

**MINUTES
FREEPORT TOWN COUNCIL MEETING #01-16
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY JANUARY 5, 2016
6:30 P.M.**

	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Leland Arris, 70 Glenview Road	X		
Kristina Egan, 5 Weston Point Road	X		
Scott Gleeson, 23 Park Street	X		
James Hendricks, 21 West Street	X		
William Rixon, 66 Varney Road	X		
Melanie Sachs, 84 Kelsey Ridge Road	X		
Sarah Tracy, 75 Lower Flying Point Road	X		

Chair Sachs called the meeting to order at 6:32 p.m. and took the roll. She welcomed Councilors and wished them a Happy New Year.

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 #23-15 held on December 15, 2015 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #23-15 held on December 15, 2015 and to accept the minutes as printed. (Gleeson & Tracy)

VOTE: (7 Ayes)

THIRD ORDER OF BUSINESS: Announcements

Chair Sachs announced:

- **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. Appointments will be made differently this year. For an appointment you can call 865-4743 x100 to leave a message. This extension will be operational as of Monday, January 11th, so please wait to call until then. Beginning Thursday, January 21st and once a week thereafter, an FCS volunteer will be calling people back with an appointment date and time.
- **Residents of Freeport Can Now Obtain License Plates at the Town Hall!**
The Town of Freeport has been appointed as an agent for the Secretary of State and is now able to process New Registrations and transfers for vehicles. This enables residents to get their vehicle registrations and plates within minutes.
- **The winter storm season is here!** For a full listing of winter reminders from the Public Works Department or if you have questions or concerns, please feel free to contact the Public Works Department at 865-4461 or go to the Town's website at www.freeportmaine.com.

- **Recycling and the holidays:** For information on what is recyclable and information on the proper disposal of holiday materials such as trees, wreaths, packing peanuts, etc., please contact the Recycling/Transfer facility at 865- 3740 or check the town's website for a full listing.
- **2016 Dog Licenses are available.** Dogs six months and older are required to be licensed by law by January 31st (after that date a late fee of \$25.00 will be charged per dog). You may register at the Freeport Town Hall or online at: www.doglicensing.com.
- There will also be a **Rabies Clinic at the Town Hall from 9:00 a.m. – 12:00 p.m. on Saturday, January 23rd 2016.** Vaccinations are \$15.00 for both dogs and cats. You may license your dog during the rabies clinic at the Town Clerk's Counter.
- **Third Friday Free Lunch** will be held on January 15 from 12-1 p.m. at the Freeport Community Center. Anyone in the area is invited to come and eat free.

FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Tracy advised that the Ordinance Committee will be meeting next Tuesday at 5:30 p.m. in the Town Council Chambers. It is an organizational meeting and they will be discussing the status of the single use bag ordinance and the clam farming proposal. They will be focusing on their next steps from a procedural point of view rather than an in depth substantive discussion.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph reported:

- **Homestead Exemption Changes from 2015 Legislative Session**
Current law provides for a homestead exemption for primary residences in the amount of \$10,000 worth of valuation. Currently, the State reimburses municipalities at a rate of 50% of the lost revenue. Beginning in 2016, the homestead exemption will increase to \$15,000 with the State reimbursement continuing at 50%. In 2017, the homestead exemption will increase further to \$20,000 with the State reimbursement rate of 50% on the first \$10,000 and 75% on the second \$10,000. This will, of course, have the effect statewide of shifting a small amount of the property tax burden from homesteads to all other forms of property (commercial, industrial, rentals, second homes, investment property, etc.). Residents who are interested in learning more should contact the Assessing Department at 865-4743 Extension 140.1
- **L.L. Bean/Downeast Energy Donation completed**
The final numbers are in and the Downeast Energy/L.L.Bean oil donation has resulted in the delivery of a total of 11,052 gallons to families in Freeport and Yarmouth. The oil came from surplus generated when L.L. Bean switched one of its facilities to natural gas. The deliveries were coordinated by General Assistance Administrator Johanna Hanselman. Oil was delivered to 67 different homes, with ten of them receiving a second delivery in later December. Thank you to everyone at Downeast Energy and L.L. Bean who made this wonderful gift happen. You have all helped to make a lot of lives a bit warmer and easier this year.

Chip Gray from the Harraseeket Inn pointed out that he has a surplus of 1,000 gallons of oil available since he switched to Natural Gas and he would be willing to donate it. Mr. Joseph suggested that Mr. Gray contact Johanna Hanselman at the General Assistance Office. He mentioned that if anyone or any business has a similar situation, they should contact the Town.

Councilor Tracy thanked Mr. Gray of the Harraseeket Inn for his generosity.

- **Brown Tail Moth Update**

The Maine Forest Service has surveyed for Brown Tail Moth (BTM) for decades. Maine has been fortunate in that the numbers have been relatively low in most areas for the past decade, providing relief for people and trees. Last year saw an increase in BTM population in Freeport and other coastal areas, and a dramatic increase in the BTM population is predicted by the Maine Forest Service for 2016 as well. Due to this projected increase, property owners especially in coastal areas, should survey their land this winter to help determine if they need to take action against Brown Tail Moth infestation. Residents will be receiving a flyer in the mail later this month which will provide information on the Brown Tail Moth caterpillar, precautions residents should take to protect themselves, and a link to the Maine Forest Service Brown Tail Moth website with more information, including a list of Licensed Pesticide Applicators for landowners.

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

There were no public comments provided.

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

ITEM #01-16 To consider action relative to adopting the January 5, 2016 Consent Agenda.

BE IT ORDERED: That the January 5, 2016 Consent Agenda be adopted.
(Gleeson & Egan)

Chair Sachs thanked Bob Lezer and Jim Gorman for their service to the Town. Their recognition will be done the next time the Council recognizes its Boards and Committees.

VOTE: (7 Ayes)

ITEM # 02-16 To consider action relative to the discontinuance of Davis Avenue. **PUBLIC HEARING.**

Gary Profenno, Chair of Traffic and Parking explained that they have had this on their agenda for over a decade. It came to them back in 2004 from Public Safety dealing with issues concerning winter plowing and the lack of access for public safety vehicles due to the amount of parking taking place on the street. In 2004 the committee did not make any recommendations to the parking because at that time the owners of the Inn were working to purchase all the abutting property on both sides of the road with the intent that they would like the road discontinued and returned to the abutters. It took time for them to work it out. In 2011 it returned to the committee because the efforts that the Inn was making with Public Safety was not turning out as well as they had hoped. At that time, Traffic and Parking recommended to the Council to have winter prohibition of parking to alleviate any problems with plowing and public safety vehicles. Subsequent to that, the Inn worked out a deal with the former Town Manager to take over winter plowing and winter maintenance. After that was taken care of, parking restrictions were lifted which was part of the agreement. Subsequent to that, the Inn has now finished purchasing all of the properties. In November, the documents the committee prepared back in 2005 were finalized and sent to the Council. He has heard comments on possibly retaining some sort of public access over Davis Avenue. Traffic and

Parking briefly brought up that discussion but felt it was not their purview to discuss that type of issue so they did not take action on that particular part of it. They did recommend turning the street back to the abutters and keep public access for the utilities on the street.

MOVED AND SECONDED: That the Public Hearing be opened. (Gleeson & Egan) **VOTE:** (7 Ayes)

Chip Gray, owner of Harraseeket Inn, noted that Mr. Profenno's synopsis was very clear. It was their employees parking on the street that caused problems for Town plowing. The road is very narrow and ends in his back yard. He has found it easier to plow it himself.

MOVED AND SECONDED: That the Public Hearing be closed. (Gleeson & Egan) **VOTE:** (7 Ayes)

BE IT ORDAINED: That Davis Avenue be discontinued as a Town Road. (Gleeson & Egan)

Councilor Arris explained that he feels the arrangement on Davis Avenue that is in effect right now works very well. They do a great job in the winter keeping it clear. He parked there on New Year's and noted there is ample opportunity to park in that area. He is reluctant to give up 13 public parking spaces in the center of town. Parking in the community is a strong topic and he is aware there are places that actually rent out spaces for parking in Freeport. If that road is discontinued, there would not be a way to get emergency vehicles down there. He asked if the Fire Department has weighed in on this issue of discontinuing the road. This road has been in use for a long time and locals know to park there. He wonders why it has to be changed at this point.

Mr. Presgraves, Town Engineer, explained that although parking spaces are valuable in Freeport, the shared parking rule applies to lots but does not apply to parking spaces on streets. When that road was controlled by the Town, the Town had prohibited parking during the winter time because of concerns with plowing and public safety access. He estimated that plowing and general repair of Davis Avenue amounts to \$500 a year. Pavement overlay would amount to \$560 per year. Three years ago, Mr. Gray agreed to do the winter plowing and provide insurance to the Town and the Town took away the winter prohibition.

Mr. Joseph advised that some leased parking spaces generate \$85 per month but others could be different.

Mr. Gray advised that he discussed this with the Fire Chief. The thing about this street is that if there are any cars parked on it, it becomes a one-lane road. The Fire Chief explained that in an emergency, he would not drive a fire truck down Davis Avenue. He would hook up to a large hydrant and runs lines from there because he needs the flow. Mr. Gray clarified that he is plowing the road and maintaining it and provides insurance to the Town. This will enable him to "unstrand" the property on the other side. He has two kids and has to plan for the future.

Mr. Presgraves pointed out that this road is the only access to a few properties down there and they will always need access. If a big change was proposed, it would have to go through a Project Review Board process. We have to recognize that if it is no longer a Town road, we would not control it from a right-of-way standpoint. There are still the rules in place for Project Review development. Mr. Joseph advised that there is very little frontage on this road and there is very little value to the 1/3 of an acre. The business has the value not the acreage underneath it.

Mr. Joseph explained how Mr. Gray agreed to waive damages if the road is discontinued.

Mr. Profenno explained that the Town is not deficient in parking spots. He mentioned that the parking on Davis Avenue is due to the Inn's business. It is not the general public parking and walking up to L.L.

Bean. It is employees, it's people coming to Mr. Gray's business or other family or business interests using the road to park on. Councilor Hendricks mentioned that the Council is arguing over public parking but the only time we are going to use it, is if we are going to the Inn. The only people accessing those spots are either going to the Inn or going to one of the properties they own. We have more parking spots than we have businesses to rent them. Chair Sachs clarified that shared parking is close to capacity but it is a separate issue from availability of parking space and capacity for the Town as a whole. Councilor Hendricks stated that he is ready to vote.

Sandy Williams, resident of the area, noted that he feels it makes sense to go with the proposal that is on the table.

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

ITEM # 03-16 To consider action relative to an amendment to Town Charter sections 8.01, 8.02 and 8.04.

BE IT ORDERED: That a public hearing be scheduled for January 19, 2016 in the Town Council Chambers at Town Hall, 6:30 pm, to discuss an amendment to the Town Charter.

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. (Egan & Gleeson)

Chair Sachs noted that the Council is simply setting a public hearing this evening but the proposed changes are to remove the requirements for citizen petitions be signed in the presence of the Town Clerk or Deputy Town Clerk as well as making minor changes that those deletions would make. This will hopefully bring the Town Charter in compliance with State law.

ROLL CALL VOTE: (7 Ayes)

ITEM # 04-16 To consider action relative to adopting the Budget Schedule for FY17 as presented.

BE IT RESOLVED: That the Budget Schedule for FY17 be adopted as presented. (Tracy & Egan)

Chair Sachs explained that the Council has the draft FY 2017 Budget Schedule. It is targeted that the June 7 date is the target date for budget adoption. The Council will be revisiting its full schedule because it is not clear about where the District meetings would be held. June 21 was hopefully targeted as the first district meeting but she wasn't quite sure of the budget schedule. Some of those changes will be made at the February 2 meeting and the Council will vote on the revised calendar to make sure that everything lined up. At that time also she is hopeful that there has been tentative agreement for February 29 as the community meeting with the other Municipalities in the RSU at the Council's request to have it in the budget season. It looks like it will be February 29 but she is still waiting for confirmation from everybody. On February 2 the Council will vote on its completed calendar for the year and will look forward to June 21 and October 4 as those combined District Workshops.

Councilor Egan asked Chair Sachs if there are any dates on this Draft Schedule that are different than

what was approved at the last meeting. Chair Sachs indicated that the answer is “no”. Mr. Joseph noted that all the meeting dates should line up with the Council's meeting dates but there is some stuff that does not such as public hearing notices. Chair Sachs also explained that the Council's workshops are also not on this draft because the three workshops that the Council has on its general meeting schedule, folks don't have to come and talk to the Council about budgets such as the Planning Department, Project Review Board or something like that. They would not necessarily be talking about budget stuff.

Councilor Arris asked if there would be a complete schedule of all Council meetings. Chair Sachs agreed that this could be done and suggested it be done after the February 2 meeting. Councilor Arris mentioned it would be very helpful to have a master schedule.

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS:

1. Update on ongoing projects.

Town Manager, Peter Joseph explained that if anyone has any questions, they should feel free to interrupt him. He did not have copies to share but offered to make copies after the meeting for Councilors.

Active Projects:

The Island Rover Project—They have been successful with their benchmarks and the target date for launching the boat is September 9, 2016. They have been discussing launching Labor Day weekend. There is a launch site selected and they will submit all their permits for a launch by April 30 with the DEP and DMR. Carter Becker is the selected welder for the project. They are making good progress.

Burr Cemetery will be coming back up in the spring.

Snow Road—when we transferred a portion of Snow Road to the RSU for their building project, there was a pigtail left on the Town portion of Snow Road that the council would like to accept as a public way. It is in front of the Town's snow dump up to the RSU property. We have finalized those deeds a few months ago and turned them over to the school right before the construction project started so we can actually do this road acceptance process. He has discussed this process with the Town Engineer and will get the Town Attorney involved very briefly to draw up the paperwork and bring it before the Council which hopefully can be in the next month or two.

I295 Clear Cutting—Mr. Joseph is aware that Council Gleeson has been involved behind the scenes talking with the neighbors. The neighbors along that section, have been meeting with the Town Engineer and the DOT's Landscaping Engineer and there is a possibility that there will be some mitigation options provided by DOT to individual property owners and after those meetings, when a plan is drawn up, it will have to come before the Town Council since it will be an interlocal agreement between the State and the Town. Mr. Joseph expects this in the next month or two. DOT is still developing a plan of what they are willing to do in terms of vegetation on individual pieces of property.

Councilor Gleeson has been very involved in these meetings and there has not been any discussion of cost to the Town. He made sure the neighbors had a voice. Mr. Joseph advised that should there be a local match, it would have to be approved by the Council when the agreement comes. It is not currently on the table.

Brown Tail Moth—Mr. Joseph noted that the Town is sending out notification.

Long Term Type Items

The Town Garage Solar Proposal—Mr. Joseph noted that this will be a budget discussion when the Council gets there. The Town Planner is exploring a couple of different financial models. Chair Sachs noted it is not lost but is on hold and will go back to Municipal Facilities Committee before it returns to the Council.

Exit 20 Intersection—Mr. Joseph wanted to put this back on the radar. He has talked to Councilors individually about it but it has not been talked about as a whole since his first month here. We are not considering a flying diamond overchange on Exit 20. The underlying question about traffic capacity for Exit 20 is whether Route One south and everything north and south of that intersection is at capacity. DOT told us in the near future the traffic flow may get to the point where they stop approving entrance permits into the general area where Exit 20 serves as the gateway onto 295. Mr. Joseph does not have a proposed solution but noted this is a discussion to have originating with the Planning Board and the Traffic and Parking Committee. This might be something the Council would like to talk about in workshops with these two committees this year.

Chair Sachs pointed out that this has been identified as an issue. Rather than getting straight to a solution without the community talking about the problem and establishing that it is a problem, that the Council normally talks with the Planning Board during one session and Traffic and Parking Committee in another session and that might be the appropriate time to say “hey, in the next long term vision we have, this has to be dealt with. Do you have any capacity this year to even begin the discussion within your committee?” Because it is going to be an issue sometime in the next five years, we need to start having these conversations.

Councilor Hendricks suggested getting out as much public notice as possible. Chair Sachs mentioned that this is an identified need and asked what the process is to do this and not take people by surprise. She anticipates that this will be a multi-year conversation and involve the Town, MDOT, abutters, etc.

Storm Water - Mr. Joseph mentioned that the Council will be hearing from Mr. Presgraves but noted it is a long term responsibility of the Town to manage storm water runoff.

Village Shared Parking—Mr. Joseph mentioned that this was talked about two years ago. The excess number of parking spots by the current calculations in the Zoning Ordinance are close to being taken up. The Town requires every property owner to have a certain number by square foot or by size of building. The excess number by those calculations is close to being exhausted meaning we do not have parking spaces to lease or other private lot owners do not have spaces to lease under that system. If not at capacity, it is close within 20 or 40 spaces. This does not necessarily mean we have to build new parking lots but it might mean we need to talk about what those values are in the Zoning Ordinance and how many spots are required for individual businesses. This may be a good one to address with the Planning Board when the Council workshops with them.

2. Update on Storm Water Regulation.

Town Engineer Albert Presgraves provided a very detailed presentation on Storm Water regulation and answered questions for Councilors. Mr. Joseph mentioned that this information would be put on the Town's website later for anyone interested.

Chair Sachs thanked Mr. Presgraves for taking the time to go through this presentation.

TABLED:

ITEM #195-15	A request from the Burr Cemetery Trustees for the transfer of perpetual care funds currently held by the Town of Freeport.
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*Note: The Town Council tabled this agenda item at a previous meeting and is **NOT** expected to take it up at the January 5, 2016 meeting.*

VOTE:

MOVED AND SECONDED: To adjourn at 8:15 p.m. (Gleeson & Egan)
(7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #-02-16
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY JANUARY 19, 2016
6:30 PM

	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Leland Arris, 70 Glenview Road	x		
Kristina Egan, 5 Weston Point Road	x		
Scott Gleeson, 23 Park Street	x		
James Hendricks, 21 West Street	x arrived at 7 p.m.		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 75 Lower Flying Point Road	x		

Chair Sachs called the meeting to order at 6:32 p.m. and took the roll. She noted that Councilor Hendricks would be arriving later 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 #01-16 held on January 05, 2016 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #01-16 held on January 05, 2016 and to accept the minutes as printed. (Gleeson & Egan) **VOTE:**
(6 Ayes) (1 Excused-Hendricks)

THIRD ORDER OF BUSINESS: Announcements

Chair Sachs announced:

- **New Public Peddler positions are available!** Applications for residents are available at the Town Clerk's Office from now until January 23rd. Non-resident applications are available from January 24th – 31st. If you have any questions, contact the Town Clerk at 865-4743 x123
- **Mark your calendar for the Annual Chocolate Bash** – Wednesday, February 10th from 6:30 p.m. to 7:30 p.m. at the Freeport Community Library. This will be an evening full of good chocolate, good friends and great music by the Cul de Sax!
- **Dogs six months and older are required to be licensed by January 31st** (after that date a late fee of \$25.00 will be charged per dog). You may register at the Freeport Town Hall or online at: www.doglicensing.com.

There will also be a **Rabies Clinic at the Town Hall from 9:00 a.m. – 12:00 p.m. on Saturday, January 23rd 2016.** Vaccinations are \$15.00 for both dogs and cats. You may license your dog during the rabies clinic at the Town Clerk's Counter.

- **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. For an appointment call 865-4743 x100 and leave a message. Beginning Thursday, January 21st and once a week thereafter, an FCS volunteer will be calling people back with an appointment date and time.
- The second annual **Freeport FebFest, a month-long festival celebrating the cultural arts in Freeport**, features returning events and new events to expand the range of offerings. This year's calendar includes events from Freeport Players, MASISTA, LL Bean, Freeport Library, Freeport Historical Society, Greater Freeport Community Chorus, Art Guild of Freeport, FreeportUSA and others... with more events in the works. For more information & an up to date calendar, visit www.FreeportFebFest.org.

FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Egan explained that Traffic and Parking met this morning and discussed two issues that have been discussed over the last couple of meetings during the past few months. The first is the Bustin's Parking lot at the waterfront. Right now only residents are allowed to get parking permits which means that property owners in Freeport cannot. There have been issues raised on whether this is fair. The Committee looked at the allocation of parking and determined that extending the permitting to non-residents that own property probably would not increase the number of permits too much. The committee is recommending that the Ordinance be changed and that will be coming to the Council for consideration to clarify that property owners in Freeport can qualify for that permit.

The second piece of business has to do with the intersection of South Street and Torrey Hill Range Road where residents from that area have come and pointed out that this is a very dangerous intersection for people coming off of the Torrey Hill Range Road in the wintertime when it is slippery. They proposed a four-way stop. Traffic and Parking looked at the proposal and found that MDOT is not open to that. The Committee looked at options but all of them will cost money. They will be coming to the Council's workshop in March and talk over the options. There are some temporary mitigating actions taken where some new signage has been put up already and additional signage that will be put up to alert people know that they are approaching a dangerous intersection when they come down Torrey Hill Range to South Street.

Councilor Tracy advised that the Ordinance Committee met last Tuesday night on January 12 and addressed two pending items. One was the Single Use Bag Ordinance and the other was the Shellfish Ordinance that came from the Shellfish Commission. With respect to the Single Use Bag Ordinance, they made an unofficial determination that it would be put on the June referendum. It will be officially voted upon once there is a draft ordinance in front of them. That was taking the temperature of the committee that supported to place it on the closest referendum to happen in time which is in June.

The Committee also decided to put forth a draft ordinance for consideration by the Ordinance Committee and then by the Council and that is in process. Their next meeting is Thursday, January 28 at 5:30 p.m. in Council Chambers. At that point they will be looking at the draft Ordinance and hopefully agreeing among the committee as to how they want to proceed with that Ordinance. They will then decide on next steps from there. She imagines it will then come before the Council for support and then they will have to put together a referendum question. With respect to the shellfish ordinance they did not entertain any substantive discussions about the shellfish ordinance because they wanted to give people who have expressed an interest in that topic an opportunity to attend but they set up a communications protocol moving forward which Mr. Joseph will talk about in a minute. They are setting up an e-mail list for those who are interested so they can be apprised of when they are having their Ordinance Committee meetings on that particular item. They also decided that the next meeting to consider the shellfish ordinance will be

on February 28 and they will then move on that from there. The Ordinance Committee will be regularly meeting on the fourth Thursday of each month at 5:30 p.m. Those meetings for the time being while they have those two items before them that are garnering a lot of interest will be televised either live or put on video on the Town's website shortly after the meeting as long as Town staff is available to televise them.

Vice Chair Gleeson advised that he and Councilor Egan and the Appointments Committee met last week. He mentioned that they have a full roster which is good but they are getting light with their reserve applications. They are particularly light with Active Living and Coastal Waters. They need more applications on file.

Councilor Tracy pointed out that the Active Living Committee will be meeting tomorrow morning at 7:30 a.m. in Council Chambers. If anyone is interested, they are more than welcome to attend.

Councilor Rixon mentioned that last Thursday the Shellfish Commission met. There is a lot of talk about this shellfish aquaculture amongst people there and the clambers. There was a lot of discussion on how best to survey the 880 acres of clam flats. Right now we do have a method for gaining information about the resource but there is a lot of question about the strengths and weakness of the current methods and how it can possibly be improved.

Associated with that, he provided an update on the Ocean Acidification Council that was proposed last spring. The Council did pass a resolution in favor of that bill before the Legislature. It had been carried over from the last session to this session. Tomorrow there will be a work session with this Ocean Acidification Council. Its purpose is to create and to identify, study, prevent, remediate, and mitigate the direct and indirect effects of coastal and ocean acidification on species that are commercially harvested and grown in the State's coastal and ocean environments. This definitely affects our local marine environment and the commercial aspects of it. The Council will be made up of 16 members, some from the Senate and some from the House of Representatives and appointed by other people. This will be on the agenda in Augusta tomorrow.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph reported:

- **Public Works Department Updates -Winter Snow Plowing Operations**

The Public Works Department is requesting your help to keep roadways clear of obstructions during snow plowing operations. During recent snow storms, there have been several instances where cars have been left parked on streets or in turnarounds at the end of dead end streets, where parking is prohibited. This can create a very dangerous situation where on street parking that interferes with snow plowing operations (especially in "no parking zones") is prohibited by local ordinance, and the Town is authorized to tow vehicles that are so parked. However, we'd like to avoid towing residents' cars if at all possible, so we are asking for your help in being extra cognizant of snow plowing operations and keeping parked vehicles out of the roadways and turnarounds in Town. We understand that wintertime snowstorms can be particularly frustrating for everyone, so thank you in advance for your help!

- **Shellfish Aquaculture Permitting Proposal**

The Freeport Town Council's Ordinance Committee is currently considering an amendment proposed by the Shellfish Conservation Commission that would allow a municipal shellfish aquaculture permitting pilot program (commonly referred to as "shellfish farming") on town mudflats. The Ordinance Committee is expected to next discuss this proposal at their meeting on February 25th, which will be held at 5:30p.m. in the Town Council Chambers at Town Hall. Relevant documents and updates will be posted on the town website under the Quick Link section titled "Shellfish Aquaculture Permitting Proposal" on the upper right hand corner of the homepage of the Town's website. The Town is also maintaining an e-mail list for

updates to anyone interested in following this subject. If you would like to be added to this mailing list, please e-mail Town Manager Peter Joseph at pjoseph@freeportmaine.com with "Shellfish Mailing List" as the subject line of the e-mail.

Chair Sachs thanked Councilor Tracy for making sure that this initiative moves forward and people are informed of what is going on.

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

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

There were no public comments provided.

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

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

ITEM #07-16 To consider action relative to adopting the January 19, 2016 Consent Agenda.

BE IT ORDERED: That the January 19, 2016 Consent Agenda be adopted.
(Gleeson & Egan)

Chair Sachs explained the items on the Consent Agenda)

ROLL CALL VOTE: (6 Ayes) (1 Excused-Hendricks)

ITEM # 08-16 To consider action relative to proposed amendments to the Town Charter, sections 8.01, 8.02 and 8.04. PUBLIC HEARING.

Chair Sachs explained that these changes will no longer require that petition signatures be done in Town Hall.

MOVED AND SECONDED: That the Public Hearing be opened. (Gleeson & Egan) **VOTE:** (6 Ayes) (1 Excused-Hendricks)

MOVED AND SECONDED: That the Public Hearing be closed. (Gleeson & Egan) **VOTE:** (6 Ayes) (1 Excused-Hendricks)

BE IT ORDERED: That the following proposed amendments to the Freeport Town Charter, sections 8.01, 8.02 and 8.04, be considered as amended as presented on the agenda.

Question One: Shall the Town of Freeport approve the amendments to the Freeport Town Charter reprinted below?

8.01 Enactment of Ordinance by Initiative

The qualified voters of the town shall have the power to propose ordinances of substance, or repeal, to the council, provided that such power shall not extend to any ordinance relating to the budget, to the capital program, or to the appropriation of money, levy of taxes, or salaries of officials or employees. If the council should fail to adopt in substance any ordinance so lawfully proposed, the qualified voters of the town shall have the power to adopt or reject the proposed ordinance at an election.

Any five qualified voters may begin initiative proceedings by request in writing to the town clerk for the appropriate petition blanks. The complete text of the proposed ordinance shall be included with the request. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation the full text of the proposed ordinance. These five qualified voters shall be referred to as the requesting committee during the initiative procedure.

The requesting committee shall have 30 days from the acceptance date of the request by the town clerk to cause the petitions to be signed by 10% of the qualified voters of the town. The petition shall be signed ~~in the presence of the town clerk or the town clerk's deputy at the town clerk's office and, or, at the municipal office~~ only by qualified voters of the town and each voter's signature shall be followed by the voter's address, ~~provided, however, reasonable accommodation, pursuant to the town's comprehensive accommodation policy, shall be made for qualified persons with a disability that prevents or interferes with that person's ability to sign a petition in the municipal office. Reasonable accommodation shall include allowing a voter to designate an immediate family member or third person to deliver to the voter the full text of the ordinance, order or resolve, a copy of the petition and a petition signature page. The petition signature page shall have attached to it when filed an affidavit executed by the immediate family member or third person stating that the full text of the ordinance, order or resolve, the copy of the petition and the petition signature page were presented to the voter; that the voter had the opportunity before signing to read the full text of the ordinance, order or resolve, the copy of the petition and the petition signature page; and that the voter's signature was affixed to the petition signature page in the presence of the immediate family member or third person.~~

Within 7 days after the petition circulation period ends, the town clerk shall certify to the council that the petition has been signed by not less than 10% of the qualified voters of the town, ~~that all signatures were affixed in the town clerk's or the town clerk's deputy's presence,~~ that the town clerk or the town clerk's deputy believe them signatures to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the proposed ordinance.

Should fewer qualified voters than required by the Charter sign the petition in the specified time, the petition shall have no further force or effect, and all proceedings thereon shall be terminated. A request to initiate the same ordinance may not be accepted by the clerk until 120 days after the expiration of the previous filing period. Upon receipt of certification the council shall within 10 days hold a public hearing and shall within 30 days after said public hearing hold a municipal election for the purpose of submitting to vote the question of adopting such ordinance, unless such ordinances shall be enacted by the council prior to the call for said town election. Such ordinance shall be enacted and take effect when a majority of those voting thereon shall have voted in the affirmative.

Any such proposed ordinance shall be examined by the town attorney before being submitted to the voters. The town attorney is authorized to correct the form of such proposed ordinance for the purpose of avoiding repetitions, illegalities, and unconstitutional provisions, and to assure accuracy in its text and references, and clearness and preciseness in its phraseology, but the town attorney shall not materially change its meaning and effect.

8.02 Petition for Overrule of Action of Council

All ordinances, orders or resolves, except emergency ordinances, or orders or resolves making appointments or removals or regulating exclusively the internal procedure of the council, shall be subject to overrule by a referendum as follows:

The qualified voters of the Town of Freeport shall have thirty (30) working days, excluding legal holidays and Sundays, after adoption of any such ordinance, order or resolve, to sign a petition requesting a referendum.

~~The petition shall be signed in the presence of the town clerk or the town clerk's deputy at the town clerk's office and, or, at the municipal office, provided, however, reasonable accommodation, pursuant to the town's comprehensive accommodation policy, shall be made for qualified persons with a disability that prevents or interferes with that person's ability to sign a petition in the municipal office, and t~~The signature of each qualified voter on the petition shall be followed by the voter's address. ~~Reasonable accommodation shall include allowing a voter to designate an immediate family member or third person to deliver to the voter the full text of the ordinance, order or resolve, a copy of the petition and a petition signature page. The petition signature page shall have attached to it when filed an affidavit executed by the immediate family member or third person stating that the full text of the ordinance, order or resolve, the copy of the petition and the petition signature page were presented to the voter; that the voter had the opportunity before signing to read the full text of the ordinance, order or resolve, the copy of the petition and the petition signature page; and that the voter's signature was affixed to the petition signature page in the presence of the immediate family member or third person. During the thirty (30) day period for signatures, the town clerk or the town clerk's deputy shall maintain office hours for at least four (4) working days until 8:00 p.m., prevailing time, and for at least two (2) Saturdays from 10:00 a.m. to 2:00 p.m., prevailing time, in order to allow qualified voters to sign the petition requesting a referendum.~~ At the close of the thirty (30) day period for signatures, the town clerk shall promptly certify to the town council that the petition has been signed by not less than 10% of the qualified voters of the town, ~~that all signatures were affixed in the town clerk's or the town clerk's deputy's presence,~~ that the town clerk believes them in signatures to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance, order or resolve sought to be overruled. Should fewer qualified voters than required sign the petition within the specified time, the petition shall have no further force or effect, and all proceedings thereon shall be terminated. Upon receipt of such certification, the town council shall fix the time and place of such referendum which shall be within twenty-one (21) days after receipt of certification of the petition, and notice thereof shall be given in the manner provided by law for the calling of a referendum. A public hearing shall be held by the town council on the subject of the petition for referendum at least ten (10) days before the day for voting thereon. Notice of such public hearing shall be given by the town council by causing a copy of the proposed referendum article, together with the time and place of hearing, to be posted in the same manner required for posting a warrant for a municipal election, at least seven (7) days before the date set for such a hearing.

Any ordinance, order or resolve which is the subject of such a referendum shall take effect upon conclusion of such referendum, unless a majority of those voting thereon shall have voted in the negative, and provided further that the total number of votes cast in the referendum equals or exceeds 20% of the total number of registered voters in the Town of Freeport as of the date of the filing of the petition for referendum.

8.04 Recall

Any 5 qualified voters may begin at any time proceedings to recall a councilor at large by requesting in writing to the town clerk for the appropriate petition blanks. These five registered voters shall be referred to as the recall committee. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation a statement detailing the reason or reasons for recall and the names of the recall committee.

The recall committee shall have 30 days from the acceptance date of the request by the town clerk to cause the petition to be signed by 25% of the qualified voters of the town. The petition shall ~~be available only at the town clerk's office during normal business hours, and shall be signed~~ only by qualified voters of the town, ~~in the presence of the town clerk or the town clerk's deputy, provided, however, reasonable accommodation, pursuant to the town's comprehensive accommodation policy, shall be made for qualified persons with a disability that prevents or interferes with that person's ability to sign a petition in the municipal office.~~ Each voter's signature shall be followed by the signer's address. ~~Reasonable accommodation shall include allowing a voter to designate an immediate family member or third person to deliver to the voter the full text of the ordinance, order or resolve, a copy of the petition and a petition signature page. The petition signature page shall have attached to it when filed an affidavit executed by the immediate family member or third person stating that the full text of the ordinance, order or resolve, the copy of the petition and the petition signature page were presented to the voter; that the voter had the opportunity before signing to read the full text of the ordinance, order or resolve, the copy of the petition and the petition signature page; and that the voter's~~

~~signature was affixed to the petition signature page in the presence of the immediate family member or third person.~~

Within 7 days after the petition circulation period ends the town clerk shall certify to the council that the petition has been signed by not less than 25% of the qualified voters of the town, ~~that all signatures were affixed in the town clerk's or the town clerk's deputy's presence,~~ that the town clerk ~~and or~~ the town clerk's deputy believe them ~~in signatures~~ to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity to read the statement detailing the reason or reasons for recall. Should fewer qualified voters than required by the charter sign the petition in the specified time, the petition shall have no further force or effect, and all proceedings thereon shall be terminated and request for recall of the same councilor may not be accepted by the clerk until 180 days after the expiration of the previous filing period.

Upon receipt of certification the council shall within 30 days hold a municipal election for the purpose of submitting to vote the question of recall. A councilor at large shall be recalled when a majority of those voting thereon shall have voted in the affirmative. The council shall within 30 days after the voters have recalled a councilor at large hold a special election to fill the vacancy.

A councilor at large, or district councilor that is recalled by the voters shall be allowed to seek re-election at the special election called for the purpose of filling the vacancy created by the recall by filing a notice with the town clerk that the councilor wishes to have his or her name appear on the ballot, no later than the fifteenth day preceding the election. The councilor shall not be required to circulate a nomination petition. Other qualified voters who seek to fill the vacancy created by the recall shall have until the fifteenth day preceding the election to file with the town clerk a petition as required by the charter for a regular municipal election. Pending action by the voters of the town, the councilor at large, or district councilor that recall proceedings have been initiated against shall continue to exercise all the privileges of the councilor's office.

The recall procedure for recalling a district councilor shall be the same as for recalling a councilor at large except for the following provisions:

- (1) The recall committee must be composed of qualified voters that reside in the district of the councilor to be elected;
- (2) The recall petition shall be signed by 25% of the qualified voters that reside in the district of the councilor to be recalled.
- (3) The council shall within 30 days of certification of the petitions by the town clerk call a direct election for the purpose of submitting to vote the question of recall.

The ballot for recall shall contain the following questions: "Shall (name of person being subjected to recall) be recalled from the office of (name of office)?" Immediately below such question shall appear in the following order, the words "yes" and "no" and to the right of each a square in which the voter may cast his or her vote.

BE IT FURTHER ORDERED: That the proposed amendments to the Charter of the Town of Freeport be submitted to the voters of the Town of Freeport at the municipal election on June 14, 2016.

BE IT FURTHER ORDERED: That the Council determines that it is not practical to print the proposed Charter amendments on the ballot, and the summaries attached to this Order do not misrepresent the subject matter of the proposed amendments; and

That the Clerk shall include the summaries on the June 14, 2016 Election ballot instead of the text of the proposed amendments. (Gleeson & Egan)

Chair Sachs explained that these changes are all posted on the Town's website. The initiative states that these amendments are available to anyone that wants to look at them but they will not be on the ballot. On the ballot on June 14 which has to be approved by the voters, no one will see this stricken out red line

language. There will be summaries. She is sure our Town Clerk would love to sit and talk to any interested resident about the changes as she or any of the Councilors would.

Councilor Arris noted that this makes it much easier to participate in the democratic process and he feels it is a really good change. Under the present rule, if someone wanted to circulate a petition, each individual would have to come into the Town Hall to sign the petition. This will allow someone to take the petition and walk to their neighbors, Bow Street Market or wherever they want to go and get their petition signed there. It makes it easier for residents. Councilor Egan added that this brings us in compliance with State law.

Mr. Joseph pointed out that the summary was not attached to the packet that went out to the Council. It was attached two weeks ago and he offered to read the two sentences which will be included on the ballot:

Summary of proposed amendment to the Freeport Town Charter, pursuant to MRSA Title 30-A Section 2105.3

The Freeport Town Charter currently requires that petitions for Enactment of Ordinance by Initiative (Sec. 801), Overrule of Council Action (Sec. 8.02) and Recall (8.04) to be signed in the presence of the Town Clerk. The proposed amendment would remove that requirement, allowing the free circulation of petitions under Sections 8.01, 8.02, and 8.04.

Councilor Rixon asked Mr. Joseph if Councilor Egan's statement that this brings us in compliance with State law could be added to the ballot. Mr. Joseph agreed if the Council feels this is a better representation. He agreed to add: *This would bring the Town Charter into compliance with State Law.* Councilor Rixon feels this sounds good.

ROLL CALL VOTE: (6 Ayes) (1 Excused-Hendricks)

ITEM #09-16	To consider action relative to approving a liquor license application for The Lobster Cooker, located at 39 Main Street, Freeport.
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BE IT ORDERED: That a public hearing be scheduled for February 2, 2016 in the Town Council Chambers at Town Hall, 6:30 pm, ~~to discuss an amendment to the Town Charter.~~ to approve a liquor license for the Lobster Cooker, located at 39 Main Street, Freeport,

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. (Arris & Egan)

ROLL CALL VOTE: (6 Ayes) (1 Excused-Hendricks)

NOTE: Councilor Hendricks arrived at 7 p.m.

ITEM #10-16	To consider action relative to endorsing 2016 CDBG applications.
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BE IT ORDERED: That the 2016 CDBG application for Leon Gorman Park including bridge repair and construction of a play area and wild flower garden in the skating area be endorsed.

BE IT FURTHER ORDERED: That the Town will include a local match of up to \$34,510 in FY17 budget if the grant is awarded. (Egan & Tracy)

Town Planner, Donna Larson explained that the bridges in the Park are starting to fail. They need work on the supports underneath as well as some of the decking. She noted that she has gone through a very extensive public process on the skating pond and have come up with low-maintenance fixes. The plan is to fill it in and create a natural play area which includes rocks and logs. Since one of the bridges is coming out but it has beautiful cedar railings which could become balance beams in the natural play area. A slide will be also added so that from the Bow Street Market, one will be able to slide into the playground. All CDBG applications require endorsement from the Town Council.

Councilor Egan asked about a dog park in this area and asked how this suggestion was handled in the public process. Ms. Larson explained that a dog park does not fall into the low maintenance category. They take a lot to construct and they require a lot of maintenance. They do not have the capacity to take care of a dog park. She does not feel that building a dog park would be an eligible expense for CDGB funding. She mentioned that water features were also considered but it was determined that they require too much up front money and too much maintenance. Contributions from Bow Street Market, the Hilton Garden Inn and L.L. Bean were received for the local match. She is pleased to say that it is a private/public partnership. **The building of the wildflower area does not preclude building a dog park in the future (amended text)**

John Lowe, Active Living Committee member, explained that this fits in with our Active Living Plan and he hopes the Council will support it. It should be a fun place. Andy Spaulding from the Active Living Committee pointed out that this is on the Plan. His kids have done Harraseeket Harriers for several years and Leon Gorman Park is home turf for them. It has been great for them. Any improvements we make will be strong in terms of the safe routes to school we are trying to create. It has great implications for youth physical activity and he encouraged the Council to vote for it.

Travis Pryor of Snow Road thanked Ms. Larson for the opportunity to work on this design and Volunteer and lead some stewardship efforts. Residents and business owners put in a lot of blood, sweat and tears along with support from Public Works and Bow Street Market to help take on the maintenance of the park and keep it spruced up over the past few years. He encouraged the Council to move it forward.

ROLL CALL VOTE: (7 Ayes)

ITEM #11-16 To consider action relative to endorsing 2016 CDBG applications.

BE IT ORDERED: That the 2016 CDBG application for sidewalk construction on Elm Street and Snow Road be endorsed.

BE IT FURTHER ORDERED: That the Town will include a local match of up to \$106,700 in FY17 budget if the grant is awarded. (Tracy & Egan)

Town Planner, Donna Larson explained that this sidewalk is something that has been talked about for a long time. The RSU is building a portion of the sidewalk that is in the high school property. Last year the Council approved a portion of it and this would be the final piece. While it is being approved and paid for in different ways, it is very likely that it will be built all at once which will certainly save money. This project goes down one side of Snow Road and one side of Elm Street. In this particular case, the request is to put in a 50% match. The Council has \$130,000 in its Five Year Capital Plan set aside for this particular project. Last year we split the project up and said okay, this year we are going to fund \$60,000 for that one segment she talked about out of the Destination Freeport TIF and next year we will apply for this grant but at 50% so the \$130,000 was put in. She is thinking that the Council will be able to knock that amount down if this gets funded. She explained the constraints of the Destination TIF. More discussion followed. It brings in a little over \$200,000 but certain expenses come out of it every year. Mr. Joseph offered to look up the balance. Mr. Joseph reported that this brings in approximately \$268,000 a year but what is not spoken for is roughly \$100,000. This is already a planned expense.

John Lowe advised that this is another case where it was identified by the Active Living Plan. This is the last piece of sidewalk that kids need to get to school without having to walk in the middle of the road. He encouraged the Council to vote for it. Andy Spaulding of South Street advised that this corridor is very important in terms of school connections and safe routes to school. The high school uses this for training as does residents. He encouraged adoption of this. Travis Pryor of Snow Road noted that safety is a concern for the neighborhood and he has heard support for it in the neighborhood. People from the community walk this stretch of road. He is in favor of this and would appreciate the Council's support.

ROLL CALL VOTE: (7 Ayes)

Chair Sachs thanked the Town Planner and all the people involved for all their work.

OTHER BUSINESS:

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

Jessica Maloy introduced Bob Cyr and Suzanne Moffit from Bangor Savings Bank. Mr. Cyr referred to a 9-page package that was presented to the Council covering the three accounts they manage for the Town. They answered questions from Councilors.

Councilor Arris had questions about fees. Mr. Cyr explained that there are transaction fees involved. They are not a broker/dealer so in terms of buying or selling any of the securities in the portfolio on the equity side, there is a commission charged by a broker/dealer. They trade at the institutional level and their cost for transacting shares through the broker/dealer is 5 cents per share with no minimum charge. Councilor Arris asked if Mr. Cyr had a percentage of transaction fees to share. Mr. Cyr replied that he did not know what the actual amount of commission costs have been over the last couple of years but stated that it has been minimal. Ms. Moffit offered to research this and will provide the information to Ms. Maloy so she can share it with the Council. More discussion followed.

Councilor Egan asked how much of Freeport's portfolio is invested in fossil fuels. Ms. Moffit offered to track this information and will get it to Ms. Maloy to share with the Council.

Chair Sacks thanked Mr. Cyr and Ms. Moffit for a very thorough review.

2. Annual Financial Statement & Audit Presentation. (Runyon, Kersteen, Ouellette) and Jessica Maloy, Finance Director

Jessica Maloy introduced Roger Labreau, a partner at Runyon, Kersteen, Ouellette so he could provide their annual financial statement and their June 30, 2015 audit presentation. He referenced the 82 page financial statement and broke it down into highlights. He answered questions for Councilors.

Chair Sachs thanked Mr. Labreau for a very good audit.

3. Fund Balance Update (Jessica Maloy, Finance Director)

Ms. Maloy explained that as of June 30, 2015 the Town had \$3,052,376 in unassigned fund balance. The Town's policy states that the general fund will hold one and a half months of the Town, RSU (Town portion), and County (Town portion) in fund balance. She further explained that the Town is \$302,983 short of its fund balance policy level due to the 1 mil increase to the tax rate in the FY 2016 budget. At this time, staff recommends that the Council leave the fund balance as it is with the focus on rebuilding the balance over the next couple of years through the increased tax revenue collection and overall expense reductions. Mr. Joseph advised that it takes a year for the fund balance to catch up and if there was no tax rate hike, we would be in right about in line.

Chair Sachs thanked Ms. Maloy for all her good work this evening.

TABLED:

ITEM #195-15 A request from the Burr Cemetery Trustees for the transfer of perpetual care funds currently held by the Town of Freeport.
*Note: The Town Council tabled this agenda item at a previous meeting and **NOT** expected to take it up at the January 19, 2016 meeting.*

MOVED AND SECONDED: To adjourn at 8:55 p.m. (Gleeson & Egan)
VOTE: (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES
FREEPORT TOWN COUNCIL MEETING #03-16
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY FEBRUARY 2, 2016
6:30 p.m.**

	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Leland Arris, 70 Glenview Road	X		
Kristina Egan, 5 Weston Point Road	X		
Scott Gleeson, 23 Park Street	X		
James Hendricks, 21 West Street	X		
William Rixon, 66 Varney Road	X		
Melanie Sachs, 84 Kelsey Ridge Road	X		
Sarah Tracy, 75 Lower Flying Point Road	X		

Chair Sachs called the meeting to order at 6:32 p.m. and took the roll.

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 #02-16 held on January 19, 2016 and to accept the minutes as printed.

Councilor Egan referred to page 9 regarding the Leon Gorman Park and requested that a sentence be added to the second paragraph for clarification: The building of the wildflower area does not preclude building a dog park in the future.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #02-16 held on January 19, 2016 and to accept the minutes as amended. (Gleeson & Tracy)

VOTE: (7 Ayes)

THIRD ORDER OF BUSINESS: Announcements

- **Mark your calendar for the Annual Chocolate Bash** – Wednesday, February 10th from 6:30 p.m. to 7:30 p.m. at the Freeport Community Library. This will be an evening full of good chocolate, good friends and great music by the Cul de Sax!
- **AARP provides free Tax Preparation assistance** for low-moderate income households, with special attention to those 60 years and older at the Freeport Community Center. For an appointment call 865-4743 x100 and leave a message.
- The second annual **Freeport FebFest, a month-long festival celebrating the cultural arts in Freeport**, includes events from Freeport Players, MASISTA, LL Bean, Freeport Library, Freeport Historical Society, Greater Freeport Community Chorus, Art Guild of Freeport, FreeportUSA and others. For more information & an up-to-date calendar, visit www.FreeportFebFest.org.
- As part of Freeport Community Services “**Warm Your Heart**” 12th Annual Freeze Out, they will be collecting non-perishable food and personal care items for the food pantry. Drop off boxes will be displayed around town. You can drop off your donated

items here at the Town Hall the next time you are in the office! For more information call 865-3985.

- The Town Clerk's office will hold the **public peddler lottery** on February 22, 2016 at 4 p.m. to assign public peddler locations for applicants awarded a 2016 license.

FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Tracy advised that last Thursday the Ordinance Committee met and discussed the Single Use Bag Ordinance. They took a look at a draft ordinance modeled on the Portland Ordinance but also inserted some language from Falmouth's where they felt appropriate. They made some edits to the draft ordinance and it will be coming before the Council at a point in the future to be discussed. The Committee learned that there is a citizen petition circulating for a different single use bag ordinance and Mr. Egan may be here tonight to talk about it. The difference is that the Council proposed ordinance is a five cent fee on paper and plastic single use bags, and the petition proposed by citizens proposes a ban on plastic bags and no treatment of single use paper. In light of the fact that that is pending, the Ordinance Committee decided to finalize the language that was agreed upon but then suspend any further action until they figure out whether the citizen group is going to get sufficient signatures to bring that before the Council. They can then proceed on two tracks and figure out how to sort it out at that point rather than moving forward with the Council Ordinance when it might actually be moot. She noted they were in a holding pattern but have made progress and certainly there is a developed ordinance ready for consideration at a point that is appropriate. They will be in discussions on when that should happen.

Councilor Tracy advised that the Appointments Committee met this morning to fill two vacant seats on the Project Review Board. She mentioned that they had five really fabulous applicants from the community with significant backgrounds in construction, engineering, architecture and historic preservation. She noted it was impressive and the committee appreciated everyone coming out and making a pitch for why they wanted to join the Project Review Board. The committee selected two candidates and that will be brought before the Council for a final vote probably at the next meeting. The committee was also able to fill a seat on the Conservation Commission and hopefully, the Active Living Committee but that is to be determined. They also made a determination on a seat on the Planning Board. She thanked Johanna Hanselman for providing coffee and donuts because it was very early when they started. She feels they made a lot of great progress and they are excited to talk about the candidates when they come before the Council.

Councilor Rixon reported on the Ocean Acidification Council. Apparently the Department of Marine Resources and stakeholders that have been in conversation the past year have decided that the Ocean Acidification Council was probably not best pursued through the Legislative process and instead of that the Island Institute and Friends of Casco Bay and also the Northeast Coastal Acidification Network are working on putting together this Council outside of the Legislature and to get a draft charter and get it established with some grant funding that they are working on. Hopefully, after this is established the Legislature and the Department of Marine Resources might be interested in revisiting it and whether or not the State wants to get involved. It is happening and the Island Institute and Friends of Casco Bay are pursuing this.

Councilor Rixon advised that the Metro Bus will be coming to Freeport soon. They had an informational session yesterday morning at the Nordica Theatre with a ten-minute film designed to show how cool riding the bus is. There were about two dozen local folks in attendance to hear the presentation and ask questions. The bus is going to be called The Metro North Express. They are hoping for a start date of mid-May. There will be nine runs on weekdays from 6 a.m. to 7 p.m. On Saturdays from 9 a.m. to 7 p.m. and they are also hoping to put on special runs late in the evening on First Fridays so that people here can get

in town and go to that art event and still get home and maybe have a run at 9 p.m. For other special events, there is that possibility. Metro Bus is happening and hopefully come mid-May it is going to be running.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph reported:

Successful K-9 Evidence Recovery—During the early morning hours of Monday, January 11, 2016 Frosty's Donuts on Main Street in Freeport was burglarized by two male suspects. Entry was gained into the building, where they stole the register cash drawer. By Thursday afternoon both males had been identified and arrested. During the investigation detectives learned that the cash drawer was disposed of in a wooded area behind the high school. Officer Moorhouse and his K-9 partner Cassie were called to conduct an article search. Within 30 minutes Cassie had located the item buried under the snow. Congratulations to Officer Moorhouse and Cassie on another successful K-9 search!

Update on Motor Vehicle Plates—The Finance Department reports that they have issued approximately 250 sets of new plates to residents since October. In addition to new plates, there are several other classes of transactions that the Finance Department can now also process (such as transfer of existing plates to a new vehicle), that usually required a trip to a BMV office to complete. This convenience alone has saved hundred hours of resident time driving to the BMV office, waiting in line, and driving home.

Solarize Freeport—Will host a “phase two” Kickoff Event February 27th from 9 a.m. until Noon at the Town Hall in Freeport. Come and learn how to reduce energy costs at your home or business. Sessions will include information on solar, heat pumps, weatherization, pellet boilers, financing options and incentives from Efficiency Maine. Contact Town Planner, Donna Larson for more information.

Conviction in Norway Savings Bank Robbery—Two Manchester, New Hampshire residents have plead guilty to several bank robberies in Maine and New Hampshire, including last year's robberies at Norway Savings Bank in Freeport, TD Bank in Lewiston, Franklin Savings in Franklin, NH and the University Credit Union in Portland. The joint investigation included police departments from Freeport, Portland, Lewiston, Old Orchard Beach, Saco, Franklin, NH, Manchester NH, the Maine State Police, and the Southern Maine Gang Task Force. They are each facing 25 years in prison and a \$250,000 fine on each charge.

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

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

John Egan, Freeport resident explained that he is here tonight to talk about plastic bags and specifically banning the use of plastic bags as a single use carry out item in Freeport. He clarified that he attended the Ordinance Committee's workshop last Thursday and was pleased to hear the very thoughtful and fully encompassing language of the committee's ordinance being considered. He is here tonight to urge the Council to go a little further and he will be working with a group of between 60-80 identified people who are willing to participate in organizing and helping collect signatures for a petition. The petition will take most, if not almost all, of the language in the Ordinance Committee's ordinance including the five-cent fee on paper bags. As a further step, encourage more Freeport residents to begin and continue to use reusable bags for their grocery efforts. Coupled with the effort to ban the plastic bags, their group is really focusing on fundraising and grant proposal writing to create a fund to purchase for starters, about 500

reusable bags and put them at Freeport Community Services for any member of the community who finds it a burden to purchase reusable bags. They can go and get two or three per household, whatever the policy will be. This will make it as easy as possible for people to begin using reusable shopping bags. They would like an opportunity to purchase for availability compostable pet waste bags. There has been discussion in the group that they are loosely collaborating with that plastic bags from grocery stores are an excellent second use for cleaning up after pets so they would like to introduce the idea of using compostable plastic bags for compostable waste..He understands the process that they are going to have five folks as a requesting committee to submit language, to take out a citizen's petition and to collect somewhere in the order of 650 signatures (he will get an exact count from the Manager) and then present language back to the Council with the signatures. It will pretty much be similar to the ordinance that is in process right now with the additional step of banning plastic bags. He feels they have a good chance of collecting those signatures. He understands there is a 30-day clock and they have people that are highly motivated to meet the deadline. The idea is that if they can present those signatures to the Council, they may encourage the Council to take a step on the proposed ordinance it has and make the amendment so that it reflects the will of the petition and avoid the cost and effort of having a binding referendum election based on the petition. He pointed out that this is not an adversarial effort. This is a collaborative effort and they are excited to live in a community where the Town Council is spending so much time on such an important issue. He applauds the Council for addressing the issue and they hope to demonstrate an organized group of residents who want the Council to go one step further and ban the bags. He noted he would be happy to attend subsequent meetings and give updates on where they are. The petition has not been taken out yet.

Councilor Tracy explained that there is a step where this group, if they get sufficient signatures, they could bring it to the Council and there is a step where the Council could choose to adopt it right there but if that doesn't happen, then assuming they have sufficient signatures, it would go to the voters for a binding vote in June or actually it could be a special election, depending on the timing. That vote would be binding. The Ordinance Committee had recommended sending an ordinance to a non-binding vote because a binding vote was not an option for them. They would then take it to the Council.

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

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

ITEM #17-16 To consider action relative to adopting the February 2, 2016 Consent Agenda.

BE IT ORDERED: That the February 2, 2016 Consent Agenda be adopted.
(Sachs & Egan)

Chair Sachs thanked everyone who made donations to the Freeport Fuel Fund, the Fire Department and the Library. They were voluntary donations to an appeal sent out in the fall. Vice Chair Gleeson pointed out that the donations are very much appreciated.

ROLL CALL VOTE: (7 Ayes)

ITEM # 18-16 To consider action relative to approval of a liquor license for The Lobster Cooker, **PUBLIC HEARING.**

MOVED AND SECONDED: To open the public hearing (Egan & Tracy)
VOTE: (7 Ayes)

Chair Sachs explained that this is an action relative to approving the Lobster Cooker's application for a

liquor license.

There were no comments provided.

MOVED AND SECONDED: To close public hearing (Egan & Hendricks)
VOTE: (7 Ayes)

BE IT ORDERED: That the liquor license for The Lobster Cooker be approved.
(Egan & Gleeson)

ROLL CALL VOTE: (7 Ayes)

ITEM # 19-16 To consider action relative to amending the Traffic and Parking Ordinance, Chapter 48, Section 309: Parking at Leased Lot in South Freeport to add property owners to those eligible for a parking permit in the "Brewer" Lot.

BE IT ORDERED: That a public hearing be scheduled for February 23, 2016 in the Town Council Chambers at Town Hall, 6:30 pm, to discuss an amendment to the Traffic and Parking Ordinance, Chapter 48, Section 309.

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. (Tracy & Egan)

Councilor Egan explained that right now in order to get a permit to park in the Brewer lot, one must have a vehicle registered in Freeport. Property owners who are not residents cannot get a parking permit. Traffic & Parking reviewed whether this was fair and also if they extended the ability to get permits to property owners, if it would create more of a parking issue than there already is down at the Brewer lot. They determined that the vast demand for the parking is on weekends and special events so it is already at limited capacity so there wouldn't be much of a difference in having a little more demand. During the week and other times when it is not overcrowded, it would be more fair to allow those permits to be offered to property owners and not just residents. The unanimous recommendation from Traffic and Parking is to amend the ordinance to allow for any property owner in Freeport to be eligible for a parking permit in the Brewer lot.

ROLL CALL VOTE: (7 Ayes)

ITEM # 20-16 To consider action relative to adopting a revised 2016 Town Council meeting schedule.

BE IT ORDERED: That the revised Town Council meeting schedule dated February 2, 2016 be adopted as amended. (Arris & Egan)

Chair Sachs that this adds the RSU5 Workshop on February 29, combines the District 1 and 3 Workshop on June 7 and District 2 and 4 on October 4. All meetings will start at 6:30. The Council is not planning to move from the Community Center up to Town Hall because we have the ability to do a live feed from the Community Center which should reduce concerns from folks about when will we be back in Town Hall.

ROLL CALL VOTE: (7 Ayes)

Councilor Egan advised that she would be arriving late on February 29. Chair Sachs suggested that she notify her by e-mail.

ROLL CALL VOTE: (7 Ayes)

ITEM # 21-16 To consider action relative to awarding a contract to Fire Tech & Safety in the amount of \$9,363.70 for a new Fit Test Machine for respirator testing.

BE IT ORDERED: That the contract be awarded to Fire Tech and Safety in the amount of \$9,363.70 for a Fit Test Machine.

BE IT FURTHER ORDERED: An expenditure of \$9,363.70 from the Fire Rescue Annual Donation Account be used to fund this request.

Note: The balance in the Fire Rescue Annual Donation Account is \$48,312. This fund is typically used to fund unplanned equipment replacements and /or items not funded through the budget process. (Rixon & Egan)

Fire Chief Darrel Fournier, pointed out that he provided a memo for Councilors. He feels purchasing this Fit Test Machine will allow them to test their firefighters more regularly to make sure they are up to speed. He will offer to do fit testing for the Town of Pownal and will charge then \$25.00 per person which he feels will help them out. This is coming out of the Donation Account. He noted that he is amazed and grateful to the residents of Freeport for supporting the department in this way. They are able to get some really specialized pieces of equipment through this program.

Councilor Arris asked if the \$8,770 accepted earlier this evening is included in the \$48,312. Mr. Joseph explained that he did not believe it is included. The total was as of last week. He offered to confirm it for Councilor Arris. Chair Sachs added that normally the Council would have to accept the funds for them to be reflected.

ROLL CALL VOTE: (7 Ayes)

ITEM# 22-16 To consider action relative to awarding a contract to Above & Beyond, LLC for the police locker relocation project.

BE IT ORDERED: That the contract be awarded to Above & Beyond, LLC for police locker relocation project in the amount of \$5,755.93.

Note: This work is part of the FY 2016 Police Department capital project for "PD Redesign" for \$20,000. Most of the project budget will be used for the new lockers that will be installed in the re-located space, which will be bid separately at a later date.(Hendricks & Gleeson)

Mr. Joseph explained that this is a portion of the police locker relocation project discussed during last year's Capital budget process and was approved by the Council. The actual lockers will be separately bid at a later date.

ROLL CALL VOTE: (7 Ayes)

ITEM # 23-16 To consider action relative to the appointment of a successor trustee for the Adelaide Winslow Harb Memorial Trusts.

BE IT ORDERED: That Mark Standen, Esq. of Freeport be appointed to succeed William Plouffe, Esq. as trustee of both the Adelaide Winslow Harb Memorial financial and real estate trusts.

BE IT FURTHER ORDERED: That the Town Attorney be directed to take any required action, including filing with Probate Court if necessary, to confirm this appointment.

Note: Current trustee William Plouffe is retiring and has asked the Town to appoint a successor trustee. (Gleeson & Egan)

Chair Sachs pointed out that Carla Dupuis, Winslow Park Commission Chair and Neil Lyman of Winslow Park are both here.

Mr. Joseph explained that Attorney Plouffe has served in this role since 2001 and we are grateful for his long years of service. There are two trusts associated with Winslow Park. One is a financial and the other is a real estate trust. They were both created around the time the property was deeded to the Town in the 1950s. The financial trust contains a trust fund that is managed by the Trustee. The purpose of that is in case the property is ever taken possession of by the Trustee, it is there to care for the property. Any income on the fund can be used for Winslow Park purposes. The real estate trust is kind of a silent trust but it has a reversionary interest in the property in case the Town ever proposes a use for Winslow Park that is inconsistent with the trust history around the property. For example, a commercial use or selling the property to a developer, not that the Town is considering either of those things or ever would. If the Town ever did something like that, the Trustee of the Real Estate Trust would have the right to petition the Court to retake ownership of Winslow Park from the Town by the condition of the grant from the 1950s and several documents and court cases after that.

The one note is that throughout the history of the park, the trusts have been fulfilled by one person, however they are two separate bodies. The Town was explicitly granted permission at the time of the founding, to appoint successor trustees through its Town Council to the Financial Trust which we have always done. We were not granted permission explicitly, however, implied that we have that permission in a previous probate filing which is why the Probate Court note is on there to allow the Town Attorney to petition, if necessary for a replacement to the Real Estate Trust. There are two separate appointment processes and the Town Attorney is reviewing that we did petition in 2001 for the appointment of a Real Estate Trustee which was successful. We need to find out if the Court Order applied to future appointments as well for the Town which we are not sure of. If any action needs to be taken by the attorney, he is confident that this simple order will give him the ability. It should be noted that both appointments, although one may involve a court approval, are going to be friendly take overs of the trust by our selected replacement Trustee. Mark Standen has expressed an interest and was suggested by our current Trustee as a possible successor.

Carla Dupuis explained that the commission voted to recommend Mark Standen to the Council. Attorney Standen is a long-time user of the park and his current law firm specializes in estate and trust management and he has had experience with a similar trust. The commission felt comfortable that Attorney Standen would be able to deal with the Winslow Park Trust. They liked the link that someone who actively uses the park would also manage the Trust.

Neil Lyman explained that Attorney Standen was recommended by the former Trustee which led the Commission to consider him in the first place.

ROLL CALL VOTE: (7 Ayes)

Chair Sachs extended thanks to Attorney Plouffe, Attorney Standen and the Commission.

OTHER BUSINESS:

Freeport Accessibility Task Force Presentation

Chair Sachs explained that this normally would have been taken up during the Public Comment Period of the meeting but there was a Councilor's request to have extra time as this is a rather lengthy report. She wanted the public to know that this is a very dedicated group of citizens. However, this is not a Town report. The conclusions, the descriptions and items within it are about Freeport but are not from Freeport. She requested that Ms. Walsh let folks know how to get in touch with her at the end of the report.

Sally Walsh provided some history on how this came about. Some time ago she broke her leg and during her recovery period an out of town friend tried to take her to lunch. It was not successful because she had difficulty accessing the town when learning to walk again. There did not appear to be any visible area where she could be dropped off while her friend went and parked her car. While relating this story, she could not tell how many people related their own difficulties or that of a friend or family member not just specifically in Freeport but it seemed to be globally. As this evolved she decided that it was a bigger issue than just her. She came to the Council and discussed doing a citizen initiative task force information gathering assessment type thing. A newspaper reporter came up to her and expressed an interest and wrote an article about it. There was a lot of response to that article within the paper and the Director of the Freeport Chamber of Commerce came up and said she wanted to work on it because it is a big issue.

There is a dedicated core group of Task Force members who came forward and they are here tonight. She introduced Gordon Haldeman, a physical therapist, Jill Johanning, an architect from Access Design, Brad Williams, a police dispatcher and Gil Broberg a retired executive from UNUM. They have had many conversations with Freeport residents, schools and all sorts of different organizations. It became evident that the population that is affected by this lack of access is bigger than we ever thought. We think about elders, people that are in motorized vehicles to help them get places. But when you think about it, it's people that have hidden things like heart ailments, arthritis, on chemo therapy. There are also people that are not ill at all but are pushing baby carriages or strollers.

They decided to focus on the retail district and did an assessment. They chose to limit their evaluation area to the retail district from Summer Street to Mallet Drive and Depot Street up to and including L.L. Bean. They also made a conscious decision to evaluate this zone by the usability criteria vs. the more strict ADA guidelines. They accomplished this by using the AXS mapping tool which is an online evaluation tool which describes accessibility for individual locations.

They found that Freeport has many barriers but is much more accessible than most people know. There are only two handicap parking spots on Main Street. One is in front of the Congregational Church and the other is in front of the Jameson Tavern but there is very limited signage directing people to parking areas, accessible entrances and bathrooms. There is a maldistribution of handicap parking spots. There is a large cluster at L.L. Bean but are often blocked off by special events and sales. The ones behind Frosty's lead to the Main Street after crossing a wooden bridge from the parking lot past the inaccessible Historical Society Building. Another exit from that lot behind the Lobster Cooker requires going onto a side street and around to the front on Maine Street to gain access.

The parking garage looks good to start, it is very accessible but when you get to the top and you want to get to Main Street, you have to go uphill as does most of the other parking spots. Imagine having to do that in a non motorized wheelchair, on crutches or in a walking boot. Some of the handicap spots are in parking lots with no way to exit them, i.e. no curb cuts. There are also streets with no curb cuts so one has to go the whole length of the street before finding a place to cross. She assured the Council that they are not expecting the Council to solve these problems. She is meeting with Freeport USA and the Chamber of Commerce to address the specific retail things that can be done. The Town needs to look at the signage coming in, the parking locations and handicap spots. She mentioned that the bus is coming and that is another thing to consider. Curb cuts are needed at certain places. Sidewalk construction, some places are uneven and in other areas they are broken. While it looks nice, it is sometimes slick on the bricks.

Ms. Walsh pointed out that everybody in this room and everybody that is reading this or hearing this can be just one accident or one diagnosis away from hearing or needing all this access. She urged everyone while walking around to notice how many barriers there are to someone with limited mobility. 20% of the general population has something that limits their mobility. By removing these barriers you increase the economic base because you get more customers, you also increase the employment pool because some of these people could access buildings they need to work in. Some people may come to Freeport and set up new businesses because it is so friendly to them but more importantly, it is the humanitarian thing to do.

Chair Sachs asked Ms. Walsh what would be the best way to get in touch with her if members of the public would like more information or a copy of her report. Ms. Walsh noted her phone number is 865-3691 and her e-mail address is swalshcpnp@gmail.com.

Chair Sachs noted that Mr. Joseph has been working to address some of the recommendations. She is aware that curb cuts are already in the work.

Councilor Egan thanked Ms. Walsh for her leadership on this. When we make things more accessible for people that have health issues, we also make them more accessible for Moms, for children so it really benefits the whole population. She asked Mr. Joseph what actions the Town is taking right now and his thoughts on actions or collaborations the Council may be able to undertake in order to address these issues.

Mr. Joseph explained that we have started a process of reviewing our Town facilities and we are continuing to do improvements. Regarding sidewalks, an audit was done by a State Accessibility Evaluator who came in and we took a lot of notes. The knobs that are at the intersections and the tip downs, we used concrete blocks and in this environment, they don't last as long or work as well. We were advised to replace them with the hard rubber or the metal ones and they are on the schedule to be replaced this year, next year or in a few years. Going forward, every time we have a tip down replacement, we will use a much more durable product. Several sidewalk improvements definitely need to be made. Several building improvements need to be made. Winslow Park has made some improvements. They had great accessible facilities but were not advertised correctly in a couple of ways. They got accessible fire rings at a higher level and a height corrected table made a camping site accessible. We have had contractors in the Town Hall over the last few weeks. The counter in the Finance Department is being revamped to become height compliant for folks making out checks. They are continuing to work on the comprehensive things that were pointed out during that process. He did a preliminary read through of this with the Codes Officer since there are several mentions of Town responsibilities. He asked Ms. Walsh if she would provide the Town with change of tenancy and building modifications to a property that requires a permit that the Federal ADA requires the Codes Officer to do. He asked her to provide a reference to that actual section so the Codes Officer can make sure that he is actually authorized under State law to do so.

Chair Sachs noted this comes under Part 2, Section 5, Maintenance of accessible features under No. 3 where there is a change or building modification. Jill Johanning noted that it is confusing for all towns. Under Maine Human Rights, towns are required to inspect when they are doing a building occupancy inspection, they are also required to inspect under the ADA. It has been around for a long time but has been confusing. She referenced a cheat sheet under Item 4 where it references when towns are required to inspect and she has been working with Freeport's CEO trying to educate him on this. She explained what the Fire Marshall's responsibility is. Mr. Joseph agreed there is a great amount of confusion throughout the state and will be working with the Town Attorney to determine if we are doing everything correctly.

Councilor Egan asked the group what would be the highest priority things they would like the Council to consider. Ms. Walsh replied that it would be parking and accessibility to the main part of town. No one seems to think about being on a hillside and having most of the available parking down a hill. She considers Freeport as a leader and having an atmosphere of welcoming to everyone and marketing that. She would like to get the town atmosphere back. Chair Sachs brought up the fact that there is an elevator planned in the Denney Block and that will be of great interest to folks.

Ms. Walsh mentioned witnessing young women pushing baby carriages pointing out the toy store located on Bow Street and realizing it was on the second floor and they were not going to carry infants in their arms.

Gordon Haldeman emphasized a couple of things. One is accessibility of getting into a store or a public place is not a convenience, it is federal law. They found in their survey of 80 businesses, you could not get in more than 30% of them at all. He is aware that the Council does not have the authority to go to the landlords and say "you have to do this" except when a business changes or a new tenant comes in. If the Council enforces this, over time as things change, the people that move in or the landlords have to make it accessible. He feels it would be great if the Council saw this as a positive thing. He doesn't know if it is possible, but an ordinance that said "you have to be accessible if you are going to run a business in Freeport" or something similar. This is more than them coming to the Council and saying this is an important issue, we have to realize that we have to follow the law. Sitting outside of a business and not being able to go in, it is defined in the law as discrimination and that is what it is. It doesn't feel good.

Councilor Hendricks asked Brad Williams, a long time Freeport resident in a wheel chair what are the main barriers he sees in Freeport. Mr. Williams explained that the doors in the bathrooms at Town Hall opened into the stalls. He went to Brent Moon and explained that the doors could not be shut after he was in the bathroom. Mr. Moon took the latches off and swung the door through and put the latch back on. When the sidewalk in front of Petrillo's was redone on Depot Street, it would have been a perfect time to install a curb cut across from the parking garage but it was never done. The only way to get off the sidewalk is to go down to either end. At L.L. Bean, they wipe out all the handicap parking for any event or concert they hold. Winslow Park does not have an access to the beach. Mr. Williams mentioned that he has made calls offering to be used as a resource when the evaluator came to Freeport. He has been in a chair for 28 years but the phone never rings.

Rene' Williams is a long time resident and served 10 years on Freeport Rescue and is a social worker.' She thinks it is an issue of ignorance and arrogance. How many times has a disabled person come into Town Hall and told people that the bathrooms are not accessible and heard that "yes they are, we are code compliant." She has pointed out to L.L. Bean that every time they have an event, they take out the 21 or more handicap parking spaces behind the Bike Store. State law states that you have to maintain ADA spaces in good working order. When you wipe them out, you are not doing that. She thanked Mr. Joseph for finally taking the bull by the horns on this issue. She mentioned there are multiple issues with the school department. Last spring when she was at Mast Landing School she witnessed the school nurse parking in the handicap space when she is not disabled. She mentioned that this is a nurse in the school department that does not have respect for the law and abuses it in front of children. The ramp at the

Amtrak Station is not compliant. It is too steep. The ramps for the portable classrooms at the high school are not compliant. She notified the Superintendent and he disagreed. She explained that the pitch is too steep and her husband would have difficulty getting up those ramps to enter a classroom.

She mentioned how successful the Town of Jackman is in this regard. She gave kudos to the Nordica Theatre. They have amazing accessibility. She has tried to get this type of accessibility at the PAC for years. She feels that our Codes Officer needs to know what the law is. He needs education and he needs to do his job. Decisions under his watch have not always been the proper or legal decisions.

It was mentioned that the new medical building on Route 136 opened in July. They have handicap parking but no signs. A portable sign was erected but has been plowed off to the side. With a certificate of occupancy, they would not be allowed to open without running water but they were allowed to open without proper handicap signage.

Councilor Arris asked Mr. William if he is satisfied with the bathrooms in the Town Hall. Mr. William explained that the bathroom is adequate but it probably is not in compliance. Mrs. Williams asked why private citizens have to go to the building maintenance person and ask for a favor in order to get compliance in a public building. Councilor Arris asked the Town Manager to look into the compliance of the bathrooms in the Municipal Town Hall and make sure they are ADA compliant.

Mrs. Williams noted that she and her husband have been working with Bean people for years and have been rebuffed with "we have internal people". She asked why they have not questioned why the public repeatedly comes to them with the same complaint.

Mr. Broberg pointed out that one of the problems an individual has when they enter a store and complain to the clerk, is that it doesn't do much good. They suggest you talk to the manager and the manager advises that it is not his or her responsibility. It is the store owner's responsibility. That person may not know who even owns the building or block. They never get to know who the owner is such as at L.L. Bean. When Linda Bean opened her restaurant, she took out the elevator and then advertised that the second floor was the best place to view the L.L. Bean concerts. When approached, Ms. Bean stated that someone would carry him and his chair up the steps. The building should have been made accessible when it was designed. He mentioned trying to get a cup of coffee at Starbuck's. No one knows there is a ramp in the rear. At Frosty's you can't get in.

Ms. Walsh pointed out how difficult it is for them to separate who addresses what issue. The Town has to have a cooperative effort with the business owners and inhabitants. She has been thinking about how to create more handicap parking on the Main Street and talked about it with Al Presgraves. She mentioned there are loading zones that could be dual purposed. They could be a drop off spot for somebody that needs handicap parking but can't go down the hill. We have to look at possible solutions the Town can use with what it has. She mentioned a town-sponsored jitney bus that goes around and brings people to central locations. It would be a community service. Another thing would be the possibility of a consortium of construction companies that would offer to do affordable modifications for offices, homes and businesses. It would be an innovative idea. She sees these things as something the Town would do working with retailers.

Chair Sachs thanked everyone for coming this evening. Councilor Egan mentioned how eye opening it is to hear about the struggles. She asked what would be some next steps to yield some action to the issues that were brought up.

Chair Sachs explained that these recommendations are part of Municipal Facilities and Traffic and Parking. Mr. Joseph will be tracking and will come back to the Council and let it know the progress that has been made. Councilor Hendricks asked Mr. Joseph to put this on the Municipal Facilities agenda and they will see where they are. He will check to see about the bathrooms in this building.

Councilor Egan feels that Municipal Facilities is a great place to start. Council Chair Sachs feels it is a good thing to bring this to Traffic and Parking, particularly the issue of not having good distribution of handicap spaces and signage. Councilor Egan doesn't understand the details and process well enough to know what the levers are that can be pulled in order to make some demonstrable changes in our built environment. Councilor Hendricks noted that Traffic and Parking should weigh in on spots. He mentioned the Denney Block and that we are going to be moving loading and unloading to the rear of the building. He asked what would stop them from making that into handicap parking in front. Councilor Egan offered to bring it to Traffic and Parking and may ask for some expertise when it is on the agenda.

Councilor Tracy mentioned that at every workshop the Council has with Winslow Park, someone asks about accessibility to the beach but it doesn't get followed up on. She suggested asking about it again at a workshop. They have made great strides with regards to the picnic tables, grills and the height issues. She feels it is fair to be able to get to the beach. Mr. Joseph noted there is a ramp construction item in Neil's budget planned near the boat ramp for this year. Mr. Williams offered his services and Mr. Broberg suggested looking at Range Pond in Poland which is accessible.

Mr. Broberg appreciates everything the Council is planning to do. He doesn't want one thing forgotten and that is the 30% of places that are not accessible. He feels there must be something the Town Council can do to educate and get those folks into compliance. Councilor Hendricks asked if it was possible to have a very suggested workshop with landlords and our Codes Officer and Ms. Johanning. Chair Sachs is excited that this group is planning to go to Freeport USA and the Chamber because she believes that is where the dialog should be as well. The Town is a member of the Chamber and she hopes that folks hear this conversation. It gets played several times. She is cautious of over promising because it is a great start and the Council wants to do everything it can to do not only compliance, but full on acceptance and a feeling of wanting to do this for everybody.

Mrs. William noted she feels the Town of Freeport can do better. We have been talking a lot about mobility issues but we also need to look and be keen and make sure we are also providing accessibility for people that are blind and that Braille is where it is supposed to be and at the height it is supposed to be and are we accommodating to people that are deaf or can't speak. Mobility is the most obvious one. We need to step back as a community and consider all access issues that we can do better with.

Chair Sachs again thanked everyone for coming this evening.

TABLED: A request from the Burr Cemetery Trustees for the transfer of perpetual care funds currently held by the Town of Freeport.

*Note: The Town Council tabled this agenda item at a previous meeting and is **NOT** expected to take it up at the February 2, 2016 meeting.*

MOVED AND SECONDED: To adjourn at 8:10 p.m. (Egan & Gleeson)
VOTE: (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #-04-16
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY FEBRUARY 23, 2016
6:30 p.m.

	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Leland Arris, 70 Glenview Road	X		
Kristina Egan, 5 Weston Point Road	X		
Scott Gleeson, 23 Park Street	X		
James Hendricks, 21 West Street	X		
William Rixon, 66 Varney Road	X		
Melanie Sachs, 84 Kelsey Ridge Road	X		
Sarah Tracy, 75 Lower Flying Point Road	X		

Chair Sachs called the meeting to order at 6:32 p.m. and took the roll.

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 #03-16 held on February 2, 2016 and to accept the minutes as printed.

Councilor Egan referred to page 12 regarding the Accessibility Task Force—Next Steps, and noted that she did not suggest that it would be a good thing to bring to the Traffic and Parking Committee. Chair Sachs made the suggestion.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #03-16 held on February 2, 2016 and to accept the minutes as corrected. (Gleeson & Egan)

VOTE: (7 Ayes)

THIRD ORDER OF BUSINESS: Announcements

PUBLIC INFORMATION SESSION—BROWN TAIL MOTH CATERPILLARS.

Wednesday, March 2nd from 6:00 – 7:00 p.m., Freeport Community Library. The Maine Forest Service projects high levels of brown tail moth caterpillars in Freeport this spring. The hairs from these caterpillars can cause a severe rash and damage or kill trees. Charlene Donohue, Forest Entomologist from the Maine Forest Service will present information on how to identify brown tail moth caterpillars and overwintering webs; how to prepare and control for brown tail moth caterpillars and discuss precautions residents in affected areas should take.

- **Solarize Freeport – Kickoff Event, Saturday February 27th 9:00 a.m. – Noon, Freeport Town Hall.** Learn how to reduce energy costs at your home or business. Sessions will include information on solar, heat pumps, weatherization, pellet boilers and financing options and incentives from Efficiency Maine.
- The **Freeport FebFest** is drawing to a close but the “grand finale” begins tonight and has a final weekend full of multiple events each day. For more information & an up-to-date calendar, visit www.FreeportFebFest.org.

FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Tracy advised that this Thursday at 5:30 p.m. in Council Chambers, the Ordinance Committee will be meeting and addressing the Aquaculture Ordinance, otherwise known as the Clam Farming Permit. This will be the first time the Ordinance Committee substantively addresses this ordinance since it was referred to them by the Shellfish Commission. The plan is to take a look at the ordinance. They have an opinion from the Town Attorney and they will also have members of the Shellfish Commission present to discuss at a high level, some questions they have about the ordinance and to make a procedural plan going forward as to how best to address the analysis of the ordinance and next steps. The meeting will be televised live. It will also be available on the web. They are not going to take public comment at this meeting but there will be an opportunity for public comment at a later meeting. They will get the word out on when that will occur. She explained the E-mail notification list so if anyone is interested, they should E-mail the Town Manager and ask to get on that list and this is how they will find out when the public hearing will be scheduled on that ordinance.

