund Balance Policy requires that the Treasurer inform the Council what she is going to be doing with it. This is an opportunity for the Council to order something different to be done if it is uncomfortable with this. If the Council does nothing, the default is that Jessica does what she just described. There will be an opportunity to change that but it was not set up as an action item.

Chair Tracy asked if the Council wants to see something else be done with this excess fund balance other than the recommendation of the Finance Director. Mr. Joseph noted that other options could be things like make a large purchase of a big ticket item or use the money to pay down taxes for the next year which we will actually be doing with it as well.

Councilor Sachs noted that she appreciates this comes in January and has a gentle request to have these excellent reports by our Management Group be provided ahead of time so the Council will have a chance to look at it prior. She feels it is important information. Chair Tracy echoed that and asked Ms. Maloy when she gets a report from Bangor Savings, it might be easier to understand if there are some visuals and not just the numbers, but visuals of our performance against benchmarks for each of the funds whether that is in a bar chart. It is important to make it accessible to our residents as well. Mr. Joseph is confident that there are other clients that have the same digestion issues with large sums of information being dumped on them in one night. Chair Tracy noted she would like to avoid the large dump in one night and would like to get the information in advance. She asked Ms. Maloy to communicate that message to Bangor Savings.

- 
3. Discussion of 2017 Town Council goal #5, regarding renewable energy and energy efficiency
  - 4.

Chair Tracy recapped the goal which is: **The Council will explore solutions related to renewable energy and energy efficiency to reduce the energy costs of the Town of Freeport.** She mentioned that the Council has a list of items that the Town Planner has provided of recent and future energy projects that have been on the burner in Freeport and on the back burner but we are looking towards those as we look forward.

She thanked Ms. Larson for putting this together. She explained that one of the things the Council wanted to do when it reviewed its goals was to actually put some of the goals into real action. We have some motivated committees and members of our Town volunteers and Staff members who are already doing some of these things. If we want to give Council direction, this would be a good time since it is prior to budget season and we have the time to address it without feeling totally pressed and we can set a couple of action items that the Council can feel good about revisiting hopefully midway through the year.

We don't have to go through the whole list provided by Donna. Her thought was that the Council would have a discussion about some ideas that we want to talk to either staff or Municipal Facilities Committee or our new Sustainability Committee. We could task them both if we decide to go that route. She asked if anyone had questions or ideas about what we might want to focus on to put into action. She is looking for some direction as to how the Council might want to try and accomplish its goal of exploring solutions related to energy efficiency and renewable energy to reduce Freeport's energy costs.

Councilor Anzuini asked the Town Planner when she pulls a project together for the Town operation-wise, does she track savings because the first item shows a 57% savings which is really great. He asked if she includes things like a payback period and the amount of money that was involved in that as part of that calculation. Ms. Larson replied "yes". When the money was appropriated to do conversions to LED parking lots, the Council was given a payback on those. At the time there were double rebates from Efficiency Maine so it had to be done quickly and a special appropriation was done for that and we did all of our parking lots. Looking forward and tracking State Legislative initiatives, it says investigate Public Works Garage and Recycling Center. They sound like good starting points to do a project that we could use as a model for our other areas. The idea has been thrown out that those are potentially easy things or how did they get on this list. Ms. Larson explained that the Public Works Garage is something that has been talked about for many years. The reason for that is that it is oriented perfectly and has a good size roof. It has no shade so it is a very good roof for solar. What has held us back on that is that we would have to replace the roof a little before its time and we don't like to do that. At the same time, there have been discussions in Augusta as to how we are going to treat solar so we pretty much put everything on hold for a couple of years. The issue has still not been resolved and she watches it at the State level. It is just started to go again. She feels it would be good if the Council has an opinion on that and it would be great if she had someone from the Council that she could work with to put that message together so that the message is coming from the Council and not her.

Ten years ago Ms. Larson had an analysis done of all of the Town buildings in terms of their capacity for solar. The two buildings that rose to the top was Public Safety and a shed out at the Landfill. We have other potentials. We have the Public Safety Garage which has an expansive roof but doesn't have great orientation for solar. If we did something at the Public Safety Garage, we would probably want to look at trackers. Until the issues get resolved up at the State, she cannot tell the Council a payback. She can't provide good information because she does not know what the policy is and that is what is holding us back.

Councilor Egan pointed out that he would like to have a little more progress on what the Council would like to see happen to discuss as a group and give Donna more concrete and a little more evolved strategic plans and have a Plan 1, Plan 2 and Plan 3 so that as things resolve and we can actually get proposals, he thinks the Council could then react if we have this list of ideas and the law changes. It could take us fifteen months to get around to actually putting something into place because of the process we would have to go through. Despite there not being a lot of clarity with small micro grid renewable generation, he feels the Council should still move forward. There are at least eight communities constructing community solar farms in Maine right now. Ms. Larson noted it all comes down to the Council's appetite for risk. If the Council is willing to move forward with something not knowing exactly what the rules might be or how they might change over the next few years. She has studied the roof at the Public Works Garage and have good ideas as to how much it would cost and what needs to be done. 90KW would fit up there if we built out the roof. Mr. Joseph mentioned that from a budget timing prospective, within the next two years is ideal for the roof replacement and solar project there. He has talked with Donna about street lights being a priority because that is actually moving forward south of here in a couple of communities that we could piggyback on to. That would be a huge return fairly quickly. Our No. 2 priority could be a solar installation somewhere. Whether it is the Public Works roof which has been somewhat vetted already. There has been some preliminary conceptual plans laid out or a ground-based system somewhere else on a Town owned property. Councilor Egan asked if we have identification already of the meters that we

would funnel that generation to that do not have a demand charge. Ms. Larson noted that she has a good idea of what they would be. She advised that the demand charge is the key. There are not many Municipal meters that do not have demand charges. One of the big things that need to be fixed out at the Public Works Garage is getting the diesel engine bus block meters on their own meter. When CMP looked at the numbers, they both agreed that it is probably those block heaters going on that is throwing us into demand charges. Otherwise the Public Works Garage is not a big user of electricity except in the months of December, January and February and that is when there are big draws. It is happening between 4, 5 and 6 o'clock in the morning. They are not open and the plows are not using electricity. It has to be those heaters. If we could get them on their own meter, we would likely lose our demand charges.

Chair Tracy asked for clarification on the diesel engine block heaters that are associated with the RSU5 school buses. She asked what would be entailed in that. Ms. Larson noted it would be getting everyone to agree and probably would cost between \$5,000-\$10,000 to separate the meters. Councilor Egan noted that the demand charges are shown on the monthly bills and he is confident it is not a small amount of money. Ms. Larson advised that last year CMP gave her the data for every 15 minutes in a two month period. She could see the spikes in it. It would take some calculation to go through and pull out all of the spikes. It is not a simple job. At the Library, they looked at the culprits and determined it was some of the lighting and made some changes. They were able to bring it down. In the Town Hall, it is all about air conditioning. Some years we have demand charges and some years we do not. We are trying to switch over to heat pumps so that we can phase out the window air conditioners. By doing that we hopefully can bring the overall consumption down so we don't have those demand charges with this building. She believes this particular year we are paying demand charges because it was warm last summer.

Chair Tracy pointed out that solar is a possible avenue in terms of what is the most likely place we will start and it sounds like there are some ideas already and maybe we want to have that fleshed out a bit to really put together a memo on the options. The other thing is the issue of demand charge versus no demand charge in our buildings and whether we can figure that piece out because that goes to reducing energy costs generally if we can get to a place where it is sufficient enough so that there is no demand charge, that is an energy savings. She is particularly interested in this diesel engine block heater thing. She feels the Council needs to explore that and act on it. We own the building and we have some control. It sounds like a cross subsidy to her. Mr. Joseph noted this has gone down the road with two previous superintendents.

Chair Tracy asked about street lights. Ms. Larson explained that right now, we have no choice. We lease the fixtures from CMP and pay a fee on that every single month. We pay that fee for as long as that fixture is there. In some cases, it is 35-40 years that we have been paying this fee on the fixtures. One of the changes thanks to Nathan Poore, the Falmouth Manager who has been pushing this issue with the PUC for the last ten years, there is finally change there. We as a community can now decide to buy and own our own fixtures. We would have a one time charge but with LED, they are supposed to last for a lot longer than the other ones. She plans to work with the same group that is doing Falmouth, South Portland and Biddeford to do LED light conversions. She is tagging along with them. For the budget she will have what we need to do to do very accurate planning. In the next fiscal year she will do the plan so that next year at this time or a bit later, she will be coming to the Council with the final report saying this is what we should be doing and this is how much it is going to cost. Once the Council makes the decision to make the conversion where it will get rid of all of these leased units and converting to units that it owns. They don't have to be LEDs but she feels it makes sense to do LEDs. The Council will have three years to get it done. Freeport has something like 150 street lights. Falmouth has 600.

Councilor Sachs noted that the Council has place holders in our Capital Program for this. We have been talking about this for the last several years. Ms. Larson advised that she would bring a budget item to get the planning done. Lights can also be smarter now but we would still be using poles. We would also have to buy the mast that the lights go on. Councilor Egan asked if we could do it this year. Ms. Larson feels it

is a good idea and if the Council wants to plan for some capital, she is ready to go. Councilor Egan suggested doing a small piece of something we are going to try out and do it this year. Ms. Larson feels that is a good idea and she will talk with the people putting the proposal together to maybe give her a pilot so that she can swap out the lights and see what people think. Councilor Sachs mentioned these are all exciting ideas but the Council has to weigh them against what is in the Reserve Fund, what are our benchmarks, what is our five-year plan. She feels that much of this needs to be discussed within the full budget. Ms. Larson noted that there is good news on the roof. We have been talking about it so long that we are just about at the regular replacement timing.

Mr. Joseph mentioned that to know what the actual budget cost, is it \$50,000, is it \$150,000 or is it \$300,000. There is a wide range of what the cost could be and we need to spend Planning money to get there. The amount that it has turned out to be has been more than we had just a few thousand in Planning funds lying around last year that we could have done in the off season. It will need to be a Capital appropriation of its own. Councilor Egan is right, it will not take two years to do that but it will take one year to appropriate the money for the Planning and we don't know how much we are going to ask for in the second year.

Councilor Anzuini asked if the heat pumps have worked out efficiently and have there been significant savings. Ms. Larson advised that she can start to get some year to year numbers and compare the electricity costs. One thing very different is that this room is much more comfortable. The Natural Gas Boiler keeps it at 60 degrees and the heat pump is kicking it up to the comfort zone. There is also air conditioning in here that we never had before and makes it more comfortable in the summer time. Ms. Larson feels the data points to the heat pumps being extremely efficient. Mr. Joseph advised that heat pumps work very well for temporary use rooms like this one as well as out in the hall. Councilor Egan pointed out that every building has an energy budget whether you are planning for it or not. He explained how it is calculable. Ms. Larson advised that she is getting prices for additional heat pumps for this building for the budget.

Councilor Arris mentioned that he would be willing to move quicker to spend money knowing what the end result is. Councilor Gleeson suggested that the Council have Councilor Egan investigate solar with Ms. Larson and come back with something for the Council. We will get a proposal from Donna on insulating the attic of the Public Safety Building.

Chair Tracy pointed out that the Council has other resources. We have two committees that can be tasked with working on this and they may have some ideas coming out of their committees that they want to explore.

Josh Olins, Chair of the Sustainability Committee mentioned it is so exciting to see some of these projects coming into the Council's court now. He offered his committee with a lot of enthusiasm and time to help do some of the research and support Donna's work. He mentioned that he has really good researchers on his team. He plans to put a small budget request in this year's budget to have a carbon footprint done of Freeport. He is talking hundreds of dollars, not thousands. The data can be slid around to very clearly see what is the lowest hanging fruit and determine what is the best bang for the buck. Chair Tracy appreciated his support.

Chair Tracy suggested encapsulating this discussion and have Councilor Egan spearhead a discussion at Sustainability and Municipal Facilities and help the two committees decide what they want to tackle and package up with Donna's help for the budget process if that time frame is possible. If it is a longer time frame project, that is fine too. In term's of Mr. Olins' proposal about the carbon footprint, certainly committees are welcome to propose their budget items and the Council will certainly consider that. She feels the Council is focused on energy costs. We did have carbon footprint in our Goals but that was removed. Mr. Olins interrupted and advised that it is all in the same package and if the Council wants to

look at how to reduce costs, it can slide this and that into the equation and see if it brings costs down. If the Council wants to work on carbon footprint, it is very moveable request. Chair Tracy is certain some Councilors are interested in carbon footprint but as a group, they prioritized energy costs so if Mr. Olins is pitching that item, he may want to focus on that component.

Chair Tracy asked Councilor Egan if he could drill down into the bucket of things discussed tonight and perhaps choose two or three and if he would be comfortable spearheading the discussion on how to allocate it among the committees. She is mindful that this is a heavy lift.

Councilor Egan noted that he would be happy to get the conversation going and bring back more details after he talks to Donna because he knows a lot of work has been done. Hopefully he will not rush something that is not ready to come forward. He just needs to know where we are. He is encouraged that the Council is in favor of pursuing these topics.

Chair Tracy explained that she heard tonight in terms of topics for potentials: a possible pilot light proposal that might be ready for prime time in this budget proposal, costs around solar projects and bringing them into focus and what the first logical step might be. She heard, but this might need to be separated out, the Diesel Engine Block Meter issue and how to get the data. She feels she can take this on with the RSU and the Town Manager when she receives the data. Councilor Gleeson asked if we only have a commitment for Freeport's buses or is it every bus in the RSU. Mr. Joseph noted that Durham leases buses from a transit company and they sit up in Durham. He is not sure if there are one or two buses from Pownal that sit in Freeport. Chair Tracy pointed out that regardless, it is a different budget. Mr. Joseph explained that the Town is paid but there is no lease agreement for the buses. Seven years ago a very reasonable term was developed when it was the Freeport School system in the Freeport Town Garage. That is where Freeport put its buses seven years ago.

Councilor Arris pointed out that one of the considerations the Council has not discussed here that could eliminate all this peripheral stuff is the idea of doing a Solar Project at the DiPietro property. He feels it should enter into the discussion in terms of cost analysis and compared to one at Public Works. It appears that it could be a little bit larger. Ms. Larson explained that on this the Council would have to decide how big it wants to go since there is a fair amount of land there. The other question is how much power can we put into the line on Wardtown. That will be the limiting factor you can probably get without having to do a million dollar upgrade which obviously doesn't make any sense. She has the figures on what can be a 100KW out there and it is pretty reasonable. Councilor Arris noted his point is that it should be in the mix of the conversation while the Council is talking about priorities and options.

Councilor Sachs mentioned she is most excited about Josh Olins' proposal which is to do a study around what is the best bang for the buck and what is the best use of time and resources. She is most interested in funding that. That will help guide the Council's priorities not just on certain popular projects but is an overall comprehensive plan for energy efficiency. She asked Josh to let the Chair or the Town Manager know the cost around that because it could be something in his existing committee budget or contingency. From the sounds of it, it will not rise to a Capital expense. She wants the Council to be mindful that all of this has to take place within a broader dedicated conversation around some of these pieces. She agrees with Councilor Egan that it is good to have a plan in place just in case.

Chair Tracy noted that it is important for her to know what the Legislative landscape on solar is going to look like before we move forward on anything. Net metering is one thing and maybe we are not net metering so maybe it doesn't matter. She wants to know if anything is going to come out of this year's Legislative session that will affect what we are doing. We will probably know in a month or two when the text of the bills start coming out and we get a sense of what is in them. She personally would be reluctant to move forward and pull any triggers without that piece being at least partially resolved or having a sense of where it is going.



**COUNCIL MEETING #02-17**  
**JANUARY 17,**

Regarding potential solar installations, Councilor Egan noted that there are plenty of financial models out there where the Town does not pay anything for the capital expense of the installation. All we do is agree to buy the power for a period of at least seven years. There may be an opportunity to take a look at participating in a significant solar installation with zero capital dollars from the Town.

5. Review of submitted questions from Town Councilors regarding retail/recreational marijuana legislation (Chair Tracy suggested suspending this evening and will be taken up at the next Council meeting)

**MOVED AND SECONDED:** To take up the Retail/Recreational Marijuana Legislation at the next scheduled Council meeting. (Gleeson & Sachs) **VOTE:** (7 Ayes)

---

**MOVED AND SECONDED:** To adjourn at 9:45 p.m. (Sachs & Gleeson)  
**VOTE:** (7 Ayes)

---

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #03-17**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY FEBRUARY 07, 2017**  
**6:30 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
Peter Anzuini, 87 South Freeport Road			x
John Egan, 38 Curtis Road	x		
Leland Arris, 70 Glenview Road	x		
Scott Gleeson, 23 Park Street	x		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 2 Pettingill Road	x		

Councilor Tracy called the meeting to order at 6:33 p.m. and took the roll. She explained that Councilor Anzuini is excused this evening.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #02-17 held on January 17, 2017 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #02-17 held on January 17, 2017 and to accept the minutes as printed. (Gleeson & Sachs)

**VOTE:** (6 Ayes) (1 Excused)

Chair Tracy explained to members of the public that the Council is in session tonight. She thanked Councilors for coming out on this snowy night, hopefully it will not be an icy one. The purpose of meeting tonight is to get through some of the limited business items because the Council's next meeting will be a long one. The Council will try to move through this as quickly as possible.

**THIRD ORDER OF BUSINESS:** Announcements

- **The Library's Annual Chocolate Bash** is Wednesday, February 8<sup>th</sup> from 6:30 p.m. to 7:30 p.m. This will be an evening full of good chocolate, good friends and great music by the Cul de Sax!
- For details on these programs and for a full list of the Library's events, go to [www.freeportlibrary.com](http://www.freeportlibrary.com).
- **Income-Eligible Residents of Freeport and Yarmouth and Employees of Freeport and Yarmouth businesses may qualify for Free Ride Passes on the Metro BREEZ.** Income limits are posted on the town's website. Interested applicants must complete a simple application available on the town's website and at the Freeport Town Hall. Please contact Johanna Hanselman at, 865-4743 x120 for more information.
- **AARP will once again be providing free Tax Preparation assistance** for low-moderate income households, with special attention to those 60 years and older at the Freeport Community Center. Please call 865-4743 x100 and leave a message for an appointment. Calls will be returned by an FCS volunteer on Thursday mornings.

- **The third annual Freeport FebFest of Arts & Culture is a month-long series celebrating the vibrancy and depth of arts and culture available in Freeport.**
- The FebFest 2017 calendar is full of great events like the Freeport Players Improv, including a coffee house, lectures at LL Bean, author talks and programs for kids at Freeport Library, a cabaret night with Greater Freeport Community Chorus, an exhibit by the Art Guild of Freeport, a screening of the Maine Short Film Festival, concerts by community band Coastal Winds and local favorites Crabapple Jam, FreeportUSA's Flavors of Freeport and more.
- **There will be a Browntail Moth Caterpillars Public Information Session on Thursday, March 9<sup>th</sup>, from 6:00 – 7:00 p.m. in the Town Council Chambers.** This will be a general information presentation focusing on:
  - Identification of Browntail Moth Caterpillars(BTM)and overwintering webs
  - How to prepare and control for BTM
  - Precautions residents in affected areas should take.
  - Presenter: Lynne M. Holland, Community Education Assistant, University of Maine Cooperative Extension. Free and Open to the Public

#### **FOURTH ORDER OF BUSINESS:** Information Exchange

Chair Tracy noted that the Ordinance Committee did meet last week and discussed the Shellfish Commission's revised criteria for Municipal approval or support of an application for the leasing of inter tidal lands for shellfish aquaculture. There was a lively discussion of various issues such as landowner approval and notification. The committee vetted some of the questions and concerns. The Shellfish Commission is going to take that criteria back to the Commission for a final vote and then the Council will see it for adoption as an Ordinance and will see it coming up soon.

Councilor Egan wanted to make a "new guy" comment. In preparing for the Council's review of the budget process, he found it striking that before the Council gets to discuss or discern anything about the Municipal budget, it could elect today to do absolutely nothing and hold everything in our current budget frozen, the taxpayers could see a substantial increase based on what is happening in Augusta. He finds that remarkable since so much of the budget is not necessarily in the Council's control. He wanted to point this out. What the Council does here is somewhat limited on the items in the budget that the Council actually has control over. Councilor Tracy thanked Councilor Egan for pointing this out.

Councilor Tracy mentioned that last week the Town had a surprise intervention of some fliers from the KKK. Residents may have seen on the news or in the newspapers that Freeport held a rally which was organized by Sarah Gideon and Maddy Vertenen, both Freeport residents and the rally was basically to affirm our values in Freeport and to have Town and State leaders, as well as elected officials, provide comments on what is really special about Freeport and what values we hold. It was a successful event. It was attended by over 200 people, unfortunately only 100 could get into the room but another 100 was outside reportedly singing. She felt that it was charming and a nice way to handle the fire code exclusion. She wanted to recognize this and appreciated everyone who worked quickly to organize that event. It didn't change any of the Town's values it had before that event and doesn't change any of the values now. We will continue doing our work and treating everybody with respect.

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

Mr. Joseph reported:

**COUNCIL MEETING #03-17**

**February 7, 2017**

- The Town of Freeport is proud to announce that once again this year, the Government Finance Officers Association of the United States and Canada (GFOA) presented a Distinguished Budget Presentation Award to the Town of Freeport, Maine for its annual budget for the fiscal year beginning July 1, 2016. This award is the highest form of recognition in governmental budgeting and represents a significant achievement. In order to receive this award, a governmental unit must publish a budget document that meets program criteria as a policy document, as financial plan, as an operations guide, and as a communications device. Credit for this year's award rests with Finance Director Jessica Maloy, who compiles the GFOA budget document from information provided by each department director, as well as the Manager and Council. This marks the fifth straight year that the Town has received this award. He congratulated Jessica on this award.
- The Town of Freeport would like to recognize and congratulate Officer Matthew Moorhouse for being awarded the Meritorious Service Award at this year's Maine Association of Police awards banquet. Officer Moorhouse is an outstanding officer, who is probably best known as Freeport's K9 handler. Officer Moorhouse is shown in a picture on the Manager's Report, along with Maine Association of Police President Kevin Riodan. He explained that this award was based on two life saving events that happened here in town over the past several months that Officer Moorhouse was involved in. He congratulated Officer Moorhouse and all the officers in the Freeport Police Department for the work they do every day.

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

There were no members of the public in attendance. The Council moved on.

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

---

**ITEM #07-17** To consider action relative to adopting the February 07, 2017 Consent Agenda.

**BE IT ORDERED:** That the February 07, 2017 Consent Agenda be adopted. (Arris & Sachs)

Chair Tracy reviewed the items on the Consent Agenda for members of the public. She explained that on the first page are the appointments that have been made recommended by the Appointments Committee. She noted that some long standing members have termed out or have decided to move on from the various committees on which they served. She thanked them for their service. Town operations would not go smoothly without them. It takes a lot of volunteer effort and the Council appreciates the time and attention they give to the matters before the committees. The Council encourages other people to apply and get involved because it takes lots of participation to make things happen around here. The Council thanks those that have put in their time.

Councilor Sachs thanked residents who gave donations to the Freeport Fuel Fund, Freeport Fire Department and the Freeport Community Library. She noted that our community is incredibly generous and is one of the reasons she loves Freeport. Chair Tracy agreed.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Anzuini)

## OTHER BUSINESS:

### 1. Freeport Stormwater Management Presentation

Chair Tracy thanked Town Engineer, Adam Bliss for coming this snowy evening and providing his presentation. The reason the Council is doing this now is so that he won't have to do it in budget season when it is really late and the Council is "fried".

Mr. Bliss introduced himself and explained the purpose of his presentation this evening. He displayed a PowerPoint presentation and reviewed all the items. He noted that every year the Town provides an annual report to the DEP in September and the DEP takes reporting and record keeping very seriously. He is thankful that Albert Presgraves, the former Town Engineer, was very organized and made his job coming on board relatively easy. He mentioned that Freeport was audited by the Maine DEP on August 16, 2016 which was Day #2 on the job for Mr. Bliss and Freeport has not received a letter of warning to date. It has only received the standard report that is written after the audit. He was informed by phone that the Town would probably not receive the warning which is a testament to how well we performed.

Councilor Arris asked how many DEP inspectors are involved in inspecting all the communities. Mr. Bliss noted there are a total of four inspectors to inspect 40 entities. There were three inspectors involved in a one time, one day inspection in Freeport. Councilor Arris noted to Mr. Bliss that this was a really clear and well done presentation. He asked what the yearly cost of this is for the Town. Mr. Bliss noted that the financial cost is well over \$100,000 and for the Town of Freeport he has seen \$150,000 but he knows it does not include staff time and doesn't necessarily include the costs for cleaning catch basins and sweeping streets so it is at least \$150,000 and it is not decreasing.

Councilor Egan asked how voluntary Freeport's participation is in the Interlocal Storm Water Working Group. Do we elect to do that and is there any room for us to elect not to participate in that. Mr. Bliss advised that Freeport does not have to participate but the burden of public education and public outreach would fall on Town staff. He believes the Town receives a lot of benefit by participating in this membership and those benefits in his opinion, outweigh any costs. Councilor Egan referred to Mr. Bliss' statement concerning monitoring our septic systems and asked if he meant the entire town, all private septic systems or those that are under Town control. Mr. Bliss replied that he meant all private systems within the urbanized area. When they are on private property, he cannot enter private property without permission. At this point it has only been a desk top analysis and in this area, he estimates there are a couple of hundred. He noted that Freeport has a Sewer District as well. Mr. Joseph asked if it would be safe to say that the urbanized area coincides pretty well with the area served by the Sewer District. Mr. Bliss agreed and pointed out the area on a map. Mr. Joseph explained that his office receives between five and ten septic system complaints a year where people say "my neighbor's septic system is in failure and is overflowing to the property's boundaries." It is illegal to have a septic system discharging above ground and our Codes Enforcement Officer has the ability to inspect a system that is in failure by State Law.

Chair Tracy thanked Mr. Bliss and noted that the Council satisfied its statutory requirement for the year.

---

### 2. Discussion regarding the Governor's proposed budget

Mr. Joseph advised that he provided a memo from MMA that advocates for interests that are common to all municipalities. We use MMA essentially as a lobbying arm for Municipal governments in Maine. If there is something good or bad, or something that needs to be done in the Legislature that affects the towns or cities in Maine, they are essentially our paid interest group that works with Legislators, introduces bills, etc. In this case they have analyzed the Governor's Budget and pulled out many items

that would have interest to Municipalities. Many of these are small changes such as GA appeal which sounds like a huge thing but in the grand scheme of things for our budget, we are reimbursed about \$15,000 a year from the State for GA expenses. It is a small financial issue for us. There are two items that have significant big ticket expenses which he has identified. He disclaimed that a lot of these are the same proposals we saw two years ago in the Governor's Budget that effectively went no where. There is

some indication that a lot of these things won't happen but anytime something is put on the table, there is the option. He wanted to make the Council aware of these things.

For Councilors that have not been through the budget process, Revenue Sharing is essentially the State is supposed to take 5% of revenue from various taxes and is distributed through a mathematical formula. In recent budget cycles, the 5% has been reduced to 2%. 2% of those eligible taxes this year and last year were put in to the Revenue Sharing Program and distributed back to their various Maine Municipalities. Two years ago it was agreed to go back up to 5% over the next several years. By 2020 or 2021 it was supposed to increase to 5%. We are getting about \$350,000 a year in Revenue Sharing depending on sales tax receipts and income tax receipts are. It's approximately \$450,000 difference if nothing changed. It's 31 cents on the mil rate so for the owner of a \$250,000 home, this would mean an annual property tax increase of \$77 or a savings of \$77 if it went back to 5%. The proposal is to cap it permanently at 2% which would mean we would never get back the \$450,000 in Revenue Sharing that we are scheduled to get by 2020. Chair Tracy clarified that if this budget goes through as proposed, we would not get a property tax reduction of \$77 on a home valued at \$250,000 in the status quo.

Councilor Egan asked Mr. Joseph if there are a number of proposed categories in the proposed Governor's Budget that would potentially affect our budget process besides the BETR to BETE transfer that he pointed out in his memo. He mentioned the cost shifting in our school district which the Council does not control could affect our residents significantly. Mr. Joseph agreed. Councilor Egan asked about the Homestead Exemption provision. Mr. Joseph indicated that this would not impact so much since there are a limited number of people that participate. It will pretty much be a net wash since they are increasing the exemption for people over 65 and eliminating it for people under that age.

Councilor Sachs pointed out that this looks very similar to the proposals from two years ago when she was testifying. She finds it interesting and Mr. Joseph agreed that a lot of it is very similar to what was proposed two years ago. He noted that the State Government needs the same amount of money to do its business assuming nothing changes. The goal is to reduce the income tax which has been the Governor's goal for several budget cycles but to do that you have to make it up somewhere and this would shift it to the property taxpayers. People might not have high income but they have high property value and that is where you see the biggest impact. It has been a concern here in Freeport for many people for the past several years. He does not want to sound the alarm bell that these things are going to happen but that they are on the table. He did write about LD-133 which is the Municipal Association's bill to fund the way back to 5% for Revenue Sharing and make that happen. We have been asked by the Municipal Association to focus lobbying on that which has the greatest chance for success in the Taxation Committee through pressure from municipals and testimonies and things like that. He feels it would be good to write a letter on the Town's position, if it is the Town's position and he would welcome feedback from the Council, that these two big changes would impact our property taxpayers retroactively as opposed to income tax payers. The easiest way to do that in making our voice heard is to put that in a letter to the Appropriations Committee which will be working on these bills. He has done some research on how to do that if we want to do that. He doesn't think there is a strong chance for these to pass but it would not hurt to register our opinion and put it on the record. He asked for the will of the Council.

Chair Tracy pointed out that it sounds like there are two proposals: 1) is to oppose the Governor's Budget proposal with respect to Revenue Sharing and BETR to BETE Transfer. 2) to support the Maine

Municipal Association's bill which is an act to support lower property taxes by supporting State and Municipal Revenue Sharing and both of those proposals would be in the form of a letter indicating out position. Mr. Joseph agreed that this is the most efficient way to do it.

Councilor Sachs recalled being involved pretty intimately two years ago. There were so many changes proposed in the budget that the Council had an informational session with both of our elected representatives at the time. So many of the proposals shifted on to the individual taxpayer in a way which was quite harmful. She did testify about BETR/BETE because it impacts Freeport tremendously. She urged the Council to do this. She is not sure of the level of Legislative support for some of these but some of them do have traction, particularly BETE/BETR felt important because the level of understanding and

the education needed around that issue was quite important to Freeport. She urged the Council to write the letter and for Mr. Joseph to keep the Council posted frequently around this issue.

Councilor Arris asked if it is necessary to do this at this point and asked about timing. Councilor Sachs advised that at the committee level is absolutely the time for getting our voices heard because things can change out of committee and if municipalities bring their reasons and practical applications for residents at this time, it is far more effective than waiting for much later. In committee is the place to take a position.

Mr. Joseph advised that they are in committee now and LD-133 Revenue Sharing and BETE/BETR. They have already heard Revenue Sharing and BETE/BETR and LD-133 are coming up this week and next week. We have the opportunity within two weeks to submit in writing as opposed to waiting in line for four hours to get three minutes. He spoke to the committee's staff person last week and the Appropriations Clerk indicated they would take our letters up when they take action on these bills. It may be within a week or two weeks but it probably will not be a month from now. As long as the bills are on the table, they will take comment from us. Chair Tracy asked if we were to defer commenting at this phase, what the next opportunity is. Mr. Joseph advised that if any of these are recommended out of committee, we essentially contact our representatives and urge them to vote against them when they come up on the floor. He personally feels we should do that anyway if any of these come out or any other ones that may get changed around and might be more impact for us coming out of committee. We would definitely want to talk to them if LD-133 comes out of committee in a positive way so they understand the impact on the communities. It is two phased but it will not hurt to spend an hour of staff time and then the Council Chair and he can put a signature on it if it is the will of the Council and send it in so that it is on the record for the committee. It is not burning a lot of time and effort to put our opposition on the record or in favor of it on the record.

Chair Tracy took a straw poll vote on whether Councilors support a Council letter signed by the Council Chair and the Town Manager to the Committee of Jurisdiction in opposition to the Governor's Budget in particular focusing on Revenue Sharing and BETR/BETE Transfer. **VOTE:** (6 Ayes) (1 Excused-Anzuini)

The second question is also a straw poll vote on whether the Council would support a letter in support of the Maine Municipal Association's Bill which has been sponsored by Senator Bellows which is LD-133 which is an act to lower property taxes by restoring State Municipal Revenue Sharing. The bill would restore Revenue Sharing from 2% to 5%.

**VOTE:** (6 Ayes) (1 Excused-Anzuini)

3. Review of submitted questions from Town Councilors regarding retail/recreational marijuana legislation. Chair Tracy explained that she felt this item should be skipped this evening because she would like the Council to get home and also most of the questions are from a Councilor that is not present.

Chair Tracy noted that the Council will be meeting in workshop next Tuesday. Mr. Joseph advised that the preliminary conversation regulating Marijuana will take place with the Planning Board. Chair Tracy explained that questions have been submitted by certain Councilors and they are in the Council's packets. Ordinance and this can be discussed next time. Councilor Anzuini had a lot of detailed questions. We do have an answer as to whether the Town has the authority to regulate Recreational Marijuana and the Planning Board will be looking for guidance about how to approach this issue so if Councilors feel they need to do a little more learning on the subject, please take the time between now and then to do that. If you feel you have learned something that would inform the rest of the Council that is relevant to our analysis or the Planning Board's analysis, please feel free to share it when we get into the workshop.

**MOVED AND SECONDED:** To adjourn at 7:50 p.m. (Sachs & Gleeson)  
**VOTE:** (6 Ayes) (1 Excused-Anzuini)

Respectfully submitted,

Sharon Coffin, Council Secretary



MINUTES  
FREEPORT TOWN COUNCIL MEETING #04-17  
FREEPORT TOWN HALL COUNCIL CHAMBERS  
TUESDAY FEBRUARY 28, 2017  
6:30 p.m.

	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Peter Anzuini, 87 South Freeport Road	x		
John Egan, 38 Curtis Road	x		
Leland Arris, 70 Glenview Road	x		
Scott Gleeson, 23 Park Street	x		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road			x
Sara Tracy, 2 Pettingill Road	x		

Councilor Tracy called the meeting to order at 6:30 p.m. and took the roll. She explained that Councilor Sachs is excused this evening.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #03-17 held on February 7, 2017 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #03-17 held on February 7, 2017 and to accept the minutes as printed. (Gleeson & Egan)

**VOTE:** (6 Ayes) (1 Excused-Sachs)

**THIRD ORDER OF BUSINESS:** Announcements

Councilor Rixon advised that the Freeport Arts & Cultural Alliance is seeking opinions for the Freeport Cultural Plan they are working on. Residents in town have received a bulletin that came in the mail a few weeks ago and in it there is detailed information on how to go about completing the survey. This can be done on line and the address is in the bulletin. If anyone wants to fill out a hard copy, they can do it also. They are available here in the Town Office, the Freeport Community Center, YMCA and the Community Library. Hopefully residents will take part in the survey.

Chair Tracy announced:

**Please note that effective February 24, many roads in Freeport will be off limits to heavy vehicle traffic.** A list of the roads is posted on the website along with the required document for obtaining an exception. The posting will continue until May 1, 2017 dependent upon the weather. All regular delivery route trucks are exempt (Oil trucks, Propane Gas Trucks, Trash Haulers, Municipal Vehicles and other necessary vehicles). This list is subject to change without notice. For current information or questions contact the Public Works Department (865-4461).

**There will be a Browntail Moth Caterpillars Public Information Session on Thursday, March 9<sup>th</sup>, from 6– 7 p.m. in the Town Council Chambers**

This will be a general information presentation focusing on:

- Identification of Browntail Moth Caterpillars(BTM)and overwintering webs
- How to prepare and control for BTM
- Precautions residents in affected areas should take.

Presenter: Lynne M. Holland, Community Education Assistant, University of Maine Cooperative Extension.

**Upcoming Events at the Freeport Community Library include: "ORGANIZATIONAL ZEN" at 6pm on Wednesday, March 8<sup>th</sup>.**

Join organizational habits expert Janie Downey Maxwell in our community meeting room to learn how to get more done, more efficiently. From big projects to everyday tasks, Janie can help you bring organizational peace into your life.

**And for kids ages 6 and up there will be an opportunity to make PAPER FISH WINDSOCKS** on Thursday, Mar. 9, 3:30pm for ages 6 and up. In Japan they make these windsocks to celebrate Children's Day. Space is limited so sign-ups are required.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Chair Tracy welcomed everyone tonight. There is a special presentation that Councilor Anzuini would like to make. Councilor Anzuini announced that everyone is here this evening to recognize George Citizen of the Year for 2016. He went on to explain that a good community is made by people that volunteer, give their energy, creativity and drive on its behalf and George Denney is one of those people. His leadership, support and generosity to Freeport has occurred over many years. Many people submitted nomination papers for this honor. A quote that was included in nominations highlights his philosophy: "You give, you get, you get, you give. That is how it works." The nomination papers also identified the many different projects Mr. Denney has been involved in. Mr. Denney was presented with a plaque. Mr. Denney explained

Chair Tracy opened the floor to public comments. Sharing comments about Mr. Denney and why they nominated him were: Jim Cram, John Donnelley, Vicki Lowe, Janice Peterson, Breck Kline and Councilor Lee Arris.

On behalf of the Town Council, Chair Tracy thanked Mr. Denney. Part of the Council's job is to ensure that Freeport remains a vibrant town and part of that is our store fronts. Freeport really has a character that has remained over the years and it takes stewards and people who care to make sure that the town stays on the straight and narrow during the process of growth and transition. She thanked Mr. Denney for helping Freeport stay on the path of quality and character as it grew from a little town to what it is now. It takes people like Mr. Denney who are willing to not only provide feedback but are willing to put in their time and money behind making this town a better place which he has done graciously. Mr. Denney's recent gift was heartwarming and really changes the trajectory of a very important part of our community. She thanked Mr. Denney for his effort, time and dedication to this community. It really is a wonderful place to live and draws our young people back and that is what we want.

Mr. Cram announced that a reception is planned at the Historical Society following this meeting. Chair Tracy suggested taking a five minute break to congratulate Mr. Denney at 6:27 p.m. She thanked everyone for coming and supporting Mr. Denney as the 2016 Citizen of the Year.

At 7:03 p.m. Chair Tracy called the meeting back to order. Mr. Denney thanked the Council for this honor and explained how he started his Cole Haan business many years ago in Yarmouth before moving it to Freeport.

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

Mr. Joseph reported:

The Town of Freeport is happy to welcome the newest employee of the Police Department. Officer Rebecca Kavanaugh was sworn into service on February 21, 2017. Officer Kavanaugh most recently served as a Marine Patrol Officer with the Maine Department of Marine Resources. As such, she is a graduate of the Maine Criminal Justice Academy, and certified by the State to serve as a full-time law enforcement capacity. Officer Kavanaugh is now undergoing local field training, which will familiarize her with the Town of Freeport as well as the Police Department's policies and procedures. Congratulations Rebecca, and welcome to Freeport.

As of 02/24/17, many local roads have been posted to heavy truck traffic. A full list of posted roads is available on the town's website at [www.freeportmaine.com](http://www.freeportmaine.com). Local roads are posted annually during the time of year when freeze/thaw cycles occur (otherwise known as "frost heave" season!). During this time of year, the road sub-base is softer, and more susceptible to damage from heavy loads. Posting roads to heavy truck traffic helps lengthen the lifespan of a road, reducing the frequency of reconstructions. This in turn saves tax dollars that would otherwise be needed for road reconstruction. Please note that regular delivery trucks such as fuel and garbage pickup are exempt under State law from these postings. Permits can be issued for required deliveries by contacting the Public Works Department at 865-4461. Permits are usually coordinated time-wise for when the road sub base is below freezing, therefore reducing the risk of damage to the roadway.

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

There were no public comments made and the Council moved on.

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

---

ITEM #13-17                      To consider action relative to the Fiscal year 2018 tax due dates and interest rates.

**BE IT ORDERED:** That one-half of the fiscal year 2018 committed taxes for real estate be payable on November 15, 2017 with interest at the rate of .58 per month or 7% per annum, to be charged from November 16, 2017 and that the second half of the fiscal year's 2018 committed taxes for real estate be payable on May 15, 2018 with interest at the rate of .58 per month or 7% per annum, to be charged from May 16, 2018.

**BE IT FURTHER ORDERED:** That the fiscal year 2018 committed taxes for personal property be payable on November 15, 2017 with interest at the rate of .58 per month or 7% per annum, to be charged from November 16, 2017.

**BE IT FURTHER ORDERED:** That an interest rate of 0% per month or 0% per annum be established for overpayment and/or pre-payment of taxes.(Arris & Gleeson)

Jessica Maloy, Finance Director explained that this is a standard annual item where Council action is required. Typically this is a State guideline. They publish a maximum rate that Municipalities can charge and 99-100% of those Municipalities charge what the State allows.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Sachs)

---

ITEM #14-17 To consider action relative to the proposed Capital Program for FY2018.

**BE IT ORDERED:** That a Public Hearing be scheduled for April 4, 2017 at 6:30p.m. in the Freeport Town Hall Council Chambers to discuss the proposed Capital Program for FY2018.

**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. (Anzuini & Gleeson)

Mr. Joseph pointed out that there will be several opportunities to discuss the Capital Program. It does not have to be adopted until April 25, 2017.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Sachs)

---

ITEM # 15-17 To consider action relative to membership in the Maine Service Center Coalition for 2017.

**BE IT RESOLVED:** that the Freeport Town Council hereby authorizes membership in the Maine Service Center Coalition for 2017 and designates Sarah Tracy to be appointed Representative for the Maine Service Centers Coalition and is therefore authorized to vote at the Maine Service Centers Coalition business meetings.

**BE IT FURTHER RESOLVED:** that the designated alternate is Peter Joseph, Town Manager. (Gleeson & Egan)

Mr. Joseph explained what the Maine Service Center Coalition is and what it does for Freeport. Councilor Anzuini pointed out his concern with the Service Center concept. Freeport runs around #15 with regards to providing sales tax revenue out of all the towns in Maine to the State. He understands that the State should recognize the amount of money and effort Freeport puts in place. However, based on the e-mail the Manager has received, he believes this is a lobbying organization that potentially lobbies against philosophies that some of the people in town would have. That is where his concern lies. It is using public money to lobby for potential philosophies that people in town voted for the current direction to follow. He wants to make sure people understand this. He referred to the Governor's Budget. There is a list of items in the back that identify his proposal to cut the funds back to the communities but he is going to provide a decrease in income tax to the Freeport residents. Freeport will get more money through his proposal through income tax refunds than through revenue sharing. In the letter that Mr. Joseph provided, it talks about repealing the Citizens Initiative of 3%. That is one thing they are going to go after. Increasing Homestead Exemptions of \$20,000 is potentially a benefit to Freeport residents that this organization may

go after. He recognizes that Freeport provides \$18M a year in sales revenue but he does not feel comfortable having a lobbying organization paid by public money, go against potentially some of the philosophies of Town residents.

Councilor Arris feels that Councilor Anzuini brings up some good points. The tax laws are very complicated and there are times when one would want to pick a certain tax and eliminate another tax with the understanding that one would get more back but that also might not happen. He feels this is something that should be considered. He asked for concrete examples of things Freeport has reaped for benefit as membership in this group. Mr. Joseph noted he could not comment too much but he is aware that the Town has been a member for many years. For example, last year on some of the budget proposals that were fought very hard in municipal circles, three groups (us, MMA, a Service Group) were active for different reasons. We may be constituents of ourselves first, MMA and a Service Center Group and they may all overlap. Councilor Arris asked what our annual cost is to be a member of MMA since they probably cover a lot of these same issues and lobbies for the same sorts of things.. Mr. Joseph pointed out that MMA they often will not take positions on things that don't benefit municipalities as a whole in the State of Maine. Mr. Joseph offered to get the cost of being a member of MMA. Ms. Maloy advised that it is \$8,000. Mr. Joseph advised that there are not other organizations as a municipality that Freeport belongs to. He advised that some of Town Staff belong to professional organizations that might take positions such as the Town Managers Association, the Police Chiefs Association, etc. They are generally very specific about what might affect their job duties but town wide, there are no other organizations that Freeport belongs to. Ms. Maloy advised that the cost for membership to the Service Center Coalition is below \$1,000.

Chair Tracy asked if there are service areas that do not belong to this Coalition. Mr. Joseph advised that there are a lot that are not members. He estimated that there are 30 members out of the 70 that qualify. He offered to look into this.

Councilor Arris noted he is willing to support this at this time but requested that Chair Tracy when she is making decisions, to be aware that he would appreciate getting information before the decisions are made so the Council would know what the issues are. She will have to weigh those issues as a member and he would appreciate her getting as much information to the Council as possible. Mr. Joseph advised that there usually is some hefty debate from a wide variety of views. An agenda is usually provided.

Chair Tracy noted there is interest in knowing when the next meeting is and Freeport will have a designated representative in attendance at that meeting. Anyone with an inclination to attend and voice an opinion on behalf of Freeport is welcome to attend. She requested that the Manager provide copies of the materials to the entire Council to give them a heads up. For her, she is mindful that the Council just sent in a letter objecting to the Governor's proposal regarding revenue sharing and in that letter it had a figure on how much it would affect the regular residential homeowner which is pretty significant. While we may not agree with everything, we certainly want to put in our two cents. This year she feels it is worth the money to make sure the revenue sharing is not frozen at 2%.

Councilor Egan asked Councilor Anzuini for clarification when he was describing an array of differing opinions on items in this particular list. Was he talking about Council opinions or members of the general community. Councilor Anzuini noted he was talking about the general community. For him, having Town dollars implies that everybody in Freeport benefits somehow from the activity. The way that the letter is phrased, there are people lobbying that this organization is hiring, actually would go against the 25% of people that are in favor of Governor LePage. That is part of his concern for this organization. He feels Freeport needs to lobby the Maine Government because we are an important spoke in Maine revenues. For 2016 , \$330M in merchandise sales was generated by Freeport which translates to about \$18M in revenue for the State. He is unsure this organization will accomplish this for us.

Chair Tracy pointed out that while we all may not love the idea of a lobbyist representing us on things that we may not agree to, we do need some help understanding what is up there, who is in a position of power and decision making. These groups do have those kinds of connections that allow the larger group to have a voice that otherwise might not have. We do not have that voice as one town because we do not have the time or the resources to send someone up there all the time. She feels that Councilor Anzuini's points are well taken and we will definitely circulate when the annual meeting comes and give the Council an opportunity to review the materials and attend. We can re-evaluate next year. We may want to communicate to the Maine Service Center Coalition that there was some more animated discussion this year as to whether we would be a member. She asked Mr. Joseph to convey that anything they can provide at the close of the Legislative session that articulates the value that they were able to convey for Service Centers would be helpful rather than just what their agenda is for the upcoming year. Mr. Joseph agreed that this is a good point and a good request and we should make it.

Councilor Rixon noted he supports being a part of this Coalition and has found comments by Councilors interesting.

**ROLL CALL VOTE:** (5 Ayes) (1 Nay-Anzuini) (1 Excused-Sachs)

---

**OTHER BUSINESS:**

- 1.) Presentation of 5-Year Capital Program. (Peter Joseph, Town Manager & Jessica Maloy, Finance Director)

Chair Tracy thanked Ms. Maloy for getting this together early and circulating it. The Council got a Capital Planning Process presentation by e-mail which is the paper copy of what it will be seeing on the screen tonight and people at home will be seeing on their televisions. The Council also received a very helpful memo summarizing the major items included in the Capital Budget which is this fiscal year's version of the Capital Improvement Program. The Capital Improvement Program is the five-year capital plan for fiscal year 2018 to fiscal year 2022. Year one of that program pretty much reflects our Capital Budget for this coming fiscal year.

Ms. Maloy explained that this is just the beginning presentation of our Capital Planning Process which is fiscal years 2018-2022. The 2018 Plan is \$1,851,600 being proposed which is approximately \$258,000 more than last year. The reserve balances are in good shape. She is primarily focusing on increasing the Public Works Equipment and Comprehensive Town Improvement reserves to better fund future purchases. She is keeping the Fire Reserve in focus as well to help build it up for the next potential apparatus purchase. Primarily for FY 2018, 47% is encompassed by Comprehensive Town Improvements. The next largest one is Municipal Facilities at 18%. Mr. Joseph explained that Comprehensive Town Improvements typically are road projects, infrastructure, etc. Municipal Facilities are for buildings and sites.

**ARTICLE 1-POLICE**

The Police Department is looking to replace two squad cars, mobile data terminals, speed trailer and audio-video in-car cameras. The total proposal for the Police Department is \$147,000 or 7% of the Total Capital Requests for the year.

Councilor Egan had questions about the Speed Trailer, Ms. Maloy indicated it would be a new unit with the technology included. More details will be provided at the workshops.

Councilor Anzuini noted the spread sheet is very helpful. Chair Tracy explained that the information can be found on the Town's website. Councilor Arris suggested using a larger type in the format and Chair Tracy would like it printed on larger paper.

Councilor Egan asked if the squad car replacements would be all wheel drives. Mr. Joseph indicated that they would be all wheel drive Fords. Councilor Arris asked if we should consider a cost comparison in running the cars to death over 5-years versus trading every 3 years. He has found that the Sewer District has saved money with a 3-year program versus trading at 5 years. Mr. Joseph noted that the Town is close to 50/50 in terms of high use/low use. The chief's car and the detective's car do not put anywhere near the miles on them and we ran into a situation where we had 10-year old cars with 20,000-30,000 miles on them. Councilor Arris asked to consider trading sooner after factoring in maintenance.

Councilor Arris mentioned that last year the Council talked about body cameras which has recently come up in the public and he recalled that this was something being researched. He is curious why the Audio-Video In-Car Cameras are so expensive and why there is no mention of a body camera. Mr. Joseph advised that there will be more information coming on the price of the cameras. He has asked the Chief to talk about body cameras in the workshop. He has done some analysis on it. A conversation will take place in the workshop.

#### **ARTICLE IV-PUBLIC WORKS**

Ms. Maloy noted that the reserve balance is \$752,710 which includes the Fund Balance Transfer brought to the Council back in January. They are looking to replace their 2002 Backhoe. The total proposal for the Backhoe is \$115,000 which represents 6% of the Total Capital Plan this year.

#### **ARTICLE V-SOLID WASTE/RECYCLING**

Ms. Maloy noted their reserve balance is \$179,119. They are looking for two items to replace Baler #2 and to refurbish their Loader. This will be a fix to get them through one more year. Public Works has a Loader proposed for next year so their current one will be transferred to Solid Waste. The Total Proposal is \$50,000 which is 3% of the Total Capital Plan this year.

#### **ARTICLE VI-COMPREHENSIVE TOWN IMPROVEMENTS**

Ms. Maloy indicated that their reserve balance is \$1,195,204 and this includes the \$572,084 Fund Balance that was brought to the Council back in January. They have three projects being requested: US Route One South Overlay (a PACTS project), Reconstruction of Curtis Road as well as Restoration of the Concord Gully Brook Watershed. The total proposal for Comprehensive Town Improvements is \$864,500 which is 32% of the total budget. Pictures were shared. Mr. Joseph explained what a PACTS project is.

Mr. Joseph explained that Mr. Bliss is looking this year to do testing and equipment purchasing for water quality to nail down exactly what is impacting the water quality in the Concord Gully Brook Watershed. There is a salt problem there and there is a lot of speculation on what is causing it. We need to know we are doing the right thing to address the problem. He explained that Concord Gully Brook is an urban impaired stream and our priority watershed. We are responding to the EPA Clean Water Act. Part of our goal in being proactive is to avoid being sued by an environmental group or having adverse action taken such as what happened in South Portland. We plan to start doing this work versus having someone tell us we have to do it. Councilor Arris pointed out that the Town is approaching this correctly. There are some unsettled issues with the new Administration in Washington and we should be aware that things can change. Mr. Joseph advised that whatever is happening there, it doesn't allow the right bacteria, insects or fish to be in the stream so there is something wrong with the water. He did note that Frost Gully Brook also has problems.

#### **ARTICLE VII-MUNICIPAL FACILITIES**

Ms. Maloy indicated that their reserve balance is \$941,548 and this is where a lot of our building repairs are. We are looking for computer upgrades-town wide as well as terminal replacements and software

upgrades. We are looking to upgrade the flooring in the Public Safety Building primarily in the meeting and kitchen areas. Repairs are needed at the Dunning Boat Yard. We are looking to replace the Highway Building roof in preparation for a solar panel installation. We are looking to upgrade 3-4 copiers throughout the Town for efficiency. We are looking to do a LED Streetlight conversion and purchase a generator for Public Works. We are looking to upgrade the heating system at Town Hall. This year we are requesting Phase 1 of 3 as well as the annual contribution to the Revaluation Reserve. The Total Proposal is \$344,500. She had pictures to share.

## **ARTICLE VIII – CABLE**

Ms. Maloy explained that their reserve balance is \$505,962. We are looking for equipment upgrades to Channel 14. The big item is conversion to HD. We are also looking to up-fit the Cable truck. The Total Proposal is \$132,600. She explained that these monies come from franchise fees. Chair Tracy asked if any of this money could be spent on things other than cable television and that type of source. Mr. Joseph indicated they they did a little research. There were conversations that took place during the last two budget cycles. Freeport essentially gives them a monopoly to run their cable franchise. We do get revenue but he found that the Town Council dictated in policy when we started that fund, what was to be done with it. We have been using \$70,000 of the roughly \$100,000 every year. We show it in the budget process but it is back in the revenue sources. We transfer \$70,000 from that fund into the General Fund to offset cable operations. Ms. Maloy pointed out that last year we transferred more than enough to cover cable. There is about \$30,000 left over every year which stays in the Cable Reserve Fund for equipment purchases. Mr. Joseph advised that the HD conversion is a requirement. Councilor Arris noted that we pay for the upgrade with money that they give to us. Mr. Joseph explained that we own the equipment up to the point that it gets in their system but Rick Simard could explain this more thoroughly.

Chair Tracy asked if the franchise revenue could be used for something else such as a fire truck. Mr. Joseph explained that he does not have a legal opinion but could get one if necessary but he thinks it is possible. Ms. Maloy pointed out that their policy states that \$10,000 will go into the reserve. It fluctuates between \$10,000 and \$30,000 every year of what actually stays in the reserve based on what gets pulled out to fund the cable operations in the General Fund versus projects done throughout the year out of the Cable Reserve. There is language in that Reserve Policy that says if the reserve is adequately funded, we have discretion for using it on General Fund Operations so that is a discussion we can have. He would be open to discussing that \$30,000 increment on top of the remainder that we don't transfer into the budget because that may not need to be buffering that account anymore if that is what we are getting at.

Councilor Anzuini mentioned that our contract with Cable expires in 2022 and is a 10-year contract. The single fund does both the Town and the RSU. Chair Tracy mentioned that Pownal and Durham cannot get that station so only Freeport gets the school station. Mr. Joseph advised that Freeport gets two channels. Councilor Arris asked if there is viewing data available. Mr. Joseph answered no. Councilor Arris noted that we don't know what we are getting. We don't know who is watching and we don't have any information on what's happening. Mr. Joseph advised that he believes there is no reactive way to monitor all that. All the ratings are reported and extrapolated out. He does not think any agency gets small enough to know what's happening in Freeport. They cannot tell that. Chair Tracy asked if we can eliminate the public access channel but is not suggesting that we do that. Mr. Joseph did not know. FCC has a policy that Comcast is required to air public matters. Because it is FCC regulated, there has to be a public benefit. They have to do public programming. For our local channel within Freeport, he does not believe they have the ability to get that data. If Comcast has that, we do not have access to it. Anything that they are not required to give us is considered proprietary information. If it isn't in the contract, we might try to put it in the next one. Councilor Arris feels this is something we should be talking to them about. We don't know what we are getting for our money because we don't have any data. Mr. Joseph advised that it is possible to get the Internet data. Councilor Arris would like to get any data we can get if it is accessible that shows what we are getting and who is doing what on our cable television network. Mr. Joseph offered to pass this along.



Councilor Gleeson mentioned that in the past, the Council was sort of told that it didn't have any say over this part of the budget. He is very supportive of all these upgrades. This is the longest conversation the Council has had during his tenure. Ms. Maloy noted that for her, the question is how much does the Council want to continue to earmark for the Cable operations and Cable reserve. The money that is there is to be used for Cable but the question going forward is how much do we want to continue to earmark for it. Mr. Joseph advised that a good way to think about this, the assumption we need to talk about if we want to use the money is treat it like it's tax dollars unless you want to change the base assumption of what the Cable budget is. Right now we are using all the leftover money we are not putting in the reserve fund to offset Cable operations essentially.

Chair Tracy mentioned that there is \$500,000 in the reserve now and the capital amount proposed is \$100,000. We were talking about there is \$100,000 that comes in plus or minus from the franchise revenues and about \$70,000 has been shifted over to pay for the operation Cable budget. All of that is about \$200,000 and it strikes her that it leaves about \$300,000. If the Council decided to change its policy of using the franchise fees for Cable purposes, it strikes her that if the Council had a special need along the line of \$50,000 in any one year, the Council could decide that the Cable reserve is kind of fat and let's shave it a bit and put it somewhere else. She asked if the Council could do this. Mr. Joseph replied yes. He advised that we have a little more than \$300,000 in the 20 year plan for Cable improvements so there is a \$200,000 cushion over the next couple of years if the Council wants to think of it as a savings account. Councilor Arris mentioned that the Council could cut the \$100,000 a year and say we don't need that much in that account and give all Cable users a \$15 per month break. Mr. Joseph agreed this is a good discussion to have when we renew our contract. Using \$70,000 out of that \$100,000 yearly allows us to accumulate a balance.

Councilor Anzuini pointed out that he has had constituents complain about the rates, content and everything about Cable. The 5% that the company is giving us as a royalty is going to be a factor for the next five years. After that, he feels the negotiations should include something that goes back to the users and taxpayers in Freeport. Mr. Joseph feels it is safe to say that he would recommend the \$70,000 transfer that we write into the budget be there so as to not increase the tax cost of doing the Cable Department and that the \$500,000 isn't all on the table. There is some \$100,000 that is in reserve and that is why we are not putting as much in reserve as we have done over the years. We are using all of the excess to fund the Cable operations. Councilor Gleeson noted he is pretty excited about the HD conversion.

## **DESTINATION TIF VILLAGE IMPROVEMENT**

Ms. Maloy advised that their reserve balance is \$326,069. This year they are looking for sidewalk improvements. They are also continuing with the Sidewalk Ramp Detectable Panel Replacement and the annual funding for FEDC. The Total Proposal is \$198,000, keeping in mind that in FY2017, the increment for Destination TIF is \$307,473.

Councilor Anzuini asked if brick sidewalks are mandatory. Mr. Joseph indicated that they are not but is something we have chosen to do over the years. Councilor Arris asked if these sidewalks have been improved prior to this. Mr. Joseph did not know but Earl Gibson and Adam Bliss could get this information in two minutes. Councilor Arris noted that this would be useful to know.

Chair Tracy appreciated getting the information early and the Capital Items Memo was much easier to digest this year. Mr. Joseph noted the credit for the format should be given to Ms. Maloy. Councilor Arris agreed.

Chair Tracy noted that the Council will be workshoping on this probably next week. For Councilors that are new, she asked them to do their homework. They have the Capital Improvement Plan and were asked to start taking a look at it and prepare your questions to the extent that you can circulate those questions to

the relevant department heads in advance and please copy the Town Manager and her. She requested that when Mr. Joseph gets responses, ensure that the entire Council gets the questions and responses so that everybody gets all the same information. Mr. Joseph advised that it does not have to be in advance because the department heads have gotten good at being ambushed. Chair Tracy explained that it does make things move more smoothly and quickly if they have had a chance to digest it and have a prepared response. She will expect Councilors to come prepared, having reviewed the materials and having thought about the questions in advance. It will hopefully decrease the amount of time spent in these chairs over the next couple of months.

2.) Discussion regarding retail marijuana regulation

Chair Tracy explained that the Council workshopped with the Planning Board two weeks ago and discussed with them their effort to provide some rule-making, possible Ordinance treatment or zoning treatment around the Marijuana Legalization Act. The Recreational Retail Marijuana is a citizen initiative that passed a referendum. The State is undertaking State regulation, developing the State rules. In the meantime, the Council is tasked with giving the Planning Board some direction as they consider how to possibly regulate these facilities in Freeport. We did provide some initial feedback two weeks ago. One of the comments made by Councilors was that we would like to use zoning to sort of direct this activity into areas of town that are not our town center and are ideally away from concentrated residences and schools or where young people congregate. Another suggestion made was that the Planning Board consider limiting these establishments in number. An idea was discussed in passing as to whether we as a town would like to ban these retail marijuana establishments altogether. It is within our purview to do that. She didn't get any sense of an appetite for that approach but we wanted to circle back around. We want to provide clear direction to the Planning Board because they are going to spend some time on this. If they are going to do that, it is fair for us to: a) be clear about what we think as a Council, maybe even as individual Councilors, and b) if we don't have an appetite for entertaining these facilities at all, particularly retail establishments and marijuana clubs, we should let them know now before they spend a lot of time trying to figure out where these things go. That's why we are talking about it one last time.

Mr. Joseph advised that he is planning on attending an a Manager's training in March. There was an event today that sold out beyond the wildest dreams of anybody that the Municipal Association held in Freeport at the Hilton Garden Inn. People came from all over the State and our Town Planner was able to attend. This shows the level of interest. He received a little bit of feedback. There is a pretty big consensus that most communities are not interested in the Social Club aspect. One concern he has is that the one town that does allow it and fifteen other towns ban it, will get all the people driving to that particular town.. We may want to look at this regionally in terms of that part of it. This is something to keep in mind.

Councilor Egan advised that he had an informal discussion with a representative from the caregiver community. He believes there are members of the medical community and the caregiver community who would like to come in and explain their industry if we wanted to hear such a thing, and the distinction between the medical use and the recreational use and just give a little background on where the issue is evolving. A lot of us in the community may have a strong reaction to any of these discussions and he believes the Council should get informed as best it can. He feels the education should happen at both the Council and Planning Board level. The opportunities for the Council to learn might help at a larger picture in terms of understanding what the industry is doing and then specifically the Planning Board discussion would be much more involved in comparing uses and components of various zones around the community and how those things either align or don't align.

Chair Tracy advised that she was parsing the law since it has been a while since she read it. To be clear, there are a bunch of things governed by this Act. There are retail marijuana cultivation facilities, retail marijuana manufacturing facilities, retail marijuana test facilities, retail marijuana stores and then retail marijuana social clubs. There are a bunch of uses and activities that the Planning Board will be

considering so if Councilors have any feedback on any of those, speak now or forever hold your peace or else we are going to send the Planning Board off to do their best and they will have to come back to us.

Councilor Arris noted that 57% of Freeport voters decided that they wanted to open this whole issue up.

From his perspective, we have Route One which is a business section that goes right through town. He would advise the Planning Board to not do any of this business near underage places such as schools. He would prefer to see some place on Route One made available to do the legal law of retail or manufacturing. He would not want them in the center of town because we have other activities in the center of town. He would prefer to have them isolated in an area in a way similar to the way the Council handled the Methadone Clinics. He would like the Planning Board to craft an ordinance that does not turn this into the Wild West and does not want Freeport to be known as the Pot Capital of the State. He would like a thoughtful ordinance that meets the letter of the law and keeps the industry well contained so that it doesn't become a major part of the community. It could be south or north of the commercial downtown area. As a Councilor, this is what he would like to see.

Councilor Gleeson would not want to see anything related to any of it downtown. He has heard concerns from constituents about not having anything like this in the downtown and he has heard that some people do not want to have anything like this in the town altogether. He can understand what Councilor Arris said about 57% of Freeport people voting for it but we are heavily reliant on tourists coming into town and this vote was about as close we could get with a 50/50 split. He would like the Planning Board to weigh all options as to whether this could be an adverse impact, whether they would like to see their children exposed to seeing things like that. There is risk on both sides. He would like the Planning Board to look at three options: 1) keep it far away from the center of town, 2) feel out whether there is an appetite within Freeport for having marijuana in town. He does not consider 57% of the people saying they want marijuana decriminalized or legalized to grow their own plants, etc. necessarily equating to a rolling majority saying they want to have retail establishments in our town. The third option is not having them at all and we should look at having a designated area that is not within his district. He is primarily talking about retail and social clubs. The other things are entirely different things but he would like the Planning Board to look at all options and having time to weigh them. We have a pretty long window. Chair Tracy advised that Freeport has a moratorium of six months but it can be extended.

Mr. Joseph explained that it can be extended by one six month period. There is a reason to extend the moratorium but there are valid reasons we may not want to after six months if we have done all our business. Councilor Gleeson explained that if the Planning Board is going to look into this, the Council needs to do its due diligence to weigh the pros and cons of everything.

Councilor Anzuini feels it is a tough issue because he does not believe the Federal Government should have put these regulations in place 80 years ago. He does not feel they should be controlling what people eat, drink or smoke. The referendum that was put in place is really a method of trying to stick people's thumbs at the Federal Government. He believes the referendum was the wrong tool to work this but this is where we are. He believes that adults should be able to grow plants and smoke them without making it a criminal offense. He does not feel that Maine or Freeport has the regulatory activities to manage the smoking, drinking, packaging, purity advertising rules that pertain to tobacco and alcohol. He does not believe the State has the capability to manage that and it typically has been done by the Federal Government. He supports the decriminalization of growing marijuana plants and the use of them but would not support any commercialization of marijuana within Freeport. This means cultivation, oils, products, retail, labs or clubs until we get our representatives and the Federal Government to take that as a reference one drug. Once that has been done, he is all in favor of it. It will not affect him personally or anyone he knows. He does not feel the State has the same level of organization to do the purity testing that currently goes on at the FDA. There is risk but the question is who takes the risk. Chair Tracy noted that this raises a question of do we incur any liability as a town allowing this State permitted activity when in theory it violates Federal Law should the Federal Government decide to have more enforcement. Mr. Joseph did not know how to answer but noted the Federal Government has a big stick.

Chair Tracy suggested reaching out to MMA or other groups that are trying to digest these issues and see if that particular issue has come up. Mr. Joseph mentioned a story covering a marijuana festival going on in

Nevada on tribal land. There has been some interaction between the tribal authorities and the Justice Department with warnings about drug policy. With the Administration right now we don't know how this will go. Until there is action, it is just speculation.

Councilors Rixon and Egan did not have any comments. Chair Tracy noted she has a heightened level of concern around retail marijuana stores and social clubs. With respect to retail marijuana stores, she is with Councilor Arris. She supports the Planning Board looking at compatible uses in areas zoned commercial and also areas that are not doubling as sort of residential areas that happen to be in commercial areas and away from schools and the downtown area where we draw most of our visitors to but recognize that this could be another source of visitors. With respect to retail marijuana social clubs, she personally is concerned with becoming a hub for retail marijuana social clubs, particularly if many towns are not going to have that activity. It should be further explored as to what type of exposure we have if we are one of the only towns that allows it. She is less concerned about cultivation facilities, manufacturing facilities and test facilities which are pretty much self enclosed and the public is not going in an out generally. She feels that people can deal with the business they want but this is one Councilor's opinion. She asked Mr. Joseph to tag this discussion for the Planning Board when he receives a copy of the Minutes and let them know that we discussed it and they can have it for their information. They will have to undergo their own process and opinions in determining on how best to accomplish this complicated issue. We do appreciate the Planning Board taking this on. It will be a heavy lift and the Council is looking forward to seeing what they come up with.

### 3.) Discussion of potential LED Street Light project

Mr. Joseph explained that he has had conversations with a four-town municipality group that is working on this. They went through a very comprehensive competitive selection process to select a contractor. He wonders if the Council is interested in us working with other interested municipalities. He does not have a good commitment from those interested municipalities right now but there will be some. For working with the already selected vendor who comes highly recommended by South Portland, Biddeford, Falmouth and Rockland as opposed to going through a competitive selective process on our own, he has to admit that we are definitely under qualified to be doing this based on individuals who have about ten years of experience with this project that served on the first competitive selection committee for the vendor who was selected. He would call it a piggyback but the difference may be that there may be price differences based on the economy of scale. If we could get Portland to jump on this, it might even be more beneficial. They may offer more beneficial prices for a second round. As mentioned in his memo, the first group did 5,300 street lights as a bid as opposed to Freeport's 222. Mr. Joseph does not need an answer tonight. He wants to start the conversation and gauge comfort level to see if there is information Councilors want before we have the discussion and see if there is any appetite to entertain it as opposed to us going out and doing our own selection process which he feels be as comprehensive as the one that they just went through in the past 12 months.

Councilor Anzuini noted that one of the interesting parts for him is that it comes down to CMP and it looks like they really understand the issue. He favors using who has the most knowledge to navigate this thing but he would like to understand what they are providing because at the end it says CMP can do all that they can do. His question is what do they really provide other than good project management as opposed to just letting CMP doing the whole thing.

Mr. Joseph mentioned he knows the analysis consultant they have on board for this team is not a manager for the company that is doing the changeover and which they are the ones essentially competing with CMP on. The consultant out in front that they have hired is a specialist that is essentially mapping, doing analysis of all the fixtures and seeing if changes are necessary and coming up with a recommendation. That is what the four municipality group felt they brought to the table which was somebody that understood the science and the actual technical planning aspect of it to know if the fixture there should be a 5,000k fixture or a 3,000k fixture, warm versus a cold fixture and what part of

town those would be appropriate in. For straight replacement, obviously CMP would be in the competition for that but the consultant would be the benefit.

4.)

Councilor Arris saw in the Capital Improvements document that there were some numbers about cost. He supports this project and wants to do it in the most efficient way using CMP or the private sector person depending on what makes more sense. It looks like this could be as short as a 4-year payback which looks like a win from a taxpayer's viewpoint. He questions how long these lights will last and is there any other kind of maintenance involved that is unusual compared to what we do now. Mr. Joseph advised that the biggest maintenance we would face is failure of the light heads. They last a long time but they are digital circuits up there. It is not the LED bulbs that will go but rather the controller or the wireless integration part so we would need to budget a small amount on a regular basis for one or two light replacements. He has seen 3, 4 and 5 year figures for different municipalities and that is pretty accurate for what they are expecting. Right now we are paying a rental fee and the power as well. The annual expected life span is something we would get for sure. Councilor Arris calculated that we have 222 lights and the estimated cost is about \$3,700, that is less than \$17 each.

Councilor Egan noted that is in strongly in favor of moving as fast as we can on this. He asked if we have a parallel effort to go through CMP, would we actually own the lights or would we continue a leasing structure. Mr. Joseph believed it could be done both ways but we would propose the ownership which is the only sane way to do it. CMP will lease anything within their quiver of acceptable fixtures to put up. He is unclear if they have LED fixtures. They put up what they think is right for the location. That is Councilor Egan's point and why he would prefer to go with an alternative company as opposed to CMP.

Mr. Joseph explained that Nathan Poore, Town Manager of Falmouth asked CMP if they could switch these out for something more efficient and was told "no, you get what you get." Mr. Poore and several other officials got together and said "that is not right" and over the years worked to change the rules. Councilor Egan is strongly in favor of the smartest people making the decision and believes that the vendor that has been identified here has already been vetted by municipalities so he would be comfortable with the Council moving forward as fast as it could and try to get the best price break on a bulk purchase for the fixtures.

Councilor Anzuini pointed out that the only reason CMP was brought into this discussion is because they will manage the timeline by turning those things on and unless we hook them into the process, they will manage the timeline for us. We can say the payback is four years but if they don't agree to do it on our schedule, we won't achieve our payback period. Chair Tracy disclosed that she works for Pierce Atwood and CMP is one of their biggest clients but she does not get any personal financial remuneration. She feels it is fair to ask if CMP does this. If we are going to go with a private sector vendor, she is fine with piggybacking. It would behoove us to ask if they provide the service and if they provide LED lighting when they provide the service and can we own our own lighting. She feels it is easy answerable and won't slow us down at all. If the answer is yes, we can factor that in. With respect to this rfp, she assumes that if we go out with a bunch of other towns, we will get pricing depending upon the quantity. She assumes we could back out if we so chose. Mr. Joseph noted that nothing is official until we sign a contract. We will still need to budget this money so nothing will be signed until the Council approves its budget in June. One of the benefits is that we can compare the pricing because we will have clear comparables. Falmouth has a page on their website of all the documents they have put together of everybody else's rfps that responded along with their calculations. He is comfortable that these are the cream of the crop for private companies but he is not prepared tonight without doing more research, that we should rule out CMP. Chair Tracy is aware that there has been much evolution on this issue in the last ten years so it is worth asking the questions.

Councilor Egan asked if the four communities have installed these yet. Mr. Joseph advised that they are under contract and will be starting this year. Suki Rice of the Sustainability Committee advised that she

understands that in purchasing the lights, the Council knows we give \$44,000 to CMP a year. \$29,000 is in the rental and \$15,000 is in electricity. This does not include Winslow or the school budget. Assuming the purchase of 222 lights is \$101,000 and we would have to add \$35,000 as a payout for CMP to remove their lights, this makes a total of \$138,000 as the Capital total budget. As soon as it is done, the purchase at \$458 per fixture is \$101,000. When we start paying the bill, it will be about \$8,100 per year which is the full bill for electricity and maintenance. Maintenance is included in. At the end of 3.7 years to pay back the loan, we will be going from \$44,000 per year to about \$8,100 per year. There will be about a \$36,000 difference each year once it is paid off. The life span on those street lights last up to 20 years but she is not sure that is true. She noted that we can get the warm yellow and the strong blue lights. There are Smart Lights that can be dimmed, turned down and shut off. Realterm Energy will help us determine which yellow lights can be used in the residential areas and then the blue hued lights are strong and can be used in the middle of town. She knows that Falmouth has done a ten year examination of all the options and she is sure they would know what CMP does provide and what the price would be. The Town Planner feels the other towns have already done their due diligence on this and for us to try to do this ourselves would be so costly which is why she would like to jump on board right now. She would love to see it happen and then we can talk with businesses or others who have lights that they would want to also come on board with including the school and Winslow. Mr. Joseph noted we may be able to pick up a lot of volume beyond what we have.

---

ITEM # 16-17                      To consider action relative to an Executive Session pursuant to 36 M.R.S.A. § 841 (2) to discuss a poverty abatement application.

**MOVED AND SECONDED:** That the Town Council enter Executive Session. (Egan & Gleeson) **VOTE:** (6 Ayes) (1 Excused-Sachs)

**MOVED AND SECONDED:** To deny abatement application #1-17. (Tracy & Egan) **ROLL CALL VOTE:** (6 Ayes) (1 Excused-Sachs)

**MOVED AND SECONDED:** To waive tax auto-foreclosure (scheduled for January 2018) for unpaid 2016 taxes on the property associated with abatement application #1-17. (Tracy & Egan) **ROLL CALL VOTE:** (6 Ayes) (1 Excused-Sachs)

**MOVED AND SECONDED:** That the Town Council exit Executive Session. (Gleeson & Egan) **VOTE:** (6 Ayes) (1 Excused-Sachs)

---

**MOVED AND SECONDED:** To adjourn at 10:40 p.m. (Gleeson & Egan) **VOTE:** (6 Ayes) (1 Excused-Sachs)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES  
FREEPORT TOWN COUNCIL MEETING #05-17  
FREEPORT TOWN HALL COUNCIL CHAMBERS  
TUESDAY MARCH 7, 2017  
6:30 PM**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
Peter Anzuini, 87 South Freeport Road	x		
John Egan, 38 Curtis Road	x		
Leland Arris, 70 Glenview Road	x		
Scott Gleeson, 23 Park Street	x		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road			x
Sarah Tracy, 2 Pettingill Road	x		

Councilor Tracy called the meeting to order at 6:33 p.m. and took the roll. She noted that Councilor Sachs is excused this evening.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #04-17 held on February 28, 2017 and to accept the minutes as printed.

Chair Tracy noted that Councilor Arris was in attendance and not absent as the Minutes reflected.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #04-17 held on February 28, 2017 and to accept the minutes as amended. (Gleeson & Egan)

**VOTE:** (6 Ayes) (1 Excused-Sachs)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Tracy announced:

**There will be a Browntail Moth Caterpillars Public Information Session this Thursday, from 6:00 – 7:00 p.m. in the Town Council Chambers**

This will be a general information presentation presented by Lynne M. Holland, Community Education Assistant, University of Maine Cooperative Extension.

**Please mark your calendar for the following events:**

- **Districts 1 & 3 Workshop with the Town Council** will take place on April 25<sup>th</sup> at 6:30 p.m. at the Freeport Community Center. The Regular Town Council Meeting will follow the workshop.
- **The Annual Orientation for Board & Committee Chairs & Vice-Chairs** is on Wednesday, April 26<sup>th</sup>, 2017 from 6:00 p.m. -7:15 p.m. in the Town Council Chambers. The Town's Attorney will present information on the Freedom of Access Act (FOAA) and the Public Notice & Meeting Process.

The Town Manager & Town Clerk will review administrative duties of Committee Chairs and staff persons. All Board and Committee members are encouraged to attend this session.

- **Start thinking now about your entry for the 4TH Annual Edible Book Festival on Friday, April 28 from 10am-7pm**

All you need to do is create something edible based upon a book or poem of your choosing. Pre-register by emailing your name, whether you're entering as an adult or child to:

[FCLbooks2eat@yahoo.com](mailto:FCLbooks2eat@yahoo.com)

- **The Freeport Arts & Cultural Alliance** is seeking opinions on the Freeport Cultural Plan which is a survey asking questions about how residents would like to see arts and culture integrated into the community. That is an on-line survey available at [www.Reinholtconsulting/freeport](http://www.Reinholtconsulting/freeport). Hard copies are also available at the Town Office, the Freeport Community Center, YMCA and the Community Library. They hope to have a lot of participation and the results will be better if residents do take the time to participate. Chair Tracy indicated that she did the survey last night and it took about five minutes.

Councilor Rixon announced that the Metro Breez has been accepted by Brunswick. Starting next August, if things go well, all the buses that come and leave from Freeport will have the option of being able to go to Brunswick. This is good news for Freeport. He noted that there will be the same number of trips made but there will be through trips to Brunswick. Chair Tracy asked if this might reduce the amount of contribution Freeport provides. Mr. Joseph explained they will be buying another bus and there is a contribution from Brunswick which is similar to the contribution from Freeport and Yarmouth. Bowdoin College will be contributing about \$10,000 to Brunswick's contribution for the first two years at least because they will be offering ridership to college students. It should not change Freeport's amount because the base for service that Yarmouth and Freeport had to do for the three buses we have will remain the same. They are essentially adding equipment, drivers, etc. so it will scale up in size. There are fewer grants and different amounts of grant money secured for Brunswick so they will be paying a similar amount as Freeport and Yarmouth but more of the total package as opposed to what Freeport and Yarmouth are paying for our portion which had federal grant money attached to it at METRO's level. There will be an effect to the schedule and Mr. Joseph noted he would keep the Council updated but the total number of round trips should not change.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Chair Tracy reported that the Freeport Council met with Durham and Pownal Selectmen, several RSU5 Board Members and the RSU5 Superintendent to discuss the RSU5 budget which is under consideration and to address any issues of importance with respect to Town Councils, Selectmen considerations and to examine if there are any opportunities for collaboration between the towns which could provide savings. They had a lively discussion about the budget and the RSU5 Board responded to a fair amount of questions on the drivers on increases in the budget this year, much of which is contractual related and essentially fixed in nature. Some items are discretionary and discussion followed on those items. They also discussed zoning for retail and recreational marijuana and brought the other towns up to speed on what Freeport has been considering, even though the Planning Board has just recently undertaken that issue. They also talked about recent paving projects that we collaborated on.

Mr. Joseph noted that a discussion took place on personnel changes, retirements, etc. to see if there is any room for sharing people. They didn't come to anything but wanted to inform people that we are still



working on those issues as they come up. Chair Tracy advised that Pownal contracts with North Yarmouth for their Code Enforcement Services and while they may stick with that arrangement, when we are settled with what we are doing with our code enforcement, they will keep us in mind in terms of extra services and that might be a source of revenue for us if we have extra availability. We have also talked in the past about sharing some potential finance responsibilities if it works for Freeport and if it is a savings. We will ensure that it doesn't impact our ability to meet our own workload. She wanted to let viewers know that the Council is exploring those opportunities and will keep them on the front burner to see if there are other ways to collaborate and save money.

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

Mr. Joseph advised that he had planned to report on the METRO item and we just discussed it. He suggested moving on to the Sixth Order of Business.

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

Chair Tracy took this opportunity to recognize the great service provided by Burnham Martin of the National Park Service. The Freeport Conservation Commission and the Town received a grant for services provided by the National Park Service to look at some of our Town properties and trail systems. Burnham Martin came to us and provided in the Hedgehog Grant significant technical assistance in trying to work with our high school students to install new trail signs, create new trails and just do general trail planning which resulted in a tangible improvement to that property. At Florida Lake Mr. Martin continued to assist the Conservation Commission by creating a Management Plan and Trail Plan for that property which has guided the Commission in the successful application for grant funding. As a result of that, the Council will also be considering in its budget some upgrades to Florida Lake. She noted that it has been wonderful to have the expertise provided by Mr. Martin.

Dimitra Voulagari, Chair of the Conservation Commission requested that the Council recognize Mr. Martin's contributions to the Town. She pointed out Mr. Martin's extraordinary dedication to the Conservation Commission and the landscape of Freeport's parks and trails. The Commission felt he deserved this honor. She thanked Mr. Martin.

Chair Tracy appreciated Mr. Martin's hard work and the many hours of dedication. Mr. Joseph had a letter indicating a small token of the Town's appreciation. Mr. Martin pointed out that the Conservation Commission is a very hard working group of volunteers. They do tremendous work for this community and the progress they made would have been impossible without them. Other community volunteers stepped up including the Freeport High School students as well as the Town and RSU5 staff. He advised that he lives in Brunswick and plans to return to use Freeport's trails.

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

---

ITEM #16-17	To consider action relative to adopting the March 7, 2017 Consent Agenda.
-------------	---

**BE IT ORDERED:** That the March 7, 2017 Consent Agenda be adopted.  
(Arris & Gleeson)

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

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Sachs)

---

ITEM #17-17

To consider action relative to a Recreational Trails Program grant in the amount of \$11,000 for the Florida Lake Trail Rehabilitation Project.

**BE IT ORDERED:** That a Recreational Trails Program grant in the amount of \$11,000 for the Florida Lake Trail Rehabilitation Project be accepted.

**BE IT FURTHER ORDERED:** That the Town Manager be authorized to execute all documents relating to this grant.

*Note: The Town Council endorsed this application in September 2016.  
(Anzuini & Gleeson)*

Mr. Joseph explained that in the FY17 budget process the Council appropriated \$5,00 for bog bridges replacement at Florida Lake. That project was started. Mr. Martin and the Conservation Commission were heavily involved in applying for the RTP Grant and we were awarded \$11,000 and we had to pony up and agree to a \$4,800 local match for that. We have approximately \$2,000, if we accept this grant, that would be unnecessary in Capital Funds because we would use this grant money to purchase and work on the remainder of the bog bridge project. Essentially there would be an agreement to a \$2,800 appropriation in the budget that we are to consider coming up soon that would match along with the other \$2,000 make the \$4,800 local match and that would match the \$11,000 in State money for the program.

Councilor Anzuini asked if there is parking for residents at Florida Lake. Mr. Joseph explained where Florida Lake is located and there are parking areas for residents. Councilor Gleeson suggested improving the Florida Lake signage. He mentioned that it is a light blue sign and it is easy to miss it while driving on Route 125. Chair Tracy mentioned that if the Council is going to provide money, the trail map needs to be improved. She can vouch for the fact that it is very faded.

Chair Tracy asked for clarification. Since this requires \$2,800 which is not already covered in the budget, does voting yes on this BE IT ORDERED and FURTHER ORDERED mean that the Council is voting yes on that being granted as part of the budget. Mr. Joseph explained that we will not actually spend any money and we won't actually do any work until that goes through the budget. The Council does not have to worry about it if there is some emergency or reason we can't appropriate the money. He asked that if the Council does not intend to vote for the \$2,800 match in the budget, don't vote for the grant. We are always open to turning it back if for some reason we cannot appropriate the money for an unforeseen circumstance. If we don't have any intention to do that, then the right thing would be to not support the grant and turn it back now.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Sachs)

**OTHER BUSINESS:**

1. WORKSHOP ON 5 YEAR CAPITAL PROGRAM

Chair Tracy explained that this is the second workshop and third meeting that the Council has had on the

Capital Program. She explained where the materials could be found on the Town's website. The Council moved into a workshop mode.

## **ARTICLE 1-POLICE**

Police Lieutenant Nate Goodman introduced himself. Chair Tracy pointed out that the Police Department is looking to purchase six mobile data terminals for \$27,000, replace two squad cars with changeover equipment for \$70,000, replace its speed trailer at \$12,000 and purchase six audio-video in-car cameras for the front line patrol vehicles at \$38,000. The total proposal for the Police Department is \$147,000.

She asked if any Councilors had questions. Councilor Arris mentioned that last year as well as early this year he mentioned body cameras and he does not see anything in this request to address them. He asked what the status is on body cameras. Lt. Goodman explained that the Police Department has been looking into the issue of body cameras for some time. Currently they are gathering information from neighboring agencies to look at the feasibility of adding body cameras within their department. He noted that Freeport was the first agency in Maine to have in-car cameras. They are looking favorably at body cameras. The technology has gotten so much better, the cameras are smaller and the clarity is excellent. The price of the body cameras has come down but the big expense is for storage and using the Cloud to upload and download videos. He mentioned that a lot of other agencies are in a trial phase right now but South Portland just got approved to purchase 20-24 body cameras and Portland is looking into it. It is harder for smaller agencies to procure funds. Councilor Rixon asked how the audio-video car cameras operate. Lt. Goodman explained how they are utilized and the agency tries to get 10 years out of them but usually it is closer to 5-7 years. Ms. Maloy noted that the last batch was purchased in 2011.

Councilor Arris noted that he personally would prefer to move body cameras to a much faster track and suggested getting one to try it out fairly quickly. As one Councilor, he would recommend that the department move in that direction. He feels that \$38,000 is quite a lot of money for replacing stationary cameras and the technology doesn't really go out of date quickly. He notes that the request is to replace them all at once and wonders if it is necessary. Lt. Goodman explained that the range on these cameras is perhaps 100 to 150 yards. Mr. Joseph noted he discussed with the Chief coming up with a plan to try one or two body cameras and see if there are any volunteers willing to do a trial so we can do some costing, etc. He mentioned privacy issues that need to be worked out but feels they are do-able but we are not at a point where we are going to run out and purchase them.

Chair Tracy asked if body cameras were close at hand, it might make sense to evaluate whether we should spend \$38,000 on car audio-visuals. She asked if other agencies use both. Lt. Goodman feels that the technology is changing month to month. While they like the concept of having a camera with the officer, the trial camera was large and bulky and if it got wet, it wouldn't work. In the last year, the technology has gotten so much better and it is changing quickly. He is not sure what the next six months will hold and body cameras is the hot topic right now. There are a lot of companies that want out business. It's a tough balance between accessibility, privacy and storage to consider.

Chair Tracy asked if we were to say we want the department to undertake an analysis and come to the Council next November with a recommendation, that we are a little concerned about spending \$38,000 for things that could be replaced in a year with body cameras, what does this do to the department for the next year. Lt. Goodman explained that they currently have issues with a camera that is not working and one officer is dedicated to keeping them up and running. The companies are telling him that we are holding on to old technology and they are not going to be stocking parts for those cameras. It is Lt.

Goodman's opinion that the cameras would be used in conjunction with each other. He feels it is important to have audio and video information available for evidence.

Chair Tracy brought up the squad car replacements and that we will be purchasing Ford's SUV model. Councilor Arris mentioned that we have a mechanic in-house and asked if he is certified for work on Fords. Our mechanic is not certified. He is interested in knowing how often vehicles are taken to dealerships. Ms. Maloy explained that this happens when equipment is needed for repairs that we do not own. She did not have an exact amount of times that this happens. She mentioned it is not frequent and most items are handled in house. Councilor Arris feels the Council should look at this to make sure we have efficiency in what we are doing. Mr. Joseph noted that this is really an operating budget item and that Earl Gibson is here and he supervises the mechanics. Chair Tracy explained that Councilor Arris is suggesting doing an analysis of what is the value based on the history of our doing repairs in house versus doing them at a third party vendor. Councilor Arris also suggested looking at shorter trade-in periods so that rather than beating vehicles until they are dead and get rid of them, analyze a 3 year or a four year period to trade and get some value on them and use that as a comparison as well. Ms. Maloy noted that these are fairly new additions to the Capital Plan. They were in the Operating Budget and were not always funded to be replaced. After being transitioned to Capital, there is still a transition time and this is trying to get back within that realm of being able to replace vehicles because we do start to run into these problems like the transmission. Councilor Arris mentioned doing a cost benefit analysis for quicker turnovers that actually work minus maintenance and give value so that the actual capital costs put out is less than we do now. He feels it makes sense to look at it from a Council viewpoint. Ms. Maloy indicated that pulling invoices to see what we have done in-house and calling dealerships to find out what that equivalent service would have been would take a little time. While she feels it is not impossible, she did not have a timeline to provide for how long it would take. Councilor Arris is confident that the analysis will show that it is less expensive to do these services in-house even if our mechanic is not certified. The other places have overhead, etc. Councilor Arris is more concerned about moving vehicles faster in a shorter period of time so that we will have value in them. He suggested looking at all the vehicles and considered replacing them within three years. Dealers can figure out costs pretty fast. Mr. Joseph advised that we are replacing vehicles within four years right now. He explained everything else such as dump trucks and fire trucks are handled differently.

Councilor Anzuini noted that when we go through this process and we decide on a car, asked if the Council looks at pure financials or are there other characteristics we are looking for in the car. Ms. Maloy explained that there are standard things that are looked at. Mr. Joseph explained that there are ranges and we do look at multiple dealerships. Lt. Goodman advised that Freeport receives a report every year from the Michigan State Police covering their month long exhaustive test on all the cars and that is how they base their offerings on. Mr. Joseph mentioned that they are all so close in price ranges but if it is a \$400 difference, we probably would choose to purchase from the dealer next door since it would cost more to drive back and forth a few times for the initial pick-up. Lt. Goodman advised that right now we have all Fords except the Marine Resource's truck which is a Dodge. We have three Dodge Chargers and this proposal will replace the two highest mileage Dodges. The Detective will be driving the last Dodge.

## **ARTICLE II – FIRE**

Chief Charlie Jordan introduced himself. Chair Tracy mentioned that Freeport recently purchased Engine 3. Chief Jordan has removed the request for the Mobile Data Terminals. He explained that they want to do an analysis of the entire department's IT needs before they start buying anything. The systems need to work together to communicate before they start buying piece meal. They had thought about putting Mobile Data Terminals in the fire trucks but instead of starting out by putting one in each truck, they

decided to try one. Within the Fire Department they are looking to put together a working group to look at their IT and communications. Once they have together, they possibly might look at someone with IR experience and maybe have a small-scale consulting assignment with an IT company but not an IT company that sells stuff.

Councilor Arris asked if any consideration has been given to hiring an in-house IT person. Chair Tracy mentioned that it is such a fast-moving world and she would have concerns about bringing some IT person in house and then pay to keep them and then pay to train them to keep them up to date on what is going on. The security associated with that is ever changing. Ms. Maloy advised that our IT contract for services is up with Winxnet as of June 30, and we have gone out to bid with multiple companies. She plans to bring a recommendation to the Council in April as part of the Operating Budget.

### **ARTICLE III – RESCUE**

Chair Tracy pointed out that nothing is being proposed because the request for Electronic Run Reporting Software has been removed. She noted two big ticket items being proposed in 2020 and 2021. Ms. Maloy noted the request for the software has dropped down to 2019. Chief Jordan explained that his proposal eliminates one rescue and it brings them down from four to three. Three rescues can handle the call volume because we are no longer providing the Non-Emergency Transfer Service. This means we don't have to buy a rescue and we don't have to put tires on it, hook it up to a computer, telephone, etc. They are trying to right size the department and decided to remove 4. It is the same age as Rescue 5. They will get information from different sources as to which one is the best one, what they can get for one and which is the one they will want to keep on the road. Refurbishment of the tanker is in lieu of replacement of the tanker. While there is a need for a tanker, going out to spend \$50,000 for a new one does not seem to make sense. He explained that Pierce has a new 107 foot ladder on a single axle chassis. It will take a pump and hose and is called a Quint. They can take Engine 1 which is a \$750,000 truck and a ladder truck which would be \$900,000 and combine them into a single truck for \$1.2M and that would work for them both money wise and operationally. They are looking at a 10-year plan and will then actually make some decisions. He answered questions about the proposed Chief's vehicle. He promised the Council he would not buy anything that they don't need. Councilor Egan noted he has fuel mileage concerns and hopes the Chief will consider a V-6. The chief agreed that a small motor would be fine.

### **ARTICLE IV-PUBLIC WORKS**

Earl Gibson introduced himself as the Superintendent of Public Works. Chair Tracy mentioned they are looking to replace their 2002 Backhoe for \$115,000 and has moved the replacement of a Front End Loader to FY 2019.

Mr. Gibson explained that the backhoe is starting to show signs for major repairs. It has valve problems and there are signs that things are starting to go bad. He noted that it works all summer long. Neil Lyman from Winslow Park has shown interest in purchasing it and he will not work it as hard as the Town does. The \$115,000 includes the trade-in. He plans to put out bids and is not certain the bid for a John Deere will be the successful one but his preference is to obtain another John Deere.

Chair Tracy mentioned that in FY2018 there is a request to replace the sidewalk plow and the Case Front-End Loader. A wood chipper and truck chassis replacement is proposed in 2020.

Mr. Gibson explained that our one mechanic handles all the autos and heavy equipment repairs and he is not certified. Gibson provided some background on the transmission issue that occurred. Since Chief Nourse was short on personnel, it was felt there was no great need to spend the money to replace the transmission until she decided she was going to replace cars or not. Mr. Gibson noted that our mechanic is certified in brakes and it might be costly to send him to be certified to run all the equipment. He does basic mechanic work. If repairs to a computer are needed, it goes to the dealer. Councilor Arris agrees getting diagnostic equipment is very expensive but it is all about efficiency. He feels smart mechanical guys can benefit from having some general training and it is important to keep improving yourself. He does not have concerns about where we are but hopes staff is looking at this and is staying on top of it.

Councilor Egan mentioned that a local shop, R&D Automotive would have equipment that could handle any vehicle coming in and encouraged Mr. Gibson to be modest in pursuing certification for our mechanic so we won't incur any costs for vehicles going to dealerships. Mr. Gibson explained that we do have the ability to read the codes in cars and the diagnostic equipment that would tell us what the code is and what is wrong but we don't have the capability of going into the computer and erase what has just been fixed. Chair Tracy asked if Rich DeGrandpre has the equipment in his shop that can clear the computers. Mr. Gibson is confident he has some. Every time Mr. Gibson brings in a vehicle to the Chevy dealer he is charged \$95.00 an hour to work on it. Councilor Arris recommended that Mr. Gibson talk to Rich DeGrandpre and Don Crone at Freeport Auto about what our issues are and they might have some suggestions. Chair Tracy noted she would prefer to have services done in any Freeport shop.

Mr. Gibson explained that the posted roads are working and more permits are being issued. Citizens are calling in violation instances and he knows they are being stopped.

#### **ARTICLE V-SOLID WASTE/RECYCLING**

Adam Bliss introduced himself as Freeport Town Engineer, Public Works Director, Director of Solid Waste and Recycling and Director of Building and Grounds. Chair Tracy noted that they are looking to replace Baler #2 at a cost of \$20,000 and to refurbish their Case Loader at \$30,000. An explanation of these items was provided in a memo. She asked for questions from Councilors.

Mr. Bliss explained that the Council did not want to purchase two front end loaders. Public Works will purchase their Loader next year and their current one will be transferred to Solid Waste. \$30,000 will extend the life of the loader one or two more years and provide for the worse case scenario which would be the need for a new transmission. It is 24 years old. He went with the less expensive option. When they receive it, they will look at it and see what kind of condition it is in and how it fits with the usage. The money is being put aside for major breakdowns.

Chair Tracy noted that the new Loader for Public Works is pushed to next year at \$175,000 which is \$35,000 more. Mr. Gibson explained that he was asked to go back and revisit numbers since it had been six years since he had done that. When he called the vendor and asked for updated numbers, this is what he was provided. \$175,000 is the going rate. Mr. Bliss explained how the loader is used. He mentioned that this is the direction received last year from Council after discussion.

Mr. Gibson estimated that the cost for a new loader for Solid Waste would be between \$90,000-\$120,000 since it is smaller than the one for Public Works. Councilor Arris mentioned that the Council is looking at a third to a quarter of the cost which would be the worse case, but the Council would have to make that judgment.

Mr. Gibson explained that last year the Council asked them to look at their number situation and \$30,000 was asked for. It would be in a place holder in the event the transmission went out on the Landfill's loader. If it doesn't happen and we don't have to spend that \$30,000, the Council would then have to make the decision to spend the \$30,000 and upgrade Public Works' current loader and give it to the

Recycling facility and then purchase a new loader for Public Works. If nothing happens to the loader at the landfill, the Council can transfer his loader down there. He promises to spend the Town's money like it was his own. He is aware that Public Works' machine has taken a big hit but feels the repairs he has done to it will help it last until 2023 at the Recycling Center because it will not be driven over the roads.

Councilor Anzuini asked what number baler is used for cardboard. Mr. Bliss indicated that Baler #1 is for cardboard. Councilor Anzuini asked if seven years is realistic for the life of this baler. Mr. Bliss noted that it will be replaced this year and it has a 20-year life expectancy. Mr. Bliss explained that a piece of information came to light today about the Single Sort Compactor Project proposed in 2020. This is in the planning stage right now. The three balers would be combined into one baler so the recycling materials would be mixed and compacted and brought down to Eco Maine where their own machinery would sort it out. That \$40,000 project has the potential to conflict with replacements of Balers #1 and #2 which equate to \$40,000. He has asked the Superintendent to begin an analysis which identifies pros and cons of moving the Single Sort Compactor Project up and what it would entail. It is a very planning level type project.

Chair Tracy asked if other towns have a single sort compactor and Mr. Bliss indicated that they do. Freeport has one and the idea is that we would not replace Balers #1 and #2. He estimates that the single sort compactor could result in fewer trips to Eco Maine and less operational costs in terms of staff and maintenance. He optimistically feels the complete analysis could be done in two months and he could have an idea of where we stand within a month. He is not going to replace two balers.

#### **ARTICLE VI-COMPREHENSIVE TOWN IMPROVEMENTS**

Chair Tracy explained that they have three projects being requested: US Route One South Overlay (a PACTS project) for \$339,500, Reconstruction of Curtis Road for \$500,000 as well as Restoration of the Concord Gully Brook Watershed for \$25,000. They moved the Parking Lot Conversion for RVs at \$10,000 to FY2021 and the Library Parking Lot Paving for \$60,000 to FY2020. She asked if Councilors have any questions. Descriptions were provided in a memo.

Councilor Arris asked how a determination is made on what roads get paved and when. Mr. Bliss explained that there is a schedule in place. Every three years PACTS hires a consultant to perform pavement conditions assessments of the collector roads. He does an assessment of local roads. The Curtis Road is something he and Mr. Gibson have agreed upon. Chair Tracy noted that the Bragdon Road is really rough. She asked if paved shoulders are being planned for Curtis Road. Mr. Bliss indicated that they are not being planned at this time and explained how the cost is estimated. The Active Living Committee has not brought anything to Mr. Bliss regarding Curtis Road. He pointed out that Curtis Road is a local road that connects 125 and 136. He mentioned that Active Living has expressed interest in redesigning Mallet Drive to the Intersection of 125 and 136.