Councilor Rixon advised that back on Thursday, February 11, 2016 the Shellfish Commission did meet and invited Dan Devereau, the Brunswick Marine Resource Officer. He shared with the commission all the things happening in Brunswick as far as surveying the clam flats and what their different conservations methods have been. It was a good opportunity to share that information.

Councilor Rixon pointed out that the Metro Task Force will be meeting tomorrow evening here in Council Chambers at 5 p.m. with the final launch plans for the bus coming to Freeport from Portland, They are calling it the Portland North Express Service. He plans to give the Council the launch date details next week. Supposedly it will be mid-May. It will be a public meeting and if anybody wants to come and ask questions, they will be welcomed.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph reported:

Public Works Department Updates—Roads posted

Due to the early thaw this year, the Public Works Department has posted certain Town roads effective Monday, February 22nd. The list of posted roads is available on our website www.freeportmaine.com. Please note one small change from last year—Holbrook Street will not be posted from Main Street to the High School due to construction deliveries throughout the winter. Any non-routine heavy delivery requires a permit from the Public Works Department at 865-4461. Please remember that while road postings can be an inconvenience, they serve to protect the road from heavy loads during the early spring freeze thaw cycle. This helps our roads last longer, which in turn saves taxpayer dollars!

Retirement Announcement—Jerry Schofield

Mr. Joseph announced that Freeport's long serving Police Chief, Jerry Schofield has informed him that he plans to retire on March 26. Chief Schofield has put in 39 years of police work in Freeport. He was hired as a patrol officer in 1976. He worked his way up through the ranks in Freeport and was appointed Chief in 1988 and served 28 years as Chief. His record shows an incredible commitment to the Town.

Chief Schofield explained that this is the hardest decision he ever had to make. He noted that he has always felt Freeport is a great place to work and he has enjoyed his many years here. He feels his staff is the most effective and the best group of people anyone could work with. He thanked the Council for being so supportive of him and his department. He has been thinking of this retirement and has been

training and preparing people below him to eventually take steps forward to keep the department running smoothly. He also thanked the community in general. It has been a great ride!

Chair Sachs expressed her personal delight in working with Chief Schofield over the years. He is one of the finest examples of how amazing Freeport is in terms of staff and she is confident that the Council agrees with her as well. Councilor Gleeson echoed Chair Sachs' comments. He has enjoyed working with Chief Schofield in numerous issues. Councilor Tracy noted that she grew up in Freeport and Chief Schofield has led it so smoothly. He has given this town a lot of character and kept everyone safe. She appreciates his service. Councilor Egan explained that she is sorry to see Chief Schofield go. It has been wonderful having his leadership here in town but is happy to have had that kind of dedication for so many years. She thanked the chief for his service. Councilor Arris pointed out that it has been a pretty comfortable last 10-15 years in the community for Chief Schofield. There was a time when Chief Schofield was an officer and then became the chief, that chiefs were coming and going pretty quickly. Jerry was able to bridge the conflictual ways and that is why he is sitting here this evening with 39 years in this community. There is a lot to be said about his character because of that. Councilor Rixon thanked Chief Schofield for his service. As a retiree, he pointed out that Chief Schofield has a lot to look forward to. It is a good thing and he will enjoy being retired. Councilor Hendricks explained that it has been a joy for him to work with Chief Schofield over the years. He does not believe that residents recognize all the things that are done behind the scenes. Jerry is usually the first person at the office and people can see his car or even him in a window at 6 or 6:30 a.m. He appreciates all his work and hopes he enjoys the time he has in retirement but he will always be welcomed back here.

Retirement Announcement—Darrel Fournier

Mr. Joseph announced that keeping in the tradition of following everything Jerry does by a week, Fire Chief Darrel Fournier plans to retire on May 6 of this year. He has served 42 years in Fire and Rescue and a lot of it has been in Freeport. He served as Freeport's first full-time Fire Chief 1983-1990. From 1990 to 1999 he served as Fire Chief in Waterville. He returned here in 2000 and has served as Fire Chief and the Emergency Management Director to the present day. That level of experience speaks to his commitment to the town, its people and to public service in general. He and Chief Schofield will be missed tremendously.

Chief Fournier explained that he was born and brought up in Freeport. At the age of 12 he caught the "Fire Bug" from his Uncle Bud. He recalled when the Fire Department did not have radios but relied on a whistle. He explained how this community has encouraged department heads to go out, get involved and become educated. He feels this is truly important. He thanked past managers and the current manager for allowing them to do this. He has served as the president of the New England Fire Association Chiefs and also appointed as Chairman of the International Association of Fire Chiefs to develop a state-wide mutual aid package which he did six years ago. He could not have done this without the support of the Manager and the Council. He stated that Freeport has the best fire rating in the history of the State. We have a class 3 in the hydrant district and a class 5 in the rural areas. He has some great people working for him and is confident the Fire Department will continue to grow and serve. He feels this is a good time for him to retire. He has grand kids that live across the road and it is a good time to teach them how to fish and hunt. They may even get the "Fire Bug". He thanked the Council for all the support given to him and his department.

Chair Sachs thanked Chief Fournier for the transition of fire services. She has been educated over the last few years of Fire/Rescue/Emergency management, staffing with the changing complexities of society with volunteers and the mix of part-time and paid staff. Chief Fournier has negotiated all of that as transparently as possible and really spent many hours with many Councilors in making sure that it happens. She truly appreciates his dedication. Councilor Gleeson pointed out that he feels it has been a pleasure working with Chief Fournier. He is sorry to see the Chief go.

Councilor Tracy explained that the good thing about Freeport is that one never feels unsafe. She recalled an instance when her husband called her at work and advised that he had a chimney fire and was home with two small children. She had such confidence in the Fire Department that they were there and they were taking care of it. It never occurred to her that they didn't have it under control because Chief Fournier has such a record of being there when people need him most. She noted that he has earned the trust the Town has in him and he will be sorely missed. She thanked the Chief for his service. Councilor Egan explained how she got a warm and fuzzy feeling when she and her son visited the Fire Station for a birthday party. The kids all got to touch the trucks and her son could possibly have gotten the "fire bug" early. That feeling has stayed with her the entire time. She has experienced fires in her district but all her constituents have been so pleased with the response time and the dedication of Chief Fournier's staff. She loves Chief Fournier's humor and it has been a pleasure talking with him. She wished him luck enjoying all of his grandchildren. Councilor Arris recalled Chief Fournier's high school days and Junior Firemen. They would come down and train at the fire station but on a spring day in May or June they would listen for the whistle to indicate that there was a grass fire somewhere and it would allow Junior Firemen to leave the building. This is how we got a lot of firemen later in life. He enjoyed working with Chief Fournier over the years as well as being friends with him and his family. He feels the Chief has done an incredible job and believes the department is too big. He has done such a great job and has gotten all those trucks out there. He congratulated him on a job well done.

Councilor Rixon thanked Chief Fournier for his service. He is confident he will enjoy retirement. It is wonderful to have that time for his grandchildren. Councilor Hendricks thanked Chief Fournier. He mentioned that the Chief is always good for a story and it has always been enjoyable. He mentioned looking at other towns that change managers and chiefs like you would change a hat and the turmoil that crops up. One never really hears about that stuff in Freeport. The reason is that people have enjoyed working here and there is dedication by employees. He hopes both chiefs will enjoy their retirement and their families.

Chair Sachs asked residents, if they see the chiefs around town, to extend their thanks and congratulations as well. Mr. Joseph advised that he is almost certain that we will have a police chief in place before Jerry leaves and we'll have a replacement in place before Darrel leaves. He will talk a little more at the next Council meeting about those steps. He will stay in touch with the Council on Council confirmation of the Manager's nomination for both those positions. In closing, he thanked Chief Schofield and Chief Fournier for being such great department heads, leaders and employees to Freeport. All department heads are feeling happy for both chiefs but will miss them.

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

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

Andrew Wellen of 83 Hunter Road provided a response to John Egan's group petition. It is his opinion that the data is not there to justify a ban on plastic bags. He doesn't feel that anyone can say paper is better than plastic but, we all know both are not great. They both have environmental costs. With the data we have, the best alternative is to promote reusability and not favor plastic over paper but keep a fee on both. He encourages the petition folks to change their petition for a fee on both. There are only three Maine communities that have a fee on both. In terms of the referendum, it is too big an issue to have just seven folks vote on it. It affects people's lives a lot and is new to the State of Maine. He urged the Council to stay firm with the referendum and if anyone is listening, please try to influence this petition group. He does not know who is in the group. He would attend their meeting if they make it public.

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

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

ITEM #28-16 To consider action relative to adopting the February 23, 2016 Consent Agenda.

BE IT ORDERED: That the February 23, 2016 Consent Agenda be adopted. (Sachs & Egan) **VOTE:** (7 Ayes)

ITEM # 29-16 To consider action relative to amending the Traffic and Parking Ordinance, Chapter 48, Section 309: Parking at Leased Lot in South Freeport to add property owners to those eligible for a parking permit in the "Brewer" Lot.
PUBLIC HEARING.

MOVED AND SECONDED: To open the public hearing (Gleeson & Egan)

Chair Sachs noted that this was discussed at the last meeting. Mr. Presgraves explained that this was discussed at a couple of meetings. The general feeling of the committee was that the impact on the use of that lot would not be very noticeable. Since it was brought up and discussed, the committee made its recommendation.

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

BE IT ORDERED: That the proposed amendment to the Traffic and Parking Ordinance, Chapter 48, Section 309: Parking at Leased Lot in South Freeport adding property owners to those eligible for a parking permit in the "Brewer" Lot be approved. (Gleeson & Egan)

Councilor Arris asked if there was any opposition or concerns to this proposal. Mr. Presgraves indicated the answer was "no". Mr. Joseph explained that there were concerns raised by one resident that prompted the entire discussion about non-residents parking there. He provided background information to the Council.

Councilor Tracy referred to No. 1 in the Proposed Amendment to the Ordinance and suggested removing the first word "Resident" from the second sentence. It should read Parking Stickers shall be required annually.

MOVED AND SECONDED: To amend the beginning of the second sentence and strike the word "Resident" of Provision 1. (Tracy & Egan) **VOTE:** (7 Ayes)

ROLL CALL VOTE ON AMENDED ORDINANCE: (7 Ayes)

Chair Sachs thanked the Traffic and Parking Committee for their work.

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ITEM #30-16 To consider action relative to amending the Zoning Ordinance to create a new V-1 Residential District and to amend the zoning map in the area of Cottage Street and Forest Street as proposed by the Planning Board.

BE IT ORDERED: That a public hearing be scheduled for March 15, 2016 in the Town Council Chambers at Town Hall, 6:30 pm, to discuss an amendment to the Zoning Ordinance to create a new V-1 Residential District and to amend the zoning map in the area of Cottage and Forest Streets as proposed by the Planning Board.

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. (Tracy & Gleeson)

Chair Sachs noted this is simply setting the public hearing for March 15, 2016.

VOTE: (7 Ayes)

ITEM #31-16 To consider action relative to awarding the contract for the Swap Shop roof replacement to Custom Metal Roof in the amount of \$17,397.00.

BE IT ORDERED: That Custom Metal Roof be awarded the contract for the Swap Shop Roof Replacement in the amount of \$17,397.00. (Egan & Gleeson)

Town Engineer, Albert Presgraves, explained that his memo clarifies that the roof over the old office, next to the Swap Shop, is in poor condition and needs to be replaced as well. This work is included in the bidding scope so the low bidder's price exceeds the 2015 budget for the project. He feels this is a good price for doing the whole thing so he recommends awarding the contract to the low bidder.

ROLL CALL VOTE: (7 Ayes)

ITEM # 32-16 To consider action relative to appointing a Library Director for the Freeport Community Library.

BE IT ORDERED: That the Town Council approve the Town Manager recommendation that Arlene Arris be appointed as Library Director for the Freeport Community Library. (Rixon & Egan)

Mr. Joseph mentioned that he provided a memo outlining the many reasons that he is able to nominate Arlene Arris to succeed Beth Edmonds as Director of the Freeport Community Library. Prior to the selection process he reviewed and made updates to the job description for Library Director. He reviewed the proposed changes with the Library Board of Trustees to ensure that they were generally in agreement with them. He believes that Arlene will make an excellent Library Director and will continue to provide the high level of service to Library users that has been established by previous Library Directors and employees.

Mrs. Arris explained that the Library staff misses Beth Edmonds. She has always been a great friend and mentor to her and encouraged her to be who she is. She would like to continue Beth's good work at the Library. The atmosphere and friendliness portrayed at the Library is very important to all. The staff is

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thrilled that they are going to continue that work together. She thanked Mr. Joseph and the Council for all their support.

Chair Sachs noted that she was surprised of the interest regarding the Library Director. People care about the Library tremendously. She is delighted that Arlene put her name forward for the position and hopes the Council approves it this evening.

Councilor Arris explained that he cannot vote because Arlene is his sister-in-law. He explained that she is a Freeport High School graduate. She raised her family in Freeport and her children have also graduated from Freeport schools. While raising her family, she was also involved in coaching at the high school so she has been a very active citizen. As a person she is kind and very respectful to all people. She is warm and generally happy which are all very good qualities to have in a Librarian. As a worker she is very competent, is steady, has great energy and is experienced. Even though he cannot vote, he feels very good that she is here before the Council for a vote.

As one of Arlene's formers players, Council Tracy wanted to voice support of her candidacy. She has grown up with Arlene and her family and was good friends with her oldest child. She pointed out that it has been really fun to watch her. She has gotten better with age. She has always been the kind of person that has led with a firm hand but with a smile. She has confidence that Arlene will fill Beth's shoes very well. She is very kind and approachable and this is what we would like continuing at the Library. She is looking forward for that role to take on Arlene's personality.

ROLL CALL VOTE: (6 Ayes) (1 Abstention-Arris)

OTHER BUSINESS:

Chair Sachs explained that she wanted to make a motion to take up No. 2 before No. 1 because the citizen who requested that we discuss this is here and has another conflict.

MOVED AND SECONDED: To take up Item 2. before No. 1. under Other Business. (Sachs & Hendricks) **VOTE:** (7 Ayes)

Councilor Hendricks explained that Chair Sachs does not have to make a motion to do this since she is the "boss" under Other Business. Chair Sachs advised that she is doing it as a matter of protocol.

Discussion regarding a resident request to amend section 7.03 of the Town Charter (Nominations).

Chair Sachs explained that the Council has been provided with a copy of the Town Charter. She invited Valy Steverlynck, a member of the RSU5 Board and a very involved citizen here in Freeport to explain her request to amend Section 7.03 of the Town Charter.

Valy Steverlynck explained that it came to her attention, on a practical level, when she was collecting signatures to be able to run for office and be on the School Board that each grouping of seats available for any election cycle is considered one office under the current Charter. When people go out to collect signatures, the Clerk can only count the signature one time. If the Council decided to change the Charter to make each available seat its own office, then when candidates go out to collect signatures, they will be able to collect signatures from the same person multiple times. If three people are running for office and there are three different seats, each person signing could sign the three different petitions. Right now they can only sign one petition. The practical repercussion of this is that the signatures get counted on a first come, first served basis so when people are collecting signatures, they are racing to get them to the Clerk so they can get them counted. Otherwise, as a candidate collecting signatures, one may collect 100

signatures and turn them in but may only have 30 valid signatures. This is not because the people who signed the petition are not residents of Freeport or are ineligible voters but because they may have signed another petition for another candidate who is running for a different seat. The other practical repercussion is that on the side of the people signing the petition, they have to get informed and make a choice of whose petition they are going to sign before they have an opportunity to get to know the candidate or get to know who else is running to get on the ballot at a time when people are looking for signatures to get on the ballot, there is no information whatsoever in the papers. No one is actually talking about candidates so they have to blindly decide who they are going to give their signature to just to get a name on the ballot. She suggested that the Council change the way the Town Charter is written so that when one is collecting signatures they are collecting them for one office which correlates to one available seat rather than collecting signatures for the whole grouping of seats that may be available.

Chair Sachs pointed out when looking at 7.03 under Nominations, a simple fix if this were to be the will of the Council, to rectify what Ms. Steverlynck is identifying as an issue, is to eliminate the last sentence under "A" basically which is the restriction that no voter shall sign more than one petition for each office. If we remove that restriction, it no longer exists. She also wanted to clarify that it is for each office and if there is a Town Council seat open and an RSU5 Board seat, under this Charter provision, one is allowed to sign for both. If there are two people running for the RSU5 seat or two people running for the Council seat, you may not under this provision sign for both candidates for the Council position. Under the change, as long as someone is a resident, nothing stops them from signing any petition that is presented before them as long as it is a valid signature and they are a resident. Discussion followed.

Mr. Joseph clarified that if there are two people running for the same seat, even on the School Board where there are three seats but have the same title, there can be seven people running for those three seats but you can only sign one of those seven people's papers. You cannot sign three for each seat. If there are three 3-year terms at large seats, one two year-term and one one-year term, you can sign one of the 3-year, one of the 2-year and one of the 1-year term but even if there are still 15 people running for those 3-year seats, you can only sign one of them.

Councilor Egan asked what Ms. Steverlynck is proposing. She advised that her original suggestion is to fix the issue of having three original seats but only being able to count one signature. Mr. Joseph explained that the wording that is being brought to the Council as the problem by Valy is that one petition for each office, it doesn't say seat. If that sentence was not in there at all, someone could sign everyone's petition anytime you want without any limit. If there were four people running, you could sign all four. If there were 15 people running for School Board, you could sign all 15 if that one sentence was not there. If you said one petition for each seat to be filled instead of office, that would mean that you could sign for If there were three seats up, you could sign three people's but that also is just as complicated because if you have 15 people running for three seats, you run into a situation where you would have to ask yourself which are my three favorites so you wouldn't go and sign all 15.

Councilor Arris pointed out that this Charter has been in effect for sometime. He asked what has changed. Ms. Steverlynck explained that most people just go through the motions and don't think to come to the Council and suggest a change. People have been doing this forever and complaining about it. She feels a simple change will make it more fair and will foster more interest in running.

Councilor Hendricks explained that in looking at the School Board, if the Council is going to make a Charter change, he would favor a reorganization of the seats to make them actual seats rather than six at large seats. For instance, we have six seats on the School Board, what would stop the Council from making them the same as our voting districts—a representative from each of the four districts and two at large seats on the School Board. This would ensure equal representation of the entire town.

Mr. Joseph mentioned that Councilor Hendricks asked why we can't re-district. He explained that this is

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set up in the establishment of the RSU and it would have to be initiated by the RSU and approved by the Commissioner of Education. There is a whole process that the Town Council has no say in. It could be done but it is regulated by State Law.

Councilor Hendricks explained that the Council would not be kicking out School Board members but when someone's district becomes available, we would say "okay, we are going to make that an at large seat now." In some regards, when you are signing one person's petition, it makes it harder to get someone on the ballot but also it slows down a very organized process in order to get three distinct people on the ballot from one group of people because they are signing all the same applications. He does not want to circumvent the whole process.

Chair Sachs noted that that is a different issue for the School Board to deal with. This is about whether you feel it is restrictive to only be able to sign one as it currently states for any office. Councilor Tracy would support the modification that no voter shall sign more than one petition for each seat. We would have to figure out the scenario where we have four people going for three seats. She would not support the further amendment that Chair Sachs suggested to take it out all together. It is good to have a check by having this language in there. She wondered if the Council would be overstepping its jurisdiction when we have three seats open on the RSU5 Board to name them Seat One, Seat Two, Seat Three and Seat Four. People have to declare which seat they are running for. It would not be a District thing. It would change everything. She would be hesitant to divide up the RSU5 seats by districts.

Chair Sachs does not see the harm in eliminating the sentence. She likes the fact of more people on the ballot, and more opportunities for civic engagement. Getting someone on the ballot is a good thing if they so choose to run. She encouraged the Council to think broadly of opening up the process. It does not matter to her if the same 50 people signed a petition. They went out and got those 50 signatures. She wants them to go for it.

Councilor Egan likes Councilor Tracy's suggestion to change to "seat" from the "office" to make the distinction that addresses the problem brought up by Ms. Steverlynck. She feels this is a real issue and if there are three different seats, people should be able to sign all three petitions for the three candidates. She thanked Ms. Steverlynck for bringing this forward. She was not aware of the issue.

Councilor Rixon advised that he would like to honor Ms. Steverlynck's request and if the Council can do that by eliminating that one sentence suggested by Chair Sachs, he would be all for it.

Chair Sachs pointed out that tonight is just a discussion around what is the will of the Council. We could ignore it and say thank you very much Ms. Steverlynck. This was a lovely conversation. The Council could talk about what it would like to see perhaps with some slight modification or go the whole way.

Councilor Arris feels that Councilor Hendricks' suggestion about representative democracy which is not keeping it clustered if you want to have the entire town represented, to have districts is certainly worth discussing. Chair Sachs noted that the next step would be for Valy to bring it to the School Board because the Council is talking about the RSU seats and seeing what the will of the RSU is in terms of those designations because the Council speaking for them and what we would like to see statutorily is not what we are able to do.

Ms. Steverlynck explained that this would have no impact on Durham and Pownal. She can talk to the Freeport people to see how they feel.

Chair Sachs noted there appears to be some support in changing "office" to "seat" and how that looks for the RSU. This affects the RSU5 elected positions. She would be more comfortable having some feedback. It sounds like there is some will to move this in a different direction. Councilor Tracy would

not want to imply that we need to get permission to change our election nominations language. She feels the Council needs to explore that if we go down the middle ground road of changing each office to seat, and whether that puts us in conflict with the RSU and how their structure is.

One of the take-aways Councilor Tracy mentioned is that the Council would like Valy to notify people that we have discussed this and get some feedback. Can another take-away be that the Council get some assistance? Chair Sachs suggested involving the Ordinance Committee and Councilor Hendricks suggested that the Town Attorney be consulted. Mr. Joseph will check with the Town Attorney and will report back to the Council.

Discussion regarding current zoning requirement relating to regulated substances.

Chair Sachs mentioned there has been a lot of regulated substances in the news and Councilor Hendricks has brought this forward in an attempt to be proactive.

Councilor Hendricks explained that this came out of the discussion about Cottage Street. When you live in a small section of town, a business can pop up right next to you. He started thinking about the trend of Medical Marijuana dispensaries, growing operations and Opiate treatment facilities. He asked Mr. Joseph how those three scenarios would fit into our zoning. Would they be allowed within 100 feet of a school, on Main Street downtown or within 1,000 feet of a residence. He thinks when one talks about controlled substances, there could be more crime and more issues. If a dispensary decided to take a spot on Main Street and open up as a smoke shop and dispensary, technically that would be okay because it would be considered retail. While we cannot prohibit it as a Town Council, as we have done with adult services, we can make it very hard for certain businesses to operate in certain zones, specifically near homes, near schools, etc. He asked if other Councilors have concerns. He would prefer to be proactive. He mentioned that this could be something for the Planning Board to look at with a similar approach to adult businesses and with certain restrictions on where these can be or whether or not to have them be so restrictive that it would make it almost impossible to put them in certain areas. He feels that the way things have been leaning in all three of these areas, it would be better for us to be ahead of it rather than behind it when there is a business popping up.

Mr. Joseph explained that the memo he provided is the current interpretation by the Codes Officer along with a zoning map. These are all the different zones that those three things would be allowed in. This does not take into account any State regulation or professional regulation that may apply to these three uses. He is not an expert in any of those. There are many other factors that may limit it.

Chair Sachs noted that the Council just had a workshop with the Planning Board and learned that they have a fairly light agenda at the moment so she is not worried about that. When this memo was brought out, it seemed to her that any request to look at anything regarding zoning, it goes to the Planning Board. Councilor Hendricks wanted to make sure that as the Council did with Cottage Street, bring it forward and we can make a recommendation to send it to the Planning Board, Traffic and Parking or anywhere else we are doing with different ordinances or suggestions. She asked for Councilor's thoughts on this issue.

Councilor Tracy appreciated Councilor Hendricks bringing this up because she agrees with him that it is better to have the discussion and decide what we believe as a town is the most appropriate treatment rather than being caught on our heels and reacting to a particular proposal which clearly would be highly emotionally charged and may not result in the best outcome as a whole. She would support sending this to the Planning Board and support directing them or having the Town Attorney do some research on what

other communities have done. Knowing what the options are would be helpful to framing a discussion. She would support a further look at this.

Councilor Gleeson would also support a further look. Councilor Egan appreciates getting ahead of the curve on this. She feels the Council should have the discussion. Councilor Arris agrees that the Council should have a discussion. If the Council looks at other areas in the state such as Portland High School. There is conflicting use going on across the street. The real issue is what do we want to do as representatives of the community and where would the community want to see these places located. He feels it definitely needs some work.

Councilor Rixon mentioned an MMA publication and that different communities can say no if Marijuana is legalized. Each individual town or municipality can decide whether or not they want an establishment in their town or municipality. He agrees that it is important to have this conversation now before we are presented with someone trying to introduce something like this in Freeport. He would like to see what other communities have done.

Mr. Joseph pointed out that there is not a lot of public disclosure on where growing operations are located. This is pretty obvious for security reasons. There could be operations around here that we don't know about because it is just a building without a sign on it. There is a dispensary in Portland, Lewiston and Hallowell. There may be ten throughout the State. Keith McBride has indicated that it is embraced in the Lewiston/Auburn area as an economic development business retention thing.

Chair Sachs noted she is hearing universal support for sending this on to the Planning Board which we will do. She asked Mr. Joseph to forward this memo to Wendy Caisse, Chair of the Planning Board to look at what is happening in other towns and to see their recommendations if any of these operations should be located in Freeport and if so, where unless the Council wants to say we don't want A, B or C here. She asked if there is a specific direction the Council wants to give the Planning Board regarding their recommendation about this.

Councilor Tracy suggested that the recommendation would be: please take a look at the existing zoning and please consider whether there should be any limitations to the location of these various entities in Freeport through zoning modifications. She would also direct them to have Town staff look to see how this has been handled in other jurisdictions. Councilor Hendricks wants to see what they come up with but feels they should consider how they can severely limit the options of what can be done in areas of town. Adult businesses have been effectively eliminated due to the restrictions of zoning and where they can be located.

Councilor Egan is not ready to give the Planning Board any direction to take this in. She is sensitive to the visibility issues particularly around schools. She wants to see what the Planning Board has to say. Chair Sachs noted that the openness is fine as long as people are not secretly harboring the hopes that they would restrict it and then they come back and don't do that because we didn't give them that direction. If the secret hope and wish is to restrict it so much that they can only go into a corner somewhere else like in another town, then you need to tell us that so they don't do all this work and we completely ignore their thoughts.

Councilor Arris noted that he has concerns with the possibility of an Opiate Treatment facility being located in Freeport because it presents a set of possibilities and difficulties that need to be explored. He is a bit more open to the other two. Chair Sachs is confident that there are Freeport physicians currently doing active Opiate addiction treatments. Councilor Gleeson mentioned that Freeport's schools are pretty much packed in the village but the Planning Board should look at all contingencies and decide whether or not if these things would be appropriate near our high school, middle school or all schools. He will not

COUNCIL MEETING #04-16
FEBRUARY 23, 2016

give a direction but will keep an open mind. He can't hide that concern because it seems like common sense.

Chair thanked Councilor Hendricks for bringing this up this issue.

TABLED: A request from the Burr Cemetery Trustees for the transfer of perpetual care funds currently held by the Town of Freeport.

*Note: The Town Council tabled this agenda item at a previous meeting and is **NOT** expected to take it up at the February 23, 2016 meeting.*

EXECUTIVE SESSION

ITEM #33-16 To consider action relative to an Executive Session pursuant to 1 M.R.S.A. § 405(6)(D) to consult with the Town Manager regarding a labor contract between the Town of Freeport and the Freeport Police Benevolent Association.

MOVED AND SECONDED: That the Town Council enter Executive Session pursuant to 1 M.R.S.A. § 405(6)(D) to consult with the Town Manager regarding a labor contract between the Town of Freeport and the Freeport Police Benevolent Association. (Hendricks & Gleeson) **VOTE:** (7 Ayes)

MOVED AND SECONDED: That the Town Council reconvene into Public Session. (Hendricks & Gleeson) **VOTE:** (7 Ayes)

MOVED AND SECONDED: To adjourn at 9:10 p.m. (Egan & Tracy) **VOTE:** (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #-05-16
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY MARCH 1, 2016
6:30 p.m.

	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Leland Arris, 70 Glenview Road	x		
Kristina Egan, 5 Weston Point Road	x		
Scott Gleeson, 23 Park Street	x		
James Hendricks, 21 West Street	x arrived at 6:35 p.m.		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 75 Lower Flying Point Road	x		

Chair Sachs called the meeting to order at 6:32 p.m. and took the roll.

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 #04-16 held on February 23, 2016 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #04-16 held on February 23, 2016 and to accept the minutes as printed. (Gleeson & Egan)

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

THIRD ORDER OF BUSINESS: Announcements

Chair Sachs announced:

- **PUBLIC INFORMATION SESSION - BROWNTAIL MOTH CATERPILLARS**, is Wednesday, March 2nd from 6:00 – 7:00 p.m., Freeport Community Library. The Maine Forest Service projects high levels of browntail moth caterpillars in Freeport this spring. The hairs from these caterpillars can cause a severe rash and damage or kill trees. Charlene Donohue, Forest Entomologist from the Maine Forest Service will present information on how to identify browntail moth caterpillars and overwintering webs; how to prepare and control for browntail moth caterpillars and discuss precautions residents in affected areas should take.
- **Ecomaine**, the nonprofit recycling and waste disposal operation, is looking for local artists of all ages to turn recycling drop-off stations into vibrant works of colorful art as contestants in the sixth **Annual Ecomaine Recycling is a Work of Art Contest**.

They have added a \$500 stipend as part of the prize for the six chosen winners, in addition to the usual \$500 worth of art supplies. Applications are due by March 18, 2016. FMI: <http://www.ecomaine.org/news-and-events>
- **Posted roads:** Due to the early thaw this year, the Public Works Department has posted certain Town roads effective Monday, February 22nd. The list of posted roads is available

on our website at www.freeportmaine.com. Please note one small change from last year – Holbrook Street will not be posted from Main Street to the High School, due to construction deliveries throughout the winter. Any non-routine heavy delivery requires a permit from the Public Works Department at 865-4461.

- March's Just Desserts Concert at the Freeport's First Friday Concert at the Freeport Community Center will be this Friday, March 4. It will feature Crabapple Jam which is described as a genre neutral string band. Doors open at 6:30 p.m. and \$5 gets you amazing desserts and coffee donated by Starbucks and donations will be accepted for the musicians.

FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Tracy, Chair of the Ordinance Committee advised that the committee met last Thursday and undertook their first examination of the clam farming ordinance that is before them. This ordinance proposes to allow for certain limited permitting allowing people to have a plot of clam flats to raise clams. It is of much interest among the Freeport population. They will take public comment on the proposal at their next meeting on Thursday, March 24 at 5:30 p.m. here in the Council Chambers. If anyone would like to learn more about the ordinance, there is a direct link on the Town's website and there is also a mailing list for residents to sign up on. Mr. Joseph will keep everyone in the loop as to when the committee is considering the ordinance and what the next steps are. She encouraged everyone with an interest in this issue to participate. Many people are interested in whether landowner permission will be an element of this proposed ordinance and this is something that the committee discussed at great length and will continue to discuss. The committee will welcome comments and is looking forward to working through it with the public.

Councilor Rixon explained that the METRO Bus Task Force met last Wednesday and plans for the bus coming to Freeport are still on schedule. The start of service will probably be at the end of May or early June. There will be three stops here in Freeport and three in Yarmouth. Into Portland it will go in on Washington Avenue and then down Congress Street making a few select stops on Congress Street and then ending up at the Transportation Center at Thompson's Point. For service, there will be nine round-trips a day beginning at 6 a.m. up to 7 p.m. in the evening Monday through Friday. On Saturdays there will be six round-trips. Hopefully, on Fridays there will be special service for things such as the Art Walk at 9 p.m. so people will be able to get home.

Chair Sachs reported that last night Freeport Town Council members and members from the Pownal Board of Selectmen and members of the RSU5 Board attended the second annual collaborative meeting to exchange information and talk about issues that affect all of the communities together. Unfortunately, Durham's Selectmen had an emergency budget meeting and could not attend. She urged the public to spend some time and watch the meeting on the Town's website. A few dates of interest that the RSU wanted everyone to have - their Finance Committee on March 9 will begin the discussion on the cost sharing formula. Many folks are interested in this and they promised to report out. It is a public meeting and everyone is welcome to look at that meeting. One of their budget meetings is scheduled for tomorrow night, March 2 and the RSU is having their final vote on March 23 which is a little bit accelerated from when it had been. She suggested that if anyone is interested, they should contact their board or attend some of these meetings. She noted that it was a very good collaborative meeting to talk about some of the common issues that Municipalities are facing. She thanked her fellow Councilors for being able to squeeze it in.

Councilor Gleeson provided an update on Special Projects and announced that the co-winners of the Citizens of the Year for 2015 are Kate and Jonas Werner who own Azure Cafe. He explained that this award is presented to outstanding Freeport citizens, who by their initiative and efforts over the years have

made Freeport a wonderful place to live. He mentioned that the Werners have demonstrated a commitment to the Town and its citizens. Their strong support on behalf of kids, the arts and people in need have been unwavering for more than a decade. They have provided free and open to the public a Thanksgiving Dinner for over 200 people every year at the Community Center. They even manage to get volunteers to deliver hot meals to people that are home bound. They also donate their time and talent to prepare the Annual Volunteer Luncheon at Freeport Community Services. Kate also volunteers in Freeport schools. They have inspired many in the community. He presented them with a plaque.

Sharing their thoughts and stories were: Shari Broder, Rich DeGrandpre, Gar Roper, Cameron Trotter, and Tom Watson.

Chair Sachs announced that immediately following there will be a reception for Kate and Jonas at the Freeport Community Library and the public is invited.

Councilor Tracy echoed what has been said this evening. She noted she has been so impressed with how generous Kate has been with her service and time particularly while serving on the Withdrawal Committee. She feels that Kate did it with grace and smarts. She appreciates the work Kate did. Councilor Hendricks noted that he could attest to how arduous the process was for the Withdrawal Committee and Kate was always the go to person on the committee. He feels the Thanksgiving Dinner is an amazing event. He doesn't feel that anyone should have to eat alone on Thanksgiving. Providing an environment where anyone can show up to eat is an amazing event and the Werners have done it thanklessly. He thanked them.

Kate pointed out that she loves Freeport and is so happy to have Freeport as their home town. They have been welcomed here. She thanked the Council for all their service. Jonas pointed out that this is their "Super Tuesday". He feels that everybody in this room can win this award. He feels so many people in this community give tirelessly and he is grateful to live here.

A 15 minute recess was taken at 7:10 p.m.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph did not have a report this evening.

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 #38-16 To consider action relative to adopting the March 1, 2016 Consent Agenda.

BE IT ORDERED: That the March 1, 2016 Consent Agenda be adopted.
(Gleeson & Egan) **ROLL CALL VOTE:** (7 Ayes)

OTHER BUSINESS:

1. Presentation of 5-year Capital Program.

Chair Sachs pointed out that this is going to be the roll out of the Capital Program. This evening this is intended to be a general overview of the Capital Program. At the Council's next meeting on March 15, the Council will go through article by article and meet with the department heads regarding each article. Every representative for every article will be here at the next meeting. If Councilors have questions that he or she knows they will want to ask and you already know them of department heads, feel free to ask them tonight for Mr. Joseph to write down and bring back to the department heads. Often times they will send out answers to those questions to all Councilors. If Councilors ask Mr. Joseph questions, he often sends out answers to the entire Council so hopefully they can be taken care of. Chair Sachs urged Councilors to really spend some time with this document in the next two weeks and do their homework and get their background because it will be going line by line and it will go more smoothly if Councilors come prepared. She mentioned that this is a smaller Capital Improvement Program than what the Council has had for a while.

Councilor Hendricks pointed out that Chair Sachs' subtle recommendation is to absorb tonight and ask questions. Chair Sachs noted that she knows many Councilors do their homework and may have already looked at this. If anyone has questions, she suggested that they be given to Mr. Joseph but not to expect an answer tonight but know that he will forward the answers to the full Council. The easiest thing to do is forward questions to Mr. Joseph. He will compile them and forward them to department heads all at once and will provide answers to everybody.

Mr. Joseph noted that Freeport's Charter calls for a separate capital plan from the capital budget. The Capital Budget is adopted along with the Operating Budget which is usually done in June. The Capital Plan that is being looked at this evening essentially is a planning document which almost always becomes the first year of the Capital Plan becomes our Capital Budget for that year. It is not guaranteed. Something might come up between the date the Council may adopt the Capital Program and two months later when the Council adopts the official Capital Budget. It is not usually very common. He explained that capital items are usually over \$5,000 and \$10,000 in value. We won't see any capital items less than \$5,000. They are non-routine purchases and projects. The Town is proactive in replacing worn equipment and materials.

Finance Director Jessica Maloy advised that for FY 2017 \$1,852,400 is proposed for Capital purchases. She noted that in most cases, the reserve levels are within the benchmarks for the purchases we have scheduled. There are a few situations where we are a little light in our reserves based on what our projected capital needs are going to be in the future. For instance, Comprehensive Town Improvements where we do paving and items of that nature, as we progress over the years, she mentioned that there will be more funding allocated for Comprehensive Town Improvement reserves versus Rescue which is adequately funded at this point.

Councilor Egan asked why the Cable balance is so large and is it possible to reduce it and move it into Comprehensive Town Improvements. Mr. Joseph explained that the Cable balance comes from subscribers. That fund has to be used for Cable expense. If we renew our franchise agreement and that fund is huge, we will need to determine whether we need to keep franchise fees where they are. The TIF fund is also restricted and has to be used within the TIF District and for specific purposes. Most of the other reserve funds do not have restrictions other than what is set by the Council. It would take an order by the Council to move them around.

Ms. Maloy started with the **Police Department**. Their current Reserve Balance is \$388,721. For FY 2017 they are looking for a Squad Car replacement, a radio communications upgrade, firearms replacement, two Speed Trailers & Signs and a replacement Chief's vehicle. The total proposal is \$152,400.

Fire Department - Their current Reserve Balance is \$503,126. For FY 2017 they are looking to purchase four Thermal Image Cameras and a radio communications upgrade. The total proposal is \$115,000. Their request makes up 6% of the total Capital requests.

Rescue - Their current Reserve Balance is \$561,976. They are requesting a radio communications upgrade at a cost of \$110,000. Their request makes up 6% of the Total requests.

Public Works - Their Reserve Balance is \$578,875. They are requesting a Truck Chassis Replacement (Single Axle), Plow & Wing (Truck 2) and a $\frac{3}{4}$ Ton Pick-up with plow (Truck 15). The total proposal is \$221,000. Their request makes up 11% of the total.

Solid Waste/Recycling - their Reserve Balance is \$125,782. They are requesting a Loader at a cost of \$90,000. Their request makes up 5% of the Total requests.

Comprehensive Town Improvements - Their Reserve Balance is \$731,784. They are proposing the South Freeport Road Overlay - Town's Share-PACTS MPI Project and South Freeport Village Road Reconstruction for a total of \$570,000.

(Mr. Presgraves suggested a friendly amendment to move out the Paving of "Back" Work Area at Recycling two years.)

Councilor Tracy asked if widening the sides of South Freeport Road can be done while overlaying it. Mr. Joseph explained that it would involve doing more work on the sides. He is not sure if there is a continuous foot or more available along the road. He would have to talk to Albert Presgraves and see if it is possible and what the cost difference would be. The Town will do the work but PACTS gives the town money.

Municipal Facilities - Their Reserve Balance is \$1,123,437. They are requesting computer upgrades, replacement of a Building Maintenance Truck, replace the roof on the Highway Building, new furniture town-wide, a plow and sweeper storage building, eight public computers at the Library, new windows at the Public Safety Building, LED Streetlight conversions, Annual Revaluation Reserve Fund for a total of \$258,000.

Councilor Egan asked about solar panels for the new Public Works Building Roof and Mr. Joseph explained that the Town Planner and the Town Engineer are designing the project for the roof replacement so that it can be punctured for solar panels if we go in that direction. Metal roofs are easier to add solar panels to and are durable.

Cable - Their Reserve Balance is \$511,319. They are proposing a Cable Truck Replacement, an AC Unit Replacement and Equipment and other improvements (channel 14) for a total of \$35,000.

Boards, Committees, Community Groups & Other Requests - Their Reserve Balance is \$40,949 but they have no requests for FY 2017.

Destination TIF Village Improvements - The Reserve Balance is \$238,684. They are proposing to do some sidewalk improvements-Main Street East side, Bow Street to Mechanic Street at \$40,000. Also Sidewalk improvements -Elm Street to Snow Street (50% TIF/50% Grant Funds) at \$130,000. A sidewalk ramp detectable panel replacement (8) at \$6,000 and our annual funding of FEDC at \$95,000 for a total proposal of \$271,000. Their 6/30 Reserve Balance was \$116,704. The additional FY 2016 increment that will go into the TIF is \$307,980.

Chair Sachs pointed out that Councilors have the proposed Capital Improvements Program, a memo generated by department heads and the FY Capital Program back-up data. This is the place to look through the whole spectrum of requests. Next meeting the Council will tackle FY 2017 and anything down on the list as well. If anyone has questions or concerns or want to brush up on fund balance, how these things are generated, she is sure Ms. Maloy will be happy to help.

Ms. Maloy noted that we had a high capital purchase year last year and department heads have worked diligently with her to keep this year's proposals reasonable and affordable with out reserves. They worked diligently for the next five years to keep it at a consistent level. If one were to look at the total for each of the next five years, it is between \$1.2M and \$1.9M request. They made a concerted effort to flat line this program out in order to maintain some consistency with what they come to the Council with.

Mr. Joseph thanked the department heads for working well with Ms. Maloy to find purchases and projects that could be pushed out that didn't need immediate replacement.

Chair Sachs asked Councilors to do their homework and get their questions to Mr. Joseph. Department heads have always been very responsive and very thorough. She looks forward to workshopping with them on the 15th. We will then have the public hearing so the public will be able to hear the Council's questions on the 15th and hear the budget twice at that point. We will set the public hearing on the Capital Program on the 5th and adoption of the Capital Program on the 12th. Department heads will be here next time.

Mr. Joseph noted that if Councilors have any questions for department heads on individual items, they can e-mail them to him. If they have questions about reserve policies, reserve balances, reserve funding or anything about how the technical details work, contact Jessica. She will be happy to go over that with them.

TABLED: A request from the Burr Cemetery Trustees for the transfer of perpetual care funds currently held by the Town of Freeport.

*Note: The Town Council tabled this agenda item at a previous meeting and is **NOT** expected to take it up at the March 1, 2016 meeting.*

MOVED AND SECONDED: To adjourn at 8:25 p.m. (Gleeson & Egan)
VOTE: (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #-06-16
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY MARCH 15, 2016
6:30 p.m.

	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Leland Arris, 70 Glenview Road	x		
Kristina Egan, 5 Weston Point Road	x		
Scott Gleeson, 23 Park Street	x		
James Hendricks, 21 West Street	x arrived at 8:09		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 75 Lower Flying Point Road	x		

Chair Sachs called the meeting to order at 6:33 p.m. and took the roll. She noted that Councilor Hendricks should be arriving soon.

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 #05-16 held on March 1, 2016 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #05-16 held on March 1, 2016 and to accept the minutes as printed. (Gleeson & Tracy) **VOTE:** (6 Ayes) (1 Excused-Hendricks)

THIRD ORDER OF BUSINESS: Announcements

Chair Sachs announced:

- **Third Friday Free Lunch at the Community Center** this month will feature chicken chile and corn bread.
- **Freeport Community Library's Annual Book Sale begins April 2nd!** From Monday, March 21, through Friday, April 1 the Library will gratefully accept donations of gently used books for its Annual Book Sale. The Book Sale begins April 2 and runs through Thursday, April 7th. Book sale hours start when the library opens and close 30 minutes prior to the library closing.
- **FREEPORT DAY At the NORDICA THEATRE!** Tuesday, April 5th. Residents of Freeport are welcome to view a movie absolutely **free**! Donations for the Freeport Conservation Trust will be collected. *Proof of residency is required.*
- **Yes, You Can Have Your Book and Eat it Too at the 3rd Annual Edible Book Festival at the Freeport Community Library** Wednesday, April 13th, 10AM - 7:30 p.m. Choose a book, then base a totally edible (or as close to totally edible as possible) creation on the book title. Based upon the voting of everyone attending, Edible Book Festival "golden spoon"

awards will be given in categories like *Funniest*, *Most Creative*, and *Best in Show* for both adult and young person categories. For more information, stop by the Front Desk at the Library or go to www.freeportlibrary.com.

FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Tracy advised that the next Ordinance Committee meeting will take place on Thursday, March 24 at 5:30 p. m. here in Council chambers to continue their examination of the clam farming ordinance proposed by the Shellfish Commission. This meeting will be an initial public comment period. She feels a lot of people feel strongly about this proposed ordinance. The committee has gone through the proposed ordinance and is ready to process people's comments and will welcome those comments. The majority of the meeting will be devoted to public comment. They will figure out next steps from there.

Councilor Egan reported that the Traffic and Parking Committee met this morning and went over some of the Accessibility Task Force, which is a group of citizens that have come together to look at how to make the Town more friendly to people with mobility challenges and disabilities. She wanted to make sure as we are doing the information exchange, that they have the charge right from the Council as they move Traffic and Parking through the process of looking at this. They decided that they need to do a thorough inventory of the handicap parking spaces in Freeport. If they are the appropriate size and if they are also adjacent to sidewalks where wheelchairs can easily go up the curb. Once they have that data, they want to compare it with the Federal ADA requirements to make sure we are in compliance. The next question is are there things we can do that are beyond what the federal requirements are in order to make our town more friendly for people with disabilities. They are looking at the charge which is just at the handicap parking spaces issue, knowing that all the other pieces of the Accessibility Task Force's recommendations are being looked at by the Municipal Facilities Committee and she gave them that boundary of what she would be looking at. Chair Sachs noted this was her understanding.

Councilor Egan there are two places that intersect with other committees. One is with the METRO Bus and that the METRO Bus has figured out where the sites are for the bus stops in Freeport. They want to make sure that the handicap parking spaces and accessibility are coordinated with that. The other is with the Planning Board. They will be doing an inventory of all of our parking issues in Freeport in the downtown area overall. As a committee, they will request as the Planning Board does that work, that they also include accessibility as one of the things they are looking at. It will create some more efficiency. Our Town Engineer will be talking to Town Planner Donna Larson to make sure that intersection happens and they can do the work as efficiently as possible.

For Municipal Facilities, Councilor Egan advised that they took an initial look but realized that they need more data. Mr. Joseph is getting some information from the State Fire Marshall's Office who has taken a look at all the Municipal Facilities, not just downtown's handicap spaces, but broader, our open spaces, our parks, our Town buildings to make sure we are in compliance. Again, it will be a policy question for the Council once Municipal Facilities looks at this, do we want to go further than what is required? Are there things that Freeport can do to be friendlier to people that have challenges?

Councilor Tracy advised that she attended the Active Living Task Force meeting last week. One of the things they are doing is taking an inventory of the downtown and finding appropriate places for bike racks to be placed. We certainly already have bike racks at the schools and at various places in town but we have a potential grant to place more bike racks in town and make them more accessible to bike riders. Two of their members went through town and created a matrix of possible locations and the Active Living Task Force is looking at the recommended areas. She is not sure how quickly they will appear but there should be an opportunity to store a bike in a more convenient location sometime soon.

Councilor Rixon pointed out that he attended the Shellfish Conservation Commission meeting last Thursday. Dr. Brian Beal reported on the Downeast Institute's studies conducted on our coastal waters.

If anyone is interested in reviewing these studies, they can go to www.Downeastinstitute.org. There are five different studies on Freeport's clam flats with recommendations to the commission as far as the possibility of clam farming.

Chair Sachs pointed out that the Council is working closely with the RSU on collaborative issues. They just heard from the Conservation Commission the state of Quarry Woods Bridge. There is a bridge behind Mast Landing School that was in some disrepair. The Conservation Commission, a Town committee, brought it to the RSU and the new Superintendent brought it to their Facilities Director, Dennis Ouellette and it has been shored up and fixed. It is much safer for kids out there. Special thanks to the Conservation Commission and the RSU for working so closely together. Dennis Ouellette said it was really fun. The RSU Finance Committee met and talked briefly about looking at the cost sharing formula which was in agreement when the RSU was formed. It is around the time that that agreement has stated it should be looked at. They have just begun that process and invite anyone to their public Finance Committee meetings. Freeport's representative is John Morang and his e-mail is included on the website under the Finance Committee.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph reported:

Town Engineer Al Presgraves recently received approval from the Maine Department of Environmental Protection (MDEP) for phase 2B of the closure of the Municipal Landfill on Hedgehog Mountain Road. This represents the last remaining open portion of the Municipal Landfill, which until this year was accepting construction and demolition debris only. The next phase in the process will be the bid process. Proposals are currently being solicited, and we expect that process to conclude next month. The closure of this last remaining section of landfill was approved in the Capital Budget last year, with an anticipated cost of approximately \$150,000.

In other Public Works news, the Town is also preparing an RFP for this year's paving projects. After consultation with the Superintendent and Maintenance Director at RSU #5, this year's paving RFP will also include two large parking lots at the Mast Landing and Pownal Elementary schools. We expect that including these larger parking lots along with a smaller Town parking lot and the Town's customary roadway paving projects will help both the Town and the RSU to secure more competitive paving bids this year. This joint paving bid is just one small example of some of the collaborative ventures that the Town Council and Town Staff have been discussing with the RSU Board and Staff over the past several months, and is a very encouraging step in the collaborative process.

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

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

No public comments were provided.

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

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

ITEM #41-16 To consider action relative to adopting the March 15, 2016 Consent Agenda.

BE IT ORDERED: That the March 15, 2016 Consent Agenda be adopted.
(Gleeson & Egan)

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

ITEM #42-16 To consider action relative to amending the Zoning Ordinance to create a new V-1 Residential District and to amend the zoning map in the area of Cottage Street and Forest Street as proposed by the Planning Board. PUBLIC HEARING

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

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

Chair Sachs explained that the proposition is around Cottage Street and Forest Street to restrict them to residential only. She reminded residents to adhere to the three minute rule.

Doug Horner of Cottage Street explained that he supports the petition in order to preserve the peace, quiet, safety and culture of this piece of town. While this type of zoning change may not be right for every neighborhood, he feels it is right for his neighborhood and is in its best interest.

Attorney Peggy McGehee pointed out that she is representing Stephanie Cimmet, owner of a small art therapy practice in Brunswick. Ms. Cimmet purchased her residence on Forest Street for her business. She suggested that Ms. Cimmet be permitted to talk about her business which is probably what started this petition. She would like to be able to follow up later. Chair Sachs advised that they would each be granted three minutes.

Ms. Cimmet explained that after a long process, she purchased the property on Forest Street in September. She is excited to have a permanent long-term location for her small business. She works quietly with one client at a time for approximately 45 minutes. She looked for a mixed use neighborhood and met with Freeport's Economic Development Director to talk about whether this house was appropriate. She went through the process with the Planning Board and got a change of use for this property. She spent a lot of time and money going through the process. She has gotten all of her building permits and is currently under renovation including adding a sprinkler system. The outside looks like a house and she has no plans to make exterior changes. It is the first house on the street on the right which means that none of her clients will drive by anyone else's house. There are already limitations on what she can do since it is a small lot and there are three parking spots. she does not want to be part of the rezoning of the rest of the street but supports the neighbors' request for rezoning. This is her long-term plan. She does not want to be a legal non-conforming use.

Attorney McGehee pointed out that the Planning Board is recommending this re-zone. She quoted segments of the Comprehensive Plan to the Council.

Brian Sloat explained that he lives on Beech Hill but feels it is important that someone outside of this neighborhood support the effort to change and amend the zone as it is right now. This neighborhood is probably one of the last pristine neighborhoods in close proximity to Main Street. There are buildings on this street originated by E. B. Mallett. In his opinion it is a unique situation and we should keep it as residential.

Alan Heald of Cottage Street noted he is here with his neighbors and they are passionate to keep Cottage and Forest Street as a strictly residential-only neighborhood. There are 14 houses located in this area and

11 of them are E. B. Mallett houses. The preservation of these historical houses is very important to the identity of Freeport. They believe they have one of the nicest neighborhoods in Freeport. Six months ago they petitioned the Town to protect the neighborhood from becoming commercialized. They obtained signatures from all of the residents but one. Failure to change the neighborhood to a V-I Residential District will be the ruination of the neighborhood. He requested that the Council preserve their neighborhood and an important part of Freeport's history.

Angie Horner of Cottage Street pointed out that she is in support of the proposal for residential zoning. She loves seeing the kids on her street outside playing.

Phil Kerber of Cottage Street advised that he and his wife have lived there for ten years. He feels it is such a unique area. He has no problem with Ms. Cimmet having her business there. She followed the rules. He would like to see Cottage and Forest Streets rezoned residential with the exception of her property. His concern is if her property were to be sold in the future, what kind of use could go in there?

Duncan Daly of the corner of Cottage and Forest Streets, advised that he is Ms. Cimmet's neighbor. He is very much in favor of changing the district to Residential-only because of the safety for kids. He had kids playing in the street and now has grandchildren playing in the street. He would like to keep the neighborhood as quiet as possible.

Amanda Meyers of 3 Forest Street explained that she is very much in favor of changing the zoning to a residential zone for all the reasons stated by her neighbors. She has empathy for Ms. Cimmet's situation and supports her request to withdraw her property from the rezoning request. She bought her property in good faith. There is near unanimous support from the rest of the neighborhood and it would not be the same thing with other businesses.

Keith McBride, Director of FEDC advised that he worked with Ms. Cimmet and talked to the Planning Board about excluding her property from this proposal. He does not have an opinion but noted it is up to the Council to decide. He mentioned that the demand for professional office space is not dictated just by location. Ms. Cimmet's use is unique in that she needs very little parking, a small space and a lot of quiet. The V-I District is a large district and includes a lot more than just Cottage and Forest Streets. There is a lot of property on the west side of Main Street and in his four years as FEDC Director, he has yet to work with anyone interested in the professional office use in the V-I except for Ms. Cimmet. It is too expensive to tear down any buildings that are there and build a small professional office use which is limited to 5,000 sq. feet in the Ordinance. Most of the existing lots don't allow for large parking and other uses. The Planning Board's proposal excluded Ms. Cimmet's property from the zone change and he would support that.

Alan Heald pointed out that the Planning Board only had five members in attendance. He has been a resident on Cottage Street for 56 years but another resident has lived there 70 years.

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

BE IT ORDERED: That the Zoning Ordinance to create a new V-1 Residential District and to amend the zoning map in the area of Cottage Street and Forest Street as proposed by the Planning Board be adopted. (Gleeson & Tracy)

Chair Sachs mentioned that the Council talked about this with the Planning Board during a workshop. She asked if this is a truly unique neighborhood and is this a unique situation. Town Planner Donna Larson explained that this zoning works in very limited circumstances. She displayed a map and pointed out where the V-I is situated. The area in question sits in a pocket and it separates it from other parts of

the district. The Comprehensive Plan talks about the traditional New England neighborhoods. She feels that one can make a very strong case that this area is different from other parts of the V-I District. In looking at the rest of the V-I District there were very few other places that she saw that made any sense at all.

Councilor Egan has concerns that this could be viewed as a spot zoning kind of thing and the precedent it would set for other neighborhoods. Ms. Larson advised that she does not see any other area that juts into three other districts. This is what makes this situation work while it wouldn't work in other places. She has discussed this with the Town Attorney. This situation would sort of be a reverse overlay since we are taking away certain things and would only have residential use only. She has not thought this out thoroughly and is not willing to go into any detail because she can't. She did say that she thinks this is messy zoning and she does not encourage it but in this particular location, it has attributes that make it work. She explained that some Planning Board members did not like the small nature of the district. It is under seven acres. It was not an easy decision for the Planning Board to come to but there was enough support to move forward after Ms. Cimmet's property was removed from the request.

Chair Sachs noted she is struggling with the request because the precedent being set of spot zoning makes her uncomfortable. She has concerns.

Councilor Gleeson pointed out that the V-I District is really the downtown. We are not looking at neighborhoods Freeport-wide necessarily. After reviewing the maps, he cannot come up with another similar neighborhood. He feels this neighborhood is particularly unique and he is supportive of the proposal. If anyone already has existing commercial businesses on their street, he would be very hesitant to vote for it on those merits alone.

Councilor Arris noted that this recommendation has come from the Planning Board with a 3-2 vote and he assumes it was run by the Town Attorney and that a Council vote would be appropriate. Ms. Larson indicated that it would be.

Councilor Egan asked Keith McBride what would be the worst case scenario given what the market is, and what zoning would allow? Mr. McBride mentioned a day care facility could fit into a residential style building but again there would be parking issues with a lot of traffic. There are plenty of small office spaces in the VC-I, VC-2 and VC-3 available. Those are his first choices for someone looking to purchase a property for a home occupation. He does not put business uses in our RR Districts. It is not cost effective for someone to buy one of these houses and then tear it down when there are vacant lots available on Route One South.

Councilor Tracy feels it is problematic to say this would not open the door to anything else. One of the reasons that this particular district is all residential is because someone drew a line and took Ms. Cimmet's property out of the district. It doesn't mean that it can't happen again to another district in the downtown area. She has not examined every street. She does not feel the Council should delude itself that this does not open some sort of precedent. There is a risk of doing something like that.

Councilor Egan feels that this sets a precedent for other neighborhoods to come to the Council with a similar complaint. She feels that almost everybody in Freeport wants to protect their neighborhoods the way they are. She mentioned there is already an RSU property on the end and feels we need mixed use places.

Councilor Gleeson pointed out that he has discussed this situation with Councilor Hendricks and he agrees with him so he can speak for both of them. They both live in the V-I District. For years he has observed that we have lost significant amounts of residential housing due to expanded parking lots.

When he ran for Council, he vowed he would try to maintain that village feel. He is willing to take the chance. He worries about the slippery slope and understands the concerns. He feels the neighborhood has handled itself in an extremely professional way with petitions and has been very patient. He likes the fact that we are not including 4 Cottage Street with it. There is historical value with the Mallett houses and E.B. Mallett is buried right behind the neighborhood. He feels there is a threat of losing housing in the V-I District. He feels that Councilor Tracy and Councilor Egan have valid points and could this come to the Council again for other neighborhoods? He feels it could but the Council will take them on their merit.

Councilor Egan noted she would not like to lose housing but was intrigued about extending the Design Review District. She asked Ms. Larson if the Council did that, would it throw up a barrier to creating more parking lots. Ms. Larson mentioned it would make it harder and explained the Design Review Ordinance.

Councilor Rixon mentioned that he agrees with Councilor Gleeson. He does not see this as a concern for establishing a precedent that will have other neighborhoods request similar things. If other neighborhoods do, the Council would decide it in that particular instance. He is in favor of this.

Councilor Arris noted he has been here for 50 years and the issue of replacing houses with parking lots or some commercial stuff, that has been a battle that repeats itself over and over in this community. This is a typical incursion with commercial stuff. We have 15-20 neighbors saying they want to keep their neighborhood. He understands that battle and from his perspective, it would be good as a Councilor to stand with that group and support their proposal. He agrees with Councilor Gleeson and Councilor Rixon that if someone else comes before us and makes certain arguments, we will take them on their merit. The Council is on solid ground and is able to do it.

Councilor Tracy noted that after listening to all the arguments, she is in support of the proposal. She does feel it creates a problem with precedent but is prepared to take that risk under the circumstances. As a long time resident of Freeport, she finds that the town is constantly trying to keep the soul in the downtown and keep the soul in the rural areas. We are blessed with commercial development but we also need to make sure that it doesn't overtake what really drives this town, which is the people who live here. She is not sure it makes the best legal sense but as her role as Councilor, it makes sense from a personal and a town-soul point of view.

Councilor Egan noted she would be opposing this proposal this evening because she feels the Council needs to be strategic about where we allow commercial development to be in town. She feels the downtown is the right place for it. She does not take zoning changes lightly but wanted the residents to know that she heard them loud and clear tonight. She thanked them for being here and being so articulate about their neighborhood.

ROLL CALL VOTE: (5 Ayes) (1 Nay-Egan) (1 Excused-Hendricks)

ITEM #43-16	To consider action relative to allowing the sale of the 1988 Grumman Firetruck, otherwise known as Engine 3 to Reed Plantation for the amount of \$15,000.
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BE IT ORDERED: That the sale of Engine 3 to Reed Plantation for the amount of \$15,000 be approved. (Tracy & Gleeson)

Deputy Chief Eric Sylvain answered questions for Councilors. The Firetruck is being sold as is and the purchaser is hoping to get 8-10 years out of this vehicle if possible. There are no warranties. Councilor Tracy explained all the reasons why this vehicle is being sold.

ROLL CALL VOTE: (6 Ayes) (1 Excused-Hendricks)

ITEM # 44-16 To consider action relative to approving a contract agreement between the Town of Freeport and the Freeport Police Benevolent Association.

BE IT ORDERED: That the proposed contract agreement between the Town of Freeport and the Freeport Police Benevolent Association for the period of July 1, 2015 –June 30, 2018 be approved. (Egan & Gleeson)

Mr. Joseph explained that the Council has discussed the proposed three-year contract.

ROLL CALL VOTE: (6 Ayes) (1 Excused-Hendricks)

ITEM #45-16 To consider action relative to the proposed Capital Program for FY2017.

BE IT ORDERED: That a Public Hearing be scheduled for April 5, 2016 at 6:30 p.m. in the Freeport Town Hall Council Chambers to discuss the proposed Capital Program for FY2017.

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 & Egan)

ROLL CALL VOTE: (6 Ayes) (1 Excused-Hendricks)

ITEM # 46-16 To consider action relative to a contract to replace the carpet at the Town Hall.

BE IT ORDERED: That Capozza Tile & Floor Covering Center be awarded a contract to replace the carpet at the Town Hall Building for the bid amount of \$21,940.

Note: The Town Council appropriated \$25,000 for this project in the FY2016 Capital Budget. The current balance in the Building Maintenance Reserve account is \$807,477. (Tracy & Egan)

Finance Director, Jessica Maloy explained that the proposal is to replace all the carpet in Town Hall. The bid came in under the \$25,000 appropriated. She mentioned that seams are ripping and fraying. She is unclear if the carpeting in the Council Chamber is going to be replaced.

ROLL CALL VOTE: (6 Ayes) (1 Excused-Hendricks)

ITEM # 47-16 To consider action relative to awarding a contract for the Police Department Locker Replacement Project.

BE IT ORDERED: That Systematics be awarded a contract for the Police Department Locker Replacement Project in the amount of \$14,200.00.

Note: The Town Council appropriated \$20, 000 for this project in the FY 2016 Capital Budget. The current balance in the Police Department Equipment account as of January 31, 2016 is \$384,344. (Rixon & Egan)

ROLL CALL VOTE: (6 Ayes) (1 Excused-Hendricks)

OTHER BUSINESS:

1.WORKSHOP ON 5-YEAR CAPITAL PROGRAM

Article I - Police Department - Mr. Joseph explained that Chief Schofield will not be here for the approval of the Capitol Program so he asked Lt. Nourse to accompany him tonight.

Chief Schofield suggested deferring discussion on the Communications Upgrade-Radios to when the Fire and Rescue Chiefs are here to provide a thorough explanation. Chair Sachs noted it makes more sense to ask questions regarding any of their requests.

Councilor Arris mentioned some communities are equipping their police officers with body cameras and asked if there are any plans to do this in Freeport. Chief Schofield explained that Freeport has used in-car cameras for 25 years. They renew their technology every five years. They have experimented with body cameras but found that they are not fool proof and will not catch every angle. They have a bunch of model policies coming out from the Maine Criminal Justice Academy. They are in their final stages of approval. He has shared all his notes with Lt. Nourse. Lt. Nourse explained that they experimented with some body cameras and compared the info with their in-car cameras. They are thinking about the technology needs because someone has to be responsible for the information that is captured, how it gets stored and saved depending on what kind of an incident it is. There is a lot to consider beyond wearing the camera. They do not want to jump into this without considering all the unknown implications of that technology. Chief Schofield pointed out that in FY 2018 Audio-Video Cameras in Cars are being requested and that is where they would incorporate the purchase of body cameras into the budgeting process. Councilor Arris encouraged the Chief to move through the process as expeditiously as possible.

Councilor Arris brought up firearm replacement and asked if this is done every five years. Chief Schofield explained that times have changed and handguns need to be replaced and rifles need to replace shotguns. They usually trade every eight years. They have five tasers now but want to outfit ten officers with tasers. They could move this item back a year and reconsider where they are. Lt. Nourse explained that the purpose of this Capital Budget entry is to consolidate the weapons used by the Police Department. All the weapons are packaged together in this request. Chief Schofield advised that he believes the trade costs were factored in.

Article II - Fire Department - Deputy Chief Eric Sylvain explained that they have 2006 Thermal Image Cameras that they use as a tool in searches for hot spots or people in a building. They also use them to assist the police department. The newest technology shows color and they are easy to use. They will look into trading the old ones or selling them. Councilor Gleeson noted these are \$15,000 each and asked if it would put the Fire Department at a disadvantage if we purchased two this year and two next year. Deputy Chief Sylvain recommended purchasing all four this year so fire fighters will not be confused on how to operate them. He noted that if they buy four, they can get a better deal. Councilor Tracy requested that he make some calls and see if he can get a range on trade-ins and also what the price would be if we bought all four. Deputy Chief Sylvain agreed that it would not be an issue to get this information.

Article III -Rescue - Chair Sachs noted that the communication upgrade includes Fire, Rescue, Police, Public Works and School Department. Deputy Chief Conley provided an executive summary for

Councilors and then explained it to the public. An investment of \$212,000 is needed for the backbone which should serve them 10-15 years. It is split between police, fire and rescue. Mr. Joseph explained that the design work was done last year by RCM and they had previously worked for us a long time. He estimates that he would be in a position to present a proposed vendor to the Council shortly after the adoption of the budget.

Article IV - Public Works - The Council saw pictures previously and there were no questions for Mr. Gibson.

Article V - Solid Waste/Recycling - Al Presgraves explained that they use a loader daily. This 1996 machine had previously been a Public Works machine. Since then Public Works had gotten a much larger machine so Solid Waste/Recycling decided to get a loader of similar size that they have now. He explained that the cost estimate for the new loader is \$110,000 with a trade in of \$20,000.

Article VI - Comprehensive Town Improvements - Mr. Presgraves suggested deferring the Paving of the "Back" Work Area at Recycling to 2019. It will need to be done but it is now in pretty good condition.

Councilor Arris mentioned the South Freeport Road Overlay and that Freeport's share is \$260,000. He asked what the cost of the project is. Mr. Presgraves answered that it is \$460,000. Mr. Joseph explained that it is a 50% match up to \$400,000 and then everything else the Town pays. Mr. Presgraves advised PACTS will make a decision on May 10 on two different programs and we won't know until then. They can take several different approaches to our request. They have received more requests than they have money so they may offer us 75% or \$150,000 but that decision has not yet been made. There is one project that is iffy and they may decide to not fund it.

Chair Sachs pointed out that we will vote April 12 on the Capital Program and then in June on the Capital Budget.

Article VII -Municipal Facilities - Jessica Maloy explained that she is waiting for solid quotes on the eight public computers requested for the Library. Chair Sachs referred to 2020 and the Library Expansion proposed. She noted there is a new Library Director and everything is being looked at. It is on the radar and data is being collected on use to see if it justified.

Councilor Egan asked about solar panels for the new Public Works Building Roof planned for 2017. She asked if there is any advantage to doing the roof and the solar panels at the same time. Ms. Maloy explained that there is no advantage. A metal roof is going to be put on and the solar panels will be added in a subsequent year.

Article VIII - Cable - Rick Simard pointed out that he re-purposed two cruiser cameras. One is here in town Hall and the other is at the Recycling Center.

Article IX - Boards, Committees, Community Groups & Other Requests

Chair Sachs pointed out that the Conservation Commission should have had \$5,000 to replace the bridge at Florida Lake.

Councilor Arris asked why does the Harbor Master stuff comes under Community Groups and not in Public Safety. Mr. Joseph explained that it traditionally came under Coastal Waters. The entire Harbor Master's budget was considered in Coastal Waters. Councilor Arris feels it would be logical to have it somewhere else.

Destination TIF Village Improvements - Mr. Joseph explained that Keith McBride will be attending the last workshop session. Their request will be the same as last year.

Mr. Joseph mentioned the FY 2017 Sidewalk Improvement - Elm Street to Snow Street, 50% TIF/50% Grant Funds. We did not get the CDBG grant for half of it so Albert will make an alternate recommendation to the Council.

Mr. Presgraves advised that for \$30,000 we could build a sidewalk on Snow Road between Justin's Way and Elm Street and realign the intersection at Elm Street. There has been a history of complaints from residents that cars do not stop at the stop sign and go around the corner too fast. He will be able to somewhat correct that with geometry but not fund, unless we can find funding, a sidewalk, all the way up Elm Street to where it exists, almost to Main Street. Chair Sachs asked Mr. Joseph to provide a visual at the next meeting along with the new budget recommendation.

Tri Town Track and Field Request:

Chair Sachs asked Ms. Maloy to summarize where this may fall in our two reserve accounts and the plan to replenish those fund balances anyway should the Council decide to move forward with this funding request.

Ms. Maloy explained that the two possible reserve accounts that we could look to are:

Municipal Facilities which currently has a five-year plan request of \$1,339,000. The two benchmarks are based on the five-year requests and 20% of the twenty-year plan. The five year mark is the \$1,339.00 which she just mentioned and the twenty-year benchmark is \$616,200. The Municipal Facilities reserve balance currently falls between those two benchmarks which ideally is where the Council wants to be at \$1,123,437, keeping in mind that that benchmark is shy of the five-year projection request. The reason why this one is being recommended for consideration is because it primarily encompasses all Town buildings and related improvements both internally and externally for all town buildings and facilities.

The second reserve account to look at is **Comprehensive Town Improvements** and again the same two benchmark parameters apply. Currently the five-year request is \$3,014,500 and the twenty-year projection is \$1,427,900. This reserve balance currently falls short of both of those benchmarks at only \$731,784.00. Comprehensive Town Improvements primarily focuses on sidewalks, paving and road reconstruction. Those are the loosely categorized reserve balances that would be appropriate for this type of funding request.

As far as the reserve levels and the funding of the reserves, annually we contribute funding into the reserves and to build up where the benchmarks are short as is the case with Comprehensive Town Improvements we would transition and shift some of the allocation where we had been building up the Fire Reserve in anticipation of the fire truck purchase that was made last year. We would now shift to more funding for Comprehensive Town Improvements to help build that as requests continue to come through. On the flip side, if requests continue to exceed the current level of reserves, we would have to look at alternate funding sources which would be where we would start looking at bonding, or pulling from operating where the Council would physically set within the Operating Budget an amount to be allocated to reserves. The Council would be raising the tax rate for that year to put additional funding into reserves.

Chair Sachs noted that this request is being handled like every other request that comes to the Council. Councilor Egan pointed out that the total request is \$1.3M and the Municipal Facilities reserve balance is \$1.1M. Ms. Maloy mentioned that we replenish the fund every year in a way that the Town will be able to meet its future needs. Typically we look around the million dollar mark at replenishing reserves.

Councilor Egan noted that this would not make a dent in any of the planned expenses we have next year and Ms. Maloy agreed.

Since this is not in the five-year plan or even the twenty year plan, Councilor Hendricks asked how Ms. Maloy would handle any other requests that come up at the last minute. Ms. Maloy explained that she would work with department heads to see if there is something else that could be put off so that we maintain the integrity of what has been in the plan and has been brought before the Council from a monetary standpoint. If something came up after the plan was presented and needed to come back, it would still be something presented on a list of changes and she would work with the department heads and say this came up and we needed this so we are going to put this off which is what happened this year with the communications upgrade.

Chair Sachs noted that in looking at our reserve balances, the majority of them are below benchmark. It is obvious that a lot of them need to be shored up. She has concerns that we are already shifting and needing to do this. Ms. Maloy pointed out that the interest rates are not there and the return on the Town's money is not as great as it would have been even ten years ago. It has been very difficult for the last eight years. Councilor Hendricks recalled 2011 where we had a lean year, our former manager basically said "we are cutting spending" and we had to spend a couple of years after that trying to catch up. Ms. Maloy noted that she laid the foundation this year for that type of an environment and set a five-year consistent plan, establishing a base line of what hopefully will be manageable trying to eliminate the peaks and valleys.

Chair Sachs noted that the Council will go through the Capital Plan on April 5 and will vote on it on April 12. On April 5 she will ask what the Council wants to get rid of, etc. as well as a public hearing with adoption on the 12th.

Councilor Hendricks advised that the Town has some tax-acquired property sales coming up. He has no idea what kind of number we will get out of those sales. He asked Mr. Joseph to try to get a guesstimate for the next meeting. The funding would go into the General Fund if no other directive is given by the Council. Councilor Hendricks noted it could go into Municipal Facilities since it is Municipal property but this may be a moot point because it could go to satisfy back taxes. Mr. Joseph noted they are not a lot of high value properties. Some of them are odds and ends. Mr. Joseph and Ms. Maloy will go through them and determine if there are any "cash cows".

Chair Sachs noted there are no decisions to be made this evening. Councilor Hendricks mentioned he does not know where he is and would like to have a more informative discussion. Given the fact that it is a considerable amount of money, he feels there would have to be strings attached such as when the RSU is not using the field, it is always open to Freeport residents or allow the Town to have certain usage of the facility for Town events or allow our non-profits to use it during certain times of the year. We are giving money to an entity that we don't control and he would like some caveats included.

Councilor Tracy pointed out that this is totally fair and was proposed at the last meeting. She offered to draft up some "strings" for the Council's consideration. The idea behind the project is that it would be for public use but it is important to put it in writing. Chair Sachs explained that she would be interested to know how the development of the business portion is. There was a strong argument that this is for the full town and it is an economic development driver. She would like to see the commitment if possible, of the projections or at least pledges from the business community which would strengthen the argument that was being made the other day.

Councilor Tracy reported that the business committee was last formed because nobody was able to take it on. There are a lot of people in the business community that are helping including Keith McBride, Candy Rinaldi from Bath Savings and Adam Nappi. It needed a chair. In time it is lagging. There is a goal of \$150,000 and we are currently about \$45,000-\$50,000 and it hasn't even gotten off the ground yet. The

committee has been formed and they met with FEDC, the Chamber and Freeport USA. They have a list of all the businesses in town and they will be approaching the majority of them. The national chains are excepted and historically have not contributed. This is in full swing and they are working towards the goal. It is in process.

Councilor Rixon noted that he is in favor of this proposal. He feels it is less than 10% of what the voters have already approved for this project. Councilor Tracy explained that she is involved as a volunteer in this effort. This is a classic example where private entities have gotten together to leverage a significant amount of funds for this project. It essentially takes 30%, moving towards 60% off of the top. This is a unique opportunity. There are numerous sensitivities about this request. It is a lot of money and not necessarily the best timing. She urged the Council to think about the big picture. This million dollar grant is not coming back again. Maybe we would be so lucky to get it three times. It has real benefit to Freeport independent of the RSU. This is a place for our families and our businesses to gather and really keep Freeport in the downtown as we are surrounded by commercialization. She hopes that the Council will give it some serious thought.

Chair Sachs invited residents to come to the public comment period on April 5 or contact the Council regarding any of the items discussed this evening on the Capital Program. She thanked Councilors for the work this evening, the department heads and Town Staff

TABLED: A request from the Burr Cemetery Trustees for the transfer of perpetual care funds currently held by the Town of Freeport.

*Note: The Town Council tabled this agenda item at a previous meeting and is **NOT** expected to take it up at the March 15, 2016 meeting.*

MOVED AND SECONDED: To adjourn at 9:32 p.m. (Hendricks & Egan)
VOTE: (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #07-16
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY APRIL 05, 2016
6:30 PM

	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Leland Arris, 70 Glenview Road	x		
Kristina Egan, 5 Weston Point Road	x arrived at 7:40 p.m.		
Scott Gleeson, 23 Park Street	x		
James Hendricks, 21 West Street	x		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 75 Lower Flying Point Road	x arrived at 7:40 p.m.		

Chair Sachs called the meeting to order at 6:33 p.m. and took the roll. She noted that Councilors Egan and Tracy will be arriving after a Mast Landing School Concert.

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 #06-16 held on March 15, 2016 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #06-16 held on March 15, 2016 and to accept the minutes as printed. (Gleeson & Hendricks)

VOTE: (5 Ayes) (2 Excused-Egan & Tracy)

THIRD ORDER OF BUSINESS: Announcements

Chair Sachs announced:

- **Freeport Community Library's Annual Book Sale ends April 7th!** Book sale hours start when the library opens and close 30 minutes prior to the library closing.
- **It's not quite too late to enjoy FREEPORT DAY At the NORDICA THEATRE which is today!** Residents of Freeport are welcome to view a movie absolutely **free!** Donations for the Freeport Conservation Trust will be collected. *Proof of residency is required.*
- **Yes, You Can Have Your Book and Eat it Too at the 3rd Annual Edible Book Festival at the Freeport Community Library** Wednesday, April 13th, 10AM - 7:30PM
Choose a book, then base an edible creation on the book title. Edible Book Festival "golden spoon" awards will be given in categories like *Funniest*, *Most Creative*, and *Best in Show* for both adult and young person categories. For more information, stop by the Front Desk at the Library or go to www.freeportlibrary.com.
- **The 2nd Annual Orientation for Board & Committee Chairs & Vice-Chairs** is on Wednesday, April 27th, 2016 from 6:00 p.m. -7:15 p.m. in the Town Council Chambers. The Town's Attorney, Phil Saucier, will present information on the Freedom of Access Act (FOAA) and the Public

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

- **2016 Commercial Shellfish License Renewals**-Applications for renewal commercial shellfish licenses must be received at the Town Clerk's office not later than the last business day of April. Applications must be accompanied by payment of 50% of the required license fee. To be eligible to purchase a renewal license, a person must have been licensed for the previous year, and must have completed required conservation work. For more information contact the Town Clerk at 865-4743 x123 or email cwolfe@freeportmaine.com

FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Rixon advised that the Metro Bus Task Force met last Wednesday evening here in the Council Chambers. There are residents' concerns with having the bus stop at the Library and there is going to be a meeting this Thursday morning at 9 a.m. at the Library with bus officials. It will be an opportunity for residents to voice their concerns. They also will have one of the buses there so people can see what it looks like. It is similar to a large van and not a city bus that one could see in Portland. There will also be two other opportunities to see these buses. There will be a bus on April 19 at the Business Expo at the Hilton Garden Inn and on May 11 there will be bus at the Freeport Elders Luncheon at the Community Center. A bus will run nine times per day Monday through Friday. The first one leaving Freeport will be at 6:47 a.m. and the last one will leave at 6:45 p.m. On Saturday there will be four runs. The price will be \$3 one way and the reduced fare for seniors and children under 18 will be \$1.50 one way.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph reported:

- Starting the week of April 19th, the Public Works Department will switch to their "summer" schedule. Any residents planning to visit the office at the Highway Garage should be aware that as a result, hours will be from 6 a.m.-4:30 p.m. Monday-Thursday.
- In an effort to simplify the early reservation process for Winslow Park staff and guests, Park staff will be taking early season reservations by mail this year. Reservations postmarked no earlier than April 1st will be processed prior to walk-in and phone-in reservations. Staff will start processing mailed reservations on April 18th. Park staff will start accepting phone reservations and walk-ins on May 9th when the gatehouse opens. Therefore, the easiest and best way to get an early reservation this year will be by mail, before May 9th. The mail-in reservation form is available on the Town website under the Winslow Park tab.
- The Swap Shop roof replacement project is underway at the Recycling Center and is expected to wrap up this week.
- Reminder-Commercial Shellfish License applications must be submitted to the Town Clerk during the month of April. Additionally, four limited parking permits at the Harraseeket Yacht Club will be made available by lottery to any current Freeport Resident and Non-Resident Adult Commercial Shellfish License holders. For details on either, please contact Town Clerk Christine Wolfe at 865-4743 x 123.

- The Freeport Fire/Rescue Department held its annual Awards Ceremony on March 26. The following awards were presented:
 - Firefighters of the year: Brent Moon, FF Bouyea and FF Parenteau
 - Training recognition for FF1 and 2: Dep. Sylvain, Cap. Cass, Lt. St. John, Lt. Sloat, FF Parenteau and FF Bouyea
 - Officer of the Year: Cap. Cass & Lt. Hogue
 - EMS Provider of the Year: Cap Pierce and Lt. Boucher
 - Star of Life Award: FF Lopez
 - Bruce Libby Award: Rev. Sandy Williams
 - Chief's Award: Sarah, Kelly, Susan, Tracy, Amy, Deputies Conley, Sylvain
 - Honorary Award to Chief Schofield for his years of service to the Town of Freeport
- There will be a reception for Chief Fournier who will be leaving us soon at the Freeport Public Safety Building on Thursday, May 5 from 3-6 p.m. for members of the community. He invited residents to come and wish Chief Fournier well in his retirement.

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

MOVED AND SECONDED: To open the Public Comment Period. (Gleeson & Hendricks) **VOTE:** (5 Ayes) (2 Excused-Egan & Tracy)

John Egan of Curtis Road explained that he previously appeared before the Council to tell about a group of citizens that are organized to launch a petition to encourage the Council to ban single use carry-out plastic bags in grocery stores and stores that primarily serve food. They modeled their language off the ordinance that was presented as a draft by the Ordinance Committee with the exception of changing from a five-cent fee on plastic bags to an outright prohibition of plastic bags. They also clarified that restaurant take-out food would be exempt from this because of public health food issues. He had the petition and asked if anyone would like to sign it. According to the Town Clerk's instructions, he has to watch people sign it. They officially filed the requesting document for the petition with the Town Clerk yesterday. As of right now they have 23 people that are prepared with packages of circulation forms and are closing in on 100 signatures in 24 hours. They are hopeful that they will meet the standard by May 4 which is when the deadline is for collecting signatures. He encouraged the Council to think about what they are trying to encourage the Council to take one more step than originally prepared for. The purpose of the petition is to remove plastic bags from our waste stream. Putting a five-cent fee does not remove the plastic bag from our waste stream. They are planning educational events during April to explain why they are doing this. When they present their petition, hopefully there will be a public hearing according to the Charter and the Council could adopt some action at that public hearing or choose not to and move on to the referendum. He feels that if there are two referendum questions, it could be confusing to the general public to choose between almost identical ordinances, one has a fee and one has a prohibition.

Chair Sachs noted that the Council will be talking about this later on the agenda.

Keith McBride, FEDC Executive Director, advised that they have a Board vacancy at FEDC and they are looking for applicants. He encouraged anyone interested in what that position might involve to stop by Town Hall where there will be applications available or stop by his office or call him at Extension 117 at Town Hall. The deadline is the end of next week. FEDC website address is: www.Freeportecom.com.

MOVED AND SECONDED: To close the Public Comment Period. (Gleeson & Hendricks) **VOTE:** (5 Ayes) (2 Excused-Egan & Tracy)

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

ITEM #50-16 To consider action relative to adopting the April 05, 2016 Consent Agenda.

BE IT ORDERED: That the April 05, 2016 Consent Agenda be adopted. (Gleeson & Arris) **VOTE:** (5 Ayes) (2 Excused-Egan & Tracy)

ITEM #51-16 To consider action relative to the proposed Capital Program for FY2017. PUBLIC HEARING.

MOVED AND SECONDED: To open the Public Hearing. (Hendricks & Gleeson) **VOTE:** (5 Ayes) (2 Excused-Egan & Tracy)

Jane Bradley, President of Freeport Arts & Cultural Alliance, advised that recently Freeport submitted an application to the Maine Arts Commission for a \$10,000 grant for the development of a cultural plan for the town. If awarded, the grant requires matching funds of \$10,000. She requested that the Council authorize the allocation of Destination TIF funds for that purpose. She provided a letter which explains in greater detail the FAC's request. She offered to answer questions and thanked the Council for its consideration of this request.

Hannah and Gemma, High School students pointed out how great it would be for the Town to provide a safe track and field for students and residents of Freeport and encouraged the Council to provide money for it. Tom Doyle, Sophomore Runner also explained how successful their Cross Country program has been and how they have to spend so much time on a bus going to Bowdoin. He, too, urged the Council to provide money for the track and field. Maya, a Freshman soccer program participant, encouraged the Council to allocate money for the track and field. Dave Intraversato from Spar Cove and Freeport United President explained in order to be competitive with other schools in the area, they need turf to play on. He feels this request is for the community and he doesn't think it is a huge amount of money. T.J. Whalen contributed \$40 and advised that the new track would give kids and adults a place to play and exercise. Doug Leland of Cushing Briggs Road feels the track and field would be great for the kids, the town and homeowners. He urged the Council to support the track effort.

Rod Regier of South Street noted he does not have any hesitation about the track but he doesn't think the Capital Budget should be considered the cash cow to pay for this. The Council has financial policies for fund balance and capital reserves and they are in deficit and this allotment would not help that problem. These financial policies are one of the reasons we get the bond rating we enjoy. That bond rating is worth far more for the high school bond and the financial consequence than the allocation we are talking about here. He has hesitation where the money is going to come for this. He mentioned that it will come from bonding, taxes or pushing things back. It means that the Council will be making it a priority. When the RSU has the same taxing and bonding authority that the Council has, if this is not their priority, it seems presumptuous that the Council is making it a priority for them instead. He would be pleased if the Council would have a discussion of the larger need for capital improvements. He is confident that the Council knows of things coming down the pike that are potentially very expensive that simply do not show up in the capital budget. PACTS is making less money available for road repair, etc. Department heads present their budgets with Council guidance and to have this appropriation come out of the blue, is an affront to people who work for the town and prepared the budget they have.

Gordon Hamlin of Chapel Street noted that he and his wife are in strong support of the Town participating in financing the Track and Field. He urged the Council to support this project.

John Lowe of North Freeport noted that we didn't get the grant to pay for half of the Elm Street sidewalk and he doesn't feel it should be thrown out. He doesn't know if this could still be funded this year through other means or whether it would be put in next year's capital program where it fits. It is important to make it safe for children to get to the schools. He urged the Council to continue to work on this. He also has concerns with the disrepair of Griffin and Pownal Roads and will never be rebuilt by the State. He feels they need to be put in the long term plan by the Town. He also is in support of the Track and Field and would love to have that track to walk on.

Fred Palmer of Pownal Road noted that he is a member of the Steering Committee trying to raise the money to build the turf field and track. Nike will provide a gift of \$1M for the Joan Benoit Samuelson track and the re purposing of the possible high school field activities taking them from a grass field to a turf field. Assuming it is approved at referendum, it represents almost 50% of the cost of the project. The community has been generous in raising over \$500,000 and in order to make it they need help from the Town to get to the \$3.2M needed. He noted that this will be a real benefit to the entire community.

Joan Samuelson pointed out that she will bet her last mile that this complex will become the heart and soul of the community. Our state and region is dealing with real health risks right now and movement and physical activity is so important in combating this and we have a huge opportunity right now. This facility will bring our schools, our community and physical activity together in a perfect cohesive unit that will benefit every citizen of this community and beyond.

Jon Paterson noted that every study indicates that kids that participate in sports get better grades, lower absenteeism, higher graduation rates and lower drug and tobacco usage. This is not just about sports, it is about everything else involved in academics and is good for the town. He encouraged the Council to support this rare opportunity we have because it won't come back again.

Keith McBride, FEDC Executive Director advised that the FEDC Board has endorsed and encourages the Council to support the request that the Arts and Cultural Alliance has made to add the \$10,000 allocation out of the Destination TIF funds. The Board also endorsed and supported the fundraising effort to bring the fields and track. They feel there is some value to having that added attraction to the downtown area. It is a great place to congregate and after that take advantage of the shopping, restaurants and other opportunities that are there. They support the fundraising effort they are going through to raise that money.

MOVED AND SECONDED: To close the Public Hearing.(Hendricks & Gleeson) **VOTE:** (5 Ayes) (2 Excused-Egan & Tracy)

Chair Sachs noted that the Council would be talking about the Capital Program after a few other items of business hoping to have a more full contingent of the Council here. People are welcome to stay or follow on tv.

ITEM #52-16	To consider action relative to amending the schedule of tipping fees for non-recyclable wastes.
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BE IT ORDERED: That the schedule of tipping fees for non-recyclable wastes be amended as proposed. (Arris & Gleeson)

Albert Presgraves mentioned that he hadn't anticipated a noticeable reduction in revenues. It is just as likely that our revenue will stay the same or go up but in either case, it will be a very small amount. Revenue at the Transfer Station is more related to economic activity, weather and other factors besides these very changes to the fee schedule. One item that they are proposing to put a fee on is fire alarms which they are currently paying \$8 to dispose of. They are proposing to put an \$8 fee on them also. They do not recommend charging a higher fee because they want people to dispose of them properly. He estimates they see perhaps 20 or 30 a year. Discussion followed. Chief Fournier advised that if we want to get these alarms out of the waste stream, free is the way to do it. Chair Sachs is fine with free.

MOVED AND SECONDED: To replace the \$8 fee to free for disposing of a smoke alarm. (Hendricks & Arris)

Mr. Presgraves indicated he is fine with the amendment. Chair Sachs would like to track the numbers of these to see if we get an increase and then put it in the Town Manager Bulletin as a really good benefit to the Town.

VOTE ON THE AMENDMENT: (5 Ayes) (2 Excused-Egan & Tracy)

Mr. Presgraves knows that the fluorescent lamps, the CFLs and smoke alarms are considered universal waste in Maine and they need to be tracked. They have to segregate them, count them and ship them off. It is environmentally beneficial to do that rather than throwing them in the trash. He did not have the numbers on these but could get them for the Council. Councilor Rixon would like to change the fee on Mercury or HID Lamps to free. Mr. Presgraves offered to give the Council an update after one month. He mentioned that they will be paid to accept used paint and ship it back to the manufacturers. CFLs don't cost us much to get rid of and people can now bring them back to the source that sells them to get rid of them for free. He mentioned that all of the lamps and ballasts are universal waste items meaning that they are tracked individually and packaged up and recycled appropriately. He has not given this enough thought to give the Council a good recommendation. Chair Sachs mentioned the meeting next week and asked Mr. Presgraves to give some current baseline data and if it stayed at current levels, what the impact on the budget would be.

MOVED AND SECONDED: To table to next Tuesday, April 12, 2016.
(Hendricks & Gleeson) **VOTE:** (5 Ayes) (2 Excused-Egan & Tracy)

Councilor Arris asked if Mr. Presgraves could provide information on how many All Straight Fluorescents and U-Lamps and Circle's as well as the CFLs we are talking about and what would be the impact on going free.

ITEM #53-16 To consider action relative to release Mortgage Deeds for two properties.

BE IT ORDERED: That release deeds be signed for Hilco Properties/Alice Curtis and Dianne Daly releasing the Town's interest in said properties.

BE IT FURTHER ORDERED: That the Town Manager be authorized to sign any deeds or documents necessary to execute this transfer. (Rixon & Gleeson)

Finance Director, Jessica Maloy explained that the Council has a memo in its packet regarding this. The

two parcels were under a payment plan and have now been paid in full. She noted that she needs Council action to release these to the parties in possession. Mr. Joseph pointed out that one of these has to do with the Habitat for Humanity project.

ROLL CALL VOTE: (5 Ayes) (2 Excused-Egan & Tracy)

ITEM #54-16

To consider action relative to the sale of tax acquired property

BE IT ORDERED: That the Town Manager be authorized to sell at public auction the following properties with a minimum acceptable bid price for all properties that will cover all back taxes, interest and costs.

LOCATION:

PARCEL ID:

- | | |
|---|--------------|
| 1. 11 Upper Mast Landing Road (mobile) | 82000200A000 |
| 2. 11 Upper Mast Landing Road (land) | 02000200A000 |
| 3. 9 Upper Mast Landing Road | 02000200B000 |
| 4. U.S. Route One (land) | 026062000000 |
| 5. 37 Prout Road | 01804900J000 |
| 6. 20 Prout Road (land) | 018052000000 |
| 7. Allen Range Road | 018031000000 |
| 8. Webster Road | 02601700A000 |
| 9. Maple Avenue | 01203800A001 |
| 10. 57 Koehling Drive (land and building) | 021012003000 |
| 11. 16 Hill Street | 018001000000 |

BE IT FURTHER ORDERED: That the Tax Collector be ordered to write off the following amounts as uncollectible.

LOCATION:

AMOUNT:

PARCEL ID:

- | | | |
|--|------------|--------------|
| 1. 6 Partridge Lane | \$3,850.35 | 81708700C000 |
| 2. 8 Starboard Lane (mobile only) | \$2,083.22 | 825063008000 |
| 3. 99 Pleasant Hill Road (mobile only) | \$3,580.78 | 818093000000 |

(Sachs & Gleeson)

NOTE: Councilors Egan and Tracy arrived at 7:40 p.m.

Finance Director, Jessica Maloy reported that these have all gone through Municipal Facilities. The Town is looking to write off three parcels. One of them was a mobile home with no new assessment since 2005. There is nothing and no one to assess. Another mobile home where there have been no new assessments and the mobile home is not there. The other ones we are looking to auction. Mr. Joseph noted that Facilities was looking to write off No. 4. U.S. Route One Land. A person is interested in buying it at the cost of back taxes at auction so he is recommending placing it in the "sale column". This represents the entire list of delinquent tax-acquired properties. Ms. Maloy noted that there are no foreclosures. Chair Sachs noted that staff has been wonderful in working out arrangements to keep people in their homes. Councilor Hendricks noted that this has been a six-year process. He asked what date the auction will be. Mr. Joseph will contact people and get the ball rolling. He suspects it will be six weeks or a month. It will

be advertised once the date is determined and the auctioneer will be responsible for doing their own advertising but he will make sure it is top and center on the Town's website. Factual data is the responsibility of the auctioneer. Mr. Joseph advised that Realtor Matt Cartmell came in last week to collect data and was going to work for us. Ms. Maloy mentioned that these properties will be sold "as is".

ROLL CALL VOTE: (7 Ayes)

Chair Sachs welcomed Councilors Egan and Tracy and caught them up on what transpired at the Public Comment Period.

OTHER BUSINESS:

1. Discussion on the FY2017 Capital Program.

The Council is scheduled to adopt the FY2017 Capital Program at the April 12, 2016 meeting.

Chair Sachs passed out the current list of changes to the Program on a separate sheet. There are a few reductions and requests. The addition of the Florida Lake Bridge replacement which is more appropriate in the Capital as opposed to the Operating. They have gotten some quotes on the Police Chief's vehicle replacement in Article I. They are coming in a little bit over the estimated value. She sees some updates on items we haven't talked about such as Thermal Imaging Cameras and the Public Library and asked Ms. Maloy to talk about those two.

Ms. Maloy explained that based on quotes on Thermal Imaging Cameras received from vendors, staff is proposing to reduce the amount from \$60,000 to \$40,000 which will still allow for four cameras. They looked into the Library Public Computer upgrade and we can reduce it by \$16,800 based on the number of computers requested.

Chair Sachs asked if there is some thought on reapplying for a grant for the Elm Street Sidewalk. Mr. Joseph indicated that it is unlikely that sidewalk projects will be covered by CDGB grants in the next few years. They have been ranked unfavorable. Chair Sachs asked if this important project could be put down to 2021 and continue to pursue grants or other opportunities. She mentioned she wants to put this out there when talking about the TIF and the track request.

Article I - Chair Sachs noted that the Chief's vehicle will go up to \$25,000.

Article II - Chair Sachs pointed out that the \$60,000 amount for Thermal Imaging Cameras can be reduced to \$40,000 based upon staff recommendation. Deputy Sylvain brought in an existing Thermal Imaging Camera along with the new updated version of the camera and provided a demonstration along with Chief Fournier. Deputy Sylvain explained that buying four cameras dropped the price by \$20,000. They need four cameras and they want all the cameras to be used the same. The trade ins are included in the \$40,000 but they do have to do a formal bid.

Councilor Arris asked about the \$55,000 requested for Communications Upgrade-Radios. He noted that this is a part of a communications upgrade among three groups and the total is about \$212,000. He asked for clarity on what exactly this money is going to be spent on. Chief Fournier advised that Deputy Conley will go into fine detail on the upgrade. He shared a situation that occurred in South Freeport years ago when there was no communication ability. This plan has been worked on for several years and will allow them to communicate throughout the whole community. Deputy Conley explained why this Council is

dealing with dead spots. Chief Fournier provided more details. Deputy Coley pointed out that the big price is to cover all of the infrastructure. Councilor Arris asked if it would be fair to cover all of the infrastructure and divide it by three. It would mean \$71,000 for each of the three areas - Rescue, Police and Fire over the next 10-12 years. It is a lot of money but gets us where we need to be. He mentioned that it would integrate with the schools even though they are on a separate system. Councilor Arris pointed out that he is reluctant to spend that much money on technology because of the way it changes so quickly and his experience with technology at the Sewer District. The fact that we have been given assurances that this is a 10-12 year fix gives him comfort in looking at this. He was not ready to offer any changes.

Councilor Arris asked to go back to **Article I** and expressed his concern with spending \$40,000 on guns. He doesn't feel guns depreciate that quickly and while he is supportive of the Police Department, he would like to cut the amount in half. Mr. Joseph talked to Councilor Arris about firearm replacement.

Lt. Nourse explained that tasers (5) cost \$1,200 each, Pistols w/equipment (Glocks) (20) cost \$1,000 each and Assault Rifles w/equipment (12) cost \$2,000 each. They never had a bulk amount for firearms replacement in the past. Councilor Arris asked what the rifles are and their calibers. Lt. Nourse did not have this information but Councilor Tracy suggested that she e-mail it to the Council later. There will be some trade-ins and bulk pricing. Lt. Nourse recommends buying all the same pistols. She could not recall a person ever being shot by the Police in Freeport. Discussion followed.

Councilor Tracy asked what the normal replacement schedule is for these kinds of things. Lt. Nourse did not know what the set number is for that. They have traditionally used the industry to guide it.

MOVED AND SECONDED: To reduce under FY 2017 the Firearm replacement budget by half or \$19,700 but not say where it should be spent. (Arris & Egan)

Councilor Arris would be willing to look at it again next year. Chair Sachs does not support this motion. Councilor Tracy threw out covering the pistols and tasers and deferring the rifles bringing the expenditure to \$24,000. Councilor Gleeson noted the world is changing and he hopes the police department does not have to use assault weapons. He will leave the whole amount as is. Councilor Hendricks noted he would prefer to have our Police Department fully equipped and armed. He defers to the experts. If the Council is trying to decrease costs, he suggested keeping the tasers, pistols and going with just seven rifles. Eventually over the next few years change over the other five. Cutting five rifles potentially cuts \$10,000. Councilor Rixon agreed with Councilors Gleeson and Hendricks and supports the police department. Chair Sachs is not in favor of moving this item up or down. It is non negotiable. The request is supported by data.

ROLL CALL VOTE ON REDUCING THE AMOUNT TO \$19,700. (6 Nays)
(1 Aye-Arris)

MOVED AND SECONDED: To reduce in FY 2017, Item No. 2 Firearms Replacement to \$30,400 and add No. 5 under FY 2018 Firearm replacement for \$9,000. **ROLL CALL VOTE:** (4 Nays) (3 Ayes-Egan, Arris & Tracy).

MOVED AND SECONDED: To add \$3,000 under the Replace Chief's Vehicle and change the amount from \$22,000 to \$25,000. (Hendricks & Egan) **VOTE:** (7 Ayes)

Article II **MOVED AND SECONDED:** To reduce the Thermal Imaging Camera item by \$20,000 to \$40,000. (Egan & Hendricks) **VOTE:** (7 Ayes)

Article III - Councilor Arris asked why Rescue is \$110,000 and the other two are \$40,000. Ms. Maloy explained that this was a shared request and it was determined there was a greater need for Rescue. It is just going to be split between the three departments. Councilor Arris noted that the next time the Council meets, he is still concerned about the price of the cost of communications and he might want to come back with an amendment. Deputy Conley offered to meet with anyone that has questions.

Article IV - No questions

Article V - Councilor Gleeson brought up the purchase of a loader for Public Works and asked if it could be repurposed at the Recycling Center to avoid purchasing a loader at Recycling. Mr. Presgraves noted that it is not ideal and is much bigger than what is used by Recycling but he could evaluate it. He doesn't believe it would work well at the Recycling Center but offered to check and see if it is feasible.

Article VI - **MOVED AND SECONDED:** To move out No. 1 under FY 2017, Paving "Back" Work Area -Recycling for \$30,000 to FY 2019. (Tracy & Egan)

Councilor Tracy asked Ms. Maloy to do two categories when she does the next list. Keep the five-year plan and then do another next to it with the net change to the budget. Ms. Maloy agreed.

VOTE: (7 Ayes)

Chair Sachs explained Rod Regier's concerns that he voiced during the Public Comment period earlier this evening that PACTS money is going down, etc. to Mr. Presgraves. She asked if he sees in the Capital program if the Council needs to be worried about for some of these program figures with PACTS. Mr. Presgraves noted that currently there are pressures on every level of government and PACTS has its funding issues as does the State DOT recognizes that they need more money to maintain State roads to the condition that people would prefer. Those factors will continue for a while. He does not foresee a big change will affect Freeport on the one hand but as he said in his memo, the current proposed budget for the South Freeport Road overlay, he doesn't know if we will get the \$200,000 PACTS money. A decision will be made on May 10. Chair Sachs cautioned that that figure may double on this item in May if we don't get that PACTS money. Mr. Presgraves mentioned if that is the case, he can look at the remainder of the five-year plan and see if there can be a comparable reduction which would mean pushing something out. He will also assess the likelihood of other options from PACTS or other sources. This will entail the Smelt Brook Road all the way to the Dunning Boat Yard not the State's portion which is Smelt Brook Road all the way out to Route One. Chair Sachs mentioned that she has never seen an Urban Impaired Stream project on a Capital Program. Mr. Presgraves is planning for contingencies in the Operating. Mr. Joseph pointed out that Mr. Presgraves has done some of the low cost mitigation steps which kept the larger agencies coming in and saying "Freeport is not doing enough to fix this problem."

Article VII - **MOVED AND SECONDED:** To reduce the Public Computers at the Library in FY 2017 by \$16,800 to \$8,200. (Gleeson & Egan) **VOTE:** (7 Ayes)

Chair Sachs had questions about how much it would cost to convert the LED Street Lights. Mr. Joseph explained that we are looking at two potential ways for this to happen. For now it is a place holder and we expect it to be fleshed out. Chair Sachs feels it is a worthwhile project but there are so many unknowns. She would like to know what we are doing with this and recommended moving it down. Councilor Egan would like to have the Town Planner to come and give the Council an update. Mr. Joseph offered to check with her but feels we could move it down for one year. It is not critical one way or another.

MOVED AND SECONDED: To move No. 8 LED Street Light Conversion of \$30,000 down to FY 2018. (Sachs & Gleeson) **VOTE:** (7 Ayes).

Article VII - Councilor Hendricks suggested discussing the track under Municipal Facilities. Ms. Maloy reminded the Council why this is the appropriate place for this item to come under. Councilor Hendricks noted that since the track is not going to start until spring of next year, we could technically allocate money from this year and next year should we decide to approve it. It wouldn't necessarily be bonding. He asked Matt Cartmell to do a free market analysis and he agreed to give us some idea about the worth of those properties. He suggested using the money from the sale of those properties but he is not for adding \$100,000 to the Capital Budget without bumping some things down. He feels a couple of things are possible. One was the highway roof and it was mentioned that it could be deferred a year so that alone would be a \$90,000 change to next year. If we do that, we would have to move the solar panels down another year as well. Ms. Maloy explained that she agrees the Public Works roof could be deferred a year if it is deemed necessary to allocate money for the track. She offered to do the roof at the same time as the solar panels. Whether it is funded in 2017 or 2018, she would recommend moving the insulation of the Public Safety Building Attic. By doing this, the five-year impact is still an increase of \$100,000 coming out of the reserve. We would not be able to bond for this portion of the \$100,000 because we would have no asset to offer as collateral. It would be at the expense of bonding the roof or some other project should the reserve not be adequate. She mentioned that we are closer to the high end of the benchmark, keeping in mind that the benchmark is the five-year need which is \$1,339,000.00 under Municipal Facilities and our current unaudited December balance was \$1.1M. It is close to meeting our five-year need.

Councilor Hendricks shared his thoughts on what he has seen the Council fund over the years. Looking at our surrounding communities, the complex brings something we are lacking. If he is going to support it, he would direct the money from the sale of tax-acquired properties into Municipal Facilities even if it is \$10,000. He would recommend moving the highway roof down another year and we can discuss the solar panels next year.

Councilor Egan liked the suggestion to move the money from the tax-acquired property into Municipal Facilities but suggested considering splitting it between Municipal Facilities and Comprehensive Town Improvements because she is worried about the fund balance in that area. Councilor Hendricks pointed out that the back tax money has to go into the General Fund. He is hoping for \$5,000 to \$10,000. Ms. Maloy pointed out that the Town is not earning the rate on investment that it did in the past and it has affected our reserves.

Councilor Hendricks mentioned that he has seen the Library Expansion - Teen Room plan moved down every year and asked if we move it out to 2022, how will it affect our five-year funding. Ms. Maloy noted it would make the reserve balance look more favorable in the short term but in the grand scheme it will not change where the funding level is. It would give the Council a year of breathing room.

Councilor Gleeson is supportive of trying to make it work but he would want to make a stipulation that Freeport residents have free access to the track when the RSU is not using it. Councilor Tracy disclosed that she is on the Tri-Town Track and Field Steering Committee and she e-mailed the conditions agreed to Councilors late this afternoon and is before the Council in paper form. She read the proposed conditions. She stipulated that the Fourth of July Fireworks would not count towards these events. Councilor Gleeson pointed out that Freeport voters really did want this facility and he has no problem supporting it if the Council can figure out how to do it responsibly.

Councilor Arris supports the project personally and made a financial commitment to it. As a Councilor representing the taxpayers, he pointed out that this will cost them money and most likely will cause a tax increase. It will be the second time on this project. The Council cannot forget the bond that went through and there is talk of repurposing \$600,000 or \$700,000 of taxpayer money for this \$3.2M project. This has to go before the voters and there is a possibility that it could be voted down. That is a consideration. This is a track and field project but it eliminates a soccer field, a field hockey field and a softball field so we will be eliminating some physical activity places for this also. One resident noted that this is not in the RSU budget and is not an RSU priority. It is turning out to be a community project but will benefit the schools. The schools have really been responsible in the past several years for tax increases in all three communities. We are looking at a double hit because the bond has already been passed and if we increase expenditures, it will come from tax money. It will be difficult for him to spend this \$100,000 in this area and feels the taxpayers should be considered more.

Councilor Tracy pointed out that she supports the project. She explained that if the \$600,000 is going to be reallocated, it will be placed on a November referendum. If it fails, it would lead to the failure of the project and the expectation would be that the money would be returned. She does not see a lot of risk. The softball field is being relocated to the field hockey field which is over by the tennis courts. It is true that two fields will become one because of the size of the track and field facility. Given the fact that it is turf, there is more time in the day and season it can be used. It is not in the RSU5 budget because it did not pass when they passed the high school renovation piece. If the RSU5 decides to move forward on this project, they will need money for maintenance and to plan for ultimate replacement at some point. She advised that the Tri Town Track and Field organization has raised approximately \$2.2M or \$2.3M from lots of donors.

Chair Sachs offered a perspective. The savings we have already accrued from what was originally proposed is \$136,800.00. If we add the track, we have spent \$118,000.00 so we are still up \$18,000.00.

MOVED AND SECONDED: To move the roof -Highway Building to FY 2018 and add the Tri Town Track and Field request of \$100,000.00 to FY 2017.
(Hendricks & Egan) **ROLL CALL VOTE:** (6 Ayes) (1 Nay-Arris)

Article VIII - Councilor Hendricks pointed out that franchise fees are only designated for cable stuff. Councilor Egan suggested investigating or renegotiating some way to reallocate a way to spend these franchise reserve funds. Ms. Maloy explained that we use some of it to offset the cable operating costs.

Article IX - **MOVED AND SECONDED:** That we add \$5,000 for the Conservation Commission to replace the bridge at Florida Lake. (Egan & Gleeson) (**VOTE:** (7 Ayes)).

Destination TIF - **MOVED AND SECONDED:** To remove \$100,000 from the Sidewalk Improvements - Item No. 2. It will now be \$30,000. (Hendricks & Egan)

12 **VOTE:** (7 Ayes)

Mr. Presgraves advised that Ms. Larson would like to see this project happen. The DOT used to have safe routes to school and transportation money that hasn't been available for a few years. He will be looking for other funding sources. Chair Sachs asked Councilor Tracy to keep this in mind since she is on the Active Living Committee.

Chair Sachs explained that there is a \$10,000 request from the Freeport Arts & Cultural Alliance,.

MOVED AND SECONDED: To include \$10,000 for the Freeport Arts & Cultural Alliance Plan in FY 2017. (Hendricks & Egan)

Mr. Joseph and Keith McBride explained how TIF money can be spent in the Art and Cultural Zones. State law dictates what TIF funds can be spent on.

Councilor Tracy disclosed that her mother is the President of the Freeport Arts & Cultural Alliance and she doesn't get paid for that position. Councilor Tracy does not have any concerns with the \$10,000 and plans to vote. No concerns were voiced on Councilor Tracy participating in the vote.

ROLL CALL VOTE: (7 Ayes)

Councilor Egan was excused at 10: 20 p.m. Chair Sachs noted that next week the Council will vote on the whole program. She asked that Councilors come prepared to make motions.

2. Discussion on current status of single use shopping bag ordinance proposal(s).

Chair Sachs mentioned that John Egan is back to answer questions regarding the Citizen Initiative. They are working hard to make sure there won't be a special election. It will be on the June ballot. On May 17 that is the final decision point. The Ordinance language proposed by the Ordinance Committee is with the Council now so that when the Ordinance Committee meets in April it can be tweaked. Comments can be forwarded or the Council can have a full blown discussion.

The Council is getting its first look at the Citizen Initiative and it is very similar. They are proposing banning plastic bags but adding a five-cent fee on paper. Mr. Egan advised that take-out food and restaurant food is not covered by this because of health issues. This is largely the change presented in the draft ordinance by the Ordinance Committee and what they adopted. He explained that the five-cent fee on paper bags is a gentle reminder to start using reusable bags. Their group is currently fundraising to buy reusable bags and hand them out. They just want to get them out of the waste stream. The fee will go right back to the stores.

Councilor Tracy noted that paper bags have just as much impact, if not more, as the production of plastic when one looks at the whole life cycle. Presuming that the Citizen's Initiative is successful, it will potentially go on the ballot unless the Council decides to adopt it. The Council will need to think about if it wants both to go on the ballot or substitute one for another.

Chair Sachs advised that the Council will post the Citizen's Initiative on the Town's website and want everyone to be educated on the differences. Councilor Hendricks advised that he would like an opportunity to look it over and not at 10:30. Chair Sachs noted the Council is meeting on May 3 and can have a substantive discussion on it. She wants to be transparent about what we are discussing. Councilor Tracy advocated putting a place holder on May 3 to discuss this. Chair Sachs urged Councilors to reach

out to the Chair of the Ordinance Committee, Councilor Tracy if you would like to propose some changes.

Councilor Tracy noted she is willing to take the carry-out bag exemption and put it in their Ordinance to be subject to the five-cent fee.

TABLED: A request from the Burr Cemetery Trustees for the transfer of perpetual care funds currently held by the Town of Freeport.

MOVED AND SECONDED: To adjourn at 10:34 p.m. (Gleeson & Hendricks)
VOTE: (6 Ayes) (1 Excused-Egan)

Respectfully submitted,

Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #08-16
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY APRIL 12, 2016
6:30 p.m.

	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Leland Arris, 70 Glenview Road	x		
Kristina Egan, 5 Weston Point Road	x		
Scott Gleeson, 23 Park Street			x
James Hendricks, 21 West Street	x (arrived at 6:38 p.m.)		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 75 Lower Flying Point Road	x (arrived at 6:36 p.m.)		

Chair Sachs called the meeting to order at 6:33 p.m. and took the roll. She noted that Vice Chair Gleeson is excused this evening and Councilors Hendricks and Tracy would be arriving soon.

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 #07-16 held on April 5, 2016 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #07-16 held on April 5, 2016 and to accept the minutes as printed. (Egan & Arris) **VOTE:** (4 Ayes) (3 Excused-Gleeson, Hendricks & Tracy)

THIRD ORDER OF BUSINESS: Announcements

Chair Sachs announced:

- Today is Free Cone Day at Ben & Jerry's. They are open until 8 p.m. Donations will be accepted for the Boys To Men Foundation.
- Stop by the Library tomorrow, Wednesday, April 13th from 10 AM – 7:30 p.m. to view the **3rd Annual Edible Book Festival** entries! People's Choice voting begins at 6p.m. with the presentation of awards at 6:45p.m., followed by the Grand Finale which consists of devouring all the entries.
- **Other Upcoming Library Events include:**
The Maine Organic Farmers and Growers Association's **"Grow Your Own Organic Garden" workshop** at 6pm on Wednesday, April 20, 6 p.m.

Earth Day Crafts for Children on Wednesday, April 20th from 3:30 – 4:30 p.m.

Stained Glass Vase Workshop for Children on Wednesday April 27th from 4:15 – 5:15 p.m.

Space is limited in each of these three events, so please call 865-3307 or stop by the Library to sign up!

- **The 2nd Annual Orientation for Board & Committee Chairs & Vice-Chairs** is on Wednesday, April 27th, 2016 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.
- **2016 Commercial Shellfish License Renewals -**
Applications for renewal commercial shellfish licenses must be received at the Town Clerk's office no later than the last business day of April. For more information contact the Town Clerk at 865-4743 Ext 123 or email cwolfe@freeportmaine.com
- **Freeport Players announces open auditions for their summer production, Neil Simon's classic comedy *The Odd Couple (Female Version)***, 6:30-8:30pm, April 26 & 27 at Freeport Performing Arts Center. They will be casting roles for 6 women and 2 men, aged approximately 35-65. Rehearsals begin in early May, performances July 14-31. For complete details visit www.fcponline.org/auditions/.

FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Rixon explained that Last Thursday morning METRO officials met with concerned citizens at the Library. After folks shared their concerns, Greg Jordan advised that they would be reconsidering the bus stop at the Library. A sample bus was there for people to see. One of the buses will also be at the Hilton Garden Inn on Tuesday, April 19 for the all day Business Expo. Another opportunity for people to view the bus will be on Wednesday, May 11 at the Community Center when the Freeport Elders will be having a Luncheon.

Councilor Tracy advised that this will be coming up next fall but there is a concern with respect to the enforcement of our posted road permits. There is a group of people pulling permits and abiding by the rules but there is also a crop of people not following the rules that are creating maintenance issues for our roads without paying for them. She reached out to Earl Gibson to see if he thought there was any issue with that. He advised that last year 154 permits were issued and this season there were 46 permits issued. This may have to do with the length of the season and also might have to do with building activity. It could be attributable to other things and could be attributable to a crop of people deciding they don't want to pull permits out. He confirmed the general question which is "do we think there may be an issue here?" He did not dissuade her from that so she thinks this is something the Council should look at. She suspects the answer will be paying more attention to it and arming our Police Officers with enforcement of that issue. They can issue fines for that but maybe the Council would want to look at doing something different in addition to that. The Council will be looking at this next fall when we get closer to road posting time but she wanted to give a heads up to the Council that it is on our radar.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph reported:

It's with great reluctance that I announce the retirement of Al Presgraves, Town Engineer/Public Works Director, effective June 9th, 2016. Although he will be retiring from full-time work on June 9th, Al has graciously volunteered to stay on a part-time basis until late July or early August following his retirement, in order to assist in the transition of his replacement, and bring them up to speed on the many ongoing projects throughout the Town.

Al has been an employee of the Town of Freeport since 2002, when he was hired as the Town Engineer. He has taken on various responsibilities over the years, including Solid Waste Director in 2007, Traffic and Parking Committee Staff person in 2008, and Public Works Director in 2011. Prior to working for the Town of Freeport in 2002, Al worked for the engineering firm Woodard and Curran, as a landfill

specialist. It's only fitting that one of his last projects this summer will be the second phase of the landfill closure project, since he originally began working with the Town in the early 2000's on the first phase of the landfill closure project.

I would like to personally thank Al for the outstanding service that he has provided to the Town of Freeport during his tenure here, and all the assistance that he has provided to the Town Manager's Office and the Town Council over the years. We have not yet set a date for a retirement celebration for Al, but I will keep the Town Council updated once that happens.

Mr. Presgraves explained how much he enjoyed working with the Freeport staff and residents. He has found everyone to be great to work with.

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 #58-16 To consider action relative to adopting the April 12, 2016 Consent Agenda.

BE IT ORDERED: That the April 12, 2016 Consent Agenda be adopted.
(Sachs & Egan) VOTE: (6 Ayes) (1 Excused-Gleeson)

MOVED AND SECONDED: To move up the Presentation from County Officials. (Sachs & Egan)

Chair Sachs explained that the Council is delighted to have Commissioner Steven Gorden, Alex Kimball, Finance Director and Peter Crichton, County Manager here this evening to explain the scope of services the County provides and the things we do and don't have control over in terms of some of the allocations. The PowerPoint presentation being provided this evening will be on the Town's website.

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

Commissioner Gorden explained how challenging it has been for them giving what is going on in the State Legislature and the funding needs for the jail. Jails are the biggest part of their budget and they strive to make them as efficient as possible. County Manager, Peter Crichton provided the 2016 Budget Overview. He also explained the challenges they face with Statewide Jail Funding. If anyone wants a tour of the jail, they should call and arrange one. It is an amazing facility.

Mr. Crichton explained that the Civic Center is now known as the Cross Insurance Arena and is 35 years old. The trustees send them a bill each year. They are hoping it will generate more revenue since they are starting to see more things going on there. If anyone has questions about this arena, they should contact Beth Edmonds, Trustee and Dale Olmsted who works for the Trustees.

Mr. Crichton explained the County Budget and the tax impact to Freeport. Mr. Kimball explained the property values in the different regions of the County. More discussion followed.

Chair Sachs pointed out that Freeport Community Services has a wonderful relationship with Cumberland County Jails staff member Mary Sorrels and the Community Reintegration crew. She thanked the County on behalf of the Freeport non-profits for the inmates that participate in the program. They save the agencies thousands of dollars and we truly appreciate their work under this program. Mr. Crichton agreed that the Community Corrections Program is an important part of the jail and it saves communities a lot of money. It also helps the incarcerated people that are part of the program re-enter communities in a positive way.

Mr. Crichton pointed out that the Cumberland County Community Development Block Grant Program has been a great success. Aaron Shapiro and a staff person deserve a lot of credit for this. Over the years they have brought in \$15M-\$16M for the region and distributed to communities including Freeport.

Chair Sachs thanked the County representatives for coming this evening. She noted it was an important piece.

Chair Sachs suggested a 3-Minute Recess at 7:45 p.m.

Chair Sachs brought the meeting back to order at 7:50 p.m.

ITEM #59-16 To consider action relative to adopting the proposed 5-Year Capital Program for Fiscal Years 2017 through 2021.

BE IT ORDERED: That the 5-Year Capital Program for Fiscal Years 2017 through 2021 be adopted as presented/amended. (Hendricks & Egan)

Chair Sachs explained that the Council has just been handed a list of changes, hot off the presses, and she saw that the net change is \$93,800.00. Finance Director, Jessica Maloy explained that what has changed in the five-year plan is that we added \$15,000 for the loader at Public Works to be refurbished for use at the Recycling facility. Along the same lines in the five-year plan, we have the removal of the \$90,000 proposal to purchase a new loader. The \$15,000 is recommended for FY 2018 which is why the impact to the current year budget column is zero and the \$90,000 is also removed from the current year budget because it was originally planned for FY 2017 and now is removed completely from the five-year plan and moved out to 2022 at a \$100,000 purchase level.

Chair Sachs noted that the LED street light conversion is off for this coming year and deferred to 2018. She mentioned that the net savings of the five-year plan is a savings of \$93,800 and impact to the current year, the savings is \$258,800 and includes the additions of the Freeport Cultural Plan, the bridge replacement and the track as well as some slight increases to the Chief's vehicle replacement costs and the front end loader but not for this year. She suggested going through articles and suggested that Councilors state if they want an item decreased, increased, moved along the Capital Program or eliminated and make the motion so we know what we are dealing with.

Article I - Chief's Vehicle, increased to \$25,000 from \$22,000.

Article II - Thermal Imaging Cameras - Reduced \$60,000 to \$40,000.

Councilor Arris explained that regarding Communications he met with Deputy Conley and received very

good information. He feels that he does not need to offer any amendment and can now support the request. Deputy Conley provided a schematic that was done today to Councilors and explained it. Councilor Arris thanked him. Chair Sachs asked the Town Manager to put the schematic up on the Town's website.

Article III - Rescue - no change

Article IV - Chair Sachs explained that the intent is to purchase a new loader in 2018 so the Public Works article remains unchanged.

Article V - **MOVED AND SECONDED:** To eliminate the loader under FY 2017 in the amount of \$90,000. (Hendricks & Egan)

Mr. Presgraves explained that the Recycling loader is in pretty good shape. It has had some work done to it and is not used nearly as hard at the Public Works loader. Options will be researched this year to decide what to do with the Public Works loader next year.

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

MOVED AND SECONDED: To add to 2018 loader refurbishment in the amount of \$15,000. (Egan & Tracy) **VOTE:** (6 Ayes) (1 Excused-Gleeson)

Article VI - No changes to Comprehensive Town Improvements

Article VII - Municipal Facilities

Councilor Arris asked if the Council should adopt the conditions prepared by Councilor Tracy to the Field and Track request. Chair Sachs explained that this would have to be done on June 17 when we approve the one-year Capital Plan for 2017, the Operating budget and the TIF budget. If all of those go through in June, and have passed, on that same agenda we will have a separate motion that states the exact language that Councilor Tracy will provide. Councilor Tracy explained that she made the committee aware of the conditions and there was no "heart burn" about that. It is the intention of the Steering Committee that those conditions will be included. It can be finalized in June.

Article VIII - Cable

Councilor Hendricks asked the Town Manager if there is any kind of opportunity to ask the Cable Company to open up a change in the contract to allow us to allocate overage cable funds. Mr. Joseph didn't want to say it is impossible but he will ask the Cable Department staff to look into it but he suspects it is spoken for by FCC law. He is sure that someone from their law firm or the Town's law firm could answer this pretty quickly. He offered to look at it before the Operating Budget and will get an answer.

Article IX - Chair Sachs reminded the Council that last week we added the bridge replacement at Florida Lake for the Conservation Commission in the amount of \$5,000 to FY 2017.

Article X - Chair Sachs reminded the Council we added \$10,000 last week for a Freeport Cultural Plan and based on staff recommendations, eliminated \$100,000 due to the fact that we did not get the matching grant money from CDBG funds for sidewalk improvements although Mr. Joseph will continue to look for grant money.

Chair Sachs thanked staff and department heads for all the time they put in to put this Capital Plan together.

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

MOVED AND SECONDED: To untable the item that is listed as tabled at the end of the agenda. (Tracy & Egan) **VOTE:** (6 Ayes) (1 Excused-Gleeson)

TABLED:- To consider action relative to amending the schedule of tipping fees for non-recyclable wastes.

BE IT ORDERED: That the schedule of tipping fees for non-recyclable wastes be amended as proposed. (Tracy & Egan)

Chair Sachs explained that Mr. Presgraves proposed a change in many of the fees, reducing some of them but then the Council discussed the intent of trying to encourage recycling. Mr. Presgraves explained that he didn't know what the numbers were at last week's meeting. He provided a memo itemizing the items in the Lamps and Ballasts category which resulted in a fee revenue of \$2,183.80.

Councilor Arris noted that this \$2,183.80 is a considerable amount of money but he feels encouraging our citizens to keep recycling and going forward feels like a cheap investment for getting some really nasty stuff out of our waste stream. He suggested eliminating all the fees with the caveat that we look really closely and see how much it really costs us. Mr. Presgraves clarified that the \$2,183.80 does not include the \$438 that we spent on smoke alarms last year. Councilor Arris suggested eliminating the smoke alarm fees as well. Councilor Egan agreed with Councilor Arris and feels that eliminating these fees will ensure that people will do the right thing and we will take all the toxic stuff out of our waste stream.

Councilor Hendricks asked if there is a way to track the numbers. He would not want to see the Town taken advantage of. He suggested that Mr. Presgraves instruct the Recycling Center to run a report next year. Chair Sachs reminded Councilors that they did vote to remove the fees from smoke alarms at the last meeting.

MOVED AND SECONDED: To add the list A1 provided in his memo of April 7, 2016 titled Recycling Tipping Fees for all the items he listed under waste type to be free of charge for disposal by residents:

All straight fluorescents (\$0.20 per foot)
U-lamps and Circle's (\$3 per lamp)
Compact Fluorescent (CFL) (\$1.50 each)
Mercury or HID lamps (\$3 per lamp)
Fluorescent ballasts (\$1 each)
Capacitors (\$3 per pound)

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

Chair Sachs noted that it may be helpful for the Council to understand some of the cost benefits of maybe some of the operations overall next year. It would be good to know if there are other substantial things.

ROLL CALL VOTE ON AMENDED MOTION: (6 Ayes) (1 Excused-Gleeson)

ITEM #60-16 To consider action relative to setting a public hearing for a new liquor license for the Dok Koon Thai LLC, d/b/a Dok Koon Thai Kitchen, 147 Main Street.

BE IT ORDERED: That a public hearing for a new liquor license for Dok Koon Thai Kitchen, 147 Main Street be set for May 3, 2016

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.

Note: This replaces a liquor license for the prior owner at 147 Main Street, Amanda Thai Restaurant)

(Egan & Tracy) **VOTE:** (6 Ayes) (1 Excused-Gleeson)

ITEM # 61-16 To consider action relative to approving an application for a license to operate Beano/Bingo or a Game of Chance on May 7, 2016 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 7, 2016 submitted by South Freeport Congregational Church be approved. (Arris & Egan)

Chair Sachs disclosed that she is a member of this church. She has no financial interest in this.

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

Chair Sachs explained that there is one more item to consider that is not on the printed agenda. The Council needs to set a public hearing to discuss the proposed Fiscal Year 2017 Operating, Capital and TIF Budgets.

To consider action relative to the adoption of the Fiscal Year 2017 Operating, Capital, and TIF Budgets for the Town of Freeport.

BE IT ORDERED: That a Public Hearing be scheduled for May 17, 2016 at 6:30 p.m. in the Freeport Town Hall Council Chambers to discuss the proposed Fiscal Year 2017 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. (Sachs & Egan) **VOTE:** (6 Ayes) (1 Excused-Gleeson)

MOVED AND SECONDED: To adjourn at 8:36 p.m. (Tracy & Egan)
VOTE: (6 Ayes) (1 Excused-Gleeson)

Respectfully submitted,

Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #09-16
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY MAY 3, 2016
6:30 p.m.

	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Leland Arris, 70 Glenview Road	x		
Kristina Egan, 5 Weston Point Road	x (arrived 6:32 p.m.)		
Scott Gleeson, 23 Park Street	x		
James Hendricks, 21 West Street	x (arrived 6:40 p.m.)		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 75 Lower Flying Point Road	x		

Chair Sachs called the meeting to order at 6:31 p.m. and took the roll. She noted that Councilor Hendricks texted that he would be arriving shortly. Chair Sachs has not heard from Councilor Egan so she is absent for the moment. She is confident she will arrive soon.

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 #08-16 held on April 12, 2016 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #08-16 held on April 12, 2016 and to accept the minutes as printed. (Gleeson & Tracy) **VOTE:** (6 Ayes) (1 Excused-Hendricks)

THIRD ORDER OF BUSINESS: Announcements

- Chair Sachs announced:
- **Freeport Fire and Rescue is honoring Chief Darrel Fournier** for retiring after forty years of service. A reception is scheduled on Thursday, May 5, 2016 from 3-6 p.m. at the Freeport Public Safety Building. Light snacks will be provided and presentations will be made at 5 p.m. Please come and wish Chief Fournier well in his retirement.
- The Freeport Woman's Club is sponsoring their **Spring Bazaar** on Saturday, May 14, 2015 from 9 a.m-1 p.m. at the St. Jude Church at 134 Main Street in Freeport. Plants and Baked Goods will be available. All proceeds go to support their many good works.
- **The Memorial Day parade and events** this year will take place on Monday, May 30th. If you, your organization or any civic group you know of would like to participate in the parade and events, or help in the planning, please contact Gloria DeGrandpre at GloriaD556@aol.com or 207-232-6648.

- **Voters who wish to receive a Primary ballot at the June 14th Election** must be enrolled in a political party. If you are unenrolled on Election Day you will receive only the RSU 5 Budget Validation ballot and the Municipal ballot (The Primary ballot will include Representatives to Congress, State Senate, State Representatives and available County Seats). Unenrolled voters may enroll up to and including Election Day. The last business day to change parties is Thursday, May 26, 2016. Lessen your time at the polls by visiting the Clerk's Office during regular business hours to enroll in a party. If you have any questions, contact the Town Clerk at 865-4743 x123.
- **METRO is holding six different Public Meetings** to solicit feedback on improving bus routes and service. Learn the latest about their service to Yarmouth and Freeport, schedules, bus shelters and more. The meeting in Freeport is scheduled for Monday, May 9th from 5 – 6:30 p.m. at the Freeport Community Library. For more information, or to find out where other meetings are being held go to: gpmetrobus.com or call 774-0351.
- **The Second Annual Scout-O-Rama hosted by LL Bean in Discovery Park is on Saturday May 14.** Come see what Scouting has to offer from 9 a.m. to 3 p.m. The SCOUT O RAMA will feature an Older Scout Obstacle Course and patrol challenges. Activities and games for all ages. Pine Wood Derby Race and a Grand Parade of Maine Scouts. The Parade will begin at Grove Street at 9 a.m. and proceed to Discovery Park.

FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Rixon advised that he had planned to provide information on the METRO public meetings but this was already announced by Chair Sachs under Announcements.

Councilor Tracy explained that the Active Living Committee met this past Thursday. The main item to report on from that meeting is that Maine DOT funding has been approved for the bulk purchase of bike racks. The committee went around and identified priority areas for the location of those bike racks. It looks like after Donna Larson and Al Presgraves have gone through the list, the top contenders are a couple of u-shaped racks at Town Hall at the intersection of Main Street and a couple of u-shaped racks at the Civil War Park, near the iron fence on Bow Street. The committee asked Donna Larson and Al Presgraves to look at the possibility of purchasing and installing a couple of lollipop style racks which do not take up as much room along Main Street. One will be near Sherman's and Derosier's and another near Jockey's. At the next meeting, the committee will be looking at the Active Living Plan and identifying priorities that the committee would like to pursue in the coming months.

Councilor Tracy reported that the Ordinance Committee met on that same day only in the evening and addressed the Single Use Bag issue, in which the committee discussed next steps with respect to the recommended ordinance by the Town Council or by the Ordinance Committee in the event that the petitioners get enough signatures to put their proposed ordinance on the ballot. The committee has been holding off to see if the petitioners get enough signatures. In the event there are, the recommendation will be that we not put two ordinances on the ballot. Should they get enough signatures, the committee would recommend that the Town Council's recommended ordinance not go on the ballot.

The Ordinance Committee also discussed the clam farming proposal. They met with key members of the Shellfish Commission and worked through some of the major issues regarding location and landowner rights in light of comments they received at the last meeting which was a public hearing. The going forward action items are that the Shellfish Commission members, who have been most actively involved, are going to reconsider the approach. They are probably going to redraft the ordinance so that landowner permission is required as part of the permit application. They are going to remove a particular location and the location will then be part of the application process. It will not be prescribed to be in a certain

area. The applicant and the landowner will agree on a location and that will be proposed and there will have to be a process for determining if it is an existing harvesting area or whether it is an area that is appropriate for leasing. There was a general discussion about decreasing the number of permits which currently allows for ten. The Shellfish Committee will discuss decreasing the number somewhat to see if we can get to a point where all the stakeholders are a little more comfortable with the impact of this proposed ordinance. This will all be discussed at the next Shellfish meeting and then they will bring it back to the Ordinance Committee. The Ordinance Committee will then make further comments and recommendations and will decide next steps from there. The other piece that clearly needs to be addressed is that there are some key threshold legal issues that need to be answered before the Ordinance Committee puts a lot more work into it. At this point, once they get a revised ordinance, they will reach out and start with the Department of Marine Resources and see if they are willing to workshop with us because they deal with a lot of these legal issues all the time. If we don't get our legal questions answered in that kind of a workshop, we will have to pursue vetting it through legal counsel or other means.

Councilor Egan advised that Traffic and Parking talked about the bike racks and agreed that Town Hall would be an ideal location for bike racks to see if we can increase bike traffic in Freeport and make it safer for people who want to ride. They also discussed trail head access in a particular area on Wolfe's Neck (the Field's Estuary Lot). They made a recommendation to accept a proposal to add two parking spaces to that area which are off-street. The last thing they discussed was the Americans with Disabilities Act and how accessible our parking spaces are in our public parking lots in Freeport. They did not have a quorum until the end of the meeting so they didn't take any action although Mr. Presgraves is reviewing the Accessibility Task Force's report. The committee is considering its charge as quite limited as directed by the Council to really assess whether there are some changes to the handicap parking spots in the downtown area. They will be looking at some of the private parking lots and public parking lots knowing that they cannot compel the private parking lot owners to change the location or the measurements of their handicap spaces but felt it was valuable to provide some advice to those businesses if we think there would be improvements that would benefit our residents with disabilities or mobility challenges. They are not sure what format advice they will take in but plan to take action on public spots.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph reported:

- As most are aware, a serious fire on April 27th resulted in significant damage to the Corsican Restaurant here in Freeport. Fortunately, there were no injuries, the business was insured, and the owners are now considering rebuilding the business in some manner. I would like to offer special thanks to the Freeport Fire/Rescue employees, as well as firefighters from Brunswick, Topsham, Pownal, Yarmouth, Falmouth and Cumberland, who assisted both on the scene and with station coverage. Due to the quick response and excellent work by our firefighters and those from neighboring towns, the fire was stopped from spreading to nearby buildings—one of which was only 10 feet away from the Corsican building. Amazingly, damage to abutting buildings was limited to cosmetic damage to some vinyl siding. While the damage to the Corsican building was grim, the diligent response from our firefighters and mutual aid from neighboring Towns averted a much greater catastrophe. On behalf of the Town, its residents, and the downtown business owners, thank you!
- Freeport PD's K9 team of Cassie and her handler, Officer Matt Moorhouse, completed the certification process for drugs on April 25, 2016. This certification is an approximately 2-year long process that the K9 team has been working on since shortly after coming into existence. Congratulations to Cassie and Officer Moorhouse on a job well done!

- The Freeport Public Works Department will be holding its second annual Open House on Saturday, May 21, 2016 from 9 a.m.-1 p.m. The open house is once again being held in conjunction with National Public Works Week. The Department plans to showcase our Public Works professionals and some of the heavy equipment used regularly on projects throughout Town. The Open House will provide an opportunity for residents (including younger residents) to come face to face with the people and equipment essential to protecting the health and safety of Freeport residents, and to learn more about Public Works and related environmental issues in an informal setting. Light refreshments will be served on site.
- A volunteer “Spring Clean-up” will be held at Leon Gorman Park on Saturday, May 14th from 9 a.m. -Noon. Spring is finally here, and it's time to spruce up Leon Gorman Park! We'll be planting flowers and pulling invasive species. The Town will provide the tools and snacks. Come for some or all of the time—anytime you can volunteer is a big help. Meet at the pavilion next to the School Street parking area. As RSVP is helpful to plan for attendance and supplies, but not required. If able, you can RSVP to Donna Larson at dlarson@freeportmaine.com.

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: (7 Ayes)

John Egan, Freeport resident, wanted to clarify that the Single Use Bag Ordinance is on the agenda for later this evening and he plans to speak about the Citizen's Petition to Ban Plastic Bags and did not want it to be a conflict. Chair Sachs instructed him to proceed. Mr. Egan announced that their group organized and met the threshold for consideration of their petition question to be placed on the ballot for June 16, 2016. They plan to bring it to the Council and they are hoping for a lively public hearing on May 17 and an opportunity for the Council to take action and not necessarily have to go through the public ballot question. If the Council chooses not to, they have now verified that they can get the question in front of the voters. They spoke to almost 1,100 people and found overwhelming support for the ballot question and they are ready to move into a public education and awareness mode. He explained that they have a movie called *Bag It* and they are trying to schedule a date and location to show it before May 17 to add to public awareness. He noted they are over the limit and gotten it validated.

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

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

ITEM #66-16	To consider action relative to adopting the May 3, 2016 Consent Agenda.
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BE IT ORDERED: That the May 3, 2016 Consent Agenda be adopted.
(Sachs & Egan)

Councilor Arris asked what a Maine Service Center Coalition is. Mr. Joseph explained that Freeport is an employment service center.

VOTE: (7 Ayes)

ITEM #67-16 To consider action relative to a new liquor license for Dok Koon Thai LLC, d/b/a Dok Koon Thai Kitchen, 147 Main Street. PUBLIC HEARING

MOVED AND SECONDED: To open the public hearing. (Hendricks & Egan)
VOTE: (7 Ayes)

MOVED AND SECONDED: To close the public hearing.(Hendricks & Egan)
VOTE: (7 Ayes)

BE IT ORDERED: That a new liquor license for Dok Koon Thai LLC, d/b/a Dok Koon Thai Kitchen, 147 Main Street be approved. (Hendricks & Egan)

Mr. Joseph explained that the ownership is changing but the interior and the exterior will remain the same.

ROLL CALL VOTE: (7 Ayes)

ITEM # 68-16 To consider action relative to amending the previously approved Use of Town Property Agreement between the Town of Freeport and Freeport USA for the use of Bow Street Park on June 10th, 2016 to now include a beer tent.

BE IT ORDERED: That the previously approved Use of Town Property Agreement between the Town of Freeport and Freeport USA for the use of Bow Street Park on June 10th, 2016 be amended to now include a beer tent.

Chair Sachs explained that this item has been withdrawn at the request of the applicant. Freeport USA will not include a beer tent. The event is family focused and hopefully everyone can be there on June 10th.

ITEM #69- 16 To consider action relative to awarding two contracts for the landfill closure.

BE IT ORDERED: That, R.J. Grondin, be awarded the contract for the Phase 2B Landfill Closure Project in the amount of \$76,650.21 and FGS/CMT INC of Brunswick be awarded the contract for CQA inspection and soil testing services with a budget amount of \$17,860. (Rixon & Egan)

Town Engineer, Albert Presgraves noted he provided the bid results and feels the low price is less than his estimate. He mentioned that R. J. Grondin has a source for clay which is the major component for the landfill cover system that they can get easily and cheaply. He also gave the contractors all summer until October 1st to finish the project so they will be able to schedule it easily between their other big jobs and do it for a good price. R. J. Grondin is the company that built the Hunter Road Fields so they are a very good quality company and they have done plenty of landfill projects.

Mr. Presgraves explained that the other part of this project is the construction, inspection and testing component which is not a cheap thing. He received two proposals but is recommending awarding the contract to FGS/CMT INC. of Brunswick for CQA inspection and soil testing services with a budget amount of \$17,860.

Mr. Presgraves explained how much money was budgeted for this closure and how it has come in way below estimates. This closure is for the last remaining less than an acre still open for inert debris and will have no effect on the Recycling Center Transfer Station operation. It has been incorporated into this year's budget.

ROLL CALL VOTE: (7 Ayes)

ITEM # 70-16 To consider action relative to awarding the 2016 paving contract.

BE IT ORDERED: That Crooker Construction be awarded the contract for the 2016 paving for the unit prices submitted under the bidding contract provisions. (Arris & Gleeson)

Town Engineer, Albert Presgraves provided a detailed memo. He mentioned that before we went out to bid for this year's projects, he talked to Crooker about projects started from last year as well as the upcoming overlay of Hunter Road and asked if they would be willing to give us the price that they bid for the Wardtown Road and Litchfield Road projects. They were willing to do this and these are the best prices he has seen in 8 years. He attributed it to the lower price of asphalt.

ROLL CALL VOTE: (7 Ayes)

ITEM #71- 16 To consider action relative to signing the warrant calling the Municipal Election for June 14, 2016.

BE IT ORDERED: That the election warrant calling the Municipal Election for June 14, 2016 be signed. (Egan & Gleeson)

Chair Sachs noted this is just normal business.

ROLL CALL VOTE: (7 Ayes)

ITEM #72-16 To consider action relative to signing the election warrant for the June 14, 2016 Regional School Unit 5 Budget Validation Referendum and Notice of Election.

BE IT ORDERED: That the election warrant for the June 14, 2016 Regional School Unit 5 Budget Validation Referendum and Notice of Election be signed. (Tracy & Gleeson)

ROLL CALL VOTE: (7 Ayes)

ITEM #73 -16 To consider action relative to release Mortgage Deeds for the following property.

BE IT ORDERED: That release deed be signed for Lynn Wallace (Robinson, Carlton L Heirs) at 6 Riverview 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. (Gleeson & Egan)

Finance Director, Jessica Maloy noted that this is a formality. It has been paid in full.

VOTE: (7 Ayes)

ITEM #74-16 To consider action relative to the disbursement of Cemetery Perpetual Care Funds.

BE IT ORDERED: That the following Perpetual Care Funds be disbursed.

<u>CEMETERY</u>	<u>INVESTMENT INCOME</u>	<u>VETERANS' ALLOTMENT</u>
BURR	\$ 2,347.13	\$ 3,840.00
DAVIS	\$ 27.96	\$ -
WOODWARD	\$ 239.51	\$ -
GROVE	\$ 913.30	\$ 1,104.00
CARRIE THOMAS	\$ 12.81	\$ -
WEBSTER	\$ 259.80	\$ 636.00
WOODLAWN	\$ 353.43	\$ 996.00
SO FREEPORT	\$ 857.90	\$ 900.00
FLYING PT	\$ 131.11	\$ 216.00
TOWN	\$ 50.27	\$ 540.00
Total	\$ 5,193.22	\$ 8,232.00

(Hendricks & Gleeson)

Finance Director, Jessica Maloy explained how this comes about and that it fluctuates from year to year. The Veteran's Allotment is \$12 per site and comes out of the Operating Budget.

ROLL CALL VOTE: (7 Ayes)

TABLED:

MOVED AND SECONDED: To take Item #195-15 off the table which is a request from the Burr Cemetery Trustees for the transfer of perpetual care funds currently held by the Town of Freeport.(Gleeson & Tracy) **ROLL CALL VOTE:** (7 Ayes)

Mr. Joseph explained that he has met with Chris Stilkey, Burr Cemetery Representative a couple of times and the last time this was discussed in front of the Council, there was a suggestion about possibly working with them to get the investments to a place where they are happy with and us holding the investments so that the money does not leave the Town's hands. Councilor Hendricks made this suggestion near the end of the discussion. Mr. Stilkey approached Mr. Joseph after this and advised that he took this suggestion back to their Board and they determined it would get them what they were looking for without having to spend legal money. Mr. Joseph and Ms. Maloy sat down with Mr. Stilkey and they are happy going this route with not having the money returned to them. Mr. Stilkey is convinced that 50% equity and 50% stable-type investments is what they want to do. They are going to work with their investment adviser, Tom Whalen at Bath Savings. In order to change would require action by the Council but Mr. Joseph is not proposing that at this time yet. Ms. Maloy will talk with our folks at Bangor Savings Bank to see if we can mirror the categories. Even though it is a 50/50 mix, we may have a much more conservative portfolio in the 50% exposed to equities and it is within the discretion of our investment adviser and our Finance Director to adjust those to try to maybe mirror the returns they are seeing under their other portfolio for their private money they are holding for Burr Cemetery. We are going to do this for a year and look at the returns next year and see if they are happy with the result. If not, Mr. Joseph is perfectly

willing if it is agreeable to the Council and the cemetery association, to consider a more aggressive investment policy if that is their wish but we are not proposing this right now. We are going to try this first approach and maybe come back in a little more than a year if it is not satisfactory, to ask the Council if it is willing to consider a slightly more aggressive investment strategy and still have the Town retain ownership of those funds but maybe expose them to a little higher percentage of equities like the private trust funds that we hold that are more at 70/30 than 50/50. The Cemetery Association is happy with this and is satisfied they don't have to do the legal wrangling. It is a win/win for both the Town and the Cemetery Association.

Chair Sachs appreciated the effort Mr. Joseph and Ms. Maloy have put into this issue. In order to not enact this, Councilors should plan to vote "no".

BE IT ORDERED: That the Town of Freeport, through its Attorney, assent to a filing by the Burr Cemetery Trustees in Cumberland County Probate Court seeking the transfer of Perpetual Care Funds from the Town of Freeport to the Burr Cemetery Trustees, with the following conditions (once the following conditions are met):

1. The Cemetery Association agrees to request, in its petition to the court, that the Town be absolved of all legal perpetual care obligations upon transfer of the funds. Transfer of the funds by the Town will be contingent on this condition being addressed (by the court) to the satisfaction of the Town.
2. The Cemetery Association agrees that all future handling of the transferred funds shall be consistent with any court order issued in the matter.
3. The Cemetery Association agrees to indemnify and hold harmless the Town in regards to any financial claims related to the transferred funds.
4. The Cemetery Association agrees to reimburse any legal or professional costs incurred by the Town in this matter from this point forward, including but not limited to attorney's fees, court costs, and any bank costs directly related to the transfer of funds.
5. The Cemetery Association agrees to provide a list of all current cemetery trustees.
6. The Cemetery Association agrees to provide the Town with the name of its investment adviser, its investment strategy, and a copy of its most recent financial report. (Gleeson & Tracy)

ROLL CALL VOTE: (6 Nays) (1 Aye-Rixon)

OTHER BUSINESS:

Presentation of proposed Operating, Capital and TIF Budget for FY2017.

Town Manager, Peter Joseph and Finance Director Jessica Maloy provided an overview of the Operating Budget. Mr. Joseph noted that this is a very strong maintenance budget. Things have been trimmed down and no major staffing is proposed in this budget. He explained the step system for employees based on tenure. Councilor Arris asked for the number of union employees versus the number of non-union employees. Mr. Joseph did not know the exact number of union employees, he only had an estimate. Ms. Maloy explained that she is decreasing our Fund Balance from \$675,000 down to \$550,000 and provided her reasoning for doing so. Discussion followed.

Mr. Joseph explained that the major impacts are in revenues, both positive and negative. The operating budget sees a \$109,084 increase this year. The overall budget proposal for next year is more than \$27M which is an increase of more than \$219,900. The tax rate is expected to increase on the Municipal side and would impact the tax rate by seven cents. The Cumberland County portion of the overall budget is more than \$991,000 which is an increase of more than \$49,262.00. This amounts to a 4-cent increase on the tax rate. The proposed RSU 5 budget represents an increase of .37% increase but that number is not final. It is subject to their town meeting style school district meeting which will be held in Durham this year and also subject to the budget validation referendum which will be held on June 14. They have had predicted revenue increases this year.

Mr. Joseph noted that the bottom line is a 15 cent tax increase for ease of talking points. He explained how to calculate a tax impact.

Councilor Arris noted that the PowerPoint presentation is not in his binder and Ms. Maloy explained that it is not. Chair Sachs pointed out that if anyone has a specific question, it should be submitted to Mr. Joseph and he will give answers to everybody. Chair Sachs noted that on May 17 the Council will have its workshop with department heads and perhaps have a public hearing for the Citizen's Initiative. There will be plenty of opportunity for input.

Councilor Egan asked Ms. Maloy to provide a chart showing what the Municipal percent increase and the Municipal increase in the mil rate was over the last 5 or 6 years. She also asked to have the cost of living increase shown for each year. She explained that it is surprising to see a lower school rate than a Municipal rate. Mr. Joseph noted that he has a sheet that was developed and is updated this year and will send it out. He also has information on a piece of property that Councilor Arris has requested which he will provide to Councilors.

Chair Sachs cautioned that folks should not expect that the school budget impact will necessarily be at this low rate every year. She asked Councilors to look this over carefully. There may be some areas that they are not familiar with. She pointed out that residents will be able to meet with department heads in Town Hall on May 11 from 5-6 p.m. and on May 12 from 7:30-8:30 a.m. We will have a public hearing on May 17. The target date for budget adoption is June 7 but can be pushed off until the end of June if necessary. Councilor Tracy requested a copy of the PowerPoint presentation. Mr. Joseph suggested putting it on the Town's website.

Mr. Joseph thanked Ms. Maloy for putting so much time in the revenue estimating.

Discussion of single use bag ordinance.

Council Chair Sachs pointed out that the Ordinance Committee has unanimously recommended that if the Citizen's Initiative (which appears is the case) did put forward enough signatures, that their recommendation is to put that on the ballot, not the Ordinance Committee's recommendation of a fee on both plastic and paper which is really the substantial difference between the two proposals. She asked for thoughts from the Council. Since the Citizen's Initiative has the required amount of signatures, the Council is required to have a special meeting and that meeting will be held on Monday, May 9th at 6:30 and we need to certify the citizens' signatures. It does not have to be a long meeting but we have to have a quorum. We have to have enough time for public notice to go out of the public hearing on May 10th.

Councilor Egan clarified that the initiative put forth by the Ordinance Committee would be a non-binding referendum whereas the Citizen's Initiative is binding based upon our Charter. Councilor Egan asked if the Council could adopt the Citizen's Petition without sending it to ballot. Mr. Joseph explained that the Council could adopt it verbatim after the public hearing.

Chair Sachs pointed out that the Council needs to decide tonight whether it wants to put the Ordinance Committee's recommendation on the ballot on May 17. Councilor Tracy mentioned that the Ordinance Committee believes that it would be confusing for voters to have the two proposals on the ballot on the single use of plastic bags. If the Petitioner's proposed ordinance does not succeed, then the Town Council's Ordinance Committee's proposed ordinance could still be available for going on the ballot in the next referendum if we so choose.

Councilor Gleeson noted he is fine with trusting our Ordinance Committee and he is with them on their recommendation. He regrets how much time was spent on this and there are a bunch of reasons why he would like to see it go to the ballot. Chair Sachs advised that the Citizen's referendum took the Ordinance Committee's proposal just about verbatim. The Ordinance Committee did a fine piece of work and she thanked them for doing all that work. She supports the Ordinance Committee for not confusing the voters by having two proposals on the ballot. She looks forward to the public hearing and hopes the Council will take action that night and not potentially open ourselves up to advertising by the Plastic Industry.

Councilor Tracy advised that they got some feedback from the Plastic Bag Industry but there was no hard push. There was much more activity on the environmental side. Councilor Arris mentioned that he supports the committee's decision to not put two proposals on the ballot. He looks forward to the public hearing and feels it would be good if the Council could make a decision at that time and avoid going to referendum.

Councilor Rixon noted that he serves on the Ordinance Committee and agrees with Councilors Egan and Arris. He looks forward to the public hearing on May 17th and hopes a decision is made that evening. Councilor Hendricks noted that he supports the Ordinance Committee's recommendation.

Councilor Tracy pointed out that she is adamantly opposed for having the Council usurp the issue of going to the voters. She felt all along, and the Ordinance Committee that was in existence at the time that the proposed ordinance came out voted unanimously that this was an issue important but outside of their core wheelhouse and it is appropriate to have public input on this. Circumstances have changed and it is our procedural prerogative to take it and decide it on the dais. She feels the Council has the obligation to keep to the commitment which was that we were going to let our residents weigh in. She feels really strongly that we should keep to that. Councilor Gleeson agrees 100% with what Councilor Tracy said. Councilor Hendricks noted he has issues with both ordinances and he would prefer that it go to the voters. Chair Sachs feels it should go to the voters. Public input and transparency is truly important. The Council is more than welcome to have any kind of discussion on the 17th. Councilor Egan asked that the Council keep an open mind because it will get a lot of public comment on the 17th. She feels confident that if it goes to ballot, it will pass.

Chair Sachs pointed out that we will have a meeting on May 9th to certify signatures. Public notice will go out on the 10th. On the 17th we will have a public hearing.

MOVED AND SECONDED: To adjourn at 8:38 p.m. (Gleeson & Egan)
VOTE: (7 Ayes)

Respectfully submitted,
Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #11-16
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY MAY 17, 2016
6:30 P.M.

	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Leland Arris, 70 Glenview Road	x		
Kristina Egan, 5 Weston Point Road	x		
Scott Gleeson, 23 Park Street	x		
James Hendricks, 21 West Street	x (arrived 6:45 p.m.)		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 75 Lower Flying Point Road	x		

Chair Sachs called the meeting to order at 6:31 p.m. and took the roll. She noted that Councilor Hendricks will be a few minutes late.

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 #09-16 held on May 3, 2016 and Meeting #10-16 held on May 9, 2016 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #09-16 held on May 3, 2016 and Meeting #10-16 held on May 9, 2016 and to accept the minutes as printed. (Gleeson & Tracy) **VOTE:** (6 Ayes) (1 Excused-Hendricks)

THIRD ORDER OF BUSINESS: Announcements

Councilor Egan sadly announced that she is resigning from the Town Council. She has accepted a new position with the Greater Portland Council of Governments. Her resignation is effective on June 8, 2016. She thanked her fellow Councilors for a wonderful 4 ½ years and her constituents that she felt honored to serve. Chair Sachs noted she is thrilled that she will be able to work with Councilor Egan in her new role.

Councilor Gleeson announced that the Appointments Committee will be meeting soon to review applications for vacancies on many of the Towns Boards and Committees. There is an immediate vacancy on the Coastal Waters Commission. If anyone is interested in serving on a Town Committee, applications are available at Town Hall as well as on the Town's website. Johanna Hanselman left some applications in the back of the room tonight.

Chair Sachs made the following announcements:

- **The first Annual District Workshop for Residents of Districts 1 & 3** will take place on June 7th at 6:30 p.m. at the Freeport Community Center. The regularly scheduled Town Council meeting will follow the workshop at the Center. The workshop for residents of Districts 2 & 4 will take place on October 4th.
- **The Memorial Day Parade and events** this year will take place on Monday, May 30th. If you, your organization or any civic group you know of would like to participate in the parade and

events, or help in the planning, please contact Gloria DeGrandpre at GloriaD556@aol.com or 207-232-6648.

- **RSU #5 Budget & June 14th Election**

RSU#5 will hold a Budget Meeting on Wednesday, May 25, at 6 p.m. at the Durham Community School. A Registrar will be available if you need to register to vote.

On June 14, 2016 the polls will be open from 7 a.m. to 8 p.m. at the High School for the State Primary, Municipal Election and RSU#5 Budget Validation Referendum Election. Only voters enrolled in a political party will be given a primary ballot. You may enroll in a political party on Election Day if you are unenrolled.

Absentee Ballots are available at the Town Clerk's Office for the State and Municipal Election and will be available on May 26th for the RSU Budget Validation Referendum. The **deadline** to request an absentee ballot is **Thursday, June 9th at 6 p.m.**

- **The Second Annual PUBLIC WORKS Open House** will take place on Saturday, May 21st from 9 a.m. – 1 p.m. at 7 Hunter Road. Equipment will be showcased, including dump/plow trucks, the excavator, bulldozer, loader, backhoe, sweeper, and sidewalk machine! Light refreshments will be available
- **The Town will be accepting applications for the Shellfish Lottery** from June 1 to June 15th. There is one adult resident commercial shellfish license available and one student resident shellfish license that will be assigned via lottery on June 16th at 9 a.m. in the Clerk's Office. Please contact the Clerk with any questions at 865-4743 x123.

FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Rixon reported that the METRO bus officials met with about 20 townspeople a week ago Monday at the Community Library. The bus will be starting service on June 16.

Councilor Rixon also reported that the Shellfish Conservation Commission met last Thursday and they have a new amendment to the new Municipal Shellfish Aquaculture Permitting Ordinance. It was made available at the meeting and is also available on the Town's website.

Councilor Egan reported that Traffic and Parking met and had a few things on the docket. They discussed increasing visibility at the intersection of South Street and Torrey's Hill Range Road. The Town Engineer worked with a property owner to remove a planting that was providing some visibility challenges there. They had a citizen-convened Accessibility Task Force to look at how easy or difficult it is for people with mobility challenges to get around town and particularly to access the downtown businesses. The committee realized that there has never been a comprehensive look at the handicap parking spots in the downtown. Members of the Task Force brought up the issue that the distribution of the handicap parking spots are not optimal to get people to the businesses they want to access. It is a big job to inventory all the existing handicap spots in town in the public and private lots. The next step is for the Task Force to identify the hot spots where it is most difficult for people with mobility challenges. Then the Council, Police Department, FDEC, Chamber, Freeport USA and Traffic and Parking will come together to develop a plan to address the existing mobility challenges. The Task Force would like to make Freeport as welcoming as possible, not just meet the letter of the law but actually make Freeport a great place for people that have disabilities.

The Planning Board is taking a look at the adequacy of the downtown parking. Our parking policies grandfather businesses that have been here 30 years or more including many retailers that do not have the same parking requirements as new businesses. When those spaces change uses, the new tenant would have to add that parking space. In effect it is putting a damper on conversions to housing or office spaces downtown. The Planning Board is going to take a look at the amount of downtown parking and also the policies around grandfathering to see if they need to be updated.

Councilor Tracy announced that this Thursday at 7:30 a.m. in Council Chambers the Active Living Task Force will be going through the Active Living Plan and prioritizing how the Task Force wants to take on the Plan's suggestions. If anyone was involved in that process or has interest in the Town moving forward with some of the items identified, the Task Force would like to hear what is most important to them. They can do that by either attending Thursday's meeting or can e-mail Councilor Tracy.

Chair Sachs reported that Councilor Arris is the liaison for the Recycling and Solid Waste Committee but was on vacation so she got to do it. She recognized Josh Olins, Chair of the Committee. There may be some folks in the room interested in sustainability and the environment so she thought she should let them know that on June 3rd the committee will begin the conversation about expanding some of the definitions and charges for that particular committee. This is the direction that the committee might go to. If anyone is thinking they would like to get involved in Freeport, this would be a really good committee. If anyone is not here this evening and cannot talk to Josh in the hallway, they can get in touch with Chair Sachs and she will give the information to Josh. Josh advised that the meetings will take place on the second Monday of the month 5:30-7 p.m. The agenda comes out on the Thursday before the meeting. Chair Sachs noted that we have invited other Sustainability Coordinators from neighboring towns on June 21 to see what they are doing so we can talk about how we are integrating the work.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph reported that on the Police Chief Recruitment process, there will be a Meet and Greet Thursday evening with the two finalist candidates that have been reported in the press. It will start at 6 p.m. and end at 8 p.m. The candidates are Susan Nourse and Marc Hagan. There will be an opportunity for them to meet with residents. It is designed to be an informal night where residents can talk to the candidates and learn their positions and thoughts on community policing. Light refreshments will be served in the Council Chambers.

Applications for the Fire Chief's position just closed. 32 applications have been received. He is envisioning a similar review process to the one used for the Police Chief's position. He will provide another update at the next Council meeting on where we are in the selection process.

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: (7 Ayes)

There were no public comments provided.

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

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

ITEM #80-16 To consider action relative to adopting the May 17, 2016 Consent Agenda.

BE IT ORDERED: That the May 17, 2016 Consent Agenda be adopted.
(Gleeson & Egan) **VOTE:** (7 Ayes)

ITEM # 81-16 To Consider action relative to the Operating, Capital and TIF Budgets for
FY2017. PUBLIC HEARING

MOVED AND SECONDED: To open the public hearing (Tracy & Egan)
VOTE: (7 Ayes)

Chair Sachs explained how the 3-Minute rule would be enforced.

Rebecca Hobbs, Director of Family Crisis Services, asked the Council to please consider supporting their organization. She explained what they provide.