Chair Tracy pointed out that we should not do a paving project without getting input from the Active Living Committee. It would be a shame to do this project and then say "that one is done. We didn't do it. It's too late." Councilor Arris noted there are two businesses on Curtis Road. It is a residential area and also a country road. There are a lot of families living there and it would be good to consider widening the road, not necessarily paving it, but at least provide some extra width. When he mentioned widening, he is not suggesting adding a full fledged lane. Chair Tracy suggested determining the density and what is the usage of Curtis Road. Councilor Egan noted he lives on Curtis Road and there are some young families there. It is not a designated street that one would go to for active living. It is not on anyone's walking route. The edges of the road are in such bad condition. It is a nice halfway point between Grant Road and

the Intersection of 125 and 136. One could do a loop from Grant Road down to Curtis Road or the loop from Curtis Road down to the Intersection of 125. It is close to Florida Lake.

Councilor Arris suggested that generally about any road in the community, we should consider widening a little bit more. Councilor Egan agrees. Mr. Bliss mentioned that Freeport has transitioned from a shopping destination to a recreational and shopping area and complete street design should contain elements that we are all talking about that are important to the public. Mr. Joseph suggested that consideration should be given to speed reduction elements. Mr. Bliss mentioned narrowing the travel lanes and widening the shoulders. Chair Tracy asked Mr. Bliss to take a look at that and report back to the Council what he would recommend that would enable people to use the road for walking and biking while balancing the cost. Councilor Egan offered a contribution towards the cost of a speed bump. Mr. Bliss suggested he talk to the Traffic and Parking Committee.

The request for \$25,000 for the Concord Brook Watershed Restoration – Chair Tracy explained that we are not doing this out of the kindness of our hearts but to show we are making progress in an impaired area that does not meet the State's water quality standards.

Councilor Arris mentioned that the Cumberland Country Soil and Water Conservation District identified this and he asked if they would also bid on the work. Mr. Bliss explained that he doubts they have the technical expertise we are looking for. Their expertise is in planners, scientists and stream restoration, etc. and not necessarily the engineering expertise specific to watershed restoration that we are looking for. Councilor Arris explained his concern in giving organizations that identify the problem, create a solution and then come out and bid a price to take care of the solution. He asked if this is at play here. Mr. Bliss explained that the watershed management plan was created before the representative named Troy was involved. He sees the University of New Hampshire Stormwater Center playing a role in this. Councilor Arris wanted Mr. Bliss to be aware of his concerns when he starts focusing on our bid.

Mr. Bliss reminded the Council that Freeport has two urban impaired streams and this could translate over to Frost Gully. Councilor Arris does not want to walk meekly down the road on compliance without being thoughtful about it. Freeport has limited resources and lots of needs. Mr. Bliss advised that we want strong evidence that points us to where we should be spending our money to restore this watershed. Chair Tracy asked if we were to do nothing, what are the financial risks involved. Mr. Bliss noted it is hard to say. There could be some public shaming and we could be sued by the Conservation Law Foundation. They are very smart and do a lot of suing. They are adequately funded to identify issues. They go after the State when it is not enforcing the Clean Water Act. Councilor Arris mentioned that the evidence is pointing to salt, bacteria and run off from parking lots. It is not the citizens of Freeport whose taxpayer money will be spent to address this. Businesses apply salt in order to keep sidewalks and parking lots safe. His intent is to not throw the burden down on all the residential taxpayers because they have a minimal role in it. He is in support of bringing the streams back to life but it should be spread out evenly over everybody when you can tie it to where the responsibility lies.

Councilor Anzuini referred back to FY2017 South Freeport Village Road Reconstruction and that Active Living would like to see striping that allows 3 feet for walking and bicycles. There is concern from people that live on South Freeport Road is that the paving will take some of their land for a wider road. Their concern is that the paving will enlarge the current footprint of the road. Mr. Gibson advised that there will be no enlargement of the paving in any way. Mr. Bliss pointed out that 10 foot travel lanes provide for 3 feet shoulders and that design conforms to Active Living's request to have wider shoulders from the stripe to the edge of the pavement. It is a traffic calming measure and conforms to our current striping policy and it is an agreement with PACTS. He will put up the Keep Clear 3' distance signs on South Freeport Road as part of this overall project.

Mr. Gibson offered to take a look at Curtis Road.



**ARTICLE VII – MUNICIPAL FACILITIES**

Chair Tracy noted that computer upgrades, flooring, Dunning Boat Yard Repairs, copiers, Highway Building roof, LED Street Light Conversion and Public Works Generator are all being proposed.

Mr. Joseph mentioned that he will talk about the LED questions with the Town Planner. Chair Tracy mentioned Councilor Anzuini's questions and explained that the Highway Building Roof is not leaking but the timing is right to add a solar project which we have been putting off.

Mr. Joseph referred to the Dunning Boat Yard and advised that we want to keep the land area there and if the bulkhead was not there, we would essentially lose the useable land for any use. There would be less real estate that the Town owns for any use and not just the current use.

Councilor Arris asked if there would be other opportunities to make recommendations or changes on these proposals before the Council has to vote on it. Mr. Joseph explained that there would be a public hearing and three or four regular meetings before the adoption. Depending upon how much interest there is, this will be on the agenda for at least two meetings. Chair Tracy feels this is the Council getting familiar with the articles and she didn't expect any amendments this evening. We will talk about this at our next meeting and there will be ample opportunity to make adjustments on any of these items. Amendments can be made right up to the end but she asked that Councilors give some lead time for discussion. Ms. Maloy pointed out that generally after the Public Hearing is when amendments are made.

Councilor Gleeson would like to move up the website design. Mr. Joseph offered to take it under advisement. He will do some research and see if it can be done in house. He will try to come up with a number. Councilor Anzuini mentioned that we are putting out bids for IT and asked if this should be included in the bidding. We want new technology and if we are going to do a new website, we have to give some thought as to who will provide it and what are the requirements. Mr. Joseph explained the biggest challenge will be moving thousands of "stuff". On line services has taken 10% of the volume away. Chair Tracy advised that if we are going to move the website up, she would be okay with moving something else down.

Councilor Egan advised that he is in strong support of the LED streetlight conversion and feels there is a way to ride a wave with other municipalities. He will leave it up to Donna and staff to coordinate with that. He cautioned that LED street lights look different and there is likely to be some feedback from the community and we should be prepared for that by doing a little promotional discussion publicly. He also feels the roof on the Public Works Building does present an opportunity for solar panels. While it may not be at the end of its life, he feels there is an urgency if we are to pursue a third party ownership model which the current net metering law which allows for the maximum amount of economic advantage is only good through the end of this calendar year. It will be better for us to attract an investor if we can engage and get the solar panels on the roof top this current year. Chair Tracy mentioned that we would not be net metering. We would always have usage that would be greater than the solar that we are producing. Mr. Joseph feels she is correct but offered to look into it. Councilor Arris seconded what Councilor Egan proposed and would like to get this done this year. He would also like to add the American Medical Associations recommendations on LD lighting and feels we should also look at those if possible.

Chair Tracy mentioned there is a concern that blue lighting impacts people and Mr. Joseph's suggestion that we go with a consultant to ensure that those blue lights are not in residential areas. She advised that LEDs will be attached to poles. We have an opportunity to beautify the downtown and would be in favor of looking at this from the perspective of how can we aesthetically improve Freeport. If we are going to do the project, we should do it so it looks good and we should be creative about it.

Councilor Anzuini had a question about the cost of the generator being proposed. Mr. Gibson explained that he had three vendors come out and look at what is needed. He explained the size of his building and outlined all the things that would require a generator. School buses and diesels are plugged in. Chair Tracy noted this is a big expenditure of \$35,000 for the generator and equipment and \$30,000 for the installation and asked about leasing a generator in the event a large hurricane hits. Mr. Gibson explained that he could not receive any guarantee that a generator would be available during an emergency situation. There is also the likelihood that the businesses would be closed on the weekend or during the night. Councilor Gleeson asked what the cost would be for a smaller generator to keep only the most essential things going. Mr. Gibson offered to get a cost on a smaller generator. Councilor Egan mentioned that the installation costs would probably be the same for a smaller sized one. Discussion followed. Councilor Arris advised that the Sewer District has a generator and invited everyone to come and take a look at it. He is supportive of purchasing the generator but wants to be sure it is sized correctly.

Ms. Maloy looked for guidance from the Council if they moved an item up a year. She asked if they had any recommendation on what to move down. Chair Tracy noted she would defer to Ms. Maloy about moving something down a year if the website redesign is moved up. Ms. Maloy offered to look into this and come up with a recommendation.

**NOTE:** Councilor Sachs arrived at 9:50 p.m.

#### **ARTICLE VIII – CABLE**

John Goran introduced himself. Chair Tracy pointed out that the department is proposing to spend \$4,000 to replace/repair equipment, \$120,600 for the conversion to HD and \$8,000 to up-fit their truck. She asked for questions. She understands that we are using money that is coming from a dedicated reserve fund that would not normally go to other uses. Ms. Maloy noted that the Council started to have that discussion last time and Chair Tracy advised that the current policy is that it doesn't go to other uses but the Council can change that policy. Councilor Gleeson does not feel it would be wise to change this policy because of some pretty big upcoming expenses. It is possible but he feels it would be unwise.

Councilor Egan asked what the truck is used for. Mr. Goran explained that they use it for mobile equipment and audio systems. They have done productions within the town and Rick Simard has also rented facilities, equipment and personnel for a variety of events. They have done work in Brunswick and Yarmouth and various other places over the years. Official town use would be more than out of town use. They use the truck to go to Portland to pick up supplies. They are working to outfit the truck so they can broadcast from it. Chair Tracy asked if the department would be able to broadcast from the truck with the old equipment or do they need the truck up-fit to be able to broadcast from the truck. Mr. Goran mentioned he would have to defer some of the answer to Rick Simard but some of the equipment is specific to that vehicle as they changed from a larger truck to a Ford Transit. Councilor Arris pointed out that the \$8,000 is for lights, shelving, equipment racks and warning lighting and that is not the equipment to transmit.

Councilor Anzuini asked about FY2021, the equipment and other improvements for Channel 14. He asked what this is. Mr. Goran explained that it would be to replace a lot of the equipment over at the school and bring them into digital and HD. Their equipment is older than what is here. They are all analog and their cameras are 10 years old but still viable.

#### **ARTICLE IX – Boards, Committees, Community Groups and Other Requests**

Nothing is proposed this year. Ms. Maloy explained that in a conversation with the Town Planner, she felt the Comprehensive Plan continues to be viable and relevant today. As things come up that would need to be changed, we will do it piece meal versus an entirely new Comprehensive Plan. It was adopted in 2011.

#### **ARTICLE X – DESTINATION TIF VILLAGE IMPROVEMENT**

Chair Tracy advised that there are Sidewalk Improvements, Sidewalk Ramp Detectable Panel Replacement and the annual FEDC funding proposed. She asked if all the sidewalks are brick. Mr. Bliss noted that bricks are used in the downtown but Mr. Gibson advised there is a section of asphalt after the park on Park Street. Councilor Arris referred back to the conversation on the Concord Brook Watershed and the whole idea of impervious surfaces. He is not looking to de-beautify the town. He wants the best looking stuff because he wants the town to look really good but would also consider a pervious material that will allow water to move through it and begin a process of reducing this impervious surface in town. He doesn't know much about it, what it would look like or what the costs would be but recommends that we make an attempt to look at options other than brick that are aesthetically pleasing and environmentally sound for our sidewalks. This happens every year and is a significant amount. If the Council had a plan over the years, it could make some serious indentation in that whole surface issue. Councilor Egan mentioned that we have calibrated salt application on our roads but it is six times that on the sidewalks because no one wants anyone to slip and the bricks we are using are slippery in the winter time and more salt goes down. He is confident that there are friends in the engineering community that would have design alternatives. Mr. Bliss mentioned the possibility of heated sidewalks and feels it is worth investigating. Chair Tracy has a strong preference for the traditional historic look but feels there is no harm in investigating but would be reluctant to change.

Chair Tracy noted that when we have Keith McBride here, he can talk about FEDC success stories.

---

Mr. Bliss advised that he received an e-mail from John Lowe, Vice Chair of Active Living and there should be some discussion. The Traffic and Parking Committee endorsed constructing a sidewalk on Elm Street from Snow Road to the existing sidewalk across from the Grange Hall on Elm Street. Active Living wants a discussion on accelerating the timing on that sidewalk construction. It is scheduled for 2022. Mr. Joseph advised that \$140,000 would finish it. Chair Tracy noted that it will come to the Council to move it up to 2019. Mr. Bliss advised that 2018 would be too aggressive because of Public Works' commitments. From a money perspective, Chair Tracy advised that 2019 is a really heavy expenditure year.

Councilor Egan asked what the theatre payment is for and Mr. Joseph explained that it is a credit enhancement agreement. We have a movie and we also get two free movie days.

Chair Tracy asked Councilors to take a look at these items and determine if they want to make any amendments or changes, please bring them with your justification two weeks from now. If you have any questions to ask department heads in order to get information to make your proposals, please do that. Please circulate anything you think will be useful to the Council.

Respectfully submitted,

Sharon Coffin, Council Secretary



**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #06-17**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY MARCH 21, 2017**  
**REGULAR MEETING CONVENED AFTER COUNCIL WORKSHOP**  
**8:15 p.m.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
Peter Anzuini, 87 South Freeport Road	x		
John Egan, 38 Curtis Road	x		
Leland Arris, 70 Glenview Road	x		
Scott Gleeson, 23 Park Street	x		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, Council Chair 2 Pettengill Road	x		

Councilor Tracy called the meeting to order at 8:15 p.m. and took the roll. All Councilors were in attendance. She explained that the Council just finished a workshop communicating with FEDC, Freeport Housing Trust and the Sustainability Committee.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #05-17 held on March 7, 2017 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #05-17 held on March 7, 2017 and to accept the Minutes as printed.(Sachs & Gleeson) **VOTE:** (7) Ayes.

**THIRD ORDER OF BUSINESS:** Announcements

Chair Tracy announced:

**Mark your calendar for the following events:**

- **Districts 1 & 3 Workshop with the Town Council** will take place on April 25<sup>th</sup> at 6:30 p.m. at the Freeport Community Center. The Regular Town Council Meeting will follow the workshop.
- **Nordica Theater's FREE MOVIE DAY for Freeport Residents** will take place on Wednesday, April 26<sup>th</sup>. Donations will be collected for a Freeport non-profit.
- **The Annual Orientation for Board & Committee Chairs & Vice-Chairs** will be held on Wednesday, April 26<sup>th</sup>, from 6:00 p.m. -7:15 p.m. in the Town Council Chambers. Topics to be covered include the Freedom of Access Act , the Public Notice & Meeting Process and administrative duties of Committee Chairs and staff persons. All Board and Committee members are encouraged to attend this session.
- **Start thinking now about your entry for the 4TH Annual Edible Book Festival on Friday, April 28 th.**

**COUNCIL MEETING #06-17**  
**MARCH 21, 2017**

---

All you need to do is create something edible based upon a book or poem. Pre-register by emailing your name: [FCLbooks2eat@yahoo.com](mailto:FCLbooks2eat@yahoo.com)

Councilor Sachs announced that this Thursday, March 23 at 7 p.m. at the FPAC, residents are encouraged to come to the Buck For a Truck Show. It is a one act that won regionals with an almost perfect score a few weekends ago. It will take 35 minutes. They go on to the State competition this Saturday in Yarmouth at noon, if anyone cannot make this show. She encouraged residents to come and support this group of young thespians that won awards for acting, lights, costumes and sound and the ensemble won a special award as well. It is hilarious, family friendly and is donation only. It is a farcical show called The Russian Who Checked Out. It was written by Jordan Grotes who is a Senior at Freeport High School who also won a special award for writing.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Anzuini advised that the Traffic and Parking Committee met this morning and identified a couple of ordinances they will be working on to recommend to the Council. One ordinance pertains to temporary signs relating to the Field and Track. The second one deals with the Snow Road which has several signage inconsistencies. They will be in front of the Council on March 28 in participation of information back to the Council. They will be discussing their quorum requirement which was put in place by the Council.

Chair Tracy noted that she is aware that because they have so many members, it requires a fair amount of people to be present in order to get a quorum. The Ordinance Committee is looking at this already and would welcome any suggestions the Traffic and Parking Committee has but they are also looking at it independently.

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

Mr. Joseph reported:

**Winslow Park Cottage Donation**

Earlier this winter, Winslow Park received the donated cottage from Pound of Tea Island, which was pictured in Mr. Joseph's report. The building has been set in its new location near the central bath house and the farmhouse. Park Manager Neil Lyman reports that the inside still needs to be wired by an electrician, and then the room will be finished as a single room to be used as a common room/community room. He is also planning to add a porch to the front of the building. It is expected that the building can be used as a day room by campers during days with foul weather, or as a place to play board games and read books.

**Fill Available – 2017 Construction Season**

Most years, the Public Works Department makes excess material from various road projects and ditching operations available to the public for use as fill on their property. This allows the double benefit of saving disposal costs for the Town, and providing free fill for residents. This year, the Public Works Department is looking for residents in the South Freeport area to accept fill from the South Freeport Road project. Material will be distributed on an "as available" basis, with priority given to interested residents closest to the project, since this will save the Town on trucking and disposal costs. The Town requires a written material acceptance agreement to be completed, which can be found on the Public Works Department

**COUNCIL MEETING #06-17**  
**MARCH 21, 2017**

---

page on the Town's website. Residents interested in learning more can contact either Tammy Morrissey or Earl Gibson at the Public Works Office at 865-4461.

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

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

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

---

ITEM #21-17                      To consider action relative to adopting the March 21, 2017 Consent Agenda.

**BE IT ORDERED:** That the March 21, 2017 Consent Agenda be adopted.  
(Arris & Gleeson)

Chair Tracy reviewed the items on the Consent Agenda for members of the public. She thanked L.L. Bean for their generous donation to the Community Library.

**ROLL CALL VOTE:** (7 Ayes)

---

ITEM # 22-17                      To consider action relative to approving an application for a license to operate Beano/Bingo or a Game of Chance on May 5, 2017 submitted by South Freeport Congregational Church.

**BE IT ORDERED:** That an application for a license to operate Beano/Bingo or a Game of Chance on May 5, 2017 submitted by South Freeport Congregational Church be approved. (Rixon & Gleeson)

**ROLL CALL VOTE:** (7 Ayes)

---

ITEM #23-17                      To consider action relative to approving a Special Amusement Permit.

**BE IT ORDERED:** That a Public Hearing be scheduled for April 4, 2017 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss approving annual Special Amusement Permit applications for the following:

1. Maine Craft Distilling, 7 Mill Street, Freeport, ME (Gleeson & Sachs)

Councilor Egan requested an explanation and Mr. Joseph explained that this is a year-long permit and State Law requires local municipalities to approve Special Amusement and in this case, it can be music or dancing. In Maine, live music performed in a place that serves alcohol requires approval of the local municipality. This also includes dancing and if there is music and alcohol, municipalities need to approve it as well.

**ROLL CALL VOTE:** (7 Ayes)

---

OTHER BUSINESS:

1. Council Review of Capital Program (Peter Joseph, Town Manager and Jessica Maloy, Finance Director)

Chair Tracy reminded Councilors that they have been through the Capital Program quite a few times at this point. Tonight, the Council will be moving through the various articles and she hopes Councilors will be focusing on their recommendations for the various items. Options available are: keep it as is, delete it altogether, increase it, decrease it, move it later in time down the schedule in the 5-Year Capital Plan, move other items that are not for this fiscal year up in time in terms of where they sit on the timeline for the Capital Program. Discussion is welcome but since we have had ample opportunity to discuss various items, we are going to try to streamline this a bit more than we have in earlier meetings. She asked Councilors to keep this in mind and make sure they are moving in a forward direction.

**ARTICLE 1-POLICE**

Chair Tracy explained that for FY2018, this includes Update Mobile Data Terminals, 2 New Squad Car and Changeover Equipment, a Speed Trailer and 6 Audio-Video Cameras in Cars for a total Manager Proposed Budget of \$147,000. She also advised that a public hearing is scheduled for April 4 and we are obviously still taking public input There will not be any final decision until the Council adopts the final plan but would like initial indications of where the Council would like to go at this point and feedback from other Councilors as to whether they are receptive to that.

Mr. Joseph had information that was requested by Councilor Arris and Council Anzuini to distribute. He mentioned that it did not need to be discussed. Chair Tracy noted these are items that came in after the agenda was distributed or they were questions asked over e-mail. She did her best to circulate most things that came in by e-mail to all Councilors. She asked that they be printed so Councilors could have them in their back-up book. She mentioned that she had Keith McBride's response to Councilor Anzuini's questions about FEDC. Mr. Joseph mentioned that Councilor Arris asked about parking, cell towers, building leases, long term debt schedule for our outstanding bonds and the TIF summary.

No change was proposed to Article I at this time.

**ARTICLE II-FIRE**

Chair Tracy mentioned there is nothing being proposed for FY2018 and Ms. Maloy and the Council did not have any modifications to recommend.

**ARTICLE III – RESCUE**

Chair Tracy mentioned there is nothing being proposed for FY2018 and Ms. Maloy and the Council did not have any modifications to recommend.

**ARTICLE IV-PUBLIC WORKS**

Chair Tracy noted that a backhoe is being proposed for FY2018 at a cost of \$115,000. The Case Front-End Loader was moved to FY2019. Councilor Anzuini suggested that we still do maintenance and extend the life of this backhoe. If we don't have it, he questioned if this would pose a risk to the public. He has not talked to Adam Bliss and Chair Tracy asked him to discuss this with Mr. Bliss and get his sense if we can get another year out of it. Ms. Maloy explained that at a minimum, we will need to replace the pins and brushings again and she did not know what the costs would be. Councilor Gleeson advised that he



would prefer to stagger the purchase and not push two expensive purchases out to FY2019. Councilor Sachs mentioned that the average life of a backhoe is 12 years and we are well past that by three years. She has concerns with this and the opportunity costs that it would not be in operation should be a cost factor as well. Mr. Joseph explained how the backhoe is utilized. Chair Tracy noted that this is something the Council will consider the next time we go through this. Hopefully we will get the answers to the cost of repair of the backhoe, opportunity costs of it being down if we don't get a new one, does Mr. Gibson think we can get another year out of it if we do some repairs and is there are public safety risk based on the fact that it is three years out past its "due date" and that we are repairing it rather than replacing it.

Councilor Sacks pointed out that we would be at \$395,000 next year since we moved the Front-End Loader down.

#### **ARTICLE V-SOLID WASTE/RECYCLING**

Chair Tracy advised that there are two items being proposed-one is the Baler #2 Replacement for \$20,000 and the Loader Refurbishment for \$30,000. The Council discussed last time whether we could have another approach. Ms. Maloy explained that we are now looking to combine the \$20,000 that was appropriated for Baler #1 in 2016 and the \$20,000 in this current year's request and changing the use to a Single Sort Compactor option and eliminating the need for Baler Replacement will save on the need for personnel costs within the Operating Budget as well as regards to Capital tonight. The change to the Five-Year Plan would be a savings of \$40,000 because we would eliminate the \$40,000 appropriation in 2020.

Councilor Arris asked if we are required to pay at the other end when we do a single sort compactor. He asked if there is a cost involved in having a single sort compactor and is it a net savings or an expense? Mr. Joseph explained that operationally, he is expecting \$40,000 per year in net savings. There is a full-time employee retirement expected to happen in April and the plan is to not fill that open position so we will need to know whether this is a go or not before then. That would save us on staffing and potential benefit costs depending on whoever is hired. Operationally it will also save us because we will not need as many hauls tipping wise. This could save us a few thousand dollars in that direction. We would lose money in terms of the recycling we currently pull out of the stream and recycle ourselves to the tune of \$5,000-\$6,000 per year for cardboard, plastic, paper, etc. by replacing the balers down there. There would be a long term 20-year capital savings because we would be replacing the trash compactor and the recycling compactor instead of the trash compactor and three balers on a regular basis so there will be a savings there. Based on rough numbers he received from the Public Works Director and Town Engineer, he is thinking \$40,000 plus per year or \$800,000 plus over 20 years schedule that this would be a net difference. This is not counting the incidental benefit of possibly higher recycling rates which would be a good thing because people will not have to pull apart their recycling and they just throw it into one bucket in the compactor. He is confident the positives will outweigh the few negatives.

Councilor Arris voiced his concerns with going from three full-time employees to two with so much action going on. There is heavy equipment involved and a lot of physical stuff going on. Mr. Joseph indicated that additional part time labor will be provided on weekends and to cover vacations and sick days. Fewer areas will need to be monitored on a regular basis. For safety reasons, there will always be more than one person on site. Mr. Joseph noted that Baler #2 in FY 2018 and Baler #3 replacement in FY 2022 will go away. The \$40,000 Single Sort Compactor Project could be moved up to 2018. Ms. Maloy suggested keeping it at \$20,000 because we have the existing \$20,000 for the Baler budgeted and have not replaced.

**MOVED AND SECONDED:** Based on staff recommendations, we eliminate Item #1 under FY 2018, Baler #2 Replacement and also eliminate Item #1 under FY 2022, Baler #3 Replacement and move up the one item in FY 2020 the Single Sort Compactor

Project but put in the Manager Proposed \$20,000. (Sachs & Gleeson) **ROLL CALL VOTE:** (7 Ayes)

### **ARTICLE VI-COMPREHENSIVE TOWN IMPROVEMENTS**

Chair Tracy explained that being proposed is the U.S. Route One South Overlay-Town's Share @5% PACTS Project for \$339,500, the Curtis Road Reconstruction at \$500,000, The Concord Gully Brook Watershed Restoration for \$25,000. The Parking Lot Conversion for RVs was moved to FY 2021 and the Library Parking Lot Paving was moved to FY2020. The total for FY 2018 Comprehensive Town Improvements is proposed at \$864,500.

Councilor Arris noted he does not have a motion to put forward but wanted to bring up pervious versus impervious surfaces and the Council discussed it regarding sidewalks. He is also aware that there are pervious surfaces for roads. He would like staff to take a look at using pervious materials and evaluate it. We have a tremendous amount of asphalt everywhere and it causes runoffs. He feels the Concord Gully Brook Watershed is a direct result of impervious surface runoff, at least partially. He is looking for an environmentally sound material to do some work out there if it is possible. He has no idea about costs and would like this information.

Mr. Joseph suggested talking to the Town Engineer about pervious materials. We do have some pervious surface at Howard Place. Asphalt was used on the travel lanes but the parking stalls had pavers and pervious stone dust. There is some validity to it in certain places. Chair Tracy asked if Curtis Road reconstruction is the reason he is investigating this material or is this a general investigation over time.

Councilor Arris mentioned he is looking for information but if the Town Manager comes back and says this is half the cost and will last a long time, he would say it is a good idea and he would be willing to make a motion but at this point he would just like some information. Chair Tracy asked Mr. Joseph to work with Mr. Bliss on an investigation to test the waters. Mr. Joseph agreed to try to provide rough numbers and cost factors so that if it is more expensive, Mr. Bliss will probably be able to tell if it is 25% more expensive or what we are looking at. Chair Tracy mentioned if he could do it for Curtis Road, it would be helpful. It would be good to have it for the next meeting.

Councilor Egan pointed out that the cost increase of pervious material will depend upon the amount ordered or being used. Asphalt plants in Maine can produce it and it does have dramatic effects. UNH has a nine acre parking lot with all kinds of installations. It is dramatic when you can take a five gallon bucket of water, pour it on the parking lot and it vanishes. He saw this in January. He is aware that this was used on I-95 from the New Hampshire/Massachusetts border South for 18 miles.

### **ARTICLE VII – MUNICIPAL FACILITIES**

Chair Tracy noted she did not plan to list everything because there is quite a bit. Jessica Maloy may have some suggested changes based on prior conversations. Ms. Maloy explained that within this article, they are looking at reducing the flooring for Public Safety by \$14,000. This would bring the appropriation request to \$6,000 based upon a redefined scope of the project and the final pricing that came in. They re-evaluated the areas they would want to replace the flooring in and keeping it more toward the high traffic section.

The second item would be the LED Streetlight Conversion. They would be looking to reduce that from \$130,000 to \$120,000 based on the planning phase of the project as well as a redistribution of the cost. A portion of that will be picked up by Winslow Park as they will also be partaking in the project. This is just recognizing that. The Public Works Generator – Ms. Maloy does not have a final number on this at this

time. Mr. Gibson worked with a vendor yesterday and she knows they were looking to reduce the ampage to 40 amps which will still allow the facility to run what it needs in intervals, maybe not all at once. It will come at a reduced cost. She hopes to have the cost by the end of the week.

The final item is to move the Website Redesign that is currently in FY 2019 at \$25,000 to FY 2018 again at \$25,000. Mr. Joseph indicated that the number is good for a full website redesign but he suspects the number could be much less. He suggested leaving the full amount in and leaving it open ended so we can decide what to do. It could be in the \$10,000-\$20,000 range rather than the \$20,000-\$25,000 range.

Chair Tracy explained that the Council has received consistent feedback that the Town's website is hard to navigate. It is hard to find documents and to find out what is going on and when. The Search function is not particularly great and it is pretty antiquated. She mentioned that she and the Vice Chair have checked out neighboring websites to find a sense of what the possibilities are. They have found it pretty amazing. She feels this would have a good impact with increasing the Council's accessibility to Town residents.

Councilor Egan brought up the size of the generator and what it has to run. He would applaud the effort to reduce the size but wants to make sure that whatever we end up with will run the overhead doors, the fuel depot and whatever machinery they need because in an emergency that is the place that has to mobilize to get the crews out. Ms. Maloy indicated that this would do that but it may not power everything all at once but they will have the capability of switching to make the operations work. Councilor Sachs plans to call Mr. Gibson. She mentioned opportunity costs and we would need to have a staff person who is there, able to monitor, to switch these things so they will switch operations from one to another which in the middle of a disaster can be detrimental to the operations. She is very cautious, while she understands that politically it looks like a great idea, that to curb the efficiency of the operations during disaster operations is not something she feels is cost effective. She plans to do her homework on this and get a little more data around it but she is not sure, based on experience, that that is going to be the most efficient use of our dollars. She promised to come prepared with a motion that is fact based and ready to be presented at the next Council meeting. Chair Tracy would also want to know, particularly with respect to needing a person there, whether they would have someone there anyway for safety reasons, whether they would ever leave the facility unmanned or whether they would need an additional person as a result of needing to switch.

Councilor Arris iterated his support for Councilor Sachs' position. He does not feel the Town should skimp and say "you have to shut this off to use this and maybe this will work." He believes everything that needs to work should work all at the same time. He is not looking to save money on a generator that someone will have to fiddle around with in an emergency. We need to have some place in Town that we can be sure things are working right in an emergency. Chair Tracy encouraged individual investigation on this point and still encourage Mr. Gibson to look into the costs so the Council can do a reasonable comparison.

Councilor Anzuini brought up copiers and asked if it is possible to split to try to keep the life expectancy and replace the copiers at that point. He would like to see if we could stagger those unless we are getting breaks on the prices, etc. He also referred to the Highway Building Roof and that it has a 25-year life expectancy. Since it is 23 years old, he would like to see if the Council can push this one out. He is aware that the rush to replace the roof is because there was interest in putting a solar array on the top of it.

Ms. Maloy explained that she is looking to replace 2-3 copiers and is looking to "beef up" what she can do with some of the copiers we have. One option is to digitize all our Planning documents and we are looking to enhance the copier we have here to be able to electronically scan and save documents and save on physical storage space. She mentioned that she does stagger and she will not be replacing 3-4 but will be looking to replace two units. She estimates the Town owns eight copiers. She does not expect the

prices to change. The older copiers will be evaluated to see if they can be better served in another department. If not, they will be traded in or disposed of by the company we would contract with. Councilor Anzuini offered to leave it after getting this explanation.

Councilor Anzuini advised that the Highway Building roof is not leaking. Chair Tracy mentioned there was interest in putting a solar array on the top of it but it has been suggested that maybe the orientation of the roof might not be ideal. Mr. Joseph advised that that building is the closest thing we get to South facing. It is not perfect, it is like 20 degrees off but can be corrected for optimum but it may a bit more if it needs to be propped up and angled back. It is by far the biggest generally Southeast 20 degrees of dead South facing roofs that we have for public buildings. There are other options such as ground mounted units but in terms of a cheap roof mount, that is our best option in Town. Ms. Maloy agreed that the roof is not leaking but the shingles are aged and there is some disrepair with them. She did not have figures for repairs and offered to discuss it with Mr. Gibson. Mr. Joseph mentioned that the Council discussed in a previous discussion that December 31, 2017 is an important drop dead date for Solar Net Metering and whether or not we are going to absorb all the energy use ourselves or whether we will have any need to net meter and whether any potential Legislative changes might be on Net Metering might affect doing it this year. He will work with the Town Planner and talk with people to see if we can get that question buttoned down. If that goes away, it takes the pressure off. He wants to make sure we are not to the leaking point of the roof and there is no physical damage, but if we can get a couple more years, then he is great with that. The question is: is there a 12-31-17 deadline? It is not looking that way but we want to make 100% sure of that before pushing the roof out.

Chair Tracy noted that there are other things in play, too. It's the issue of whether we would be a Net Metering customer and frankly there are other bills in the Legislature. That sunset deadline is for full grandfathering and set by the PUC's new rule but there is new legislation before the Legislature that would potentially undo that so that may resolve the issue in of itself but we won't know that for a little while yet. She mentioned there may be some activity on the rebate fund but she doesn't know if we would ever be eligible for a rebate. Mr. Joseph advised that the tax credit is important for any power purchase agreements and things like that. We need to find what the current thought process is and how we would structure that. There had been a 12-31-17 deadline for tax credits and power purchase agreements to try to predict what is happening at the Federal Government level in regards to solar energy and environmental initiatives. Right now it might be a futile effort because that could all change 720 degrees three times before we get to the end of this year.

Councilor Egan agrees that the 12-31-17 PUC may or may not happen and he doesn't know if the Council wants to wait around until the Legislature adjourns to find out which way it will go. The opportunity for the Town to demonstrate that it is focused on renewable energy is a great opportunity to line up with doing this on a highly visible project. He would be strongly in favor of keeping the roof in this year's budget and he is not entirely convinced we would not be a Net Meter customer. Net Metering is just what you can absorb at your meter and he would be surprised that every single day we would have enough demand in that building to take everything that roof would supply. Chair Tracy pointed out that the question we need to ask is can we aggregate meters if they are all under the same ownership. It wouldn't just be the meter at the Public Works Building, etc. and she does not know the answer. Mr. Joseph agreed more research is needed and how many meters can we have on the one solar array. He offered to work with Ms. Larson in the next few weeks to determine the answers. He explained the \$75,000 cost divided by 25 years and how every time we put off replacing the roof, we save \$3,000 a year. It is not a huge number but is significant enough to talk about.

Chair Tracy pointed out that we may want to do it for a renewable energy statement but in our Goals, is it going to save energy costs for our town? It can be over the life of the installation and does not have to be right at the outset. It would behoove the Council to have this kind of analysis at a high level so we have a sense of what we are talking about. Councilor Sachs asked for confirmation on the condition of the roof.

Chair Tracy suggested a discussion with Ms. Larson. Has she considered the in-ground installations. Why are we so focused on this particular roof? Maine Beer has some on their roof but they also have some on the ground attracting the sun. Has she looked at other ways to achieve this goal?

**MOVED AND SECONDED:** To reduce the Public Safety flooring down to \$6,000, reduce the LED Streetlighting from \$130,000 to \$120,000 and move the Website Redesign from FY 2019 up to FY 2018. (Sachs & Gleeson) **ROLL CALL VOTE:** (7 Ayes)

#### **ARTICLE VIII – CABLE**

Chair Tracy explained that there are three items being proposed. Equipment and other improvements (Channel 14) for \$4,000, Conversion to HD for \$120,600 and Up-fit TV Truck for \$8,000. The Total is \$132,600 and the money comes out of franchise fees and to date have been focused on Cable expenses.

Councilor Egan noted he does not understand spending \$8,000 to up-fit the truck. He feels he needs a better explanation. Ms. Maloy explained what the old van had to allow the unit to be mobile. The new vehicle was purchased without up-fitting it to allow for the safe transport of all the equipment that is going to go into it. Racks and rails are needed to secure the equipment while being transported. Councilor Egan pointed out he was not aware there was a new vehicle that was not outfitted for its use. It makes perfect sense. He is curious as to how often we do remote broadcasting. He asked if the vehicle is used when we do live feeds. Mr. Joseph explained that they can record but they cannot broadcast live unless there is a hook-up point. Those exist at the Community Center, Town Hall and somewhere at the school. He suspects the biggest use is for town-wide events such as parades, Memorial Day Services, school events, etc.

Councilor Arris mentioned that the Manager sent him some information on the viewing audience and at some point, we are averaging fewer than 10 views a day. Some days it is 3 or 4 and some days it is even fewer than that. We are spending \$132,600 for a technological program that doesn't address much of anything. It is just out there. It gets repeated a lot and doesn't get used that much. Other than the public benefit of the public being able to see a meeting, he doesn't understand the point of spending this kind of money. It is a lot of money and he is reluctant to spend a lot of money.

Councilor Gleeson pointed out that this is the first time he can recall them asking for so much money. He is not floored by the \$132,600 request. With the amount that they are allocating, he simply looks at that as they are finally getting around to doing some much needed upgrades to the system. He does not have a problem with the number.

Councilor Sachs asked Councilor Arris if he is looking to eliminate or decrease. Councilor Arris explained that he is just bringing up the point that we are spending \$132,600 for a system that doesn't appear to provide much. He is challenging what we are getting for our money. This is for Channel 3 and 14.

Ms. Maloy explained that FY 2018 and FY 2019 those are primarily for Channel 14. In FY 2020 and FY 2021 it is for Channel 3. It is a multi-year, multi-channel split. Councilor Anzuini noted he would push the conversion to HD out and before he would proceed with the conversion, he would look at the data provided about clicks. The clicks associated with the channel are really low. He explained what a click is and how it is measured. Chair Tracy wanted to be clear on what we know about our viewership. She understands that we have no idea what our actual live viewership is. Mr. Joseph advised that she is absolutely correct. The question is: are people watching these channels? Are they watching the educational school programming, are they watching the Council and Planning Board broadcasts? Are they watching it live or when it is repeated 17,000 times over the next week. We don't know that. Mr. Joseph advised that we have requested that information from Comcast. They are not under any obligation to provide that and they typically do not provide viewership information on their channels. Rick Simard has contacted the Government Services liaison by phone or e-mail. Mr. Joseph will find out if he ever reached anyone. Councilor Arris would prefer to have the Town Manager make the request. Mr. Joseph mentioned that he has been informed by John Goran that the Cable company does not share this information. They say it is proprietary and never give it out to towns or cities.

Councilor Gleeson asked what the Council is looking to do as far as the end result. He feels one advantage that Cable does provide is that we have a video documentation of every meeting that we ever had and many of us have gone back for review, especially preparing for meetings. He does not believe anyone tonight would agree that we should be discontinuing that part of it. He feels these upgrades are necessary for the very least to be recording a video document. When he first joined this Council, we were all about being transparent and it is dangerous to all of a sudden, lights out. We have to be careful about what we are asking here. If there is a franchise agreement, is Comcast charging us to broadcast it live. He is unwilling to entertain not having these televised or recorded.

Chair Tracy mentioned that her understanding is it wouldn't be a scenario where we wouldn't be recording them. It is just a question whether we would be doing it in HD. On our cable, we have non-HD channels and then we have HD channels. Councilor Gleeson noted he feels we need to do these upgrades. He wants our meetings televised and wants quality transmissions. If someone is proposing a motion, he will be a "no". Councilor Tracy agrees with Councilor Arris that it is a lot of money and has been dissatisfied with the quality of programming. If it is the case that the quality of programming is not high and we have a very small population of people watching these channels, and we could use the money elsewhere such as paving another road or putting up a solar array and have a bigger bang for the buck, she is open to considering if this is a good use of our money. She would want to know that at some point, there is going to be a switch whereby if you don't have HD equipment, you are lights out. She does not know when Analog is moving away. Ms. Maloy advised that HD pricing has come down and at some point the Analog signal will become obsolete. She cautioned that if we don't start converting now and we look over the next five years, we will be looking at \$300,000 that we will have to hit all at once instead of over the next five years if we are not prepared to spread it out. She is not certain it will be in the next five years, it may be in the next year. Mr. Joseph explained that he can find this out.

Councilor Anzuini suggested moving the conversion until we get information that confirms there is a value to Freeport residents by spending this kind of money because he feels the Council could spend it on other things. Councilor Arris would not entertain the idea of not televising or recording public meetings. He would like to take this train of thought a little further going from analog to HD to actually wireless because there is sentiment that wireless is the way to go and Cable is by the boards. Technology is a mutating thing and the idea that we could go right to Internet through wireless for public meetings is in the not too distant future. Right now we are getting rid of Analog because HD is the technology but it is coming against wireless pretty fast. He is just looking to be efficient in doing this.

Councilor Sachs requested that Rick Simard attend our April 4 meeting. She noticed that Mr. Goran had questions for Mr. Simard at our last meeting which were not yet answered. Having answers to these questions would be helpful at the next meeting. Mr. Joseph noted he has the questions written down and Mr. Simard will be provided them in advance. Chair Tracy feels it would be helpful to know what the plan is for upgrading the programming in the future. If we are going to put this much investment into Cable, do we have the other resources to improve viewer experience? Will that be a wholly different expenditure where we will need another staff person? What is the deal? Councilor Sachs would like to know when the Cable Board met. Councilor Anzuini noted they met in 2012 and he went on the Board after the contract was signed. Councilor Sachs suggested that it may be time to relook at the mission of that particular committee rather than having philosophical discussions at the Council level regarding this sort of thing when the Council is dealing with the budget. Chair Tracy suggested not doing anything at this moment but gather information for the next meeting. Mr. Joseph suggested making it clear that these things are all being considered and we need to provide adequate evidence to either refute or support them.

#### **ARTICLE IX – Boards, Committees, Community Groups and Other Requests**

Chair Tracy noted there are no requests for FY 2018. Councilor Sachs mentioned receiving a memo from the Conservation Commission regarding their Draft Budget. She asked Mr. Joseph if this submission when they gave it to him, intended to be added to the Boards, Committee article. These seem to be Capital Improvements. Ms. Maloy explained that a portion of the match is being used out of last year's Capital appropriation to complete that funding and the remaining necessary match will be reflected in the Operating Budget. Mr. Joseph noted they are requesting \$4,800 but they are actually going to need \$2,800 so that \$7,800 amount would actually be \$5,800. To be clear, he noted that he received this on Thursday. Councilor Sachs advised that the Council should expect to see the summation of this memo but actually for \$2,800 less in their Operating Budget.

Chair Tracy asked if people know the Council is well through its budget cycle. Mr. Joseph mentioned that he has talked with all of the committees. Sustainability will end up in the Operating Budget.

#### **ARTICLE X – DESTINATION TIF VILLAGE IMPROVEMENT**

Chair Tracy explained that there are three Sidewalk Improvements, one Sidewalk Ramp Detectable Panel Replacement and FEDC. She asked Ms. Maloy if she had any proposed amendments. Ms. Maloy indicated there is one proposed staff amendment to move the allocation for the sidewalk construction - Snow Road to Main Street on Elm Street of \$140,000 to FY 2019. Mr. Joseph noted there is strong community interest to move this up. There has been feedback from the neighborhood and the Active Living Committee but there has also been a push to do it this year. Public Works asked that it be scheduled in 2019 and they can actually get it done in 2019. Regardless of whether we do it in-house or sub it out, we have one engineer and one superintendent to do all the inspection and site visits ,etc. during construction projects. We have South Freeport Road, Curtis Road, Village Roads in South Freeport, Route One South and Sidewalk projects already scheduled in 2018. The Snow Road to the School is already slated to be done this year.

Councilor Gleeson mentioned that the residents are anticipating for very large increases in traffic with the new Track and while he would like to see this done in 2018, he gets that it is a staffing issue and may be too aggressive. Since we are going to have that sidewalk going to Elm, there will be a situation where people will be using that sidewalk and essentially will be walking on a much more travelled road at

certain times of the day and there is no sidewalk on that entire stretch. That neighborhood has been asked to absorb a lot with what is going on and by moving it up, he is supportive of it.

Councilor Sachs has concerns for safety with having it half completed, people are going to be using that. It is already heavily travelled. Mr. Joseph explained the route for people to walk to the Track and Field from Main Street. It is a neighborhood want because the people from Elm Street and off of Elm Street still have to walk either up to Main Street on the road or down to Justin's Way on the road or up to Holbrook on the road. Councilor Gleeson noted that Active Living has identified the whole area as an area that will be a transit area. It makes total sense to get the whole project done while we are doing it with the bond. Mr. Joseph advised that there are no cost savings to do it one way or another for us. The factor is just work load in terms of road projects this summer and we have hold over road projects from last year already that are going to be finished starting this spring in the next three or four weeks.

Chair Tracy asked if it were the Council's will to move it up, what would have to moved down to allow the Snow Road accomplished in the time frame in which it is assigned. Mr. Joseph offered to get recommendations from Public Works to see what is comparable. He explained what the Engineer would have to look at. Chair Tracy agreed that Mr. Joseph should ask the questions. It would come from TIF funds. Chair Tracy suggested taking a straw poll vote on: Would you support moving the Snow Road to Main Street on Elm Street Sidewalk Construction which is currently slated as Item #1 from FY 2022 to FY 2019? (**STRAW VOTE:** (7 Ayes). Mr. Joseph noted there is sentiment on the Council to move it to 2018 if it can be done. Ms. Maloy indicated that FY 2019 encompasses part of 2018. That project could still fall within the fall of 2018 and they are not suggesting a June 30, 2019 proposal. It could be a July 1, 2018 proposal

Councilor Arris wanted to return to sidewalks and wanted to discuss pervious versus impervious surfaces and determine what kind of prices we can get on that and what kind of maintenance. He feels anything we can do to get more durable material that is pervious would be good when we talk about actual construction.

---

**MOVED AND SECONDED:** To adjourn at 10:10 p.m. (Sachs & Egan)  
**VOTE:** (7 Ayes)

---

Respectfully submitted,

Sharon Coffin  
Council Secretary



**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #07-17**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY APRIL 4, 2017**  
**REGULAR MEETING CONVENED AT 6:56 p.m. AFTER COUNCIL WORKSHOP**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
Peter Anzuini, 87 South Freeport Road	x		
John Egan, 38 Curtis Road	x		
Leland Arris, 70 Glenview Road	x		
Scott Gleeson, 23 Park Street	x		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 2 Pettingill Road	arrived @ 8:22 p.m.		

Vice Chair Sachs called the meeting to order at 6:56 p.m. and took the roll. She noted that Chair Tracy would be arriving later.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #06-17 held on March 21, 2017 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #06-17 held on March 21, 2017 and to accept the minutes as printed. (Gleeson & Arris) **VOTE:** (6 Ayes) (1 Excused-Tracy)

**THIRD ORDER OF BUSINESS:** Announcements

Vice Chair Sachs announced:

- **FREEPORT DAY at the NORDICA THEATRE!** Wednesday, April 26th. Residents of Freeport are welcome to view a movie absolutely **free!** Donations for Project Graduation will be collected. *Proof of residency is required.*
- **The Freeport Elders Association** which is located at the Freeport Community Center, 53 Depot Street wanted to let residents know that they have revamped their website. They invite you to go see: Freeporteldersmaine.weebly.com. If you would like more information or would like to stop by, they are usually there from 8 a.m.-2 p.m Monday thru Friday. Their phone number is 865-3985, Extension 219 and they would love to see you there.
- **Please Note that the April 25<sup>th</sup> District Workshop with the Town Council will be for Districts 3 & 4.** The Workshop will take place at 6:30 p.m. at the Freeport Community Center. The Regular Town Council Meeting will follow the workshop.

**FOURTH ORDER OF BUSINESS:** Information Exchange

- Vice Chair Sachs noted that the Annual Orientation for Board and Committee Chairs and Vice Chairs is scheduled on April 26<sup>th</sup>, 2017 from 6 -7:15 p.m. in the Town Council Chambers. Topics to be covered include the Freedom of Access Act, the Public Notice & Meeting Process and administrative duties of Committee Chairs and staff persons. All Board and Committee members are encouraged to attend this session.

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

Mr. Joseph reported the following:

**Welcome to new Public Works Department Employee**

The Town is happy to welcome Alan Walsh of Brunswick as a new employee of the Public Works Department. Alan was hired as an equipment operator/plow driver. He most recently worked as a plow operator on I-295 with the Maine Department of Transportation, and plowed the Freeport to Portland stretch of the highway. Alan thought he had the summer to learn Freeport's local plow routes, but Mother Nature had other ideas this year. Welcome aboard, Alan!

**Codes Enforcement Officer's Pending Retirement**

Codes Enforcement Officer Fred Reeder has announced that his last day of work before retirement will be May 4<sup>th</sup>, 2017. Over his nearly 31 years of employment with the Town of Freeport, Fred has witnessed many changes as he performed the inspections on the majority of construction that occurred over these years. Please join me in congratulating Fred over the next month if you see him around Town.

We are currently in the process of reviewing candidates for Fred's replacement. I hope to have a recommendation for appointment for the Town Council's consideration at either the April 25<sup>th</sup> or May 2<sup>nd</sup> Council meeting.

**It's Spring! (maybe?)**

Even though 3 of the last 5 days have seen precipitation in the solid form here in the beautiful summer paradise of coastal Maine, our Public Works Department is preparing for spring! We are expecting a flurry of activity over the next few weeks, including street sweeping beginning next week, and street painting to begin the week after. We currently expect to lift road postings on April 14<sup>th</sup>, unless the current forecast flakes out on us. As always, please check with the Public Works Department at 865-4461 for an up-to-date report on road postings and requirements.

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

**MOVED AND SECONDED:** To open the Public Comment Period. (Gleeson & Egan)

**VOTE:** (6 Ayes) (1 Excused-Tracy)

There were no public comments provided.

**MOVED AND SECONDED:** To close the Public Comment Period. (Gleeson & Egan)

**VOTE:** (6 Ayes) (1 Excused-Tracy)

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

ITEM #26-17 To consider action relative to adopting the April 04, 2017 Consent Agenda.

**BE IT ORDERED:** That the April 4, 2017 Consent Agenda be adopted. (Rixon & Gleeson)

Vice Chair Sachs explained the item on the Consent Agenda. There were no questions raised.

**VOTE:** (6 Ayes) (1 Excused-Tracy)

---

ITEM #27-17 To consider action relative to approving a Special Amusement Permit. PUBLIC HEARING.

**MOVED AND SECONDED:** To open the Public Hearing. (Gleeson & Egan)

**VOTE:** (6 Ayes) (1 Excused-Tracy)

Vice Chair Sachs noted this is an application for Maine Craft Distilling at 7 Mill Street. No public comments were provided.

**MOVED AND SECONDED:** To close the Public Hearing. (Gleeson & Egan)

**VOTE:** (6 Ayes) (1 Excused-Tracy)

**BE IT ORDERED:** That a Special Amusement Permit application for the Maine Craft Distilling, 7 Mill Street, Freeport be approved. (Gleeson & Rixon) **VOTE:** (6 Ayes) (1 Excused-Tracy)

---

ITEM #28-17 To consider action relative to the proposed Capital Program for FY2018. PUBLIC HEARING.

**MOVED AND SECONDED:** To open the Public Hearing. (Anzuini & Gleeson)

**VOTE:** (6 Ayes) (1 Excused-Tracy)

Suki Rice of 51 Hunter Road and a member of the Sustainability Committee explained that the Town Planner is away this evening and provided the Council with financial information regarding LED Street Lights. Freeport's street lights are currently halogen and incandescent leased from CMP at a fixed rate on an average of \$13/month for each light (\$156/year) for the life of the light. This means over a ten- year period, each street light is costing the Town \$1,560 just to lease and maintain it. The Town never owns it. This amounts to \$1,560 over ten years.

The cost to purchase an LED Street Light is approximately \$458 per light. These lights have been approved by the PUC for town use. Freeport would own rather than lease the lights and would pay CMP only for the electricity they use. The Committee recommends that Freeport join Rockland, Falmouth and South Portland in making the switch to LEDs, using Realterm as the general contractor to make a bulk purchase for our conversion.

There are 215 street lights in Freeport, with 5 new ones. 220 lights @ \$458 = \$101,800. CMP will charge a \$35,600 buy-out fee to take back all the current light fixtures and do the installation of the LEDs so the Total Cost would be \$137,400. Donna Larson has \$8,000 reserved and not yet used in her current budget for professional services and is willing to put that amount toward the purchase of the lights, if the Town Council wishes. That would reduce the total bill to \$129,400.

Freeport currently pays CMP for the lease: 215 lights @ \$13/month = \$2,837/month or \$29,040/year. Add to that the electric bill for 2016 which was \$14,960 making the total \$44,000 per year. Thus, Freeport currently pays CMP a total of \$44,000 per year for both the street light rental and electricity.

RealTerm estimates that the electricity cost for 220 LED street lights will be \$6,419 and maintenance of these would be \$1,776 making a total annual cost of \$8,195 instead of \$44,000. This is 18% of our current cost, a savings of \$35,700 per year to put into another green energy project provided there are no unforeseen rate changes.

#### Timeline

April	RealTerm needs to know if Freeport is on board for them to include Freeport in their RFP to manufacturers.
July/August	The actual order gets placed.
October	Installation by RealTerm of the new lights. RealTerm would be the General Contractor to coordinate with the Town Planners, Installers, FAQ, coordinating all the work with CMP, etc.

Councilor Egan asked Ms. Rice to verify that we will not incur a rate change because we have changed our ownership structure which would impact the \$14,000 utility cost. Councilor Anzuini mentioned that he read that CMP will pass on a fee to towns for installing a fuse to turn on the LEDs. The pay-back period has gone up as opposed to using the standard calculation. Ms. Rice mentioned that in this case, the \$35,000 might have another fee added to it along with any other hidden charges that they may come up with. Mr. Joseph offered to check into this and noted that only a CMP Linesman can install those fuses.

Ms. Rice noted that the Sustainability Committee recommends moving forward with the LED Light Conversion for the FY '17-18.

Councilor Sachs noted that the Council will look for Ms. Larson on April 25 and would like her to provide any memos or information on additional costs. The Council has allocated in this year's Capital Program \$130,000 so it will be very helpful. She requested that Ms. Rice provide the information to the Town Manager so he can put it on the Town's website for folks knowing that this is preliminary numbers. Ms. Rice pointed out that this is a big carbon footprint change for the Town. Vice Chair Sachs thanked her for providing this information this evening.

Andy Spaulding of 59 South Street, Chair of the Active Living Committee noted he wanted to advocate for the Sidewalk Construction-Snow Road to Main Street on Elm Street that is proposed in 2022. He asked the Council to consider ramping the timeframe up. Councilor Gleeson advised that at the last meeting the Council discussed the importance of this sidewalk and agreed to move it up to 2019, knowing that it could be July of 2019, not necessarily a full year out. Vice Chair Sachs noted the Council discussed the Public Works schedule and this appears to be the earliest they can squeeze it in, knowing it is a priority for the whole community, Active Living as well as the Council. Mr. Spaulding explained that the Committee has made it a high priority to work on safe routes to schools and they are exploring ways they are able to improve the corridor between the Middle School and High School as well as this corridor Elm Street coming from Mast Landing, Bow Street Market and Leon Gorman Park. It is on their focus in fulfilling the work that the Active Living Task Force did in trying to improve safe routes for pedestrians, bikers and children as they move from school to home or vice versa. With the track being passed, it is a safety component to the entire neighborhood to have a sidewalk.

Mr. Joseph pointed out for clarification that in talking about FY 2019, which would be calendar year 2018, our Town Engineer will be talking about an option to do that in the next fiscal year when the Council gets to the discussion part.

Rod Regier of South Street mentioned that he is in favor of endorsing the budget line for the Watershed Restoration for the Carter Gully Brook. He hopes that if this goes forward, the Town Manager or the Town Engineer is able to open the possibility of having a long-term relationship with whomever is the advisor for this because there is a real advantage to having some kind of institutional memory which has disappeared with this project. Five years ago he was appointed by the Council to be a Citizen Member of a group that led to the Watershed Management Plan. The Plan was funded by the U.S. EPA and funneled through Maine DEP which supervised it, contracted and was written for the Town of Freeport by the Cumberland County Soil and Water Conservation District. It was a complicated three-year project. Mr. Regier explained the personnel involved and that now two years after completion, there is practically no one down there who was involved with this project. This is not any criticism of the ability of people. They were perfectly fine. He wonders how many times we have to start at go over and over again. He is hoping as this goes forward, it is possible to get some kind of permanence in the information for this.

He referred to salt and there are a lot of mechanical proposals that have been made for the stream restoration but the guerilla in the room is salt. There is no point to starting to point fingers. Society is all of us. For 60 years, we, the public have been spreading salt in the roads and there was a salt pile on West Street. There was an MDOT salt pile in the location where Shaw's is located now. We have businesses in salt spreading salt that is used as a grit. The toxic levels of salt are basically twice what is lethal for invertebrates. There is a lot to do but somehow along the way, we have to deal with salt. The solution will probably involve best practices and control over liability for whoever is involved. These are just parts of discussions going forward. He hopes funding will continue to advance this project.

Kathleen Meade from Guptil Avenue would like to see the Sidewalk Construction-Snow Road to Main Street on Elm Street pushed up to this summer when the other sidewalks are being put in the neighborhood. She pointed out the dangerous intersection and streets. There are lots of kids, walkers, dogs, disabled people and tourists walking there all the time. With the Track and Field being put in, the neighborhood will take more of a hit. She realizes it is hard but would like to see the sidewalk constructed this summer. If this cannot be done, she suggested at least striping the street.

John Lowe of North Freeport endorsed the Elm Street Sidewalk. He encouraged the Council to provide the money being requested by the Cable Department. He noted that the money comes from franchise fees and does not come from tax dollars. He does not want this franchise money used for anything other than cable. He would welcome HD. He would like to see more collaboration between the Town and the School entities to improve programming. He would even like to see more money added. He would like to see the Town's website improved. Vice Chair Sachs explained that there is a website design allocation in the budget.

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

---

ITEM # 29-17                      To consider action relative to amending the Council Meeting Schedule for 2017.

**BE IT ORDERED:** That the Council Schedule be amended as presented (Note: District 1 & 4 workshops swap dates).(Arris & Gleeson)

Vice Chair Sachs explained that on April 25 we will have a District 3 and 4 Workshop at the Community Center at 53 Depot Street that will start at 6:30 p.m. The Council's regular meeting will follow. On September 19, District 1 and 2 will workshop with the Council at the Community Center at 6:30 p.m.

Councilor Arris pointed out that the change is affecting District 4 and he wanted to remind the public as well as the Council that last year District 4 had no representation at the public hearing. It would be nice to have constituents come and speak. We are setting the schedule and using everyone's time to have a public hearing to bring their issues.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Tracy)

---

**OTHER BUSINESS:**

Vice Chair Sachs suggested taking up the Capital Program discussion since there are still members of the public in attendance who might like to make comments and take up the Marijuana regulations discussion when Chair Tracy is present. Councilors agreed to this suggestion.

1. Continuing Council discussion on capital program.

Vice Chair Sachs mentioned that at the last meeting the Council requested information on the Backhoe, the Generator, Cable TV and Single Sort Baler. Councilor Anzuini mentioned he would like to discuss the Public Works Roof.

Councilor Egan suggested discussing the Elm Street Sidewalk construction. Mr. Joseph explained that there are two options. We can push the Curtis Road project off to the next year which would allow us to do the sidewalk construction project in house with Public Works labor in addition to the South Freeport projects that are scheduled to wrap up this year. The second option may be more agreeable to the public and members of the Council but it will be the more expensive option to bid out the project which Mr. Bliss estimates will be a 25% premium over doing it in-house. It would add \$53,000 to the total cost of the project. Councilor Arris inquired about Mr. Bliss' research on pervious asphalt. Mr. Bliss' recommendation would not use porous asphalt for the sidewalk. The cost would be greater than the benefit. He feels it would be a greater benefit to use porous asphalt in a parking lot. Councilor Arris explained that anything we can do to address runoff is pretty much why he has been pushing this issue. He feels the more we can do where the whole surface of the town becomes natural, would benefit our streams, bodies of water and the Harraseeket River. Mr. Bliss agreed that we should infiltrate as much run-off into the ground as opposed to surface run-off as possible. It is good for groundwater recharge, it is good through natural filtration through the soil media. He read a recommendation concerning the porous asphalt question into the public record. He encouraged the Council to evaluate the water shed holistically recognizing that contributing problems come from run-off across both private properties and public rights-of-way which discharge into the public storm sewer system. He mentioned that CCSWCD is looking for a champion to go in that same direction as an example of holistic. He volunteered to be the champion since it fits very well with his background and his career aspirations. He feels a nice legacy to leave behind when he retires is to restore our two impaired urban streams.

Vice Chair Sachs clarified that Mr. Bliss feels the Snow Road sidewalk would not be an appropriate candidate for porous material. She asked for his recommendation for movement of certain projects based on capacity and scope.

Councilor Gleeson noted that if Mr. Bliss feels we can do both successfully as a town, he would agree with his recommendation. We wouldn't have to bump Curtis Road but we would be bidding out the Elm Street Sidewalk work. The cost difference would add \$53,000 if it were moved up. Mr. Bliss noted that if this is moved up, it could be completed by the Fall of 2017 but it has not been designed or bid out yet. The best time to put projects out to bid is in March or April. It puts pressure on him to get a survey done, create a design and put a bid project together. Vice Chair Sachs mentioned it is very important to the

community but she does not want to rush it and she is not sure the cost benefit for six months is worth \$53,000. She would like a thoughtful, not rushed, viable plan for that neighborhood and this project.

Mr. Bliss explained that Alternative 3 would be to continue with construction of the sidewalk on Snow Road that is from the high school to Justin's Way and wrapping around Justin's Way into the existing Justin's Way sidewalk and continuing from that intersection to Elm Street which was originally planned for this year. The portion on Elm Street would be completed the summer of 2018. This is already in the plan.

Vice Chair Sachs would reluctantly lean towards pushing it up from 2022 to where the Council had it for next year because the cost benefit of \$53,000 with capacity and time makes her pause. This is a balance around the resources both physical and fiscal and the concerns of the neighborhood.

Councilor Egan believes the Council should find a way to find the \$53,000 elsewhere and get this done while the work is underway. The neighborhood would have to go through two construction events, one this summer and one next summer. Mr. Bliss recommended including some additional funds and round it up to \$60,000 and have a consultant do the design. He can prepare the bid package and manage the project. Ms. Maloy explained that in the Capital Plan we are projecting available funds of \$432,000 as of 7/1/17 out of Destination TIF Funds. She mentioned that in FY 2018 there are the standard brick repairs, sidewalk improvements, Sidewalk Ramp Detectable Panel Replacements and FEDC for a total cost of \$198,000. The \$432,000 is net of what we are projecting for those items and if we were to add in the Elm Street Sidewalk which is currently \$140,000. We are talking about the available funds dropping to \$290,000 and if we add another \$60,000, we are talking available funds of \$230,000 above and beyond those allocations. Money goes into Destination TIF every year.

Councilor Arris would prefer to do it as quickly as possible. To make his decision he asked what is the difference in cost. He asked if doing it in the fall would cost the Town \$60,000 more than it would be in the spring. Vice Chair Sachs advised that our Public Works staff would not be doing it, we would be contracting it out and we would be having someone else design it. Councilor Arris feels it would be difficult to spend the extra money because we don't want to wait 8-9 months. It is hard for him to justify that.

Earl Gibson mentioned that it is in the place holder but it would have to be approved by the Council next year before they would be allowed to spend that money. The Council would be looking at July 2018 before that project would get started. The Capital Budget for 2018/2019 will not be approved until June of next year so they cannot touch that money until it is approved. He estimated that the sidewalk from Elm Street to Snow could be completed in a year. He explained that the snow needs to stop and he needs to get started on his summer construction projects.

Vice Chair Sachs asked about Alternate #1, exchanging Curtis Road for the Elms Street. There was no support for this alternative. She suggested a straw poll.

Move this project with the recommendations of Mr. Bliss up to this capital year with an additional cost of \$53,000 or \$60,000. She explained the choices: leave it where it is. I would like to move it to this capital year with additional funding. I would like to move it and not fund it.

Councilor Rixon indicated he wanted to give it more thought but he is leaning toward moving it sooner. Councilor Egan would move it to FY 2018 and allocate the \$60,000. It is a safety issue. Councilor Gleeson agreed with Councilor Egan but doesn't take lightly spending \$60,000. Councilor Anzuini understands the pressure around the Track & Field construction. We have money in the TIF so he would support this.

Councilor Arris feels it is not a simple process but there is a safety issue. Doesn't feel it is a danger to leave it until next year. Feels we should stick with our plan and keep it at 2018. Vice Chair Sachs would be willing to move it up and spend the TIF Funds.

Vice Chair Sachs explained that with the recommendations of the straw poll, the Council will move it up to the next fiscal year and will include it in the adoption piece on the 25<sup>th</sup>.

**NOTE:** Chair Tracy arrived at 8:22 p.m.

Mr. Gibson provided information on the backhoe. He is worried that the valves are worn. He is not comfortable taking a chance that he can get another year out of it.

Vice Chair Sachs appreciated the thoroughness of Mr. Gibson's information. She will support this item in the Capital Plan.

Mr. Gibson noted that the first presentation mentioned a 100 watt generator and this was a misprint. He is in need of a 65 watt generator. He was advised that a 65 watt generator will run his whole facility and leave a 10% room. Since the last meeting, he called a couple of suppliers and they came out and went through the building and determined that at peak load a 45 watt generator will run that building but it will not run the lights in the salt shed and the sand shed. He would be comfortable with the 45 watt generator with an automatic switch. He will not lose anything in the building. It will even run the bus heaters.

Vice Chair asked if Mr. Gibson will be needing the lights in the sand shed. She does not want to compromise because we are deciding to spend \$15,000 less and Mr. Gibson needs to get that sand out for public safety. She is concerned that Mr. Gibson is trying to not move forward with what he needs for public safety. Mr. Gibson advised that he would like to be able to run the whole facility with a generator but he is taking into consideration the amount of tax payer money they spend and the lights in the sand shed to him that he would like to make up, but he is talking about \$10,000 in savings. Vice Chair Sachs noted the risk of not having it is her concern. She disclosed that her family does disaster relief operations and she does worry about that. Mr. Gibson agreed with her and recalled an accident that caused him to lose power but noted that this would be a decision for the Council.

Councilor Anzuini mentioned the point of a generator is really to continue operations when they are down and having the panel that turns on automatically is nice because you never have to worry about turning off the electric power switch before turning on the generator. While he supports the generator, he does not support having things that are really not for an emergency status. The original number was \$57,500 and now it is \$47,000 and saving \$10,000 is a good thing. Mr. Gibson advised that these are Natural Gas Generators and the price of \$47,000 is for the 45 watt generator. The life expectancy of the generator is 20 years.

Ms. Maloy explained that Suki Rice noted the LED street light conversion is \$130,000 but a \$10,000 portion of that was allocated to Winslow Park which would also be taking part in this program.

Councilor Gleeson referred to the generator and noted that \$10,000 amortized over 20 years should be considered to light up everything Mr. Gibson would want without sacrificing a thing over a major storm. He wanted other Councilors to give this some consideration. Mr. Gibson agrees it would pay off to have the salt and sand sheds lit up during an emergency situation. He provided an example of storms that come in and put them at a disadvantage. He also pointed out that \$7,500 has already been appropriated for a switch a couple of years ago that was not spent so he would be asking for an additional \$2,500 for the bigger generator. Mr. Joseph asked if we need DEP and EPA licensing for a generation facility of 65 watt size. Mr. Bliss did not know but offered to advise Mr. Joseph tomorrow morning. Mr. Gibson was told by the vendor that it would not trigger that.



Ms. Maloy verified that \$7,500 was allocated but not spent for the generator. Chair Tracy took a straw poll vote and asked who would support a 65 watt generator at a cost of \$57,500 or a 45 watt generator at a cost of \$47,000 minus \$7,500.

Councilor Rixon - would support a 65 watt generator

Councilor Egan - would support a 45 watt generator

Vice Chair Sachs – would support a 65 watt generator

Councilor Gleeson – would support a 65 watt generator

Councilor Anzuini – would support a 45 watt generator

Councilor Arris – would support a 65 watt generator

Chair Tracy – would support a 65 watt generator

**MOVED AND SECONDED:** To reduce the \$57,500 item by \$7,500 to reflect that we already have appropriated \$7,500 towards the generator, making a total of \$50,000.  
(Tracy & Gleeson) **VOTE:** (5 Ayes) (2 Nays-Egan & Anzuini)

**Public Works Roof -** Chair Tracy explained that it is a \$75,000 item to replace the roof and part of the reason for replacing the roof at this time is that the Town is interested in having a solar array on it and it needs to be replaced before we can do that. Discussion has taken place on whether we can get more life out of it and what is the expected life of the roof. She asked Mr. Gibson for his take.

Mr. Gibson explained that the roof has reached its expected life. While it is not leaking, the only reason we moved it up is because of the solar panels. If we were not going to add the solar panels, he would not recommend replacing the roof right now. He feels we can get some more life out of it. One important reason is that within a year or two, the sand shed is going to need to be roofed. It is the same color as the Public Works Building and if we do both projects at the same time, we would get a better price. There are a few shingles that need to be repaired in a small section but he does not see any deterioration. The shingle repair is being done. He mentioned that the rating on the shingles was for 20 years.

Mr. Joseph advised that he has done some research on the solar questions asked. He distributed the information to the Council which he worked on today with the Town Planner and discussion followed. He pointed out that the overall payback is still in the 18-year range but the Town is only on the hook for 11 years of that and the up-front cost is much less so there is no real reason to worry about PPA versus straight ownership in terms of the cost analysis. Mr. Joseph feels they are very similar. The large scale proposal for the Public Works Garage would have been net metered. There would be several meters there divided up for whatever buildings they would be assigned to. He does not have a good recommendation on this part. There is a grandfathered date of the end of this year for the current net metering rules so any installation done before December 31 gets grandfathered for 15 years under the current net metering rules. After January 1 or later, there is a reduction in the net metering credit and we would not be guaranteed that lock-in but the problem is that the net metering rules are fluid so there could be legislation or PUC rulings over the next year, three or five years that are going to change the way the system is so it is hard to compare something we know as a known quantity now to something we have no idea what it will look like one to five years. It could be a better deal in the future or be just as good or it could be a terrible deal in the future if we wait. We know that without a strong net metering benefit, it encourages smaller projects that are distributed on the building that they actually serve and you don't build them so that your credits from net metering, essentially selling the electricity to the grid, are your primary purpose. You design a smaller system that is at the baseline for the use in that building so you are crediting or selling very little, if any, power back into the grid. It is slightly more expensive to do a smaller system like that. We do have a candidate which would be the Public Works roof for a smaller system like that. The Solid Waste roof would also be a candidate for a smaller system as well. The down side is that we might finance that and it might be in the \$10,000-\$20,000 range for an array like that but it is significantly less

putting individual distributing systems out there than putting one giant system in terms of a \$200,000 or \$300,000 kind of up front capital investment. Discussion followed.

Chair Tracy asked if we were to do a larger panel along the lines of an 85 kilowatt array, how much would we be using versus available for net metering credits. As a general order of magnitude, are we using 50% of the production, are we using almost all of it or do we pass back some of it? Mr. Joseph offered to get this information.

One of the considerations, Chair Tracy mentioned is that if we don't do it this year, the net metering grandfathering rules change and she is trying to value from an economic perspective what that means. She understands that if we lose net metering, anything we don't use at the Public Works Garage can't be credited to another meter. Mr. Joseph noted we would look at our highest nine meters and that large scale design would do about 100 kilowatt hours so the rated life span would be about 103 kilowatt hours per year so we would need to know what our highest nine meters are and if we can use that. Councilor Egan was not sure about the electronics that would be necessary to capture and hold all of the generation on any particular sunny day to have it feed the load that would be in that building. If there is a battery that is attached, it would make sense. Mr. Joseph explained to get the baseline use from an array, if it is a 10 kilowatt array on the building instead of a 80 kilowatt array, anytime the sun was out would be what the minimum you are using is so Donna said they would size about 90% of your expected baseline so that you don't end up giving free power back to the grid. Councilor Egan mentioned that the benefit of the net metering is that you are using the grid as your battery storage. Chair Tracy pointed out that if we do it this year, we get full grandfathering so we have net metering for 15 years. If we do it next year, it is a lesser period of time and the rate goes down. Part of this is for reduction in electricity costs. We have not done the analysis and the Council has to decide if it is interested in doing it. Councilor Egan noted the benefit of having a 3<sup>rd</sup> party owner is that there are no capital costs to the town up front and under the current rules available in 2017, it is still an attractive investment for a 3<sup>rd</sup> party owner to own that array and sell the power to the town. Certainly, federal tax changes could occur in subsequent years which may or may not diminish those investment advantages or eliminate the opportunity for us to have a 3<sup>rd</sup> party owner or dramatically change the economics of it.

Vice Chair Sachs advised that when the Council looked at the option three years ago, there was no 3<sup>rd</sup> party willing to do that. She asked if the market changed. Councilor Egan advised that it is a very common structure in Maine even without the incentives. He mentioned that the incentive climate for renewable energy investment in Maine is so thin, that if we were to try to hold back the REC, we would terminate any opportunity for an investor to buy the model. That is the only incentive beyond the federal and the depreciation is the potential sale of REC. They are much more significantly diminished in Maine than other New England states but they still have a value but we would be yielding those REC for the first six years while someone else owns it. The next 25 years after that we have free solar energy on the roof of our building. Chair Tracy advised that for the first six years, we would not have to yield them, we could purchase them so there are options. Her point is if we are going to do this, we also have to figure out whether we are just doing it to get fixed power rates and we know what we want but if we are doing it to "green" ourselves and have solar energy, particularly for the first six years, we can't represent that unless we actually buy REC to go with the units of power coming out of the solar. Councilor Egan explained that REC stands for Renewable Energy Credit. Chair Tracy noted that if the Council wants it to be "green", it would change the economic price tag per unit that we would be buying in the first six years.

Chair Tracy asked if there is an appetite for exploring the purchase of the roof for the purpose of setting up a solar array this year. Mr. Gibson believes there is some life left in the roof so the incentive for replacing the roof this year is so we can get a solar array up there and installed by the end of this year. The reason for doing it is that it is consistent with our goals and it might be that the net metering grandfathering rules change by the end of this year. She asked Councilors to give her a directional sign as to where they are at and what additional information they need.

Vice Chair Sachs mentioned the Highway Building Roof is currently at \$75,000 and she asked whether to keep it here but under the testimony of Mr. Gibson, it could be moved down to 2020-2021. Her question is where it is reflected because we have not priced out whatever that solar thing would be and how would it be funded if we tried to do it this year. Chair Tracy explained that if it is under the ownership model, we would have to price it out. If it is under the PPA scenario, they buy it and install it. We don't have an up-front capital cost for that. Mr. Joseph indicated that we would need to know. In the PPA, we would know what the cost will be in seven years if we want to plan for it but we would not be obligated to it. Vice Chair Sachs noted that the point is to have the roof done this year because we are also anticipating some decisions regarding the solar. She asked when those decisions would have to be made and when would it come back to the Council. Mr. Joseph advised that it could be after the budget but not much longer after July 1. It would have to be in the summer to early fall if we are going to get the project going. He would not suggest the ownership model of a large scale array. The ownership model makes sense on small scale arrays. If you are talking about a \$250,000 array, we would obviously have to rfp or bid it out. The Town Staff could go ahead with that but the Council would need to authorize any long-term agreements that the Town enters into so that is how the Council would see it. If direction is to go ahead with that, they can do the investigation. If Staff finds that it is not good or it is a no go, they would let the Council know and would let the Council know if there are other options out there. His plan would not be to bring the Council any financial asks after the budget is done because it wouldn't be us putting capital money to build it if we are successful in finding and bidding a PPA that works for us and an installer. He would bring it to the Council for approval as a long-term agreement essentially. Vice Chair Sachs felt this made sense. Even though there are a lot of options, it's really PPA for a large scale array.

Councilor Anzuini appreciated the discussion about the solar component. In January the Council talked about doing the solar project and there were a lot of questions around what's our goals, what is our strategy around which buildings. Unless we have those conversations, he is not sure he wants the roof decision based on those conversations because they will take longer.

Councilor Arris noted there are a couple of components: one is the idea of using renewable energy which is a positive one and we could go further and make it "green" but a significant part of this position is to be judicious in the use of taxpayers' money. We can look long range and make investments up front that you might not be able to do as a private citizen if we can save taxpayers' money and come up with an 85 kilowatt system. He would like the cost analysis and benefits as we go forward to make this decision but feels it will work out pretty well for the Town. He would like it verified. He feels it is important for the Council to show leadership in that direction and he would like to move forward with a project in that area. The Public Works Director said the roof has reached its assigned time frame. The shingles were 20-year shingles and they have 22 years on them. He would like to get some clarity on what our best deal is but at the same time move forward with that.

Mr. Joseph pointed out that the next steps could be getting revised PPA estimates and information on tax credits and Staff can do this. The information he provided was from 2013. We don't approve the Capital Budget until June along with the Operating Budget so things could be removed if we want to.

Vice Chair Sachs noted she is perfectly comfortable keeping this \$75,000 in 2018. It keeps our options open as we explore other things. Councilor Rixon would like to get it done this year. He heard that Tessler has come out with new roof shingles that have solar panels. The cost of putting the solar shingles would be less than to put a normal roof. Mr. Joseph read the report and feels it is a cool design. He feels he could talk to a major installer that has experience with them. If we move forward, and it means we can replace both of the items at the same time for two-thirds of the cost of doing them separately, it would be something to look at. Keith McBride has connections at Tessler and he will ask him to give them a call and see what their market timeframe is on that.

Chair Tracy noted that she does not sense any movement to shift the time frame on the roof expenditure. She is comfortable leaving it here because we need to have another approval in order to undergo the project. Before she supported it, she would want to know what is the real cost comparison between if we put the solar array on, what would our energy costs be in a reasonable timeframe moving forward versus if we didn't. Even if we don't save money, there is some value knowing what our costs will be rather than having them fluctuate. She would want to see the economic analysis before she could make a decision as to whether this is the right thing to do. She is comfortable leaving it in the Capital Plan as is.

Mr. Joseph advised that just because we budget an item and the Council appropriates the funds for it, as Earl showed us with the generator and the \$7,500 not being spent, it doesn't have to be spent. If there is not a reason to do the roof and we get into the fall and we say the solar project is a bust and it is not going to work. If that happens, we are not forced to spend \$75,000 on the roof if it would be better three years from now. We could do it then. Chair Tracy mentioned she would condition the replacement of the roof in this fiscal year upon a decision to move forward with an installation of a solar facility. She would not approve moving forward with the purchase of a roof. Mr. Joseph pointed out that Chair Tracy doesn't need to do anything further than that and that is where he is at right now.

### **Single Sort Baler under Solid Waste**

Chair Tracy noted this is all set.

### **Cable**

Chair Tracy explained that the issue at the moment is whether we spend \$120,600 to convert to HD and the Council asked for information from Rick Simard who is not able to be here tonight but he will be at our next meeting. Mr. Joseph suggested that if there are still questions and it would be helpful to have Mr. Simard here, Chair Tracy should let him know and he will arrange it.

On the digital piece, Mr. Joseph advised Mr. Simard estimates that 4-6 years is the target for when Comcast is going to want us to be transmitting to their equipment in Digital as opposed to Analog like we do now. Chair Tracy mentioned that the benefit of switching to Digital at this point is to space out the payments and if we did it now, there would be a picture benefit. It would be less blurry because it would fit the correct size screen and would provide audio and video clarity. This \$120,600 is for the Town channel and not the school channel.

Councilor Anzuini noted that the issue that needs to be addressed by doing the HD conversion is primarily that the six cameras are Analog right now and they would have to be converted to Digital. Once the signal from these Analog cameras go into the Cable Room, they are transmitted out as Digital. The video controller that is currently being used sends the signal back to the company and it changes the image to feed back to Brunswick or Comcast. The real issue for the upgrade is that the company that we are using as the control board is actually not going to the public arena. They are trying to change their mission to something else. The cost includes a new controller that stores everything here as opposed to sending it somewhere else to be converted into the right format. That is really where the costs will go other than the cameras which are half of the costs. Leaving this site, it always goes out Digital already and he feels he misspoke at the last meeting when he said it didn't. The conversion is really for Channel 3 and the cameras and the controller.

Chair Tracy does not understand the controller piece and does not get it. Councilor Anzuini explained that the signal goes into the Cable Room, goes to a box and that box sends the signal to the company that owns that box for formatting because the format that comes out of the cameras is not the format that Comcast accepts. That controller is what needs to be replaced because the company we are currently using to send that signal to and for them to reformat it, really wants to get away from that business.

Councilor Anzuini noted the solution that is proposed is to get a controller that we do the formatting in house and then send it to Brunswick directly. Chair Tracy noted that the Council really needs to pause because all these numbers come from a fund that is funded by franchise fees so it is not like it is coming out of our regular reserves. It comes from Cable subscribers and to date we have been using it for Cable article items. This is the purpose for which these fees typically are used.

Chair Tracy asked if there is another external vendor who would be willing to reformat for us and what would be the cost. Councilor Anzuini noted he did not have an answer. Vice Chair Sachs pointed out that we need to convert to the HD signal eventually and right now they are reformatting to the HD so is that really salient? Councilor Anzuini noted that right now it is going out in Format 4/3 and HD is really sending it out in 16/9. That is what makes it hazy. Mr. Joseph mentioned that the cameras dictate format and he knows they are expensive but he did not know how much they cost. If you are capturing in a certain shape rectangle, you can't translate into a larger rectangle without doing some processing and that is where it get expensive.

Chair Tracy noted she has questions that need to be answered by Rick Simard when he is available. Ms. Maloy explained the financial piece and advised that she would send this breakdown information to the Council.

Councilor Arris referred to a quote "if Freeport does not engage in the conversion process, we could find ourselves with a channel without an audience". He is not sure that we don't have a channel without an audience already which concerns him. Technology is moving and so many people are not sitting in front of their televisions and not connecting into Cable. People are working on their personal devices. The amounts of money we are talking about to do this stuff, it is not clear enough to him that these investments can sustain themselves in any way or are really going anywhere. What little information we could get about viewing indicates that we are averaging four views a day on a regular basis. Chair Tracy clarified that that is clicks and we don't know how many people are watching. Councilor Arris mentioned that the Council would not consider spending this kind of money in any other area without knowing what we are getting. Vice Chair Sachs asked Councilor Arris what he would like to do. Councilor Arris advised that he would like to ensure that residents can see their elected officials in action on Cable but at the most efficient cost possible, but is not interested in building a world class system when we don't have the audience or demand for it. Chair Tracy agreed with Councilor Arris but noted she is not prepared to make any moves tonight but is signaling that unless the Council gets better information about what is the value of this magnitude of an investment, what are the components of it and why we need to do it. Are there any other technologies coming along that would alleviate this magnitude of an investment in lieu of something else. Without having that information, she would not be inclined to approve and would be inclined to modify and remove the \$120,600 from this fiscal year and potentially move it down. She is unsure she would even support any of the others. She needs more information. This is a lot of money. We have used these Cable franchise fees for Cable in the past but we don't have to do that. The Council could decide, as a policy matter, that some of these Cable franchise fees could be used for other purposes such as website design or more sidewalks. She is frustrated that she can't get to the bottom of this right now and she would not support this item. Vice Chair Sachs advised Mr. Joseph that the Council expects a representative from the Cable Department to be here at our next meeting with some very concrete answers. Mr. Joseph heard this loud and clear.

Councilor Gleeson mentioned that he looks at Cable and he is a Cable subscriber. It is a luxury item. It is not something he needs, but something he chooses to have. Those funds he chooses to spend are funding this item. These are 100% funded by an optional service. There is not one taxpayer in Freeport that chooses not to have Cable that is actually having to pay for this. This is coming as an upgrade to actual Cable subscribers funded by the exclusive group. This would benefit the people that are actually paying for it.

Chair Tracy pointed out that if we choose to spend this much money, it should be accompanied by a plan to improve programming. She feels it needs a lot of work and maybe we don't have the resources in house to do that. Mr. Joseph explained that our Cable Committee's duty is to review and recommend content, content upgrades and content changes. He knows that it has not happened for a long time or has not ever happened because they focus solely on franchise negotiations, which is the biggest part of their job. It would not hurt to reinvigorate that committee to see if they could make recommendations, or if they are not the ones to do it, they could recommend people to look at it, help, things like that. This is a separate issue but 100% addressable. He strongly feels this should be done.

Ms. Maloy offered to provide an update on where the Council stands from a total change perspective on what has been discussed. Based on the straw poll, she incorporated the Elm Street Sidewalk. Right now the Council is looking at a net change to the Five Year Plan of a decrease of \$31,500. The impact to the current year, the Council is looking at an increase of \$53,500. Mr. Joseph advised that \$140,000 for Elm Street was moved to the current year so Ms. Maloy noted the increase would be \$193,500. Vice Chair Sachs pointed out that the \$140,000 was for the town to build the sidewalk and now we are contracting it out so she asked if the \$140,000 should be less. Mr. Joseph did not believe there was any departure from the \$140,000 but offered to check with Mr. Bliss that this is correct.

Chair Tracy announced that the Council's next meeting is on April 25 at the Community Center and we will take a final vote on the Capital Plan. Ms. Maloy will provide in the Council's packets a revised Capital Improvement Plan showing the changes.

## 2. Continuing Council discussion on retail marijuana regulation.

Chair Tracy explained that the Council has the report on the training session for Retail Marijuana that Mr. Joseph attended. This is on the agenda tonight and the Council has had many discussions on it. Part of this deliberation is to give the Planning Board some direction when it takes up this issue to decide how to address the zoning and planning for Retail Marijuana under the Marijuana Legalization Act that was recently passed. We provided feedback in the past but did not take a formal vote as to whether we were going to recommend that the Planning Board not allow certain Retail Marijuana uses in Freeport. It has come to her attention that there may be a majority of the Council that does have an opinion about whether certain uses should exist in Freeport. If the Council should decide that in its opinion that certain Retail Marijuana uses should not occur in Freeport, we should probably send communication to that effect to the Planning Board because it would not be fair to have them spend six months trying to figure out how to zone a particular type of Retail Marijuana when it is just going to die on the vine when it gets to the Council.

She thanked Mr. Joseph for providing the Statute and we have certain categories of activities. The Council has been talking about it in four or five activities. Mr. Joseph explained that the Council has been talking about growing or cultivation, manufacturing, testing and then retail sales and social clubs. She asked for comment from Councilors and then will take a straw poll to determine if there is support to oppose a particular activity in Freeport. She understands that the Council has the authority to do so.

Councilor Rixon explained that he feels the Council should get feedback from the townspeople since 57% of our residents voted for the referendum. In June, we should send this to ballot and ask people to decide on cultivation, manufacturing, testing, retail stores and social clubs. They can check yes or no on each of the five. By that election in June, the Council would have that town information which would make this decision far more valid than just the seven members of the Council deciding. He feels it would be appropriate to put it to an advisory vote. Vice Chair Sachs asked what would be the language for this ballot. Councilor Rixon explained that it should be "do you approve of having Marijuana cultivation, manufacturing, testing, retail stores and social clubs in Freeport and provide a yes or no for each one."

He believes the Planning Board has been provided guidance to decide where these activities could be located.

Vice Chair Sachs mentioned that doing this would be asking people for an opinion without specifics. Councilor Rixon feels the information the Council would get is better than not doing anything and if we put this on the ballot in June, we would have the time to have that discussion about the questions being brought up. Decisions on where these activities can take place will be up to the Council and the Planning Board.

Councilor Anzuini explained that Councilor Rixon identified an interesting approach. The Council has discussed 57% versus 43% not knowing which district drove us over the numbers. It would be helpful to know how many people in a district believe they want these activities in their district. The other piece of that is that he received some feedback from constituents indicating they have certain positions. He would support an advisory vote to see if people want these activities in their district. He feels the Council can identify the areas for these activities. Route One South which has not been developed yet and the Village area are the two main commercial areas. There is a commercial area on Route One North as well as Bow Street. We can identify those areas but by district would give the Council the same sense.

Chair Tracy noted two Councilors would entertain an advisory vote potentially in June. Councilor Arris provided a different perspective. He stated that the Council is an elected body in a state and in a community that is making a fairly complex decision about something under federal law is illegal. The whole state voted on it as well as other states but the fact is that we are creating stuff which in a real sense is illegal on a federal level. After Councilor Anzuini brought this up, he couldn't get his mind around it for a bit. As an individual, he could go out and say it is okay to smoke pot because it is the way he feels but as a Town Councilor person setting up laws here, and totally pretend or disregard because we are overwhelmed that there are federal statutes being ignored by lots of people. He is not sure there is a good way for him to exercise his responsibility here so it is a real dilemma for him. There is another issue in the country which is called Sanctuary Cities where federal laws are being dilated in a way that people are proud of. His personal feelings are that one should be able to smoke pot but sitting as a Town Councilor, he is torn and he is leaning towards he doesn't want to make up any rules because he does not feel it is the proper way for an elected official to be right now if you just start picking what you want to do. That is a big change for him from the last time the Council discussed this.

Councilor Gleeson agreed with everything Councilor Arris said but it goes deeper. We are elected officials because people rely on us to make sound judgments. We have in the past sent things to referendum, primarily the bag issue due to the fact that we would be imposing a five-cent fee and were concerned that the public should vote on that as to whether or not the community as a whole would want that particular rule in effect. They voted in favor of that. In this situation, it comes down to the Council knowing its community and what Freeport wants to represent. He has had numerous contacts from residents and no matter where any place the Planning Board decides to put an activity, it will affect somebody. There has been a huge amount of emotion that is coming out of this. Personally he is a Dad, a Soccer Coach and a Town Councilor. His personal views are if we look at retail stores, social clubs, etc. it would appear that Freeport is promoting that and that is what we stand for. We are not legalizing or de-legalizing it. It is not the Council's decision. It was made by the state-wide vote. As a town, we are saying that we do or do not want to promote the sales, social clubs, grow operations or labs. That is what it comes down to. We have a top-quality retailer promoting a healthy outdoor lifestyle and he personally feels that if the Council goes ahead and encourages retail sales, he feels it could be perceived as encouragement of recreational drug use which is what this is. He asked what does the Council want as elected officials for Freeport to represent.

Chair Tracy agreed that the activity is illegal at the federal level. It is the sale and use of Marijuana that is illegal. The question implied is that it is illegal or against federal law to enact rules around where the

activity could occur should it occur. She thinks the Council is in charge of health and safety where it can influence its community and is in charge of making sure there are compatible uses in Freeport for the protection and good governance of its residents. That is squarely within the Council's responsibility. She feels that if the Council does not take action, given the state of the State law, these activities can and will take place anywhere in Freeport. She would suggest that the activity of cordoning off areas or zoning where such that these activities definitely are prohibited from taking place in a particular area doesn't necessarily violate federal law. She is sure it is a violation of federal law to take opioids without a prescription and that may be occurring at certain Methadone clinics but Freeport has regulated where these clinics can go. The activity that occurs at those are clearly legal but some may not be but the Council is not involved in the underlying activity. She views the Council as having an essential role in protecting the safety of our juvenile population. This is where she is particularly concerned. She feels the issue is interesting and difficult and she doesn't know if it will hold up in court but that would be her official take on that. To the extent that the Council wants public input she would start with the Planning Board process because that is where we get public comment and maybe after that we could decide we haven't gotten enough. She would try the traditional mechanisms of obtaining input before putting it on a referendum. She would not support going to referendum at this point.

Chair Tracy took a straw poll on each of the activities in a referendum:

Councilor Rixon – yes  
Councilor Egan – no  
Councilor Sachs – no  
Councilor Gleeson – no  
Councilor Anzuini – yes  
Councilor Arris – no  
Chair Tracy - no

Chair Tracy noted she would bring it to the activities themselves to get a sense. It is just an indicative directional vote for the Planning Board as they consider this issue so they are not surprised later when it has to come back to the Council. It is important to acknowledge that a public process will ensue and people's opinions may change as a result of the public process.

Would you support an outright ban on retail marijuana stores in the Town of Freeport?

Councilor Rixon – abstained, not our purview to make this decision

Councilor Egan – yes he would support moratorium on retail stores and social club (open to Planning Board creating zoning language to allow growing, manufacturing and testing)

Councilor Sachs – yes for a moratorium on all commercial activities in all 5 categories

Councilor Gleeson – yes for a moratorium on all commercial activities in all 5 categories (this is direction to Planning Board)

Councilor Anzuini – yes would support moratorium on all 5 classes

Councilor Arris – yes would support moratorium on all 5 classes until federal law lines up with the State law

Chair Tracy – would support a moratorium on the retail store license and the social club. Could be convinced otherwise for very strict zoning of a retail marijuana store to commercial zones that are not near residences.



We have four out of seven Councilors banning everything. This will be communicated to the Planning Board. She has heard that the Planning Board may decide to not take this up in the near future. They may decide to see what the State decides first. Upon hearing that, she conveyed her strong feeling that we should not sit on this until the State figures out what it is going to do and we should start our process and obtain public input.

**MOVED AND SECONDED:** To adjourn at 10:35 p.m. (Gleeson & Sachs) **VOTE:**  
(7 Ayes)

**MOVED AND SECONDED:** To reopen the Council meeting. (Sachs & Gleeson)  
**VOTE:** (7 Ayes)

Chair Tracy advised that we are all on notice that we have received a motion for an injunction against the Town of Freeport to enjoin the Town of Freeport from commencing the South Freeport Road project until such time that certain conditions are met. We need direction from the Council to authorize Council Leadership and the Town Manager to consult with the Town Attorney to appropriately respond and address the lawsuit.

**MOVED AND SECONDED:** To authorize the Town Manager and Council Leadership (Chair and Vice Chair) to consult with the Town Attorney to decide litigation strategy and to proceed with the case, provided that Council Leadership will keep the Council informed regarding major decision points. (Arris & Egan) **ROLL CALL VOTE:** (7 Ayes)

**MOVED AND SECONDED:** To adjourn at 10:37 p.m. (Gleeson & Sachs) **VOTE:**  
(7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

MINUTES  
FREEPORT TOWN COUNCIL MEETING #08-17  
FREEPORT COMMUNITY CENTER  
TUESDAY, APRIL 25, 2017  
DISTRICT 3 & 4 MEETING BEGAN AT 6:30 p.m.  
REGULAR MEETING CONVENED AT 7:23 p.m.

	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Peter Anzuini, 87 South Freeport Road	x		
John Egan, 38 Curtis Road	x		
Leland Arris, 70 Glenview Road	x		
Scott Gleeson, 23 Park Street			x
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	arrived late		
Sarah Tracy, 2 Pettingill Road	x		

Chair Tracy called the meeting to order at 7:23 p.m. and took the roll. She advised that Councilor Sachs has been excused for work reasons but will be arriving later and Councilor Gleeson is excused this evening.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Executive Session Minutes held on March 28, 2017 and to accept the minutes as printed and to waive the reading of the minutes of Meeting #07-17 held on April 4, 2017 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Executive Session Minutes held on March 28, 2017 and to accept the minutes as printed and to waive the reading of the Minutes of Meeting #07-17 held on April 4, 2017 and to accept the Minutes as printed. (Egan & Anzuini) **VOTE:** (5 Ayes) (2 Excused-Gleeson & Sachs)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Tracy announced:

- **Reminder that the Annual Orientation for Board & Committee Chairs & Vice-Chairs** is tomorrow, Wednesday, April 26<sup>th</sup>, from 6:00 p.m. -7:15 p.m. in the Town Council Chambers. All Board and Committee members are encouraged to attend this session.
- **The Freeport Police Department is participating in the National Drug Take Back Day** this Saturday, April 29<sup>th</sup> from 10 a.m. – 2:00 p.m. at the Freeport Public Safety Building. You can turn in your unused or expired medication for safe disposal. For more information contact 865-4800.

- **The Freeport Community Library Annual Book Sale** runs from Saturday, May 6 through Thursday, May 11. Book Donations are NOW BEING ACCEPTED through May 5. And don't forget the 4<sup>th</sup> Annual Edible Book Festival is this Friday from 10 am – 7:00 p.m. For details on these events and more, go to: [www.freeportlibrary.com](http://www.freeportlibrary.com)
- **Freeport Day at the Nordica Theater** is tomorrow, Wednesday, April 26<sup>th</sup>. Residents from Freeport are welcome to view a movie absolutely free. Donations for Project Graduation will be accepted. Proof of residency is required.
- **METRO Breez** roundtrip express bus service between Portland, Yarmouth and Freeport will be expanding to Brunswick. Metro has scheduled a meeting in Freeport on Monday, May 1, 5-6:30 at the town hall. Join them for a planning discussion and to offer your feedback.
- **Plans are underway for this year's Memorial Day Parade!** The parade will be on Monday, May 29. If you have ideas on how to improve on past parades and remembrances, or know of civic groups that can participate, please contact Gloria DeGrandpre at 232-6648..

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Anzuini advised that the Winslow Park Commission met but unfortunately did not have a quorum. They discussed that the park will be opening soon and that dogs will have to be on a leash when they open. They are getting ready for an exciting season and already have over 400 reservations booked.

The Traffic and Parking Committee has had several conversations about the Snow Road and potentially making it a fire lane which means it would have to be re-signed and painted. There is concern about how the Ordinance is written for the fire lane on Snow Road. The Chairperson will be coming to the Council to work through that. He suspects they will be discussing this at their next meeting and will be coming to the Council in two months.

Councilor Egan reported that on April 10 the Sustainability Committee met and focused on items under consideration in the Capital Plan of the Town. They focused on the LED street lights that were mentioned in the workshop which illuminate public ways, primarily concentrated downtown. The effort as presented now would be to replace the fixture and the bulb with a much more efficient LED fixture and it would be a capital expense to change the fixture but we would own it and consume significantly less electricity. There was strong endorsement from the Sustainability Committee. The Committee is pleased to see that solar panels are under consideration as well in the Capital Plan. There was considerable discussion and a vote of endorsement to recognize and get behind the effort to have the Town Government of Freeport recognize the second Monday of October as Indigenous People Day focusing on the cultural sustainability of the Abenaki People here in Maine.

Chair Tracy clarified that the Council has been talking about whether to replace the Public Works roof in order to host solar panels but it is not part of our Capital Improvement Plan to buy solar panels.

Chair Tracy advised that the Appointments Committee will be meeting before the next Council meeting. There are a fair number of openings on our various Town Boards and Committees. The Committee will be working hard to fill those seats. The meeting will take place at 5:30 p.m. on May 2<sup>nd</sup>. There has been some turnover on the Winslow Park Commission and the Shellfish Commission is looking to fill some seats. Applications will be welcomed. The forms are on line and if anyone is interested in participating at the Town level and volunteering on a board or committee, they would love to see people weigh in and reflect their preference. The Committee will try to work in people where they would like to serve. It is an on-going process.

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

Mr. Joseph reported:

**Freeport Fire Department Burn Permitting**

The Freeport Fire Department is pleased to offer residents access to free online burning permits. To obtain a permit, visit the "Online Services" section on the home page of the Town's website at [www.freeportmaine.com](http://www.freeportmaine.com), or go directly to [wardensreport.com](http://wardensreport.com), and follow the step by step instructions. If the daily fire conditions allow for permitting, you will be allowed to proceed to the next step. If not, you will receive a warning stating "Fire Classification is too high to allow permitting today". Make sure you print and sign your permit and remember to read and follow the instructions on your permit.