Kristin Dorsey of the Freeport, Pownal and Durham Education Foundation noted they submitted a request for funding their organization which is in its third year. She explained what they do and requested that the Council support their request.

Gary Profenno, chair of Traffic and Parking, explained that they submitted a request to sign and paint U.S. Route One from West Street to Desert Road to aid safe interaction between cyclists and motorists. With Freeport embracing alternative means of transportation of late, it is important that we do so safely. He urged the Council to keep that item in their budget this evening.

Gordon Hamlin, supporting Freeport Community Services, explained the services they provide to Freeport and Pownal. He noted there are over 300 meetings that take place there in a year. He urged the Council to continue supporting FCS.

Anne-Marie Davee, active resident and parent, asked the Council to support the bike markings budget line in the Operating Budget. It is a safety issue and she reiterated Mr. Profenno's remarks. It is one of the key low-cost recommendations in the Active Living Plan which was previously accepted by the Town Council. This is a regional issue and our neighbors have all made significant improvements to make bicyclists and pedestrians safer. We should also take responsibility for safety.

Edward Sandy explained that he moved here 15 years ago and got involved with FCS. He requested that the Council continue to support the Freeport Community Center. It is neighbor helping neighbor.

Carol Piecuch, President of Freeport Elders asked the Council to continue to support the Elders. This is a lovely home for seniors.

John Lowe of North Freeport and a member of the Active Living Committee restated the importance of supporting the bike markings. It is important to support this.

Sarah Victor, Freeport resident, noted she has an application pending for the Solid Waste and Recycling Committee. She added her voice to supporting the bike safety markings.

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

Note: further discussion on this item will occur during the council workshop listed later in this agenda

ITEM # 82-16 To consider action relative to a citizen's initiative regulating the use of single use carry-out bags. PUBLIC HEARING.

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

Chair Sachs again explained the 3-Minute Rule for speaking and that members of the audience should refrain from cheering or applauding since all points of view are welcomed.

Colin Caverney of 18 Meadow Lane noted he is troubled by some Councilors having a problem holding a public referendum on the single use bag issue. He called for a full and fair referendum where all taxpayers are given the opportunity to express their views. He even suggested moving it up to the November Election where there will be more citizen input.

Elly Bengtsson noted that she and Meredith Broderick began this plastic bag initiative two years ago. She thanked the Council and the Ordinance Committee for their committed work with them, particularly Chair Sachs for helping them with the first steps in creating an Ordinance. A big thanks were extended to Mr. Egan and others for doing a lot of work to ensure the ban on plastic bags. She knows there is a lot of support from Freeport citizens. She is hoping that this will work out and plastic bags will be banned.

Meredith Broderick, the other student that helped with the plastic bag initiative, pointed out she was excited to see that the initiative has come this far in two years. She was passionate about working on this project. She noted that we have an opportunity to make a big difference in Freeport and will provide a positive image for the town.

John Egan of District 4 advised that he has been part of a large group of volunteers that gathered over 860 signatures. They learned that we cannot recycle plastic bags. They are nasty. They would like to see this go to a referendum vote on June 14 and he encouraged the Council to support it and become the first town in Cumberland County to ban plastic bags.

Sue Barker of Wardtown Road explained that she is thrilled to learn that the initiative is to ban plastic bags and she won't have to keep picking them up any more. She feels this is a community thing and it would be wonderful for Freeport citizens to vote on it.

Chair Sachs clarified that the Ordinance if it goes to the voters on June 14, which will be decided tonight, is to ban the use of single use plastic bags and place a five-cent fee on paper bags. A question was raised if this applies to all Freeport stores. Councilor Tracy explained that this applies to Bow Street Market and Shaw's since the percentage of their food sales is greater than 2%. It does not apply to L.L. Bean, the Gap or to restaurants.

Sarah Lakeman, Project Director of the Natural Resource Council of Maine pointed out that she is in support of the Citizen's Initiative to reduce the use of single-use plastic bags in Freeport. She feels the structure being considered is really the right way to go for Freeport. She agrees that the retailers that collect the five-cent fee on paper bags should be permitted to keep it. She commended the residents for bringing this to the Council and hopes the Council will support it.

Kristen Dorsey urged the Council to send it to the June Election rather than the November Election if they decide to send it to referendum. She supports a ban on single-use plastic bags.

Sarah Vector advised that she signed the Citizen's Initiative and is in support of the plastic bag ban. She feels Freeport has an opportunity to show leadership on a very important environmental issue but feels we should find a way to help those who cannot afford to purchase reusable bags. This was discussed in the Solid Waste and Recyclable Committee meeting. She would like to be part of that solution so that FCS can distribute reusable bags to our residents.

John Lowe of North Freeport pointed out that he recycles all the time and reuses bags. Some stores in Freeport have already done away with plastic bags. The only stores that this Ordinance really affects are the grocery stores. He does not think we should be charging for paper bags and wishes the two items were kept separate. He wishes it applied to all stores and not just the grocery stores. He encouraged the Council to have this go to a full referendum so that everybody will have an opportunity to vote on it.

Lee Chisholm of Hunter Road noted that he is delighted that the Council is considering a plastic bag ban this evening. 2016 is the hottest year on track to be recorded on the globe which broke the record of 2014. The age of fossil fuels is clearly passing and plastic bags is just a little nub of that.

Suki Rice of Hunter Road explained that these 850 signatures were easy to get. She is confident that there will be an overwhelming enthusiasm to get rid of these plastic bags in Freeport. She mentioned that the average person is given up to 500 plastic bags a year. She feels she should intentionally purchase them when she needs them for lining her trash receptacles and cleaning up after her pets. She explained that Shaw's now has ten-cent multi use plastic bags for people to continue to use them. They will not be tossing them out the window because they will be valuable. Freeport is in a prime position to lead the way and state on this. She would love to see the state get rid of plastic bags and have people only purchase them when they intentionally wish to use them. She is looking forward to June 14 to get rid of plastic bags. She noted it is possible for the Council to amend the portion about the paper bag fee in the future after they have had a chance to consider if they want to do that.

Kate Butler of Desert Road noted she is pleased that Freeport has the opportunity to lead this initiative in Cumberland County.

Joe Migliaccio of South Freeport applauded the two students for getting this going. He looks forward to seeing what other inspirations will come out of Freeport High School. He encouraged the Council to send this to referendum.

Elizabeth Frey of Pine Street explained that she is in favor of sending this to referendum because it will impact every family in Freeport. People should have a voice. Plastic bags are damaging to wildlife and the environment.

Jeff Bengtsson who lives off Flying Point Road, thanked the Council and the Ordinance Committee for their efforts. He is in full support of an outright ban on single-use plastic bags in Freeport. The Town and the State of Maine has a rich history of making sound and progressive environmentally friendly policies. He mentioned items such as banning billboards along highways, the returnable bottle bill and that in Freeport, Styrofoam was banned.

Josh Olins thanked the Council and noted that there would be numerous free bags to give away to any citizens that find that the ban will cause any financial hardship. He has been speaking to Eric Horne of the Shellfish Commission about providing biodegradable plastic bags and having them available for pet owners for pet waste. He feels this ban is a no-brainer.

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

BE IT ORDERED: That the citizen's initiative be placed on the June 14, 2016 Municipal Election warrant.

BE IT FURTHER ORDERED: That an addendum warrant for the June 14, 2016 Election be signed that adds a second article to the Municipal warrant presenting the citizen's initiative for regulating the use of single use carry-out bags. (Egan & Rixon)

Councilor Hendricks noted he is totally fine with sending this to referendum on June 14th. Councilor Rixon agreed with Councilor Hendricks. Councilor Arris agreed to send it to referendum but could justify supporting it immediately this evening since there is evidence of great support out there.

Councilor Egan noted she is proud to be in Freeport tonight and thanked Elly and Meredith for bringing this to the Council two years ago. She called for a round of applause for them. She is thankful for all the support that has been provided and can't wait to vote for it on June 14th.

Councilor Tracy mentioned that she supports sending the proposed Ordinance to referendum. She thanked everybody for all their help along the way. She is entirely comfortable sending a ban proposal to the people. It is an important issue and it is important to have public participation and public say. This will affect every resident and will hit people at the cash register three, four or five times a week. She is looking forward to hearing from everybody at the voting booth. She thanked everyone for participating in the process.

Councilor Gleeson explained that is he supportive of having this go to referendum on June 14th. He would not have considered adopting this by a Council vote. He looks forward to seeing the results.

Chair Sachs noted that this has been a true public process. She serves on the Ordinance Committee and is acutely aware that this will hit everyone in Freeport and it will be stronger with a community vote.

ROLL CALL VOTE: (7 Ayes)

Chair Sachs thanked everyone.

A break was taken at 8 p.m.

The meeting resumed at 8:10 p.m.

ITEM #83 -16 To consider action relative to setting a public hearing for a new liquor license for the Brewster House Bed and Breakfast, 180 Main Street, Freeport.

BE IT ORDERED: That a public hearing for a new liquor license for The Brewster House Bed and Breakfast, 180 Main Street be set for June 7, 2016

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.

Note: The Brewster House Bed and Breakfast is changing ownership and requires a new liquor license. (Arris & Egan)

ROLL CALL VOTE: (7 Ayes)

ITEM# 84-16 To consider action relative to endorsing PACTS funding for paving Lower Main Street in FY19.

BE IT ORDERED: That PACTS funding for paving Lower Main Street in FY19 be endorsed. (Rixon & Gleeson)

Councilor Egan recused herself because of her new position.

Town Engineer, Albert Presgraves explained the item. He recommended that we should take the 75%. This is a formality so that the PACTS money will be provided to the Town.

ROLL CALL VOTE: (6 Ayes) (1 Recused-Egan)

OTHER BUSINESS:

A 5-Minute break was taken to move tables. Chair Sachs called the meeting back to order at 8:15 p.m.

1. Council workshop on Operating, Capital and TIF Budget for FY2017.

Winslow Park - Neil Lyman explained they had minimal changes. They need to look at the salaries category. Ms. Maloy explained how she left it as is for this year. The Park is user funded and not tax supported.

Harb Cottage - Mr. Lyman explained there are zero changes planned. They traditionally come in under budget. It is rented during the summer but in the winter they do maintenance work so it is not always rented.

Page 22 - Public Works - General

Mr. Presgraves explained that the increase in street striping is for the Share the Lane street striping and the signs on Lower Main Street.

Page 23 - Public Works - Summer Roads

Mr. Presgraves explained that we are adding more and more lines every year and Road striping is the only item that has changed.

Page 24 - Public Works - Winter Roads

Mr. Presgraves noted he is not asking for any more money this year. We should be under budget this year because the winter was not bad. The money saved is in the General Fund Operating Budget.

Page 25 - Public Works - Trees and Park

Mr. Presgraves noted he is not asking for any change. More and more work is being done by the Public Works crew. He does not have a list of big needs and suggested removing \$4,000.

MOVED AND SECONDED: To reduce from \$12,000 down to \$8,000 from 0403 4070 Tree Pruning. (Hendricks & Egan) **VOTE:** (7 Ayes).

Page 26 and 27 - Solid Waste & Recycling

Mr. Presgraves explained that the landfill closure should improve the leachate situation. It should go down next year.

Page 28 - Town Engineer

Mr. Presgraves explained the training budget and the storm water item.

Page 29 - Hunter Road Fields

Mr. Presgraves explained that it is closed in the winter. The Striping budget is doubling. The RSU has striped the fields. He feels we need the \$6,000 budget. He cut the Pest Control Budget by 50%.

Councilor Arris requested a summary of the Hunter Road Fields contract which Mr. Joseph provided. Councilor Hendricks noted that we have had a mutually beneficial five-year contract which is ending this year.

Page 8 - Building & Grounds

Ms. Maloy explained the reductions. Mr. Joseph noted that Brent Moon and his staff have done a great job.

Page 9 - Building & Grounds

Councilor Egan referred to 0107 6243 - Heat for Public Works and to 0107 6244 Heat for Public Safety and asked Ms. Maloy to take a look at them and see if we can bump them down a bit and bring it back on June 7.

Page 20 - Human Services Agencies (Chair Sachs recused herself and stepped out of the room)

Ms. Maloy pointed out that three new requests were received. The Freeport, Pownal and Durham Education Foundation is looking for \$5,000. Maine Fallen Heroes has an unspecified amount and Independence Association is looking for \$1,000.

Councilor Hendricks would like to increase the Elders and Port Teen Center's funding. He asked what effect the bus would have for Regional Trans., which Johanna Hanselman clarified. Discussion followed.

MOVED AND SECONDED: To eliminate Regional Trans., decrease Home Health to \$500, eliminate the Red Cross, decrease Family Crisis to \$250, increase the Teen Port Center to \$8,250 and increase the Elders to \$6,000 for a net increase of \$250. (Hendricks & Egan)

MOVED AND SECONDED: To amend the motion so that Family Crisis would stay as is in the budget at \$500 and not be reduced. (Tracy & Egan)

VOTE ON AMENDMENT: (6 Ayes) (1 Recused-Sachs)

VOTE ON AMENDED MOTION: (6 Ayes) (1 Recused-Sachs)

Page 21 - General Assistance

Johanna Hanselman advised that we have had a good year which is mainly a result of our energy efficiency efforts and a large fuel donation from L.L. Bean. Discussion followed.

MOVED AND SECONDED: To reduce 0301 6350 from \$30,000 to \$25,000.
(Arris & Hendricks) **VOTE:** (7 Ayes)

Councilor Gleeson referred to the Freeport, Pownal and Durham Education Foundation's \$5,000 request. Councilor Arris noted that this is an educational issue that goes to teachers and is in the realm of the RSU. It is difficult for him to support it now. Councilor Egan explained that she would prefer to fund the Teen Center. Councilor Tracy would favor supporting a modest grant. After taking a straw poll, the Council was not interested in providing any money to the Foundation.

Page 30 - Library (Councilor Arris recused himself)

Ms. Maloy explained the Computer Maintenance line and that it has to do with Minerva. No changes were suggested.

Page 33 - Planning

Ms. Larson will look into 4301 and figure out the increase. It appears that something got coded wrong somewhere along the line. She is confident she will make an adjustment.

Page 13 - Police

Ms. Maloy noted that the price of ammunition has gone up. Discussion on the chief's salary followed. It was decided to keep Overtime as is but that it bears watching in the future to see if we can move it down a bit. Councilor Arris agrees this is a significant increase and would look at other ways to move it down. Ms. Maloy will look into Printing and will bring a recommendation back.

Page 14 - Special Enforcement

Councilor Tracy and Councilor Arris had questions about the clothing line. It was decided that the Council should watch it.

Page 18 - Public Safety Reception

Ms. Maloy advised that Dispatch's contract is up this year so this 3.9% is a conservative place holder at this time.

Page 15/16 - Fire

Chair Sachs explained that they are looking at a decrease of 3.7%.

Page 17 - Rescue

Chair Sachs asked for an explanation of Professional Salaries which Ms. Maloy provided. Deputy Chief Conley is trying to find a balance of adequate staffing for emergencies. He does not foresee a lot of growth in the NET field.

NET

Chair Sachs mentioned that the program is being readjusted. What is reflected is lower staffing, salaries, other wages and overtime. This will be a real transition year. Councilor Arris asked about the Postage line which Ms. Maloy explained.

Page 11 - Transit

Ms. Maloy noted there is an overall decrease of 9.9%. Mr. Bonney explained that he has nothing to do with the METRO. He mentioned that Brent Moon and his employees are doing an excellent job in Maintenance.

MOVED AND SECONDED: To reduce Line 1200 Other Wages by \$1,000 from \$28,500 to \$27,500. (Tracy & Arris) **VOTE:** (7 Ayes)

Page 6 - Town Clerk and Elections

Ms. Wolfe explained that she wants to restore a forever document book once a year. She has ten that need restoration. She also needs to take ten Town Reports and have them bound. She has material that needs to be shredded. No amendments were offered.

Page 35 - Harbormaster

Ms. Maloy explained how she trued up based on expenditures. Jay Pinkham explained Boat Maintenance for Councilor Hendricks. Chair Sachs asked about Other Wages and discussion followed.

MOVED AND SECONDED: To reduce Line 1200 Other Wages from \$7,000 to \$6,000. (Arris & Hendricks) **VOTE:** (7 Ayes).

Page 5 - Codes Enforcement

Chair Sachs noted that these are all negatives. Mr. Joseph explained that Mr. Reeder is planning to retire at the end of this year. He has been an employee for 30 years. Mr. Reeder was thanked for his 30 years of service and also for staying so late this evening.

Chair Sachs advised that on June 7 the Council will go through and adopt all these budgets. She instructed Councilors to take a look at the remaining items and if they have any questions, they should e-mail them to Mr. Joseph and Ms. Maloy. Mr. Joseph will send out a memo regarding the Shellfish Commission and also a list of the changes we made already. She requested that Councilors look over the NET.

Ms. Maloy noted that we are looking at a \$11,000 decrease right now.

MOVED AND SECONDED: To adjourn at 10:55 p.m. (Hendricks & Tracy)
VOTE: (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #12-16
FREEPORT COMMUNITY CENTER
TUESDAY JUNE 07, 2016
DISTRICT 1 & 3 MEETING BEGAN AT 6:30 P.M.
REGULAR MEETING CONVENED AT 7:06 P.M.

	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Leland Arris, 70 Glenview Road	X		
Kristina Egan, 5 Weston Point Road	X		
Scott Gleeson, 23 Park Street	X		
James Hendricks, 21 West Street	X		
William Rixon, 66 Varney Road	X		
Melanie Sachs, 84 Kelsey Ridge Road	X		
Sarah Tracy, 75 Lower Flying Point Road	X		

Chair Sachs called the regular meeting to order at 7:06 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 #11-16 held on May 17, 2016 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #11-16 held on May 17, 2016 and to accept the minutes as printed. (Gleeson & Egan) (**VOTE:** (7 Ayes)

THIRD ORDER OF BUSINESS: Announcements

Chair Sachs announced:

- **The Freeport Players presents Neil Simon's comedy Odd Couple**, the female version, coming up July 14 through the 31st at the Freeport Performing Arts Center. Visit www.fcponline.org. For more information.
- **Freeport Arts and Cultural Alliance** has launched a new “virtual kiosk” on the web and on facebook. Find events and activities. Discover artists, cultural groups, venues and more. List your events, show off your work and find out more about the Freeport Arts and Cultural Alliance. Stay informed and join the conversation about the local art and cultural scene. Visit www.Freeportartandculture.org to access the new virtual kiosk.
- **The Freeport Community Library Summer Reading Program and Bedtime Math Sign-Ups** start June 8th and runs through the end of June. Sign-ups are required for all Read to the Dogs and crafts! The Library is taking summer reading to the next level not only for young patrons this year, but for adults as well. **The Library is pleased to announce the debut of its Adult Summer Reading Program!** The program will run through Labor Day. Participants are eligible to win prizes both throughout the summer and at the end of the

program in September. Visit the library during the sign up period which ends June 13th. FMI stop at the library!

- **Freeport residents have the whole month of June to bring one free load of waste to the Recycling Center** using the Clean-up Coupon contained in the Town mailer that residents received in their mailboxes in May. As in years past, some material will have fees associated with them, so please review your flier 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 18th** The Race starts at 9:00 a.m. with a whole host of festivities to follow at Winslow Park~BBQ, Games, Bouncy House and Refreshments. Live music begins at 10:00 a.m. with performances by the *Girls Just Want to Have Fun* and *Mighty Mystic*. For more information: 865-4198 or see our own Councilor Hendricks.
- On June 14, 2016 the polls will be open from 7:00 a.m. to 8:00 p.m. at the High School for the **State Primary, Municipal Election and RSU#5 Budget Validation Referendum Election**. Only voters enrolled in a political party will be given a primary ballot. You may enroll in a political party on Election Day if you are unenrolled. The **deadline** to request an absentee ballot is **Thursday, June 9th at 6:00 p.m.**
- **The Town will be accepting applications for the Shellfish Lottery** until June 15th. There is one adult resident commercial shellfish license available and one student resident shellfish license that will be assigned via lottery on June 16th at 9:00 a.m. in the Clerk's Office. Please contact the Clerk with any questions at 865-4743 x123.

FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Gleeson advised that FDEC had its annual meeting on May 24. Dan Cleavan, Freeport resident, was elected to the Board. He and the Town Manager updated FDEC on the budget process as well as the hiring process for the Police Chief, Fire Chief and upcoming Town Engineer positions. They approved the fiscal 2017 budget and had a discussion on the priorities for the upcoming year. The Board also approved a meeting schedule for fiscal year 2017 which is available at www.freeportecon.com and Keith McBride wanted the public to know that FEDC meetings are open to the public. They welcome anyone who is interested to attend and participate.

Councilor Tracy advised that the Ordinance Committee will not be meeting on the clam farming ordinance in the near future. There are some significant legal questions pending that relate to the authority for the culture of clamming and other shellfish. There needs to be some interchange between both our town and other towns that are considering these types of leasing arrangements and the Department of Marine Resources. That process is starting and the towns that are considering aquaculture proposals are in the process of identifying questions that are threshold legal questions and the hope is that the Department of Marine Resources will engage and answer some of these questions before we continue to dedicate significant local resources to moving forward on that proposal. For the time being, the process is tabled. She will report back as soon as we get some feedback from DMR and we can figure out what the next steps are.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph reported:

- Hunter Road Construction—Hunter Road will be closed to through traffic on Tuesday, June 14 and Thursday, June 16 from 10 a.m.-2 p.m. in order to install two cross culverts, each in a separate location. One installation will be performed on Tuesday, the other on Thursday. Detour signs and flaggers will be in place at nearby intersections during these periods. Through traffic will be restored at all morning and evening commute periods. Through traffic will be blocked in the area of the rail crossing on Hunter Road. Detour will be via Desert Rod and Merrill Road. If you have any questions, please contact the Department of Public Works at 865-4461.
- After a long wait, METRO service will be kicking off in Freeport on Thursday, June 16! Please join us at the Town Hall for a ribbon cutting with light refreshments starting at 8:45 a.m. on Thursday, June 16. A similar kickoff will also follow at Yarmouth town Hall at 10 a.m. The first southbound trip will originate at L.L. Bean/Freeport Village Station at 11:30 a.m., with the first northbound trip originating at the Portland Transportation Center at 12:20 p.m. The regular bus schedule for all following trips can be found at www.gpmetrobus.com.

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

MOVED AND SECONDED: To open the Public Comment Period. (Egan & Tracy)
VOTE: (7 ayes)

Caleb Stevens, a Topsham resident that runs the Edward Jones office here in Freeport, advised that he is on the Freeport Community Improvement Association Board. He provided an update on what FCIA has been doing lately. They installed the new banner post at Exit 20. Bow Street Park is missing some of its plantings that are typically there. Instead of installing annuals that need to be constantly updated, they plan to install some perennials and shrubs in that space. They get donations from business people and residents that are interested in beautifying spaces in the town. He thanked donors for their past support. If anyone is interested, they can go to www.Freeportcommunityimprovementassociation.com or speak to him at Edward Jones at 5 Depot Street.

MOVED AND SECONDED: To close the Public Comment Period. (Egan & Gleeson)
VOTE: (7 ayes)

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

ITEM #86-16	To consider action relative to adopting the June 07, 2016 Consent Agenda.
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BE IT ORDERED: That the June 07, 2016 Consent Agenda be adopted.
(Sachs & Egan) **VOTE:** (7 Ayes)

ITEM #87-16	To consider action relative to a new liquor license application for Brewster House Bed and Breakfast at 180 Main Street, Freeport. PUBLIC HEARING.
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MOVED AND SECONDED: To open the Public Hearing. (Gleeson & Tracy)
VOTE: (7 Ayes)

No public comments were provided.

MOVED AND SECONDED: To close the Public Hearing. (Egan & Gleeson)
VOTE: (7 Ayes)

BE IT ORDERED: That a new liquor license for Brewster House Bed and Breakfast at 180 Main Street be approved.

*Note: The Brewster House Bed and Breakfast is under new ownership which requires that a new liquor license be issued. (Gleeson & Egan) **VOTE:** (7 Ayes)*

ITEM #88-16 To consider action relative to the sale of Fire Department Equipment.

BE IT ORDERED: That the Fire and Rescue Department be authorized to sell one cardiac monitor to a medical device resale business for the sum of \$15,250.00.

BE IT FURTHER ORDERED: That Ambulance #2 (2005, Ford E450) be offered for sale by sealed bid. (Tracy & Gleeson)

Interim Fire Chief, Paul Conley provided a brief synopsis for the public and also offered to answer questions.

ROLL CALL VOTE: (7 Ayes)

ITEM #89-16 To consider action relative to an order restricting funds for the \$100,000 donation for the Tri Town Track and Field project.

BE IT ORDERED: That the disbursement of the \$100,000 allocated in the FY17 Capital Budget for the Tri-Town Track and Field Project be contingent on the following conditions being included in the contract for the RSU5 Board of Directors acceptance of the funds from the Tri-Town Track and Field Committee and such contract being executed by the RSU5 Board of Directors prior to the disbursement of said FY17 Capital Budget funds. Any material modifications to such conditions shall require approval by a majority of the Town Council:

1. The Town's capital budget allocation will be revoked if the construction of the TTTF Project has not commenced by December 31, 2017.
2. Freeport residents will be allowed access to and use of the track and field facility when: (i) it is open and (ii) is not being used by RSU5 entities.
3. RSU5 will take other reasonable measures to accommodate the reasonable use of the track and field facility by Freeport residents (i.e. allow for residents to use the track while RSU5 is using the fields).
4. The Town of Freeport, or a local non-profit organization(s) designated by the Town, shall be able to use the track and field facility for an event or gathering at least two (2) times per year, at a date and time to be mutually agreed upon by the Town (or its non-profit designee) and RSU5. (Egan & Arris)

Councilor Tracy explained that there is a private organization, the Tri-Town Tack and Field Committee raising money privately to fund an eight-lane track and turf field facility located at the high school. That organization has raised a significant amount of funds. Preliminarily, the Town Council indicated its interest in including that capital allocation into the fiscal 2017 Capital budget contingent upon certain conditions ensuring that Freeport residents have special privileges because the Town of Freeport donated

Town money, not RSU5 money, to help support this worthy cause. She was asked to come up with some conditions after an initial discussion and these are the conditions she proposed. She received additional feedback from Councilor Egan after the last meeting and she incorporated those comments. She is happy to entertain any other questions or concerns by other Councilors. She and the Steering Committee of the Tri-Town Track and Field appreciates the town's willingness to be a community partner in this.

Councilor Egan thanked Councilor Tracy for all the work she has done on this. She is confident this facility will help keep our residents healthy and will help with Active Living. It will also be great for our kids.

Chair Sachs asked how enforceable this will be. Will it be written into a document much like the Hunter Road facility and will there be rules and policies developed around the track by the RSU? Councilor Tracy pointed out that the facility will be owned by RSU5. It will not be owned by the Town or the Tri-Town Track and Field Committee. The Tri-Town Track and Field Committee at some point will offer the funds it has raised and the pledges that it has received to the RSU5. The RSU5 will have to decide if it wants to accept that. Part of that process will be a contract which will have in it certain conditions that will need to be accepted along with the funds. One set of those conditions will be the items the Council is discussing tonight. Another major condition for receiving a million dollar grant is conditioned upon naming the track after Joan Benoit Samuelson. There will be a legal document, a contract that will have to be signed by the RSU5 as part of accepting the funds. It will be an enforceable contract. She has faith that the RSU5 will do that in good faith and will keep to that commitment.

ROLL CALL VOTE: (7 Ayes)

Chair Sachs noted that the Council will adopt the Capital Program on June 17th.

ITEM #90-16 To consider action relative to the appointment of Susan Nourse of Freeport, Maine as Freeport Police Chief.

BE IT ORDERED: That the Town Manager's appointment of Susan Nourse as Freeport Police Chief for an indefinite term be confirmed by the Town Council. (Arris & Egan)

Mr. Joseph explained that he is happy to nominate Susan Nourse to the position of Chief of Police. This requires a Council vote. She has served the Town for 31 years and has superior qualifications. He reviewed the recruitment process that was followed. He noted that 95% of input he received was strongly in support of Sue Nourse as Chief of Police. He also had great things to say about Commander Hagan from the Brunswick Police Department.

Councilor Arris explained that Police Departments all over the country are under intense scrutiny. He feels our town has room for improvement. He shared three recent stories that he found in newspapers concerning the Freeport Police Department and local residents. He noted that he would have preferred to have a Councilor and another citizen sitting in on the selection process. This is not a position for on-the-job training and he would have liked to have a sitting chief of police considered as a possible candidate. He noted he would not be able to support the nomination but would not oppose it.

Chair Sachs clarified that Councilor Arris was on the Council at the time that Mr. Joseph talked about the process three times in public and also sent an e-mail to all Councilors regarding the process. She asked if Councilor Arris notified Council leadership or Mr. Joseph before the process ended regarding his process concerns. Councilor Arris advised that he notified Mr. Joseph when the process was narrowed to two candidates. He was not able to attend the Meet and Greet.

Councilor Tracy fully supports the nomination of Susan Nourse as Chief. She feels she is a strong and capable leader and is part of our community. She has had the best on-the-job training and has the respect of the Police Department. Councilor Egan is also pleased to welcome Sue as our new Chief of Police. She is totally integrated into our community. Councilor Hendricks explained why Councilors are not involved in personnel decisions. He wholeheartedly approves of the process that was used. He congratulated Sue and welcomed her to the position. Councilor Gleeson noted that Sue is very unique and has a natural kindness. He feels the process was exhausting and received massive support for Sue. He was at the Meet and Greet and saw both candidates and the community support that came out to support Sue was very strong. He is fully supportive. Councilor Rixon advised that he fully supports Lt. Nourse to be our Chief of Police. Chair Sachs lent her voice to the fact that this process was introduced in February where Mr. Joseph outlined the steps that would be taken to the public as well as the Council. There was an extensive public e-mail provided in April reiterating the same things. In May there was a public vetting about the process which was designed to be as transparent as possible. Many Councilors got public input for many of the candidates so that folks had the opportunity to address all of the Councilors who could then forward that information on to the Manager who was also the recipient of an overwhelming amount of comments as well. For her, that was an excellent process to ensure that this critical position that the Council all agrees as well as the community, that it is critical to have a non-political process involved in this particular position. Folks can feel confident in that process. She is confident in the process that was fully transparent and is delighted with the results. She welcomed Lt. Nourse.

Elizabeth Frey of District 3 explained that she is delighted that Sue is going to be appointed this evening. She is glad that Councilor Arris brought up what he did because it is important for everyone to remember that even though she is highly qualified and well liked in town and no doubt will do a wonderful job, life is a learning curve and no one ever knows what is around the next bend in the road and there will be things that will happen that won't resolve perfectly. That is part of living in this world and part of life. She is confident that Sue has the capacity to pay attention, learn and do her best and will do her level best for Freeport's citizens and Ms. Frey doesn't know if we can ask for more than that.

ROLL CALL VOTE: (6 Ayes) (1 Abstention-Arris)

Chief Nourse thanked everyone for their comments and support. She emotionally explained how the community has supported her. She is confident that we have a strong department and will do the best they can for the community. They will build on the strong foundation and will make it better.

Mr. Joseph pointed out that Acting Chief Nourse will have to be sworn in tomorrow at Noon in Council Chambers. Anyone that wants to come in to witness it would be welcomed. Councilors will be welcomed as well.

OTHER BUSINESS:

1. Discussion regarding draft language suggested by Recycling and Solid Waste Committee, which would change the Recycling and Solid Waste Committee to a Sustainability Committee.

Josh Olins, Chair of the Recycling and Solid Waste Committee explained that this language was proposed by the Advisory Board. They swapped out Recycling *and* Solid Waste for *Sustainability* and that it is a broader issue in general so it may be helpful to have more people on the committee. He has been approached by numerous people that would love to join the Sustainability Committee. There is a big interest in this change.

Chair Sachs clarified that most likely the verbiage would be brought back to the Council but it would be something that would be staffed as designated by the Town Manager. Sometimes it might be appropriate

for folks to have Suzanne from the Recycling Center or it may be Donna from the Planning Department or even the Public Works Director depending on what's going on. There is no Solid Waste/Recycling Director position planned at this time. This was just the first pass. Mr. Olins indicated that there is no push to increase personnel here. There is great support in the Town with the people Chair Sachs just mentioned. He feels it will be interesting to be a part of the workshop coming up in two weeks to see how the Town comes behind the issue and how the Council will decide the direction to take it. He has discouraged folks from putting in an application at this point because they don't know in what direction it will go. He wouldn't want to mislead people into thinking that this is a Recycling Solid Waste Committee and then change it. Once they have the change in the code and the real definition of the committee and their work, they can open up the process.

Chair Sachs asked if Mr. Olins would like the Council to wait for the meeting after the Sustainability Workshop in the event there are any changes or recommendations based on that discussion or is he comfortable with everything other than the staffing piece? Mr. Olins noted he is comfortable either way but would defer to Chair Sachs judgment. Chair Sachs asked for Councilors' comments.

Councilor Egan has no concerns. She feels it is overdue. When the Recycling Committee was created, it was the environmental issue of the day and we have now moved on to understanding there are a lot of different environmental issues that the Town already engages in and to have a committee that focuses on helping us advance that environmental sustainability element of our Town's operations makes a lot of sense. She thanked Josh for listening to the Council when it was setting its goals and moving forward with making it concrete with this language. She hopes it will be decided at the next meeting because it will be her last meeting and this is something she has been excited about for a long time. She pointed out that she does not have the specifics on the Sustainability Workshop scheduled on June 21 and there is a lot of interest around these issues. She encouraged the Council to get out a notice as soon as possible and she will be happy to spread it to her constituents and hopes others will too. At that time, if it looks like there will be a committee, we can at least hint at that and start to get the word out. Chair Sachs mentioned that Mr. Joseph is waiting to get confirmation from the second person before getting notices out. She mentioned that it will be part of the Council's normal meeting in Council Chambers. The Council will vote on the budget and a few other items, but the Workshop will be the bulk of the meeting. Her intent is to have this on the agenda with language to change the code. Discussion will be on Sustainability and what is going on in other communities and what is going on in Freeport. She would welcome input in the next week or two.

Mr. Joseph requested that the Council take up the MDOT agreement next and Councilors agreed.

2. Discussion of proposed agreement with the Maine Department of Transportation regarding remediation of abutting properties affected by Interstate 295 tree clearing.

Mr. Joseph provided a draft of an agreement and clarified that it is not what the final document will look like. A few changes are needed based on tonight's Council discussion and if it is in favor of it. This is modeled on the Municipal Partnership Initiative agreement that the Town has with the Department of Transportation where the Town does all the work and they reimburse us at the end of the project. That is their preferred funding mechanism for the \$20,000 contribution that we talked about where the Town would purchase the materials, install them through our own in kind account. The reason this is not current is that it mentions only vegetative barriers and we did get confirmation today but did not get it amended in time from Dale Doughty from MDOT that they would consider both vegetative and hard barriers since we talked about a fence in one location. He wanted to change some of the wording from vegetative to vegetative and fencing in two or three places. He has given us informal confirmation of that based on the discussion tonight if this is something the Council is in favor of.

Mr. Joseph explained that he needs feedback from the Council on whether it is in favor. At the last discussion, it was left that the Town would not put anything towards this which was the way we left it. He considers putting in kind labor by Public Works something. It would not add a cost to the Town in tax dollars but essentially it would mean giving up getting some other project done in order to accomplish this. He needs to know if the Council is agreeable before bringing the finalized amended contract back to the Town at the next meeting. If not, we should not look any further and should be looking at other opportunities.

Chair Sachs invited Representative Sara Gideon up to the podium. Chair Sachs explained that Mr. Joseph indicated earlier that Representative Gideon and Councilor Gleeson worked extensively with MDOT officials and fought valiantly from zero up to where we are now. For many weeks they took the position that they were not interested in pursuing this but through the efforts of both Representative Gideon and Councilor Gleeson this has gotten to where they believe it is the best number.

Representative Gideon explained that for all of residents and citizens, our homes, backyards and quality of life are the most important things to all of us and she has deep regrets that the Department of Transportation came in and really used Freeport as a “guinea pig” to start projects that they are still continuing around the State. She feels things could have been done differently and better. We know through the way things are often done in this town that pulling people together who are going to be affected by a situation or an action and talking about it first is the best way to go. Some problems could probably have been avoided and things could have been done better. The cutting could have been done differently but unfortunately, it did not happen. She did not know what was happening until it was already an action. When the department did this cutting, their first reaction to her was that she had her domain and they had theirs and this is what they are doing. At the beginning they mentioned “sorry, this is what we are going to do up and down the Interstate.” Through a lot of conversations and having them come and talk to people in Freeport, she feels that the residents and especially Councilor Gleeson played a big part in making sure they understood just how seriously this affected people and their quality of life. While she feels \$20,000 is not enough, she knows we are not going to get any further than that. She suggested doing the best we can with it and Mr. Joseph has worked really hard to figure out with MDOT.

Chair Sachs explained that Mr. Joseph is looking for feedback from the Council that it is okay with Public Works doing the in kind labor and is interested in accepting the \$20,000 as it would be presented.

Councilor Hendricks is okay with this. Councilor Rixon is okay with it. Councilor Arris wanted reassurance that we wouldn't have to pay for the “C” permits. He wanted to go on record that he doesn't want to spend any money for state or federal permits. Representative Gideon advised that she definitely cannot assure Councilor Arris of this. Mr. Joseph noted that there are no permits involved in planting trees. He explained that MDOT will be providing money for plantings on private property and within the Town right-of-way in certain locations. Councilor Gleeson clarified that it is the responsibility of the property owners to take care of the trees that are planted. Councilor Tracy added that the agreement says for those installments happening on private property, the owner and their successors are responsible for future maintenance or replacement. The Town is not. The next provision talks about barriers installed on Municipal property and that is the responsibility of Freeport to maintain or replace in perpetuity.

Mr. Joseph estimates that \$15,000 will be used for plantings and \$5,000 will be used for fencing on True Street. There will be a formal plan that will come along. Councilor Egan suggested giving this draft some consideration. Mr. Joseph wants to make sure this is the direction the Council wants to go in.

Councilor Egan thanked Representative Gideon, Councilor Gleeson and Mr. Joseph for working to negotiate this difficult contract. She is aware that it was not easy. Councilor Tracy echoed the thanks to Representative Gideon, Councilor Gleeson and Mr. Joseph. She is fine with having in kind work contributing towards the solution to the problem. She would like to see a draft of what the agreement with the property owners would be with time to review it. She wants to make sure the Town doesn't incur any

liability if something falls over or whatever. Mr. Joseph advised that this is something he will be working on in a few weeks. Chair Sachs took silence as affirmation for going forward. She will look forward to seeing the details. Councilor Gleeson thanked Representative Gideon for advocating for Freeport. He is pleased that we got to this point after starting at zero. Chair Sachs also thanked Representative Gideon and Councilor Gleeson for attending the neighborhood meetings. She is looking forward to seeing the details.

A brief recess was taken.

3. Workshop on FY17 Operating, Capital and TIF budgets.
(Finance Director, Jessica Maloy and Town Manager Peter Joseph)

Finance Director Jessica Maloy provided a year-to-date budget report. Chair Sachs mentioned that the Council would be following along the schedule it started last time. She asked if there is anything the Council wants to bring up.

Councilor Tracy brought up the Freeport Education Foundation's request for \$5,000 because she feels it is worthy. Chair Sachs explained that she would not participate in that Human Services section but she would not step down tonight. Councilor Gleeson would also like to find some way to give the Foundation some money. Councilor Egan feels it is not the place to put taxpayer dollars right now since the Council is dedicating \$100,000 to the Track and Field project which is a huge commitment on the Council's part. She would rather increase the donation to the Port Teen Center. Councilor Hendricks is not willing to support the Foundation. He feels the RSU itself should be supporting these things. It opens the door for all the Boosters to come and request money. Councilor Rixon agreed with Councilors Hendricks and Egan but the Foundation's worthiness is not in doubt and he has a hard time not supporting something for education. Councilor Arris advised that he spent many years negotiating with school boards and feels foundations incorporate it when they do their budgets. Freeport provides plenty of money for education. He does not want to support it at this time.

Pg. 1 -Town Council - no change

Pg. 2 - Town Manager 0101 3302

MOVED AND SECONDED: To reduce Employee Travel by \$1,000. (Arris & Egan)
VOTE: (7 Ayes)

Pg. 3 - Finance - 0102 3302 Employee Travel & 0102 6002 Printing

MOVED AND SECONDED: To reduce Employee Travel by \$500 and Finance Printing 6002 by \$1,000. (Arris & Tracy) **VOTE:** (7 Ayes)

Pg. 4 - Assessing - 0103 3400 Contracted Services

MOVED AND SECONDED: To reduce Assessing's Contracted Services by \$1,000.
(Arris & Tracy) **VOTE:** (1 Aye-Arris) (6 Nays)

Pg. 7 - General Administration - no change

Pg. 10 - Employee Benefits

Councilor Arris had questions on health insurance and Worker's Comp. claims. He would like some recommendations to contain health insurance and Workers' Comp rates. Mr. Joseph offered to look at this next year.

Pg. 12 - Insurances - no change

Pg. 19 - Public Utilities: Street Lights & Hydrant Rentals - no change

Pg. 31 - Bustin's Island: Set formula - no change

Pg. 32 - Promotions - Chair Sachs advised that FCS organizes the 4th of July Parade but they do not get any money for it. It costs money for bands and L.L. Bean provides donations for the fireworks.

Page 34 - Board of Appeals - Minute taking is a paid position

Page 36 - Conservation Commission - no change

Shellfish Commission - Chair Sachs noted that the \$1,000 Signage is going into 2016. Councilor Egan offered feedback on the sign. The print is so small and is hard to read. She feels it needs to be redone and would be willing to spend more money so that it is actually readable. Councilor Rixon was asked to bring this back to the Shellfish Commission by Chair Sachs. The upweller needs to be discussed by the Shellfish Commission.

Doug Leland advised that he will need for certain \$2,500 in supplies and \$2,500 for surveys. Mr. Joseph advised that he can get a new sign for less than \$1,000. The Council needs to think about whether to keep in this budget or cut or increase the \$1,500 Tide Land Coalition donation. It is coming. Councilor Arris feels \$1,500 is a significant amount of money for a small budget. Councilor Egan noted that we do not have enough information to eliminate it and this may be a group that is trying to save a resource in a stressed industry. She would prefer to keep it in since families depend on this resource and it is a recommendation from the Shellfish Commission. Councilor Hendricks suggested leaving it in and getting more information from Doug Leland. Chair Sachs noted that the next meeting will focus on the Sustainability Workshop.

MOVED AND SECONDED: To create a line item for Association Membership Dues for \$2,800. (Hendricks & Egan) **VOTE:** (7 Ayes)

Chair Sachs suggested keeping the upweller in supplies for \$2,500. Councilor Hendricks suggested voting it in but when the Shellfish Commission gets to the point of spending the money, the Council can say no. He would like more information before giving the green light.

MOVED AND SECONDED: That we leave it in there for now with the only caveat that when they do make the decision to move forward, we have the final decision before they can expend the money. (Hendricks & Egan) **VOTE:** (7 Ayes)

Page 38 - Misc. & Contingency

MOVED AND SECONDED: To increase the Contingency Budget by \$7,100. (Arris & Tracy)

Ms. Maloy explained how it was reduced last year. Discussion followed. Mr. Joseph advised that he is comfortable with it or without it. The motion and second was withdrawn.

Page 39 - Cable - No change, it is funded by franchise fees. Mr. Joseph explained the Other Wages covers video taping additional outside meetings.

Page 40 - Traffic & Parking - No change

Page 41 - Debt Service - No change

Page 42 County Tax - No change

Page 43 -Abatements - Ms. Maloy explained this. - No change

Page 44-47 Revenues - Ms. Maloy explained the increase in Excise Tax. Bete is an item that is not guaranteed from year to year. She explained the use of Fund Balance and proposes to reduce the Town's reliance on Fund Balance to a more appropriate level of where our reserves are.

Councilor Arris asked what is the total increase in projected new revenue. Ms. Maloy indicated that it is a two hundred thousand dollars.

Chair Sachs noted that this ends our workshop session. We will have an actual motion under one of the items to accept based on all the changes we made. It will be broken out into two sections - everything except for Human Services and then she will leave the room and then the Council will handle Human Services. Councilor Egan mentioned that she would have to recuse herself on a couple of items that conflict with her new position. Chair Sachs suggested that she work with Ms. Maloy so that she can prepare the motions accordingly. Chair Sachs pointed out that during the next two weeks, Councilors are welcome to look at any part of the program but we will vote on everything. We will read the item, have a second, have a discussion and entertain any motions to change. Make sure they are precise. It's perfectly okay to change numbers before we vote.

MOVED AND SECONDED: To adjourn at 10:24 p.m. (Gleeson & Hendricks) **VOTE:** (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES
FREEPORT TOWN COUNCIL MEETING #13-16
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY JUNE 21, 2016
6:30 P.M.**

	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Leland Arris, 70 Glenview Road	x		
Kristina Egan, 5 Weston Point Road	x (Arrived at 7:03 p.m.		
Scott Gleeson, 23 Park Street	x		
James Hendricks, 21 West Street	x (Arrived at 6:40 p.m.)		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x (Arrived at 7:50 p.m.)		
Sarah Tracy, 75 Lower Flying Point Road	x		

Vice Chair Gleeson called the meeting to order at 6:33 p.m. and took the roll. He advised that Chair Sachs, Councilor Egan and Councilor Hendricks would be arriving later. The Council does have a quorum.

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 #12-16 held on June 7, 2016 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #12-16 held on June 7, 2016 and to accept the minutes as printed. (Tracy & Arris) **VOTE:** (4 Ayes) (3 Excused-Egan, Hendricks & Sachs)

THIRD ORDER OF BUSINESS: Announcements

Councilor Tracy announced that the Track and Field Committee will be marching in the Fourth of July Parade. She urged residents to wear their Freeport paraphernalia and join them lining up on Kendall Lane

Vice Chair Gleeson announced:

- **The Freeport Community Library Summer Reading Program and Bedtime Math Sign-Ups** run through the end of June. Sign-ups are required for all Read to the Dogs and crafts!
- **Other Children's Summer Programs at the Library include:**
 - Summer Crafts** – Craft with local artist Julie Yeo on Thursday, June 23rd at 10:30 a.m., and Paint A Pot with Library staff on, Thursday, July 14th at 1:30 p.m. Crafts are for ages 6-12 and sign-ups are required.
 - Wildlife Up Close**- On Wednesday, June 29th at 6:00 p.m. *Wildlife Encounters* will be at the Library with a terrific group of animals! What will they bring? Well, that's a secret! To find out, come to the Library and be ready to be surprised and amazed at the animals you will see, and maybe even touch!

For more information please visit the Children's Room or call 865-3307.

- **Don't forget, Freeport residents have until the end of the month of June to bring one free load of waste to the Recycling Center** using their Cleanup Coupons. Some material will have fees associated with them, so please review your flyer for the list of acceptable items and fees.
- **Fourth of July Events events:**
7—10 a.m. Blueberry Pancake & Sausage Breakfast, **St. Jude Hall.**

7:30 a.m. LL Bean 10K Road Race

9:15 a.m. Fun Run

10:00 a.m. Parade, **Main Street**, from Kendall Lane south to Holbrook Street

7:30 p.m. Concert—LL Bean Discovery Park, (David Mallett & Mallett Bros. Band)

9:15 p.m. FIREWORKS

As a reminder – consumer fireworks are NOT permitted at anytime throughout the year in Freeport.

- **Mark your calendar for these Winslow Memorial Park Season Events:** Now through June 26th: **Free Camping Week #1** for Freeport Residents! (No reservations taken. Residents must register in person and immediately set up camp. Unused sites will be re-rented or given to other patrons! *(Two more weeks of Free Camping for Freeport residents coming September 10-24th.)*

July and August: **Thursday Evening Concerts Series**, 6:30 p.m. Park Admission - \$2 for Freeport residents and \$3 for non-residents. Campers and season pass holders are free. First concert on July 7th will feature the Coastal Winds Band—a 50 piece woodwind band playing popular tunes, traditional bandstand tunes and some military tributes. *FMI: 865-4198 or www.freeportmaine.com*

FOURTH ORDER OF BUSINESS: Information Exchange

None

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph reported:

Congratulations to the FHS Baseball Team on their outstanding 14-7 season, including their appearance in the Class B Championship Game last weekend. With a majority of the team returning next year, we're looking forward to next season!

I'm happy to report that the METRO Breez Bus Service is up and running, with 9 roundtrips weekdays and 5 roundtrips on Saturday between Freeport and Portland, The kick-off ceremony took place last Thursday morning here at the Freeport Town Hall, and was attended by residents, METRO officials, and Freeport, Yarmouth, and Falmouth Town officials. I personally had the opportunity to ride the bus to Portland on Saturday afternoon, and found it to be on-time, comfortable and convenient! The bus was filled with 15 people, many families from Portland and Falmouth making the return trip after spending the morning exploring Freeport.

Town Engineer Al Presgraves reports that the Town's selected contractor for the Landfill Closure project, R. J. Grondin & Sons of Gorham, Maine, completed all work on the project on June 2nd, 2016.

Construction was started on May 24, and was completed in less than two weeks. Work included re-grading the waste, then adding a layer of intermediate cover soil, two layers of clay with a total thickness of 18 inches, and 6 inches of topsoil. A consultant provided full-time construction inspection and soil testing, with reports sent to the Maine DEP. There will be no change to the regular operation of the Transfer Station from a user's perspective. However, the small amount of waste that had been disposed in the demolition landfill will now be placed in the demolition debris roll-off container for off-site disposal.

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

MOVED AND SECONDED: To open the Public Comment Period. (Tracy & Arris)
VOTE: (5 Ayes) (2 Excused-Egan & Sachs)

Christina Lapointe, a Third Grade Mast Landing School student read a letter she wrote to the Town Council regarding Global Warming. Vice Chair Gleeson thanked her for coming up and she received a round of applause.

MOVED AND SECONDED: To close the Public Comment Period. (Tracy & Arris)
VOTE: (5 Ayes) (2 Excused-Egan & Sachs)

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

ITEM #94-16 To consider action relative to adopting the June 21, 2016 Consent Agenda.

BE IT ORDERED: That the June 21, 2016 Consent Agenda be adopted.
(Gleeson & Tracy)

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

VOTE: (5 Ayes) (2 Excused-Egan & Sachs)

ITEM #95-16 To consider action relative to a proposed amendment to section 612 of the Freeport Administrative Code, replacing the title and duties of the Solid Waste/Recycling Advisory Board with a Sustainability Advisory Board.

BE IT ORDERED: That a public hearing on the proposed amendment to section 612 of the Freeport Administrative Code be set for July 5, 2016, at 6:30 P.M., in the Town Council Chambers.

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. (Rixon & Arris)

Councilor Tracy asked what will happen with the existing Solid Waste Committee. Mr. Joseph explained that the existing committee would go away and would be replaced by a Sustainability Advisory Board.

Josh Olins, Chair of the current Solid Waste and recycling Committee and hopefully soon the Sustainability Committee. It would embrace the previous responsibilities but would encompass more areas since now every Municipality needs to look at more sustainability issues.

ROLL CALL VOTE: (5 Ayes) (2 Excused-Egan & Sachs)

ITEM # 96-16 To consider action relative to an appointment to the Traffic and Parking Committee in exception to the term limits due to exigent circumstances.

BE IT ORDERED: That the following appointment be approved in exception of the term limits ordinance due to exigent circumstances.

Traffic & Parking Committee:

Rod Regier: September 1, 2016 – September 30, 2019
(Tracy & Arris)

Appointments Committee Chair, Councilor Gleeson explained that the Town's Charter requires that anyone who has served three consecutive terms would essentially term out. He, Councilor Tracy and Councilor Egan had an exception on the exigent circumstances provision where in a situation that there was not a pending application, rather than having a vacancy, they would allow someone else to serve an additional term. Feedback from other people on the committee is that Mr. Regier is a very valuable resource. This is not controversial but since we are appointing someone to a fourth term, it has to come to the Council. Councilor Tracy explained that Mr. Regier has a lot of very valuable and institutional knowledge that is very helpful and he is someone that spends a lot of time pushing forward Traffic & Parking business. Because of those qualities and the fact that no one else was clamoring to participate on this committee, it seemed appropriate to invoke the exception.

ROLL CALL VOTE: (5 Ayes) (2 Excused-Egan & Sachs)

ITEM #97-16 To consider action relative to awarding a bid for a Public Works plow truck chassis.

BE IT ORDERED: That Freightliner & Western Star of Maine be awarded the bid for a Public Works plow truck chassis in the amount of \$84,506 less a trade in amount of \$15,000 for a total bid amount of \$62,299. (Hendricks & Tracy)

Public Works Superintendent Earl Gibson explained that this is a procedure to replace a truck. If it is approved, he plans to make a phone call to place the order this evening.

Councilor Arris pointed out a math error. The total bid amount should be \$69,299

MOVED AND SECONDED: To amend the total bid to \$69,299. (Hendricks & Tracy) **VOTE:** (5 Ayes) (2 Excused-Egan & Sachs)

Vice Chair Gleeson asked Councilor Hendricks to reread the **BE IT ORDERED.**

BE IT ORDERED: That Freightliner & Western Star of Maine be awarded the bid for a Public Works plow truck chassis in the amount of \$84,506 less a trade in amount of \$15,000 for a total bid amount of \$69,299. (Hendricks & Tracy)

ROLL CALL VOTE: (5 Ayes) (2 Excused-Egan & Sachs)

See note for item #97-16, below

ITEM #98-16 To consider action relative to awarding a bid for Public Works plow truck

equipment.

BE IT ORDERED: That H.P. Fairfield be awarded the bid for Public Works plow truck equipment in the amount of \$74,999.

Note: \$176,000 was included in the FY17 Capital Budget for the purchase of a new plow truck chassis and the plow equipment. If the Town Council approves \$69,299 for the purchase of the plow truck chassis, including this plow equipment bid, the total price for the plow truck chassis with plow equipment would be \$144,298 resulting in a savings of \$31,702 from the budgeted amount. (Arris & Hendricks)

Public Works Superintendent Earl Gibson explained that this is the gear that goes on the new truck. Vice Chair Gleeson commended him for saving so much money.

ROLL CALL VOTE: (5 Ayes) (2 Excused-Egan & Sachs)

ITEM #99-16 To consider action relative to awarding a bid for a Public Works Pick-up truck.

BE IT ORDERED: That Weirs Motor Sales be awarded the bid for a Public Works Pick-up truck in the amount of \$48,325 less a trade in amount of \$13,500 bringing the total bid award to \$34,825. (Rixon & Hendricks)

Public Works Superintendent Earl Gibson explained that this is replacing a pick-up truck that carries a lot of equipment and he feels it makes sense to spend \$1,120 to get a one-ton truck versus the three-quarters truck. \$45,000 was budgeted in the Capital Budget. Mr. Joseph feels it is great to put their trade-ins out to bid. Councilor Hendricks commended Mr. Gibson for a great job.

ROLL CALL VOTE: (5 Ayes) (2 Excused-Egan & Sachs)

ITEM #100-16 To consider action relative to the Town Clerk's Election Results report for the June 14, 2016 Primary/Municipal and RSU Election.

BE IT ORDERED: That the Town Clerk's Election results report for the June 14, 2016 Primary/Municipal and RSU Election be accepted. (Tracy & Arris)

Christine Wolfe, Town Clerk reported the June 14, 2016 Election results:

The Single Use Carry-out Bag ban did pass. Our Charter amendment did not pass because we were 100 votes shy to satisfy the Charter. A recount is planned for the race between Holbrook and Smith.

Total number of registered voters at poll opening time—6,501

Number of registration cards handled by the Registrar on Election Day (New Voters and change of address, name, or party) - 40

Total number of ballots cast:

State Primary—1,044 (+5 UOCAVA);
Town and RSU—1,307

Percentage of Voters who cast Ballots

State Primary—16%
Town and RSU—20%

Number of Absentee Ballots Requested—181
Number of Absentee Ballots Cast—170

Percentage of Votes cast by Absentee
State Primary—12%
Town and RSU—.02%

Number of Absentee Ballots never returned to us—11

Ms. Wolfe reported that the Election ran smoothly. Councilor Tracy noted she was pleased to see that the RSU5 budget was approved in all three towns. She credited the School Committee for working hard to keep the budget tight and the hard work of everybody to get the budget passed.

VOTE: (5 Ayes) (2 Excused-Egan & Sachs)

Vice Chair Gleeson explained that rather than going through all the numbers, we will read them *as printed on the agenda*.

NOTE: ITEMS 101-107, below, will be presented by the Town Manager and Finance Director (20 minutes)

ITEM #101-16 To consider action relative to the adoption of the FY17 Operating Budget.

BE IT ORDERED: That the following appropriations be made to the departments for the purposes named, that the following revenues estimated be adopted, and that the following amounts be raised by taxation, said action for fiscal year July 1, 2016 to June 30, 2017 Municipal Budget as printed on the agenda. The Total Revenues to be raised by taxation is \$82,765. (Hendricks & Tracy)

Mr. Joseph explained that #101-16 and #102-16 are parts of the Operating Budget that are held out separately because we had some Councilors that wanted to recuse themselves on these two votes and the first hold out was for Chair Sachs who is not here and the second one is for Councilor Egan's benefit and then the actual rest of the Operating Budget item is Item No. 107 at the end that has all the different categories of appropriations. The reason these are held out is that the two Councilors didn't have to vote on the entire Operating Budget where they had a conflict of interest in just these two parts. Usually it would be all one document.

<u>FY 2017 Appropriations</u>		
Human Service Agencies	\$	38,550
Community Center Building	\$	44,215
Total Appropriations	\$	82,765
<u>FY 2017 Estimated Revenues</u>		
Amount to be Raised by Taxation	\$	82,765
Total Revenues	\$	82,765

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

ITEM #102-16 To consider action relative to the adoption of the FY17 Operating Budget.

BE IT ORDERED: That the following appropriations be made to the departments for the purposes named, that the following revenues estimated be adopted, and that the following amounts be raised by taxation, said action for fiscal year July 1, 2016 to June 30, 2017 Municipal Budget as printed on the agenda. The Total Revenues to be raised by taxation is \$236,000 for the Town Council and Town Manager. (Rixon & Hendricks)

Councilor Egan recused herself.

<u>FY 2017 Appropriations</u>		
Town Council	\$	123,700
Town Manager	\$	112,300
Total Appropriations	\$	236,000
<u>FY 2017 Estimated Revenues</u>		
Amount to be Raised by Taxation	\$	236,000
Total Revenues	\$	236,000

ROLL CALL VOTE: (5 Ayes) (1 Recused-Egan) (1 Excused-Sachs)

ITEM #103-16 To consider action relative to the Winslow Park budget for Fiscal Year 2017.

BE IT ORDERED: That \$276,011 be approved for the Winslow Park budget from July 1, 2016 to June 30, 2017 and \$16,700 be approved for the Harb Cottage budget from July 1, 2016 to June 30, 2017. (Arris & Egan)

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

ITEM #104-16 To consider action relative to the Non-Emergency Transport (NET) budget for Fiscal Year 2017.

BE IT ORDERED: That \$355,000 be approved for the Non-Emergency Transport budget from July 1, 2016 to June 30, 2017. (Egan & Tracy)

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

ITEM #105-16 To consider action relative to the acceptance of State funds for Fiscal Year 2017.

BE IT ORDERED: That the following categories of State funds be accepted for Fiscal Year 2017.

- 1 Municipal Revenue Sharing
- 2 Local Road Assistance

- State Aid to Education (including Federal pass-through funds and property pass-through funds and property tax relief.
- Public Library State Aid per capita
- Civil Emergency Funds (Emergency Management Assistance)
- Snowmobile Registration Funds
- Tree Growth Reimbursement
- Veterans Exemption Reimbursement
- Business Tax Reimbursement
- All other state funds not included in items 1 – 9 (Tracy & Egan)

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

ITEM #106-16 To consider action relative to the adoption of the Capital Budget and Destination Freeport TIF budget for Fiscal Year 2017.

BE IT ORDERED: That the following appropriations be made for the capital items and projects listed below, and that the Capital Budget for 2017 be adopted as printed on the agenda for a total FY 2017 Capital Budget amount of \$1,412,600.

Police	New Squad Car and Changeover Equipment	34,000
	Chief's Vehicle	25,000
	Speed Trailer & Signs	10,000
	Firearms Replacement	39,400
	Communications Upgrade	47,000
Fire	Communications Upgrade	55,000
	Thermal Image Cameras	40,000
Rescue	Communications Upgrade	110,000
Public Works	Truck Chassis (Tandem Axle), Plow and Wing (Truck 2)	176,000
	3/4 Ton Pick Up with Plow (Truck 15)	45,000
Comprehensive Town Improvements	South Freeport Road Overlay-Town's Share - PACTS MPI Project	260,000
	South Freeport Village Road Reconstruction	310,000
Municipal Facilities	Computer Upgrades -Townwide	21,000
	Replacement of Building Maint. Truck	30,000
	Tri-Town Track & Field Donation	100,000
	Furniture - Townwide	15,000
	Plow & Sweeper Storage Building	30,000
	Public Computers - Library	8,200
	Windows at Public Safety Building	12,000
	Revaluation Reserve Fund	5,000
Cable Television	Equipment and other improvements (channel 14)	4,000
	AC Unit Replacement	6,000
	Cable Truck Replacement	25,000
Boards and Committees	Florida Lake Bridge Replacement	5,000
Total FY 2017 Capital Budget		\$1,412,600

BE IT FURTHER ORDERED: That the following amounts be appropriated from Reserve Funds to provide for items approved as printed on the written agenda for a total FY 2017 Capital Transfer from Reserves in the amount of \$1,412,600.

Police Reserves	\$ 155,400
Fire Reserves	\$ 95,000
Rescue Reserves	\$ 110,000
Public Works Reserves	\$ 221,000
Solid Waste Reserves	\$ -
Public Infrastructure Reserves	\$ 570,000
General Administration Reserves	\$ 79,200
Building Reserves	\$ 142,000
Cable Television Reserves	\$ 35,000
Other Reserves	\$ 5,000
Total FY 2017 Capital Transfer from Reserves:	\$1,412,600

BE IT FURTHER ORDERED: That the following appropriations be made for the Destination Freeport TIF items and projects listed below and that the Destination Freeport TIF budget for FY2017 be adopted as printed on the written agenda in the amount of \$181,000. (Hendricks & Egan)

Sidewalk Improvements - Main St East side, Bow St to Mechanic St	40,000
Sidewalk Improvements - Elm St. to Snow St.	30,000
Sidewalk ramp detectable panel replacement (8)	6,000
FACA Cultural Plan Initiative	10,000
Freeport Economic Development Corporation	95,000
Total FY 2017 Destination Freeport TIF Budget	181,000

Councilor Tracy asked about the money budgeted but not used for Public Works. Mr. Joseph explained that the money not spent from the appropriation will essentially be returned to the Public Works Reserve Fund. Councilor Tracy clarified that this is not part of what we are taxing for in the fiscal year. It is out of reserves. It will not change the tax for our residents.

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

ITEM #107-16 To consider action relative to the adoption of the FY17 Operating Budget.

BE IT ORDERED: That the following appropriations be made to the departments for the purposes named, that the following revenues estimated be adopted, and that the following amounts be raised by taxation, said action for fiscal year July 1, 2016 to June 30, 2017 Municipal Budget as printed in the agenda. The Total Appropriations will be \$10,119,700. Estimated Revenues will

be \$3,612,750. The Total Revenues which includes transfers from undesignated funds and the amount to be raised by Taxation will be \$10,119,700. (Egan & Tracy)

<u>FY 2017 Appropriations</u>	
General Government	\$ 1,316,619
Protection and Enforcement	\$ 2,497,050
Health and Welfare	\$ 99,540
Public Works/Solid Waste	\$ 2,251,021
Library	\$ 446,630
Unclassified	\$ 2,130,763
Debt Services-Local	\$ 173,003
County Tax	\$ 991,074
Bustins Island	\$ 189,000
Abatements	\$ 25,000
Total Appropriations	\$ 10,119,700
<u>FY 2017 Estimated Revenues</u>	
Non-Property Tax	\$ 1,491,300
Intergovernmental	\$ 1,100,600
Charges for Services	\$ 309,700
Licenses and Permits	\$ 382,500
Fines and Forfeitures	\$ 100,150
Miscellaneous	\$ 53,500
Library Lease Proceeds	\$ 175,000
Total Estimated Revenues	\$3,612,750
Amount Transferred from Undesignated Funds	\$ 700,000
Amount to be Raised by Taxation	\$ 5,806,950
Total Revenues	\$10,119,700

Mr. Joseph advised that this does not include the items for the Human Service Agencies, Community Center, Town Council or Town Manager. Those amounts were previously voted on in the amounts of \$82,765 and \$236,000. Councilor Tracy pointed out the fact that the Council is not discussing this tonight doesn't mean that it hasn't discussed it in detail. The Council has had meetings and workshops during the past few months. We are just approving what was decided. She noted that the Council was able to save approximately \$15,000 based on is review. The department heads did a really good job keeping their budgets pretty flat. She thanked them for their hard work.

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

NOTE: A recess was taken at 7:20 p.m. to set up tables.

OTHER BUSINESS:

Vice Chair Gleeson called the meeting back to order at 7:40 p.m.

1. Sustainability Workshop

Vice Chair Gleeson introduced Town Planner, Donna Larson, Josh Olins, Chair of Solid Waste and Recycling and Kimberly Darling, Sustainability Coordinator for the Town of Falmouth. Mr. Joseph pointed out that he provided documents in the Council's packets regarding the job description, function and duties for the South Portland Sustainability Coordinator who was unable to attend this evening. Kimberly's job description as the Town of Falmouth's Energy and Sustainability Coordinator was on the Council's table so this workshop was to learn what exactly these folks do, what their duties are, what they do on a daily basis and what committees they work with.

Josh Olins explained that he feels they responded to the Council's interest in goal setting at its December meeting. The subject of widening the view of their committee from just Solid Waste to a broader Sustainability was the next step. He feels it is the way of most Municipalities now to really start examining some of the ways to save money and change the view from what is in front of you to a broader, grander view.

Councilor Egan recalled the goals discussed back in December and January and one of the things they recognized was how much work this town has already done around sustainability even though we don't call it that, particularly around Donna Larson's work around energy, things around land conservation and we have the Active Living Plan. One thought was to hear how other towns organized their sustainability efforts and that was one of the reasons the Council wanted to invite the three Maine Sustainability Coordinators to explain how towns are looking at the big challenges that we face in sustainability including climate which is something that more and more action is happening at the Municipal level than at the State or Federal level. She recognized how much this town has done already particularly through Donna Larson's leadership.

Councilor Tracy noted for the public that Freeport is not considering a Sustainability Coordinator at this moment. We are looking at how these coordinators see their town committees work and what we can do without an actual person yet. That may come down the road or it may not. We are contemplating having a Sustainability Committee and what we can do in the context of volunteer effort and obviously any Town savings as the result of the effort.

Kimberly Darling explained her background and her role in working with the Falmouth Recycling Energy Advisory Committee which is very active. She noted that sustainability has been deep rooted in Falmouth for quite a while. A big part of her job is to look at the Town's energy use. They established a 2% greenhouse gas reduction goal back in 2007. They are in the middle of doing a joint plan with the town and the school on sustainability. She attends a lot of events, forums, workshops and keeps in touch with the Town Manager and reports to the Council. All their street light fixtures are being changed over to LEDs and that project is coming her way. She spent a lot of time at the State House this year on solar. Her main focus right now is to work on an energy plan, establish the recommendations, prioritize them and get direction from the Council.

Councilor Arris noted asked Ms. Darling how she evaluates her position since she is so broadly spread. She didn't really know how to answer that question but noted the Town Manager is her supervisor. Councilor Arris pointed out that his thoughts are that the Council should probably adopt language and get the committee set up and after the committee works a while, then set priorities for the Sustainability Coordinator. Councilor Egan agreed that sustainability is so big and there are so many things that can be done. It is hard without data, to try to understand how to direct one's efforts. Every year they hold a Home Energy Fair which the public can attend and get information. It's information gathering. This year she is working with the Chamber of Commerce to put together a Business Energy Fair.

Mr. Olins asked in a town such as Freeport, where would we start first? Ms. Darling suggested inventorying your buildings, look at your vehicles, compile your information, establish a base line and go from there.

Ms. Darling advised that last year the Falmouth Council decided to test water at the Town Landing and it landed on her desk but she found she has not had the time so she plans to train one of the park rangers. She is not confident she is the appropriate person to be doing water sampling.

Chair Sachs arrived and apologized for coming in late. She thanked Vice Chair Gleeson for handling the rest of the meeting. She asked the audience if they had any questions.

Eben Jocelyn from the Maine Beer Company in Freeport noted that they are willing to provide small business perspectives. They have spent quite a bit of money to do what is right and minimize their impact on the environment. There are a number of questions directed to Ms. Darling that business can provide answers to. One of those was taking a look at energy throughout their facility whether it is switching out to LEDs. Benchmarking is absolutely huge. You have to think about where you are before you can think about where you want to be. It's taking the time to dive into your CMP, Natural Gas, oil, your costs on those items, track your usages and look at the improvements you have made since that point in time and determine what has worked and what hasn't and go from there. They took a look at it from the energy perspective and also looked at solid waste and recycling. They partner with Casella, Garbage to Garden as well as CMP to help them make sure we can be good stewards to the environment. Beyond that is spending money for causes that support the environment. He thinks the work Ms. Darling is doing in Falmouth is great. Maine Beer Company is willing to be a partner with the Council to show where they have been. They have been tracking the data for a while before the fancy solar panels out front. They can show where the dollars really start and where you get your payback. They got help from the federal government and he is aware that there are lots of programs out there and he encouraged the Council to take advantage of them.

Jean Fraser advised that she has an environmental background. She asked Ms. Darling if she is in a position to facilitate grants to help fund her position. Ms. Darling advised that the only grant money she applied for was to save Falmouth \$4,000 for LED fixtures on Route One. She is eager to look for grant money but it takes a lot of time. She is confident she will find some.

Sara Vector, Freeport resident, advised that she is hoping to join the Recycling Committee or the Sustainability Committee. She asked about the process for applying foundation grants. She is curious about the process for procuring of funding so that we can move forward with projects that benefit the town. Ms. Darling advised that there are lots of grants out there that are really regional. Mr. Jocelyn pointed out that you can start with some of the federal agencies as well as State agencies, the Dept. of Agriculture, etc. They have a number of grant programs available to small communities and small businesses to help them out. It involves doing some up front research. Maine Rural Water has grant writers on staff that can help you gain efficiencies. He suggested starting by contacting State and Government Agencies that do lending because sustainability is really big across many industries.

Councilor Arris asked Mr. Jocelyn if he had ideas on benchmarking other areas besides energy. Mr. Jocelyn explained that they benchmarked resource usage whether it is natural gas, water, checking their waste water flow. They are always looking internally on the processes. Taking a study of yourself and how you are operating will really help you define those inefficiencies, correct them and there you go, you have made efficiencies out of them.

Ms. Darling mentioned bio fuels and that there is a learning curve on convincing people that engines will run just fine.

Donna Larson explained that back in 2008 when the price of energy started to go up, we panicked. She was named the “Energy Czar” by Dale Olmsted. She explained that we did energy audits, pulled out high consumption appliances and got rid of stuff. We have been banging away since 2008. All of our buildings were heated by oil. This building is now heated by a natural gas high performance boiler. She has the data but the best we have is on electricity. We did things all over town. We put the solar panels on the Library. We have done energy audits. Solarize was something done for the general public. We are going to fully insulate some houses and now we have a plan where we may be able to do an entire mobile home park.

The long term goal is to convert these to stick-built buildings. She believes we have done around 50 energy audit air sealings where they go in and do an assessment of the house and then you get six hours of actual work. We have gone back and completely insulated 15 of them. It's very slow, steady work. She explained that we have changed a lot of zoning. We looked at our housing stock and realized we have a lot of big houses here with a lot of square footage. We did accessory apartments. We tried to come up with things that would make the best use of our existing buildings. We put flexibility into things so we could avoid environmentally sensitive areas but also if you were going to build a house and your best solar orientation was not going to allow you to meet the setback requirements, rather than make you change the orientation of your house, we would be flexible on the setbacks. It was felt that the house orientation was more important than the setback. We lowered our parking requirements in the Route One South area so that you build the parking that you need.

Climate Change—we did have an analysis done a few years ago of sea level rise and what our potential hazards are for sea level rise. What we found out was our biggest problem is Route One going over the Cousins River and a couple of pump stations for the Sewer District. She let the Sewer District know and in part this got the Council's process going with World Development. Maine Beer took advantage of the World Development Grant. Keith McBride from FEDC got all of Freeport included in the World Development District which means that any Freeport business is eligible for those grants. It's for whatever you can do to reduce your energy consumption. We have done a lot with bikes and sidewalks. She is happy to say that the METRO Bus Service started this weekend. Looking forward, she will continue working with our residential folks.

She has learned a lot from Kimberly on LED street lighting. It's probably a \$200,000 project for Freeport. She mentioned the Lunch and Learn sessions that took place in 2008-2009 where Town employees would come in and we had speakers on different things that would help them lower their own home energy consumption and keep that idea at work on cutting consumption. We have had discussions with Solar about power purchase agreements. We need to find out what will happen at the State Fair. Last year we had an Energy Summit.

Ms. Larson has concerns with the proposed Ordinance. Her preference is that the Council continue on with more of a larger group so that anyone who wants to participate can participate and you go with the energy summits. She found them to be extremely effective ways to get a lot of great ideas in a short amount of time. She is concerned that there is no definition of sustainability. She would not want to see a Sustainability Committee. We have an Active Living Committee and Traffic and Parking doing bike/pedestrian stuff. Adding another layer of review on that will become cumbersome. She is quite concerned with reviewing contracts and putting that to a committee, every housing project we do, we have a contract and there are some privacy issues involved and she does not believe it is committee work.

She mentioned that she is a South Portland resident and their Sustainability Committee is wrestling with a Pesticide Ordinance. Being an organic gardener, she feels the Ordinance is bad and is not enforceable. It breaks up neighborhoods because one neighbor is telling on another neighbor and you can't enforce it because you don't know what they are using. She cautioned that the Council needs to be careful because she was reading this weekend that their next thing is to require businesses of a certain size to submit their energy consumption so who is that, where do we get the authority to do that and why are we asking them to do that. She feels once you start going off in a direction, it becomes extremely difficult. If the Council

wants to go in that direction, you need to have a Coordinator and he/she needs to be responsible for any enforcement that happens. She feels this needs more work and definition.

Councilor Arris asked about the \$200,000 estimate for replacing Freeport's street lights to LEDs. Ms. Larson mentioned that there are a lot of different things to think about. She is hoping that in next year's budget the request will be passed so she can continue the planning on that. Councilor Arris asked how many homes in the community would qualify and benefit from the program already started. Ms. Larson advised that we have 250 mobile homes in Freeport and we are shifting over to them because we can really stretch the money out.

Josh Olins explained that Donna has done some amazing things over the years. It would be his dream to support and help her in some of the projects. He noted that Code states that the committee is supposed to review all contracts for the Transfer Station which is something never done. They talked about striking it since they have no expertise. They really are looking to just change one word in the code from "Recycling" to "Sustainability". They are looking forward to helping out.

Chair Sachs explained that this document handed out will be on the Town's website. If anyone does not have access, give a call to Town Hall. It will be put in the Municipal Bulletin to get the word out. It is an amazing program.

Naomi Beal, Director of Passive House Maine explained that retrofits are so expensive and complicated. She recognizes that Freeport already has a list of LEED certified buildings. LEED is an important set of goals not necessarily tied to energy. They wanted to plant a seed for the Town Council to think about this approach of reducing the amount of energy in our schools by 90% and to be thinking of our Municipal buildings. She has information to share about passive houses. She mentioned that the Waldorf School on Desert Road will be Passive. They have a website which is www.Passivehousemaine.org. More discussion followed. She offered to answer questions.

Jean Fraser wondered if the big bang for the buck might be looking at commercial buildings. Chair Sachs offered to bring this to the Chamber of Commerce.

Sara Vector expressed gratitude to everybody in this room and in the Town for contributing their life and energy for making this community what it is and what it is becoming. She is excited to see what we can do going forward.

Kimberly Darling pointed out that it would be a good idea to establish a base line and suggested getting an intern to start gathering data and go from there. She would be happy to help wherever possible.

Councilor Egan noted this is her last meeting and congratulated Donna for being a one woman show in Freeport. She noted that when there is interest in the community, there are a lot of ideas that get generated. 2% is a good model. By tapping into the resources in Freeport, we could take the next step forward. She is confident we will find tremendous energy out in the community and is confident the Council can define what sustainability means.

Chair Sachs thanked everyone for coming tonight.

2. Recognition of outgoing District 3 Councilor Kristina Egan

Chair Sachs recognized Councilor Egan's accomplishments as someone who is so green and Eco focused. She really pushed the envelope on those things. She will be deeply missed by her constituents. She presented her with a plaque for her five years on the Council and a plant for her new office.

Councilor Tracy noted that she admired how Councilor Egan took the complex issues that the Council tried to address and boiled them down and eloquently expressed her perspective on them. She has good judgment and a good sense of what the big picture is. She is excited for her professional opportunity but whoever sits in her seat, will have big shoes to fill.

Councilor Arris, being the new guy on the block, finds Councilor Egan's leaving disappointing. He has enjoyed working with her and getting to know her. He hasn't seen the years of work that she has done but has seen the way she approaches work and the way she approaches people. She is a delightful role model and he wished her good luck in the future.

Councilor Rixon explained that he knew she did something with transportation in Massachusetts but didn't understand what it was. When she was introduced at GPCOG last week, he found out more about her background and her amazing experience. He read excerpts from her resume. He feels they are fortunate to have her and are looking forward to what she will bring to the area.

Councilor Hendricks thanked Councilor Egan for her work on the Council. He is looking forward to working with her in the future. Councilor Gleeson thanked Councilor Egan for her five years on the Council. He is happy that she has this job opportunity and really happy for Freeport to have one of its own running GPCOG.

Councilor Egan thanked everyone. She explained that it's been an incredible opportunity to serve District 3 residents. She learned very quickly over the last five years what people care about and what their priorities are. One of the key priorities is keeping the people here that have been here a long time by keeping taxes stable and this Council has done an excellent job of managing budgets so that we can do good things but also in a fiscally responsible way to really keep the property taxes manageable for people with lower incomes and have been long time residents and have seen McMansions go up around them.

She learned a lot about the importance of our schools to residents. She has a son going into Freeport Middle School next fall. She also found out how much Freeport residents enjoy walking and biking safely. It has been a pleasure working with the Active Living Task Force.

She doesn't know who will run to fill her seat. She feels it is not a thankless job if anybody is civic minded and cares about the community, cares about working with thoughtful leaders on the Council and a great Town Staff, she hopes there is a competitive campaign for this seat.

She thanked the staff and Councilors for being great and thoughtful partners. She also thanked her husband and son for their support. She hopes her son will have a feeling of civic responsibility and will give back to his town, region or state in some way. Her new job will allow her to be all in Maine and she will continue to work with great folks in Freeport and elsewhere. She also thanked her constituents.

MOVED AND SECONDED: To adjourn at 9:10 p.m. (Egan & Gleeson) **VOTE:** (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #14-16
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY JULY 5, 2016
6:30 p.m.

	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Leland Arris, 70 Glenview Road	X		
Scott Gleeson, 23 Park Street	X		
James Hendricks, 21 West Street			X
William Rixon, 66 Varney Road	X		
Melanie Sachs, 84 Kelsey Ridge Road	X		
Sarah Tracy, 75 Lower Flying Point Road			X

Chair Sachs called the meeting to order at 6:32 and took the roll. She explained that Councilors Hendricks and Tracy are excused this evening but the Council has a quorum to do the people's business.

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 #13-16 held on June 21, 2016 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #13-16 held on June 21, 2016 and to accept the minutes as printed. (Gleeson & Arris) **VOTE:** (4 Ayes) (2 Excused-Hendricks & Tracy)

Chair Sachs noted that normally the Third Order of Business is announcements but with Councilors' permission she asked if it would be all right to jump to the Fourth Order of Business: Information Exchange. Councilors had no objection to doing so.

FOURTH ORDER OF BUSINESS: Information Exchange

Chair Sachs referred to Councilor Egan's resignation because of a conflict of interest as she begins her new position as the Executive Director of GPCOG which leaves a District 3 vacancy which we currently have. She has discussed this with Councilors Hendricks and Tracy who are excused this evening. She explained that the Council has two options: 1) hold a special election or 2) have the seat remain vacant until November. If we save the seat until November, the candidate would be eligible to take out papers on August 1 to fill the seat for the remaining term which is one year. Knowing how thrifty her fellow Councilors are and that special elections cost thousands of dollars, she suggested having a public discussion to see if this is the course of action they want to take.

Councilor Gleeson noted he is fine with leaving the seat vacant until November. Councilor Arris pointed out his opposition to special elections. He feels they are a waste of money and is confident there will be a really good turn-out in November. Councilor Rixon is fine with waiting until November to fill the seat. Chair Sachs pointed out that District 3 residents she has talked to are comfortable talking to At Large Councilors so they are comfortable with this option as well. She encouraged all District 3 residents to think about applying for that term. She thanked Councilors, she wanted to be transparent with folks that this would be the Council's plan to not spend thousands of dollars for candidates to have to take out papers now for something they would take out papers for in less than a month. Councilor Arris pointed out it is one year seat finishing out a term so maybe there is someone out there in District 3 is interested in

checking out what it would be like being on the Council, they wouldn't have to commit to three years. It is just a one year term.

THIRD ORDER OF BUSINESS: Announcements

Chair Sachs extended thanks to L.L. Bean, the Town of Freeport, Public Safety folks, Linda Bean's Restaurant, Rich and Jim DeGrandpre and everybody that helped make the Fourth of July Parade so special this year. There was wonderful collaboration from everyone this year. A special shout out to Michelle Barker of Bath Savings Institution and her local branch for allowing her the time getting the parade together with Freeport Community Services.

- The Library has some great programs scheduled for this summer.

Children's Summer Programs at the Library include:

- **Paint A Pot** for children ages 6-12 on Thursday, July 14th at 1:30 p.m..
 - On Wednesday, July 20 from 6:00 – 7:00 p.m. Children will be making **Rocket race cars** which run along the ground and are powered by candy and soda (for ages 6-11).
 - And, Children who are participating in the Summer Reading Program can take a fabulous **Ferry Boat ride** on Tuesday, July 26th at 1:00 p.m.
- Sign up is required at the Children's desk (space is limited so sign up soon!)**

Other offerings at the Library include:

Author Talks with Vaughn Hardacker author of "Black Orchid" on July 11, & "Blue Lights and Funny Cider" with retired Maine Game Warden John Ford, Sr. & retired Maine State Trooper Mark Nickerson on August 12th.

Summer Concerts with OC and the Offbeats who will be playing swinging tunes the whole family will enjoy on July 28th and Timothy Burris, who is an accomplished lutenist/guitarist will give a classical concert on August 19. For details on these events go to the library's website at www.freeportlibrary.com

- **Winslow Memorial Park Summer Evening Concert Series begins this Thursday, July 7th at 6:30 p.m.** The first concert will feature the Coastal Winds Band—a 50 piece woodwind band playing popular tunes, traditional bandstand tunes and some military tributes.
- **NOMINATION PAPERS WILL BE AVAILABLE AUGUST 1st FOR THE NOVEMBER 8th MUNICIPAL ELECTION** for persons interested in seeking the following offices:

<u>Office</u>	<u>Term</u>	<u>Minimum signatures required</u>
COUNCILOR AT-LARGE – 1 seat	3 years	100 signatures
COUNCILOR DISTRICT 1 – 1 seat	3 years	50 signatures
COUNCILOR DISTRICT 3 – 1 seat	1 year	50 signatures
RSU #5 Board of Directors – 2 seats	3 years	100 signatures
SEWER District Trustees – 2 seats	3 years	25 signatures
WATER District Trustee – 1 seat	3 years	25 signatures

Nomination Papers are due back to the Town Clerk's Office no later than 6:00 p.m. on Wednesday, September 14, 2016. For more information, call Freeport Town Clerk Christine Wolfe at 865-4743, Ext. 123 or email cwolfe@freeportmaine.com

- The Freeport Players are presenting The Odd Couple, the Female Version by Neil Simon July 14-31 at the Freeport Performing Arts Center at 30 Holbrook Street in Freeport. Performances are on Fridays and Saturdays at 7:30 p.m. and Sundays at 2 p.m. There is a pay-what-you-want preview on July 14 at 7:30 p.m. Tickets are \$15 at the door or \$10 in advance. Advance tickets can be purchased at the Players' website or in person at Maine Wicked Goods Mercantile on U.S. Route One South. For more information email: www.fcponline.org.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph reported:

- At the conclusion of June "Clean-up" month, the Recycling Facility reports that 678 clean-up coupons were redeemed. This number is down slightly from 711 coupons in 2015, and 733 coupons in 2014, when the program started. Thanks to the volunteers who took the time to staff the Swap Shop, the shop stayed open throughout each of the Saturdays in June. Originally, there were questions about whether the Swap Shop could be adequately supervised by the Recycling Staff, due to the heavy customer volume in June. Thanks to our volunteers the past few years, this has not been an issue!
- In conjunction with the Town Manager's Office, the Freeport Police Department has concluded an internal promotional process to fill the recently vacated Lieutenant's position. I'm happy to report that Sergeant Nate Goodman, a 19-year veteran of the Freeport Police Department, was selected to fill this position. He is expected to assume his new duties at the end of this month. An internal promotional process for the Sergeant's position vacated by Sergeant Goodman will likely begin in August.
- The Town Manager's Office has recently completed the recruitment phase of the Town Engineer/Public Works Director replacement process. 18 applications were received, with the majority of applicants being from Maine. The initial interview phase is currently underway. Further updates will be provided at the next Council meeting.
- With the first few weeks of bus service under our belt, we have started to get questions about possible changes to bus schedules and stop locations, as ridership patterns are emerging. METRO will be continuously evaluating schedules and stop locations for possible improvements as the pilot program continues over the three-year time frame. If you have any ideas or suggestions about how service could be improved, please contact Town Planner Donna Larson at 865-4743, Extension 103.

Chair Sachs advised that she has been getting very positive feedback. If Councilors receive any positive or negative feedback, she suggested that they pass it on to Mr. Joseph or Donna Larson.

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

There were no public comments provided. If anyone appears later, Chair Sachs explained she would open the Public Comment Period.

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

ITEM #113 -16 To consider action relative to amending the administrative code. PUBLIC HEARING.

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

VOTE: (4 Ayes) (2 Excused-Hendricks & Tracy)

Chair Sachs explained for the public that the proposed amendment is to change the Town's Administrative Code. Right now the Town has a Solid Waste and Recycling Committee and the proposal is to change it to a Sustainability Committee and broaden the scope and add a few members as well. She asked if there were any members of the public interested in talking about this proposed amendment.

Sarah Vector of Desert Road explained that she has been working with the Solid Waste and Recycling Committee as a citizen and is excited about extending the committee and possibly being included. She is confident that the broadened committee could do better things for the Town by bringing in fresh ideas and hands. She feels certain there are a lot of intelligent people that would be willing to lend a hand.

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

VOTE: (4 Ayes) (2 Excused-Hendricks & Tracy)

BE IT ORDERED: That the administrative code be amended as follows:

Note: Proposed amendment to the Town Administrative Code. Strike through language is being removed and underlined language is being added.

SECTION 612- ~~SOLID WASTE/RECYCLING ADVISORY BOARD~~
SUSTAINABILITY ADVISORY BOARD

612.1 Establishment

The ~~Solid Waste/Recycling Advisory~~ Sustainability Advisory Board shall consist of ~~five (5)~~ seven (7) members serving three year staggered terms. A quorum of the Committee is necessary to conduct an official meeting and shall consist of at least ~~three (3)~~ four (4) members. Members shall all be residents of the Town of Freeport. The Committee shall annually elect officers from its own membership. The officers shall be eligible for re-election.

612.2 Duties and Responsibilities

The Committee shall:

1. advise/recommend to the Town Council through the Town Manager; 2. advise/recommend all ~~solid waste policies, recycling policies, and demolition handling sustainability related~~ policies to the Town Council; 3. review all contracts pertaining to ~~solid waste, recycling and demolition sustainability handling~~ prior to the execution of contracts; 4. study any other matters or duties that from time to time are requested by the Town Council as it pertains to the above matters; 5. meet monthly as determined by the Committee. ~~Amended June 16, 2015~~

612.3 Employment of ~~Solid Waste/Recycling Staff~~ Town Staff

1) The Town Manager shall ~~may~~ appoint a Solid Waste/Recycling Director who will staff the Solid Waste and Recycling Committee town staff person to staff the Sustainability Advisory Board.

2) ~~The Solid Waste/Recycling Director shall carry out all solid waste/recycling~~ Appointed staff will perform sustainability functions as assigned by the Town Manager as amended. (Gleeson & Arris)

Chair Sachs advised that Josh Olins has been clear about things he thinks can be amendments and Councilor Hendricks also gave her some recommendations. She asked if this is the direction the Council wants to go in. Councilors agreed that it is okay to proceed with Sustainability as opposed to Solid Waste and Recycling.

Chair Sachs went to 612.1 and asked if there are any changes to be made. Councilors indicated they were fine with it as written.

Chair Sachs went to 612.2 and advised that Councilor Hendricks recommended adding *and/or through Town Staff* to 2 so that it reads: advise/recommend all sustainability related policies to the Town Council and/or through Town Staff. Other Councilors agreed. Chair Sachs advised that Mr. Olins and Councilor Hendricks recommended removing 3. Councilor Arris noted he is fine with taking it out but didn't see a problem with leaving it in. There was general agreement to remove 3. No. 4 now becomes 3 and Councilor Hendricks recommended adding *and or Town Staff* after Town Council so that it now reads: 3. study any other matters or duties that from time to time are requested by the Town Council and or Town Staff as it pertains to the above matters; Change 5 to 4. meet monthly as determined by the Committee.

Chair Sachs referred to 612.3 and explained that Councilor Hendricks preferred *will appoint* but she prefers "*may appoint*". Other Councilors agreed with Chair Sachs in using "may". Councilor Rixon pointed out that Employment of Solid Waste/Recycling Staff should be changed to Town Staff. Mr. Joseph and other Councilors agreed it should be *Town Staff*.

ROLL CALL VOTE ON AMENDED ORDER: (4 Ayes) (2 Excused:
Hendricks & Tracy)

Chair Sachs thanked the committee for all its work.

ITEM # 114-16	To consider action relative to the appointment of Charles Jordan of Camden, Maine as Freeport Fire Chief.
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BE IT ORDERED: That the Town Manager's appointment of Charles Jordan as Freeport Fire Chief for an indefinite term be confirmed by the Town Council.
(Arris & Gleeson)

Mr. Joseph pointed out that he was happy to nominate Charlie Jordan of Camden for appointment as Fire/Rescue Chief. He explained his notable career which included 25 years with the Rockland Fire Department. In his last 10 years of service to the city of Rockland, he held the full-time position of Fire Chief. His start date will August 1 and as a condition of employment has agreed to establish and maintain residency in Freeport.

Acting Fire Chief, Paul Conley extended his personal welcome and on behalf of the department, welcomed Mr. Jordan to the department and to Freeport. They look forward to some new ideas or some repackaged ideas. He has a long history in the fire service and is respected in the community and Chief Conley feels fortunate to have him join them.

Councilor Rixon noted he is impressed with Mr. Jordan's resume and has great faith in our Town Manager's input in these matters. Chair Sachs advised that she also reviewed the documents and had an opportunity to meet Mr. Jordan. She warned Mr. Jordan that after the vote, he would be asked to say a

few words.

ROLL CALL VOTE: (4 Ayes) (2 Excused-Hendricks & Tracy)

Mr. Jordan explained that when he saw the Freeport announcement, he felt that what he experienced in the past and where they would like to be in the future, this position would be a great fit both in terms of the fire service and the community. He is pleased to move to Freeport and work with Chief Conley and Chief Nourse and the rest of the Town Staff. He thanked his wife for supporting and encouraging all of this. Chief Conley could not have been more kind and professional in their meetings and he would say that the staff in the interview process was very professional and he was impressed with it.

On behalf of the Town, Chair Sachs welcomed Chief Jordan and his wife, Robin to our community. She thanked him for being here this evening. She also thanked Acting Chief Conley for serving as Acting Chief.

ITEM # 115-16 To consider action relative to awarding a public peddler location to Linda Gastonguay d/b/a J&Ls.

BE IT RESOLVED: That the public peddler license for Linda Gastonguay d/b/a J&Ls at the location of Depot/Mill Street be approved. (Rixon & Gleeson)

Chair Sachs explained that this application is to replace one that had been won previously but the person decided not to pursue it so since it is off cycle, we had to make a special agenda item. Mr. Joseph noted that these are typically done all at once when we do the lottery but the applicant who was successful in the lottery decided not to do it this year. Our Ordinance tells us the Town Clerk can award on an as available basis if there are vacancies throughout the year. This was not on the Consent Agenda because it would have been the only item. It is in front of the Council as a regular item instead.

VOTE: (4 Ayes) (2 Excused-Hendricks & Tracy)

ITEM # 116-16 To consider action relative to approving annual Special Amusement Permits.

BE IT ORDERED: That a Public Hearing be scheduled for July 19, 2016 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. (Gleeson & Arris)

VOTE: (4 Ayes) (2 Excused-Hendricks & Tracy)

ITEM # 117-16 To consider action relative to electing a representative to serve on the 2016-2018 Maine Municipal Association's Legislative Policy Committee.

BE IT ORDERED: That the Town Council vote to elect Kristi Eiane, Administrator, Town of Harpswell the 2016-2018 Maine Municipal Association's Legislative Policy Committee Representative. (Arris & Gleeson)

Mr. Joseph explained that Ms. Eiane is his counterpart in the Town of Harpswell. She is the only person to put her name in for this. He has served as an Alternate for this Committee from 2014-2016. If she wants to take it on, he is confident we will be well served.

VOTE: (4 Ayes) (2 Excused-Hendricks & Tracy)

OTHER BUSINESS:

1. Discussion on suggested amendment from Shellfish Commission regarding student commercial shellfish licensing.

Chair Sachs advised Councilors that they have a thorough memo from Doug Leland, Chair of the Shellfish Commission regarding language change requests to their Ordinance. The changes requested are:

1) removing language originally designed to address a one-time exception for a 13-year old student. They feel this is no longer needed.

2) clarifying compliance language.

Mr. Joseph explained that in the compliance language, it arose several times. Currently the Ordinance requires an applicant to submit proof that he or she is a student when they get their license in the spring but there have been instances where possibly they could have been students, but did not continue to attend school whether it was college, high school or whatever. For example, someone dropping out of college after taking the second semester but not taking the first semester the next year. There was no way to address that in the Ordinance as it currently stands. Only if you are a student at the time of the commercial license lottery, you continue to be eligible throughout the year. This adds language like *shall continue to maintain student status* and things like that. One would have to stay a student throughout the process, not just be one at the beginning for the year. It is felt that this will address the instances where people were students for a short time at the beginning but stopped going to school and they would no longer be able to maintain their student license, which they felt was the spirit of the license for people actively in school.

Chair Sachs noted it appears that this is an enforcement piece where the licensee no longer complies with the license requirements and asked if the Shellfish Committee had a remedy for this. Mr. Joseph that they did not and mentioned there were a few cases that were brought up by shellfish harvesters who said "this person was given a student license but is no longer a student. Why is he/she allowed to be clamming, if they are no longer a student?" It became apparent that there was no requirement in the Ordinance and no way to enforce it if they stop being a student. This is all about student licenses.

Mr. Joseph noted the intent is for this to go to public hearing in front of the Council. Chair Sachs advised that the Council will set the public hearing at the next meeting for the first meeting in August. Mr. Joseph will let Doug Leland know.

MOVED AND SECONDED: To adjourn at 7:26 p.m. (Gleeson & Arris)
VOTE: (4 Ayes) (2 Excused-Hendricks & Tracy)

Respectfully submitted,

Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #16-16
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY JULY 26, 2016
6:30 P.M.

	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Leland Arris, 70 Glenview Road	X		
Scott Gleeson, 23 Park Street	X		
James Hendricks, 21 West Street	X		
William Rixon, 66 Varney Road	X		
Melanie Sachs, 84 Kelsey Ridge Road	X		
Sarah Tracy, 75 Lower Flying Point Road	X		

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

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 #14-16 held on July 5, 2016 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #14-16 held on July 5, 2016 and to accept the minutes as printed. (Gleeson & Arris) **VOTE:** (6 Ayes) (1 Excused-Tracy)

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

ITEM #128 -16	To consider action relative to special amusement permit applications. PUBLIC HEARING.
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MOVED AND SECONDED: To open the public hearing (Hendricks & Gleeson) **VOTE:** (6 Ayes) (1 Excused-Tracy)

There were no public comments provided.

MOVED AND SECONDED: To close the public hearing. (Hendricks & Gleeson) **VOTE:** (6 Ayes) (1 Excused-Tracy)

BE IT ORDERED: That the following special amusement permits be approved for:

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 (Hendricks & Gleeson) **ROLL**

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

ITEM #129 -16

To consider action relative to Maine Municipal Association's Election of Vice President and Executive Committee Members.

BE IT ORDERED: That the Town Council vote for Linda Cohen, Councilor, City of South Portland for Vice President of Maine Municipal Association's Executive Board and James Gardner, Jr., Town Manager, Town of Easton; Christine Landes, Town Manager, Town of Bethel, and Mary Sabins, Town Manager, Town of Vassalboro for Maine Municipal Association's Executive Committee Members. (Rixon & Gleeson)

Mr. Joseph explained that this is on tonight's agenda because the deadline for this was before the next Council meeting.

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

ITEM # 130-16

To consider action relative to the approval of the following victualers' licenses.

BE IT ORDERED: That the following victualers' license applications be approved without conditions:

1. Freeport Donuts, LLC, d/b/a Dunkin Donuts
2. Frozen Custard Treats, Inc. d/b/a Mainely Custard
3. Frozen Custard Treats, Inc., d/b/a Classic Cookout

BE IT FURTHER ORDERED: That the following victualer's license be approved upon payment of real estate taxes:

1. FP Café, Inc. d/b/a Freeport Café. (Arris & Gleeson)

Mr. Joseph explained that these are all standard license applications which will expire at the end of this week.

MOVED AND SECONDED: To adjourn at 6:35 p.m. (Gleeson & Arris (**VOTE:**
(6 Ayes) (1 Excused-Tracy)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES
FREEPORT TOWN COUNCIL MEETING #17-16
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY AUGUST 2, 2016
6:30 PM**

	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Leland Arris, 70 Glenview Road	X		
Scott Gleeson, 23 Park Street	X		
James Hendricks, 21 West Street	X		
William Rixon, 66 Varney Road	X		
Melanie Sachs, 84 Kelsey Ridge Road	X		
Sarah Tracy, 75 Lower Flying Point Road			X

Chair Sachs called the meeting to order at 6:32 p.m. and took the roll. She noted that Councilor Tracy 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 #16-16 held on July 26, 2016 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #16-16 held on July 26, 2016 and to accept the minutes as printed. (Gleeson & Hendricks)

VOTE: (5 Ayes) (1 Excused-Tracy)

THIRD ORDER OF BUSINESS: Announcements

Chair Sachs announced the following:

The Library has some great programs scheduled during August.

Author Talks with “Blue Lights and Funny Cider” with retired Maine Game Warden John Ford, Sr. & retired Maine State Trooper Mark Nickerson on August 12th.

Summer Concerts with Timothy Burris, who is an accomplished lutenist/guitarist will give a classical concert on August 19 at 7 p.m. For details on these events go to the library’s website at www.freeportlibrary.com

Know the Ten Signs of Alzheimer's with Mark Prchenik of the Maine Alzheimer's Association on Wednesday, August 10 at 6 p.m. The Alzheimer's Association has worked with a wide range of experts to upgrade its ten warning signs of Alzheimer's to help people distinguish normal signs of aging versus signs of dementia. Chair Sachs went out on a limb and pointed out that most everything at the Library is free so she said these are all free. If not, she instructed Arlene Arris to let her know.

- **Winslow Memorial Park Summer Evening Concert Series continues** this Thursday, August 4, **at 6:30 p.m.** with Bishop Ave, playing acoustic rock and Americana. On August 11 Boneheads will be featured. On August 18, Jimmy Junkins and Big Fat Cadillac will be playing boogie woogie dance hall rock. On August 25, Greybeard will be providing an eclectic mix.
- **NOMINATION PAPERS WILL BE AVAILABLE AUGUST 1st FOR THE NOVEMBER 8th MUNICIPAL ELECTION** for persons interested in seeking the following offices:

<u>Office</u>	<u>Term</u>	<u>Minimum signatures required</u>
COUNCILOR AT-LARGE – 1 seat	3 years	100 signatures
COUNCILOR DISTRICT 1 – 1 seat	3 years	50 signatures
COUNCILOR DISTRICT 3 – 1 seat	1 year	50 signatures
RSU #5 Board of Directors – 2 seats	3 years	100 signatures
SEWER District Trustees – 2 seats	3 years	25 signatures
WATER District Trustee – 1 seat	3 years	25 signatures

Nomination Papers are due back to the Town Clerk's Office no later than 6:00 p.m. on Wednesday, September 14, 2016. *For more information, call Freeport Town Clerk Christine Wolfe at 865-4743, Ext. 123 or email cwolfe@freeportmaine.com*

Income eligible residents of Freeport and Yarmouth may qualify for free ride passes on the new bus, the Metro Breez. Income limits are posted on the Town's website. Interested applicants must complete a very simple application here in the Freeport Town Hall. Please contact Johanna Hanselman at 865-4743, Extension 120 for more information or stop by Freeport Town Hall during regular business hours which are Monday through Thursday 7:30 a.m. to 6 p.m. to complete an application.

This Friday is Free Fare Friday where it is free to ride the Metro Breez. Please note they are not doing late buses back so please check the schedule or get a ride back with friends.

Councilor Gleeson announced that the Appointments Committee is seeking residents to serve on Town Boards and Committees. Currently there are openings on the Shellfish Commission, the Coastal Waters Commission and the Sustainability Advisory Board which was formerly the Solid Waste and Recycling Committee. Application forms are available at the Town Office and can be downloaded from the Town's website: www.FreeportMaine.com.

FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Rixon advised that the Shellfish Conservation Commission met last Wednesday and discussed the Marine Resource Conservation Officer vacancy. They considered the merits of having one or two people fill that vacancy and decided on one. They have discussed surveying the flats for next year. They also discussed aqua culture leasing versus permitting. Leasing is what the DMR has on the books and permitting would be Municipal permitting at the town level. They have been in touch with Councilor Tracy and wish to meet with the Ordinance Committee to discuss this further. Chair Sachs advised that the meeting has been set for August 25 at 6 p.m. She encouraged interested residents to watch the website for the Ordinance Committee's agenda.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph reported:

TRAFFIC ALERT—As part of the culvert slip lining project that MDOT is undertaking at the Frost Gully crossing on US Route 1 just north of Kendall Avenue, a permanent lane closure will be in effect from August 8 until mid-September. Traffic will be reduced to one lane at all times during this period. Delays should be expected.

FCTV 3 will be under construction beginning August 4. In the Cable TV control room, we will be relocating and replacing equipment and wiring with new technology that will not only save space, but will consume much less energy than the current setup and offer greater camera control. The microphone system presently in use will not change. Live meeting video and audio recording capabilities will not be available during the month of August, with a completion date expected to be no later than August 26th. FCTV 3 and live streaming services may experience some short outages as well, however the VOD service at fctv3.viebit.com will not be affected by these changes.

Following the completion of the Control Room Project, the Community Center microphone system will be completely renovated. The present wireless microphone system will be replaced with new hard wiring and a microphone system that is identical to the microphones used in the Council Chambers. This project will take approximately two weeks to complete, and is intended to address some of the live audio difficulties that have occurred recently using the current wireless setup.

I would like to take this opportunity to welcome Fire/Rescue Chief Charlie Jordan, who started work this Monday. Chief Jordan has been making the rounds with Fire/Rescue staff becoming acquainted with the Town. He's jumped right in, and has responded to several calls with the overnight ambulance crew. If you would like to meet him, feel free to stop by the Fire Department during business hours and introduce yourself.

COP Talk Program—COP is an acronym for “Citizens on Patrol”. We are all citizens on patrol, observing and reporting activities in our Town. Some citizens have taken on the job of policing: making sure our community is a safe place to live, work, and play. Our officers rely on others to be witnesses within our community to help them do their job and also encourage conversations between citizens and police department members. Please join members of the police department as we discuss current trends, issues, and concerns facing the people, whether it's here in Freeport, or in Maine, or even items of national interest.

Who: YOU! Anyone who would like to meet members of the Freeport Police Department

What: COP Talk—discuss issues that are of concern to YOU!

When: Thursday, August 4, 2016 at 4 p.m.

Where: Town Council Chambers, Freeport Town Hall

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

MOVED AND SECONDED: To open the public comment period. (Gleeson & Hendricks) **VOTE:** (5 Ayes) (1 Excused-Tracy)

Jamie Roux formally requested an opportunity to speak at this year's 9/11 Remembrance Ceremony. On September 11, 2001 he was a sophomore in high school and his father was in one of those planes. What was such a sad and confusing day was softened by the support from this community. It is a very personal day for him. He shared his experience from last year. He is looking for an opportunity to present a viewpoint that is for non violence and peace. He is not demanding that a ceremony take place and if a decision is made to not hold one, it will be fine with him.

Chair Sachs advised that she takes this very seriously. Based upon the feedback from last year, no determination has been made of what type of public remembrance, if any, will be going on but she welcomes the opportunity to dialogue with Mr. Roux about that as it moves forward. She left the podium in order to get contact information from Mr. Roux and to share her information with him.

Councilor Arris pointed out that if we do a ceremony, he hopes Mr. Roux will be able to speak.

MOVED AND SECONDED: To close the public comment period. (Hendricks & Arris)
VOTE: (5 Ayes) (1 Excused-Tracy)

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

ITEM #131-16 To consider action relative to adopting the August 2, 2016 Consent Agenda.

BE IT ORDERED: That the August 2, 2016 Consent Agenda be adopted.
(Gleeson & Hendricks)

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

VOTE: (4 Ayes) (2 Excused-Sachs & Tracy)

ITEM # 132-16 To consider action relative to a proposed amendment to section 32-601(A)(3), 32-601(A)(5) and 32-601(B)(3)(b) of the Freeport Shellfish Ordinance.

BE IT ORDERED: That a public hearing on the proposed amendment to section 32-601(A)(3), 32-601(A)(5) and 32-601(B)(3)(b) of the Freeport Shellfish Ordinance be set for September 6, 2016, at 6:30 PM, in the Town Council Chambers.

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. (Hendricks & Arris)

ROLL CALL VOTE: (5 Ayes) (1 Excused-Tracy)

Chair Sachs resumed her seat on the podium.

ITEM #133-16 To consider action relative to the appointment of Adam Bliss as Freeport Town Engineer/Public Works Director.

BE IT ORDERED: That the Town Manager's appointment of Adam Bliss of Scarborough as Freeport Town Engineer/Public Works Director for an indefinite term be confirmed by the Town Council. (Rixon & Gleeson)

ROLL CALL VOTE: (5 Ayes) (1 Excused-Tracy)

Mr. Joseph introduced Adam Bliss and explained the process that was followed. He feels very fortunate to have been able to find someone of Mr. Bliss' skill set. Albert Presgraves will be here until September 1. Chair Sachs thanked Mr. Bliss for coming on board and congratulated him.

Councilor Arris welcomed Mr. Bliss and asked about his coaching that won the regular season championship and if he would be going out of town. Mr. Bliss explained that he will not be going out of town.

Mr. Bliss thanked the Town Manager, Judy Hawley and the Hiring Committee for all their time and effort in the hiring process. He noted he is pleased and honored to be appointed. This completes his vision to become a town engineer. He also thanked and recognized Al Presgraves for his thirteen plus years serving the Town of Freeport.

ITEM #134 -16 To consider action relative to an Interlocal Agreement between the Town of Brunswick and the Town of Freeport for the provision of dispatch services.

BE IT ORDERED: That the proposed Interlocal Agreement between the Town of Brunswick and the Town of Freeport for the provision of dispatch services for the period of July 1, 2016 to June 30, 2022 be approved.

BE IT FURTHER ORDERED: That the Town Manager be authorized to execute said agreement on behalf of the Town of Freeport. (Arris & Gleeson)

Mr. Joseph explained that Freeport's Dispatch Services have been provided by the Town of Brunswick for the past six years and things have been very smooth. The Town of Freeport provides a monthly fee of roughly \$11,000 to Brunswick. The only change in this agreement is negotiated as cost. Brunswick has showed us that their cost to provide services has gone up approximately 4% per year. The existing contract stipulates we will either pay a 3% increase per year or something based on the CPI which has averaged over 2 ½% over six years, so we have taken the lesser increase. Essentially we have come to a compromise of 3% per year. That is literally the only change in this agreement.

Councilor Arris asked what the annual increase will be. Mr. Joseph advised that it will be an increase of \$600 over what we pay now. Chair Sachs asked if there was any response from the Brunswick Town Council since they were scheduled to take this up last night. Mr. Joseph advised that he has not heard anything from them. If the agreement does not sail through, he noted he would be back.

Chair Sachs explained that the Council will not be having its regularly scheduled second meeting in August since it will be attending the annual Bustins Island meeting. She asked if there are any issues with the wording on Page 3. Mr. Joseph indicated there are no current issues with service to Bustin's but there were concerns back in 2010 as to whether cell phones would work on Bustin's. Tests have been done on the island to see where calls would be picked up.

ROLL CALL VOTE: (5 Ayes) (1 Excused-Tracy)

Chair Sachs thanked Mr. Joseph and the town of Brunswick.

ITEM # 135-16 To consider action relative to awarding a bid for two police cruisers.

BE IT ORDERED: That Casco Bay Ford be awarded the bid for two police cruisers in the amount of \$48,814.

Note: The Town Council appropriated \$59,000 in FY17 Capital Budget for the purchase of a Chief's vehicle and a police cruiser. The current balance of the Police Equipment Reserve account is \$394,607. (Gleeson & Hendricks)

Chair Sachs thanked Chief Nourse for her diligence in putting together the bid and appreciated the fact that the bids came in so far under budget. There were no questions raised.

ROLL CALL VOTE: (5 Ayes) (1 Excused-Tracy)

ITEM #136 -16 To consider action relative to an agreement with the Maine Department of Transportation regarding remediation of abutting properties affected by Interstate 295 tree clearing.

BE IT ORDERED: That the agreement with the Maine Department of Transportation regarding remediation of abutting properties affected by Interstate 295 tree clearing be approved. (Hendricks & Gleeson)

Mr. Joseph explained that this is the agreement between the Town of Freeport and the Maine Department of Transportation regarding replanting along the edge of abutting properties where the clear cutting took place last year. Properties are located at the ends of True, Kendall and Elm Streets. The State provides \$20,000 in funding to the Town to purchase the vegetative material. The Town can also use it for installation but it is estimated that the vegetative material will take up most of that \$20,000. We have agreed to have our Public Works staff do the installation. Our staff time is the only cost going into this project. There are no taxpayer dollars coming from the General Fund for this. The agreement has been drafted by the Town Attorney and is satisfactory in our opinion as well as the attorney's opinion. It is a standard contractual agreement. All the abutters were talked to and met individually with the State's Landscape Architect and the Town's Engineer. The limited scope is defined as direct abutters within 100 feet.

Councilor Gleeson pointed out that the Town is considered an abutter since it is the end of our public road. At the end of True Street, we have discussed getting a larger fence or fast growing shrubs for our right-of-way. MDOT has drastically changed the way they are doing their clear cutting and people can see them taking a much more careful approach.

Chair Sachs thanked Councilor Gleeson for all the time he spent with the abutters and working with MDOT. She does not have any issues with the agreement but noticed that folks have to come in and sign and get it notarized free of charge. For the record, once this goes in, it becomes the responsibility of the homeowner or abutter who has agreed to this particular remedy, to continue to care for the remedy in perpetuity so the Town's obligation does not continue to go on. She thanked Mr. Joseph, Councilor Gleeson and Representative Gideon who was integral for making this happen. This was not a normal remedy. She also thanked the Town Attorney for bringing it forward.

ROLL CALL VOTE: (5 Ayes) (1 Excused-Tracy)

ITEM # 137-16 To consider action relative to awarding a contract for a new Cable TV van.

BE IT ORDERED: That the contract for a new Cable TV van be awarded to Casco Bay Ford in the amount of \$31,337.00.

NOTE: The Town Council appropriated \$25,000 in the FY17 capital budget for this item. The town expects to receive a minimum \$10,000 trade in on the existing vehicle bringing the net purchase price to \$21,337. The balance of the cable reserve fund was approximately \$511,319 as of 1/1/2016. (Rixon & Gleeson)

John Goran was in attendance. Chair Sachs pointed out that this bid came in under the allocated price for the van. She appreciates the diligence of Rick Simard and the team to get this under the allocated amount. While there is a trade-in offer of \$10,000, they are going to put the van out to bid to see if they can get a better price. If not, they will go and do the trade in if approved by the Council.

Mr. Joseph explained that they did a bid process but did not receive a bid over \$10,000. The plan now is to take the \$10,000 offer from Casco Bay Ford.

VOTE: (5 Ayes) (1 Excused-Tracy)

ITEM #138 -16 To consider action relative to awarding a contract for Cable TV air conditioners.

BE IT ORDERED: That Royal River Heat Pumps be awarded the contract for Cable TV air conditioners in the amount of \$6689.00.

NOTE: The Town Council appropriated \$6,000 in the FY17 capital budget for this item. The remaining \$689 will come from the equipment budget. The balance of the cable reserve fund was approximately \$511,319 as of 1/1/2016. (Arris & Gleeson)

Chair Sachs noted the Council has a memo in front of it. The successful bidder has already installed two units at Town Hall and is experienced in this.

VOTE: (5 Ayes) (1 Excused-Tracy)

Chair Sachs thanked Mr. Goran for being here this evening.

OTHER BUSINESS:

1. Results of tax foreclosure property auction.

Finance Director, Jessica Maloy explained that the Town contracted with Tranzon Auction Properties to be the company that handled our on-line bidding program. There were nine parcels involved. The auction was held between July 26-28. Happily the bid reserve levels were met on eight of the nine parcels. One parcel did not receive a bid. At the conclusion of the auction, Purchase and sales agreements were sent out and signed off for all parcels. A 10% deposit was collected by Tranzon from each of the bidders. Bidders have 45 days to close on the parcels and provide the money to the Town. She feels the process was extremely easy and beneficial for the Town. It cleans up back taxes that have been owed for a multitude of years.

The parcel that did not receive any bids is located on the Allen Range Road. There are three options that we can explore at this point: 1) The Town can offer to sell the property at less than the reserve level to any parties that expressed interest in it during the on-line bidding process. Tranzon can contact them and see if

they are willing to offer something other than the reserve level that was stipulated. 2) The property can be re-auctioned outright with Tranzon with no reserve level and if there is no interested party that wants to pursue a lesser amount, we can put it back out to bid with no reserve level and see if anyone is interested. 3) We can retain the property as town-owned property. She is looking for guidance from the Council on these options as to how to proceed. It is management's recommendation that we apply the \$142,400 that was reserved and apply it to all back taxes, interest and fees along with an additional \$19,800 which will cover the interest and taxes due on three of the parcels-Maple Avenue, DiPietro Drive and Allen Range Road. For various reasons, more taxes were owed than the property was valued or the parcel was actually larger on DiPietro Drive than what was auctioned off so more taxes are owed than the piece than was auctioned off. This \$19,800 will cover the shortfalls for those three parcels. She pointed out that interest changes daily until we make these decisions and is based on the closing dates. It is the recommendation of management that based on our tax acquired property policy, the remaining \$82,400 that was collected through this on-line bidding process be transferred into the Comprehensive Town Improvement Capital Reserve.

Councilor Hendricks noted he is happily surprised at the amount of these bids. It feels nice because when we began this process six years ago, there were probably thirty properties that were on the tax-acquired list and now we are down to one. He would prefer to offer that parcel that was not sold through the on-line bidding, to try to sell it at less than what it was reserved at. He asked what fund the Council took the money out for the Track and Field. Ms. Malloy advised that it came from the Comprehensive Town Improvement. Councilor Hendricks recalled that it was the will of the Council to transfer any additional funds to support the field. He feels it was a great decision to choose the company that did such a good job. Mr. Joseph noted that there were 33 active bidders but he and Jessica and the Planning Department talked to more than 100 people to determine if the properties were buildable. The Tranzon staff worked with the Town Attorney. A title defect was found in one of the properties and it will come back to the Council. Tranzon had 11,000 hits to view these properties.

Ms. Malloy explained that on Maple Avenue, we set the reserve at the value of the parcel because what is owed in taxes is greater. This covers the principal and it meets the assessed value of the property but there is another \$5,300 in interest that has accrued over time. There is \$3,600 owed in back taxes on the Allen Range Road property but there were no bids received. Chair Sachs assured people that this is just one parcel on the DiPietro property but there still will be a question on the remaining piece. Mr. Joseph advised that we will satisfy the back taxes on all the components of the DiPietro property by selling only one lot. We have not subdivided the second lot there and there is a remaining piece as well. It will have to come back to the Council at a future meeting. Councilor Hendricks feels it should be given to the Conservation Commission to add to Florida Lake. He offered to revisit the property with MFC and come up with a comprehensive plan on what to do with the balance.

Mr. Joseph advised that the Allen Range Road parcel is only 21,300 square feet and it would be difficult to build on this long narrow property. Councilor Gleeson agreed with Councilor Hendricks that he would prefer to offer to sell it at less than what it was reserved at.

MOVED AND SECONDED: That the Town offer to sell the Allen Range Road property at less than reserve to those that expressed interest in the on-line bidding process.
(Hendricks & Gleeson) **ROLL CALL VOTE:** (5 Ayes) (1 Excused-Tracy)

Chair Sachs thanked Councilor Hendricks and MFC, Mr. Joseph and the team for doing such a great job.

2. Discussion on possible ballot initiatives for November 8, 2016:
 - a. Resubmittal of Charter amendment pertaining to the circulation of petitions.

Chair Sachs explained that the charter amendment did pass in majority vote but did not reach the threshold of being able to have enough participants in order to have that take effect. The next possible time that this could be voted on is November 8. She asked the Council if there is general agreement that we can place this charter amendment on the November 8 ballot. No opposition was provided. She asked Mr. Joseph when the mailing goes out in the fall offering information and asking for appeals. Mr. Joseph was not sure when it goes out. He guessed it went out in September or October. Chair Sachs asked if it would be possible to put a little blurb regarding this to remind people about why it is there. Mr. Joseph agreed that this information could be provided in the mailing.

- b. Possible Charter amendment eliminating the restriction on signing multiple nomination papers.

Chair Sachs advised that this is something that we should move when we have a full component of Councilors but she wanted to bring it back. There was a request from an RSU 5 Board member mentioning the fact that right now in the RSU5 Board seats, that there is a limitation if a person signs one. If there happens to be three seats, they are unable to sign for any other candidate for the RSU5. We had a bit of a debate and there was a variance of opinion regarding that particular situation. There is nothing that can be done for this coming election cycle but she did want to have that discussion because if it were to go on in November, the Council would have to start talking about it fairly quickly. Mr. Joseph advised that this could be in front of the Council at the first meeting in September and there are certain periods of time that it needs to be publicized.

Chair Sachs feels we should let people sign as many petitions as they want. It would mimic State law. She noted that other folks would prefer to designate it per seat so we would designate District 1, 2 or 3—Seat 1, 2 or 3. That starts putting on districts for Councilors. Councilor Hendricks feels it is not the Council's decision to decide to have District seats for the RSU. This is something the RSU would have to agree with. He is not in favor of having a “signing party” and have a bunch of people show up and sign nomination papers. He feels it cheapens the process. Someone has to be serious enough to go out and get signatures and make sure they have more than enough signatures. They then have to get them validated. If we do it for the School Board, we would have to do it for the Council. He met lots of people he would never have met at the Transfer Station and Bow Street Market and struck up a conversation. He feels this is taking the easy way out.

Councilor Gleeson advised that he can see both sides but would prefer to leave it alone. He agrees that Councilor Hendricks makes a good point. Councilor Rixon agrees that people should be able to sign as many nomination papers they wish. He has never heard of a “signing party”. He did not remember what Valy Steverlynek was proposing but feels it was valid.

Councilor Arris feels Councilor Hendricks is correct and agrees with him. Letting everybody sign papers willy-nilly will strengthen the position of special interest groups and he feels this is significant. Someone gets their papers filled out and there are three days left. Some group says “we don't want that person and we have to get someone else. It doesn't matter who we get. Let's get the network going and we will sign all the papers. We don't have to worry if they have signed someone else's papers. This makes it easier for us as a special interest group to get our candidate because we don't like this other candidate.”

Councilor Gleeson is still leaning towards not touching it but it is not a closed door. Councilor Hendricks would like more feedback from the School Board and asked Mr. Joseph to check with Yarmouth and Brunswick to see what they do in the signing process.

Mr. Joseph has had conversations with the Town Attorney. He advised that it is perfectly legal to have your charter set up that way but not everyone does it. He will send the Council a memo and Chair Sachs will reach out to Valy to see if they have had any more discussion on this and will bring it back to the

September meeting. Mr. Joseph will also bring language in the event we want to make a motion. It will be very simple.

3. Discussion of public peddler fees.

Mr. Joseph explained that this is fee specific. The Council establishes a set of scheduled fees and Town Staff cannot reduce fees. An applicant made a formal request to the Council in writing to reduce the fee for a public peddler fee because only half of the year was useable. Unless the Council makes a formal action to reduce the fee, we charge the full amount.

The petitioner was not in attendance.

Councilor Hendricks clarified that most folks pay their \$500 in January and it is weather permits. The applicant has only missed two months. Everyone else is paying the same fee and not having a full year of work. Mr. Joseph advised that this person made the financial choice to do the licensing and has already paid the full amount.

Councilor Hendricks indicated he could be convinced to return \$41.66 but unfortunately it is what it is. Councilor Arris pointed out he is reluctant to get into fee changes and does not want to set a precedent because pretty soon we will be dealing with a lot of requests. Mr. Joseph is reluctant to recommend yes on this one because of the reason Councilor Arris just stated. He feels it is the Council's duty to consider the resident's request but he would be nervous that the Council would get a slew of fee waiver requests. He has only dealt with two of them since he has been in Freeport. If we do this, we will be opening the door to doing this on a regular basis.

Councilor Arris recommended that Mr. Joseph give some thought during budget talks to suggest that there is some way that this could happen without coming to the Council.

Councilor Hendricks changed his mind. He does not want to return any portion of the fee. Councilor Gleeson does not want to return any money. The only time he would be willing was if it was something we caused such as Public Works tearing up the sidewalk and they could not do business there.

No action was taken. Chair Sachs reminded the public that the Council will not be meeting on August 23 since it will be taking the ferry to Bustin's Island. The public is welcome to join the Council since it is a public meeting.

MOVED AND SECONDED: To adjourn at 8:15 p.m. (Gleeson & Hendricks)
VOTE: (5 Ayes) (1 Excused-Tracy)

Respectfully submitted,

Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #18-16
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY SEPTEMBER 6, 2016
6:30 P.M.

	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Leland Arris, 70 Glenview Road	X		
Scott Gleeson, 23 Park Street	X		
James Hendricks, 21 West Street	X		
William Rixon, 66 Varney Road	X		
Melanie Sachs, 84 Kelsey Ridge Road	X		
Sarah Tracy, 75 Lower Flying Point Road	X		

Chair Sachs called the meeting to order at 6:35 p.m. and took the role.

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 #17-16 held on August 2, 2016 and to accept the minutes as printed.

MOVED AND SECONDED: to waive the reading of the minutes of Meeting #17-16 held on August 2, 2016 and to accept the minutes as printed.(Gleeson & Hendricks)
VOTE: (6 Ayes).

THIRD ORDER OF BUSINESS: Announcements:

Councilor Hendricks announced that the Municipal Facilities Committee will be meeting on Thursday, September 15 at 7:30 a.m. They will be discussing the Leon Gorman Park, the DiPietro property and Soule School.

Chair Sachs announced:

- **Nomination papers** for all town elected positions remain available until the deadline date of 6 p.m. September 14th. 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.
- Regarding the 9/11 observance ceremony, On Sunday, September 11 at 9 a.m. there will be a silent procession from the Public Safety Building to the Tower Monument at Main and West Streets. There will be a Color Guard with two police officers carrying rifles and two Fire and Rescue Department members carrying flags. They will process from the building to the corner of Main and West Streets and place two wreaths, one for each tower. A moment of silence will be observed and then we will ring the Fire Department bell and then recess to the building. Anyone from the public is cordially to attend and stand near the monument and then disperse when the Color Guard returns to the building. If anyone has any questions, they can feel free to contact Chair Sachs, Chief Nourse or Chief Jordan.

- **There will be a PUBLIC INFORMATION SESSION on the BROWNTAIL MOTH CATERPILLAR** on Wednesday, September 14, from 6:00 p.m. – 7:00 p.m. at the Library. High levels of browntail moth caterpillars are projected to continue in Freeport through 2017. This will be a general information presentation focusing on:
 - how to identify browntail moth caterpillars and overwintering webs;
 - how to prepare and control for browntail moth caterpillars;
 - precautions residents in affected areas should take.

Presenter: Charlene Donahue, Forest Entomologist, Maine Forest Service.
- **Fall Events at the Freeport Community Library** include Author Talks, Bug Talks, Free Movies, Arts & Crafts and a whole lot more. Find out what's happening this fall at your library at: www.freeportlibrary.com
- **Reminder that the Districts 2 & 4 Workshop** will take place on October 4th at 6:30 p.m. at the Freeport Community Center. The Regular Town Council Meeting will follow the workshop.
- **2016 Election Absentee Ballots**—Anyone wishing to receive an absentee ballot for the upcoming Presidential and Municipal Election may visit the following link and **apply online:** <http://www.maine.gov/cgi-bin/online/AbsenteeBallot/index.pl>
- **The Freeport Conservation Trust is once again sponsoring the Freeport Trail Challenge!**
The Freeport Trail Challenge is for people of all ages to hike four Freeport trails in September and October: Calderwood, Quarry Woods, Pettengill Farm and Bliss Woods. Prizes available if you hike all 4 trails.
- Passports are available at the Town Hall, Historical Society and at the Freeport Conservation Trust (located in the Community Center). Or contact FCT to get a card mailed to you: **865-3985 x212**, info@freeportconservationtrust.org. For more info go to freeportconservationtrust.org

FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Tracy reported that the Ordinance Committee met two Thursdays ago. They discussed a change to the Shellfish Ordinance that was requested by the Department of Marine Resources and noted she would be going over it tonight. The second item was the ongoing discussion of the Clam Farming Ordinance. The matter has been referred back to the Shellfish Commission. The Committee determined that the DMR Statute has been already replaced a couple of the leasing structures in intertidal leasing. The projected direction of this issue is that the Shellfish Commission will likely use that structure rather than creating a permit for an intertidal aquaculture project in Freeport that would have a Municipal structure that would be separate from the State leasing process. The Shellfish Commission will be meeting this week and they will be considering some proposed language. Councilor Tracy noted that at this point it looks like, we will not be pursuing, unless something changes, a Municipal permit process. She will keep the Council updated. If this is an item of interest, please notify Mr. Joseph and you can be added to the distribution list.

The third item considered was the Road Opening Ordinance and some provisions that will come before the Council. One of the main goals of the Ordinance change is to strengthen the enforcement authority and the penalties for traveling over posted roads without permits. When roads are posted, some local businesses comply with the Ordinance but there are repeat offenders and we are looking to increase the

COUNCIL MEETING #18-16
SEPTEMBER 6, 2016

severity of the penalties to encourage compliance with our road posting ordinances which are designed to preserve the quality of our roads.

Councilor Gleeson advised that the Appointments Committee met at 5:30 today. They filled all seven openings on the Sustainability Committee, two openings on the Shellfish Commission and one opening on the Coastal Waters Commission. Currently they are up to date but he encouraged anyone from the public with an interest to serve on a Town Board or Committee to go on the Town's website and fill out an application. He noted they are still light on their pool of applicants.

Chair Sachs reported for the Special Projects Committee. Traditionally, the Council tries to put on a Volunteer Recognition event in the fall. There are more than 100 special volunteers that serve on Boards and Committees and we are very grateful for them. There has been a barbecue the last few years at Harb Cottage where barely 20 people from the 100+ come. This year the committee will try something new in the hopes that more people will be able to attend. On October 18 at 6 p.m. there will be a Volunteer Recognition event here before the Council meeting. There will be refreshments and a gift for each and every volunteer. We hope to recognize those that are terming out and will be giving them certificates of recognition and our thanks for those services as well. It will be about the same cost and those unable to attend will get the gift at their next meeting. We want them to know that we appreciate all the work they do on behalf of the Town. All volunteers will be getting a letter as well.

Chair Sachs advised that the Council just had a workshop with the Town Planner and the Planning Board Chair. The Council asked the Planning Board to look at several areas regarding Marijuana and Methadone. These are hot topics in our State and we had questions. Councilor Hendricks brought this forward that some proactive planning and thought around it would be important. We discussed one area today which was the placement of a Methadone Clinic, which is a very specific licensed treatment facility. After discussion, it was decided to move that issue forward to the full Council for discussion. The Council will be setting a public hearing for a small Ordinance change and have a very full public discussion. She asked for feedback from the Council on whether the public hearing should be held here on October 18 or on the 4th at the Community Center. Mr. Joseph advised that the video and audio will be fine on the 4th.

Councilor Arris clarified that this public hearing will only deal with Methadon Clinics and will not deal with Marijuana. Chair Sachs further clarified that the Council is discussing a Planning Board recommendation as to our Zoning Ordinances and where a Methadone Clinic, if one were ever to be located here in Freeport, and where it could be. It is a very small area and the issue being that if we do nothing, it is allowed everywhere in Freeport. If this is adopted, we have some conversation and control over it. On September 20th we will set the public hearing and will have a synopsis of it then. On October 4th the Council will have the public hearing and possible adoption. There was general agreement to schedule the public hearing on October 4 at the Freeport Community Center.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph reported:

He is happy to report that the Town of Freeport has earned a dividend of \$12,877 from the Maine Municipal Association for our favorable loss performance in both the Workers Compensation and Property and Casualty pools that we participate in. The dividend equates to approximately 5.4% of our Workers Compensation premium and 6.4% of our Property and Casualty premium. The Board of Trustees of both pools voted on May 19th to return these dividends to participating municipalities who demonstrated a low loss ratio in each category by meeting predetermined loss ratio thresholds. Credit for our successful performance goes to our current Employee Safety Committee-Johanna Hanselman, Arlene Arris, Brent Mood, Earl Gibson, Neil Lyman, and recently appointed committee chair Paul Conley, as well as former committee chair Jerry Schofield. They meet on a quarterly basis and their work includes

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performing facility inspections, investigating workers' compensation injuries and recommending changes that make our municipal facilities and offices safer places to work. Job well done!

On the week of August 15th, the Town underwent the first comprehensive audit of our MS4 storm water program by the Maine Department of Environmental Protection. I'm happy that there were no major deficiencies found. However, as expected, there were several smaller deficiencies and suggestions for improvement that were made during the audit. While we will not likely receive the formal results of this audit for 6-8 weeks, we were cautioned that the likely result of anything less than a perfect audit would be a "Letter of Warning", containing required items to be addressed. While ominous sounding, this result is far preferable to the other two more serious outcomes, which be either a "Notice of Violation-1" (effectively an enforcement order) or a "Notice of Violation-P", (effectively an enforcement order with penalty), that are issues in cases where serious violation or deficiencies are found.

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

MOVED AND SECONDED: To open the Public Comment Period. (Gleeson & Tracy)
VOTE: (6 Ayes)

There were no comments provided.

MOVED AND SECONDED: To close the Public Comment Period. (Gleeson & Tracy)
VOTE: (6 Ayes)

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

ITEM #140-16 To consider action relative to adopting the September 6, 2016 Consent Agenda.

BE IT ORDERED: That the September 6, 2016 Consent Agenda be adopted.
(Sachs & Hendricks)

There were no questions pertaining to the Consent Agenda.

VOTE: (6 Ayes)

ITEM #141 -16 To consider action relative to a proposed amendment to section 32-601(A)(3),
32-601(A)(5) and 32-601(B)(3)(b) of the Freeport Shellfish Ordinance.
PUBLIC HEARING

Chair Sachs explained that the amendment makes a few tweaks to the Ordinance that talks about student licenses and closes a loophole there and also to have a few components so that if someone is not complying with their license requirements, the Shellfish Commission has some steps that they are able to take.

MOVED AND SECONDED: To open the public hearing. (Gleeson & Tracy)
VOTE: (6 Ayes)

There were no public comments provided.

MOVED AND SECONDED: To close the public hearing. (Gleeson & Tracy)
VOTE: (6 Ayes)

BE IT ORDERED: That the proposed amendment to section 32-601(A)(3), 32-601(A)(5) and 32-601(B)(3)(b) of the Freeport Shellfish Ordinance be approved. (Gleeson & Hendricks)

VOTE: (6 Ayes)

ITEM# 142-16 To consider action relative to approving proposed amendments to Chapter 46: General Assistance Ordinance Appendices A, C & D for the period October 1, 2016 to September 30, 2017.

BE IT ORDERED: That a Public Hearing be scheduled for September 20, 2016 at 6:30 pm in the Council Chambers at the Freeport Town Hall to discuss amendments to Chapter 46: General Assistance Ordinance Appendices A, C & D for the period October 1, 2016 to September 30, 2017.

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. (Tracy & Gleeson)

VOTE: (6 Ayes)

ITEM # 143-16 To consider action relative to amending Chapter 15, Street Excavation Ordinance.

BE IT ORDERED: That a public hearing on the proposed amendments to the Chapter 15, Street Excavation Ordinance be set for September 20, 2016, at 6:30 in the Town Council Chambers.

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)

Councilor Tracy, Ordinance Commission Chair, explained that she already identified the strengthening of the Road Posting Ordinance and the enforcement capability but another change that this proposed Ordinance makes is that it give the discretion to the Public Works Director to waive a performance guarantee that a public utility operating in Freeport or the Freeport Sewer District must post. If there are no outstanding fees or charges that the public utility operating in Freeport or the Freeport Sewer District owes, then the Director has the discretion to waive the performance guarantee. If there is any reason why the public utility operating in Freeport or the Freeport Sewer District is giving the Town any concern with respect to their ability to complete a project in an appropriate manner, the Director is not required to waive the guarantee.

Mr. Gibson explained that when a utility company comes to Freeport to operate, they are charged a security deposit and they get all of that back when they complete the work but we retain 10%.

The revision would be not to ask for the full amount up front but only charge 10% which is what we keep. That is the change.

ROLL CALL VOTE: (6 Ayes)

ITEM #144 -16 To consider action relative to proposed amendments to the Town Charter, sections 8.01, 8.02 and 8.04.

BE IT ORDERED: That the following proposed amendments to the Freeport Town Charter, sections 8.01, 8.02 and 8.04, be considered as amended and as listed on the printed agenda.

Question One: Shall the Town of Freeport approve the amendments to the Freeport Town Charter reprinted below?

8.01 Enactment of Ordinance by Initiative

The qualified voters of the town shall have the power to propose ordinances of substance, or repeal, to the council, provided that such power shall not extend to any ordinance relating to the budget, to the capital program, or to the appropriation of money, levy of taxes, or salaries of officials or employees. If the council should fail to adopt in substance any ordinance so lawfully proposed, the qualified voters of the town shall have the power to adopt or reject the proposed ordinance at an election.

Any five qualified voters may begin initiative proceedings by request in writing to the town clerk for the appropriate petition blanks. The complete text of the proposed ordinance shall be included with the request. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation the full text of the proposed ordinance. These five qualified voters shall be referred to as the requesting committee during the initiative procedure.

The requesting committee shall have 30 days from the acceptance date of the request by the town clerk to cause the petitions to be signed by 10% of the qualified voters of the town. The petition shall be signed ~~in the presence of the town clerk or the town clerk's deputy at the town clerk's office and, or, at the municipal office~~ only by qualified voters of the town and each voter's signature shall be followed by the voter's address, ~~provided, however, reasonable accommodation, pursuant to the town's comprehensive accommodation policy, shall be made for qualified persons with a disability that prevents or interferes with that person's ability to sign a petition in the municipal office. Reasonable accommodation shall include allowing a voter to designate an immediate family member or third person to deliver to the voter the full text of the ordinance, order or resolve, a copy of the petition and a petition signature page. The petition signature page shall have attached to it when filed an affidavit executed by the immediate family member or third person stating that the full text of the ordinance, order or resolve, the copy of the petition and the petition signature page were presented to the voter; that the voter had the opportunity before signing to read the full text of the ordinance, order or resolve, the copy of the petition and the petition signature page; and that the voter's signature was affixed to the petition signature page in the presence of the immediate family member or third person.~~

Within 7 days after the petition circulation period ends, the town clerk shall certify to the council that the petition has been signed by not less than 10% of the qualified voters of the town, ~~that all signatures were affixed in the town clerk's or the town clerk's deputy's presence,~~ that the town clerk or the town clerk's deputy believe them signatures to be the genuine signatures of the persons

whose names they purport to be and that each signer had an opportunity before signing to read the full text of the proposed ordinance.

Should fewer qualified voters than required by the Charter sign the petition in the specified time, the petition shall have no further force or effect, and all proceedings thereon shall be terminated. A request to initiate the same ordinance may not be accepted by the clerk until 120 days after the expiration of the previous filing period. Upon receipt of certification the council shall within 10 days hold a public hearing and shall within 30 days after said public hearing hold a municipal election for the purpose of submitting to vote the question of adopting such ordinance, unless such ordinances shall be enacted by the council prior to the call for said town election. Such ordinance shall be enacted and take effect when a majority of those voting thereon shall have voted in the affirmative.

Any such proposed ordinance shall be examined by the town attorney before being submitted to the voters. The town attorney is authorized to correct the form of such proposed ordinance for the purpose of avoiding repetitions, illegalities, and unconstitutional provisions, and to assure accuracy in its text and references, and clearness and preciseness in its phraseology, but the town attorney shall not materially change its meaning and effect.

8.02 Petition for Overrule of Action of Council

All ordinances, orders or resolves, except emergency ordinances, or orders or resolves making appointments or removals or regulating exclusively the internal procedure of the council, shall be subject to overrule by a referendum as follows:

The qualified voters of the Town of Freeport shall have thirty (30) working days, excluding legal holidays and Sundays, after adoption of any such ordinance, order or resolve, to sign a petition requesting a referendum. ~~The petition shall be signed in the presence of the town clerk or the town clerk's deputy at the town clerk's office and, or, at the municipal office, provided, however, reasonable accommodation, pursuant to the town's comprehensive accommodation policy, shall be made for qualified persons with a disability that prevents or interferes with that person's ability to sign a petition in the municipal office, and t~~ The signature of each qualified voter on the petition shall be followed by the voter's address. ~~Reasonable accommodation shall include allowing a voter to designate an immediate family member or third person to deliver to the voter the full text of the ordinance, order or resolve, a copy of the petition and a petition signature page. The petition signature page shall have attached to it when filed an affidavit executed by the immediate family member or third person stating that the full text of the ordinance, order or resolve, the copy of the petition and the petition signature page were presented to the voter; that the voter had the opportunity before signing to read the full text of the ordinance, order or resolve, the copy of the petition and the petition signature page; and that the voter's signature was affixed to the petition signature page in the presence of the immediate family member or third person. During the thirty (30) day period for signatures, the town clerk or the town clerk's deputy shall maintain office hours for at least four (4) working days until 8:00 p.m., prevailing time, and for at least two (2) Saturdays from 10:00 a.m. to 2:00 p.m., prevailing time, in order to allow qualified voters to sign the petition requesting a referendum.~~ At the close of the thirty (30) day period for signatures, the town clerk shall promptly certify to the town council that the petition has been signed by not less than 10% of the qualified voters of the town, ~~that all signatures were affixed in the town clerk's or the town clerk's deputy's presence,~~ that the town clerk believes the m signatures to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity before signing to read the full text of the ordinance, order or resolve sought to be overruled. Should fewer qualified voters than required sign the petition within the specified time, the petition shall have no further force or effect, and all proceedings thereon shall be terminated. Upon receipt of such

certification, the town council shall fix the time and place of such referendum which shall be within twenty-one (21) days after receipt of certification of the petition, and notice thereof shall be given in the manner provided by law for the calling of a referendum. A public hearing shall be held by the town council on the subject of the petition for referendum at least ten (10) days before the day for voting thereon. Notice of such public hearing shall be given by the town council by causing a copy of the proposed referendum article, together with the time and place of hearing, to be posted in the same manner required for posting a warrant for a municipal election, at least seven (7) days before the date set for such a hearing.

Any ordinance, order or resolve which is the subject of such a referendum shall take effect upon conclusion of such referendum, unless a majority of those voting thereon shall have voted in the negative, and provided further that the total number of votes cast in the referendum equals or exceeds 20% of the total number of registered voters in the Town of Freeport as of the date of the filing of the petition for referendum.

8.04 Recall

Any 5 qualified voters may begin at any time proceedings to recall a councilor at large by requesting in writing to the town clerk for the appropriate petition blanks. These five registered voters shall be referred to as the recall committee. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation a statement detailing the reason or reasons for recall and the names of the recall committee.

The recall committee shall have 30 days from the acceptance date of the request by the town clerk to cause the petition to be signed by 25% of the qualified voters of the town. The petition shall ~~be available only at the town clerk's office during normal business hours, and shall~~ be signed only by qualified voters of the town, in the presence of the town clerk or the town clerk's deputy, provided, however, reasonable accommodation, pursuant to the town's comprehensive accommodation policy, shall be made for qualified persons with a disability that prevents or interferes with that person's ability to sign a petition in the municipal office. Each voter's signature shall be followed by the signer's address. ~~Reasonable accommodation shall include allowing a voter to designate an immediate family member or third person to deliver to the voter the full text of the ordinance, order or resolve, a copy of the petition and a petition signature page. The petition signature page shall have attached to it when filed an affidavit executed by the immediate family member or third person stating that the full text of the ordinance, order or resolve, the copy of the petition and the petition signature page were presented to the voter; that the voter had the opportunity before signing to read the full text of the ordinance, order or resolve, the copy of the petition and the petition signature page; and that the voter's signature was affixed to the petition signature page in the presence of the immediate family member or third person.~~

Within 7 days after the petition circulation period ends the town clerk shall certify to the council that the petition has been signed by not less than 25% of the qualified voters of the town, ~~that all signatures were affixed in the town clerk's or the town clerk's deputy's presence,~~ that the town clerk ~~and or~~ the town clerk's deputy believe the signatures to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity to read the statement detailing the reason or reasons for recall.

Should fewer qualified voters than required by the charter sign the petition in the specified time, the petition shall have no further force or effect, and all proceedings thereon shall be terminated and request for recall of the same councilor may not be accepted by the clerk until 180 days after the expiration of the previous filing period.

Upon receipt of certification the council shall within 30 days hold a municipal election for the purpose of submitting to vote the question of recall. A councilor at large shall be recalled when a majority of those voting thereon shall have voted in the affirmative. The council shall within 30 days after the voters have recalled a councilor at large hold a special election to fill the vacancy.

A councilor at large, or district councilor that is recalled by the voters shall be allowed to seek re-election at the special election called for the purpose of filling the vacancy created by the recall by filing a notice with the town clerk that the councilor wishes to have his or her name appear on the ballot, no later than the fifteenth day preceding the election. The councilor shall not be required to circulate a nomination petition. Other qualified voters who seek to fill the vacancy created by the recall shall have until the fifteenth day preceding the election to file with the town clerk a petition as required by the charter for a regular municipal election.

Pending action by the voters of the town, the councilor at large, or district councilor that recall proceedings have been initiated against shall continue to exercise all the privileges of the councilor's office.

The recall procedure for recalling a district councilor shall be the same as for recalling a councilor at large except for the following provisions:

- (1) The recall committee must be composed of qualified voters that reside in the district of the councilor to be elected;
- (2) The recall petition shall be signed by 25% of the qualified voters that reside in the district of the councilor to be recalled.
- (3) The council shall within 30 days of certification of the petitions by the town clerk call a direct election for the purpose of submitting to vote the question of recall.

The ballot for recall shall contain the following questions: "Shall (name of person being subjected to recall) be recalled from the office of (name of office)?" Immediately below such question shall appear in the following order, the words "yes" and "no" and to the right of each a square in which the voter may cast his or her vote.

BE IT FURTHER ORDERED: That the proposed amendments to the Charter of the Town of Freeport be submitted to the voters of the Town of Freeport at the municipal election on November 8, 2016.

BE IT FURTHER ORDERED: That the Council determines that it is not practical to print the proposed Charter amendments on the ballot, and the summary below does not misrepresent the subject matter of the proposed amendments; and that the Clerk shall include the summary on the November 8, 2016 Election ballot instead of the text of the proposed amendments.

Summary and ballot language:

Shall the Town approve the Charter amendment summarized below?

The Freeport Town Charter currently requires that petitions for Enactment of Ordinance by Initiative (Sec. 8.01), Overrule of Council Action (Sec 8.02) and Recall (Sec 8.04) to be signed in the presence of the Town Clerk. The proposed amendment would remove that requirement, allowing free circulation of petitions under Sections 8.01, 8.02 and 8.04. This would bring the Town Charter into compliance with State Election Law. (Sachs & Gleeson)

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Chair Sachs reminded members of the public that the Statutory threshold of 30% of the voters that cast ballots in the last Gubernatorial race was not met which was required to pass this Ordinance change. The majority of voters did support the amendment but 1,413 votes needed to be cast in order to meet this requirement and we did not receive that many so the Council is seeing it again. The Town Clerk recommends putting this question on the November 8, 2016 ballot.

Councilor Tracy suggested a clerical revision in the Summary and Ballot Language. She suggested deleting the word “to” so that the sentence reads: The Freeport Town Charter currently requires that petitions for Enactment of Ordinance by Initiative (Sec. 8.01), Overrule of Council Action (Sec 8.02) and Recall (Sec 8.04) to be signed in the presence of the Town Clerk. Other Councilors agreed.

Chair Sachs asked the Town Manager if it would be possible to get a notice in the fall mailing reminding voters why this is on the ballot and it is important to vote. Mr. Joseph noted that this could be done.

MOVED AND SECONDED: That we adopt the Summary and Ballot Language as amended by eliminating the word “to” after (Sec.8.04). (Tracy & Arris)

ROLL CALL VOTE ON AMENDMENT (6 Ayes)

ROLL CALL VOTE ON AMENDED ITEM: (6 Ayes)

ITEM #145-16 To consider action relative to awarding a bid for a Buildings & Grounds Maintenance Work Truck.

BE IT ORDERED: That Bill Dodge Auto Group be awarded the bid for a Building & Grounds Maintenance Work Truck in the amount of \$36,520.50

Note: The Town Council appropriated \$30,000 in the FY17 Capital Budget for this purchase. The balance in the General Administration Reserve account is \$311,505. (Rixon & Hendricks)

Chair Sachs explained the rational for perhaps going with the higher budgeted item than what was approved was because of savings that have been found in previous expenditures. Mr. Joseph reminded the Council and the public that \$30,000 was budgeted this year and they cannot spend money without an appropriation and appropriations lapse at the end of the year. We carry capital appropriations on the books and in order to spend them on something that is different, Council authorization is needed. In FY2012 the Council actually appropriated \$15,000 for a staff maintenance truck and the money was never spent. The truck that is being replaced now is the truck that was scheduled to be replaced in FY2012. \$3,000 was appropriated last year for a mower and trailer so Ms. Maloy suggests utilizing the appropriated money that was never spent by staff.

Earl Gibson, Public Works Director explained that they have determined that they really need a ¾ ton 4-wheel drive with a diesel engine because they now have more equipment for the Building and Grounds Department. He explained how one of the bids included sales tax when Municipalities do not pay taxes.

ROLL CALL VOTE: (6 Ayes)

ITEM #146-16 To consider action relative to the Fiscal year 2017 tax due dates and interest rates.

BE IT ORDERED: That one-half of the fiscal year 2017 committed taxes for real estate be payable on November 15, 2016 with interest at the rate of .058 percent per month or 7% per annum, to be charged from November 16, 2016 and that the second half of the fiscal year's 2017 committed taxes for real estate be payable on May 15, 2017 with interest at the rate of .058 percent per month or 7% per annum, to be charged from May 16, 2017.

BE IT FURTHER ORDERED: That the fiscal year 2017 committed taxes for personal property be payable on November 15, 2016 with interest at the rate of .058 percent per month or 7% per annum, to be charged from November 16, 2016.

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. (Hendricks & Gleeson)

Mr. Joseph explained that this has to be set every year.

ROLL CALL VOTE: (6 Ayes)

ITEM # 147-16

To consider action relative to a building donation to Winslow Park

BE IT ORDERED: That the donation of a 20 foot by 24 foot, 1 room, single story cottage from the owner of Pound of Tea Island to Winslow Park be accepted.

Note: Said building will be located at an appropriate location to be determined by Winslow Park Commission and the Park Manager, and will be utilized as a common area for park campers. The donation will be valued at the current assessed value of the building, which is \$19,000. (Gleeson & Tracy)

Neil Lyman, Park Manager explained that this is a pretty simple building which will allow their campers a place to get out of the rain. There is no plumbing and no septic system proposed. Picnic tables and lights will be included. The contingency is that it lands at the park in one piece. They may want to move it at the middle of the month. They won't take ownership until it lands at the park. He explained that the new island owners will be building a new structure on the island. The park will not lose any capacity with this building.

VOTE: (6 Ayes)

OTHER BUSINESS:

3. Freeport Arts and Cultural Alliance Update

Mr. Joseph reminded the Council that during the FY17 Capital Budget process it voted to appropriate \$10,000 from the Destination Freeport TIF budget as a 50/50 local match to a \$10,000 planning grant submitted by the Freeport Arts and Cultural Alliance to the Maine Arts Commission. He learned that the grant application was denied so there is not going to be a \$10,000 State Grant to match the local appropriation. The Alliance approached their consultant and discussed if the scope of the project could be reduced. They were able to reduce the consultant's fee from \$20,000 to \$18,500 by agreeing to undertake

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a portion of the work themselves. They have been able to secure commitments for approximately \$8,500 in private donations.

Ed Bradley representing the Alliance, explained that they have roughly \$20,000 in hand but they have to go back to those people that gave it as option money and ask if the Alliance can use it as match. He is confident that if they don't get it from them, they will get it somewhere else but didn't want to go and deal with all that complexity without knowing if the Council is okay with what is being discussed and that is they keep the local match and raise the rest privately which he is sure they will do.

Mr. Joseph feels that this still keeps with the spirit of matching \$10,000 with \$10,000 but he and Mr. Bradley feel that this is not what was originally presented to the Council. He and Mr. Bradley want the blessing of the Council to spend that \$10,000 if it is matched as discussed.

Chair Sachs noted that this does not change the TIF. The purpose remains unchanged. Councilor Arris asked what the money will be spent on. Mr. Bradley explained that they have not had a major outreach to the entire community to figure out what it wants to do and what its priorities are as opposed to what he terms a smaller slice of town that the Alliance has been able to access with its volunteer efforts. He explained a cultural plan and how they feel they would benefit from having a cultural plan developed for the Town. They didn't get the grant but they still feel strongly that it is critical to support the action items that might come forward from them on how to organize arts and culture in Freeport. It is a planning study.

Councilor Arris noted that as a member of the Council, he wants to be sure there are matching funds. Mr. Bradley mentioned he wanted the Council to feel comfortable about the difference. Now the \$10,000 match is \$1,500 in kind and \$8,500 in cash. The Alliance has taken on some responsibilities to cut the costs and the consultant has agreed. He advised that Keith has gone out and canvassed organizations for their current plans and mission statements around the Arts to present to their consultant. Mr. Bradley has also been going out and asked community partners for similar things. He stated that they will raise \$8,500 or they will not take a penny of the Council's money.

Chair Sachs asked if the alliance is a registered 501.C3 and Mr. Bradley indicated that it is. She asked if they could show the paperwork to the Town and he agreed. She asked if the consultant is amenable to showing the billing that she has already done to the Alliance so that the \$8,500 from the 501.C3 could be expended prior to the \$10,000 from the Town. Mr. Bradley mentioned that he would discuss it with her tomorrow. They have raised money to take out an option for 31 Main Street and it has turned out to be a difficult discussion. He is comfortable using the money he donated for this and he is sure others will be but they were not sure how the Council felt. He noted it would be nice if they could spend some of the Council's money before they have the whole \$8,500 in hand so that it will give them a little more time to get all of it done. They will work with whatever the Council decides on how to handle the mechanics of the expenditure. He offered to give the Council the \$8,500 if they don't raise it. He is confident that other donors will be found once the community plan gets underway.

Chair Sachs noted her comfort level would be that the \$8,500 has been secured. She has no problem with this being a match to a 501.C3 as opposed to a Maine Arts Commission Grant. Councilor Arris asked where this goes next. Chair Sachs noted that it has been appropriated but the funds have not been released. To protect taxpayers' money Councilor Arris feels it would be good public policy to make sure the money is there before spending the Council's money.

Councilor Tracy disclosed that she is related to Ed and Jane Bradley and they receive no financial remuneration from FACA. She has no involvement in FACA and has no problem with the expenditure of the \$10,000 as long as we have some sort of written pledge from the Alliance that they will make good on the \$8,500 and provide \$1,500 in in-kind labor. Chair Sachs, Councilors Hendricks and Gleeson agreed as long as written documentation is provided.

Mr. Bradley thanked the Council and noted they would get going quickly.

2. Discussion of petition from South Freeport residents seeking to delay the paving project on Main Street, South Freeport.

Mr. Joseph distributed documents from South Freeport residents. Diane Lukac is not able to attend tonight so he read her letter into the public record. He explained that he received a letter from Bill and Debbie Kelton of 25 Main Street in South Freeport and an e-mail from Susan Cherbully from 13 Main Street in South Freeport.

Bill Kelton of 25 Main Street advised that he and his wife are looking forward to the road being improved.

Marty Sullivan of South Freeport Road advised that damage to her property took place when Public Works cut her 20 arborvitaes. She asked who actually owns South Freeport Road. She has not been able to ascertain that information after asking repeatedly. She invited the Council to drive by and view the significant damage done to her property. She mentioned that the street noise now is doubled. She feels it is a great idea to pave the roads but who owns them and who determines the right-of-way. She asked if the roads are owned by the Town or are they easement roads.

Mr. Joseph mentioned that the Town does not treat an easement that contains a public way on it any different than a fee simple road with a public way on it. The legal responsibilities of the Town to maintain the road are still the same but there is a different question of ownership of the underlying road in that case. If we own it fee simple, we own the actual dirt underneath the road. If we own an easement, the property owner often owns to the middle of the easement area is. While this information could be researched it would not change the legal obligation to maintain Main Street one way or another.

Mr. Joseph explained that the Council appropriated the paving project on Main Street, South Freeport and he explained this to the residents that met with him seeking to delay the paving.

Councilor Hendricks pointed out that South Freeport has been on the Capital Budget for the last six years. Mr. Presgrave's response over the past couple of years is that the road is close to failure and Councilor Hendricks feels that patching something that is close to failing would cost the Town more money if it is not reconstructed. He would like to see the work done and not put it off. More emphasis should be done with a Police presence and speed bumps and signage. If they come back next year and say it is a problem, the Council can consider a raised speed bump. He does not want to entertain a discussion on not doing the reconstruction work this year.

Councilor Tracy asked Town Engineer Adam Bliss what impact there is for delaying this work and will there be a greater cost to the town patching. Mr. Bliss advised that Councilor Hendricks summarized the status of the project very well. The current state of the road is at failure. Patching it is a Band Aid approach. We normally repair roads when the unit cost is \$1 per unit. We are at the point where it will cost \$3-4 per unit to repair it. It will cause increased maintenance and repair costs down the road as it relates to plowing equipment. He completely agrees there is a problem with safety and speed on this road that warrants it being brought to the attention of the Traffic and Parking Committee. This will be added to their September 20, 2016 agenda.

Earl Gibson pointed out there are some costs that will occur if we don't do something. Some of his plowing equipment needed repairs last winter after going over pot holes and bumps in the road.

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Chair Sachs pointed out that speeding is a town-wide issue.

Councilor Gleeson pointed out that he supports going forward. He too has a high number of speeding issues going on in District 1. He offered to have the Police Chief monitor speed with a hidden recorder and determine what the true speed is. Traffic and Parking would be the process to go through.

Bill Kelton of 25 Main Street in South Freeport noted that he appreciates all the communication that has taken place.

NOTE: No motion was made to delay the project.

1. Discussion on an amendment to Section 7.03 of the Town Charter (Nominations).

Chair Sachs reminded Councilors that this was a request from an RSU5 School Board member talking about candidates for election to the Council and the School Board nominated by petition.

Mr. Joseph explained that he met with the Superintendent, Dr. Foley and the new School Board Chair Michelle Richardson from Durham. He talked about the things discussed by the Council: 1) either eliminating the provision in the Charter that requires only the first nominating papers turned in to actually count if there are duplicated signatures and 2) Separating the seats into individual seats by giving them names such as Seat 1, Seat 2, Seat A or a third option being districting and creating districts. They did not feel that it would be a good thing to limit signatures on nominating papers. They felt the more people who could be nominated, the better. They were not in favor of districting or separating the seats out. They were in favor of having people sign multiple nomination papers.

Chair Sachs pointed out that we asked the Town Clerk to look at surrounding towns to see if they limit the number of nomination papers that can be signed for a single office and she reported that the only surrounding town that does besides us is Brunswick. We are not illegal but we are different. Chair Sachs thanked Christine for this.

Chair Sachs is in favor of striking out the line and letting people sign as many as they want because you may not know who is running when you are asked to sign. She asked where the Council is on this.

Councilor Rixon is also in favor of striking out the line and asked if it would go to the voters. Chair Sachs advised that it would have to go to the voters since it is a Charter amendment. Councilor Hendricks feels our Charter needs to be updated so that we can be more conforming. He still is in favor of districting for the School Board because when you reach out to the School Board, you have to reach out to all of them and you might not hear anything back. If you have a district member, you can say "hey, I want to talk to you about our district."

Mr. Joseph noted that that change would have to be made through the RSU because they would have to go through the Department of Education to get it signed off on and put in front of the voters. The Board did not discuss this. It was a leadership discussion.

Councilor Arris feels that he could agree to strike out the last sentence and let people sign whatever they want to sign. Councilor Tracy supports striking the line. We have a hard enough time getting people to run. If there is any abuse in the system, it can be sorted out.

Councilor Gleeson does not want Freeport to always follow what other communities do but feels in this instance it is compelling to eliminate the line.

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Chair Sachs mentioned setting a public hearing at the next Council meeting and asked Mr. Joseph if it would be too late to put this on the November ballot. Mr. Joseph explained that he believes it can be done but there is a complication. He has been told by our ballot supplier that they are increasing lead times for ballot printing because of the extreme turnout expected in November. He will consult with the Town Clerk and see if it is do-able.

Councilor Arris feels it is really important to get it on the November ballot if it is possible. Mr. Joseph thinks it is do-able.

MOVED AND SECONDED: To adjourn at 8:32 p.m. (Gleeson & Tracy) **VOTE:** (6 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #19-16
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY SEPTEMBER 20, 2016
6:30 PM

	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Leland Arris, 70 Glenview Road	x		
Scott Gleeson, 23 Park Street	x		
James Hendricks, 21 West Street	x		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road			x
Sarah Tracy, 75 Lower Flying Point Road	x (arrived late)		

Vice Chair Gleeson called the meeting to order at 6:35 p.m. and took the role. He explained that Chair Sachs is excused this evening and Councilor Tracy will 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 #18-16 held on September 06, 2016 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #18-16 held on September 06, 2016 and to accept the minutes as printed. (Hendricks & Arris)
VOTE: (4 Ayes) (2 Excused-Sachs & Tracy)

THIRD ORDER OF BUSINESS: Announcements

None

FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Hendricks advised that the Municipal Facilities Committee met last week and discussed the Leon Gorman Park, tax-acquired property, Soule School and the Island Rover. Some of these will be discussed later this evening.