**Freeport Police Department K-9 Search**

On April 5<sup>th</sup> at approximately 5:30 p.m., Freeport K-9 Officer Matthew Moorhouse and his K-9 partner Cassie were called into action. The team was dispatched to assist in a search for narcotics. Officer Moorhouse and Cassie arrived on scene and conducted a search. Cassie alerted on a duffel bag indicating to Moorhouse the presence of narcotic odor. Upon further investigation and as a result of a search, 8 grams of crack cocaine and 5 grams of heroin were found inside the bag. Congrats to Freeport PD's K-9 team on another job well done.

**Winslow Park Reservations**

In an effort to simplify the early reservation process for the park staff and our guests, Winslow Park is taking early season reservations differently this year than in the past:

- Mail in reservations postmarked no earlier than April 1<sup>st</sup> will be processed prior to walk-in and phone-in reservations. Staff began processing mailed reservations starting April 17<sup>th</sup>.
- Staff will begin accepting phone reservations and walk-ins on May 8<sup>th</sup>, when the gatehouse opens.
- The easiest and most efficient way to get an early reservation this year will be BY MAIL, before May 8<sup>th</sup>.
- Gatehouse Hours will be Monday-Friday, 10 a.m.-3 p.m. from May 8<sup>th</sup> until the park officially opens on May 25<sup>th</sup>.

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

Chair Tracy pointed out that the Council will be discussing the Capital Budget which includes a Cable item but since the Council is not having a public hearing, she welcomed anyone that wanted to speak about Cable now or they could wait until the Council takes it up under the Capital Budget discussion.

**MOVED AND SECONDED:** To open the Public Comment Period. (Egan & Sachs) **VOTE:** (6 Ayes) (1 Excused-Gleeson)

Joyce Veilleux, Adjutant for the American Legion Post here in Freeport indicated she had a couple of items she wanted to put out through the Cable network. They will be placing a large rectangular basket into the Reception area of Town Hall for used flags that people do not know what to do with. During the month of May she encouraged residents to bring their flags in and drop them into the basket. They will be collected and taken care of during their annual burning ceremony of cemetery flags.

On May 1 at 1 p.m. for residents of District 4, or anyone from Freeport, they will begin their work on the Bailey Cemetery which is an ancient cemetery on the Wardtown Road near the North Freeport Store. There are nine stones that need to be cleaned and one that is in need of repair. If anyone has any questions, she can be contacted at [www.MainePost83@Gmail.com](mailto:www.MainePost83@Gmail.com). Their work at Woodlawn Cemetery continues. Yesterday they received a military marker for a Civil War Veteran whose grave was never marked. They plan to have a short, respectful ceremony in the afternoon on Memorial Day at the Park so people can walk down. They are trying to get some re-enactors and a color guard.

Mrs. Veilleux would like to see Cable TV expanded. She mentioned that several Legion members are housebound and watch it. They talk about it later at meetings and mention it in e-mails. She hopes to not only continue with Cable, but also improve it. Going to HD will be helpful and she supports that portion of the budget.

John Lowe of North Freeport, District 2, explained that he supports Cable TV as well. He feels it is important and hopes the Council will support the Capital Budget for Cable TV. The cost is funded by franchise fees and he does not agree that that money should be used for any other uses. He is confident that things are clearer in HD.

Ken Mann explained that he is a Trustee of the Mann Cemetery Association. He received information from the Town Office that the Cemetery Association would be liable for a \$4,800 impact fee for their new 10' wide gravel driveway. He was informed that the only people that could waive this requirement is the Town Council. He discussed this with Chair Tracy and she encouraged him to come to this meeting and provide a letter to the Town Council and Town Manager and find out more about the waiver process and see if one is required for this driveway. He read a letter into the public record and provided copies to Councilors. The driveway will be 1,240 feet long and is completely on the Association's land.

Chair Tracy noted that the Council may need to have Town Staff clarify this when it comes before us for consideration. She explained that this item will come up at the next Council meeting and the Council will have more discussion on it. Tonight, this is simply an opportunity to ask Mr. Mann any questions. She mentioned that the original driveway went through Hilda Coskery's RV Park and when L.L. Bean took it over, there was discussion as to whether that would continue and the answer was no. They worked out an agreement by which a new driveway would be built, parallel to the existing roadway.

Chair Tracy noted her understanding of an impact fee is to reimburse for added burden upon the Town from development such as infrastructure uses. Mr. Joseph explained that it makes up for the cost of running equipment over a Town road which is used to get there. When you have heavy equipment running over Town roads, it essentially degrades the public road to get there. That is what it is designed for. A good example is when Newfield Road was built and heavy equipment was run over Litchfield Road to get there and do all the development there. It is designed to offset the impact to the Town. He offered to have a discussion with staff to determine what the exact thought process was to get us to the point where it was suggested to come here.

Councilor Anzuini did not realize the 1750 cemetery was that old and noted he would love to go and walk it. He asked what amount of traffic is expected into the cemetery. Mr. Mann advised that unless someone has relatives in that cemetery, they will need to contact a Trustee to get access to the private property. It is not a public cemetery. The property was donated to the Association and it wants to provide access to relatives of people that are buried there or people taking flags to the Veterans' graves that have been identified. The Association feels the cemetery may be older than the 1750 that he wrote down. There are 180 graves there and Mr. Mann does not expect much traffic.

Chair Tracy noted Mr. Mann should assume this will be on next week's agenda. If not, he will be notified.

**MOVED AND SECONDED:** To close the Public Comment Period. (Sachs & Egan) **VOTE:** (6 Ayes) (1 Excused-Gleeson)

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

---

ITEM #31-17                      To consider action relative to adopting the April 25, 2017 Consent Agenda.

**BE IT ORDERED:** That the April 25, 2017 Consent Agenda be adopted. (Arris & Sachs)

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

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

---

ITEM #32-17                      To consider action relative to voting district boundaries.

**BE IT ORDERED:** That a Public Hearing be scheduled for May 2, 2017 at 6:30 pm in the Freeport Town Hall Council Chambers to review voting district boundaries.

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

Town Clerk, Christine Wolfe displayed a colored map and noted that the Town Charter requires that every five years we look at our District boundaries to make sure that our districts are representing an equal number of voters. She explained the extensive process she followed to get the districts even.

Councilor Egan thanked her for all her efforts and asked about the 400 changes she referred to as a result of Election Day. Ms. Wolfe explained that the changes were a mixed bag.

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

---

ITEM #33-17                      To consider action relative to the proposed Capital Program for FY2018.

**BE IT ORDERED:** That the proposed Capital Program for FY2018 be approved. (Sachs & Egan)

Chair Tracy noted that Jessica Maloy is here to assist the Council. The Council has been working on this for many weeks now and tonight is the night to adopt the Capital Improvement Program for FY 2018. We will do a final adoption when we vote on our Operating Budget June 20<sup>th</sup>. This is the general head's up. We try not to have too many changes after this time but obviously, things do change and we can take up additional amendments but the goal is to try to work through any remaining issues on the Capital

Improvement Plan that we at least know about right now, and get that to start moving around. We have the updated list of proposed Staff changes that is on the second to last page on the Capital Improvement Plan Report that was handed out with our materials tonight. She noted that the Council has been through these articles many times but there are a couple of remaining items. Obviously, we want to talk about the Cable budget and we know where we are going for the Sidewalk Repair for Snow Road.

Councilor Egan asked where the Council ended up with the Generator for Public Works. Ms. Maloy advised that it was decided to purchase a 65- kilowatt generator for \$57,500 with only a \$50,000 appropriation since \$7,500 had previously been appropriated.

Chair Tracy recalled that there was sufficient support to repair the Public Works roof at this point. The Manager Proposed amount was \$75,000. We could get a couple more years out of the roof but there was discussion about facilitating a solar project and it might be the time to invest in a new roof to facilitate that project.

Councilor Sachs referred to the Minutes from the last meeting which indicated the Council was fine with leaving the appropriation in, and leaving it to the discretion of the staff, who know the will of the Council. It doesn't change anything to keep it in the appropriation and that is where the consensus was last time.

Councilor Arris asked if Snow Road is the Elm Street discussion last time. Chair Tracy noted that this was the Destination TIF article. Ms. Maloy explained that it started in FY 2020/2022 and with discussion it was brought to 2019. After further discussion and an additional \$60,000 bringing the project to \$200,000 to move it to FY 2018. The additional money was for engineering, design and construction. It has not been formally acted upon. Ms. Maloy explained that she added it in so the Council would have a total number of what it would be looking at should it occur. It is easier to take it out than to put it in. Chair Tracy pointed out that her impression coming out of the last meeting was that the majority of the Council was in favor of moving it up to FY 2018 and \$200,000 which is why she requested that it be shown on the list of Staff Changes in that amount.

Councilor Egan mentioned this is what he remembered as well and he pushed to get it all done at once because it has been waiting for a while and also there is already a lot of impact in that neighborhood. If we do the sidewalk in FY 2019, it is another summer of construction activity for that neighborhood.

Councilor Arris wanted to make sure he is correct in his understanding that if we didn't change it at all and did it next year instead of this year, we would not have an impact of \$60,000. Moving it ahead for one year is costing the Town \$60,000. Chair Tracy indicated that this is correct and the reason is because we need to outsource the engineering and design costs because of existing resource availability and additional construction costs as well. Mr. Joseph noted that if the work was done next year, Town staff would be doing the work.

Councilor Sachs referred to the Minutes from the last meeting and noted that Councilor Rixon wanted to give this more thought and Councilor Arris felt it should be kept as originally planned. Other Councilors supported moving the project up. The question tonight is whether anyone changed their position. Councilor Rixon advised that he is in favor of moving the project up to 2018. Chair Tracy noted she was not present at the last meeting and believes that \$60,000 is nothing to take lightly, but feels there is a lot of construction going on in that neighborhood. From a neighborhood impact standpoint, she is supportive of just getting the whole project done and be done with it. She would support moving it up to 2018. She noted that this is the will of the majority of the Council. To the extent that the Council votes on the Capital Improvement Plan tonight, Item #1 in FY 2022 would be moved to FY 2018 and \$60,000 would be added, making the total for the project \$200,000.

Chair Tracy referred to Article VIII – Cable and noted that there has been a lot of discussion because there are some budget items that are very substantial this year. There is a \$120,600 item for conversion to HD for Channel 3, there is some equipment and other improvements for Channel 14 in the amount of \$4,000 and there is a truck up-fit for \$8,000. She asked if there are any questions concerning the two smaller items that need to be answered. No one offered any questions or concerns.

Chair Tracy advised that the Council received a memo from Rick Simard, Chair of the Cable Department dated March 29, 2017. The request was for an explanation of what the upgrade amounts were for and also why the need now and what the impact would be for not doing it. Mr. Simard's memo has information on the HD conversion and he is here tonight. The Council also has a Cable break-out which breaks out the \$120,600 HD Conversion request. \$45,000 covers five HD cameras, \$36,000 covers the Channel 3 HD server replacement and \$12,000 covers the installation and training on the equipment. There are other items that also form part of that break-out. She mentioned that the Council does not have a lot of data on how often the public Cable channel is used and this is not something the Council will resolve tonight or anytime soon because it is not something the Council has control over. There has been some discussion on whether there needs to be programming improvements associated with investment in the infrastructure of Cable. There is a timing question. Do we need to do this now? Can we do it over a different number of years? This investment is part of a multi-year HD replacement program that is set forth in our Capital Improvement Plan. There has been some discussion on what will happen if we don't do it this year, defer it or don't do it at all.

Chair Tracy thanked Mr. Simard for coming. She asked if it is fair to say that right now we do broadcast HD in the sense that it is converted to HD to get out but we don't have HD cameras so the dimension is wrong, the screen is smaller when people see it and the clarity is not quite there. Mr. Simard agreed that this is fair to say. Mr. Simard explained that the cameras capture the meeting in Analog and then it has to be converted into a digital program to get to Brunswick, processed and back to Freeport and converted back to Analog.

Chair Tracy asked what would happen this year if we don't convert. Will it stop running? Mr. Simard noted it would not stop running. The conversion effort he laid out in multiple years will be driven into a shorter timeframe. Chair Tracy asked him what his understanding is around the drop dead date when all the conversion needs to happen. Mr. Simard indicated that his projection is a 4-6 year timeframe based on technology and the way the Cable company is moving. The Cable company wants us to go digital because it will free up space for them to provide more channels for other types of services. The Cable line that comes into homes can also provide telephone, internet, cable television and security services.

Councilor Arris asked Mr. Simard for his projection on how long Cable will be a viable source of communication in the future. Is it five years, ten years before it goes by the wayside? Mr. Simard feels it may be dated for a certain extent but our channel provides a lot of services to Channel 3 and also to people that are watching live streaming and VOD. Councilor Arris asked other than a clearer picture, why we should go to HD at that price. Mr. Simard indicated that ten years ago he knew HD television and Digital would be coming and since then technology has improved so much and prices have come down like everything else. He feels it is time to begin the process. The technology for doing all this won't become any cheaper. HD will continue to change and his vision for this upgrade is to not only build in for HD but also provide for 4K Television which eventually will become the standard format as well. It will just keep going. Councilor Arris mentioned that he is confident that Mr. Simard has heard him saying that we don't have enough data on viewer info because there is some proprietary interest. We really don't have any information on how to measure what the value is here. He pointed out that his intention is not to shut down Cable but wants to make sure that public information is out there. He would like to know what we are getting for our money and what it is. For him, it does not have to be HD to be effective. If it will get cheaper in four years, he would just as soon wait four years and get data on viewership.



Mr. Simard noted that he mentioned the price of equipment would not come down for us in four years. If we wait until we really have to do it, the price will go up. He would not be able to get all of this done in a year or two. It will take a long time to install the equipment, test and train people to use it so the price may well go up. If we wait until we actually have to do it, he couldn't do it alone. We would have to outsource it. Councilor Arris mentioned that people in the community talk to him about programming. There doesn't seem to be a variety and it is not interesting. The stuff is not high quality and asked if there is a plan to address that. Mr. Simard advised that most of the programming is old but it appears people still like seeing it. The program is going to be poor quality based on the fact that it was shot with old technology.

Councilor Anzuini mentioned that his constituents complain about the cost of their Cable bills and the content they get from Comcast. People say to him, "the reason we are stuck in poor content and cost is because the Town has an agreement with Comcast where the Town gets the 5% franchise fee." In reality, that franchise fee if we don't have it as part of the Town, Comcast would eat it and the bills would be the same. He got started by thinking "how do I help reduce the cost of the Cable and increase content?" He believes Councilor Arris' point that people are not happy with the content. The problem is until the Federal Government breaks up Comcast, and you start buying individual channels, you are not going to be able to solve that problem. Mr. Simard agreed. Councilor Anzuini referred back to the 5% franchise fee, how do we give people that have Cable in their houses better service, how do we make them feel they are not getting ripped off because of the Town. He would like to make sure these people get benefit but understands that we can't control content and if we don't have a franchise fee, they will make the cost up anyway. Mr. Simard mentioned in these improvements, we are also talking about the Educational Channel at the High School. We are primarily a governmental access station. The public side of it is when someone from the public wants to come in and produce programming. This stopped 4 or 5 years ago.

Vice Chair Sachs mentioned she has heard great fondness for seeing the Fourth of July Parade or the Memorial Day Celebration on Cable which we haven't seen for several years. She asked what would be the mechanism to do that. Mr. Simard indicated that he is always looking and is open for people to produce their own programming. People can bring them in and they will put them on Cable TV. She asked if our current system is compatible with programming that would be produced on a cell phone or equipment he has in the van. Mr. Simard advised that it would be shown but it would be down converted. She asked if she was hearing that one of the benefits for people that would like enhanced programming and community events, that HD would actually make it easier and more accessible for people. Mr. Simard answered yes. Vice Chair Sachs disclosed that she has supported this all the way through. She feels that unless Mr. Simard starts this now and trains some of the folks with him, it does not seem possible to her that he would be able to truncate this timeframe. Mr. Simard agreed that this is the right time to do it. She feels it saves the Town money to have this in-house expertise.

Chair Tracy asked if people that do not have HD televisions will see a better picture once we convert to HD? Mr. Simard advised that they will see a better image but it will still be converted back to Analog for the non-HD television viewers. Vice Chair Sachs mentioned that they would have to get a box. Chair Tracy asked if other communities are converting to HD. Mr. Simard advised that the only other community that has started and is working through the HD conversion process is Falmouth. Other towns have been discussing how they are going to be able to make conversions to HD. Most of them do not have budgets available for doing this. Some of them take the Cable fees and put them in their General Funds. Chair Tracy asked how can we assure ourselves that we are investing in the right technology since it is changing. Mr. Simard explained that he stated earlier that he is not only looking for this conversion to be HD ready but it is also going to be able to go to the 4K platform with a flick of the switch. It will have more pixels and a sharper image.

Chair Tracy understands the value in keeping the fees that have been paid by Cable subscribers and putting it back into Cable infrastructure. The logic makes sense. She feels that we are not reaching a lot of people. It is a government access service. She feels the Town has an obligation to make the service as dynamic as possible. Is there any involvement or support that Mr. Simard gets or what can be done better to make this channel more dynamic? Mr. Simard noted there are other options. We could pull access programming off of satellite. The satellite channel has all kinds of programming that would be appropriate for public access. If the School ever got more involved in the production side of things, he could see funneling more money that way for them to provide additional programming. There are no fees associated with the satellite channel. He mentioned that years ago he suggested putting a satellite dish on the roof of Town Hall and receive programming from that. There was no interest in having this happen. Mr. Simard indicated that it is his job to come up with ideas on how to keep the programming dynamic. He has always promoted and supported public programming but cannot make people do it.

Councilor Anzuini asked if our going to HD impacts future negotiations with Comcast or other cable providers. We are relinquishing our pipe if we go to Digital right now. Mr. Simard understands there is value in the pipe for the Cable Company. He has other thoughts about that pipe. Councilor Anzuini feels that part of the conversation we need to include is by us being more efficient and giving back band width, we should be thinking about what else we can get for the subscribers in Freeport. Chair Tracy asked if we should do that now? Councilor Anzuini mentioned that part of the conversation, we need to reinvigorate the Board or someone to come up with what are the specifics we want in return for us going HD. He would not automatically go to HD and lose the advantage for the Town that we currently have. He feels we should not stop HD progress but we need to make sure that we don't lose the opportunity. That is the piece of the conversation for him. Mr. Simard pointed out that the opportunity also exists for Channel 14.

As a resident, and if Councilor Anzuini wanted to do a Ross Perot with charts and graphs on the wall, he asked how would he invoke his privilege to do a show? Mr. Simard explained that he would come to him with his idea and they would talk it over and he would explain to him what it entails to make a show on public television. If he needs to borrow equipment, he would show him how to use it. There is limited availability with Mr. Simard to help with editing should he want to do editing.

Vice Chair Sachs asked what the barrier is to better synergy with the School channel. Mr. Simard advised that they have a video program and a staff person to manage their Channel 14. Cable subscribers get both Channel 14 and 3. They can watch some of the school stuff if they choose.

Councilor Rixon mentioned that if someone wanted to watch this meeting on their computer in a few days, would it take several days to become available. Mr. Simard noted it could take up to a week to be processed. If we went to HD, the server would take us away from the offsite storage and offsite facility. We pay them approximately \$5,000 per year. We would now be doing it in-house and programs would be out quicker for the public.

Chair Tracy appreciates the information provided by Mr. Simard and is getting comfortable with the expenditure. If we are going to spend this much money on the Cable channel, we owe it to the residents on how to maximize programming. If we don't broadcast our parades any longer from the point of view from people that are homebound, she can see it would be a loss. The Council has to figure out how best to facilitate a discussion about what we should be doing if we are going to spend our money at this magnitude. It is a lot of money. She does not believe it has to end up all on Mr. Simard. Perhaps we can use our Cable Committee more actively or have a better relationship with the School and its Videography Program or maybe a community volunteer project to help students get experience videoing certain events.. If we are really going to put this kind of money in, it would be a shame if we keep having the level of programming we have now. She mentioned she would not mind having a satellite on top of Town

Hall if it means we will get more creative content. She really feels the Council needs to have this discussion.

Mr. Simard advised that he feels he has collected more creative content as far as public service announcements go. He does do some that are always there such as for the railroad. He did all the parades years ago and he feels like he did everything forever. When more events started happening such as Memorial Day in the Park, he found he couldn't do it all anymore because he needed to set up all the sound equipment and make sure it was working properly. Sometimes he would find someone that would do the parade with a camera but not every year has he found someone able to record the parade.

Chair Tracy noted that the question is whether our Town resources can be used to see what community resources we have. We need to make a more concerted effort as a Town to try to support this if we are going to spend this level of money. It seems unfair to have Mr. Simard be the only one trying to pull it all together. Councilor Arris seconded Chair Tracy's opinion. If it means we spend a little more to get help to do this, it would make the investment a little more worthwhile. Perhaps staff can advise us.

Mr. Simard has some thoughts and offered to send them to Mr. Joseph. Chair Tracy feels this would be a good start. She suggested that he put his thoughts in a memo and the Council should see what it can do with the Cable Board and invigorate it a little bit. If that does not fit within the role the Board sees itself doing, we will have to figure out another way to triage. It may be as simple as calling other Municipalities and ask what their people tend to like. Perhaps they are getting it from satellite services or whatever.

Mr. Joseph noted that he has had conversations with Mr. Simard lately. He has always tried to save money and part of the balance is not spending money where we don't need to. He has discussed with him that we need to do it and let's spend a little extra to bring in outside help or outsource something. Mr. Simard has a thrifty nature and has been encouraged by other managers to avoid spending money if he didn't have to. The message has gotten through to Mr. Joseph as well as Mr. Simard. Chair Tracy mentioned that this all goes back to community engagement and aging in place. Clearly there is support for Cable programming. Mr. Simard mentioned that the Cable Board over the years has seen changes in the law. They are not charged with a whole lot. They meet on an as needed basis and the basis could be an actual complaint that they wanted to bring forward to the Town or the Cable Television Company. While we have had complaints, we have been able to deal with those directly and people have always been satisfied with the results. Right now, Mr. Simard is the Programmer. Mr. Joseph explained that he looked at the charge in the Admin Code. The first few paragraphs deal with writing and administering the Franchise Agreement which has been the Board's primary function for the past five years. Further down there are parts like programming changes, etc. so they can but in fairness, he is not sure they have ever dealt with them.

**LED Street Lights** – Councilor Egan believes the number Ms. Maloy has includes the additional \$7,500 that is referenced in Donna Larson's memo dated April 13. At the last discussion, the Capital cost was bouncing between \$130,000 and \$120,000 and he feels it was finalized at \$120,000 so the additional \$7,500 per fixture and fuse has now been added so it is in the \$333,500 total for Article VII. Ms. Maloy agreed. Mr. Joseph noted this is a worse- case scenario provided. If it is not needed, it will not be spent. There are questions as to whether it will be \$60 per fixture or \$30 or even zero dollars per fixture but it will probably be in the middle between 0 and 60. Councilor Egan mentioned that the total of that line item is actually \$1,000 less than what the Council has been talking all the way through this budget process. No amendments were made tonight.

**ROLL CALL VOTE ON THE CAPITAL IMPROVEMENT PROGRAM**  
**AS PROPOSED:** (6 Ayes) (1 Excused-Gleeson)

Chair Tracy thanked the Council for their diligence on this budget.

---

ITEM #34-17

To consider action relative to authorizing a contract for information technology services for FY2018 to FY2020 (36 months).

**BE IT ORDERED:** That the Town Manager be authorized to sign the contract between the Town of Freeport and Winxnet of Portland, Maine for an “all-in” agreement to provide information technology services for FY2018 to FY2020 (36 months).

*Note: Winxnet has been providing information technology services for the Town for six years, so the relationship will not change other than the financial terms of the agreement. The estimated cost is \$5,467.63 per month. (Egan & Sachs)*

Chair Tracy noted that the Council has a memo from Jessica Maloy dated April 25<sup>th</sup> having all the relative bids that came in from three different bidders. Winxnet appears to be the low bidder. Ms. Maloy explained that the rfps were reviewed and their qualifications were looked at based on experience, quality of service and their understanding of Freeport’s IT needs.

Councilor Anzuini asked if Winxnet would be considered for helping with our Website redesign. Ms. Maloy noted that when the bids went out, it was not part of the rfp. She mentioned that Roundtable has the capability of offering website redesign but it was not in the proposal for IT services. She will reach out to them as a potential bidder.

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

---

**MOVED AND SECONDED:** To adjourn at 9:21 p.m. (Sachs & Anzuini)  
**VOTE:** (6 Ayes) (1 Excused-Gleeson)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #09-17**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY MAY 2, 2017**  
**6:30 PM**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
Peter Anzuini, 87 South Freeport Road	x		
John Egan, 38 Curtis Road	x		
Leland Arris, 70 Glenview Road	x		
Scott Gleeson, 23 Park Street	x		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 2 Pettingill Road	x		

Chair Tracy called the meeting to order at 6:34 p.m. and took the roll. Everyone was in attendance.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #08-17 held on April 25, 2017 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #08-17 held on April 25, 2017 and to accept the minutes as printed. (Gleeson & Sachs) **VOTE:** (7 Ayes)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Tracy announced the following:

- The Freeport Community Library Annual Book Sale runs from Saturday, May 6 through Thursday, May 11. Book Donations are NOW BEING ACCEPTED through May 5. And don't forget the 4th Annual Edible Book Festival is this Friday from 10 am – 7:00 p.m. For details on these events and more, go to: [www.freeportlibrary.com](http://www.freeportlibrary.com)
- Plans are underway for this year's Memorial Day Parade! The parade will be on Monday, May 29. If you have ideas on how to improve on past parades and remembrances, or know of civic groups that can participate, please contact Gloria DeGrandpre at 232-6648.
- The Clerk's Office is accepting Commercial Resident/Non-Resident and Student Shellfish licenses the month of April. One half of the license fee was already due. The balance is due by May 31st. Any available new Commercial licenses will be advertised in May. Applications will be received June 1st to June 15th. The lottery for available licenses will be held Mid-June.
- The PUBLIC WORKS DEPARTMENT will be holding their Annual Open House on Saturday, June 3, 2017 from 9:00 a.m. – 1:00 p.m. The Open House will provide an opportunity for residents and families to meet with the people responsible for maintaining the town's infrastructure and come face to face with the equipment used regularly, including dump/plow trucks, the excavator, bulldozer, loader, backhoe, sweeper, and sidewalk machine!

- Thanks to the AARP Tax-Aide Volunteers who assisted 144 Freeport residents with their taxes this tax season. In particular, many thanks to Marlene Budd and Perry Bradley for their many, many dedicated years of service as Tax-Aide volunteers in Freeport and also thanks to Wells Johnson and Sam Whitmore who helped this year as well!

Chair Tracy explained that the Town is looking for people to serve on Community Boards and Committees. There is an upcoming vacancy on the Planning Board and the Town is particularly looking for applications from people interested in that position but we will also have a lot of openings in September as well. If anyone is interested in helping the Town function and giving back to Freeport, their application will be welcomed and hope that they will get involved.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Rixon advised that there was a meeting yesterday here in Council Chambers for METRO BREEZ. They were looking for information from townspeople about the service. The good news is that the bus will be continuing to Brunswick beginning on August 18. They are considering dropping the midday runs that stop in Falmouth to make those midday runs quicker. Very few people have been taking advantage of that. They will be adding extra runs at the end of the day up as far as 8 p.m. A lot of people are looking forward to the bus running all the way to Brunswick. Chair Tracy asked if they indicated what is the most popular route. Councilor Rixon noted there was no distinction shown on Freeport to Portland or Portland to Freeport and he is unable to answer that question.

Councilor Gleeson advised that the Municipal Facilities Committee met this morning and primarily discussed tax-foreclosure properties, which our Finance Director will talk about tonight. They also discussed Independence Drive which is an old part of Route One. Some of the residents want the committee to investigate possibly lowering the right-of-way to what our normal street plans are, instead of having the super wide right-of-way that the old State route used to have. They also discussed Snow Road/Elm Street, trying to get the best way of planning on how to design the sidewalk that the Council talked about and approved at its meeting a couple of weeks ago. They went over and approved discussing the tax-foreclosed properties tonight. They did not reach a decision on Independence Drive. They felt it warranted more research on Staff time and that the Town Manager could possibly look at surveys that have been done over the past 20 years and investigate to see if it could be taken any further.

Chair Tracy advised that the Appointments Committee just met and made an appointment to the Winslow Park Commission and it will be considered at the next Council meeting. They deferred on the Planning Board and are still looking for more applications. They want a robust pool from which to choose a qualified applicant.

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

Mr. Joseph reported:

The Town of Freeport is happy to announce that General Assistance Administrator Johanna Hanselman has been named a Certified Welfare Director and General Assistance Administrator by the Maine Welfare Directors Association. This certification requires employees to complete and maintain a high level of training and continuing education courses relating to their profession. This was presented just yesterday at the Maine Welfare Directors Association Spring Conference and Training Session. In addition to her duties as General Assistance Administrator, Johanna is a truly invaluable employee who assists with a wide range of duties in the Town Manager's Office, such as serving as the Town's property/liability

**COUNCIL MEETING #09-17**  
**MAY 2, 2017**

---

insurance coordinator, and providing support to various Boards and Committees. Congratulations, Johanna!

You may have seen a curious looking truck around Town this past week and thought to yourself “What is it? And what is it doing? The vehicle in the picture of Mr. Joseph’s report is a “Vactor” truck, hired by the Town to suck sand, grit, debris, and trash out of our storm drains on an annual basis. This truck is crewed by an employee from Hartigan Sewer Service and one of our Public Works employees and will be visiting each storm drain in Town over the next few days. He also noted that there are between 200-300 storm drains in Freeport and the debris that is pulled out is considered trash.

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

There were no members of the public in attendance so the Council moved on.

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

---

ITEM # 40-17                      To consider action relative to adopting the May 2, 2017 Consent Agenda.

**BE IT ORDERED:** That the May 2, 2017 Consent Agenda be adopted.  
(Rixon & Sachs)

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

**ROLL CALL VOTE:** (7 Ayes)

---

ITEM # 41-17    To consider action relative to the appointment of Nicholas Adams as Freeport Code Enforcement Officer.

**BE IT ORDERED:** That the Town Manager’s appointment of Nicholas Adams of Naples as Freeport Code Enforcement Officer for an indefinite term be confirmed by the Town Council. (Anzuini & Gleeson)

Mr. Joseph explained there was a retirement luncheon for Fred Reeder today which was very emotional. He is the longest serving Town employee and everyone is attached to him. He will be retiring full time at the end of this week but will be sticking around for a couple of weeks in an interim capacity doing inspections as they come up. He introduced Mr. Adams. He explained that fourteen applications were received. In the selection process, five were interviewed and Mr. Adams was the top individual. Mr. Joseph is happy to be able to present him as a candidate. He will focus on codes here in Freeport. He also is the part-time Codes Officer on Chebeague Island which is a Friday position. He is authorized to do continue with that and do both.

Chair Tracy welcomed Mr. Adams and noted the Council is excited to have him on board. She invited him to say a few words.

Mr. Adams thanked Mr. Joseph and the Interview Team for a very professional process. He appreciated everything they went through. He has heard a lot of good things about Freeport. He is currently doing Planning and Codes in Poland as well as other things and is looking forward to getting back to Codes Enforcement and dealing with the building trades. Chair Tracy noted he has big shoes to fill and she is confident he can do that. Fred Reeder was fair and he was kind. That seems to be sort of a theme in our

Town Hall that people are treated with respect. We try to be helpful to our residents and she hopes Mr. Adams will continue in that tradition.

**ROLL CALL VOTE:** (7 Ayes)

---

ITEM # 42-17      To consider action relative to the adoption of the Fiscal Year 2018 Operating, Capital, and TIF Budgets for the Town of Freeport.

**BE IT ORDERED:** That a Public Hearing be scheduled for June 6, 2017 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss the proposed Fiscal Year 2018 Operating, Capital and TIF Budgets for the Town of Freeport.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Arris & Sachs)

Chair Tracy noted this is to set the public hearing and the Council will have a presentation on the budget under "Other Business". She asked Ms. Maloy if there is anything she needs to say now about this. Finance Director, Jessica Maloy advised that this is just to set the public hearing and she did not have any further information.

**ROLL CALL VOTE:** (7 Ayes)

---

ITEM # 43-17      To consider action relative to a one year contract extension between the Town of Freeport and RSU No. 5 for the Hunter Road Fields maintenance contract.

**BE IT ORDERED:** That the Hunter Road Fields maintenance contract with RSU #5 be extended for an additional year under the terms of the existing contract.

*Note: The FY17 contract rate was \$87,291. The proposed contract rate for FY18 is the same amount. (Egan & Sachs)*

Mr. Joseph explained that we are investigating doing this work in-house with the combination of Public Works Staff and Buildings and Grounds Maintenance Staff. He has said this to the RSU so they are well aware of it. Our contract term is up in July but we are not at a point where we could propose that in this year's budget. If our thought process does not change for next year, we will be bringing it forward as an option for the Council to consider. We think we can do it for less money than what we are paying right now. If we do go forward next year, this will allow the RSU to build that into their finances and make a decision a year in advance instead of last minute. They do a really good job. It is not about service but it is about cost point. Chair Tracy explained that this should be brought before the Council prior to the RSU's budget process to approve it in concept. It won't matter where it is on the agenda but the Council can give the RSU5 a clear sense of what is going to happen. Mr. Joseph advised that once we have a formal proposal, he will bring it to the Facilities Committee. He did talk about it in concept at the Facilities Committee four or five months ago but we were not at the point where we actually had something to propose. Councilor Egan added that the RSU starts their budget process pretty early. Chair Tracy proposed that the Council resolve this between September and October.

**ROLL CALL VOTE:** (7 Ayes)



**OTHER BUSINESS:**

Presentation of the Operating, Capital and TIF Budget.

Chair Tracy explained that Councilors have binders and some Councilors received them on Friday and had an opportunity to go through them in depth but other Councilors have just received the budget. She mentioned that the Council will be having an in-depth work session at its next meeting when everyone is on the same page.

Finance Director, Jessica Maloy had a PowerPoint presentation on the Operating Budget for FY 2018. She mentioned that the goal is develop a budget proposal that minimizes the impact on the taxpayers and maintains a stable Municipal tax rate while continuing to provide the highest quality of services possible within the resources available. Mr. Joseph explained the difference in the Fire/Rescue Department.

Councilor Arris pointed out in talking about tax changes, tax rates and mil rates, it gets kind of confusing. The increase in expenditures from one year to the next year is \$935,078.00. Of that \$935,078.00, 86.45% goes to the school. 7% of it goes to the County. Where this Council has control over the expenditures happens to be the least which is 6.5% of that total amount of increase in expenditures from one year to the next. He wanted to point this out because he feels it is a pretty clear direct fact that people can understand.

Ms. Maloy pointed out that there will be public sessions where members of the public will have the option to meet with Municipal Administrators to gather information on the budget if they are not comfortable coming before a public meeting. Those two dates are May 10 from 5 -6 p.m. and May 11 from 7:30-8:30 a.m. where all department heads will be available should members of the public come and talk about the budget and any concerns or questions they have. Those meetings will be in the Council Chambers here in Town Hall.

Vice Chair Sachs noted she plans to attend the May 10 public meeting and encouraged folks to come and talk about their concerns. She also recommended that Councilors attend one or both. She thanked Councilor Arris for making the Council's annual announcement about how little discretion the Council has over the overall tax piece. She mentioned that she has served on the Cumberland Country Finance Committee. Councilor Arris noted he is interested in serving on this Committee.

Ms. Maloy advised that on May 16 the Council will hold a workshop on the proposed Municipal budget where Department Heads will meet with Councilors to go through the budget line by line. A public hearing on the Town Budget is set for June 6. The target date for Town Budget adoption by the Council is June 20.

Mr. Joseph noted that the entire budget is on the Town's website.

Discussion of Town Treasurer's recommendations regarding tax acquired property.

Ms. Maloy provided a memo dated May 2 explaining that the Automatic Foreclosure date for the 2015 Taxes was March 24, 2017. This is 18 months after the recording of the lien, which occurred on September 24, 2015. These taxes were committed on September 15, 2014 with due

dates of November 15, 2014 and May 15, 2015. As of March 27, the next business day after the automatic foreclosure date, there were four parcels that remained unpaid. Two of the parcels are ones that we have prior payment arrangements with and the recommendation before the Council tonight is to allow Management to continue pursuing those payment arrangements. They are active payment plans being adhered to.

The third parcel is the first year it is being foreclosed on. The taxpayer has come to the Town to work out a payment arrangement but unfortunately, they came in after the Automatic Foreclosure Date which means Ms. Maloy has to bring it to the Council for authorization. The recommendation is that Management be allowed to enter a short-term payment arrangement for these taxes. She is proposing four months based on the value that is owed. This is a mobile home with land.

The fourth parcel, Management is asking that the Council allow them to take the steps necessary to dispose of or sell the property in conjunction with the Tax Acquired Property Policy. The item under the Policy that they will be falling under will be to hold onto this property on an interim basis until they can gather further information from the taxpayer. Tax bills and notices that have been sent to this resident which include certified mailings, phone calls and regular mail have all been refused. They literally write "refused" on the mailings and put them back in the mailbox to be sent back to the Town. They would like to pursue a few more communication methods with them and then work through the Tax Acquired Policy to dispose and sell only the mobile home in question, not land.

Mr. Joseph noted that three of these are primary residences that have been confirmed. He is assuming that the fourth one is but have not been able to make contact with the resident that is living there. We are assuming it is owner occupied. Owner/occupied properties are often given a chance to redeem theirs through a payment plan. The Finance Department has done a phenomenal job of bringing this down. Ms. Maloy advised that there were 260 properties that received 30 day notices that their properties were going to be liened. That number came down to 160 that actually went to lien. At the point of foreclosure, we were down to 14 just before foreclosure. At the Automatic Foreclose Date it became these four. Two of them we knew about since they were under payment arrangements and we knew we were going to cross that deadline. Two new ones took them by surprise. They are both mobile homes.

**MOVED AND SECONDED:** That the Council adopt the four recommendations as unanimously recommended by the Municipal Facilities Committee as outlined in the memo dated May 2, 2017 regarding Tax Acquired Property from Jessica Maloy. (Sachs & Arris) **ROLL CALL VOTE:** (7 Ayes)

---

Chair Tracy explained that this has been a short and quick meeting but the Council will be back at it on May 16.

**MOVED AND SECONDED:** To adjourn at 7:32 p.m. (Gleeson & Arris)  
**VOTE:** (7 Ayes)

Respectfully,  
Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #10-17**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY MAY 16, 2017**  
**6:30 PM**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
Peter Anzuini, 87 South Freeport Road	x		
John Egan, 38 Curtis Road	x		
Leland Arris, 70 Glenview Road	x		
Scott Gleeson, 23 Park Street	x		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 2 Pettingill Road	x (arrived at 6:42 p.m.)		

Vice Chair Sachs called the meeting to order at 6:30 p.m. and took the roll. She explained that Chair Tracy would be arriving shortly.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #09-17 held on May 2, 2017 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #09-17 held on May 2, 2017 and to accept the minutes as printed. (Gleeson & Egan) **VOTE:** (6 Ayes) (1 Excused-Tracy)

**THIRD ORDER OF BUSINESS:** Announcements (Vice Chair Sachs did not have the announcements and suggested that the Council move to the **FOURTH ORDER OF BUSINESS:** Information Exchange

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Rixon reported that last Thursday the Shellfish Conservation Commission met and came up with some requested changes to the Municipal Shellfish Ordinance. Commission Chair Doug Leland sent an e-mail to the Town Manager and the Council Chair outlining the changes. He read the paragraph into the public record. Vice Chair Sachs explained that these changes will come to the Council at the first meeting in June.

Councilor Anzuini reported that the Traffic and Parking Committee has been receiving a lot of requests to view and check speeds on Freeport roads. There are a lot of people worried about speeding within Town roads. As members of the Freeport community, we should be cognizant of the fact that people live in the neighborhoods we drive through and we should be respectful of the speed limits in those areas.

Councilor Egan reminded everyone that there will be a community meeting at Freeport Community Center tomorrow evening. A discussion on the community survey which contains a lot of interesting information. He feels it might be surprising to see the results of that survey for some people about Freeport. Anybody interested in learning more about what is going on in the community and what a lot of people are doing to help others in this community would be welcomed. He encouraged them to attend.

**COUNCIL MEETING #10-17**  
**MAY 16, 2017**

---

The meeting will start at 6:30 p.m. at 53 Depot Street. Vice Chair Sachs added that special emphasis will be on unmet needs.

Mr. Joseph advised that he plans to speak about the Service Coalition meeting that took place last week. Chair Tracy was also there and he would like both of them to talk about it under OTHER BUSINESS at the end of the meeting when it will be more appropriate.

---

Vice Chair Sachs suggested moving back to Announcements since Johanna Hanselman provided a copy of them for her.

**THIRD ORDER OF BUSINESS:** Announcements

- **This year's Memorial Day Parade** will be on Monday, May 29th, leaving Holbrook Street at 9:30 am, with the ceremony at the town park on Bow Street at 10 a.m. For information, contact Gloria DeGrandpre at 232-6648. And plans are also underway for the **4<sup>th</sup> of July Parade**. Michelle Barker, Bath Savings is once again the contact for this event and registration forms are on the Freeport Community Services website.
- **The PUBLIC WORKS DEPARTMENT will be holding their Annual Open House on Saturday, June 3<sup>rd</sup> from 9:00 a.m. – 1:00 p.m.** Stop by to meet the people responsible for maintaining the town's infrastructure and come face to face with the equipment used regularly, including dump/plow trucks, the excavator, bulldozer, loader, backhoe, sweeper, and sidewalk machine!
- **Freeport residents have the whole month of June to bring one free load of waste to the Recycling Center** using the Cleanup Coupon contained in the Town mailer that residents will be receiving in their mailboxes in May. As in years past, some materials will have fees associated with them, so please review your flyer for the list of acceptable items and fees.
- **You don't want to miss this year's Family Fun Day & Close to the Coast Race on Saturday, June 17<sup>th</sup>.** The Race starts at 9 a.m. with a whole host of festivities to follow ~BBQ, Games, Bouncy House and Refreshments. Live music begins at 10 a.m. with a live performance by Muddy Ruckus! For more information: 865-4198. Vice Chair Sachs advised that the prizes for the 5K is pie.
- Please note that the Town of Freeport will be holding an **Election on Tuesday, June 13, 2017** at the Freeport High School Gymnasium. Polling hours are from 7 a.m. to 8 p.m. Ballot questions include one State referendum question and the RSU #5 Budget Validation. Sample ballots are available on the Town website and at the Town Offices. Councilor Rixon asked what the State Referendum Question is. Councilor Arris advised that it is a \$50M Business Bond Issue. Town Clerk, Christine Wolfe read the exact language that appears on the ballot.

Chair Tracy arrived at 6:42 p.m.

Mr. Joseph reported on things discussed at the Maine Service Center Coalition such as budgets, County Jail Funding Bills which have not yet been resolved and the Revenue Sharing Bill. There were also some bills reported out such as LD 1522 which is a local option bill that would give the town or city the option to levy an additional sales tax in addition to the State Sales Tax, LD 1522 would allow up to a 1% tax increase. It has been recommended out of committee but there has not yet been any action on the floor. 65% of that 1% would be returned to the town or city that is levying it and 35% would go to the Revenue

Sharing Fund to be distributed through the Revenue Sharing mechanism to all towns and cities in Maine. This 1% tax could be seasonal or on and off for one period each year so it could be done in the summer months for a seaside tourist community like Boothbay, or when Portland is busiest, or during the hunting and snowmobiling season up north when they are the busiest. The sales tax could go away like in the local season if the town or city is inclined to target it towards out-of-State tourists. LD 1565 may be irrelevant to us. It would remove among many other changes, it would require that 80% of any new TIF Districts be made up of qualifying businesses which includes a very narrow range of businesses including financial services, manufacturing and targeted technologies. None of Freeport's TIFs would qualify. This is not retroactive. It is for new TIFs created after 2018 if this bill passes. It was in committee today and Keith McBride went to speak on several structural issues with the bill that he wanted to point out. The drafter of the bill may not have had a complete grasp on how TIF Programs are set up so he wanted to make comments on that. Mr. Joseph did not have an opportunity to catch up with him at the end of today. This would affect a Town like Freeport but it would be a concern to us if we choose to do something in the future.

Councilor Arris referred to the LD containing the 1% tax where Mr. Joseph indicated it came out of committee. He asked what the vote was. Mr. Joseph indicated that it ought to pass.

Councilor Egan mentioned that there are two and possibly three and four bills in front of the Legislature relating to solar energy, solar energy farms as well as regulations with the PUC and how they interact with residential and business options of solar energy. He has been to two hearings with his day job and there is considerable support from the committee that is going to push this out. He has not yet heard what the temperature might be in the rest of the Legislative body to change the current PUC ruling. He brought this up because all the legislation proposed so far would lift the 10-meter cap on community solar farms. He believes this to be of particular interest to us because we have a rising number of people in this community interested in that and who might not have either the means or the right orientation from the sun to have solar at their house but they could buy in much smaller increments into a solar farm and thereby enjoy the benefits of renewable energy and less fossil fuel. He is hoping that happens.

Chair Tracy feels that once the dust settles the Council should figure out whether there are benefits or disadvantages from whatever is passed, assuming there is something that changes the current landscape. She asked Mr. Joseph to have the Town Planner help the Council figure out what remains when the Legislature closes so the Council can have a discussion about what it wants to do. The Council has been in a holding pattern partly due to budget season because that seems to be first and foremost on a lot of Councilors' minds.

Chair Tracy advised that going back to the Maine Service Center Coalition, it came up because of dues and the question was raised as to what we get out of it. She attended because she wanted to get a sense of what we do get out of it. She noted that most other towns send their Town Managers and we are the only Town that has a Town Councilor attending the meeting, which is fine and interesting and we can continue to do that. It is a benefit to the MSCC to have a Councilor on the Executive Committee and they would like to keep that. What became clear to Chair Tracy is that we get a lobbyist up at the Legislature who is looking out for towns like Freeport, who generate a lot of retail income and have a lot of downtown business. We have different concerns than a more rural populated town. The TIF issue would probably not have been on our radar screen but for the lobbyist that brought it to our attention. This legislation would adversely impact that access to revenue. The dues are \$800 and attending the meeting gave Chair Tracy confidence that having a lobbyist sorting through stuff for Freeport allows us to stay abreast of things that would adversely impact us. Without that we would be relying on Mr. Joseph and the Maine Municipal Association. MMA obviously serves everybody and they often get conflicted out of issues because they favor one type of town versus another. Mr. Joseph agreed.

**COUNCIL MEETING #10-17**  
**MAY 16, 2017**

---

Vice Chair Sachs indicated that she received e-mails from MMA and felt that Chair Tracy would begin getting them now. Chair Tracy mentioned that she would circulate those e-mails to the Council. She noted that it has become clear to her that their priorities are driven by the interests of the member communities. They see what comes up and say “you may be interested in this or that” and then they take feedback. It is only as good as the participation and she found it to be anemic. If we found some things that we were interested in, we could easily generate enough energy to get some attention on something because everybody is in listening mode. Nobody is in actual engagement mode. She feels it has some value and we could use it more productively. She advised that the lobbyist knows everybody and is familiar with who is who and what is what. He knows what he is doing.

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

Mr. Joseph reported:

**Public Works Construction News:**

South Freeport Village Reconstruction – The reconstruction of Middle Street, Park Street and Main Street in the South Freeport Village has begun as of Monday, May 15<sup>th</sup>. Residents should be prepared for delays which the project is in process.

Work will start on South Freeport Road from Smelt Brook Road to Porters Landing, beginning Monday, May 22<sup>nd</sup>. Again, residents should be prepared for slight traffic delays which the work is in progress. If you have questions about either project, please contact the Public Works Department.

**Recognition from U.S. Attorney’s Office:**

The United States Attorney’s Office for the District of Maine recognized Officer Thomas Gabbard and the Freeport Police Department for their outstanding work in the case of United States v. Odong, and United States v. Richards, Dufault, and West, respectively. These cases were the Key Bank and Norway Savings Bank robberies that occurred in 2015.

Investigative work by Officer Gabbard in the Odong case tied the individual to four other robberies, and resulted in a conviction and a sentence of 14 years. Work by the Freeport Police Department and other agencies tied the three individuals to another bank robbery in NH, and resulted in convictions and sentences of 15 years for Richards, 36 months for Dufault, and 14.5 years for West in the Norway Savings Bank case.

Congratulations to Officer Gabbard and the Freeport Police Department for their hard work and recognition on both of these cases!

**Operation Sticker Shock**

A collaboration between a Freeport High School health class and the Freeport Police Department occurred at several local beer/wine/liquor stores on Thursday, 04 May 2017. They participated in a program called “Sticker Shock” where stickers outlining the penalties for furnishing to minors are placed on alcoholic beverages. Chief Nourse joined Officer McManus and the group at Bow Street Market, supporting their efforts to inform the community about the dangers of underage drinking. The program is supported by Casco Bay C.A.N. (Create Awareness Now).

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

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

Nancy Meagher of Lower Flying Point Road advised that today she, Mr. Joseph and Chair Tracy were at Superior Court in Portland for the second court date of Town versus Island Rover Foundation. She asked if, at the next Council meeting, Mr. Joseph could give a summary to date of what has occurred and outline the next steps, one of which could be a court date and time. She asked that residents be updated on how things are proceeding on that event. Chair Tracy appreciated Mrs. Meagher's attendance at the meeting and explained that it is an on-going litigation so while we can talk about procedural issues, it is sensitive and we don't want to affect the course of the litigation or even give the appearance that we are lobbying in the public's sphere but the request is fair and the Council can certainly bring people up to speed on what has been happening. There has been a fair amount of work being done behind the scenes to enforce the terms of the Consent Agreement that the Town entered into with the Island Rover Foundation. Our Town Attorney and Mr. Joseph have been doing a good job and testified. The Council will do this at its next meeting.

Johanna Hanselman, General Assistance Administrator, pointed out that a number of volunteers from AARP help with tax preparation assistance and the Council thanked them at the last Council meeting. She advised that Perry Bradley has been doing these tax preparation assistance sessions for close to 15 years and he informed her that he is retiring as of this year. She wanted a special thanks to Perry Bradley for helping hundreds of Freeport residents with their tax returns. She hopes he enjoys his second retirement.

Ms. Hanselman noted that Nathan Ochsner, a Freeport resident, approached her and advised that he was part of an organization called Living To Last. It is made up of he, his brother and other people that have a lot of great home repair skills, carpentry, plumbing, etc. They started this organization geared towards building character in boys and young men and give them the skills to do home repairs, renovations and help serve the community. He indicated that they would like to do some work for people that are having struggling times to do that type of work in their homes. Ms. Hanselman advised that Freeport has a CDBG Grant to do some home weatherization and home repairs that can't really assist all types of homes in Freeport. We can't use those types of funds on mobile homes older than 1975 but they have been identified and Living To Last has done great work on them. Donna Larson and Ms. Hanselman have connected Living To Last with the Wardtown Park Co-op because they identified a number of homeowners with the same kind of struggles of having a lot of repairs needed and not being able to do them. Nathan has indicated they have done a tremendous amount of work there and will continue to do that. She listed the types of work they have done. To Nathan Ochsner and all the people in the organization and the great young men, she thanked them for all the wonderful work they are doing for Freeport homeowners. She feels Freeport is pretty amazing.

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

---

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

---

ITEM # 46-17                      To consider action relative to adopting the May 16, 2017 Consent Agenda.

**BE IT ORDERED:** That the May 16, 2017 Consent Agenda be adopted. (Rixon & Sachs)

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

**ROLL CALL VOTE:** (7 Ayes)

---

ITEM # 47-17                      To consider action relative to redistricting of Freeport's Voting Districts.  
**PUBLIC HEARING.**

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

Town Clerk, Christine Wolfe displayed a map and explained that the Town Charter requires that every five years we look at our District boundaries to make sure that our districts are representing an equal number of voters. She explained the extensive process she followed to get the districts even. The numbers are almost perfect. This information will be available at the polls. It now needs Council approval and will then go to the Secretary of State's Office. The goal date to have the Secretary of State finished with their re-programming is July 15 and nomination papers become available July 31. She also explained that every person affected will get a personal letter stating that their district has changed.

Councilor Arris pointed out that there may be a unintended consequence here. He represents District 4 and noticed that Ms. Wolfe has taken some of the newer roads and newer developments and put them in District 3. She also added some of the older properties up along Wardtown Road, Lajoie Drive, and Circle Drive and those are mostly mobile homes. He feels we are taking District 4 and making it significantly less economically viable. He sees this as the district with the lowest per capita income, the lowest value of housing becoming more so. He is not sure it is good or bad but noted that is what is going on here and is confident it was not intentional. He wanted the public to be aware that we are becoming less diverse in our districts. Ms. Wolfe noted when she was working with the maps, she was not looking at anyone's economic status. She feels a voter is a voter and it does not matter if that voter lives in a trailer or a hi-rise. She tried to make it so she was not moving half streets. Councilor Arris pointed out that we have had problems with voter participation in elections that do not have competition.

Councilor Gleeson pointed out that with all the postage we are going to save from new mailings in District 1, he suggested making a star saying that District 1 is the most consistent district at the next election.

Chair Tracy noted that we have not done a study of the economics but some of her streets from District 2 went over to District 4. Some of those streets house people with some pretty hefty resources. It doesn't seem to her to be the case that people of less economic means are any less involved. Looking at the School Board, it is not people that have a lot of money but rather it is people that have kids in the school system. While she understands the concern, she would not want grouping and feels that was not going on. In this instance, we are trying to group streets to keep things consistent and not split between districts.

Ed Bonney a resident of District 1 feels that Councilor Arris' comments were appropriate but however, he has worked on re-districting in the past and feels that re-districting has nothing to do with economics. It is simply the one person/one vote that the Supreme Court adopted and every five years we need to make those numbers by district be as close as possible, within 5% or less, and that is exactly what the Town Clerk has done. When we change a district line, we try to make it as convenient as possible for those having their district changed the next time they come to vote. It has nothing to do with economics.

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

**BE IT ORDERED:** That the proposed changes to the voting district boundary lines be approved. (Anzuini & Gleeson)



**COUNCIL MEETING #10-17**  
**MAY 16, 2017**

---

Councilor Sachs pointed out that the Town Clerk constructed this in a thorough and thoughtful way in order to have full streets now in a district rather than having half streets and appreciates the year-long process it took to get here. Around voter participation, the assumption that folks of any economic means have a greater propensity for participation in either running or electing is not a suggestion that is appropriate from the Council. She thanked the Town Clerk for taking the time to do this and coming to two meetings to discuss her process.

**ROLL CALL VOTE:** (7 Ayes)

---

ITEM # 48-17

To consider action relative to setting a public hearing to consider amendments to the following sections of the Freeport Zoning Ordinance: § 407B.6 ‘Village I’, § 521A ‘Exterior Lighting’, § 521B ‘Athletic Field Lighting in the Village I District’, and § 515 ‘Noise Regulation’.

**BE IT ORDERED:** That a public hearing be set for June 6, 2017 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss proposed amendments to the following sections of the Freeport Zoning Ordinance: § 407B.6 ‘Village I’, § 521A ‘Exterior Lighting’, § 521B ‘Athletic Field Lighting in the Village I District’, and § 515 ‘Noise Regulation’.

**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. (Gleeson & Egan)

Mr. Joseph provided a synopsis of what this is and why the Council is looking at it. It evolved out of the RSU5 Track and Field project.

Councilor Egan asked if the conclusion from the Planning Board say that the Ordinance would specify LED lights or that the Project has to have LED lights. Mr. Joseph noted that the meeting did not address the plan or the project. He does not know if it is specified in the Ordinance that it has to be LED lights or the LED lights are the only way to satisfy the conditions. The LED light technology that currently exists allows that switchable standard. More discussion followed. Chair Tracy noted that a lot of people are not sure what the Planning Board ultimately decided. This is to set a public hearing. Mr. Joseph noted the Planning Board had several meetings on this and did site visits to Yarmouth, Brunswick and Morse. They also hired an outside lighting professional of our choice to consult on lighting issues. We had our own independent consultant advising the Planning Board on this independent of what the applicant was asking the Board to do so it helped them with a second set of ears and eyes on what was being told to them. It was a very robust process that the Planning Board used. He is sure there will be comments provided at the public hearing.

**ROLL CALL VOTE:** (7 Ayes)

---

ITEM # 49-17

To consider action relative to setting a public hearing to consider amendments to Freeport Zoning Ordinance § 602.C.1.m ‘As Built Plans’, § 602.D.4 ‘Plans’, and Subdivision Ordinance Article 3.2 ‘Definitions’, Article 11.17 ‘Spaghetti Lots’, Article 5 ‘ Preapplication Procedure’ and Appendix. B.

**BE IT ORDERED:** That a public hearing be set for June 6, 2017 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss the proposed amendments to Freeport Zoning Ordinance § 602.C.1.m 'As Built Plans', § 602.D.4 'Plans', and Subdivision Ordinance Article 3.2 'Definitions', Article 11.17 'Spaghetti Lots', Article 5 'Preapplication Procedure' and Appendix. B.

**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. (Sachs & Gleeson)

Mr. Joseph explained that these housekeeping amendments. These things come up throughout the year when things are out of sync with the way things are done today or the way we do business. The Planning Board felt that our Ordinance could use these amendments to clean up how we handle things. This is the second year that they have done this.

**ROLL CALL VOTE:** (7 Ayes)

---

ITEM # 50-17                      To consider action relative to signing the Regional School Unit #5 Budget Validation Referendum Election Warrant for June 13, 2017.

**BE IT ORDERED:** That the warrant for the Regional School Unit #5 Budget Validation Referendum Election Warrant for June 13, 2017 be signed. (Egan & Gleeson)

Mr. Joseph explained that this is one of the idiosyncrasies of having an RSU and the Town Council being responsible for an election. They send us what they want on the warrant and the Town Council as the governing body for the town and the Selectmen in Pownal and Durham as well, have to set the election warrants for each of their towns based on the information given to us for the election by RSU5. This is a procedural issue.

Councilor Arris asked what the ramifications would be for not passing this election warrant. Mr. Joseph did not know what the penalty would be. Town Clerk, Christine Wolfe advised that this was discussed with the Town Attorney and learned that the Council does not have the option to not sign it. The budget validation election will happen. Chief Nourse will post the warrant in five places.

Councilor Anzuini explained that there are really two components to passing a RSU5 budget. The first component happens on May 24, which is passing Article 12-21 which is really the tax component of the school budget. The second one is an overall spending based on Article 1-11 of the school budget. If people voted to pass Article 12-21 but didn't pass Article 1-11, the tax implications have already been dealt with so he is not sure what it means if voters do not pass the referendum component. He feels the Council should approve this because it doesn't have any choice with the RSU budget from a tax implication standpoint or a spending implication standpoint.

Chair Tracy noted that her understanding is that on May 24, they go through all the articles not just half of them and offered to confirm that. This is where the three towns vote on the budget. The biggest part of the tax impact on this town is the school budget. If voters would like to weigh in, they may do so on May 24 at 6:30 p.m. at the Freeport High School Gym. Voters sit on the bleachers and hold up a card saying yes

**COUNCIL MEETING #10-17**  
**MAY 16, 2017**

---

or no. It is very democratic and voters can make comments and move to add or remove things in the budget. There is a lot of opportunity to participate and change the course.

Councilor Arris asked what the June 13 vote means. Ms. Wolfe explained that it is whether you are approving the budget number that we leave with on May 24. She will have that number the next morning and when you vote on June 13, you are either approving or not approving that final budget number. If it is not approved, it goes back. It has happened before. Councilor Arris explained that he would like to get as many voters out as possible to participate in our elections. Councilor Egan noted that in the past the School Board has had concerns that an overwhelming percentage of our tax bills is being decided by a small amount of people. He explained that if people are really interested in learning why their taxes are the way they are, the school funding is the huge driver and that is where people can get involved and go to those School Board meetings. He explained that the School Board is under no obligation to take budget dollar amendments and apply them as presented by a motion. They can take them under consideration but they literally take the whole number and run their governmental body as they are allowed to do. It is a sticky process.

**ROLL CALL VOTE:** (6 Ayes) (1 Nay-Arris)

---

ITEM # 51-17      To consider action relative to the disbursement of Cemetery Perpetual Care Funds.

**BE IT ORDERED:** That the following Perpetual Care Funds be disbursed.

	<b><u>INVESTMENT</u></b>	<b><u>VETERANS'</u></b>
<b><u>CEMETERY</u></b>	<b><u>INCOME</u></b>	<b><u>ALLOTMENT</u></b>
BURR	\$ 2,259.74	\$ 4,800.00
DAVIS	\$ 27.46	\$ -
WOODWARD	\$ 240.01	\$ -
GROVE	\$ 885.42	\$ 1,380.00
CARRIE THOMAS	\$ 12.47	\$ -
WEBSTER	\$ 248.37	\$ 795.00
WOODLAWN	\$ 336.51	\$ 1,245.00
SO FREEPORT	\$ 833.02	\$ 1,125.00
FLYING PT	\$ 126.46	\$ 270.00
TOWN	\$ 50.79	\$ 675.00
<b>Total</b>	<b>\$ 5,020.25</b>	<b>\$10,290.00</b> (Rixon & Sachs)

Ms. Maloy noted this is her annual visit with the Council to get the disbursement of what has been earned through interest and investment income and what we allot annually for Veteran's Grave maintenance and care broken down by cemetery.

**ROLL CALL VOTE:** (7 Ayes)

---

ITEM # 52-17      To consider action relative to a release Mortgage Deed for the following property.

**BE IT ORDERED:** That a release deed be signed for Stephen Broberg at 6 Port Drive releasing the Town's interest in said property.

**BE IT FURTHER ORDERED:** That the Town Manager be authorized to sign any deeds or documents necessary to execute this transfer. (Arris & Gleeson)

Ms. Maloy explained that this was a parcel that was brought to the Council at the last meeting with regards to disposition of tax-acquired property. This is the one where she requested that Management be allowed to reach out one more time to the homeowner and then follow the disposition of tax-acquired policy to dispose of the property as fitting given the situation. Upon notice, the resident came in immediately and paid so pending check clearing, she is now before the Council asking for authorization to sign over those mortgage release deeds and return the property.

**ROLL CALL VOTE:** (7 Ayes)

---

ITEM # 53-17 To consider action relative to appointments as voting delegates to the annual business meeting of the Greater Portland Council of Governments (GPCOG).

**BE IT RESOLVED:** That \_\_\_\_\_ and Peter Joseph be appointed as voting delegates to the annual business meeting of GPCOG, to be held at the Annual Summit, May 31<sup>st</sup>, 2017 at St. Joseph's College, Standish, ME. (Anzuini & Gleeson)

Mr. Joseph explained that he sits on the Executive Board of GPCOG so he will be there one way or another so he volunteered himself as one of the voting delegates. If there are two Councilors who would like to sit on this, he would gladly step off. There usually is not a clamor to fight over it so Chair Tracy suggested that he be one of them. The format is different this year. There will be a half-day education session and there will be business meeting and a regional meeting at the start. A social reception will follow the business meeting from 6-7 p.m. Chair Tracy explained the different programs that will be discussed. Since there were no volunteers, she volunteered to be appointed as a voting delegate.

**MOVED AND SECONDED:** To amend and add that Sarah Tracy and Peter Joseph be appointed as voting delegates to the annual business meeting of GPCOG, to be held at the Annual Summit, May 31<sup>st</sup>, 2017 at St. Joseph's College, Standish, ME. (Sachs & Gleeson) **ROLL CALL VOTE:** (7 Ayes)

**ROLL CALL VOTE ON AMENDED ORDER:** (7 Ayes)

---

**OTHER BUSINESS:**

1. Workshop on the Fiscal Year 2018 Operating, Capital, and TIF Budgets for the Town of Freeport.

5 Minute Break was taken

Chair Tracy brought the Council back to order. She explained that this is a time for asking department heads questions about certain sections.

**Winslow Park**– Neil Lyman, Manager of Winslow Park explained that they are requesting a large increase in their budget this year. The majority of the increase is for building a new 60' x 36' maintenance shop. They plan to tear the old shop down. He is planning the possible purchase of a backhoe from Public Works when they replace theirs. He is also proposing work on the farmhouse. He will replace windows and doors and pull the siding and check the electrical. They are having insulation and water issues and will do one side of the building at a time. He budgeted \$30,000 in case they run into problems. He pointed out that these are all capital projects. They fund themselves. Mr. Lyman feels everything else is pretty minor such as replacing picnic tables. There is a \$6,000 increase because they would like to put in a back-up generator in the event no one is around, it would be nice to know that the place is not going to freeze up. It is for the pad, electrical and the generator.

Councilor Egan asked if there are any large open areas for potentially solar. Mr. Lyman noted that they looked into solar for the buildings. The only place suitable would be behind the bathroom but that is their leach field and it couldn't go there. They talked about solar but is still open to solar panels but haven't found a good way to do it. The trees block a lot of the areas. Mr. Lyman advised that they have acquired some pretty hefty reserves and they have a responsibility to put it back into the property and getting it back up to par.

Chair Tracy asked about handicap access at the park. Mr. Lyman explained that they have full ADA sites, a handicap shower. The new building that was moved from an island will have a handicap ramp going into it. The beach is difficult and still an issue. The most reasonable place to put it would be off of the boat ramp which is not the most intelligent place to put a handicap ramp where people are backing down boats. It is because of the long pitch. Chair Tracy mentioned there are a lot of young mothers with strollers that would appreciate the ramp. She suggested using some of the extra funding and putting some extra energy around handicap access to the beach. People really do come to be at the beach. Councilor Arris suggested getting some professional advice. He mentioned all the signs that are at the park. Mr. Lyman noted he would put it on the Commission's agenda.

Councilor Sachs mentioned that she hears about the need for a ramp quite frequently and recommended the Mr. Lyman look into it. Chair Tracy asked about the concert schedule for the summer. Mr. Lyman indicated that it is on their website.

**Historical Society** – Jim Mattson, president of the Trustees and Jim Cram, Executive Director explained that they are requesting \$10,000. They were here a month and a half ago talking about the various programs and benefits that the Historical Society provides for the Town and they are working on a major Capital Renovation. In their vault are Town records, documents and artifacts as well as things from the Library. They are happy to have them. There are operating costs they are incurring that perhaps the Town could help them defray some of them. Mr. Cram noted that they work hard to make the place look as good as they can and attract visitors to Freeport.

**COUNCIL MEETING #10-17**  
**MAY 16, 2017**

---

Councilor Egan fully supports what they do but questioned if they really spent \$5,000 for sidewalk shoveling. Mr. Mattson indicated that they do spend this much. Councilor Arris mentioned that the Society received a million dollars within the last year from Freeport's Citizen of the Year and rumor has it that he made another donation to them. Mr. Mattson noted that he gave another \$100,000. Councilor Arris asked about their yearly income which Mr. Mattson explained came from parking and their condominium rentals. They do not pay taxes on the Harrington House. Councilor Arris feels it is difficult to consider their request when they have gotten \$1.1M in donations and they have regular income coming in. It does not balance for him. Discussion followed.

Mr. Mattson pointed out that they have had an operating loss for the last few years and no money has gone back to take care of the buildings. Councilor Gleeson advised that the Town donated \$16,000 to the Society a couple of years ago so it is not unprecedented for the Town to help out the Historical Society. He feels it is a value to have a safe place to store things. There is a value to saving tax records, etc.

Chair Tracy advised that she is concerned about the slippery slope because what is preventing other organizations saying that "we provide these services, can you please help us?" We have a responsibility to our taxpayers to not be a philanthropic organization ourselves. She is more focused on are there specific services the Historical Society is providing that are specific to the Town, not just a Town benefit. She is interested in things you are doing for the Town, if you weren't, then we would need to pay someone to do it. She does not want the Town to be a free rider but it is not clear to her. We do like having our history preserved but she is not clear what the Society is keeping. Is it junk that has been passed off that someone cannot bring themselves to cast off so they say, here Historical Society, you have it" and it doesn't have any value or is it stuff that we as a Town want to keep and people want to look at. She does not have a sense of the value of that service. She would need to understand a little more. L.L. Bean provides open space too.

Vice Chair Sachs noted that the Chamber and Freeport USA provides economic activity to benefit the whole town and we don't give a contribution. There they are talking about specific economic development activity and that is why they are asking for it out of the TIF because the TIF talks specifically about economic activity and cultural benefit. Councilor Gleeson urged his fellow Councilors to visit the Historical Society. He finds it really neat to view what is stored there.

Mr. Joseph explained what is being stored at the Barn on West Street or at the Community Center. Chair Tracy would like it centered around a service that the Society is specifically providing to the Town rather than general benefits to the Town because we have a lot of that happening. We don't feel that we have to compensate people for that because we are paying for other services. She is confident that the Council's constituents would support helping the Society with snow shoveling.

Vice Chair Sachs asked Mr. Joseph if it would be appropriate to take this out of the TIF Fund. Mr. Joseph noted he would have to do a formal determination. Chair Tracy suggested seeing if we can make it work from a legal perspective. She mentioned that a lot of non-profits are operating at a loss and it is not that the Council doesn't feel for the Society but it has to be able to ground it in something that seems like the wheelhouse of the Town.

Chair Tracy belatedly disclosed that her husband is on the Board of Trustees and she gets no financial remuneration. If anyone has an issue with her participating in a vote on the Historical Society, she can step down.

**Service Agencies** – Ms. Maloy noted that Johanna Hanselman advised that her budget is flat with last year. Ms. Hanselman recommended maintaining the budget but it is always hard. She received seven new requests this year. She works with the Oasis Free Clinic and Independence Association serves an

**COUNCIL MEETING #10-17**  
**MAY 16, 2017**

---

important service to Freeport residents and would lean towards adding those two but not reducing any of the ones that we continue to fund. Councilor Sachs noted she would consider adding Oasis because they provide direct medical care to Freeport residents and would take out Home Health. She noted that we tried to direct our dollars to Freeport-based agencies.

Councilor Egan pointed out that we are talking about over a hundred human beings in the community being served by these organizations versus the price of one police cruiser. He feels that if the Council has an opportunity to support an organization that is holding on by a thread in their operating budget and help more Freeport residents and taking the recommendation of our Administrator, he feels it is very worthwhile. He feels the Council should support the two recommended.

Councilor Arris asked if the Port Teen Center is really a school oriented and they were doing a bunch of things that had nothing to do with Teens. Ms. Hanselman mentioned they are doing some preschool stuff there and Adult Education so she asked if this funding is going directly to the Port Teens. She has not yet heard back. Chair Tracy asked for a breakdown of how that money would be allocated.

Councilor Gleeson mentioned that if we ever had a major crisis on Bustin's, Life Flight could be valuable. He asked if there are any federal programs that keep them operating. Ms. Hanselman did not know. Councilor Gleeson offered to research it.

Regarding Independence Association, Vice Chair Sachs asked what the requested money would be used for because they are Maine Care reimbursed. They have \$9.4M. Ms. Hanselman offered to check. Chair Tracy mentioned that the Oasis Free Clinic gets funding from Harpswell. She asked if they get any money from Brunswick. Ms. Hanselman mentioned that other communities do funding differently.

Chair Tracy noted that we have some thinking to do. She asked Councilors to give some thought to whether you would like to replace items or vote to increase items or add some. We will get more information from the Port Teen Center and the Independence Association.

**General Assistance** - Ms. Hanselman pointed out that there has been a lot of requests for housing. We have emergency rent assistance funded through the Freeport Housing Trust. We have the heat assistance funds and have been working hard to improve the weatherization in homes. Everything else is pretty consistent. She feels that things will pretty much remain constant in the General Assistance Program State wide.

**Transit** – Ed Bonney provided a story on handwritten Town records he donated to the Historical Society which are presently in the vault.

Mr. Bonney stated he is not the Manager of the METRO but it is the appropriate place to put it. If you back it out of the total, the budget is about \$69,000. The reason for the increase at the Train Center is that he and his staff are not able to visibly view what is happening on the platform except when they go out about ten minutes before a train arrives or departs. They have had three incidents of vandalism in the past year and a half that he found very troubling. The video cameras on the Nordica Theatre was not clear enough to identify the vandals. Mr. Bonney's request is for some video cameras to be installed on the platform. This would give him more security. Rick Simard estimates it will cost \$3,900 for the video equipment. We will have a \$85,000 piece of equipment on the platform which is seen in airports advertising train numbers and a voice that will alert people to a train arriving or departing. That \$85,000 piece of equipment is at no cost to the Town. There will be some minimal installation costs and he budgeted \$2,000 for the \$85,000 piece of equipment. Mr. Bonney encouraged Councilors to ride the Amtrak and noted it is a great service. Last year we had service since November 1, 2012 and from that time through the end of fiscal year 2015/2016, we have served 47,853 passengers. In addition, the staff at

**COUNCIL MEETING #10-17**  
**MAY 16, 2017**

---

the train station has served 20,690 visitors requesting information. As soon as the figures for this fiscal year are made available, he will share them with the Council. He noted that in April they had 700-800 riders and May will be difficult because of limited service. This summer between Yarmouth and Cumberland they will be installing a second set of rails so that in 2018 every train on the Downeaster line will originate in Brunswick and we will have many more trains per day both going south to Boston and coming up from Boston to Brunswick. We will have another year of limited service, outages, etc. and that will impact his ridership numbers.

**METRO** – Councilor Arris had questions and Ms. Maloy explained that it is a contractual amount for three years. Mr. Joseph advised that on-board surveys will be done. The numbers are good but they would like them to be higher.

**Public Works General** – Ms. Maloy indicated that this is a .9% increase. It is pretty much status quo. She advised that we will go out to bid for fuel and she expects it to go up. Generally it is 30-50 cents cheaper than the price at the pump. Councilor Egan asked if we looked into buying bio diesel. Mr. Gibson explained that all the people that get fuel from us would have to have a modification done for their vehicles. Their vehicles are not designed for it. Mr. Gibson has considered this.

**401 – Public Works – Summer Roads**

Ms. Maloy advised that the biggest reduction is in the hot top budget from \$425,000 to \$400,000. Mr. Gibson mentioned this is the lowest price on asphalt he has seen in years. We are buying it at \$58 a ton.

**402 – Public Works – Winter Roads**

Ms. Maloy indicated that this is flat lined.

**403 – Public Works – Tree & Parks**

No questions were raised

**404 – Solid Waste/Recycling**

Ms. Maloy explained that we are budgeting for a 4.5% decrease due to a reflected change in staff and going with single sort compacting. There is a slight increase in supplies and a \$5,000 increase for Leachate. This is pretty much driven by having someone come in and pump from the collection tank and with the amount of rains we have been getting, more runs have been needed. She does not know where leachate is trucked to. Mr. Bliss explained that this is a capped landfill and sheds off to the drainage ditches and then to our urban impaired streams. Councilor Sachs asked why the tipping fees are going up. Ms. Maloy advised that they are not necessarily going up but rather she is aligning the budget with where they are spent. She offered to look into this further. Mr. Joseph mentioned there should be a lower cost on the Hauling line but Tipping is what EcoMaine charges for waste based on weight.

**405 – Town Engineer**

Chair Tracy mentioned there is a small increase shown in Salary and an increase in Employee Training although the dollar amount is not particularly significant. Mr. Joseph explained that Mr. Bliss plans to take advantage of training that the Town funds that the previous employee did not. Mr. Bliss explained that this is specific to watershed management, traffic and speed issues that are out of control, Solid Waste/Recycling and Sustainability. The Supplies budgeted is to cover software that historically has been covered by other departments.

**406 -Hunter Road Fields**

Chair Tracy noticed the increase budgeted for water. Mr. Bliss explained that water is volatile. It is irrigation and last year they had to start early watering. Mr. Joseph guarantees there is a reason why we chose not to drill a big well but cannot recall the reason tonight. There were concerns raised by abutters.



**COUNCIL MEETING #10-17**  
**MAY 16, 2017**

---

Chair Tracy asked Mr. Bliss to check this out. She mentioned that striping has gone down. Every time we have games and other teams come in, Councilor Gleeson hears how amazing our fields are. The RSU is doing a fantastic job. Councilor Arris noted that it is a premier facility. Mr. Bliss cautioned that if the grass is not cut well, we will hear about it. Councilors agreed that the RSU is doing an excellent job.

**500-Freeport Community Library**

Ms. Maloy pointed out there is a 1.7% increase. There are staffing changes with new people coming in at a lower scale. The largest percentage increase as well as dollar value is with Computer Maintenance and Arlene Arris can explain that.

Library Director, Arlene Arris explained that this is MINERVA and they set the price. In order to belong, we must pay that price. It has been very successful and impressive.

**Planning** – Skipped because Donna Larson is on vacation

**605 – Coastal Waters**

Ms. Maloy explained that in this budget we are looking at a 6.7% increase. Jay Pinkham noted that he is getting a second half-ton hoist at a cost of \$3,000. They generally only last 3 years and having a second one will enable him to send one out for repairs when needed. He noted that he charges fishermen \$110 to use the hoist for the season or \$10 for a one-time use. He advised that bracing under the dock needs work. He hopes grant money will cover the cost of that work.

**0200 – Police**

Ms. Maloy advised that we are looking at a 1.2% decrease because of staffing changes and new staff coming in at a different rate than seasoned staff. The Recruitment line is to be able to afford one new hire processing should one be needed. Association Dues have increased from \$660 to \$1,000 and there is a \$400 increase in Technical Repair. Councilor Egan asked about Fuel and if the Police Department would get to keep the \$17,000 in Fund Balance going forward. Ms. Maloy explained that typically when budgets are left unexpended, those savings will revert to Reserves so it would go back to Police Reserves.

**0201 – Special Enforcement**

Ms. Maloy explained that there is a 1.6% increase due to staffing. Councilor Egan asked what is Special Enforcement and he was informed that this is the Marine Resource Conservation Officer.

**0204 – Public Safety Reception**

Ms. Maloy noted there is a 2.8% increase because of a wage increase. The Telephone increase is to realign with the Actuals. Mr. Joseph advised that they switched from Comcast to Oxford Fiber.

Councilor Egan pointed out what a great job Officer Moorhouse and Cassie are doing. Chief Nourse agreed that they are doing well.

**0105-Town Clerk and Elections**

Ms. Maloy advised that there is a 10% increase due to salary adjustments. A 25% increase in the Ballot Clerk Wages were due to the Minimum Wage increase and elections.

Christine Wolfe explained that she has had to pay for an increase in the leasing of the voter machines and in programming the new Handicap Accessible Machine, she had to take on a \$370 per election increase there. This comes under Services. She wants new \$400 signage for Election Day under Supplies. \$3,200 is to preserve our oldest Town Book. It contains everything that happened since Freeport started and it is falling apart. She noted that Brown's River is the only company in the Northeast that does book preservation. Ms. Maloy pointed out that she made a mistake. Ms. Wolfe asked for \$1,000 for document

shredding and while she had it verbally written, she forgot to put the \$1,000 cost associated with it. Her budget is \$1,000 lighter than what she would like for document preservation. Ms. Wolfe explained that she calls the company twice a year to come in and finds out what is eligible to be shredded. They stand out at the scales and say, "how many pounds goes to General Assistance, how many pounds go to Finance." It would appear to simplify things since she is in charge of documents, if we just have one line and she can just pay it when it comes in rather than "charging \$54 to your department, \$62 to your department, etc."

Ms. Wolfe answered questions for Councilor Anzuini about keeping district voting separate. Ms. Wolfe has had conversations with the Secretary of State's office and learned that they will not give us four different State ballots. They will give Freeport one ballot. Chair Tracy noted that the Council will have a discussion at another time about district voting.

### **0202 -Fire**

Chair Tracy advised that there is a 14.5% increase. Ms. Maloy explained that she will talk about Fire, Rescue and NET. The increases the Council is seeing in Fire and Rescue are the result of a realignment of expenses. Looking at the Total Operating Budget of all three components, there is not really that much of an increase year over year. It is more of a realignment of where funds are being expended. That is due to primarily to us no longer having the revenues in NET to sustain the net Program to the caliber which we were. This is realigning Safety Operations into the budgets in which we are functioning. NET is not gone. It is in Section 2 after Winslow Park. There is a 12.8% decrease.

For Fire/Rescue combined, there is a 20.9% increase so there is a slight increase year over year with the compilation of the three budgets but there is a realignment of the staff where the expenditures fall as well as step increases, etc. Mr. Joseph advised that all three of those budgets reflect significant staffing reductions in spending. Chief Jordan advised that the third truck is gone. The chief and deputy chiefs are doing runs. He noted that there may be an increase to the budget but this is a reduction in spending. When he signed his first payroll around the 1<sup>st</sup> of September, it was \$21,000. Putting the chief officers on an actual shift, and eliminating one person from the office by attrition, he brought the payroll down to \$18,900 a week which has been the average since instituting that change around November 1<sup>st</sup>. The labor budget as it is will find us running with three versus four in the slower weeks during February, March and April period. If we want to provide training and special events coverage, and what we find for an increase over the summer in calls, the \$18,900 will not support everything they want to do but gets them to a minimally acceptable level. This does not allow them to restart the inspections program, get an apartment inspection program underway, the emergency planning that needs to be done and rewrite the Emergency Operations Plan. There is fair amount of stuff that will get done but in a much-delayed manner.

Chair Tracy asked Chief Jordan if he sees further reductions on the horizon through attrition. Chief Jordan replied that he does not. Chief Jordan advised that to simplify it for himself to get a weekly amount, he added all the payroll lines together. Vice Chair Sachs advised that she came up with \$983,300 for the requested amount. Chief Jordan agreed that \$983,300 is this year's requested amount. Last year's spending rate was \$1.1M. Chief Jordan noted that as Freeport's Fire Chief, he believes this \$983,300 is what Freeport needs.

Councilor Egan asked how long Chief Jordan and the Deputy Chiefs have been taking run shifts. Chief Jordan noted that it started on November 1. He explained that this week he worked 7 a.m.-7 p.m. yesterday. He started a little later today because he planned to be at this meeting tonight. Tomorrow he has to work 7 a.m. to 7 p.m. Thursday will be a medium day and Friday will be a fairly long day because he is doing some training and taking classes over in Yarmouth.

**COUNCIL MEETING #10-17**  
**MAY 16, 2017**

---

Councilor Egan asked if the suggestions Chief Jordan described will go up through the Town Manager during the budget process or does the Council ever get to see them. Chair Tracy asked how he sees himself being able to achieve those goals given the staffing levels that are posted on this budget. Chief Jordan feels it will be challenging but he is not saying that it cannot be done. Councilor Arris asked Chief Jordan how long he anticipates him doing exactly what he is doing in terms of covering for staff. Chief Jordan noted he does not have an issue doing it for another year but would like to think that by the following year we could have a full-time administrator. It would mean another \$40,000 or \$50,000. He pointed out that the annualized savings for cutting back was \$2,119 a week annualized to \$110,000. He is willing to say that we will be a little over a million this year because we didn't get a chance to start this until we were a quarter into the year. He advised that Freeport had a great run with Parkview and the NET program and that is gone. Keith McBride and he tried to make a pitch to one of the local hospitals and were fairly dismissed. The thought at that institution was that it should be a private entity doing that. He advised that he plans to sell an ambulance this year and they are not looking to fund that fourth ambulance again. We will be fine with three. They will endeavor the best they can to replace as much of the NET revenue as they can but it just isn't there. Parkview was the perfect storm. We are getting the runs that the primary contractors are too busy to take and they don't pay anything. NET was a great thing but now we have to shift to a model where it is a tax-based service. He feels that we can keep this model going for the next ten years.

Councilor Arris asked if we would be losing personnel when we sell the fourth ambulance. Chief Jordan answered "no." Our call volume now only needs three ambulances and we only have four people right now. He explained the current staffing. Councilor Arris asked how morale is with our current staff. Chief Jordan noted that he believes morale to be high and that employees appear happy.

Councilor Sachs mentioned that because of labor, some municipalities have chosen to privatize their ambulance as a solution. Given our influx of summer visitors and the distances between municipalities, it might not work for Freeport. Chair Tracy asked if Vice Chair Sachs had an appetite to explore this. Vice Chair Sachs advised that she is interested in knowing what is on the table, knowing that this is coming up in the next ten years and if there is a strategic plan. She feels this is not sustainable. Chief Jordan agreed there should be a strategic plan. He is not trying to indicate that all of a sudden, we are going to have call issues. He is just trying to frame that there are changes in demographics that are affecting everyone.

**MOVED AND SECONDED:** To adjourn at 10:50 p.m. (Gleeson & Sachs)  
**VOTE:** (7 Ayes)

---

Respectfully submitted,

Sharon Coffin, Council Secretary



**MINUTES  
FREEPORT TOWN COUNCIL MEETING #11-17  
FREEPORT TOWN HALL COUNCIL CHAMBERS  
TUESDAY JUNE 6, 2017  
6:30 PM**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
Peter Anzuini, 87 South Freeport Road	x		
John Egan, 38 Curtis Road	x		
Leland Arris, 70 Glenview Road	x		
Scott Gleeson, 23 Park Street	x		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 2 Pettingill Road	x		

Chair Tracy called the meeting to order at 6:30 p.m. and took the roll. Everyone was in attendance.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #10-17 held on May 16, 2017 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #10-17 held on May 16, 2017 and to accept the minutes as printed. (Gleeson & Sachs) **VOTE:** (7 Ayes)

**THIRD ORDER OF BUSINESS:** Announcements

Councilor Gleeson announced:

- **Please join the Freeport Planning Board for a presentation on parking tomorrow evening at 6 p.m. in the Town Council Chambers.** Donald Shoup, Distinguished Research Professor in the Department of Urban Planning at UCLA, will discuss this important topic and his research on how parking policies affect cities, the economy, and the environment. Mr. Shoup is the author of *The High Cost of Free Parking*. ***The public is welcome and encouraged to attend.*** FMI Contact the Planning Department at 865-4743 option 5. This will be videotaped and posted on the website.
- Chair Tracy announced:
- **Freeport residents have the whole month of June to bring one free load of waste to the Recycling Center** using the yellow Cleanup Coupon they received in the mail. Some material will have fees associated with them, so please review your flyer for the list of acceptable items and fees.
- There is an **Election on Tuesday, June 13, 2017** at the Freeport High School. Polls are open from 7 a.m. to 8 p.m. Ballot questions include one State referendum question and the RSU #5 Budget Validation. Sample ballots are available on the Town website and at the Town Offices.

**COUNCIL MEETING #11-17**  
**JUNE 6, 2017**

---

- Sign-ups for **Summer Reading Programs for Children and Adults** begin in June. Stop by the library for more details and to sign up!
- **Family Fun Day & Close to the Coast Race takes place on Saturday, June 17<sup>th</sup>**. The Race starts at 9 a.m., & the Muddy Ruckus band performance, BBQ, Games, Bouncy House and Refreshments follow at 10 a.m.. For more information: 865-4198.
- And for fans of the **Thursday evening Summer Concert Series at Winslow Park**, the Series begins July 6<sup>th</sup> at 6:30 p.m. with the *Coastal Winds Band*. This 50-piece community concert band entertains with fun popular tunes, traditional bandstand pieces, and music of the season.
- Plans are also underway for the **4<sup>th</sup> of July Parade**. Michelle Barker, Bath Savings is once again the contact for this event and registration forms are on the Freeport Community Services website at fcsmaine.org. Chair Tracy thanked Michelle Barker and Bath Savings for providing that service to the community. It is an organizational challenge but we all love it.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Mr. Joseph provided an update on the Island Rover case. On April 10<sup>th</sup> we attended a motion for a contempt hearing that was scheduled for two hours but ended up taking about three hours. The judge listened to testimony from both sides and announced he might have additional questions and all parties agreed to an additional hearing. On May 16, 2017 we attended an additional meeting which lasted about two hours. The judge asked questions of both sides and said he would take it under advisement and would review the file and testimony and issue an order in approximately two or three weeks. The judge indicated he had a busy docket of criminal trials so it would be some time before he would be able to prepare his decision. We have not heard a final decision at this time.

Chair Tracy added that this has been a difficult and long-standing issue that we do not take lightly bringing it to court but the Town feels it needs to enforce its own ordinances and its court-approved agreements. We have been trying to work collaboratively with the parties. We are again engaged in outside discussions at the bequest of the judge to see if there could be anyway to come to some amicable resolution but our goal is to basically make sure that the agreement we have already entered into is honored because we owe it to our other residents to make sure we follow our own rules. We are doing the best we can. It is not a pretty process but we are taking it one step at a time.

Councilor Egan advised that he went to the public meeting at the Community Center on May 17 where there was a discussion on the Community Needs Assessment which he felt was an excellent document. And the conversation was long overdue. He was a bit disappointed at the modest attendance but believes those kinds of things take a little while. There was a good engagement from a nice cross section of citizens. There were some amazing resources there and he is hoping that the Council will get a chance to have some of that topic on its agenda later this summer.

Councilor Egan advised that he also attended the Annual Summit of GPCOG last week at St. Joseph's College and found it very interesting. There was a lot of good information provided on what other communities are doing and it was great to see all of the area and footprint of GPCOG pulling together.

Councilor Egan explained that the Sustainability Committee received a grant to purchase some software for energy assessment from a Maine-based company that won an award a couple of years ago. That will allow the Sustainability Committee to start doing some assessment on Municipal facilities on energy use consumption and recommendations for savings.

Councilor Egan encouraged everyone to go to vote next week on important issues of the referendum and also the School Budget. There was a lot of work that went into it and the numbers are reflective of an enormous process and reflect favorably on where we are with our RSU.

Chair Tracy noted she wanted to follow up on the GPCO' Annual Summit. She was there as well as Councilor Egan, Mr. Joseph and Donna Larson. They had workshops on issues we are addressing. One of them coming is opioid misuse, a workshop on Broadband, a workshop on Aging In Place. She has the Town of Cumberland's proposal and program on Senior Property Tax Assistance which she will leave in the Town Manager's office if anyone wants to look at it. They had a workshop on recreational marijuana which is something we have been dealing with and will continue with tonight. They had a workshop on complete streets which is something that we have done a lot of work on already. She found it encouraging that we are a little ahead of the curve. Our former Councilor Kristina Egan is now the Executive Director and she did a great job. If anybody is interested in what makes towns tick, it is a great annual summit to attend.

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

Mr. Joseph reported:

**Public Works Construction Update:** Earl Gibson explained that construction is progressing well on the South Freeport Village project. All the reclaiming has been done and the binder pavement has been placed. Within the next two weeks residents will see Crooker's crews and Freeport's crews making an adjustment to catch basins and sewer basins in preparation for the final pavement. They will be putting some curb on. There has been some confusion around "dress-up work". There are actually two dress-up works. One is considered heavy dress-up using a big machine that moves a lot of dirt. Once the surface pavement is on he can't put that machine on the pavement so there is a second dress-up. People seeing it think it is done but it isn't. They have to wait for the final pavement to get it down and then they will come back and make adjustments. His planned start date for South Freeport Road is July 12. He would like to get South Freeport Village complete and all the construction work done before moving on to that one. Weather permitting, he is hoping to be done with South Freeport Village within three weeks.

Councilor Egan asked what "dress-up work" is. Mr. Gibson explained that once the new pavement is down, they will adjust yards to bring them up so there is no transition from the edge of the road to their yards. It is all done with loam. He expects to complete South Freeport Road in four weeks, weather permitting. He plans to do it in two sections because he is not comfortable doing 2 ½ miles at one time and will not interfere with traffic so much. It will take two weeks per section.

**Codes Enforcement Officer** – Mr. Joseph introduced Freeport's new Codes Enforcement Officer, Nick Adams and explained that he began work on May 24<sup>th</sup>. Please feel free to drop by Nick's office and introduce yourself if you are in Town Hall.

**FY16 Town Report** – The FY2016 Town Report is available on the front page of the Town's website and is currently at the printer. Hard copies will be available at Town Hall for pickup as soon as printing is complete.

**Civil War Veteran Grave Dedication** – American Legion Post 83 will be holding a grave marker dedication ceremony on Saturday, June 10<sup>th</sup>, at 1:45 p.m. at Woodlawn Cemetery on West Street. The public is invited to attend. Civil War re-enactors from the Sons of Union Veterans of the Civil War and the Ladies Auxiliary to the Sons of Union Veterans from Yarmouth Camp-Haskell Marston Post 56 portraying the 3<sup>rd</sup> Maine Volunteer Infantry Regiment Company A will be present at the ceremony. Part

**COUNCIL MEETING #11-17**  
**JUNE 6, 2017**

---

of the ceremony will include a live fire musket volley. The Police Department has been so advised, and we are alerting residents not to be alarmed if they hear gunfire at that time near the cemetery.

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

**MOVED AND SECONDED:** To open the Public Comment Period. (Sachs & Gleeson)

**VOTE:** (7 Ayes)

Keith McBride, Executive Director of the Freeport Economic Development Corporation explained that they have an opening on their Board of Directors and they are looking for applicants and applications. Anyone interested should contact him. He will have applications at the Town Clerk's counter and the Finance Counter here in Town Hall if anyone wants to pick one up. There is a strong preference for Freeport residents or Freeport business owners and other than that they do not have much in the way of requirements. They are hoping for a robust group of candidates to fill one seat. If anyone is interested in learning about the time commitment or what FEDC does, he would be glad to speak to them. His office is here in Town Hall and he can be reached at Extension 117 or [Kmcbride@Freeportmaine.com](mailto:Kmcbride@Freeportmaine.com). He explained what FEDC is and what their mission statement is.

**MOVED AND SECONDED:** To close the Public Comment Period. (Sachs & Gleeson)

**VOTE:** (7 Ayes)

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

---

ITEM # 60-17                      To consider action relative to adopting the June 6, 2017 Consent Agenda.

**BE IT ORDERED:** That the June 6, 2017 Consent Agenda be adopted. (Arris & Sachs)

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

**ROLL CALL VOTE:** (7 Ayes)

---

ITEM # 61-17                      To consider action relative to amendments to the following sections of the Freeport Zoning Ordinance: § 407B.6 'Village I', § 521A 'Exterior Lighting', § 521B 'Athletic Field Lighting in the Village I District', and § 515 'Noise Regulation'. **PUBLIC HEARING**

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

**VOTE:** (7 Ayes)

Chair Tracy explained that the Council received a memo from the Town Planner, Donna Larson explaining the amendments to sections of the Freeport Zoning Ordinance regarding Exterior Lighting, Athletic Field Lighting in the Village District and Noise Regulation that has been a heavily vetted and discussed issue. She asked Ms. Larson to give a synopsis for members of the public.

Ms. Larson explained that the Planning Board spent three meetings and did a site walk in the course of reviewing this. They had the help of Larry Bartlett who is a lighting specialist and engineer from Bath which over the years has helped the Town in lighting specific projects that were challenging. At the first meeting, he explained the height of poles and the difference between LED lights and metal halide



lighting and what happens to light the higher the poles go, spillover onto other properties and the amount of sky glow. With that information, she, with the help of Mr. Bartlett and input from the RSU, a draft document was established and then there were some refinements that went along the way. When you look at the restrictions that were put in the Ordinance, they were put there to protect the neighborhood. There were concerns from the neighborhood and limiting exposure to the light is why all the restrictions were put in. She noted there are no LED lighted fields in Maine. The closest is in Connecticut but the Board did not go to Connecticut. With LED lights, you have more control and the ability to vary the levels of lighting which you don't have with halide lights. Any other lights would spill off considerably onto adjacent properties. The closest neighbor here is 90 feet away from the light poles. That is the process they went through and the standards they came up with. She would say that in the end, neither the RSU or the neighborhood was happy. The RSU would prefer to have fewer restrictions and the neighborhood would prefer to have lower levels of lighting but in the end, it is what the Planning Board thought would serve the project but at the same time minimize the impact on the neighborhood.

Chair Tracy disclosed that she is a member of the Tri-Town Track and Field Committee but does not get paid. She does not consider it to be a conflict of interest but wanted everybody to be aware of her connection to the Track and Field Committee

Chair Tracy explained that speakers will be given three minutes per person in the Public Hearing. She asked that they give their names and where they are from. The podium is open.

Valy Steverlynck of Pine Street advised that she supports the work of the Planning Board. She attended some of their meetings and feels they did a very thorough job. She hopes the Council will endorse the proposal and we can move forward.

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

**BE IT ORDERED:** That the proposed amendments to the following sections of the Freeport Zoning Ordinance: § 407B.6 'Village I', § 521A 'Exterior Lighting', § 521B 'Athletic Field Lighting in the Village I District', and § 515 'Noise Regulation' be approved. (Gleeson & Sachs)

Councilor Egan noted that Ms. Larson mentioned that as far as she knows, no other high school is using LED lighting for its athletic field lighting in Maine. Ms. Larson advised that she is not aware of any installations in Maine. Councilor Egan asked if the RSU specified LED fixtures in their original plan. Ms. Larson did not think so but the standard that was decided upon first and agreed upon was that .1 foot candles at the property line and the only way to achieve that was using LED. It's the standards that are driving the type of lights. The RSU submitted a number of scenarios. The various functions were the height of the light and they showed that the lower the poles, the more lights you need to have so you are going from two sets of lights with 80 foot poles on either side to maybe three or four, the lower the poles are going. The taller the light, the more direct they can shine down so the less they go out illuminating the actual field. They submitted four or five different types of scenarios where you could see how the light was going to cover the field as well as how well it was going to flow onto the neighboring property. It was clear from the start that what provided the least amount of light going onto neighboring properties were the tallest poles which is where the 80 feet came from and the LED. That is the same standard that we use for out parking lots. The Howard Place parking lot owned by the Town was converted to LED fixtures two years ago with a 57% savings in electricity. Mr. Joseph added that the Town Hall parking lot, the parking lot at the Public Safety Building were converted. Ms. Larson advised that some of the private lots were also converted. Efficiency Maine was doing a double rebate and we were able to take advantage of that.

Councilor Egan asked if it is fair to characterize that the Lighting Consultant provided a significant amount of influence on the language that is in this final Ordinance. Ms. Larson answered yes, that she couldn't have done it. Councilor Egan asked if it is an accurate characterization to show that the focus of the language was to balance the dynamic between the neighborhood and the athletic field requirements. Ms. Larson said she would say yes. Councilor Egan asked about the 80-foot height and in either of the two site walks Ms. Larson took, are either of those fields illuminated by poles 80 feet. Ms. Larson indicated that both Yarmouth and Morse had 80 foot poles with non-LED fixtures up at that height.

Councilor Anzuini asked if Section 521B only applies to the Village I District, the high school and middle school field. Ms. Larson replied that yes it does. It does not apply to the Hunter Road Fields or other schools such as Mast Landing, Waldorf or Pine Tree Academy. If we were to look at lighting the Pownal Road fields, she feels we would probably come up with a different set of standards. We might there say have increased setbacks because we are talking about larger pieces of property. Maybe 80 foot poles would not be appropriate. The lower poles might be better because they would be less intrusive. Because it wasn't talked about at all, we kept it concentrated in this small area. Councilor Anzuini brought up ball trackers and more discussion followed.

Councilor Arris noted that both sides were not able to get all that they wanted. He wondered what each side wanted that they didn't get. Ms. Larson explained that the neighbors didn't want the up lights and would have preferred a lower level of lighting. They would have preferred the 30 foot candles as opposed to the 50 foot candles. The RSU on the other hand, would prefer to have fewer restrictions such as the up lighting being only applying to football. All of the practices are at 30 foot candles. There are some restrictions put on, there are some timing restrictions put on, there are limitations put on and it requires a higher level of diligence from the RSU which they expressed a willingness to do. In the end, everyone got what they needed but nobody got exactly what they wanted.

Based on the public hearing, Councilor Arris feels the Planning Board has provided a good plan because no one stood up and opposed it. Chair Tracy wanted the record to reflect that the Council received one letter in opposition.