Councilor Rixon reported that the Shellfish Commission met two Thursdays ago on September 8 and primarily discussed aquaculture. Doug Leland sent out the state of the re-draft and pointed out they are still working on it. As Chair of the Ordinance Commission, Councilor Tracy would propose postponing the Ordinance Committee meeting to the middle or end of September when the Shellfish Commission has something to review.

Councilor Rixon reported that the Conservation Commission did a site walk at the Quarry Ridge property where a bridge was repaired. They found that vandalism had taken place. The Chair of the Commission was going to get in touch with the Town and the School but the vandalism has been repaired.

Mr. Joseph advised that he is planning to attend the MMA Annual Convention on October 5 and asked if any Councilors were interested in attending.

Councilor Tracy advised that the Appointments Committee filled an opening on the Coastal Waters Commission, two seats on the Shellfish Commission and transferred the Solid Waste Committee to the Sustainability Advisory Committee and was able to fill all the seats. There are some residents waiting in the wings for a seat on this committee.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph reported:

This year's Fire Prevention Open House will take place on Wednesday, October 12, 2016 from 5-7 p.m. The Freeport Police and Fire/Rescue Departments are planning a fun and educational evening for all ages. On display will be some of the traditional fire prevention activities as well as crime prevention information. We have over 15 plus community partners participating this year, delivering health and wellness information and an overall safety message. In addition, we will have on display the Squad 51 replica from the TV Show "Emergency" and the Bureau of Highway Safety's "Drive Sober" Mobile educational unit. Freeport's PD K-9 Cassie will be here to greet the public and demonstrate her skills with Officer Morehouse. The Maine Public Safety Pipes and Drum Corps will be on site to entertain us with some traditional Bagpipe music. Learn all about "hands only" CPR and what an AED can do to save a life. Freeport's fire trucks, ambulances and police cars will be on display. The Fire Auxiliary will be grilling up Hot Dogs and Hamburgers for sale, with proceeds to support the Auxiliary.

On the week of August 15th, the Town underwent the first comprehensive audit of our MS4 stormwater program by the Maine Department of Environmental Protection. I'm happy that there were no major deficiencies found, however, as expected, there were several smaller deficiencies and suggestions for improvement that were made during the audit. While we will not likely receive the formal results of this audit for 6-8 weeks, we were cautioned that the likely result of anything less than a perfect audit would be a "Letter of Warning", containing required items to be addressed. While ominous sounding, this result is far preferable to the other two more serious outcomes, which would be either a "Notice of Violation-1" (effectively an enforcement order) or a "Notice of Violation-P", (effectively an enforcement order with penalty), that are issued in cases where serious violations or deficiencies are found.

Fire Department Engine 3 has been delivered to the Town! Department members will undergo training on the new equipment before it is placed in service, which is expected to begin this week. They have been keeping the bay door open and will be happy to show it off.

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

MOVED AND SECONDED: To open the Public Comment Period. (Hendricks & Tracy)
VOTE: (5 Ayes) (1 Excused-Sachs)

Seth Ramus, Director of the Health Care Service, Oasis Free Clinics and Anita Roth explained that they provide quality health care services to persons of limited means living in the towns of Freeport, Durham, Brunswick, Harpswell, Topsham, Bowdoin, Bowdoinham, West Bath, Bath, Phippsburg, Arrowsic, Georgetown and Woolwich. They are located at 66 Baribeau Drive in Brunswick. He provided a hand out giving detailed information. Ms. Roth noted that now she has learned about Freeport Community Services, she plans to coordinate with them.

MOVED AND SECONDED: To close the Public Comment Period. (Tracy & Arris)
VOTE: (5 Ayes) (1 Excused-Sachs)

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

ITEM #154-16 To consider action relative to adopting the September 20, 2016 Consent Agenda.

BE IT ORDERED: That the September 20, 2016 Consent Agenda be adopted.
(Gleeson & Hendricks)

Vice Chair Gleeson reviewed the items on the agenda for members of the public.

VOTE: (5 Ayes) (1 Excused-Sachs)

ITEM #155-16 To consider action relative to approving proposed amendments to Chapter 46: General Assistance Ordinance Appendices A, C & D for the period October 1, 2016 to September 30, 2017. PUBLIC HEARING

MOVED AND SECONDED: to open the public hearing. (Tracy & Hendricks)
VOTE: (5 Ayes) (1 Excused-Sachs)

No public comments were provided.

MOVED AND SECONDED: to close the public hearing (Tracy & Arris)
VOTE: (5 Ayes) (1 Excused-Sachs)

BE IT ORDERED: That the amendments to Chapter 46: General Assistance Ordinance Appendices A, C & D for the period October 1, 2016 to September 30, 2017 be approved. (Tracy & Hendricks)

Not being familiar with this item, Councilor Arris asked for an explanation which Mr. Joseph provided. He advised that we are in the Portlnd Region.

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

It was pointed out that there is no audio going out from this meeting. Vice Chair Gleeson suggested taking a recess to allow the technicians to repair the problem.

MOVED AND SECONDED: To take a five minute recess. (Hendricks & Tracy)
VOTE: (5 Ayes) (1 Excused-Sachs)

MOVED AND SECONDED: To reconvene the meeting. (Hendricks & Tracy)
VOTE: (5 Ayes) (1 Excused-Sachs)

ITEM #156-16 To consider action relative to amending Chapter 15, Street Excavation Ordinance. PUBLIC HEARING

MOVED AND SECONDED: to open the public hearing (Hendricks & Arris)
VOTE: (5 Ayes) (1 Excused-Sachs)

No public comments were provided.

MOVED AND SECONDED: to close the public hearing (Hendricks & Tracy)
VOTE: (5 Ayes) (1 Excused-Sachs)

BE IT ORDERED: That the proposed amendments to the Chapter 15, Street Excavation Ordinance be approved. (Hendricks & Tracy)

Councilor Arris noted that he plans to abstain from voting on this action. He is the Executive Director of the Freeport Sewer District.

Earl Gibson from Public Works provided an explanation of how the Ordinance works presently. He recommends eliminating putting 90% up front by local contractors and simply collecting the 10% the Town gets to keep. The second part came about in complaints that local contractors obey the posting laws but others continue coming and going over posted roads without paying any attention to the postings. The Ordinance Committee has recommended a fee of up to \$300 if there is a violation but it will be up to the discretion of the Police Department. Mr. Gibson pointed out that when the roads are posted, this is the time when most damage is done to our roads and having this Ordinance change will allow them to enforce it.

Councilor Tracy noted that on behalf of the Ordinance Committee, there was a unanimous recommendation to adopt this language.

ROLL CALL VOTE: (4 Ayes) (1 Abstention-Arris) (1 Excused-Sachs)

ITEM #157-16 To consider action relative to an amendment to section 7.03 “Nominations” of the Freeport Town Charter, to remove the clause prohibiting voters from signing more than one petition for each office to be filled.

BE IT ORDERED: That a Public Hearing be scheduled for October 4, 2016 at 6:30 pm at the Freeport Community Center to discuss amending section 7.03 “Nominations” of the Town Charter, to remove the clause prohibiting voters from signing more than one petition for each office to be filled. (Arris & Hendricks)

Vie Chair Gleeson pointed out that this is pretty straight forward and was discussed at the last meeting.

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

ITEM #158 -16 To consider action relative to amending Section 104, Definitions and Section 412, Commercial District IV of the Zoning Ordinance to address medication assisted treatment facility for opioid addiction.

BE IT ORDERED: That a Public Hearing be scheduled for October 4, 2016 at 6:30 p.m. at the Freeport Community Center to discuss amending Section 104, Definition and Section 412, Commercial District IV of the Zoning Ordinance to address medication assisted treatment facility for opioid addiction.

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. (Hendricks & Arris)

Vice Chair Gleeson explained that this is a follow up to the Council’s discussion in a workshop with the Planning Board. Councilor Tracy pointed out that the issue that the Planning Board was trying to address

at the request of the Council is that currently under our zoning, a Methadone Clinic could be located in many of our zoning districts. The Planning Board took a look to see where in town would be appropriate for such an enterprise. The Planning Board recommended that these types of facilities go into the C-4 District which is a commercial district located near the highway and our Public Works building and is on the back side of Hunter Road. The district is not densely populated and is close to transportation arteries. It will provide anonymity which is ideal for this type of facility. The proposal is to make a new definition in this zone which would add a permitted use for a medication assisted treatment facility for opioid addiction. In adding that particular permitted use in this C-4 District, it defines it separately and the effect is that all the other commercial districts don't have that permitted use. It is an attempt by the Town to proactively locate these kinds of facilities and put them in the best place for the success of the businesses and the Town's residences. To her knowledge, the Town does not have any current applications. This is something that the Town has taken on in advance so that it is not reacting to the issue when it comes before us.

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

ITEM #159 -16 To consider action relative to endorsing a Recreational Trails Program (RTP) grant application to repair trails at Florida Lake.

BE IT ORDERED: That the Town Council endorse a grant application to repair trails at Florida Lake.

BE IT FURTHER ORDERED: That \$6,000 be allocated as a local match to said grant, contingent on grant award.

BE IT FURTHER ORDERED: That the Town Manager be authorized to submit said grant application on behalf of the Town.(Rixon & Tracy)

Mr. Joseph pointed out that the Conservation Commission will only be looking for \$4,800 and suggested that the motion be amended. This is an authorization to apply and also to support the purpose of the grant.

MOVED AND SECONDED to change the \$6,000 amount to \$4,800. (Tracy & Arris) **VOTE:** (5 Ayes) (1 Excused-Sachs)

Councilor Tracy explained that the Council continuously encourages our committees to leverage grant funding and other private funding for the benefit of the town. In this case the Commission is requesting a 30% match which means that 70% will be provided by other sources. She believes the Council should support that in light of the creativity of the Conservation Commission in identifying this grant. This is a property the Town owns and we need to maintain it.

BE IT FURTHER ORDERED: That \$4,800 be allocated as a local match to said grant, contingent on grant award. (Rixon & Tracy) **VOTE:** (5 Ayes) (1 Excused-Sachs)

ROLL CALL VOTE ON AMENDED MOTION: (5 Ayes) (1 Excused-Sachs)

ITEM #160-16 To consider action relative to automobile graveyard and junkyard renewals

BE IT ORDERED: that the following automobile graveyard and junkyard renewals be approved.

1. David Bolduc d/b/a D.A.B Inc. at 13 Allen Range Road

2. Catheryn and John Ingerson d/b/a Freeport Auto Parts 33 Allen Range Rd.
(Arris & Tracy)

Vice Chair Gleeson noted that in these types of renewals, he generally looks for environmental concerns and it does not appear that there is any DEP hazardous waste or any violations on these junkyards. Mr. Joseph explained that the Codes Enforcement Officer checked in with the DEP's Hazardous Waste Department, Solid Waste Management Department and the Oil Enforcement Department and they all confirm that there are no outstanding violations at these junkyards at this time.

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

ITEM #161 -16 To consider action relative to the approval of writing off a principal amount of \$7,835.94 and an interest amount of \$868.10 for a total of \$8,704.04 for Parcel ID 021012003000 (57 Koehling Drive).

BE IT ORDERED: that the Town Council approve writing off a principal amount of \$7,835.94 and an interest amount of \$868.10 for a total of \$8,704.04 for Parcel ID 021012003000 (57 Koehling Drive). (Tracy & Arris)

Mr. Joseph explained that the above lot has been assessed to the wrong owner. The taxes have been wrongly assessed and a foreclosure action for back taxes is invalid. The mother conveyed her parcel and buildings with a generalized description to son, Scott Koehling and gave a deed for another portion of her lot to her stepson, Gordon Koehling. Gordon did not record his deed before Scott recorded his and according to State law, the deed recorded first is the effective one. Since Scott's deed appears to encompass the entirety of her land, Gordon's stepmother had no title remaining to be able to convey to Gordon. The Town's attorney has confirmed this. While this happens rarely, it did happen in this case. Since we have committed those funds for those years, the Council is the only body permitted to write off taxes.

Councilor Tracy wants to be sure that Town Staff make sure that it is compliant with what one parcel should have on it. It should not function as essentially two parcels. Mr. Joseph noted that the Assessor is aware of the changes and has put the structure's limited value onto the mother parcel. It never should have been separated.

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

ITEM 162-16

MOVED AND SECONDED: To consider an item not on the printed agenda.
(Hendricks & Arris) **VOTE:** (5 Ayes) (1 Excused-

BE IT ORDERED: That a contract be awarded to J. Pratt Construction of Hebron, ME, in the amount of \$76,085, for construction of the South Street Sidewalk project. **NOTE:** This is an 80% State/20% Town grant project awarded through MDOT's Local Assistance Program (LAP) grant program. The Town Council appropriated \$20,000 for this project in the FY12 capital budget. (Rixon & Arris)

Reason for request:

This item was forwarded to me by the Town Engineer on Monday, 9/19/16, after the agenda for tonight's meeting was distributed. Normally, this would be scheduled for discussion at the 10/04/16 Council meeting, however, by taking this item up tonight (instead of waiting two weeks) we can begin construction this fall, instead of waiting until next spring to begin construction. J. Pratt Construction was the low bidder, and received several positive references. MDOT has reviewed and approved our proposed selection of J. Pratt Construction, which is a required step in LAP grant programs. (Rixon & Arris)

Mr. Joseph explained that this is a long overdue project and the difficulties involved. The Town will pay 20% which will amount to approximately \$20,200.

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

OTHER BUSINESS:

1. Discussion of Island Rover

Councilor Hendricks explained that the Island Rover is a metal boat and has been the dream of the Island Rover Foundation as well as its owner, Harold Arndt. Over the past years, he has tried to complete the boat. In 2013/14 Councilor Hendricks (then Chair) met with the Town Manager, the Town Attorney, Harold Arndt and his attorney to come to some sort of agreement on how to get him to finish his boat. We came to a Consent Order agreed to by all parties. Harold was held to a bunch of benchmarks. Certain things were supposed to be done by a certain amount of time. If they were not, the Town could take ownership of the boat. What has happened is that the Consent Order was to end with the boat being launched on or before September 9, 2016. At this point, the boat still sits on the property.

A certified welder has reported to the Municipal Facilities Committee that the hull welds have been done and a formal report is expected. The boat now needs to be sand blasted and painted. Applications to the DEP and Army Corps of Engineers for permission to construct a launching ramp has been made. Before it can be launched, the launch site needs to be prepared and this cannot be performed during the winter season. The boat will need to move over the road to the launching site and then be launched.

Municipal Facilities has been discussing what the fate of the Island Rover should be because as of September 9, we now own the property and the boat. They have come to an agreement that since the boat has come so far and they just need to do a few things such as apply for permits to transport the boat over land. Carter has procured a piece of land to launch the boat from. The Committee has come to agree that, with agreement from the Council, that we obviously retain the boat, and we should come to some sort of agreement to get the boat launched. First and foremost we will officially take ownership of the land and the boat. As far as insurance is concerned, once we take ownership of the boat and as long as it remains stationary, it will be insured under the Town's insurance policy at no extra cost.

We will get the Island Rover to agree to attempt to launch the boat on a firm date, hopefully in June or July. On the date of the launch, ownership will be transferred to Island Rover. The ownership will be given to the title entity so they assume all responsibility once the boat is moved off the property as far as moving it from Point A to Point B, therefore absolving the Town of any liability. The Island Rover should insure the boat to be launched. The Town will be absolved of all responsibility once we transfer the title.

The Town will hold the property as collateral to make sure the boat is launched and until the site is cleaned up. All material related to the construction of the boat will be removed from the property. At that point, the property will be returned to Harold.

Councilor Hendricks explained that he brought this to the Council because we need to execute the Consent Order and to get some sort of assurance that we want to move forward on this course and launch

the boat or since we own the boat and the land, we do have the right to scrap it. He noted that he, Scott and Lee are on the Municipal Facilities Committee and voted to move forward but he wanted to see where Councilor Rixon and Councilor Tracy are on this point. He pointed out that he would like to see this cleaned up before he leaves the Council.

Vice Chair Gleeson noted that Councilor Hendricks did a great job with the summary. It comes down to discussion with any questions from Councilors Rixon and Tracy. Mr. Joseph noted there is a firm deadline that the Council must come to an agreement on whatever date is agreeable for both sides. If it is not met, there is an automatic plan in place to auction, salvage or scrap.

Councilor Tracy mentioned that the Council has a firm date in the Consent Agenda and asked how the Council can agree to extend it. Mr. Joseph explained that the settlement automatically executes unless the Council does something to amend the Court order. If we do not like any of these options, we could go back to Court and ask the judge to revise the Consent Order and it would bring us back to the underlying law suit that brought us to that sentiment. It would be very expensive but it is an option. If we take ownership, what we do with it after ownership, in the very near future we could control this and do anything we want—highest bidder thing, salvage, scrap, etc. He feels a lot of progress has been made which makes this the kind of non-preferable alternative because it is in a condition where it could be lugged away from Freeport waters.

Councilor Rixon indicated he is fine with going forward in the way Councilor Hendricks has detailed. His concern is with the launching ramp and what the plans are for it after the boat is launched. Carter Becker noted that it is a private launching ramp for private use. It is not commercial. He is applying for a permit to the DEP and Army Corps. The ramp will be on his private property. He plans to launch the boat on Labor Day. Councilor Tracy asked Mr. Becker if he had a time frame on obtaining the DEP permit. Mr. Carter indicated it has been submitted as well as Army Corps.

Councilor Arris is in agreement to move forward and he plans to be here on Labor Day and understands this as a firm date and will not be inclined to look at this again and provide any extensions. Vice Chair Gleeson explained that since we are so close and it is so different from what it was in the past, the Committee would like the target date to get hit. If it doesn't, the Council will not have any other choice. The boat has to be moved.

Councilor Hendricks pointed out that MFC is proceeding and it is in their hands at this point. The Council should vote to have the Town Manager move forward. He could record the Consent Order and come to an agreement with Island Rover. This can be done with the Town Attorney. We have to record the deed.

Councilor Tracy suggested that the neighborhood has traveled this road with Harold and she would like to hear from them on how it affects people that live nearby. She feels it is fair to ask Carter questions since his activity impacts the neighborhood.

Vice Chair Gleeson requested that speakers limit their comments to three minutes.

Lucy Lloyd of Maquoit Drive noted she heard people talking about deadlines and pointed out that the Town is digging trenches in the road and Harold's road is completely blocked now and the boat could not be moved. The ramp that Carter is proposing is in a very sensitive area. She hopes the Council will visit the area before making any decision.

Nancy Meagher of Shore Drive explained that she just found out about this proposed ramp today and no one in her neighborhood is aware of it. She feels they were not given the respect to be included up front. She does not know any of the individuals involved. They had a dock put in themselves but the proposed ramp looks nothing like that. It looks like a commercial structure and she has great concerns about having

that structure down there. Her grandchildren swim there. She would like assurance that if this boat is put in, anything that has the appearance of commercial is pulled out. Carter explained that he owns the property but it is not for commercial use. Ms. Meagher asked if there are contingency plans in place in the event that something happens in the process of getting the boat there. She wants assurance that that beautiful land will be restored. She suggested preserving the beauty and keeping the family nature of our town.

Aaron France of Lower Flying Point Road explained that he just put in rip rap on his property. The project just got finalized after a two year wait. His dock is 3 feet wide and he was advised that a dock can only be 3 feet wide in a residential area. This area is a residential area where all the kids swim. It is not the place for a commercial structure. He does not see how this is going to happen quickly. None of the neighbors want to look at a commercial ramp that is 20' wide going down to the water.

Heidi Bishop explained that she owns property that will look across to this ramp. She asked if Carter will have any of his Falls Point Marine business items on his ramp and personal property. Carter advised that if he is personally using the items, the answer is yes. Ms. Bishop noted that nothing has ever been commercial in this neighborhood and this proposal sounds like a commercial proposal. She does not know how Carter can put in a 20' ramp on the embankment. It looks like an eyesore that will take over the whole neighborhood in plain sight.

Vice Chair Gleeson explained that there obviously is a concern with the structure but the Council is discussing whether or not they are extending the time period for launching the boat. He believes the ramp will have to go through Coastal Waters, DEP, Army Corps, and DMR and what is the proper avenue to have their voices heard. He made it clear that the Council is not voting on the structure, it is voting on whether they will extend the time period for the boat. Mr. Joseph pointed out that the Town never cared or specified where the boat will go into the water. Carter has chosen this location and it will need to go through the most extensive federal and state permitting process. The Town cares if the boat gets into the water. It is up to the Island Rover Foundation or their contractor to find a doable location. He would not specify that a certain location has to be used.

Nancy Meagher advised the Council that the water is 5' deep in this area at high tide. She thinks it is a formula for failure. She feels the proposal is self serving and is concerned with what it is doing to their neighborhood.

Councilor Hendricks pointed out that Carter has to go through a rigorous process to get his permits. The Town never said anyone has to buy land on Flying Point. It has always been up to the Island Rover Foundation on how they are going to launch the boat. At this point the Town owns a boat on Lower Flying Point. The Town has already met with some of the biggest metal scrappers in the business so technically, if we wanted to, we could call and have the boat disappear. Some Councilors feel the boat has come a long way and has had a considerable amount of time and effort put in it. If these things do not happen and the boat is not launched, it will be scrapped. He noted that the Council cannot tell Carter what to do other than make sure he abides by the local zoning but we are not giving him carte blanche to move Falls Point Marine down to his personal property down there. What the Council needs to decide if it wishes to try to extend the agreement to get the boat off the property and launched.

Mr. France asked why the boat couldn't be sold. The neighbors want to see it disappear. He could buy it, scrap it and everybody wins. The Town would make money if it were scrapped. Councilor Hendricks advised that the Town never went with an intent to grab the boat and the land. It was just being held as collateral to make sure that Harold could make a good faith effort on trying to launch the boat. He feels that he is one step away from that good faith effort that was agreed upon.

Councilor Tracy asked if anybody who has not spoken would like an opportunity to speak.

Lucy Lloyd advised that the Council talks about getting the boat ready and getting it in the water. The neighbors are living with a huge project going on and there are a lot of things that still need to be done before getting it in the water besides sand blasting and painting.

Mac Lloyd pointed out that the Town owns the boat and the land. We have gone by the date and now are possibly extending the date again. Harold has been working on it with one man maybe 1, 2, 4 or 8 hours a day. It appears he knew the deadline was approaching and could have had more people working on the boat to meet the deadline. There are two sections that still need to be welded on the back. As soon as frost comes, all work on that boat will stop.

Councilor Tracy noted there are two things that the Council is deciding. 1) Are we going to bless Peter to record the deed. We could leave it in limbo. Are we prepared to effectuate the teeth we have and record the deed. Once we take ownership, we own it and we decide. We have the power to do a couple of things. 1) Extend the deadline for compliance through a separate agreement 2) Take it for scrap, sell it and make a profit and put a halt to this. She is sure there are other options the Council has not identified.

She is ready to authorize the Town Manager to take ownership since that is what was intended by the Consent Order and it makes sense. The Council needs to show it is following its own mandates. With respect to the second piece as to what do we do with it. She has concerns with authorizing the Town Manager to start negotiating an extension of this without having a more formal discussion that allows neighborhood participation. It has not been on people's radar screens except for those right next door to Harold's. It is fair to give people adequate notice to come out in support of Harold fulfilling his dream and it is just as important as neighbors who are concerned about impacts to the neighborhood both from the boat and launching activities. She feels it is essential to schedule a public hearing to take those factors into account before directing Peter as to what is the most appropriate action. In the meantime, she would recommend that Harold keep going as fast as possible and not slow down.

Vice Chair Gleeson recommends taking ownership of the boat and exercise what we said we would do. He asked for comments from other Councilors. Councilor Hendricks recommended taking ownership of the boat at this point. He also would like a public hearing and that it could be scheduled as an item on a Council agenda. He would like to revisit from Mr. Joseph what the boat is worth to us in scrap metal. We could contact the steel people we talked to a few years ago. We could determine what it would cost for us to clean up the site and what is the value of the land in the event we have to sell it. As for the questions raised tonight for Carter, it would be helpful if he had answers for the public regarding the site being proposed for the launch. As for liabilities, whoever moves it will have to provide insurance.

Councilor Arris noted he has not seen the boat and asked if there is another way to get it out of there. Is it too big, is it too heavy. He will view it before the next discussion. Councilor Tracy explained that it is very tall and if it could be put on something to move down the road but telephone wires would have to be moved every time the wires cross the road. It is a pretty big deal. Councilor Arris noted that the kinds of concerns being raised tonight make him wonder if it can be done by September of next year and he doesn't know if these issues are legitimate or not. He would recommend that the Town Manager talk to the DEP and find out if there is a time line involved. He is hearing different information this evening and he is not sure which is accurate after listening to some of the citizens.

Mr. Joseph was told by the Army Corps staff that it is a two or three month process for permitting. Councilor Rixon pointed out that it appears the question of launching the boat elsewhere seems to be out of the question because of its size. It would have to be launched close to where it is right now. If money were no object, Councilor Tracy feels it would not be out of the question. It would be possible to move utility lines but the cost is out of range.

Vice Chair Gleeson explained that the Council has two options. Take possession of the boat and land and the other option is to consider the deadline at a later date. He is hearing that the Council should not act on that at this moment. Councilor Tracy recommended scheduling this topic at the next meeting and it is incumbent on Harold to get the word out. He must know who has been supportive and this would be the time for people to come in and share their opinion.

Carter suggested notifying the whole town. Councilor Hendricks mentioned that traditionally, the Town notifies the abutters but it doesn't mean that it cannot be put on the Town's website and Channel 3. Councilor Tracy suggested using the e-mail mailing list that the Manager's Report goes out on and she will use her District 2 constituent list.

MOVED AND SECONDED: To have the Town exercise its right to execute the Consent Agenda. (Gleeson & Hendricks) **VOTE:** (5 Ayes) (1 Excused-Sachs)

Vice Chair Gleeson noted that the time lines will be referred back to the Municipal Facilities Committee. The next Council meeting will be held on October 4 at the Community Center.

2. Discussion of Soule School

Councilor Hendricks explained that the French School approached the Town Manager seeking a 100 year extension of their lease. The Municipal Facilities Committee was not receptive to that idea and asked the Town Manager to talk with the French School, which is a non-profit, to see if they would be interested in purchasing the school.

They are interested in purchasing the school. Currently they pay \$11,000-\$12,000 a year. MFC has no problem with selling it but if they do buy it, they would buy it through their holding company and will run it as a school. MFC feels that we should have an information session open to the public so that residents can come in and discuss it. MFC feels we should consider moving forward with the sale of the property. They would like the Town Manager to work with the school and come to a negotiated price. They have been a good neighbor in that area and they want to make improvements to the property. They have already invested substantial money there. It would be a win/win for the Town to sell the property and still obtain taxes. He asked if other Councilors feel it is a good idea and if we should pursue a public hearing. As part of the agreement, they would only operate as a school or daycare. The Town would have first letter of refusal if it was going to change hands and we should buy it back for the price we sold it for. These details can all be discussed with the Town Manager, real estate people, the Town Attorney and the school.

Vice Chair Gleeson noted the Council does not have a District 3 Councilor and he would like to see a District 3 Councilor involved in the vote. Councilor Hendricks pointed out that during the public session, if everyone comes out and mentions how the French School has been a great neighbor and the comments are all positive, he feels it would negate waiting for a District 3 Councilor to be elected. A 6 to 1 vote wouldn't make a difference. MFC at this time is moving this to the Council level and seeing if the Council wants to put this on an agenda as an action item and provide an opportunity for the public to speak about the possibility of selling the Soule School to the French School. There was agreement to put this on the next agenda as an action item.

MOVED AND SECONDED: To adjourn at 8:42 p.m. (Hendricks & Arris)
VOTE: (5 Ayes) (1 Excused-Sachs)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES
FREEPORT TOWN COUNCIL MEETING #20-16
FREEPORT COMMUNITY CENTER
TUESDAY OCTOBER 4, 2016**

**DISTRICT 2 & 4 WORKSHOP BEGAN @ 6:30 P.M.
REGULAR MEETING CONVENED AT 6:48 P.M. FOLLOWING THE CONCLUSION OF THE
DISTRICT 2 & 4 WORKSHOP**

	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Leland Arris, 70 Glenview Road	X		
Scott Gleeson, 23 Park Street	X		
James Hendricks, 21 West Street	X		
William Rixon, 66 Varney Road	X		
Melanie Sachs, 84 Kelsey Ridge Road	X		
Sarah Tracy, 2 Pettingill Road	X		

Chair Sachs called the Council Meeting to order at 6:48 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 #19-16 held on September 20, 2016 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #19-16 held on September 20, 2016 and to accept the minutes as printed. (Tracy & Gleeson) **VOTE:** (5 Ayes) (1 Abstention-Sachs).

THIRD ORDER OF BUSINESS: Announcements

Vice Chair Gleeson announced that on Wednesday, October 5, Free Movie Day will take place at the Nordica Theatre. Freeport residents can attend a movie free of charge. Freeport Arts and Cultural Alliance will be accepting donations. Residents are asked to provide proof of residency.

Chair Sachs announced:

- **Anyone wishing to receive an absentee ballot** for the upcoming Presidential and Municipal 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. Ballots will be available the second week in October.
- **Nominations are being accepted for the 2016 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.
Deadline for nominations is December 15th.

- **The Freeport Police Department is holding their second COP Talk** on Thursday, October 6th at 8:00 a.m. in the Council Chambers. COP is an acronym for "Citizen Outreach Program". Please join members of the police department to discuss current trends, issues, and any concerns residents may have.
 - 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 12th from 5 – 7 p.m.! There will be displays and demonstrations from both the Fire Department and Police Department, including demonstrations by K-9 Cassie! Freeport's fire trucks, ambulances and police cars will be on display and many community partners will be participating in this year's event. The Fire Auxiliary will be selling grilled burgers and hot dogs!
 - **Free Movie Day at Nordica Theatre** for Freeport residents on Wednesday, October 5th! Proof of residency required. Donations for the Freeport Arts and Cultural Alliance will be accepted.
 - There will be a **Metro** meeting October 17th 5- 6:30 p.m. in the Council Chambers to review how The Breez bus service is doing. Riders and non-riders alike are invited to attend.
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FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Rixon pointed out that the Metro Bus Task Force met last night at Town Hall and they had the first numbers on ridership. Service started back in June and for the month of July they had over 1,200 riders, In August they had 1,700 and in September they had 2,100 so this indicates that ridership has been increasing. Metro folks are hoping for 2,500 riders monthly. It has been trending upward.

Councilor Rixon was under the impression that the Metro informational meeting on October 17 would start at 5:30 and not 5 p.m. as announced by Chair Sachs but he will check on it. The public is invited to attend the meeting and share their thoughts.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph reported:

Town Assessor Robert Konczal has set the tax rate for tax year 2016 at \$15.80 per \$1,000 in valuation. This is a reduction of -6% from last year's rate of \$16.80. The reduction is due to an increase in town-wide valuation resulting from a market adjustment of +7.4%. The net effect Town wide is a tax levy increase of +1%. The actual increase will vary from property to property based on the effect of the market valuation update. Other notable property tax changes for 2016 include an increase in the homestead exemption from \$10,000 to \$15,000. The homestead exemption is set to increase again to \$20,000 in tax year 2017. If anyone has any questions about their evaluations, they should contact Bob Konczal in the Assessing Office, Extension 140 in the Town Hall. If anyone is interested in applying for the Homestead Exemption, they can come into Town Hall and talk to Louise or Bob in the Assessing Office.

The Department of Justice recently designated October 3-8, 2016 as the inaugural National Community Policing Week. The Attorney General Loretta Lynch, stated that “community policing is recognized as a fundamental part of our shared public safety mission.” To extend Attorney General Lynch's initiative, the Freeport Police Department will host another COP Talk. COP is an acronym for “Citizen Outreach Program”. The Freeport Police Department is reaching out to citizens to hear what they have for concerns in and around town.

Our officers are looking to encourage conversations between Freeport's citizens and Police Department members on current trends, issues, and concerns facing the community, whether it's here in Freeport, or in Maine, or even issues of national interest. The next COP Talk will be held on Thursday, October 6, 2016 at 8 a.m. in the Town Council Chambers at Freeport Town Hall.

The Town was honored to have our new Fire Chief Charlie Jordan serve as a judge in the 23rd annual Chowder Challenge at the Freeport Fall Festival this past weekend. We are still awaiting a report on whether we can trust Chief Jordan's taste in seafood to the same extent as his firefighting skills! He thanked Chief Jordan and other employees who worked this weekend.

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

MOVED AND SECONDED: To open the Public Comment Period. (Tracy & Gleeson) **VOTE:** (6 Ayes)

Joyce Veilleux of Island View Lane explained that if any resident is a veteran, there is also a Veteran's Exemption that increased this year. One does not have to be a veteran but can be a spouse of a veteran and a widow or widower over the age of 62. He or she should go to the Assessing Office, Extension 140 at Town Hall. She invited everyone to the Veteran's Day Concert (November 11) that the American Legion is hosting along with the Congregational Church on Main Street in Freeport. There is a local line up of talent and admission is free. It will begin at 6 p.m.

Mrs. Veilleux pointed out that the Legion along with many people this summer, cleaned 140 Veteran's graves, restored 8 and located 4 that were unknown. On Memorial weekend there will be a ceremony at Woodlawn Cemetery and all will be invited. Veterans from the Civil War to World War II will be getting markers. The time will be announced.

John Lowe of North Freeport referred to the last Council meeting where Town properties were discussed. One of the discussions was on Soule School in South Freeport where there is the possibility of a future sale. He would like to be sure a lot of information will be made available on this before a sale takes place. He feels this is a very valuable Town property and he would hate to see anything happen to it.

Councilor Hendricks noted that the plan is to take it up at the next Council meeting. The Council will discuss it and there will be a public hearing scheduled before anything is decided. Chair Sachs advised that the French School has expressed interest in purchasing the property. The Municipal Facilities Committee is taking a conservative approach. 200 notices have been mailed to all the abutters but the Committee wants everyone to know that this is a discussion they would like to have in public. The public input session will be held on October 18.

Caleb Stevens, Topsham resident, who runs the Edward Jones office in Freeport explained that he is a Board member of the Freeport Community Improvement Association, a non-profit that began in 2001. They have done the plantings at Exits 20, 22 and 24, as well as the new banner wall and plantings at Exit 20 and plantings at Bow Street Market. They have also provided benches throughout the community. This year they are presenting an award to an individual or business that they feel exemplifies the mission of beautifying Freeport's pathways and green spaces. The 2016 Freeport Community Improvement

Association Spirit Award goes to Dominic Petrillo of Petrillo's Restaurant for his efforts in enhancing Depot Street for the expansion of his building and the creation of surrounding gardens and green spaces. He presented the award to Mr. Petrillo who was accompanied by his wife and daughter. His son was at football practice. He was given a round of applause.

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

VOTE: (6 Ayes)

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

ITEM # 166-16 To consider action relative to amending Section 7.03 "Nominations" of the Freeport Town Charter to remove the clause prohibiting voters from signing more than one petition for each office to be filled. PUBLIC HEARING.

Chair Sachs explained that this literally would remove one line from our Town Charter which prohibits someone from signing any petition for more than one candidate. The Council did a survey of surrounding communities as well as State law and learned that our surrounding communities do not have any sort of defining constrictions around how many petitions one can sign. This is just an attempt to clean up our charter and allow access to more people to run for office.

MOVED AND SECONDED: to open the public hearing. (Tracy & Gleeson)

VOTE: (6 Ayes)

John Egan of Curtis Road asked if this would be the place where a correction on where the petition for running for office needs to be notarized. Chair Sachs noted that this should not be confused with the one that was on the ballot in June that got 90% of the votes but was approximately 100 votes shy of the number needed for a Charter change.

MOVED AND SECONDED: to close the public hearing. (Tracy & Gleeson)

VOTE: (6 Ayes)

BE IT ORDERED: That the following proposed amendment to the Freeport Town Charter, section 7.03, be considered as follows:

7.03 Nominations

(a) Petitions: Candidates for election to the council and the school committee shall be nominated by petition. Any qualified voter of the town may be nominated for election as a councilor at large or school committee member by a petition signed by not less than 100 qualified voters of the town. Any qualified voter of the town may be nominated for election as a district councilor by a petition signed by not less than 50 qualified voters of the district in which the candidate resides. The signatures to a nominating petition need not all be affixed to one paper, but to each separate paper of a petition there shall be attached an affidavit executed by its circulator stating the number of signers of the paper, that each signature on it was affixed in the circulator's presence and that the circulator believes each signature to be the genuine signature of the persons whose name it purports to be. The signature shall be executed in ink or indelible pencil. Each signer shall indicate next to the signer's signature the date of his or her signing and the street address where the

signer resides. ~~No voter shall sign more than one petition for each office to be filed and should a voter do so, the voter's signature shall be void except as to the first petition filed.~~

BE IT FURTHER ORDERED: That the proposed amendment to the Freeport Town Charter be submitted to the voters of the Town of Freeport at the Municipal Election on November 8, 2016.(Gleeson & Hendricks)

VOTE: (6 Ayes)

ITEM #167 -16	To consider action relative to amending Section 104, Definitions and Section 412, Commercial District IV of the Zoning Ordinance to address medication assisted treatment facilities for opioid addiction. PUBLIC HEARING
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Chair Sachs noted that Donna Larson is here in the event the public would like to ask her questions during the Public Hearing. She explained that this issue was brought forward by Councilor Hendricks in order for the Council to take a proactive look at our Ordinances because there has been some expressed interest by certain companies on whether we allow this or not. A Methadone treatment facility is currently allowed in many Freeport areas. If we do nothing, it opens the door for lack of planning. The Council asked the Planning Board to take a look at it and they came back with a specific section around District C-4 with a very specific use and infrastructure around it. This is why it is before the Council this evening.

Councilor Tracy pointed out that the Council is not allowed to prohibit this in Freeport.

MOVED AND SECONDED to open the public hearing (Tracy & Gleeson)
VOTE: (6 Ayes)

There were no public comments provided.

MOVED AND SECONDED; to close the public hearing. (Tracy & Gleeson)
VOTE: (6 Ayes)

BE IT ORDERED: That the proposed amendments to Section 104, Definitions and Section 412, Commercial District IV of the Zoning Ordinance be approved.
(Tracy & Gleeson)

Chair Sachs noted that the Council has seen this in depth two or three times.

Town Planner, Donna Larson explained that the C-4 District is on the west side of 2-95 and on the north side of Desert Road. That area is between Hunter Road and the railroad tracks. The Public Works facility is in the C-4 District. On the Desert Road, it goes all the way to where the DOT facility is along the railroad tracks. It is a fairly small area and is close to the highway. She and the Chair of the Planning Board visited two Methadone Clinics in Portland to get a sense of what they were like, what they looked like and what went on there. They learned that it is very important to be close to the highway.

ROLL CALL VOTE: (6 Ayes)

ITEM # 168-16	To consider action relative to the appointment of a Marine Resource Conservation Officer.
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BE IT ORDERED: That the Town Manager's nomination of Charles Tetreau of Freeport as Marine Resource Conservation Officer be confirmed. (Arris & Gleeson)

Town Manager Peter Joseph explained that this employee reports to the Chief of Police. He is happy to nominate Charles Tetreau of Freeport for appointment by the Town Council as Marine Resource Conservation Officer. Currently, Mr. Tetreau serves as a Marine Patrol Officer for the Maine Department of Marine Resources in the Portland area. He holds a "full time" law enforcement officer certification from the Maine Criminal Justice Academy and a BA in Parks, Recreation and Tourism from the University of Maine, Orono. If confirmed, he could begin work next week.

ROLL CALL VOTE: (6 Ayes) Chair Sachs welcomed him.

Officer Tetreau thanked the Council for the opportunity to work for the Town. He is happy to get started.

ITEM #169 -16 To consider action relative to signing the warrant calling the Municipal Election for November 8, 2016.

BE IT ORDERED: That the election warrant calling the Municipal Election for November 8, 2016 be signed. (Rixon & Gleeson)

Chair Sachs noted that this is normal housekeeping. We are putting these things on the ballot and we are not approving or denying a Charter change.

ROLL CALL VOTE: (6 Ayes)

OTHER BUSINESS:

1. Discussion regarding Island Rover Project (NOTE: The Town Council will accept public input on this agenda item)

Chair Sachs thanked everyone for being here this evening. She appreciated the many e-mails and phone calls that the Council has gotten. Her job is to set the table for the next discussion. She will be happy to hear from everybody and that is the reason for this public discussion. This is not a public hearing because there is no action item before the Council on the table. She hopes people have read Peter Joseph's memo attached to tonight's agenda which does outline that per the Consent Agreement, the Town of Freeport has legal possession of the Island Rover Foundation's land and boat through the Court agreement. The next decision before the Council is the disposition of what happens next now that it has moved forward due to missed deadlines. This evening, based on the feedback from the September 20 meeting, the Council has asked Mr. Joseph to give an update as folks requested regarding some initial points. Fred Reeder, our Codes Enforcement Officer is here. He met with the DEP. We also have members of the Island Rover Foundation. Those three folks can hopefully answer some of the questions and we ask them first to give that information so we can address the questions that came up on September 20. After that we will open it up to public comment.

We will adhere to the 3-minute limit for public comments. She quoted a Sarah Tracy-ism: "Reasonable people can disagree". She instructed speakers to please keep their comments to the issue and not to the character of maybe a difference of opinion. She noted that we all live in this amazing town.

Mr. Joseph explained that he was asked to do some research which he summarized for the Council and he was asked a few questions since then at the previous meeting which he will get into. He will then take

questions from the Council. Chair Sachs advised that she would like updates from those three folks and then will let people have an opportunity to speak.

Mr. Joseph noted that we identified two options for resolution. We currently are in possession of the property according to the terms of the Consent Order. The Town Attorney has informed us that it is automatic and as a result he has been busy doing certain things, talking with people and following up on issues. We have the option to enter into a new agreement. The option of amending the Court Order that exists, is not a practical option once the appeal period for the court decision had passed. The court decision was about two and a half years ago.

Option 1-The Town could negotiate an agreement with the Island Rover Foundation to allow work to continue on the boat on terms agreeable to the Town. Obviously the Town has many concerns with this and Mr. Joseph has heard concerns from the public regarding:

- Time frame for the launching of the boat
- Conditions under which work could continue (insurance requirements, working conditions, environmental conditions, etc.)
- Condition in which the property is left after removal of the vessel
- Automatic provisions and methods for removal of the vessel if the launching deadline is not met
- When and under what conditions ownership of the property and vessel will be transferred from the Town to IRF or their designee upon removal of the vessel from the property
- Conditions for transport of the vessel over Town roadways
- Any other relevant details.

Option 2- The Town could look to otherwise remove the vessel from the property. One method would be to scrap the vessel by calling in an outside salvage yard. They would not be paying us the same price if they came out and did it themselves but it is of sufficient size where they would be interested in tackling the project on site for us. It would generate a small profit and Mr. Joseph is talking in the range of \$5,000-\$10,000 but it could be less than that.

Another option would be to offer purchase and/or salvage rights for individuals or companies interested in purchasing the vessel and transporting it from the site with the intent of finishing it at an appropriate commercial ship yard. There may be difficulties transporting it but it doesn't mean that somebody might not be willing to put the money into removing it immediately. For example, putting it on an auction block. It is a way that the vessel can be maintained without destroying it. While Mr. Joseph does not think this has a high probability of success, he would like to take a look at it if the extension is not the direction the Council wants to go.

If the vessel is removed, Mr. Joseph feels the Council will need to discuss what is done with the money afterward, whether it is returned to the Island Rover Foundation or whether we use it to do work on the site. He does not recommend keeping any profit for the Town beyond its costs.

Mr. Joseph was asked to look at the environmental and liability concerns surrounding the Town's involvement in the project. The Town Attorney recommended that we could minimize our environmental exposure on the property. We have already worked with DEP. They have been out to the site and reviewed it with our Codes Enforcement Officer. They did not leave the site with "this must be taken care of immediately". It obviously is not a perfect site and there are some things they identified but they did not identify it as a hazardous waste site that needs immediate addressing.

Mr. Joseph ordered a preliminary records review for additional protection to see what is on that property and its immediate vicinity in terms of environmental concerns. We do not have the results but don't expect

anything to come back on this site. If it does, we will keep the Council updated. He expects to get the report in the next couple of days.

The Town Attorney has concerns about the property and liability risks on the site. Obviously there is a steel structure there and there is an opportunity for something to go wrong, either with the structure or the property so we have sought liability insurance from our pool carrier and they have referred us to a marine insurer, which is pretty common for contingency insurance on boats and general liability insurance for the site. They do not want to touch anything over 25 feet for Municipal purposes. While it is in a state of construction, they consider it a vessel over 25 feet so it is not a construction site, it is a marine construction site. They are very specific about that. The cost of that will be \$5,000 to the Town. Should we purchase that additional insurance, it is something the Council should address tonight or in agreement if we choose to move forward. Of course, we will not maintain that cost if there is removal from the property.

Mr. Joseph was asked to follow up on the value of the property in addition to the value of the vessel for salvage purposes. It is currently valued between \$30,000-\$45,000 which is a third of the cost of what a non-buildable lot not on the waterfront in that neighborhood would go for. If the single lot was free and clear with nothing on it, it would be worth in the range of \$100,000-\$125,000.

Chair Sachs pointed out that Mr. Reeder wrote a memo which is on the Town's website. Fred Reeder, Codes Enforcement Officer, advised that he learned the DEP would be visiting the site based on a complaint of spillage of the grit that will be used in sand blasting the vessel. He met with Eric Hamlin of the Solid Waste Division of DEP as well as two other DEP representatives last Thursday. They were there for two hours surveying the site and looking at the grit spillage. The container holding the grit rusted causing the small spillage. They were not too concerned but advised Harold Arndt how to clean the material up and store it until the vessel is sand blasted. If the material is not used in the sand blasting, it should be added to the containment vessel that will be put around the boat when it is sand blasted and dispose of it at that time according to DEP regulations. The same containment will be done when they paint the boat. There were no issues raised with the paint proposed to be used. It is good quality paint and rated for that use. Containment will be done when the painting is done. Any spillage will be contained and removed from the site. DEP did not appear to be too concerned about either of these operations. Mr. Reeder suggested that DEP have someone on site for the sand blasting and painting of the vessel to make sure that every thing is done in compliance. Everyone agreed that a DEP representative would be on site for the sand blasting and painting to make sure everything is done in compliance and there are no spillage or environmental issues and that material will be removed from the site.

Mr. Reeder feels it was a good meeting and they looked at everything. They did not have any additional concerns. There are no hazardous wastes there. There will be a full report from all three representatives coming to the Council in a week and a half. He left the site when Carter Becker arrived and was not privy to any of those discussions. He explained that from the discussions, the ground will be completely covered and the boat will be completely tented. Nothing will escape into the air. The rust or whatever is being blasted off will drop to the ground but it will be tarped up and removed.

Willy Leathers, Vice President of the Island Rover Foundation pointed out that he is here this evening to answer any questions that have developed around Island Rover and also address concerns voiced by the community and look toward the future of their vision on how the ship will be utilized. This vessel is placed in a woodlot away from the water but will be joining the ranks of educational vessels under sail taking youth to sea on voyages and introducing them to the oceans of our world. The keel was laid 23 years ago and we can work together to develop the best plan to re-mediate the situation and to transport the ship from its construction site to the water as efficiently as possible.

Stage 1 is the completion of the major hull construction and the application coatings. This has the ship structurally sound and able to be moved.

Stage 2 is construction of a launch ramp and the equipment needed to transport the vessel.

Stage 3 is moving to the launch site and launching the vessel in transit to an approved marine facility and finish outfitting her.

The Island Rover Foundation has contracted with Carter Becker of Falls Point Marine to complete the structural construction of the vessel and oversee the transportation and launch procedure. All pertinent environmental regulations and standard industry operating procedures will be adhered to throughout the process with the employment of insured and professional subcontractors and standards for safe work site will be met. Mr. Becker is committed to ensuring that the financial obligations will be met to meet the time line required for a successful launch as determined by future conversations. The Foundation recognizes its obligations to continue working to remove excess materials and equipment from the property. While a portion of the materials and tools will be used during the final stages of outfitting the ship, removal of excess materials and equipment will continue by selling serviceable items and seeking appropriate places to donate and dispose of unused materials.

While the time line of asking for a full year extension to remove the ship from the property might seem undue, he asked that consideration be given to the environmental constraints on the project. The welding and painting work needed to complete the hull construction to allow the ship to be transported can only be accomplished during the ever diminishing window of fair temperatures this fall or commence again next spring. Improvement to the access road and construction of the launching ramp can also only take place after the ground is thawed and roads are no longer posted and mud season is passed. Targeting early fall is the logical launching time for this ship. The Foundation is confident that it can successfully launch this ship and outfit and program her as an educational vessel. With transparent operations, he hopes community support will continue. We can all agree that it is about time for this ship to leave the wood lot and find its way to the ocean. He asked for support to have this happen efficiently and successfully. He looks forward to meeting with individuals interested in learning more and asking questions.

Chair Sachs asked Mr. Leathers if he had the answers to Councilor Tracy's eight specific questions, some of them were posed to her by residents. He replied that he did.

1. What is the plan for the completion and launch of the Island Rover? What date would it ready to launch if granted an extension of the Consent Agreement and what needs to be done to launch the boat?

Mr. Leathers advised that the plan is completion of the vessel and they are looking at a 12-month window from the date that construction can continue on it. They would need two weeks to complete the hull plating to be finished. That would complete the structural integrity of the ship and allow her to be moved. They would need two weeks for the sandblasting and painting process requiring fair weather and the temperatures to hold. At that point the ship would be sandblasted and painted and ready to be moved. If they press through the winter and get into next spring, they back up to the fact that the ship cannot be transported over that dirt road out onto a Town road and to a launch site that would need to be constructed once the roads are unposted in the spring.

Councilor Tracy noted that she is hearing four weeks and asked if there is any impediment to completing it in a month if the Council allows work to continue? Mr. Leathers agreed that a four week window would be a reasonable target to hit if the Council were to allow work to continue immediately. Councilor Arris asked if the Foundation cannot do it in the next month, would it set the time line back if the Council were to give the Foundation a year? Mr. Leathers replied that it would not. The fact of the matter is that the ship itself could be ready to move much sooner than there is a place for her to go.

Councilor Tracy asked if the Foundation has sufficient funds to complete the work on the boat that is being discussed right now. Mr. Leather replied that they do. While those funds are not currently sitting in a bank account, they feel they have dedicated sponsorship. If they have a definitive time line and a motion by the Town to let this happen, they feel they can fund this. Councilor Tracy asked if the Foundation could start work tomorrow, complete the ship in a month and do they have sufficient funds right now to make it happen. Mr. Leathers replied yes, they do. Councilor Arris wanted to continue along the funding issues. When the Foundation gets ready to move the ship, he asked how sure they are that they have the funds. Mr. Leathers explained that they would utilize house moving equipment and they would need to put a deposit to have the certified movers come in and operate it. He feels they are in the range of \$70,000 to get the equipment on site. They do have the deposit guaranteed at this point.

2. How will the Foundation ensure that those activities will comply with environmental regulations and best practices to minimize any adverse impact on the neighborhood? Mr. Leather noted that with the DEP direct oversight on the property as well as the intentions to adhere to all environmental regulations, they will try to be a transparent operation. Any subcontractors on site will be professional. Having DEP on site is a good insurance policy that everything will be up to standard.

3. What is the plan to launch the ship, provided that the Council grants an extension? Where and how? Chair Sachs noted that Mr. Leathers noted that the plan is to move it to the Shore Drive location and launch off a ramp. Has there been a cost estimate costing it out in a written detailed budget with the time line? Mr. Leathers replied that they have costed it out and they came up with \$70,000 to bring in the house moving equipment on site and move it to the launch facility. Chair Sachs asked if they have looked at other options to launch the Island Rover, other sites or just to move it off the property? Mr. Leathers advised that to move the ship off the property would require the same equipment to move something of this tonnage. Improving the access road and receiving the permitting and needed materials and supplies to be able to lay out marsh mats, etc. to protect the roads is the same investment as it would be to move it to another site as it would to move it to the launch site. At this point it is the same window and their hope is to get it through the process in one felled swoop rather than have to move it to an intermediate site.

4. What will be done with the boat once it is launched into the water? Where will the boat be kept? How will it be moved from point to point prior to the installation of an engine? Mr. Leathers advised that the boat will not have an engine when it is launched into the water. It will be towed to a marine construction facility. Plans are being worked out to determine how the ship will be outfitted. Councilor Tracy asked what assurances do the neighborhood have that the boat will not hang out in the harbor in front of Shore Road? Mr. Leathers noted that they have an invested mission in having the ship utilized as soon as possible and plan to move it immediately to a facility where they can continue outfitting it is of the utmost importance. As for looking at other launch sites, Mr. Leathers advised that there are other possible launch sites of similar size. Choosing a site that is as close to the construction site as possible has been their intended operation in that it minimizes the impact on the community. Moving the ship over roads, it becomes very cost prohibitive to look at moving the ship over roads to any other approved facility, approved marine construction facility or simply another property off of the Lower Flying Point area with a utility interface. It becomes a cost prohibitive measure very fast. Chair Sachs asked Mr. Leathers if he had written estimates from an identified boat yard or what the costs will be. The Consent Agreement did not say "launch", it said "move it off the property" to another location. Mr. Leathers advised that he does not have actual cost estimates but offered to look into it. Chair Sachs noted this has been requested several times over several years about the cost to move it off the property to remove the zoning violation. This is a key piece that has been requested several times.

Chair Sachs asked if there were other alternatives explored that had been pursued prior to the September 9th Consent Agreement beside the Shore Road launch? Has anything concretely been explored? Mr. Leathers advised that there has not been a concrete plan in place and they have to finish the construction of the ship before she can be moved from the steel bed that she is on right now.

5. How can the Council be assured, if it decides to grant an extension of the Consent Agreement to allow work on the boat to continue, that the Foundation has the financial capacity to complete the tasks identified? Chair Sachs asked if there is anything written today regarding a very specific budget and development plan around finishing the vessel? In 2014, she recalled the Foundation saying: “with the certainty of having a date, we will be able to fund raise.” She asked where this is two years later? She asked if there is a budget, development plan and cost estimates around if the Council grants this extension.

Mr. Leathers advised that they have a monthly laid out plan to look at the steps in order to break down the process. Looking at now in October discussing the two week sessions of welding the stern plates, painting the hull as weather allows, they would be able to look at that at costing around \$12,000. As they move forward into November-February, moving forward through the winter, and hopefully doing the beginning parts of site clean-up to re-mediate the excess materials on site while they are looking at that window in the spring and possibly finishing the hull construction and painting as well. This is in the window of another \$2,000 to be able to facilitate getting excess materials off the site. Once they look at getting the equipment in place and beginning to stage the ship to be able to be moved off site, that is another \$60,000 to solidify the house moving equipment and the equipment needed to launch the ship. That would be done in the spring. Councilor Tracy asked if the estimate includes the cost of possibly dropping 3-5 utilities in the event Shore Road is designated as the launch site. Mr. Leathers replied, “yes it does”.

Councilor Arris pointed out that earlier Mr. Leathers mentioned a cost of \$70,000 and now in totaling up these amounts, they exceed \$70,000. He asked Mr. Leathers to explain the difference. Mr. Leathers noted they are looking at \$74,000 to include \$60,000 for equipment and the utility move and \$14,000 for plate moving, the painting and site clean-up. This does not include construction of the launch pad. To be specific, Councilor Tracy noted it is the proposed construction of a boat ramp. Chair Sachs asked if the plan is to continue the clean-up of the property once the ship is removed. Mr. Leathers advised that they will not wait until the vessel is removed. They will start organizing and determine what will be part of the ship, what will not be part of it, what its purpose is and where it can go. That process is ongoing now and when Island Rover is able to continue construction on the ship and take ownership of the property and make sure it is maintained and hopefully open that transparency of operations with the community, especially in the neighborhood so that there will be open communication on what will remain on the property.

Chair Sachs mentioned she heard a few times “if we had a date and it was free and clear, we could do this”. She noted it was granted to the Foundation so she is curious as to the efforts that have been done since, the development plan around that and why it has not been done. Mr. Leathers advised that with the longevity of the project, there are a lot of things to navigate and in the fundraising efforts that happened before, there has been support on many sides but also an air of caution also in making investments in a project or philanthropy in a project that has a possible unknown outcome. That caution has been in the fundraising stages, has not been as fruitful as they hoped. In looking at the bigger picture, if this boat were not to be located exactly where it is in this situation, the mission, the program and the actual ship itself, it would be hard not to have people interested in it. There would be a lot of energy from the community, Mid-Coast Maine and the whole state in the fact that this is a Maine built and Maine designed exemplary piece of ingenuity. It is difficult to navigate around simply where the ship is and they are hard to press folks on where the ship will go and what will happen if she can be freed from that piece of property. That is the hardest bit of any sort of fundraising that has come up to two dates and will be going forward until the ship is free and clear of that property. For many the date of the transformation will take place once it is painted. It will look extremely different. Within this process he feels there will be definite milestones that will be lucrative in terms of raising awareness to the fact that the ship is taking form and will have forward motion, not only to get her in the water but to continue seeing her outfitted and programmed so

that she can be a home port of Freeport built boat in the modern era showing what these practices and principles can be put towards.

Councilor Tracy asked if Mr. Leathers could estimate and tell how much money the Island Rover has on hand now and if he has a commitment from Mr. Becker in writing to backstop the funding if the fundraising is not successful. Mr. Leathers did not know a figure of what is on hand but he can look into supplying that. There is no written agreement with Mr. Becker right now but this is something that can be handled. He mentioned that the website shows simply who has donated but there is not a breakdown of what they donated. He mentioned it could be compiled to show a time line of donations over the years. He noted that there has been a lot of support in in-kind donations such as paint, rigging and services. These in-kind donations make up for what would be a substantial monetary outlook.

Councilor Rixon mentioned that he understood that this vessel has a draft of 9 ½ feet and asked if this is correct. Mr. Leathers indicated that it is. When the vessel is on a trailer, Councilor Rixon asked how much water is necessary to launch it. Mr. Leathers explained that it will necessarily come out floating. A cradle is being built ships like this can be air bagged to provide extra buoyancy to move off a marsh or mudflat. In 5 feet of water a ship can be floated with an airbag system.

Councilor Tracy asked for a list of permits/approvals that need to be obtained from federal, state and local entities in order to successfully launch the vessel and is there a time line for filing those applications and obtaining those approvals? Do these time lines factor in potential neighborhood opposition?

Mr. Leathers indicated that this is something he cannot speak to but the permitting process has been started with the Army Corps. of Engineers and the permitting process will begin with the DEP. Those windows have been accounted for in the 12-month window.

Chair is still not certain on “how we can be sure the Foundation has the financial capacity to complete this” but understands that Mr. Leathers has answered to the best of his ability and she understands that and thanked him for that.

Chair Sachs opened the discussion up for public comment. Comments should be limited to 3 minutes and Mr. Joseph has a bell to let speakers know their time is almost up and they have 20seconds left. This is an opportunity for the public to say whatever it wants. She requested that there be no applause, no smirking or making someone feel badly if they have a different opinion. Side conversations and derogatory comments about your neighbors are not helpful. She wants everyone to be heard and once it is done, the Council will bring it back for discussion. Councilor Tracy asked a process question. What if people have questions that are posed to the Island Rover Foundation, should they register them in public comments and then the Council will deal with them afterward? Chair Sachs noted she would keep track of them so asked the public to indicate they would like x-y-z to address this at the end. She would appreciate the folks from Island Rover to stick around and answer those questions to the best of their ability.

David Webster of Lavers Pond Road noted he has not been involved in the process but when he was in the Legislature he tried to help solve the problem of having U.S. certified Coast Guard welders working on the project. He was not successful in resolving that. He worked with the Community College and tried to move the project along. Fortunately Carter Becker resolved the problem and got certified welders. He understands the project has been frustrating. He knows a couple of the new Board members and is confident they will do the best they can. He has concerns that if, in fact, the Council decides to destroy the Island Rover, there is a lead keel and the DEP will be involved if it is dismantled. He trusts that it will be safer to move forward and favors moving it in one piece.

Galen Geiger representing the Harpswell Charter School in Harpswell pointed out that he feels fortunate to be working with the Island Rover folks over the past two years either helping to clean up the site or

work on the ship. He learned a hands on approach to using the materials. He wanted to speak to the educational aspect of the Foundation's mission. It has already proved fruitful to students at his school as a learning experience. They are excited about the prospect of this continuing and have the ship reach water.

Rich DeGrandpre pointed out that this started as a dream. Harold wanted to build a boat. As his effort grew to complete this project, he changed ownership and complexion of it and it ran a fowl of zoning. If the Council decides to not allow the Foundation to continue, he encouraged the Council to explore all the options and not just take it apart. He suggested considering moving it during a different season. He helped move things on Wolfe's Neck 75 feet long with two big stone chimneys. They spun them around and went across fields that were frozen. He noted that he did not envy the Council in this.

Deb Smith of Lower Flying Point Road noted that she watched the boat being built for a couple of decades and it saddens her that if Harold had been independently wealthy and kept the boat under his own name, we wouldn't be having this discussion. We have people in our neighborhood build boats and refinish them. Boats are not the problem. The problem is we have people move here. The boat has been there longer than the people who complain about the boat. She wonders what the witch hunt is all about. She feels it is a valuable resource.

Connor Dillon advised that he was able to go on a sea voyage this summer and now understands how this boat will be utilized for sea voyages and education. From his experience, he now has a greater understanding of himself. He found that he learned things on the boat that he would not have learned in a classroom or other situations. He came to the understanding that things learned on those types of experiences are carried into the way one presents herself or himself to others in every day life.

Glen Knock of 84 Maquoit Drive noted his son lives across the road at 83 Maquoit Drive which is the closest habitat to the boat in question. He has concerns about how this is going to affect his granddaughter playing in her backyard which is 100' from the hull and how this will affect wells and septic systems. He does not believe there has been a clear answer to this at all. He noted this is a great project. He moved in in January of 1998 and the hull was begun and now 19 years later, it is still there. Some archeologist 2,000 years from now will think it was some kind of shrine put up for people to worship. There are economic situations and environmental issues involved and all kinds of issues involved. His main concern is when is it going to be completed and what assurances do we have that it will be completed with a reasonable non-environmental impact to abutting properties. He doesn't want to be sitting here five years from now going through another extension and wants assurance that the property values and the environment will be not affected by this project.

Catherine Rigby of 292 Lower Flying Point Road advised that she grew up on Flying Point Road and after her husband served in the Air Force for 20 years, they returned to Lower Flying Point to share in the wonder and beauty of growing up near the ocean with their daughter. The Island Rover issues are broader and deeper than getting Mr. Arndt to remove the vessel from its current location. The Town needs to take into account and protect the environmental land use, social and cultural interests of the Lower Flying Point community over the interest of the Island Rover Institute, Mr. Arndt and Mr. Becker. This is a residential zone and the Town has allowed this commercial boat building project continue for years after being given deadline after deadline. To add a 20 foot wide permanent concrete ramp to support the launch of one vessel is the beginning of a new project, not the end of this one. She noted that everyone knows Mr. Becker of Falls Point Marine on land he leases from the Town. Perhaps he plans to move his business to their neighborhood. Commercialization and the fear of continued commercialization in the cove is negatively affecting her life in a residential zone. It needs to stop. She fears the cove will be altered and scarred forever. Every cove landowner and abutter on Shore Drive and Lower Flying Point oppose this 20 foot wide permanent launch structure for reasons of environmental impact and fear that continued commercial activity will take place in their residential zone. She shared that Mr. Becker owned a different 65 foot vessel and it sat in the mud for years at Falls Point Marine where the tide flowed through it. He

tried to lift it with a massive crane in 2004 but to no avail. She shared this story because history repeats itself.. She is confident that there are other options to launch on Shore Drive that will satisfy all interests including the Island Rover Institute without launching the vessel in this cove. She suggested removing the keel and transporting the vessel and keel separately to an appropriate launch site and then reassembling the vessel and launching it. She passed out a Hazardous & Oil Spill System Report concerning Falls Point Marine and Carter Becker dated 8-23-05 which she just described

Nancy Meagher explained that she and her neighbors are concerned about this issue and have hired an environmental consultant and attorney John Lloyd who are both here this evening. She and her neighbor, Mrs. Rigby worked together to put their points on paper which Ms. Rigby passed out. The Talking Points on the handout are a guide. She pointed out that there are options to a launch in the cove on Shore Drive that will satisfy all interests-Island Rover Institute, Mr. Arndt, the Town and the folks in the affected neighborhood. She noted that no extensions should be granted to IRI, but if they are, none should be granted until all of the issues following are satisfied:

1. Bond. IRI and Mr. Becker should post a bond sufficient to cover
 - a. Environmental clean-up of the site
 - b. Repair of damage to roads, utilities and infrastructure
 - c. Environmental clean-up of the cove and flats-see DEP incident reported
2. Municipal responsibility to safeguard health, safety and welfare of the public, especially the residents of Flying Point who reside on Shore Drive, Lower Flying Point Road and those who access their property from Lower Flying Point Road.
 - a. With the vessel in its present location
 - b. With the vessel being moved
 - c. With the vessel as moved
 - d. With the mechanisms and engineering necessary to move the vessel
 - e. With the *short term* land use changes to the shore, intertidal zone and neighborhood to accommodate the launch of one vessel.
3. Enforce the Consent Order and Memorandum of Agreement
 - a. Freeport should live up to the Consent Order and Memorandum of Agreement
 - b. Freeport should force IRI to live up to the Consent Order and Memorandum of Agreement
4. Environmental concerns on IRI property now owned by Freeport
 - a. No plans should be made to move or remove the vessel until
 - IRI has conducted a Phase I environmental assessment and any follow-up assessments that may be recommended.
 - .MDEP has done a thorough site visit and assessment
5. There will be an environmental impact to the cove from launching a vessel that 12 feet in a cove that might have 4 feet to 5 feet of water at high tide. What is to keep the cove from the same problem experienced by Mr. Becker at Falls Point Marine with a vessel stuck in the mud for years?
6. There are implications of a move (vehicle and load) on roads and utilities.
7. Ramp Design
 - a. Huge volume of material to be removed
 - b. The ramp will be, to all intents and purposes, a permanent structure or scar even if used only one time.

Allan Kaplan of 22 Shore Drive explained that he is about 100 feet of the proposed launch site. He and his wife have three young children. They moved there nine years ago when they walked into their house, they knew it was the place to raise their family. When they found out about the proposed launch site, it broke their hearts. He wonders if they will be able to let their children outside like they do now and how it will change this beautiful, quiet neighborhood. He appealed to the Council to consider all the options in terms of where to install a launch. It obviously will impact the community based on how many people are here tonight to talk about it.

Eric Oransky advised that he grew up in Freeport with Casco Bay in his backyard and did a semester at sea as part of an educational program open to high school students. This experience at sea was a great learning experience. He feels it would be a shame to see the Island Rover fail when it is so close to being finished. He feels moving the boat off the property and the launch site should be kept separate.

Jennie Davidson of 56 Shore Drive, just down the road from the proposed launch site. She feels the testimony has been great tonight and she is sympathetic to the idea that the Island Rover will be a floating classroom. She wanted to separate that issue from the construction of a boat launch on Shore Drive. That is another issue in itself. This is the building of a commercial sized boat launch. They moved there with two young children and chose this neighborhood so their children could play and ride their bikes in the road. With the completion of this commercial launch pad which will be permanent, they will not know the true future plans for it once it is built. It is conceivable that it could be used for commercial ventures in the future and she questions what it will do to traffic in the area and how it will impact the quality of life they have.

Charlotte Bishop of 145 Maquoit Drive advised that she has lived in the area for over 55 years. She noted that this was a good thing at the beginning but after all those 20 something years, the excitement has worn off. We are all here because it is a zoning issue and it is not allowed in this zone. A methadone clinic can only be built in a certain area and a boat can only be built in a certain area and this is not one of those areas. When she was on the Council, she voted to give a 5-year extension and as soon as the vote was over, she said "that boat will not be done in five years" and it is not. When the next vote came up, she abstained from voting for the 3-year extension because she felt it would not be gone in 3 years and it is not. She wanted to clarify that everybody keeps talking about the boat. It is not a boat. It is a ship and something that you could see at Bath Iron Works. She has concerns with the building of a boat launch and how it will destroy the Shore Road neighborhood. She has concerns with the future of the boat launch because it will be stripped of trees. She noted that it is not up to the Council to say that there can be a boat launch but the future of the launch is something the Council needs to know about. In the original agreement, she recalled a clause that stated that once the vessel was launched, it had to be out of Freeport coastal waters within 60 days or 90 days. She asked somebody to check on that and be sure it is included. When people do construction, they have to have a road bond so she feels there should be one to move this vessel over Freeport roads. When funding was discussed, the Council heard the same things about in-kind donations but she stated that in-kind donations are not going to move this vessel.

Catherine Carty Wilbur of Lower Flying Point Road pointed out that she does not want to see the Council put the kibosh on the ship. She has enjoyed watching it being built and doesn't feel that the Council should deter a dreamer. She would like to see the launch issue settled that will make a lot of people happy. She would like to see the vessel finished and gone to sea.

Aaron Francis of Lower Flying Point noted that he understands how Harold had a dream and he appreciates a dream. This has been a hot topic in his neighborhood. We keep giving Harold more and more extensions but he doesn't follow the rules. He worked on a vessel summers and it was very educational but the boat was built in a shipyard. This vessel is being built in the wrong place. He read in the paper that they should be able to raise \$100,000 to move it but after that it will be a stretch for the equipment, launch, etc. He has learned that when you build a boat, you have to get a seaworthy stamp of

approval. This vessel has never gotten a seaworthy stamp of approval because the plan has never been sent in. He learned that it can be done afterward but it is a very lengthy process. If they feel that that boat will not float correctly and changes will need to be made to the hull or design, that will lead to more time. There is a process where you are supposed to follow directions to get a plan approved before you build a vessel.

Patrick Griffin of 15 shore Drive feels this was a great idea but it is a failed idea. It was poor planning on the place to build the vessel and there was a lack of foresight to where it can be launched after it is built. He doesn't believe they have proof of financial viability to bring it to fruition. He is confident they are not going to finish this project. It is not right that the taxpayers will have to pay for insurance on the land and the vessel when they take it over. He feels it should be dismantled and moved. If they can come up with a way to remove the keel and move it off the property and finish it elsewhere, it would make sense.

Liz Andrews of Byram Drive advised that she is here to support Harold. She has lived on Byram Drive for 30 years. His boat is a victim of a neighborhood growing up around him. He has lived there for more than 50 years. His project harms no one. The hazardous debris has been cleaned up. He recycles and re-purposes stuff. He is kind and helps his neighbors.

Alex Agnew, president and founder of Tall Ships Portland noted that we do not have enough youth sail training vessels in the United States right now to meet the demand. Here in Maine they would like to send thousands of kids to sea for a life changing experience. He noted that Maine was the world's largest ship builder for many years. For him, this is another example of a ship that will find itself out of the woods somehow. He knows Harold and his family and feels they need to move aside and let someone else get the ship out of the woods. As part of Tall Ships Portland he got to know Carter Becker and feels he is amazing. He is aware that the Town of Freeport is now the owner and manager of this project. He urged the Council to allow them the time to finish and launch the vessel. He is confident the vessel will be launched and sailing within 2-3 years.

Joyce Veilleux of Island View Lane dittoed Liz Andrew's comments. She believes the Council has the hard job of separating the extension of the ship building and building the launch site. This Town has never put in the building of ramps in its Ordinances so you have left it to the Army Corps. OF Engineers and DEP make those decisions. They are two separate things. The Council does have the ability to ensure and monitor how that ramp is used after it's built. She believes Carter Becker when he promises her that after that ship is launched, it will not be a commercial site. He is not losing his lease at Porter's Landing and has no intention of moving his business down to Flying Point. It is a residential area and he understands what RR-1 means. She understands that the Town is now the owner of the property in the Swan Development area. There is verbiage on every deed in that area that says the Town now owns the roads and right-of-ways in common with every other deed owner in that area. She wanted it put on the record that the Town does not plan to allow these right-of-ways to be open to the public but Maine State Law does give the Town the authority as a property owner to do so. Chair Sachs noted that this question has been noted and will be answered later.

Tom Wilbur of Merganser Way advised that Harold built the ship from discarded materials from B.I.W. When he started the project, there was no zoning and what Harold was doing out in the woods did not concern anyone. He doesn't know if it right to have it continue but knows that if we don't want the ramp, it can be taken out by jackhammers.

Lucy Lloyd of Maquoit Drive noted that she heard Mr. Leathers' presentation and when he came to the stuff that is left at the boat yard, that is where it became disconcerting to her. In 2012 the Council sent out cards to everybody in the neighborhood and asked them to come and speak about the project. A lot of people did not want to speak out against a neighbor but had concerns so they formulated a letter and sent it to the Council explaining that they didn't want to speak out against a neighbor but here are our

concerns. Councilor Cassida pointed out that it was an enforcement issue. She provided 5, 6 or 7 pages from the discussion that took place in 2012. She made reference to the Consent Order from 2014-2016 and that the Council has to deal with the enforcement of that. When the Foundation representative said "once the boat leaves, we will decide what will still be used in the construction of the boat and what is personal property." She feels they are right back to not knowing what is happening to the junk yard. There's 10-12 automobiles, and a tractor trailer. It is an unlicensed junk yard. There is a No. 2 fuel oil tank there that former Fire Chief Darrel Fournier indicated he had concerns with. She is aware that the Council will be getting a letter from the DEP. She requested if a marine survey of the boat independent of the Island Rover. She urged the Council to go and find out what is there.

Rick White of Pleasant Hill Road advised that his interest in this debate is multi faceted. He was a Councilor in District 2 for two terms along with Rich and Charlotte and addressed the Island Rover back at that time. His grandchildren play at Nancy Meagher's home on Lower Flying Point road. He admires and respects what Harold Arndt has done and recognizes the complexity of the issue and the concerns of the folks that live in the neighborhood. It would be a win/win situation in this scenario to get the boat into the water and have it taken away to be refitted. Failure would be to dismantle the vessel. Dismantling it would create many unintended consequences and liability risk for the Town that we are not ready to handle. If it were possible, he would like to suggest that the Town Manager, a Council representative and Fred Reeder head up a project to address the successful launching of this vessel by identifying the right people to have involved, identify the obstacles, make sure what success would look like, what failure would look like and address budgetary concerns. He would make it a project and the goal would be to launch the vessel. If the Council determines that it cannot successfully launch the vessel, it should pursue another avenue. We are here tonight discussing two different issues. One is the launching of the boat and the other is Carter Becker's potential purchasing the site on Shore Drive. He asked before we all leave tonight that the Council describe what that process looks like because the launching of the vessel and making a decision relative to the property is important because the Town owns that. What takes place on Shore Drive doesn't fall within the Council's parameter and it is a Project Review or possibly Planning Board issue depending on how our current zoning addresses that. It is important for folks to recognize and understand what that process is for allowing Carter to move forward or not move forward. Who is responsible?

John Lowe of North Freeport mentioned that he is concerned the most with the prospect of launching down on Shore Drive. He would ask that Mr. Becker when he is approaching DEP and Army Corps to look into temporary structures to launch the vessel. He has seen them used. He is sure it is very expensive but rather than building a big cement ramp, why not put in a temporary structure just to launch the boat with air bags around it and then float the thing away and be done with it. Harold built the vessel in the wrong place. He would advise to look into using a temporary structure and is confident it can be done.

Patty Kennedy of Byram Avenue pointed out that she supports the Island Rover project and would like to see the project continued.

Sarah Knock of 84 Maquoit Drive which is across the road from the Island Rover project. She explained that her son lives across the road from them and abuts the property the Island Rover is being built on. She feels this meeting has been great and has enjoyed hearing everyone's thoughts. She would like addressed the environmental issue of cleaning up the large amounts of materials that have been accumulated over the years once the boat is removed. Harold has maintained that most of these materials are and will be used in the construction of the boat. It would seem that once the boat is removed, all of these materials no longer needed for construction should also be removed. She is concerned that there may be a lack of motivation and funds for this clean-up without a conditional requirement by the Town. She feels that the information from the DEP should be comforting and that they shouldn't be worried about the environment and that things are okay because they checked things out but she has reports from some of these DEP site visits and one report indicated that they refer to these visits as a snapshot of a specific time and place. It

doesn't mean that you can check it off and say everything is good and safe and you don't need to worry. She feels she needs to be vigilant and is not sure who is in charge of oversight for some of these concerns.

Attorney, John Lloyd explained that he represents some folks down on the Flying Point Peninsula. He noted he is impressed with the number of unresolved issues related to the vessel, money, capacity and capability, post launch and how it is going to be launched and struck by the fact that the Council after all these bits and starts, negotiated settlement, consent order and memorandum agreement, and is here listening and trying to be convinced by these folks to give them more time. He hopes the Council will think about all moving parts, all the unknowns, all the things that need to be resolved before it can make an informed decision. He asked the Council to take this into account as they think about this and consider going forward.

Tom Godfry explained that he is a new Board member of the Island Rover Foundation. He stated for the record that the Board fully appreciates the anguish that this project is causing for the Town. They have no intention of making things worse. Their wish is to get the boat off the property and in the water as soon as possible. They plan to return the property to Island Rover once the process is over. That property represents a significant asset for them. The Council should keep in mind that that property is of very little value to them in its present condition. If they clean it up, it becomes a significant possibility for additional fundraising. This is a challenging project in many ways. As a member of the Board, his commitments if the Town decides to let them continue with this project would be to establish some sort of a process whereby they could get ongoing input from folks who live in the area and provide an opportunity for them to get to know Board members and address their concerns with them. Tonight he is hearing many of those concerns for the first time and feels it is not a satisfactory situation and he does not intend to allow it to continue.

Mac Lloyd of Maquoit Drive pointed out there was a consent agreement for the Island Rover Foundation to get this project done in three years and they have not done that. It goes on and on and on.

Steve Baker of Byram Avenue mentioned that he has watched the project progress. He went and looked at the vessel the other day and found that the amount of work done on it is incredible from the last time he viewed it. The man hours, the attention to detail and everything they are taking on is just incredible. He would like to see the boat completed but he doesn't know how they will get it into the water. He feels it would be a shame to cut it up.

Paul Curry of Flying Point Road pointed out that he would like to see the vessel finished. Freeport used to build boats. He understands the complexities of being a neighbor and it is unfortunate that this location was chosen. He feels we should help get the boat into the water.

Mike Perry of Maquoit Drive explained that he would like to have the Council grant some time to get the boat finished and then all the other issues could be resolved. It is close to being finished and float-able. There are other problems we need to work out for sure. There are other options to get it launched but we need to get it finished. He agrees that tearing it apart would cause more of an environmental impact than is being caused now. He is fully supportive of extending the time to get the boat finished and then we can make a lot of complex decisions after that.

Carter Becker advised that his job is to float the boat. It will have 32 wheels under it and will be driven down the road. These wheels are industry standard house moving equipment that are readily available. That is easy. What is hard is working with a community and listening to what everybody wants. He will take calls and is not trying to make a commercial facility down on Shore Road. He is just trying to launch a boat for Harold and himself. He advised to not separate the two and not put them together. Just look at it all and analyze it. He is dedicated to getting this job done. He is going to roll it. He is going to pay for it. It is not commercial property. He asked that he be permitted to go back and build the boat.

Chair Sachs thanked everyone that spoke this evening and suggested a 5 Minute break to stretch.

Chair Sachs brought the meeting back to order. Councilor Hendricks raised a procedure question and asked what is the outcome tonight. Chair Sachs explained that this was taken up under Other Business instead of an action item because there is no predetermined outcome. We are here to deliberate based on the memo from Mr. Joseph. There are some options before us and it was very important to get lots of information out about those options and learn how people feel about it. Specifically we did not do an action item about which way to go. At this point, when we bring it back here, we can entertain a motion based on an option before us, we can second the motion, have discussion and vote on it or table it. We can also choose to discuss it, state our feelings about it. If we don't have enough information, we can ask the Town Manager to do x-y-z. We can do that. The floor is really ours at this point.

Chair Sachs mentioned she has a few questions from folks and suggested going through those first. While it was not a question, there was a suggestion from a few folks that we have a Marine Survey done by an independent person to look at sea worthiness of the vessel. We have also been asked to do a more thorough environmental review by a more thorough person, DEP, etc. She also heard the question very distinctly: what is the process for the ramp? This was the focus today and one of the options for the Council is to negotiate an agreement with the Island Rover Foundation moving forward. They stated repeatedly that their preferred plan is to launch off of Shore Drive so the question we have been receiving is: what would be the procedure around the ramp and what would be necessary? Mr. Joseph will provide the procedure around the launch ramp.

Mr. Joseph explained that the ramp is going to involve NRPA and it will be reviewed by several federal agencies including the Army Corps of Engineers, the National Marine Fisheries and several others that he knows nothing about. That permitting review process is outside of the Town's control. He will not put our Coastal Waters Chair on the spot but we have gotten a lot of questions about whether our Coastal Waters Commission would review it. Wharves, docks or floats are regulated by our Ordinance. He is not sure if they will imply that it includes launching ramps but it is not in the Ordinance. The NRPA review process will be much more thorough than what we will do locally. Jeff Denzel, Coastal Waters Chair explained that he tried to connect with the Town Manager because our Ordinance does not cover this. He would like to have a discussion with him regarding what the scope of the Coastal Waters Commission can cover. When reviewing things under their purview, they do not do the kind of analysis that DEP or Army Corps does. They rely on them to provide that kind of technical expertise. Coastal Waters looks at how things impact the local community, historical navigation and use of those facilities and there have been some wharfing out projects that have infringed on riparian rights. This is not something that State and Federal agencies look at. Mr. Becker has requested to be on the agenda for the October 12 meeting so that he can provide information to them regarding the siting and scope of his launching ramp. Their meetings are open to the public and are held in the Community Center beginning at 6 p.m. Mr. Joseph noted that Mr. Denzel will want to talk to the Town Attorney before the meeting on the 12th. Chair Sachs asked if the Project Review Board or the Planning Board have to be involved in this process. Fred Reeder, Codes Officer explained that if it is a residential property, it will not get Project Review Board scrutiny. There are regulations in the Shoreland Zone on tree cutting and setback requirements. He has not seen any plans.

Councilor Tracy pointed out that there has absolutely not been any discussion of the Town taking over this property for a public boat ramp. She asked about taking down trees. Mr. Reeder noted that he never dealt with a project like this. Councilor Tracy noted that DEP regulations are very strict but the ramp proposal does involve tree removal as indicated on the application to Army Corps. Mr. Reeder advised that he has never dealt with a project that has that overview that would then impact that 75 foot setback. Shoreland regulations through DEP are very strict as far as what can be taken out. 20 feet is not very wide but it gets very technical based on the size of the trees and random 25 foot squares. If someone could create some

way to get to the water and be able to leave that well distributed stand of trees, he suspects it could be done but he has not seen anything and is not familiar with the property. He does not think that DEP has any authority over that 75 foot strip but really does not know. When we get into a violation on the shore, the DEP will dictate the restitution but then they need the Town to go in and look at what trees were cut and replant based on the restitution of trees. It is a gray area in his mind but he thinks it will probably rest with the Town. Mr. Reeder advised that he has been here 30 years and has gone to court three times in his career.

Chair Sachs referred to Joyce Veilleux's question of does the Town Council have the right to give rights-of-ways to the entire Town? Mr. Joseph explained that the Town Attorney advised that the Town does have the ability to grant public access when it owns a property that has associated rights-of-way to the water but is not obligated to do that and at this point we are not going to do that.

Chair Sachs referred to Charlotte Bishop's question about there was in a prior iteration in a prior consent agreement that the ship/boat had to be out of Freeport's coastal waters within 60 days or 90 days. Councilor Hendricks recalled that this was in Jim Cassida's recommendation. Mr. Joseph explained that the current court order which is expired now, was that it be removed from Freeport including territorial waters once it was removed from the site. There was not a time frame involved or located within a compliant site within the Town of Freeport. Chair Sachs advised that the answer is no, there is no time frame.

There were no other questions to address so Chair Sachs asked for comments from the Council.

Vice Chair Gleeson pointed out that he is not ready to make a decision this evening. He has also built boats. He visited this site four years ago when he was elected to the Council. He noted that Mr. Arndt built this ship similarly to a person that builds a boat in a bottle and now can't get it out of the bottle. As for time, this has been going on for so long. He had to watch the meetings on a CD because the Town did not have it on Streaming. He agrees there is more organization now and that is a good thing but he has seen a lot of the same promises which is concerning. He is also concerned about what kind of message this is sending if we keep going. He also has concerns with comments that right now the IRF is not bothering anybody except there may be concerns with DEP. When we start talking about cutting down 30 trees and impacting people on Shore Drive, this is now starting to spread to other areas. It is becoming more than an isolated boat in a dream, and is starting to impact other neighbors. Even if this is a District 2 issue, he feels it would not be fair for him not to be sensitive to it. He would like to know if there are spars on the boat, mast and boom, is there standing rigging, electrical or mechanical propulsion. This is just the tip of the iceberg. He would like to know what a cleat would cost on a boat this size. He is wondering how many things the Council is going to make exceptions for on a project we seem to establish that maybe we can get it launched. He did go along with the original MFC proposal and would like to see this come to a conclusion as well. He is ending this in conclusion because he needs more answers and is not sure the answers can be provided tonight. Right now he is up in the air on granting an extension. He is most concerned about the financial aspect and if we could come up with an alternative launching area, he is confident that many people will be happy. While he hears some EPA concerns, he is hearing ramp, ramp, ramp and he would like to see the ship launched somewhere else. This is starting to spread beyond the original construction site and this has to be considered. He mentioned that our Town Attorney advised that we should not delay on this decision. Mr. Joseph pointed out that if the Council is not going to allow the Foundation to move forward, he does not feel we should rush into scrapping it immediately. There may be other options to look at.

Councilor Tracy agrees with Councilor Gleeson that there are a lot of moving parts and we don't have sufficient information to make a decision tonight. She feels the Council needs to consider granting an extension, but she doesn't know that it needs to grant it, and needs sufficient information to assess the viability of the project, not that the cleats will get on and the ship will actually be built in the end but that

it will actually move from the non-conforming location because clearly this has been a significant impact to the neighborhood. If the Council were to consider an extension, it has an obligation not to do that unless there is a reasonable chance for success. She feels the addition of Board members to the team is encouraging but she doesn't have the kind of information she would need to make that reasonableness assessment. She needs things that would fall into a couple of different buckets: She would need to see a completion plan including activities, time lines and costing on paper. She would like to see an alternatives analysis but would like the Foundation to take a look at whether there are alternatives to launching on Shore Road. She has received many comments concerning the launch ramp and not so much the continued construction of the boat. For her it is not sufficient to say "we have looked at that or we don't have an alternative." If the Council grants an extension, it is asking the Town to take on additional liability and risk and it is fair to ask in return that the Foundation look at other possibilities. She would like to see a clean-up plan. Mr. Godfry's point about the property having the most value to them if it is cleaned up but there are people that have lived nearby this project for a long time and have legitimate concerns and it is fair to ask for a plan and a reasonable commitment to clean up the debris on the property. She feels that it is great that we got DEP to come out and we will see what they say. She does not want to spend \$30,000 of the Town's money to have a consultant say that they are right. We need to look at what is a reasonable compromise to try to figure out potential environmental risks and liabilities on the property. She is comforted by the fact that DEP will be on site and that people that are experienced in the industry are working on this project. Questions have been raised about the project's financial viability and the Council heard tonight that the Foundation has the money to complete the construction of the boat, painting and sand blasting but there is question about whether they have the money to move and launch the boat. The Council heard that Mr. Becker is willing to backstop that. She would like to see a fund raising plan that indicated what the Foundation currently has to dedicate to this project financially and what is the value of the in-kind services. The Council should request written documentation of the representation that Mr. Becker is willing to back up. The Council needs to consider whether a bond is appropriate. She is aware that this takes money and would take money away from the completion of the project but she feels it should be explored in the event that the project is not completed and is left in the hands of the Town.

She feels the Island Rover Foundation should put together a pertinent time line and schedule but understands it is related to the launching of the boat and there may be a distinction between obligations of the IRF to actually construct the boat versus putting it on Mr. Carter's property and launching it but it does go to the viability of the plan. She feels the Council needs clarity on what permits need to be submitted and what the time line is for processing them, factoring in potential opposition. The Council has homework to do. It needs to determine if we are going to conduct a Marine Survey which goes to the viability of the plan. We have heard representation that the boat is a high quality vessel and its welding meets Coast Guard specifications. The Council also heard tonight that it does not have certain approvals that it might need for its design. She is not sure this is a case or not but feels the Council needs to get its hands around is it going to float. She doesn't think feel it is fair to ask people to endure the uncertainty of this project for an additional period of time if there is no chance this thing is ever going to go anywhere. It is reasonable to make a good faith assessment of that. The Council has to do its homework on insurance and no piece of metal or hammer should move down there until we are reasonably sure that we are fully insured for anything and everything that could happen down there. The most unfortunate outcome would be for this community to be saddled with some sort of liability as a result of our intent to be benevolent in this situation. It is not fair to everybody else that complies with the rules and pays their taxes to put them at risk because we want to support the dream. We do want to support the dream. It is truly a compelling story but it is not fair to put our townspeople at risk because we have not properly insured for liabilities. She feels Councilors should have the opportunity to talk to our attorney directly and in private about the downsides of the options we are considering. It is pretty serious and she wants to make sure that the Council is able to ask all the questions it needs answered and get frank advice from our attorney as a client without having it aired publicly to be used against the Town later. These are the things she would need. She is mindful of the time that the Foundation has to complete the project and that we have members on this Council leaving at the end of October and she is not sure how to resolve that issue. She

wants to decide on what information we really need and what time frame we need it in and if the Foundation is not able to provide it, that may be our answer.

Councilor Arris explained that he has only been on the Council a year so he does not have the historical fatigue that many in the room have regarding this project. He pointed out that long before this boat was started, he lived on Byram Avenue and rented a cottage one winter. He does not like the idea of owning the boat or the land down there. He feels our best recourse is to get it built and moved. He is not inclined to take it apart. There has been too much effort made and it would not be efficient to do that. He does not want the Town to be involved in expenses regarding this project. He feels insurance is a legitimate issue but he doesn't want the taxpayers to pay for it. He agrees having the DEP on site is necessary but doesn't want taxpayers to pay for it. He would like the Foundation to assure us in some capacity that they are going to cover all costs related to this. This is a condition that would have to be involved in order for him to support their concept of getting this thing built in a year. He is willing to move to have the Town Manager negotiate that one year extension. One year seems pretty reasonable to him. He is not convinced that the financial resources are there that this can be done in a year and that needs to be made very clear. He feels that the neighborhood deserve to have not just the boat cleaned up but the site as well. He would request that the Foundation agree to the clean-up for this one-year extension. He would request that there be no cost to taxpayers and would be made part of the Town Manager's negotiations. He is not interested in the fundraising aspect at all. He wants to be sure the money is there that says they can do it. He has heard different things about who is going to take care of what. In a negotiation, he would want the Manager to say there is money put away but is there. How they get the money is another issue but is not a concern to him. He would not really like the property afterward to be used for a foundation or a non-profit because it is not zoned for business. It is a residential area. He is focusing on the boat and does not want to discuss the launch site. It seems to be an aside. He is most concerned about getting the boat done so it can be moved and protecting the Town, the liability of the Town and making sure the lot is cleaned up when the boat is moved. He likes the idea of a time line doing that but feels the time line is a one year agreement with negotiation with the Town Manager. These are the things that really concerned him. He knows they cannot do anything until the Council tells them they can. He would like to get them finishing it.

Councilor Rixon noted that he would like to talk about the proposed launch site. It seems like this project started without any real plan on how to get it into the water. In looking at this plan to build a ramp on Shore Drive he finds it disturbing. There will be 1,500 sq. ft. of marsh grass impacted by 1,500 sq. ft. of permanent fill over the marsh grass for the concrete ramp. 27 trees of 3-8" in diameter will be removed as well as another dozen trees over 8" in diameter. This is a tremendous environmental impact and would be a major change for that neighborhood. He is aware that it is not a Council decision to locate the ramp. The Army Corps of Engineers and the DEP will make that decision but by granting another one-year extension to this project, which he would like to see be built and launched, we are basically saying it is okay for that ramp in that location since it seems like it is the only place to get the boat into the water. He would like the Foundation to look at another site for a launch. It should not happen in that area and particularly when 100% of the residents in that area are against it. He agrees with what other Councilors have said about what needs to be shown on paper. While he would like to see the project completed and in the water, he feels the Shore Road site is problematic.

Councilor Hendricks explained that he would be saying all the things that concern him. He feels the Council's best course of action is rather than scrap and tear apart the vessel, but try to find a viable alternative to get it into the water. He advised that he would be gone from the Council in two weeks and doubts that this will be decided before the next meeting. There has been a lot of talk about in-kind value and finances and he would like to see a financial plan showing how much money has been pledged, and the value of the in-kind donations that have been pledged. He would like to see a bank statement showing how much money is in their account. As part of the financial plan, he would like to see their plans for raising money and if Mr. Becker is agreeing to back this project, he would like to see a notarized

agreement between the Foundation and Mr. Becker as to whether or not he will back the project. If someone does not have the money and pledges to back it, it really has no worth to the agreement. Mr. Becker has to be able to show that he has the resources to back the project as collateral. He noted that they already tried to get a bond years ago but were not able to get one. It would be nice to see the time line on paper and have copies at our next meeting. It would be great to see what steps will be taken to get the boat completed and to the launch. As far as the launch itself, technically these two options are separate. What we are dealing with is a zoning issue. Originally the zoning issue was that it was a temporary junk yard and then it was pointed out that all the material was to be used for launching the boat. It started as a man starting to build a boat by himself but didn't look into the consequences of making it a non-profit corporation and becoming a commercial entity building a boat in a commercial zone. The Council does not have a say in the cutting of trees for the boat ramp, as much as it would like to. It is up to the DEP and Army Corps if it gets approved. He mentioned to Mr. Becker that it would go a long way to the neighbors if that wasn't a permanent structure. As a secondary plan, he suggested that they research what it would cost to find an alternative site but if they must use the Shore Road site, make sure it is a temporary structure and is something that could be taken away. It would make the neighbors happy.

As for clean-up and remediation, he would like to see it in writing. As for insurance costs, he would like to see what it will cost the Foundation to insure the project once it takes ownership and puts the boat on the road and the costs what will happen if they damage private or public property. We need some sort of guarantee that if things go wrong, everything will be covered so the Town will not have to do any clean up. He asked the Town Manager to put up "no trespassing signs" until things are settled. While we probably cannot stop children from trespassing, with a sign at least their parents will know they shouldn't go on the property. We will be covered. He agrees with Councilor Arris and does not want the Town to have to pay for anything. If the Town has to pay \$5,000 for insurance, the Foundation should plan in its fundraising plans to pay it back. He does not feel the Town should have to pay for an environmental study but again it should be part of the agreement that the Town should be reimbursed for that. If he was forced to make a decision tonight, all these stipulations would have to be agreed to. While he supports the boat going into the water, a lot of assurances need to be made before he could vote to move forward.

Chair Sachs asked Mr. Leathers to come back to the podium. As a designated representative of the Island Rover Foundation, what he heard from the Council is that he is willing to consider an extension if x-y-z could possibly be done. Her question is that he heard these concerns from the Council and the request that they would want the Island Rover Foundation to consider the extension they are requesting a completion plan time line in writing which has been requested in the past and is being requested again. Alternative analyses in writing to the current launch plan whether that be launch or removal to another location. The Council asked for a clean-up plan and commitment for the Foundation to do in writing. They have asked for a complete accounting of the Foundation's resources, their development plan and other written agreements or assurances from any financiers whether it is Carter Becker or someone else. They want an assurance that the Foundation will cover all costs moving forward such as additional insurance or an extension agreements costs and whether it may be a Marine Survey, etc. With the Foundation's request for an extension, these are at least the immediate things that have come to mind for the Council that they would like the Island Rover to commit to before they start this process.

Mr. Leather noted these are all reasonable requests in terms of making sure that more information is put together and shared. They will look at things that have not been communicated well throughout this process in the last year in tackling a new way to get this be a successful mission. If they put their heads back together and gather a bunch of information that they do have, establish the plans and submit the information they can to fill in a lot of the question marks. He would see this as the best step forward in terms of supplying the Council and the community with the information they can compile and put together and have it be available when a decision is made to grant or negotiate the terms of an extension and also laying the groundwork for showing what the liability the ship is so that the Town knows what it does have possession of. Reaching towards outside third party sources in terms of valuation survey or Marine Survey is a great aspect in dealing with the ship. They will lay out a budget plan and look at the

options so they can present an a-b-c type of mentality would be a great possibility to move this forward so there can be a clear communication channel rather than what has been less communication.

Chair Sachs noted there is clear appetite from the Council to not let anyone on the property until such time that a decision is made on the direction. Does it feel that the Foundation can get this complete scaffolding together in two weeks because the Council will not have another meeting where they are allowed by charter to do business until the beginning of December. She asked if it is reasonable. Mr. Leathers answered yes, it is reasonable for them to assemble an informative outlook and be able to present it and hopefully continue this issue in terms of the deadline of feeling that work must resume immediately. He does not feel it is a clinch pin the success of the operation at this point. If the moving plan was possible for the winter, the welding work would have to be completed before it could happen and would be a deciding factor. In terms of making the decision even at the two week mark, it would be the beginning of a process of saying we need to answer all these questions before making a final decision and would be a step in the right direction. Something to figure out is a possible discussion with Mr. Joseph to make sure the property is secure in everyone's interest. Machinery has been set down on the property and left and might need to be moved but could be discussed with Mr. Joseph and allowed to be taken off of the property. This might be a bit to add in for a small negotiation. Mr. Joseph agreed that the equipment that doesn't belong to the Foundation should be removed such as lifts and welding equipment that Mr. Becker owns if the Council has no objection.

Chair Sachs asked Mr. Leathers if he could provide this information back to the Council on the 18th. He agreed that they would unless something presents itself as something that cannot be returned for the 18th and it would be communicated directly that this is something that takes longer or this is something that is a continued question mark but he feels he can give the preliminary disclosure of information and more plans to hopefully satisfy at least the beginning stages of questions and possibly raise more.

Chair Sachs asked Councilors if we should conduct a Marine Survey? Do we do our homework on the insurance? In an Executive Session at the next meeting we will discuss directly with our Attorney the legal options for putting up a No Trespassing sign. Will the Marine Survey do what we would like it to do which is discuss whether or not the vessel is sea worthy and well constructed. We have the welded piece inspected by an engineer but this is to talk about the whole vessel. She does not know the answer if the vessel is scrapped or taken apart to move it, is it truly an environmental hazard? She does not know if the Marine Survey would answer that question.

Lucy Lloyd noted that a request was made for the Town to take action and contact a Marine Inspector independent of the Island Rover Foundation to establish the value and seaworthiness of the Island Rover. The Town has taken possession of the Island Rover property and vessel and can authorize a Marine Survey which we never had an opportunity to do before. They asked for it in 2012 but it was not the Town's property so we have never had an independent lens, independent of the Town, the Island Rover and Carter Becker. She asked the Council to look at this boat and see what is is. With no disrespect to Mr. Arndt or the Foundation, the person she spoke with noted that it is a hunk of steel in the form of a boat and a Marine Surveyor should look at it and give the Town a plan and completion. The cost would be between \$500-\$700 and she feels it would be worth it.

Mr. Joseph feels it is in the town's best interest to buy the additional insurance and make sure we are covered.

Chair Sachs pointed out the questions before the Council: do we conduct a Marine Survey? Do we purchase insurance? Do we want an Executive Session about legal options?

There was general agreement to have the Executive Session at 6 p.m. on the 18th. Chair Sachs noted that our Town Manager recommends going forward with purchasing insurance at a cost of \$5,000-\$10,000. Mr. Joseph explained what insurance would cover and that he would love to be able to recover it. Mr.

Joseph will check to see what our insurance budget looks like but it could come out of our Contingency Account if necessary. Councilor Tracy agrees we need to insure it and everyone was good with Mr. Joseph purchasing insurance tomorrow.

Councilor Hendricks mentioned that if the Marine Survey is so inexpensive, we should contact someone and see if we will get the intended outcome and at least get a quote. We could try to be reimbursed. Councilor Arris agreed that if it is under \$1,000, we should go for it. Councilor Tracy would like to see if the boat can float when it is completed. Chair Sachs is comfortable with reaching out to a Marine Surveyor. She feels it would be money well spent.

Mr. Leathers offered to give an evaluation survey and welding specifications survey done which was completed on the ship to a Marine Surveyor. In this particular situation, the ship is in a different place than most surveyors would be used to surveying so it is important to research and find somebody to give the correct opinion before the money is spent. He recommends that if a Marine Survey inspection if it does continue, to be a topic that the outcome would be beyond finding that things have been put together and getting those plans would have to be something they would have to provide. Chair Sachs asked that Mr. Leathers put this piece into his time line.

Chair Sachs advised that good project management requires that you do this anyway and should have been done many years ago. She does not think it is unreasonable to expect that some of these issues be included in their time line since they would have been necessary anyway. She is hopeful that the folks from the Foundation understand her position that she is not opposed to making a decision that does not result in launching the Island Rover and the reason she does not is that in its purest form, two years ago we requested the exact same things that we are asking for today. She said she would like to see written time lines and written budgets and something more than "we are almost there." She has not seen despite e-mails and begging and face-to-face requests but there is nothing different and the purest form, being a non-profit executive herself, two years ago this organization was given notice that it had two years to move the boat from the property. That was the task. There has been no evidence that that was even explored and it is deeply disappointing. She asked in two weeks if they are realistically get the information, the scaffolding behind the request of the Council to even consider the extension. Mr. Leathers replied yes, they will try their best. Chair Sachs believed that they will but if not, they will not have her vote for an extension because it will not be any different than it was two years ago.

Chair Sachs asked Mr. Joseph to give Mr. Leathers a list of what the Council would like to see for its next meeting. She explained that the agenda goes out to the public the Thursday before the meeting and it would be helpful to have any materials out at that time so they can be posted with the agenda.

MOVED AND SECONDED: To adjourn at 11:09 P.M. (Gleeson & Hendricks)
VOTE: (6 Ayes)

Respectfully,

Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #21-16
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY OCTOBER 18, 2016
6:30 PM

	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Leland Arris, 70 Glenview Road	x		
Scott Gleeson, 23 Park Street	x		
James Hendricks, 21 West Street	x		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 2 Pettingill Road	x		

Chair Sachs called the Council Meeting to order at 6:35 p.m. and took the roll. All Councilors were 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 #20-16 held on October 4, 2016 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #20-16 held on October 4, 2016 and to accept the minutes as printed.(Gleeson & Hendricks)

VOTE: (6 Ayes)

THIRD ORDER OF BUSINESS: Announcements

Chair Sachs announced:

- Absentee ballots are now available in the Town office. People may vote in person in the Town Office, take ballots home or can request an absentee ballot by calling the Town Clerk's Office at 865-4743, Extension 123. You may also request an absentee ballot online by visiting the State's Absentee Ballot web page. The polls will be open from 7 a.m.-8 p.m. on Election Day, November 8, 2016. All Freeport residents vote at Freeport High School on Election Day.
- Nominations are being accepted for the 2016 Citizen of the Year. Each year the Freeport Town Council presents a Citizen of the Year Award to honor those who have contributed substantively to the quality of the town. Forms are available at the Town Office, Freeport Community Library as well as the Town's website. The deadline for nominations is 12-15-16.
- CHANS Home Health Care Agency will be providing a seasonal flu vaccine clinic at the Freeport Town Hall Council Chambers on November 3 from 1-3 p.m. All are welcome.
- There will be a Veteran's Day Concert on November 11 beginning at 6 p.m. at the First Parish Church on Main Street. Admission is free. It will be sponsored by the American

COUNCIL MEETING #21-16
OCTOBER 18, 2016

Legion Post #83. There will be music by the RSU5 Middle School Chamber Choir, by Cu l-de-Sac, Pine Tree Coastal Winds and the Greater Freeport Community Chorus.

FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Rixon advised that the Shellfish Commission met last Thursday evening and discussed the proposed amendment to the Freeport Shellfish Ordinance which deals with Municipal Shellfish Aquaculture, also known as clam farming. The proposed amendment is in draft form and is ready for consideration by the Ordinance Committee. Councilor Tracy pointed out that the Ordinance Committee will need to schedule a meeting to discuss the matter. They will put out a notice when they decide on the meeting. The Ordinance Committee has decided to not pursue a Municipal permit program for clam farming. They have decided to pursue using the existing State leasing program which has been in place all along and just put in place some criteria for obtaining Municipal approval which is required when someone submits a lease to the State. They have to say that the Town is on board. They felt it was fair to have criteria in place so people would know what is required to get their okay. They can discuss this when the Ordinance Committee reviews it one more time.

Chair Sachs reported on the Special Projects Committee. Tonight's reception to recognize the many volunteers that serve on many boards, committees and initiatives and thank them while being televised. She noted that Freeport is so much better for their involvement and she thanked them. She invited everyone to partake of the refreshments. If someone is not here this evening and serves on one of the boards and committees, Chair Sachs invited them to please stop by Town Hall and pick up a wonderful reusable bag. This year the Town Council Special Projects Committee decided to not do the event at Harb Cottage in the hopes of getting more volunteers here. It was about the same cost but also to celebrate our new bag initiative, give everybody an insulated reusable bag. There are also certificates to recognize those outgoing committee members as well. She thanked everyone for all they do for this town.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph reported:

Construction Update-South Street Sidewalk: The Public Works Department reports that this long awaited project is approximately 60% complete. We are awaiting final paving and final site cleanup and finishing touches, which are expected to be complete in the next two weeks.

Construction Update-South Freeport Village: This project is still on the schedule for this fall, although it has been pushed back further than expected. Construction work and paving on Middle and Park is expected to occur the week of 10/31/16. Weather permitting, construction and paving of Maine Street is expected to occur the week of 11/05/16. Should temperatures not permit (temperatures below 45 degrees F), work on Main Street, South Freeport will not begin until springtime.

Brick "re-setting" work in the Village area—The Public Works Department will be resetting sidewalk bricks this fall on the north side of Bow Street, between the railroad tracks and Main Street. The work is expected to begin within the next two weeks and continue as weather permits.

Any questions on any of the above projects can be directed to Earl Gibson or Tammy Morrissey at the Public Works Department Highway Garage at 865-4461.

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

COUNCIL MEETING #21-16
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MOVED AND SECONDED: To open the Public Comment period (Tracy & Hendricks)
VOTE: (6 Ayes)

There were no public comments provided.

MOVED AND SECONDED: To close the Public Comment period (Tracy & Gleeson)
VOTE: (6 Ayes)

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

ITEM #170-16 To consider action relative to adopting the October 18, 2016 Consent Agenda.

BE IT ORDERED: That the October 18, 2016 Consent Agenda be adopted.
(Sachs & Gleeson)

Chair Sachs reviewed the items on the Consent Agenda for members of the public. She thanked the generous donor for the donation to a family in need.

VOTE: (6 Ayes)

ITEM #171 -16 To consider action relative to a request for encroachment on the public right of way at 58 Main Street by Menemsha Solutions.

BE IT ORDERED: That a revocable certificate of encroachment be granted for the property located at 58 Main Street (Vineyard Vines) for the purposes of constructing an accessible entrance ramp. Said ramp to be allowed an encroachment 2 feet deep into the right of way for approximately 18 feet along the front of the building as shown on plan titled "Vineyard Vines-Freeport Outlet", dated 10/18/16.

BE IT FURTHER ORDERED: That the Town Manager be authorized to execute any documents related to this order. (Gleeson & Tracy)

Mr. Joseph pointed out that the owner is Denney Block LLC and the tenant is Vineyard Vines at 58 Main Street. This is the left of the two existing buildings when looking at the Denney Block and was previously discussed in the contract zone. The applicant has approached the town requesting permission to use a portion of the right-of-way. They are proposing to use 2 feet of the approximate 10 feet that exists there, leaving 8 feet clear of sidewalk. This is proposed as an encroachment with permission and if there is any reason in the future that it has to be removed, the Town would work with the property owner to make it happen. It is not essentially granting a permanent easement but the intent is that it would be permanent unless a serious problem arises as a result of that building. He is recommending this because, 1) we have heard from many concerned residents and visitors that accessibility to the shops in the village area is difficult for people with disabilities and that they cannot get into certain buildings. This is a great step to improve the accessibility of that with the Town contributing a small portion of the sidewalk to accomplish that but they will be doing all the work. He understands there is an elevator as part of the project that would make both levels of the building fully accessible. 2) We are proposing it as an encroachment with permission instead of a permanent easement. The Planning Department and Public Works Department also recommended this. The Public Works Department did note one area of concern that the applicant should be aware of and that it will make snow removal potentially more difficult which is the responsibility of the property owner.

COUNCIL MEETING #21-16
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Chair Sachs asked for public comment but there were no comments provided.

ROLL CALL VOTE: (6 Ayes)

Al Yebba of Denney Block LLC explained where Vineyard Vines is located. He pointed out that construction of the in-fill building will begin in March/April. There will be activity down there but he does not expect any difficulty getting it up.

ITEM #172 -16 To consider action relative to an ordinance imposing a moratorium on Medical Marijuana Production Facilities.

BE IT ORDERED: That a public hearing on the proposed Ordinance imposing a moratorium on Medical Marijuana Production Facilities be set for December 6, 2016, at 6:30 in the Town Council Chambers.

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. (Hendricks & Gleeson)

Chair Sachs noted that Donna Larson is not here this evening but she did submit a memo to the Council dated October 6 advising that the Planning Board agreed unanimously to recommend a moratorium on Medical Marijuana Production Facilities. There will be a public hearing at the Council's next meeting on December 6.

Mr. Joseph explained that the Town has been getting a lot of inquiries on what is legal now under State Law, Medical Marijuana Production, caregivers, etc. Speculation is that it has to do with the potential recreational referendum coming up at the November election. This is something the Planning Board has been working on and the moratorium will give the Council and Planning Board time to consider whether or not to make any changes to our Zoning Ordinance and we have no idea what this is going to look like until after the November Election. This will actually set the public hearing for the first meeting in December.

Councilor Tracy asked if the Town has any pending applications at this moment. Mr. Joseph mentioned there was an application recently that was under consideration that was widely publicized in the press on Route One North. He is not aware of any other applications before the Town at this time but the Town Planner or Codes Officer would have better knowledge.

VOTE: (6Ayes)

ITEM: # 173-16

To consider action relative to the award of contracts for the purchase of firearms and tasers for the Police Department.

BE IT ORDERED: That Clyde Armory be awarded a contract for the purchase of rifles and associated equipment in the amount of \$29,586.04.

BE IT ORDERED: That TASER be awarded a contract for the purchase of tasers and associated equipment in the amount of \$4,000.

BE IT FURTHER ORDERED: That Interstate Arms be awarded a contract for the purchase of hand guns and equipment in the amount of \$16,021.00

BE IT FURTHER ORDERED: That the trade of 19 handguns to Clyde Armory for a total of \$5,700 and sale of 5 rifles to Rifle Dynamics for \$5,000 be approved.

Note: The net cost of this purchase will be \$38,907.04. The Town Council appropriated \$39,400 in FY17 Capital Budget for the purchase of firearms upgrades. The current balance of the Police Equipment Reserve account is \$398,691. (Hendricks & Gleeson)

Chief Nourse introduced Lieutenant Goodman and noted that he did the research and put the package together. There were no questions for Lt. Goodman.

ROLL CALL VOTE: (6 Ayes)

Chair Sachs thanked them both and mentioned this came in under budget and the Council likes this. It was a great job. She explained to the public that the Council had a long discussion on this during the Capital Budget process and they are welcome to Google that as well.

OTHER BUSINESS:

1. Public discussion regarding the potential sale of the “Soule School” property on South Freeport Road.
Note: The Town Council will take public input on this item.

Chair Sachs explained that the Council will be taking public comment on this item this evening and assured everyone that there is no set agreement. This is simply exploratory and the Council wants to see how the public felt. Mr. Joseph pointed out that this summer he was approached by the French School who occupy under lease the Soule School property. It is a Town-owned property. The leased premises are a small portion of the entire lot. Most of the lot is encumbered by a Conservation Easement. The Town retains a back portion, not including the Conservation Easement, which includes parking that the French School has access to. It is also used by South Freeport people, Bustin's Island parking for the ferry, and other uses that are allowed when school is out in the summer. They are 11 years into a 20 year lease so they have 9 years remaining on that lease with the Town. For accreditation and a long-term planning standpoint, they are starting to get questioned by their accrediting agencies and boards of what their long term plan is for the property in the next 8-9 years because they are getting 5-10 year accreditations and they would like to see that there is a plan for the facility. School representatives initially approached Mr. Joseph and they had a preliminary discussion with the Municipal Facilities Committee about whether we would like to entertain a longer than 20-year lease or the sale of the property. Mr. Joseph was asked to explore a long-term lease and had trouble coming up with where to start with for a 100 year or 50-year lease on a piece of property which really doesn't have any comparables. He went back and asked if they ruled out a purchase. They said they would be interested in purchasing it. They had one more conversation with Municipal Facilities and came to the Town Council and had a brief discussion that led them to decide to invite the folks that live in South Freeport and are neighbors of the school to discuss whether this would be something to pursue, if there are concerns, whether this is a great idea or a terrible idea before we spend a lot of time negotiating what essentially would be a sale that would be well received or poorly received by the public. The Town does not have a strong motivation to sell the property but the French School has a strong motivation communicated to us to have a permanent interest for their purposes of keeping their school here for a very long time.

Several concerns have been identified and discussed. They are not interested in buying any of the land

that is currently under Conservation Easement. The Town would retain that if a sale was to be discussed and go forward. We would like to see it continue as an educational or child care facility. We would want to retain a right of first refusal if the property were sold for any other purpose with a permanent deed restriction that would keep it from being used for residential or commercial purposes. We know that the property is probably more valuable as a condo to some people. He is aware that this was very unpopular at one time in South Freeport. This would only be considered for child care or as an educational facility. He is not sure what that mechanism would look like but can obviously negotiate and discuss that. Access to the parking lot—all the parking spaces are used but the back parking lot is used when school is in session by the public and vice versa. We would want to keep a permanent easement for the Silver Bullet Recycling containers in the front. The last thing to consider is the loss of revenue. The current lease is roughly tied to the tax rate and the taxable valuation on the property. He does not have numbers but we would want to do an evaluation and determine the price range for a purchase.

Chair Sachs asked if any representative from the school was in attendance and no one came forward. She explained the three-minute rule and asked the public to adhere to it.

Joseph Burke noted that he and his wife live at 100 South Freeport Road, which is directly across the road from the French School. His wife grew up in South Freeport and is very familiar with the Soule School. When George Soule transferred the property it was stipulated that it was to be used as a school or day care. He noted that they are against any use other than what is there today.

Jacquetta Searle-Grey mentioned her concerns if a sale were to go through, the French School is getting close to being in need of more room. She noted adding a second floor would change the character of the neighborhood. Mr. Joseph explained that zoning requirements are in effect and he would have to look them up to determine height requirements. He is not sure if the existing lot would allow for expansion. Discussion has been on the existing property of their leased property and whether there would be any additional land sold. Discussion did not entail expanding the building on the property but would be included if we go forward.

Jennifer Kimball asked if the Conservation Trust easement could be changed at all. Mr. Joseph explained that he would not want it even put on the table and it is not being considered for sale. The intent is not to allow any use at all where the conservations easement is located.

Peter Anzuini pointed out that the school has been a great neighbor and has put vibrancy into the village center. In order to have a village, we need a church, school, store and post office and the school has been a favorable thing. Nobody wants the village to change. There may be things we can do to help the school but retain ownership of the property.

John Lowe of North Freeport noted he does not want to see the Town sell this property. He would prefer to work with the school and give them a longer lease. He strongly recommends maintaining and keeping this property.

Greg Gilman of 4 Dixon Road, a trustee of the South Freeport Church, pointed out that he would like to see support continue for the school, church and Bustin's Island residents by maintaining control of the parking that is there.

Guy Quartrucci of South Freeport read a statement into the record. He has concerns around the sale because it was a gift to the inhabitants of Freeport. In 2005 the Soule family expressed that they didn't want to see this land sold and used for economic benefit. A sale could jeopardize the delicate parking arrangement that currently exists. If the Council decides to sell, and he hopes it wouldn't, he hopes the Council would not sell any more than what the school footprint occupies under the lease. He would hate to lose the French School and would hate to lose Town ownership of the property. He recommends that

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the Town be creative to help the French School meet its long-term business needs while retaining Town ownership of the property.

Chair Sachs asked Councilors for their comments. Councilor Hendricks noted that the French School's immediate request was to lease the building for 100 years. The Municipal Facilities Committee couldn't come to an idea on how to structure a 100-year lease to make it economically feasible to the Town. They wanted to get the temperature of the community. In looking at the property, it would be on the school's footprint, not on the conservation property. They talked about all the deed restrictions. If they ever tried to sell the property, the Town would have first right of refusal for the same price the Town sold it to them. They also discussed restricting it to a school or daycare and nothing else. If they were to buy it as a holding company, the Town would get the money from the sale of the property and taxes each year. He would have no problem going either way in considering a sale or a lease. Chair Sachs noted that Councilor Hendricks requested a list of repairs the school has put into the building which was provided to the Council. She read the list of repairs that have been completed and that they have tried to be good neighbors.

Councilor Rixon explained that he would be in favor of a sale or a long term lease. Councilor Arris noted he has siblings that attended the Soule School. What he has heard is that everybody respects the French School and it seems to be a good neighbor. He is not strongly supportive of selling it. He is aware that parking has been an issue and suggested continuing the discussion of the conditions of a sale.

Councilor Tracy noted she attended Soule School and has lots of fond memories there. She feels the Council should continue the conversation and have an open mind and consider going back with a long term lease of 50 years which would be an appropriate lease for them to plan and start there. If that is a non-starter, then she would explore other options. That would be her preference but she would like the Town to continue to control the building. She has concerns about expansion but feels the improvements they have already made have been tastefully done and she appreciates all the work they have put into it. Adding another floor and expanding the footprint if it is allowable, would certainly change the character and it might be a good thing, but the Town would not have a lot of say in it. There is a lot of history with that building and she would like to keep control of it if possible.

Vice Chair Gleeson agreed pretty much with Councilor Hendricks. He is neutral and sees the merits on both sides of this. He tends to be more personally in favor of keeping an asset. He would also like to look at if possible, a lease but the quandary would be if they insist on a 100-year lease. He believes there is merit to hold up on this discussion because of the fact that their district is not currently represented. Anything that happens is going to happen in November when we have an election and we get a 3rd District Councilor back. This is where he is. He is not in a hurry and appreciates everyone who has come up and spoken because when the Council meets in these meetings, it is difficult to get a gauge of what is going on in the community. He thanked everyone who came and spoke up because it helps him a great deal.

Chair Sachs agreed with everything that has been said this evening. She is not wishy, washy, she would like to retain the assets. She doesn't feel the sale is in the best interest of the Town because it came from MFC and not the lessee. She would like to negotiate a lease and not talk about a sale. Since she heard varying opinions either neutral or towards lease, it sounds like the Council would like Mr. Joseph to go back and see if he can negotiate a 50-year lease with the love and respect of the neighborhood for this particular operation, which has been very clear throughout all of the comments. What do they need in particular and what can we do to help and doing what we can to make their experience and their continued participation in the neighborhood but with an eye towards we really love the way things are right now but can we give them a little more stability. Mr. Joseph noted he has heard pretty clear direction here. He is confident it will not be an issue if we start talking about a long term lease at this point. This is an acceptable option to them and will not send them packing. Chair Sachs explained that this will not be

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updated until after the election when we have a District 3 Councilor. It is important to have a full Council which is the reason this was not an action item this evening.

Guy Quartrucci asked if a sale were decided upon, would it have to go out to bid? Mr. Joseph indicated that it would be a good idea to go out to bid but in this case, there is a special circumstance where what we would be putting out to bid would be people's hard work and equity in bringing the property up. The intent would not be to put it up on the auction block for the Town's fees or something like that. Chair Sachs explained that at this time the Council has decided to not entertain the option of a sale. If it did, it would certainly vet that with the Town Attorney.

Mr. Gilman asked for clarification on whether just the building could be sold or if the parking would be put up for sale as well. Chair Sachs advised that parking was not part of the proposal and the Council just said there is no appetite for putting the property up for sale at all at this time. Hopefully the Town is going to go back to the school with a more attractive lease opportunity coming from a place of how can we make this a good situation for them. Mr. Joseph assured everyone that if this changes in any way, shape or form in the future, there will be a very public process so that people are aware.

2. Presentation of FY16 audit (Jessica Maloy, Finance Director)

Ms. Maloy explained that typically the Town's auditors come out in mid-May for interim field work where they prep for the year-end work. They usually return at the end of July or first of August to complete their year-end work which is where the bulk of the auditing work comes from. She introduced Jennifer Connors of Runyon Kersteen Ouellette. Ms. Connors advised that the audit went very well and she thanked Ms. Maloy and her staff for such a smooth process. She provided a financial overview containing graphs showing a broad overview of the financial statements and mentioned that questions would be welcomed.

Councilor Tracy requested that the information be provided on the Town's website. Chair Sachs noted that the fact there are no material concerns and absolutely no recommendations is absolutely close to a miracle. She feels this is great and nothing she has seen in the four years she has been involved in Town Government or anytime running agencies. She feels this is awesome and thanked Ms. Connors and Ms. Maloy.

Councilor Arris pointed out that revenues are up and the Town's expenses were down so it is obvious they are going in the right direction. Transferring \$675,000 into our reserves is impressive.

Mr. Joseph noted that we probably won't see this type of performance again for a few years but he had good things to say about our Finance Director and her department. She does a great job and pays a lot of attention to detail. This is the result of good teamwork between our department heads and our Finance Department.

Chair Sachs thanked Ms. Maloy and Ms. Connors.

Mr. Joseph explained that it is necessary to take up the visual barrier rfp for the 2-95 re-plantings.

MOVED AND SECONDED: To take up an item not on the printed agenda.
(Sachs & Gleeson) **VOTE:** (6 Ayes).

Mr. Joseph explained that our Town Engineer put out an rfp for the I-295 landscaping project knowing we only had \$20,000. The hope was that we would come back with results under \$20,000 for both the installation and plant procurement, which would save us from doing it with Public Works' time this fall.

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The results came back last Thursday and were then followed up on Monday which put it outside of the agenda time line. Since this is Mr. Bliss' first year, he did not realize the Council does not take up business at its November meeting, and he asked if it could be on the agenda tonight which would allow it to be taken up and done this fall. Mr. Joseph recognizes that this is an item of significance that Councilors and neighbors want to get done as soon as possible.

BE IT ORDERED: That a contract for the I-295 Visual Barrier Project be awarded to Rosengren Landscaping of Freeport in the amount of \$18,662. (Sachs & Gleeson)

Chair Sachs noted that this will be posted on the Town's website and that the target cost was \$20,000 but Rosengren Landscaping came in at \$18,662. She mentioned this landscaping project was talked about at length. The intent for the additional \$1,400 would be to do any additional plantings that are needed to bring it up to the \$20,000. If there are any gaps, Public Works can go out and utilize, if needed, the additional \$1,400 but the maximum cost would be \$20,000 of State money, not taxpayer money.

VOTE: (6 Ayes).

3. Continuing discussion of Island Rover Project

Chair Sachs reminded the Council that at its last meeting, it talked at length about the fact there had been a court order agreed upon and the date that it should be executed was September 9, 2016 if the vessel was not moved by the Island Rover Foundation by that time, the property and the vessel became the property of the Town. This is why we are here. The Council had a list of specific questions and information to be brought before the Council so that it could consider disposition, whether it be extension or some other disposition on the property that is now owned by the Town. The Island Rover Institute has provided some information but not everything that was asked for.

Willy Leathers, Vice President of Island Rover Institute offered to provide information that he said he would have in person this evening. Chair Sachs asked if he was referring to financial information and that anything given to the Council is public information, and he should expect it to be released to the public. Mr. Joseph advised that the Council has met with its attorney and discussed this and learned that if information is provided in a public meeting to the Council, it becomes a public document. If Mr. Leathers does not want the financial information to become a public document, he should have a conversation with the Council on whether to see it or not. Chair Sachs clarified that the Council requested that the financial information be submitted prior to the Council meeting for review and that was the expectation. Councilor Tracy noted that the question was raised to the Town Attorney that *if you show it to us but then you take it back, is it a public document?* The Council was advised by its attorney that it is so. Mr. Leathers cannot protect it.

Mr. Leathers advised that he has a copy of the 990 documents that can be passed around. This was receivable on line. They represent the previous 20 years of fundraising efforts that the Institute has carried out. He also has documents showing the current bank account for the Island Rover Institute for the last six months which he submitted to the Council for review.

Councilor Tracy asked Mr. Leathers to report what the current balance is in the Island Rover Foundation account. Mr. Leathers advised that there is \$2,643.00 in their account. Chair Sachs asked if the 990 form gives the donation history and who gave, how much and what will it show the Council? Mr. Leathers advised that there are yearly totals shown. The total represented is around \$290,000 which represents the monetary donations. This would not include the most recent in-kind donations such as the paint that is on the premises or the labor for the last year. He advised that he wrote that the in-kind donation for the paint

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totals \$40,000 and the labor for the final hull plating was not something he had a total on but he thinks he can consider \$40,000 for the in-kind donation which is outstanding right now.

Councilor Arris asked how many years are represented in the \$290,000 figure. Mr. Leathers advised that it encompasses 11 years. Councilor Arris noted he had hoped to see these documents before this meeting so that he would have had time to study them a little bit.

Chair Sachs asked Mr. Leathers to speak to the development plan and explain how he hopes to fund raise the rest of the project, even the least expensive option of +\$70,000. He noted that he is looking at two different sections because they are stating the \$74,000 estimate for the continuation of construction and bringing the ship to a moveable launch-able condition is going to be covered and backed personally by Carter Becker. That is one aspect of the fundraising plan going forward. They do currently have a crowd sourcing campaign out there and also have been working diligently on a capital campaign. Their fundraising plan has been set in different stages but their first goal of reaching this phase one completion is having the ship launched. That covers the fundraising plan for the first section. Beyond that in continuation of the project, it is a reassessment and continually changing target. Chair Sachs mentioned that Carter Becker is listed as an executive committee member but Mr. Leathers pointed out that Mr. Becker is an advisor to the Executive Committee and not a member of the Island Rover Institute Board. Mr. Leathers advised that they have a notarized letter of support from Mr. Becker. Chair Sachs asked what is the nature of the support?

Mr. Leathers read the letter into the public record: "I, Carter Becker, do hereby agree to commit the funds necessary for the completion and launch of Island Rover hull only. The commitment will only be deemed valid upon execution of a signed extension agreement by the Town of Freeport."

Councilor Tracy asked what this means. Mr. Leathers offered to provide clarity. The piece they are looking at right now is phase one completion of the construction of the hull of the ship which they outlined as \$14,000 and the launch estimate at \$74,000. Councilor Tracy asked if Mr. Becker has an ownership interest in the ship. Mr. Carter pointed out that he has 75% ownership in the boat. It is payment for work rendered. Councilor Tracy asked if it is secured by a security lien. Mr. Becker noted that there is a security lien. Councilor Tracy asked Mr. Becker to explain the ownership linkage between his ownership interest and how the boat will be used by the Island Rover Foundation if it is completed. Mr. Becker advised that owners generally own a boat's ownership until it is sold to the final owner. Councilor Tracy asked if the plan is that upon completion of the boat it will be sold to the Island Rover Foundation or could it be sold to anybody. Mr. Becker advised that it could be anybody but his intentions are the Island Rover Foundation. If a future owner goes belly up and is not there to purchase the boat, it is left in the hands of the builder to sell it to someone else. Councilor Tracy asked how this jives with the Consent Agreement with the Town that now owns an ownership interest in the boat. Mr. Becker did not know and suggested that she talk to the Town's Attorney. Councilor Tracy asked when Mr. Becker acquired an ownership interest in the boat. Mr. Becker asked his attorney, Nicholas Walsh to jump in.

Attorney Walsh, advised that Mr. Becker came to him and said he wanted to help these people finish the vessel and is willing to use his own money to do it but needed some kind of security. Attorney Walsh prepared, and Island Rover Institute executed a security agreement on the uncompleted hull. He noted it is inconsistent with the Consent Decree that he has since it says that ownership of the vessel goes to the Town. He does not know if ownership of the vessel has transferred to the Town. As a practical matter, everyone in this room is trying to see what will happen to this boat—whether we can see its way to completion, or if the Town wants to go in another direction. Mr. Becker's interest in the boat is nothing more than a small businessman's efforts to try to help get this project done without having it turn into a financial disaster for him. His efforts to gain some sort of security are less than perfect. Whatever this Council decides will be far more important than what his particular lien or ownership interest in the ship may be. The bigger issue is what is the Council going to do now that the Consent Decree is in default.

Councilor Arris pointed out that he needs to understand the monies involved. He needs to be very comfortable that the time period can be met and there is money available now. In order to represent the public's interest, he needs to know what money is available. What does that 75% mean in dollars? How much money does Mr. Becker have in it? He has heard it will take \$14,000 to get the boat in shape to be launched and \$75,000 to get it to a site for launching. He asked if those numbers are real. While Attorney Walsh noted that the numbers are real, Councilor Arris advised that saying it is not enough for him. Attorney Walsh explained that it will cost \$75,000 to get the vessel to sea but how those dollars are raised is not something he knows.

Councilor Tracy noted that the Council has to consider if this is viable because there is no sense in prolonging this if the whole thing is not viable. We need to figure out if there is financial capacity to complete the project and she appreciates Mr. Becker's willingness to put his own work on the line and his own bank account on the line through his commitment of support. Once all this happens and they get the \$15,000 to complete the boat and somehow get the \$75,000 to launch the boat, is it your understanding that an additional sum of money needs to be raised by the Island Rover Foundation to compensate Mr. Becker for what he has in the boat in order for the Island Rover to continue what it needs to do with the boat. Attorney Walsh noted that clearly Mr. Becker would like to be paid back eventually for what he is putting into this boat. Chair Sachs asked what becomes of the security lien that has already been filed. Attorney Walsh noted that he would examine the pieces and see what he could do. If the vessel is owned by the Town, it would not be a pretty picture from a security standpoint if the title of the vessel is with the Town and if any security was given knowing that the title would rest with the Town. The UCC lien on the entire vessel was granted by the Island Rover Foundation some ten months ago but he does not know what the 75% ownership is about. He is confident that Mr. Becker can get the boat finished.

Councilor Tracy asked Mr. Becker about his 75% ownership in the boat and if he is talking about his security lien or if there is another arrangement the Council should be aware of. Mr. Becker indicated that it was a Coast Guard documentation bill of sale. It allows you to do percentage ownership transfers and is another form of security. He noted that the bill of sale was from Harold Arndt personally. Councilor Tracy asked if it was prior to September 9 or after September 9. Mr. Becker does not know the exact date but it happened in the last month or two. Councilor Tracy asked if this document is a bill of sale of a portion of the vessel to Carter Becker from Harold Arndt? Mr. Becker replied yes. She asked if the Island Rover Foundation is aware that this occurred. Mr. Becker replied yes. When Councilor Tracy continued, Mr. Becker interrupted her and stated he is acting to protect his interests. Councilor Tracy explained that she is trying to clarify who owns what, now that everything is changed. She asked at the time of the bill of sale when this was executed, did Mr. Becker have any conversation with the Island Rover Foundation, it sounds like it was in the last month or two, so it should have been clear at that point that the September 9th launch deadline was not going to be met, about ownership being transferred to the Town and how did he see this all fitting together. Mr. Becker stated he is protecting his interests and he has been very open and clear with Mr. Joseph on the time lines, expectations and how things are going. Mr. Joseph has been kept abreast of it all. Any information transfer from him to the Council is the Council's job, not Mr. Becker's. He stated he is going to stop the inquisition of himself now. He can be asked about other topics but this is not a court of law. He is just trying to launch a boat.

Councilor Tracy pointed out that Island Rover is requesting an extension and part of that is an obligation the Town has to figure out if there is financial and technical capability to actually do what is requested which is to finish the boat and launch it. One of the representations that has been made is that boat is part of a broader educational mission of the Island Rover Foundation and it tells a wonderful story about educating kids while providing an alternative educational opportunity. It was her impression at the last meeting that absent the Town taking ownership of the boat, the Island Rover Foundation owns the boat. Now it is her understanding that there is an asterisk next to it and Island Rover Foundation owns 25% of the boat and Carter Becker owns 75% of the boat. Mr. Becker stated that Island Rover Foundation is the

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funding arm for the building of the boat. The boat is owned by Harold Arndt and Carter Becker. Councilor Tracy asked Mr. Becker if he informed the Town Manager that he owned 75% of the boat pursuant to a federally documented bill of sale that was executed within the last month or so. Mr. Becker indicated that Mr. Joseph has been informed that the boat is not owned as he has been representing it. Mr. Joseph noted that he requested the Town Attorney to talk to Mr. Becker's attorney because there was question about whether Mr. Becker had ownership in the boat or not. The details of that he learned tonight but he has been kept abreast about the developments of the project over the past two months. The ownership question was discussed 24 hours ago and tonight is the first he has learned of a Coast Guard documented bill of sale for 75%.

Chair Sachs asked Mr. Leathers if he brought a copy of the federally documented bill of sale between Harold Arndt and Carter Becker. Mr. Leather replied that he did not have a copy of it. Chair Sachs asked if he has seen it. Mr. Leathers replied that he had not. Chair Sachs asked if he knew this happened. Mr. Leather replied that he did know. Chair Sachs asked if this was a vote by the Island Rover Foundation. Mr. Leathers noted that it was not a matter of the Island Rover Foundation because they have not had ownership of the vessel. The ownership of the vessel is Harold Arndt and this was a private matter between Harold Arndt and Carter Becker. The land was given to the Foundation and the Foundation had possession of the three parcels of land but the ship was owned by Harold Arndt and now a percentage ownership with Carter Becker. Chair Sachs asked if Mr. Leathers knew this at the last Council meeting. Mr. Leathers indicated he did know but he did not think he was asked any question about ownership of the boat.

Councilor Tracy is trying to figure out what the relationship is. Island Rover has presented a compelling story and goal. How does Mr. Leathers see this going. They are raising the money to finish the boat and it is backed by Carter Becker. How does the Island Rover Foundation have security that the boat will accomplish the mission of the Foundation versus go and be sold to something else. Mr. Leathers feels they have talked about the intent of the mission and all of the people that are involved. They have discussed how they view the ship coming into an inspection process and they provided documents on how to have the ship inspected and having the ship be a classified vessel. It is a struggle right now to finance it and this is probably something that is inevitable for a lot of ships being built for these types of programs. There are no questions in the minds of the Foundation as to the intent of the use of this ship if things are able to continue moving forward with the Foundation being a participating member. This is where it has been going since the project thought of by Harold Arndt. This has been a mission to have an educational program. At this point, things are not lining up the way they would like them to. They are trying to make this a project that can continue forward. We simply need to free it from the confines that it is in right now and they are trying to find the most efficient way to do that. The financial aspect is only one part but he recognizes that it is a very important part for the Town. We have someone who said he will financially back this. They have it in writing and it is a notarized piece that the Council has. There is every intention to have this be an educational platform vessel but at some point, that is not what the decision is about. It is about the ability to finish this ship and get it off the property and then have the Foundation take it forward.

Councilor Hendricks referred to the letter from Mr. Becker and asked him if he would be willing to get certificates of credit from his bank saying that he has the money. Mr. Becker advised that he will get it for the Council. He feels it is an easy thing to get.

Chair Sachs suggested discussing launch. She advised the public that no public comments will be accepted this evening. She thanked everyone for their interest and has no doubt they are e-mailing her from their phones.

Mr. Leather noted that the possible launch sites are referenced in the spread sheet he provided along with transportation costs associated. They are within a reasonable distance. They looked at Wolfe Neck Farm,

the Little River Bridge and they had verbal permission from someone associated with the land at that time. They looked at transporting the vessel over land to that location and then via a barge to Portland where it could be offloaded to a cargo terminal by crane. They then re-approached this in 2013 when a quote from a moving service came through. One of the biggest financial restrictions is cable drops and there are a number of cable drops associated with all the locations being considered.

Councilor Arris noted that it appears Shore Drive is the primary possible launch site but have they considered a second site. Mr. Leather noted they have not chosen a second spot at this time but they have to take into account permission. If they are looking at private property, they may have found a site that is deemed totally useable but if they don't have permission, it is not possible. If they were to rank sites, they would look at the Wolfe Neck Little River Bridge location or the L.L. Bean Paddling School location. They have had conversations on both of these.

Chair Sachs noted she was not so much concerned with launch as she was with removal. She had hoped to see this included as one of the plans. She asked if removal and storage was considered within the last two weeks where the work could continue and the luxury of time could continue. Mr. Leathers indicated that the material would have to be removed to a marine construction facility. The closest is Falls Point Marine and they have looked at the logistics of over the road transport. The limiting factors are the wire drops. Chair Sachs wanted to make sure no alternate scenarios were discussed about removing a piece for ultimate transport, looking at other facilities either in the two years or two weeks. Mr. Leathers mentioned that some folks presented some ideas that possibly the keel could be removed, the ship could be cut in half or something could be changed to change its dimensions and weight. He noted that this is something that could be done with a ship that has a bolted-on keel. This is a structurally sound vessel and in cutting the keel off, you would be dealing with two parts and you would not have a ship. Putting it back together would never receive a structural clearance from the Coast Guard or American Bureau of Shipping. It cannot be de-constructed to move it over a road. It would be in essence scrapping it. At this point, in moving it over the road, there is no option to change the figuration of the ship to make it more feasible.

Chair Sachs wanted to see cost estimates for removal to various locations and not just for the preferred location. Mr. Becker pointed out that if Chair Sachs can tell him where to take the boat, he will take it there. She asked what other marine facilities are in the area. Mr. Becker responded that there are Brewer's, Strout's Point and Falls Point located in Freeport. Mr. Leathers explained that going to a marine facility, it would not mean simply \$20,000 but would add the distance traveled, the line drops and the fiber optic cable interface. They did not look at anything outside of Freeport because of cost and feasibility because they are looking to have this be an efficient process. Chair Sachs noted that not doing due diligence in getting additional estimates is problematic for her. She is pretty clear about what was expected to come back to the Council.

Mr. Leathers noted that they will have to look at the DEP permitting procedure as well as Army Corps. They will then have to look at MDOT permitting for over the road transportation. The longest one is a four-month DEP window and Army Corps. is similar but does not make a statement.

Councilor Tracy asked who said it would take four months and does it take into consideration neighborhood opposition. Mr. Leathers did not know about the neighborhood opposition aspect but indicated it would have to be something in the DEP process. Mr. Becker mentioned that the DEP application would be turned in at the end of this month. He has discussed with the neighbors and the Coastal Waters Commission and showed them plans. He listened to their concerns but nothing has changed in time lines from what was discussed before. He expects an answer from DEP in four months from when it is turned in. Army Corps. does not have a hard set time line.

Mr. Becker noted there has been opposition to using concrete so he has taken it out and is going with a gravel pad and rip-rap into the ocean. He plans to cut out the meadow grass and save it in water. A wood

plank road will be placed on top of the gravel road. It can be pulled out and then the meadow grass will be put back. He will build a 12' ramp rather than a 20' road which will cut the visual impact considerably. Councilor Arris asked how the neighbors perceive this change. Mr. Becker advised that the neighbors didn't care. They don't want anything in their neighborhood.

Chair Sachs referred to the property clean-up plan and that a comprehensive list of materials located on the property would be available on the 18th but not available for public distribution. Mr. Leathers noted he has the list available but does not wish to submit it because he does not feel it needs to be taken into the public realm in terms of what is stored on the property. There is a letter from Fred Reeder dated 2013 stating that a number of the items have already been removed from the property and there is no issue of a junkyard violation. The ongoing efforts will continue and materials will be absorbed into the construction of the ship. Materials that are not absorbed in the construction of the ship will be dealt through sale, donation and recycling. They will be organized, categorized and moved and the property will be cleaned. Mr. Arndt has undertaken the same obligation for materials that belong to the Arndt family. There are lists out there advertising things for sale. They are trying to do an orderly clean-up. The Foundation understands its responsibility as stewards of the property and understands the concerns of the neighbors.

Chair Sachs noted she was there a month ago and if all of this has been going on, she suggested that they redouble their efforts. She did not view the organization that has been described here. She explained that the purpose of this evening was that as of September 9, the court order has been executed and there has been discussion and public input at the last meeting on whether there should be an extension granted to the Island Rover Foundation or not. The terms of the extension could be more fully drafted into a document. She asked the Council if it wishes to grant an extension or talk about some other disposition to be determined this evening or later on. Insurance has been put on the property to ensure that the Town's interests are protected. She asked the Council if they want to move forward with an extension to the Island Rover Foundation or have the Town Manager draft up a list of other options or something else that she has not thought of. She noted the Council has absorbed a lot of new information and could table it. The Council does not conduct any business in November. The next time it will be taken up will be in December and Councilor Hendricks will not be among us. She understands if the Council is not ready to go one way or another. Right now there is a cease and desist and nothing is happening on the property.

Vice Chair Gleeson agrees the Council has digested a lot of new information but we should try to get some direction of what we are going to do because of the long gap that we will have where nothing will be done. He does not know what direction he is going to go in.

Councilor Hendricks mentioned that if this is going to get pushed off to December, he would like to see it tabled and get two new Councilors. While he can make a decision tonight, his comments won't help. Chair Sachs asked if anyone is interested in tabling and to let the Council know their reasons, what additional information is needed or if it is time to absorb the financial piece, the new launch plan, etc.

Councilor Arris noted he is ready to take a position. Bringing two new Councilors on would probably start the process over and take more time. He has concerns with the financing part. Mr. Becker has come late into the process and is fairly new. He has sympathy for him. He understands how the neighbors have been dealing with this for a long time. Harold Arndt has been there for a longer time than most. We are talking about a lot of different things but the simple thing is that something has to happen to the boat. He is reluctant to take property and tell people what to do with their property simply because the boat has been around a long time and people are tired of it. He feels the Council should grant an extension to September of 2017 with the caveat that we don't discuss it after that one year date. He wanted to be clear that he will be on the Council so the Foundation and Mr. Becker had better be sure they can get it done and launched within the year. He wants assurance provided to the Town Manager that there is funding put aside to do the job. He doesn't think the neighborhood issue with the launch site should be tied together if

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the Foundation can meet the rules and do it in a way that is modified. He feels the Council should move on it and go onto other things.

Councilor Rixon would consider granting an extension only after the Council comes to a resolution that it is not at 0 Shore Drive and he knows it will take time. He would be in favor of tabling it and discussing finding another launch site.

Councilor Tracy noted that the time does not bother her and she appreciates how patient the neighbors have been but she believes the ship is as close as it ever has been to being finished. She has spent time talking to Board members and Mr. Becker appears to be a person that could actually make it happen. She would be open to an extension of perhaps a little more than a year but not a lot more than a year for something that can be achieved. She is very concerned about the launch site. In the abstract a private landowner can do whatever they want on their property but after sitting with this for a while, she believes that the neighborhood opposition is significant enough that it really compromises the viability of getting it launched. If the goal is to get this done and the Council's assessment is are we going to impose upon the Town and neighbors to see this through, she is willing to do that but with the condition that 0 Shore Drive not be part of that equation. Whether she is right or wrong, we are being asked to take a financial leap of faith to impose upon our residents additional risk and there have been so many moving parts in this, adding in that additional component, she does not have faith that it will get done. She is open to other launch sites and doesn't necessarily need to know what those are. She is willing to let the Board figure it out but if she were to vote tonight, she would not support an extension that includes launching at 0 Shore Drive.

Vice Chair Gleeson noted that he agrees with Councilor Tracy that if we grant an extension and we don't use 0 Shore Drive as any part of that agreement, we are going to enable something that is going to disrupt and affect a large group in that particular neighborhood. He was one of the Councilors that drew up the court order. He believed at the time that this would be done and the Council wouldn't be here. Part of him feels that if we grant an extension, it just means that we grant another extension. This has been going on for a very long time, since 2005, and that is when the Council started looking at this. He noted that it is within the Council's ability to include alternate launch sites. He understands it will impose a financial burden on the Rover but that is the only area he would consider an extension. If an extension is considered, he has no idea of what time line. He would want to write into the agreement an automatic execution of whatever the consequence will be. He will not have another meeting on this. The boat would be auctioned or whatever determination all parties would sign. He would like it to automatically happen. That would satisfy his concerns about having this meeting again in 12 months or 4 months, etc. He noted there are so many moving parts that he doesn't know what the Council could vote on. The Council is discussing a concept. He has serious concerns but tries to see all sides to try to make each side somewhat satisfied in solution.

Chair Sachs summarized that she is hearing from Councilors Gleeson, Rixon and Tracy that Shore Drive be removed from the table but are in favor of an extension. Councilor Arris and Gleeson are willing to grant an extension of perhaps a year but certainly want an iron clad we don't want to see this again clause. Vice Chair Gleeson noted that he heard from the Public Works Director that winter time would be ideal as far as the least damage to our roads so the extension could be four or five months.

Chair Sachs pointed out that she would not vote for an extension to the Island Rover Foundation. They have made it clear tonight that they simply are the funding arm and they have very little say in terms of some of these other things we were talking about. When she and Vice Chair Gleeson joined the Council, the decision before them was this had been a mediated agreement of two years and then went to the courts. Their job at the time was to ratify that court agreement and the only decision was either they could choose to scrap that mediated agreement going to the court or approve it on the condition that was it. She went back and looked at the Council notes from 2012 and much of the same things we asked for at that

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time, financial feasibility, launch sites and removal plans were all there. She said it clearly last time and she is saying it again, to her it is no different and it is not emotional and it is not that this Council in its many iterations hasn't tried to help this program along. She truly believes it has with the best of intent but this particular avenue of continuing to negotiate with this particular entity is not what she would vote for. She can only look at the evidence. If she were to vote this evening, she would have the Town Manager in December present the Council with alternative dispositions. She does not believe this is a viable plan moving forward after eleven years.

Councilor Hendricks noted that he would vote for an extension but the Council should not tie the launch site into the agreement. In essence we would be prohibiting them from launching the boat on the property but we would not be preventing them from building a ramp. Mr. Becker has the right to start building the ramp if he goes through the permitting process. He is aware that the ramp is most unappealing to all the neighbors. From his perspective, tying it in just prevents the boat from being launched but it does not prevent the real issue of building the ramp. If the Council were to vote tonight, he would vote to grant an extension but would not tie the ramp with it.

Chair Sachs pointed out that she is hearing mostly to grant an extension. Councilor Hendricks is correct that we could put in a caveat that does not permit launching the Island Rover from 0 Shore Drive but it would not stop in any way Mr. Becker being able to pursue his passion and his project through the normal channels. For her, she asks is this the entity that the Council wishes to talk about appealing the court order and is the Island Rover Foundation the entity the Council wishes to continue negotiating with regarding an extension.

Councilor Tracy agrees that it doesn't prevent Mr. Becker from doing a launch site on his property and there is nothing the Council can say. The difference for her is what does she, as a Town representative consider a viable alternative that would justify the extension. She does not think including a plan that includes launching at 0 Shore Drive is a viable alternative giving the neighborhood's opposition. She does not feel it will move forward and if it does move forward, it will take too long. She is happy to make other concessions personally. She could give more time because other options may be more expensive and they would need to do more fund raising. She feels the Town should not support an outcome that appears to be a non-starter. Councilor Arris pointed out that if Mr. Becker can get his permits and the neighbors still oppose it, the Council would be telling him that we are responding to public opinion even though he is following all the rules and doing what he is supposed to do. If the neighbors on both sides do not like it, the Council is going to overrule it. It seems heavy handed to Councilor Arris and he is uncomfortable as a Councilor.

Vice Chair Gleeson noted he can see that point but he can also see that the Town of Freeport owns the boat and the Town and is trying to get the boat to its end solution with minimal impact to the residents who actually own portions of the boat. This is complex and not cut and dried.

Councilor Rixon noted that he agrees with both Vice Chair Gleeson and Councilor Tracy. He doesn't want to be part of moving this boat forward if it gets launched at 0 Shore Drive. He would consider an extension if we work out an agreement that does not use 0 Shore Drive. Councilor Tracy would like to be informed of what the launch plan is and kept apprised. She does not feel 0 Shore Drive is viable. She advised that reasonable people can disagree.

Councilor Hendricks asked what happens when they decide to go to a spot and the neighbors come to the Council and say they don't want them launching in their neighborhood either. Councilor Tracy says it is possible but she hopes that it doesn't happen. She hopes the Island Rover does not choose launch sites that are private little pieces of property. We are trying to create an opportunity for the Island Rover to do something that is viable. Chair Sachs mentioned that the Island Rover Foundation has been asked repeatedly to look and provide evidence around multiple options but she does not believe they are

financially able to do so given their financial backing. What protects the Town and its residents as a whole including the original intent around the ship is for the Town to look outside of this one narrow constrict we have been exploring for eleven years and to look at alternate disposition with perhaps neutral parties. She hopes that it would go as a school but she does not have any assurance of that by the Island Rover Foundation than she would have with another entity. She feels the Island Rover has not demonstrated financial capacity nor documentation around any of the pieces since 2005. She says this with deep sadness and regret and that is the only emotion she has around it. She feels the Council has tried very hard to recognize the dream and support the vision and she is wholeheartedly in support of that vision. She is not in support of continuing down this same road that the Council has done and she urged Councilors to think outside of that particular box.

Councilor Tracy asked Chair Sachs why she believes there is no financial capacity if Mr. Becker can provide adequate assurance through a letter from the bank if it is determined sufficient that he will fund the completion of the ship and launch. Chair Sachs would have liked to see more detailed financials coming forward in terms of the actual costs and differential analyses which the Council has asked for several years. All the Notary says is that he believes it is correct and he is putting down that he will do that but it is not the same thing as showing her that here is \$75,000 of costs and I will cover to the penny those costs as well as the clean-up and anything else. She wanted more assurances and believes ample time has been given to them. The intent was clear to her that no further extensions with this particular entity should be warranted.

Chair Sachs clarified that three Councilors would like to have the 0 Shore Drive not be included as a launch site, the extension should probably be for a year and the caveat would be that it never, ever come back. Councilor Arris does not want this to cost the Town anything.

Mr. Joseph advised that if the ownership question can be solved in an agreement, we will need documentation if we go forward that is enforceable. He would need to learn more about the documents discussed tonight because he does not know about their technicalities. If that is resolved and it is truly owned by the Town, the Town has a Disposition Policy that has two sentences that says "Before I am legally authorized to dispose of any Town property, I must inform the Council that it is happening." It does not state that he needs permission. The Town has a different policy regarding tax-acquired real estate and that is a very sensitive subject. It would be no different than a police cruiser. Disposition of Town property requires that the Council be notified, and the process can be stopped, but if Mr. Joseph informs the Council ahead of time of the written agreement that is developed, that is the Council's information in his opinion. He doesn't need to get permission, and if this is what the Council wants, he will treat it that way. Chair Sachs noted the Council can talk about this when the language in the agreement comes before the Council. Mr. Joseph stated it will be contingent upon the Town being certain through the Town's legal representation, that the Town has a majority ownership interest in the property and vessel, which we will need to do research on, and he is not ready to comment on this evening. Chair Sachs is confident Mr. Joseph will come back to the Council if there is any sort of dispute. She wanted to make sure that for Councilors who feel an extension is the way to go for this entity, we are at least putting down some fundamentals because the Council will not meet until December 5.

Councilor Tracy feels the Council should consult with its attorney to see what is an appropriate form of document that provides us with assurance that Mr. Becker will back the costs. She is open to what that is. To her an agreement that he will back it is sufficient but we need something that will qualify and she is not talking about a letter of credit. Councilor Arris is confident that Mr. Joseph can do some research and Mr. Joseph noted that he will defer to the Town Attorney on this. Chair Sachs pointed out that this all could be for naught if the Foundation decides it doesn't agree with the terms of an extension.

Chair Sachs referred to access. Councilor Hendricks feels that some sort of tentative agreement should be in place. If no agreement is going to be reached, there is no reason to allow them back on the property.

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Mr. Joseph clarified that after the initial five-minute conversation that happens this week, and we say that doesn't work for us, then we figure out what to do. If we can have an agreement and we sit down and have a preliminary meeting and figure out we can come to some agreement, he asked Councilor Hendricks if he would be okay if all the conditions of our insurance are met, etc. and allow them access to the site. Chair Sachs noted she would want all the legal questions cleared up before anyone is allowed on the site.

Mr. Joseph noted if there is a question of ownership and the Town doesn't actually have insurance on the vessel, liability falls on someone else if something happens. While it may be good for us, it would be terrible for whoever it happens to if there is no insurance on it. He wants that figured out before anyone touches or goes on the site. Councilor Arris would like Mr. Joseph to expedite this as quickly as possible to get them on the site as quickly as possible so they can continue working. Mr. Joseph understands this position.

Chair Sachs asked if the Council is comfortable with Mr. Joseph's discretion around this and he will inform the Council by e-mail about status. Mr. Joseph noted he will make a decision with the chair and vice chair. Chair Sachs thanked the public for their involvement, engagement and opinions. They are quite wide and varied and she assured the public that she read them all. She thanked the Island Rover Foundation and Carter Becker for coming this evening. She thanked her fellow Councilors for doing their homework and asking very good questions. She also thanked the Council Secretary for writing down everything the Council says.

MOVED AND SECONDED: To adjourn at 10:10 p.m. (Gleeson & Hendricks)
VOTE: (6 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

MOVED AND SECONDED: To adjourn at 10:10 p.m.(Gleeson & Arris)
VOTE: (6 Ayes)

MINUTES
FREEPORT TOWN COUNCIL MEETING #22-16
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY NOVEMBER 15, 2016
6:30 p.m.

	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Leland Arris, 70 Glenview Road	x		
Scott Gleeson, 23 Park Street	x		
James Hendricks, 21 West Street	x		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 2 Pettingill Road	x		

Chair Sachs called the Council Meeting to order at 6:29 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 #21-16 held on October 18, 2016 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #21-16 held on October 18, 2016 and to accept the minutes as printed. (Gleeson & Hendricks) **VOTE:** (6 Ayes)

Councilor Tracy advised that she received a call from a constituent concerned that we are putting the Minutes at a time when we do not do business. She noted that if there is a substantive issue with the Minutes, they can always e-mail us and we will take it up.

THIRD ORDER OF BUSINESS: That the Town Clerk report on the returns of the November 8, 2016 Election.

Since the Town Clerk is away for training, Mr. Joseph explained that he would be providing the Election Report this evening and that Mary Howe the Deputy Clerk is here and will be swearing in the new Councilors a little later.

Freeport has 6,932 Registered Voters
369 registration cards were handled by the Registrars on Election Day
5,615 Ballots were cast representing 81% of voters. The national average was 30 points lower.
2,426 Absentee Ballots were provided
2,310 Absentee Ballots were cast
95 Absentee Ballots were never returned to us

The Town Clerk advised that Election Day would not have been so successful without the efforts of Steve McPheters as Warden and Ed Bonney and John Goran as Deputy Wardens. The Election Day crew worked so hard and stayed well beyond their scheduled shifts to help process all the Absentee Ballots as

well as count ballots late into the night. Registrars processed new voters and changes from 7 a.m. to 8 p.m. without a break. She extended thanks to all the Election Clerks.

Ed Bonney noted that he wears many hats in this community and since the 1960s he has served in various capacities during the elections. He has found that presidential elections were always challenging and this one was particularly challenging. A couple of people accused him of rigging the election. They said they saw it on television and it must be true. He explained to them that it is impossible to rig an election in Maine because we are all separate entities and our voting machines are not connected. Tonight he wanted to publicly acknowledge the work of the Election Clerks, particularly Christine Wolfe and the Registrars. Christine and Steve did not finish until 2:15 in the morning. We finished counting the yellow ballots at approximately 11:30 at night. Some of the clerks started work at 6:30 in the morning. He feels our clerks did a fantastic job and the Town Manager was pressed into helping to count the referendum ballots. How grateful this community should be for the dedication these people give us on Election Day. Christine advised him that this was the largest election she ever participated in and he feels she did an excellent job. Chair Sachs felt this deserved a round of applause which immediately followed.

Chair Sachs thanked Mr. Bonney for bringing this forward and also thanked Mr. Joseph and all the volunteers for their efforts on Election Day.

MOVED AND SECONDED: That the Town Clerk's report be accepted. (Gleeson & Hendricks)
VOTE: (6 Ayes)

SWEARING IN OF NEW COUNCILORS BY THE DEPUTY CLERK:

D. Scott Gleeson, 23 Park Street
Peter Anzuini, 87 South Freeport Road
John Egan, 38 Curtis Road

Deputy Clerk Mary Howe swore in Peter Anzuini to serve as a Town Councilor until November, 2017. She then swore in Scott Gleeson and John Egan to serve as a Town Councilor until November, 2019.

Chair Sachs welcomed the new Councilors and took the roll.

ROLL CALL OF MEMBERS:

D. Scott Gleeson, 23 Park Street
William Rixon, 66 Varney Road
Sarah Tracy, 2 Pettengil Road
Melanie Sachs, 84 Kelsey Ridge Road
Leland Arris, 70 Glenview Road
Peter Anzuini, 87 South Freeport Road
John Egan, 38 Curtis Road

PRESENT

x
x
x
x
x
x
x

RECEPTION FOR OUTGOING COUNCILOR, JIM Hendricks

At this time, Chair Sachs invited Councilors to say what they would like.

Councilor Gleeson explained that he would miss Councilor Hendricks. He has been a good friend and very supportive. He provided guidance to him when he was new to the Council. He wishes he could have stayed on for another term but understands it is a huge commitment.

Councilor Tracy noted that Councilor Hendricks was Chair when she was elected to the Council. He was always efficient, no nonsense and fair and these are the qualities that make one a good Councilor. She understands there have been a lot of demands on his time but he was always trudging through the hard

issues. She appreciates all the hard work he put in and that he set a tone which was welcoming and neutral and totally appropriate. She thanked him for his time and commitment to the Council. She will miss him.

Councilor Arris noted that it took him a while to figure Councilor Hendricks out in his first year on the Council. He found him to be respectful of other people's opinions which is a very positive thing and is very thoughtful in his deliberations on every issue. He appreciated working with Councilor Hendricks and his only regret is that he will be gone.

Councilor Rixon pointed out that Councilor Hendricks' six years of service to Freeport consists of more than 100 Tuesday evenings. It has been a pleasure serving along side Councilor Hendricks. He has learned a lot from him. He has found him to be very fair and has set a good example. He hopes he enjoys his first and third Tuesdays from now on. He thanked him for his six years of service.

Chair Sachs advised that when she first joined the Council, the Council was not necessarily known as a warm and good place to come. When Jimmy became Chair, he changed the tone right away and it was amazing. Leadership is hard and he did it masterfully. When she became Chair, he was a great mentor for her. She appreciates everything he has done.

In recognition of his service to the Town of Freeport and its citizens, she presented Councilor Hendricks with a plaque commemorating his years of service from 2010-2016.

Mr. Joseph recalled the first time he met Ex-Councilor Hendricks was during his interview for his position when it was 120 degrees on an afternoon in July at the Hampton Inn. Councilors Cassida and Bishop advised that he not mind him, he was just the new guy on the Council. A few months later, he is serving as Town Manager and Ex-Councilor Hendricks is Chair of the Council. Since they are both brand new, they decided they had better figure it out. He is glad he was able to work with him these past years. He presented him with the first ever Town of Freeport logo Rugby Ball but asked him to please not use it if he ever plays a pick up game with friends.

Johanna Hanselman thanked Ex-Councilor Hendricks for his many years of service to the Town. She has found it to be a pleasure working with him. Throughout his time on the Council, he showed his dedication to the Town through his positive leadership, his wisdom, his high level respect of the public and the community, his on-going respect of Town employees and most consistently an enormous amount of common sense. Often when Town Councilors leave office there is really something we can poke fun at but Ex-Councilor Hendricks has been so reasonable and practical in his thoughts, actions, decisions that there really isn't anything to make fun of. As a parting gift, she wanted to give him something that exemplified his plain old practicality. Since there is nothing more practical for a man than having enough pairs of black socks, she presented him with black socks, a gift card and a reusable bag.