Councilor Sachs asked for clarification that in the Ordinance, Page 2 Section 521B, D, all athletic field lights shall be dimmed to the level of lighting allowed in that same section G 5-A but she didn't see a 5-A. Ms. Larson explained that it should say 4-A. Councilor Sachs asked what happens 30 minutes after a game, are the lights completely off. Ms. Larson explained that the big lights will go off completely but there will be other lighting around on the high school. Chair Tracy asked what other lighting is going to be on since the high school is a fair distance away while people are still milling around. Ms. Larson advised that on page 2, E, building, sidewalk, pathways or parking lot lighting will be on one hour after a game which gives people an hour to leave the facility. The parking lot in the village is going to be the parking lot for this facility. It is the closest parking and that lighting will be on all the time. Lighting on the Morse Street parking lot will be on as well as lighting along Snow Road the high school parking lot. There will be path lighting along the way.

Chair Tracy asked if there was any discussion at the Planning Board about what light is left after the big lights are turned off. Ms. Larson explained that the athletic field lights are directed down and it is intended that that light not be spilling very far. It is not intended to light up the surrounded areas. There will have to be other lighting to satisfy people getting back and forth. The intent was never to encourage people to linger after the game but that people would start to move when the lights went out because of the neighbors and to minimize the impact on the neighbors. That is where the 30 minutes came from. There was not a long discussion on it but it was part of the discussion from the start. Ms. Larson came up

with the draft, sent it to the RSU and then it went to the lighting expert. They then went back and forth on a number of things. That was never a big topic of discussion but it was there from the beginning.

Councilor Sachs referred to Page 2, Section 521B, D it talks about how the athletic field lights should be dimmed, etc. as soon as the game is over and in another section, it talks about game and then it talks about event. Are these supposed to only be for games or are they able to be used for other events, and if so, do these same restrictions apply. Ms. Larson explained that those unnamed other events were talked about regularly because they are unknown and what could they be. Was it going to be for a concert or opening the track up on certain nights. Councilor Sachs pointed out in E, the sentence reads that “no more than one hour before a game begins and shut off no more than one hour after a game is finished”. Ms. Larson agreed that it would be appropriate to add “or event.” Councilor Sachs asked if the intent is that these lights could be used for events as approved by the RSU. Ms. Larson replied, yes. Councilor Sachs recommended consistency in language. Chair Tracy asked her to take some time and see if she could identify other areas that might need to be clarified.

Councilor Gleeson indicated that the people in his district are concerned with the 30/50 on the foot candles. He asked what the significant difference is when we are down to 0.1 foot candles between 50 and 30. He asked if this is even a street light. Ms. Larson explained that she did not remember it being a huge difference but couldn't answer that question. Councilor Gleeson asked if there is a cost difference between a 30 and 50 LED. Andrew Johnson, Engineer advised that it would be 25% more for the LED fixtures but didn't do a comparison between 30 foot candles and 50 foot candles because typically 30 foot candles are not used on high school fields around here. All the recent installations are 50 foot candles.

Councilor Rixon asked about the number of games and the number of practices can be expected to be played over a year. Craig Sickles, Athletic Administrator for the RSU5 explained that both boys and girls' soccer and field hockey teams each play a total of 14 games, seven home and seven away. They have an 11-page guideline for the use of the Joan Benoit Samuelson Track and Field. It has been approved by the RSU and was jointly written by the neighbors and the RSU. There is a lot of information in it and one of which is how many games they can play underneath the lights. They are allowed to play five games under the lights in addition to any play-off games they may play. Football has an eight-game schedule, four home and four away and one pre-season home game so they will have five home games in a particular season. They are limited to four and any play-off games that might happen. They are also allowed to get the Eighth Grade teams under the lights if they can fit them in. That is Eighth Grade Boys Soccer, Girls Soccer, Field Hockey, Football and Lacrosse. In the spring, they will start Lacrosse games at 6 p.m. so they don't envision a lot of light use unless they have a dark cloudy day. They will have three practice slots that end at 7:15. In the fall that would entail the 30 foot candles turned on when it starts to get dark and they will be turned off 20 minutes after the 7:15 finish time of that last practice. In the spring, they only have Boys and Girls Lacrosse. That is 23 nights, not including play-offs. Starting pre-season, April 14 and concluding the end of October. Practices start at 2:30 or 2:45 p.m.

Chair Tracy wanted to understand when the teams arrive on the field and how it works. Mr. Sickles explained that in the fall JV Soccer would start at 4:15 and play a game. The Varsity would come on the field and warm up and their game would start at 6 p.m. Later in September and October, sunset is at 4:30 so they would have to turn the lights on a half hour before sunset in order for safe play on the field. If the crowd isn't leaving, a bank of lights is turned off. If they still are not leaving, an announcement will be made saying that the lights are going to be turned off and they need to vacate the property. There will be lights on the pathways and on the back of the building.

Councilor Anzuini referred to G.4 A, Athletic Fields and Councilor Sachs identified that there are a number of inconsistencies within the Ordinance. He would like to see them corrected before voting on it.

Councilor Sachs offered up an amendment:

**MOVED AND SECONDED:** Under Section 521B – D amend it to state all athletic field lights should be dimmed to the level of lighting allowed in Section 521.G 4 instead of 5-A, of this section before *any event* and or any regular season games including playoffs and as soon as the game *and or event* is over. Athletic field lighting shall be turned on no more than 30 minutes before a regularly schedule game or event and turned off no later than 30 minutes after a game *or event* is over. In Section E, Any building, sidewalk, pathways or parking lot lighting that is illuminated solely for events at an athletic field shall be turned on no more than one hour before a game *or event* begins and shut off no more than one hour after a game *or event* is finished. The rest shall be as said. On page 3, under Chart 4 now A, third column over take out the word special and just call it events. (Sachs & Gleeson) **ROLL CALL VOTE:** (7 Ayes)

Councilor Egan applauded everyone involved for morphing this into something that is well balanced and accommodating to all of the parties. The best indicator of a quality products as mentioned by Councilor Arris is that we have something that nobody is thrilled with but everybody can live with and there is a lot of contentious dynamics going on with putting this kind of lighting right in the middle of a neighborhood. This goes all the way back to the original design and concept. He finds it encouraging to find this kind of process lead to a very pleasing result. Ms. Larson thanked him and noted she would pass it on to the Board.

**ROLL CALL VOTE ON AMENDED ORDER:** (6 Ayes) (1 Nay-Anzuini)

---

ITEM # 62-17	To consider action relative to amendments to Freeport Zoning Ordinance § 602.C.1.m ‘As Built Plans’, § 602.D.4 ‘Plans’, and Subdivision Ordinance Article 3.2 ‘Definitions’, Article 11.17 ‘Spaghetti Lots’, Article 5 ‘Preapplication Procedure’ and Appendix. B. <b>PUBLIC HEARING</b>
--------------	--

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

Donna Larson explained that this was brought up as a recommendation by the Project Review Board. In reviewing projects from time to time, they identified some things that need to be changed and they usually wait until they have some sort of critical mass and they felt like they had it. The dead-end road definition came up as a result of more than one subdivision. How do you measure it? What happens when you have one road coming off of another road? What happens with look roads and how do you measure all that? That is what this is for. Now they know clearly how to measure. The spaghetti lots also came from a proposed subdivision. Because our coastline is so jagged, if you follow the coastline, you can get a hundred feet but the horizontal difference is very different so we clarified that definition in the shore frontage definition. Some of the things were the Ordinance said one thing but in practice how we did it was another thing. There were no major deviations but when they put together Subdivision Ordinance a number of years ago, they talked about two different plans they would look at in the original phase and after the first application was brought in, they realized it was much easier to compile it all on one plan so they would have a much clearer picture of all of it on one. In practice, that is the way they have always done it. All of that brings the Ordinance up to speed with the way we have done things. The other thing they do is require applicants to supply 12 copies of an 8 ½ x 11 plan. The reason they do it is for customer service so if someone comes in and they want a plan, they can just grab one of those four copies and give it to them. If more people want a copy, they just make copies.

They have a requirement for as built plans but it doesn't say what they should include. The Board had discussions about what is it that they really want. They want what they can't see so they want to know what is under the ground. They can see what is above the ground. Give them an as built on where the utilities are especially if they have changed from whatever the proposal is. An as built doesn't have to be a brand-new plan. It can have handwritten notes on it but the Board needs to have that information. They clarified the types of information they were looking for there.

The last item talks about getting all of their plan in a pdf format. The next thing they need to do is start digitizing their files. They are just about maxed out. Every time a new sign goes in or a new subdivision is approved or a new house is approved, they get another file or something added to their files. Their file cabinets are getting maxed out. She feels digitizing is the wave of the future and is what they need to do so they put this in here to have plans submitted electronically but they don't know the exact format yet. It probably will change. We have been getting subdivision plans submitted electronically for years and they use them to do the tax map updates every year but they need to start doing them with more because it is next wave of how they are going to do things.

There is very little connection between those recommendations. It is just a bunch of different things the Board has identified over the last couple of years.

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

Councilor Egan noted that he feels digitizing plans is the wave of today and he encourages this. He feels it is important to do it now. He inquired how much professional burden we are putting on simple procedures such as splitting off a house lot from a large parcel. Ms. Larson explained that not every lot split requires Board approval. There are lot splits that can happen without any approval from the Town provided they do not trigger subdivision which is the creation of three or more lots within a five-year period. They find out about lot splits within 8-10 weeks after it happened when they receive a deed from the Registry of Deeds telling them that there was a lot split. They will then know the name of the owner and have the meets and bounds description. They make written notes in the tax maps that it has happened. A minor subdivision has one less step than a major.

Councilor Arris had questions about the shore frontage and the new language saying the length of a lot bordering on a water body or wetland measured in a straight line between the intersections of the side lot lines of the shoreline. Are we having some issues on this? Ms. Larson explained there was a proposed subdivision on the water and they were measuring their 150 feet using every little inlet and outlet. The Board is saying that you draw a straight line between the two and this is how you measure your 150 feet. This will force the lots to be a little wider. In a waterfront subdivision, this would probably mean that there will be fewer shoreline lots

Nick Adams, Freeport's Codes Office explained that technically shore frontage in Chapter 1,000 and Title 38, Shoreland Zoning has a definition of shore frontage and you cannot measure along the shore line. This will match the State law definition. The Zoning Ordinance is consistent but the Subdivision will be changed to match the Zoning Ordinance.

Ms. Larson feels this needs to be done to make the Subdivision Ordinance consistent with Shoreland Zoning. In the last fifteen years, this only came up once and the subdivision was eventually withdrawn. This does not address any issue being considered or discussed.

**COUNCIL MEETING #11-17**  
**JUNE 6, 2017**

---

Councilor Anzuini asked in the pre-application process if there is any timing estimates associated with Freeport residents. Ms. Larson explained that usually applicants call and within a couple of days they come in and they meet. It has never been an issue.

**BE IT ORDERED:** That the proposed amendments to Freeport Zoning Ordinance § 602.C.1.m 'As Built Plans', § 602.D.4 'Plans', and Subdivision Ordinance Article 3.2 'Definitions', Article 11.17 'Spaghetti Lots', Article 5 'Preapplication Procedure' and Appendix. B be approved. (Egan & Gleeson) **ROLL CALL VOTE:** (7 Ayes)

Chair Tracy thanked Ms. Larson and Mr. Adams for the information they provided.

---

ITEM #63 -17                      To consider action relative to the adoption of the Fiscal Year 2018 Operating, Capital, and TIF Budgets for the Town of Freeport. **PUBLIC HEARING**

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

Carol Revitz of Home Health Care at Home explained what they provide and requested \$1,000. Councilor Sachs pointed out that Municipal funding sources meet a gap between what they are reimbursed and what they charge for care. She understands the care charge does fluctuate for insurance companies but she does find this to be a misleading factor. This group has a \$29.2M budget.

Rebecca Hobbs of Family Crisis Services thanked the Council for its past support. She explained what they provide and requested the same funding as last year which was \$500. It would be very helpful to them.

Larry Gross of Southern Maine Agency on Aging explained what they provide and requested \$1,000 to help provide matching funds that they use for their programs. They have 85 full time paid staff and 25 full time volunteers that donate their time in support of the work that they do as well. He explained that they have 600 volunteers and their hours added together comes up to 25 full time volunteers.

Darrel Fournier, Freeport taxpayer, noted he reviewed the budget and has three areas he would like to discuss to see if there could be any reconsideration on the funding levels. The first area was the high cost we are paying out on our insurance rates for medical and liability for the Town. This was a significant issue when he served as Fire Chief here and he knows of two communities that left Maine Municipal and he is hoping Freeport will take the time to make sure it is getting good value for insurance and take a hard look at the restrictions they placed on certain departments in Town. The restrictions placed on the Fire Department forced all Fire personnel to do fire extinguisher training every year. He doesn't think it makes sense. It is a waste of time and we have a lot of other priorities that should have been done for those people. Stopping giving kids and parents a ride home for the Birthday Part Program. When we had these types of programs, the parents and kids felt welcome and it provided an interest. Taking it away really affects the department and we are seeing that in volunteerism in the department. The other issue he has concerns with is the elimination of car washes that was held at the Fire Station. Again, the public comes in and are welcome in the station. He realizes that some of the soap that was used went into the drainage and had an effect on shellfish but primarily when we had the Scouts, they were required to get insurance to have the event there. He feels it was too much and was an overstep. He would like the Council to research that. He experiences the cost for health insurance as a retiree from Freeport of \$1,100 for he and his wife per month and feels it is pretty significant. When he did some research, he was able to go to a different company and ended up with umbrella insurance at the same cost he was paying without it. Having an expert on insurance with Councilor Gleeson, he encouraged the Council to do that. He brought

up the funding for Amtrak and he questions why the Town is funding this business. He would like to see the total cost of what Amtrak costs the Town in the budget. He does not believe this budget proposal includes snow removal which is done by another Freeport department and they also do the maintenance there. It would be helpful to see the total cost. It is a business and the Town does not fund a lot of private businesses in Freeport. He would like to discuss the Fire Department budget. He is concerned with the Chief working shift work and he hopes this budget reflects that he goes back on days. He feels it is important to have a department head around five days a week in the event the public has questions or if there is a business that needs an inspection whenever the chief is available. He hopes the Fire Department budget maintains a proper staffing level. He mentioned that three years ago the Town experienced a decrease in its Fire insurance premiums. We lowered our class ratings and living out on Old Flying Point Road he saw his premium decreased by \$195. He does not want to see us go in the other direction and have our rates increase. He knows there is a significant decrease in the NET budget due to the closure of Parkview. He hopes an effort will be made to look for additional revenues which he is sure they are working on. He thanked Councilors for all the work they are doing on the budget.

Mr. Joseph explained that there have been discussions on insurance and is hoping to have some investigation and some rfp work over the next year. It is something that is on the radar for the next year. Snow removal for the Amtrak Station is in our Buildings and Grounds Maintenance. It is not split out because we don't have a contract. Mr. Joseph noted that we would have to assign it some percentage of what the winter time work is and it would be less than 5% or 10% of that entire year. It would be a small percentage of the Building and Grounds budget.

Terry Cross from Independence Association in Brunswick noted that Freeport funded them in 2012 and she hopes to be added to this year's budget. She has a request for six individuals that work in Freeport and live in one of their homes in Freeport. It is their goal for their residents to age in place. The home on Park Street needs a ramp to their back door, grab bars in the bathroom, raised toilet seats, railings in the hallway. She hopes the Council can include them in this year's budget. If not, she would like to know how to be included in that process in years to come. She is requesting \$500. Councilor Sachs asked if the toilet seats and grab bars are reimbursed by Maine Care. Ms. Cross did not have an answer. Chair Tracy noted that this is the correct process and she is in the mi but the Council has to figure out how to allocate the available resources but procedurally, she is doing the right thing.

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

Chair Tracy noted the Council will be having a budget workshop later and suggested moving on.

---

ITEM # 64-17	To consider action relative to setting a public hearing on amendments to Freeport Shellfish Ordinance.
--------------	--

**BE IT ORDERED:** That a public hearing be set for June 20, 2017 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss proposed amendments to the following sections of the Shellfish Ordinance: § 32-601 LICENSING, Subsection A. Designation, Scope and Qualification; §32-601 LICENSING, subsection E Limitation of Diggers; and § 32-601 LICENSING, Subsection E. Renewal Commercial License

**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. (Arris & Gleeson)

Mr. Joseph explained that this is being proposed by the Shellfish Commission. He will confirm that someone from the Commission will be here at the next meeting to speak to this. He is aware that the Council has to approve any amendments and then it will have to go to the Commissioner's office for approval and a final sign-off afterwards.

**ROLL CALL VOTE:** (6 Ayes) (1 excused-Sachs) out of the room

---

ITEM # 65-17                      To consider action relative to extending the moratorium on retail marijuana establishments and retail marijuana social clubs (Freeport Ordinance Chapter 57)

**BE IT ORDERED:** That the moratorium on retail marijuana establishments and retail marijuana social clubs be extended for 180 days. (Anzuini & Gleeson)

Mr. Joseph explained that this moratorium and the following moratorium are expiring at different times. The one not read expires this week but this one expires next month. He feels it would make sense to put them in the same time frame. For both of these items, the Council has to find before an extension under law can happen, that the problem giving rise to the need for the moratorium still exists and that reasonable progress is being made to alleviate the rise for the need for the moratorium. That is his due diligence that we have to put this in the record. Councilors have to nod their heads if they think it will happen and if they are going to vote yes for it. It doesn't matter if the Council is going to vote no for the extension. They don't have to find that. That is his only guidance on this matter and he thinks it is pretty simple criteria to judge on both.

Mr. Joseph noted that he believes both of these problems still exist because one of them is a new law on retail that was just sent to us and we have not yet developed an ordinance to regulate it at the Council level or zoning at the Planning level that has been recommended to the Council. He does not think we are currently in the process to develop zoning for the retail side of it. We are only in the process to develop a Council regulation on that. The exact opposite is true on the medical marijuana production facilities which are referred to as condo groves for medical marijuana producers when they segment them out. This is for 66-17 when they segment up a giant building for small areas of different growers so essentially you have a communal grow area that is much larger in scale and is essentially a way around the medical marijuana law for individual growers. It is a creative interpretation on that law. He believes both of those problems still exist and they have not been dealt with. We have making progress on both of these. The Council definitely on the one we are talking about now - #64-17 has talked about it several times in meetings and we are in the process of developing an ordinance which will be talked about later tonight. The Planning Board has discussed several times the medical marijuana production item and they are undecided to recommend a zoning language change. If they are, they know that they have to have it to the Council by October. They will be discussing it in their fall meetings he believes.

Chair Tracy pointed out that the vote will be on retail marijuana establishments and social clubs.

**ROLL CALL VOTE:** (7 Ayes)

---

ITEM # 66-17                      To consider action relative to extending the moratorium on medical marijuana production facilities. Freeport Ordinance Chapter 56)



**BE IT ORDERED:** That the moratorium on medical marijuana production facilities be extended for 180 days. (Gleeson & Sachs)

Councilor Anzuini mentioned the Medical Marijuana Ordinance and asked if it is feasible to split the production and growing component of the Ordinance so in the future the Council can address them separately. Mr. Joseph explained that we have very little non-zoning regulation on medical marijuana. The retail marijuana law gives us the ability to regulate several aspects of that. Medical marijuana production facilities we are essentially talking about whether to set zoning restriction on where those can happen. We cannot regulate them in anyway and we cannot regulate care givers. If a growing operation for a caregiver is done as a home occupation, we cannot regulate those in anyway.

**ROLL CALL VOTE:** (6 Ayes) (1 Nay-Egan)

Councilor Egan advised that he is not interested in extending the moratorium. He would like the Council to get to work on it.

---

ITEM # 67-17                      To consider action relative to awarding the Fiscal Year 2018 Paving Contract.

**BE IT ORDERED:** That Crooker Construction be awarded the Fiscal Year 2018 Paving Contract for the unit prices submitted under the bidding contract provisions.(Sachs & Anzuini)

Town Engineer, Adam Bliss explained that every year we put out a paving bid to contractors for not only general paving but capital paving projects. This year's capital paving projects are Curtis Road and South Freeport Road. The rfp was sent out to eight regional paving contractors and advertised on our website. We received five competitive bids from the eight. We would like the paving work done before September 30 and they have assured us that they can comply with this completion date. He is recommending awarding the contract to Crooker Construction from Topsham. He explained the criteria he uses.

**ROLL CALL VOTE:** (7 Ayes)

---

**OTHER BUSINESS:**

- 1.) Discussion regarding regulation of retail marijuana.

Peter Joseph explained that the Council will have to have a lengthy discussion on this at a later date and tonight might not be the best time for it. What he has received and developed from the Town Attorney is a very simple MMA standard model they put out and Bernstein Shur is recommending. The State has not finalized the requirements or procedures they will use in granting licenses, etc. He, Councilor Egan and Chair Tracy heard the medical marijuana presentation at the GPCOG meeting last week that they do not expect the State to change the ability of the towns to regulate and ban these things, it is just how the licensing procedures will happen. None of which will concern us if we have the straight five category ban. We won't have to worry about zoning changes or licensing changes that may be made. A one-page ordinance would do it. This would allow us to change it very simply if there are changes at the State level. We will also not know those until well after next year's planned February deadline which postdates any of the towns that have moratoria in place now have the ability to continue those moratoria. The majority of towns that have adopted Moratoria will extend past that one extension period, those two six-month

terms before the State has any standards in place on how to license this. They have a lot of important things going on but in this case, they dropped the ball in getting to us in time.

Chair Tracy noted we are just bringing everybody up to speed. We are not going to be substantively discussing the ordinance but basically the Council referred this to the Planning Board and they decided based on the straw poll vote of the Council that they were not going to work on any ordinance language because it didn't make sense. It will be an issue that comes back to the Council. The anticipated schedule for this, we will have in our packets for the next meeting the model ordinance that we would propose to discuss and it would done in an information session that will be noticed in a public newspaper so that if there is a fair amount of interest in this topic, we will try to get some transparency that we are taking this up. At the following meeting which will be in early July, the Council will have a public hearing on that. If we are ready to make a decision, great but if not we obviously will have our moratoria in place and we can take more time if needed.

Councilor Egan pointed out that he did not realize the Council had taken a vote on the entirety of it. Chair Tracy explained that the Council took a vote on each of the five activities and there was a majority in favor of banning the five activities. There were differing opinions as to why. Mr. Joseph mentioned that the Planning Board feels there is no reason to develop zoning standards. For the record, Chair Tracy advised that the Council characterized it as a straw poll vote and encouraged the Planning Board to feel free to take it up and comment. There was no indication in the message to the Planning Board that the Council was not open to a full process at the Planning Board. The Planning Board did take a straw poll vote and said they had other things to spend time on which is fair. The Council could do all of that public process and if it turns out that we don't have majority support for a ban on the five activities, we can certainly send back what isn't banned and say we need some language. This is just the first part of the process but it is in our court.

Councilor Sachs feels that having a public information session is a wise way if it weren't going to be done at the Planning Board level but we should really get some feedback. Rather than having a two-step process of here's some ordinance language, let's have a public hearing. She and Chair Tracy decided to propose to the Council to say, "how about we say, this could be a model language. Let's get some information from the public about how they feel about the subject." Then, if there weren't significant feedback, but if there is, there is no harm, no foul. That is why there is that extra step of an informational session. We really want to be transparent about this complicated issue. Chair Tracy asked Mr. Joseph to put this in *The Forecaster* and other appropriate newspapers that we are having an informational session. Mr. Joseph noted he would make it clear that the Council intends to accept public comments at both upcoming meetings and beneficially at the official public hearing so residents won't feel they have to come one or the other, they can come to either. Chair Tracy wanted it made clear that this ban does not prohibit personal use in private homes if you are over 21. Mr. Joseph noted it also does not prohibit possession, growing within one's house or transferring any legally acquired marijuana to other individuals in a free gifting way like the State Law allows. These are things we are not allowed to regulate. Councilor Arris suggested using the word "prohibit" instead of "ban" in the advertisements.

---

## 2. Continuing Budget Workshop

Councilor Arris pointed out that the Council has been here for three hours and asked if there is any sentiment for continuing this workshop at the next meeting. Chair Tracy advised that the Council is supposed to adopt the budget at the next meeting and suggested that the Council spend a little time on proposals that people have been working on and leaving some non-controversial items for next time.

**COUNCIL MEETING #11-17**  
**JUNE 6, 2017**

---

Councilor Sachs advised that Jessica needs to provide the Council with the final figures and any changes the Council makes, she has to make those changes on the fly that night. She recommends that the Council power through this evening. Mr. Joseph noted if we are going to make amendments on the 20<sup>th</sup> that the amendments be distributed ahead of time. He would recommend that amendments be made tonight for accuracy purposes. If amendments are made on the 20<sup>th</sup>, the Council will need a recess for Jessica to go in and update all the spread sheets and make sure all the numbers are correct.

Chair Tracy suggested starting tonight and see where the Council gets. Ms. Maloy pointed out that at the last meeting, the Council went through what is typically the most discussion able areas of the budget. The remaining items are standard and non-contentious. They are usually pretty quick to go through.

**The Town Clerk's Budget – 0105 1005 (page 6)**

Councilor Anzuini explained that he believes identifying a district's vote on an issue. He feels not knowing where you neighbor stands on an issue can provide a feeling of isolation.

**MOVED AND SECONDED:** to increase the Town Clerk's budget by \$6,000 in order to support holding future elections by district. (Anzuini & (Arris)

Chair Tracy clarified that the upshot when we have local items or a governor's race, etc., we do not distinguish between the number of votes in District 1, 2, 3 or 4. There would be a separate ballot box for each district 1-4. Councilor Anzuini noted that anyone could use the voting booths but the challenge would be to get voters to put their votes in the right machine for their district to be counted.

Christine Wolfe advised that we do separate ballots when we vote for our Councilors. The State said that they would not give us separate ballots for the four districts. What would need to happen is that she would have to divide our polling place to four very distinct areas. There would have to be separators to make sure the voters returned their ballots to the correct ballot box. She would not be able to have the ballot boxes where she normally has them at the exits because if someone had a District 4 ballot and the District 1 line was shorter, he or she could say this is a District 1 ballot. She would definitely make four separate areas. She wanted Mr. Bonney to speak this evening because he was the chair of the Charter Commission when we wrote our charter and he mentioned that the intention when they voted that into the Charter was that we would count the ballots for District Councilors separately but it was not the intention for voters to vote on referendum questions separately. This is not required by State law. She read the verbiage contained in the Charter into the public record.

Ed Bonney from District 1 explained that he chaired the Government Study Committee in 1971 and a year later the Selectmen established the Charter Commission which he also chaired. Historically during the Charter Commission discussions, they previously studied every form of government in this country. They discussed the concept that Councilors should represent their neighbors in their district for approximately three months. At the end, they unanimously voted to establish four districts in Freeport. If you read the Charter, the only separate vote is for Councilor, not the School Committee or anything else. We were made aware by the Clerk and Maine Municipal that we would be opening up a Pandora's Box and probably a very expensive box to separate everything. The State told them they would not print separate ballots by district for Governor, Congress, State Representative whatever. There were comments made to the Charter Commission that word came down that people were curious as to how people voted in their districts, other than what the will of the community was on a particular issue. For all these years, the system has worked very well and he has a lot of experience in running elections. He encouraged Councilors not to do this because they will create not only a confusing mess at the polls in getting voters to deposit ballots where they should be. More machines will need to be purchased to simply satisfy the

curiosity of how your neighbor voted is an exercise that really should not be undertaken. That is his experience and it is his recommendation. Those are his citizen comments.

Ms. Wolfe asked if it is worth the extra work and expense in order to be able to look back and determine how one district voted versus another district. It would involve significant additional expenses in order to change how we conduct elections. Councilor Arris asked him what is going to be worth making these changes and pointed out that at the end of an election, we do get a good sense of what the Town feels like. Councilor Anzuini noted that people have told him they don't get involved because they don't believe they can make any changes. He believes this process will help get cohesiveness into his district. More discussion followed. Ms. Wolfe stated that truly all Councilor Anzuini would be getting is statistical information and it is all after the fact of the vote. All that ultimately matters is the vote.

Chair Tracy noted she plans to bring this to a vote and asked for comments. Councilor Arris applauded Councilor Anzuini for looking at ways to improve voter participation. He does not feel it would be as helpful as Councilor Anzuini feels it would. He likes new ideas but can't support it at this point. Chair Tracy appreciates the creativity but feels there are ways to get increased voter participation. If the voting booths are a nightmare and it is confusing, it will actually decrease participation in the voting process. It will be bumpy in the beginning. From a monetary perspective, we are struggling over increments of thousands of dollars and we have human service agencies asking for money and other safety issues which may cause the need for more money. She won't support the increased cost and would be willing to look at better ways to communicate about issues within the town. She feels it is a worthy goal to try to increase voter participation but this is not the one she would ride her horse on, given the cost.

Councilor Gleeson likes the idea but agrees with Councilor Arris and Chair Tracy right now. It could be helpful for neighbors to know how their neighbors voted and for Councilors to know where they stand on issues. He feels it is worthy of further discussion but not tonight. He appreciates Councilor Anzuini looking outside of the box but would not support it tonight.

**ROLL CALL VOTE:** (1 Aye-Anzuini) (6 Nays)

Chair Tracy thanked Ms. Wolfe for her testimony and for bringing in expert witnesses.

**Fire Department – 0202, Page 14**

Chair Tracy noted she is proposing another modification to the Fire Department Budget. She noted there is a significant decrease in revenue due to the NET services and the closure of Parkview. Chief Jordan has done a good job trying to address the gap between revenues and expenses and one of the proposed solutions was that several of the Fire Department employees would move from administrative positions to actually spending part of their time on calls. She feels this is a good idea and provides a benefit having them on the ground, knowing what the state of affairs is. She left the last Council meeting with concerns that our Fire Chief who is paid a fair amount of money and was hired for his "big picture" thinking and managerial expertise, under this budget proposal would be on call eight days a cycle. While this is happening, our Fire Chief is not available for all of the chief duties he was hired and is paid to do. She has discussed this with Chief Jordan and the Council has received a memo from him which articulates those tasks that would be harder to get to if we continue with the two-call cycle proposed in the existing budget. The cost for her proposed amendment to bring Chief Jordan down from two call days a cycle to one call day a cycle. The increased fiscal impact of that would be approximately \$13,000 for that adjustment. It would basically pay another part-time employee or someone on a per diem schedule to fill that slot and allow Chief Jordan to be back at his desk in the Fire Chief role. While there is some value having our Chief going out on calls and be part of the team effort, but she feels there are priorities that need to be attended to and unless we adjust the budget, he will not be able to get the items that we hired him to do.

**MOVED AND SECONDED:** To add \$13,000 to Account 1190 of the Fire Department Budget to \$256,150 in order to drop Chief Jordan down from two call days a cycle to one call day a cycle (Tracy & Sachs)

Councilor Sachs agreed with the data points and feels this is prudent and supports the amendment as proposed. Councilor Gleeson is also supportive. Chair Tracy pointed out that Chief Jordan is willing to do two calls a cycle but this has been a Council generated amendment. She is confident that he could get to some of his duties but just not all of the duties in the timeframe the Council expects him to. Mr. Joseph explained that the reason Chief Jordan got stuck on shifts is because of his problem-solving skills. It was intended to be a short term stop gap measure which he proposed to him. This is consistent with his innovative thinking. Councilor Arris feels the Council leadership is pretty solid in this amendment and agrees Chief Jordan should be doing as much as he can in his administrative level. Even before adding this change to the budget, it was up 14.5% which he feels is huge and adding an additional \$13,000 would bring it to a 17% increase over the previous year. Ms. Maloy explained the discussions she had with Chief Jordan and that the budget is up because there is realignment of expenses which were previously covered by NET and it is no long viable and sustainable to the level it was being utilized. In order to maintain the level of service under all three components, this is that compromise in shift from NET to the general operations. In rough estimates NET was generating \$600,000 per year. Without Parkview, we are seeing \$200,000-\$250,000. Councilor Gleeson noted this was not a surprise. Ms. Maloy explained that this was brought up when she first started in 2015. Chair Tracy appreciated the effort to close the gap by having administrative officials do calls, she also thinks having them in the office strategizing on how the whole department can be more efficient and able to keep track of its own budget expenditures, and all the things that managers do. While it is not an immediate way of closing the budget gap, it is a long-term bigger picture effort. By going on calls, she fears that Chief Jordan won't be able to work on and see things that would save us more than \$13,000 but we don't know now what that is. It will take him time to spend managerial time to digest what improvements need to be made within the department. If we don't give him the time, it will be difficult for him to achieve those goals.

Councilor Arris asked what next year's Fire budget would look like. Ms. Maloy explained that he would see primarily call runs, step increases and if the chief is removed from all shift work, he would see about a \$24,000-\$25,000 impact in next year's budget if everything else were to stay the same. She mentioned that if the Council makes the change as proposed, it could look an another \$14,000 to remove the chief from all shift work. She explained that Councilor Arris would be looking at a 2% increase with wages and probably health care will go up. Mr. Joseph explained that no shifts are planned for next year under this budget other than the chief's time. They think the \$200,000-\$250,000 projection for NET is sustainable because that is what we are doing now. They are not looking to shift more costs out of the NET Transfer Fund into the General Fund next year. It will be another 10-15% change.

Councilor Arris was surprised to hear that the chief just heard that we were looking for a generator. Councilor Arris was confident that there were department staff meetings talking about Capital and the Council has discussed the generator at several meetings. Ms. Maloy explained that the generator is on the smaller scale and it might not have come up. Mr. Joseph offered to fall on the sword for not identifying the chief as a resource to ask him about it.

**ROLL CALL VOTE ON AMENDMENT:** (7 Ayes)

Chair Tracy explained that we have a proposal from Councilor Anzuini regarding performance metrics but it does not have a fiscal impact. She suggested addressing it at the next meeting is there is time or the following meeting. Councilor Anzuini agreed.

**Codes** – Page 5, 0104

Mr. Joseph explained that we have a new person in the position. Mr. Adams has identified several items in his budget. He expects to use different tools that the previous Codes Officer used. This is not a compensation or benefit discussion. It is more about software, tracking, digitizing, training and certification that is a little above what our previous Codes Officer was doing. Code books will need to be purchased. The total increase being proposed is \$6,940. Mr. Joseph advised that this is not expected to be a completely recurring cost. Computer Maintenance would be decreased by \$2,150 next year so it would be at \$2,900 next year. The previous Codes Officer met all requirement for keeping records but was informed that there were more efficient ways to do it. This is something that has been developed in the past week and a half. It was not available to discuss previously and there was no knowledge that all of these things would be needed so it is new to Mr. Adams as well as Mr. Joseph.

Chair Tracy mentioned all the training being proposed and asked if there if there is a more efficient way to do it. Mr. Adams replied that there is not He feels this is the minimum. There was no money in the previous budget since there is no need for training when you are retiring.

Councilor Sachs feels this is hard. This is a \$6,900 proposal. Knowing that this was needed, would it have impacted either your salary negotiations or any of these other pieces knowing to bring this person on, it would impact \$7,000 of additional costs on top of this department. Are these simply upgrades from a department that long under expended its departmental funds and we are just happening to see it now.

Mr. Joseph advised that the answer to the first question is no. He feels there is a several thousand-dollar difference from the new hire to the previous employee. Mr. Joseph mentioned that the second answer is that he and the Planning Department identified those tools and would have liked to use them three or four years ago. Ms. Maloy explained that Mr. Adams was not on board when the budget was compiled and did not know what specific software and programs he would want to use. There is some variance that can come up with these softwares. Mr. Joseph did not know we needed \$1,000 worth of code books or there weren't \$5,000 worth of programs on the computer that other people in those departments are using.

Councilor Arris had questions on the proposed increases. He would like to see consolidation of computer maintenance to get a handle on it rather than having every single department come up with a figure. While Councilor Arris supports professional training, this budget contains 10-12 days of training and conferences and this seems like a lot to him in one year. This is a significant increase. Councilor Anzuini mentioned that whenever a long-time employee leaves, the new employee has a baseline he has to establish. He does not feel this increase is a lot.

**MOVED AND SECONDED:** Per the memo dated June 6, 2017, add the amounts listed under the budget request to reflect an increase of \$6,940.00 to the budget line under Code Enforcement. (Sachs & Tracy)

Councilor Sachs noted that she thinks of this as deferred maintenance. She is aware that the Council has not spent a lot of money for this department over the past five years.

**ROLL CALL VOTE:** (7 Ayes)

Chair Tracy understood that it was tight timing on this but it is hard to believe that the last night for discussion is when this comes forward. She feels that there could have been some head's up that this was coming at the last meeting. The Council has been working hard to keep people apprised of the changes. Mr. Joseph advised that he and Mr. Adams met on Thursday and Monday and developed these estimates this morning. Chair Tracy mentioned that there should have been a higher priority to move it quicker. It

seems late in the game to get this amount of modification without any discussion of it or even an e-mail earlier in the day. That was her commentary.

**Cable – Page 36**

Ms. Maloy noted we are looking at a .5% increase. There have been reductions in vehicle maintenance as well as equipment repair. There is a slight increase to vehicle fuel of \$100.

**Conceptual Discussion on Website Refurbishment** (Capital Item)

Chair Tracy noted there is \$25,000 budgeted in the Capital Budget for overhauling the Town's website. Councilor Anzuini raised the question as to what is the goal of the website and what functions do we want it to serve. Chair Tracy agreed the Council needs to discuss this but doesn't have the time tonight. She raised the question, what if it is more expensive, where do we get the money, what happens if it is \$50,000 so she suggested a quick discussion around the Council's comfort level.

Councilor Sachs advised that if it is a priority for the Council, we talk about contingency. If it is not a priority, we state how much of it can be done in this fiscal year for \$25,000, knowing that the next year we would have x amount to go over it. Mr. Joseph explained that the \$25,000 figure is an estimate. We received a couple of different estimates for different types of redesigns. The cookie cutter municipal website which a lot of our neighbors really like and use is in the \$10,000-\$15,000 range. A complete custom designed website from the ground up would be in the \$25,000 range. The more he learns about this, the more he is leaning towards the \$25,000 option which would mean that we don't have to spend the Capital funds. If we did want to add features to an off the shelf website, it would look similar to what we have right now. If you go onto our website and go to the on-line services, and all the different things we have added after the fact such as tax payments, etc. Those things are hosted on outside websites and we add them in as links all the way to the right of the website. He is confident that we will not be spending \$25,000 because he doesn't believe this is a good use of taxpayer money to design and build a custom website when we can get something off the shelf in the \$10,000-\$15,000 range but we put that in the Capital budget as a worse case estimate. He is confident there will be some money left to do the things Councilor Anzuini is talking about if the Council decides they are priorities.

Councilor Anzuini feels that the key is that the Council needs to have a requirements document and determine who is the customer for this website. He feels the Council will need to spend some money to come up a requirements document. As it goes into the build phase of whatever the requirement document says, the Council will have to re-evaluate if the money is sufficient enough. He is thinking that the Council would use some portion of the \$25,000 to come up with the requirements document and then bring it back to work it through the rest of the cycle. This is how he would suggest approaching it but it is up to the Council.

Chair Tracy thanked Councilor Anzuini for bringing up this issue. We all want something good for the Town. We do have a plan as to how to handle it fiscally that we would need to take up after the budget and start the process to get it rolling.

Chair Tracy asked Ms. Maloy to articulate some of the departments that have increases in their budgets that the Council should attend to. Ms. Maloy advised that the Council has hit the ones that had changes. In Town Council, there is a \$10,000 increase to legal services which is one of the bigger changes up for discussion. In Employee Benefits, there are increases regarding to health insurance as well as retirements. The rates are set by Maine State Retirement and that is where our portion is, not all of it is discretion able.

Mr. Joseph explained that the \$4,500 item is the other half of purchasing software in the grant they received. Public Education are initiatives they are looking at which are outreach things. Councilor Sachs explained that these are mini grants to the schools for example the composting project at the Middle School, funds in partnership with the Shellfish Commission, etc. Mr. Joseph mentioned that this year they plan to have small pot luck farm to table dinners in the \$500-\$1,000 range to promote sustainable agriculture. There is talk about LED awareness for homeowners and public education on what some of those conversions would look like. There were other smaller items. He feels they are really doing a good job with limiting what they are looking for and plan to do a lot with that \$3,000.

Councilor Arris pointed out that \$4,500 is another software/computer technology kind of thing and those big-ticket items are scattered all through this budget. It would be nice to look at all of them as a group at some point in the future. Mr. Joseph pointed out there may be a way to summarize that in sort of an overlay analysis. Councilor Sachs personally likes the way it shows the impact to each department around the needs for technology. She mentioned that this one won't be an on-going fee according to Josh. Mr. Joseph advised that he would not want to pull them out of departments but could analyze them differently to present them. It might be a separate page in the back-up documents.

Ms. Maloy pointed out that Debt Service is down. On page 9, under Employee Benefits, 2411, there is a \$2,000 line item for Unemployment Compensation that she recommends removing because she did not see that on there and it slipped her memory. We actually have an Unemployment Compensation Reserve that she pulls those funds out of.

**MOVED AND SECONDED:** To reduce Line 2411, Unemployment Compensation by \$2,000. (Sachs & Arris) **ROLL CALL VOTE:** (7 Ayes)

### **Town Council – Page 1**

Councilor Egan made a suggested adjustment in the Human Services allocation and he would like to pay for it by taking out \$3,000 out of the Town Council's Legal Services and move it to the Human Services Agency line item to cover some of the requests we heard from. He has a specific request when the Council gets to it. He believes that if the Council were to encounter such an increase, it probably would have some other contingency that it could rely on. This is a neutral suggestion.

Chair Tracy noted that the Town has two on-going litigations and asked Councilor Egan to explain his rationale. Mr. Joseph explained that we have two high-profile items going on that everybody knows about as well as three or four \$2,000-\$5,000 items that we had to retain outside Counsel for internal personnel things. They were resolved and worked out great for the Town but we had \$10,000-\$15,000 of unexpected costs outside of our contracted legal services as well. The overages that we had got into the categories like litigation, drafting ordinance language and things like that that aren't covered in that agreement. He was already thinking to increase this number but would not have major heartburn with the \$3,000 reduction to it but wanted the Council to understand the \$10,000 increase he wrangled from the Finance Director who felt it should stay lower. Bernstein Shur receives approximately \$40,000 as a base contract and litigation is not covered. Discussion followed on legal matters being handled presently.

Councilor Egan explained what he is proposing. He is not proposing to increase the overall budget but Legal Services stands out. A \$10,000 increase for lawyers versus a \$3,000 increase for the frail and fragile residents of our community is an easy decision for him to make. Councilor Anzuini feels we should decide if we want to increase the Human Services budget and feels there are other places in the budget the Council could take it from. He mentioned that Sustainability has \$3,000 sitting there because there is \$103,000 sitting in the School Budget for Adult Education. Why couldn't the Sustainability folks



go and try to get part of that money which sounds like the type of activities that have been done in the past. He would like to separate them.

Chair Tracy suggesting pausing. She directed the Council to **Page 18 – Human Services Agencies** and then the Council can circle back to the Town Council page. She noted that the budget does not reflect the new request at all. Ms. Maloy advised that nothing was increased for Human Services Agencies.

**MOVED AND SECONDED:** To amend this general category by \$3,000 and we capture the increase of the request from Southern Maine Area Agency on Aging, the Home Health, Freeport Elders, Red Cross and add the new request from the Independence Association. Adding up the delta between what the Manager had in the budget and what the agencies are asking, in the upper part of that page it is \$2,000 and he would add \$1,000 for the Independence Association for a total increase of 3/100s of a percent and a total amount of \$41,550. He recommends covering this with a cut to the Town Council. (Egan & Tracy)

Discussion followed. Councilor Arris feels the Port Teen Center has become a catch-all for a lot of things and they are expanding in a lot of areas which are educationally oriented. He feels it should probably become part of the Education Budget. Councilor Egan explained that the Independence Association has a house on Park Street and its residents live here and some of them work here. He likes their program.

Chair Tracy mentioned that the Council used to give the Port Teen Center \$5,000 but increased it because they were at a crisis level a few years ago and they really needed the money to provide services to teens. She feels like the money is now going for rent and Councilor Sachs knows that they are paying \$7,800. They are trying to bring more people into the Community Center and have a different sort of educational programs. It is now more enrichment programs. Chair Tracy suggested the Port Teen funding back down to a more historical level of \$6,000. We would be open in future years to providing additional sources of funding. She is open to other ways of to find money to fund Social Services Agencies.

Councilor Gleeson did not feel he wanted to do that. Councilor Sachs believes they are still have programming where children are welcome. We don't have any data.

Councilor Egan pointed out that he has already made a motion which included adding \$1,000 for the Independence Association Mr. Joseph clarified that \$500 for Home Health, \$500 for the Red Cross, \$500 for Aging, \$500 for Red Cross.

Councilor Sachs wanted to eliminate the \$500 for Home Health because they have a \$29M budget and will not fund \$500 the Red Cross. She will support the Aging Agency and the Elders. She will not support the Independence Association because there is CDGB funding that Ms. Larson was speaking to Independence Association around the ramp and the due diligence was not there. More discussion followed on what agencies each Councilor would support or not support.

**MOVED AND SECONDED:** Hold the \$3,000 amount and distribute it to the Southern Area Agency on Aging by increasing their amount from \$500 to \$1,000, Freeport Elders from \$6,000 to \$6,500, Independence Association for \$1,000 and add Oasis at \$750 and make the amount of \$2,750 as the increase. (Egan & Sachs)

Councilor Sachs noted she still has objections to the Independence Association. Councilor Arris he cannot support this because it is adding two more groups and he is not ready to expand our list. He feels there is too much money being allocated for The Port Teen Center and it doesn't address what the title is. He can support increasing funds for the Elders and Agency for Aging. Councilor Gleeson agrees with Councilor

**COUNCIL MEETING #11-17**  
**JUNE 6, 2017**

---

Sachs on the Independence Association. He would be for Oasis, the Elders and Agency on Aging and not tough the Port.

**ROLL CALL VOTE:** (3 Ayes-Rixon, Egan & Tracy) (4 Nays) Motion Failed

**MOVED AND SECONDED:** To eliminate \$500 funding for 8601, Home Health Agency. (Sachs & Arris) **ROLL CALL VOTE:** (5 Ayes) (2 Nays-Egan & Rixon)

**MOVED AND SECONDED:** To increase the Freeport Elders funding by \$500. (Tracy & Arris) **ROLL CALL VOTE:** (7 Ayes)

**MOVED AND SECONDED:** to increase the funding by \$500 for the Southern Maine Agency on Aging making it \$1,000 for the year. (Tracy & Sachs) **ROLL CALL VOTE:** (7 Ayes)

**MOVED AND SECONDED:** To add funding to the budget for Oasis to meet their request in the amount of \$750. (Tracy & Sachs)

Councilor Arris noted he would like to keep this budget at the same level. He does not mind moving money around and feels it should come out of the Port Teen Center. Councilor Sachs advised that she is not opposed to adding to Human Services and is actually a Social Worker. She feels Independence Association can get their needs met by other funding. She is absolutely in favor of Oasis. Chair Tracy proposed amending the motion to add the \$750 for Oasis and decreasing Port Teen Center by \$500 which roughly reflects the true cost of the rent. Councilor Arris explained that the Port Teen Center is open to teens from 2-6 p.m daily and the rent is \$650 per month or \$7,800 a year. The incremental add for that motion would be \$250 to the budget. She asked for informal reaction. Sachs – no, Rixon -no, Gleeson – no.

**ROLL CALL VOTE:** To increase funding for Oasis. (7 Ayes)

Ms. Maloy explained that the Council stands right now with a \$1,250 increase. Chair Tracy explained that the Council has a pending motion to reduce Legal Fees by \$3,000. Councilor Egan explained that his motion is to reduce Line Item 3450 by \$3,000. Ms. Maloy and Mr. Joseph are comfortable with a \$3,000 reduction.

**ROLL CALL VOTE:** (7 Ayes)

Ms. Maloy explained that going down the line, there is an increase in Maine State Retirement. Our contribution increased from 9.1% to 10.1% which is set by Statute. There was a 10.68 % increase in premiums for Health Insurance and she is projecting a 9.5% increase for 2018. Workers Comp is going from \$151,000 to \$169,000 which are rate changes for job classifications. Councilor Gleeson noted there is validity to looking hard on certain items. Councilor Anzuini asked if there has been consideration to hiring part-time workers that do not require full benefits. Mr. Joseph explained what his experience has been.

Chair Tracy proposed that this meeting be closed this evening at 11:30 p.m. She encouraged Councilors in the early part of the week to go through the remaining items they didn't look at. If anyone wants to propose an amendment, let Mr. Joseph, Chair Tracy and Vice Chair Sachs know as well as Ms. Maloy so she can be ready for that contingency of a change in those numbers. She is assuming that Councilors are okay with the items already addressed. We have not formally gone through some subsets of these departments. She asked Councilors to take some time to make sure they are okay with it. If not, they need to know early.

**COUNCIL MEETING #11-17**  
**JUNE 6, 2017**

---

Councilor Arris asked what changes have been made tonight. Ms. Maloy offered to provide a total. She advised that overall there is an increase to the budget of \$16,190 and explained how it broke down.

**MOVED AND SECONDED:** To reduce the Legal Services Line Item 3450 by \$3,000 and apply it to

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #12-17**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY JUNE 20, 2017**  
**7:42 p.m.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
Peter Anzuini, 87 South Freeport Road	x		
John Egan, 38 Curtis Road	x		
Leland Arris, 70 Glenview Road	x		
Scott Gleeson, 23 Park Street	x		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 2 Pettingill Road	x		

Chair Tracy called the meeting to order at 7:42 p.m. and explained that the Council just adjourned from a Parking Workshop which began at 6:30 p.m. to discuss the Planning Board's Parking Committee results and are now moving into the Council's regular business meeting. She took the roll and everyone was in attendance

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #11-17 held on June 06, 2017 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #11-17 held on June 06, 2017 and to accept the minutes as printed. (Gleeson & Sachs) **VOTE:** (7 Ayes)

**THIRD ORDER OF BUSINESS:** Announcements

Councilor Egan pointed out that there is something called a "Makeshift Coffee House" which is a facilitated gathering to explore ways for opposing sides on any particular issue to get into a productive conversation. It is happening tomorrow in Yarmouth. It is not specifically related to Yarmouth issues but since it is nearby, he is simply pointing it out and he is considering going himself to experience it. It will begin at 6:30 p.m. and is at the Yarmouth High School.

Councilor Sachs announced that the Freeport Open Stage Coffee House at the Freeport Community Library is this Saturday, June 24 at 7 p.m. It is an open stage for creative types of all ages for folks who would like to perform a song, a written spoken word performance or telling jokes. It is a safe place for creativity and it is completely free.

Chair Tracy announced:

- **Freeport residents have the whole month of June to bring one free load of waste to the Recycling Center** using the Cleanup Coupon they received in the mail. Some material will have fees associated with them, so please review your flyer for the list of acceptable items and fees. Please note this is the last weekend for the clean up!

**COUNCIL MEETING #12-17**  
**JUNE 20, 2017**

- The **Thursday evening Summer Concert Series at Winslow Park** begins July 6<sup>th</sup> at 6:30 p.m. with the *Coastal Winds Band*. This 50-piece community concert band entertains with fun popular tunes, traditional bandstand pieces, and music of the season.
- The Freeport Community Library will be hosting a **classical music concert on Friday, June 23<sup>rd</sup> at 7 p.m.** Timothy Burris will perform a program of classical guitar music.
- Plans are also underway for the **4<sup>th</sup> of July Parade**. Michelle Barker, Bath Savings is once again the contact for this event and registration forms are on the Freeport Community Services website at [fcsmaine.org](http://fcsmaine.org).
- Freeport Players is holding open auditions for the classical comedy **Servant of Two Masters**, by Carlo Goldoni. Roles for ages 16 and up. Audition sessions will be held Monday & Tuesday, June 26 & 27, 6:30-8:30pm at Freeport Performing Arts Center, Performances Sept 14-17, Sep 22-24 and Sep 29 to Oct 1. For more about auditions and the play, including a list of roles, visit [www.fcponline.org/auditions/](http://www.fcponline.org/auditions/)

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Anzuini explained that the Traffic and Parking Committee met this morning. There were approximately 20 representatives from the South Freeport Village and there was a discussion around the speed bumps. They have requested additional speed bumps for the area and this is being evaluated by the Town Engineer. This will probably come to the Council in about four weeks. The existing speed bump in front of the church needs to be rebuilt and there was discussion about on at Church Street and South Freeport Road.

Mr. Joseph noted that he has been asked by several Councilors and members of the public to provide an update on the law suit filed at the end of March by Martina Sullivan of South Freeport against the Town seeking a preliminary injunction to halt the South Freeport road project that was filed in Superior Court. Since this involves pending litigation, he mentioned he would have very limited comments on what is on the public record of what has happened since then. On June 9<sup>th</sup> there was a conference between our Counsel, the plaintiff and Justice Warren of Superior Court. The Justice denied the motion for preliminary injunction but gave the plaintiff the ability to amend her complaint to clarify what was being sought in addition to an injunction. The Judge clarified at that time that the Town could proceed with construction on the South Freeport Road project unless or until an injunction was issued. He was not issuing an injunction at that time but only if one was issued in the future would we have to halt the project. Since that time, last Friday we received an amended complaint from the plaintiff which has been forwarded to our attorney. At this point, we are going to pursue our legal defense and we are also waiting scheduling from the Court about how that is going to move forward and what that timeframe will look like.

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

Mr. Joseph reported:

**Public Works Construction Update:**

Clean-up work on the South Freeport Village roads project is currently underway. Finish paving is scheduled to start the week following the July 4<sup>th</sup> holiday. The project should be completed by the end of July. Construction work on the South Freeport Road construction project is scheduled to start on July 12. The work will be completed in two sections. Porters Landing to South Freeport Village will begin July

**COUNCIL MEETING #12-17**  
**JUNE 20, 2017**

12<sup>th</sup>, South Freeport Village to Smelt Brook will be the second section, and will begin once the first section has been completed. If you have any questions about the schedule for these projects, please feel free to contact the Public Works Department at 865-4461.

**Special Olympics Maine Torch Run**

On June 7<sup>th</sup>, members of the Freeport Police and Public Works Departments participated in the Special Olympics Maine Torch Run. Each year, the torch is carried for the Special Olympians by police officers and friends to the site of the Maine Special Olympics events. This year the Summer Games took place on June 9-11 at University of Maine in Orono. Penny, one of the athletes, is holding the torch in a picture with the runners from the Public Works and Police Departments. Mr. Joseph thanked the participants.

**Lost Property:**

On Monday, May 29, 2017, following the Memorial Day service, a set of upper dentures were found on a park bench in Memorial Park. If you or someone you know lost these dentures, they are being held at the Police Station. These can be claimed between the hours of 8 a.m. and 4 p.m., 7 days a week.

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

There were no public comments provided so the Council moved on.

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

---

ITEM #73-17 To consider action relative to adopting the June 20, 2017 Consent Agenda.

**BE IT ORDERED:** That the June 20, 2017 Consent Agenda be adopted. (Arris & Sachs)

Chair Tracy reviewed the items on the Consent Agenda for members of the public. She thanked Doug Leland for serving three years on the Shellfish Commission and noted he has done more in three years than most people have done in ten. She explained that the Council appreciates his hard work.

**ROLL CALL VOTE:** (7 Ayes)

She explained that in recognition of Mr. Leland's service the Council will have something for him. Mr. Joseph noted he plans to see Mr. Leland tomorrow morning.

---

ITEM #74-17 To consider action relative to proposed amendments to the following sections of the Shellfish Ordinance: § 32-601 LICENSING, Subsection A. Designation, Scope and Qualification; §32-601 LICENSING, subsection E Limitation of Diggers; and § 32-601 LICENSING, Subsection E. Renewal Commercial License. **PUBLIC HEARING**

**MOVED AND SECONDED:** To open the Public Hearing (Anzuini & Gleeson)  
**VOTE:** (7 Ayes)

**COUNCIL MEETING #12-17  
JUNE 20, 2017**

Mr. Joseph explained that for the record, on the back-up that was submitted to the Council, Mr. Leland's memo outlining all the changes from the Commission, there was one place that did not say Shellfish Conservation Commission, it said Conservation Commission. There is a red lined copy in front of the Council which is the thick copy of the full Ordinance and the only difference between the two, the amendments that he has and the full version is that there is insertion of the word "Shellfish" in here. This is what is before the Council for consideration tonight with that one change to it.

Doug Leland provided a synopsis of the changes for the Council.

Councilor Arris noted that the lack of people in the public hearing particularly with this group of citizens, speaks highly of Mr. Leland's ability to propose changes that are acceptable to a wide audience.

**MOVED AND SECONDED:** To close the Public Hearing. (Anzuini & Arris) **VOTE**  
(7 Ayes)

**BE IT ORDERED:** That the proposed amendments to the following sections of the Shellfish Ordinance: § 32-601 LICENSING, Subsection A. Designation, Scope and Qualification; §32-601 LICENSING, subsection E Limitation of Diggers; and § 32-601 LICENSING, Subsection E. Renewal Commercial License be adopted. (Anzuini & Arris)

**ROLL CALL VOTE:** (7 Ayes)

---

ITEM #75-17                      To consider action relative to the potential regulation of Retail Marijuana Establishments and Retail Marijuana Social Clubs.

*The Town Council will hold a public comment period to receive public input on the potential prohibition of retail marijuana establishments and retail marijuana social clubs in Freeport.*

**MOVED AND SECONDED:** That the public comment period be opened. (Gleeson & Sachs) **VOTE:** (7 Ayes)

There were no members of the public present.

**MOVED AND SECONDED:** That the public comment period be closed. (Gleeson & Arris) **VOTE:** (7 Ayes)

Chair Tracy explained that we have a Retail Marijuana Statute passed by public referendum back in the fall and it allows for towns to decide if they want Retail Marijuana activities to be occurring in their towns. Those activities are Retail Marijuana Stores, Retail Marijuana Cultivation Facilities, Retail Marijuana Products Manufacturing Facilities, Retail Marijuana Testing Facilities and Retail Marijuana Social Clubs. We are not talking about the treatment of Medical Marijuana under the Medical Marijuana Act and we are also not dealing with the personal possession of Marijuana or the personal consumption of Marijuana on private property or the personal cultivation of Marijuana on private property which is otherwise in compliance with the Retail Marijuana Act. This discussion is to start dialogue about how the Town wants to handle those more commercial activities that she just listed in the Act, not to govern what people do in the privacy of their own homes. Tonight, we offered the opportunity for public comment to inform the Council about people's positions. Unfortunately, we don't have a lot of public comment. The

**COUNCIL MEETING #12-17**  
**JUNE 20, 2017**

next phase is that the Council will be scheduling a public hearing on a proposed Ordinance which is in the Council's packet. It is an Ordinance that would prohibit these retail marijuana activities in the Town of Freeport and is based on a model ordinance provided by our Counsel but also based on the Maine Municipal Association model that has been used by some other towns. The reason it is before the Council to prohibit these activities is that we took a straw poll vote several months ago and it appeared based on that unofficial straw poll vote that the Council may be in favor of prohibiting those retail marijuana activities. It was not an official position. In light of that early indication, the Council felt it would make sense to put a proposed ordinance in front of us and see where we want to go. We got feedback from the Planning Board that they were not interested in creating a bunch of ordinances on the regulation of retail marijuana if it is the case that the Council is more interested in prohibiting those activities all together. Hence, we have streamlined the process and brought it right back to the Council for consideration of this ordinance which we have in our packet and is also on the website.

Councilor Egan pointed out that he would disagree that the Council is starting a dialogue when the opening language is that we will prohibit the whole thing. That does not seem to leave room for a dialogue or an interest in listening to what the public might have to say at a public hearing. He advised that he would vote against an ordinance that bans all five activities without discussion at the Council about more information on what may or may not happen or what may or may not be possible from the business community in this sector.

Councilor Rixon advised that because this whole issue came out of a referendum last November and was passed in Freeport by 57%, he feels the voting public of Freeport would appreciate being asked through a ballot measure, what their opinion is on all five of those activities. He proposed a motion but it was defeated by a vote of 5/2. He simply wanted to put this out there again.

Councilor Gleeson advised that his opinion has not changed since the last meeting. Chair Tracy noted the hope was to have a general discussion tonight but unfortunately there is no one here. It could be structured differently where the Council is not considering an ordinance but is generally considering comments on the retail marijuana activities. The Council could have a public hearing on July 11 on that. She is open to ideas on how to move this forward. The Council has had concrete feedback from the Planning Board that it is not interested in doing a process based on what it has heard from the Council.

Councilor Egan advised that he has not heard any data from the business sector that is or could be involved in this now legal activity and feels it is incumbent upon the Council to explore that given the results of the election.

Councilor Sachs noted that the Council has been talking about this since January and at different times it has been on our agenda under Other Information. While she has been willing to talk about this with anybody, she has not heard much. For her, establishing a proposed ordinance gives people something that next time they can react to. This at least is modeled on the MMA's model as one example of what several municipalities have done and during the public hearing for that is another opportunity for anybody to come forward. It gives them something to react to. Councilor Egan agreed but noted the tenure of the Council's conversation has been a blanket prohibition from the beginning. He doesn't feel the Council has given much of a sense of "we are open to having some conversation about what it might look like if we were to permit and obviously heavily regulate the zone where these things are going to happen." He does not feel the Council has opened the door to that pretty much. In his mind, he cannot square a blanket prohibition on everything when 58% of the people in the community voted for it.

Councilor Sachs noted that in conversations that she has had was that people were voting for the personal use and the retail piece was not a factor in their vote. She feels people need something to react to and is



**COUNCIL MEETING #12-17**  
**JUNE 20, 2017**

glad it was on the website this week. She will not be at the July 11 meeting but feels this keeps it clean and people can react to it as is. Chair Tracy feels there is good support for doing it the way it is proposed. Councilor Egan spoke about getting more data from the business sector and she asked him if he had a suggestion as to how he thinks the process should go, if we were to do something different. Councilor Egan mentioned that he has no connection to that business sector. He is really hoping for more dialogue for the Council to go through and discern over particular components. There could be property tax implications, revenue implications and there could be zoning changes that would require work. He feels there has not been any dialogue on what it might be before the Council says “no, we are not going to have any of it.” He does not have a proposal on how the Council might illicit that. He is interested to see if there is any way to illicit some kind of dialogue but maybe not. Maybe two public hearings, an announcement here and another meeting on July 11 and still nobody shows up, maybe that is our answer. There isn’t any interest from someone from the business community coming forward to ask us to consider this, nor is there anybody coming forward and encouraging us to make sure that we vote prohibition on all five activities.

Councilor Anzuini noted that Councilor Egan stated that the way the item was worded was from a negative standpoint so he would like to move to strike the prohibition out of the sentence so we are not stating that the public should come and talk about the prohibition but stating that the public should come and talk about retail marijuana establishments and social clubs. Councilor Sachs noted that this should have been tonight but on July 11 we are talking about a proposed ordinance that has to spell that out.

Chair Tracy pointed out that the Council is not in a rush. It has a six-month moratorium. She, too, is surprised that there has been radio silence. Councilor Gleeson advised that he has heard multiple concerns about this and people are waiting for a public hearing or something before people are going to start stepping up. There are quite a few people that do care but it is an awkward situation. Chair Tracy is open to having a public hearing on general discussion of retail marijuana activities before we get to the point where we are looking at a prohibition and see if anyone comes out. This is an area that is a little different from what the Council normally does so she is open to ideas on how to solicit feedback.

Councilor Arris suggested setting another public hearing to discuss this and see if someone shows up since we are really not in a hurry. He is suggesting this because his intent is to address Councilor Egan’s concern that there has not been a two-way discussion. Councilor Anzuini noted that 57% of voters voted for it but the feedback he has received from a commercialization standpoint has been “not interested, not doing it” and it has been very limited. He has only had a couple of people say no and one that said yes. He is ready to vote on this Be It Ordered and set it for July 11. Councilor Gleeson indicated that he also favors this. Councilor Sachs asked Councilors if they feel it would galvanize people if they actually set the public hearing. She suspects it might and it would be more of a galvanizing factor. Councilor Egan asked for clarification that the public hearing does not require a vote right after it so the Council could hold a public hearing but postpone the vote. Chair Tracy indicated that this is correct. Councilor Sachs explained that if the public hearing is scheduled on July 11, the vote could be taken later. Mr. Joseph checked on the waiting period and advised that unless the Council acts on it the night of the public hearing, it has to wait 14 days. Chair Tracy feels it could galvanize people but it is also so slanted by the language that it appears that it is a done deal and does not encourage dialogue. She is not sure the Council will get a lot of public participation because this is a hot button issue and she does not think anyone wants to come out on it. She is aware of an educator that might have an opinion on it, but is worried about their employment in the district. She does not blame them for having that reservation.

Councilor Rixon feels the best way to get opinions is through a ballot measure and people can speak their minds on all five of these issues. Councilor Egan advised that he will not be at the August 4 meeting. Chair Tracy mentioned that the Council could have the public hearing and decide to not make a decision that night and see if anybody shows up and then we can decide what we want to do next.

**COUNCIL MEETING #12-17**  
**JUNE 20, 2017**

Another way to structure it is to put the prohibition ordinance on referendum and say this is what we recommend. How do people feel if we wanted public feedback in the privacy of the voting booth but she is not saying she would advocate for that. Councilor Egan pointed out that he appreciates all the efforts to try to accommodate all the different opinions. We are a group of seven and we go on the majority vote. He has expressed his concerns and feels that was what he wanted to do. He suggested moving forward.

**BE IT ORDERED:** That a Public Hearing be scheduled for July 11, 2017 at 6:30 pm in the Freeport Town Hall Council Chambers to consider proposed ordinance chapter 58 – Prohibition of Retail Marijuana Establishments and Retail Marijuana Social Clubs.

**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. (Gleeson & Sachs)

**ROLL CALL VOTE:** (5 Ayes) (1 Abstention-Rixon) (1 Nay-Egan)

Mr. Joseph explained that in agenda crafting, we expect there to be an adoption order on the next agenda after the public hearing but the intent is that it can be skipped over. Chair Tracy agreed and suggested putting a note that all comments are welcome on this matter from all positions. Any participation is welcome and she suggested reaching out to the papers to let people know. She also suggested providing an opportunity for people to provide comments anonymously and Mr. Joseph offered to put out a Comment Box at the window down by his office in Town Hall. Chair Tracy mentioned it would not require someone to come and stand at the podium to bring their position forward. They would have the opportunity to weigh in without having to be present. This is a sensitive issue. Mr. Joseph cautioned that e-mails and phone calls are public records. People can come and see him in person if they have a concern about that.

---

ITEM #76-17                      To consider action relative to approving annual Special Amusement Permits.

**BE IT ORDERED:** That a Public Hearing be scheduled for July 18, 2017 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss approving annual Special Amusement Permit applications for the following:

Azure Café, located at 123 Main Street, Freeport  
Gritty McDuff's, located at 187 Lower Main Street, Freeport  
Hilton Garden Inn, located at 5 Park Street, Freeport  
Buck's Naked BBQ, 568 US Route 1, Freeport  
Jameson Tavern, 115 Main Street, Freeport,  
Harraseeket Inn, 162 Main Street, Freeport

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Sachs & Gleeson)

Councilor Egan asked why Special Amusement Permits require this formality. Mr. Joseph explained that State Law requires a public hearing anytime the definition is dancing or live music.

**COUNCIL MEETING #12-17  
JUNE 20, 2017**

**ROLL CALL VOTE:** (7 Ayes)

---

ITEM # 77-17                      To consider action relative to the Town Clerk's election report for the June 13, 2017 Election.

**BE IT ORDERED:** That the Town Clerk's election report be accepted. (Egan & Sachs)

Mr. Joseph reported on the June 13, 2017 Election Results:

**State Referendum Question:**

Yes-603, No-248, Blanks-3

**RSU Budget Validation: Yes-875, No-591**

Freeport: Yes-620, No-233, Blanks-1

Durham: Yes-184, No-246

Pownal: Yes-71, No-112

**Total Number of Registered Voters at Poll Opening Time -7,059**

**No. of Registration Cards Handled by the Registrar on Election Day (New Voters & Change of Address, Name or Party) -10**

**Total Number of Ballots Cast: 854**

**Percentage of Voters Who Cast Ballots-12%**

**No. of Absentee Ballots Requested-81**

**No. of Absentee Ballots Cast-79**

**Percentage of Votes Cast by Absentee-.09%**

Councilor Arris has been pointing out the low participation rate of voters in special elections and in the State Referendum Question, in Freeport 92.5% did not vote or voted no. As for the RSU Budget, 8.7% of the eligible voters in Freeport voted yes which means that 92.3% of voters either voted no or did not express an opinion. He feels these are anemic numbers for significant decisions to be made. He feels this is a weak way to do public business. Councilor Anzuini pointed out that District 3 is getting a \$6M tax bill for the school and explained how he calculated this number.

**ROLL CALL VOTE:** (7 Ayes)

---

ITEM #78-17                      To consider action relative to a Purchase and Sale agreement between the Town of Freeport and Sugarloaf Ambulance/Rescue Vehicles.

**COUNCIL MEETING #12-17**  
**JUNE 20, 2017**

**BE IT ORDERED:** That Sugarloaf Ambulance/Rescue Vehicles serve as broker for the Town of Freeport to sell a 2014 Chevrolet G4500 Type III Ambulance. (Rixon & Sachs)

Deputy Chief Conley explained that this is really a 2012 Ambulance and explained that the department is reducing its fleet of ambulances to three. They have purchased ambulances from Sugarloaf over the years and they have offered to broker the sale of this ambulance. They are well respected in the industry and have connections throughout the Northeast. He feels this is the right direction to go in and offered to answer questions.

Councilor Egan asked where this ambulance is in its typical life cycle and how long does the department typically hold onto an ambulance before putting it out to pasture either through this broker or an auction. Deputy Chief Conley explained that this is a 2012 and the department has two of them. The life cycle of an ambulance is 8-10 years and getting rid of one of the 2012s gets them back into a decent cycle. They would be looking at replacing one of the three remaining ambulances in 2019/2020. \$90,000-\$94,000 is the best guess they can get for the ambulance.

Councilor Sachs pointed out that we have never used a brokerage service in the past. She noted that there is an anticipation that \$5,000 will yield the department a higher price. Is the reason we no longer need this ambulance is because our NET revenue is reduced. Deputy Chief Conley indicated that the answer is yes. She wanted to be clear that the data supports having an almost \$5,000 investment because Deputy Chief Conley feels it is going to be bigger when we have never done so for fire engines when they were significantly more expensive than this. Mr. Joseph explained that waiting three or four years until we would normally replace this just to keep it around would mean that it would be a significantly reduced value than \$90,000-\$94,000.

Councilor Gleeson asked Deputy Chief Conley if he could go on the Ambulance Trader Network without using a broker. Deputy Chief Conley indicated that he could not answer that tonight. Mr. Joseph suggested asking the Council for authorization to sell the ambulance by getting access to those sites without going through a brokerage firm.

**MOVED AND SECONDED:** To amend the **BE IT ORDERED** to say That Sugarloaf Ambulance/Rescue Vehicles serve as a broker for the Town of Freeport to sell a 2012 Chevrolet G4500 Type III Ambulance, after exhausting all reasonable options for sale of said vehicle without the use of a broker. (Sachs & Gleeson) **ROLL CALL VOTE:** (6 Ayes) (1 Abstention-Rixon)

**ROLL CALL VOTE ON AMENDED ORDER:** (7 Ayes)

---

*NOTE: ITEMS 79-82, below, will be presented by the Finance Director ( 20 minutes)*

---

ITEM #79-17	To consider action relative to the acceptance of State Funds for fiscal year 2018.
-------------	--

**COUNCIL MEETING #12-17**  
**JUNE 20, 2017**

**BE IT ORDERED:** That the following sources of state funding be accepted for fiscal year 2018:

1. Municipal Revenue Sharing
2. Local Road Assistance
3. State Aid to Education (including Federal pass-through funds and property pass-through funds and property tax relief
4. Public Library State Aid per capita
5. Civil Emergency Funds (Emergency Management Assistance)
6. Snowmobile Registration Funds
7. Tree Growth Reimbursement
8. Veterans Exemption Reimbursement
9. Business Tax Reimbursement
10. All other state funds not included in items 1 – 9 (Arris & Gleeson)

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Sachs)

---

ITEM #80-17

To consider action relative to the operating budget for Winslow Park for fiscal year 2018.

**BE IT ORDERED:** That \$411,725 be approved for the Winslow Park budget from July 1, 2017 to June 30, 2018 and \$21,200 be approved for the Harb Cottage budget from July 1, 2017 to June 30, 2018. (Anzuini & Gleeson) **ROLL CALL VOTE:** (6 Ayes) (1 Abstention-Sachs) (out of room)

---

ITEM #81-17 To consider action relative to adopting a Non-Emergency Transport (NET) budget for fiscal year 2018.

**BE IT ORDERED:** That the Non-Emergency Transport Budget in the amount of \$309,550 be approved for fiscal year 2018. (Gleeson & Sachs)  
**ROLL CALL VOTE:** (7 Ayes)

---

ITEM #82-17

To consider action relative to the adoption of the Fiscal Year 2018 Operating Budget for the Town of Freeport.

**BE IT ORDERED:** that the following appropriations be made to the several departments for purposes named, that the following revenues estimated be adopted, and that the following amounts to be raised by taxation, said action for fiscal year July 1, 2017 to June 30, 2018 Municipal Budget as printed in the agenda.

**COUNCIL MEETING #12-17**  
**JUNE 20, 2017**

<b><u>FY 2018 Appropriations</u></b>		
General Government	\$	1,610,491
Protection and Enforcement	\$	2,612,110
Health and Welfare	\$	104,740
Human Service Agencies	\$	39,800
Community Center Building	\$	45,600
Public Works/Solid Waste	\$	2,223,521
Library	\$	454,330
Unclassified	\$	2,272,713
Debt Services-Local	\$	146,730
County Tax	\$	1,056,633
Bustins Island	\$	195,900
Abatements	\$	25,000
<b>Total Appropriations</b>	<b>\$</b>	<b>10,787,568</b>
<b><u>FY 2018 Estimated Revenues</u></b>		
Non-Property Tax	\$	1,541,300
Intergovernmental	\$	1,178,500
Charges for Services	\$	368,400
Licenses and Permits	\$	383,900
Fines and Forfeitures	\$	100,000
Miscellaneous	\$	61,000
Library Lease Proceeds	\$	175,000
<b>Total Estimated Revenues</b>		<b>\$3,808,100</b>
Amount Transferred from Undesignated Funds	\$	710,900
Amount to be Raised by Taxation	\$	6,268,568
<b>Total Revenues</b>		<b>\$10,787,568</b>

**BE IT FURTHER ORDERED:** That the following appropriations be made for the capital items/projects listed below, and that the capital budget for FY 2018 be adopted as printed in the agenda.

**COUNCIL MEETING #12-17**  
**JUNE 20, 2017**

Police	New Squad Car and Changeover Equipment	70,000
	Mobile Data Terminals Update	27,000
	Speed Trailer & Signs	12,000
	Audio-Video In-Car Cameras	38,000
Public Works	Backhoe	115,000
Solid Waste	Single Sort Compactor Project	20,000
	Loader Refurbishment	30,000
Comprehensive Town Improvements	US Route 1 South Overlay - Town's Share 25% PACTS Project	339,500
	Curtis Road Reconstruction	500,000
	Concord Gully Brook Watershed Restoration	25,000
Municipal Facilities	Computer Upgrades -Townwide	22,000
	Flooring at Public Safety Building	6,000
	Dunning Boat Yard Repairs	5,000
	Copiers	15,000
	Roof - Highway Building	75,000
	LED Streetlight Conversion	127,500
	Public Works Generator	50,000
	Town Hall Heating System	15,000
	Website Redesign	25,000
	Revaluation Reserve Fund	5,000
Cable Television	Equipment and other improvements (channel 14)	4,000
	Conversion to HD	120,600
	TV Truck Up-Fit	8,000
<b>Total FY 2017 Capital Budget</b>		<b>\$ 1,654,600</b>

**BE IT FURTHER ORDERED:** That the following amounts be appropriated from the Reserve Funds to provide for items approved as printed in the agenda:

Police Reserves	\$ 147,000
Fire Reserves	\$ -
Rescue Reserves	\$ -
Public Works Reserves	\$ 115,000
Solid Waste Reserves	\$ 50,000
Public Infrastructure Reserves	\$ 864,500
General Administration Reserves	\$ 67,000
Building Reserves	\$ 278,500
Cable Television Reserves	\$ 132,600
Other Reserves	\$ -
<b>Total FY 2017 Capital Transfer from Reserves:</b>	<b>\$ 1,654,600</b>

**BE IT FURTHER ORDERED:** That the following appropriations be made for the items and projects listed below and that the Destination Freeport TIF budget for FY 2018 be adopted as listed on the agenda. (Sachs & Gleeson)

**COUNCIL MEETING #12-17**  
**JUNE 20, 2017**

Sidewalk Improvements - Main St East , part of Mill St. to Bow St.	50,000
Sidewalk Improvements - Bow St., from Main Street east for 100'	22,000
Sidewalk ramp detectable panel replacement (8)	6,000
Sidewalk Improvements - Brick Repairs	25,000
Sidewalk Improvements - Snow Rd to Main St. on Elm St.	200,000
Freeport Economic Development Corporation	95,000
<b>Total FY 2017 Destination Freeport TIF Budget</b>	<b>398,000</b>

Chair Tracy noted this is the time to propose any last-minute amendments. Councilor Gleeson mentioned that the Freeport Historical Society requested \$10,000. Chair Tracy explained that it never went into the Operating Budget.

Councilor Gleeson proposed adding in \$2,500 for the Freeport Historical Society in the form of a membership to justify the expense. We did not receive a follow-up on the value of the historical items they are storing for the Town. It is not unprecedented because we donate money toward the Chamber and some others. Ms. Maloy explained that this would fall under "Unclassified". Chair Tracy mentioned that they do assist with the culture of the Town and provide a benefit to businesses and residents. They did provide a listing of all of the Town documents that they do store. These are not documents that we are legally required to retain. She would be open to supporting this.

Councilor Arris noted he is opposed to adding any more expenditures to our budget at the end of our process. He mentioned that the Historical Society has recently received over a million dollars in contributions from the private sector. He mentioned that at the last meeting at 11:30 p.m. the Council was talking about \$300, \$500 for Social Service Agencies to aid really needy people that are up against it and the Council deliberated for these very small amounts of money. Adding another expenditure at this time is not acceptable to him. He will discuss this at another time as we keep going but he will not support this proposal. Councilors Egan and Rixon advised that they would not support any change to the document printed in front of the Council. Councilor Anzuini would prefer to leave everything the way it is. He feels the Council has spent a lot of money. Councilor Sachs encouraged the Historical Society to come back next year with a thoughtful, evidenced based or specific proposal and justification around it. The Council asked them to come back with some data around valuation and that didn't happen. For her, it is a no at this time mostly because the Council denied Independence Association, which is a wonderful organization but based on their request, there were other avenues to do so.

Chair Tracy recognized the comments on the timing. The fact that this was not addressed at the last meeting was an oversight. It was supposed to be because the request was on the books since the very beginning. They did provide a listing of all the Town records they do keep as well as information in response to requests. It is unfortunate that this is the last evening that we are discussing it. She feels they preserve the character of our time past and provide a material benefit to this town. She is willing to support \$1,000 for a membership.

**MOVED AND SECONDED:** To add \$1,000 to the Freeport Historical Society for an annual membership which has set a precedent in the past with other Town committees. (Gleeson & Sachs) **ROLL CALL VOTE:** (3 Ayes-Sachs, Gleeson, Tracy) (4 Nays-Arris, Anzuini, Rixon, Egan)

Councilor Arris pointed out that taxes are other people's money that the Council takes and uses for the improvement of the community in providing certain basic services. He mentioned that he is not real comfortable with the budget but appreciates all the work that the Council has put into it. He feels the Council makes really honest decisions. He explained that this budget on the Town side is up 9.62% in expenditures and this doesn't include the school and doesn't include the County. Adding in almost 6% for



**COUNCIL MEETING #12-17**  
**JUNE 20, 2017**

the County and 5% for the Schools, he feels we are spending money at a rate that is hard to justify. He has worked through the process with his colleagues and feels most of the decisions are very reasonable and things are looked at very thoroughly. He mentioned the Fire Department coming in with a 14.5% increase in their budget and then the Council moved it up by making changes so now it is over 17% from this year to last year. He mentioned Codes and after adjustments were made, they came in at an additional \$6,500. In Operating, four department heads retired and he was expecting to get a better deal on the wages and benefits of someone else coming in that would not cost as much. That didn't pan out. Those areas concern him. In the areas of Capital and Reserve, our expenditures are also up significantly over one year. He had concerns about Cable television and what the value we were actually getting for the users versus what we were spending. The most significant thing that he had a problem with was when the Council was discussing the TIF accounts and decided to move construction of the sidewalk on Elm Street from 2022 to 2019 and then even though it would cost \$60,000 to put it a year ahead, the Council voted to do it. It appeared to be a pressure thing from a group as opposed to a really good approach to spending money. If we can save \$60,000 in one year by not spending it for a year, he translated it down to his owning a little house on Route One and that \$60,000 represents 25 years of his taxes spent this year. In his mind, it was not an emergency, it was just people wanting it. He would like to try to address the Council's process it uses and maybe it can talk more about expenditures and start with that as opposed to what we think we need. He recalled one of Freeport's citizens requesting an abatement for a very small amount of money but it was an important amount to that person. Following its rules, the Council indicated it could not do something like that. He felt compassion for the individual citizen experiencing problems with their tax bills but noted Councilors need to deal with things like this. He feels the budget is our budget and we worked it pretty hard and he will not go against it. He wanted to explain that it is giving him trouble and why he is uncomfortable with it. He is hoping that our Staff can look at it next year and determine if we are looking at those types of expenditures. The Council can manipulate the tax rate so that it goes up 20 cents or 40 cents, etc. At some point, if we are spending 10% more a year, it will catch up with us. Ms. Maloy was not sure what numbers he calculated but was confident Councilor Arris was including County numbers. Councilor Sachs understood Council Arris' frustration and is looking forward to next year having some positive, constructive prepared comments and suggestions so the Council can efficiently go through the budget as well.

Chair Tracy wanted to make some clarifications. Councilor Arris mentioned a few items that the Council decided to increase the amount and she wants to put some context around that. It is true that the Fire Department was increased. The reason the budget is up is because we lost a significant amount of revenue from the NET when Parkview shut down. We don't have that anymore and this is something that they are working to address. One of the ways was taking people that were on desks in administrative positions and putting them on the floor, riding in our ambulances. When the Council looked at that, it decided it wanted its Fire Chief not to be out on calls two days a week. We need him in his role as chief and reduced that to one day a week. The \$6,500 increase for Codes was brought about because we hired a new Codes Officer and he identified training and software needs that he requires to do his job. Those were complicated decisions the Council made and spent a lot of time discussing those increases.

Councilor Anzuini pointed out that he found the budgeting process interesting. It was very difficult for him to understand the impact of the decisions because he really did not have the track record of what was going on. He would like to recommend for the next budget process that the Council identify services that are being offered for those spending items and measuring those services. Right now we have had a lot of good discussions and a lot of arguments about what the dollar should be but not having a basis for understanding what services are being related as far as rate, cost, volume, etc., it is very difficult to determine a budget. He thanked everybody for helping him through his first year but unless we have some other way to see performance, specifically for services, it is a difficult process to get ahead of. Chair Tracy mentioned that that is something the Council can discuss once it gets through the budget process if

**COUNCIL MEETING #12-17**  
**JUNE 20, 2017**

the Council has an appetite for creating service metrics for each of the departments. She feels some metrics are already in place based on her discussions with Peter Joseph.

Councilor Gleeson noted this is his fifth budget and while the process is not perfect, everybody here has gone through a very methodical process. The areas that were cut were not easy areas and the areas we added were well thought out. He is amazed that the Council is able to do as well as it can. He struggles with having to have increases to run a municipality and it does get frustrating when people's tax rates go up but residents should keep in mind that much of the tax rates are being raised under zero control of the Council. He also pointed out that the \$130,000 for Cable was paid for by franchisers and he was an advocate for it. He feels this budget season was particularly methodical and everyone tried their best.

Chair Tracy thanked the Council. It spent many late nights going through this and it is not easy. Councilors don't do this for the money. It does it for service. She and the other Councilors appreciate the opportunity to serve, being elected by fellow residents. She appreciates the diligence Councilors approached this task and the ability to hear other people's points of view and respectfully disagree but not have it derail the discussion. In that vein, Councilors were relatively successful and she appreciated their time. She is looking forward to transitioning towards more substantive issues about trying to be proactive about things we can change now that we have done the business of maintaining the town.

**ROLL CALL VOTE:** (7 Ayes)

---

ITEM #83-17

To consider action relative to waiving competitive purchasing requirements and selecting Real Term Energy of Annapolis, MD as the Town's LED streetlight conversion consultant.

**BE IT ORDERED:** That Real Term Energy of Annapolis, MD be selected as the Town's LED streetlight conversion consultant.

*Note: Real Term Energy was selected through a competitive RFQ process undertaken by the Town of Falmouth and the Cities of South Portland, Biddeford, and Rockland in 2016. Town staff bases this recommendation on the result of that process. (Egan & Gleeson)*

Mr. Joseph provided an overview on this. He learned that CMP is not a competitor. They do not sell light fixtures. They will continue to lease light fixtures regardless of who we choose as a consultant. That was one of the options presented to the four-town municipal street lighting group that they needed to answer individually if they wanted to purchase them outright or would they want to continue to lease them from CMP.

Councilor Anzuini noted that this is really to identify the consultant. Chair Tracy explained that these four towns devoted significant resources to make this decision and we are trying to find ways to be efficient and smart. Not reinventing the wheel on this one is a reasonable case for doing it and following their lead and relying on the process and judgment that was followed in those towns recently. Councilor Egan strongly agreed.

**ROLL CALL VOTE:** (7 Ayes)

---

ITEM # 84-17

To consider action relative to awarding Nortrax the contract for a new Public Works backhoe.

**COUNCIL MEETING #12-17**  
**JUNE 20, 2017**

**BE IT ORDERED:** That Nortrax be awarded the contract for a Public Works backhoe in the amount of \$108,000.

*Note: \$115,000 was included in the FY18 Capital Budget for a new Public Works Backhoe. The Town received a trade offer of \$25,000 for the current backhoe. Town staff is proposing to transfer the backhoe to Winslow Park for the offer trade amount of \$25,000. Taking into account the proposed \$25,000 transfer from the Winslow Park fund, the net cost to the Public Works equipment reserve fund will be \$83,000. (Rixon & Sachs)*

Earl Gibson, Public Works Director offered to answer questions. Councilor Anzuini mentioned that this company has three Maine locations and asked where they keep their inventory. Mr. Gibson advised that the backhoe will be coming from Iowa and it will take 90 days to get it. Repair parts are kept locally.

**ROLL CALL VOTE:** (7 Ayes)

**MOVED AND SECONDED:** To adjourn at 9:45 p.m. (Sachs & Gleeson)  
**VOTE:** (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL #13-17**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY JULY 11, 2017**  
**6:30 P.M.**

	<u><b>PRESEMT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
Peter Anzuini, 87 South Freeport Road	x		
John Eagan, 38 Curtis Road	x		
Leland Arris, 70 Glenview Road	x		
Scott Gleeson, 23 Park Street	x		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road			x
Sarah Tracy, 2 Pettingill Road	x		

Chair Tracy called the meeting to order at 6:30 p.m. and took the roll. She noted that Vice Chair Sachs is excused this evening.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #12-17 held on June 20, 2017 and to accept the minutes as printed.

Councilor Egan referred to Page 6, first paragraph, the word *illicit* should be corrected to *solicit* in both instances.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #12-17 held on June 20, 2017 and to accept the minutes as amended.(Gleeson & Rixon)

**VOTE:** (6 Ayes) (1 Excused-Sachs)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Tracy announced:

The Winslow Memorial Park Concert Series continues this Thursday, July 13 at 6:30 p.m. with the Renovators. The Renovators rock the Blues, with Rock and Soul, Funk and Humor.

There will be an informational meeting for Curtis Road residents on Wednesday, July 19 at 6 p.m. in the Town Council Chambers to discuss the Curtis Road Reconstruction Project.

Nomination papers will become available on Monday, July 31, 2017 for the following positions: Councilor-At-Large, Councilor District 2, Councilor District 3, RSU5 Board of Directors, Sewer District and Water District. Candidates will have until September 13 to get the required number of signatures on the nomination forms. Please contact the Town Clerk's office for more information, Christine Wolfe, 30 Main Street, (207) 865-4743, Extension 123 or Cwolfe@Freeportmaine.com.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Chair Tracy provided an update related to the litigation with the Island Rover Foundation. She explained that an order was issued to the Town on June 30 but Mr. Joseph noted he did not receive it until this morning. He was not sure it had anything to do with the State's shutdown. Chair Tracy advised that the Town received an order from the Court on June 26 with the finding of contempt against the Island Rover

**COUNCIL MEETING #13-17**  
**JULY 11, 2017**

---

Foundation and we had a hearing before the Superior Court on June 29 to discuss what remedial sanctions should be imposed against the Foundation. The Court ordered that the Island Rover should purge the contempt by August 21, 2017. They can purge it if they move the vessel from its current location on 0 Bucknam Road to a location outside of Freeport or to a conforming location within the Town of Freeport. If the Foundation fails to comply with that deadline, it will be fined \$500 per day starting on August 22 until either it leads the vessel from its current location to outside of Freeport or to a conforming location within Freeport, or it authorizes the Town to have access to the vessel, take possession of the vessel, move the vessel or scrap the vessel as the Town decides in its discretion. She advised that the Council will make the order available. Residents can e-mail Peter Joseph if they would like a copy and it is available at the Superior Court Clerk's Office. Because there has been interest in launching the vessel at 0 Shore Road, plans to potentially launch the vessel at 0 Shore Road, the Court did address that in its order. It said that aside from whether it is technically feasible, given the draft of the vessel, the option of allowing the Island Rover Foundation to seek a permit to allow a temporary launch facility at 0 Shore Road, which will take at least four months processing for a permit, which may or may not be issued, and which would be valid only for the months of October and November in any given year, which would be opposed by the neighbors, is unrealistic and would ignore the deadline in the Consent Order and in the Court's finding of contempt.

Chair Tracy pointed out there is additional time for the Island Rover Foundation to complete the vessel and move the vessel or move the vessel and not complete the vessel. The Town will be waiting until August 21 to see what transpires and we will not be preventing further work on the vessel during that time. She hopes they can work swiftly.

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

Mr. Joseph reported:

**Public Works Construction Update**

Just a continued reminder-construction on South Freeport Road is scheduled to begin tomorrow, July 12, 2017. Please expect delays and one-lane traffic for the duration of the project. Finish paving and clean-up of the South Freeport Village roads project is still scheduled to take place by the end of the month. If you have any questions about the scheduled for these projects, please feel free to contact the Public Works Department at 865-4461.

**Independence Day Update**

July 4<sup>th</sup> festivities this year were well attended and went off without any significant incidents. There was particularly heavy participation in L.L. Bean's 10K road race, as well as strong attendance at the parade. I would like to thank all those who worked hard to coordinate the events with the Town's Public Safety Departments throughout the day – specifically the L.L. Bean staff who worked on the Road Race, Concert and Fireworks; Michelle Barker from Bath Savings, Nancy Trottier at Freeport Community Services, and everyone else who helped organize the parade, as well as an honorable mention to locally renowned commentators "The DeGrandpre Brothers" who narrated the parade, as well as all of the participants who marched in the parade.

**On-line Burn Permitting is Back Up**

About two months ago the Maine Forest Service shut down several private websites and on-line services that were facilitating on-line issuance of burn permits from local fire wardens. The Forest Service (likely correctly) determined that these services were not authorized by law to issue permits, even though they were being approved by the appropriate local wardens before being issued. As a point of reference, Freeport had implemented one of these services 'WardensReport.com' and our local Fire officials had

**COUNCIL MEETING #13-17**  
**JULY 11, 2017**

---

found it to be a huge time saver both to them and local residents before it was ordered shut down by the Forest Service. The annual cost to the Town is \$75; this is likely saved several times over by residents who do not have to pay fees to the State on-line system or waster time and effort driving to the Police Department to receive a paper permit. There was sufficient enough dissatisfaction with this decision among residents statewide that the Legislature enacted a law specifically allowing these services to continue to exist. At this time, WardensReport.com is back on-line and Freeport residents can use it without any fear of running afoul of State law.

Chair Tracy thanked Michelle Barker for organizing the parade. It was a great parade and really well done.

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

**MOVED AND SECONDED:** To open the Public Comment Period. (Gleeson & Rixon)  
**VOTE:** (6 Ayes) (1 Excused-Sachs)

Nora Healy of 69 Pleasant Hill Road called the Council's attention to a new State Statute which is a Food Sovereignty Statute that allows Municipalities to adopt ordinances that regulate Food Sovereignty within the Municipal boundaries. For example, a farmer could sell their produce or products to a neighbor or another resident of the Municipality without complying with all the State and Federal Food Safety requirements. It is a way to go back in time and trust your farmer and buy local food that is produced here. Agriculture is a component of that. She understands that School Bake Sales and Bean Suppers are not produced in compliance with State and Federal laws actually violate the law. Enforcement looks the other way and doesn't enforce them. With a Food Sovereignty Ordinance they would become compliant. She provided the State Statute as well as a model ordinance that could be a useful guide if the Town decided to go forward and adopt a Municipal Ordinance. She also attached a newspaper article that explains the Statute and the reasons behind it. Twenty towns in Maine have already adopted a Food Sovereignty Ordinance so Freeport would not be the first one out of the gate on this. She encouraged the Council to investigate this and move forward.

Chair Tracy thanked Ms. Healy for bringing this to the Council's attention. She noted it would be taken up at an Ordinance meeting.

Andy Wellen of 83 Hunter Road explained that he is aware the Council just finished its budget deliberations. He feels the Council should not fund Freeport Economic Development Corporation next year at \$95,000 because they are a non-profit private economic development group. They are accountable to a private Board of Directors which is mostly business folks. Mostly every other town in Maine if they have one group that serves as the economic development function for the Town, it usually is part of the Town and is accountable to the residents through the Town Council and through the Town Manager. He does not know of anyone that thinks we should allow privatization of economic development decisions in every level whether local or national. He feels the downtown is pretty well built up and there is probably very little new economic development that will be happening. Even if it is a Town function within the government, he doesn't think it should be a full-time position. We really need someone who can weigh the cost benefit analysis of any economic development project that affects the taxpayers. He doesn't think anyone did a good job of weighing the cost benefit analysis for the train and the next big decision is the bus. It would be great to have a neutral person in town to weigh in on cost benefit analysis of the bus. He believes the Town Planner could also be the Economic Development Committee person as well since only 10% of her time would need to be spent on economic development. We would probably save about \$80,000 a year if we stop funding FEDC based upon the model he is suggesting. If anyone is interested in working with him on this issue, he can be reached at [www.Andywellen@Gmail.com](mailto:www.Andywellen@Gmail.com).

**COUNCIL MEETING #13-17**  
**JULY 11, 2017**

---

**MOVED AND SECONDED:** To close the Public Comment Period. (Gleeson & Egan)  
**VOTE:** (6 Ayes) (1 Excused-Sachs)

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

---

ITEM #89-17                      To consider action relative to adopting the July 11, 2017 Consent Agenda.

**BE IT ORDERED:** That donations to the Freeport Library for \$2,000 from Strand O. and T. Ricardo Quesada and \$550 from the Freeport Lioness-Lions Club be accepted. (Rixon & Gleeson) ROLL CALL VOTE: (6 Ayes) (1 Excused-Sachs)

---

ITEM # 90-17                      To consider action relative to the proposed Ordinance Chapter 58 prohibiting Retail Marijuana Establishments and Retail Marijuana Social Clubs. **PUBLIC HEARING.**

*The Town Council will hold a public comment period to receive public input on the proposed Ordinance prohibiting retail marijuana establishments and retail marijuana social clubs in Freeport.*

**MOVED AND SECONDED:** That the public hearing be opened. (Egan & Gleeson) VOTE: (6 Ayes) (1 Excused-Sachs)

Chair Tracy provided some background information on this item. There was a referendum item on the November ballot which allowed for the establishment of retail marijuana establishments in Maine. The State is currently undergoing a process of creating regulations and rules around that. One of the options under that law is for towns to prohibit that activity within the town. The Council has had five different discussions on this issue. It has become clear that there may be support by Councilors to ban all retail marijuana activities in Freeport. It does not mean medical marijuana activity or personal marijuana activity. This is just dealing with retail marijuana establishments. With that indication that there may be some support for prohibiting the retail marijuana establishments in Freeport, Mr. Joseph has put forward a proposed moratorium based on a model ordinance that the Maine Municipal Association has circulated and other towns have enacted. Retail Marijuana establishments include five different types of establishments/activities: 1) Retail marijuana stores, 2) Retail marijuana cultivation facilities, 3) Retail marijuana products manufacturing facilities, 4) Retail marijuana testing facilities, and 5) Retail marijuana social clubs. Those are all defined in the law that was passed in November. This is a public hearing on the proposed ordinance that would prohibit all of these establishments within Freeport's borders. The Council is open to people's opinions on this but has not had a lot of input on this. The Council would like to hear from residents and feedback by e-mail would be fine as well.

Joyce Veilleux of Island View Lane pointed out that she heard Councilor Egan on Channel 3 and she contacted some of her friends. They are here tonight because Councilor Egan asked to know how they feel. They like the ordinance. They want the ordinance and hope the Council passes it tonight and gets on with other business. She is totally against social clubs. We do not have a method to say who is impaired or how far they are impaired. She asked if her friends should come forward to voice their support. Chair Tracy suggested that they raise their hands and the record should reflect that twelve people did so.

**COUNCIL MEETING #13-17**  
**JULY 11, 2017**

---

Steven Drapeau of Durham Road echoed Mrs. Veilleux's comments. He supports the Council's consideration in prohibiting these types of recreational shops in Freeport. He read articles from different sources into the public record.

Joe Migliaccio of South Freeport noted he has not been following this issue very closely. He thanked the Council for getting e-mails out. He feels it is difficult to do quantitative analysis on the amount of the amount of inhibiting substances. It is not like alcohol. He feels we don't want a lot of folks smoking stuff and driving on our streets. He would be curious to hear what the chief's thoughts are on this but they feel pretty confident that they can do field tests on this but they are not quantitative and are more motion and eye. He feels the Council should consider this. He feels cultivation is something that happens inside. It is regulated and someone could not open a door and start selling on a street. He urged the Council to think strongly about the cultivation piece because it is tax based and pretty regulated. He found that the referendum was passed in Freeport by 57% of residents. He appreciated Councilor Rixon's comments of sending it out to vote and ask people. He is generally in support of this but feels the Council should give some thought to cultivation.

Andy Wellen of 83 Hunter Road noted that he would be curious about the amount of people that showed up to speak against it. He would like to talk to the 57% of residents that voted for it and what they are thinking about these different uses. He appreciates the idea of putting it out to vote but the council would have to have a really good reason not to support some of these uses when 57% of residents voted for it. He assumes that some of those voters support some of these uses. He personally supports not voting for this ordinance and he supports all five of those uses in the original referendum. He assumes people voted for it to stop black market marijuana sales and to do that, there have to be places to sell in order to stop the black market. The other reason they voted for it is the freedom to use marijuana. Most people would say that it is not as harmful as alcohol. It could help with property taxes.

Michelle Peacock of Oak Avenue has three children and loves the walk ability of our town. She feels the quality we offer to our residents and visitors would be diminished by the presence of marijuana social clubs and stores. She does not feel this is the direction the town should be going in.

Joyce Veilleux reminded the Council of how many times this item has been discussed. These are the people that care enough about the issue to come forward. The people she has talked to in the last two weeks have been surprised by what is in the bill. They voted on it so they could smoke in their living rooms or their friends' living rooms and did not realize that social clubs, cultivation and marijuana stores could be located in downtown Freeport.

Andy Wellen of 83 Hunter Road mentioned that 57% of the people in Freeport voted for it and he is the only one who is consistently for it making public comments. In this society the people who are bosses tend to be more conservative and how many people would want to get up here and say they support the legalization of pot. 57% said it in the privacy of their voting booth. There are reasons why people don't get up here to say they support it because it is a sensitive issue and they don't want to be out front saying this. This is why he goes back to Councilor Rixon's referendum concept.

**MOVED AND SECONDED:** That the public hearing be closed (Gleeson & Egan) **VOTE:** (6 Ayes) (1 Excused-Sachs).

**BE IT ORDERED:** That the proposed ordinance Chapter 58 – Prohibition of Retail Marijuana Establishments and Retail Marijuana Social Clubs be adopted. (Gleeson & Egan).

Councilor Gleeson noted he has been consistent with banning all five activities. Councilor Rixon pointed out that 57% of Freeport residents voted for the referendum and he is confident that they would appreciate being asked about this ordinance. He realizes that only the Council can pass an ordinance but feels we should have a non-binding advisory vote to get a feel for what townspeople feel about this before making



**COUNCIL MEETING #13-17**  
**JULY 11, 2017**

---

a decision on this ordinance. He feels it could be easily done at the next election by asking voters to check yes or no on all five uses. It wouldn't cost anything to do it.

Councilor Egan advised that he was interested in having a process. We have a process and a public hearing. He always would say, "if you want to have an impact, you have to show up." He is happy to say that he is glad people showed up and it is pretty clear on the weight in the room, and he can't read minds or postulate on what other residents in the community may or may not feel. He is a representative of the people and the room is pretty heavily tilted towards adopting the ordinance which bans all five. I asked for some process and the Council is certainly getting it.

Councilor Arris explained that he sees Mr. Wellen's point mentioning that people may feel uncomfortable because of some outside threat to their lives and their livelihoods for supporting this. It is probably a legitimate concern for some people. He has come to appreciate that there is some complexity in government. The reason he does not want to consider any of these is because he feels that in our community, our state and our country that government is out of whack and towns and states are making laws that the federal government has not agreed upon. The federal government has said that marijuana is illegal. As a public elected official, he feels it is important for him to support the rule of law as it is designed and this is why he doesn't want to support any of these.

Councilor Anzuini advised that he would support this ordinance because a lot of places in the world have gone down this path. Amsterdam and Brussels have done this. They have done the de-criminalization of smoking marijuana. If you grow it, you smoke it, have fun and enjoy it. Some of those countries have never commercialized it the same way we are trying to do. There are places where people are trying to figure out what the right solution is for them. Because we as a people have allowed the federal government to take control of many aspects of our lives, they have created a web of regulations. By just taking one regulation and allowing marijuana to be grown and commercialized in Maine, there are several pieces of that spider web. There is labeling, packaging, purity, advertising, transportation across state lines. There are all kinds of commercialization that could potentially hit Freeport and the State of Maine. Until all of those pieces are regulated by the State and there are pieces in place, he would support this regulation with the understanding that Freeport residents can come to the Council in the future and say, "okay, we have this all laid out now" and all those things are in place. He feels the local food thing is a great start to taking back control and trying to break the spider web.

Chair Tracy is conflicted on this ordinance. She would like to protect our youth and that mean prohibiting access to our residents and visitors who are under 18 or 21 from having access to marijuana. It obviously cannot be sold to underage people but she buys that if it is generally available, our youth will have better access to it. Her second priority is to protect the safety and general welfare of our residents and visitors. She is concerned particularly about the retail marijuana social clubs and retail marijuana stores because they imply an in-flow and out-flow of people who have access to marijuana and might be using marijuana and might be in the public space and have an adverse impact on our residents and visitors. Retail marijuana cultivation facilities, Retail marijuana products manufacturing facilities and retail marijuana testing facilities are commercial entities that are on land that are not generally open to the public. To her, that doesn't smack of violating those two principles. She would be personally open to allowing those types of activities in Freeport. She struggles with totally banning all of these uses in one fell swoop without examining whether we should allow for another type of business in town. She is a bit more open than she has in the past about whether to send this to vote. She does not feel we should send it to vote asking "do you like this activity? Do you not like this activity? Inviting a survey of each of the five. She could support passing it tonight conditionally subject to an affirmative vote by the public in November. She does not know what the public sentiment is and it may be that the public sentiment is exactly what is represented in this room tonight. She appreciates people coming out and voicing their opinion. The Council has been in a void of input. She recognizes that there may be people who feel strongly about this issue but feel they cannot come forward.

**COUNCIL MEETING #13-17**  
**JULY 11, 2017**

---

Councilor Gleeson pointed out that he supported the Bag Ordinance. He believes that the Council is a body of elected representatives. If someone doesn't agree with him, he is not going to get his signatures to appear on the ballot. He doesn't think the Council needs to send every tough issue to a vote. We all know our community and he has lived in his district for 14 years, He has heard from enough people with children that there is a huge amount of concern. He does not personally want this but he has heard from numerous people in his district that this is not something they want in their town. He does not support sending it to vote and feels that the Council is really trying to fish here. We have been talking about this a really long time and what we have out here is what we have out here. He has heard enough and is comfortable voting.

Councilor Arris supports Councilor Gleeson's eloquent comments and does not support sending it out to vote. Councilor Anzuini feels the Council has covered this well and he would not support sending it out to vote. Councilor Egan noted he is ready to vote.

Mr. Joseph clarified that the State law does not give us the ability to regulate the personal possession and personal growing. It is explicitly off the table for towns to make any regulations about that and Medical marijuana as well. The Medical Marijuana law, caregivers, prescriptions and things like that we are expressly prohibited from meddling in that Statute. These are the only things the Town has the ability to regulate. It is the local real estate portion of it.

Chair Tracy asked if anybody sees a distinction between the public activities such as stores and social clubs versus the private commercial activity of cultivation facilities, products manufacturing facilities and testing facilities which are businesses but not generally available to the public.

Councilor Egan sees the distinction but pointed out that we have not heard a word from people in the industry. His point was to have a process and a public hearing and he is not seeing anyone making that distinction now. He is not ready to change the language of the ordinance.

**ROLL CALL VOTE:** (1 Abstention-Rixon because he thinks the Council should wait for the voice of voters before making a decision) (4 Ayes) (1 Nay-Tracy but wanted to make it clear that she would support an ordinance prohibiting Retail Marijuana stores and Retail Marijuana Social Clubs in Freeport. She believes that businesses that don't have the risk of exposing our youth, residents or visitors to marijuana because they are private commercial facilities, she is referring expressly to cultivation activities, products manufacturing facilities and testing facilities that are businesses not open to the public. She does not see these as a risk so for that she feels the Council should allow them in town and not discriminate against them. It is for this reason that she is voting against this moratorium prohibiting all activities but recognizes that it doesn't make a lick of difference. She certainly does think that Retail Marijuana Stores and Retail Marijuana Social Clubs have no place in Freeport.

Councilor Anzuini explained that he would support the ordinance and not try to break it down is because we still have the Federal Government controlling the banking system. Last year they confiscated \$14M of people that are on a cash basis. Since banks will not allow marijuana sales to be incorporated as a normal business, then there will be increased confiscation and the question is who is responsible. Is the town responsible? Are members of this Council responsible? Who is going to make up the confiscation of the Federal Government?

Chair Tracy thanked everyone for coming in this evening.

---

ITEM# 91-17                      To consider action relative to awarding a contract for a Solid Waste and Recycling Single Sort Compactor.

**BE IT ORDERED:** That Atlantic Recycling Equipment be awarded the contract for a Solid Waste and Recycling Single Sort Compactor in the amount of \$29,915 (Gleeson & Anzuini)

Town Engineer, Adam Bliss explained that it is his recommendation to award the bid to Atlantic Recycling Equipment. He explained that they had \$20,000 of residual money from a previous fiscal year to upgrade one of the balers and another baler was scheduled for replacement. Between the two, that is a \$40,000 price tag. Freeport is the last hold-out community to go to Single Sort and it made sense for him to take the \$40,000 and apply it to the Single Sort Compactor rather than upgrade two balers and then probably go to Single Sort in the near future.

He brought this proposal to the Town Manager and he brought it to the Sustainability Committee. The Council heard of it in the late winter/early spring. The proposal has been endorsed. Atlantic Recycling is a reputable supplier and they were the low bidder. He has complete confidence they can deliver this item. There is a 6-8 week lead time so Mr. Bliss expects to receive it in late August/early September. He explained that the silver bullet will be removed from the Transfer Station and replaced by this Single Sort Compactor. This will make it easier to recycle. Mr. Joseph advised that the silver bullets will remain in Freeport and this only affects the silver bullet at the Recycling Center and there is no charge involved.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused)

---

**OTHER BUSINESS:**

1. Council discussion on Cable programming with update from Cable Department.

Chair Tracy explained that this item came from the Council's budget discussion on the Capital Plan which included some monies to upgrade the Cable truck and other facilities out of the Cable Reserve Fund which comes from franchise fees paid by people who purchase Cable in Freeport. There was a discussion that arose out of all of those items on whether it made sense to spend the money on that infrastructure when there was a concern about the programming. The Council did approve the monies and those items were funded and will be expended to improve the Cable infrastructure but the council asked to revisit the issue of Cable programming particularly on Channel 3. Channel 14 is the Educational Channel and the one RSU% usually populates. This is to make sure the Council follows up on some of its discussions.

Cable Director, Rick Simard explained that he has some ideas that he included in his memo of July 5 he also reached out to the Cable Board. They will be meeting in August to discuss this and try to move it along at a quicker pace. There are four members on the Board. A Councilor can serve as a liaison to this Board so Chair Tracy explained that an inquiry will be sent to Councilors to see if anyone wants to serve in this effort. The Appointments Committee can also send out a notice stating that we are looking for someone to serve on the Cable Board.

**COUNCIL MEETING #13-17**  
**JULY 11, 2017**

---

Mr. Simard explained that he has ideas for types of programming. He would like to highlight Town Departments in 2-4 minute PSAs and they can be updated from time to time. The Historical Society has a lot of interesting stories in Freeport that would serve well on Cable Television. He would also like to get something going with the Fire Department to help them with their recruitment of Youth Explorers for their department. Members have dropped over the last few years. This could also be done in conjunction with Channel 14.

Chair Tracy feels this is a great start. She asked about the costs involved in installing a satellite dish on the Town Hall roof to bring in public access programming from around the country. Mr. Simard did not know about costs but suspects it requires a subscription to DISH Television. A lot of the public type services are not available through downloads on the Internet. Mr. Simard recalled running a program called Democracy Now and he does not know if people would like to see it come back. It is a nationwide program that has a lot of viewership.

Councilor Arris feels that as a Council it could emphasize the things it would like the Board to focus on, at least initially. He is concerned about getting as much programming out there as possible and as much variety. In Rule #7 of the Board's Duties, it says Review and recommend to the Municipal Officers and Town Manager topics for local programming and services; in #11 it says Promote and facilitate programming and production and in #12, it says advise on program scheduling. He feels Mr. Simard is going to need some labor to actually do these things. Someone has to be out there doing the editing, camera work, write the program so we are going to need other people besides Mr. Simard. If the Board came to the Council and said these are the things we want to do, this is the help we need and how much it will cost, it will at least give the Council something. He feels we need to figure out who is going to watch this stuff.

Mr. Simard explained that in the past a town-wide survey about Cable access was submitted and the number one program was something produced by Ed Bonney and not the Council meetings. They got a 52% return on that survey and maybe we should think about doing something like that. He will bring it to the Cable Board and have that discussion.

Councilor Arris wants to push the Cable folks and let them know we need to know who is watching. There has to be some way to add a little pressure. Chair Tracy feels there is a way to put this in a new contract the next time it comes up. Councilor Anzuini feels that when we upgrade to HD, at that point we can influence the Cable Company to give us something. We give them something and in return they should give us something. He feels there is an opportunity for Mr. Simard's skills and his team's skills to be passed on to a number of teens or high school students and consider giving them partial credit in the Arts Department at the School. Mr. Simard advised there is a Videography Class that they achieve a grade in and agreed it would be a good opportunity for him to work better with the school department and allow utilization of our equipment to them.

Mr. Joseph asked if there is any possibility to include a survey with the cable bill to get voluntary information. Mr. Simard explained that the Cable Company has never been agreeable to doing that. He mentioned that we lost a lot of our powers through the years with regulations that the FCC controls.

Councilor Gleeson asked if the Regulatory Board talk about programming. He asked what we can do as a town to attract more viewers. He has had thoughts of instead of the informational thing, we should be talking about doing a live webcan, not on people but on an overview of the harbor. Maybe it's wacky but so what, have the discussion and throw out new ideas. During the

budget meetings, he was not totally in disagreement with the lack of programming, etc. Maybe it is not easy to see ideas on how to work with kids but perhaps the school can make some sort of programming where you can get people in the habit of watching the channel. It is important to have a different spectrum and there is a potential market. He knows this is a difficult task that he is throwing out there but possibly reaching out to the community might help.

Chair Tracy advised that she does not expect the Cable Board to come up with all the programming ideas. She suspects they signed on because they thought they were going to negotiate the contract and not necessarily come up with Cable programming. She would encourage them to reach out to other surrounding towns' cable departments and ask what is popular in their towns. This is a first good step.

Joyce Veilleux advised that the American Legion has used the Cable TV and their expertise to broadcast some of the things that they put on like concerts, ceremonies, etc. In talking to other organizations out there, they don't know it so one of the things the Cable Board needs to do is get out there and advertise the capabilities of the department. The Historical Society has wonderful lectures that could easily be taped and not require a whole lot of editing. The Library has a whole series of those things also. These are the things people like to see. We have a new field, track and wonderful lights coming in for night games. Will we be able to video some of our great teams and play them the next night or so later?

Chair Tracy appreciates Mr. Simard's openness to this topic. She feels there is an opportunity to improve and it will be fun to see where it goes. If Mr. Simard finds he is not getting enough support from the Cable Board, the Council will figure out how to skin the cat.

2. Discussion of Councilor proposal to implement additional department performance measurement metrics during budget process.

Chair Tracy explained that during the budget process one of the proposals that Councilor Anzuini made was that Town Departments should have performance metrics that they are tracking through the year which hold them accountable to various goals. She mentioned that some departments already have metrics. She sees this as a start of a discussion on whether the Council should take some affirmative action to direct them to implement additional metrics or different metrics. The initial discussion should be is this something the Council wants to do in the first instance. She asked Councilor Anzuini to explain his proposal and if it would benefit the Town in positive ways because it would also be an administrative effort. The Council can get feedback and might end up discussing it later.

Councilor Anzuini explained that part of the thought process when we were having budget discussions was that our spending went up 2.9% but part of it is trying to figure out why spending is going up. What services is the Town fulfilling for the people of Freeport and how does it translate to a budget process and spending level. He is trying to get a sense of what is the service we are supplying and how does that impact the financial components. He looked at previous years to allow him to see what the trend is, if the trend is going in the right direction or if something else is going on. It is a quick way to evaluate a budgeting number. He provided examples using vehicle registrations where it appears the trend is going down and this is the right direction for Town spending. He advised that a lot of departments currently have these metrics. The metrics are the number of invoices processed, the number of fire trips, and the number of rescues. When you look at those things you can see either why the budget went up or the budget should have gone down. There are a lot of Town departments in the Town budget that do not

have any performance data indicated. The conversation he had was how do we get every department to have some measurement criteria or some performance indicator of are we going to increase budget or decrease budget and why is it doing that. The Finance Director suggested that he bring this up to the Council. This is the result of that conversation and the thinking around the budget process. The handout shows a number of performance indicators that the Town already collects and they are very useful. His original proposal was that every department should have that but some are easier than others. He noted it is difficult for the Town Engineer to do one because he touches everything but he has a number of things that drive his work. The number of hours in committee, etc.

Mr. Joseph estimated that a third or half of budget units do not have things assigned to them. He has talked about this with Jessica and she has started to run with it. They feel it is a great thing but want to be sure they are doing something useful and get some input from the Council about what kind of information is useful, how many departments, how many budget units, what does the Council see that it likes, why are we doing it if it is not useful to the Council, why are we wasting staff's time to compile the information if it is not something useful for decision making. He will welcome feedback.

Councilor Arris asked Mr. Joseph if this would be a good use of time and would it provide data that would help the Council. He just wants to make sure it is a practical thing to do. Mr. Joseph noted he thinks it will be a marginal increase in effort and time for every department head. It will be more about him identifying them working with the Council and Jessica finding out if they are measureable. It will be marginal time for department heads, perhaps an extra couple of hours a year to put that information together as we go through the budget process. It will be marginal time for Chief Nourse or Lt. Goodman to put the Police information together and it will be the same for most of our departments. He noted he would be glad to design these with feedback.

Chair Tracy pointed out that staff is open to this but is this something the Council wants our staff to be looking at. Mr. Joseph noted that Jessica would want to talk to the Council later in the fall about budgetary goal setting, processes and maybe not metrics. She wanted him to advise the Council that she plans to come to the Council with Mr. Joseph and talk about budgetary goal setting and metrics.

Chair Tracy would like to see metrics but would defer to department heads and people that know best the budgetary unit that is being assessed. She would be happy to give feedback if and when people decide what they would propose. There appears to be two types of metrics. One that would drive the financial needle but she is not sure what we would do with that. The other part is information that residents might find interesting such as the number of arrests over the course of a year. This could help getting people involved and interested in the Town. She does not want to be in a situation where we have all these metrics but we don't know what they do for us and people are spending a lot of time on it. Mr. Joseph noted that he feels we have some interest. He plans to talk about this at department head meetings. He mentioned the NET numbers shown and how helpful it would have been to have them during the budget meetings.

3. Discussion of action items related to 2017 Council goal #5; "The Council will explore solutions related to renewable energy and energy efficiency to reduce the energy costs of the Town of Freeport."

**COUNCIL MEETING #13-17**  
**JULY 11, 2017**

---

Chair Tracy mentioned that this is another discussion started at the beginning of the year on Council Goal #5. This is a check in and update on that item. There is a memo from Mr. Joseph in our packets.

Mr. Joseph explained that there are two large scale Capital type energy efficient projects that we are working on. The first was investigating a solar array option on the Public Works Garage roof. To approach from a Power Purchase Agreement (PPA) where the Town does not do the upfront capital investment but we buy power for a term of seven years that would allow the private corporation to get tax credits and write-offs associated with the tax code that the Town as a Municipality cannot collect for those seven years. Seven years is the maximum depreciation where it makes sense and they have to hold on to it according to IRS regulations. It is the minimum kind of time that they have to retain the asset. You can then work out an agreement where you buy the asset at a lower than original cost from the people who are running it. After those seven years are up, you can also have an opt out clause in the PPA where you don't buy it and they continue to operate it on your facility or roof and they make power and sell it back at market rate and they get the benefit of it and you don't have the upfront capital costs. That allows us the benefit of starting a project with no permanent capital commitment at least. It would allow us to do it this year, any time, any year. We have been focusing on December 31 as a potential deadline for that which is still unclear. It looks like there will be some net metering losses after that time which make it less of a financial incentive to do it after this year. That is the timeframe we are working on.

During the conversation, Donna Larson and Councilor Egan have met with a vendor about the option of a second type of contract which is an energy services contract where you have no capital investment whatsoever but it is longer than a typical PPA contract so it would possibly be a 15 year payback where you buy energy at a lower rate than we have now and would have no capital upfront investment and essentially pay off the capital costs through their profit of the person owning the array on our facility and selling the power to us. The profit that they make from doing that below the market rate for energy would essentially pay off their capital investment over 15 years. At a later date we own the array. The downside to that is that it takes much longer to realize as big of a gain as we would from a PPA. There are two options on the table. Mr. Joseph feels that both of them have a December 31 shadow looming over them for net metering.

Councilor Egan added that the Energy Services Contract came on the table for a much broader scope than just a solar array. It would involve energy budgets in all the facilities which would include heating and cooling as well as electricity. This would be a way to offset our standard utility bill but there are other energy dollars spent on heating and cooling in a building as well as potentially other consumption items such as Public Works where heating bus blocks. He has not seen the details but there would be guaranteed savings because they would install equipment that is more energy efficient than what we have in place. It would not make sense if we have heat pumps that are only two years old, we would not replace them. An important element to consider is that we would be using our existing plan for and budgeted for operating budget for utility purchases at our various facilities. We are using those same dollars to be making significant capital investments that lead to future fuel and energy savings. This is a way to get to much lower utility costs as a facility owner without having to make the significant capital improvement cost upfront that if we were to just go purchase 100 kilowatts of power and put it on the roof of the Public Works Building. Mr. Joseph added that there could be some additional capital savings in addition to energy savings.

Mr. Joseph advised that Donna Larson is gathering information and will bring it to the Council in the next couple of weeks. Chair Tracy noted that when the Council was discussing goal setting, it talked about whether this was something a committee should take on such as Municipal Facilities. Does the Council have an opinion on whether we want more cooks in that kitchen? Mr. Joseph suggested Municipal Facilities.

Councilor Egan noted that we are still in the data gathering point and he has not seen any proposal but he is mindful of that December 31 timeframe and is aware that the solar vendors are flat out straight so it is hard to get scheduled for that. Councilor Arris feels when this is close to its finished product; it should go

**COUNCIL MEETING #13-17**  
**JULY 11, 2017**

---

to Municipal Facilities. Chair Tracy asked that Councilor Egan and Donna should keep MFC apprised as they are going along and get their input. Councilor Egan explained that if the veto is overridden and the bill becomes law, he believes there will still be a slight decrease in the net metering reimbursement going forward although it does not go all the way down to zero. It is only articulated in the first and second year and then there will be a review.

Mr. Joseph provided an update on the LED streetlight conversion.

Chair Tracy suggested that Councilors give some thought to attending the Bustins Island meeting in August.

**MOVED AND SECONDED:** To adjourn at 8:40 p.m. ((Gleeson & Egan))  
**VOTE:** (6 Ayes) (1 Excused-Sachs)

---

Respectfully submitted,

Sharon Coffin, Council Secretary



**MINUTES  
FREEPORT TOWN COUNCIL MEETING #14-17  
FREEPORT TOWN HALL COUNCIL CHAMBERS  
TUESDAY JULY 18, 2017  
6:30 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
Peter Anzuini, 87 South Freeport Road	x		
John Egan, 38 Curtis Road	x		
Leland Arris, 70 Glenview Road	x		
Scott Gleeson, 23 Park Street	x		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 2 Pettingill Road	x		

Chair Tracy called the meeting to order at 6:30 p.m. and took the roll. All Councilors were present.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #13-17 held on July 11, 2017 and to accept the minutes as printed.

Councilor Anzuini explained that under Item 90-17 regarding Marijuana, where he mentioned Amsterdam and Brussels, he misspoke. He should have said Amsterdam and *Portugal* and on the following page where he said the Federal Government confiscated \$14M he should have said *\$1.4M*.

**MOVED AND SECONDED:** To amend the Minutes to read: “Amsterdam and Portugal have done this and on the following page: \$1.4M was confiscated and not \$14M. (Anzuini & Arris) **ROLL CALL VOTE:** (6 Ayes) (1 Abstention-Sachs)

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #13-17 held on July 11, 2017 and to accept the minutes as amended. (Gleeson & Anzuini) **ROLL CALL VOTE:** (6 Ayes) (1 Abstention-Sachs)

**THIRD ORDER OF BUSINESS:** Announcements

Councilor Anzuini announced that he does not plan to run for re-election for the next Council term. He is aware that there are South Freeport people interested. He has encouraged them to get their nomination papers and start seeking signatures. Chair Tracy thanked him for his service and noted it has been a pleasure to have him on the Council. She hopes there will be some interest and there will be some good candidates coming forward.

Chair Tracy announced:

- **Winslow Memorial Park Summer Evening Concert Series continues this Thursday, July 20<sup>th</sup> at 6:30 p.m.** with the Owen Conforte Band. The Owen Conforte Band plays rhythm & blues, funk and good old rock ‘n roll!

- **The Appointments Committee is seeking residents interested in serving on Town boards and committees.** Currently there are vacancies on the **Shellfish Commission, Conservation Commission, Cable TV Board, Planning Board, Winslow Park Commission** and the **Sustainability Advisory Board**. Application forms are available at the Town Office and can be downloaded via the Town's website at [www.freeportmaine.com](http://www.freeportmaine.com). The Appointments Committee will be meeting in August, so residents should turn in their completed application soon!
- **Nomination papers will become available on Monday July 31, 2017 for the following positions:** Councilor-at-Large, Councilor District 2, Councilor District 3, RSU #5 Board of Directors, Sewer District and Water District. Candidates will have until September 13 to get the required number of signatures on the nomination forms. Please contact the Town Clerk's office for more information. *Christine Wolfe*, 30 Main Street, (207)865-4743 x.123  
[cwolfe@freeportmaine.com](mailto:cwolfe@freeportmaine.com)
- **Freeport Players presents Seussical: The Musical** July 21-30, Friday/Saturdays 7:00pm, and Sundays 2pm at the Freeport Performing Arts Center (Pay-What-You-Want Preview July 20 7:30pm). Tickets available online at <http://www.fcponline.org/tix.htm>, at Maine Wicked Goods Mercantile, and at the door. The whole family will love watching Horton, Mayzie, Gertrude, Jojo the Who, the Cat In the Hat and friends based on the works of Dr. Seuss.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Anzuini explained that the Traffic and Parking Committee met this morning and there was some discussion concerning crosswalks across Route One by Maine Beer Company which was tabled to the next meeting. The committee requested additional information and additional potential ways to safeguard people in that crosswalk because the speed is 45 mph in that area. He noted it would be addressed again next month and likely will end up at the Council for discussion. They also requested some lighting around crosswalks. He is aware that the Council is starting the LED conversation and there are no LEDs on that stretch of road. Potentially, they might need some additional lights in the contract that will eventually get signed. He clarified that they were talking about street lights and the reason this came about is because the bus service wants to drop people off at Maine Beer Company, going north and across the way which is a Park and Ride going south. The one down by Garmin is not an effective way.

Councilor Egan reminded residents that there will be an informational public hearing tomorrow at Town Hall at 6:30 p.m. regarding construction on Curtis Road. Drainage pipes are being installed now and he is excited to finally see work started.

Chair Tracy pointed out that the Council's Bustin's trip will take place on August 22<sup>nd</sup> and the boat will be departing at 5 p.m. from the Freeport Town Wharf unless Councilors go earlier to play golf. She encouraged Councilors to make every effort to attend this meeting because it would be good to have a good turnout.

Chair Tracy advised that the Appointments Committee will be meeting at the end of the month.

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

Mr. Joseph advised that he will be leading the golf expedition but he is not a big golfer but we are challenged frequently to a round between Bustin's Island and the Mainland and it's bragging rights for the

**COUNCIL MEETING #14-17**  
**JULY 18, 2017**

---

year out there. Anybody that has the ability to play that afternoon, come out and be a part of losing to Bustin's Island the fourth year in a row.

He corrected the time of the Curtis Road Reconstruction meeting to 6 p.m., not 6:30 p.m. as previously reported.

**Public Works Construction Updates**

Construction on South Freeport Road is underway – please expect delays if you are traveling in this area, as parts of the road will be restricted to single lane traffic during construction.

The Curtis Road construction project is expected to begin within the next month. There will be a neighborhood meeting in the Town Council Chambers at Town Hall on July 19, 2017, starting at 6 p.m. All residents in the Curtis Road vicinity are welcome to attend.

**Transition to Single Sort Recycling at Recycling Facility**

Construction is currently underway at the Recycling Facility to prepare for the arrival of the new single sort recycling compactor. This equipment has been ordered and is expected to arrive in the next 8-10 weeks. Once this upgrade is complete, it will no longer be necessary to separate your recyclables. It is hoped that this will make recycling simpler, therefore encouraging more residents to recycle. In addition, this change is also expected to save the Town tens of thousands of dollars a year. As a reminder – there will be no changes to the “silver bullet” recycling containers throughout Town, which provide an alternative way for residents to recycle.

**Traversable Barriers at Exit 22**

We have received several inquiries regarding the new traversable barriers at Exit 22 on Mallet Drive, which were installed by Maine DOT last night. Officials at Maine DOT inform us that these barriers are intended to address the problem of wrong way drivers on the I-295 off-ramps. This was included as part of regular maintenance of this section of state-maintained roadway, and not as a separate project. We have been informed that there are not currently any plans to install similar barriers at Exit 20 at this time, because the alignment of the on and off ramps does not create the same problem of “wrong way drivers”. He hopes this will improve safety but it is not permanent. There have been discussions on if that intersection is reworked, Study opportunities for complete streets and evaluation of that. It has been under consideration by the Active Living and Traffic and Parking Committees for the past couple of months. It is not a permanent thing and if MDOT consents to changing the intersection around in the future, he believes four lag bolts can come out and the whole section of Traversable Barriers will come right out. It is an easy change if they choose to make it. If anyone observes any problems, they can be reported to the Town or to MDOT at District 6 in Scarborough. The Town would be happy to pass those on if there are concerns about tight passing to MDOT.

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

Since there were no members of the public in attendance, Chair Tracy skipped over the Public Comment Period.

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

**COUNCIL MEETING #14-17**  
**JULY 18, 2017**

---

ITEM # 93-17                      To consider action relative to adopting the July 18, 2017 Consent Agenda.

**BE IT ORDERED:** That the July 18, 2017 Consent Agenda be adopted. (Rixon & Sachs)

Chair Tracy reviewed the items on the Consent Agenda for members of the public. She thanked Mr. Beck for his nine years of service to the Freeport Conservation Commission and thanked the generous donors for donations to the Freeport Community Library.

**ROLL CALL VOTE:** (7 Ayes)

---

ITEM # 94-17                      To consider action relative to approving annual Special Amusement Permits.  
**PUBLIC HEARING.**

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

There were no comments or correspondence provided.

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

**BE IT ORDERED:** That the annual special amusement permits for the following establishments be approved:

Gritty McDuff's, located at 187 Lower Main Street, Freeport  
Hilton Garden Inn, located at 5 Park Street, Freeport  
Buck's Naked BBQ, 568 US Route 1, Freeport  
Jameson Tavern, 115 Main Street, Freeport  
Harraseeket Inn, 162 Main Street, Freeport

**BE IT FURTHER ORDERED:** That the special amusement permit for the following establishment be approved pending Fire Chief and Code Enforcement Officer approval.

Azure Café, located at 123 Main Street, Freeport. (Egan & Sachs) **ROLL CALL VOTE:** (7 Ayes)

---

ITEM# 95-17                      To consider action relative to awarding a contract for a new Public Works Natural Gas Generator.

**BE IT ORDERED:** That Mid Maine Generator be awarded the contract for a new Public Works Generator in the amount of \$27,555.00.

*Note: \$7,500 was included in the FY17 Capital Budget and \$50,000 was included in the FY18 Capital Budget for a total of \$57,500. There will be*

*additional expenses with this project including Natural gas line installation at approximately \$2,800.(Sachs & Gleeson)*

Chair Tracy noted that this amount of savings is great and thanked Mr. Gibson. Public Works Director, Earl Gibson explained why the savings were so great. The generator will be a 60 kilowatt generator and Mr. Gibson expects it to run everything in the shop during an emergency including the buses and the shed.

Councilor Egan asked what will happen with the \$27,206 not being spent. Mr. Joseph explained that the savings will be transferred back to the Reserve Fund from which it came but the Council could specify something different in a budget process next year. We would have to do a special appropriation this year which is a slightly more in-depth process if the Council wanted to spend that on something else. Right now, we are authorized to spend \$57,500 on the purpose of a generator. Councilor Egan mentioned the discussion and votes that came forward on a few of the Social Services organizations that came forward with pretty tangible needs and the Council went back and forth on whether or not it could make \$500, \$1,000 or even \$1,500 in the direction of providing direct service and direct relief in accommodations for people that are working and living in this community and now we have \$27,000 that just fell out of the sky on us thanks to some good work on our bid work for the generator. He is curious about any opportunities we might have to reconsider that.

Mr. Joseph advised that that amount would be returned to the Public Works Equipment Reserve Fund and the he or the staff could not use it for anything else but the Council could authorize the appropriation of money from any of the reserve funds for a specific non-Capital purpose but it would have to be a conscious act of the Council to do that because it is not one of the listed purposes. Council Policy sets what those funds are reserved and used for so it is an act of the Council that could overrule a decision made by the Council's predecessor years ago that made those reserve funds.

Councilor Egan thanked Mr. Joseph for this information. He wanted to know what the process is.

Mr. Gibson noted that the generator is in stock now but it will take some time to get the gas line run. He has been promised that it will be working in place by November 1. He will report back to the Council when it is up and running.

**ROLL CALL VOTE:** (7 Ayes)

---

Chair Tracy explained that the Council has another item to take up that was not on the printed agenda. The Council has a memo from Mr. Joseph requesting the designation of an Acting Town Manager for July 27-July 30,2017 (shortest vacation ever) and he would like the Council to consider designating Judy Hawley as the Acting Town Manager.

**BE IT ORDERED:** That the Town Manager's designation of Judy Hawley as Acting Town Manager from 6 p.m. on Thursday, July 27, 2017 until 6 p.m. on Sunday, July 30, 2017 be approved pursuant to Section 3.03 of the Freeport Town Charter. (Gleeson & Sachs)

Chair Tracy requested that Mr. Joseph provide contact information for Judy Hawley in off hours. Mr. Joseph will provide this information to the Chair and Vice Chair of the Council as well as Emergency, Public Safety and Department Chiefs.

**ROLL CALL VOTE:** (7 Ayes)

**OTHER BUSINESS:**

1. Discussion on Paper Streets

Chair Tracy explained that the Council has a memo from Peter Joseph dated July 13, 2017 which included a memo from our Town Attorney dated July 12, 2017. The Council will not make any decisions this evening but this will tee this issue up for a decision at perhaps our next meeting. Council has to make a decision before the deadline of September 23<sup>rd</sup>.

Mr. Joseph advised that at any of the meetings over the next two months would be fine for the Council to make that decision. Chair Tracy noted that this could be teed up at the next meeting in case issues come up that need more time and the Council would have ample opportunity to address them.

Mr. Joseph brought the Council up to speed on this as well as for the viewers at home. He explained that a “paper street” that exists only on paper essentially on a subdivision plan. A paper street means it was never accepted by the Town and was never built up by the Town. There may be private rights-of-way or there could be nothing there on the ground but it is shown on paper often as a road. In 1997 the Town took action under the State Law at that time to extend the rights to 200 of the paper streets that existed prior to 1987. Moving forward, after that time, the paper streets that exist for 15-20 years and then they go away so there is no carry-over. On paper streets that existed prior to 1987, the Town has the right to extend the rights to those but it does not mean the Town has a right-of-way and does not mean the Town has a road. It only means that the Town has the right in the future to accept a right-of-way, to take a road, to take an easement of some sort over that existing parcel shown on the plan. There is nothing on most of these streets. Most of them have no Town rights whatsoever to them. They are just the right in the future we could take them and by taking them, he means accepting them. They don’t actually belong to anyone. They are just rights-of-way and they technically belong to the original sub divider was and that could be somebody that passed away hundreds of years ago without ever deeding them or willing them to anybody else after that. There are some from the 1800s, most of them are from the early 1900s up until current times. In 2003 and 2005, the Town vacated 21 so there are currently 179 of the 200 the Town agreed to keep the rights to. They currently exist on paper that the Town has rights to. He explained that the Town can vote to continue our rights to the paper streets which essentially doesn’t do anything formally but gives us the right to a 20-year period to reclaim these paper streets. There is not an indefinite right to do that. There is only one period specified under Statute, one more 20-year extension period so if the Town does nothing with them after 20 years and the State law has not changed in that time, they would go away in 2037. The Town has the right to do nothing and take no action and the paper streets are automatically vacated or the Town can make choices and bring in some but not all of the paper streets in question.

He mentioned that the Town had a formal request earlier in the year to vacate Retriever Lane which he has included in the requests. He figured the Council would address it at the time since there is no cost to addressing it at the time as opposed to formal vacation outside of a renewal period which would cost us money for a survey, for recording at the Registry, having an attorney write a deed and potential damages in rare cases. Since that time, he has had a resident contact him about a potential second one to consider but he has not yet received that formal notice and does not wish to announce it here. He is expecting one other formal request to be made of the Council and possibly others. He has provided an example of the rights extension notice that was filed with the Registry in 1987 and signed by the Council at the time and it lists all the existing paper streets and not necessarily rights-of-way. Essentially the 21 that have already been vacated would be removed from that list and any additional ones that the Council does not want to leave off could be removed. Councilor Egan asked if the Council would see a map to help him determine where these are. Mr. Joseph noted that with great difficulty, he could provide maps and expected to do this when the Council is considering this for formal action. Councilor Egan explained that he could not

vote either way without knowing where these things are. Mr. Joseph offered to check to see when maps could be made available.

Councilor Anzuini pointed out that a couple of Traffic and Parking Committee members have experience with this activity. One of the things they highlighted for him is what is the intent of the Town for keeping or vacating these paper streets and this is a part of the conversation he feels the Council needs to have. A lot of these give rights-of-way to properties that are not on the road. They are right-of-ways for somebody not in the deed and they might have assumed that the right-of-way was always there. Another way is access to the ocean. This is more complex based on historical activities or efforts to resolve some of these issues. If we look at each individual road, we would have to go through every deed and understand what the deed said associated with that road or subdivision which was really the activity that created a lot of these things and then what happened to the subdivision and where is the road. The Council needs to come up with the strategy because he understands this was addressed twenty years ago and it was a very difficult activity to perform.

Vice Chair Sachs pointed out that the difficulty comes when you try to do that individual analysis and she would say that it was done in 2003, 2204 when the Town actually had a Paper Streets Committee. She understands that it was fraught with a lot of difficulties doing this one after another approach. From a Town Municipal stewardship of resources prospective, she feels the simplest thing would be to retain and not vacate the vast majority of these and look at the two that have been requested. That gives the Town the ultimate flexibility in terms of stewarding and managing resources, even the two that have been requested for her, do not automatically mean that we would grant the request to vacate. While she understands there may be compelling reasons either side, for her retaining the Town's interest in that and not vacating the bulk of this makes more sense in terms of a process, and leaves for the Town's future Councils the ultimate flexibility so that instead of doing them one by one at large, when there is a request, that is the more appropriate time to do that.

Mr. Joseph added to be very clear, when we are discussing these, we should separate at all times the private rights that currently exist or may exist that private landowners may or may not know about. When a subdivision is created, often times, all the rights-of-way within the subdivision are granted to the private lot owners so the Town on these paper streets has no rights but people do have private rights to traverse those that retain and stay with the property regardless of what the Town does in this instance. If we vacate all of our rights, it will change nothing from what is legally occurring. The same people that have legal access to that piece of land now would still have legal access to the piece of land. The Town has no public rights and in most of these cases, the Town has not put easements or public rights there. The mere creation of a paper street in existence of a paper street does not convey to the general public, the right to go across it unless the Town takes formal action to institute a road, an easement or puts something in place that would grant a public passage right to the general public.

Vice Chair Sachs advised that if there were a Municipal interest in wanting to create a public easement, or with development and changes, be able to create a public road that actually codifies what people have been using in a more informal way, for her, it lends itself to ultimate flexibility because there are no rights lost in this way and it retains maximum flexibility for future Councils, development and consideration around recreational uses, etc. It just seems like a template that lends itself in that way.

Councilor Arris echoed what Councilor Sachs said and would also support the idea of treating them individually upon request and just generally keeping what rights we have as a Town. He has concerns about giving away any kind of rights, particularly when it comes to access to any bodies of water. He sees there are quite a few mentioned on the list talking about Spar Cove and Flying Point but does not know the details. He would prefer to keep the Town's options open.

Rod Regier of South Street explained that he has spent more time on paper streets than he would choose to remember fondly. He explained that the Council needs to understand how complicated the matter is that it is getting into. It is a tapeworm that has the potential to consume every resource, every moment of time and every bit of patience it has to deal with this. An unbuilt street in a recorded subdivision has an implied right of acceptance to the public. There are some very good reasons for keeping them and there are some very good reasons just for the convenience of property owners and deeds to get rid of them. There are good arguments both ways. He was on the Council when it had to deal with them. He got into it in mid-stream. There had been a consultant hired who identified 65 or 70 properties she called “paper streets”. There was a committee appointed by the Town Council that worked for two years on these, deed by deed and property by property. They spent a huge amount of time on this and did a really good job with it and then it came to the Council’s lap to actually implement some recommendations. This is where it got very divisive. There is a question on subdivisions – is a right of way for traffic the same thing as a right-of-way to the water? There was an argument made by the consultant in the affirmative and property owners in the waterfront subdivisions went ballistic, thinking this was a land grab for waterfront access by the Town. As Mr. Joseph alluded to earlier, there are a variety of rights for these paper streets and the implied dedication that the Town is simply one of the rights. There can be other complications for property owners if they still want to have a paper street vacated totally. It gets very complicated and he is glad someone asked about maps because he provided eight pounds of paper from 2002 which is the finished work and recommendation of the Paper Streets Committee, maps, work of the consultant. It is a variety of attorneys’ opinions, the Town’s attorney as well as different property owners opposing opinions. It is all public record and he is happy to get rid of this. He gave it to Mr. Joseph and Mr. Joseph noted that most of the maps will be cross referenced. There is a book in the Planning Department that show all the subdivision plans historically that these refer to. He assured the Council he would get back to the Council leadership before the next meeting, information on producing modern maps in a format that are compatible with what our street maps look like today as opposed to survey plans. He feels that some of the maps are shown without North being up. He mentioned there is no Sandy Beach Road indicated. It is Beach Road and Oak Street and things that do not exist anymore. We call them Cushing Briggs and Sandy Beach Road now so each one is a little bit of a learning curve never mind the level of detail that was so poetically described by Mr. Regier which he believes is accurate.

Chair Tracy pointed out that the Council would like to get a sense of where these are. If some are problematic, she would be comfortable putting them in a “problematic bucket” and not having the staff spend eons of hours getting to the bottom of it especially if the Council’s position is “let’s re-up these paper streets.” She suggested taking a first pass at a map and identify the ones there are troubles with. The Council has time on this to figure out whether it is worth spending the extra time to identify the problematic ones unless they are all like that and we may have a different issue.

Chair Tracy noted she would take a temperature from Mr. Joseph in terms of when he thinks the maps will be ready. If the maps are ready for the next meeting on August 4, then we will take this up on August 4. If not, we will take it up at the following meeting and evaluate whether we would like to renew the Town rights on the paper streets, we could decide not to do anything, or we could do this very difficult and time-consuming process of going one by one. She doesn’t believe it will be completed before September 23 so if the Council decided to do that, she suspects it would have to decide to renew our rights and then take the step of creating an action committee and going through these step by step. She is open to other opinions on that. Mr. Joseph pointed out that there is no deadline for taking action after these are renewed. They could be done starting on September 23 or five or ten years from now or any time period when a future Council, or this Council can take this up. It can be done at any time in the future, either piecemeal or if somebody wants to undergo the tapeworm process, we can choose to do it as a whole.



**COUNCIL MEETING #14-17**  
**JULY 18, 2017**

---

Chair Tracy brought up the subject of the Island Rover Foundation and their deadline of August 21 to remove the boat. If not, then we need to do something on August 22 and go back to the Court and request something. It may make sense for us to have an Executive Session with our attorney to talk about potential options and avenues in the event the Island Rover Foundation is unable to comply with the sanctions of the Contempt Order that was issued.

Procedurally, she noted that the Council could take it up on August 4 but that is a little premature because they have a lot more time to get done what they need to get done. The other option is to schedule a special Executive Session the week prior to August 22 which would be Tuesday, August 15. She asked if there is appetite to do that and are people here.

Councilor Egan suggested scheduling a meeting but even closer to the deadline date than the 15<sup>th</sup>. He explained that the Council could be spending an hour and a half in discussion and find out that between that meeting and the Court date, they find out they meet whatever they need to meet. He suggested having the special meeting the day after the Court date so the Council will have all the facts and figures and a hard reality of what happened the day before, whether they met it or they didn't, rather than speculating.

Chair Tracy advised that we are mandated to report back starting the 22<sup>nd</sup> but not we are not mandated to report back on the 22<sup>nd</sup>. In theory, the Council could have a special meeting on the 22<sup>nd</sup> if the deadline is not met and then report to our attorney. She is confident the Court would understand if we were to wait until after the deadline is passed to have a quickly scheduled meeting. She asked if Councilors would prefer this approach and wait and see exactly what happens before we decide to do anything.

Councilor Gleeson mentioned all the years dealing with this. They can do everything they need to get the boat ready but the real goal is removal from the property. He presumes they would need significant permitting to move that vessel on the roads so we will know on a Tuesday meeting before whether or not the permitting was granted. Mr. Joseph mentioned that the answer is yes, they will need a permit from the Town on local roads and from the State on any State roads to any potential launch sites. Councilor Gleeson noted he would be fine meeting on Tuesday, August 15 after determining if any permits were obtained to move the vessel. It would be his first choice just so that we have a good action plan.

Chair Tracy asked Councilors to let her know if the special meeting should be scheduled on August 15 or August 23 and if they are planning to be on vacation on either of those times.

- Councilor Rixon preferred the 23<sup>rd</sup>, the day after.
- Councilor Egan preferred the 23<sup>rd</sup> but could do both.
- Vice Chair Sachs preferred the 15<sup>th</sup> to give the attorneys and Town Manager time they need to prepare anything that is the will of the Council but could meet on the 23<sup>rd</sup> as well.
- Councilor Gleeson preferred the 15<sup>th</sup> but could meet on the 23<sup>rd</sup> as well.
- Councilor Anzuini felt the 15<sup>th</sup> would be better but could make the 23<sup>rd</sup>.
- Councilor Arris preferred the 23<sup>rd</sup> but the 15<sup>th</sup> is fine as well.

Vice Chair Sachs suggested checking with the Town Attorney. Chair Tracy asked if Councilors were okay giving her discretion to make the final decision on scheduling the meeting based on a discussion with the Town Attorney. There was general agreement to this. Chair Tracy advised that she will ask Mr. Joseph to circulate the procedural information and would schedule the meeting depending upon the availability of our Town Attorney.

**MOVED AND SECONDED:** To adjourn at 7:27 p.m. (Sachs & Gleeson)  
**VOTE:** (7 Ayes)

---

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES  
FREEPORT TOWN COUNCIL MEETING #15-17  
FREEPORT TOWN HALL COUNCIL CHAMBERS  
TUESDAY AUGUST 1, 2017  
6:30 PM**

	<b><u>PRESENT</u></b>	<b><u>ABSENT</u></b>	<b><u>EXCUSED</u></b>
Peter Anzuini, 87 South Freeport Road	x		
John Egan, 38 Curtis Road			x
Leland Arris, 70 Glenview Road	x		
Scott Gleeson, 23 Park Street	x		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 2 Pettingill Road			x

Vice Chair Sachs called the meeting to order at 6:30 p.m. and took the roll. She explained that Chair Tracy and Councilor Egan are excused this evening.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #14-17 held on July 18, 2017 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #14-17 held on July 18, 2017 and to accept the minutes as printed. (Gleeson & Arris) VOTE: (5 Ayes) (2 Excused-Egan & Tracy)

**THIRD ORDER OF BUSINESS:** Announcements

Councilor Rixon announced that he would not be seeking re-election to the Council in November. He has notified the Council Chair, his fellow Councilors, the Town Manager as well as the Town Clerk of his decision but wanted to let the public know as well. Vice Chair Sachs thanked Councilor Rixon for his service to the Town. She pointed out that he has attended every single committee meeting in the Town.

Vice Chair Sachs announced:

- The Town Council will be meeting on August 22<sup>nd</sup> for their Annual Joint Meeting with Bustin's Island. The next regularly scheduled Town Council meeting will be held on Tuesday, September 5<sup>th</sup> at 6:30 p.m. here in the Council Chambers. The District Workshop for Districts 1 & 2 will be held on Tuesday, September 19<sup>th</sup> at 6:30 p.m. at the Freeport Community Center and will be followed by the regular Town Council Meeting.
- The Appointments Committee is seeking residents interested in serving on Town boards and committees. Currently there are vacancies on the Shellfish Commission, Conservation Commission, Cable TV Board, Planning Board, Winslow Park Commission and the

## **COUNCIL MEETING #15-17**

**August 1, 2017**

Sustainability Advisory Board. Application forms are available at the Town Office and can be downloaded via the Town's website at [www.freeportmaine.com](http://www.freeportmaine.com). The Appointments Committee will be meeting in August, so turn in your completed application soon!

- Nomination papers are now available for the following positions: Councilor-at-Large, Councilor District 2, Councilor District 3, RSU #5 Board of Directors, Sewer District and Water District. Candidates will have until September 13 to get the required number of signatures on the nomination forms. Please contact the Town Clerk's office for more information. Christine Wolfe, 30 Main Street, (207)865-4743 x. 123 [cwolfe@freeportmaine.com](mailto:cwolfe@freeportmaine.com)
- There will be a Browntail Moth Caterpillars Public Information Session on Wednesday, September 27<sup>th</sup> from 6:00 – 7:00 p.m. in the Town Council Chambers. This will be a general information presentation presented by Lynne M. Holland, Community Education Assistant, University of Maine Cooperative Extension and Rebecca Miller, RN, Maine Health Educator, Northern New England Poison Center.
- Winslow Memorial Park Summer Evening Concert Series continues this Thursday, August 3<sup>rd</sup> at 6:30 p.m. with Ed and the Desjardiniers.

### **FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Arris explained that the Council's Sub-committee on Special Projects met last week and discussed how to best honor 100+ volunteers in the community that give their time to participate in local affairs and make our community a better place to live. Discussion included what was done in the past. Last year each volunteer was presented with a reusable bag at a meeting. In the past, there have been cook-outs at Winslow Park. Based on the information gathered at the Sub-committee meeting, it was decided that to get the best attendance was to have another meeting to honor our volunteers here at Town Hall on October 3 at 6 o'clock followed by a Town Council meeting. At that meeting volunteers will receive a brand new Town of Freeport Volunteer T-shirt. He encouraged volunteers out in the public to plan to attend and receive their T-shirt on October 3<sup>rd</sup>. This is a small token of our appreciation and the Council wants to make sure volunteers realize how very important they are to Freeport.

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

Mr. Joseph reported:

#### **Neighborhood meeting – Snow Road, Elm Street, & Justin's Way Sidewalk Project**

There will be a neighborhood meeting for the Snow Road/Elm Street/Justin's Way sidewalk project on Thursday, August 3<sup>rd</sup> at 6 p.m. here in the Council Chambers. If residents are unable to attend the meeting and have questions, they can contact the Town Engineer, Adam Bliss at 865-4743, Extension 106.

#### **Transition to Single Sort Recycling at Recycling Facility**

Construction of the concrete pad for the new single sort recycling compactor at the Recycling Facility is currently underway. We are expecting to begin implementation of single sort recycling in mid-September or possibly earlier. As the time for the switchover approaches, watch for signage directing the new traffic pattern which is pretty similar to what is there at the Recycling Facility. There just won't be as much

## **COUNCIL MEETING #15-17**

**August 1, 2017**

traffic into the building to put paper, cardboard and plastic into the balers. It will all go into the single sort compactor which will be where the current silver bullet roll-off container is located. A container for FCS returnables will still be there. Everything else will go into the single sort compactor on the left side. The Trash compactor will remain where it is now. Signage will be put up as we get near to the middle of September directing residents to those changes.

### **Increased Subsidy Money from State for Education Funding**

The biennial State budget that was recently passed at the beginning of July included an increase of \$111,272 in additional local subsidy money for Freeport's portion of the RSU #5 tax assessment. RSU #5 officials have informed us that this money will be used to offset the current year school tax assessment. This will result in a decrease of approximately \$0.08 on the 2017 tax rate.

### **Road Construction Update**

Earl Gibson advised that on last Saturday they overlaid the surface on Park and Middle Streets in South Freeport Village so that is complete. By the end of this week, he hopes to have all the driveways tied back in and all the dress up on the shoulders done. He cautioned that the dates he is about to list are subject to change due to weather. He worked with Crooker Construction to come up with these dates.

Main Street in South Freeport will get its final coat August 4. The second part of South Freeport Road has been ground and paving will take place this Saturday, August 5. South Freeport Road will get another 1 ½ inches of pavement all over which will be done on August 11. Curtis Road will be reclaimed on August 14 and calcium will be put on it on August 17 and the pavement will be put down on August 18. That will complete Public Works' paving for this year.

Mr. Gibson noted that he is hoping to have South Freeport Village complete within the next couple of weeks and then will be working on South Freeport Road and Curtis Road.

Vice Chair Sachs asked Mr. Gibson to give these dates to Mr. Joseph to fill in for people that couldn't be here this evening but who get this in their in-box, usually the next day. Mr. Gibson agreed and Mr. Joseph noted he would include this tomorrow morning in an e-mail that goes out.

Mr. Joseph noted that currently our Town Engineer is in discussion with MDOT about adding another extended speed bump in South Freeport Village closer towards Church and Park Streets. The existing one before it was ground down, will be put back between the school and the church. We will advocate for the second one but it needs to be approved by MDOT. We are awaiting their response. He mentioned that we have had a lot of questions about the lane width and whether it will be adjusted on South Freeport Road. He noted that we will use 10-foot travel lanes on both of the sections Earl talked about which is essentially between Smelt Brook and Porter's landing. The Town portion will be 10 feet with varying 3-4-foot shoulders. It will be a foot wider on the shoulder and a foot narrower in most of the travel lanes than what it is now. We have had success with that approach. It provides traffic calming and actually, we have had no incidents and only compliments from the section of South Street we did from pedestrians and bikers that use it stating that it slows down traffic and provides a little more space on the edge of the road for other non-motorized uses. It is a small step but hopefully, it will be a big improvement for bike/pedestrian use on South Freeport Road and for traffic safety.

Vice Chair Sachs asked if the cost for the second extended speed bump is incorporated in the cost. Mr. Joseph felt that it is included in the road paving project. Mr. Gibson noted that he had heard about the additional speed bump possibility before the project was started so it was included. He mentioned that he has found that it is a lot cheaper to do it while paving rather than having to come back and do it.

## COUNCIL MEETING #15-17

August 1, 2017

**Brown Tail Moth Update** It's come to our attention recently that local property owners who are trying to arrange pesticide application on their properties for brown tail moth caterpillars are having trouble finding licensed applicators for next season. In investigating the possibility of a Town-wide "preferred provider" discount with local licensed tree services, we were made aware that three local tree services are already offering neighborhood discounts or contact to groups of residents who organize to coordinate treatment. These companies are Hughes Arbor & Land Management (Freeport), Lucas Tree Experts (Portland), and Bartlett Tree Experts (Scarborough). The Town does not endorse one specific company, but suggests that residents contact several companies to receive quotes and determine whether they currently offer a discounted rate or contract for their neighborhood. A comprehensive list of all licensed companies statewide is available on the Maine Forest Service's website at: <http://www.maine.gov/dacf/mfs/foresthealth/invasivethreats/browntailmothpesticideapplicatorinfo.htm>.

Councilor Anzuini asked if this update could be provided when we have the presentation on Brown Tail Moths on September 27 here in the Council Chambers from 6-7 p.m. Mr. Joseph agreed and recommended that residents contact these companies to see if any of them offer a discount for their neighborhood and if they can be squeezed in.

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

Since there were no members of the public wishing to speak, the Council moved on.

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

---

ITEM #99-17                      To consider action relative to adopting the August 1, 2017 Consent Agenda.

**BE IT ORDERED:** That the August 1, 2017 Consent Agenda be adopted.  
(Sachs & Gleeson)

Vice Chair Sachs explained that these are simply routine Victualer's licenses.

**ROLL CALL VOTE:** (5 Ayes) (2 Excused-Egan & Tracy)

---

ITEM # 100-17                      To consider action relative to awarding a contract to Connectivity Point for camera replacement in the Council Chambers.

**BE IT ORDERED:** That the contract be awarded to Connectivity Point for camera replacement in the Council Chambers in the amount of \$37,321.

*Note: This represents a portion of the Cable TV/HD Conversion project. The Town Council appropriated \$120,600 for this project in the FY18 Capital Budget (Rixon & Gleeson)*

Vice Chair Sachs noted that the Council has a memo from Cable TV Director, Rick Simard and that this was discussed extensively during the Capital Program. Mr. Joseph added that the bids from the three companies were within \$1,000 of each other and he has confidence that this is an accurate price.

Councilor Anzuini recalled that this was just for the equipment and that staff would do the installation or training. Mr. Simard advised that once the system is in place, it probably won't look much different from

## COUNCIL MEETING #15-17

August 1, 2017

what is up there. Training will not be necessary for these. The wiring is already in. He pre-wired this room over a year ago in anticipation.

### **ROLL CALL VOTE:** (5 Ayes) (2 Excused-Egan & Tracy)

---

ITEM # 101-17      To consider action relative to approval of a contract with RealTerm Energy for the LED streetlight conversion.

**BE IT ORDERED:** That the contract with RealTerm Energy for the LED streetlight conversion be approved.

*Note: This represents a portion of the LED streetlight conversion project. The Town Council appropriated \$127,500 for this project in the FY18 Capital Budget. (Gleeson & Arris)*

Mr. Joseph reminded the public that the portion of the entire project that this includes, RealTerm will be serving as Project Manager and they will be doing the survey and design work at the beginning of the project and then also the construction administration. The contract is broken into two parts. They receive a fee per fixture for the survey and design work. The total amount of that is between \$8,500 and \$9,000 depending on the exact number of fixtures we are going to survey and replace. It is about 220 fixtures here in town. That includes the investment audit part of it which will be the cost benefit savings we will want to look at. That part is estimated at \$8,500-\$9,000. To serve as construction administration, procurement of the fixtures, installation and management, there is a fee of 17% of the total fixture procurement cost. They will manage throughout the project. This does not include the purchase of the actual fixtures which they will help us procure, price out and select the fixtures we will be using. The bulk of the actual Capital cost is the installation and procurement of the fixtures. However, they are the construction management folks at that point in time. The schedule is pretty well laid out in the contract on Page 6 that was attached. This is obviously their time to do the work, not our time to review it and to get back to them with any changes. If we were on our top game and only gave them a one-week answer every time they gave us something, it would put the potential project completion in April or May of 2018 but it maybe longer than that because at any point we may take the results, talk with the Town Council, we may want to have a meeting on it or we may want to look at the design, so scheduling wise we may want to push that back on the Town's end a little bit. The potential project completion could be about April or May of 2018 or later if we push those items back. RealTerm Energy comes highly recommended by many of our Municipal colleagues and we have talked about that extensively. They are currently working in Falmouth, South Portland, Biddeford and Rockland on a similar project.

Paul Vesel of RealTerm Energy advised that they were hired as a consultant but they will be our turn key partner from start to finish throughout this project to moving from GIS auditing through design, procurement, community outreach which is a portion of the project they will assist the Town with. They have done over 200 LED conversions and they do a lot of small and mid-sized communities.

Councilor Anzuini asked if 220 street lights include all street lights in all four districts. Mr. Vesel advised that they are working from the most updated CMP inventory and he stated that they have never encountered an inventory at the onset that was completely accurate and this is why a proper GIS audit really forms the baseline and foundation of the project. There will very likely be a discrepancy between what Freeport's real count is and what this number is. Town Planner, Donna Larson advised that the Town conducted a very extensive process in 2009 and tried to reconcile what we had on the ground with what CMP said we had. As a result, there were recommendations of street lights to be removed. In 2012, the Council added in a few street lights and did not remove very many of the ones that were

## COUNCIL MEETING #15-17

August 1, 2017

recommended to be removed. Mr. Joseph estimated the number of street lights at 217 town-wide but is giving them a little wiggle room in case there are a few magic ones that have popped up that we are not aware of. Ms. Larson estimated that seven fixtures at Winslow Park are included and they will pay the Town for their portion of this. It is covered under the RealTerm contract. There is not a separate contract but they will reimburse the Town.

Mr. Vesel advised that Falmouth had not done a detailed audit in a very long time and they have been trying to hash out those details between that town and CMP. If Freeport has done a detailed audit recently, it will help save time on the project. Councilor Arris brought up costs and Mr. Vesel advised that Freeport will have a payback, including the acquisition cost from CMP, of 3.9 years. Mr. Joseph advised that he compared contracts and found that what Mr. Vesel is saying is 100% accurate. The largest portion of the contract is identical between the four-town group and Freeport. The only difference is in the actual survey collection. He found about \$4,000 difference between the two contracts. Councilor Arris noted that he heard Mr. Vesel say that Freeport's GIS survey of the lights is pretty much up to date and he said it was pretty significant work that he had to do in the other towns that he won't have to do in Freeport in theory. Vice Chair Sachs clarified that it is the same amount of work but might not take as long as it has in the other communities. Mr. Vesel advised that they still have to send out the field auditing crew to collect attributes which Freeport has not collected for the design.

Councilor Anzuini referred to Task 3 on Page 3 which is the Investment Grade Audit, he assumes that this is where the return on investment and payback calculations are in that area. Mr. Vesel explained that the Investment Grade Audit is an aggregation of all the data and analyses that are done through GIS designs so before they go to procurement, the Council will know exactly what the cost and savings of this project will be. This is a non-metered service which means that Freeport is being charged by the utility for the amount of kilowatt hours times its' run time so they know when they reduce the wattage of a particular fixture, what the kilowatt savings is going to be.

Councilor Anzuini referred to Task 4, it says public information session is optional. He wondered if this could be converted to a not optional activity. He is confident there will be a lot of public interest. Mr. Vesel explained that they put it as optional because they did not know what Freeport's desired community outreach is. Vice Chair Sachs clarified that it is not optional for them, it is optional for us and agrees there is interest in this particular project and asked Mr. Vesel to anticipate that there will be most likely a session.

**ROLL CALL VOTE:** (5 Ayes) (2 Excused-Egan & Tracy)

Vice Chair Sachs thanked Mr. Vesel and Ms. Larson for being here this evening.

---

Vice Chair Sachs advised that there is one last item which was not able to be on the printed agenda but she is sure everyone will be excited to hear about it. She apologized to the public.

ITEM #103-17

To consider action relative to a use of Town property request by Casco Bay Ford in conjunction with the Freeport High School Class of 2018.

**BE IT ORDERED:** That a request for use of Town property submitted by Casco Bay Ford in conjunction with the Freeport High School Class of 2018 for the Town Hall Parking Lot on September 23<sup>rd</sup> from 9 a.m. to 4 p.m. be approved conditional upon receipt by the Town of satisfactory liability insurance coverage. (Anzuini & Arris)

Vice Chair Sachs explained that this predicated on the fact that the Town Council must approve use of



## **COUNCIL MEETING #15-17**

**August 1, 2017**

Town -owned properties for functions like we do at Memorial Park and because we are not meeting again until September 9<sup>th</sup>. Mr. Joseph explained that Heather contacted him today when they found out that the parking lot at the school they were going to use is no longer available. This is a fundraiser where people can come and test drive vehicles and the proceeds go to the graduating Class of 2018 for Project Graduation. Vice Chair Sachs noted that participants do not have to pay to test drive a car. For every test drive, Ford makes a donation. Mr. Joseph pointed out that the Town has no issue with the use of the lot since it will be on a Saturday, during the day. Town staff recommends this if the Council is comfortable with it.

Heather Perry explained that this is a drive for your school event and Casco Bay Ford is our local Ford dealership. In the past, this took place at the high school's parking lot but unfortunately, the lot is not available to them since there is an educational conference scheduled on that day. In the past, 10-15 cars have been brought and parked. They put advertisements out and tents up. People come in and test drive a car and they receive \$20 per test drive. In this way, they can earn quite a bit of money for students and it doesn't cost them anything. In the past, they added a grill and sold hamburgers and hot dogs as well as baked goods so this is additional money to what the Ford Company gives to them. They have a sales person with them and sometimes two. They also have a couple of radio stations that come in for two-hour blocks and they provide additional advertising for them. The kids have a lot of fun with the DJs that come in. Participants are allowed to take out the car, test drive it, bring it back and then fill out the paperwork.

Vice Chair Sachs noted that the date was set by Ford Motor Company and the school does not have any flexibility. Councilor Arris clarified that the Ford Motor Company will pay for each test drive so this is a good deal for people that want to try out a car. Vice Chair Sachs agreed and disclosed that her son is not in the Class of 2018. Mr. Joseph noted that they will be using the upper lot.

**ROLL CALL VOTE:** (5 Ayes) (2 Excused-Egan & Tracy)

Vice Chair Sachs thanked Ms. Perry for coming in and reminded her to have this added to the Council's announcements.

---

**MOVED AND SECONDED:** To adjourn at 7:15 p.m. (Gleeson & Arris)  
**VOTE:** (5 Ayes) (2 Excused-Egan & Tracy)

---

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #16-17**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY SEPTEMBER 5, 2017**  
**6:30 p.m.**

	PRESENT	ABSENT	EXCUSED
Peter Anzuini, 87 South Freeport Road			x
John Egan, 38 Curtis Road			x
Leland Arris, 70 Glenview Road	x		
Scott Gleeson, 23 Park Street	x		
William Rixon, 66 Varney Road			x
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 2 Pettingill Road	x		

Chair Tracy called the meeting to order at 6:30 p.m. She took the roll and noted that Councilors Anzuini, Egan and Rixon are excused this evening.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #15-17 held on August 1, 2017 and the executive session meeting on August 29, 2017 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #15-17 held on August 1, 2017 and the executive session meeting on August 29, 2017 and to accept the minutes as printed. (Gleeson & Arris) **VOTE:** (4 Ayes) 3 Excused-Anzuini, Egan and Rixon)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Tracy announced:

- **Nomination papers** for all town elected positions must be turned in by the deadline date of 6 pm, September 13<sup>th</sup>. As of this time, there has been interest in all available positions excluding the race for Water District Trustee (3-year term). For more information, go to the Town's website or call Town Clerk, Christine Wolfe at 865-4743, Ext. 123.
- **The Appointments Committee is seeking residents interested in serving on Town boards and committees.** Currently there are vacancies on the **Shellfish Commission, Library Board of Trustees and the Cable TV Board**. Application forms are available at the Town Office and can be downloaded via the Town's website at [www.freeportmaine.com](http://www.freeportmaine.com). The Appointments Committee will be meeting in mid-September, so turn in your completed application soon! She advised that the Cable TV Board will be asked to look at programming so if anyone has an interest in the content of what is on our Municipal programming channel, that would be a great way to serve the town.
- There will be a public information session on the **BROWNTAIL MOTH CATERPILLAR** on Wednesday, September 27<sup>th</sup>, from 6:00 p.m. – 7:00 p.m. in the Town Council Chambers. This will be a general information presentation focusing on:
  - how to identify brown tail moth caterpillars and overwintering webs;
  - how to prepare and control for browntail moth caterpillars;

**COUNCIL MEETING #16-17  
SEPTEMBER 5, 2017**

- precautions residents in affected areas should take.

**Presenters:** *Lynne M. Holland, Community Education Assistant, University of Maine Cooperative Extension & Rebecca Miller, RN, MPH, Maine Health Educator, Northern New England Poison Center.*

- Reminder that the **Districts 1 & 2 Workshop with the Town Council** will take place on September 19<sup>th</sup> at 6:30 p.m. at the Freeport Community Center. The Regular Town Council Meeting will follow the workshop.
- **2017 Election Absentee Ballots** will be available beginning October 10, 2017.
- The Freeport Conservation Trust is once again sponsoring the **Freeport Trail Challenge!** Passports are available at Town Hall and the Community Center. Every kid who hikes all four trails wins a prize. Adults will be entered into a drawing for prizes. For more info go to [freeportconservationtrust.org](http://freeportconservationtrust.org), email [info@freeportconservationtrust.org](mailto:info@freeportconservationtrust.org) or call 865-3985 x 212.
- Freeport Players presents: **THE SERVANT OF TWO MASTERS** - September 15 – October 1 at Freeport Performing Arts Center [pay-what-you-want preview September 14, 7:30pm] Carlo Goldoni's classic tale of mistaken identities, characters in disguise, and absurd situations updated to the modern era. For more information visit [www.fcponline.org](http://www.fcponline.org).
- On September 25, 2017 at the Freeport Middle School at 6:30 p.m. the Freeport Arts and Cultural Alliance will be sharing the results of the community survey about arts and culture in Freeport and they will be reporting on the development of the Cultural Plan. This is the public's opportunity to provide input to help define and develop the goals and objectives of the Cultural Plan at that meeting. This is an important opportunity for the public to ensure that the goals and objectives of the Cultural Plan reflect the interests organizations or families have in promoting arts and cultural activities. The preliminary report is available from the Freeport Arts and Cultural Alliance or the Town, if needed.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Chair Tracy advised that the Appointments Committee met and it will be the subject of the Consent Agenda tonight. The Council met in Executive Session on August 29 regarding the Island Rover. There is a public hearing scheduled at the Cumberland County Superior Court in Portland on September 19, 2017 at 9:30 a.m. It is open to the public so anyone interested is welcome to attend. The Executive Session was a meeting with the Town's attorney to discuss litigation strategy and the fruits of that meeting will be discussed at the Superior Court hearing on the 19<sup>th</sup>.

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

Mr. Joseph reported:

- The document attachment on our calendar on Town's website is faulty and the Town's website management people and our IT people have been aware of it since Thursday. It is complicated. All documents are here at the Town Hall supporting any agendas including Planning, Project Review and Council. He is unsure how many more meetings will take place before it is fixed. If anyone needs anything, they can e-mail the Town Clerk or his office and the information will be e-mailed directly. He apologized for that.
- The Public Works Department is pleased to announce that the drainage rehab and street reconstruction in South Freeport Village (Main, Middle and Park Streets) has been completed.

**COUNCIL MEETING #16-17  
SEPTEMBER 5, 2017**

The Department would like to send thanks to the residents of the village for their patience during the entire construction period.

- The South Freeport Road reconstruction project is on schedule. All of the paving for the 2017 season has been completed at this point. The Public Works Department is currently working on matching gravel driveways and shoulder work. Crooker Construction will be working on matching the asphalt driveways. The final paving is scheduled to take place in the spring of 2018. The Department would like to thank the residents for their patience and understanding as this is a very busy road in the summertime.
- During and after the construction on South Freeport Road, you may have noticed a steep transition from the new pavement to the existing parking lot of the South Freeport Post Office. The Public Works Department is aware of this issue, and has worked with the owner of the Post Office property to identify a solution that both the Town and the owners of the Post Office property are happy with. Currently there is a temporary fix in place, but a permanent solution will be put in place by November. Thanks to all the patrons of the Post Office for their patience and understanding as we work to resolve this issue.
- Base paving has been completed on Curtis Road as of August 31<sup>st</sup>. Within the next week, Crooker will be matching asphalt driveways and the Highway crew will be matching gravel driveways. As with South Freeport Road, all of the base pavement has been completed and Crooker Construction will be returning in the spring of 2018 to lay down final surface pavement.
- Our single sort recycling compactor at the Recycling Facility is expected to be active by the weekend of Saturday, September 16<sup>th</sup>. Instead of sorting out the paper, cardboard, glass and aluminum cans, it will all go into the new compactor located where the Silver Bullet is currently. Signage will be up and people will be there directing. Everything else will work the same. Five-cent redeemables can still be donated to FCS. Please keep your eyes peeled for new traffic flow at the facility at that time! The goal of this is to increase our recycled rates and percentages.

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

**MOVED AND SECONDED:** To open the Public Comment Period. (Sachs & Gleeson) **VOTE:** (4 Ayes) 3 Excused-Anzuini, Egan and Rixon)

Shawna Chigro-Rogers introduced herself as the new Director of the Greater Freeport Chamber of Commerce. She plans to listen in this evening and noted the Council will probably be seeing her on a regular basis. Chair Tracy thanked her for coming.

**MOVED AND SECONDED:** To close the Public Comment Period. (Sachs & Gleeson) **VOTE:** (4 Ayes) 3 Excused-Anzuini, Egan and Rixon)

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

---

ITEM #104-17                      To consider action relative to adopting the September 5, 2017 Consent Agenda.

**BE IT ORDERED:** That the September 5, 2017 Consent Agenda be adopted.  
(Sachs & Gleeson)

**COUNCIL MEETING #16-17  
SEPTEMBER 5, 2017**

Chair Tracy reviewed the items on the Consent Agenda for members of the public. She thanked all the volunteers willing to serve the Town. It makes Freeport's business move efficiently and the Town couldn't do it without them.

**VOTE:** (4 Ayes) 3 Excused-Anzuini, Egan and Rixon)

---

ITEM #105 -17      To consider action relative to setting a public hearing for amendments to the Freeport Zoning Ordinance §104 regarding the definition of Roads.

**BE IT ORDERED:** That a public hearing be set for October 3, 2017 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss proposed amendments to the following section of the Freeport Zoning Ordinance, §104 Roads.

**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. (Gleeson & Sachs)

Mr. Joseph provided an update. The recommendation from the Planning Board cleans up the language. There is no intention to change anything in how we define those roads but it matches up with the way it has been interpreted for many years with the current practice and puts it into the definition of a road. It is a contentious topic but it is not seeking to change the way we issue permits or define roads, etc. The language will be changed to match with the current practice the way we understood it before. The Planning Board is on board with this and that is why it is coming to the Council.

Chair Tracy read explanations of "road".

**ROLL CALL VOTE:** (4 Ayes) 3 Excused-Anzuini, Egan and Rixon)

---

ITEM # 106-17      To consider action relative to approving proposed amendments to Chapter 46: General Assistance Ordinance Appendices A, B, C & D for the period October 1, 2017 to September 30, 2018.

**BE IT ORDERED:** That a Public Hearing be scheduled for September 19, 2017 at 6:30 p.m. in the Council Chambers at the Freeport Town Hall to discuss amendments to Chapter 46: General Assistance Ordinance Appendices A, B,C & D for the period October 1, 2017 to September 30, 2018.

**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. (Arris & Sachs)

Mr. Joseph explained that the State sets these amounts for General Assistance reimbursements. Even though the Town does the work, the State is the one that tells the Town what it can pay. If we do not

**COUNCIL MEETING #16-17  
SEPTEMBER 5, 2017**

change our General Assistance Ordinance limits to meet the State's limits, we are no longer eligible for reimbursement from the State. It is a good practice to keep our limits set at the same amount as the State limits unless we want to pay for all of our General Assistance bills ourselves instead of having the State reimburse us.

**ROLL CALL VOTE:** (4 Ayes) 3 Excused-Anzuini, Egan and Rixon)

Councilor Arris pointed out that in looking at Appendix "A" regarding Portland, there appears to be white out and a few of the boxes are not filled in. It looks confusing to him. Mr. Joseph suspects this was highlighted and the Town's scanner reversed the black and the white with the yellow highlight. He offered to make a clean copy and will circle the numbers rather than highlighting them.

---

ITEM #107 -17      To consider action relative to awarding a contract to Patrol PC for the purchase of the Police Department Mobile Data Terminal and Coastal Electronics, Inc. for removal and installation costs.

**BE IT ORDERED:** That Patrol PC be awarded a contract for the Police Department Mobile Data Terminal in the amount of \$23,994.00 and to award Coastal Electronics, Inc. the contract for removal and installation of the Patrol PC system in the amount of \$1,050.00 making the total expenditure \$25,044.00

*Note: The FY18 Capital Budget amount approved for this purchase is \$27,000.00. The balance in the Police Department Equipment Reserve account is \$422,996. (Sachs & Gleeson)*

Police Lt. Goodman explained that this will procure and replace six mobile data terminals in the front-line cars they currently have. They went through a bidding process and this was the lowest bid.

**ROLL CALL VOTE:** (4 Ayes) 3 Excused-Anzuini, Egan and Rixon)

---

ITEM # 108-17      To consider action relative to awarding a contract to Casco Bay Ford for the purchase of a 2017 Ford Utility AWD Police Interceptor and a 2017 Ford Sedan AWD Police Interceptor and to Coastal Electronics for equipment change over costs.

**BE IT ORDERED:** That Casco Bay Ford be awarded the contract for a 2017 Ford Utility AWD Police Interceptor in the amount of \$27,930.00 and a 2017 Ford Sedan AWD Police Interceptor in the amount of \$25,178.00.

**BE IT FURTHER ORDERED:** That Coastal Electronics be awarded the contract to change over the equipment for both vehicles in the amount of \$15,316.77

- *The total cost for the cruisers and the changeover is \$68,424.77. The FY18 Capital Budget amount approved for this purchase is \$70,000.00. The balance in the Police Department Equipment Reserve account is \$422,996. (Gleeson & Sachs)*

**COUNCIL MEETING #16-17  
SEPTEMBER 5, 2017**

Councilor Sachs pointed out that it looks like the Dodges are going to be sold separately. She asked if the money would go back to the Police Department Equipment Reserve account. Mr. Joseph indicated that unless it is specified, the money would go into the General Fund Revenue for the sale of the vehicle.

Councilor Sachs mentioned that even though it is not reflected, this is coming in under budget which she really appreciates, and there will be some revenue returned to the General Fund that is also not reflected.

Councilor Arris noted that the cost is significantly less for removing and installing the Patrol PC system in the previous item and asked why the changeover in this particular item is so much higher. Lt. Goodman explained that it is just a laptop that goes in the cruiser.

**ROLL CALL VOTE:** (4 Ayes) 3 Excused-Anzuini, Egan and Rixon)

---

ITEM #109 -17      To consider action relative to awarding a contract to Coastal Traffic, Inc for the purchase of a Speed Trailer.

**BE IT ORDERED:** That Coastal Traffic, Inc. be awarded the contract for a solar powered speed sign and trailer to support and transport the sign in the amount of \$12,018.00.

- *Note: The FY18 Capital Budget appropriation for this purchase was \$12,000.00. The balance in the Police Department Equipment Reserve account is \$422,996. Coastal Traffic, Inc. is a separate company from Coastal Electronics mentioned in the item above. (Arris & Sachs)*

Lt. Goodman explained that Freeport already has a similar one and smaller portable ones not pulled by a vehicle which can be placed around town.

Chair Tracy mentioned in her collection of signatures for another term, the overriding comments she has been hearing is speed, speed, speed. People are driving too fast and there are concerns in the neighborhoods.

**ROLL CALL VOTE:** (4 Ayes) 3 Excused-Anzuini, Egan and Rixon)

---

ITEM #110-17      To consider action relative to awarding a contract to CZ Plumbing of Maine, LLC for the replacement of the water pressure and water purification systems at Wardtown Mobile Home Park.

**BE IT ORDERED:** That CZ Plumbing of Maine LLC be awarded a contract for the replacement of the water pressure and water purification systems at Wardtown Mobile Home Park in the amount of \$15,713.00.

*Note: This is being funded by a CDBG grant. No Town funds are involved, but the Town must approve all grant expenditures. (Sachs & Gleeson)*

Mr. Joseph brought the Council up to speed on this item. There were two grants. We used half of the money to do a weatherization project. We have gotten permission from the County to use the remainder to do half of the work from the other grant and then we are turning back the other grant to the County to

**COUNCIL MEETING #16-17  
SEPTEMBER 5, 2017**

the CDBG Program with the intention of applying it sometime in the future on behalf of Wardtown. He noted that it is a private system. Councilor Arris feels the most significant problem with the water system there is the quality of water and wonders how much this is addressing that versus the pressure issue. He asked if the quality of water is being addressed as opposed to just the water pressure being addressed. Mr. Joseph didn't feel he was the right person to provide this information. Almost all of the work was done between the Wardtown Mobile Home Co-op Board and Dale Whitmore who could better answer Councilor Arris questions. Councilor Arris noted he would check with Mr. Whitmore.

Councilor Sachs pointed out that the Board ran the process, the bids and the proposal. She is happy with the way the money is being spent. The Council was just the sponsor of the application because it had to be with CDBG. She wanted to give a quick shout out to Donna Larson and Aaron Shapiro who consistently worked with the Town of Freeport and many of our lower-income residents to bring projects that improve the quality of life including the weatherization project. The weatherization project was so helpful that requests for heating assistance have been less than they have been in recent years, in part due to the weatherization program which is exactly what it was designed to do. Donna and Johanna Hanselman have done an amazing job. Mr. Joseph mentioned the installation of insulation that was done where needed and agreed that this is efficiency where we solved problems instead of just throwing heating money at the problem each year.

**ROLL CALL VOTE:** (4 Ayes) 3 Excused-Anzuini, Egan and Rixon)

---

**OTHER BUSINESS:**

**1. Discussion of a Food Sovereignty Ordinance**

Chair Tracy explained Mr. Joseph prepared a memo regarding food sovereignty and that a law has been enacted in Maine concerning food sovereignty which 20 towns have adopted. This law gives municipalities the ability to adopt a local ordinance that preempts state and federal regulations for food products that are produced and sold completely within the municipality. If there is support, it will be sent to the Ordinance Committee. There has been a little pick-up on the law enacted in Maine. It is superseded by federal law and in fact, violates federal law. Federal law preempts portions of it so it is her understanding that the State will reconsider a portion of the food sovereignty law so as to not violate the federal inspections of certain products. She expects the State law will be modified in the near future. The issue before the Council is if there is sufficient interest to refer this to the Ordinance Committee for further action either now or at a time when we know exactly what the State law is going to be.

Councilor Sachs asked Chair Tracy if she had gotten any feedback from the three missing Councilors. Chair Tracy advised that none of the Councilors provided feedback but Councilor Anzuini did provide a federal checklist on food inspections. The purpose was to underscore that there is a lot of safety precautions associated with State and Federal inspections.

Councilor Arris noted that he likes the concept of being able to sell local food safely but making rules that are against federal standards is not one he would prefer to participate in. He can see sending this to the Ordinance Committee with the idea of making sure we conform with state and federal rules and if there is some way to help people locally do this within the guidelines at the state and federal level, he would be willing to let the Ordinance Committee look at it. Councilor Gleeson agreed with Councilor Arris and noted that safety is the first thing that comes to mind but he is confident that this can be addressed through Ordinance.



**COUNCIL MEETING #16-17  
SEPTEMBER 5, 2017**

Councilor Sachs mentioned that if we would consider it, it would have to go to Ordinance. She is not opposed to that but would be interested in getting local feedback. If we really look at the language in the statutes that may change, she is not sure that the intended aims are not going to be more prohibitive for people to have to follow and what does this mean for a municipality for enforcement. She feels it may be more complicated than we might think. If there is appetite from the Council to go forward this, she feels it should go to the Ordinance Committee once the State Statute has been recognized. Being on Ordinance, she welcomes the chance to review the data. Having already done a preliminary look, she has concerns about the way it is structured right now and our ability as a municipality to deal with it and protect and encourage locally sourced resources. Freeport may have more flexibility within our current practices than if we put an ordinance on it.

Chair Tracy advised that she would be open to entertaining this. Where we can encourage local businesses and one form of local business is selling one's wares in farm stands. She is open to making that easier. There is some level of buyer beware and if someone is buying from a farm stand and there is a local food sovereignty ordinance they will know it will have oversight that might ordinarily exist. If anyone has a concern with that, they can go to Bow Street or any other in town which would have the kind of inspection that would normally be enforced by the state and federal government. She is open to providing some freedom of commerce where it is allowed by the law. She does not feel the Council should take any action until it knows what the State law is going to look like. She has no interest in revisiting it twice. Her recommendation would be to refer it to the Ordinance Committee and then table it until the ultimate law is issued by the State. She advised that there is support to refer it to Ordinance and does not feel an active vote is necessary.

**2. Discussion on short term rental ordinance.**

Chair Tracy pointed out that the Council has a memo from Peter Joseph dated August 31, 2017 putting together some information on Short Term Rental issue. She mentioned she would provide an opportunity for members of the public to comment on this issue. This is not the first time this has come up. Many people in town do place their homes and properties for rent on VRBO.com, Airbnb.com, etc. It is a service that is becoming more popular in recent years and has impact on both the businesses in town and on neighboring residences. This issue was raised a while ago by businesses in town who had a concern about the fact that these short-term rentals are not regulated in the same way that hotels, inns and bed and breakfasts are. Most recently this has also been raised by a couple of residents who are experiencing an unfortunate situation where a property is not managed as one would hope and there have been disturbances associated with noise or parking issues. The proposal is that the Town consider an ordinance that regulates in some form these short-term rentals. There are multiple communities in Maine that have these ordinances in place such as Rockland and Cape Elizabeth. It's something where this ground has been tread before. If the Council decides to pursue this, she feels it would be most appropriately handled by the Ordinance Committee which can dig into all the issues associated with short-term rentals. She feels it is a complicated subject and will take significant resources.

Mark Zimman of Lower Flying Point noted he sent an e-mail to the Chair expressing concerns about a short-term rental in his neighborhood. As a resident, he is not just concerned about the short-term rentals but is concerned about safety for both the renters, and the environment particularly in his neighborhood. The specific instance in his neighborhood is a house which was built with a permit for 3-4 bedrooms but was listed for 16 plus occupants and included a basement bunkroom that had six double beds with a potentially limited egress. His concern is that these houses are being used to facilitate bachelor parties or used as party houses on weekends that generate noise disruption. He has environmental concerns with capacity for these houses being rented continually over the summer exceeding the guidelines for the septic systems. His neighborhood is not on Town waste water. He pointed out that some of these issues were dealt with specifically in the Cape Elizabeth ordinance where there were instances of people

**COUNCIL MEETING #16-17**  
**SEPTEMBER 5, 2017**

partying into the wee hours of the night using obscene language in backyards backing up with children as well as septic issues created because of large numbers of people flushing toilets, etc. His request is that the Ordinance Committee consider this in the context of life safety to make sure these short-term rentals have adequate safety systems such as smoke detectors and methods of egress. He understands that there is no mechanism as it currently stands for the Codes Enforcement Officer to go into an existing single-family residence that is primarily a primary residence to ensure that the house is up to code. He does not wish to limit the ability of people to rent their homes and he wants them to exercise that right. If someone is renting a room for one or two people or a house for six people is less of an issue. In their neighborhood, they have experienced twenty 20-somethings and (he recalled being 20 years old at some point) every weekend from Memorial Day to Labor Day this summer and he felt that was excessive. Since internet sites were used, they found that they cannot call and ask them to do a better job screening the renters. He feels that a Municipal and local Ordinance should be designed to protect people, neighbors, life safety and the environmental safety. They live on the shoreline and some of the septic fields are not far from the shoreline. If there is a failure, it could be catastrophic

Councilor Sachs asked what happened if Mr. Zimman called the police. Mr. Zimman advised that he contacted the owner of the property on multiple occasions and was advised that the owner was sorry and it wouldn't happen again. Since they all live in a small area, nobody wanted to call the police on the renters. In the future, he feels that instances will be well documented and calls will be made to the police.

Pete Bowman of Lower Flying Point Rod echoed Mr. Zimman's comments. He looked at Freeport's Noise Ordinance closely and appreciates that they have the right to call the police. Clearly this is something that will happen in the near future.

Chair Tracy advised that she received feedback from Councilor Egan noting he has concerns about the Town enacting an ordinance that injects government into the market place in terms of regulating something that is potentially going on. It could be regulated by the market, it could be regulated by existing nuisance regulations or environmental enforcement regulations that do exist. Chair Egan is on the Ordinance Committee so if the Council decides to take it up, he will speak for himself.

Councilor Arris suggested moving this to the Ordinance Committee with some guidance. From his perspective, what we are talking about is business versus personal. If someone is renting out their place and they are doing it to make a profit, he feels there should be room for someone to say, "I'm going to rent my place out for the weekend and will make a few thousand bucks, but this is not a business and I will not be competing on a regular basis to do this." Maybe if someone is making enough money to pay their mortgage for a year, they are not a business but if they are competing with Freeport's hotel industry, he feels there should be an equal playing field there. Like Councilor Egan, he is reluctant to setting up a whole bureaucracy telling people what to do with their houses. He does recognize that there are some economics here and when someone buys a single-family house next door, they are really only buying it to rent it out all the time to whoever comes through. He is not for that. He noted that he could be convinced to do something but is reluctant to set up a whole bureaucracy on this. It is all about money in his mind. If the renter's attitude is to skirt all the rules that hotels and motels have to do because he or she can, he does not support that. If they compete with other businesses that offer the same services, they should have to meet the same standards but Councilor Arris does not know what that level would be.

Councilor Sachs advised that she doesn't know if additional regulation at this point is warranted only because we have ordinance on the books to deal with some of the concerns here. Anything we do will add that layer and we would have to set up a whole process. She understands that there is going to be a whole process of regulation that needs to happen with this, whether it feels like a light touch or a heavy touch, there is an entire process that needs to happen. Her preference would be to utilize those things that are currently in place. She is aware that there are several people for whom this helps to make ends meet and

**COUNCIL MEETING #16-17**  
**SEPTEMBER 5, 2017**

allows them to retain their properties so that they can live in Freeport. The Council has heard this repeatedly so at this point she does not have an appetite to send this to the Ordinance Committee but would be willing to do so if it is the will of the Council.

Councilor Gleeson noted he is skeptical. With on-line rentals, he questions what the process is really monitoring and whether someone has actually applied or not and what is the cross-reference process. He looks at the enforcement of it as being extremely difficult and cumbersome for the town. It does add that layer. He is sensitive to what the neighbors are saying but he would like to know what the penalties would be for late night noise violations, excessive violations, etc. He wonders if there is a financial penalty. It appears nobody wants to call the police on their neighbors. For him, if it was happening in his neighborhood, he would not have a problem doing that. If it is just a warning, warning and warning and there are no teeth in our current ordinance on noise violations. Mr. Joseph advised that it would be a civil violation and there are multiple ways to approach it but there will be a fine. For disturbing the peace or violating the Town's Noise provisions, it would be at the discretion of the police officer responding. Councilor Gleeson advised that the Council could discuss this when there are seven members present. He is not sure which way he could go on this but is not fully prepared to take it up.

Mr. Joseph read the local Noise Ordinance into the public record and the penalty is a fine of not more than \$100. It was adopted in 1962 and could be reworked. Councilor Gleeson mentioned he is all for looking into what is the proper avenue and maybe it is time to put more teeth into it. If someone is fined \$500, it would cut into their weekend rental.

Chair Tracy noted she sees the merits of the issues. It is unfortunate that property owners do not manage their properties with their neighbors in mind. Everybody makes an investment and it is not fair to those around them that they are ruining others' investments because they are not managing their properties in accordance with the character of the neighborhood. She questions how prevalent is the issue. We certainly have a chronic violator that needs to be dealt with in some form. She questions if the Council should enact this whole regime now because we might have a problem and in the meantime subject lots of residents who do use this as a means to keep their properties to additional fees which we try not to do and additional administrative regulation. It is a balancing act and she is not sure where she comes out. She is not sure it is a problem that rises to the level aside from this one person who is not behaving appropriately, of putting in place an entire additional regulation at the Municipal level when we do have other ways to handle it. We do not have a lot of feedback and information right now and she is confident that people have informed and strong opinions about whether the Council should or should not do this. She is not inclined to stop the discussion at this point. She would prefer to have a public hearing and get some input and perhaps data from the Police Department on how often they have seen this occur. For her, people renting out their houses to three or four people at a time is not a huge issue and she would rather not interfere with that market place. Two party houses in the whole town she is not sure rises to the level of subjecting everyone to regulations. She is mindful that three members are missing this evening and maybe we should start out at the Council level and it will raise the level of interest in a public hearing if it was before the Council as opposed to the Ordinance Committee. While she takes the issue very seriously, she also has concerns about creating a whole new regime that would have to be enforced because we can't have things on the books that we can't enforce.

Mr. Zimman felt he had not set the scene earlier and asked the Council to imagine having young children playing in their backyard when there is drinking from kegs, loud yelling and profanity at three o'clock in the afternoon going on. It seems a little much to call the police for that. It is adults having a good time. He feels this is a rural zoned district and it would be fairly easy to set up differences between the center of town and the rural zoned districts. He feels it would be unfortunate for the Council to put their heads in the sand and not think this is happening in a neighborhood in Freeport. If anyone goes on to Airbnb, they will find many houses to rent and he thinks they are great places. He is not looking to restrict that. He is

## **COUNCIL MEETING #16-17**

### **SEPTEMBER 5, 2017**

asking the Council to be aware that young people are very savvy and can rent houses for events and it would be simple to say to the Ordinance Committee “can we do something for high-capacity rentals in excess of ten people.” He feels it would be unfortunate to not listen to the citizens’ concerns here. Rentals in Freeport are becoming more desirable for large parties to come to because all the communities around us are regulating.

Joyce Veilleux of Island View Lane, next to the other party house which likes to go off about 2 or 3 o’clock in the morning. She has not called the police because they have tried to deal with it on a neighborhood level. She asked the Council to not just narrow in to the noise issue but also give the safety issues. These houses are being rented to 20+ people at a time. They do not have proper code enforcement for that. They are using rooms for bedrooms that do not have egress windows and do not have but one door out from the basement. We need to get Fire side of the house involved and not just the Police side. We need to get them out to look and make sure they meet certain standards.

Andrew Arsenault pointed out that he grew up in Freeport and if the party got too loud and the cops showed up, everybody left. Before we implement Town-wide ordinances, he feels the neighbors should try calling the police first. The neighbors are not in the house. It’s a bunch of parties so just call the police and let them break up the party. If the kids don’t want to pay the rent because they got thrown out, sooner or later the property owner will get better clients. He feels we should try something else first before going through some huge ordinance operation.

Chair Tracy pointed out that we are missing three Councilors and no action will be taken tonight. She asked if the Council wants to take it up at another time and if so, shall we take it up at the Council or Ordinance?

Councilor Sachs noted this does feel like an issue of importance but the Council will not be able to take it up until December. Chair Tracy agrees that we should get Council input and a public hearing at the Council level would get more input than getting input at the Ordinance level. She has a concern that December gets into organizational issues and then the Council gets into budget. This issue will take some work and she feels the Council should get on it if it is going to do it by the next season.

Councilor Sachs suggested holding a public hearing in October. Councilor Gleeson noted he would be fine with that. He would like to consider increasing the fines for excessive noise from \$100. Councilor Arris feels this needs further discussion and a public hearing. He would still maintain sending it to Ordinance and let them hold a public hearing and get the information. In the meantime, he feels the neighbors should call the Police and the Fire Department and find out if there are some violations going on.

Chair Tracy pointed out that Councilor Arris would like to send this to the Ordinance Committee. Councilor Sachs does not feel it should go to Ordinance. Chair Tracy advised that she will put this item on the next agenda as a public information session. Mr. Joseph will be in touch with Freeport USA and the Chamber to get the word out. He mentioned there was quite a bit of interest from the Inn community.

### **3. Deliberation on paper streets status**

Chair Tracy pointed out that the Council has a memo from Mr. Joseph dated August 31<sup>st</sup>. The Council has to address if it is going to renew the Town’s interest in Paper Streets. The Council will need to take action and record that interest by September 22, 2017. At the next meeting will be the last place the Council will have an opportunity to decide its options. There are three options:

**COUNCIL MEETING #16-17  
SEPTEMBER 5, 2017**

- 1) Take no action, which would essentially vacate the rights to all remaining paper streets from the 1997 list.
- 2) Renew all remaining paper street rights.
- 3) Renew some, but not all remaining paper street rights. All streets left off the list would be effectively vacated.

As of the time we received our agenda, we had two written requests for vacating the Town's rights to paper streets and we have received another written request for another area which she suspects is off of Flying Point Road. Rod Regier was here last time to talk about the procedure the Town Council took in 1997 and the approach of a plot by plot examination as to whether the rights should be renewed or vacated. Chair Tracy noted that the Council can talk about this some more and take final action on September 19. Mr. Joseph offered to set up maps if anyone is interested.

Councilor Sachs asked under Option 3) Renew some, but not all remaining paper street rights. All streets left off the list would be effectively vacated; what is the process to discuss the three requests or is that also done on the 19<sup>th</sup>.

Mr. Joseph referred to the notice done in 1997 and that this is a draft of where we are starting right now. There is a strike out on Page 2, Page 5 and those are the ones the Town has already vacated. We need to create another one of these documents for the Council signature on the 19<sup>th</sup>. If there is anything up in the air, we can obviously make a change to it and print and have Councilors sign it at the end of the meeting. It would not be a burden. If we are just talking about three changes, he would like to know so he can prepare ahead of time. If the decision can be made tonight, he can prepare the entire document ahead of time for Council signatures. It is a simple action of the Town Council. A public hearing is not needed. It is a motion to vote and would be put on the agenda as a business item essentially. If the Council can make those decisions tonight and direct him to prepare these documents with the Town Attorney and we actually have a draft from 1997, which is simple for him to remake.

Councilor Sachs asked if there were some concerns about one or more of them and it was determined that there needed to be full discussion with the Council, how would that go for decision making this evening. Mr. Joseph advised that he could make the changes on the 19<sup>th</sup>. Councilor Sachs clarified that the process would be to replicate the list as it is and then a motion could be made to amend it after full Council discussion. Mr. Joseph mentioned it could be as simple as adding the language: "accepting the rights to the road currently known as "blank" and add it to the title of the plan which would make it clear when recorded that it is the entire plan without the road commonly known as "blank".

Mr. Joseph defined paper streets. Councilor Arris clarified that the Council can look at a paper street and make a determination. He recommended that the Council retain all our paper street rights and suggested renewing our interests in all of them and then take them as they come. He is reluctant to give up any access the Town has to property generally. He wants to be sure that the Council doesn't move too quickly just because they happen to be in front of us. He would want the whole Council to make a determination.

Chair Tracy asked Mr. Joseph if there is a cost difference associated with renewing and then eliminating them one by one. Mr. Joseph noted that the Town Attorney advised that if there are some requests that have been made and the Council wants to entertain those requests, this is a free option because we will be recording them at the Registry anyway. Adding or removing a few lines will not cost anymore. We will not incur any additional costs. There will be some cost to it if we do it at a later date. It will not be super expensive. We have no public hearing requirements. It is an action by the Council.

Chair Tracy agrees with Councilor Arris. Her instinct is to renew the Town's interest except for those specifically requested. In those instances, she feels the Council needs more information on each of the

**COUNCIL MEETING #16-17**  
**SEPTEMBER 5, 2017**

parcels. We have the requests and we have a general map but the map generally locates the property within the whole town and it would be helpful to have a little more detailed view of where the parcel is in relation to roads we know and are labeled so we understand where the paper street goes and any considerations we need as we identify each request. We only have three and she feels they can be addressed next time with the additional information. If we don't have enough information at that point, we will just renew it and take it up separately and say we will pay the \$200. We won't feel it is prudent but she suspects the Council can address the three requests. She does not have enough information here to make an informed decision.

Councilor Sachs pointed out she has not done any research on one of the requests, one she is comfortable with and the other she is not certain about. She feels there are good reasons to do a resolution not vacating them all and then hear those three specific ones on the 19<sup>th</sup>.

Mr. Joseph requested direction. He is thinking that the three that are in now he would be perfectly fine preparing information and showing a map of current day conditions and the subdivision plans we have on file. He can prepare two versions. One with no changes and one with all the changes the Council could make. He would then just go and print it and at the end of the meeting, the Council could sign it. It would be easy for him to do.

Chair Tracy noted that the Council's next meeting is on the 19<sup>th</sup> and she doesn't think it will take two weeks to put the three packets together. Councilor Sachs suggested leaving it as is and not doing any strike throughs since the Council has not had discussion about any of them. She recommended that folks get the changes to Mr. Joseph by the 11<sup>th</sup> because leadership sees the agenda with the materials on the 12<sup>th</sup>. She is uncomfortable with the abutter notices particularly in the Cliff Avenue because it is a heavily used area. Mr. Joseph noted that anything we do would be outside of any required standards. Councilor Sachs suggested using the standard as though this request came in not during this process for direct abutters. Mr. Joseph advised that there is no action that we are going to take at all that we can do that would affect the abutters' rights to their property. If the Town vacates any imaginary, existing or wishful thinking paper street rights to a road or anything shown on the plan. It doesn't change anything on the ground tomorrow. It means that the Town cannot go and use or claim those rights in the future.

Chair understands the desire to notify abutters but is concerned with the precedent of going above and beyond what is required. Councilor Sachs feels this would be a reasonable thing. Councilor Gleeson feels the Council should renew all remaining paper street rights and he wants to be sure the Council has a really good process for why we are taking one off. He is fine with looking at all three requests but wants the Council to have a standard for removing them. Mr. Joseph advised that a lot of these paper streets were never built because the subdivision was never built the way it was shown on a plan. These three requests are simple enough. As far as notification to abutters, Councilor Gleeson feels there is nothing wrong going above and beyond in 20 years.

Ken Mann pointed out that this was a contentious issue twenty years ago. The issue continues to be what is a paper street. The Legislature tried to cure the problem in 1987 and recognized there were a lot of subdivisions done in the 1800s and 1900s and up through that were never built and never used. He feels the Council should look at the list put together by a committee that was disbanded because it got off track. They had a consultant who didn't understand the definition of a paper street. A huge list was put together in Freeport that consisted of many streets that were built and used. Island View Lane was an example that was built and used and yet it ended up on that list. He feels the Council has an obligation to take off that list streets that are not paper streets. He feels Island View Lane should be handled under Option 1. He asked the Council to not vote to do away with public rights on Island View Lane but take it off the list. It is not a paper street. There are many others that fall in this category. He explained the process he followed years ago.

**COUNCIL MEETING #16-17**  
**SEPTEMBER 5, 2017**

Andrew Arsenault of Route One explained the frustrating process he followed when he was on the first committee that dealt with this. He explained how the ball was dropped and he left the committee because it was going nowhere.

Councilor Sachs explained that she would not mind going parcel by parcel as they come up because the Town has an interest in some. Her questions have been around safety concerns and not really anything else. Based on the experience of Councilors she has talked to previously and on Rod Regier's material, the most efficient way to do this is to renew everything that is not before us at the moment and then evaluate the three or whatever happens to come in by Monday with that framework. It is simple for her as does the Town have a compelling interest in continuing that relationship for any reason. If there is a development interest, an environmental interest or a public safety interest, she would be less likely to vacate it. Councilor Arris agreed that those are pretty reasonable standards. Mr. Joseph mentioned that if Councilor Sachs would like a set of standards and a report for these three, he could do it pretty simply.

Joyce Veilleux of Island View Lane mentioned that she listened to Ken Mann and he told the Council that the 1987 list is bad. Island View Lane should not be on that list. It was built before that time and used before that time. It has continued to be used today. She asked how the Council could vote for an entire list knowing it is incorrect. She asked why the Council doesn't fix it right off. She asked how the Council does it by map. Map 106 has Lower Flying Point on it. In 1997, they voted by map saying the roads on Map 106 are paper streets. There are multiple streets on these maps and some of them are and some of them are not paper streets. Chair Tracy advised that Mr. Joseph will provide a copy of his memo that has the list and maps. Mr. Joseph provided an explanation for Mrs. Veilleux.

Councilor Sachs advised that the Council has been talking about this for several months now and we are against a deadline. This has to be on the agenda for September 19 utilizing the information we have. Every indication has been that we would accept the three petitions before us and Island View is one. Mrs. Veilleux suggested that the Council give up all rights and let future Councilors negotiate with the property owners in the area and come up with a new plan and a new agreement.

Chair Tracy noted that just because the list is not perfect, it would be irresponsible for the Council to give up all rights without knowing what it is giving away. That would not be advisable. We all agree that there is not enough time to figure out before the statutory deadline passes and make it perfect. The question is with this imperfect information, what are we going to do.

Councilor Arris pointed out that the Council will deal with this at the next meeting. Mrs. Veilleux suggested that if the Council is going to continue with the list, she hopes it will set some goals and make sure that they are met.

Chair Tracy suggested giving direction to Mr. Joseph so he can put together packets. Councilor Sachs identified the factors she identified previously. Councilor Sachs explained that the things she asked him regarding the petitions before us at the time: were there any concerns from a Town interest point of view regarding environmental access concerns or interests? Were there access issues? Was there a landlocked issue or water? Police and Fire safety issues. If that particular parcel abutted Florida Lake, was there a Town interest in retaining it? They were questions she asked about the two issues that were before the Council at the time.

Chair Tracy noted she would like to see a detailed map such as a Google earth kind of map printed out so the Council can orient itself.

**COUNCIL MEETING #16-17  
SEPTEMBER 5, 2017**

**MOVED AND SECONDED:** To adjourn at 9 p.m. (Gleeson & Sachs) **VOTE:**  
(4 Ayes) 3 Excused-Anzuini, Egan and Rixon)

---

Respectfully submitted,

Sharon Coffin, Council Secretary



**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #17-17**  
**FREEPORT COMMUNITY CENTER**  
**TUESDAY SEPTEMBER 19, 2017**  
**7:09 p.m.**  
**(After the District 1 & 2 meeting convened)**

	<b>PRESENT</b>	<b>ABSENT</b>	<b>EXCUSED</b>
Peter Anzuini, 87 South Freeport Road	x		
John Egan, 38 Curtis Road	x		
Leland Arris, 70 Glenview Road			x
Scott Gleeson, 23 Park Street	x		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 2 Pettingill Road	x		

Chair Tracy called the meeting to order at 7:09 p.m. noting the Council just finished the District 1 and 2 Workshop. She took the roll and noted that Councilor Arris is excused this evening.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #16-17 held on September 5, 2017 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #16-17 held on September 5, 2017 and to accept the minutes as printed. (Gleeson & Sachs)  
**VOTE:** (6 Ayes) (1 Excused-Arris)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Tracy announced:

- **There will be a PUBLIC INFORMATION SESSION on the BROWNTAIL MOTH CATERPILLAR** on Wednesday, September 27th, from 6-7 p.m. in the Town Council Chambers. **Presenters:** *Lynne M. Holland, Community Education Assistant, University of Maine Cooperative Extension & Rebecca Miller, RN, MPH, Maine Health Educator, Northern New England Poison Center.*
- **2017 Election Absentee Ballots will be available beginning October 10, 2017.**
- **Free Movie Day at Nordica Theatre** for Freeport residents will be scheduled soon. If you are a Freeport non-profit organization which is interested in being the organization designated to receive donations, please contact Donna Larson at 865-4743 x103 or [dlarson@freeportmaine.com](mailto:dlarson@freeportmaine.com). Organizations will need to provide volunteers to collect donations.
- **CHANS Home Health Care** will be providing a **Seasonal Flu Vaccination Clinic** at the Freeport Town Hall, Town Council Chambers on Monday, October 16th from 1:00—3:00 p.m. All are welcome.

- **Citizen of the year** nominations are being accepted for the **2017 Citizen of the Year**. This award honors those who have significantly contributed to the Town. Nomination forms are available at the Town Office, the Freeport Community Library and can be found on the Town's website at [www.freeportmaine.com](http://www.freeportmaine.com). Deadline for nominations is December 14<sup>th</sup>.
- There will be plenty of activities for children and adults at this year's **Open House at the Freeport Public Safety Building** on Wednesday, October 11<sup>th</sup> from 5 – 7 p.m.! There will be displays and demonstrations from both the Fire Department and Police Department.
- **The Freeport Conservation Trust is once again sponsoring the Freeport Trail Challenge!** Passports are available at Town Hall and the Community Center. Every kid who hikes all four trails wins a prize. Adults will be entered into a drawing for prizes. For more info go to [freeportconservationtrust.org](http://freeportconservationtrust.org), email [info@freeportconservationtrust.org](mailto:info@freeportconservationtrust.org) or call 865-3985 x 212.
- Discussing the goals and objectives for the **Freeport Cultural Plan** will take place at a public meeting on Monday, September 25 at 6:30 p.m. at Freeport Middle School. The Plan consultants will conduct the meeting and present the results of their surveys taken throughout the community over a three-month period earlier this year. Community attendance and participation is strongly encouraged. Freeport Arts & Cultural Alliance (FACA) was formed in 2015 to support and promote arts and culture in Freeport.

Vice Chair Sachs announced that the Freeport Players presents **THE SERVANT OF TWO MASTERS** now through October 1<sup>st</sup>, Friday and Saturday at 7:30 p.m. and Sundays at 2 p.m. in the Freeport Performing Arts Center, 30 Holbrook Street. Tickets are \$12 in advance or \$15 at the door. For more information, please go to [www.fcponline.org](http://www.fcponline.org).

Councilor Egan pointed out that Casco Bay Ford and Freeport High School are partnering to help raise up to \$6,000 in support of Freeport High School's Project Graduation, as part of Ford Motor Company's Drive 4 UR School program on September 23 from 9:30 a.m.-3:30 p.m. at the Town Hall Parking Lot. Members of the Freeport community will have the opportunity to raise money for Project Graduation by test-driving a Ford vehicle. For every person who test drives a new Ford at this one-day event, Ford Motor Company will donate \$20, up to \$6,000, to Freeport High School Project Graduation. Participants must be 18 or older and have a valid driver's license and insurance. The test drives will last approximately 7-10 minutes. Food and a radio station will be on hand. There will not be a sales pitch involved with the test drive.

#### **FOURTH ORDER OF BUSINESS:** Information Exchange

Chair Tracy explained that she provided information on the Island Rover earlier during the District Workshop. Residents can call it up on the Town's website.

Councilor Anzuini advised that the Traffic and Parking Committee met this morning and approved the development for a crosswalk between the Park 'N Ride and Maine Beer Company to accommodate the BREEZ Bus which has expanded into Brunswick with a lot more ridership.

Councilor Anzuini pointed out that Winslow Park had a good 2017 season. They are trying to complete the donated building that came from Pound of Tea and they are working on plans to enhance the buildings needed for maintenance.

Chair Tracy advised that the Appointments Committee met this evening and Councilors will see the selected appointees at the next Council meeting.

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

Mr. Joseph reported:

Earlier this morning, the Traffic and Parking Committee approved a design for a crosswalk and METRO BREEZ bus stop on U.S. Route 1, South at the State's Park 'N Ride facility and immediately across Route 1 along the Maine Beer Company property. This stop has been designed with user requests in mind and is expected to receive moderate to heavy traffic from the Maine Coast Waldorf School, Maine Beer Company employees and Park 'N Ride users. We do not have a firm time table for construction at this point, but there is a possibility work can begin this construction season.

The Traffic and Parking Committee also approved changes to the South Freeport Village area designed to counter concerns about speeding in that neighborhood. These changes will be presented to the Town Council at an upcoming meeting. Please note that many of these changes will not take place until final paving work is done on South Freeport Road next calendar year. According to Town Engineer, Adam Bliss, the proposed changes as part of this plan include:

- Installation of a new speed table at the crosswalk at Park Street and South Freeport Road.
- Improvements to the existing speed table between South Freeport Church and L'Ecole Francaise du Maine.
- Lane narrowing from 11 feet to 10 feet, and a corresponding shoulder widening from 3 to 4 feet.
- Widening of fog lines from 4 inches to 6 inches in width.
- Placement of a new "Yield to Pedestrians in Crosswalk" sign.

The Buildings and Grounds Department is currently working with the Town Engineer on replacing the large bridge at the back of Leon Gorman Park. The bridge is currently closed off to foot traffic after town staff determined that one of the structural beams supporting the decking had failed. All of the underlying supports for the bridge will be replaced as part of this rehab project.

The single-sort recycling compactor at the Freeport Recycling Facility went online last week. All recyclables can now be co-mingled in the blue compactor that is located where the "Silver Bullet" roll-off container was formerly located. Redeemable cans and bottles can still be separated for donation to Freeport Community Services and deposited in the bin near the office.

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

**MOVED AND SECONDED:** To open the Public Comment Period. (Sachs & Gleeson)  
**VOTE:** (6 Ayes) (1 Excused-Arris)

Joyce Veilleux of the American Legion announced that the second annual Veteran's Day Concert will take place on November 11 at 2 p.m. at the Congo Church on Main Street. One of the bands will be the volunteer Jazz Band. The American Legion will be replacing the flags on Main Street in Freeport this year. If anyone wants to help with the cost, they can send their tax-deductible donations to P.O. Box 60 in Freeport. There will also be a notice placed in newspapers. For a cemetery update, Mrs. Veilleux advised that the Woodlawn Cemetery will be done. There is one ancient town-owned cemetery left to do and the stones will be cleaned and restored. It is called The Lane Cemetery on Pleasant Hill Road. She thanked everyone who attended the dedication of Private Townsend, our Civil War Soldier in Woodlawn and wanted the public to know that on Memorial Weekend they will be dedicating two World War I Veterans

unmarked in the Woodlawn Cemetery. Councilor Sachs asked Mrs. Veilleux to let the Council know if she needs volunteer help at the Lane Cemetery.

**MOVED AND SECONDED:** To close the Public Comment Period. (Sachs & Gleeson)  
**VOTE:** (6 Ayes) (1 Excused-Arris)

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

---

ITEM #114-17      To consider action relative to adopting the September 19, 2017 Consent Agenda.

**BE IT ORDERED:** That the September 19, 2017 Consent Agenda be adopted.  
(Anzuini & Sachs)

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

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Arris)

---

ITEM #115 -17      To consider action relative to approving proposed amendments to Chapter 46: General Assistance Ordinance Appendices A, B, C & D for the period October 1, 2017 to September 30, 2018. PUBLIC HEARING.

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

Johanna Hanselman, General Assistance Director advised that this is standard practice required by law.

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

**BE IT ORDERED:** That the proposed amendments to Chapter 46: General Assistance Ordinance Appendices A, B, C & D for the period October 1, 2017 to September 30, 2018 be approved. (Gleeson & Sachs) **ROLL CALL VOTE:** (6 Ayes) (1 Excused-Arris)

---

ITEM # 116-17      To consider action relative to setting a public hearing for amendments to the Freeport Zoning Ordinance, Chapter 21 as listed below.

**BE IT ORDERED:** That a public hearing be set for October 3, 2017 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss proposed amendments to the Freeport Zoning Ordinance, §Chapter 21 as listed below.

**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.

Proposed amendments to Chapter 21: Freeport Zoning Ordinance. All changes are corrections, clarifications, necessary updates, and/or changes that provide consistency with other sections.

A. Section 104. Definitions – Impervious Surface;

B. Section 201.A. General Restrictions & Section 413.D.7.1 Village Commercial “VC-I” : to change BOCA code to current building code;  
C. Section 201.C. General Restrictions: multi-family exemption;  
D. Section 407.E.4 Village I - “V-I” , Section 414.E.6 Village Commercial II “VC-II”, Section 415. E.5 Village Commercial III “VC-III” , Section 417.E.10 Village Mixed Use District 1 –VMU-1, Section 418.E.8 Village Mixed Use District 2 –VMU-2: clarification of applicable sections;  
E. Section 409.C.1 Commercial District I “C-I”: adding option of multiple buildings or uses;  
F. Sections 501.A, 501.C, & 501.F Temporary Activity: change “special permit” to Temporary Activity Permit and clarify that it can be an annual permit;  
G. Sections 509.F.1.f, 509.G.7, & 509.H.2 Extraction: update standards;  
H. Section 512. Access to Property: driveway width reduction;  
I. Section 520. Fire and Explosive Hazards; updated by Fire Chief;  
J. Section 525E.B.4 Filling of Lands and Creation of Ponds: update standards;  
K. Section 532.1.a & 532.3 Accessory Apartments: applies to existing or new dwellings and does not apply to dwellings in the Shoreland Zone;  
L. Section 602.C.1.c.2 Site Plan Review: updates to wireless telecommunication antenna rules. (Sachs & Gleeson)

Chair Tracy noted a memo has been provided by Donna Larson to Mr. Joseph explaining that these changes represent corrections and updates so that current practices and codes match the Ordinance and/or clarify existing language. This is simply to set a public hearing. Mr. Joseph advised that another housekeeping item has come to light and he plans to advertise it at the same time as this item but he wanted the Council to be aware of it.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Arris)

---

ITEM #117-17      To consider action relative to Junkyard/Automobile Graveyard license renewals.

**BE IT ORDERED:** That the following Junkyards/Automobile Graveyard licenses be approved, with or without conditions.

1. Freeport Auto Parts Inc., 33 Allen Range Road
2. D.A.B. Inc., 13 Allen Range Road

Mr. Joseph noted that no concerns have been raised and real estate taxes are current. Under the Ordinance he cannot disclose whether personal property tax income is due and would welcome any change to the Ordinance if the Council feels it is appropriate to consider it in the future.

Chair Tracy noted that the Council should put on the docket that the Ordinance Committee should look at whether there are outstanding taxes. It appears to be a natural check-in point but obviously not for this time around.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Arris & Egan)

---

ITEM #118 -17      To consider action relative to signing the Election Warrant for the November 7, 2017 Municipal Election.

**BE IT ORDERED:** That the Election Warrant for the November 7, 2017 Municipal Election be signed. (Rixon & Gleeson) **ROLL CALL VOTE:** (6 Ayes)( 1 Excused-Arris)

Councilors signed the warrant.

---

ITEM #119 -17      To consider action relative to excepting proposed, unaccepted ways or portions of unaccepted ways laid out on subdivision plans recorded in the registry of deeds prior to September 29, 1997 from deemed vacation.

**BE IT ORDERED:** That pursuant to 23 MRSA §3032, the municipal officers of the Town of Freeport hereby vote to except from the operation of the time limitations of §3032 the proposed, unaccepted ways (commonly known as “paper streets”), or portions thereof, which are described on the sheet attached hereto and incorporated herein as Exhibit “A”.

**BE IT FURTHER ORDERED:** That this vote extends, for a period of twenty (20) years from the recording of this notice, the time in which ways described in Exhibit “A” will be subject to the operation of §3032. During that 20-year period, the rights of incipient dedication to public and private use of such ways shall remain in effect unless otherwise terminated or accepted in accordance with law. (Sachs & Gleeson)

Chair Tracy noted there is a lot of public interest in this matter. She explained that the issue of paper streets is a situation where generally these are streets designated on subdivision plots that have not been built or used and also not accepted by the Town under Statute 23 MRSA §3032, There was a provision that those paper streets are deemed to be vacated by a certain date if they don’t satisfy those two criteria but it allows the Town to extend the time period to maintain the Town’s interests in those paper streets for a term of 20 years and the Council has until Friday, September 22, 2017 to file an extension. The plots of land that contain the paper streets have been set forth in a list that was created by prior Councils. Those are before the Council in a packet. The Council has been asked by three different motions to except or remove certain paper streets or ways from that list for various reasons. Tonight, the Council will take up those individual requests in addition to the overall decision as to whether to extend the time period on the remaining items on the list.

Councilor Egan requested a context of “what the rights of incipient dedication to public and private use” which Mr. Joseph provided.

Chair Tracy pointed out that the Council has options. It could decide not to extend the deadline for maintaining the Town’s interest and vacate rights to them. They are called deemed vacated under the Statute which is 23 MRSA §3032. The second option is that the Council can extend its rights by filing this letter and it can do this for another 20 years. The third option is that the Council can extend them but not extend certain ones that have been raised before it. The fourth option is to go piece by piece and examine each one and if the Council were to do that, it should have started months ago. To date there has not been an appetite from the Council to do that before the deadline. She asked the Council if they want to vacate their rights or extend them for another 20 years.

**COUNCIL MEETING #17-17**  
**SEPTEMBER 19, 2017**

Councilor Anzuini asked what the process would be if the Council extends the rights for 20 years for people to come back and request that the Town abandon whatever right it has. If that process is already defined and approved he would be in favor of extending the rights. Chair Tracy believed there is already a process set out in the Statute for coming back if someone wants to formally request that the Town vacate rights to a paper street. Councilor Anzuini asked how expensive that process is for the property owner. Mr. Joseph explained that there is a cost involved and would vary upon the case. Councilor Sachs clarified that the costs are the ones the Town absorbs and this is talking about the Town's interest. It does not have any bearing on private residences. It is not a cost to the person who comes to petition to vacate. Mr. Joseph agreed there is no cost to the person requesting the vacate unless it is negotiated. There are many private interests.

Chair Tracy noted she received feedback from Councilor Arris explaining that he does not feel the Town should be giving up any of its rights without knowing more about all the plots. He would support the extension being filed before Friday.

Mr. Joseph advised that the rights for the Town to accept the road were set out in State law. The law did change and the whole reason this 20-year deadline thing and the '87-'97 and '17 year dates matter is because of the 20-year process. There was a law passed in 1987 which said that starting in 1997, all subdivisions after 1987 go away in 15 years and the public rights to except those roads go away in 15 years automatically. A paper street created today cannot exist for more than 15 years. However, that law stated that anything pre-1987, in the old law, there was no end to the right to public acceptance of a subdivided road. That was guaranteed in State law ad infinitum. They all go away in '97 unless the Council passes this order. The new 2017 draft is very similar to the 1997 one. What was guaranteed was set out in State law is the Town's right to except those roads.

Councilor Sachs noted there has been some discussion about the definition of what constitutes a paper street and there needs to be two factors satisfied to vacate a paper street: 1) The paper street has not been constructed or used and 2) it has to have not been accepted by the Town. Chair Tracy noted that if it doesn't satisfy both of those requirements, it ceases being a proposed unaccepted way. "Paper street" is a colloquial term.

If the Council does nothing it vacates the Town's rights for the existing list of paper streets. The Council does have the option of extending that decision for 20 years but as Mr. Joseph was trying to communicate which is kind of confusing, if they don't satisfy those criteria, meaning they were either constructed or used or if they were accepted by the Town, and they don't fall under this deemed vacated deadline under this Statute, the Town may still have rights to them. They are just not in the bundle of ways where the Council vacates its rights if it just sits and twiddles its thumbs. Mr. Joseph advised that they don't go away automatically if the Council does nothing today. There may be other rights but they are under other parts of the Statute and they are not going to be influenced one way or another by what the Council does here tonight.

Councilor Egan asked Mr. Joseph if he knew of any instance where the Town has accepted a public way that has not been constructed. Mr. Joseph could not think of one. Chair Tracy mentioned that there could possibly be a situation where the Town says it accepts the interest and right that it owns and we are going to improve it or use it and it hasn't been built yet. This doesn't seem like an impossible situation. Councilor Egan pointed out that the standards to get any Municipality to accept a road are very steep. Mr. Joseph agreed.

Peter Thompson of 7 Byram Avenue advised that back in December of 2001 when this issue first came up, he offered a legal review of what paper streets were and explained that it was prepared by the best

land lawyers in Maine. That document lays out answers to 95% of the questions being discussed. He highlighted what was in the document. He stated that if the Town hasn't had enough interest to investigate if it has legitimate rights in any of these, he suggested that the Town let them expire. She pointed out that the Council has been talking about this for a few months and held a public hearing on it. She agrees it is a complicated issue and if the Council were to act to relinquish its rights, it had better have an understanding of what it is relinquishing. While Mr. Thompson may be correct that some of them are not paper streets, certainly some of them are and the Council has an obligation to understand what rights it is giving up before it gives up those rights. This is an obligation that she feels the Council owes to other townspeople that through the Council as a body, has certain interests in certain properties. As one Councilor, she is reluctant to give them up. She believes there is a mechanism for challenging any interests that the Town has and that would be going through the formal vacation process under 3031 or having an action in court. In an ideal world, the Council would have started taking this up several years ago so she understands the frustration. More discussion followed. Chair Tracy noted that she would appreciate looking at Mr. Thompson's memo and getting up to speed on this issue. Mr. Thompson advised that he would give a copy of his information to Mr. Joseph.

Deb Smith of Lower Flying Point Road advised that she has a good idea of what is a paper street. She asked Mr. Joseph if you have a subdivision plan and you have roads that were never developed, is there a 15-year automatic expiration. Mr. Joseph explained that if you subdivide a piece of property in Freeport, 15 years from now, those paper streets do not continue like they used to prior to 1987/1997 if it was not accepted by the Town and doesn't get built. It goes away and automatically clears the title 15 years later.

Chair Tracy asked Councilors if they favor extending the Town's interests to the extent they exist, in the list of properties that we have before us tonight.

Rixon-yes

Egan-no

Sachs-yes

Gleeson-yes (absolutely opposed to letting the rights to the streets expire without knowing what he would be doing by letting it expire. He wants to understand fully what the Council is doing). He wants to set up something to fully research this issue and have it a priority so that in the future, the Council can make an educated decision as to whether or not we should renew.

Anzuini-yes but feels there are potential lots that are not on a road right now. They don't have road access at least not based on the map he looked at. He asked if anything the Council does deals with that and does the Town have any obligation to those streets. He noted that he still has a lot of questions on what the Council's responsibilities are if we vacate the list.

Chair Tracy mentioned that Councilor Arris apologized for not being here. He indicated that he favored filing an extension and maintaining the Town's interests.

Chair Tracy acknowledged that there are lots of uncertainties but noted she is comfortable extending the Town's interests to the extent that that interest exists because she knows there is a process for those who feel their title is clouded or that there is a question or the Town's listing of the plot on the list is inappropriate to deal with that. There can be requests made for a formal vacation process and the Town is committed to going through that and understanding that particular plot of land and all the considerations. She believes there is a way of resolving those issues without risking giving up interests that the Town may have or that other townspeople own through the Town as an institution we would give up by throwing up our hands and saying that we don't know enough so let's give it all up. She is not on that page. She favors extension as well.



Chair Tracy mentioned there were four requests but one has been withdrawn. She suggested talking about the one withdrawn since it is easy to resolve. Mr. Joseph explained that Summit Avenue in the Sandy Beach neighborhood withdrew their request. He mentioned that residents were opposed to having it on the list.

**Island View Lane, (Plan Index #106)**

Mr. Joseph displayed it on a map. Joyce Veilleux of Island View Lane, Lot 72, 73 and 74 explained that Island View Lane should never have been put on the list in 1997 of paper streets. It does not meet the definition provided by the Town Attorney. It was built and used ever since it was built. The road was established in 1947 and maintained by the property owners. In 1994 road improvements were made by the owners to bring it up to a 30' wide paved road with 10' foot shoulders on both sides for plowing. Since 1994 up to the present, it has continued to be maintained by the property owners without Town maintenance. She requested that it be removed from the list. Councilor Anzuini asked about the piece of property that appears to be landlocked. Mrs. Veilleux explained that it is landlocked but there is a 10' deeded piece of property beside the new road that the owner can use to access his house.

Chair Tracy mentioned that she discussed this with the Town Attorney and he agrees that Island View Lane does not fall within the definition of a paper street because it was built and used. It does not fall within the bundle of properties that fall under the Deemed Vacated Statute the Council is talking about tonight. The question is whether the Council keeps it on the list or not. Regardless of that decision, the Town may still have interests in that road and in order to really vacate the Town's interests there would have to be a formal vacation process. The Town Attorney did say that it doesn't fall within the types of properties that the Council would extend its interests in tonight. It doesn't fall within the definition of a paper street or properties that are proposed and not accepted. Mr. Joseph advised that his and the Town Attorney's advice is that if the Council does nothing and leaves Plot #106 on the list without changing anything, Island View Lane would still not be considered a paper street. Mr. Thompson made that point earlier that just because the plot is listed here, it does not mean that every single way on the plot listed is a paper street. To be 110% certain that this is not confused by people looking it up in the future, it makes sense to add something along the line that this explicitly excludes Island View Lane, which is not part of this list.

Chair Tracy pointed out that the Council has a couple of options if it decides to grant Mrs. Veilleux's request. The Council could make a notation in the plot that is related to this under #106 in the list, that this excepts Island View Lane.

Mrs. Veilleux advised that she not only included Island View Lane in her request but went into the entire map #106 and gave the Council a timeline for Paper Street #1. She feels it shouldn't have been on the Paper Street list. It went away in 1954. She mentioned the owner is not making this request. She is helping. She pointed it out on the map. Mrs. Veilleux pointed out where Paper Street #2 is located and that Mr. Austin continued purchasing lots until he owned all the way to the shore from Lower Flying Point Road and the paper street went away. Mrs. Veilleux advised that the owner is not making this request and she is simply providing information. Mr. Joseph advised that excepting Island View Lane which is the one everybody lives on, uses a different action in striking #106 which would also remove those 20' rights-of-ways. Mr. Joseph displayed the map. Mr. Joseph agreed with Mrs. Veilleux that there is no need for the paper streets on the two other lots but they still exist. Councilor Sachs noted that this does not negate any of the private landowners. Chair Tracy clarified that to the extent that the Council decides to extend any interest that the Town may have, it does not indicate an interest in building a road, putting in a utility or anything like that. She does not want anyone to get freaked out.

Ken Mann pointed out that Island View Lane is not a paper street and has never been a paper street. He cannot speak to the others.

Chair Tracy noted that it has been established that Island View Lane has been built and used and the Town Attorney advised that it does not fall within the definition of a paper street. The Council can make its own determination whether Paper Street #1 and #2 fall within the definition of a paper street and then make a second determination as to whether it should be on the list any more for extending the Town's interest to the extent that the Town has an interest in those particular lanes. She advised that she will ask the Council if it would like to drop Island View Lane from the list and explicitly except it from the list and then she will ask if the Council wants to explicitly except Paper Street #1 and #2 from the list.

**Drop Island View Lane from the list and explicitly except it from the list**

Rixon-yes  
Egan-yes  
Sachs-yes  
Gleeson-yes  
Anzuini-yes  
Tracy-yes

**Explicitly except Paper Street #1 and #2 from the list.**

Rixon-yes  
Egan-yes  
Sachs-no  
Gleeson-yes  
Anzuini-yes  
Tracy-no

Mr. Joseph advised that those are the only lanes on Plot #106. Everything else shown are currently built public roads.

Chair Tracy pointed out that the Council just voted to take Plot #106 off the list. **VOTE**: (4 Ayes) (2 Nays) (1 Excused-Arris)

**Maquoit Drive (Plan Index #88)**

Mr. Joseph brought the map up and pointed out where the properties exist. Mrs. Veilleux noted she is authorized to represent her mother, Helen Clarkson. She advised that her grandparents bought the property back in 1947 and the road has been there and used for quite a while.

Chair Tracy asked if Councilors agree with excepting the private portion of Maquoit Drive south of the intersection of Byram Avenue.

Rixon-yes  
Egan-yes  
Sachs-yes  
Gleeson-yes  
Anzuini-yes  
Tracy-yes on the basis that it does not satisfy the definition of a paper street because it was built and used.

**Retriever Lane**

Mr. Joseph advised that a portion of it may be a true paper street. He showed it on the map. One wooded portion has not been built as a road but he pointed to the portion that has been.

Mr. Wakefield provided a letter dated April 26 and Chair Tracy asked him to provide an explanation why he would like this excepted from the list of paper streets.

Mr. Wakefield advised that he just built this house on an interesting lot. It had setback issues and septic and well. He pointed out where his house is located and noted he would like to build a 12' x 24' shed. The side setbacks are 20 feet and right now he is up to one and a half feet up to the setback. If he goes with the code, it would put that shed one and a half feet away from his house. If the Council vacates a portion of Retriever Lane, it is a 40-foot road and he would gain 20 feet which is in the setback. That is the initial reason for his request. He mentioned that a portion of Retriever Lane has been used and the question is does it meet the two criteria for being classified as a paper street. His only interest is where his property line is to get that portion vacated so he can gain that additional 20 feet and he can get a permit to build his shed.

Deb Smith of Lower Flying Point Road showed where she owns property on the map. She pointed out the gravel portion of Retriever Lane that is built and used. It is maintained privately. She indicated where it stops.

Peter Thompson of 7 Byram Drive advised that the road is part of the subdivision plan and was formerly called Ridge Road. It was built or used so it is not a paper street. It could be built but not used as a road and that still means it is not a paper street. In the wooded part of Retriever Lane at one point it was constructed so it has a gravel base even though it is currently wooded. In the case of this road, every single person in the subdivision has in their deed fee interest in all roads and ways. If the Council vacates the public interest, the private interest never expires. This gentleman does not get half of the road to build his shed. All of the property owners in the subdivision own the road. He wanted to point out that if the Council vacates the road, Mr. Wakefield does not gain 20 feet of property. It is owned in fee interest by everybody in the subdivision.

Mr. Joseph asked for clarification because he heard two different things from two people. One was that the whole thing was constructed as a gravel road. Chair Tracy noted that Mr. Thompson advised that there are private interests in the entire road.

Chair Tracy asked Councilors if they favor excepting the way shown as Ridge Road currently known as Retriever Lane and exclude it from the list? She mentioned that Councilors could take the position that only a portion of it should be excluded from the list.

Rixon-yes

Egan-yes

Sachs-yes (These are not uninformed positions and there is a process for people to come forward and petition at low to no cost to themselves if they wish, which many of these folks did not in the intervening 17 years come forward either.)

Gleeson-yes

Anzuini-yes

Tracy-yes

Mr. Joseph suggested amending Plans #88,

**MOVED AND SECONDED:** To amend the **BE IT ORDERED:** That pursuant to 23 MRSA §3032, the municipal officers of the Town of Freeport hereby vote to except from the operation of the time limitations of §3032 the proposed, unaccepted ways (commonly known as “paper streets”), or portions thereof, which are described on the sheet attached hereto

and incorporated herein as Exhibit “A” provided that Exhibit “A” excepts Plot #106 and excepts the private portion of Maquoit Drive south of the intersection with Byram Avenue and excepts the way shown as Ridge Road currently known as Retriever Lane, all of which are excluded from this list. (Tracy & Sachs)

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Arris)

**BE IT FURTHER ORDERED:** That this vote extends, for a period of twenty (20) years from the recording of this notice, the time in which ways described in Exhibit “A” will be subject to the operation of §3032. During that 20-year period, the rights of incipient dedication to public and private use of such ways shall remain in effect unless otherwise terminated or accepted in accordance with law as amended. (Sachs & Gleeson) **ROLL CALL VOTE:** (5 Ayes) (1 Nay-Egan) (1 Excused-Arris)

Councilor Egan advised why he voted no. Mr. Joseph mentioned he will print this off and Johanna will bring a copy back for the Council’s signatures.

---

**OTHER BUSINESS:**

1. Discussion regarding potential short-term rental ordinance. (15 minutes)

*Note: The Council intends to take public comment on this item.*

Chair Tracy explained that concerns were raised by a Freeport landowner who lives adjacent to a chronically rented property that is creating issues of noise and disruptive activity. That property owner made a presentation last time and also had concerns about use, impact on septic and corresponding environmental impacts as well as safety impacts. There is also the potential for parking impacts. At the time the Council considered this issue, some Councilors commented on whether they favored referring this to the Ordinance Committee for consideration of a Short-term Rental Ordinance. We only had four Councilors present and it was felt that the Council would benefit from the perspective of the entire Council on this item. We are now taking this up again. We had concerns on opposite sides of whether the Town should invest time and resources to not only enact an ordinance, but also to enforce whatever ordinance would be created where there was a question of whether the existing mechanisms had been used. Those mechanisms include police response, noise ordinances and if it proved to be an environmental issue, obviously DEP is available. Positions were expressed that it might be a better use of resources to put some teeth into some of those mechanisms rather than undertaking another regulatory overbite. It was agreed to further discussion tonight. She mentioned the Council has a packet before it that provides examples of what other communities have decided to enact for short-term rental ordinances. She also listened to Maine Public Radio’s Maine Calling piece.

Mark Provo of 213 Main Street in South Freeport advised that he is a Bed & Breakfast co-owner. He has had conversations with Mr. Joseph and Keith McBride. He was surprised with the noise issue but feels it is time to talk about an ordinance or a piece of legislation to deal with rental properties such as short-term rentals by owners, Airbnb.com or Homeaway.com. He noted that this is a new world and certainly is a new way of doing lodging. The State is pretty clear that renting out your property for a few days makes you a lodging business. He is familiar with what is happening in other communities. He mentioned that legislation has always been part of consumer safety. Say there is a house that has 20 beds in it and it was only made for four, those issues are consumer safety issues. There is fire protection, police protection, water issues, sewer issues and there are a lot of issues that people don’t begin thinking about when they start renting out their homes. They don’t do it on purpose. They do it as an easy way to make some money but the fact is they are cheating the Town out of its resources. There are income tax issues because people

are not claiming income from the rental revenue. Enforcement is difficult. He mentioned that his establishment is inspected six times per year. Food is certified safe and they pay more in taxes, water, sewer, etc. He questioned why these people are not being held to the same standard that they are.

Nancy Caron of 213 Main Street in South Freeport, co-owner of a Bed & Breakfast advised that they are representing a group of innkeepers that got together last week to discuss this issue. She wanted the Council to know what is around these businesses that has come up. If you have a business, you have an obligation to make sure you are licensed and you represent your people fairly. They have a lot of Freeport oversight as well as government oversight. In the summer, there are over 300 rentals in Freeport so this is a big issue. She offered to talk to the Council on this big issue if it is interested. They would like a level playing field.

Chair Tracy mentioned that the issue is if this gets referred to the Ordinance Committee and if so, in what form because the Ordinance Committee would need some direction if it were to be referred as to whether the Council has an appetite for exploring a short-term rental ordinance or exploring how to address some of the issues around short-term rentals within the laws already in place.

Councilor Anzuini feels this is a difficult issue. He doesn't want to restrict the use of private property. On the other side, towns have created zoning for reasons. Your private property cannot infringe on my private property. The first step in resolving this issue is to determine who is doing it. We need to know if it is 100 people or 1,000 people. He would start capturing some type of license and charge a fee in order to capture data. There are a lot of laws that are currently in place. The IRS says that anything over 14 days is rental property. Zoning laws say that with 20,000 sq. ft. of property, you can only have a single-family home. If it is 30,000, you can have a multi-family home. Maybe it is time to do something with fines for exceeding the noise ordinance. He would like to try working with existing laws but the real key for him is trying to get some data about how big of a problem do we really have. If 20 people are making noise in a 4-person house, the police should be called. If they are not making noise, is that a problem. How much is the Town willing to pay to have a person on staff to go in and make all these inspections. He understands the components for a B&B. There are a lot of issues here and he would start with looking at existing laws, not creating new ordinances.

Councilor Gleeson agreed with Councilor Anzuini. At the last meeting, the issue came down to noise. Our current fine is \$100 and he favors sending this to Ordinance to review our existing ordinance on possibly escalating the fine structure for people who are disruptive in Town. The enforcement on this is daunting. He feels we have to be prepared to enforce something if we are going to make an ordinance. He would be willing to send this to Ordinance to look at the existing noise complaint and a \$100 fine is too light.

Councilor Sachs mentioned she is on the Ordinance Committee and is looking for some guidance.

Councilor Egan noted that he is not in favor of a lot more ordinance regulation primarily because of enforcement. He can appreciate the level playing field question brought up by the two speakers. He is on the Ordinance Committee and is not certain where he is. He would like to have more conversation about it before creating anything.

Councilor Rixon feels the Ordinance Committee is the proper place to really look at this issue. He agrees enforcement is a difficult issue. He would be open to looking at what other towns have done.

Chair Tracy noted that she got feedback from Council Arris and he indicated he would follow the Council's lead on wherever it decided to go on this. She, too, is on the Ordinance Committee and would be happy to take it up. The issue of a level playing field, while she agrees with the frustration of doing business where some people are held to one standard and others are held to another, she does not feel at this point that she would recommend the Council get into it. Bow Street could argue that farm stands are

getting into their business and farm stands don't have the same regulations as Bow Street. There are examples of this all over town. Understanding what the resources are of the Council and the resources of enforcing anything we enact; the market place arguments wouldn't be a reason for her to delve into that. Even the noise and safety issues don't rise to the level at this point of compelling her to think that a full bloom ordinance addressing short-term rentals is appropriate. She has done some research and while there are a few properties that are chronic and have inconsiderate renters, she doesn't feel the issues at this point rise to the level of needing to enact another whole level of regulatory structure. She is in favor of examining the issues that need to be examined, whether they be safety or environmental impact and then see what we have in our existing mechanisms to address them, both officially and unofficially. She believes the Council can do certain things through the Noise Ordinance and it appears we need to put some teeth in that. She has thought about possibly assessing a noise violation against a renter. Pending a discussion with our Town Attorney, she doesn't see why we couldn't also assess it against the homeowner and maybe with a more significant penalty with an increasing accelerated violation if they are chronic. She feels there are ways the Council can explore that. This would be her inclination. If there are certain properties disrupting entire neighborhoods, it would be appropriate for those homeowners to understand that the entire town is on notice that it is becoming an issue and provide some informal pressure to bring it under control as well. It sounds like there is appetite to bring it to the Ordinance Committee and the Council has gotten some mixed guidance but there is enough to go on at the time being so the Committee will take it up and come back with feedback.

Councilor Anzuini mentioned that a radio show brought up a couple of points that could pertain to Freeport. Overnight if short-term rentals become the norm within the community, the market will take control of housing and will convert normal housing into short-term housing. If Freeport has issues today, and he believes it does, rental properties in a couple of districts, over time we will get an aggravation of the shortage of housing. He feels there are some long-term components that need to be viewed on the issue and not necessarily from controlling private property but from a Planning standpoint that says what happens if someone comes in and buys out 1% or 2% of properties that are in District 1 and what happens to the people on the lower spectrum, people on fixed incomes, the elderly, etc. He feels there needs to be an evaluation from a long-term standpoint and not necessarily controlling what is going on with the rental market.

Chair Tracy noted she listened to the same show and that was certainly one of the issues for Portland. They literally banned short-term rentals pretty much and we can certainly examine that. For her, that comes from an aspect that we want to ensure middle and low-income housing and we can discuss this in more detail at the Ordinance Committee. It is also an economic issue of how do we allow middle and low-income families to preserve properties they can no longer afford. A lot of people rent out their property in the summertime because their taxes are so high, they can't afford them. That is how they keep their house on the water. Otherwise they are on fixed incomes. It is easy to look at one aspect of this and say to people that can afford it to not rent out their property but it is bigger than that.

She appreciates the feedback and it looks like this will be going through a long process.

**MOVED AND SECONDED:** To adjourn at 10 p.m. (Gleeson & Sachs) **VOTE:** (6 Ayes) (1 Excused-Arris)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #18-17**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, OCTOBER 3, 2017**  
**6:30 PM**

	<b>PRESENT</b>	<b>ABSENT</b>	<b>EXCUSED</b>
Peter Anzuini, 87 South Freeport Road			x
John Egan, 38 Curtis Road	x		
Leland Arris, 70 Glenview Road			x
Scott Gleeson, 23 Park Street	x		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 2 Pettingill Road	x		

Chair Tracy called the meeting to order at 6:40 p.m. She took attendance and noted that Councilors Anzuini and Arris are excused this evening.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #17-17 held on September 19, 2017 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #17-17 held on September 19, 2017 and to accept the minutes as printed. (Gleeson & Sachs)

**VOTE:** (5 Ayes) (2 Excused-Anzuini & Arris)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Tracy announced:

- Anyone wishing to receive an **absentee ballot** for the upcoming election may visit the following link and *apply online*: <http://www.maine.gov/cgi-bin/online/AbsenteeBallot/index.pl>. You can also request an absentee ballot by calling or stopping by the Town Clerk's Office.
- CHANS Home Health Care will be providing a **Seasonal Flu Vaccination Clinic** at the Freeport Town Hall, Town Council Chambers on Monday, October 16th from 1:00—3:00 p.m. All are welcome.
- **Citizen of the year Nominations are being accepted for the 2017 Citizen of the Year.** Nomination forms are available at the Town Office, the Freeport Community Library and can be found on the Town's website at [www.freeportmaine.com](http://www.freeportmaine.com). Deadline for nominations is December 14<sup>th</sup>.
- There will be plenty of activities for children and adults at this year's **Open House at the Freeport Public Safety Building** on Wednesday, October 11<sup>th</sup> from 5—7 p.m.! There will be displays and demonstrations from both the Fire Department and Police Department.

Councilor Sachs announced that Freeport High School has been selected by WGME to engage in their School Spirit Week Food Drive which is October 20<sup>th</sup>. From 6-8 a.m. they will be on the local channel station with various activities. Residents in the community can help raise food for the Good Shepherd Food Bank. If anybody doesn't feel like purchasing food, they can go on to GSFB.org where there is a

**COUNCIL MEETING #18-17**  
**OCTOBER 3, 2017**

---

link on the Freeport High School website to donate if they wish. Dede Bennell is the Community Coordinator at the High School and is willing to arrange to pick up food if anyone cannot drop it off at the high school. She can be reached at [Bennelld@RSU5.org](mailto:Bennelld@RSU5.org). If anyone would like to call or e-mail Councilor Sachs, she can provide more information. She feels this is a great way for kids to learn the value of helping others in a really fun way. She urged residents to tune in on October 20 because it will be very exciting.

Councilor Sachs pointed out that a Flu Clinic happened today at the high school and vaccines were free. It was quite busy. There is another one scheduled on Thursday, November 16<sup>th</sup> from 3:30-6:30 p.m. She plans to announce it a few more times. This clinic is for families, students, staff and community members.

Councilor Sachs advised that Johanna Hanselman did such a wonderful job arranging and helping the Council's Special Projects Committee put on a Volunteer Recognition evening. There was a reception and tee shirts for the Town's volunteers. If anyone serves on a Town volunteer board or committee and was not able to come this evening, she encouraged them to contact Johanna at 865-4743 x120 and arrange to come and pick up your shirt at Town Hall. Councilor Sachs pointed out that the Council truly appreciates the efforts of all the Town volunteers who dedicate hours and hours of service to Freeport's boards and committees. It would be impossible to have such a wonderful community without all of their input. She thanked them for another successful event this evening as well as Johanna Hanselman who brought everything together so beautifully.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Rixon advised that last Monday evening the Freeport Arts & Cultural Alliance held a public hearing at the Middle School. The consultant that conducted a survey last spring reported on the results. They also took a lot of feedback from community members attending this meeting as to a draft, goals and objectives. If anyone wants to know what is going on with the Freeport Arts & Cultural Alliance and the goals and objectives, they have a Facebook page. Residents can type in Freeport Arts & Cultural Alliance and they can find more information there. Chair Tracy advised that this group is planning to have another meeting and residents will have an opportunity to provide comment.

Chair Tracy reported on the Island Rover Foundation litigation. A hearing was held this past Friday and the judge considered whether the Island Rover Foundation has purged the contempt by virtue of the fact that they moved the boat approximately 50-100 feet. The Town is expecting the court to issue an order but it is not clear if it will be in one week or three weeks. She wanted to make people aware that the hearing did occur and the Town is moving forward on that litigation.

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

Mr. Joseph reported:

- Fall 2017 tax bills were sent out last week. Taxpayers will receive a postcard over the next few days alerting them to a minor error in the tax bills that were issued. An error made in our financial accounting software mistakenly applied one day's interest to all tax bills before they were printed. This overcharged amount is very slight, approximately \$0.19 per \$1,000 owed. Stated another way, this would be approximately \$0.76 on an average \$4,000 tax bill. This error affects only the printed bills that are mailed out. The data files obtained from our website, including those used by escrow services, are not affected. If you pay by mail or in person using your tax bill as a guide, you can contact the Finance Department either in person or by phone at 865-4743 x.104 for an



updated amount. Any overpayment will be credited to your account and applied to your spring 2018 tax payment.

- The Town's LED street light project is underway, and our contractor, RealTerm Energy, is completing our street light survey at the moment. Next will follow a preliminary design and public input process, where the public will have an opportunity to comment on a preliminary LED street lighting design. If you have any thoughts or feedback on our existing street lighting system (for example – issues with current light placement that you would like corrected) that you would like to share prior to the preliminary design process, please contact Donna Larson at [dlarson@freeportmaine.com](mailto:dlarson@freeportmaine.com) or at 865-4743 x.103. We would welcome your input throughout this process.

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

**MOVED AND SECONDED:** To open the Public Comment Period. (Sachs & Gleeson) **VOTE:** (5 Ayes) (2 Excused-Anzuini & Arris)

There were no public comments provided.

**MOVED AND SECONDED:** To close the Public Comment Period. (Sachs & Gleeson) **VOTE:** (5 Ayes) (2 Excused-Anzuini & Arris)

---

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

---

ITEM #123-17                      To consider action relative to adopting the October 3, 2017 Consent Agenda.

**BE IT ORDERED:** That the October 3, 2017 Consent Agenda be adopted.  
(Gleeson & Sachs)

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

**ROLL CALL VOTE:** (5 Ayes) (2 Excused-Anzuini & Arris)

---

ITEM #124 -17                      To consider action relative to amendments to the Freeport Zoning Ordinance §104 regarding the definition of Roads. PUBLIC HEARING

**MOVED AND SECONDED:** To open the public hearing (Sachs & Egan)  
**VOTE:** (5 Ayes) (2 Excused-Anzuini & Arris)

Town Planner, Donna Larson explained that this is about a comma that was taken out inadvertently. Instead of using commas, she decided to go with bullets because it was an easier way to read it. There is no change from what was always done and the practice that was always used. When the new Codes Officer came in, he said “no, you can’t meet it with a private way, 50 feet in width because it doesn’t say that here.” It had some jumbled language but it didn’t say exactly that. She and Fred Reeder had always read it that way and that is the way they always treated it but this just makes the words line up with the practice.

There were no public comments provided.

**MOVED AND SECONDED:** To close the public hearing. (Sachs & Egan)  
**VOTE:** (5 Ayes) (2 Excused-Anzuini & Arris)

**BE IT ORDERED:** That the amendments to the Freeport Zoning Ordinance §104 regarding the definitions of Roads be accepted. (Sachs & Gleeson) **VOTE:** (5 Ayes) (2 Excused-Anzuini & Arris)

---

ITEM #125-17      To consider action relative to amendments to the Freeport Zoning Ordinance, Chapter 21 as listed below. PUBLIC HEARING

**MOVED AND SECONDED:** To open the public hearing (Egan & Sachs)  
**VOTE:** (5 Ayes) (2 Excused-Anzuini & Arris)

Town Planner, Donna Larson noted that this looks like a lot of changes but none of them are substantive. They are either a clarification, an update or a correction. In Italics next to the particular section number it applies to, she provided a brief description of what type of a change it was. In the definitions section, we are updating the definitions of impervious surface and we are using the Federal definition there. In Section 201, the General Restrictions, we don't use the BOCA code any more but the Ordinance references it in Section 201 and also on page 2 in Section 413. We have eliminated any references to the BOCA code and instead put in the code adopted by the Town Council which it does periodically.

In Section 407, 414, 415, 417 and 418. These are all the exacts so she is getting up to page 3 and those are all the exact change. All it does is add a clause to 407.V-I.4.a. : "you can have multi-family dwellings and you don't have to meet the net residential acreage calculations which is what that all means and it clarifies it. It only applies to that. Yes, indeed you can have additions on buildings in all these districts but you can't take advantage of that particular ability if you put an addition on. That is the same in the VC-I, VC-II, VC-III, VMU-1 and VMU-2.

In the C-I District she explained that a very literal reading would say you could only have one building and one use so she made it plural because many lots have more than one building and more than one use. This makes it clear.

In the Temporary Activity Permit, they talked about a special permit in some places and an activity permit in some places. We have now made it all a Temporary Activity Permit. In the VC-1 District one of the original purposes of a Temporary Activity Permit is to allow sidewalk sales. Rather than coming in and getting a permit for each sidewalk sale, someone can come in and get one permit a year which allows that entity to have as many sidewalk sales as they want. They do have to be on private property and cannot block the public sidewalk with it and cannot take up parking spaces. This makes it clearer.

In Section 509, it looks like a lot of changes there and Ms. Larson noted that we have not done this in 20 years. She took it out and updated the standards that need to be met and the approval of the plan is by the Town Engineer or other authorized qualified professional. That same change has happened in a number of places.

In Section 512, Access to Property. Those are driveways coming off a main road. For non-residential uses, it was 26 feet which is quite wide. 22 feet does not include the aprons. It is enough for two 11-foot

wide lanes and is what people tend to want. The Project Review Board is asked to waive the width on a regular basis so we want to change it and get it up to speed.

Section 520. Fire and Explosive Hazards. The Fire Chief just did a complete re-write of it and one change talks about NFPA and it says it is the National Fire Protection Act. It is not an act. It is an association. Any place where it says Act we would like to update it so that it is correct.

Section 525E.B.4 Filling of Lands and Creation of Ponds. This is the same clause on the Cumberland County Soil and Water Conservation District and the exact same thing we had in Excavating.

Section 532. Accessory Apartments. There is a list and the first item opens with a list where you can have accessory apartments. In a., we said “by using space within an existing”. It was an existing dwelling and now we are saying existing or new dwelling because we are eliminating Item E. This made it much clearer. Shoreland Zoning says you can’t have more than one unit in the shoreland area unless you meet the minimum lot size. Accessory Apartments say you can have an accessory unit and you don’t have to have the minimum lot size for two units. Accessory Apartments do not apply in shoreland areas unless you have the appropriate minimum lot size.

Section 602. Site Plan Review- This is how projects are reviewed. We have the Staff Review Board which has authority on approving wireless communication antennas. They have since gotten preemptive rights and the only thing Towns have the authority to do are the things that are listed there. If somebody wants to come in and change out their antennas, they can just do it. They do have to come in and get a Building Permit but we cannot make them go before a Board. We can only do that in the limited circumstances listed here. That comes straight out of Federal Law.

Councilor Egan asked if Ms. Larson had a sense of how many accessory apartments have been added with this language that allows them. Ms. Larson did not know but advised that none would be in the shoreland area. She noted that a building permit might not be necessary to do an accessory apartment.

**MOVED AND SECONDED:** To close the public hearing. (Sachs & Gleeson)  
**VOTE:** (5 Ayes) (2 Excused-Anzuini & Arris)

**BE IT ORDERED:** That the amendments to the Freeport Zoning Ordinance, Chapter 21 as listed below be accepted including an amendment to Section 520.A which changes National Fire Protection Act to National Fire Protection Association and this change would apply in all of the subsequent sections.

Amendments to Chapter 21: Freeport Zoning Ordinance. All changes are corrections, clarifications, necessary updates, and/or changes that provide consistency with other sections.

- A. Section 104. Definitions – Impervious Surface;
- B. Section 201.A. General Restrictions & Section 413.D.7.1 Village Commercial “VC-I” : to change BOCA code to current building code;
- C. Section 201.C. General Restrictions: multi-family exemption;
- D. Section 407.E.4 Village I - “V-I” , Section 414.E.6 Village Commercial II “VC-II”, Section 415. E.5 Village Commercial III “VC-III” , Section 417.E.10 Village Mixed Use District 1 –VMU-1, Section 418.E.8 Village Mixed Use District 2 –VMU-2: clarification of applicable sections;
- E. Section 409.C.1 Commercial District I “C-I”: adding option of multiple buildings or uses;

F. Sections 501.A, 501.C, & 501.F Temporary Activity: change “special permit” to Temporary Activity Permit and clarify that it can be an annual permit;  
G. Sections 509.F.1.f, 509.G.7, & 509.H.2 Extraction: update standards;  
H. Section 512. Access to Property: driveway width reduction;  
I. Section 520. Fire and Explosive Hazards; updated by Fire Chief;  
J. Section 525E.B.4 Filling of Lands and Creation of Ponds: update standards;  
K. Section 532.1.a & 532.3 Accessory Apartments: applies to existing or new dwellings and does not apply to dwellings in the Shoreland Zone;  
L. Section 602.C.1.c.2 Site Plan Review: updates to wireless telecommunication antenna rules. (Sachs & Gleeson)

**ROLL CALL VOTE:** (5 Ayes) (2 Excused-Anzuini & Arris)

---

ITEM #126-17      To consider action relative to changing the address of the street currently known as DiPietro Drive to henceforth be known as Poplar Drive.

**BE IT ORDERED:** That the address of the street currently known as DiPietro Drive and to be henceforth known as Poplar Drive be approved.

*Note: This action is taken in accord with E911 addressing standards, agreement by all abutting property owners, and by consent of the E911 addressing officer. (Egan & Gleeson)*

Mr. Joseph explained that the owners of DiPietro Drive contacted the Town and asked if they could re-name the address as 110 Wardtown Road. It is essentially a driveway that goes to a house with several parcels off of it that are Town owned. The State 911 addressing guidelines require any driveway servicing more than one piece of property be assigned a road name. The Town is the only abutter and informed the owners that we would consider any reasonable name that they would prefer for renaming the driveway. Their first choice was Poplar Lane which was reviewed and approved by our Police and Fire Departments for 911 naming clarity, communications purposes, etc. It is customary to ask for Town Council approval to make sure there are no objections to it prior to having the Assessor, who is the formal E911 Addressing Coordinator formalize this change. Town Staff recommends that the property owner’s request be granted.

**ROLL CALL VOTE:** (5 Ayes) (2 Excused-Anzuini & Arris)

---

ITEM #127 -17      To consider action relative to awarding a contract to Watch Guard Video for Audio-Video Cameras for Freeport Police Vehicles and that the competitive bid process be waived.

**BE IT ORDERED:** That Watch Guard Video be awarded the contract for Audio-Video Cameras for Freeport Police Vehicles in the amount of \$37,755.00 and that the competitive bid process be waived.

*Note: Watch Guard Video is the sole vendor for the Town’s current in car video system. For training and maintenance purposes the Police Department would like to continue with this system. The FY18 Capital*

**COUNCIL MEETING #18-17**  
**OCTOBER 3, 2017**

---

*Budget amount approved for this purchase is \$38,000.00. Police equipment reserve has a balance of \$423,231.00. (Rixon & Sachs)*

Police Chief Nourse explained that the Department has the system and would like to continue to use it because of their familiarity. While there are other cameras available industry-wide and they are pretty similarly set up, they each have their own operating system. They have an existing relationship with the company and their customer service has been fabulous in dealing with any issues. Chair Tracy asked if Chief Nourse feels the quality of the product in the existing system is comparable to others on the market. Chief Nourse feels it is.

Councilor Egan asked if we have body cameras on our officers. Chief Nourse replied that we do not. She explained that the cameras being discussed are dash mounted in cars. Officers would need to position their car so the camera can capture what their actions are as they move around the vehicle but noted it doesn't always work out perfectly. She explained that Body Cams are an option but before going down that road, she would have to do some thinking about the expense and the policy that drives that. Cameras in cars are activated when the blue lights go on or when an officer turns them on.

Councilor Sachs asked how long the videos are stored. Chief Nourse explained that it depends on whether it is kept for evidentiary purposes or if it is incidental. A traffic stop is kept for 30 days provided there is no reason to save it in the system and it revolves out. If it is something of evidentiary value, they make a copy of it on a disk and it is saved in the file.

**ROLL CALL VOTE:** (5 Ayes) (2 Excused-Anzuini & Arris)

Vice Chair Sachs thanked the Chief for coming in under budget.

---

ITEM #128-17      To consider action relative to the write-off and collection of Personal Property Taxes.

**BE IT ORDERED:** That the Town Manager & Treasurer be authorized to write-off the following personal property taxes:

834	Bowdoin Medical Group	2010	\$ 1,531.78
395	Classic Cookout	2011	\$ 132.34
242	Hill Stone Homes Inc	2007-2014	\$ 2,119.12
1260	Strategic Narratives LLC	2015-2016	\$ 47.13
1075	AU	2010	\$ 539.58
929	Freeport Tack Company	2007-2010	\$ 3,498.66
336-318	Rings Marine Service Inc	2002-2010	\$ 6,698.62
331	Bottling Group	2011	\$ 7.79
754	AHP Holdings	2013	\$ 20.53
1108	Two Epic LLC	2013	\$ 63.99
1235	Towne, Beverly DR	2015	\$ 15.94
37	Young, Thomas	2011-2012	\$ 200.40
1155	Ward, Lynne M	2013	\$ 20.53
261	McDermott, Thomas J	2011	\$ 40.25
424	Jan Parker & Heather Desim	2011-2013	\$ 568.55
1171	Guyette & Schmidt Inc	2014	\$ 11.16
968	Fullager, Eric & Ali	2012	\$ 285.43
573	Ralph's Lazy Lobster	2012-2014	\$ 80.95
209	Howard's Pulp & Logging	2012-2016	\$20,408.13

**COUNCIL MEETING #18-17**  
**OCTOBER 3, 2017**

---

13	DAB INC	2010	\$ 1,551.38
411	Friendly Ice Cream Corp	2012	\$ 2,818.60

Total: \$40,946.22

These properties are either past the statutory collection period, are out of business, or have balances that will be more expensive to collect than to write off.

**BE IT FURTHER ORDERED:** That the Town Manager & Treasurer be authorized to pursue legal action in small claims court unless payment arrangements are executed prior to the filing date on the following properties:

1075	AU	2011	\$ 1,072.33
929	Freeport Tack Company	2011-2014	\$ 1,172.29
318	Rings Marine Service Inc	2011-2017	\$ 2,687.13
219-813	JLC Company	2012-2015	\$ 4,819.10
753	Nadeau, Jacklyn P	2011-2016	\$ 551.24
1077	Meade, Kathleen	2011	\$ 704.84
1111	Benson, Jeff DR	2011-2012	\$ 3,446.09
823	Bourgoin, Mark	2014	\$ 902.94
519	HL Operating Corp	2013	\$ 1,374.38
1185	Vervacious LLC	2013-2014	\$ 988.83
187	Martin, Neil	2011-2017	\$ 2,788.58
1046	Smudge LLC	2011-2015	\$ 347.54
1137	Summer Shades of Freeport	2013-2016	\$ 1,013.34

Total: \$22,711.09

**BE IT FURTHER ORDERED:** That the Town Manager & Treasurer be authorized to pursue legal action in district court unless payment arrangements are executed prior to the filing date on the following property:

13	DAB Inc	2011-2017	\$ 7,052.07
(Gleeson & Sachs)			

Finance Director, Jessica Maloy explained that she began in Freeport in 2015 and she has been working with the Town Attorney to see what could be done to clean up and collect some of personal property taxes owed to the Town. During this time, she has been able to collect over \$20,000 as well as entering into two payment arrangements for two of the larger accounts that were past due. She pointed out how personal property is difficult for any municipality to collect as it does not follow the same lien and foreclosure process as real estate where there would be a tax-acquired property at the end of it. On the \$40,946.22 she is requesting to be written off, we can only collect through the courts, six years back so this is the clean up of that which was older than six years. The largest chunk the Council is seeing is a \$20,000 assessment that was incorrectly assessed for a couple of years. It really was not a tax to collect because it should not have been assessed. If the Council wants to break it down that way, staff is asking to write off just over \$20,000. There was another \$20,000 incorrectly assessed. Of the \$40,000, just over \$8,000 of that relates to current active businesses in the community. Everybody else is long gone from the Town of Freeport and have been. This is just cleaning that up to pursue collection where we can and this is where we can't. She noted that personal property assessments rely on businesses to declare. When they do not declare, Assessing has the authority to make an estimation of what their taxes may be. This one fell off the radar

**COUNCIL MEETING #18-17**  
**OCTOBER 3, 2017**

---

and received an estimated assessment when in reality, the business had dissolved prior to the April 1 date and got missed. Because there was no declaration, it kind of got carried for a number of years before her pursuit of that business. Assessing checked the records and realized that it should not have received an assessment for a couple of years.

Regarding the other two components in the BE IT FURTHER ORDERED AND BE IT FURTHER ORDERED, She pointed out that she will be working with the Town Attorney to go to small claims for the \$22,000. These are items that are under \$6,000 for each entity and then there is one that is over that \$6,000 limit for small claims so she would have to go to District Court.

Ms. Malloy explained that she reached out heavily to these businesses in 2016 and multiple letters have gone out. She called when she could locate phone numbers and faxed statements. When these individuals have come in for other purposes, she pointed out to them that they owed a personal property tax so there has been face-to-face, phone, letters, faxes and offers to work with them. She is planning to return to the Council in December proposing a policy change so we can do this on an annual basis without it building and allow Management to do the process and then provide an annual update to the Council.

Councilor Gleeson mentioned discussing this with the Chair to possibly bring this up at Ordinance to see what can be done in permitting Ordinances to see what we can and what we can't do. Their initial feedback is that we can't use that as a guideline to issue or not issue permits. Wherever they can, they will make sure to amend the Ordinances to include that. Chair Tracy noted the Council would want to make sure that those who owe money, are paying their fair share and others who do pay their taxes are not burdened with the failure of some citizens and businesses to pay.

Councilor Arris provided feedback to her and advised that it is important to use what mechanisms the Council has to make sure people are current on their taxes, especially if they are expecting services from the Town in the form of permits or authorizations and she agrees with Councilor Arris.

**ROLL CALL VOTE:** (5 Ayes) (2 Excused- Anzuini, & Arris)

---

ITEM # 129-17      To consider action relative to awarding a contract for the Snow Road Sidewalk Project.

**BE IT ORDERED:** That the contract for the Snow Road Sidewalk Project be awarded to J. Pratt Construction in the amount of \$267,658.90.

*Note: The amount approved in FY16, FY17 and FY18 for this project was \$295,000. (Sachs & Gleeson)*

Town Engineer, Adam Bliss explained that this sidewalk section is for Snow Road and Elm Street. It also includes intersection improvements at Snow and Elm for improving safety. This sidewalk section will complete the loop of that section of the village. There is strong support for this project from the Active Living and Traffic and Parking Committees. It meets the safe route to schools initiative. It also addresses safety concerns at the intersection of Snow and Elm. While no injuries have been recorded, there have certainly, been close calls.

Vice Chair Sachs asked if this is the project that the Council asked to be done this fall with additional monies and asked to be done hopefully, not only because of public safety concerns as well as some fiscal savings to do so and pushed into fall of 2017. Mr. Bliss advised that a big portion of that is yes. Vice Chair Sachs pointed out that the bid is based on construction not being until Spring of 2018. She asked if

it is due to the capacity of J. Pratt or was the determination made because of the low bid despite the fact that folks wanted it done this fall. In looking at the Fall 2017 construction, they would not have been the low bidder for the timeframe the Council asked for this to be done.

Mr. Bliss mentioned several reasons that pushed this project to spring 2018. One being the premium of construction pricing because of the delay in getting this project surveyed, designed and bid. There was an 8-week delay in getting survey information from the consultant because surveyors are scheduling two months out because of a hot development market right now. Vice Chair Sachs noted that the reason the Council paid for that was so we could get it earlier because Mr. Bliss' capacity was too much. It appears we ended up paying for somebody to delay it in the same timeframe Mr. Bliss could have done it because his plate was or wasn't full at that time?

Mr. Bliss advised that he still needed an existing conditions plan from a surveyor. Vice Chair Sachs pointed out that the part the Council funded was to specifically design the project and she is feeling that this is what the Council funded because Mr. Bliss' capacity was so impacted. We had a consultant which we allocated additional money for so it wouldn't get delayed and it could be in the fall. Mr. Bliss noted that the extra money spent on design was \$4,800 to free him up to attend to other work. Vice Chair Sachs understood that the other work was substantial but she thought the intent of that was so all of this could be done with intent in the fall but it didn't happen that way because of the availability of the consultant.

Mr. Bliss advised that contractors are extremely busy right now. There is a shortage in labor supply. These prices are anywhere from \$125 per linear foot up to \$200 per linear foot of sidewalk. Those are extremely high prices and should be on the order of \$100 or less.

Vice Chair Sachs asked if the \$60,000 additional funding the Council allocated to move up construction is included in the \$295,000. Mr. Bliss advised that it is included. Chair Tracy recalled that the \$60,000 was because we were going to outsource some of the construction because our Public Works Department was busy. Mr. Bliss indicated that this is another reason. His recommendation to delay to spring is for all of these reasons.

Chair Tracy pointed out that the Council did pay extra money to speed up the project and part of that was because of the construction period for the Track and Fields and we wanted it all done relatively together as well as the impact to the neighborhood. They were already suffering with construction and the Council did not want them to get through the construction of the fields and then in another year have the sidewalk construction. Those are the reasons that the Council decided to spend more money and move the project up. Now that it is being pushed out to spring with Pratt Construction, is there a scenario where we can do the construction in-house and save some additional money? Mr. Bliss noted this is a possible scenario but he doesn't recommend it because Public Works has been over extended for several years on capital projects. They have delayed regular annual maintenance for a number of years and they are depending on next year to catch up with annual maintenance.

Chair Tracy asked if the project is done in house, would it save money. Mr. Bliss noted it would be less and estimated the savings at \$50,000. Chair Tracy asked if there would be any impact to J. Pratt if the Council decided to take some time to discuss this a little further and make a decision at the next meeting. Mr. Bliss mentioned there is no impact to J. Pratt but there would be two-week impact to Ray Labbe, the Fall 2017 low bidder because we would be talking about a November start and he feels that would be too late. Mr. Bliss recommends going with J. Pratt in Spring 2018.

Councilor Gleeson pointed out that he agrees with everything Councilor Sachs and Chair Tracy has said because he recalls the conversation the same way. He asked if the neighborhood has been open or



concerned about this delay. Mr. Bliss advised that he has not heard any opposition from the tight-knit community group organized through Facebook. Councilor Gleeson pointed out that the track will be heavily used in the spring and he has concerns having this massive project happening on the Snow Road portion behind the track. He asked if Ray Labbe could do this project this fall. Mr. Bliss noted he does not know and would have to make a call because he doesn't know his schedule. Councilor Gleeson advised that his only way of wanting to get this done outside of the Town was to expedite it being done in the fall. If it is not going to be done in the fall, he would like to look into having Public Works do it. Being on the Council for five years, he is aware that we are always flip-flopping projects. He is interested in getting in-house costs. He feels the Council should consider saving the money and doing it in-house in the spring. He understands that Public Works is behind but this is real money and he feels we have a competent Public Works crew that can do the job.

Mr. Joseph pointed out that the funding that was appropriated does not cover these bids. Mr. Bliss advised that if Public Works is going to do the project in the spring of 2018, their duration would be drawn out perhaps over three months, well beyond the track and field season and maybe into the summer but J. Pratt is scheduled to be in and out in 30 days, weather permitting. This is a benefit to awarding the contract to a third-party contractor. These contractors have a strong history in sidewalk construction.

Chair Tracy asked if Public Works has constructed sidewalks in the past. Mr. Bliss indicated that they have but not at this scale of a project. This is a substantial project for any Public Works Department to undertake.

Vice Chair Sachs pointed out that she is very disappointed with the conversation. The Council vetted this issue exhaustively in the budget season and none of the issues Mr. Bliss is now coming forward with of deferred maintenance or expertise were brought up. The Council talked about expediency, fall schedules and neighborhood impact. The Council did not talk about deferred maintenance with x/y/z projects nor did it talk about the fact that this is so extensive that to utilize an additional construction company would have been more efficient as well as best practice. That was not the conversation the Council had in the fall. She does not doubt they are valid issues but it is not the conversation the Council had this past fall. Now she feels like the Council has this bid and has options in front of it with very different issues that were done before whereas the Council allocated resources for a consultant as well as an extra construction company outsourcing and all of that, not due to efficiency and not due to expertise but because of the capacity of our Public Works Department at the time in the fall period, not that this was an ongoing point. She is not often disappointed in these things. The Council tries very thoroughly to vet each and every expenditure but it is no small thing for this Council to allocate an additional \$60,000 for a line item. Yes, the Council took it out of other line items because that is the way it rolls and tries to make it neutral. She feels the Council is quite fiscally responsible in most things but this was one item that was quite controversial and had quite a bit of dialogue and none of these issues were coming forward. To get this memo which she read with interest, is not her preferred way to move forward with that. Her suggestion would be to table this for two weeks and truly get a sense of the cost differential if we went in-house and outsourced the additional maintenance pieces because they will be cheaper than utilizing a construction company or do we feel the expertise issue is paramount and it really doesn't matter what it is because we want that expertise to do x/y/z. For her, that is a brand-new argument and she doesn't think it is without validity. She would like some time to discuss it and call Mr. Gibson herself.

Councilor Egan shared that opinion just expressed and feels there is a little bit of a bait and switch dynamic here. The Council was making a significant fiscal decision to spend more money to get it done for the reasons Council Gleeson stated and now we are making a different decision and those neighbors are now going to be experiencing construction. The whole point of moving it forward, in his opinion, was to consolidate the construction impact to the neighborhood and now we are going to stretch it into

spring and potentially summer. He feels the Council should communicate that to the neighborhood. He is disappointed in this as well.

Mr. Bliss advised that he is well aware of the Council's goals and philosophically agrees with them. He wishes he could have anticipated delays.

Chair Tracy noted that she feels this is a potential opportunity. She does not disagree with what has been articulated but we are where we are and we have an opportunity to save \$50,000 for the Town. She is interested in talking with Earl Gibson to get an assessment. If we don't feel we have the expertise to do it and we want a good quality product, we should consider it seriously. The construction on the track and field facility has also been delayed so that is how construction projects go. In terms of impact to the neighborhood, there is a delayed construction schedule with the entire project. Our goal was to not have one construction project end and then a break and then something totally new starts. She still thinks the Council can accomplish that even in the spring construction timeframe. She was not in attendance when the vote was taken and mentioned that she was shocked that the Council allocated as a group that additional money. We have an opportunity here, if it makes sense to grab it back and that could be good for the Town. She is not unhappy about this. It could be a good fiscal outcome for the Town and we are where we are. She suggested identifying the kind of information we are going to need to make a reasonable decision. She would want to know when can Public Works get it done? How long would it take them, understanding that we would like it to be reasonably expedited? What would have to be deferred as a result? What are the risks of doing it in-house with the expertise that we have versus outsourcing it to a third-party vendor? This is a sidewalk and not brain surgery and \$50,000 is a lot to the Town. She is confident Public Works does good work and it won't crumble in three years. Can they do it and will they feel comfortable doing it? These are the kinds of considerations she would be interested in knowing for our next meeting.

Vice Chair Sachs stated that issues such as capacity and expertise moving into the spring, expertise was never an issue and capacity moving into the spring was not an issue. Her other consideration is not only when could Public Works get to it but she would like to ask J. Pratt about their timeframe. What are they thinking, weather permitting. Is it a May 1 start date or April 1? Mr. Bliss advised that this would be the first job on J. Pratt's books next spring which is predicated on snow melt. It could be March 1 or March 31 and they would be in and out quickly. Chair Tracy requested that the considerations be provided in writing the next time the Council meets. If Mr. Bliss has things the Council should consider on the J. Pratt side, he should feel free to lay them out and not just the Public Works side.

Mr. Joseph pointed out that the Public Works schedule for spring was made after the Council decision and after this project was funded and scheduled. They have scheduled all the stuff that they didn't get around to this summer for next spring. It doesn't mean that we can't go back and change that. He feels he should sit down with Mr. Bliss and Mr. Gibson and look at the schedule and figure out what they would be giving up and get that information to the Council so it can make a decision. Why the whole project is not happening in the fall is because we got bid results and the fall 2017 costs were outside of our estimate. By the time we got those bids in, we were way past the point where we could have rededicated Public Works from what they scheduled for the summer. If we want to do it in-house, we will need to do a cost benefit and look at what we would be giving up. That is how he and Mr. Bliss will approach this so if there are any other thoughts, he asked the Council to let them know what they need to see between now and the next Council meeting. Councilor Sachs asked if costs have gone up significantly since June? Mr. Joseph advised that we were \$27,000 short and behind the scenes he told Mr. Bliss that he didn't feel there would be an appetite for increased costs. Councilor Gleeson asked Mr. Bliss to come up with whatever he can for them ASAP. He has been passionate about getting this whole thing done. It is in his district and this neighborhood has been through a lot.

Mr. Bliss advised that the neighbors were apprised of the delay in September when the neighborhood had a meeting. There was no opposition voiced at that meeting. He feels the delay for getting survey designs account for some of the premium over the estimate. In theory, if we had a design and could have gone out to bid earlier, we would be wrapping up construction in the next few weeks.

**MOVED AND SECONDED:** To table Item 129-17. (Sachs & Gleeson) **ROLL CALL VOTE:** (5 Ayes) (2 Excused-Anzuini & Arris)

---

**OTHER BUSINESS:**

1. Presentation of South Freeport Village Traffic Calming Measures.

Town Engineer, Adam Bliss provided an overview for the Council. An organization of South Freeport Road residents approached him and the Traffic and Parking Committee with speeding concerns on South Freeport Road in the area in front of the French School, the church and all the way to Park Street. That conversation extended down into the village. Traffic calming in that area is intended to address sharing the road so that pedestrians, bikers and walkers can share the road with cars. The measures include a new speed table at the existing crosswalk at Park Street and South Freeport Road, improvements to the existing speed table between South Freeport Church and the French School, Lane narrowing from 11 feet to 10 feet, shoulders will be widened from 3 feet to 4 feet, 6-inch wide edge lines (increase from 4 inch) and an in-street "State Law Yield to Pedestrians in Crosswalk" sign added in the village at the crosswalk that connects the church and the school.

Vice Chair Sachs asked why the existing speed table between the church and the French School needs improvement since it was constructed in the last few years. Mr. Bliss advised that the height doesn't conform to Maine DOT's standards. He is confident that the one at Park Street and South Freeport Road will conform. Mr. Bliss has assured everyone that the Town is not expanding outside of the existing road footprint. There is a nominal cost impact for these measures which they would like to take out of the existing operating funds for hot topping roads and striping budgets. He noted this is closing the loop on a nice public process which started with a public initiative and sharing information with the Council.

Councilor Gleeson noted he feels this is great. He is 100% supportive. He is an advocate of traffic calming, especially since his district is affected by speeding. In the past, he brought up the idea of speed tables on roads in his District and they were not well received. He asked why these speed tables are more well received in South Freeport versus downtown Freeport. He personally feels they should be implemented town-wide.

Mr. Bliss advised that the Traffic and Parking Committee cited unique circumstances within the South Freeport Village on that section of road due to the volume of cars that travel South Freeport Road and cars driving in excess of the posted speed limit and all of the residents that use South Freeport Road for walking and biking. There is a post office, a French School, A church and the church has a day care. There are many users of this section of the road.

Councilor Gleeson brought up Bow Street going down to Mast Landing School which is a hill and there is one raised speed table at the top but there isn't any other traffic calming measure. Chair Tracy clarified that the Council would have to take this on a case by case basis. Mr. Bliss pointed out that speed tables are not the only calming measures. He follows the three E Principle which is education, enforcement and engineering. Speed tables are one component of the engineering principle.

Gary Profenno, Chair of the Traffic and Parking, advised that speed tables need to be used in conjunction with a crosswalk. You need to have a place for people to cross and to cross to. The committee has received requests for speed tables in different parts of the town but they need to be in a village setting where you would be utilizing a crosswalk. When this particular item came to Traffic and Parking, this room was full of residents from South Freeport all advocating for this. Other situations from across town have been brought to the committee by one or two residents in areas where you could not put a crosswalk. They have not had requests come from the downtown village area because it is not a place where there are lots of residents living. It is more business oriented. It just has not come to the committee. South Freeport is unique. The Committee has had multiple meetings with South Freeport residents and everything we do there has had huge audiences advocating for these particular calming measures. The calming measures recommended were well accepted by the residents down there. It is good to get the calming done because of the reconstruction of the road. Speed is already exceeding the limit by a considerable amount. They hope the calming measures will satisfy the South Freeport residents and make it safer for pedestrians to be on the road with the automobile traffic.

Chair Tracy noted that this is a good outcome and it is nice to have solutions.

Bob Knecht advised that residents were talking at the Post Office about the danger for everybody at the 4-way stop sign. They decided to have a meeting and there were over 200 people in attendance. They put together an outreach committee to talk to businesses that had people coming in to them and asked them to ask their people to slow down when they came into South Freeport. He then went to Chief Nourse and she suggested looking into the size of the problem. They learned that 2,200 people a day were going through the intersection. Enforcement had an impact but he then went to Mr. Bliss and got some advice on the three E's. He is so pleased that they got to this point. He thanked the Council for accepting this. He is appreciative.

Chair Tracy thanked Mr. Knecht and Guy Quartrucci for all the work that was done and that it is very nice that it didn't have a major cost impact.

**MOVED AND SECONDED:** To adjourn at 8:26 p.m. (Gleeson & Sachs)  
**VOTE:** (5 Ayes) (2 Excused-Anzuini & Arris)

---

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #19-17**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY OCTOBER 17, 2017**  
**6:30 PM**

	<b>PRESENT</b>	<b>ABSENT</b>	<b>EXCUSED</b>
Peter Anzuini, 87 South Freeport Road	x		
John Egan, 38 Curtis Road	x		
Leland Arris, 70 Glenview Road			x
Scott Gleeson, 23 Park Street	x		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 2 Pettingill Road	x		

Chair Tracy called the meeting to order at 6:35 p.m. She took the roll and noted that Councilor Arris is excused this evening.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #18-17 held on October 3, 2017 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #18-17 held on October 3, 2017 and to accept the minutes as printed. (Sachs & Gleeson) **VOTE:** (6 Ayes) (1 Excused-Arris)

**THIRD ORDER OF BUSINESS:** Announcements

Recovering from surgery, Chair Tracy requested that Vice Chair Sachs read the list of announcements.

Vice Chair Sachs announced:

- **Absentee ballots** for the upcoming election are now available. You can request an absentee ballot by calling or stopping by the Town Clerk's Office or going to the Town Clerk's page on the Town's Website to apply for an absentee ballot on line.
- **2018 Dog licenses** are now available at the Town Clerk's Office. You may register at the Town Hall or on line at [www.doglicensing.com](http://www.doglicensing.com). Please bring proof of a rabies vaccination and spay or neutering.
- CHANS Home Health Care will be providing additional **Seasonal Flu Vaccination Clinics** in Freeport on 10/26 at Freeport Community Services from 10 – 11:00 a.m. and on November 16<sup>th</sup> from 3:30 – 6:30 p.m. at the Freeport High School. You can view a full listing of CHANS' Flu Clinic schedule on the Town's website.
- **Citizen of the year Nominations are being accepted for the 2017 Citizen of the Year.** Nomination forms are available at the Town Office, the Freeport Community Library and can be

found on the Town's website at [www.freeportmaine.com](http://www.freeportmaine.com). Deadline for nominations is December 14<sup>th</sup>.

- **Freeport Day at the Nordica Theatre will take place on Wednesday, October 25<sup>th</sup>.** Residents of Freeport are welcome to view a movie absolutely **free**! Donations for the American Legion will be collected. *Proof of residency is required.*
- **On Thursday, October 19<sup>th</sup> at 6:30 p.m. at the Freeport Community Library there will be a Public Discussion to discuss Freeport Cultural Plan Strategies.** Share your thoughts on how to achieve the goals and objectives of the Freeport Cultural Plan in this open forum! Input gathered at this meeting will be factored into specific recommendations for action. Together we will create a plan to better connect our community to its arts, cultural, & historic assets and inspire their growth. For more information: [www.ReinholtConsulting.com/freeport](http://www.ReinholtConsulting.com/freeport)
- **The Second Annual Veteran's Day Concert,** sponsored by American Legion Post 83, will take place on Saturday, November 11, at 2 p.m. at the First Parish Church, Freeport. Performances by the Greater Freeport Community Chorus, the Volunteers Jazz Band and Maddie Leslie, 2016 Miss Maine Outstanding Teen will be taking place. A \$5.00 donation is suggested.

Councilor Anzuini announced that there is an election coming up in four weeks and there are four ballot questions that are very important. He encouraged every voter to show up and vote. Vice Chair Sachs noted that this is Councilor Anzuini's last regular meeting and she will try to state this at every opportunity.

Vice Chair Sachs announced that on Friday, October 20, residents can help Freeport High School win the **WGME 13 School Spirit Challenge**. Residents are encouraged to turn their stations on to Channel 13 starting at 6 a.m. Students will be up at 6 a.m. It is a challenge for the school-wide community to gain a better understanding of food insecurity while bringing everybody together in a fun and safe manner. WGME will be hosting a live rally from 6-8 a.m. at the high school. If possible, residents are encouraged to drop off food at the high school or it can be picked up. She requested Mr. Joseph put a link to the virtual food drive on the website if it is not too late. Every dollar donated to the Good Shepard Food Bank, which this is in service to, results in \$4 worth of food for families in need, including those in Freeport/Pownal. Anything residents can do to support the kids and the virtual food drive would be terrific.

#### **FOURTH ORDER OF BUSINESS:** Information Exchange

There were no committee reports.

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

Mr. Joseph reported:

- On October 7<sup>th</sup>, four Freeport Police Officers raised over \$700 for Special Olympics of Maine. Keith Norris, Malcolm Marshall, Rebecca Kavanaugh and Nathan Leger spent the day promoting Special Olympics efforts. Their "Cop on Top" campaign was held at the L.L. Bean flagship store. They were stationed above the Bean Boot patio and they had rigged up an L.L. Bean boot into which people could place their donations. The officers would then "reel in" the boot, collecting

- money in support of Special Olympics programs. Some of the officers stayed on the ground, with one of the Special Olympics athletes, to greet people and explain about the program. This was the third year Freeport Officers collected money through the “Cop on Top” operation and plans are underway to continue it next year. I would like to thank L.L. Bean for hosting this fundraising event, and to congratulate the officers involved for their efforts in support of Special Olympics of Maine!
- On October 12<sup>th</sup>, the Freeport Public Safety Departments, along with several local organizations, hosted another successful Public Safety Open House event. This year’s event was well attended by families, and had activities for children of all ages. Some of the many popular activities were the “impaired driving simulator course” which consists of trying to navigate a golf cart through a special course of traffic cones while wearing special goggles, the smoke demonstration trailer, K-9 officer demonstrations, and the touch-a-fire truck activities. Thank you to all who helped make this event a special night.

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

**MOVED AND SECONDED:** To open the Public Comment Period. (Sachs & Gleeson) **VOTE:** (6 Ayes) (1 Excused-Arris)

There were no public comments provided.

**MOVED AND SECONDED:** To close the Public Comment Period. (Sachs & Gleeson) **VOTE:** (6 Ayes) (1 Excused-Arris)

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

---

ITEM #132-17      To consider action relative to adopting the October 17, 2017 Consent Agenda.

**BE IT ORDERED:** That the October 17, 2017 Consent Agenda be adopted. (Gleeson & Sachs)

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

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Arris)

---

ITEM #133 -17      To consider action relative to setting a public hearing for a new liquor license application for The Hampton Inn, located at 194 Lower Main Street, Freeport.

**BE IT ORDERED:** That a public hearing be scheduled for December 5, 2017 in the Town Council Chambers at Town Hall, 6:30 pm, to discuss an application for a new liquor license.

**BE IT FURTHER ORDERED:** That notice of the public hearing be published in a newspaper of general circulation, posted on the Town’s website, and posted on cable channel 3, and that copies of the proposed amendment be made available for review at the Town Clerk’s Office, the Town Manager’s Office, and the Freeport Community Library for review. (Anzuini & Gleeson)

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Arris)

---

Chair Tracy pointed out that the next time the Council regularly convenes it will be constituted differently and it will have an appropriate “thank you for your service ceremony.” She explained that the Council appreciates all the time and effort Councilors Anzuini and Rixon have put in. They have done great work for the Town and it has not gone unnoticed. It has been very helpful and they have contributed to the smooth functioning of the Town and without them, the Council could not have done that. She hopes they will enjoy their Tuesday nights once they are done.

---

ITEM #134-17      To consider action relative to granting an overlimit movement permit to the Island Rover Foundation pursuant to MRSA Title 29-A Sec 2382 (3).

**BE IT ORDERED:** That the Island Rover Foundation be granted an overlimit movement permit pursuant to MRSA Title 29-A Sec. 2382(3).

**BE IT FURTHER ORDERED:** That the overlimit movement permit be subject to the following conditions: (conditions to be added by amendment as necessary)

**BE IT FURTHER ORDERED:** That the Town Manager be authorized to issue the overlimit movement permit once the above mentioned conditions have been met to the satisfaction of the Town of Freeport. (Sachs & Gleeson)

Chair Tracy advised that tonight’s initial discussion will be led by the Town Manager regarding the criteria for the permit which has been requested. The Council will consider that criteria and will keep its discussion relatively narrow to the particular item that is before it. They will make a decision as to whether they will accept public comments depending on what direction they will go in. She hopes everyone will respect that as well and try to stay limited to the issue. The Council has an ongoing litigation as to whether the Island Rover is subject to contempt for manufacturing a vessel in a non-conforming location. The Town received an order last week that found that the location is not conforming and the contempt has not been purged but the Council will not be discussing this tonight. The Council will be looking into whether it should issue an overland permit that allows this vessel to go over our public roads for purposes of moving the vessel off of the land that it is currently located to another location to be launched. If the Council decides to take action tonight and allows public comments, it hopes that residents will keep this in mind, when they do speak.

Mr. Joseph was asked to lay out what the statute is that allows the Council to issue the permit and what the general criteria is. The Council can start at the dais about how it would like to proceed because it asked for information which it has not yet received. This may determine what direction the Council goes in and if it will allow public comment tonight or at a later time.

Mr. Joseph explained what an overlimit permit is. In this instance, it is a single object which exceeds the width, height and weight categories by State Law and would normally be prohibited from moving over public roadways. In this particular instance, all of the roads in question are locally owned and maintained so the permit would be reviewed and issued by the Town of Freeport’s Municipal Officers which in this situation is the Town Council. He noted that the Town Attorney has explained that the Town can impose conditions as deemed fit by the Town Council, to the extent that these conditions reasonably serve to protect public safety, or protect the integrity of the roadway in question with an overweight vehicle.



**COUNCIL MEETING #19-17  
OCTOBER 17, 2017**

The Town has a local ordinance that regulates travel by heavy vehicles over temporarily posted roads but this does not apply at this time because the roads in question are not currently posted.

Mr. Joseph advised that the Council asked him to put together a list of items for consideration that may not lead to conditions on a permit if they are satisfied prior to the Town granting the permit. Some of these items identified by Staff can be checked off because we have already been provided with the information or otherwise satisfied, they don't need to be a condition. However, if there are things the Council is not sure they will happen, they should be put as a condition on the permit and the permit would not be issued until the condition was met. However, it means the Council will not have to reconvene to make sure all those things are met before issuing a permit. That is one way to go about doing that.

Chair Tracy pointed out that there is an alternative that the Council may choose to take and that is that they do not issue a permit until they receive the requested information.

Mr. Joseph agreed and noted that he spoke with the Council Chair and Vice Chair about the possibility of holding a special meeting which will be discussed later, and whether that would be an appropriate time to have further consideration for this item before voting to approve it. The Council will have to make this decision as it goes on. There may be other items from the ones identified by staff by Councilors or members of the public. The major items are:

1. Proof of insurance adequate to cover potential damage to Town roads.
2. Confirmation by Town Engineer or assumptions regarding load dispersal contained in permit request.
3. Approval of all tree trimming to be completed.
4. Police detail
5. Pre-positioning of Fire/Rescue apparatus if dead-end streets are to be blocked off during transit.
6. Written permission from any private landowner whose land will be crossed during transit.
7. Crane launch from Location A (Burnett Road Bridge)
8. Determination of required permits.

These items have been communicated to the Foundation through their attorneys by the Town's attorneys.

Chair Tracy advised that earlier in the summer the Superior Court found that the Island Rover was in contempt and we had a process to determine whether it had purged the contempt by moving the vessel 50-100 feet to the middle of Bucknam Road. Word came out last week that they had not purged the contempt but the order did acknowledge that the Island Rover had represented that it would be in a position to move the vessel from its current location and launch it in the period of November 10-15, 2017. Island Rover and Carter Becker made a representation during the proceeding so essentially the order acknowledged that those parties were making an effort to undertake that activity. She encouraged people to read the order. The order gave the power to the Town to basically take action against the vessel with respect to the contempt but cautioned that should the Town do that; a hearing would be required on the ownership of the vessel. For those who think that just moving forward and not entertaining any launch plan with the vessel is a simple matter, it is not. It requires further legal action. She noted this provides context around all the factors the Council has before it. Pursuant to Island Rover and Carter Becker's representation to the Superior Court, we did receive this application request for an Overlimit Movement Permit on October 6, 2017. That is the actual request and is included with an October 12 memo from Peter Joseph which is part of our materials tonight.

We have received information orally about the weight confirmation of the apparatus and it is 80 tons not the 95 gross tons but to Chair Tracy's knowledge, we have not received any other information requested in the Town's October 11, 2017 e-mail request for additional information. That information is outstanding and Mr. Joseph agreed. Chair Tracy pointed out that there is a memo dated October 17, 2017 from Mr.

Joseph which is also part of the Council's packets. Mr. Joseph added that there may be some acknowledgement of the insurance amount because it is fairly typical but he has not seen the proof of insurance. He mentioned there was discussion about whether bond or insurance might be more appropriate and came to the conclusion that insurance would be more appropriate and the amount was deemed reasonable but he has not seen proof of the ability to secure. This would be a good condition but feels it would not be a deal breaker.

Chair Tracy noted the Council has before it a process where it has asked for additional information but has not received it to date. The Council has a few options. One is to deny the permit request. Another option is to grant the permit request with conditions. The other option is to defer action until we receive information that has been requested and we have not received to date. These are the three general options that she sees before the Council. Vice Chair Sachs asked if the Council defers action this evening, would it be to table the item this evening with the understanding to have our Town Attorney or Town Manager communicate that we would like to hold a special meeting on October 30 with the date when materials could be submitted by October 24. In that way, Staff will have time to do the analysis to make sure some of these calculations are correct and nothing additional would be needed before the special meeting and would give the Council time to notice the special meeting as it needs to do.

Mr. Joseph explained to the public why a special meeting is necessary. There is no regular Council meeting scheduled between now and essentially December which is outside of the proposed launch window. Chair Tracy advised Vice Chair Sachs that, yes, it is an appropriate clarification. A deferral is not an indefinite deferral, it is a deferral with a special meeting scheduled associated with it.

Chair Tracy noted that the Council has a full house this evening and the ability to take comment on the analysis before it. The Council should discuss whether it will take public comments. She is mindful that people have taken time out of their schedule to participate this evening and feels the Council should take that into account.

Chair Tracy asked Councilors if they have any positions on options they would like to pursue at this time. Councilor Egan mentioned that if we end up voting to defer, he has not yet made up his mind, but that we be specific in our communication back to the applicant on what we are asking in addition to the items already listed. He wants a lot of specificity provided to the applicant as soon as possible.

Councilor Anzuini mentioned that we are talking about over the road transportation of the vessel and asked if we provided a list of the permits that will be required for the whole job. If we have, what is the status of those permits. It does not make a lot of sense to him that we issue a permit for over the road travel, if there are many other permits that need to be executed to do other things. He wanted to look at this comprehensively. He would like the total list of requirements and what the status is of each one of them. Granting this permit just for the road and then ending up in another non-conforming location does not make sense to him. Vice Chair Sachs asked Mr. Joseph if this is where No. 8 has come in. Her understanding is that given the fact that there were three separate launch sites listed on the application, that the onus was on the applicant to provide the Council with written specific information from DEP, Army Corps., etc. that all permits had written proof that they were not needed for anything to do with the launch or anything around the launch, whether it is dredging, etc. The onus is on the applicant to prove and provide proof of those. This is not something that has been overlooked in the request.

Mr. Joseph added that each of those launch sites with the permitting required have different base requirements. For "A" a logical claim that a Burnett Road launch has sufficient draft to float the vessel and may require minimal environmental permitting. While several different parties have made this claim, we do not know this for sure. For "B", an existing gravel ramp but that location is not in play right now. For "C" Shore Road, we have been previously told that extensive permitting is required. From a comprehensive perspective it will vary from nothing to potentially a lot of permitting. He is

**COUNCIL MEETING #19-17  
OCTOBER 17, 2017**

recommending that the Council ask for some acknowledgment from the correct permitting authorities that either nothing is required or yes, it is required and these things have been applied for and granted. There are DEP and Army Corps involvement in the most extensive part of those permits in terms of processing. There is input from a myriad group of federal and state agencies into that process but there may also be some vegetation trimming and wetland shoreland zoning permitting from the Town as well for any of the three locations. A detailed launch plan will be necessary.

Chair Tracy referred the Council to the permit request that Mr. Becker's Counsel made on the overlimit weight permit. A footnote was attached saying: "Subject to written confirmation by Maine Department of Environmental Protection and Army Corps. of Engineers that no permits are necessary." Mr. Becker, through his attorney, has been in contact with both agencies about permitting for a proposed launch. This concept was introduced by Mr. Becker himself in the permit application. We have made a determination as a town that it is the onus of the applicant to establish. It is not unusual to require an applicant to establish the legal thresholds that need to be satisfied. It does not make sense to have the Town's attorney go do the research for them.

Councilor Gleeson referred to the Google maps and noted he has been confused. The map does not show 0 Shore Drive and he recommended that the non-satellite view be provided. He does not see what it is trying to show and if anyone is looking at the map, it is confusing. Mr. Joseph agreed that it is impossible to see it on the photocopy.

Councilor Rixon did not have anything additional to add. Vice Chair Sachs noted her comfort level would state that she would table this item and have the Council consider the evidence in the documents that come in and she says that is because of a history of incomplete information that has been given to the Council. For example, we have been requesting by e-mail and verbally that they begin the permitting process in June so would not be pushing up against this issue. Her concern is that Peter Joseph will have an incomplete array of information and be forced to make a decision that perhaps doesn't have everything together. She has every expectation with Counsel in the audience that they will understand that we will gratefully accept all of the information we requested and look forward to receiving it in the detail asked for. We have been careful in asking for only what we need but also have the complete picture.

Councilor Egan advised that he is very interested in hearing public comment this evening whether or not the Council takes any action or moves it forward. There are many people here tonight that would like to speak their minds and he feels the Council needs to hear from them.

Chair Tracy agrees with Vice Chair Sachs. The Council has spent a lot of time and resources on this matter. She is not inclined to relinquish authority and issue a conditional permit based on factors that we have not even seen the information responsive to those information requests. She is not inclined to take action tonight and hopes that Mr. Becker and Island Rover will be in a position to provide the requested information so we can meet the time table that Island Rover and Mr. Becker have proposed but she is not willing to do it on a wing and a prayer this evening. She appreciates people coming out and is inclined to hear public comments. Councilor Rixon agrees that the Council should schedule a special meeting and should hear from the public.

Chair Tracy pointed out that she is mindful of the impact this has had on the neighborhood. The Council will try and focus discussion on the analysis we have before us so we can use that feedback to form our decision. She asked the public to adhere to the 3-minute rule because it is only fair to provide an opportunity for everyone to speak. She asked everybody to provide their names and if they so choose, indicate where they reside.

Nancy Meagher of 284 Lower Flying Point Road thanked the Council for all the time they have spent on this. She hopes we are at the point to be able to put this behind us and that the Council will have different

**COUNCIL MEETING #19-17  
OCTOBER 17, 2017**

issues to discuss on Tuesdays. She asked if the November 10-15 dates are hard. If not completed by then, are we done? Can this be extended? Regarding permitting, the Council listed three options. She asked if all three would be listed as a bundle or can there be less. Will you say, maybe we will approve three, maybe we will approve two or maybe we will approve one? Chair Tracy advised that the questions are duly noted and the Council will provide clarification later.

Lee Sheps of 84 Flying Point Road advised that he is on the Wolfe's Neck Farm Board and this item just came to their attention that one of the options for launching this vessel is down Burnett Road. He requested that this not be decided tonight because he would like the opportunity for the full Board as well as their membership, to know that this is a possibility. He had a question about the insurance and understands that it is for the repair of the road. If anything were to go awry with the launch of this vessel, the damage to the scenery owned by this foundation would be substantial so he would ask if it is within the power of the Town to take that into consideration, and that there be consideration given to requiring a bond to cover something for the removal if it does not get launched out into the open sea but remains in the mud in front of Wolfe's Neck Farm, the wedding field and their entire enterprise. He does not know if this is a reasonable consideration the Town could impose. If so, he would request that the Town do that because he does not know what the resources are of the non-profit that owns this vessel and expects that they would not be there to satisfy a judgment, even if they were able to get one. He asked the Council for their consideration on this as well. He did not know if permission is needed from the farm.

Mr. Joseph explained that it is possible to launch it from Town property into the waters of the State without crossing public land. He does not know if that is what they are proposing and the Farm would be interested in knowing that it will be going by. The dirt road is public and the bridge is public. There is a stretch along the bridge where it actually borders the ocean and there is Town water frontage.

Chair Tracy received a letter from L.L. Bean indicating that they do not grant permission for use of Marietta Lane. She advised that the letter is available upon request.

Mac Lloyd of Byram Avenue asked if an outside entity has done the weight calculations of this vessel. He noted that the neighborhood and its residents do not know and he suggested that we request the real weight of this boat and what our roads are capable of. He agrees with Mr. Sheps about the need for insurance because these people are not professional movers. He would prefer to have insurance in the event the boat topples over between here and some unknown launch site that 1) he will be able to leave his home and go to Bow Street Market within a reasonable amount of time while these guys cut the boat up while it is across Flying Point Road. He mentioned that it took them 8 hours to move the boat 100 yards. He is confident it will take some time for that boat to turn 180 degrees. No one will be able to get off of Lower Flying Point Road once this boat is in the road for six hours or 8 hours. No one in Flying Point has been notified of this. There have been no letters from the Foundation. He feels it is not that expensive to get a bond and suggested \$1M or \$2M. He noted this group of people has not stuck to any specific timelines and he feels we are kicking this thing further down the road. He wants to stop the madness and have the Town take possession of the boat and move it professionally or cut it up and get rid of it which is what we said we would do three years ago.

Councilor Gleeson explained that the Coast Guard takes a measurement of what a boat volume is so the 95 gross tons is not a simple 95 x 2,000. It does not indicate that the vessel would be 180,000 lbs. Mr. Joseph noted that 80 tons is what is reported by the applicant. It is a judgment call to accept that weight. He will be discussing this with the Town Engineer.

Ken Murphy of 348 Lower Flying Point Road explained that he agrees that weight is a major issue and his question is really whether the road can handle that kind of a load. The logistics of launching a boat at Shore Drive or Wolfe Neck that size is terribly uncertain and could be a disaster if it tips over, doesn't float, etc. He feels it is incumbent upon the Council to assess all the logistics and understand what

happens at the end of that trip and there are many questions that need to be answered. The other issue is the financial one and he questions where the money is coming from and does the Foundation have money for insurance. These questions need to be asked and answered before any permits are granted.

Sandy Allen of 63 Shore Road noted that he is nervous about the logistics of having this vessel moved and launched. He feels it would be reasonable to undergo the expense of having an independent third party that is used to moving vessels of this size come in and look at Island Rover and the sites that are available as well as the roads that are available and provide a report as to the feasibility of doing it successfully. He cannot imagine giving approval on this without having that information on hand.

Jenny Davidson of 56 Shore Drive echoed the concerns just mentioned about the uncertainty of all these sites. She is especially concerned about 0 Shore Drive which is a block and a half from her home. 0 Shore Drive is still zoned residential which means it is not appropriate for boat building or boat launching. Permits are not in place for the launching of Island Rover into the shallow, ecologically-sensitive cove. She requested that the Council consider these sites separately and not as a group bundle for this particular overweight permit.

Bob Wakefield of 291 Lower Flying Point Road noted that he wanted to follow up on Dr. Allen's observation and would not put the weight in the applicant's application as being absolutely true. He would prefer to obtain an outside professional organization review as to whether or not this is feasible and have the applicant pay for that type of survey. He would be more comfortable with a professional outside opinion rather than an opinion from someone with a vested interest.

Attorney Twain Braden appreciated all the concerns and pointed out that it was his fault that he did not supply a written response, not Island Rover. The American Welding Society has approved all the finish welds and sandblasting is three-quarters complete as of tonight. Paint will be going on in the next few days. The DEP issued a letter saying DEP permits are not required. He has a copy in his file. Army Corps. of Engineers verbally indicated that either a permit is not needed or if one is required, it will be an expedited response that can be processed by the end of the month. Attorney Leoni is Mr. Becker's attorney and he split responsibilities with Attorney Braden where he would work on any environmental permits and Attorney Braden would work with the Town and Mr. Arndt to accommodate what it would take to move the vessel. The diagram of the vessel loads is complete and is in his phone. It can address the tonnage questions and the load distribution requirements the Council has. He is confident that he can provide assurances that the weight is 80 tons or 160,000 lbs. It has been suggested that he work with Mr. Gibson to do a drive-along with measuring sticks and determine which areas need to be trimmed, if any. He is not sure what he can do to accommodate the police detail and fire repositioning but would be happy to work with the Town to accomplish that. With insurance versus bond, he understood from the Town's attorney that insurance is preferable to securing a bond. He agrees that it is in the Town's interest to require insurance and to make sure there is adequate coverage for it. He will certainly provide that in writing but until they know which routes the Town will be concerned about and not allow, it would not make sense for them to go and procure insurance for a route that is not going to be on the table. He understood that one of tonight's exercises would be to determine which route is off the table so he can go out and get insurance for the routes that are still on the table.

Chair Tracy explained that Route "B" is off the table because L.L. Bean sent a letter stating they will not grant permission to use Marietta Lane for launching the Island Rover. Chair Tracy suggested going back to the representations that DEP permits are not required and Army Corps. of Engineers permits are either not needed or if needed, would be expedited by the end of the month. She noted it has come to her attention that there might be a distinction between the permits needed for launch versus permits needed for preparation for launch. She asked if Attorney Braden is talking about all activities related to launch of the vessel or just the actual launch, not preparation of the site for launch. Attorney Braden explained that they described to the DEP how the launch would actually be carried out. They sent them the same

information they sent to the Town with respect to the dollies and with respect to the environmental mats that would have to be laid onto the launch area. That was all described to the DEP and said this is how the boat would float from road to float. The response they got from Geoffrey Kallanich of DEP states “the project as described, does not require a permit from the Department. Based on the project description, it does not appear the launch will result in any damage to the intertidal zone but if rotting or any other disturbance occurs, we can set up a meeting on site to determine remedial actions.”

Mr. Kallanich is in the Bureau of Land Resources at DEP. Attorney Braden has been communicating with Lee Ann Neil from the Army Corps. of Engineers. Councilor Egan asked if the language he just read pertains to all three sites or just one in particular since they are not identical. He would be surprised to hear that DEP was not specific about the exact location. Attorney Braden noted it relates to all three sites but offered to provide additional information.

Vice Chair Sachs asked if the liability insurance secured addresses reparations in case the boat does not successfully get to the launch site and tips over in the middle of the road. Attorney Braden noted that the insurance coverage they focused on previously was for any damage to the road but he can go back to the mover and say can you provide proof of coverage for these two routes and he will provide it to the Town attorney. The Town Attorney looks at it and says “I see there is coverage for the road but what about environmental damage in the event of rollover. What sort of coverages do you have for that?” He feels confident he can provide that coverage. Vice Chair Sachs noted it is not listed that a licensed professional mover with bonding insurance is not listed. Attorney Braden advised that they will provide coverage for movement of the vessel from Bucknam Road to the launch site. First it was posed as a bond but he responded that a bond is not what the Town wants. Insurance coverage is what the Town wants. He requested that the Town tell him what it wants in terms of insurance coverage and he will do what he can to provide it. Vice Chair Sachs explained that the proposed launch sites are in heavily residential and/or heavily protected areas and there is no desire to have a rusting hulk of a vessel located in the mud flats even if it were half way out to the ocean. She pointed out that unless she asked an exact specific question in a meeting with Mr. Becker, the answer was not forthcoming. Until we happened to have the exact phrasing that would perhaps predicate an honest and transparent answer, then we didn’t get it. She believes Attorney Braden is hearing quite clearly the concerns of the Town and the Council to have full and specific coverage around the eventual collapse of this vessel either in the residential coves or our streets. We would like this to be a successful project and we are efforting to every extent possible to make this a successful project for the applicants and really would also like to protect the Town. She asked if Attorney Braden would be needing something more specific in terms of a request or is there something the Council can forward to him in the next two days that would make this more specific. Attorney Braden noted he was not at the meeting and without knowing anything of the unpleasantness that happened there, the insurance that they have pledged to provide will provide coverage from where it is to be launched and out of the way of the Town and out of any concerns. That is what he understood was asked for and that is what he is offering. Chair Tracy mentioned that the Town’s initial request was a more narrow request for insurance and it sounds like Attorney Braden is well on his way to working towards providing proof of coverage to ensure against any damage to roads. Given the fact that the Council has heard additional reasonable concerns tonight, Attorney Braden can safely assume the Town will be interested in proof of insurance to cover not only damage to roads but potential damage during the transport to private property or anything that should occur during the transport based on some sort of failure. Whatever reasonable insurance would be required in that eventuality and the third piece would be the failure to launch into the water and be towed away which sounds like is the plan of Island Rover and Mr. Becker that it be towed away to some other location, but we don’t know what that is although we have been asking what that is. If the vessel remains off the shores of Freeport’s residential areas, insurance will cover removal of it from that area. We need coverage for the removal to an appropriate location should the vessel not be able to be towed based on the launch plan to where it needs to go. Attorney Braden noted he feels this is a reasonable request. He explained that the proposed mover is Jewett Bros. He did not know if they had other experiences moving vessels of this size.

Chair Tracy asked if Attorney Braden can provide some response to the concern about providing a 3<sup>rd</sup> party verification of the capacity to move this vessel in a very densely populated residential neighborhood. She asked if he had any ideas about what the Council could do that would provide a 3<sup>rd</sup> party independent assessment that could assure people that this is reasonably safe and not an unusual activity to occur in this neighborhood as proposed. Attorney Braden thinks it is a great idea if time wasn't so tight. While it sounds like a legitimate concern, this is the first he is hearing about it and if we were talking about launching it in July, it would take some back and forth to hire a 3<sup>rd</sup> party. It is now October 17 and we are talking about launching it in less than a month. He suggested that Chair Tracy tell him what she wants. Does she want him to find a 3<sup>rd</sup> party person and will that person be tainted because Island Rover proposed him or does the Town want to find their own evaluator? Chair Tracy asked if the applicants would be amenable to fronting the cost for the evaluation. Attorney Braden had no idea. She asked him to ask his clients this question. He asked for clarification on what he should ask them.

Chair Tracy noted that based on the comments tonight, the concerns of the neighbors have been raised as to whether this is a safe activity and an activity that can be reasonably accomplished as proposed. We are looking for a 3<sup>rd</sup> party confirmation that the activity is not unreasonable and is not unsafe. The question is whether Mr. Becker and Island Rover would be willing to provide financial resources to obtain that representation from an independent 3<sup>rd</sup> party should the Town be able to obtain it within the timeframe required and choose to do so. Attorney Braden agreed to ask that question.

Chair Tracy asked in what form Attorney Braden expects to provide the Town with the representations regarding whether permits are required or are not required. Will he hand the Town some e-mails or will he get a letter from these agency representatives? Attorney Braden offered to go back and request written confirmation on letterheads and Chair Tracy noted that she wants him to do this. She wants to be sure that the permitting agencies understand specifically what the launch proposal is to the amount of detail available to Attorney Braden and certainly the specific launch locations. Ideally the launch plan that Attorney Braden has for each of these launch locations acknowledging that the L.L. Bean Paddling Center is no longer in play. Given that information, the Council wants to know through a letter that certain permits are required and a sense of what needs to happen to obtain those permits and what the timeline is for obtaining those permits or if those permits are not required, a letter to that effect but it is an official letter from the DEP that the Town can rely on that assures us that they understand what is being proposed and their response is specific to the detail proposal. Attorney Braden referred to the attachment he sent to the Council with Councilor Gleeson's questions in mind. The Google Earth thing he printed out in June was very specific but by the time it got copied, it turned to mud. If he provides them with the same basis of information that he provided to the Council with some sort of response in whatever they can format, the Council will be able to see what he provided to them and match it to what he provided to the Council. He noted he would be happy to do that.

Vice Chair Sachs explained that since Attorney Braden is asking for specifics, what he submitted to DEP for "A" Burnett Road, the crane placement, the launch plan and the specifics around whether it is necessary to disturb anything in order to fortify the bridge and vegetation removal. DEP would have to know all of that in order to make an analysis around a permit. Chair Tracy clarified that they need to know everything that is required to launch that vessel in that location so they can make an informed decision.

Councilor Anzuini explained that we are trying to tell Attorney Braden that when he is looking at the Burnett Road location, it is important to have a conversation that there is 400 feet of mud at low tide. At high tide, it might come in at 5 or 6 feet. If the vessel needs 8 or 9 feet, is that sufficient for that size boat? He assumes this has been all thought out. Attorney Braden has to be specific in order to give the Council confidence that the launch will go well and we all hope that it will. He would like to hear, here are all our plans and here are our assumptions. Once he has this, he can then make a determination on how much risk there is in what they plan to do. He has a lot of questions about whether this is a risk or not.

Earl Gibson explained that once the vessel gets on the road, it will have to stay in the center since it is the most stable part of the road. It will take up the entire road and the road will be closed in both directions to all traffic. Chair Tracy noted we have a public notification piece to this. We need a plan on how people will be notified and how this would be scheduled so that it has the absolute minimal impact possible

Attorney Braden noted these are all reasonable requests and he will take all these questions back and return with a clear plan. He needs to know how to inform the Police and Fire Department and the local neighbors. Chair Tracy cautioned Attorney Braden to be very clear with his client and Mr. Becker that it may be the case that the Council will need a majority of this information before it decides whether or not to issue a permit. It may not be that the Council decide to issue conditional permits unless some things may be impossible to provide until closer to launch and it will have to figure it out. Some of this information such as a plan for notification and maybe not the actual notification, a plan for minimizing impact where possible, and not the precise time they decided to launch. Those kinds of things she can see that the Council needs prior to issuing any permit. She feels they should assume the worse-case scenario which is unless the information is absolutely unattainable until a later point in time that we are going to need this for consideration at our meeting. The meeting is at the end of the month but the timeframe for obtaining the information is earlier than that. It is October 24<sup>th</sup>, a week before the meeting. As long as the Council believes there is enough information to make a decision, it will do the notice that we will be having the meeting. Attorney Braden stated he would do what he can to get it done.

Councilor Egan asked Attorney Braden if he has any insight into the proposed schedule that was offered by the applicant in the permit on the five-day range in November. Is this a hard date? Attorney Braden feels the window is tide sensitive but he could not tell Councilor Egan why. Councilor Egan explained that he has been on the Council for one year and has only had 12 months of involvement and understanding of the issue but the inability of the Island Rover team to meet timelines has been overwhelming. It is a legitimate question of how firm is the timeframe proposed by the applicant so there will be zero tolerance for going beyond this timeframe. Attorney Braden couldn't provide an answer right now but noted that they want to get the vessel out November 10-15. The only thing keeping them from putting it in the water is the Council. They are shaping up for a commitment between November 10-15. Chair Tracy hopes this is so but the Council is not the only thing in their way. There is a lot of information the Council does not have.

Chair Tracy explained that there is an election coming up on November 7 and the Council will have two new Councilors who will have no direct history in this matter although she knows one of the unopposed candidates has been following this matter. It would behoove Attorney Braden's client and Mr. Becker to not delay because the two new members have a right to reasonably get up to speed and could make it more difficult to make a decision. She thanked Attorney Braden for his time.

Tim Forester is an Environmental Consultant and owner of Atlantic Environmental. He is representing the interests of 86 individuals who directly abut and live adjacent to and are opposed to the launch at 0 Shore Drive. He commented that the application in his mind is incomplete at this time. He asked how he could comment if he doesn't have everything before him. He is hopeful at the next meeting he will have been given an opportunity to have reviewed all the information and provide additional comments to the Council in a public forum. He has been a consultant for 18 years and advised Mr. Becker when he started this project, that he could not see him getting a permit for this. He shared some of his experiences. He would be very surprised if Jeff Kalinich is fully aware of everything involved with the Island Rover and what it would take to launch at 0 Shore Drive. Mr. Forester stated that Mr. Becker applied for a permit from DEP but ended up withdrawing his request. He encouraged the Town to take this into their own hands and reach out to Christine Woodruff, Project Manager and Alison Sirois, Supervisor at the Portland DEP office and ask them for their interpretation of whatever documents were presented and not just Jeff Kalinich. He explained DEP's jurisdiction.



Lucy Lloyd of 62 Maquoit Drive thanked the Council for taking this time to listen to people as well as the attorney for the Island Rover. She is saddened to watch this scenario. She feels the Council is made up of good people trying to problem solve for an organization that has no regard for them. The Council is spending Town money and resources and doing the right thing on its side. She recalled having this discussion a year ago at the Community Center where many of the same questions were asked. The information from the Island Rover Foundation was as vague tonight as it was a year ago. In June it was ordered that the vessel was to be moved to a conforming location. The judge indicated he was not talking about launching the boat but moving it to a conforming site. That never happened. She does not understand why the Council is trying to figure out how to launch the vessel when it is supposed to be moved to a conforming site. All that needs to be done is that the boat needs to be moved to a place where it can be manufactured in a proper zone and then sail it to wherever they want to sail it. It is very sad.

Katherine Bigley of 292 Lower Flying Point Road shared the Tide Chart she had on her phone. On November 10 there is an afternoon tide of 10.1, on November 11, 9.7, on November 12, 9.5, on November 13, 9.4, on November 14, 9.4 and November 15, 9.4 and noted these are not super big tides. There are bigger tides in the month of November.

Heidi Bishop explained that she owns property at 38 Lower Flying Point Road and has road frontage on Lower Flying Point Road as well as Shore Drive. It is a corner lot. She would have concerns if the Council would allow them to launch at 0 Shore Drive. She cannot understand how they could make the corner without touching any of the properties. She advised that there is no way she would allow the Foundation to cut one inch of her land to cut around the corner.

Pam Russell of 57 Shore Drive pointed out that moving the boat is a moot point if you haven't figured out how to launch it. She suggested that the Town do its own work with the DEP and not rely on the other organization to do that.

Ken Mann of Wolfe's Neck Road mentioned that he is a taxpayer and is interested in the process and how much of his money is being spent. In fairness to the applicant, the Council should be sure to make clear what the requirements are and what the conditions are and what the applicant must do before the 24<sup>th</sup> and not have a situation arise on the 23<sup>rd</sup> where the Town says "by the way, we need something else." The Council should determine tonight what it wants from the applicant on the 24<sup>th</sup> and that it is clear.

Sandy Allen of 63 Shore Drive mentioned that the Town needs to consider that there has been a lot of time spent on this. There is pressure building to make this happen between the 10-15 of November which is a month away. He does not feel it is a realistic objective. If it is going to take some time, he believes the Town should hire a Marine Consultant with experience moving vessels to confirm all aspects of the move. If it takes additional time, he believes it will be time well spent. He would not succumb to pressure from Island Rover who has time and time again kept us needing information.

Chair Tracy thanked everyone for sharing their comments and positions and noted this has been very helpful.

Chair Tracy referred to Mrs. Meagher's question if the November 10-15 is a hard deadline and if it can be extended, clearly the Town could decide to take more time but the balance is that the Town has been trying to hold Island Rover and Mr. Becker's feet to the fire to get this moved because it is non-conforming and it has been going on for a long time. There is nothing necessarily preventing that date from being extended should the Town choose. While we can't force them to move the boat, we have other resources if they refuse to move it. It would take further court action. Another question was whether the approval to issue the overweight limit permit be done in a block. The Town can break it out if it so chooses but we would need a reasoned explanation why we decided to grant one and not another. These

are all different circumstances and she would not be surprised if that was the case and there were different considerations for each location. It sounds like the L.L. Bean Paddling Center has been ruled out at this point unless there is a change in the landowner's position. She feels time is of the essence and we are asking Island Rover and Mr. Becker to turn around information relatively quickly. She feels it is fair to be very clear about what we want. She suggested reverting to the eight recommended conditions included in Mr. Joseph's memorandum dated today and we should use this to inform the information request that would be provided to Island Rover and Mr. Becker.

**Proof of insurance adequate to cover potential damage to Town roads.** As a result of tonight's meeting we also want proof of insurance to cover damage not only to cover Town roads, but to cover potential impact to the neighborhood resulting from an accidental roll-over and to cover the possibility that the boat does not sufficiently launch into the ocean and it needs to be removed. A hypothetical is what happens if it sticks in the mud outside of Wolfe's Neck Farm and has an adverse scenic and community impact and resources needed to drag that vessel away. Councilor Gleeson is not certain that type of insurance is available to a half-finished hull. It would have to be something highly specialized that would even insure the vessel since it is not completed but wreck removal is the term and it does do that and usually dovetails onto the liability of the vessel and would be available up to that amount to remove it. It could tie up to a million dollars should it sink into the mud. Chair Tracy informed Attorney Braden that she hopes he understands the purposes the Town wants coverages. If it is wreck removal, that's fine. If it is something else, that is fine. If it is unable to be obtained, the Town would want an explanation as to why it cannot be obtained. Councilor Gleeson had no idea what the cost would be to move it and suspects a million might cover it but he really has no expertise in the cost. Chair Tracy requested that Mr. Joseph do some research on an appropriate amount. Mr. Joseph offered to check with the movers to see what their liability insurance is and see if it is in the \$2-5M range for liability to damage private property, Town roads and wreck removal would be a good place to start. Chair Tracy instructed Mr. Joseph to determine whether these types of concerns are covered by insurance either that the mover has or needs to be obtained. In the instance of wreck removal, she cannot imagine the mover will insure the launching because they are probably just moving the vessel. We would want to know what insurance policy they have and if it seems sufficient. It would be the most utilitarian approach rather than picking a number out of a hat because we have no idea what the potential liability could be.

**Confirmation by Town Engineer of assumptions regarding load dispersal contained in permit request.** Chair Tracy noted that this feeds back into the information request about the weight and dimensions of the apparatus. Vice Chair Sachs feels it might tie to the request to the applicant to see if they are willing to fund or cost share an independent assessment of the weight of the vessel. Is it truly the size, width and tonnage they are representing? Mr. Joseph mentioned there are portable scales that exist but from a timing perspective, there will have to be wheels on it in order to weigh it and he is not taking a position on whether we should do it or not. He does not know how the Town will find that out beforehand. Attorney Braden advised that the vessel has been surveyed by the American Bureau of Shipping, someone who is competent at reading the calculations that were done, along with the representation that the vessel weighs in the vicinity of 80 tons and he feels the Town has the information it needs. A Naval architect would be able to evaluate that.

Chair Tracy asked Earl Gibson if the weight of the vessel will hurt Freeport's roads. Mr. Gibson explained that what Freeport's roads can handle depends on the tires placed under the moving vehicle. It can be 80 tons or even 100 tons if enough wheels are placed underneath it, our roads will take it. It is not too much for our roads. Adam Bliss, Town Engineer, explained that he would perform the calculations when he reviews the permit application. He will look at axle spacing and the tire width and he will run a number of scenarios at maximum load on a single axle or a combination of axles as well as a critical number of 600 lbs. per inch of tire width. The maximum gross vehicle weight allowed by MDOT on their

regulated roads is 80,000 lbs. or 100,000 lbs. depending on the number of axles used to transport that load. A vessel that weighs 160,000 lbs. is a very unique circumstance. He feels it is plausible to move the vessel, pending further information, down the road to one of the launch sites. He is uncomfortable using the weight information provided to date. He would prefer a 3<sup>rd</sup> party confirmation of that weight. The only number he has seen is 80 tons but he has not been given any basis on how they arrived at 80 tons. Attorney Braden agreed that this gave him direction on what the Town is asking for.

Earl Gibson added that he and Mr. Joseph had a meeting with Mr. Becker and Mr. Gibson stated his only objection of moving the vessel over Freeport's road is that when he comes over culvert crossings that are hollow underneath, he requested that steel plates be put over them to help strengthen them before going over them. Mr. Bliss pointed out that there could be a scenario where the calculations do not support the road being able to handle moving the vessel based on their proposal so far which is two sets of axles in the front and two sets of axles in the back. It may require spacing the two sets of axles out to distribute the load across the road. Vice Chair Sachs asked Attorney Braden if the Council needs to be specific in tire and axle spacing that are in the plan and there may be modifications based on the calculations to be safe. Chair Tracy noted that once the Council gets the information and we are doing the calculations, we are figuring out what would be the required spacing and we can fold that into our permit, if we decided to issue it, that it would have this required spacing. It sounds like Attorney Braden has additional information to inform the Town Engineer and Public Works Director about the justification of the weight of the vessel. We don't know if that information is going to be sufficient for people to be comfortable to go with representation or whether it will be necessary to have a 3<sup>rd</sup> party independent assessment. Chair Tracy advised Attorney Braden that the Council does not know the outcome of this yet because it has not seen the information he will be able to provide on the weight of the vessel, or the justification for it. The question to the client is whether they would fund or be willing to cost share an independent assessment of the weight of the vessel, and this might be a Naval architect. Attorney Braden offered to check with his client. Chair Tracy instructed Mr. Joseph to identify who would be that person we would reach out to? What would be the cost of their services? We want somebody to be available to do this within the timeframe. We should be ready to roll with that.

Councilor Rixon did not want to offer cost sharing. He does not feel the Town should pay for any of it. Chair Tracy agreed and changed to ask the clients to pay for the 3<sup>rd</sup> part assessment.

Vice Chair Sachs noted that most of these things other than launch planning, are things the Council would be asking for normal overland permitting. For the steel plating, is this normal. Mr. Bliss advised that this is very common and the contractor takes care of it. Vice Chair Sachs wanted to make it clear that this is a specific request in assuring that the movers are aware of it and would be a condition of the permit that they would do the steel plating over all culverts underneath the road travelled. Mr. Gibson explained the road bases that have been installed. Once the route is chosen, he will identify the culverts that need to be covered. It will take him less than an hour to identify the culverts. Chair Tracy instructed him to just do it and he agreed to do it tomorrow morning. Attorney Braden was clear on what is needed.

**Approval of all tree trimming to be completed.** Chair Tracy mentioned that this goes back to the information request provided on October 11. It is pretty clear.

**Police Detail.** Chair Tracy feels this is on the Town's side and is not an information request of the applicants. Mr. Joseph pointed out that the date and availability is important. Chair Tracy feels the Police Department should be aware of the proposal but we don't know if a permit will be granted but it is a possibility.

**Pre-positioning of Fire/Rescue.** Mr. Joseph explained that this is the same as the Police but there is less concern with availability because we don't have to have a body with the vehicle. We will just be pre-positioning them. Chair Tracy noted this is due to the fact that traffic will be blocked in both directions

along most of the routes. This is on the Town's side but raises the issue of notification to potential landowners. We can't notify people until we know it is going to happen. At this point we will have an additional information request of Attorney Braden's plan for notifying affected residents. Once the date is determined, assuming a permit is issued and assuming they will be able to launch, she asked Attorney Braden to give the Town a plan for notifying people that for a period of 6-8 hours, the roads will be blocked off. It should also include a plan for mitigating impact to the residents. How it will be proposed at a time of day or in a manner that will have the least possible impact to those trapped behind this massive vessel as it travels down the road or prevent them from getting home. It would have to be an old-fashioned mailing or something to that effect. Mrs. Meagher reminded the Council that there are school bus schedules to consider. Mr. Joseph suggested possibly using a shuttle and explained how it could work with coordination with the Town. Mrs. Lloyd called attention to a disabled resident in the neighborhood that is in a wheelchair. Chair Tracy explained that we do have an ambulance plan on the back side and front side of the boat to ensure that anyone in that neighborhood would have access to medical transport. Chair Tracy explained to Attorney Braden that he should provide the length of time they estimate this going on for both of the remaining proposals. She explained that Burnett Road would not provide a bottleneck but Lower Flying Point it would present an issue because people would not be able to get around.

**Written permission from any private landowner whose land will be crossed during transit.** Chair Tracy noted this has ruled out (B) Marietta Lane. There are open questions as to whether (A) and (C) will require a private landowner crossing. We don't have enough information tonight. She understands that Mr. Becker owns 0 Shore Drive but one of the points raised tonight is that in order to round the corner, if in fact, private land has to be impacted, that would not be granted by the particular landowner who happens to be in the room tonight. She does not know if there are other options. It is incumbent upon the applicant to determine whether the nature of the launch will travel over private land or say it will not. If it will, here is the private landowner permission that is required.

Heidi Bishop pointed out that Bucknam Road is not a Town road. It is a private association and she is one of the owners. Chair Tracy advised that to date the Town has not been including Bucknam Road as requiring private landowner permission. Should anyone decide they have a problem going over that road, they can bring Island Rover or Carter Becker to court to pursue any recourse that they have. At this point, the goal is to get the vessel off of the non-conforming location to a conforming location. As a practical matter if the Town were to require private landowner permission for that vessel to travel down Bucknam Road, it will be in that neighborhood for the next five years. It would kill any chance of moving the boat.

**Crane launch from Location "A" (Burnett Road Bridge).** Chair Tracy explained that this was asked on October 11 and that request is sufficient. She pointed out to Attorney Braden that a Board member of the Wolfe's Neck Farm Foundation which is the landowner around the Burnett Road location. They own all of the land on either side of the road leading up to the bridge. It would behoove Attorney Braden to know and provide the launch plan to the Town and also to Dave Herring, Executor Director of the Wolfe's Neck Farm Foundation. Open communication might be to his interest. Mr. Joseph explained where the Town-owned right-of way exists where the bridge is. Chair Tracy noted that Wolfe's Neck Farm needs to know what is going on because they own land on both sides.

Determination of required permits. Chair Tracy mentioned there are a couple of issues here. We have already communicated that we will not accept general e-mails. We will require notification from relative agencies on letterheads and whether there are permits required. If so, what the process is and timeframe is for that. If they are not required, obviously the letter will need to indicate that. Councilor Rixon asked if we are asking for two specific sites. Chair Tracy noted letters need to be specific to the 0 Shore Lane site and the Wolfe's Neck Farm site and we want to see what was provided to the agencies so we can be reasonable sure that what was given to them was specific enough for them to make a determination. She advised that the Council has to get to whether it wants to do an independent investigation. We have been

reluctant to do that thus far in part because the onus is traditionally on the applicant and in part because this has been a matter in litigation and the Town has been sensitive to putting its thumb on the scale of the outcome of that. We have been trying to let the environmental permit process play out as it would under regular circumstances but she is mindful we are not in regular circumstances anymore. One option is to wait and see what they give us and if we have any concerns, we contact the regulatory agencies. Another option is to have Mr. Joseph reach out and make the agencies aware of what we are considering in as neutral way as possible.

Councilor Egan mentioned he does not believe we need a 3<sup>rd</sup> party to verify whether or not permissions which may or may not be granted or denied. He feels the Town Manager and Staff have the capacity to make that determination. Vice Chair Sachs doesn't believe they can because part of that determination is the specific launch plans that we have yet to receive and other necessary pieces for launch from either location. Until we receive that and get the DEP analysis of that information, then she believes the Town Staff can look at it and say if it is reasonable or not and then move forward. The lack of specificity throughout this process is again rearing its head.

Councilor Anzuini noted that he would like to see along with thoughts, the agency letters include assumptions that the people that are being asked for their opinions, advice and consent are using in those documents. He would like to see them show all the points they based their decision on. Chair Tracy agreed. She would be inclined to ask for the justification for their response as opposed to a detailing of the assumptions. Attorney Braden explained that he understood that Vice Chair Sachs wants to know what the DEP is considering when they issue a permit or not and Councilor Anzuini wants them to include their justification for their decision.

Vice Chair Sachs noted that the Council needs to see all the documentation submitted to DEP and hopes to get back a letter from DEP citing their decision and the justification behind that decision. Councilor Anzuini agreed. Vice Chair Sachs pointed out that this is five years summed up in one interaction. She hopes she is saying the magic words to get a responsible normal response to very reasonable questions around the safety of an overland permit that the Council does for everybody else. She feels that submitting an application for three potential sites when the applicant has not asked for landowner permission up front is not reasonable and she hopes that these hours requesting modifications, specifications have illuminated the Council's commitment to this Town, its safety and even the feasibility of Mr. Arndt's original vision. The Council has done everything in its power to make sure that every reasonable effort has been made.

**Issue of Professional Mover.** Chair Tracy explained that we learned for the first time this evening that Jewett Bros. is the proposed mover. Vice Chair Sachs referenced a prior Council request that the mover is a professional licensed mover for applications such as the one being proposed. There should be some sort of submission establishing Jewett Bros. as licensed, bonded or insured to move this vessel for the purposes described in the application. Attorney Braden noted he would do his best to get the Council something that addresses this.

Chair Tracy pointed out that the timeframe for this information is October 24, 2017. Dates for a special meeting were discussed and there was general agreement to schedule the special meeting on the 30<sup>th</sup>. She noted this would be cemented in a motion.

Mac Lloyd asked if the Council needs a 3<sup>rd</sup> party independent overall assessment of the feasibility of the transport and launch of the vessel at its proposed two sites. There is an assumption that it will float or will be towed away. Mr. Joseph said that the qualifications and resume of the moving company just identified may play into the moving part of it and whether it is viable. If somebody with a resume of moving something bigger than this is willing to say it is do-able and they have never dropped a houseboat, house or barn, maybe we can take their word on it. In terms of the launching and if it floats are completely

**COUNCIL MEETING #19-17  
OCTOBER 17, 2017**

separate questions. Attorney Braden explained that if he continues with adequate assurance that there is adequate insurance for the floating, wreck removal, etc., he feels it is fair to say that somebody who is willing to put money behind it finds it adequate. The other part of it is what he produces on Tuesday, if the Town Engineer looks at it and says: "this all matches and this all matches" and is subject to his approval, the Town would have more than accurate fire power in terms of those calculations. In between those two, he feels the Town will be in a better position to analyze if it needs anything further. Chair Tracy noted Attorney Braden's comments are fair.

Mrs. Meagher pointed out that she provided contact information to the Council in the past about a 3<sup>rd</sup> party that could provide the Town with all the information. She mentioned she would provide it to the Town Manager later. They will be able to go beyond road and will be able to address launch. They are premier in the nation and Tom Brownell has been here personally to see the entire scope. The name of the company is Brownell Systems from Massachusetts. Mrs. Meagher advised that she could be on the phone with him tomorrow morning and is confident he could be up here in a matter of days. He is very interested in this project and they do everything from planes to trains. Chair Tracy feels Attorney Braden makes a fair point. If somebody is willing to take the risk to insure it, they have done some assessment of the viability of it. We obviously have the option of calling in somebody else and then the question is how to fund it.

Mac Lloyd feels the Island Rover should pick up the cost, not the Town. Councilor Egan does not disagree with the value and for the benefit of the Council making the most informed decision that it can but he has a hard time coming forward with this requirement at this timeframe. It is not a reasonable request for the applicant given the timeframe that has been presented to us already. It is unfortunate because the details would be subject to review from such an assessment would be extremely valuable and answer a lot of the questions given the previous history of the applicant being able to fulfill their previously stated obligations. At this point, it is not reasonable to request such a survey. It is not a one or two-day task and it is not fair. He feels the Council has an opportunity to get it resolved and we should be working with the information presented by the applicant in the fast, efficient and safe manner we can.

Vice Chair Sachs disagreed with Councilor Egan. She heard from the residents and several Councilors, herself included, that there is a healthy skepticism regarding the information based on fact, evidence, court documentations, applications, testimony and readings that the promises, information, and evidence provided by this applicant in the various stages has not been reliable. She feels it behooves the Council to require the applicant to engage a 3<sup>rd</sup> party for evaluation. She believes it will save the Town money in the long term because if given all the evidence provided by Attorney Braden which she certain hopes and looks forward to. Having a 3<sup>rd</sup> party verification with subject matter expertise to verify that this is indeed a solid, wonderful complete planning and there is not something overlooked, it will do much to assuage the concerns of the neighbors. It will do much to assuage the concerns of the Council and will give validation to the applicant who has not enjoyed a track record heretofore. In all instances it provides benefit to the process. Whomever is selected should be charged to see if they can do it in a timely way. If they can't, that is something for the Council to consider on the permit application that a good faith effort was made to do this. She believes it is a considerable value to all parties because she would like to see this project restored to some level of confidence for the Town and the applicant as well whom she has mentioned several times as her desire to see this come to a successful conclusion however that is defined.

Councilor Rixon feels what Vice Chair Sachs said was well said and he agrees with her. Councilor Gleeson is between Councilor Egan and Vice Chair Sachs. He also likes the 3<sup>rd</sup> party but it also has to be documented in good faith that it was attempted. He does not know if they can come up with it in a one-week timeline. Vice Chair Sachs pointed out that there is still a week for that independent analysis to take a double check of all the information. She clarified that all she is asking is for the information to be presented to the Council on the 24<sup>th</sup> and for this person to independently verify the results of that information. Councilor Anzuini supports the additional expertise but the question for him is to do it in the

timeline we are shooting for. He would love to have someone else look at this but his concern is that it cannot be done in the timeline and we are going to push it out six months because the weather will break and everything else happens.

Mrs. Meagher pointed out that Mr. Brownell has done four on-site visits with the Island Rover and knows it intimately.

Chair Tracy advised Attorney Braden that she is sensing the need from the Council to at least have an effort made to get an assessment of the plan. The Council does not have the plan until Attorney Braden gives it to us. On our side, we will contact Mr. Brownell. Attorney Braden noted that Brownell is one of the country's leading experts in moving boats, planes and trains. In this case, it would be a competitor of Jewett Bros. He offered to respond to Chair Tracy's requests. She asked Attorney Braden to put his client on notice that the Council has expressed a need for a 3<sup>rd</sup> party assessment and there is a question as to whether the assessment cannot be feasibly done within the timeframe or it would prevent the Council from making a decision. That is an open question. The Council will be making an investigation on its side into the availability and cost of Brownell Associates and Attorney Braden's client and Mr. Becker should be put on notice it will be the Town's expectation that they will fund that. If there is an alternative suggestion to get this 3<sup>rd</sup> party assessment and if Island Rover and Mr. Becker have a suggestion to use someone else, the Council would be open to that. While Mrs. Meagher is providing valuable information, the Council has not chosen that person. That is something we have and we want to assist with the process and make sure that person would be available if the Council so chooses to use them. She will direct the Town Manager to call and explain what the Council needs and ask if it can be done in the timeframe if we ask to have it done.

**MOVED AND SECONDED:** to table Item 134-17 for consideration at a special meeting on October 30, 2017 In Town Council Chambers at 6:30 p.m. (Sachs & Gleeson) **ROLL CALL VOTE:** (6 Ayes) (1 Excused-Arris)

Chair Tracy thanked everyone for their time. It has been a long discussion.

---

ITEM #135-17      To consider action relative to granting an easement to the Freeport Sewer District for the construction and maintenance of a sewer pump station, sewer force main, and associated improvements within Leon Gorman Park (Parcel Map/Lot 013-81B).

**BE IT ORDERED:** That an easement be granted to the Freeport Sewer District for the construction and maintenance of a sewer pump station, sewer force main, and associated improvements within Leon Gorman Park (Parcel Map/Lot 013-81B).

**BE IT FURTHER ORDERED:** That the easement be conditional on site plan approval of the proposed construction by the Freeport Project Review Board.

**BE IT FURTHER ORDERED:** That the Town Manager be authorized to execute the proposed easement on behalf of the Town of Freeport.

*Note: the Municipal Facilities Committee recommends this easement be granted.*

(Rixon & Gleeson)

Councilor Gleeson explained that the committee spent a lot of time on this and there will be changes made to the park but the more important part is the due diligence that the Municipal Facilities Committee

and Engineer did to get to this point. Mr. Joseph explained that it is proposed to be located on Town property within Leon Gorman Park, specifically at the end of the park on the Bow Street entrance. The proposal is an underground utility easement down to a pump station down at the base of the hill where the park is. It will be a benefit to the Freeport Sewer District collection system in terms of efficiency, energy savings and environmental improvements. He feels this is not disputed. They need to come to the Council to get permission. They have an existing easement along the thread of the river there through kind of perpendicular to what we are talking about for a potential easement. This would be to locate a pump station along that and abandon the downstream part of the sewer pipe and to then force pump the sewer uphill to the Bow Street main and then it will gravity flow down to the existing pump station at Mast Landing. The Council has to approve this before it can go to the Project Review Board for a formal hearing. They do not have right title or interest to the property which is required by law before Project Review can hear it. What we are talking about here and what was approved by the Facilities Committee is an 80%/90% plan which will be presented to the Project Review Board. We are okay with minor changes but if something major happens at the Project Review Board, the Facilities Committee wants it to come back to the Council for final approval. This has been cleared with the Project Review Board and their chairman and staff that this is their understanding of how the process will work. This is unique since it is a private project for a sewer district on public land and it doesn't happen very often where you have one party holding an easement that is also doing the review at the Project Review Board.

From a staff perspective, Adam Bliss looked it and from an engineering perspective, it works. The question that arose during this discussion was mostly aesthetics. The pump station will be redesigned from a steel cabinet to a more suitable stick built building with siding and a shingle roof that will blend into what is there including the bathroom that is up there. They have also agreed to do some landscaping which takes away a lot of the concerns people had about how badly this would stand out. They have taken pretty good steps to minimize that disruption.

Councilor Gleeson advised that one of his main concerns was had we brought L.L. Bean into the loop. While it was not required, he felt it was the right thing to do. L.L. Bean understands the need for this and is okay with it and were involved in the process. The structure will mimic as close as possible to an L.L. Bean maintenance shed so it may not be as obvious that it is a pump station. He felt it was important to retain the integrity of the park and feels the engineer he worked with had some nice ideas. He mentioned that the river that flows through the park goes down to the old sewer station that is no longer there. That is where the entire Freeport Sewer District used to be. Essentially over the years, a lot of the old pipes have started to crack and allow water to seep in during heavy rain events and it tends to overwhelm the sewer system with unnecessary water. It ends up being a burden on the sewer system so doing this pump station in this location it will essentially disconnect a large problem section of pipe.

Councilor Anzuini asked if this is the same conversation the Council had during the budget process about silt and trying to clean up the water that goes out to the sewer system. Councilor Gleeson advised that it is similar. Councilor Anzuini asked if there is a sound generated by the pumping station. Dan Marx, Project Manager for this project advised that this will be inside an insulated building. He anticipates the pumps will turn on 6-12 times an hour and run for a few minutes when they do. It will be a low hum and not like a chainsaw. He offered to look at thickening the insulation.

Councilor Gleeson advised that one of his main concerns with a major visual impact to the park of losing 60 trees. Mr. Joseph mentioned that the Project Review Board raised landscaping concerns during a site walk and there is a third-party landscape consultant that they want a peer review done of the landscaping plan. He feels it is good that the Board is on this and hopefully, the plan presented is close enough that there will not be major changes needed. If there are, he believes they will require that and the Town will have a 3<sup>rd</sup> party independent consultant from our Project Review Board side to make sure it is not a disaster of a landscaping plan to put their minds at ease.



**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Arris)

---

OTHER BUSINESS:

1. Discussion regarding Freeport Sustainability Advisory Committee recommendation for endorsement of the “Climate Mayors Statement to adopt the Paris Climate Agreement” by the Freeport Town Council.

Deferred by Chair Tracy.

---

TABLED ITEM #129-17

1. Update on Snow Road/Elm Street/Justin’s Way sidewalk project.

Deferred by Chair Tracy. She advised that she will try to have this earlier for another Council discussion

---

**MOVED AND SECONDED** to adjourn at 10:30 p.m. (Gleeson & Sachs)  
**VOTE:** (6 Ayes) (1 Excused-Arris)

---

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**SPECIAL FREEPORT TOWN COUNCIL MEETING #20-17**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY NOVEMBER 2, 2017**  
**7 P.M.**

	<b>PRESENT</b>	<b>ABSENT</b>	<b>EXCUSED</b>
Peter Anzuini, 87 South Freeport Road	x		
John Egan, 38 Curtis Road	x		
Leland Arris, 70 Glenview Road	x		
Scott Gleeson, 23 Park Street	x		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 2 Pettingill Road	x		

Chair Tracy called the meeting to order at 7:04 p.m. She took the roll. All Councilors were present.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #19-17 held on October 17, 2017 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #19-17 held on October 17, 2017 and to accept the minutes as printed. (Gleeson & Sachs) **VOTE:** (7 Ayes).

Chair Tracy announced to the public that the Council is broadcasting tonight but is not broadcasting live because a piece of equipment was damaged in the storm. This meeting will be posted on the Town's website as soon as it becomes available. It will be worked on tomorrow and will be up on Monday at the latest.

**Storm Update:** Mr. Joseph reported on the storm that has resulted in wide spread power outages throughout the Town of Freeport. He noted that approximately half of electric customers are without power as of tonight. The Community Library is closed due to a downed wire. The Recycling Center is open on its regular schedule to accept brush and leaves only. Due to the power outage, they cannot accept any other type of waste or recycling at this time. All brush and leaf drop off will be free of charge while storm clean-up continues. If power is back on, they are going to consider opening a day or two early next week. All other Town offices are open at this time.

Town crews cannot safely remove trees that are entangled in power lines and such work must be performed by CMP. The Town will continue to work to remove road obstructions once the power lines have been cleared. CMP estimates that most customers in Freeport will have service restored by Saturday, November 4, 2017, although certain areas may take longer. A detailed list of estimated recovery times by street can be found at <http://www.cmpco.com/outages/outageinformation.html>. If anyone has any doubt about whether their street is listed for restoration, they can call CMP's outage line at 1-800-696-1000 to report their outage.

Mr. Joseph extended thanks to House Speaker Sara Gideon for visiting several utility sites and neighborhoods with severe outage issues along with him and the Fire Chief. She has continued to advocate for recovery efforts with CMP throughout this day. Starting today, we observed a greater number of line crews active in Freeport from out of state. Freeport Public Works has scheduled extra crews to work on Friday and Saturday this week to follow behind CMP crews as they remove lines from residential

neighborhoods and will be clearing roadways to the full road width. It is expected that clean-up from this storm will take several weeks to fully complete assuming we don't get snow and ice.

A warming center is available at Freeport Community Services at 53 Depot Street from 8 a.m. to 8 p.m. on Thursday and Friday. FCS can also provide assistance with food needs, heating assistance and prescription assistance among other services. They can be reached at (207) 865-3985.

Free showers are available at the Casco Bay YMCA (14 Old South Freeport Road) from 5:15 a. m. -9 p.m. They can be reached at (207) 865-9600. Water is available at the Freeport Public Safety Building on Main Street. The Fire Department's business line is (207) 865-3421. Bring bulk containers.

Residents are reminded to continue to use caution around downed trees, especially trees on power lines. Never touch downed lines. Even though the power is out, private generators can feed enough electricity back into the system to hurt or kill someone. If anyone has any emergency concerns (live wires, flooding, etc.) they should use 911 to contact emergency services.

Vice Chair Sachs pointed out that if residents are receiving food supplement benefits commonly known as SNAP and perhaps food stamps and they have lost food due to the power outage, they need to call 1-855-797-4537 within 10 days of the incident or the end of their outage. If eligible, they will replace up to one month's worth of food. If anyone calls, they will be sent an application. If anyone needs help filling out the paperwork, her number is on the website and she will be happy to help fill out the paperwork. Freeport Community Services will also help with this. She wants people to know that if they lost food, this is a benefit for them.

Chair Tracy thanked Mr. Joseph, Chief Jordan, Earl Gibson and Town Staff for working long hours in trying to get this squared away. She thanked residents for their patience. She is aware that this has been a difficult few days and hopefully things will be resolved by Saturday. Th Town Hall will be closed tomorrow but if anyone needs something, they should contact the Public Safety Building.

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

---

**TABLED ITEM #134-17** To consider action relative to granting an overlimit movement permit to the Island Rover Foundation pursuant to MRSA Title 29-A Sec 2382 (3).

**BE IT ORDERED:** That the Island Rover Foundation be granted an overlimit movement permit pursuant to MRSA Title 29-A Sec. 2382(3).

**BE IT FURTHER ORDERED:** That the overlimit movement permit be subject to the following conditions: (conditions to be added by amendment as necessary)

**BE IT FURTHER ORDERED:** That the Town Manager be authorized to issue the overlimit movement permit once the above mentioned conditions have been met to the satisfaction of the Town of Freeport. (Gleeson & Sachs)

Chair Tracy explained that on October 6, 2017 the Council received an application from the Island Rover Foundation for an overlimit permit to move the vessel from its present location on Bucknam Road, which is a dirt road off of Byram Avenue in the Lower Flying Point neighborhood to one of three launch sites identified in the request during the period of November 10, 2017 to November 15, 2017. At that point the Town requested additional information from Counsel for Island Rover and also Counsel for Carter Becker

who alleges to be a partial owner of the Island Rover vessel. The Council had a lengthy meeting on October 17, 2017 and took significant public comment and then went through the items that had been requested by the Town and further elaborated on what was needed and the justification for the further information requests and added a few more information requests from Island Rover and Mr. Becker. Since that time, Island Rover and Mr. Becker have been providing information in response to those requests. Most notably there was some clarification after the meeting, there are three requested launch sites in the October 6, 2017 application for the permit and there was some momentary confusion during the meeting but after the meeting it was clarified that Launch Location "C" is not Zero Shore Drive. It is actually an association boat launch which is further down Shore Drive. She indicated it is near 63 Shore Drive on the left side. It comes out onto a beach and is part of the Shore Drive Association. That is an important clarification. There is a lot of additional information before the Council. She pointed out a November 2, 2017 letter from Attorney Leoni, Counsel for Mr. Becker that responds to some of the information the Council has been asking for and also some of the information provided to the Council over the past couple of weeks. The Council also has a November 2, 2017 memo from Peter Joseph which itemizes the information requests that were made of Island Rover and Mr. Becker and refers to what the status is of the information that has been provided and whether there is still information that remains to be provided in his opinion. She suggested that the Council go through that memo at this point and Councilors can ask any questions about any additional information that is not available at this time.

Mr. Joseph was asked to go through the analysis in his November 2 memo. Mr. Joseph explained that the Council talked about eight items at the beginning of the meeting on October 17 and added two additional ones in terms of information analysis items. 1-8 were what the Council started with at the beginning of last week and 9 and 10 came up during discussion.

The first item was proof of insurance coverage. He received an insurance certificate which is attached. The amount is \$1M per occurrence liability insurance with \$2M aggregate. The insurance certificate is in the name of Falls Point Marine as the insured party, which is Mr. Becker's company. The applicant informed the Town's attorney that Falls Point will be moving the vessel with supervision from Jewett Builders. Jewett was named as the mover at the last meeting. The certificate does not explicitly include wreck removal which was discussed at the meeting. Attorney Leoni has an e-mail which is the second attachment which goes into some detail from the insurance broker as to why that may not be plausible. He noted there is some plausible discussion from the insurance provider of what would happen when it is in the water. The \$300,000 hull coverage for salvage operations may provide the coverage the Council was talking about through wreck removal insurance. This can be talked about in detail.

The Town Engineer received good information from the applicant about road spacing and wheel spacing, etc. Mr. Bliss is comfortable with the road rating from a technical perspective on the three roads in question – Byram, Flying Point and Shore Drive. They did not do any road analysis on Bucknam or Shore Drive, the part that is not a public road. At the last meeting there was a lot of discussion about weight and whether 80 tons was an accurate number. We had a letter from William Peterson, a Naval Architect who designed the vessel confirmed his estimate of 72 tons and corroborated that with Mr. Arndt that there was less than 80 tons of raw material used in the vessel and he had some left over from that construction. Those two numbers agree. Mr. Bliss has indicated that a small over or under is not going to be life or death. We are comfortable with the weight.

Approval of all Tree Trimming to Be Completed. Mr. Becker drove the route to Launch Location "C" with Earl Gibson. Mr. Joseph and Mr. Bliss drove the route with Mr. Gibson and confirmed what he was told. A map was put together by Mr. Bliss showing exactly what would have to be removed on the proposed route. It is mostly canopy trimming that exists over the road. There may be several lower branches that may need to be limbed off to clear 21 feet and some inches. There is one tree that may need to be removed and possibly two. Mr. Gibson and Mr. Becker discussed whether or not one needed to go. If they do not need to remove it, we would prefer not to remove it. The applicant indicated that the

professional tree service company they plan to use is familiar to the Public Works Department. Mr. Gibson and Mr. Bliss want to make sure that any tree service selected, other than the one described, is satisfactory to the Public Works Department and is somebody they typically do business with to ensure we don't have any issues with them. Sites were roughed and wood removed or stumps ground to the specifications of the Public Works Department within the right-of-way. It was confirmed that everything identified is within the Town's right-of-way. The one tree that is a definite to be removed is a large oak on Shore Drive and is set back 2 feet from the edge of the pavement. It is within 4-5 feet of the edge of right-of-way onto the Town property. The other one is also close to the road that may or may not be in question for being removed.

Police Detail. Mr. Joseph checked with the Police Department and we do not have an organized detail yet. It is fairly common since there is not a date that is selected. He discussed this with the Police and they are interested in having two officers due to the size of the front to back moving scene to control traffic from both directions. Mr. Joseph encouraged the applicant to contact the Police as soon as a date is known. They are not always necessarily available because it is volunteer work done on time off.

Mr. Joseph talked to the Fire Chief about pre-positioning of fire/rescue apparatus if our dead-end street is to be blocked. While this route will block three dead-end streets, the Fire Chief is confident that the apparatus can be moved from one, to the other and the other as this progresses, and always stay on the dead-end side of the vessel. For adequate fire suppression, the Chief would like to see an engine, a tank truck and an ambulance on the other side of the obstruction and it would require six people to stay for the duration of the move. It would essentially be a fire detail with equipment. If it is quicker, they can be released when they are done. Staff recommends taking the chief up on his suggestion if a permit is issued.

The Town Council requested a notification and impact mitigation plan and discussed considering school bus transport, road blockage minimization, etc. for the neighborhood. This has not been received. This is more of a date specific request.

Written Permission from any private landowner whose land will be crossed during transit. This was talked about in depth at the meeting. Sites "A" and "B" are not in active consideration. Site "C" is the primary route being focused on. A letter has been received for Site "B" Marietta Lane that permission has not granted and verbal communication has been received from Wolfe's Neck on Site "A" that there have been no communications regarding the use of their property with the applicant. The applicant has provided documentation and claimed that they have private property rights to access Site "C" but the claim is being disputed by the Shore Drive Neighbors Road Association through their legal Counsel.

Chair Tracy advised that a letter was received today from Attorney Leoni dated November 2, 2017 that addressed the issue of the private property rights of the Shore Drive Road Association. It is in the last paragraph on Page 2.

Crane Launch from Location "A" (Burnett Road Bridge). Chair Tracy suggested coming back to this.

Determination of required permits. Mr. Joseph indicated that he had conversations with the Maine DEP and the Army Corps. of Engineers staff. Those two agencies scheduled a site walk but due to the weather, they could not make the site walk on Monday, at the height of the storm. He has documentation submitted by Attorney Leoni that the Maine DEP will be conducting a site walk in the near future before issuing formal written documentation as requested by the Town. It was signed by Allison Sirois. He also talked with Lee Ann Neil at the Army Corps and they were hoping to do the site walk by the end of the week but obviously had to reschedule it on Monday.

Professional Movers/Qualifications Requested. We talked about getting resumes and qualifications from professional movers. We talked about Falls Point doing the moving under supervision of Jewett Movers.

Overall Assessment of Viability of Application. Mr. Joseph attached a memo at the back of the packet summarizing a conversation he had with Tom Brownell. He was enlightening to talk to. He is not the person to perform that analysis. He gave suggestions on who and what type of person to contract to perform that analysis. Our Town Engineer has been working with those types of people. He broke it down to on land and intertidal portion of the launch. For the on-land part, if it is a house mover with experience, his analysis was that someone who has moved a house that weighs that much, moving a vessel that size would be easier than moving a house of similar dimensions because it is more compact and more stable. Houses have to be supported in many different directions to keep them from settling. He seemed to think anyone who had experience moving a similarly sized house would not have an issue with a boat of that size. He did express concerns with determining the stability of the marine clay. Mats will be used. The vessel will be wheeled out on the dollies. They will be jacked and placed on stands and the dollies will be removed. He suggested that we determine the load carrying capacity of the mats on that mud. Mud flats can be from 3 inches to 10 feet deep in parts. If there aren't adequate floats on it, no one will know how much the mats will settle if the mat settles in. The mats may be sufficient to do that. He suggested getting a structural engineer who is familiar with marine construction. Our Town Engineer has talked to a local structural engineer, Mr. Baker, who works for the Conservation Commission, and Mr. Baker suggested a geotechnical engineer would be appropriate to analyze the soils to do a full analysis to determine the weight being placed on it and the floating capacity of the mats on the mud. The main focus would be on the carrying capacity of the mats on the mud. It is important to note that a significant portion of that slope, the first 90-100 feet, is very hard packed gravel. It is almost like a road base with a significant carrying capacity. It has fewer problems than the bottom of that slope where it goes straight to marine clay which is where the issue, if there is one, we would want to scope out. Mr. Bliss has just received today a scope of work from Mr. Baker on that item and we have not proceeded beyond the "please design a process and estimate a price for us" phase knowing that we were probably going to discuss it at the Council.

Chair Tracy suggested taking questions on the items in the memo that may involve some dialogue. The only outstanding issue is whether the Council will take public comment tonight. There were significant public comments provided last time. She pointed out that we have limited Councilor availability tonight and wanted to preserve Councilor availability for actually making the determinations. If we do have public comments, they should be extremely limited. She asked how Councilors wished to proceed. If public comments are allowed, she explained that the comments would be limited to 3 minutes per person and she would cap it at 20 minutes so the public would have to decide on the most important comments to be brought forward. She hopes that the people that had an opportunity at the last meeting to state their case would defer to those who have not had an opportunity unless they have something additional that they would like to provide the Council. She polled the Council. There was general agreement in favor of allowing public comment. Councilor Arris noted he has read all the documentation and is not sure anybody can shed further enlightenment on the subject. If there is, he would like to hear it but doesn't want to hear anything that has already been said and written down. Chair Tracy indicated she has similar sentiments. She pointed out that the Council will do 20 minutes of public comments maximum and will be holding speakers to the 3-minute limit. She asked speakers to limit their comments to things that will be of assistance to the Council and not repeat statements that people have already made where possible.

**MOVED AND SECONDED:** To open the Public comment. (Sachs & Gleeson)  
**VOTE:** (7 Ayes)

Lee Sheps of 84 Flying Point Road, on behalf of Wolfe's Neck Farm noted that he understands that Site "A" is not primary at this point but questioned whether or not the permit the Council issues, if it decides to issue it, will allow the use of Site "A" Burnett Road or whether that permit could be amended in some way without going through a public hearing to allow the use of Burnett Road or Site "A". If Site "A" is allowed under a permit the Council issues or under an amendment to that permit, then the Wolfe's Neck

Farm will have questions to ask and new information to bring to the attention of the Council and would very much like the opportunity since they have had no notice before a day of last week's hearing. Chair Tracy noted he has raised a fair issue and the Council will address that.

Attorney Leoni representing Carter Becker noted he is happy to wait to address questions for the Council. Chair Tracy advised that he would have an opportunity to address questions from the Council and any questions that come up during Public Comment.

Catherine Bigley of 292 Lower Flying Point asked if the permit is issued to the end of Shore Drive and the boat cannot make it around the corner, could it stop at 0 Shore Drive and be parked there. This is a concern because all along the applicant has wanted it to go to 0 Shore Drive. Chair Tracy thanked her for her question. She thanked the public for their restraint. She appreciates the public allowing the Council to use the time for deliberations.

**MOVED AND SECONDED:** To close the Public comment. (Sachs & Gleeson)  
**VOTE:** (7 Ayes)

Chair Tracy referred to the question raised by Mr. Sheps where at this time, it has been indicated by Counsel for Mr. Becker that Launch Site "A" is not in focus. At this point the BE IT ORDERED is not specific to which particular location the overlimit permit is being granted. The Council will have an opportunity to amend that if it so chooses in terms of specifying if it chooses to issue an overlimit permit, it could decide to issue one for a particular location as opposed to all locations. The Council needs to make a decision as a body as to whether it would do that. At this point, the Council has received very little information regarding Launch Locations "A" or "B" so she would personally be moving to limit any permit if the Council were to issue it tonight. She mentioned that other Councilors can comment on that if they would like to. With respect to whether if later a permit could be issued without a public hearing, she feels this is a question for the Town Manager. Under normal circumstances an overlimit permit could be issued without a Council process but her sense is that the Council has given significant Council process to date, chances are we would have a similar Council process for an amendment. Mr. Joseph noted that it would take a Council action and a simple order. There does not need to be a lengthy public input process. The Council could issue a permit at any given Tuesday night meeting by a simple motion and an order. That is all it would take and that is all it would take to amend. It would be up to the Council on how to handle that. He does not feel the analysis would be substantially different from the Burnett Road location but there would be some different things taken into account. It is a dirt road and we haven't looked at tree trimming. It has been pointed out that the information provided has been focused on Location "C" at this point. Chair Tracy noted that Wolfe Neck Farm has raised a fair issue. They would like to respond to potential Launch Location "A" if there is a chance that it could go forward tonight. At this time the applicant has indicated that it is not a focus for them from a practical standpoint at this point.

Vice Chair Sachs asked which of the documents indicates that they are no longer looking at "B" or "C". However, the last thing the Council got was that they were continuing to contact even though we have had proof from both locations that there has been no contact. Mr. Joseph pointed out that it might not be in writing but when the applicant met with the Public Works Superintendent and walked the site, information was given that "C" would be the primary focus. Vice Chair Sachs referred to No. 6 in the October 24 memo from the Foundation's attorneys that they continue to discuss private access with L.L. Bean and Wolfe Neck Farm. Again, both of them have written and verbally said to us that it has never happened. She asked Mr. Joseph if he received anything that states to the contrary from the stewards of properties "A" or "B". Mr. Joseph replied that he had not.

Chair Tracy asked Attorney Leoni and Attorney Braden if Launch Location "A" (Burnett Road) is a location that Island Rover or Mr. Becker are pursuing at this time for launching the Island Rover vessel. Attorney Leoni stated that the answer at this time is "no". Mr. Becker did some site visits with Earl

Gibson and determined that it was not safe to have this apparatus on the bridge at all. They don't have landowner permission to cut something down. They are really focusing on Route "C". Chair Tracy asked about the L.L. Bean property on Marietta Lane and asked Attorney Leoni if they are proposing using Launch "B" at this time. Attorney Leoni stated "not at this time". Chair Tracy pointed out that a letter was received from L.L. Bean stating they had not given landowner permission and had no interest in pursuing that. Attorney Leoni noted that they do not have any kind of written permission from L.L. Bean so they are focusing on Route "C".

Chair Tracy asked the Council if it is willing to give representations to Wolfe Neck Farm that if ever consider this, we will give them the opportunity to present their information. There was general agreement to do this. If it becomes a situation where Launch Location "A" (Burnett Road Bridge) is back in play, the Council will give Wolfe Neck Farm an opportunity to present information and evidence and ask questions it deems important at that time.

Chair Tracy referred to Ms. Bigley's question about the permit to Shore Drive and if the vessel could stop at 0 Shore Drive. Mr. Joseph noted this is not contemplated in the road permit process. There is nothing to allow that and there is nothing to stop that for an overlit permit. It is just the right to travel across the road and right-of-way. The Council could tell them to keep it on the roadway and not go off the shoulder. That would have to be a verbal order. Chair Tracy asked if a condition could be put in the permit that the vessel goes from its existing location and goes to the launch site and would not be deposited in a different location. Mr. Joseph had questions if the Town would have the ability to enforce that in the field.

Councilor Egan noted that the original request had three scenarios for potential destinations of the subject vessel. It was just asking for permission to travel over the public roadway. He asked if there is jurisdiction of the Council to grant the permit tied to an assessment of a specific site. Mr. Joseph advised that it is the specific road to be traveled on. The intent is road preservation and public safety aspects as well. The permitting authority only relates to the right to put that vessel on the actual road. Councilor Egan asked if he was correct in saying that the proposed launch site has been identified as Launch "C" by Attorney Leoni is actually beyond the end of the public roadway. Mr. Joseph advised that a good portion of it is down a private right-of-way. The Town has no authority once that private roadway starts. If the Council issues an overlit permit, it does not apply to that private roadway. Councilor Egan had questions for Adam Bliss about his assessment on how 110' of rigid unbendable steel making that corner. Mr. Bliss indicated that it is a sharp radius turn. There is a power line on the water side that runs roughly parallel with the road section as one makes the turn and there is an oak tree on the land side. He cannot speak to the ability of these power dollies to make that turn. He can only speak to what has to happen for that vessel to fit in that section of road. The oak tree would have to be removed but it is in the Town's right-of-way and he is not talking about any vegetation outside of the right-of-way. Councilor Egan shared his experience in moving a 70' modular home. He asked if there have been any conversations with Mr. Bliss on how those dollies could be moved underneath the vessel to articulate a shorter radius turn as opposed to having them far spaced apart for equalizing the weight and not crushing any road problems. For a tight corner, they could be tightened up to allow an articulation around a tight turn. Mr. Bliss noted that the axle spacing does not change his load calculation but it is an option that could be entertained. A discussion should involve the house movers with input from the applicant.

Councilor Egan asked Mr. Joseph which body verifies permission to use the intertidal zone for such purposes even if it is in a temporary period of time. Mr. Joseph advised that there are multiple agencies that have the authority. Specifically, in this case, the two permitting authorities are DEP and Army Corps. of Engineers. Councilor Egan pointed out that as part of the 8-10 items the Council asked the applicant to come back with, one of them was determination of required permits which seems to have been met. We now know it is the DEP and Army Corps. of Engineers that will weigh in on the issuance of a permit. It is not a relevant item to the road permit because we determined that our jurisdiction of the road permit ends at the public right-of-way and this is involving a site that is beyond the public right-of-way.



Chair Tracy pointed out that her recollection of determination of required permits is shorthand for who may be involved, what permits are required and if not, a written indication that permits are not required. If so, a written indication from the permitting body that permits are required along with a time table assessment about the process involved for issuing those permits. Councilor Egan noted that the Council might have had those this evening if there hadn't been a mini-hurricane. She recognized that from Councilor Egan's point of view he might find that it has been satisfied but from another point of view, it hasn't been received at this time. Councilor Egan did not dispute that the Council needs to see evidence but feels the Council has seen that the applicants are pursuing that and whether or not there is a permit granted, the Council will find out. Chair Tracy noted whether it is satisfied or not is a Council decision and it certainly will discuss that.

Councilor Gleeson recalled that before trees are removed or trimmed, the Council was trying to determine if this is a viable site. He recognizes that it is a private association but if the vessel can't be launched there, he doesn't know why the Council is discussing it. It would be irrelevant.

Mr. Joseph advised that the analogy he used is in moving a house from one site to another in Town, we would likely request a building permit or proof that you are not moving a 45' x 45' house onto a 30' piece of property where it will be a postage stamp. What Councilor Gleeson is saying on the viability of the actual plan, we wouldn't allow wear and tear on the road and potential public safety risks, etc. if there wasn't a viable end game to this. If it rolls up to the end of the right-of-way, can't go any further and is popped in the middle of the right-of-way, that is endangering access to people's property. The Council would want to consider all these things. It is valid to be considered.

Councilor Egan noted that he doesn't feel he has any capacity to understand the geotechnical assessment of marine clay and what it can carry for load bearing, whether it has one mat, two mats or three mats and how far out. He would be willing to listen but could not assess whether a presentation by one side that says, "this marine clay is able to carry it" and another side saying, "no, I don't believe it can." He is trying to determine what the Council can oversee with the permit which is related to the roadway and we have asked for specific calculations on weight on the roadway, weight over culverts, how many trees might need to be trimmed for such an object. He doesn't believe there is any language in our overland permit that talks about marine clay or things related to the site. He wants to properly rule on what the Council is looking at which is the permit.

Councilor Anzuini has two questions regarding the items the Council requested. The document states that Falls Point will be moving the vessel with supervision from Jewett Bros. He asked what this really means. His second question is if the vessel is ready to sail away and where is it going. If it is not ready to sail away, the question becomes why are we authorizing moving it from a non-conforming location to another non-conforming location. Attorney Leoni advised that Jewett Bros. doesn't have the resources to move the vessel until February. They will rent equipment from another company that Jewett recommends and one of the Jewett Bros. employees will come down and supervise the move. That is how it worked when the vessel was moved from Mr. Arndt's property to the right-of-way. Because the company itself is not moving it, Island Rover was not covered under their insurance. They had to get their own insurance to do that which they received. Attorney Leoni did not know if Jewett Bros. does this type of arrangement on a regular basis but they did it the other time they needed to move the vessel. Vice Chair Sachs asked if he was referring to the 100 feet. Attorney Leoni answered "yes". She pointed out that the entire company would normally be needed to move the vessel but they are now substituting one person from that company and their equipment and stating, "because we successfully moved it 100 feet, we feel comfortable to move down to Shore Drive." Attorney Leoni mentioned that they don't need an entire company to move this boat. They only need one person to supervise it from a company used to doing it. They used the supervisor before to provide some additional assurance to the public that somebody whose sole job is to move larger and harder to move houses, to supervise and direct how this boat gets moved to

its final launching place. Vice Chair Sachs referred to the Minutes from the last meeting and noted that Attorney Braden said “that there would be a licensed professional mover, that they would provide coverage for the movement of the vessel from Bucknam Road to the launch site, that the proposed mover is Jewett Bros., that he heard quite clearly our concerns about full and specific coverage around the eventual collapse of this vessel either in residential streets or coves.” She asked Attorney Braden if it is his representation that the experienced, licensed bonding insurance that is provided here before the Council is all of those things. Attorney Leoni noted the insurance is the insurance and obviously is not the company. She asked if this insurance covers all those eventualities that were professed at the last meeting. Attorney Leoni noted he needs to be careful because he is not an insurance agent. The e-mail he attached from the insurance agent is as much as he can say on that. What they got was what any mover of a boat like this could get for liability coverage. The agent informed them that no insurance company will give a blanket certification that they will cover everything. He shared a ridiculous scenario provided by the insurance agent. In terms of liability, the Town is an additional insured. Any damage to the Town roads is covered. The hull damage that is certified applies to the recovery of the hull should it fall off. The insurance they got is the best available insurance that you can get to cover a movement such as this. Falls Point Marine is a professional mover and they move boats all the time but they have Jewett Bros. to supervise this. It is important to them to have them there and have other eyes on this boat as it moves. Vice Chair Sachs asked if Falls Point has experience moving 8- ton boats over residential streets. Attorney Leoni advised that it is not that they are moving this boat on their own without any supervision from a company like Jewett Bros. who is used to moving huge items like this. Attorney Leoni asked Mr. Becker if he had experience and returned to the podium and stated that Mr. Becker hauls and moves a 55-ton tugboat every year up and down launching sites. While he does not do anything of this magnitude, Attorney Leoni noted it is for this reason that they are consulting with engineers. Mr. Joseph clarified that Jewett Bros. is from Pittston, Maine.

Attorney Leoni advised that the Island Rover is ready to sail and has been painted and certified water tight. They plan to moor it on Mr. Becker’s mooring at Pound of Tea in Casco Bay and they plan to continue working on it and finish it there. At this point the vessel will have value when it is in the water and will moveable.

Councilor Arris wanted to be sure that the boat can be kept there indefinitely. Mr. Becker explained that it will be out of the channel. It will be just off the Stone Pier at Wolfe Neck. Mr. Joseph pointed out that the Town has the authority to make sure the mooring is sized correctly. Councilor Arris asked how long Mr. Becker expects to keep the boat at that location. Mr. Becker replied, “for what it takes to finish constructing the boat and fund it.” He plans to make it into a sailing training boat for students.

Councilor Rixon mentioned that we have talked about No. 6 – written permission from private landowners. The applicant says they have access to the site but the road association say they do not. How will it be resolved? What is the process? What is the timeframe? Chair Tracy noted these are all great questions. She proposed tabling this for a few minutes. She wanted to guide the Council to ask questions of Attorney Leoni about additional information. And then come up and talk about the piece Councilor Rixon has brought up as well as other pieces.

With unanimous opposition from the Shore Drive Road Association, Councilor Egan asked Attorney Leoni to explain his perspective on how his client plans to clear use of the road for the proposed purpose even though it is for a short time. His memo speaks about the validity of the claim coming late. From a practical standpoint the proposed launch site of Route “C” includes the traverse of a private road where the Council has received evidence of unanimous opposition to the activity. Attorney Leoni advised that he is willing to work with owners down at that section of road. He spoke to John Cunningham on the phone and tried to figure out what his client’s concerns are, what can we do about it. He has not seen a letter from the association. He has only seen one from a landowner represented by John Cunningham. He noted that he would be happy to discuss residents’ concerns and walk the property with them. He is open and

willing to talk about concerns people have. He recognizes that it is a small road and this is a big boat coming down. He would want some answers too. He would prefer to avoid a legal dispute if it can be avoided. Mr. Becker lives on Shore Drive as well and he will have to live with his neighbors.

Councilor Egan noted that the permit specifies a narrow window – November 10-15, 2017. He is curious about how firm this is. He has read through the previous history and there has been a long trail of deadlines not being met. He is curious as to what is the reason for the narrow window and what happens if we miss it.

Attorney Leoni replied that the reason for the narrow window is the Court and its order to move the boat off the property. The judge said he would revisit this in November and see where we are and wants the boat moved by the middle of November. The second reason is tides. That is the week they identified that tides are the highest and they won't have to move the boat as far down the intertidal zone to launch it. They need 4-4 ½ feet of draft to float the vessel. If we miss it, it might depend on what the court might do. Unless they hear otherwise from the court, their goal is to get it off the property as soon as possible and in the water. They will do everything they can to launch the boat unless the court orders otherwise.

Councilor Arris asked if Attorney Leoni's client is a member of the Road Association. Mr. Becker replied "no". Attorney Leoni advised that the road itself is owned by all the people within the Shaw Subdivision. In this case the developer actually gave the fee in common to the road to everybody that lives in the subdivision. His client does not need to be part of the Road Association. It is a deeded right.

Vice Chair Sachs asked Attorney Leoni if he contacted any other moving companies when he discovered that Jewett Bros. was not available. Attorney Leoni advised that they did not since Jewett was willing to provide a supervisor which was how they got it moved in the past. Vice Chair Sachs asked if Attorney Leoni has a written contract or agreement from Davis Tree Service that they are able and willing to do the scope of the work provided and entered into a negotiated contract with them. Attorney Leoni noted they do not have a contract with anyone. Attorney Braden mentioned that he did not know that the Council had asked for a professional tree service and proof of a contact. If the Council did and it is in the record, he apologized and noted that it was his oversight. Vice Chair Sachs pointed out that in a memo dated today, Peter Joseph indicated that they intend to use a professional tree service and she is looking for proof.

Chair Tracy asked if the Island Rover and Mr. Becker intending to use a professional tree service to do the limbing and potential tree removal that is required if it should get the permit to move this boat to Launch Location "C". Attorney Leoni advised that Mr. Becker is not a tree cutter and will use a professional tree service. He has spoken to Art Flanagan. Chair Tracy advised that this could be a condition if the Council so chooses.

Chair Tracy had questions regarding correspondence about wreck insurance. The Council asked for proof of insurance coverage for two major concerns at the last meeting that seemed to be held by the Council and were clearly held by the neighborhood. One was coverage for reparations if the boat has an incident while traversing across the road and incurring damage either to the road or private property. We have received coverage for the Town being an additional insured on Falls Point Marine insurance policy. She asked Attorney Leoni if he would be willing to share the policy with the Town so it can understand what exclusions exist and address that potential concern. Attorney Leoni was not sure he could answer this without talking to his insurance agent. He offered to reach out to the agent tomorrow and see if that is something he can do. They received a certificate. Chair Tracy relayed to Attorney Braden that these possible outcomes and if there is an accident, it is covered. We now have a certificate and it looks good. \$2M should be enough but she doesn't know what it covers and what is excluded. Attorney Braden explained that if the Council wants them to provide the policy, he doesn't feel it will be hard to do. Falls Point Marine is a marine company so wreck removal is part of a liability policy and so is hull coverage.

He can't offer an opinion on whether the Town is covered but he is confident they can provide a copy of the policy. Chair Tracy noted she would like to see the policy.

Councilor Arris noted he is happy that the boat is ready to be moved and floated. They have been chasing down a lot of the Council's concerns and have done an admirable job of answering them. He feels the certificate of liability is a pretty standard thing in industrial work dealing with large projects. He appreciates Chair Tracy's desire to see the policy. There was consideration in that policy for \$300,000 hull coverage in place with the shore perils included so he feels the intent is there. He is pleased that the engineers have looked at this and that the road is fairly stable and it looks like this could be done safely. It sounds like we might want to set more conditions. Unless we vote tonight, they will miss the November tide time and will have to move into December. They might run into icy roads which could present a bigger problem. He would prefer to float this thing out of here. It is not rocket science. They are just moving it down the road and putting it in water.

Councilor Anzuini recalled that a neighbor pointed out that she heard sanding, buffing, welding, grinding and he asked if the vessel is going to continue to require that kind of clean-up even though the hull is painted. If it will require this work, it will be off shore and he is not sure that is a good thing to have happen because it is still a non-conforming location. There are only three places in Freeport that are conforming to this kind of activity. If they still have to work on it, it is not yet complete. Mr. Joseph clarified that our Zoning Ordinance does not apply to water use. We do not have zoning regulatory authority on the water.

Councilor Gleeson agrees that a lot of effort has been made but still feels the Council has not gone over No. 6. The Council has requested written permission from any private landowner whose land will be crossed during transit. The location "C" goes down public roadways but at a certain point it stops and converts into a dirt road and then a boat launch at the end of Shore Drive. It is not a public way. In the initial papers, the attorney for Mr. Becker given Mr. Becker's ownership of 0 Shore Drive, that he had rights to bring the boat down over the dirt road and over the launch area into the water. We did receive a letter from Attorney John Cunningham representing several landowners that abut the launch right-of-way on Shore Drive objecting to the assertion that Mr. Becker has the right to bring the boat down and over the road to the launch site. We received a letter today from Attorney Leoni responds and he has also provided comments orally here tonight. She agrees with Councilor Rixon that the Council is not the proper body for this issue but it raises the question of what do we do about this in light of the fact that we have requested to date evidence of landowner permission for travel over private land. She outlined a couple of options. 1) the Council could decide that this criteria has not been met and it could deny the permit request on that basis or 2) table it until that issue is resolved in some way. 3) If the Council feels that all other criteria are met, it could issue the permit with a condition that that piece be resolved to the satisfaction of whomever the Council designates and whether it is the Town Manager and other people on the Council. The other option she sees is that the Council can say we are glad the boat has gotten this far and we are going to issue the permit and the chips will fall where they may on the other side. She suggested discussing these options. It is a Council decision and a judgment call.

Councilor Rixon referred to No. 6 and asked who is correct on this, the landowner or Island Rover? He noted that the Council could issue a permit to use the road and let the condition be resolved to the satisfaction of our Town Manager. He could then sign the order. He asked if this would have to go to court and have some judge decide if Party A is correct or Party B is correct. That will take time to resolve. Chair Tracy asked Town Attorney Paradis if she had any initial thoughts about how this may be resolved.

Attorney Paradis mentioned this would be a private dispute between the parties and it will be a court case unless they can reach an agreement otherwise. They might be able to reach a compromise. She did not want to imply that it had to be a court case but whenever there is a dispute between two landowners, that is how it typically comes out and that is what we have here. She does not see the Town of Freeport as a

party to that action. Chair Tracy pointed out that this issue might stall the process and Councilor Rixon agreed. Councilor Gleeson noted he has concerns that if you cannot get permission to cross any portion of private properties for a 100' non-moveable rigid structure and you have no way to make a turn, he is not sure how it can be done. Attorney Leoni mentioned that he looked at this issue and took measurements of the actual 40-foot right-of-way. The common right-of-way owned by the subdivision is really wide. He has looked at this issue and can clearly get the boat down there. They can do it and have inches on both sides to get it down. There is one section where it will be a tight fit in terms of where the berms are.

Chair Tracy noted she did a site walk and noticed people's landscaping and mail boxes. She noticed cars and that some of them appear to be able to move and some don't appear to be able to move any more. This is not just like let's move someone's potted plant. Let's recognize that we are talking about what people consider their front yards. Attorney Leoni advised that they don't want to take down or move any more than is necessary. If anything needs to be removed, they will put it back. They are aiming for minimal disturbance.

Mr. Becker left.

Councilor Rixon asked if the berms would need to be cut away and Attorney Leoni indicated that they do not plan to cut them. Councilor Rixon asked about two fir trees. Attorney Leoni advised that the fir tree on the left side needs to be removed. The one on the right can stay. Councilor Rixon asked about the oak tree that has a low branch. Attorney Leoni indicated that the branch will need to be removed but the tree will remain. The tree is in the right-of-way.

Chair Tracy brought up No. 6 and the issue is whether there is landowner permission needed and whether the Council has appetite for issuing a permit tonight, declining to issue it or issuing it conditionally. There is no easy answer.

Vice Chair Sachs advised that she is happy to state where she is at. She is a "no" on issuing a permit at all. Her reasons are: the Council does not have a specific insurance certificate. She does not like promises of we intend to use a professional tree service but without having actual documentation of it. Police detail was not contacted. 5. We requested a notification impact mitigation plan and even bare bones would have been acceptable. This neighborhood is going to be impacted for a significant amount of time if this permit is issued. 6. Written permission from the private landowners. This is something the Council has been consistent for years in asking for. The assertion may be that 40 feet is the public right-of-way but we are talking about significant disruption to this neighborhood and at least some due diligence or effort in that cause would have been most warranted in this case. 8. Determination of required permits. She understands from the applicant that there was a storm on Monday but there was written and verbal encouragement by town Attorney and Town Manager to obtain permits back in July. We would have been happy to have these conversations under warmer weather. The fact that the choice of the applicant not to do it until the last minute is not something this Council has purview over. The Council has been asking for permit applications for some time. It was not done. 9. The issue of the movers is not something she is comfortable with. It was not discussed before or ever. For these reasons she is a firm "no" at this time.

Councilor Egan noted he is highly skeptical of the logistics of the transport going down Shore Drive. He is skeptical that there is a reasonable short-term solution between the Association and the applicant but believes it is outside of what the Council has to contemplate for the permits. While the efforts as articulated by Councilor Sachs were not as robust as the Council specified in its requests, he felt that they have addressed the concerns. He is prepared to approve the permit with a couple of limited conditions that could be verified by the Town Manager. He explained that it would be a review of the insurance policy and a resolution about the private landowner's permission and resolution how they are going to traverse the road without creating a private dispute that might end up in court. His perspective is that the neighbors on the other side of Flying Point have been asking for decades to get the Island Rover out of its non-

conforming location and there is potentially one opportunity and this seems to be it. It is by far not ideal and has a lot of impact and ramifications but he feels it is the most feasible thing he has heard. He feels it is possible to articulate large vessels or objects down narrow roads because he has seen it done but is highly skeptical that 110 feet of steel can bend that corner labeled "F" on the map. He would be inclined to grant the permit with the condition that we have a thorough review of the insurance policy to make sure that the items we specifically asked for are current in it and that we are advised on how the applicant plans to cross any potential private owner's land and if the interpretation by Attorney Leoni holds up, it is a moot point because it doesn't appear that they would have to if they really have access to a 40' right-of-way.

Councilor Rixon pointed out that he would like to see resolution of the landowner issue prior to granting a permit. He is not sure how the Council will get satisfaction that it is resolved. He would not vote in favor of using the road until it is resolved.

Char Tracy mentioned that this is why the Town doesn't allow this kind of use in these neighborhoods. This is a nightmare. This is a mess. Bringing this size through a residential neighborhood feels like crazy town. There is a neighborhood which has been significantly impacted by the construction of this boat. They are begging for this to stop. They have reasonable concerns. It is a non-conforming activity and the Council has an obligation to enforce its own rules and regulations. If it doesn't, how can we ask everybody else to follow the rules. That is on one side. On the other side we have legitimate concerns on whether this is something that can actually be accomplished safely and be brought to resolution. It is not an easy situation and she is frustrated that it has taken the Council to actually litigate this to get any action. We have been begging for things like launch plans since October and she is frustrated by the changing story. The Council has spent so much time and Town resources on this issue. It is frustrating because there are other really important issues that have been halted because the Council is trying to solve this puzzle which is not of our own making. She does not have a lot of faith in issuing the permit with the proviso that a couple of things be solved because the track record here isn't that great. She does not have a lot of trust to leave it to one person. It is an important issue that the Council needs to have control over until the issues are addressed to the Council's satisfaction. From her perspective there are certain things that still need to be resolved before she would be comfortable issuing a permit. While this is the most viable alternative we have seen so she is optimistic aside from the difficulty of the landowner disputes. Before she would be comfortable putting her vote behind it, she would need to be assured, as we have been asking, that there is recourse if something goes wrong. Tonight, she asked for the policy and once she was given it, she would then take it to the Town's Counsel or the Town's insurer to have an investigation to make sure that those reasonable adverse possibilities are covered. She still needs an indication that no permits are required or if so, a realistic sense of what permit is required and what is involved. A year ago, she noted there is no reason for the Town to go down this road if it is just going to be jammed up in litigation on permit requirements for many months. It puts the Town in an impossible situation and she is not willing to just let that be. She hopes no permits are required. She is not looking to have additional requirements placed on this but she has not seen what Army Corps is going to say and she is not willing to issue any kind of permit until she understands what is involved. The last thing if this landowner issue. It is very difficult on both sides. It sounds like they both have legitimate legal positions and she has no idea who is right. Her position as a Councilor trying to protect the position of the Town, she cannot see how she could say yes to a permit if she can't be assured that that boat can actually get in the water. She doesn't think that the Town's jurisdiction runs over the private road and down the private launch ramp. The Town's jurisdiction as part of issuing this permit is to keep our residents safe, make sure that the impact to the road is for a legitimate reason and it is all a balancing to the Council. There is no black or white wrong. Here are the benefits on one side and here are the benefits on the other. If we can't get this boat into the water, all the benefits go away and all the risks remain. Possibly the boat could be transported, people are afraid for what impacts to their property they will have. All those considerations remain and there is no indication on the other side that this is actually viable. Contrary to Councilor Egan, she feels it does relate to our jurisdiction which is protecting the public safety and

making sure this is a reasonably based decision based on the impact to the roads and based on the possible safety risks that this can actually be done. She would need either some indication that the landowner dispute has been resolved some attorney opinion like you could be sued for malpractice if they are not right which is that deeded right exists and go ahead and sue us. We have been asking for Mr. Becker and the Island Rover to be reaching out to the neighbors for months now. This is not good enough at this point. She feels there has been a lot of movement but she would not support issuing a permit tonight. The issues she mentioned were insurance, the landowner issue and the resolution on whether permits are required and what is required if permits are required. She would vote to table it.

Councilor Anzuini noted this has been going on for a very long time. It should have been handled years ago and it would have saved Mr. Becker and the Island Foundation as well as the Councils a lot of time and effort. There is no good answer for any of it right now. He feels there are four items that need to be addressed before he would consider granting a permit:

1. The private property rights of people in that area.
2. DEP and Army Corps. as to sitting in Casco Bay.
3. The experienced movers. One person can say he is part of this company. We need to know the experience of that person.
4. Intertidal

Councilor Anzuini recommended that the Town take Mr. Brownells' recommendation of getting a geotechnical engineer to really look at the tidal component 100-150 feet out. The worst thing that could happen for that neighborhood is to have that boat sitting right at that point. Chair Tracy agreed with the need for a geotechnical opinion from the ground perspective that it could hold those mats.

Councilor Gleeson noted he would not repeat what Chair Tracy has eloquently stated but agreed with #6 and #8. He would not be willing to do anything until he saw a response from DEP and Army Corps. He believes that before the Council puts the resources through all of this, he wants to know that it is a viable site. He asked Chair Tracy if the Council is going to table it again or vote up or down on the permit and they can have the option to reapply.

Councilor Arris repeated that he is ready to issue the permit but pointed out that there are a lot of people that do not want the Council to issue the permit. Looking at it from the perspective of the Town Council, we can do what we have been doing and which is exactly what we are going to do which is postpone it. We still have the boat. We can't satisfy everybody, it just won't happen. If we keep the boat and junk it, that is not a very good alternative but we could do that. It won't look good. Chair Tracy added that it would be expensive. The neighbors to Bucknam, Road do not want it in their neighborhood anymore. The residents where the applicant wants to move it, they don't want it going by them. The Council has conditions that most have felt have not been met enough that they could vote to do it. He personally feels that they have been met pretty well and is confident we will not get a consensus of seven that everything is set and we can move it along. It has been certified that it can float so we now have a boat that can float and now it is just a matter of getting it in the water. He is assuming that the attorneys are telling the Council the truth that the boat can float and it has been certified that it can float. If we can get it in the water, we have sort of solved our problems. The neighbors don't like it going by but it is not the same as sitting there. If it falls over, they have insurance. He is familiar with those types of certificates and is comfortable with that. Another roadblock that has come up recently is the two people abutting the land where they want to launch it, want to challenge it in court. He is confident they can work that out and resolve it in some way. He feels the Council is spinning its wheels and he

is tired of it and feels it would be a responsible thing to issue the permit and get the boat moving along and get it in the water. Perhaps we will get a Freeport boat that has a sailing school on it.

Vice Chair Sachs pointed out that she remembers this from 2014 that unfortunately the document that was signed was to move to a conforming location. The reason this has been going on so long is the applicants demand that this be launched. She urged a no vote to encourage that the boat go to a conforming location. They then can figure out a proper launch site but to have this plan to launch to a disputed site to continue to manufacture out in the harbor does not seem to her to be a viable plan. The one thing we have been consistent about is a conforming location which the Council has asked for repeatedly. We instead get launch sites so the court said okay Freeport Town, you supply a list of conforming locations which we did back in July. These choices and this effort has been due to the applicant's choices. She would like to stop that and say conforming location and that would purge the contempt. That would make time for whatever you need to do to launch this location. She urged the applicant to move the boat to a conforming location, not their heart's desire. She urged a "no" vote with a plea to move it with an overland permit that is approved by the Council, to a conforming location. The problem is that this is a non-conforming location. It is a launch site. She warned that if anything comes before her that is not a conforming site, she would most likely vote "no" again without any discussion.

Chair Tracy noted that by her count, there are 4 not nows which is voting to table it. We have 2 yeses and 1 resounding no. Councilor Egan strongly recommended to vote this up or down this evening and not table it. Vice Chair Sachs pointed out that the Council has a motion on the floor.

**MOVED AND SECONDED:** To amend the motion that is on the floor, that the Town Council, Town Manager and Legal Counsel have an opportunity to examine the terms of the insurance policy to assure that the coverages that we have been discussing are included in such policy. (Egan & Arris) **ROLL CALL VOTE:** (2 Ayes (Egan, Arris) (5 Nays).

**MOVED AND SECONDED:** To amend the **BE IT ORDERED** such that it reflects the Island Rover be granted an overlimit permit for Launch Location "C" which is the Shore Drive Launch. (Tracy & Sachs) **ROLL CALL VOTE:** (4 Ayes) (Rixon, Gleeson, Anzuini, Tracy) (3 Nays-Egan, Arris and Sachs)

Chair Tracy explained that the Council has narrowed this. Any further discussion will be regarding Launch Location "C". "A" and "B" are off the table for purposes tonight unless there is a further amendment.

**MOVED AND SECONDED:** To table this item. (Tracy & Gleeson)  
**ROLL CALL VOTE:** (3 Ayes-Arris, Rixon, Tracy) (4 Nays-Anzuini, Gleeson, Sachs & Egan)

Mr. Joseph pointed out that there is no waiting list associated with this. The applicant can re-apply for a different permit. There is nothing stopping them from reapplying if it gets voted up or down during regular business hours.

**MOVED AND SECONDED:** To amend the question to add conditions that include:



1. Proof of adequate insurance coverage that covers the two issues identified which includes reasonable damage during transport and the ability for coverage to remove the boat if it gets stuck in the mud. Proof of insurance coverage as determined by our Counsel or our Town Insurer.
2. Proof that no permits are not required from the authorizing agencies in writing or proof that permits have been issued.
3. Opinion by qualified geotechnical engineer that the boat can be launched as planned over the intertidal launch site.
4. Evidence of resolution of landowner dispute. (Tracy & Anzuini)

Chair Tracy explained that this would be voting to issuing the permit subject to conditions she articulated and would not come before the Council. The Town Manager would be the issuer in that instance with town staff. She does not want to make it so that it comes back to the Council. The permit would be issued upon satisfaction of those conditions.

**ROLL CALL VOTE:** (6 Ayes) (1 Nay-Sachs)

Councilor Egan asked Chair Tracy to review the four conditions which she explained again. Councilor Gleeson asked her if she is willing to put a time limit on this waiting for landowner permission. It could easily sit there for the same duration that it has already waiting for landowner permission. Chair Tracy noted it would be fine if someone wants to further amend with a time limit. Councilor Gleeson noted that he feels he has to be responsible with everybody involved and he would be comfortable not voting and have it be reapplied with everything we are asking for versus tabling it. He mentioned that it appears that most of the Council does not feel it has enough to approve the permit.

Mr. Joseph requested a condition for an adequate public safety detail plan to the satisfaction of the chief in his determination. Chair Tracy noted that she would add additional conditions. Councilor Anzuini wanted to add evidence that the employee from Jewett has expertise.

**MOVED AND SECONDED:** To amend and add three additional conditions:

- 1.** Detailed Public Safety Plan to the satisfaction of Town Staff.
- 2.** Evidence of a reasonably detailed plan to notify affected landowners acceptable to Town Staff.
- 3.** Evidence that the employee assigned by Jewett Bros. has comparable expertise in the view of Town Staff. (Tracy & Anzuini) **ROLL CALL VOTE:** (3 Ayes-Rixon, Anzuini, Tracy) (4 Nays-Egan, Sachs, Gleeson & Arris)

Chair Tracy explained that the Council now has the **BE IT ORDERED.** It has been modified to only grant an overlimit permit to Launch Location "C" and includes the four conditions.

Vice Chair Sachs asked Councilors to look at all the time it has spent in trying to assure that we are getting the same information asked for on October 6, 2017. She urged the Council to vote this down and make them reapply. They have had ample opportunity to supply all of the things we are looking for with the additional plea of just moving it to a conforming location. We can choose a different way to go.

**ROLL CALL VOTE:** (1 Aye- Rixon) (1 Abstention-Arris) (5 Nays-Egan, Gleeson, Anzuini, Sachs & Tracy)

Chair Tracy feels the applicant has made strides and encouraged them to reapply addressing in detail the issues and particularly the conditions discussed tonight.

---

OTHER BUSINESS:

1. Discussion of additional Island Rover issues including next steps (if any) relating to Town of Freeport v. Island Rover Foundation (docket # CV-14-28)

Chair Tracy mentioned the Council has a memo from our Counsel outlining what options are available relating to litigation between the Town of Freeport and Island Rover. She invited Attorney Paradis to walk through those options. The Council can then talk about it and if it would like to table it, it can do that as well. This will give us an idea of what our other options are.

Attorney Paradis explained what she put together outlining the relief allowed by the court. We have an order dated end of June that gave the Island Rover Foundation until August 22, 2017 to remove the boat to a conforming location or launch it. If they did not, the Town is allowed to request fines of \$500 per day. What the Town decides to do with those funds is in the Town's discretion. It could apply them to its costs or use them in addition. We also have an order that allows the Town to apply for attorney's fees and costs to date. She made it clear that the attorney's fees and costs she would be requesting would start with her involvement in the case of the contempt motion last December. She did not want an expectation that this would go all the way back to 2004. The other option the court gave us is compensatory fines and we would be able to request the punitive fine which would be \$500 a day attorney fees and costs. The Town could also ask the court for out of pocket costs that the Town would have to deal with rectifying the situation. She preferred to not go into how the Town would handle it. That would be a discussion for another day.

Mr. Becker filed a motion to intervene after the first two court orders so he participated and offered testimony. With Attorney Leoni he filed a motion to intervene. The court granted that motion and orally stated in court that as part of that motion he questions and thinks there needs to be a hearing or evidence of the liability of Mr. Becker. Should it be joint and several? Should the fines be split between the two parties? When talking about joint and several, it means each part is fully liable until the full amount is paid. That is a question of whether the Town would go after him for fines. She pointed out that all orders in this case go to Island Rover successors and assigns so that would also be an additional argument if the Town wants to look towards Mr. Becker as an assign. He intervened and asserted a 75% ownership in the vessel so that would make him a successor and assign to ownership in those other orders. He also testified that he was aware of those other prior orders and that is in the Council's Minutes. She mentioned that another option talked about is to request a writ of possession and that is also in the court order. That would give the Town the ability to repossess the vessel and based on the discussion tonight, everyone knows how easy or hard that would be. It would be the ability to go take it yourselves and put it in a conforming location and take further steps. If you are interested in taking possession, you will need to consider insurance, liability, where the vessel is going to go and the same issues discussed moving it along a road and what is feasible to get it to a location, the costs of a contractor to move it and the costs for dis-assembly and how to look at an rfp to get the work done. The Town would also be looking at tree removal, power lines and roads, timing. The Town can consider giving them more time to get the boat out of there to a more conforming location or launch it. She reminded everyone that last December, on the eve of recording the deed in accordance with the former order, there was a mortgage reported against the real estate the Town was supposed to get clear title to and also discovered the uniform commercial code financing statement encumbering the vessel at the 11<sup>th</sup> hour. If the Town gives more time, maybe that is a way to bargain and come up with a deal that Falls Point Marine releases its UCC-1 and Island Rover and Mr. Becker give you a new bill of sale to hold in escrow. There is a drop-dead date and a mortgage discharge at which point the Town would jump in and own the real estate free and clear. It may not sound that great right now because the vessel is no longer on it but she is looking for a way for the Town to

collect all its fees and costs and someday it might be by the sale of this real estate so the Town doesn't have to go after the taxpayers for these costs and fines.

Finally, it is sitting in the middle of the road and the judge's last order from October said the location in the middle of Bucknam Road does not purge the contempt. That gives the Town the ability to decide whether to move forward with a new land use violation for where it is sitting today. We know that Island Rover Foundation and Captain Arndt claim a 25% ownership in the vessel and Mr. Becker claims 75% so the Town would have an additional defendant. The original contempt started against the Foundation.

On October 10, 2017 Justice Warren issued an order. Island Rover's October 6, 2017 letter suggests that the Foundation is on course to meet a launch window of November 10-15 and that permits for the launch site might not be necessary. If Island Rover is able to launch by that date, the court will thereafter convene a further status conference to determine if they purged the contempt and consider the status of pending fines and any application the Town may make for attorney's fees.

Councilor Egan noted that the next Council meeting will be on December 5, 2017. Councilor Arris noted he would bring Mr. Becker in and give him encouragement to get moving. He said he was ready to move it by the 15<sup>th</sup>. He would like him to have a more vested interest so it costs him more money and not just us but doesn't know how to get there. Attorney Paradis noted she feels Mr. Becker is already in it enough so the Town will have fines against him. She explained what has been filed against the Island Rover but would have to file an affidavit for attorney's fees. The Town needs to tell her if it wants its \$500 per day. It was offered but it has not been accepted.

Councilor Anzuini referred to No. 4 doesn't want the same situation to keep occurring in the location we are in currently. He would pursue Fines and would hope it would incentivize some action. Councilor Gleeson is not sure about the \$500 per day but feels there should be some incentive to get things moving. Attorney Paradis noted that the Statute allows the Town to ask for up to \$1,000 per day but we made a decision in court that \$500 per day is sufficient but she could go back and ask for additional money.

Vice Chair Sachs advised that the Council has been asking for most of the things in the permit for years and have been prudent in telegraphing those needs. This is due diligence for the Town and the resources to make sure the process is moving along. She hadn't thought about issuing a new zoning violation in No. 4 but as Chair Tracy said, this is a mess and not something that should have happened here.

Councilor Egan had no comment and Councilor Rixon did not have anything to add.

Chair Tracy noted she is concerned that if there is no further action by the Town, that there will be no re-application for the permit or no action to do anything with the vessel. The Council's goal is to get this vessel out of here. They have options. They can re-apply for the overlimit permit and resolve all the issues relating to launch Location "C" or they can certainly apply for an overlimit permit to bring the vessel out to a conforming location. The Council has provided them with a list of conforming locations which includes boat yards and industrial sites along Route One. They have limited the launch to a location very close by and that is a selection they have made. She wants to do something that incentivizes Island Rover and Carter Becker to keep moving this issue forward. She would support going back in to recover fines. We have expended Town resources on this issue and she feels the Council owes it to its residents to try to recover that money where it is authorized. The court has indicated that it is fair to pursue the remedies associated with contempt which do include fines. Councilor Egan estimated the fines could be \$34,000 as of today and that should be a proper incentive. Chair Tracy noted she has gotten quotes on what the Town's attorneys' fees have been on this matter and it is in a similar world. This is all around an action not authorized under our Ordinance and she is not sure the rest of our residents should be eating those attorney costs. With respect to No. 4 a new zoning violation, she doesn't feel fair right now. It is still on the table and if they re-apply to getting the boat out by a certain date, the Council will revisit this issue.

Lucy Lloyd pointed out that the neighborhood wants the commercial activity to stop. She would like to see the Council issue a Stop Work Order and have them move it. Chair Tracy explained that the Council has tried to take the most expeditious route to get the boat moved. The feeling has been that the fastest way to get the boat out of the neighborhood's hair is to get the boat out of there. If we say stop work, that removes that possibility of launch.

Chair Tracy pointed out that she has heard that the majority of Councilors support pursuing fines. There were no objections provided. She asked if anyone wanted to discuss taking possession of the boat. Councilor Egan clarified that this may be the most precise point of leverage if we are expecting the Island Rover and Carter Becker to move, he feels the threat of losing possession of the boat should be the most compelling leverage and if we have the ability to use the court to back us up on that, he feels the Town should be prepared to have discussion about using the potential writ of possession as the ultimate leverage point. Vice Chair Sachs noted that the Town has a separate court action that talks about ownership so that is another entire path that will be disputed. Attorney Paradis advised that the court has said that we might get a writ of possession but the last order in the footnote says that discussion of fines or possession would have to entail determination of Mr. Becker's interest as he asserted in his motion to intervene. No. 2 is not easy.

Chair Tracy feels that if they don't re-apply and deal with trying to get this off the lot, the Council will revisit the issue of writ of possession at that time. Vice Chair Sachs is willing to defer on the zoning violation piece and choosing to not move forward with something we said will never happen again. She asked if any Councilors are interested in issuing a new zoning violation. Councilors Egan and Rixon indicated they feel they should. It would be an added leverage. Attorney Paradis feels the pros and cons should be discussed in an Executive Session. Chair Tracy suggested deferring this until we can have a discussion with Counsel and include Peter Joseph.

**MOVED AND SECONDED** To adjourn at 10:50 p.m. (Sachs & Gleeson)  
**VOTE:** (7 Ayes)

---

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #21-17**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY NOVEMBER 14, 2017**  
**6:30 p.m.**

	<b>PRESENT</b>	<b>ABSENT</b>	<b>EXCUSED</b>
Peter Anzuini, 87 South Freeport Road			x
John Egan, 38 Curtis Road	x		
Leland Arris, 70 Glenview Road	x		
Scott Gleeson, 23 Park Street	x (arrived @ 6:40 p.m.)		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 2 Pettengil Road	x		

Chair Tracy called the meeting to order at 6:35 p.m. She took attendance and noted that Councilor Anzuini and Councilor Gleeson are excused and the Town Manager will be here momentarily.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #20-17 held on November 2, 2017 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #20-17 held on November 2, 2017 and to accept the minutes as printed. (Sachs & Egan) **VOTE:** (5 Ayes) (3 Excused-Anzuini & Gleeson)

Chair Tracy explained that a piece of equipment malfunctioned during the wind storm on October 29 and the Town is not able to get a video of the November 2, 2017 Council meeting but we do have an audio recording of this meeting. It is posted on the Council's Calendar dated November 2 if people want to revisit the meeting in as close to live form that they can, it would be audio and then there are the Secretary's Minutes.

**THIRD ORDER OF BUSINESS:** That the Town Clerk report on the returns of the November 7, 2017 Election.

Town Clerk Chris Wolfe noted that Freeport had a fantastic election and that our returns followed the State's totals. She congratulated new Councilor-At-Large Eric Horne, returning Councilor Sarah Tracy and new District 3 Councilor Doug Reighley. She reported:

**State Referendum Question:**

1. Citizen Initiative (York County Casino) Yes: 313 -No: 2,558
2. Citizen Initiative (Expand Medicaid) Yes: 2,034 – No: 833
3. Bond Issue (Transportation) Yes: 2,226 – No: 629
4. Constitutional Amendment (State Pension) Yes: 1,990 – No: 731

**Town Candidate Ballot: Elected**

Town Councilor-At Large: Eric Horne

Town Councilor-District 2: Sara Tracy - amended to correct Sara to Sarah

Town Councilor-District 3: Douglas Reighley

**COUNCIL MEETING #21-17**  
**NOVEMBER 14, 2017**

---

RSU Board of Directors: Lindsay Sterling and Madelyn Vertenten  
Sewer District Trustee: Sally Leland and Gerald Kennedy  
Water District Trustee: Timothy Whitacre (Write-in Winner and he accepted)

**Total Number of Registered Voters at Poll Opening Time-6,927**

**# of Registration Cards Handled by the Registrar on Election Day (New voters & Change of Address, Name or Party) -96**

**Total Number of Ballots Cast: 2,884**

**Percentage of Voters Who Cast Ballots – 41%**

**Number of Absentee Ballots Requested – 558**

**Number of Absentee Ballots Cast -502**

**Percentage of Votes Cast by Absentee -17%**

Chair Tracy appreciated all the work done by Town Clerk Chris Wolfe and her team. She noted that the Election ran smoothly and she was happy with the great turnout.

**MOVED AND SECONDED:** That the Town Clerk's report be accepted. (Sachs & Gleeson)

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Anzuini)

**SWEARING IN OF NEW COUNCILORS BY THE TOWN CLERK:**

Sarah Tracy, 2 Pettengil Road  
Eric Horne, 62 Pine Street  
Douglas Reighley, 2 Harbor Ridge Road

Ms. Wolfe called the three Councilors forward and swore them in. They took their seats on the Council. Chair Tracy welcomed the new constitution of the Freeport Town Council. She thanked them for their continued service and for Councilors Horne and Reighley's willingness to step up and serve. She is looking forward to working with them and hopes they will find this to be a respectful Council that entertains all points of view. Even when the Council disagrees, it communicates with each other as friends and colleagues.

<b><u>ROLL CALL OF MEMBERS:</u></b>	<b><u>PRESENT</u></b>
D. Scott Gleeson, 23 Park Street	x
Eric Horne, 62 Pine Street	x
Douglas Reighley, 2 Harbor Ridge Road	x
Sarah Tracy, 2 Pettengil Road	x
Melanie Sachs, 84 Kelsey Ridge Road	x
Leland Arris, 70 Glenview Road	x
John Egan, 38 Curtis Road	x

Chair Tracy thanked Bill Rixon for doing such a great job over the last three years by being a thoughtful participant in the Council's deliberations and being a good liaison between the groups he has worked with in terms of his committee work and providing a different perspective on the Council. She really appreciated it and encouraged other Councilors to say a few words.

Vice Chair Sachs pointed out that Councilor Rixon is the most tireless Councilor we had. He has been to every single committee as well as other groups throughout his three years. She is certain he either attended or served as the Council liaison for that and it was amazing. She viewed him standing outside on Election Day at Freeport High School to get the thoughts and concerns of folks so they could connect

**COUNCIL MEETING #21-17**  
**NOVEMBER 14, 2017**

---

with their Councilor. He has been accessible to his constituents in the community and tireless in his efforts and advocacy. She thanked him and mentioned he would be deeply missed.

Councilor Arris mentioned that he has enjoyed working with Councilor Rixon. He reminded everyone that he defeated a long-time Councilor who had deep roots in the community for decades which proved he had some get up and go to take that challenge on. He did well to win and he has done a very fine professional job of being a representative of the people. He thanked Councilor Rixon.

Councilor Gleeson mentioned that he, too, has enjoyed working with Councilor Rixon these past three years. He always felt he had great insight. He thanked him for serving for three years and is aware that it is not an easy thing to do.

Chair Tracy presented him with a plaque in the shape of the State of Maine recognizing his service from 2014-2017. She also presented him with a gift certificate.

Mr. Rixon thanked Chair Tracy and pointed out that he feels it was a pleasure to serve on the Council for three years. He explained that by serving on the Council, he got to go to these different committee meetings and meet a wide range of people that serve on those committees and put in long hours doing good work for the Town. That was a blessing he never expected. He was given the opportunity to meet the Town Manager, Town Clerk, Finance Director, Town Planner, Town Engineer and the full Town Staff. It was an opportunity for community building and he recognizes what a wonderful community this is. He never understood the difference between a commission, committee or board. He thanked the Council for this opportunity which he appreciates.

Chair Tracy explained that Peter Anzuini could not be here tonight. She felt the Council should recognize him. He was on the Council for one year, having taken over for Kristine Egan who had to leave for professional reasons. He brought in a critical eye to the information the Council was reviewing and the decisions it was making. He was always asking "what are those assumptions based on?" He did serious research and brought back a package of data to illustrate the point he was making or to underscore the questions he was asking. It was a great service to our Town. Councilor Anzuini represents a constituency that is a silent but large component of our community that is particularly concerned with rising costs in taxes and other costs and the realities of being on fixed incomes later in life. He was a really good advocate for that perspective. While the Council strives to keep tax increases low and to be prudent about the expenditures of the Town, it helps to have that extra voice to bring that perspective to life every time the Council talks about fiscal issues. That was a really good thing that he did for the Council. She thanked Councilor Anzuini, should he be listening and noted that he will be missed.

Vice Chair Sachs noted that Chair Tracy said it well. Her love of data will really miss Councilor Anzuini. He was her spiritual brother and she thanked him as well.

Chair Tracy noted that his plaque and gift certificate will have to be given to him at a later time and asked Mr. Joseph to be sure to get them to Councilor Anzuini.

7 p.m. Council recessed to hold a reception for outgoing Councilor Rixon

7:10 p.m. Council Meeting resumed.

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

**COUNCIL MEETING #21-17**  
**NOVEMBER 14, 2017**

---

ITEM #142-17 To consider action relative to the electing of a Chairperson and a Vice-Chairperson for the Town Council.

**MOVED AND SECONDED:** That the nominations for the position of Council Chairperson be opened. (Gleeson & Sachs) **VOTE:** (7 Ayes)

**MOVED AND SECONDED:** To nominate Sarah Tracy to return again as Council Chair. (Egan & Gleeson)

**MOVED AND SECONDED:** That the nominations for the position of Council Chairperson be closed. (Reighley & Sachs) **VOTE:** (7 Ayes)

**BE IT ORDERED:** That Sarah Tracy be elected Chairperson of the Town Council. (Sachs & Gleeson) **ROLL CALL VOTE:** (7 Ayes)

**MOVED AND SECONDED:** That the nominations for the position of Council Vice-Chairperson be opened. (Horne & Gleeson) **VOTE:** (7 Ayes)

**MOVED AND SECONDED:** To nominate John Egan to serve as Vice Chair. (Sachs & Tracy)

**MOVED AND SECONDED:** That the nominations for the position of Council Vice-Chairperson be closed. (Reighley & Sachs) **VOTE:** (7 Ayes)

**BE IT ORDERED:** That John Egan be elected Vice-Chairperson of the Town Council. (Reighley & Sachs) **ROLL CALL VOTE:** (7 Ayes)

Chair Tracy appreciated Councilor Egan's willingness to step forward into the role of Vice Chair. The goal is to get some of the newer Councilors involved in leadership because eventually she will step down and other people will need to take the reins. She pointed out how great Councilor Sachs has been in teaching her what it takes to be in leadership. She has a great sense for what needs to be done and when. She has enjoyed serving with her. She feels she could not have done this without her. She is happy Councilor Sachs can step down from leadership and guide the bus as opposed to driving it. Councilor Sachs mentioned she enjoyed working with Chair Tracy and is confident Councilor Egan will be a fabulous Vice Chair and the new members as well. Chair Tracy also thanked Mr. Joseph.

---

Chair Tracy advised that there is one more piece of discussion but the Council does not have to take it up. She wanted to tee it up because timing is of the essence. Normally under our procedural rules, we do not take up business in this meeting. Our procedural rules state that the first meeting following the annual election, the Council should elect from its members the Council Chairperson and Vice Chairperson. The Council does not typically do anything else.

As the Council knows, we have been having an ongoing discussion on the Island Rover matter and she has reason to believe that the Island Rover will submit a revised petition for an overlit permit from the Town of Freeport. Given our past discussion, we have expressed an interest in hiring a 3<sup>rd</sup> party engineer to look at the launching of the boat. It will cost some money to do that and she does not feel it is appropriate for her and Vice Chair Egan to make that call. She would welcome input from Councilors. She mentioned the Council could suspend its procedural rules and have a general discussion about this matter quickly. She has been advised by the Town Manager that the Council can do this or it can decide to follow protocol and not address it tonight. The downside of not addressing it tonight is probably the



**COUNCIL MEETING #21-17**  
**NOVEMBER 14, 2017**

---

Council will not make any decision about whether we will hire a 3<sup>rd</sup> party engineer to test the viability of launching the boat from one of the proposed locations. We wouldn't make that decision until a special meeting or until December 5 which could be the time we actually have a petition and the Island Rover is seeking to have a decision made given their launch timeframe. She envisions a 20-minute discussion on the costs.

**MOVED AND SECONDED:** To suspend the normal Council rules. (Reighley & Sachs)  
**VOTE:** (6 Ayes) (1 Nay-Arris)

Chair Tracy asked for feedback on this issue. The issue is whether the Council engages a 3<sup>rd</sup> party engineer to take a look at whether the launch site which has been proposed at Launch Site C which is the Shore Road Association Boat Ramp can physically withstand the launch of a boat of the dimensions and weight that is being proposed. This arose from neighborhood concerns that the boat can't be launched and could experience a mishap down there. The Town Manager and Town Engineer, at the direction of the Council, did get a services agreement from Barney Baker, a local engineer. He has no vested interest in either side of the discussion but at the request of the Town Manager, has proposed a services agreement. Mr. Joseph advised that the agreement is not to exceed \$7,000. It could be less than that but this is the estimate Mr. Baker discussed with Adam Bliss last week.

Vice Chair Egan pointed out that at the November 2, 2017 meeting, he was not in favor of the Town spending any money for an additional consultant to determine feasibility. It is not part of the permit request to move the boat over the road and the launch site is not on a public way and is not something you need a permit from the Town. It is private land and State water. He does not understand why the Council would spend money to find out whether or not something is feasible so we can say, yes, we think it can happen or no, it couldn't happen. He made a motion on the 2<sup>nd</sup> to go ahead and grant the permit because the launch site is not on a public way. He has no interest in spending money on an engineering study.

Councilor Reighley advised that there is no action that the Council really needs to do on this. It all can be done so it is a moot point. After looking at the Minutes from the last Council meeting, and the amount of time that has been spent on the subject, it sounds like if we want to have anything go forward, we need to make sure it goes forward rather than letting it go around in a circle by continuing discussion. He would favor letting Barney do the work and tell us if it is safe to put the boat down through there. It would be the fair thing to do.

Councilor Horne noted there was discussion on having the applicants pay for the feasibility study. Is it the purview of the Town to be footing the bill for this? If it is private property and people are worried about what happens on that property, engaging an expert probably makes some sense but he is not sure the Town should be paying for that.

Chair Tracy noted at this point, the applicant has not indicated any willingness to foot the bill for that analysis. The analysis was proposed by neighbors as a sort of public safety analysis in the sense to make sure that if the Town was going to grant a permit to ship the boat over the roads, that it could actually get to its desired location and not get stuck in the mud. She feels one could take the position that it is for the residents to make that investigation happen but if the Council does undertake that analysis, it cannot assume it will be paid for by the applicants. That might be something the Town seeks to pursue in the litigation to recover fees associated with addressing the zoning violations of the Island Rover which could include costs associated with getting the boat out of there but that would be something for a judge to decide. The Council has not decided that it wants to ask for that.

**COUNCIL MEETING #21-17**  
**NOVEMBER 14, 2017**

---

Councilor Horne mentioned that if it is not a public way but is a private property, with a private boat going onto a private property, this should be between the parties, the landowners in this case and the owner of the equipment. He guessed there are public safety concerns but it is private property.

Councilor Arris noted the Council is back to this issue again. He agrees with Vice Chair Egan and does not want to spend any more money doing another study. We had our Town Engineer state that his analysis is that the boat can move along the road and it will be fine. We had our former Town Engineer Albert Presgraves send the Council a letter saying he thinks the Council should let the boat go. We are in a different position here. The applicant says he is ready to launch the boat. Councilor Arris does not feel the Council needs to do anything more but just let the applicant launch the boat. He feels the Council is being an obstructionist at this point and he would like to let the applicant get the boat in the water.

Councilor Sachs pointed out that this is the first time she is seeing the proposal and she doesn't think under page 3, #8 that the Council has the right to provide all those things around the scope of work. She had thought that the proposal the Council discussed was to talk about over the roads. This specifically talks about the launch. For her, it was the ninety-degree turn and the feasibility around the calculations of the road. She also doesn't really love that no written report will be provided to the Town under page 5. She feels this should be corrected should the Council decide to move forward. Overall, she agrees with Councilor Egan, she thought it is the applicant's responsibility to do all of the permits around the launch and things like that. The Council's concern was the overland transport and whether it was truly feasible to negotiate the roads, particularly that steep curve to even get to that proposed site. She disagrees with Council Arris and that "we should just let them launch the boat" because she does not believe it is a conforming location and the Council has asked them to move from one non-conforming location to a conforming location. As her fellow Councilors have said, how they choose to do that is up to them but it's the public safety around transport on the roads and the machinations it is going to get to whatever site that she has been concerned with. The proposal that she just received talks about the launch and she does not believe that was what the concerns were and not the focus of the Council's discussion.

Councilor Horne mentioned putting the cart before the horse and in visiting the question of whether the Town should pay for this, asked if it is predicated on having permission to launch across the property? If there is not permission to pass through there, should the Council approve an expenditure for something that might happen?

Councilor Gleeson mentioned that he agreed with Councilor Horne and that Councilor Egan brought up good points. Before he was even willing to have the expense and all of the wear and tear on Town roads to find out if this was even a viable launching site, and the fact that there were quite a few people in that association that said they would absolutely give zero permission to have any part of that vessel on any part of their land. He feels this would be a good thing to give to the road association to see if there is any value to the study, especially if the Island Rover has a legal right to access that road. He also hesitates on paying for this particular study.

Councilor Egan informed Councilor Horne that the applicant maintains that as a lot owner in that neighborhood, they have a legal right to use that launch area. It is up for debate whether they do. On one side there is no dispute, yes, they can use that launch area and the launch is available for all members of that association, which he believes was represented. Not all lot owners are in the association.

Councilor Reighley pointed out that this is only talking about the launch. It is not talking about moving the boat to the launch. Chair Tracy noted that as she understands the purpose of the agreement, it is an engineer's look at the viability of launching the boat given its dimensions and weight on that particular launch site which is Site C, Shore Road.

**COUNCIL MEETING #21-17**  
**NOVEMBER 14, 2017**

---

Mr. Joseph advised that this is specifically related to Condition 10, the outside expert's recommendation (Tom Brownell) to hire a Marine Engineer to talk about the mud part of it. The question of the road and the 90-degree turn, etc. had to do with trees, private property, poles and whether those things could be negotiated. The applicant was adamant that they could. Our Public Works Department was about 75% sure they could do that but were not willing to state that they could guarantee that. This is just for the mud portion of it.

Councilor Sachs noted that the Council made a condition of that within #10. She explained that at the end of the October 17 meeting, the Council was trying to be very specific about what items were needed to be able to consider a permit. One of the things was could we get a 3<sup>rd</sup> party perspective on the transport over the road and if it was viable. At that meeting there was another concern raised about the launch to make sure that it doesn't fall over and sink in the mud when it goes from general public safety and also what happens if it sticks there kind of perspective. Subsequently we have had the Town Engineer look at the transport and we have had some feedback from the applicants about having our former Town Engineer weigh in about the transport so the only piece that had no information yet from a 3<sup>rd</sup> party was this launch piece. It was not a specific condition, it was just an area of consideration that the Council indicated it wanted to explore, but not necessarily do, coming out of that meeting.

Councilor Sachs recalled Councilor Gleeson noting it was a key piece to the overland permit because why would we do an overland permit if we knew at the very end, it was not going to work anyway. The only way to determine that was from a 3<sup>rd</sup> party Marine Engineer because the information we consistently got from the applicant turned out to be a little different than perhaps it should have been. It was felt that a 3<sup>rd</sup> party would be able to speak to the viability if the Council was to do the permit and public safety wise, it was a viable plan. Just taking the applicant's materials and word had not been sufficient, given the history of the application. She advised that she is not opposed to this but would change some of the verbiage she is seeing at the moment including a written report but feels it would give the bulk of the residents that have been following this issue, as well as the Council, some expertise that she does not have in order to issue the overland permit. She would be willing to provide support with this if the Council decides to move forward with a revision.

Chair Tracy mentioned she supports having this kind of information before issuing an overland permit. She agrees that it covers a launch site that is not on a public road. She feels the Town in issuing an overland permit to travel over a public road, does need to take into account public safety and wear and tear on the road. The Council is analyzing whether this boat can go one way with the Town Engineer's support that it can, but if the boat has a problem launching, then the Town has another problem. We will have a massive boat in a residential area and one could take the position that it is private property and that maybe how it ends up. She feels the Town could use some information about whether there are major red flags on that piece of it before issuing the permit for the boat to start its transport. That is consistent with the Council's attitude all along which is we only issue the permit if it appears to be reasonably viable that it can get from where it is and launched or where it is to a conforming location which is clearly not proposed. Right now, what is being proposed is where it is to be launched into the water. For her, it is consistent with the Council's public safety analysis so she would support it. She is flexible on the timing and definitely hears the piece about let's not spend the money unless we are sure this is something that is before us. The Council agonizes over much smaller dollars that this so going out and spending \$7,000 on something we are not sure about, she hears it and she has concerns about that.

Councilor Reighley mentioned that what is brought before the Council is a discussion of the launch and agreement with an engineer to discuss the launch site. Now the topic is varied all over the board and goes about moving the boat. That is not the purpose of the document before the Council and so the Council has wasted a lot of time doing something it shouldn't be doing. We should have stayed on topic.

**COUNCIL MEETING #21-17**  
**NOVEMBER 14, 2017**

---

Chair Tracy noted she has enough feedback from the Council in terms of input where it should go at this point. This may come up again but based on the feedback tonight, as Council Chair, she would not recommend spending the money at this time. This is the kind of direction she was hoping to get and appreciated the Council's time. It was additional time the Council did not expect to spend and she thanked everyone for.

**MOVED AND SECONDED:** To adjourn at 7:45 p.m. (Sachs & Reighley)  
**VOTE:** (7 Ayes)

---

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #22-17**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY DECEMBER 5, 2017**  
**6:30 PM**

	<b>PRESENT</b>	<b>ABSENT</b>	<b>EXCUSED</b>
Sarah Tracy, 2 Pettingill Road	x		
John Egan, 38 Curtis Road	x		
Douglas Reighley, 2 Harbor Ridge Road	x		
Leland Arris, 70 Glenview Road	x		
Scott Gleeson, 23 Park Street	x		
Eric Horne, 62 Pine Street	x		
Melanie Sachs, 84 Kelsey Ridge Road			x

Chair Tracy called the meeting to order at 6:34 p.m. She took the roll and announced that Councilor Sachs would be arriving shortly.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #21-17 held on November 14, 2017 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #21-17 held on November 14, 2017 and to accept the minutes as printed. (Reighley & Gleeson). Chair Tracy noted on the bottom of the first page, her name needed an "h". **VOTE:** (6 Ayes) (1 Excused-Sachs)

**THIRD ORDER OF BUSINESS:** Announcements

Councilor Reighley advised that he enjoyed meeting with the newly elected County officials. He felt it was heartwarming, supportive and well attended.

Councilor Horne urged everybody to check out the track. It is open to the public and it can be walked on. He noted it looks great. Chair Tracy explained that people are walking their dogs on the track and the field. Kids play on the turf and having dog feces is not allowed or acceptable. It is a beautiful facility and she hopes residents will understand that the artificial turf is a different scenario from when it used to be fields. Walking a dog is not appropriate on that track or field.

Vice Chair Egan mentioned that he received two inquiries from residents asking for an endorsement to sign on to a letter. One of them was from a group focusing on the warming and acidification of Casco Bay and the North Atlantic in general. They are trying to get coastal communities to join together in a similar voice to raise attention to the federal government to not dilute water protection regulations. The second one was from a group that was forming called Coalition against Big Trucks. It has to do with weight limits on roads. Vice Chair Egan noted he was not clear where these go or how to get them in front of a committee. He probably would refer them to the Town Manager and let him decide but he is not sure.

Councilor Reighley asked if these inquiries were from residents or an outside source. Vice Chair Egan mentioned that he did not check the addresses. Chair Tracy noted that they came from an outside source but it doesn't mean they cannot come before the Council. Mr. Joseph advised that these were done with Council Leadership and brought them forward as a discussion item under Other Business for the entire

**COUNCIL MEETING #22-17  
DECEMBER 5, 2017**

Council and only written when they have been endorsed by the Council. Speaking for the Town, it is appropriate so he is comfortable using Town Staff if it is something that would impact Town Staff and we feel strongly for our departments, we can provide letters of support. If it is a policy question of does the Town support x, y or z, our practice has always been to get an endorsement from the Town Council before writing a letter on it. Chair Tracy noted that her instinct is that if a Councilor feels strongly that they would like it considered by the Council, if there is a committee that fits, they would refer it to the committee first. If there is not a committee that fits, it should be referred to the Council but it would need someone to bring it forward and say "I think the Council should support it."

Chair Tracy announced the following:

- FEMA is in the process of revising Flood Insurance Rate Maps for Southern Maine, including Freeport. Changes to Flood Insurance Rate Maps can affect your property in a variety of ways. **If you are interested in learning more, there will be a Public Information Meeting on Tuesday, December 12<sup>th</sup> from 6-8 p.m. at the Freeport Community Center.** State and Local officials and Flood Map experts will be in attendance to provide information and answer questions. For more information please contact Nick Adams, Codes Enforcement Officer @ 865-4743 x.102. Chair Tracy noted that this is not something that Freeport is instigating. This is an informational meeting being provided as a service to our residents.
- **The Deadline for nominations for the 2017 Citizen of the Year Award is December 14th.** Nomination forms are available at the Town Office, the Freeport Community Library and can be found on the Town's website at [www.freeportmaine.com](http://www.freeportmaine.com).
- **2018 Dog Licenses are available.** All dog licenses expire December 31st of each year. Dogs six months and older are required to be licensed by law. You may register at the Freeport Town Hall or online at: [www.doglicensing.com](http://www.doglicensing.com). Please bring proof of the rabies vaccination and spay/neutering. *Please be aware that you must renew your dog license no later than January 31st of each year, or a late fee of \$25.00 per dog will be charged.*
- **A reminder that WINTER PARKING RULES ARE IN EFFECT!-** Parking is prohibited on all town streets from 11:00 p.m. to 7:00 a.m. from November 1 to April 15. In addition, this provision shall be in effect all year on both sides of Harraseeket Road between Main Street and Dixon Road, and on both sides of South Freeport Road between Main Street and Park Street. For more info, see Town Ordinance Sections 48-208 & 48-209, or contact the Public Works Department at 865-4461.
- A brief meeting regarding the Arts & Cultural Plan will be held tomorrow at the Freeport Community Center from 6-7 p.m. The initial draft of the plan will be unveiled.

Chair Tracy advised that new committee assignments have been sent out for 2017/2018 and everyone should have received them. She requested that Councilors please check in with their committees to understand when the next committee meeting is. Johanna Hanselman sent out a schedule for those committees that meet regularly. For those that meet on an ad hoc basis, she suggested that Councilors check in with the Chair or staff.

Councilor Arris noted he is curious as to how we determine what committees are assigned to Councilors and what committees are not. He knows there are another 16 committees in town that meet regularly that do not have a Council liaison and some of them are pretty powerful and impactful committees. He mentioned Planning Board, Project Review Board, Water District and Sewer District. He asked how the Council determines which committees warrant the consideration of liaison to the Council and other committees do not. He feels it might be worth a discussion to review that whole process since there are 34 committees in town.

**COUNCIL MEETING #22-17  
DECEMBER 5, 2017**

Mr. Joseph explained that the Council undertook that process some years ago. Some of the committees we added liaisons to and some were removed. Additionally, some of those committees are defined by Ordinance in our Administrative Code. If it is defined by Ordinance, it is not something the Council couldn't change the makeup of it, but it would be different than just assigning someone. Some of the committees the Council, by choice, do not assign people to. Some of the committees we discretionarily do not assign people to. The Ordinance specifies that the Council should not assign a liaison but it is not to say they both cannot be changed if the Council so desires.

Councilor Reighley pointed out having been a former member of the Board of Appeals for more than 30 years, he could not recall seeing a Councilor attend their meetings unless they had an application before them. Because the Board of Appeals is representing and doing the work of Council by designation, he feels it would be beneficial if there were liaisons, not voting members but observing members. Chair Tracy noted that if Councilors want to take this up again, we can entertain it this year for next year. She noted the Council should be careful about how many committees Councilors are assigned to but there is merit to re-evaluating it, if Councilors want to spend the time on it. She asked Councilors to let her know if they want to bring this forward.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Chair Tracy explained that due to scheduling issues, the Appointments Committee has been rescheduled from this evening to next Thursday morning at 7 a.m.

Vice Chair Egan mentioned that the Sustainability Committee has had a number of meetings since the last time he reported on them. They are focusing on trying to do some fundraising for recognizing environmental, sustainability and recycling efforts in the schools by doing some grant writing. The Sustainability Committee successfully applied and received a grant for some software that would assist in developing energy footprint, energy budget figures for the Municipal buildings and there was a deadline to execute on that which has since passed. The reason the Sustainability Committee did not pursue that was because of direction from the Town Planner and others that the Town is likely to be engaging in a larger project that will include energy efficiency and energy budget figures so it was deemed redundant. That source is good for a number of other potential grants for sustainability activity so the group is going to continue to focus on small project fundraising.

Councilor Reighley advised that he was invited to attend the most recent meeting of FEDC and was impressed. They have a nice working relationship with the Active Living Task Force. The meeting was timely and on time.

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

Mr. Joseph reported:

At our recent Council meeting discussing the "Halloween" wind storm, we discussed a process for updating the Town's Emergency Operations Plan (EOP). I have discussed the timeline for this update with Fire Chief Charlie Jordan, who will be leading this process in his role as the Town's Emergency Management Director. We have scheduled a kickoff meeting for this updated process for Thursday, January 18<sup>th</sup> from 2-4 p.m. There will be several seats available on the EOP committee for residents. Any residents who are interested in serving on the EOP update committee should contact Chief Jordan at 865-3421. For those who would like to observe, but maybe not participate, the majority of meetings (including the January 18<sup>th</sup> meeting) of the EOP update process will be open to the public. We are anticipating that a draft plan will be available by the end of April for review and input from the Town Council.

**COUNCIL MEETING #22-17  
DECEMBER 5, 2017**

The Town of Freeport is encouraging residents to register their cell phone numbers with the “Code Red” reverse-911 system maintained by Cumberland County. This is a new program which allows automatic calls to be sent out to specific geographic areas, but if you don’t have a landline (as many people don’t anymore), you will need to register your cell phone number to receive geographic-based alerts. You can access the Code Red website at the top of the Freeport Police Department Page on the Town’s website at [www.freeportmaine.com](http://www.freeportmaine.com). The kickoff will be listed on the Town’s cable channel and in *The Forecaster*.

**Municipal Holiday Schedule:**

- All Town Departments will be closed from 11:30-12:30 on Wednesday, December 13<sup>th</sup> for our annual holiday lunch.
- All Town Departments will be closed on Monday, December 25, 2017 (Christmas).
- All Town Departments will be closed on Monday, January 1<sup>st</sup>, 2018 (New Year’s).

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

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

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

---

ITEM #143-17                      To consider action relative to adopting the December 5, 2017 Consent Agenda.

**BE IT ORDERED:** That the December 5, 2017 Consent Agenda be adopted.  
(Arris & Gleeson)

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

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Sachs)

---

ITEM # 144-17                      To consider action relative to a public hearing for a new liquor license application for The Hampton Inn, located at 194 Lower Main Street, Freeport.

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

There were no public comments provided.

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

**BE IT ORDERED:** That a new liquor license for The Hampton Inn be approved. (Reighley & Gleeson)

Mr. Joseph explained why this is done for the benefit of the new Councilors.



**COUNCIL MEETING #22-17**  
**DECEMBER 5, 2017**

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Sachs)

---

ITEM # 145-17      To consider action relative to endorsement by the Town Council of a grant application from Bustin's Island Village Corporation (BIVC).

**BE IT ORDERED:** That a grant application by Bustin's Island Village Corporation (BIVC) for the replacement of the island landing ramp be endorsed.

*Note: Any matching funds for this grant will be provided by BIVC. There is no direct fiscal impact to the Town of Freeport. (Egan & Horne)*

Mr. Joseph brought the Council up to speed on this. The grant application requires the Municipality to endorse it. He sees no reason not to endorse it.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Sachs)

---

ITEM # 146-17      To consider action relative to 2016 automatic tax foreclosure waivers.

**BE IT ORDERED:** That the Town Treasurer be authorized to record a waiver of foreclosure in the Registry of Deeds on the following properties:

817-028-C-0-019                      26 Circle Dr.                      *Mobile Only*  
Liability to Town; Outstanding rent & fees owed to park owner

817-088-00A-000                      33 Curtis Rd.                      *Mobile Only*  
Liability to Town; Outstanding rent & fees owed to park owner

825-063-011-000                      14 Starboard Lane                      *Mobile Only*  
Liability to Town; Outstanding rent & fees owed to park owner

*Note: The Town currently has 43 properties entering foreclosure; four of which have entered into a payment arrangement. (Gleeson & Horne)*

Jessica Maloy, Finance Director brought the Council up to speed on this item. She answered questions for Councilors and clarified that this pertains to the mobile homes and not the land. Councilor Reighley asked if Ms. Maloy could make a note next year if there are any repeat offenders.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Sachs)

---

ITEM # 147-17      To consider action relative to proposed amendments to the Town of Freeport Disposition of Tax Acquired Property Policy.

**BE IT ORDERED:** That the proposed amendments to the Town of Freeport Disposition of Tax Acquired Property Policy dated December 5, 2017 be approved. (Horne & Gleeson)

Chair Tracy noted that the Council received this policy in its packets. In front of the Council is a colored version that was on the dais and should reflect in red the proposed changes. Jessica Maloy provided an overview of the changes and why the changes are proposed.

**COUNCIL MEETING #22-17**  
**DECEMBER 5, 2017**

Chair Tracy referred to Article 7.1 a, b, and c and asked Ms. Malloy if it would make sense to change the language in the first sentence to read from the taxpayer *will be taken* to *may be taken* which would give some discretion to the Town in the event the Town chooses to take a different avenue. Ms. Malloy indicated that it would be a fine change. Chair Tracy referred to 7.5. On an annual basis, after all the above procedures have been completed, a report will be made to the Town Council. She asked if a date could be set. Ms. Malloy indicated it would be hard to set a date because the dates are specific to other events. It would be most beneficial after a foreclosure point but the most reasonable would be in the April timeframe. Chair Tracy proposed by June 1 so there will be a calendar deadline that is expected. Ms. Malloy noted that she has to come before Council for fund balance updates and investment updates in the January timeframe. She asked if the Council would feel it is beneficial to have a preliminary report of what we could potentially be taking to District Court and that may cover the language change to *may* to see if the Council has another course of action that they would like to take with anything in particular that is being brought to them. It may be a good report to do before any action gets taken which would be in line with the January timeframe as well. Chair Tracy noted for her part, she feels that is great but would not necessarily put it into the policy but if Ms. Malloy wants to include it, she thinks it is great. It would be good to have clear expectations on when the final report will be made. She is amendable to Ms. Malloy choosing the date but would recommend that we put one in there. Mr. Joseph feels it should always be doable by June. He explained 2.5 for Vice Chair Egan.

**MOVED AND SECONDED:** to amend the **BE IT ORDERED,** Policy, 7.1, Paragraphs a, b and c to replace *will be taken* with *may be taken* in the first sentence. With respect to 7.5 say, On an annual basis, by June 1<sup>st</sup>, a report will be made to the Town Council and strike *after all the above procedures have been completed.* (Tracy & Reighley) **VOTE:** (6 Ayes) (1 Excused-Sachs)

**ROLL CALL VOTE ON AMENDED TAX POLICY:** (6 Ayes) (1 Excused-Sachs)

---

ITEM # 148-17      To consider action relative to accepting the Bow Street Park Usage Agreement with the Hilton Garden Inn Freeport for 2018.

**BE IT ORDERED:** That the Bow Street Park Usage Agreement with the Hilton Garden Inn Freeport be approved for 2018 and the Town Manager be authorized to sign the agreement. (Arris & Reighley)

Mr. Joseph explained that this agreement with the Hilton Garden Inn is for the Bow Street Park, Memorial Park or Soldier Park which is at the corner of Bow, Park and South Street. The Inn uses this park for outdoor weddings. We have an agreement that we charge them and they reserve ahead of time. It is not an exclusive use agreement. If they have something scheduled and they have signed up, it is exclusive for them for that day. It means they are not the only entity allowed to use it. Residents can also reserve it for events or even a family picnic. Non-profits also use it. It is used for many different things. We have been doing this for at least five years. We have received very few complaints about it. It is a money maker for the business and we receive money for it. Councilor Sachs brought to his attention earlier today that this is a draft of last year's agreement. It has not changed but the dates will change. We are insured through April 25, 2018 for certificate of insurance. This automatically gets renewed and we get sent a copy from their insurer. We are listed as a party to get a copy of it. He will make sure it is on file before accepting any reservation dates. Reservations are on a first come, first serve basis. Chair Tracy advised that she is not certain that \$200 is the right figure. She suggested keeping it for this year and give them a head's up that we will revisit the charge next year and do some comparable investigation.

**COUNCIL MEETING #22-17**  
**DECEMBER 5, 2017**

Chair Tracy advised that the Hilton Garden Inn is the certificate holder but Councilor Gleeson noted they are not the insured party. Mr. Joseph advised that when L.L. Bean uses it, he makes sure the Town gets a certificate before making the reservation. It makes sense if it is on a use by use basis. Chair Tracy would like to see evidence that the Town is named as an additional insured in the documentation and the approval would be based on that. Mr. Joseph understood. Councilor Gleeson explained insurance requirements.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Sachs)

---

ITEM # 149-17      To consider action relative to awarding a bid to Dotens Construction in the amount of \$130,000 for a new shop building to replace the old garage at Winslow Park.

**BE IT ORDERED:** That Dotens Construction be awarded the bid for a new shop building at Winslow Park in the amount of \$130,000. (Reighley & Horne)

Neil Lyman, Winslow Park Manager explained that they planned to spend \$125,000-135,000 and only received one bid which came in at \$158,800. He went and talked to them and came up with a few changes. They will not do the shed roof right away. Public Works will do the demolition. The frost walls were changed from 6' to 5'. They agreed to do the construction at \$130,000 and Mr. Lyman feels it makes sense.

Chair Tracy clarified that this money will come out of the Winslow Park funds. It is not coming out of Operating or Capital funds of the Town of Freeport. Mr. Lyman advised that Winslow Park has a half million dollars in reserves and it will be coming out of them. He noted that this is a Freeport company and he has worked with them before. Construction will start in the spring.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Sachs)

---

ITEM # 150-17      To consider action relative to appointing two representatives to the Freeport Sewer District Appeals Board.

**BE IT ORDERED:** That Beth Edmonds and Peter Warren appointed to the Freeport Sewer District Appeals Board.

*Note: Freeport Sewer district bylaws call for an appeals committee composed of two members appointed by the Freeport Sewer District, two members appointed by the Freeport Town Council and one member to be appointed by the Freeport Planning Board. (Tracy & Reighley)*

Chair Tracy explained that this is an issue where there was a dispute with a decision made by the Freeport Sewer District. In the Sewer District's by-laws, the appeal process is comprised of a totally new Board of entities reflected in the above note. The Freeport Sewer District already appointed their representatives, Rod Regier and Kristina Egan. Staff polled Councilors and other staff to come up with a list of potential members. Council Leadership recommended two of those members for consideration. They will be providing Mr. Joseph with back-up members in the event the people they recommend and are voted on by the Council do not accept. The back-up members recommended by Leadership are Bob Stevens, Candice Renaldi and David Latulippe.

**COUNCIL MEETING #22-17  
DECEMBER 5, 2017**

Councilor Arris noted he would recuse himself as the General Manager of the Freeport Sewer District and point out that he has not had any conversation about these potential members. Chair Tracy confirmed that Councilor Arris was not solicited for his input for the list of names as he was involved in the selection of the two names selected by the Freeport Sewer District.

Chair Tracy explained that the Council is voting on the two recommended members which are Beth Edmonds and Peter Warren and also the back-ups so that Mr. Joseph does not have to come back to the Council.

**ROLL CALL VOTE:** (5 Ayes) (1 Recused-Arris) (1 Excused-Sachs)

---

**OTHER BUSINESS:**

1. FY2017 Audit Report

Ms. Maloy introduced Jennifer Connors who took the Council through the Financial Overview and an update on how the Financial Audit went this year. She explained that it was a very clean audit with very good results. She answered questions for Councilors.

Chair Tracy asked if next year Ms. Connors could do a split of the demonstration of a pie chart so she will have last year's pie chart next to this year's pie chart. It will be good to see the comparisons visually. Chair Tracy thanked Ms. Connors for her work and the audit. The Council is pleased with the result and it is also a tribute to Ms. Maloy's hard work and her staff. She asked her to send them the Council's appreciation for the work that has been done.

2. Update on Personal Property Collection Efforts

Ms. Maloy explained that this is in line with what was discussed in the Policy Amendments. She is using this as her update to the Council this year on where we stand currently with personal property collection. She came to the Council a short while ago asking the Council to write off certain balances and allow for the pursuit of small claims on others as well as District Court in yet another property. She has been working with the Town Attorney for the last couple of years in trying to collect what has been outstanding for personal property. Since her last meeting with the Council the Town has had to write off \$39, 946.08. Initially she requested to write off \$47,000. She had some higher balance accounts come in and make payment rather than have to write off so she feels that was great. She has entered into four payment arrangements that are currently active and performing. She and her staff have collected an additional \$21,704.56 with another approximately \$1,400 scheduled to come in this week. She is in active pursuit through Small Claims Action on seven accounts. Four are scheduled to be represented in court this Thursday. Initially she had at least twelve. She thanked the Council for their support which has allowed for quite a bit to be collected. Regarding collection of taxes for 2017, she reminded the Council that at the last meeting she had provided them with a whole sheet of write offs. For the 2017 taxes outstanding, she now only has ten accounts for personal property that are still outstanding and only four of them are over \$10. One is in a payment arrangement which leaves two that she is pursuing through Small Claims. She is really pleased with going from a whole page to just two accounts.

Mr. Joseph explained that Ms. Maloy has been working with Wendy Paradis who has been providing good advice. Her approach has been to educate Town Staff on how to go through the Small Claims process that does not require an attorney to be in court with them. She trained Ms.

**COUNCIL MEETING #22-17  
DECEMBER 5, 2017**

Maloy and her staff and it has been really helpful. Ms. Maloy advised that Ms. Paradis has her staff do a lot of the work which helps keep our expenses down.

Vice Chair Egan pointed out that Ms. Maloy should feel good about her performance. It is exceptional that she was able to reconcile those delinquent accounts. He asked how much time she spends chasing delinquent property taxes as opposed to analyzing budget trends and keeping track of expenses, etc. Ms. Maloy explained that going forward the time she spent this year will not be necessary. With her and her staff being educated in the process, citizens are being educated that the Town is actively pursuing the collection of taxes so they are not running into much of a wall going forward. Chair Tracy asked who is on her staff. Ms. Maloy advised that her staff consists of Todd Reynolds, Debbie Reeder, Gail Pinard, Diane Hutchins. Mr. Joseph agreed that the front desk staff has done an excellent job. Chair Tracy asked her to thank her staff. Councilor Gleeson noted that the audit reports have been glowing since Ms. Maloy has taken them on and she has been doing excellent work.

3. Update on Main Street Cross Walk at Double L Street

Mr. Joseph mentioned that this was talked about at the Traffic and Parking Committee. This is a request that came from L.L. Bean's corporate headquarters dealing with their employees crossing the street at the bottom of the railroad bridge. One of the problems has been getting people out of the facility safely across Main Street because the sidewalk is on the northwest side of Main Street. It was identified and brought to our Engineer's and Traffic and Parking Committee's attention as a request and an offer to pay for it. It has been reviewed by our Traffic and Parking Committee and approved by our Engineer. They want to go forward with the construction of this next spring or summer. He does not need Council approval but wanted to float it out so the Council knows what is happening. If anyone has a major problem with a generous business in town doing this work for free to improve our Main Street, please let him know and he will make sure they don't do it. He feels it will be a win/win for everybody involved. This is outside of the Town's Capital program.

Councilor Arris asked what will be built there. Mr. Joseph advised that landings will be installed. There will be rapid flashing beacons. There will be a flashing yellow light on either side on posts of the crosswalk so the person will push it when he or she wants to cross. Councilor Arris mentioned what is proposed down near the Maine Beer Company and noted his concerns that these will interrupt traffic. He asked if studies have been done. Mr. Joseph explained that one of the good parts is that it will be on demand so it won't stop traffic unless someone is standing there. While Traffic and Parking has reviewed it, he would be cautious to say it rises to the level of a full-blown analysis. Councilor Arris noted he is surprised we don't have more information on why that is required other than a couple of businesses saying they want it. Mr. Joseph explained that the one by the Bean property is by request because of demand that has been communicated to us. On Route One South, it is a requirement of Maine DOT and the METRO. The rapid flashing beacons are a requirement for a crosswalk there from our Traffic and Parking Committee and recommended by Maine DOT because it is a high-speed zone. The crosswalk is a requirement of METRO to put in a bus stop and they have done studies that would justify the financial investment of them installing a bus stop there including potentially installing a shelter. Because of the volume of the Park and Ride, L.L. Bean's corporate potential for shuttling people to the Desert Road facility and the Maine Coast Waldorf School has a tentative agreement to use that as a tentative shuttling point to bus kids into school and then pick them up and bring them to

**COUNCIL MEETING #22-17  
DECEMBER 5, 2017**

the Waldorf School as well as employees and tourist traffic of Maine Beer Company. In the north bound lane, it will not stop traffic. The bus will pull to the shoulder. The South bound lane will have a shelter and full bus stop at the Park and Ride and not into traffic.

4. Discussion regarding snow removal from downtown sidewalks

Councilor Reighley advised that in Freeport's downtown area, the plows come along and plow snow off the streets which then gets deposited onto the sidewalks. Merchants have the responsibility to have a clear path into their entryways and along the sidewalks but they have no place to take the snow which the Town has deposited onto the sidewalk and no place to put it. Our Ordinance discusses what the tenant or property owner is supposed to be doing and in most cases, it does take place. Contracts are let out to individuals to clean sidewalks and some businesses do a better job than others. He would like to find a way that the snow can be removed in a timely fashion. He spoke to the Public Works Superintendents in Yarmouth and Brunswick and learned in Brunswick and Yarmouth, they remove all snow off sidewalks. It has been pointed out to him that most of the Freeport businesses have signed contracts for this year. He feels this ought to be a summer discussion rather than a winter discussion but he hopes the Council could work out a way to remove the snow that has been left on the public sidewalks in the evening. He has not talked to Freeport's Public Works Director. Brunswick and Yarmouth did not factor out a cost of snow removal. They do it because they are public servants.

Chair Tracy indicated the Town would have an incremental cost if we were to do it and she would want to know what that is and would expect a discussion with the Public Works Director would illuminate that initially and with the assistance of the Finance Director. She advised Councilor Reighley that if he wants to proceed with the Council considering it, she would need the cost information in order to consider the issue.

Councilor Gleeson pointed out that this is his district and he has not had anyone bring this issue up to him. He asked if it is a problem and has Mr. Joseph heard anyone complain about it. Mr. Joseph noted it is not a huge problem but we do remove it but it is on an accumulation basis. The immediate plowing and clearing is diverse whether people would want the Town to clear space during a storm in front of their businesses. Some people would want that and others would not want that. It would upset the local economics but that is not a good reason to not look at something. There are several contractors have contracts and are always in competition with each other for removal of snow on properties. Chair Tracy explained that Councilor Reighley is talking about night time removal of snow and asked if there have been complaints about that. Mr. Joseph advised that there have been complaints occasionally. One of the problems we have in the event of a major snowstorm, our crews have been out for 18-24-36 hours depending on the severity of the storm or two back to back storms. We have to give them breaks and let them go home and sleep. The shop owners' priority is removal of snow prior to the holiday shopping season. We have a different standard for the middle of February for snow removal than we do for now. We do the snow removal in terms of picking it up and trucking it but the businesses hire their vendors to push it into the street. Some businesses hire people to do their own snow removal and there are several contractors in Freeport that can haul it off and have a place to store it. There's three components – the clearing, the pushing it out and then the trucking. There's a private/public partnership to do snow removal and there is a cost to the businesses.

**COUNCIL MEETING #22-17**  
**DECEMBER 5, 2017**

Councilor Gleeson asked if Freeport is unique in that respect since it sounds like Yarmouth and Brunswick do it all. Mr. Joseph noted that we are unique in the fact that we are kind of half way in between and we only have the snow removal from part of our town which is the combination of the VC-I and II Districts. Essentially it is the downtown core. We don't require any snow removal once you are outside of the downtown district. All sidewalks are plowed by the sidewalk plow we have.

Chair Tracy asked Councilor Reighley if he is proposing the Town take on the function of clearing the snow in front of businesses or take on the function of clearing the piles of snow on the side of the sidewalks. Councilor Reighley indicated there are two parts: the property owner has the responsibility of cleaning and clearing the walkway but he believes the Town should remove the snow they have plowed off the street onto the sidewalk. It is a difficult thing that would require cooperation, but with the understanding that the Town would share more of the responsibility of removing snow they deposited on the sidewalk, but the shop owner would still have the responsibility of cleaning a walkway. He believes the owners/merchants understand that. He sees this as an attempt to move into a cooperative venture between the Town and the business owners. If an Ordinance change is necessary, then the Council would implement an Ordinance change sometime between this year and next year. Mr. Joseph noted that an Ordinance change would be required to do this.

Chair Tracy explained that the Council could refer this to the Ordinance Committee or ask for additional information if Councilor Reighley would like to bring it forward and then consider if the Council wants Ordinance to take it up. Councilor Gleeson would prefer to get an approximate cost figure from Earl Gibson before the Council sends this to Ordinance. He would be open to it if he knew what the approximate cost would be.

Councilor Arris explained that he would like to know what merchants are paying for their contracts and how many small businessmen that work for the merchants would be impacted. He is reluctant to have the Town put local guys out of the snow removal business if it is working okay at this point. He would not want to send this off to Ordinance without these figures.

Councilor Horne suggested that if there are merchants concerned about this, they should perhaps get organized and come to the Council. He does not have a gauge as to what level this rises to as an issue or a problem. If there is a demonstrated concern out there and there are folks willing to talk about it. It would be helpful to know what the costs would be. He agrees with Councilor Arris that if there is an eco-system out there that are working on it and it is working well, he would be reluctant to upset that apple cart.

Councilor Gleeson asked Mr. Joseph if he should talk to Earl Gibson. What he hears from merchants in the summer is about trash and that the trash cans can get overwhelmed. He believes it is the Town's responsibility and explained the receptacles used in Rhode Island and he would be very interested in looking at ways to do that. Mr. Joseph noted that Mr. Gibson is not the right person to discuss this with. He and Councilor Gleeson should talk to Building and Grounds arm of Public Works. Councilor Gleeson agreed.

Chair Tracy noted she had a Leadership meeting with the RSU 5 and the other towns and discussed a variety of issues. They scheduled a budget meeting with the Council, Selectmen from

**COUNCIL MEETING #22-17**  
**DECEMBER 5, 2017**

the other two towns and the RSU 5 for March 1<sup>st</sup>. It will show up on our budget schedule. It will be at the Freeport Community Center.

---

**MOVED AND SECONDED:** To adjourn at 8:32 p.m. (Gleeson & Reighley)  
**VOTE:** (6 Ayes) 1 Excused-Sachs)

Respectfully submitted,

Sharon Coffin, Council Secretary



**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #23-17**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, DECEMBER 19, 2017**  
**6:30 PM**

	PRESENT	ABSENT	EXCUSED
Leland Arris, 70 Glenview Road			x
John Egan, 38 Curtis Road	x		
Scott Gleeson, 23 Park Street	x		
Eric Horne, 62 Pine Street	x		
Douglas Reighley, 2 Harbor Ridge Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 2 Pettingill Road	x		

Chair Tracy called the meeting to order at 6:35 p.m. and took the roll. She advised that Councilor Arris is excused this evening. Town Manager, Peter Joseph is in attendance.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #22-17 held on December 5, 2017 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #22-17 held on December 5, 2017 and to accept the minutes as printed. (Reighley & Gleeson)  
**VOTE:** (5 Ayes) (1 Recused-Sachs) (1 Excused-Arris)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Tracy announced:

- Freeport residents interested in submitting an application for any available **public peddler locations** may do so from January 16<sup>th</sup> to January 23<sup>rd</sup>. At the February 6<sup>th</sup> Town Council meeting, available public peddler licenses will be issued by lottery. Please contact the Clerk's Office for more information on Peddler carts.
- **New Year's Eve Fireworks will be taking place on Sunday, December 31<sup>st</sup>.**  
The Fireworks will begin as close to 6:00 p.m. as possible. Please note that the fireworks will be launched from the girls' softball field to protect the new turf field.
- **2018 Dog Licenses are available.** All dog licenses expire December 31st of each year. Dogs six months and older are required to be licensed by law. You may register at the Freeport Town Hall or online at: [www.doglicensing.com](http://www.doglicensing.com). Please bring proof of the rabies vaccination and spay/neutering. *Please be aware that you must renew your dog license no later than January 31st of each year, or a late fee of \$25.00 per dog will be charged.*
- **A REMINDER THAT WINTER PARKING RULES ARE IN EFFECT!**- Parking is prohibited on all town streets from 11:00 pm to 7:00 am from now to April 15. For more information and a list of other winter reminders (such as residents being allowed two (2) 5-gallon buckets of sand per storm) go to the Homepage of the Town's Website, or contact the Public Works Department at 865-4461.

- The **Appointments Committee** will be meeting in January to consider appointments and re-appointments to various boards and committees of the Town. If you have an interest in serving on a board or committee, please complete an application and return to the Town Hall. An application can be found on the home page of the Town's website under "Quick Links."

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Gleeson pointed out that the Appointments Committee met and the Council will be voting on the results during the Consent Agenda. They appointed people to the Project Review Board, Hunter Road Fields, Active Living and the Sustainability Advisory Committee. They still need applications for Boards and Committees since they do not have a lot of applications on file right now.

Chair Tracy noted that Councilor Arris attended the Shellfish Commission meeting and hopes he will provide an update at the next Council meeting. Councilor Horne explained that he attended the Active Living Committee meeting and it looks like a great make-up. David Bennell will be joining them and he is looking forward to working with that group.

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

Mr. Joseph reported:

Now that the first significant snowfall of the winter is upon us, I'd like to remind everyone that winter parking regulations continue to be in effect. Parking is prohibited on all Town streets from 11 p.m. to 7 a. m. from November 1<sup>st</sup> to April 15<sup>th</sup>, in addition to during all declared snow emergencies. The Public Works Department requests your help during snow removal operations by complying with these regulations. We understand that winter parking regulations can be tedious, but these restrictions are for your convenience as well as that of the Public Works employees responsible for snow removal. Cars parked on street at night and during snow emergencies can make it difficult to clear snow from streets effectively, and are at much greater risk of being damaged by snow removal equipment. This can lead to snow banks and piles left in the street, as well as damage to both personal vehicles and Town property, which we all would like to avoid!

The Town is about to begin its Emergency Operations Plan update process. As a reminder – there will be several seats available on the Emergency Operations Plan Committee for residents. Any residents who are interested in serving on the EOP update committee should contact Chief Jordan at 865-3421. The first public meeting is scheduled for January 18<sup>th</sup>, from 2-4 p.m. For those who would like to observe, but maybe not participate, the majority of meetings (including the January 18<sup>th</sup> meeting) of the EOP update process will be open to the public. We are anticipating that a draft plan will be available by the end of April for review and input from the Town Council.

Chair Tracy added that this is a critical document that the Council needs to update. If anyone has any expertise in emergency planning or would like to lend their time, or know of someone in Town that has some knowledge that would be good to share, please let Chief Jordan know, or Mr. Joseph know or that person know. They wouldn't have to be part of that committee but maybe they could lend their knowledge. There is room for all kinds of participation but she feels the more participation we have, the better product it will be.

Town of Freeport Holiday Schedule:

- All Town Departments will be closed on Monday, December 25, 2017 (Christmas).
- All Town Departments will be closed on Monday, January 1<sup>st</sup>, 2018 (New Year's).

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

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

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

---

ITEM #156-17                      To consider action relative to adopting the December 19, 2017 Consent Agenda.

**BE IT ORDERED:** That the December 19, 2017 Consent Agenda be adopted.  
(Reighley & Gleeson)

Chair Tracy reviewed the items on the Consent Agenda for members of the public. She noted the Appointments Committee recommended adding David Bennell to the Active Living Committee, Dave Intraversato and Phil Wagner to the Hunter Road Fields Committee, Ford Reiche to the Project Review Board. They also recommended Sally Leland to the Sustainability Advisory Committee. However, Mrs. Leland is also on the Sewer District which conflicts with the Sustainability Advisory Committee timing so, a motion to amend the Consent Agenda is needed to remove Sally Leland from the recommended appointment to the Sustainability Advisory Committee because it is a meeting time conflict.

**MOVED AND SECONDED:** To remove Sally Leland from the recommended appointment to the Sustainability Advisory Committee. (Reighley & Gleeson)  
**VOTE:** (6 Ayes) (1 Excused-Arris)

**ROLL CALL VOTE ON AMENDED CONSENT AGENDA:** (6 Ayes) (1 Excused-Arris)

---

ITEM #157 -17                      To consider action relative to setting a public hearing for a new liquor license for Toast Flights and Bottles located at 115 Main Street.

**BE IT ORDERED:** That a public hearing be scheduled for January 2, 2018 in the Town Council Chambers at 6:30PM, to discuss an application for a new liquor license.

**BE IT FURTHER ORDERED:** That notice of the public hearing be published in a newspaper of general circulation, posted on the Town's website, and posted on cable channel 3, and that copies be made available at the Town Clerk's Office, the Town Manager's Office, and the Freeport Community Library for review.  
(Sachs & Gleeson)

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Arris)

---

ITEM #158-17                      To consider action relative to setting a public hearing for a supplemental appropriation pursuant to Freeport Town Charter Article 6.08(a), of \$200,000 from the Public Infrastructure Capital Reserve Fund, for the purpose of providing local matching funds for the paving of US Route 1 between Exit 20 and West Street.

**BE IT ORDERED:** That a public hearing be scheduled for January 2, 2018 in the Town Council Chambers at 6:30 pm, to discuss a supplemental appropriation pursuant to Freeport Town Charter Article 6.08(a), of \$200,000 from the Public Infrastructure Capital Reserve Fund, for the purpose of providing local matching funds for the paving of US Route 1 between Exit 20 and West Street.

**BE IT FURTHER ORDERED:** That notice of the public hearing be published in a newspaper of general circulation, posted on the Town's website, and posted on cable channel 3, and that copies be made available at the Town Clerk's Office, the Town Manager's Office, and the Freeport Community Library for review.  
(Egan & Sachs)

Mr. Joseph explained that this stems from a request from Maine DOT that came after our budget had been adopted including our Capital Plan for FY 2018/2019 thru 2020/2021. They are looking to combine the paving project of Route One from the Yarmouth town line to Desert Road which is currently budgeted and programmed in our Capital Plan for this current fiscal year with the second phase of the paving that was to be from Desert Road to West Street of Route One which we planned to do either next summer or in the spring of 2019. MDOT originally planned these as two separate projects. They are adjacent to each other and they felt accelerating them would work for the State and would also save them and the Town money. They are estimating around 5% of the total project cost by putting them together. This would mean that we save money since we have a local share of that as well. This money is set aside and is programmed for next year already. The best way to look at this would be the difference in writing a check in June of this year when we will likely get a bill from MDOT in June or July and being able to pay it in June as opposed to being able to pay it in July or later. It could be a one month or one-day difference depending on when the bill or the check would be received. MDOT did give us the option to basically, sign a promissory agreement stating that we could pay them next fiscal year, meaning FY 2019 after July 1 for a portion. Mr. Joseph does not consider this good practice if we don't have an appropriation because if that Capital budget does not pass at the end of June by the Council, we would be in a situation where we promised the money without an appropriation and legal authority to pay it.

Mr. Joseph clarified that Phase One is just north of the Desert Road intersection. It would not include Desert Road.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Arris)

---

ITEM # 159-17      To consider action relative to a public hearing on proposed ordinance amendments to Ordinance Chapter 21 – Freeport Zoning Ordinance, regarding parking regulations in the Village Commercial 1 (VC-1) District.

**BE IT ORDERED:** That a public hearing be scheduled for January 2, 2018 in the Town Council Chambers at 6:30PM, to discuss proposed amendments to the following sections of Ordinance Chapter 21: Freeport Zoning Ordinance:

Sec. 413.D.1 – Village Commercial 1 District – Other Standards, Sec.

514.B.5 – Off-street parking and loading, and

Sec. 603.C.1.c.1 - Administration of Site Plan Review.

**BE IT FURTHER ORDERED:** That notice of the public hearing be published in a newspaper of general circulation, posted on the Town's website, and posted on cable channel 3, and that copies be made available at the Town Clerk's Office, the Town Manager's Office, and the Freeport Community Library for review.  
(Gleeson & Sachs)

Town Planner Donna Larson explained the proposed amendments. She advised that in three years the Planning Board will start addressing the grandfathering issue and start easing that away. They want to see what happens with these changes and see what kind of a net change we get in the overall parking equation. The wait and see is not wait years but see what the next six years bring. They will then assess. She clarified that it was her recommendation to the Task Force that they look into this because of the information she uncovered when going through and doing an analysis. There was representation on that Task Force from FEDC, Freeport USA and the Chamber and no one was opposed to it. She feels the business community as a whole does not realize the discrepancies.

Ms. Larson explained that if the Council passes this in January, she will send out a notice to all the business owners in the VC-I District and let them know exactly what the changes are and then let them know what they can do. She will recommend that they come in and look at their file and figure out what their parking requirement is and figure out what their space is and then do the calculation to see if it would benefit them. If it will not benefit them, they will not want to apply because they are not required to apply for an amendment since they have an approved site plan but they can apply for an amendment. She will certainly help them with that and make sure they have all the right information. They have to know what their space is. The detail that this gets into is really up to the business owner to tell us.

Councilor Sachs pointed out that she is not sure this is addressing a problem that we are trying to fix in this partial way. She can't wait to have a long conversation on this. Ms. Larson agreed this is a complex issue and some Councilors have been at it longer than others and for some, this is a new issue. She provided a Task Force Report so the Council will have that information as well as the final recommendation from the consultant who worked on this in 2012. She is happy to talk to Councilors about it. She is uncertain if this will free up many spaces. She offered to meet in workshop with the Council on January 2 if there is any interest to meet at 5 p.m. She is happy to do anything to make sure Councilors have their questions answered.

Councilor Reighley asked about grandfathering. If the property changes ownership, does grandfathering go away. Ms. Larson indicated that it did not. It goes away if it has been vacant for 18 months, if the use changes and if a building is demolished, rebuilt and a different use goes in.

Councilors agreed that a workshop was not necessary before the next meeting. They would handle it individually.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Arris)

---

ITEM # 160-17      To consider action relative to a public hearing on proposed ordinance amendments to Ordinance Chapter 21 – Freeport Zoning Ordinance, regarding design standards for the Commercial 1, 3 and 4 Districts.

**BE IT ORDERED:** That a public hearing be scheduled for January 2, 2018 in the Town Council Chambers at 6:30PM, to discuss proposed amendments to the following sections of Ordinance Chapter 21: Freeport Zoning Ordinance:

Sec. 409D.6 – Commercial 1 District,

Sec. 411E.4 – Commercial 3 District,

Sec. 412E.3 – Commercial 4 District, and

Sec. 527B – Performance Standards for Commercial Districts 1, 3, 4 – Building Design.

**BE IT FURTHER ORDERED:** That notice of the public hearing be published in a newspaper of general circulation, posted on the Town's website, and posted

on cable channel 3, and that copies be made available at the Town Clerk's Office, the Town Manager's Office, and the Freeport Community Library for review. (Horne & Sachs)

Town Planner Donna Larson provided a preview of what is coming up.

Councilor Sachs brought up setbacks and noted that under building design, it does not address setbacks at all. Ms. Larson explained that they had a conversation about that and in the C-Districts there are a variety of different setbacks and rules on what happens in those setbacks. There is a landscape setback, building setbacks and parking lot setbacks. That language is covered in other sections.

Councilor Reighley noted that he feels this is a very progressive move and the attention is well placed.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Arris)

---

ITEM #161-17      To consider action relative to adopting a 2018 Town Council meeting schedule.

**BE IT ORDERED:** That the Town Council meeting schedule for 2018 be adopted as proposed. (Reighley & Sachs)

Chair Tracy pointed out that none of the meetings fall on February or April vacations. Councilor Sachs mentioned that for the last five years she has attended all of the workshops. She asked if the model is still working because she found in the workshops, some Boards or Committee need more time than the 30 minutes and others are just doing it because they feel they were invited and do not want to disappoint the Council or not show up. Others have submitted papers and said, "here you go, please let us know if you have any questions." The Council has had many supplemental meetings and she wonders if this model is working well. She feels that Councilors have done a very good job of actually going to committee meetings and reporting back and working with boards and committees around getting their capital items in, or saying, hey there is this thing coming up and we really feel like a workshop and we have done those sorts of special sessions under Other Business to work through some tough items. She feels the Council has been doing workshops as needed but is not so certain of three spaces for Council workshops has been the best use of time for the Town's boards and committees and community members or for the Council. She feels in the last five years the Council has evolved in being as responsive, thorough and discussion based as possible in a lot of different ways so maybe this model didn't work.

Councilor Reighley mentioned that at the last meeting the Council discussed the possibility of being liaisons as it does with other committees for Council members. In his experience of serving on the Appeals Board, they never had a Councilor visit them unless they needed something addressed to come before the Board. He asked Ms. Larson for her thoughts. Ms. Larson explained there have been times when committees have fished around and tried to come up with an agenda to meet with the Council. The Planning Board in particular often will say "let's put that off until we go in with our annual workshop." They start thinking about early on. Unless the Project Review Board is planning some big change, they generally don't have a whole lot to talk about. It is more an update on the types of projects they have been reviewing. This has been her observation over the years. It is an opportunity to talk about spending money if that is what the Council wants to discuss but that also tends to happen in the Capital Budget when the Council has workshops. There is an opportunity to go in and talk about things out of the ordinary. Committees feel that they don't want the Council to feel that they are not interested or that they are ignoring them. Perhaps they have questions for us. She agrees it is a lot of meetings and they are always in the middle of the budget season which in itself also gets meetings.

Councilor Horne noted that Councilor Sachs brought up a great issue. In his experience of being on the Shellfish Committee, there were times when they needed to be in front of the Council for things going on and times when they felt it was a burden to come up with important things. He would favor a conversation of a restructuring of some kind that would give the opportunity for those committees that have a fire burning and they need that extra time to have it. Those folks that don't need it will not feel the pressure. He suggested making the request an invitation and if they accept, great. If they don't, they won't feel like they are letting the Council down.

Councilor Sachs agrees with Ms. Larson that some groups feel they have to come in because the Council has asked them to and for some, it is a real hardship. She suggested letting the committees know that if they have a specific issue, let us know and we will put it on under Other Business. She mentioned that Traffic and Parking has said to the Council that they need an hour to talk about some big issue. The Council has done it and scheduled an hour under Other Business and the same with Planning and Shellfish. She wants to take the onus off of them if it is not a year they need to come.

Chair Tracy is open to discussion. She feels it is a great way for Councilors to understand what is going on in Town and doesn't think the liaison process is sufficient. The liaison process is quite choppy. Councilors don't typically take notes and do not bring the complete picture of what was done in the meeting to the discussion and we don't have a liaison for all boards. She is open to facilitating a situation where it is not obligatory but is reluctant to get rid of it all together. She noted how the Housing Trust provides a really good insight into our low-income housing in Freeport and they probably don't have a burning issue for the Council. They don't ask for any money and probably wouldn't be there if we didn't ask them. It is important to understand where our trends are going. She is open to streamlining it if the Council can think of a good way to do that. Councilor Horne agrees that he wouldn't want to get rid of it.

Ms. Larson pointed out that these were started and were intended to be a ramp-up to the Capital Budget. She suggested the Council give some thought to having a meeting to talk about Capital Budget items and then hold the workshops in a different time of year so the Council is not backed up. She noted the Council is overwhelmed in the late winter and spring and that may be a way to split it out.

Mr. Joseph advised that there are three categories – the budget workshop request which is if someone has a budget item to submit, it is the perfect time to submit it. The other one is people the Council meets with regularly such as the Housing Trust and Planning Board. The third are the ones the Council wouldn't know but have things that come up from year to year such as a shellfish project, etc. He feels these three categories could be addressed differently if the Council would like to move the schedule around.

Councilor Reighley suggested that another option could be that these boards and committees could invite Councilors to attend one of their meetings to discuss what is happening with them. Councilor Gleeson agrees with Councilor Sachs that there are some that definitely need and want to be there. The question is if this could be consolidated into one long night. Councilor Sachs would prefer to keep the workshop on the February 13<sup>th</sup> for Capital and Operating and eliminating the other two in March and integrate those into the other opportunities the Council has. During the debate of the Operating Budget is when all the Human Services folks come in and it almost takes up a whole workshop night. She cannot recall the Council ever not honoring a request from a board or committee to talk about something.

Councilor Sachs suggested eliminating two Council workshops and keeping February 13<sup>th</sup> on the current schedule that we could amend later. Chair Tracy proposed that the Council schedule a Council Workshop in the fall for non-budget items so we say, "if you want to come and talk to us, if you don't have a pressing need in the near term, you are off the hook. If you would like to touch base with us, but it is not Capital related, here is the day we will make ourselves available." Councilor Sachs asked if the Council could do this in the July/August timeframe when it is not super busy and those meetings tend to not be super full. From June 19 on there is some capacity in Other Business. Chair Tracy feels it is burdensome

to ask people to come in during the middle of the summer. She feels the Council would have to do a very clear reach out to boards and committees that the Council is considering changing our workshop approach and that we are considering having only one workshop for those boards and committees to have a Capital or Operating item they would like to give us a head's up on. Are there any other boards or committees that would like to meet with the Council during another scheduled meeting some other time of the year.

Vice Chair Egan noted he is in favor of eliminating two of the three but not losing track of keeping it on the schedule. He would favor having it be part of a regular meeting and suggested one of the two September meetings because it is tough to get people in the summer. He recommended having the workshop in the beginning of the meeting rather than have people wait until 9 o'clock. We could have it at 6 p.m. or 6:30 p.m. and start our meeting afterwards. That works much better.

Councilor Reighley pointed out that he feels the Council should vote this schedule down and then revise it. Perhaps a small group of Councilors could come together with proposed suggestions from people who know what the workshops generally have involved. He and Councilor Horne have not been to a lot of these but there is a lot of wisdom among the long-term members. Councilor Sachs pointed out that the Council cannot do this because it does not have a meeting to table it to. Chair Tracy proposed removing March 27 but keeping the February 13<sup>th</sup> workshop for Capital and Operating items and boards and committees who have these items need to give the Council a heads up. Pencil in the March 13<sup>th</sup> Workshop and we will do our all call to see who is interested in meeting with the Council. If there is no interest, we will get rid of it. If there is interest, we will keep it. It will take a simple vote to amend the schedule at the next meeting.

Councilor Sachs wants to make sure there is messaging to say to boards and committees that it is not that we don't want to see them but we are cognizant of their time, talent and priorities. If they would like to submit some things to the Council in an annual report, the Council would love to see that. If they feel they want time and space in workshop, please let the Council know. We are trying to enhance the system for them. She suggested that the Council keep the schedule and vote it in as it is and we send a very clear e-mail to folks from the Council Chair or Town Manager saying we are revising our process. Here is what we are proposing. Please give us some feedback. Chair Tracy agrees the Council needs to be clear in its communication to them and asked Councilor Sachs what she proposes for the change we float out to the boards and committees understanding that we keep the workshop for the boards and committees that have capital and operating needs. Councilor Sachs explained that the second phase would be that, "we are restructuring the workshop based on feedback we got from boards and committees and community organizations that this feels as if this is an obligation but also a good chance to catch up in needed. If you would like to schedule time with the Council, please let us know. Otherwise we would love to have a written report from you. If there is some complex discussion you would like to have, let us know if you would like it sometime within the year or if it needs to be more immediate."

Councilor Reighley would like Councilor Sachs to draft her recommendations as an agenda item so the Council could move it. Councilor Sachs offered to send it out tomorrow. Mr. Joseph advised that our Town Clerk does all the communicating with the boards and committees so Councilor Sachs could work with her, Chair Tracy and Vice Chair Egan as well as him so she should pass on her message.

Chair Tracy has a few concerns. Getting a few pieces of paper with highlights from a board or committee is not the same as sitting down in front of them getting a sense of what they have been up to and what they are thinking. She has concerns for eliminating the communication piece. She understands about it being burdensome, but in some ways if we are clear about asking them to come in, and it can be just a conversation, she would feel more comfortable inviting them for another specified time rather than just saying let us know when you want to talk to us.



Mr. Joseph suggested saying in the Council's communication, "if you have a capital or operating budget item, we want to see you on February 13<sup>th</sup>. If you have another item that you want face time in a meeting to discuss, please let us know on March 13<sup>th</sup> or March 27<sup>th</sup>. They can pick one of those dates and we can see if we fill the slots up. In that same e-mail we can say that in the past we understand there has been a feeling of an obligation. We are more than happy to take written reports if your board or committee does not feel it has to report directly to the Town Council. It would not be viewed that they are not doing their job.

Chair Tracy noted she is comfortable with that approach but is confident the Council will lose some opportunities to communicate with pieces of our town. She fully expects that Winslow Park will say there is no need to meet with the Council. At this point it appears we are going to keep our schedule as is and will have a communication sent out to our boards and committees requesting anyone with a capital or operating item come in on February 13. For those boards and committees that would like to sit down with us, we will offer them the next workshop. If we have an overflow, we will deal with it.

Vice Chair Egan agrees with Chair Tracy in that if the Council gives an opportunity for these groups to defer and just send us a piece of paper, that is what the Council will see. He would like the Council to take the leadership role and say we would like to hear from you. In that communication he feels the Council should be inviting them, not saying "if you happen to want to see us and talk to us, here is a potential date or two. He would prefer the Council to be a little more affirmative. If the group says it would rather not and provides a reason, the Council can certainly respect that. He feels the dialogue is very valuable. Chair Tracy agreed and noted one thing the Council could be is more flexible. We could say, we would like to hear from you. Here are your options: you can come in March 13, October 2 or we could schedule you at a regular meeting sometime during the summer at your convenience. Please choose one of the above. It won't relieve them of the obligation all together. Chair Tracy asked Mr. Joseph to take a first stab at the communication.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Arris)

---

**OTHER BUSINESS:**

1. Comprehensive update on US Route One South projects:
  - a. Cousins River bridge (Summer 2019)
  - b. Proposal to combine paving projects (Spring 2018)
  - c. Buffered bike lanes (Spring 2018)
  - d. Crosswalk & METRO bus stop at park & ride / Maine Beer Co. (Spring 2018)
  - e. Potential sidewalk extension along Route 1 from Pine Street to park & ride / Maine Beer Co. (Spring 2018)

Mr. Joseph asked Adam Bliss to open a graphic for everyone to see. He advised that next spring there is at least one project on Route One South that is going to happen. Mr. Bliss explained that MDOT is planning on paving U.S. Route One and is looking to combine two phases into one construction period in 2018. Because of weather and things out of our control, they are hoping to have it wrapped up before the 4<sup>th</sup> of July because of the impact on traffic, etc. It is a substantial project from the Yarmouth town line proceeding all the way here to West Street. Lower Main Street in Phase Two would be paved at night to minimize daytime operations. Phase One from the Yarmouth Town line to 500 feet south of Desert Road would be daytime paving. It is not yet known if two lanes of traffic would be open or only one. This will be determined after the bids go out. He is hoping for two. This project was originally scoped as a paving project. A lot of committees such as Active Living, Traffic and Parking and PACTS, which we are a member of, expressed support for a few of the items being talked about tonight.

Mr. Joseph advised that the goal here if we are going to do something, is to try to do it at once as opposed to putting down pavement and say, we have a crosswalk or sidewalk proposal next year to rip it up. We have done a lot of scrambling to make sure we can get it by the January 31<sup>st</sup> deadline. Essentially DOT is going to have to advertise this project to avoid the interruption of doing multiple projects over multiple years. This is why we want to present this as one kind of unified project as opposed to a paving project with perhaps a crosswalk being installed later in the year or the next year. It would be better project management overall.

The Cousins River Bridge replacement is currently in the design process. Some of our Active Living people have been meeting informally with groups from Yarmouth. It is really the main east/west connector to Yarmouth and this is the shortest and most direct one. The key component we are looking to give some input on to DOT is that they are considering in their preliminary design the option of adding a bike/pedestrian facility. That is open ended and facility could mean one of several things. It could mean dedicated sidewalks not currently on the bridge. It could mean dedicated sidewalks and a multi-use shoulder, a bike path shoulder. It could also be a third lane which would be a dedicated bicycle/pedestrian facility. Rather than replacing two travel lanes, we would essentially be expanding it to a third lane that would be segregated by a concrete barrier for bicycle and pedestrian use. A picture of the Falmouth bridge was brought up on the screen with a fishing bump. A natural constraint from this is financial. DOT has a project budget to work within and will ultimately dictate whether we get a Cadillac or a mid-range sedan. Mr. Joseph's intent is to provide feedback that he would like MDOT to consider. What he is hoping to avoid is replacement of the bridge as is. The existing bridge is almost 80 years old and it is likely to think the next one will last that long. Vice Chair Egan heard that the new bridge will be about five or six feet higher than the current bridge. Mr. Joseph agreed and noted for both storm surge and for future sea level rise, is why MDOT wants to elevate it. There are no property owner access concerns for Freeport if they raise the bridge. Straight MDOT money is proposed for this bridge right now which means they have all the say in it. Chair Tracy mentioned that if MDOT funded the Falmouth bridge, the Council should have a discussion about why Yarmouth and Freeport did not have an opportunity to have a similar facility.

Councilor Reighley explained that the Falmouth bridge did have an existing walkway on it as well as an existing bump-out for fishing and MDOT followed the continuation of a plan that was already there and they may follow the plan that is already here.

Councilor Sachs mentioned that Mr. Joseph requested action from the Council to approve the letter that he drafted. She is in support of it but would like to see beefed up language on what the Council would desire. From tonight's conversation, Mr. Joseph understands there is general support for a separate segregated bicycle and pedestrian facility like the Falmouth bridge has. He will make sure to clarify that in his letter along with pictures. He noted that the final call will be DOT's but there will be a public hearing process. It is important that if something is substandard to what is expected by the public in both towns is the ultimate presentation of the draft plan and there is a DOT input process that we can participate in to make it clear that we are not just looking for 2 or 3-foot shoulders and the bridge replaced as is.

Councilor Sachs encouraged the Council to forcefully beef up the third sentence in the proposed paragraph and reiterate it down below that we would like to request that they consider buffered multi-use shoulders and use stronger language. Mr. Joseph advised that he plans to check with Yarmouth's Town Manager to see if they will be putting in a similar request. Chair Tracy feels it would be helpful to be aligned on what the towns are requesting so that we are making a similar request. Mr. Joseph mentioned that the bike/pedestrian advocates in Yarmouth are requesting a similar facility to what we just discussed. Mr. Bliss advised that the Yarmouth representatives are approaching Nat Tupper to draft a letter of support. Councilor Horne asked if a joint request from Freeport and Yarmouth could be submitted since

the bridge links both towns. Mr. Joseph noted he would be happy to put the offer out there to see if they want to sign onto it. He feels it is a great idea and will hold off until he gets an answer.

Mr. Bliss mentioned the proposal to combine the paving projects. Mr. Joseph asked if there are any questions on this proposal since MDOT wants feedback from us because it will be a major impact on their design that they plan to put out in January. Mr. Bliss explained that we will save money. Vice Chair Egan pointed out how the traffic is constant at that intersection. Mr. Joseph will talk to MDOT and PACTS to give them a preliminary that we are leaning in that direction but will tell them we will have a formal answer after we take a vote.

c. Buffered Bicycle Lanes -Mr. Joseph noted this will currently be included. We have had a little back and forth with PACTS now recommending that we have a buffered shoulder which includes buffered bicycle lanes dedicated with bicycle lane signage. Mr. Bliss mentioned that he is recommending to put in the helmeted bicycle symbol so we don't create confusion to drivers that say hey, this extra wide shoulder is a potential travel lane. He wants to eliminate that confusion. Chair Tracy asked if it would be too expensive to make it green as was done in Yarmouth. Mr. Bliss offered to look at those costs. The Town of Freeport would be responsible for painting it from the Town line all the way up to Exit 20. Mr. Bliss advised that it looks like we will continue with shared lane markings which have bike symbols in them from Exit 20 to West Street. Mr. Joseph explained that there is an estimate in the range of \$5,000 for striping costs for the budget. It would not be for this year but rather in two years or whenever the striping would have to be reapplied next. It would be a higher cost to the Town but there is a huge benefit. Councilor Sachs recalled increasing the budget because of this priority. It depends upon the wear.

Chair Tracy supports this but wants the Council to be true to itself. We have had numerous requests over the years to put a center line in on some of our more rural roads because older drivers cannot see when it is foggy. They have asked for center lines or lines on the side of the road and we have always said no, it is too expensive and we can't keep it up. She feels the Council should keep in mind that a lot of residents have asked for other safety striping and we have pretty much stonewalled them. Mr. Joseph noted this is a good point but is subject to change at any time.

Mr. Joseph pointed out that it appears the Council is generally in support of buffered bicycle lanes.

d. Crosswalk and METRO bus stop at park & ride / Maine Beer Co. (Spring 2018)

Mr. Joseph explained that this is south of Exit 20. Mr. Bliss pointed out where it is on the screen. This request originated from METRO through conversations with Maine Beer Company and also other businesses. Maine Coast Waldorf School has been looking for a location to do a deal with METRO where they contract with them to bus students up from Portland or down from Brunswick to a location where they can be picked up by a shuttle bus to the school and transported to their facility. This has been identified as the easiest most central location for them to do that and there would be a dedicated number of riders per day. It would be a benefit for the school, public transportation and the METRO in additional ridership. Maine Beer Company has indicated they have employees who would love to take the METRO to work and identified that public transportation has been a problem for some of their customers. METRO has identified that this is a location that would add to their ridership numbers. The proposal is to add a bus stop on both sides of the road there but METRO says they don't let people off in a place where they have to walk across the street in a 45 mph. zone. MDOT says they don't like crosswalks in places with 45 mph. zones and where there are unprotected pedestrian crossings. The initial thought was this is a great idea but is never going to happen. Traffic and Parking had a lot of extended discussions and ultimately the plan was approved. There are many components to the design. There are center line delineators, narrowing of the roadway when the proposed paving is redone, rapid flashing beacons, lighting concerns and DOT has already moved the speed limit going northbound from 45 to 35 to slow traffic coming into Pine Street and the Desert Road intersection. All of those objections and problems have been addressed either by Maine Beer Company, DOT or METRO for free. The only thing the Town has agreed to is to install the rapid

flashing beacons. Ms. Larson explained that if they break, they have to be replaced by the Town. She estimated that they go for \$5,000 for each one and are solar powered. Vice Chair Egan pointed out that the BREEZ has been a success and he feels it is in the right direction to be encouraging public transit beyond the immediate corridor of the downtown village. He is a big proponent of this. Councilor Horne agreed with Vice Chair Egan and added that the 67 units at Concord Brook would be able to find an easy way to Portland using that stop. Ms. Larson pointed out that the METRO will be installing a bus shelter there and will be the only shelter that they have. Maine Beer has said they would give incentives to their employees to use public transit and they do all their advertising on social media. She feels it is a good project. Mr. Joseph asked if there is any comment or feedback on the crosswalk and the bus stop. There were none provided.

e. - Potential sidewalk extension along Route 1 from Pine Street to park & ride / Maine Beer Co. (Spring 2018)

Mr. Joseph credited Ms. Larson for identifying a pot of money in PACTS funding that was approved and funded to undertake bicycle and pedestrian work in the north of Portland area which includes Yarmouth, Freeport, Falmouth and Cumberland. None of that money was used and PACTS was about to move it to its General Fund. Mr. Joseph explained that the town has received verbal approval from Falmouth, Yarmouth and Cumberland to make the formal request of PACTS to utilize that money for construction of a sidewalk on the south side of Route One from Pine Street, where the sidewalk ends, to the proposed METRO bus stop. It faces a hurdle at the PACTS Executive Committee. Ms. Larson advised that she has been working with PACTS on let's get it approved at the local level first and not bring it to PACTS. The biggest hurdle was getting approval from the other towns to go along with this. She pointed out that this is a very unusual situation to be able to get \$100,000 for a project like this. She does not want anyone to get the impression that we can do this all the time because she cannot think of another time when we have been able to do this. She received a cost estimate yesterday was around \$81,000 which is leaving the curbing exactly where it is and having a five-foot sidewalk and tying it all in. There is some other work that needs to be done. We would still need to pay 20% no matter what the final cost is. We can never get more than \$100,000. If there is excess, it would go back to PACTS and would eventually be distributed around the PACTS region. Mr. Joseph noted that MDOT estimates the cost would be \$105,000 but Mr. Bliss estimates it could be \$140,000.

If there is appetite to pursue this, Mr. Joseph noted it would be contingent on several things. One is approval by the PACTS Executive Committee to free this money up. If it doesn't happen, he would not ask the Council to accept the Town funding \$100,000 of a \$100,000 project. This is coming to the Council because we have that fund that is available to us. We would have to match some of it and that match would most likely be in project savings from capital money we would not have to expend because of combining these two projects, the 5% savings in the \$20,000 range. We would be able to pay that difference out of the project savings. This becomes less of a concern if it is under \$100,000 and we have a 20% match. If there is an overage of that, we do have available to us paving money and impact fee money that could be used as well. Essentially it would be contingent upon all those pieces falling into line to add this to the project and the main reason to do this is because it can be done at the same time as the paving project for a moderate economy of scale and we wouldn't have to tear it up and not have to wait until the next time it is paved to do this all at once. He asked for the Council's thoughts but advised it will be an asphalt sidewalk.

Mr. Bliss advised that DOT's latest revision is less than originally estimated for the project plus we are realizing savings by combining the two projects so we are not asking for additional money per se. We are taking advantage of multiple opportunities. Ms. Larson indicated that in a perfect world, we would be doing sidewalks on both sides of the road as part of this paving project but that was going to more than triple. The good news is that there is a wide shoulder there and there is room for people to walk if that is what they want to do.

Councilors voiced their full support for the proposal as presented. There was no negative feedback. Ms. Larson advised that PACTS is waiting for her call to put it on their agenda in mid-January. Mr. Joseph pointed out that he would like this project to be a bid alternative which would give us the flexibility if the prices comes back at \$150,000, we would not pursue this or we would have a much different conversation during budget time. Ms. Larson advised that we need to do it that way because we will need that number so we will know what our local match is and be able to work it all out. At this point we are just doing estimating and then we will have to firm everything up once we get the real prices. She is hoping to go out to bid in late January. Mr. Joseph offered to report back to the Council. If it changes drastically from what was presented here, he would not pursue it. The budget discussion will be for next year. Councilor Horne brought up the cost of snow removal. Ms. Larson feels having the sidewalk continue down, it will make for easier snow removal rather than having islands but we will have to do snow removal on it.

## **2. Snow Road/ Elm Street sidewalk construction update**

Mr. Joseph apologized that this was on the agenda for one of the October meetings which was a late meeting and the Council had other things going on that took concentration away from this and now has been bumped to here, the first space we had. He had a memo dated October 12, 2017. We had a conversation at the Council meeting on October 3 and since that point in time there have been conversations to see if we could adjust the Public Works schedule to provide in-house construction of the Snow Road/Elm Street sidewalk project for the spring of next year. After talking to Mr. Bliss and Mr. Gibson he was able to adjust the Public Works schedule but there are some caveats he wants to go through.

1. We made those changes to the calendar 2018 schedule to adjust lane striping, pavement markings which are currently budgeted in the Operating Budget but we feel there are people that specialize in that who could do it a little quicker and it may make sense to do that and use us on another project.
2. Matching the grade of gravel driveways and shoulders will be completed by a contractor instead of by Public Works employees. They may be able to do the work quicker than our people.
3. Resurfacing of the Police Department parking lot that was scheduled for calendar year 2018 has been rescheduled to 2019. He is proposing that it be bumped into the Capital Program but the Council will not need to since it already appropriated the money for it instead of this spring.
4. Scheduled maintenance projects on Pleasant Hill Road and Staples Point Road will be delayed from a spring start to a late summer start, but Mr. Gibson expects they can be completed in calendar year 2018. In all of these things, we are not planning on any emergencies. As we saw this fall, nature doesn't always correspond with that and follow our wishes. This does not allow for any emergency projects that come up or weather emergencies.

Earl Gibson advised that he was in a FEMA meeting and the Governor has given us four months to get all our clean-up done from the October 30<sup>th</sup> storm. While he has a lot of the clean-up done, there are a lot of stumps that he has to go back and get. They focused on getting things cleaned up so they could plow. Our roads are posted and our trucks are not allowed on the roads until April 15 and that is when construction starts. They have to go around after April 15 and sweep all the roads so the striping can be done. Vice Chair Egan asked if there is a predictability on how many storm events Earl plans on for his time and materials. Earl mentioned that he plans for a 70-inch winter.

Chair Tracy appreciated the update and feels it is prudent to bring this in-house. It would have cost \$60,000 to outsource it and now we are going to be able to do it, not easily, at about a cost of \$30,000 and it seems like the little delay in timing is worth the savings which are substantial.

### 3. Update on LED Streetlight Conversion Project

Town Planner, Donna Larson advised that Realterm Energy has been a great company to work with. They came this fall and did a complete inventory of all of our street lights in Freeport. Right now, she is finishing up reviewing it. She is looking at a wide variety of different things. One thing is to reconcile what they came up with and what is it we actually have to do. The other thing is to do a pilot project and right now the plan is on January 16 we will have a field trip and we will go out and look at two kinds of lights. We will have two different kinds of lights installed on the post in front of the Town Office. We will have the 3,000k lights which are yellower and the 4,000k lights which are a little brighter and on the bluer side so the Council can look at them and see what it thinks. Falmouth has opted to go straight 3,000. We were thinking of going 4,000 in the built-up area and 3,000 everywhere else. This is a good opportunity to see them. She talked to them today and they feel they can accommodate that. Mr. Joseph clarified that this is for Council feedback. Ms. Larson learned that these are not regular street lights. We have the ability to put small units on the top of the street lights and can make the downtown a Wi-Fi hotspot. She talked to Freeport USA and L.L. Bean to see if they have any interest. She does not have an answer for that. If there is interest, she will then get a price and then figure out who is going to pay for that.

She explained that the other thing you can do with these lights is you can control them. They can be dimmed at midnight, shut off at midnight or set them up to do things we could never do before. Now we have a sensor on the top of each light. They come on at dusk and go off at dawn. The other option we have is we can put disks on them to improve cellular service in places like Lower Flying Point and South Freeport where the worst coverage exists. In those areas of poor coverage, we would have the opportunity to be able to put that in and improve service. When we do that, we would pay for it but the phone carrier would reimburse us so it could be revenue generating. It would not be the same level of revenue we get from the antennas on the water tank but it is an opportunity to improve cellular service for some people. She feels it would be a good idea to have the service person here at the January 16 meeting so the Council could learn more about these options and figure out if any of them are right for the town. If the Council decides no, but wants to do it two years from now, we can add them. We can get decorative street lights at a significant increase in cost. We have probably ten different types of fixtures. Her proposal would be to have them be consistent and have one or two different fixtures and that is it. The decorative fixtures can go on existing poles and instead of looking at a cost in the \$400 range, we would be looking at a cost of \$1,200 and up. When you start adding new poles and fixtures on them, the price is a lot more than that and you also have to think about the sidewalk clutter that comes along with that. Mr. Joseph asked Ms. Larson to make sure our representative is prepared to talk about what some of the other towns around us have done. Ms. Larson noted that the representative is very familiar with what the other communities are doing in the region. She advised that we will join in a bulk purchase with them to get the best price. Ms. Larson noted she wanted to give the Council a heads up on other features that are possible.

Chair Tracy noted she is excited to see what the lights look like from both a lighting perspective and a decorative perspective. She feels this is an opportunity to enhance the charm of our downtown for the Main Street strip. This is an opportunity to think about how can we be fiscally responsible but also take advantage of the fact that we are changing all these things and we may be able to make it look better than it currently does through a small investment. Ms. Larson offered to have them do a decorative light so the Council can see what it looks like. Chair Tracy envisions using what poles we have and suggested that the decorative be the 3000, yellow light. Councilor Horne advised that he would be curious if Ms. Larson could get a run down on the revenue generation potential and what Verizon, AT&T, etc. are paying for those repeaters, how many would they use and a low, medium and high projection rate on where they

would go. It might offset the cost of the more expensive aspects. Councilor Gleeson agreed and would like to look at the cellular repeater option. Even in the village, he has virtually no reception.

Councilor Sachs feels it would be great that the Council will be able to look at these things but asked if there can be some preliminary budget pieces. It will not be enough for the Council to say we like this color, it is going to be how will this impact our budget based on the number of lights we need. We have a budget allocation in our fiscal year and how does it translate to what is being proposed. Ms. Larson noted that she told them the Council would be looking for that kind of information and she will tell them she needs budget prices. This is helpful to her so that the meeting on the 16<sup>th</sup> can be as productive as possible. She will ask for preliminary ideas on what it would cost to put those in. We don't have street lights town-wide. There are a handful of street lights west of the highway. We have something like 200 street lights and Falmouth has 600. We just don't have a lot of street lights. She will tell the representative to be prepared but he might not have exact figures. If we are going to do a Wi-Fi hotspot, do we have to do it every 20 feet or can we do it every 200 feet. She doesn't know what the answer is but will work to get more information on that for the Council. Councilor Horne would be curious to know if there is a way to do the revenue generating phone service module without being necessarily on a light in places where the reception is poor.

Chair Tracy noted that the Council should not assume that we are expanding the number of street lights in Freeport. We have a limited budget already and it is pretty controversial putting a street light out in front of someone's house. She suggested replacing what we have. Ms. Larson noted that right now she is reconciling what is what and the next step is for them to do a design and they may come back and say you only need three street lights or there is no reason for you to have street lights here. A lighting study was done back in 2011 but in the end, we added a few street lights. Mr. Joseph explained that as one leaves the parking lot onto West Street, there is a top hat fixture with an incandescent bulb screwed into it and we are paying \$9 a month rental fee on it and have been paying it for over a hundred years. Ms. Larson advised that Realterm recycles the old fixtures.

#### 4. Continued discussion regarding snow removal from downtown sidewalks

Councilor Reighley reported that since the last Council meeting he went and met with Earl and Tammy and discussed snow removal for the downtown area, what is currently in place and what could be done for storefronts that are not having contractors out there. The estimated cost for this is zero. There would be no increase in cost and could be done in the current scheduling that is out there. The language will be worked out between Mr. Joseph and Earl. We need to remember that we have snow plowing and snow removal and those two things are different. Snow removal is generally done in the overnight hours after a snowstorm and after the crew has had an opportunity to get sufficient rest and get back out. There is telephone notification that takes place for a 24-hour period barring any unforeseen circumstances. Snow removal would then take place after that notification and it would be the merchant's responsibility to have the snow pushed off the sidewalk into the street by 7 a.m. for the last pass going through. Contractors currently involved with major businesses have a great relationship with Public Works and this is done on snow removal nights as the plow goes by so those contractors are always looked after. The other independents who have not subscribed with anybody, have a chance to have their sidewalks cleared. One of the things we have right now is a \$25 fee per day and he would suggest changing it to \$100 so the merchants would have more of an incentive to remove that snow. Earl is here to add to this. Mr. Gibson feels that Councilor Reighley pretty much covered everything. There are some merchants that have their employees clear the sidewalks. There are a couple of places in town that choose not to and that is where we get the dreaded snow wall. That is because the merchants did not choose to come out and push. There are a couple that would push out but their store employees do not want to come in at midnight so he works the system with them that hopefully by six o'clock they would push it out and he would clean it up on his last path coming through town because he needs to be off the road by 7 or 7:30 for the school buses to start running through the downtown area. That is something that can be worked in-house simply. It will not cost the budget anything. Councilor Sachs noted it is her understanding having a commitment from

those merchants who choose to do it in-house with employees to have if they would like snow removal and also for the betterment of the town to have that pushed out into the road for snow removal by 6 a.m. so that Earl can get off the road by 7 a.m.

Mr. Gibson explained that he tries to do the clean-up in the downtown area all the way up until January 15 at night. He feels we have way too many merchants that try to do this in the daytime so all the merchants are notified and normally what happens before he even gets here, they have pushed off into the street and his crew will go down Main Street to Mallett Drive. They then turn around and will come to West Street and Bow Street. Those are the two main areas they focus on. From School Street to Mallett the Town takes care of the sidewalks, everything. It is all the Town's responsibility. From School Street to West Street, the merchants are responsible for all that with the exception of the Historical Society and the Church which is the Town's. He noted that every merchant pushes theirs off except for three and that is where the snow wall gets left. The Town comes through and gets it and the benefit for the merchants is that they are getting their snow removed, hauled and moved to a facility so it benefits everybody.

Councilor Sachs noted it appears we are constructing a whole new system to try to accommodate those three as well as not have a snow wall which benefits everybody. Councilor Reighley noted that we are trying to have a more beautiful downtown and in this process, people who neglect to get snow off the sidewalk are causing an eyesore in the community which affects everybody. We are talking about three or maybe more than three. That detail is arbitrary right now. It is a case of going through and giving the opportunity to everybody to have snow removed. It is no additional cost. Councilor Sachs understands it is no cost but it is changing a system for three non-compliant merchants. Mr. Gibson met with the merchant association, the contractors and everybody in downtown Freeport was invited. He has that meeting twice a year and that meeting is to discuss problems that have arisen, if the Town can help merchants more, if they can help the Town and misunderstandings. The biggest complaint he heard during a November meeting was that there were a number of merchants and contractors that would like the Town to take the stand that all merchants are responsible to push their snow out into the road and not give them a choice. When the Town comes in to do snow removal, they are required to push their snow into the road. He has been reluctant to come to the Ordinance Committee to start this. There are only three. Everyone else takes advantage of that opportunity.

Chair Tracy followed up that we are clearly making changes at the request of some businesses that were raised by a Council person. We need a good faith commitment that we are changing our processes to be accommodating and the message should be that we hope they take advantage of that. It would be a shame if we are changing all the scheduling and they don't take advantage of it. Mr. Joseph, advised that he, Mr. Bliss and Mr. Gibson can work on that if we have limited or no participation by those merchants, we probably will not do it anymore. Councilor Sachs mentioned it would be stiffer penalties or changes in the Ordinance if this is really an issue.

Chair Tracy thanked Mr. Gibson for working with Councilor Reighley to solve the issue. She appreciates that it is at a cost of no money.

---

**MOVED AND SECONDED:** To adjourn at 9:25 p.m. (Sachs & Reighley)  
**VOTE:** (6 Ayes) (1 Excused-Arris)

Respectfully submitted,

Sharon Coffin, Council Secretary