Ex-Councilor Hendricks thanked everybody for the thoughtful gifts. He noted that Tuesday nights can be arduous and he did not know what he had bitten off. When he was first elected, this room was definitely a torch and pitchfork type of place. When he became Chair he wanted the Council Chambers to be a place where the public could come and speak comfortably and he believes he did that. He noted that the Council will not find him skulking in the back of the room in the future but he might check the Council out on Video on Demand once in a while. He thanked everyone.

At 6:55 p.m. Chair Sachs announced that the Council will recess briefly to recognize outgoing Councilor James Hendricks. Refreshments were served.

Chair Sachs reconvened the meeting at 7:05 p.m.

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

ITEM #176-16 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. (Sachs & Gleeson) **VOTE:** (7 Ayes)

MOVED AND SECONDED: To nominate Sara Tracy to serve as Council Chairperson. (Gleeson & Sachs) **VOTE:** (7 Ayes)

MOVED AND SECONDED: That the nominations for the position of Council Chairperson be closed. (Sachs & Gleeson) **VOTE:** (7 Ayes)

BE IT ORDERED: That Sara Tracy be elected Chairperson of the Town Council. (Sachs & Gleeson) **ROLL CALL VOTE:** (7 Ayes)

Chair Tracy took over the gavel.

MOVED AND SECONDED: That the nominations for the position of Council Vice-Chairperson be opened. (Sachs & Gleeson) **VOTE:** (7 Ayes)

MOVED AND SECONDED: To nominate Melanie Sachs for the position of Council Vice Chairperson. (Gleeson & Tracy) **VOTE:** (7 Ayes)

MOVED AND SECONDED: That the nominations for the position of Council Vice-Chairperson be closed.(Gleeson & Arris) **VOTE:** (7 Ayes)

BE IT ORDERED: That Melanie Sachs be elected Vice-Chairperson of the Town Council. (Tracy & Gleeson)

Councilor Gleeson thanked Chair Tracy and Vice Chair Sachs for stepping up for these positions with all the associated time commitments. He is confident Vice Chair Sachs will be an excellent help to Chair Tracy.

Chair Tracy noted that she saw the value in having Melanie's leadership continue because she knows how to anticipate issues, and what is expected of the Chair and Vice Chair. She is confident they will be an efficient and effective team and will set a tone that is open to different points of view that is fair and efficient in terms of process. It is forward thinking to try to anticipate issues before they come up so that the meetings are run in a thoughtful and reasonable way and are proactive and not reactionary. She thanked Vice Chair Sachs for her willingness to continue to serve.

Vice Chair Sachs thanked Councilor Gleeson for serving two terms as Vice Chair. She can't say the volumes that it speaks to have people that are so different be on leadership together. She finds him to be terrific. Councilor Gleeson thanked Vice Chair Sachs as well. He has found her to be outstanding.

Chair Tracy explained to the public that everybody had a good, open discussion and were open to entertaining people's points of views. The change in the guard is not a reflection of any dissatisfaction. People were willing to step up, some were willing to stay and some were willing to step aside graciously to make room for others and she personally appreciates the communal tone of everybody that lent themselves to this process. She thanked them.

Councilor Egan, being new, asked if the Council goes through the process of choosing a chair and vice chair annually. Chair Tracy advised that it does. Councilor Egan asked if the Vice Chair historically steps up and eventually becomes Chair. Councilor Gleeson explained that he served as Vice Chair but time commitments prevented him from serving on leadership and the vice chair prior to him also did not step up and serve as chair. Actually the position of vice chair has gotten into the position of not serving as chair.

MOVED AND SECONDED: To close the discussion. (Tracy & Gleeson)

VOTE: (7 Ayes)

BE IT ORDERED: That Melanie Sachs be elected Vice-Chairperson of the Town Council. (Tracy & Gleeson) **ROLL CALL VOTE:** (7 Ayes)

Chair Tracy noted that Councilors would find on the dais tonight a document that says Fiscal Year 2018 RSU#5 Budget Time Lines which was given to her and Mr. Joseph at the RSU#5 meeting with Town leadership. We just had our changeover so she went as a Councilor person and made it clear that it would be nice when they schedule it next time, it is when an actual Chairperson is elected. This sets out the School Board budget time line and noted there will be, as we have had in years past, a group meeting between all of the leaders of the RSU#5 Board, the towns of Durham, Pownal and Freeport. That meeting will take place on March 2, 2017. She will ask Mr. Joseph to put that meeting in our budget schedule so that it is reflected and we can anticipate that coming up.

As in years past, we have dealt with the Council Goals pretty soon after the election of the Chair. We will be circulating last year's Council's goals to all Councilors in an e-mail and in that e-mail, leadership will request a time frame for suggestions as to changes to the Council's goals, additions to the Council's goals or requests for removals from the existing Council's goals and then this can be taken up at the next meeting scheduled for December 6. It may take a couple of times to finalize our Council goals but we can start that process and hopefully be done with it by year end. Typically, we have some overarching goals and we might have specific action items underneath that.

The assignment of committees will also occur in the near future. We will circulate a list of the committees and who is currently serving on those committees. Leadership will take requests for committees Councilors would like to serve on and will do their best to honor those requests. We do need to populate all the Town Council seats on those committees so one may end up getting something that is not their cup of tea but hopefully we can work it out so there is at least something you are interested in and maybe something you are less interested in. She is hoping to have the Council's cooperation in this regard.

MOVED AND SECONDED: To adjourn at 7:15 p.m. (Sachs & Gleeson)

VOTE: (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #23-16
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY DECEMBER 6, 2016
6:30 PM

	<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		

Chair Tracy called the meeting to order at 6:55 p.m. and took the roll. She noted 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 #22-16 held on November 15, 2016 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #22-16 held on November 15, 2016 and to accept the minutes as printed. (Sachs & Gleeson)

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

THIRD ORDER OF BUSINESS: Announcements

Chair Tracy announced:

- **Public Hearing:** There will be a Public Hearing on the Referendum Vote to construct a synthetic track and field at Freeport High School on Wednesday, December 7, 2016 at 6:30 p.m. in the cafeteria at the Freeport High School. If you have questions, or just want to find out additional information, please attend this important meeting.
- **The Deadline for nominations for the 2016 Citizen of the Year Award is December 15th.** 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.
- **2017 Dog Licenses are now 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. 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.

There will also be a **Rabies Clinic at the Town Hall from 9:00 a.m. – 12:00 p.m. on Saturday, January 28th 2017.** Vaccinations are \$15.00 for both dogs and cats. You may license your dog during the rabies clinic at the Town Clerk's Counter. Warrants go out if dogs are not licensed.

- **Beginning November 8th, 2016, the Town of Freeport can now accept online credit card payments for property taxes!**

Disclaimer: All credit card payments are processed through a third-party payment processor, Maine Payport. There will be a \$1.00 or 2.5% fee, whichever is greater, added to each credit card transaction.

- **December is "Food for Fines" month at the Library!** During the entire month of December all overdue charges will be eliminated from your account in exchange for donations of non-perishable food items that are comparable in value to your fines. For example 1 can of food = \$1 in fines. All the non-perishable food items collected during December will go to the Food Pantry at Freeport Community Services.
- **Cultural Alliance**—Cultural Plan Community Conversation Friday, December 9th, 6 p.m. at the Freeport Community Center. Please come and participate in the community conversation to continue the process of developing an Arts and Cultural Plan for Freeport. Residents with an interest in arts and culture, education, non-profit organizations, and/or economic development are encouraged to attend.

FOURTH ORDER OF BUSINESS: Information Exchange

Chair Tracy noted she sent out assignment of the 2016/2017 Committee Assignments. Councilors have been assigned to staff the various Town committees. There is a lot of continuity where Councilors serving on committees and will continue to serve on those committees but there are some changes in light of new Councilors that we have and the loss of Councilor Egan and Councilor Hendricks. Now that Councilors have their Council assignments, she urged them to reach out to the chairs of the committees and figure out when the next meeting is scheduled. She understands that this is an additional demand on Councilors' time and that we are all strapped for time but we need to make an effort to attend the meetings and take notes on the top two or three points. It is helpful for other Councilors to know what is going on as well as the public. She noted they should attend the meetings and then report back because it will help with the efficient operations of the Town.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph reported:

South Freeport Village Paving—Due to the “perfect storm” of asphalt plant problems, weather issues, scheduling conflicts and resident requests, the Public Works Department made the decision to move the paving portion of this project to next spring. In addition, with the weather turning colder, the Town Engineer determined that the Town would not obtain the same pavement quality and longevity as we would get in warmer temperatures. Work is tentatively scheduled to begin in early May as temperatures allow. If you have any concerns, please contact the Public Works Department at 865-4461.

The Town of Freeport is now accepting online tax payments—This feature can be accessed at <https://epayment.informe.org/payportonline/welcome>. Please note: all credit card payments are processed through a third party payment processor, Maine Payport. There is a \$1.00 or 2.5% fee, whichever is greater, added to each credit card transaction by the third party processor, to cover the cost processing the

credit card payment. For future reference, this link will always be available in the “Online Services” drop down menu on the Town's home page.

Winter Reminders from the Public Works Department:

1. Freeport residents are allowed two (2) 5-gallon buckets of sand per storm. Sand is now located adjacent to the silver recycling bullet on Hunter Road in front of the Public Works Facility.
2. No parking is allowed on public streets nor in turnarounds during winter storm events-please keep streets and turnarounds clear of vehicles (including trailers, campers, etc.) during a storm. Our winter parking ban is now in effect, from 11:00 p.m.-7:00 a.m., and will continue until April 15.
3. For residents who park vehicles in driveways, please keep sidewalks clear so our sidewalk machines are not restricted in doing their job.

On a final note, please do not push snow into sidewalks or public streets as this is not only against Maine State Law, it is also costly and time-consuming for the Public Works Department to send vehicles and manpower out to go back to clean up a street or sidewalk.

If you have any questions or concerns, please feel free to contact the Public Works Department at 865-4461. Thank you in advance for your cooperation!

The Town Hall will be closed for “lunch hour” on Thursday, December 15 from 12:00-1:00 p.m. while employees attend a town-wide Holiday Party at the Public Safety Building.

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

There were none provided.

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

ITEM #177-16 To consider action relative to adopting the December 6, 2016 Consent Agenda.

BE IT ORDERED: That the December 6, 2016 Consent Agenda be adopted.
(Sachs & Gleeson)

Councilor Sachs thanked the ballot clerks for being willing to serve. Chair Tracy thanked Bob and Muriel Meyer for their generous donation to the Police Department.

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

ITEM # 178-16 To consider action relative to an ordinance imposing a moratorium on Medical Marijuana Production Facilities. PUBLIC HEARING

MOVED AND SECONDED: To open the public hearing (Arris & Gleeson)
VOTE: (6 Ayes) (1 Excused-Anzuini)

Chair Tracy noted that the Council has seen this before but basically we have a proposed moratorium on the Medical Marijuana production facilities and not the retail marijuana commercial facilities. This recommendation came from the Planning Board and it is now before the Council in a public hearing. Town Planner, Donna Larson explained that the Planning Board spent several months talking about Medical Marijuana. As the election in November came closer, calls started coming into the Town Office about people wanting to start various facilities. After reading the legislation voted on, she realized there is

a strong connection in preference priority given to people that are licensed as medical marijuana growers have priority to get a recreational license. It then became clear why all the calls were coming in and there is a connection between medical marijuana and recreational marijuana. When she reported this back to the Planning Board, they felt the best thing to do was place everything on hold until the Election happened. The Election has happened and while we still don't know the results, it is likely that it is going to pass, this will give us the time to give this issue the thoughtful consideration it needs and to fully understand the connection between the medical marijuana and recreational marijuana. She believes it would be a good idea for the Council and the Planning Board to hold their annual workshop as early as possible in January so there can be a joint discussion about the best way to move forward with this. She feels there is a lot of different things to think about here, especially with the recreational side when there are social clubs, retail, laboratories, processing and growing. There are more uses involved in this and it is potentially at larger scale. It could be very good for the Town or not. She noted that we need to be very thoughtful in how we move forward. The Planning Board did not want to have specific applications that were somehow driving the discussion. We could just have a discussion about the issue without also having to consider a particular application.

Councilor Egan asked if the six-month period is consistent with other municipalities' actions. After reading, he suspects the answer is yes. He asked if Ms. Larson knows of any Town Planning units that have moved forward without a moratorium. Ms. Larson advised that State Law allows 180 days but it is possible to get extensions provided you are making progress. Some towns have addressed the question of medical marijuana. Auburn was ready to make the leap. The Planning Board was not ready to go there yet. She noted that the referendum question said there would be an 8-month rule making period and Ms. Larson suspects the State will take every last day of it to get it straight.

Chair Tracy asked for public comment on the medical marijuana issue. There were none provided.

MOVED AND SECONDED: To close the public hearing (Arris & Gleeson)
VOTE: (6 Ayes) (1 Excused-Anzuini)

BE IT ORDERED: That the new ordinance imposing a moratorium on Medical Marijuana Production Facilities be approved. (Arris & Gleeson)

Councilor Sachs noted she appreciates Ms. Larson and the Planning Board putting together this thoughtful process so the Council will have time to consider it.

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

ITEM #179-16 To consider action relative to an ordinance imposing a moratorium on Retail Marijuana Establishments and Retail Marijuana Social Clubs.

BE IT ORDERED: That a public hearing on the proposed Ordinance imposing a moratorium on Retail Marijuana Establishments and Retail Marijuana Social Clubs be set for December 20, 2016, at 6:30 in the Town Council Chambers.

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 explained that there were very slight changes made to ITEM #179-16 and copies were put out to the public. This version had words changed and one paragraph was added for clarification. The Council does not need to modify anything that has been said so far. A referendum was passed by the voters subject to a recount but it is likely to be approved. There is an 8-9 month period of rule making that the State will likely take to make the administrative rules that will allow retail marijuana to happen in the State of Maine. We, along with most other cities and towns in Maine, are concerned about an application coming in the interim between when the recount is finished or the law is certified by the Governor 30 days after the recount happens. We will probably be into January. Between then and when the rule making process is finished by the State any type of application that would somehow give someone a leg up to say they had an application to the Planning Board or Project Review Board before we made any regulations on it. We will have the ability to approve or disapprove of things, make regulations, etc. This will close the gap between when the rules are done and essentially when the law becomes effective in a couple of months or less. It will give the Council a chance to work with the Planning Board and determine if any zoning changes that we foresee in the future to make changes to the Land Use Ordinance. This will not slow anything down but we want to be sure we are making the right choices for the Town.

Mr. Joseph noted there have not been any recreational marijuana retail applications for social clubs, laboratories, cultivation, dispensaries, etc. He is not sure of the status of the Medical Marijuana Moratorium. There was one reported in the news for the Dance Studio on Route One. While there was an approval, a property transaction had to take place and he does not know the outcome from the private transaction. Other than that, there is nothing pending at this time.

Councilor Egan had questions about the process. Mr. Joseph explained that the Town Planner suggested a workshop between the Council and Planning Board. The Council would steer them in a direction it would like to go for zoning changes. They will be responsible for coming up with the language. The Codes Enforcement Officer has determined that medical marijuana cultivation does not qualify as agriculture under State Law.

Councilor Sachs noted that Kristina Egan with GPCOG has already put out material for many municipalities and she offered to send it to the Planning Board. Mr. Joseph advised that he has had discussions with groups from other Municipalities and learned that they are considering a six-month moratorium to figure out what is going on.

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

ITEM #180 -16	To consider action relative to signing the Regional School Unit #5 Special Municipal Election Warrant for January 10, 2017.
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BE IT ORDERED: That the warrant for the Regional School Unit #5 Special Municipal Election Warrant for January 10, 2017 be signed. (Sachs & Gleeson)

Chair Tracy noted that the Council has the warrant in their packets. This deals with whether to approve the bond for the synthetic track and field. There are lots of different parts. The language has been chosen by the RSU5, not what the Town is putting forward.

Councilor Egan asked for clarification. The Council signs this and it goes forward as a referendum. If it passes, the tax obligation of that bond is passed on to our Town residents. There is no discussion about the dollar amount or the amount of the tax increase, etc. Mr. Joseph advised that the Town Council has no input on this.

Chair Tracy noted that Councilor Anzuini expressed some concern about the complexity of the warrant and that it is confusing to read. He stressed that it raises the importance of voter education between now and January 10th to understand exactly what this means. She is on the Track and Field Committee and did

not draft this. Chair Tracy noted that the complexity is the result of the legal requirements related to the issuance of the bond and the fact that some of the money is being donated. She agrees that there should be information available that answers people's questions.

Councilor Arris pointed out that there have been some significant monetary changes since the time when this came to the Council asking for \$100,000 for the project. This is not the plan that came to the Council when it contributed \$100,000. Bonds were not included. Chair Tracy advised that the Track and Field Committee came early on and at that point the effort was to raise all of the money. That was not achievable in the time frame needed so the project has developed over time and has gotten more complicated. The RSU5 realized it had authorized the last million to be issued but had not issued it and it was discovered late in the game so the Board decided to include that here. She agreed changes have been made.

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

ITEM #181-16 To consider action relative to the review and approval by the Town Council of the Cumberland County Hazard Mitigation Plan

BE IT ORDERED: That the Cumberland County Hazard Mitigation Plan be approved. (Egan & Sachs)

Fire Chief, Charles Jordan apologized for a typo in the Plan. The Perry Street Culvert Project in No. 2 should be corrected to The Percy Street Culvert Project. Chief Jordan then provided an overview of the Plan and explained that updates are done every five years. He would have preferred to see an executive summary and plans to make a recommendation when he has a crack at the next plan. The Hunter Road project has been completed. The Percy Street Culvert is expected to be completed in 2017. The Richards Lane project is unfunded but remains part of the long-term plan. Should federal funds become available, these would be the projects we might be able to receive them for. He offered to answer questions even though he did not participate in the development of the plan. Mr. Joseph noted that Earl Gibson and Albert Presgraves provided all the input used in these plans to the County a year or more ago. These were the major flooding hazards they identified in Freeport.

Chair Tracy raised the question about completed projects and if federal funds become available later, will the funds go towards these completed projects. Chief Jordan noted that this is his understanding but offered to check on it. He feels the Town might get a better grading if it has shown faith in completing projects as opposed to just putting projects on a list and hoping something will happen so that someone else pays for it. He feels it would be a value to the Town placing them on a list and completing them when you become capable of doing that. Chair Tracy noted having two projects on the list, does this obligate the Council to spend that money. Chief Jordan advised that the Council is not obligated to do so.

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

ITEM #182-16 To consider action relative to an amendment 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 previous conditions approved by the Town Council on June 7, 2016 be amended as presented. (Rixon & Sachs)

Chair Tracy disclosed that she serves on the Tri Town Track and Field Committee which is a volunteer committee that came before the Council to ask for a donation to help with fundraising for the project. The Council approved the expenditure of \$100,000 but subject to specific conditions. The document before the Council is also on the website along with the agenda. The Council conditions were included in an agreement between the Tri Town Track and Field Committee and the RSU5. The Committee is saying “we are going to give you over \$2.2M but some of our donors have various conditions and we need you to agree to them so that we can make sure those conditions are met.” That was the first time the RSU5 had an opportunity to look at the Town Council conditions and the RSU5 raised issues that they felt needed to be met in order for the RSU5 to make sure that it could comply with the conditions. The changes and additions from the RSU5 are in this document before the Council.

The first condition is -The Town's capital budget allocation will be revoked if the construction of the TTTF Project has not commenced by December 31, 2017 and has not been changed at all.

Condition 2—~~Freeport~~ Residents of the RSU will be allowed access to and use of the track and field facility when (i) it is open and (ii) is not being used by RSU5 entities. This is being changed from Freeport residents to residents of the RSU be allowed that kind of access because the RSU serves the towns of Freeport, Durham and Pownal.

Condition 3—RSU5 will take other reasonable measures to accommodate the reasonable use of the track and field facility by ~~Freeport~~ residents of the RSU (i.e. allow for residents to use the track while RSU5 is using the fields.

Condition 4- The RSU requested that a sentence be added at the end of the paragraph saying: Said use shall be in accordance with applicable laws and policies including in the case of a non-profit, and if required by the RSU, evidence of liability insurance naming the RSU as an additional insured.

Chair Tracy explained that this has come back because the Council said that any material changes needed to come back to the Council. She felt it was prudent to bring it back to make sure everyone is okay with the changes. She is open to any comments.

Councilor Sachs explained No. 4 is a change in the RSU5 policy regarding their buildings and use in their buildings in terms of requiring liability insurance for non-profits. On Election Day when she was volunteering for another organization, this was a topic of discussion because the RSU is requiring non-profits to have liability insurance to even have a table at Election Day so they can raise \$200 selling reusable bags for the Scouts. For very small non-profits, this has become a real issue and may be quite prohibitive to a non-profit who wishes to use this space. The Freeport Woman's Club had to purchase special insurance in order to sell their baked goods on Election Day and it was a hardship. This is a new development for the RSU requiring this. Mr. Joseph mentioned that groups came in and formally complained to him about this policy but he does not have authority to change the school's policy. Councilor Arris asked if the RSU has the authority to waive this requirement. Councilor Sachs did not have knowledge of them waiving it for non-profits and she is not sure there would be any flexibility with the track if they are unwilling to do so with their other facilities.

Councilor Gleeson pointed out that he was supportive of the language and that Freeport is giving \$100,000 of taxpayer money and that Freeport residents at least in the wording, they are assured that this is something they are allowed to use. He feels this is bothersome and he is not convinced it will hang him up on not voting for this. He asked if other towns have donated money for this project. Chair Tracy advised that Pownal and Durham have not donated any money. She noted that the question is if this violates the Council's conditions and our conditions still stand. Councilor Gleeson feels the Council is putting a very positive step forward and when they start taking out the Freeport part of it, it makes it look like we are donating more money than what we normally donate to the RSU. He wanted this so noted.

Chair Tracy noted that Freeport will still be able to use the track and field facility for an event or gathering at least two times per year and this right is not given to the other towns.

Councilor Sachs mentioned that if it is going to be prohibitively expensive for a non-profit, does it in essence cut that provision. They really have to consider whether the cost benefit is going to work to get a one day event policy. It is definitely a concern for a small non-profit. Councilor Gleeson estimated that a non-profit for one day could purchase insurance for between \$150-\$200 depending upon the event. This gives Councilor Sachs pause knowing that it would be cutting the intent of the Council for some of these groups. It would be hard for her to support that one particular change because it nulls the intent. The RSU has required liability insurance across the board unless one is a school-based group.

Chair Tracy agrees it is a valid concern. The purpose is to protect the RSU and to her it seems reasonable. It is unfortunate if it takes a couple of non-profits out of the mix. She does not feel it negates the entire intent which is have the town be able to use it and non-profits if the town so chooses.

MOVED AND SECONDED: To amend the language in the agreement between RSU5 and Tri Town Track and Field Committee as presented does not violate the conditions approved by the Town Council on June 7, 2016. (Tracy & Gleeson)
ROLL CALL VOTE: (5 Ayes) (1 Nay-Arris) (1 Excused-Anzuini)

BE IT ORDERED: That the language in the agreement between RSU5 and Tri Town Track and Field Committee as presented does not violate the conditions approved by the Town "Council on June 7, 2016. (Tracy & Gleeson) **ROLL CALL VOTE:** (3 Ayes-Gleeson, Rixon & Tracy) (3 Nays-Egan, Sachs & Arris) (1 Excused-Anzuini)

MOVED AND SECONDED: To table this item until the next scheduled Council meeting. (Sachs & Gleeson)

Councilor Sachs noted this would give the Council time to think about this, get some information and bring it back when Councilor Anzuini is scheduled to be here. Chair Tracy noted she feels some direction should be given to the RSU5 and the Tri Town Track and Field Committee and to articulate what the issue is that needs to be resolved in the interim.

Councilor Arris agrees with Councilor Sachs that it has become more restrictive. He likes the idea of having Freeport residents as opposed to RSU residents having a crack at using the facility since we contributing a substantial amount of money to do this and no other community is doing so. We should be able to get a little more for our money. These are the conditions the previous Council set on giving a large amount of money to another entity and to have them come back and have us negotiate our own conditions doesn't sit well. He would prefer to leave the language just the way it is. Councilor Gleeson agreed with Councilor Arris since he is backing up his own argument. Councilor Sachs noted it may be within their purview but in practice it was found to be quite onerous to small non-profits and she feels like she needed to voice that. She believes it violates the Council's original intent. Councilor Egan feels it would be good to convey some of the direction that has been said. He agrees with Councilor Sachs and perhaps they could quantify or specify groups that are unable to afford the insurance, whether it is the size of their budget. Perhaps they could consider a one day fee to give some room. He feels the RSU5 and the Tri Town Track and Field Committee should know that this is an issue for a number of people on this Council that it has become more restrictive by requiring insurance but he agrees they should require it because it is good practice to require insurance. The cost of a one-day policy could deter groups from using a spectacular facility. He would not want to ask them to waive the requirement but they should be mindful that it may be a burden for small groups to use the facility.

Chair Tracy noted that Councilor Sachs is suggesting that they remove the language. Councilor Egan feels the addition of that language as it stands right now without giving any flexibility to consider the burden of small non-profit groups from using what their tax dollars have paid for, is restrictive which is why he voted no. If they want direction, then maybe they can recognize this requirement is going to restrict small community groups from being able to access the facility and this is a violation of what the original group decision was in June.

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

ITEM #183-16 To consider action relative to the adoption of the Town Council meeting schedule for the calendar year 2017.

BE IT ORDERED: That the Town Council hereby adopts the Town Council meeting schedule for the calendar year 2017 as follows and stated on the agenda.

<u>Date</u>	<u>Time</u>	<u>Location</u>	<u>Meeting Type</u>
January 3	6:30 pm	Town Hall	Regular
January 17	6:30 pm	Town Hall	Regular
February 7	6:30 pm	Town Hall	Regular
February 14	6:30 pm	Town Hall	Council Workshop
February 28	6:30 pm	Town Hall	Regular
March 2	6:30 pm	Community Ctr	Tri Town & RSU 5
March 7	6:30 pm	Town Hall	Regular
March 14	6:30 pm	Town Hall	Council Workshop
March 21	6:30 pm	Town Hall	Regular
March 28	6:30 pm	Town Hall	Council Workshop
April 4	6:30 pm	Town Hall	Regular
April 25	6:30 pm	Town Hall	Regular
May 2	6:30 pm	Town Hall	Regular
May 16	6:30 pm	Town Hall	Regular
June 6	6:30 pm	Town Hall	Regular
June 20	6:30 pm	Town Hall	Regular
July 11	6:30 pm	Town Hall	Regular
July 18	6:30 pm	Town Hall	Regular
August 1	6:30 pm	Town Hall	Regular
August TBD	6:30 pm	Bustin's Island	Bustin's Annual
Sept 5	6:30 pm	Town Hall	Regular
Sept 19	6:30 pm	Town Hall	Regular
Oct 3	6:30 pm	Town Hall	Regular
Oct 17	6:30 pm	Town Hall	Regular
Nov 14	6:30 pm	Town Hall	Organizational
Dec 5	6:30 pm	Town Hall	Regular
Dec 19	6:30 pm	Town Hall	Regular

(Arris & Sachs)

Chair Tracy noted that no meetings have been scheduled during school vacation week. She pointed out that on March 2 at the Community Center there will be a meeting between the Tri Town leadership of Freeport, Pownal and Durham along with the RSU5. It will be an opportunity for the RSU5 to communicate what is going on with their budget and their goals. The leadership of the three towns will have an opportunity to communicate to the RSU5 what issues they feel need to be considered as well.

Councilor Sachs asked if the Council would hold District Workshops this year. She likes them and hopes people will feel free to bring up any issues. Councilor Egan wants to push really hard for a District 4 workshop so he can lean on his Councilor to get a bike lane on Route 136. Councilor Gleeson noted he could go either way but combining them is a good start. Chair Tracy feels it is still valuable to have district workshops because good things have come out of them. The Council doesn't need to have an additional meeting. It traditionally tacks it on the front of an existing meeting. It doesn't have to be long if nothing is pending. She supports continuing having them and also combining them. Councilor Sachs suggested scheduling the District 1 and 3 Workshop on Tuesday, April 25. and the District 2 and 4 Workshop on October 3.

MOVED AND SECOND: To amend the schedule and add the District 1 and 3 Workshop meeting on April 25 and District 2 and 4 to the September 19 meeting. (Tracy & Egan)
ROLL CALL VOTE: (6 Ayes) (1 Excused-Anzuini)

Councilor Sachs mentioned that there had been a wish by one of the Councilors that the Council would add more meetings regarding budget and this would be the place to add that. She asked Councilor Arris if this is a proposal he would like to bring forward to add more dates. Councilor Arris advised that he feels the Council has not really talked yet about goals and he does not have any expansion dates in mind. He feels better work can be done if the Council spreads out the work a bit and finishes up a little earlier in the evening. He is not sure if the Council can do it within the schedule. Councilor Sachs explained when the Council would be meeting in February, March and April.

ROLL CALL VOTE ON AMENDED SCHEDULE: (6 Ayes) (1 Excused-Anzuini)

ITEM # 184-16 To consider action relative to adopting the FY 2018 Budget Schedule

BE IT ORDERED: That the following budget schedule for FY 2018 be adopted as presented in Draft #2. (Gleeson & Sachs)

Chair Tracy explained that the regular schedule was changed to reflect that the Council would not have meetings during a school vacation week. The first change in the agenda is that February 16 is being changed to February 23 where the Manager transmits the 5-Year Capital Program to the Council. The second change is the Adoption of the 5-Year Capital Program which will occur on April 25 and not April 11. Those are the only two changes.

FY 2018 Budget Schedule-DRAFT

Tuesday, December 06, 2016	Council Workshop on Goal Setting
Tuesday, December 20, 2016	Council Adopts Annual Goals
Thursday, February 23, 2017	Manager Transmits 5-Year Capital Program to Council
Tuesday, February 28, 2017	Manager and Finance Director Present 5-Year Capital Program During Council Meeting
Tuesday, February 28, 2017	Council Sets Public Hearing for April 4
Thursday, March 02, 2017	Joint Meeting with RSU 5, Town of Durham, Town of Pownal (Community Center)
Tuesday, March 14, 2017	Council Workshop on 5-Year Capital Program
Tuesday, April 04, 2017	Public Hearing on Capital Program
Tuesday, April 11, 2017	Adoption of the 5-Year Capital Program
Thursday, April 27, 2017	Manager Transmits Operating, Capital and TIF Budget to Council
Tuesday, May 02, 2017	Manager and Finance Director Present Operating, Capital and TIF Budget
Tuesday, May 02, 2017	Council Sets Public Hearing for June 6
Wednesday, May 10, 2017	5:00-6:00 PM Department Head Public Informal Q&A Session
Thursday, May 11, 2017	7:30-8:30 AM Department Head Public Informal Q&A Session
Tuesday, May 16, 2017	Council Workshop on Operating, Capital, and TIF Budgets
Tuesday, June 06, 2017	Public Hearing on Operating, Capital, and TIF Budgets
Tuesday, June 20, 2017	Target Date for Budget Adoption-Capital, TIF, and Operating Budgets/Appropriation Made

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

OTHER BUSINESS:

1. Update on Island Rover Project

Chair Tracy explained that the Council has a memo in its packet from Mr. Joseph discussing the developments since the October 18 meeting which is the last time the Council met on the Island Rover. The Council went into an Executive Session earlier tonight to discuss some items related to that. She asked Mr. Joseph for an update on where he is as reflected in the memo. Mr. Joseph explained that he met last night with the Island Rover Board and Mr. Becker and had a discussion but no formal agreement came out of that so it changes the substance of the memo and he wanted the record to reflect that it is not exactly correct. Chair Tracy quickly set the stage on where the Council has been on this and where it is. A

lot of people have been involved in this and it is morphing as we speak. She reminded people that the initial issue is that there is a manufacturing in the zone that doesn't allow manufacturing which is the construction of the Island Rover vessel. The Council entered into a consent agreement with Mr. Arndt in 2005 which allowed him an additional five years to complete the boat and remove it from the non-conforming lot. In 2010 Mr. Arndt requested an extension of three additional years which was granted and the extension lasted until January of 2013. In 2012 when it was approaching the end of the extension, further discussion were held between the Town Council and Mr. Arndt regarding a further extension of the Consent Agreement and the Council agreed to authorize the Town Manager to negotiate an additional extension, subject to certain conditions. The Council and Mr. Arndt were unable to subsequently unable to reach an agreement and the Town, Mr. Arndt and the Island Rover Foundation entered into a process that resulted in a new Consent Agreement that was issued by the Maine Superior Court in September of 2014. This Consent Agreement set benchmarks and a deadline of September 9, 2014 to remove the vessel from the property to either a site outside of the jurisdiction of Freeport or to conforming site within Freeport. The Consent Agreement provided that if the Island Rover did not complete its obligations, a deed and declaration of value should be delivered to the Town for recording and a bill of sale for the Island Rover vessel should also be delivered to the Town. After the obligations from September 9th were not met and the vessel is still on the non-conforming lot. The Council has had a series of meetings and discussions including discussions with the public and received comment from the public and Island Rover regarding Island Rover's request that the Town negotiate a further extension of the 2012 Consent Agreement. At the meeting of October 18th, the Council voted to authorize the Town Manager to negotiate a potential extension of the Consent Agreement deadline subject to certain considerations and issues that were articulated during that meeting. Since that time as it is stated in the Town Manager's memo, he made attempts to contact Island Rover with the hopes of coming to some sort of outline for such an agreement and there have been a couple of contacts but as Mr. Joseph just stated, that has not come to fruition as of yet. We have learned that there is some question as to ownership and there have been assertions made that do not appear to be consistent with the Town's position as to ownership of the vessel. There has also been actions taken to lessen clarity as to the ownership of the land. The Council met with the Town Attorney at the beginning of this meeting this evening and received advice on what our options are for handling this matter. We will put a motion on the table for the Council to consider:

MOVED AND SECONDED: To authorize the Town Manager and the Town Attorney to move forward with litigation to clarify the title and enforce the terms of the Consent Agreement through legal action. (Tracy & Sachs)

Chair Tracy pointed out that she believes the town has in good faith tried to make this work and indicated that it was open to giving the Island Rover Foundation some additional time to complete the vessel but the actions that seem to have occurred recently indicate that there is some question whether the Island Rover is agreeing to the terms of the Consent Agreement which was approved by the Superior Court and it is difficult for the Town to do anything until we get some clarity around the Consent Agreement that was agreed to by Island Rover and by the Town. The best way to achieve that is to go back to the Court and this will start that process. She explained that the Council is not doing this lightly and she is doing this with a heavy heart and is mindful that this has the potential for using additional Town resources and she is not excited about that at all. Upon the advice of the Town Attorney, this seems to be the most prudent way.

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

2. **Discussion regarding Town Council Goals for 2017.**

Chair Tracy explained that what is before the Council tonight is basically a draft and a document that provides the 2016 Town Council Goals as well as red lined additional language which came from a request for Councilors to provide their suggestions on how these goals could possibly be changed or added to. She mentioned that Councilor Anzuini has provided a lot of feedback on what he would like to see so it is fair to wait until he is back before making a decision on what we are actually going to do. In the past these goals have attempted to be high in principles with the potential of discussion of the operationalization of the goals underneath. We have tried to create goals that are supported by a majority of the Council and we have tried to phrase goals so that most of the Councilors can get behind them. She is open to process but suggested working through what is here and giving the logic for the changes. She advised that in some cases, she drafted the changes with an attempt to bestow more detailed comments that she got from various Councilors. If she did not capture the intent, she encouraged Councilors to speak up. She explained that the first paragraph is an introductory paragraph and it was drafted in response to a resident request. It was created to set the tone for all the goals. She received a request to change inclusivity to inclusiveness. Councilor Sachs agreed to this request.

Councilor Arris explained that while the opening paragraph is nice, he doesn't see the need for it. He is a concrete thinker and would like to have measurable and specific goals. He would prefer to just stay with goals. He does not want to get wrapped up in the politically correct language but just stick with goals. Councilor Rixon advised that he likes the opening paragraph and has heard from constituents who like this. If the Council decides to adopt this he suggested changing the sentence to read "has a reputation for inclusiveness and kindness. Chair Tracy agreed this would be fine with her if the Council agrees to adopt this. Councilor Sachs noted she drafted this and this specific issue of the Council being committed to engaging residents in respectful, full and open dialogue has been a thread throughout all four of her years on the Council and is what residents would really like. It is not a bad thing but sends a very good message to all our residents that we are open and transparent. In the last few months people have been very kind in giving feedback about the Council as a whole. The Council is respectfully disagreeing with one another and taking the time to transparently invite dialogue that is civil with one another. She sees value in having this statement as a guiding principle around the way the Council works.

The first actual goal: 1. The Council will prioritize, evaluate and control expenditures in operating and capital budgets to mitigate the impact on the taxpayers and maintain a stable tax rate, while providing the highest quality services possible within the resources available.

- a. Discussion of whether this goal should be amended to state that there should be no increase in the tax rate for Freeport property owners. (received from Councilor Arris)

Councilor Arris explained when the Town's Accounting Firm come in and advise that we \$700,000 less than what we budgeted and our revenues were \$1.7M more than we anticipated so he saw this as a two million dollar surplus which is 15-18% extra revenue and this would be a fairly modest type of goal. With that kind of extra revenue in one year, it would be a reasonable goal.

Chair Tracy noted that Goal #2 was mostly in place last year although there are slight changes to it. It is on the website so she read through it. Councilor Egan asked for clarification. Chair Tracy explained that the Council will prioritize transparency and decision making in Town government operations and also prioritize attendance at Town Council and assigned Committee meetings. Councilor Egan suggested that it be changed to: "The Council will prioritize a and b."

In Goal #3, Chair Tracy noted the alternative language was provided by Councilor Anzuini. The Council can decide on how to approach this. Councilor Sachs offered to forward the adopted Communications Plan to Councilors so they can what was adopted. Councilor Egan would like the Council to take a proactive series of steps to get out and learn what is going on. There is a tendency for our local government to wait for the public to come to us and he feels the Council could increase participation and

transfers of ideas by the Council taking a proactive role and getting out in the community. He thought it would have been great if the Council could have marched in the Sparkle Parade and invited people to come up and talk to us while we were at L.L. Bean. Let people know that they don't have to come to this room to access their Council.

Chair Tracy advised that various Councilors have held "office hours" at Bow Street or the Sunrise Cafe to make themselves available. Councilor Egan asked if Councilors could solicit input from groups such as the Rotary. Councilor Sachs recalled talking to people at Rotary, FCS, the Elders or the Freeport Woman's Club. She used to do "Monday Mornings with Melanie" at Bow Street Market. She likes this idea.

Councilor Gleeson likes Goal #3 and especially the alternate language the way it was suggested. Chair Tracy noted that she likes the alternate language as well. There is something nice about the Council integrating into the community in various ways and there is something nice about coming out as a group. While we can't do it all the time, it would make sense to do one or two events during the year to make a statement that we are here.

Goal #4—The Council will be active in maintaining a strong relationship with the RSU5 Board and neighboring municipalities. Under this there is a new goal: The Council will encourage the Town of Freeport and the RSU5 to set any ballot issues requesting voter approval of bond issuances or of projects requiring public money on dates that coincide with November elections.

Councilor Arris noted that this last sentence was his suggestion. We just finished a long period of elections and he noticed that we just set a January 10 date for still another election. Unless there is some emergency, it would appear to be more efficient to do elections as minimally as possible because in November, you get the highest turnouts and the most accurate will of the people. The cost of having special elections is one part of it but the most important part is to be inclusive and get everybody's vote. We don't get that in special elections.

Councilor Sachs suggested keeping the language as is but Council leadership could convey suggestions in leadership meetings and could be suggestions at our Tri-Town/RSU5 meetings but not have these specific proposals in our goals. They would be best discussed in those forums.

Councilor Egan mentioned that earlier was a member of a group that prompted a special election. He referred to the plastic bag referendum and it was no doubt a strategic move by that group so now as a Councilor, he agrees with Councilor Arris but he doesn't see a way for the RSU5 to find a way to convert their budget timing to where we would vote for the school budget in November. He does not believe that can happen but does not disagree at all with the premise of having Municipal elections funneled towards the November time frame because you get the biggest turn out and a sense of what is happening with the people.

Councilor Rixon feels that if an issue comes up in June and people really care about it, they will show up. It doesn't necessarily have to wait until November. Traditionally we have held elections in June and November. Councilor Gleeson agrees with what everybody is saying but it really comes to Goal #3 again where half of the problem in debating June or November is what can we do to encourage residents and businesses to participate in the governance. He is puzzled when we have some big issues and a light turn out and yet everyone shows up at the November Election which is usually federal and state but the most important ones are in June where it impacts the budget.

Chair Tracy referred to the upcoming January Election and noted that the intent was to put it on the November but the numbers were coming in really high for the bond and not enough time was given to try to get them down, you would actually bond for more than was needed. The RSU5 decided to allow more time to try and get the numbers down to decrease the impact on the residents and it couldn't wait until

June because it would have been out of the cycle of the High School Renovation Project. She wanted to put context around this.

New goals proposed by Councilors:

Chair Tracy explained that a couple of Councilors giving feedback in this area and she tried to group them into one goal: The Council will explore opportunities to reduce the energy costs and carbon footprint of the Town of Freeport. There are two areas for putting it into action. She mentioned that this came from Councilors Rixon, Egan and Arris.

Councilor Arris noted that these are specific and can be measured quickly. He likes the way Chair Tracy put these together. Councilor Egan explained that one way to achieve and minimize the expenditure is to use a third party to actually own whatever the renewable energy production asset is and it generally is mostly solar panels but does not have to be exclusively. There are plenty of models and the technology gets better every six months. This could be on roof tops if solar and the Towns' contribution would provide the space and agree to buy the energy. The price is negotiable. It would be a fixed rate for any amount of time. The Town will continue to buy electricity and he questions why it would not buy electricity from a renewable generation asset. The owner of the asset gets tax benefits and the income stream from the sale of the energy to the Town and then those things reduce the financial basis in such an installation. Once the investors get a return on their investment, they have the incentive to sell it back to the Town at a highly reduced cost. The Town could then buy the array at a very discounted price and enjoy free electricity generation for as much as 20 years. Councilor Sachs recalled that the Town worked extensively around this particular issue. Mr. Joseph mentioned that the Town is still on hold because this is completely compatible with where the Town is going. The program is solid. Councilor Sachs mentioned that this went through our Municipal Facilities Committee and Councilor Egan feels it should come through our Sustainability Committee. More discussion followed.

Chair Tracy likes the overarching goal and there is a lot of flux at the PUC and the Legislature this year and it is important to move forward and do some research but would like the Council to figure out where it settles. She would prefer the goal to be reduce energy costs and our carbon footprint.

6. - The Council will develop a process to identify and address Browntail Moth infestation. Chair Tracy mentioned that this came from Councilor Anzuini and suggested waiting until the next meeting before delving into it. Spraying was done in 2003. Councilor Sachs suggested that the Manager to reach out and see if there is any interest in regionalization with our neighbors and coming back with a report rather than keeping it as a goal. Chair Tracy wanted to give Councilor Anzuini an opportunity to make his case as to why it should be a Council Goal. Councilor Sachs will communicate with him on this.

7. The Council will support Freeport's "Enjoy Outdoors" Initiative by working in collaboration with the Freeport Conservation Trust, Freeport Historical Society and Maine Audubon to develop a consistent trail strategy, approach and tactics associated with Freeport's trails. Having been on the Active Living Committee, Chair Tracy is aware that this is part of the Active Living Plan in developing a trail plan and enjoyment of the outdoors is part of the Committee's primary goal and she is not sure this needs to be an overarching Council goal. We have a committee dedicated to this. She noted it was brought forward by Councilor Anzuini and Chair Tracy wants to give him an opportunity to make his case.

8. The Council will explore the costs and benefits of making public Wi-Fi service available in Freeport's downtown district. Chair Tracy mentioned this was Councilor Egan's suggestion. Councilor Arris asked why this is directed for only the downtown and why not all over Freeport. Chair Tracy suspected it pertained to drawing outside visitors. Councilor Egan explained that he was thinking of starting with the downtown because that is where people congregate and use Wi-Fi. He thinks of it as a public resource for both residents and visitors and could help with marketing in attracting visitors and potential business

customers. It is done frequently in other communities and he would like to explore it. Councilor Gleeson mentioned that Freeport has a Cable Board. Comcast has a Wi-Fi broadcasting signal and perhaps we can work with Comcast to see if there is a Freeport in Password we could use that could get you into the Wi-Fi network. It would be interesting to see if we have a negotiated agreement with Xfinity to see if we can do that. Mr. Joseph explained that unfortunately, our cable franchise only applies to the TV through the FCC Commission. We don't have anyway to say anything about the Internet or Phone service through our franchise agreement. Mr. Joseph mentioned that an interesting connection might be the LED Street Lights because most of them are Smart and connected but we would have to figure out what that network structure looks like but a lot of towns are using the Smart Street Lights. Councilor Sachs asked if this conversation should be had with Municipal Facilities. She thinks they are awesome ideas and should be discussed by whether the Council wants to explore it or not. She noted that these are big goals and everything has a cost which is why we have very productive committees to really look at things. She believes overarching goals are good guiding principles.

Councilor Arris pointed out that he did not come up with the zero percent increase in a vacuum. There is a \$2.5M surplus. Councilor Sachs pointed out that the Council has not talked about increasing its fund balances.

Chair Tracy feels the Council has done enough good work for tonight and closed down the meeting.

MOVED AND SECONDED: To adjourn at 9:10 p.m.
(Gleeson & Sachs) **VOTE:** (6 Ayes) (1 Excused-Anzuini)

Respectfully,

Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #24-16
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY DECEMBER 20, 2016
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 (arrived at 6:32 p.m.)		
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 except Councilor Sachs and Chair Tracy noted that she is on her way and should be here in about 20 minutes.

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 #23-16 held on December 6, 2016 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #23-16 held on December 6, 2016 and to accept the minutes as printed. (Gleeson & Arris)

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

THIRD ORDER OF BUSINESS: Announcements

Chair Tracy announced that the Town of Freeport received discount tickets for the Disney on Ice Dare to Dream event for the evenings of January 5 and 6 at 7 p.m. Freeport has tickets for \$10 and the event is normally \$15 so it is a savings of \$5 per ticket. The vouchers will be available at the Finance counter in the Town Office. We have plenty of tickets and we can get more if they run out. It should be fun for the kids and Chair Tracy encouraged everyone to spread the word.

FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Anzuini reported that he met with the Winslow Park Commission and they wanted to let the Council know that they need legal representation to work on formalizing the Trustee. They also wanted the Council to know that the building from Pound of Tea has been moved to Winslow Park. The donation of the building included moving it to that location. They also will have some large spending items coming up in the February time frame. They also wanted the Council to validate that all committees have implemented the rules around missing meetings and if a member misses three consecutive meetings, he or she is removed from the committee. Chair Tracy noted that this is the rule that is currently in place and the implementation of that rule has been flexible at times, recognizing that everyone is a volunteer. She is aware that someone will be removed because of non attendance. It can be addressed by the Appointments Committee. Committees need to bring it to their attention so they can deal with it.

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Councilor Egan reported that he attended his first meeting with the Sustainability Committee and got to watch the process of citizen involvement in the mission statement of the committee. He noted it was interesting to see the wide range of opinions. It was a good first test for him to understand what it means to have citizen involvement in a committee. In the shift from Solid Waste and Recycling to Sustainability, the group is taking it very seriously to have a specific mission statement so that it can be transmitted clearly to the Council as well as the public. He tried to track the language down today but was unable to get it. When it becomes available, he is confident it will come forward.

Councilor Rixon advised that the Freeport Shellfish Conservation Commission met on December 8 and they are looking at different conservation proposals such as restricting daily harvests, what harvesting days and harvesting hours could be set. Discussion followed on the rationale for doing any of those things and whether there is science around it.

Councilor Rixon advised that on December 9, Arts and Cultural Planning had their first meeting and 30 people participated. They have a handout that he wanted to share with Councilors. He noted that it could be available on the Town's website for residents to view. The handout describes what the benefits of cultural planning is for a town and what it actually is. It also describes the goals, objectives and the project time line. He shared the handout with Councilors.

Councilor Rixon pointed out that the Active Living Advisory Committee met on December 15. They have two priorities—looking at safe routes to school and developing some kind of open space guide for the Town.

Chair Tracy asked if the Shellfish Commission is looking at the science behind the hours and days of clamming to be more restrictive or less restrictive or are they looking at it from an academic standpoint. Councilor Rixon advised that the commission invited as many clammers as possible to attend this meeting. The dialogue was promoted as getting opinions from different clammers as to what they thought a restrictive harvest might look like, the pros and cons for that and also what the number of days they should be allowed to be clamming and what the hours should be. One person questioned what science was behind other people's opinions on that. There was nothing decided. The commissioners were not looking to change any of it but were trying to get input from the clammers.

Chair Tracy pointed out that the Ordinance Committee has not yet met. It will meet in January. It will be looking at the rules around applications for clam farming. At the State level, they have proposed rules for getting Municipal approval for that. It is still on the table and has not been forgotten but in the transfer of membership it has been slow to come forward. It will be acted upon in January.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph reported:

- A reminder to any interested peddlers—the Freeport Public Peddler application and lottery takes place during the month of January each year. Four public peddler spots are available each year. Renewals (those holding licenses in the preceding year) are given first priority for reapplication. New public peddler applications by residents, if spots are available, will be accepted in the Clerk's Office from January 16-January 23. New public peddler applications by non-residents, if spots are available, will be accepted in the Clerk's Office January 24-January 31.
- As the holiday season approaches, the Town asks that users of the "Silver Bullet" recycling containers do not leave trash or recycling materials outside of the containers. We know that the

holidays are a time where these containers see a high amount of use. As such, we schedule extra pickups throughout the holidays to attempt to keep overflow situations to a minimum. Even with the extra pickups, sometimes container capacity cannot keep up with demand. We ask that if you encounter a full container, that you please do not leave recyclables on the ground around the container. Recyclables left outside are considered illegal dumping. They frequently do not stay neatly stacked against the container, and are often blown onto neighboring property, or out into the road, contributing to roadside litter. Please help us keep the silver bullet sites and neighboring properties clean by not leaving recyclables outside the containers! If you encounter a full container, you may want to try one of the other containers, which are located on: Wardtown Road (Doherty's Store), South Freeport Road (Village Store/French School), West Street (behind the Police Station) and Hunter Rod (adjacent to the DPW garage).

- Deputy Town Clerk Mary Howe was recently re-certified by the Maine Town and City Clerks Association (MTCCA). The certification is known at the "Certified Clerk of Maine" or "CCM" certification. The initial certification requires a combination of professional employment experience, continuing educational requirements, and maintaining good standing with the MTCCA professional association. Re-certification is required between 3 and 5 years after initial certification. Congratulations to Mary on this achievement!

Councilor Egan asked Mr. Joseph to try to get some signage at the silver bullets advising the public where the other silver bullets are located in Town in the event the one they planned to use is full during the holiday season. Mr. Joseph agreed to look into it with the Public Works Director.

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

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

There were no public comments provided.

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

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

ITEM #188-16 To consider action relative to adopting the December 20, 2016 Consent Agenda.

BE IT ORDERED: That the December 20, 2016 Consent Agenda be adopted.
(Tracy & Sachs)

Chair Tracy reviewed the items on the Consent Agenda for members of the public. She thanked the Dr. Gould Trust Fund for providing payment for medical expenses to eleven individuals and the two anonymous donors for their generosity in giving \$200 donations to be distributed to Freeport families in need.

Councilor Egan asked on Item #195-16—No. 9 if it is usual to hold up a victualer's license in the dynamic of getting property taxes paid. Mr. Joseph advised that it is standard procedure.

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Councilor Sachs pointed out that the Town Clerk & Registrar of Voters' office will be open during normal business hours but not extended hours the week prior to the January 10, 2017 Election. Chair Tracy reminded everyone that the Council is referring to the January 10, 2017 RSU5 Referendum Election which deals with public funding for the remaining piece of the proposed Track and Field project and accepting the privately raised funds that have been proposed to be donated by the Tri-Town Track and Field Committee. She is hoping everyone will participate. Since it is not a normal election day, she suspects it is not on everyone's radar screen and hopes people will help to get the word out. If someone is not going to be available on the 10th, they are welcome to come in and vote absentee in the Town Clerk's office.

ROLL CALL VOTE: (7 Ayes)

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 (Rixon & Sachs)
VOTE: (7 Ayes)

Mr. Joseph offered to answer questions but he will be asking the Council rather than approving the motion, to continue the public hearing to January 3rd. We are required to have newspaper notice of at least seven days for a public hearing and we did not make the seven days for this public hearing tonight. We have already noticed it in all our other manners that there would be a public hearing tonight so we actually need to spread it across two dates, assuming there will be no additional input the Council will get on the 3rd but since it is a regulatory Ordinance with penalties, we need to make sure we get that seven day newspaper notice before the Council acts and closes the Public Hearing permanently.

Chair Tracy explained that this moratorium proposes that there be a six-month period whereby the Town will not accept applications and can have time to work out the appropriate ordinances to deal with these establishments. We are part of a movement of towns that need more time to make sure we are approaching this in a prudent manner. Additionally the State is considering rules regarding the law that has been passed.

MOVED AND SECONDED: To ~~close~~ continue the public hearing into January at the Council's next meeting. (Rixon & Sachs) **VOTE:** (7 Ayes)

ITEM #190-16 To consider action relative to awarding a contract for the purchase of thermal imaging equipment for the Fire Department.

BE IT ORDERED: That HSE Fire/Safety Equipment be awarded a contract for the purchase of 5 FLIR K65 thermal imaging cameras in the amount of \$22,475.

Note: The Town Council appropriated \$40,000 for this purchase in the FY17 Capital Budget. The balance in the Fire Department equipment reserve fund is \$513,446. (Egan & Gleeson)

Fire Chief Charles Jordan explained that the original request was for four cameras and now it is for five. He made the change since the cameras have fallen to the bottom of the pricing scale and will allow them to equip the command vehicle with a thermal imaging camera. He explained how it will be used. He noted that this is how the sealed bidding process is supposed to work. In his mind, the FLIR cameras being the

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least expensive, ended up far exceeding what the more equipment would do. It is a testament to the process that Deputy Chief Sylvain put together.

Deputy Chief Sylvain explained that he put five bids out and three came back. FLIR offered the largest trade-ins which made them the lowest price. He expects to have the new cameras in service by the end of January and will take 30 days to train his personnel on using them in house. Once he is good to go, the old cameras will be traded in. Discussion followed.

Councilor Egan noted he is curious on the technology and had questions for Deputy Chief Sylvain. He asked if he could view the training and Deputy Chief Sylvain offered to gear him up.

ROLL CALL 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. (Sachs & Gleeson)

Chair Tracy noted that the Council has a little bit of work to do. The Council has the same draft as last time but has made some edits. Councilor Anzuini was excused last time but had suggestions and ideas about what Council goals should be on the table. She suggested revisiting all the goals and evaluating if we want to keep them, put them somewhere else or discuss what we want to do with them.

Regarding the Introductory Paragraph, based on the discussion last time, it reads: The Freeport Town Council is committed to engaging our residents, and one another, in respectful, constructive dialogue about issues facing our community. Freeport is a wonderful place to live, work and visit, and has a reputation ~~as a standard for inclusivity~~ for inclusiveness and kindness. It is within this organizing principle that we adopt these goals:

Goal #1 The Council will prioritize, evaluate and control expenditures in operating and capital budgets to mitigate the impact on the taxpayers and maintain a stable tax rate, while providing the highest quality services possible within the resources available.

Chair Tracy explained that Councilor Arris noted that we had a surplus last year and suggested that we have no increase in the tax rate for 2017. Councilor Arris explained that this is his second year as a Councilor looking at goals. He wants goals to be measurable. He feels that Goal #1 is a general goal and in his second year, he would like to have a more specific goal. He got the information from the auditors on what we actually did last year. We have \$1.7M more in income than we had anticipated and we were approximately \$700,000 in expenditures that we didn't spend so we have \$2.4M. He would simply like to give direction to the Manager and Department Heads that it would be a goal (not a firm thing). If problems arise, the Manager can make the argument that perhaps a zero increase is not appropriate and he can be confident the Council will listen.

Councilor Sachs wanted to make a comment that the discussion about a surplus was a flawed argument. It is not a surplus because we still have an obligation to fund our fund balances which is what keeps the tax rate stable. She, too, likes things measurable but thinks putting a target or figure on there somewhat defeats the purpose when there are complexities the size of our budget. Because this goal has been there in her fifth year on the Council, she has seen in action having this as our number one goal has translated to Department Heads and staff to be very mindful around expenditures. While she does not disagree with Councilor Arris in wanting some sort of certainty, she has not found the language to be ineffective thus far. Councilor Anzuini noted he is not in favor of raising taxes but feels it is too early in the process for the Council to affix a number right now. He would prefer to leave it as "stable" but at some point the

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Council needs to define what stable means. Councilor Gleeson noted leaving it as is is fine with him and Councilor Rixon agreed. Chair Tracy explained that she is okay with leaving it as a stable tax rate because the Council does not know what will happen at the State and we don't know what kind of expenditures will come up. It is always a balancing act and it is important to have flexibility. Councilor Arris advised that he plans to support the language but pointed out that \$2.4M is about as close to 10% of the budget the Council used last year, including the education part. Taking the education part out which the Council really does not have anything to do with at all, you are talking about a \$10M budget and \$2.4M extra income. It is a lot of money. It is not a small percentage. Councilor Sachs mentioned that this makes a stable tax rate so that we can buy a \$750,000 fire engine with Municipal minimal tax impact.

There was general agreement to keep Goal #1 but we should keep in mind what a lot of Councilors' preferences would be to make sure we don't have increases if at all possible but we will operationalize that when we see what the budget is.

Goal #2 - The Council will promote transparent intercommunication, information exchange and collaboration on direction and process between Councilors, while conducting town business in a fair and efficient manner. The Council will prioritize (a.) transparency of decision-making and of Town government operations and (b.) attendance at Town Council and assigned Committee meetings.

General agreement to keep as is.

Goals #3 - The alternative language: The Council will promote efforts to engage Freeport residents and businesses in the governance, operation and activities of the Town of Freeport.

Councilor Sachs advised that the Communications Plan has been around for a while. Ms. Joseph noted that a lot of the items in the Plan have been implemented. It was developed in early 2012 by an ad hoc committee chaired by Councilor Kristina Egan. If Councilors may want to take a look at the Plan and see if there are items in it that are still not put into effect and we want to bring them back up for discussion. Chair Tracy mentioned it would be good to do that before budget season. If there are costs involved, the Council has the ability to factor that in. Councilor Egan asked if any items in the Plan have active steps on the part of the Council to go out into the community and talk about the budget or budget process or does the Council have various events or structures set up for the public to come to us. Mr. Joseph explained that he didn't recall if there were any changes to Council's operations proposed in that Plan. Councilor Anzuini did not recall seeing that kind of information in the Plan.

Chair Tracy noted that one thing the Council talked about with respect to the RSU5 is clear messaging about what the Council is deciding. One of the things that was said to RSU5 is that we don't understand what is driving the budget on a particular year. It is very dense and hard to discern. Jessica Maloy does a good job of using pie charts that are easy to figure out. We could come up early in the Capital Budget process with a one page handout that could be posted at the Library, Bow Street Market, etc. saying here are the big drivers of our Capital Budget and here are the dates we will be talking about it. Please join us if you have an opinion. If you want more information, here is the website.

Councilor Sachs pointed out that for many years there have been morning and evening Meet and Greet Sessions with all Department Heads and the public and the Council Leadership tries to attend those as well.

Chair Tracy asked Ms. Joseph to convey a message to Jessica that a request may come asking for an easy one-pager so she can keep that in mind as she is developing the PowerPoint presentation for the Council. It should include the dates for the public hearings on the budget as well as where the materials could be accessed on the website. Councilor Arris requested a quick review by a staff member of the

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Communication Plan that would take into account that there are other ideas not in it or what in it has been implemented or based on the Council's discussion, might be implemented. Mr. Joseph indicated that staff could do this. Chair Tracy suggested just a high level skim of things that pop up that have not been implemented but could be still up for Council consideration and then just put them in a memo. If the Council decides it wants to deal with it in more detail, we could appropriately staff it with Council members.

Chair Tracy noted that there is general agreement to include just the alternative language and no sub bullets. We have action items that we are already taking to put that goal in place.

Item #4 The Council will be active in maintaining a strong relationship with the RSU5 Board and neighboring municipalities.

Chair Tracy noted that there was a leadership meeting right after the Election which she attended on behalf of the Council. It was also attended by the chairs of Durham, Pownal, the RSU5 Board and the Superintendent. They have scheduled a meeting of all of the Councils of the three towns and RSU5 on March 2 at Freeport Community Center and it will be broadcast. That is the time for the RSU5 to explain their budget and the Towns can ask questions. There is often dialogue in the towns about issues that are ongoing.

Councilor Egan noted he attends many school board meetings and feels that they are never going to get elections for school board issues into a November calendar because it is totally off the school year. When they find out from the State the amount of Revenue Sharing they will get, that time frame would force them to make budget decisions without hardly any real current data or making budget decisions long after the school year started and they will be running afoul. He views them as a train wreck trying to consider flexing their bonding and budget approval dates to a November time frame. He does not see this possible. Councilor Arris pointed out that it is a kind of structural flaw in the sense if we can't get a couple of different significant government entities in union with each other. One of our goals is to get more participation and he would consider voter participation one of the most significant things that we could do to determine what the public desire is. The January 10 vote which comes after a long election session, the Clerk is saying we only need a couple of booths because we are expecting a small turnout. If we accept that, then that is the way it is going to be. He is not saying that there is something specifically we can decide to do but generally discussing that and trying to think outside of the box to get things in balance a little bit. There are a lot of spending issues that get decided by a very small number of people and his opinion is based on the history of how things have gone between Municipal and Education is that the structure is driving that. It is not necessarily what is best for everybody. This is why he would advocate to go in that direction and he does not have a simple solution for it.

Councilor Sachs advised that she has attended her share of school board meetings and echoes Councilor Egan's opinion that they are just not able to do that because of external forces and the Cost Share Formula. She noted that the School Board welcomes feedback at those meetings. Councilor Egan agrees that bond issuances should absolutely be in the November time frame. Councilor Anzuini pointed out that in the last five years the school budget has been approved by 20% of voters and comparing that to the last election, that was rare at 81% and prior to that election, the Town elections in November are typically in the 40-50% range. In thinking out of the box, why do we need a Town Council. Why don't we create an RSU Council and therefore we are back in sync with spending for the school district in the town. The Council does not control 72% of the budget. People ask him what he is going to do about their taxes. He can control 26% and can't control anything else. While November may not be achievable, the real goal is how do we change 20% to 70% in voter participation.

Chair Tracy advised that when the RSU5 is going through its budgeting process, so is the Council. The part of the March meeting between the two entities is to fill the RSU on what we are seeing and

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understand their budget so we can understand what the potential increases are as we do our budget. This all deals with the fiscal year concluding the end of June and starting a new fiscal year July 1 which she believes they do as well. That is incredibly in sync. It is not in sync with November which is a political election but the budget lines are aligned. She wants people to understand why there is a January 10 election for the project. In an election there is a big lead time for putting something on the ballot and decide on the language and the numbers had to be finalized. In early September it became clear that the costs were overinflated and nobody wanted to put higher costs on the ballot than was needed. They decided to push it off and not go to the November Election. Under normal circumstances, that could have been pushed to June because that would have been the next regularly scheduled election. With the high school renovation project and this project is designed to be folded into the high school renovation project to achieve synergies with the construction crews already there, it was decided that June would be too late. The field would not be ready and there would be too much disruption for the school. That is why it is off cycle. As we move forward, please keep in mind that there was some level of concern at the Council at this offset and as we move forward, it would be the Council's preference to put bond issuances at regularly scheduled elections and some Councilors would prefer that they be in November. She suggested that this not be in the Goals document. Councilor Anzuini did not object to taking the November thing out. Councilor Egan noted that the language actually says "requesting voter approval of bond issuances and doesn't discuss the actual school budget so he doesn't see how the Council would go outside by leaving that in. Councilor Sachs is comfortable with the original language without the sub bullet. Chair Tracy feels the Council should raise the issue in a public meeting and the March 2 meeting is a good suggestion. This issue could be dealt with in that way while maintaining a strong relationship.

Councilor Egan suggested informally discuss what that statement might be at the March 2 meeting about strongly encouraging them to have future bond issuances coincide with the November Election for the express purpose of maximizing voter turnout which is a goal of this Council to engage the community more and maximize voter turnout. Chair Tracy is in favor of this and appointed Councilor Egan as chief drafter of the first round and then the Council can discuss it. For right now we will keep Goal #4, eliminate the sub bullet A but we will have an action item of considering a specific message for the March 2nd meeting.

Goal #5 - The Council will explore opportunities to reduce the energy costs and carbon footprint of the Town of Freeport.

Chair Tracy explained that there was a lot of discussion last time which she did not accurately capture but read the sub bullets. Councilor Gleeson pointed out that this goal is getting awfully specific versus simply putting it over to Municipal Facilities or Sustainability. It is not consistent with what the Council has been doing so far. Councilor Egan agreed with Councilor Gleeson that (a.) and (b.) are very specific and just recently the State PUC is making decisions about what might happen with distributive renewable generation that could render these things impossible or obsolete or highly encourage them. While we are contemplating these things, things are happening out of our control. He suggested that the language on No. 5 get a tad more specific: The Council will explore solutions to reduce energy costs of the Town and promote renewable generation and thereby reduce the carbon footprint of the Town. He feels the Council can agree that it is good practice to try to reduce the Town's energy budget. It is reasonable for the Council to have as a goal that the Town explore solutions towards distributive renewable generation because he feels there will be an increase in opportunity for those things. There are plenty of examples around New England, not so much in Maine, of Municipalities taking a step forward to demonstrate that they are focused on shifting away from a fossil fuel economy towards a renewable energy economy.

Councilor Sachs asked Councilor Egan how he hopes the Council will be exploring these things. Councilor Egan explained that there will be opportunities for committee work to make suggestions and he hopes to be able to rely on the Manager to have a conversation on what is coming up from staff and also share new technology unrelated to our own facilities here but at a school board meeting, listening to the

Facilities Director talking about his troubles maintaining energy budgets in the schools, which is a huge piece of their facility budget on how to heat and cool. There is an opportunity for that person to have information that is available today that would assist the School District in making better energy conscious decisions. Councilor Egan has no idea what the department heads know about the energy consumption in their various facilities but it is a two way street. He feels it will come from committees through the Council to the Town Staff and also the other direction.

Councilor Arris feels it is also important that the Council provide that direction. If the Council is determined to move forward with a net zero carbon footprint, it should instruct the Manager to work through his department heads to meet that goal. This is the way it should work. While it goes both ways, he feels folks need direction. If the Council could set a goal of net zero carbon footprint in this community, it would reap not just an economic benefit but there is a social benefit to it too. It would make the community on the cutting edge of energy use. It can't happen unless the Council decides to do it. Councilor Egan agrees but he is trying to move in smaller increments towards focusing on solutions related to renewable energy as a way to get to a net zero carbon footprint. One way to achieve carbon neutrality is to be purchasing things like forest easements to protect a forest stand from being cut. That is not really doing anything to save gallons of fossil fuels being consumed by the Town but it helps us get there and leaves the process open to a lot of criticism about how valid it is. He personally absolutely believes in that but he is also in a particular sector with his job and hears a lot about people's disbelief about how to get there and what the process is. He would like to be a little more specific in the language in Goal No. 5. and have it say: explore solutions to reduce energy consumption and promote renewable generation.

Chair Tracy had alternative phasing that she would be more comfortable with: The Council will explore solutions related to renewable energy and energy efficiency to reduce the energy costs and carbon footprint of the Town of Freeport. She explained that the Council is exploring solutions related to renewable energy and energy efficiency as opposed to promoting renewable energy. She is reluctant to send a message that the Council is going to promote renewable energy without having an idea of what the costs and benefits are because the Council has another goal of to maintain a stable tax rate. Councilor Egan agreed this was a good point. There was agreement with this language and Chair Tracy offered to draft it up and will eliminate the sub bullets. She asked if this should be sent to Municipal Facilities or Sustainability. Councilor Sachs pointed out that this goal has been done in a lot of different ways and having it highlighted in the Council's Goals is a good thing if we keep this as a framework through all of our work. For example, even in Special Projects, we had reusable bags as the benefit as opposed to having a barbecue. She does not know that it needs to be sent anywhere per se. It is good to think about because it touches so many departments and committees. Chair Tracy agrees it can come up through many committees and that the Town has been doing it already. One of the biggest proponents is our town Planner, Donna Larson who has consistently brought forward ideas on how to implement this but if this is something the Council wants to do and the way it has been discussed, it sounds more like an infrastructure kind of project. We are going to look at whether we put up distributive generation as one possibility and in order to do that, it requires a body to take that on and figure out where would be the appropriate places, costs involved, the benefits. Unless we start that process by assigning or suggesting where that should go, she suspects it will be in limbo unless an individual Councilor wants to take it on as their pet project.

Councilor Sachs noted that any sort of retrofitting or changes to buildings, cost savings with energy, LED lights, solar or the purchasing power around electricity all was in Municipal Facilities. The Sustainability Committee also has ideas most likely around this particular goal. It is within our committees looking at this piece of it and determining if there are ways to do so. In Ordinance there may also be some opportunities within this framework as we move forward with our Ordinance language. Councilor Arris agreed with Councilor Sachs and believes that much of it could go to our Town Staff to get them in the same frame of mind. He is aware that Donna Larson has been very effective and active in this area.

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Getting the entire Town Staff through the direction of Boards and through the Manager to get on board with this would be greater than any one committee. Councilor Sachs noted a pet project of hers is encouraging acquisition, improvement and management of our open spaces. This is part of it and doing it in a most environmentally friendly way. She sees applications throughout and requested that when Chair Tracy is ready to report back on this, she ask Councilors to be reporting on these things during information sharing and that we are doing this as part of our work if this is one of our goals that we are going to have.

Chair Tracy noted she is hearing support for keeping this in general and not assigning it to a particular committee and we will make sure it doesn't gather dust on a shelf. (1.) Communicate the message to Town Staff that this is something the Council is behind. (2.) In our committees, we will tee it up so we will be ready to follow through. When we do report back during budget season, there will be something to report.

Goal #6 The Council will develop a process to identify and address Brown Tail Moth infestation.

Chair Tracy explained that this proposal came from Councilor Anzuini and the Council did not discuss this the last time it met. Councilor Anzuini pointed out that people in District 3 are really bothered because of allergies to the Brown Tail Moths. The issue becomes how bad is the infestation and what does the Town actually do. If there are a lot and they are on public land, do we treat them one way. If they are on private land, perhaps we can work with someone who can apply the insecticides required to address the issue. There was a big problem last year at Wolfe Neck where the State actually told people not to come to the park. Winslow Park had an infestation but dealt with it by doing selective spraying in certain areas. He does not know how bad the infestation is in District 3. If there are 100 residents affected, he asked how the Town would address it. If private property is involved, perhaps the Town will not do anything from a spending standpoint but can assist in getting negotiated deals for the homeowner.

Chair Tracy has heard that this is a problem for several districts. Councilor Sachs mentioned that there was an article explaining regionalization efforts being undertaken by our neighbors to the north and the Council asked Mr. Joseph to take a look at what those efforts are and if we could tag along. Mr. Joseph advised that he reached out and made some calls but has not heard back. He plans to reach out again to them to let them know we would like to be involved in any regional meetings because we have a problem too. As soon as he hears anything, he will let the Council know. Councilor Egan suggested that Mr. Joseph give a call to the Town of Cumberland. They are planning a pesticide application along Route 88.

Chair Tracy is reluctant to put this as a goal but it does not mean the Council can't follow it. The Town has brought the State Entomologist in to report on the upcoming season and what can be done for private property owners to reduce the incidents of having nests on their property. Councilor Anzuini is aware that people resent aerial spraying. He asked if the Council should set up a communication and action process that would give the Town Manager some relief. It is easy for him to refer property owners to the Town Manager. He offered to withdraw this as a goal. Mr. Joseph explained that the Town had an active program which is ongoing as well. In November we included in town-wide mailings updates on what the State's predictions are for the year and what one can do. If there is a flare up or an infestation on town property, we are removing or treating where appropriate, given the location. If the infestation is on conservation property, we are not going to go in and blanket the whole area with insecticides.

Councilor Sachs instructed Councilor Anzuini if he has any issue he would like discussed, he should talk to the Chair about getting it on the agenda. This issue will come up because Mr. Joseph has to report back to the Council.

Chair Tracy noted that she is hearing this will not be a goal but the Council will keep tabs on it, reach out to regional opportunities and discussions and keep on with educational efforts.

Goal #7 The Council will support Freeport's "Enjoy Outdoors" Initiative by working in collaboration with the Freeport Conservation Trust, Freeport Historical Society and Maine Audubon to develop a consistent trail strategy, approach and tactics associated with Freeport's trails.

Chair Tracy explained that this was proposed by Councilor Anzuini. She asked Councilor Rixon to fill the Council in on the two identified goals articulated by the Active Living Committee. Councilor Rixon advised that the Active Living group was looking for an Open Space Guide which could be put on the Town's website. It is in an early stage and they didn't articulate what it would be.

Councilor Anzuini noted that the State provides literature that can be purchased for \$7 on trails in the area. He is really not sure this fits as a Council goal. The business development folks are saying that it would be beneficial if Freeport would become a recreational site for people to come and enjoy what we have such as hiking, boating, etc. He has personally walked a lot of Town trails and found that they are not consistently managed. If we are going to push for the outdoor and recreational component, we should get the people associated with managing those trails and really have a conversation about how to push people to their areas and make it a Town goal for the Council. What does it mean to South Freeport? What does it mean to the Pettingill Farm area? This is what he was trying to get to in this goal. He wants them to be consistent and doesn't believe that a lot of the voters have read the documents the Town has published. He is not sure they understand that this is a goal that the development organizations are pushing. We can tell South Freeport that a couple of their trails need to be improved and maintained and we are going to push people to that area because it is outdoors. There is a whole series of conversations about where do I park, how do I walk, how do I know which trail? This goal was supposed to align us with the other organizations in town that are pushing for outdoor activities.

Councilor Rixon is not sure what it would look like having a consistent trail strategy between all the different entities. The Freeport Conservation Trust has a number of properties and there is a group within the Conservation Trust called The Envisioning Trails Group that is looking at this very issue. The Town's Conservation Group has several properties with different trail systems and they are looking at the signage and parking for a number of their properties too. He is not sure about the Historical Society or how to tie all these entities together. He is confident that a lot of committees are working on this.

Councilor Anzuini explained the Appalachian Trail where one knows the direction one is going in, there are warning signs that there is a risk up ahead, everything is clearly marked. The Town has beautiful trails but one can get lost and one does not know where the end is. There is no clear direction. If it is a goal of the Town to increase the use of outdoors and make us a destination, then something like this would be required. Councilor Rixon pointed out that he is seeing a lot of this being done. Some of it is already in place and committees are working on this very thing.

Chair Tracy noted she is not feeling a lot of energy around this and suggested that Councilor Anzuini reach out to Andy Spaulding, Chair of the Active Living Committee and talk through some of these concepts with him so as they work through the Active Space Guide, they could be a facilitator of this kind of thing or decide it is important to do this and have continuity. Chair Tracy got lost at Florida Lake two months ago so she totally gets it. If it becomes a funding issue, maybe it needs to be brought back to the Council. It sounds like it is something that could start in committee and we will see where it goes. Councilor Egan would like to see some level of commitment by the Council to be pushing this as an issue because he agrees that a lot of it is being done but it might take a little nudge from the Council to coalesce a little bit more coordination among all the groups out there and he does not have a sense at all of all the groups that are doing it. There are lots of reasons why people would want to come to Freeport to experience our trails. Councilor Anzuini offered to talk to Andy Spaulding and will come back to the Council. We won't use it as a goal but will figure out if action is needed and can be put somewhere else.

Chair Tracy noted that it can be a special project. It can be other business. When the Active Living Committee gets their two or three priority items, they will come to the Council and have a discussion. The Council will be seeing them at the start of the budget process when all committees come before us so there will opportunities to have that discussion. Councilor Egan is comfortable with that and Councilor Gleeson agrees it is a great idea. It has been discussed with FEDC that Freeport has a lot to offer and is a reason why people come here as well. While some come to shop, they don't realize that a mile away we have ocean. As for Florida Lake, Councilor Rixon advised that our Town Conservation Commission is working diligently to put proper signage out there and marking the trails.

Councilor Sachs asked Councilor Rixon to have a conversation with the Conservation Commission and Active Living about uniform signage and bring it to the floor. Councilor Rixon agreed.

Chair Tracy advised that she is removing this from Goals but it will be a message from the Council to those committees and we will keep it on our radar screen that if there is a cost item, it will be proposed as part of the budget and not after the budget.

Goal #8 The Council will explore the costs and benefits of making public Wi-Fi service available in Freeport's downtown district.

Chair Tracy noted this proposal was raised by Councilor Egan and the Council did have a discussion about it at the last meeting. The possibility of putting it on telephone poles was discussed. It is a marketing avenue making it easier for visitors to partake in our downtown. She asked if there is appetite for taking this on as a goal for 2017.

Councilor Egan asked what capacity does the Council have to say to the Manager to direct staff to come back with two or three scenarios of what public Wi-Fi looks like in the downtown and deal with it as a course of business. He is interested in it becoming a topic of conversation. Chair Tracy mentioned it could be a special project. It could be Municipal Facilities and Councilor Sachs agreed. Councilor Arris thought that FEDC would want to look at this and would be able to come up with some ideas and some funding if they thought it was a good idea because they have the manpower and motivation to move it along.

Councilor Gleeson offered to take this to Municipal Facilities as a special project. He does not believe it should be a Council goal but personally thinks it is a good idea. We could perhaps work with Freeport USA and a lot of times the merchants band together for the better of the town. He would be glad to do it and have Councilor Egan come with him. Councilor Egan noted that he is not necessarily committed to having this be on the Council's Goals.

Chair Tracy proposed removing it from the Council's Goals but mentioned there are action items in place to move it forward. Everyone was okay with this. She will draft it up into final form for the next meeting and the Council will vote to amend or adopt it.

MOVED AND SECONDED: To table Item #191-16 (Sachs & Gleeson)
VOTE: (7 Ayes)

OTHER BUSINESS:

1. Discussion regarding requests for Council recognition

Mr. Joseph explained that a request from the Conservation Commission to discuss with the Town Council a request to honor a person that had done some work with the Conservation Commission. They wanted to know if the Council would consider recognizing them. He and Chair Tracy talked about possibly doing a letter from Council leadership thanking them for their hard work and recognizing them if this would

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acceptable to the Council. Chair Tracy pointed out that we want to thank people for their good work but on the other hand, there are tons of people doing good work. If we have a formal resolution for everybody that does good work, we would be doing this all night long all the time so we are trying to respond to a specific request in a way that respects that for this specific instance but not create a precedent that we can't follow through on.

Chair Tracy advised that Councilor Sachs got an e-mail as former chairwoman of the Town Council from a group that is called President of the School Choice Week requesting that we do a proclamation and join city and county leaders across the country in officially recognizing January 27 and 28, 2017 as School Choice Week in Freeport. Her general feeling out of the gate, seeing that one of the arms of our town is public education, she does not want to get into the business of a proclamation for school choice week. Councilor Arris noted he is not interested in doing proclamations about anything. He feels the Council has enough business to do on the local stuff without getting involved in everything else No one else wanted to hear any more.

TABLED: 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.

Chair Tracy explained that the Tri-Town Track and Field Committee made the RSU5 aware of our discussion and they will be talking about it. With the Christmas holiday, they just didn't have an answer for us. This will be tabled to our next meeting.

Councilor Egan referred to a directory of Board and Committee members and asked who he should contact to have some of the out-of-date names and phone numbers change. Mr. Joseph suggested he leave it with him and he would get it corrected.

MOVED AND SECONDED: To adjourn at 8:50 p.m. (Sachs & Gleeson)
VOTE: (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary