

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #01-22**  
**TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT**  
**TUESDAY, JANUARY 4, 2022**  
**6:30 PM**

<b><u>ROLL CALL OF MEMBERS:</u></b>	<b>PRESENT</b>	<b>EXCUSED</b>	<b>ABSENT</b>
Edward Bradley, 242 Flying Point Road	x		
Jake Daniele, 264 Pownal Road	x		
John Egan, 38 Curtis Road (Vice Chair)	x		
Darrel Fournier, 3 Fournier Drive	x		
Henry Lawrence, 93 Hunter Road		x	
Matthew Pillsbury, 36 Todd Brook Road	x		
Daniel Piltch, 25 Quarry Lane (Chair)	x		

Chair Piltch called the meeting to order at 6:31 p.m. and welcomed everyone. He took the roll and advised that Councilor Lawrence is excused this evening. All other Councilors were present including Town Manager, Peter Joseph.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #25-21 held on December 21, 2021 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #25-21 held on December 21, 2021 and to accept the minutes as printed. (Egan & Daniele) **VOTE:** (6 Ayes) (1 Excused-Lawrence).

**THIRD ORDER OF BUSINESS:** Announcements

Councilor Egan mentioned that many of us had an opportunity to look out the window on Saturday, the 25<sup>th</sup> and probably saw Public Works plow drivers plowing snow on Christmas Day morning and he wanted to recognize the dedication of that group led by Superintendent of Public Works, Earl Gibson. He wanted to recognize the names of folks that worked on that day: Howard Dyer, plow driver, Jeff Goldrup, plow driver, Kelly Gorham, plow driver, Alan Walsh, plow driver, Jacob Thoits, plow driver/mechanic, Bob Bradley, plow driver and crew leader. Dan Libby, plow driver, Kimberly St. Pierre, sidewalks and parking lots, Jonathan Hart, sidewalks and parking lots, Brent Moon and Ken Stilkey helping out with maintenance and supporting the crew. Councilor Egan wanted to particularly thank them for their dedication and service to keep our roads clear and safe even on special mornings like December 25<sup>th</sup> of this year. He extended thanks to Earl and his team for being right on top of that snowstorm.

Councilor Daniele announced that the Freeport Sustainability Advisory Board has their monthly lecture series and on Monday, January 10<sup>th</sup> at 6:30 remotely they will be doing a Low Energy Buildings, A Path to Our Carbon Goals Lecture. Everyone is welcome to attend. It will be remote only.

**FOURTH ORDER OF BUSINESS:** Information Exchange

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Councilor Daniele wanted the Council to consider if we need to have these paper packets mailed to us? His cost \$3.56 to be mailed to his house but he got an e-mail about it. His question is whether we can opt out of having them delivered and just pick it up when he gets here or can he choose not to have a paper copy? This question is for the Council and the Manager. Chair Piltch advised that his packet went missing this weekend so he is doing a trial run of doing it electronically except for one printed agenda. He feels this is a great idea and is in favor of it. Mr. Joseph mentioned we have had Councilors either pick up in person or not use paper packets before so it is all personal preference or we can all do it Council-wide if everybody wants to swear off paper. For a reduction in cost, it is probably a few dollars' worth of paper plus Staff time to copy those every Thursday afternoon. \$3.00 is a cheap packet to mail. They can be up to \$7.00 because it is by weight.

Councilor Fournier advised that years ago P.D. used to drop them off because they were on patrol anyway. That is just an idea. Councilor Bradley mentioned he does not have any problem saving the mail if it's the fee but he likes the paper because he can write notes and bring them to a meeting and reminds him of what he said. He supposes he could print on his computer everything but if we are going to use paper, he would like the Town to pay for the paper and produce it, not him. Chair Piltch noted he is happy to do it as a trial if somebody wants to opt out of the mailing or printing or both. They could just tell Chris Wolfe since she prepares them all. Mr. Joseph advised that Councilor Scott Gleason picked his packet up in person but he was still taking a paper one. Chris has done personalized requests before and he is sure we will do it again whatever the Council comes to the requests. Councilor Bradley pointed out the one place we could save on paper is not reproducing materials for both the Council meeting and the Public Hearing. If we got it once, that is fine and we can save it for the next meeting. Chair Piltch added that there are always extra copies in the back of the room if a Councilor forgot one, he could always pick up a public copy. Chair Piltch noted it was a good idea and it looks like we are saving money all over the place tonight.

Chair Piltch reminded the Council that tomorrow night we are scheduled to workshop with the Planning Board at 6 o'clock here in the Council Chambers. It is a meeting with the Council and the Planning Board and the public is invited to attend to talk about specifics for land use standards for cannabis cultivation and manufacturing and not for retail, and our Comprehensive Planning Process and some Overlay District Discussion as well. That will be tomorrow night at 6 p.m. He is confident it will be an interesting meeting and he encouraged everyone to attend if possible. Vice Chair Egan advised that he will be here but he also has a committee meeting down the hall at 6:30 p.m. for a while so he will be back and forth. Chair Piltch added that we do have a remote option for that meeting as well.

Chair Piltch mentioned the Downtown Planning Process and that Mary Davis is about to update us on Design Week. That is a series of sessions we will be having all at once where they dive in detail about the various different topics that are part of the Downtown Plan. Once they are done with this phase there is an option for the consultants to do workshops with the Council. After Mary's update, he would like to have a discussion on how many workshops the Council would like to have as a Council. He encouraged the Council to pay attention to the Design Week Sessions and go to those because that is really where the meat of the discussions can happen so if there is a particular part of the downtown you are interested in, that would be a great time to do it.

Mary Davis, President of FEDC mentioned that there should be a deck that Peter or Caroline is pulling up. Mr. Joseph advised the Councilors to turn off their microphones. Ms. Davis thanked the Council for having this zoom available. This allows her to manage both her family's health and her passion for Freeport. She mentioned the deck and advised that there is plenty to do in 2022. She noted that she always

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brings the Council back to the goals because she feels it is important to remind ourselves about what we are doing here and why we are being so inclusive in working towards a foundation of an outcome and that is what the next series of meetings is all about. She mentioned that the goals have not changed. As we talked about last time, in the pandemic we made a lot of progress in 2021 in the first phase. In the pandemic we are going to make a lot of progress in the second phase in 2022. That is where we are right now and we are heading pretty quickly towards some really exciting things.

In Phase 2 what have we done since they were with the Council last time? They have done a lot in the way of community outreach. In remembering what our goals are all about, one of the biggest things is they want inclusion of the communities. That includes communities of all of these groups like Project Review, Complete Streets, Sustainability, Water and Sewer who are going to help them implement all the outcomes and some of the things they will be talking about during Design Week. They have had meetings with them over the past month and it was great to have them all together and to hear some of their questions or concerns and to have them included in the process. The second thing with the community outreach is that all of the information is now available on their website so not only the Council should go there but if anyone you know wants to know information about what's going on with a project, this is the place to go look. It will have all the newsletters, all the updates and everything as we go along through Design Week. That looks great. The Newsletters are going out. We have had two out. One went out this morning. If you are not on the Newsletter distribution list, please to the website and sign yourself up because this will be very important information as we go into Design Week. Design Week is February 3-7 and they are very pleased. Tawni is still very active in this project and thanks to Tawni working with Jay Yilmaz and Larry Shulsky we have a Main Street property where we will all the sessions for this February 3-7 Design Week. They will be at the High School for the kick-off and closing but on Main Street for everything else. She is excited to be on Main Street because it puts all the folks right in the middle of the area we are talking about. The sign-ups for all these workshops and things are ongoing and so far, we have over 600 people signed up for different sessions and 63 for kick-off and 45 for close, 45-50 for each of the seven topics and 56 for the block party. As they have seen all along, Freeport wants to be involved in this and they couldn't be more pleased. They will continue to watch COVID and will continue to make adjustments as they go along. They know it is important and they will continue to do that.

Remembering what the goals were all about, community consensus, public process, actionable outcomes and adapting and stewardship. In Design Week there are the workshops and topics they will be going over. There are seven topic sessions and they all came from the community feedback. They are summarizations of a kind of synopsis of what everyone said were the hottest topics that they were most interested in for downtown Freeport. They are now going into these topic workshops to learn and understand more. What you are seeing now in the Newsletters that are coming out, they want you to read them, prepare and consider for the topics. For instance, in the first one that went out reference was made to open spaces so they know everyone told them that they want to embrace the outdoors in downtown so how might we implement this? This Newsletter gives a whole bunch of questions for you to consider so that when you come to the Embrace the Outdoors Downtown Workshop, you will already have had time to think and write down your thoughts and bring them with you. They want to give folks fodder so they can think about it before getting there. Each of the Newsletters that comes out over the next four weeks will have a different topic. She urged everyone to please get signed up and read them. It is really important for them because they want everybody's voices at the table.

Chair Piltch thanked Ms. Davis and the rest of the team for all the work that has been going on over the last few weeks. He mentioned that the first schedule he saw from the Consultant proposed three workshops with the Council that would be outside our regular meeting schedule. His first reaction was that it seemed like a lot but at the same time he wants to make sure that each of us has a chance to weigh in and get really familiar with the plan, have a chance to understand it, comment and discuss. Design

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Week Sessions are a great time to do that so he encouraged Councilors to do that. Once those are done, he is looking for feedback, does the Council feel we need a workshop or several workshops to finalize and adopt the plan at the Council level? Councilor Bradley added that he doesn't know what will come out of the workshops so it makes it hard to be specific. In general terms, it seems to him that since the Council sponsored this, it is our project although not all of us have been directly involved in it, we ought to have an opportunity on our own to meet with the Design Team and say what we want to say as elected officials of the Town. That would be one workshop. He assumed that there will be action items that will be projected, either as a result of the workshops that occurred during Design Week or because of inputs of what has already occurred. Those will be asks. He hopes the Downtown Revisioning can occur seamlessly and without expense. We have already spent \$150,000 but we will be asked to spend more because you don't get action done without spending. He sees three sources for that. One is grants, one is the downtown businesses and he hasn't seen a lot of enthusiasm from them to spend money to do these things but he is not sure there isn't but he hasn't seen it yet, and then there is us, the Town, the taxpayer. That is another workshop at least so three doesn't seem out of the question to him.

Councilor Daniele asked what could the Principle Group do if they were not meeting with us? Would their time be better spent elsewhere? He wants to meet with them at least once but three seems like a little too much but maybe not. He wonders what else could they do?

Councilor Pillsbury asked if the consultant gave Chair Piltch an idea on what they envision the three sessions being? Chair Piltch advised that he has not seen separate agendas for the three sessions so the short answer is no. Ms. Dais advised that she talked to Russ and he said each town is a bit different in how active the Council chooses to be. With these seven topics, if the Council chooses to go deeply into all of them, he could see how that would need more time. If the Council is more active in the actual Design Week and workshops, that could take some of that away. It depends on how much the Council wants to go into topics once we come through Design Week.

Vice Chair Egan suggested starting with two workshops scheduled and seeing where we are at the end of the two. He agrees with Councilor Bradley that the first one will be sort of a pitch from them to us about here is what we are hearing and here's what we are seeing, we have this list of six recommendations for what the project list might look like. We are likely to have some digestion and forethought about that and come back with suggestions. In between, there will be a summation of community input so he feels the Council will need at least two and leave the third one as a tentative. Chair Piltch felt that it sounds good to him and he is happy to get those on the schedule. He is sensitive because it is our budget season so we will be busy this time of year but he is sure we can find room to do that. As part of Design Week, he called the Council's attention to two open house workshops. One is a kick-off at the beginning and one is a closing workshop. The closing workshop is meant to be a preview of the plan saying these are all the ideas that they came up with, that they got from the public, that they got over the course of Design Week. That would be a good time to get a preview of it and as time gets closer, maybe we will have a better idea of what we need and what we won't need. We are not under any particular pressure to say we have to adopt the plan by this date or that date. The only sensitivity we have is that we have a contract with the Principle Group and they are not around forever so he wants to make the best use of their time.

Vice Chair Egan asked if Chair Piltch has a sense of the time of day for the closing. He does not want to miss it. Ms. Davis advised that it is on the website. Chair Piltch added that [www.Freeportdowntown.me](http://www.Freeportdowntown.me) is the website that has all the information regarding the project including the schedule and there is a registration link on that website if anyone wants to sign up for the whole thing, one of the sessions or for all of the sessions. Ms. Davis advised if someone signs up there, they will get automatic calendar reminders. It is a lovely reminder system.

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Councilor Bradley advised that he got an e-mail today on the Town-wide discussion of global warming topics for the 20<sup>th</sup>. He wanted to put it out there and remind people that there have been workshops and they are now coming forward and anybody that is interested can participate on line. It is not in person. Chair Pitch agreed and mentioned that it is on January 20th sponsored by the Freeport Climate Action Now Group. Mr. Joseph advised that there is a presentation scheduled on the 10th by the Sustainability Committee as well which is about low-energy solar buildings. passivhausMaine is the organization's name. Chair Piltch mentioned that the presentations on the 10th and 20th are virtual only. They will be broadcasting on zoom from Town Hall but it is not a public gathering here. It will be virtual only.

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

Mr. Joseph advised that Sharon contacted him recently that she will be stepping down from her Council Secretary duties in about a month or so. She has worked for us 25 years in a part-time job which started when her daughter was in college and she stayed on to feed her horses. She will be here virtually for the next few meetings. She will continue transcribing Board of Appeals and Project Review Board meetings so she is still on the roster but is cutting back her hours. He thanked her for her dedication at least over the 10 years he has worked with her. Vice Chair Egan and Chair Piltch thanked Sharon for her ability to take notes so accurately in our lengthy meetings. Mr. Joseph advised that he is talking with Staff to maybe do some alternates, determine if we need to hire someone or use some other services. He has a couple of plans. He has been talking with the Town Clerk's office about organizing that so they have a plan. He doesn't know how it will end up but they will be consulting with the Council because it is technically the Council's Secretary. Once he and the Town Clerk have a proposal ready, they will let the Council know. He will make sure there are minutes even if he has to end up taking them but they will be shorter if he does.

Councilor Bradley advised Sharon that the Council respects and appreciates the conscientious way in which she appeared in all these meetings and has done it for so long. He wanted to say in addition to that that she is incredibly accurate. He has been on this Council for a year and reads these minutes before every meeting, as every Councilor does, and at the most there were 3 or 4 corrections altogether. That is unbelievable. He noted Sharon would be missed. Mr. Joseph mentioned that the Council cannot see Sharon's face on the screen but she is laughing.

Mr. Joseph added that he has a copy that he handed out to the Council of the Town of Freeport COVID 19 Vaccination, Testing and Face Covering Policy. This is for the Council's information purposes. This is issued as a personnel policy and is required by the OSHA mandate that is being enforced by the State Department of Labor. He noted we are all covered by it including the folks up here on the table. He would be happy to discuss this with his employees and the Council if there are any questions about it. This policy was issued to him last week to meet the requirements but it will start next week with vaccination status reporting and weekly testing. Following that, this may be affected by a Supreme Court case that is currently pending but until that happens, this is in effect. 98% of our employees have been briefed on this if it applies to them already.

Councilor Bradley advised that he is a speed reader and was just handed an 8-page policy applying to him as well as everybody else. He asked Mr. Joseph to summarize it. Mr. Joseph advised that all employers of over 100 people in the United States are covered by this mandate. It was issued by OSHA but in Maine the State Department of Labor has been delegated as enforcement authority. We would be inspected, fined and enforced upon by the State Department of Labor if there was an issue with this. That is why we have to do it. We have the option to do one of two things: we could either require all employees to be vaccinated and if an employee is not vaccinated, they are not able to show up to work. The second option is we can allow employees to be vaccinated and if they choose not to be vaccinated, there is a requirement

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that they test weekly with an approved COVID 19 test, not self-administered and self-read. You can't test at home but pretty much any other setup will work if it is an approved test. It has to be at least observed or proctored in some way. We have chosen the latter. We do have a few employees that fall into that category and we are trying to respect that they have legitimate beliefs at this point in time that they don't want to get vaccinated and they are in some critical job functions. The weekly testing does provide some additional safety to co-workers and the public. These are not employees that have high exposure to the public but it is nice that they are tested and we would know if they need to be quarantined. There is an option that we could not do it and face a potential fine from the Department of Labor in the tune of \$13,000 per person per day per violation. He is not sure anybody will see those amounts but the State sent us an e-mail recently that said they delayed their enforcement of this but they will be starting auditing and enforcement in February. They have about a month that they can delay enforcement action on this.

Councilor Bradley advised that he has COVID in his family and he is beginning to understand that there are tests and tests and tests. He is interested in knowing what tests qualify. So far, he has heard that there are a bunch that qualify. Personally, he would support requiring everybody to be vaccinated but respects the point Mr. Joseph made but if they are going to be tested, he wants to be sure they are the kinds of tests that actually determine if someone is infected as opposed to well, it is 50-50. They have had two people in their family test negatively who are positive and, in the process, have exposed other people in his family. They have kids here from Chicago visiting, three kids in the high school, a mom that is working, grandparents who are old and infirm and all those things exist in the Town family as well. He would like to be sure that Mr. Joseph is sure that the test he is requiring of the people choosing not to be vaccinated is one that accurately demonstrates the infection or lack of infection in the individual every week or two weeks or whatever he decides is the right policy is.

Mr. Joseph advised that it has to be every week because that is required. There are several different types of tests. An antibody test is not acceptable. He feels Councilor Bradley is talking about a PCR antigen or NAT-type test or an approved emergency use authorization, all those different classifications. The Federal standard is that it can be any test either through antigen, PCR or whatever, that is approved outright as an approved test or issued under an Emergency Use Authorization which does not give the assurance Councilor Bradley wants. Councilor Bradley added that he would vote against this policy when asked to vote on it. He would be asking Mr. Joseph to ensure that the people that don't want to be vaccinated (he can respect that) are willing to take the kind of test that actually shows if they are infected before they show up to work. That's minimal. Mr. Joseph added that Councilor Bradley's point is good but the problem is availability of a PCR test. Essentially, he is talking about a lab-issued PCR test and there is a question if they are going to be available on a weekly basis is something he will look at. Councilor Bradley mentioned if they are not going to be available on a weekly basis, we are paying people and asking them to work in a community that we are representing they are safe in and we don't know that they are safe. Perhaps he is the only one that feels this way but he feels strongly that we should not be doing that. This is a choice they make, they can be vaccinated, that's okay they don't want to be vaccinated so we can give them another choice but at least it should be an effective choice in protecting him, the Council, our kids, our families and people who come to this Town who are vaccinated. The front-line workers are going to have to deal with them in the Emergency Room if they are infected. Everybody knows the arguments; he is not making them up. As a Councilor, he feels we should be sure that our employees at a minimum, and he wanted to go further, that the people visiting this Town and go in public spaces here, he knows it is not in front of us tonight but people all over the country, towns, cities and little cities are doing these sorts of things and we are saying oh well, we want to avoid the fine we would get from OSHA so we are going to have a policy that meets OSHA. That is not enough for him.

Councilor Pillsbury asked if there is an option to do pool testing such as what the RSU is doing? Is there an option for the Town to participate in that in some way so we will know that everyone is getting tested

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in the same way at the same time? The results are coming back in the same time and it gives a little more structure to it. Mr. Joseph advised that they have set up an option. There won't be a required you have to go to this place and have your nose swabbed by this person but they have set up a centralized option that several employees have decided they will take advantage of when it is put together with a doctor here in town that would proctor the test, administer them and report the results to them all in a time period. If the office opens up at 9 a.m. and they go in at 9:05, 9:10 or 9:15 and we have 4 or 5 employees all done in a row and they get e-mailed to their supervisor in the 15 or 20 minutes when they are available. That does not get to the question of the test accuracy. It could be either an Antigen rapid test or a PCR rapid test. The question which he doesn't feel is particularly relevant is cost and to get to Councilor Bradley's point, it is about \$100 to \$200 depending on whether insurance is paying or you are personally paying for a PCR rapid test and it is \$20 or \$40 for an administered Antigen test so he doesn't think that counteracts Councilor Bradley's concerns because some people may feel that is a valid expense that people should have to pay the \$100 to \$200 a week to make sure they are safe working with people. That is certainly a valid opinion but the question about administering them in a timely fashion standardized regardless of the testing type, we are working to do that 100%. This does not exclude someone from going to their own doctor, from a pharmacy or scheduling their own tests but it does mean that they have to do it every seven days or they can't show up to work. That is the part we will enforce. If there is a strong opinion and he would consider Councilor Bradley's request. He thinks we need to do more research about the burden that would place in terms of availability. Our primary concern in accepting any approved or emergency authorized use test and why they proposed that is that should there be a shortage of PCR tests or they are not immediately available, that might put a sizeable chunk of people out of work in an important capacity.

Councilor Daniele suggested talking about this under Other Business at the end and if there isn't enough time tonight, discuss it at the next meeting or in between. Mr. Joseph noted he would need to do some research before giving the Council any more details on what he has already said because he doesn't know what the constraints on availability are which is his main concern. Chair Piltch suggested the Council have an Interim Policy. More information is what the Council needs before we can start mandating things that we are not going to have access to. Councilor Bradley asked how many people are in the category of not being vaccinated but are willing to be tested? Mr. Joseph advised that the number is between 5 and 10 out of 160 employees or close to 200 when you start counting volunteers, Councilors and Election Workers. It has taken a week of time between the departments, him and our Personnel people to make sure we are getting it right.

Mr. Joseph mentioned he has gotten a lot of inquiries and concerns from residents and Councilors about whether we should be implementing a Town facility and also a Town-wide masking requirement. The Town-wide masking requirement would be much different than what he is talking about right now. The Town-wide thing would be an ordinance similar to what Brunswick is considering and Portland recently enacted. There are a few municipalities around us that are already ahead of us on that and have done that. It is not his purview; it is more of a Council policy. However, he does feel it is appropriate to consider at this time reinstating an Indoor Town Facility Mask Policy. He mentioned that 97% to 98% of people coming through the doors wear masks anyways regardless of vaccination status. We assume that all people without masks on are fully vaccinated but that is the recommendation of the CDC at this time. There are enough concerns from people that are uncomfortable coming indoors requesting this and coming into our facilities, he feels it would be appropriate for us to at least in the next 2-6 weeks require that in all indoor Town facilities. He mentioned he would like feedback on this and if there is no problem, he can make it happen tomorrow. Vice Chair Egan noted he would support that. Councilor Bradley asked Mr. Joseph to make it happen tomorrow. Councilor Fournier stated he was not in agreement. He feels the Council needs to follow science and every day there is something different. He is reluctant to enforce more mandates until we have a clear focus on where we are going. He feels the pandemic has been handled very appropriately. He suggested focusing and see where we are going. Right now, he would not

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support it. Councilor Pillsbury feels masking in Town facilities is the least we can do. Masks have been proven to be a preventative measure. It protects you and the other people around you. He would be 100% supportive of it. Councilor Daniele feels in public-facing places it makes a lot of sense. He is not sure about Public Works since it is a giant warehouse. If five employees are working in there and they are 50 feet apart, he doesn't know if they should have to mask up. He feels they should mask up coming into Town Hall and the Library. Mr. Joseph added that they established a standard for them if half their building is removeable in the summer months or winter when they doing maintenance and have those doors open, it doesn't meet the standard of the four walls and a door that is an indoor enclosed room that is frequently used. At this time of the year, they are mostly cooped up in the Break Room and the offices so he thinks in those situations he would absolutely say it applies but Councilor Daniele's point is good. The Fire Station is another one but they are covered by a whole different set of standards. The in-patient care facility as well but in the summer months when the doors are open, it may be a different category as well.

Chair Piltch added that he supports it as well. It makes sense to do it. Masking has been a consistent recommendation and where the public is concerned and facilities, we are responsible for, he thinks we owe it to them to make it as safe as we can so he thinks it is a good idea. Mr. Joseph added that this is not something Staff considered because there was not a lot of concern either from Staff working in those positions or from the public. For a good 9-10 months people felt things were under control but transmission is increasing and this is only intended to be something done in the interim until there is a reduction. We did a good job last time rolling back restrictions that we had as numbers went down and bottomed out. He will work on that with Staff tomorrow.

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

Allan Hindley of Wardtown Road wanted to bring to the Council's attention some of the issues he has had with a Town employee. For two years he has been trying to obtain a permit to build a 26' x 34' barn on his property. On April 21, 2020 he submitted a request for a permit and was advised by the Codes Enforcement Officer that a detailed plot plan was needed showing existing and proposed structures, driveway, well, septic and setbacks to property lines. He felt there was a little bureaucracy in that. He also requested that he show where the parking would be. Mr. Hindley felt he was not building a Walmart and was 350 feet off the road so he didn't think he would have any problem with parking. He listed all the things that would be required of him. He noted this is a barn to store a tractor and farm implements, ladders and things like that. He was informed that he needed a 4' foundation to support his barn. He referred to the International Building Codes and learned that anything under 3,000 sq. ft. did not need a foundation. To keep it going on, he felt he had to get an engineer so he went to Shelter Institute in Montsweag on Route One. The representation there advised that she couldn't get to him until sometime in May. He agreed because he knew he was working with quality people. He then got a call from them mentioning COVID and that it would set them back. He got pushed back until September. He contacted a local builder that had a CAD which was also something the Town of Freeport required. He felt with this local builder he would be able to CAD it out for him as the CEO requested and get his permit going. That did not work out too good because they sent it out to him and Nick responded and asked again for the plot plan, framing details, headroom, floor sheathing, insulation value, windows and doors and that all of this be included in the CAD drawings. The thing is that this has already been hashed out and settled. The Town's CEO had the drawings and knew what Mr. Hindley was going to do. His builder sent a message saying, "he caught up with Mr. Hindley about the below and revised the details in the construction of a barn in the attached in regards to the site and setbacks. Mr. Hindley is working with his surveyor and will be in touch separately. See my reply to your point below."



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The Project Manager of the company Mr. Hindley is working with answered that Nick was concerned with the stairwell, the geometry for the stairs, the sheathing and there actually was not a floor or trusses. It was being built on a slab so he was constantly confused why he was asking about the floor construction. He was asked to provide insulation values. In all the plans it was clearly stated that Mr. Hindley was going to build the trusses. He has gone to carpentry school for 50 years and is still going. He feels he should be able to put these things together. He has the opportunity to use the wood that is on his property. He has an excellent sawyer to cut the material up for him and he is proud of that. Everything was going along until it got to the point where it was going to be fruitless in what he was trying to accomplish with the person that was helping him out to get the permit so he decided he would have to do it himself. Everything was resolved except the Site Plan Review which he had to contact his surveyor. He came down and surveyed everything out for him and plotted it all out and gave to him and he brought it to the Town. He was under the impression that if the stairs were removed, Nick wouldn't have any problem with the trusses because Nick sent an e-mail and said a permit would take a couple of days. He came down and met Nick on December 20 and brought up the last two issues he thought were important. One was to take the stairs out and that decreases the load and the metal roof decreases the dead load of the building and he had no problem with it. The other one was a Site Plan Review and he showed him the map of the 116 acres he has and where it was located. Nobody can see the barn from the road. The closest house is across the road and is probably 400-500 feet away. That property line is a good 2,000 feet away and they don't have any problem with setbacks. That got resolved and he was happy about that. He shook Nick's hand afterwards and said, "you know what, I think we are all set." He was tickled pink that he finally was going to get a permit.

On December 20, he received two e-mails from the CEO asking, "how will the roof and the ceiling joists be framed now that there is no second floor?" Mr. Hindley noted with trusses it is impossible to put a joist in. They are two different animals all together. "What is the size, spacing or ceiling joist, rafters, sheathing, etc.?" Mr. Hindley had been through that 50 times with him, through everybody. "Trusses or building your own rafters?" For two years he has been building trusses and he has not said anything about ever going out and buying pre-manufactured trusses. "If you are buying trusses, we are all set. If you are stick building, I just need more information on framing as the current plans state four on center and plywood can't span 4 feet. I think you said you were buying trusses but can't remember the entire conversation." In two years, Mr. Hindley said he never said he was going to buy trusses. There is nothing more proud than to be able to build your own stuff.

He came down here in June and his wife was in the dooryard and they were talking. A Subaru came driving in with Bob Konczal. He wanted to see Mr. Hindley's barn. He had a permit that said Mr. Hindley was going to build a barn. Mr. Hindley advised him that he never got the permit. But Mr. Konczal showed him the permit. Mr. Hindley came downtown a few days later and told the nice lady working behind the glass that he wanted to see the permit. Nick was not there but she went and found it. In the corner of his permit was written "withdrawn". There was no signature or date. Somebody wrote that in there and that is wrong. He does know that a member of the community whose family has been in the community for 100 years, it should not take him two years and three-quarters of an inch of paperwork to get a permit to build a 26' x 34' barn to house his tractor and farm implements. There is no need for that and we need some changes. If Councilors have any questions, please feel free to call him. He is not good on texting.

Chair Piltch thanked Mr. Hindley for his comments and we will follow up on this. He assured Mr. Hindley that the Council would get to the bottom of this specific issue. If Mr. Hindley feels he is getting stonewalled, he was asked to reach out to the Council.

Councilor Bradley asked Mr. Hindley if he has a permit and Mr. Hindley answered no. He asked if Councilor Bradley knew how he could get one. He noted that he is still working on it.

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Susanna Hancock of Flying Point Road is here to speak for herself, the Sustainability Advisory Board and the Freeport Climate Action Now Committee as well. As the Council is looking at budget season, she encouraged them to think about having a part-time Sustainability Coordinator. This is something they are seeing the capacity that is exceeding what they are able to have with the existing staff, volunteers and committees in town. She is thinking that the capacity we need is something we can only achieve by having somebody employed directly to do so. Upcoming projects they have will help the Town getting together with the GPCOG work. There is the Coastal Resiliency Grant with GPCOG and GMRI, the Downtown Visioning Project. These are currently upcoming projects that can really use some extra Sustainability support. Current projects in the Town are Planning, Public Transport, Traffic, Parking, Bike Lanes and we are looking at rain runoff, road salt, electric vehicles, waste management whether it is composting or recycling/compacting curbside, solar energy, wind, etc. These are all projects the Town has going on now and could also use the support as well. If we had a part-time Coordinator, there is work that we can advance what the Town is currently doing in looking at affordable housing, EV Chargers, Zoning. Concerns have been raised over sprawl, pesticides, herbicides, air pollution, noise pollution and idling in Town, etc. A lot of this can be covered by grants that are available. There is money available and it is a use it or lose it at the national and State level. If we are not applying for those grants, it is money that will go somewhere else. It means we need somebody that is there to apply for these grants. Ideally, she wanted to say that if we can apply for some of those grants and get some of this money, asking for support for this position is not something that should necessarily be seen as an additional financial burden on the community in a longer scaled frame. She would like to have the Council think about this. It might be something that could be jointly done with Yarmouth since they are also in talks about Sustainability coordination or she knows the Council is looking at having someone involved in Communications. She is aware that those are different skill sets but maybe there is someone who magically has the right set of skills. She thanked the Council for its support with GPCOG and is hoping we can get the second part of that funded in the upcoming budget. She mentioned the upcoming Sustainability Advisory Board Forum scheduled for next Monday with passivhausMaine and also the Freeport Can Forum to which everybody is invited on the 20<sup>th</sup>. It will be fully remote. Chair Piltch thanked Susanna for all the work she tirelessly does for the Town. Councilor Bradley asked Susanna if she has any sense of how the groups are going to introduce the ideas that she has for funding in the budget process or is that something she is looking for the Council to do for her? He noted that it would be rare for the Council itself to put that in the budget unbidden by a group of constituents but it is not impossible or maybe even rare. He noted he supports it but wants to know how it will be brought forward and not lost during budget time. Mr. Joseph advised that he has been in good communication with members of the Sustainability Committee and most of their requests will end up in his budget proposal. If there is anything not in there, it will certainly be noted and they will know in advance. The Council will also know in advance. We are now looking at the Sustainability Coordinator's position, the Climate Action Planning and a few other items that they put forward to include their own budget section. They will have a workshop with the Council and will be able to go through what some of those items are and if they are not in the budget, they will have a good chance to call him to task for leaving their items out. He feels it would be good for Susanna and Valy and him to have a conversation right before budget to make sure he has all the different items so we are not missing anything. If there are any issues, we can talk about them then and whether they need to go to Council first.

Andrew Arsenault mentioned he has a couple of questions about the water tanks that were discussed at the last meeting. He knows it is listed under Other Business but is not sure he can make it to midnight. After listening to the conversation last week, he jotted down a few questions he had that he thought would be relevant. Last week it was stated when they built the tanks, it was envisioned that we would turn them over to the Water Company. He would like to know how and where that is stated and was it urban myth or was it voted on? How did that come to be? He explained he has a friend in charge of a water system in

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another state and talked to him. His water tank in his area had to be inspected, they own it. The inspector has to come out and certifies the wall thickness and determines if it has to be fixed or anything like that. He asked if that has been done to our tanks? What does the report say? What is the life expectancy? Councilor Bradley brought up some good topics which was what is the value of this asset? If he went out to buy a company, this is an asset. What is the value of this asset? To go along with that, we formed a Water Board in case we wanted to buy the Water Company at some point so we have this Water Board that doesn't do anything except sit there and wait for us to decide if we had a chance to buy this. It is a right in seat for the year but we have this board. If we gave this away or sold this asset, or ended up buying the Water Company, are we buying back our own asset? At what cost? His next question is what is the rent from the tank and what is the rent from the towers? What is the industry norm for a rent from the tank and if we are going to keep the tanks and he feels we should keep the tanks, but does the rent from the tank go towards or have any sort of standard of what is it going to cost to replace this tank in 20, 30 or 40 years and is the rent we are charging the Water Company commensurate with a plan to replace the tank at the end of its lifespan? How many people are actually on the water, not on water and sewer as compared to how many people are in Freeport? He heard the gentleman say the other day that if we charged them for the tanks, the cost of water might go up for the water users. How much would that go up? If you buy an asset, do you always pass on the cost? It is a company business and if he ran a company and bought a machine, how much can he jack up the cost? What would that increase be? If we hold the assets, would there be no increase? His real question is as we think about CMP and this thing going on in the State of Maine, do we want to buy CMP and do we want to take it over? That is a multinational company. Who owns our Water Company? What is their goal? If we give them the tanks and they sell out? Is this like CMP and our power goes to Spain? What is the background of what is going on for the Town of Freeport? Why are we thinking that we need to dispose of our assets? It gives us a bit of leverage if we own the tanks per say. There is one in South Freeport that we don't own and that is a different situation. He thinks we should think long and hard and really dig into why do they want this right now? What's going on? What's the deal here? Why all of a sudden do we need to turn these tanks over and is it really a benefit for us to do this? He would like to see some talk around the whole subject, not just his questions but they popped into his head. He thanked the Council for letting him bring them up early.

Chair Piltch thanked Mr. Arsenault and noted he jotted them down and when the Council gets to it, it will have more fodder for discussion. Mr. Joseph advised that he has answers to some of Mr. Arsenault's questions and can talk with him off line. He is mindful of the 12:05 projected end time of the meeting.

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

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ITEM # 01-22                      To consider action relative to adopting the January 4, 2022 Consent Agenda.

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

**BE IT ORDERED:** That the January 4, 2022 Consent Agenda be adopted.  
(Pillsbury & Daniele) **VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

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ITEM # 02-22                      To consider action relative to proposed amendments to Chapter 21 Freeport Zoning Ordinance, Section 104. Definitions, Section 526.A Food Trucks, to update the definition of a food truck to include a trailer; update standards for food trucks including permitting them during Temporary Activities which are being held to draw visitors to Freeport; to update the food truck permitting and licensing process; and clarifying exemptions for food truck licensing. PUBLIC HEARING.

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Town Planner, Caroline Pelletier explained that years ago we adopted regulations for food trucks and there was a lot of resistance from people in our community so we adopted language to allow food trucks but they were very limiting and the costs compared to our neighboring communities was quite high. Speaking on behalf of herself and a few people in the room that experienced the process, there was a lot of running around and a lot of paperwork involved especially if you want to do something on one day. In the past few years, the Planning Board has talked about food trucks. We saw a desire from our community to try them out during the past two summers due to COVID. There has been some talk with the Revisioning so when the Council asked the Planning Board to look at the Emergency Ordinance, one of the things they already had on their radar was to look at how we are regulating food trucks. She offered to walk the Council through really quick because she knows there are some people here interested in it.

The first one is updating the definition of a food truck and clarify that a food truck also includes a registered trailer. This is included based upon a past decision made by the Board of Appeals. Food trucks are allowed in two ways in Freeport. You have some districts, Route One South, Route One North which are really the commercial areas that do allow them either as accessory to artisan food and beverage uses like our breweries or on Route One South where they are allowed as accessory to businesses that have been through Site Plan Review. The other case they are allowed is when there is a special event going on. As we talked about at the last meeting, a special event is a certain permitting threshold when you have a large event expected to draw 250 people or more. It used to be more common but now there is a lot of hesitation to go to events with 250 or more people. People are having events that are still bringing people to Freeport but not meeting that threshold. A wording change would lower that threshold. If you had a temporary activity for something special on your property to draw people to Freeport, you could also have a food truck. There are also some minor tweaks to the standards to allow them to have a generator, umbrella or a chair. A couple of changes just to note to the permitting that we talked about at the last meeting. If you are one of those businesses that can have food trucks on a more regular basis that is accessory to your business, we did add a standard that you would have to be paying attention to displacement of accessible parking and accessible maneuvering of the site. That is something we need to be paying attention for. We also added a standard based on Amanda Kent's suggestion that if a property owner was going to be a host of these food trucks, let's have them get in the game instead of having every food truck run around and get their signatures. Let's have them get a simple permit once a year and sign off saying we know we can only have them when we are open, they can use our bathrooms and our trash. We will only use licensed food trucks and we will be a good host. That is reflected in here.

The biggest change before the Council is the permitting. Currently today we have three permit options. You can permit a food truck for a day for \$30. You can do site specific for up to 30 consecutive days for up to \$150 or you can do a year for \$500. The 30 day and the year also require a Victualer's Permit. We have heard from food trucks that want to come to Freeport that that is high and it is not worth it. They can go somewhere else cheaper. We have had one or two people do the one day \$30 option. Otherwise, people are just getting repeat single over and over, not hitting the threshold so they don't need a Victualer's license. What you have before you is a two-permit option. They have done a comparison to see what other towns are doing. We are not all the same. Option One is a permit for up to 3 days. One, Two and Three are all the same fee. Option Two would be the year permit where they could come in, get their permit. It would not be site specific like it is today. They would have to get their Victualer's License and their inspection.

Ms. Pelletier did get a couple of questions since the last meeting. She has wording changes if the Council wants to consider them tonight. For licensing, she did have a little bit of clean-up. Under A and B there was additional cross references to Section 526 which is really kind of duplicate. If that was omitted, the section might read better. The other thing is under the first permit type which is the permit for up to 3

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days. The intent of that is that it would count as a 3-day permit. It would be up to the person as to if they wanted to use it for only one or two days instead of three. The intent was that you could get three of those per year, then you would hit that nine-permit threshold and would have to go into full permitting as a year permit and get a Victualer's License. A couple of people did not think that was clear so there is a tweak here. Again, it would only allow three of those up to 3-day permits and then they would have to commit for a year. The goal is that we encourage people to permit for a year. She will talk about the costs in a moment. They are making it more economical.

Chair Piltch suggested opening the public hearing and if we have more questions of Caroline, we can get into the Council discussion as well.

**MOVED AND SECONDED:** To open the Public Hearing. (Fournier & Daniele)  
**VOTE:** (5 Ayes) (1 Excused-Lawrence) (Egan stepped out) (0 Nays)

Tais Szpanerfer explained that they moved to Freeport in May of 2018 and opened their food truck in June of 2019 at 304 U.S. Route One at Wicked Goods. They were opened for three months and then the Town of Freeport shut them down. She was not aware of all the regulations and food trucks were not allowed. They started the whole process of trying to get the rules changed and try to figure out what they could do in order to operate. On February 25 of 2020 they were forced to continue their business in a brick and mortar which they opened as Athena's Cantina which is up the street from where they currently are. It has been a nightmare trying to work with the Town, operate a business, open a brick and mortar and still fight for their food truck. They had been open for three weeks but had to shut down because they didn't have any employees. They wanted to operate their food truck and that was accessory to their restaurant. She explained what she had to go through to open up outside of their restaurant. They were paying a monthly fee and didn't want to pay the \$500 fee for a year and could only be localized right there. They had to do underwiring, electrical work and go through all sorts of changes to be able to operate. They were not getting the business on Route One so they wanted to come downtown and be able to move it around. They were not allowed to do that. Their \$150 a month did not cover other locations. They were supposed to be stationed. Two years later, they are still trying to do different things. This summer they had to take their food truck to Portland. Portland was super easy. They worked with them and within three days, she had their permit. They were there for three weeks and she couldn't do anymore because it was just her that was transporting back and forth and paying a ton of money to get hauled down there to be able to operate a few hours in the weekend. It has been a nightmare to try to operate her business in a town that she chose to grow her family and invest in. Their restaurant right now is currently closed and her food truck is her accessory to her business. She can staff it with two people but in her restaurant, she can't. She hasn't given up. She is here and hopes the Council will consider making some changes to allow residential businesses that own food trucks to be downtown and be able to operate somewhere and loosen a bit on the rules. She isn't asking for much. People are not dining in right now and to have the opportunity of having food trucks available so people can walk out and grab something to eat is a good thing.

Councilor Daniele asked if this is a good step for Ms. Szpanerfer? She replied that it is a good step. Food trucks are making their way around and they are a huge thing right now, especially in Portland. She thinks it is expensive in Freeport. She knows there are several other businesses that wouldn't be opposed to having a food truck that are in Freeport. She feels they should be allowed some access to downtown with not so many restrictions. She thinks the rules need to be less restrictive for everybody, especially for residents like her. Right now, she has a restaurant that is shut down and a food truck that she can't take around in town.

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Councilor Bradley asked her if she has been participating in the discussions about Downtown Revisioning? Ms. Szpanerfer advised that she has not. She is expecting a baby any day and has not done anything since September. Mary Davis and Tawni Whitney have come to her restaurant and discussed. She can only devote an amount of her time to everything as well and continue to fight for her business. Councilor Bradley noted he asked this because it is his understanding that food trucks as pop-ups have been considered in the whole process of how to make the downtown a better experience for both businesses and for visitors and residents. As long as Ms. Szpanerfer's views have been brought into the process, he would expect that they would be considered by the Principle Group and the Council going forward. Assuming the Council were to do this and Ms. Szpanerfer were to get consideration of her views in the Revisioning process, he asked if she would feel that was a fair way to go forward. She replied absolutely, they have put so much time into it and there are a lot of people are really for it. She thinks it is just something that should be considered and a fair trial to see how effective food trucks can be in our town with less complications on how to get in. She is not saying let's flood our town with food trucks and take over but recognize that it is a good thing and important to address people's needs in our town. She is confident a lot more people would be interested in it if things were a little easier. It is too long to obtain a permit to operate one day or two days. If she wants to move around, she shouldn't have to go and get a permit for another location. The owner should say yes, you can park here and do this.

Councilor Fournier assumed Ms. Szpanerfer worked with Caroline and this works for her. The obstacles she had a couple of years ago have been corrected by this proposal tonight. Ms. Szpanerfer replied that she thinks it has and this is a lot better than what they had before. It's been worth the ride for her and she is happy with it in a way. She would like to be able to be downtown somewhere in a location that there is at least one space they could rotate or if there are other food trucks in town that want to do it, she is sure it can be done, it is just a matter of where and how they do it.

Mr. Joseph advised that to answer Councilor Daniele's question, the changes are considered middle ground in his opinion and the frustration that several of the food truck operators have expressed. The intention of the Council when these regulations were put in place essentially were to pretty much bar food trucks from a lot of the areas that now a lot of the operators want to operate in. We opened some of the cracks to that during some of the pandemic licensing we did with a few changes which was great but it was clearly not enough for somebody running it like a business to thrive. To him this feels like a middle ground proposal. There are people on both sides and he doesn't think we should take this as opening the doors wide open in a way that would be great for Ms. Szpanerfer's business. It is a middle ground and he appreciates the position she is taking. Ms. Szpanerfer added that she is trying to be reasonable. She follows the rules and respects the process. She is content with how far she has gotten but feels there is room for more improvement. In general, she has a trailer and she has to pull it with a truck and there was no clarification for them so it made it difficult. Chair Piltch thanked her for her perseverance. He looks forward to having her be here for a lot longer and maybe having another business named after another child. Ms. Szpanerfer disagreed. He thanked her for her patience.

Ms. Pelletier explained that Ms. Szpanerfer was amazing at a Planning Board meeting. She was the only person in the room and spent the entire night talking about food trucks with them and it was really helpful and got us where we are today. She follows all the rules and knows them really well and has been working really hard to get us to this point. Mr. Joseph is right. The Planning Board specifically said there are two sides to the story and heard people's various opinions. They did not want to open up the door wide for food trucks in the village so you are only lowering that threshold. There has to be a temporary activity going on in the village intending to draw people for there to be a food truck. You are not going to see random food trucks popping up everywhere. It was clearly not the intent like you could see in some other districts shown on the map where they can be accessory to businesses. She wanted to be very clear on that. It is a step in what she wanted. Yes, it is better and the license if she gets the year, she will be

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able to go from A to B or C without having to relicense. It is definitely not opening the doors wide and the Planning Board was very specific. They didn't feel it was the best step for Freeport right now but was moving in the right direction. Councilor Bradley in reading temporary activity is expected to draw additional visitors. He asked if that is a food truck? Ms. Pelletier mentioned that they did leave it vague but that is the language they used during the pandemic. She feels there is room to get creative. Someone already called her and said, hey, I want to have a couple of them and can I do that? She replied that if she could make it into a temporary activity to draw people to Freeport, they will revisit it. In a year or so, if we find there is too many or not enough, the Planning Board said let's revisit these things in a year and see where we are at and how it is working.

Amanda Kent explained that she owns Wicked Goods Mercantile down on U.S. Route One and Tais is their upstairs tenant in their legal apartment. They encouraged her to have her food truck at their location thinking it would bring a lot more business to Route One and the businesses that were on Route One that had very few options for food and the people working in that area.

It was cumbersome for them as a business owner who thought they were doing something positive for the town in encouraging a young business to get started. Caroline has been a Godsend to this community. She supports what Tais has said. She doesn't think it makes sense to her why the Town cannot permit three parking spaces on a street next to CVS and next to a huge parking lot that could be allowed on a first come, first served basis to have three food trucks there a day. They had a food court that ended up not working out. It doesn't make sense to her why the Town cannot move forward in a less cumbersome way to make something like that happen. It is not about having it available across the whole town. It is choosing a location that the Town can support this. She feels this action is great and is moving them forward a little bit and cleaning up some of the issues they had and why they had to fight to change the zoning in their area. The Town Council has been very supportive in trying to figure these things out but it is cumbersome at best and it shouldn't have to be. She is allowed to host a food truck at her location and can pay a yearly fee to allow her to do that. She can do it as a special event or she can do it anytime she wants once she pays that permit but it is cumbersome in the writing of the rules. People don't necessarily know what they are supposed to do or not do. It makes it a lot more difficult that way. She appreciates the Council having thought through these things. She has been coming to meetings since this was first brought up in her area. A whole year ago the Council said okay, let's do a trial project and Tais was given one of the small spaces that the Town owned behind Starbuck's. Shouldn't someone have known that know there was going to be a complete disassembling and moving of the Historical Society building right next to where they were positioning her for this trial and there was no access to where they put her? A trial should be a true trial and Caroline has gone very well through the system as they have to. She mentioned that Sam's has closed and questioned where she is supposed to go for lunch? What is open? We are a community based on inviting people to come here to shop, be active and participate in our businesses. She would like more options.

Councilor Bradley noted Mrs. Kent just articulated the reason we are going through the Downtown Revisioning in his view. She explained why we are going through this process and that everybody has been caught up in it. Some of the frustration she is experiencing is because all the rules are in flux, they are in transition, they are in change. Her voice tonight and her voice to the Revisioning will matter to what comes out of it. He doesn't know what will come out of it but the kinds of opinions she is expressing are critically important for all of us to hear. He thanked her for bringing them forward. Mrs. Kent thanked him. She feels very strongly that as part of a community and as part of a business, she should be part of the Chamber and be active in the businesses that are around her. The rising tide rises all boats. Tais' business brought more business into their business.

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Andrew Arsenault of Route One South mentioned he talked to the Town Planner a while ago. His concern is that there are a few places on Route One that have still not gone through Site Plan Review. There is one right next to Mrs. Kent's business that is an old operation and they have a big parking lot. There are only a few left and there should be some concession made for those so they don't end up if they want to sign up and host a food truck. Perhaps it is something they could do without having to go through the whole Site Plan Review and have a food truck for the summer. He grew up here and saw what happened when the shoe shops failed and saw what happened before all the retail came in and we have to be very strategic and smart and he thinks we are starting to get that way. We can't let what is going on globally, nationally and regionally and make sure that Freeport doesn't end up in a bad spot again. We have to be willing to make change and we have to try new things. He doesn't believe food trucks downtown would be a crisis. There was a skate park down there and it was great. He was told the kids had a great time. He feels we have more empty spaces around town than we know what to do so we can take a back parking lot and make a little food cart down there. It was talked about with Principle and he supported it. We need to push a little more than we normally would. He suggested trying a few food trucks down there and push ourselves past our comfort zone and try more things.

**MOVED AND SECONDED:** To close the Public Hearing. (Fournier & Daniele)  
**VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

**BE IT ORDERED:** That proposed amendments to Chapter 21 Freeport Zoning Ordinance, Section 104. Definitions, Section 526.A Food Trucks, to update the definition of a food truck to include a trailer; update standards for food trucks including permitting them during Temporary Activities which are being held to draw visitors to Freeport; to update the food truck permitting and licensing process; and clarifying exemptions for food truck licensing be approved. (Fournier & Daniele)

Chair Piltch mentioned there is a proposed amendment that Caroline has passed out and asked what Councilors are thinking.

Councilor Bradley asked who administers the permitting process in our town? Ms. Pelletier advised that currently the special event permits go through the Police Department. The food truck permits would go through Codes Enforcement but with this change, they will go through the Town Clerk's office which is how most municipalities handle them. They already go to the Town Clerk's office for a Victualer's License. The only two things related that will still go through Codes are the Temporary Activity Permits which we issue for all sorts of things and that Yearly Permit if the business wants to have a food truck as accessory and they want to be able to do that and they will sign the form and agree to be a good host and go on their way. Councilor Bradley asked if it would make sense for all the things related to food trucks, food and accessory uses go through the same permitting person so you don't get one opinion on one part and another on another part which is some of the problems we have that gets cumbersome. Ms. Pelletier explained that the Temporary Activity is an existing permit we have in place so we use it for all sorts of things. If people are altering their site, they are doing it in a safe and effective way and they are doing something temporary in nature so it has a different type of oversight than stuff that the Clerk's office traditionally does. Food trucks as an accessory use is something that is specifically permitted by the Zoning Ordinance. It is a land use function so again it seemed appropriate to keep it through as we are going to know if someone wants Site Plan Review. They are both easy permits to obtain. Councilor Bradley mentioned that when she talks about Temporary Activities, does she mean that the Codes Enforcement Officer will be making the determination as to whether these 3-day permits are Temporary Activities?

Ms. Pelletier assured him that they issue them all the time such as when Visit Freeport does Fall Festival or someone has a concert in their parking lot. It is anything that they are deviating from what they



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normally have approval to do. Councilor Bradley asked if she expects the Codes Enforcement Officer as opposed to the Town Clerk will be making those determinations going forward? Ms. Pelletier advised that the answer is yes.

Mrs. Kent was not using her microphone. Ms. Pelletier clarified that in the future she will agree to the same things but the fee they are considering is \$25 or \$30. She will do it anytime with one permit and then she does not have to come back. Councilor Daniele asked if he had a food truck and came to Ms. Pelletier, could he get a permit in three days? She explained with the new system, people will come in and license once a year and go off and do their own thing. There is a lot of trust in this. They are trusting that people will get their permit and make sure their food truck is licensed and will follow the rules.

Chair Piltch noted he has been following the issue at the Planning Board and Downtown Re-visioning and has had a number of conversations with Caroline and some business owners as well. When he got on the Council, this was one of the explosive topics and people said, oh you are not going to try to touch food trucks are you because you will get all kinds of people telling you it is a bad idea. In the last six months, he has honestly not received a ton of push back. There were some restaurant owners that he thought had been previously opposed to it who said let's give it a try. It seemed like a reasoned approach and they were supportive. He thinks they are great and he wouldn't mind doing more. He feels it is a step in the right direction and he is all for doing this and seeing how it goes. If we want to come back and do more next year, let's do that. Councilor Daniele doesn't think the Council needs to wait a year and others agreed. Councilor Bradley asked Councilors if they thought out of Downtown Revisioning will come some comments that will be a basis for doing the more we are talking about? Chair Piltch expects it will be a catalyst but he is not holding his breath if they are going to say, we think there should be eight food trucks in four locations and you should have three festivals a year but he feels they will say you should do more of these kinds of things downtown and then it will be up to us to say, what do we have to do to make it happen? Councilor Daniele noted that he is hearing there is vast support up here to do more so let's do more sooner than waiting for all that. He feels it would be okay to say in front of Town Hall is an okay spot or the train station or whatever. Let's just pick a couple of locations. Ms. Pelletier pointed out that if someone wants to use Town property, they would have to get permission from the Council. Depending on what parking spaces, it could come under the Traffic and Parking Ordinance just like the peddler carts but the Council has options to push the limits further if you wanted to do that.

Vice Chair Egan mentioned there are nine lanes of pavement adjacent to the Public Safety Building and he never sees any tour buses parked there for more than 20 minutes at max. It would be an ideal location on public property to try it out. Councilor Fournier noted we rented the Magno Lot for parking spaces back in the 80s. It is on Depot Street next to the Community Center and has ample parking. The lot never gets used. We used it for a skating area once. It could hold eight food trucks comfortably and there is electricity at the poles. Chair Piltch noted there is Memorial Park too. The truck could be parked on the street and you can grab something and sit in the park and eat. Chair Piltch mentioned that the Council can discuss this with the Planning Board tomorrow night.

Chair Piltch explained the proposed amendment is: If you have a food truck for more than nine days, then you need to get a Victualer's License and part of the amendment is suggesting that if you have 3-day permits, we should not offer more than three 3-day permits so that you are not able to circumvent the nine-day requirement for a Victualer's License. Ms. Pelletier doesn't think it is ideal but they are hoping with the new regulations we will encourage more people to do the year license up front. We have a lot of people but there is a lot of paperwork for the applicants and the Staff to have somebody come in nine Thursdays with their paperwork just to do this and circumvent. They are trying to get away from that to be more efficient all around. Set a limit for people that really only want to come for three days. They will be stuck if they don't upgrade.

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Vice Chair asked if we could change that to six? Ms. Pelletier noted that once they go over nine days, they have to get that Victualer's. He suggested changing it to 18 for the Victualer's. It would give her more flexibility to pick several weekends if you can do six 3-day events. Ms. Pelletier agreed that the Council could change that. You have the Victualer's on here tonight and it is not something the Planning Board looked at changing that nine number. Again, we are just trying to avoid those repeat people that just want to keep getting those repeats. If you up it, they could do more without have to get the Victualer's without having to come to the Council for it and then wait longer until they get the inspection.

**MOVED AND SECONDED:** To edit the amendment proposed to read: Section 3 B 1 licensed to operate for up to three consecutive days for a maximum of six events of this license type for a food truck per calendar year. In 5 2.4 have a Victualer's License from the Town of Freeport if they will be permitted for more than 18 events or days in Freeport per calendar year. (Egan and Daniele)

Ms. Pelletier mentioned that it would create more tracking for the Town Clerk and will have to keep track more closely of every permit for 18 but we have a method of doing that. Councilor Daniele feels this is counter productive to what he would like which is they come in here once and get their one-year membership and then they get out. Vice Chair Egan pointed out that we would like that but it isn't where the market is. The market is we want to experiment and have entrepreneurs and have people come in and try Korean Barbecue. Ms. Pelletier added that if you take that approach, it might give a little more flexibility but for someone like Tais, it will be a lot cheaper for her to license for the full year because the current fee for a full year license with the Victualer's would be \$335 whereas these 3-day permits are \$50 each. It will be more cost effective to go for the year so these repeat food trucks will be encouraged to take that approach. Councilor Daniele suggested making it so they apply, they are good for a month. You pay your \$300 if you want to come once or a million times or whatever. Vice Chair Egan explained that the Victualer's License is a compliance piece that is the next step up. More discussion followed.

**VOTE ON AMENDMENT:** (5 Ayes) (1 Excused-Lawrence) (1 Nay-Daniele)

**VOTE ON FOOD TRUCKS:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

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ITEM # 03-22	To consider action relative to proposed amendments to Chapter 30, Victualer's Licensing Ordinance to update Section 2. License Required to include Food Trucks requiring Victualer Licenses. PUBLIC HEARING.
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Ms. Pelletier advised that this is an existing ordinance with an existing fee structure and no changes proposed. They are simply taking the reference contained in Food Truck and putting it into the Victualer's License Ordinance because back in the day when it was originally put in the Zoning Ordinance it was never put in the Victualer's License which didn't make a lot of sense. They are cleaning up their paper trail. You would want to make the change from the 9 to 18.

**MOVED AND SECONDED:** To open the Public Hearing (Daniele & Fournier)

**VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

Mrs. Kent noted it doesn't make sense to her if you are the same business, like Tais has a food truck that is part of Athena's Cantina. It is not a separate business unto itself. It is all part of the same business. It would make sense to her to simplify that and say if you have one business that is a food business, and you are getting approved to have a Victualer's license, if that food is being prepared in the location approved by the State, even though the State has you get a separate license as an accessory to that

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business i.e., food truck, it should be one Victualer's license. It would keep things simple and it will not happen very often because she is the only place that has a food truck as accessory to her business now in Freeport. If somebody has a food truck from an outside location that is just their business, they are going to come and get a Victualer's license if they are going to be operating in Freeport more often. It seems like there should be some change to that if you are an existing business that has a Victualer's license that has been approved in Freeport, then you should be able to extend that to the accessory of a food truck without having to pay an extra fee if you are a business in Freeport and already have a Freeport Victualer's license. It seems very cumbersome to pay so many fees.

Mr. Joseph explained that the intent of this ordinance is to regulate the area in which the food is produced. If the food is produced inside a food truck, it is pretty clear that this is to license that as a separate establishment within the terms and conditions in here. If you are preparing food in a kitchen that is already licensed under a Victualer's license, the whole purpose of the ordinance is not to license both of those establishments. Chair Piltch added that it sounds like that is what we have done in the past. The Town Clerk interpreted that in the past but if that is a request being made and is something the Council wants to consider, it should be clarified formally in this ordinance. Ms. Pelletier clarified that for the first year for Victualer's they do get an inspection and there could be some concern if we lump them all together. There could be other cases where someone has more than one restaurant and they are licensed differently. If it is something we want to look at, we could check with the State's Health Inspector and do a little more digging. Councilor Bradley agrees that the Victualer's license does have to do not just with the owner but has to do with the safety of each location so there may be a reason to have two licenses so more due diligence makes sense.

Councilor Fournier explained that this is a process question. It used to be on the Victualer's license for food carts, hot dogs or whatever, there was a safety inspection done separate from a fixed facility that may have a kitchen. In an instance where a food truck would come to Petrillo's and set up there, it would probably be looked at for the food truck itself to make sure the truck meets the standards even if the food was being prepared in Petrillo's he would assume. Ms. Wolfe added that they would already be inspected and already have their State inspection to start with. She explained that the first time someone gets a Victualer's license, Codes and Fire do an inspection and then they do the background check annually.

**MOVED AND SECONDED:** To close the Public Hearing. (Daniele & Fournier) **VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

**BE IT ORDERED:** That proposed amendments to Chapter 30, Victualer's Licensing Ordinance to update Section 2. License Required to include Food Trucks requiring Victualer Licenses be approved. (Daniele & Fournier)

**MOVED AND SECONDED:** To modify the Victualer's License from the Town of Freeport to modify Section 2 in the first sentence and change the 9 to 18 events or days in Freeport per calendar year. (Egan & Fournier)

Mr. Joseph asked Ms. Wolfe if she sees any issue with the 9 to 18 change technically that would pose? Ms. Wolfe mentioned no but she is concerned because it will be a new process for her. It will be a little more difficult to track. More discussion followed on the need for a Victualer's license. Chair Piltch noted that the change we have tonight is to make it consistent with the food truck changes we just made and then we can look at the whole ordinance another time.

**VOTE ON AMENDMENT:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

**VOTE ON FULL ORDINANCE CHANGE AS AMENDED:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

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ITEM # 04-22

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

Ms. Pelletier explained that this was part of the Emergency Ordinance that you asked the Planning Board to look at. Once we started talking about this, Mr. Joseph was approached by some residents that had concerns about temporary activities and displacement of accessible parking and accessible access when those temporary activities were going on. Their timing was right in line with the Planning Board discussions so they were able to incorporate some changes into this document before you. She walked the Council through the changes.

**MOVED AND SECONDED:** To open the Public Hearing. (Bradley & Daniele)  
**VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

There were no public comments provided.

**MOVED AND SECONDED:** To close the Public Hearing (Bradley & Daniele)  
**VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

Councilor Bradley mentioned he did not know what a route means in this context. Ms. Pelletier explained that it connects to something else. You don’t just put them in a parking lot where they can’t get to a ramp that leads to a sidewalk system that leads to Main Street. They call it an accessible route as defined by the American with Disabilities Act. Councilor Bradley suggested that a definition for accessible route would be in order but he doesn’t know where it would come, perhaps in the Zoning Ordinance. Mr. Joseph asked if we can add something after accessible route as defined in the ADA? Councilor Bradley just pointed out that Councilor Daniele explained that the definition is in the ordinance so he apologized.

**BE IT ORDERED:** That proposed amendments to Chapter 21 Freeport Zoning Ordinance, Section 501. Temporary Activity, to add a standard about maintaining accessible (under the Americans with Disabilities Act) parking and access; requiring property owners to sign-off on applications for multi-tenant properties; and to remove the restriction on permits in the Village Commercial I “VC-I” and Village Commercial II “VC-II” Districts that restrict the displacing of parking spaces during certain times for the year be approved. (Bradley & Daniele)

**VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

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ITEM # 05-22

To consider action relative to proposed amendments to Chapter 21 Freeport Zoning Ordinance, Section 409. Commercial District I “C-I”, Section 411. Commercial District III “C-III”, Section 413. Village Commercial District I “VC-I”, Section 414. Village Commercial District II “VC-II” and Section 602. Site Plan Review to add standard to allow seasonal outdoor seating when certain

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conditions can be met, and to be subject to Town Planner Review under Section 602.C.1.c.1 of the Freeport Zoning Ordinance. PUBLIC HEARING.

Chair Piltch advised that we introduced this at our last meeting and talked about how we allowed them under our Emergency Ordinance and now we are trying to allow them in the future as well with certain conditions.

Ms. Pelletier explained that during the pandemic we allowed temporary outdoor seating which is something someone would typically have to come back to the Board for, amend their Site Plan and maybe provide parking. They looked at making those standards easier and had good public participation during the Planning Board process which is how they got the standards before you so this would be allowed in certain districts in Commercial I which is Route One South. C-III Lower Main Street, the Village core which is VC-I and then VC-II which is north of the downtown village. They could be an area of up to 1,000 sq. ft. With the Codes Officer if you go over certain square footage, it could trigger some life safety things they wanted to avoid. This was supposed to be easy and accessory. They looked around to see who did outdoor seating under the Emergency Ordinance and how much space they really used. It is temporary and it would be anytime between May 1 and October 31. If you wanted to do it longer than that, you could but you would have to follow the current procedures in place. You would come in, amend your Site Plan and provide parking. They would be located entirely on private property and would not create any impervious area so we wouldn't have to get into storm water management. They could put it on a brick area or a parking space if they could safely do that. Again, we are trying to be cautious about displacing accessible parking and accessible routes and paying more attention. This is currently written into the Zoning Ordinance so they can come in for Staff approval by whoever the Town Planner is at the time and they would not have to go to the Board. If they want to do more, they can have that option. You have a map showing the sections of town.

**MOVED AND SECONDED:** To open the Public Hearing (Egan & Fournier)  
**VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

Steve Mills, resident of Freeport and CEO of Maine Beer Company located on U.S. Route One. He stated that they love this ordinance and hope the Council will vote to adopt. Chair Piltch thanked him for his brief comments.

**MOVED AND SECONDED:** To close the Public Hearing (Egan & Fournier)  
**VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

**BE IT ORDERED:** That proposed amendments to Chapter 21 Freeport Zoning Ordinance, Section 409. Commercial District I "C-I", Section 411. Commercial District III "C-III", Section 413. Village Commercial District I "VC-I", Section 414. Village Commercial District II "VC-II" and Section 602. Site Plan Review to add standard to allow seasonal outdoor seating when certain conditions can be met, and to be subject to Town Planner Review under Section 602.C.1.c.1 of the Freeport Zoning Ordinance be approved. (Egan & Fournier)

Councilor Bradley mentioned that he knows that there is a Downtown Revisioning process going on and that the trials for this were undertaken in the context of that process. His question is why are we putting this in effect now as opposed to doing it as part of Design Week but he is not objecting to it at all. Chair Piltch explained that he thinks the Emergency Ordinance was motivated by the pandemic because people did not want to eat inside as much as they wanted to eat outside restaurants. He doesn't know that it came from the Downtown Revisioning project. He thinks the comments we got when we did the experiment of the pop-up on Main Street were generally positive and he would expect that the downtown project would

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continue to support ideas like this but it wasn't an idea of the downtown project. Ms. Pelletier agreed with that. This was really in response to the Council asking them to look at the Emergency Ordinance. The thing that is most important is that we are doing this now. She heard last winter from businesses that they can't order a tent because they don't know if they are going to have outdoor seating and we need that for their business to survive so she thinks this is us being proactive and responsive to our business community. They have seen some of the visual graphics from the vision and a lot of the things we talked about tonight they have seen some glimpses but Chair Piltch is right, we haven't heard them say have outdoor seating everywhere. Vice Chair Egan clarified that we are taking what we had been doing and putting it into a form of the ordinance to allow it to continue without it being temporary in nature anymore. Ms. Pelletier feels this gives it more guidelines. We were pretty loose before and we have learned from it. Come spring when we hear about the vision, we could be back talking about these same things to further make changes to support the vision but she hopes this is a step in the right direction and they will say you should do this and we are going to say we have already done it. Councilor Bradley mentioned he knows these things are going to come up and pop-ups were part of downtown and some of us are on the edges of the process and wonder how it is going to work out and when we see things coming in in advance of process, it sends shivers. Ms. Pelletier assured him they are not trying to skip the process. They are in their own process and there is another one behind them. She hopes they align. Chair Piltch added that if we wait until after the downtown project is done so to speak, we will miss the opportunity for businesses to take advantage of the opportunity this summer. Chair Piltch asked about the temporary use that is defined as May through October, once we grant allowance, do they have it in perpetuity or will they have to come back every year? Ms. Pelletier noted it would be capped in perpetuity. Any time she does any kind of Staff approval, every month she reports it to the Project Review Board and if there is something she has approved or they don't like or they feel don't meet the standards, they let her know. She does send people to the Board and they like it when she does.

**VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

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ITEM # 06-22      To consider action relative to proposed amendments to Chapter 22, Design Review Ordinance pertaining to seasonal accessory outdoor seating. PUBLIC HEARING.

Ms. Pelletier advised that this is similar to what we just talked about. On Page 5 it would now be subject to Administrative review so if someone from downtown came in for Site Plan Review, she would also be looking at it for standards of Design Review. If they came in with something she didn't feel fit visually fit with the General Guidelines or Standards, she would send them to the Project Review Board for a Design Review Certificate.

**MOVED AND SECONDED:** To open the Public Hearing. (Pillsbury & Fournier) **VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

There were no public comments received.

**MOVED AND SECONDED:** To close the Public Hearing. (Pillsbury & Fournier) **VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

**BE IT ORDERED:** That proposed amendments to Chapter 22, Design Review Ordinance pertaining to seasonal accessory outdoor seating be approved. (Pillsbury & Fournier)

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Chair Piltch noted that Ms. Pelletier mentioned this would go to the Project Review Board if needed so they could apply the Design Review standards. He asked if this binds Ms. Pelletier in making a Staff approval and bind the Board to use those standards as the standards by which she would approve the seating? Ms. Pelletier advised that there is a lot of room for interpretation and compatibility. We haven't gotten a lot of complaints. Of all the changes being made here tonight, Design Review makes her the most nervous. She is very protective of it and feels it is a very important part of how we have gotten to today in preserving some of the charm of our historic downtown. People come for everything. If you lived downtown and asked her if they can change their shutter or use a non-historic color, etc. She would tell them they have to go to the Board. The only thing she can approve today is a change to a sign. We are testing the boundary here and our comfort zone. This is really not something we have other Staff approvals for so there is going to have to be some discretion. In a conversation the question came up about igloos and she advised the Council that she will not be approving igloos on Main Street. It does not go with the intent of the Design Review District. There are so many tasteful materials and styles out there today, she feels we have come a long way with materials since this was originally created.

Councilor Bradley mentioned that Chair Piltch asked what standards Ms. Pelletier is going to use to exercise that discretion. Will she be using the standards that are in Design Review to exercise her discretion as best she understands them? Ms. Pelletier replied yes and listed some of them. Any time she makes a decision, she ties it to a standard. She mentioned that these are really wishy washy as the Council will learn tomorrow night at the workshop. People would like to see some more prescriptive standards in here so if you want to put up a certain fence or planter, oh I can do a blue one. Mr. Joseph added that some people would like them to be more rigid but others don't want them to exist at all. Ms. Pelletier agreed that was a very fair statement but this is a change. Chair Piltch added that he doesn't love it but he likes it and feels it is a step in the right direction from where we are coming. Councilor Fournier agrees it is a step in the right direction and hopes further change will come.

**VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

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ITEM # 07-22	To consider action relative to setting a public hearing to discuss proposed amendments to Chapter 10 Ordinance Requiring Notice for Outdoor Events with Attendance in Excess of 250 People, to add a standard about maintaining accessible (under the Americans with Disabilities Act) parking and access;
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Councilor Bradley pointed out that as we set up public hearings, we have a conversation with Caroline about what it is and we ask questions and the next time after the public hearing we refer back to the conversations we had in the prior meetings. It worries him a bit that we are conflating the two and it also takes a lot of time. He would suggest that we just set the public hearing and have Caroline give a brief description of what is involved and we say okay we will wait for the next meeting to get into the nuts and bolts of it and in between if a Councilor has a question, he can come to anybody and ask about it.

Chair Piltch advised that he is in favor of that but he likes having the topic introduced by Caroline or whoever to say that this is what it is about so that people who are listening can say I want to go to the next meeting because I have comments on it. He agrees we don't have to dive into the weeds.

Ms. Pelletier again we are trying to be consistent and when the Council amended the Temporary Activity Ordinance to be looking at accessibility, we had meant to bring you those large events expecting 250 people or greater. These are the permits that go through P.D. We are putting that same standard and tweak it to have the tenses fit. The same standard that if they are going to displace accessible parking or an accessible route, they need to give them a drawing and they need to look it over to see how they are accommodating for that. They did couple of he/she corrections.

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**BE IT ORDERED:** That a public hearing be set for January 18, 2022 at the Town Council meeting starting at 6:30 pm to consider proposed amendments to Chapter 10 Ordinance Requiring Notice for Outdoor Events with Attendance in Excess of 250 People, to add a standard about maintaining accessible (under the Americans with Disabilities Act) parking and access;

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Fournier & Pillsbury) **VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

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ITEM # 08-22                      To consider action relative to amending the Town of Freeport Fee Schedule

Chair Piltch noted this pertains to some of the changes we made earlier tonight.

**BE IT ORDERED:** That the fee schedule be adopted as amended to update fees pertaining to food truck permits and food truck licenses. (Daniele & Fournier)

Ms. Pelletier explained that this is meant to be a decrease in our fees unless you are doing a one-day food truck permit but if you are doing the three-day permit but are only using it one day, it will go up. The new fees you have here are: Food trucks when they have the accessory use permit that they will settle with Codes will be \$25. The two food truck licenses through the Clerk for up to three days will be \$50 flat fee again, regardless of how many days you are using it. The food truck license for one year would be \$200. Keep in mind that they still have that existing Victualer's fee that would be added on top of that. That one-year food license today is \$500 plus the Victualer's. They did a comparison with surrounding municipalities. The fee structure was designed in such a way to encourage the yearly fee.

Chair Piltch pointed out that we are not setting a public hearing. If we like these changes, we will adopt them tonight. Councilor Pillsbury asked when the Council reviews fees? Chair Piltch was not aware the Council had a set schedule. Mr. Joseph clarified that everything here is set by the Council. Staff does not have the ability to waive or to change without coming to the Council. Some of these are contained in various ordinances but there is no set review time period either by previous Council action or by ordinance. Councilor Pillsbury mentioned that these are fees that support the town in one way or another. He thinks there should be a way to track it and take a look at it. Mr. Joseph agreed. He has seen this come up 10 or 15 times since he has been here ten years but there has never been a comprehensive review top to bottom. Ms. Pelletier recalled doing a 10% increase across the board 10 or 15 years ago but that is the only time she can remember that happening. Chair Piltch suggested asking Sharon to add a To Do on our Council Action Item List that we should review our fees at some point this year and see how that works.

**VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

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ITEM # 09-22                      To consider action relative to the appointment of Courtney Sparks, of Bowdoinham as Library Director.

Chair Piltch pointed out that we have people in the audience that have waited 46 years, three hours and fifteen minutes for this item to come up.



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**BE IT ORDERED:** That the appointment of Courtney Sparks as Library Director be approved. (Egan & Daniele)

Mr. Joseph noted we have our outgoing Library Director, Arlene Arris sitting in the front seat tonight and wanted to say thank you to her for her service to the Town. We are thrilled that we did do a recruitment process and had applicants from across the country who wanted to be our next Library Director. One of those we are happy to say was Courtney who has been our Assistant Library Director for a couple of years. She came to us with experience in a few libraries across Maine and also worked in the Admissions Office of Bates College for a stint in between her library service. Our interview process was with Department heads and participation from the Library Board of Trustees. A lot of the applicants had a lot of good ideas and were all very well qualified but nobody made us say they are better than Courtney so we are pretty happy with that. He thanked Courtney for going through the process with us. Some of the Library staff is here tonight to show support and some of them reached out through the process and that support always counts for a lot when it comes from the department. He is hopeful the Council will agree with their selection and move Courtney permanently into the Library Director.

Chair Piltch noted he and his family love the Library and everybody he has talked to in town says the same thing. He thanked Arlene who has been here way longer than he has been here and the staff. He welcomed Courtney. Councilor Bradley advised that he has known Arlene most of his life in Freeport. He has known her as the mother of a great lady, as an athlete, a coach and as a mom and the matriarch of one of Freeport's great families. He has known her as a friend, as a Librarian and the replacement of a Librarian and the legacy of our great Library where she supported everything he felt was important in the community, music, the arts, books, kids and people. She has been a great Librarian and a great role model and he knows if Courtney worked with her, she has shown her how important the Library is and we have Courtney to look forward to. He thanked Arlene for her service and her friendship. With all due respect, she will be hard to replace. Mr. Joseph mentioned those sentiments were expressed during the interview process by the Library Board of Trustees member as well. We have other people with other strengths and Courtney brings a whole new thing. We are really happy with the staff transition.

Courtney thanked everyone who came to support her. One of the questions that was asked during her interview was, these are big shoes to fill and how are you going to do that. She believes she said she couldn't do that. She has to bring her own pair of shoes but added they are similar to Arlene's. She has been an excellent mentor. She wanted to say that Freeport is a really special community, her staff is the best staff and she is really excited to carry on the work she has been doing with Arlene and make her own mark and continue to deliver great services and also be a partner in the Revisioning project. She thanked everyone for giving her their confidence. She is really excited.

**VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

Town Clerk Chris Wolfe swore her in and everyone congratulated her.

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ITEM # 10-22	To consider action relative to the appointment of Quang Minh Le of Biddeford as Freeport Assessor.
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**BE IT ORDERED:** That the appointment of Quang Minh Le as Freeport Assessor be approved. (Piltch & Daniele)

Chair Piltch offered his premature congratulations to Minh and looks forward to Peter giving us a synopsis of what he will be doing for us.

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Mr. Joseph advised that our former Assessor retired after only 20 years. Compared to Arlene, he doesn't get any points at all. He noted that Bob was here for a long time and did a really good job of keeping people happy which is hard to do as the tax assessor. He kept things even and kept things level and kept properties fairly assessed in Freeport. The Council deals with the Assessor's office only when there are big problems. Unlike Planning, Land Use and Zoning where everybody has an opinion on it, tax assessing is done one way and that is the accurate way. The Council deals with it if there is something way out of whack or there is a mistake made. That has not happened here in years. We saw that in our expectation in recruitment as well and we are happy we got some really qualified candidates. Minh comes to us from Biddeford and also worked in Saco. He started out from the ground up and has experience in real estate but started out as a field lister in Saco. Saco and Biddeford share an Assessor so there is a lot of back and forth between the two cities. He is now the Assistant Assessor for Biddeford. He has seen a lot of the same commercial type development we have here as well as residential type development. Maine is Maine and is pretty consistent. Minh has always worked under the joint City Assessor but has been doing the bulk of the work in that department. He came in and we had several interviews with him. Everybody was impressed with his no nonsense, accuracy and his drive to get the job done. We are all hoping for great things. It is going to be another situation where we have an outgoing department head that is a fantastic person but we are confident he has the skills to follow Bob's tenure and take us forward. Her made his nomination for the Council's action.

Chair Piltch asked the Council to not take this the wrong way but we haven't seen much of Bob over the Past several years and he doesn't expect we will have an opportunity to get to know Minh at Council meetings. He looks forward to getting to know Minh personally walking the halls in Town Hall and looks forward to working with him. Other Councilors welcomed him.

Minh thanked the Council for the opportunity. He knows he has a lot to fulfill and will try to continue what Bob has done in the past. He knows how he operates and has a very well-organized system and he should be able to pick it right up.

**VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

Town Clerk Chris Wolfe swore Minh in. He was congratulated.

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ITEM # 11-22	To consider action relative to an agreement with the Hilton Garden Inn for use of Bow Street Park.
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**BE IT ORDERED:** That the Agreement between the Town of Freeport and the Hilton Garden Inn for the use of Bow Street Park be approved. (Bradley & Daniele)

Mr. Joseph explained that we reserve the specific dates they make us aware of for use by their people. We do let other people use the park on a first come, first served so if somebody comes in and reserves dates or weeks, residents will also be able to use the park. When the park is reserved, that is the only time when someone wants to play frisbee or wants to sit there, they can be told to get off the lawn, we are doing an event there. This allows somebody exclusive use of Town property for a specific set of purposes for \$200 a day. Councilor Bradley asked if the terms of this apply to uses of others that reserve the park? Mr. Joseph advised we would charge the same amount of money. It would have to come to the Council for approval of that so they would put it in the order for use of Town property. Any time it is for an exclusive use, it comes to the Council.

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Chris Wolfe explained that our agreement is that we make sure the grass is mowed and it looks nice. They pay a \$200 per event fee and the events are just for four hours. They are generally for weddings and they reserve the little side piece by Town Hall. Councilor Bradley brought up insurance and that it talks about limits of not less than \$2M. In his practice it would have been \$2M per incident and this isn't. This is per aggregate and he doesn't know if it should be \$1M or \$2M but if it is \$2M, it should be per occurrence. Mr. Joseph advised the Town Clerk that it should read per occurrence \$2M. She agreed to reach out. Councilor Pillsbury asked if we agree to this, do we have any say over what the events are? Is it in our purview? Mr. Joseph noted that the agreement does not require it. They have always been weddings but it is not specified in this agreement. It just says for events catered by the HGI. Ms. Wolfe noted there are some restrictions but it doesn't say it has to be a wedding.

Councilor Pillsbury added that it is nice it has been weddings but it could be something significant we wouldn't want to support. Vice Chair Egan suggested adding: for weddings unless otherwise approved by the Town. Mr. Joseph suggested adding: non-wedding events will require prior approval of the Town Council. Ms. Wolfe added that we would have to amend the agreement and send it over to them for a signature. Chair Piltch asked if we could approve it tonight assuming you make the changes and authorize you to sign it? Mr. Joseph replied yes.

**MOVED AND SECONDED:** That we amend the agreement between the Town of Freeport and the Hilton Garden Inn for the use of Bow Street Park to be limited to weddings and wedding events unless otherwise permitted by the Council. (Egan & Daniele) **VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

**VOTE ON AMENDED AGREEMENT:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

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ITEM # 12-22      To consider action relative to acceptance of "2020 Coronavirus Emergency Supplemental Funding Program" funds, in the amount of \$13,600 for use by the Freeport Police Department for the purpose of purchasing PPE and technology items.

Chair Piltch pointed out that this is a grant that our Police Department received. Mr. Joseph advised that this is not ARPA funding. This is a grant program granted county wide to law enforcement and was divided up in all the departments based on population or some type of per capita measure. The share Freeport received was \$13,600 of that and the Chief's proposal is to use it on PPE and technology items. This is only for use on Police Department projects.

**BE IT ORDERED:** That the 2020 Coronavirus Emergency Supplemental Funding Program funds in the amount of \$13,600 for use by the Freeport Police Department for the purpose of purchasing PPE and technology items be accepted. (Pillsbury & Daniele) **VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

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ITEM # 13-22      To consider action relative to amending the 2022 Town Council Schedule to designating the District Workshop dates and the Town Facilities Tour dates, if any.

**BE IT ORDERED:** That the Town Council Schedule be amended to designate the two District Workshop dates and the Town Facilities Tour dates, if any.

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Chair Piltch mentioned he has never had a District Workshop and asked for some support. Mr. Joseph advised that ten years ago when he started here there were four District Workshops. Each one was held at a location in each district such as Winslow Park, the Community Center and Hunter Road Fields. We would have an hour-long workshop in the district and then have to come back here to do business. People thought it was really weird that they would have to follow us back to go over agenda items. We then started having them at the Community Center as a neutral place and then have the meeting broadcast from the Community Center. We stopped doing that about the time Chair Piltch came on the Council because they were getting much less popular. There were fewer residents showing up for the District Workshops and because we were not meeting in person at that time. We have had them on the calendar since then but there hasn't been a strong interest either from the public or the Council to continue that process. It was on the schedule we approved and the Town Clerk brought it to his attention so unlike the thing about going to the individual departments that also is in this order that he thinks there was a lot of interest from the Council, he said let's just figure them out at the same time.

Those of you who are District Councilors and have a strong desire to have a District Workshop we will continue to do it. If you don't, we would prefer to remove it from your schedule. Chair Piltch did not see them on the schedule the Council approved. Mr. Joseph then asked if this is the discontinuance of District Workshops? Councilor Fournier felt they were a disaster. Councilor Bradley he can always have a workshop and he has had several where he got Thomas Means and Wolfe's Neck together on a conference call so he does not see any reason to have a formal one. Mr. Joseph added that they were feeling pretty awkward in the last two years before COVID. Councilor Daniele mentioned that instead of doing those, we could easily have office hours from 6 to 6:30 with just two of us staffing it. It could rotate through and if could be once a month or anything like that. He feels that people may want to come and talk to us but may not want to be in front and be recorded talking to us. Others agreed. Chair Piltch noted we did some office hours and did have a few people show up.

Councilor Bradley asked if he hosts a district meeting at his house, will the Town pay for the chips and sodas? Chair Piltch advised only if he invites the rest of us. Councilor Bradley noted he can't without giving public notice. Mr. Joseph mentioned if he wants the chips covered, it goes on the calendar.

Mr. Joseph brought up the Town Facilities Tour Date where Councilor Fournier suggested that the Council do a facilities tour at several facilities. We didn't set a date but he is thinking one of those Board and Committee Workshops. Chair Piltch advised that we are adding maybe three new workshops with Principle Group that need to happen around the same time. Mr. Joseph agreed and suggested putting it on the agenda and calling the meeting to order at a central location and then saying hey we are going to these facilities and you are welcome to follow us if you want. He feels most people won't. Chair Piltch suggested meeting at 6 o'clock and do a tour and then come back here at 6:30. Mr. Joseph clarified that as long as it is noticed, the Council can meet at any place that is a public location in town. Vice Chair Egan agreed. Councilor Fournier mentioned doing them on Saturday mornings but others disagreed. Councilor Fournier noted he feels evenings are fine. Chair Piltch asked if he could leave it up to the Council to say which facility they want to tour and make arrangements and suggest dates? If anyone wants to tour Public Works, they could talk to Earl and come back and say Earl is free on this date and suggest we meet at 6 o'clock and do a tour before a meeting. Mr. Joseph advised that we could do any of them at 6 o'clock. There will be somebody available and we can make that work and then start our meeting at 7 p.m. Councilor Fournier suggested doing a tour at 4 o'clock or 5 o'clock some day and figure a half hour per facility. He feels that should be adequate to see what we have. Mr. Joseph added that it is fine if someone can't make it because this is not a requirement. Everyone was okay with that.

This item died on the agenda.

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Councilor Bradley mentioned adding a couple of things to Sharon's list. A couple of things came up that we thought we were going to do. In the past we were going to do something on the reserve accounts and we were going to get the committee Chair Piltch talked to about setting priorities for the ARPA Funds that come through. He would hate to see us lose these things because we forgot about them.

Councilor Bradley would like to know how much is reasonable to keep in a Reserve Account before going into the Budget season. Chair Piltch added that that might be a discussion between him and Jessica. Councilor Bradley mentioned that Jessica was going to get some information together and he doesn't know if she did about other towns and what they did about reserve accounts. Chair Piltch noted it wasn't about how much are in the accounts but what we invest them in. Mr. Joseph mentioned there was a question about what is comparable for other towns and Jessica has some of that. Councilor Bradley offered to sit down with Jessica and see what they can do to put together an agenda item for that in the next few meetings.

Councilor Fournier wants to know if the list of Capital purchases is updated as we are looking down the road on reserves and even the Capital Reserve budget. He wants to make sure we are properly funded and we are looking down the road that we have a proper schedule so we can set our budget priorities. He thinks that is huge. Chair Piltch is certain the Council will see it well in advance of having to vote on it.

Mr. Joseph added that the part that Councilor Bradley is talking about are the assumptions we are making when we go into the Capital Reserve process whether the reserve levels are sufficient or not. The question is whether the benchmarks are too conservative or not conservative enough. It is part of the Capital budgeting process but it is a separate question that has a separate answer to it from the Capital process.

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ITEM # 14-22 To consider action relative to the Town Manager's Proposal to utilize ARPA funding to provide Hazard Pay to Freeport First Responders and Police and Fire Departments.

Chair Piltch explained that this is the proposal that Peter mentioned he was going to introduce and make some changes to. Mr. Joseph pointed out that the proposal in front of you for hazard pay is from the American Rescue Plan Act, otherwise known as ARPA that we have been talking about all night, is specifically related to First Responders and it sets two separate rates. It proposes a rate of \$2.50 an hour. Hours refer to hours worked between April 1, of 2020 until March 31, 2021. It is essentially the entire state of emergency declared by the Governor minus a couple of days on the front end in April. For each of those hours worked, he is proposing a differential, two separate differential rates and will explain that in a little bit. A differential rate for First Responders in the Fire/Rescue Department who either were patient care providers and were exposed to COVID or had the potential to be exposed to COVID and who worked at the beginning of the pandemic without adequate PPE or knowing what the standard for PPE was before studies were completed. That did change after the first three or four months when there was definitely sufficient PPE among all of our First Responders and that is attested to the fact that none of them got sick even though they were sitting in the back of ambulances for extended trips with people being treated for COVID right in front of their face. They did a fantastic job but never once did they not get into an ambulance where the patient needed care because they might be COVID positive.

The second category is for Police First Responders and Fire Chief Officers. This is set at a lower rate specifically because a lot of those people were full-time employees throughout but the Fire and Rescue First Responders has a wide range of people that worked from 60 to 80 hours a week on call to people that worked 2 hours because they responded to one call. It is widely varying. The second rate are all full-time people that also had a lesser extent of hands on but not negligible. Police Officers had to go inside buildings and respond to people. They had to put hands on to give medical assistance or make an arrest

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and those are scenarios where they didn't get to stop and say, Sir, have you been tested for COVID before I provide you with medical assistance? Pretty much everyone else in town had some options to protect themselves throughout the pandemic either using PPE or having a standard where people could come in contact with them. These are people that didn't have the choice. Essentially, he has broken it into two separate categories based on the level of risk and the level of base pay.

Vice Chair Egan noted he supports this 100% but if we are going to be calling it a pay differential and we are going to be using a HR function that puts hours in 2020 and they are going to take all our First Responders and force them to file an amended tax return which is an additional burden. He would encourage, if at all possible, to have all of the pay differentials occur in 2021 wage differential for them so each of these folks won't have to go and file an amended tax return because getting all this pay from 2020, they have already filed their tax returns. Mr. Joseph feels it would have to be for 2022 actually but he will make sure not to tie these rates to their 2020 hours worked. He doesn't know if we would be able to do that at this point. Vice Chair Egan wants to make sure we are not inadvertently burdening people to have to file an amended tax return. Mr. Joseph advised that it is being calculated as a differential but it will be processed as a bonus payment in 2022, probably in the next couple of weeks pay period.

Councilor Pillsbury thanked Mr. Joseph for putting this all together and doing all the legwork on it. This is based on every hour worked so it could include overtime and is not based on a set schedule? Mr. Joseph replied yes. Councilor Pillsbury asked why he didn't go on a flat rate based on employee classification? Was there a rationale that made Mr. Joseph come up with these numbers? Without using names, Mr. Joseph added he would use specific people. Somebody that worked 6 hours in the Fire/Rescue Department over the course of the pandemic in an entire year versus somebody who worked close to 1,000 hours who is primarily a medic riding in the back of the ambulance just looking at it and does the person who was shut up 6 hours for training and perhaps a fire incident, did they have the same level of exposure of someone who maybe put 4,000 hours and maybe 800 to 1,000 of them in the back of an ambulance giving patient care in that time period. He thinks it is directly the risk that people were put under that is directly correlated to the number of hours they worked. Even if you were not a patient care provider, you were a full-time employee who was working as a fire fighter and living in the same living quarters as a fire fighter/EMT or medic, you are exposed to the person that has been exposed to the people for a greater period of time. Hours is the easiest way to correlate it to risk in his mind but he knows it is not perfect. He knows a lot of places did flat pay rates and that made some people unhappy living in those communities that did that because full-time employees got the same as part-time employees and things like that. That is the thought process in Mr. Joseph's mind. It doesn't have to be that way but that is where the proposal came from.

Councilor Pillsbury noted he recognizes there is no easy way to cut this up. He is in complete support of hazard pay especially to First Responders but asked the question what about other Town employees that were on the front lines? He feels we need to be mindful of that as well. His other concern is setting a process for allocation of these funds if we start lopping off sections of it right away, he feels we don't have a chance to assess the full pool of money to what will be the best use for our town. He is hesitant to go down that road quickly. He believes so many of our people in town sacrificed and did such a great job supporting everybody that lives here and should be rewarded. He likes to do things in a comprehensive manner and feels this is jumping the gun a bit in his mind. That is his opinion on this. Mr. Joseph noted it is fair.

Chair Piltch asked Mr. Joseph to comment on Town employees. Mr. Joseph does on the section that what separates the First Responders, specifically the Fire/Rescue First Responders and every other employee in the Town. When we shut down, we had 4-5-6 weeks of stay-at-home orders but we had people in here as essential services. The only department in town did not have some form of a rotating shift where they

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were ordered to work from home even if their jobs didn't allow it. For example, we put the Public Works Department on opposing shifts where they ended up working 20-30 hours a week some weeks so we would have two crews. It was like winter plowing season and we split the crew up. This was before we knew what COVID was. The only department that did not happen in was the Fire/Rescue Department that came in and worked all their shifts as scheduled. There was consideration given but that was a decision we had to make that they were the ones that had to respond. There was no way we could leave an ambulance crew cut in half. People would be dying waiting for someone to get there. It was the one department we could not divide like that and the police department to some extent which is why they are included but those are the departments that could not stop and pause in their duties to ascertain if they had COVID exposure potential in what they were about to do.

If somebody came in to the building here when we opened back up and didn't have a mask on, we could ask them to please remove themselves if there was a mask requirement. We didn't have to wait on a person if they were coughing or appeared to be ill. You could stop and remove yourself from the situation. It was the same in almost all the departments but those two departments really couldn't do that. That is the thought process and why they are different from other Town employees. In terms of Councilor Pillsbury's second concern, he understands it and feels it is valid. Councilor Fournier feels Mr. Joseph has done a good job in laying out the risk factors for Fire, Rescue and Police. Even though Public Works had a different schedule and Town Hall had a different schedule, we are a team and we need to treat our employees somewhat equal. They would probably not be reimbursed at the same rates. It would be a lower rate but that money was sent here and the Staff here did a great job in Town Hall and Public Works. He is hoping Mr. Joseph can come up with a proposal that recognizes what they went through and the fact that they contributed. Councilor Bradley feels the point Councilor Pillsbury made about doing all this at one time to make the priorities consistent with what the values are in town was raised last time as well. We said this is a small percentage of the ARPA Funds and we all felt that we would be included in any prioritization process so we feel comfortable doing this first but we are committed to a process that is exactly what Councilor Pillsbury asked for the rest of the funds and any follow-on funds that may come. Jessica and Special Projects are going to be part of that process as he understands it. He hasn't heard from the Chair on how he sees that process unfolding but it is coming.

Mr. Joseph added that he had an additional conversation with Staff and said we are going to have to do this similar to the COVID Loan Program where we are taking in applications and evaluating them and awarding based on a Council decision. Councilor Bradley noted that is great but you have decided how to do it without talking to the people that wanted to have it done. Mr. Joseph added that they have not done anything yet. Councilor Bradley noted that is his point. You have a process for accepting applications for the money and he thought there would be some discussion with the small group we were talking about. He has talked with Jessica and people in the front office and they all thought it made sense. He didn't think he talked to Mr. Joseph about it. Mr. Joseph pointed out that he did not want to give the impression there is any process yet. He just said be prepared to develop something working with the Council which is similar to the other program. He envisioned a Staff and Council combined. Councilor Bradley mentioned that they are all looking forward to having that discussion and setting priorities in some rationale way so that the values of the Town are recognized. Councilor Pillsbury added to go along with that, it also gives the Town an opportunity to weight on the use of these funds because they are funds for the Town. To your point about us agreeing that we should use a portion of this for hazard pay, he completely agrees but if we are going to do hazard pay and take a portion of those funds and dedicate them to that, he is okay with it but he wants it to be hazard pay across the board for Town employees. He knows other towns have taken a step where they said essential services in their towns like day cares that supported Town employees be included and they provided funds to grocery store workers and things like that. He doesn't know where to draw the line or what the right answer is but he is hesitant to make a decision before we go through that process.

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Councilor Bradley asked Councilor Pillsbury if allocating the money this way infringes in any way on our ability to extend the program to other Town employees as we go through the process? Councilor Pillsbury replied that he thinks it does because it locks us into this is the set rate we set for this group of people and so now we have to fairly and equitably make that determination as to this employee lines up against this one so in an hour's work or risk factor, it really complicates it and so we would have to be setting rates based on what we already assigned for payments.

Mr. Joseph feels it is important to add that some of the towns and cities that are providing across the board benefits to employees below a certain income level or something like that are locking up a substantial portion of their COVID Funds to do that. He is thinking of Cumberland County that provided \$2,000 to every employee just as a flat rate but that almost goes against the second point where we want to reserve some of these funds for other community purposes so he does not want to make it sound like he is opposed in the slightest in rewarding any of the other employees in town that were front-line workers that had some level of COVID exposure or something like that. At the same time, expanding it beyond the First-Responder sense and having any meaningful amount for all the employees. This group is less than half of all of our employees. This really isn't a huge amount of money for a full-time employee but it is substantial but it is not ridiculous. It is in line with what Cumberland County was talking about. It would probably take up half of the available funds so out of respect knowing there are a lot of other proposals out there, it is why it hasn't been proposed yet. He wanted the Council to know why it is not out there yet. Councilor Pillsbury agreed with Mr. Joseph and feels that is why the Council should look at the whole pot of money at one time and weigh it against do we want a Municipal project versus hazard pay for people. He just does not know the answer to it but he is really hesitant to commit to something and really set ourselves before we can assess if there is money needed for fuel assistance or General Assistance? These funds are to be used for our town and also help people that were disproportionately affected by COVID and there is no playbook that says this is how you do it so we need to figure it out. Personally, he cannot commit to something until he sees the entire picture. Mr. Joseph added that it is a political decision and there is no wrong answer with everything Councilor Pillsbury just described.

Councilor Daniele pointed out that if we vote for this, this is the minimum that we would want to give to these individuals, the First Responders. He doesn't feel it is setting us up for other things. We are setting up a base line for what they deserve. We could always give more or modify other people but he is not sure it is an unworthy cause that supports people that did work the whole time. Other Town employees were working half time remotely and getting paid full-time, not that that is a good thing they got to do that but it is just different in his mind.

Mr. Joseph advised that he had another department inquire way back when asking is hazard pay on the table? This is when other towns were giving hazard differentials which is something we did not do but other towns and cities did. His response was yes, you had hazard pay for a month and you got paid double. Their response was oh yeah, thank you, good bye. Mr. Joseph never heard anything about that specifically again. For the employees that had modified work schedules, that had worked from home were deeply appreciative. Most of the people he talked about were in the office here because those are the people he interacts with most daily. He got a lot of thank you's to him and the Council saying thank you for letting us stay safe and not forcing them to come in and work within 2 feet like other places are doing. He doesn't feel that the people not being contemplative here feel slighted but he is sure they would love some recognition and would appreciate it. He feels not recognizing them at this time would be insulting. This proposal has gone around to a lot of people in this building without anybody asking, where is mine?

Chair Piltsch appreciated Councilor Pillsbury's concerns and would love to have a master plan of the whole pot of money and what we want to do with it. Allocating 17% or 18% to this use in his mind, he



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would be hard pressed to say it wasn't a good use of these funds in hindsight so even though we are pre-allocating this and setting a different process for the rest of the funds, these folks have done this work a year and a half ago and he does not think it is an unworthy use of funds. He supports that. He feels these two classes of employees are in unique situations in terms of the risks they expose themselves to on behalf of the town. He mentioned it is not Town Budget money and is not coming from the property taxes we collect. This money was given to the town that we are spending. Councilor Daniele feels it is important to give something but asked Councilor Pillsbury if there is a number he would feel comfortable with? Councilor Pillsbury noted he does not have a number. He doesn't want to diminish our First Responders but also feels there are other employees in town that did put themselves at risk and need to be considered. He wants to do it in a fair and transparent way. This is something that speaks to him. He mentioned he would be comfortable if the amount was a partial payment knowing we will come back to it at a later time.

Mr. Joseph advised that he would not be uncomfortable bringing a proposal forward in these amounts with the money coming out of tax dollars. He would not have a problem spending that money if ARPA wasn't available and he is cheap. He does not feel it would be an unreasonable amount of tax dollars spent on this if ARPA wasn't available for the purpose. Councilor Daniele asked if other Councilor want to go half? Is there potential support over there? Chief Conley appreciates that and understands what the Council is saying. This is out in the community and a lot of his providers are hearing what is coming down the road and the question is what is the Town doing because they know we have the ARPA money. Inequivalently they were out there at risk and one of his worries right now is COVID fatigue. They are going out on calls and seeing the spikes in the community. It is still going on. At the beginning, they really didn't know what they were getting into. This really was the front line and it would really be a great shot in the arm and a boost to morale for his people and police officers. These things are wearing them all down. He needs to advocate for his people.

Vice Chair Egan noted that he supports the proposal as it came forward. Councilor Bradley supports it as well. He feels we can address the other employees at the same time we deal with other organizations that have been affected. He is confident we will find a lot more money on the table. He hates to have something that has been out in the public and we said we were going to do it and then pull it back, the impression we give is that we are rethinking the value of what they did and that is not it at all. Councilor Daniele feels it would look good to have a united front and would like it to be unanimous that we all said this is a good thing. Councilor Pillsbury mentioned that he has said his piece. He feels it is important that all the Town employees as well as grocery store workers and things like that. These are people that also sacrificed and he wants them to be recognized and wants us to take that into consideration. He agrees that whatever we decide should be a unanimous vote and will show that we are supportive of our employees. He is fine with that if it is the will of the Council. Councilor Fournier noted he is 100% behind the proposal. Chair Piltch noted it is a tough decision but he supports it as is. He thinks the folks we are awarding it to are more than deserving of what the Town Manager is proposing. He doesn't think it precludes us from adding in other Town employees in the future. He supports it as written.

**BE IT ORDERED:** That the Town Manager's Proposal be approved. (Fournier & Daniele) **VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

Chief Conley thanked the Town Manager and the Council and advised it would be good news to deliver to his folks. Chair Piltch asked him to relate the Council's sentiments and respect for the work they have done. Mr. Joseph noted there are a lot of options on where this money can go.

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### ITEM # 15-22

To consider action relative to accepting two planning grants from the Greater Portland Council of Governments for multi-use path feasibility analyses along Mallett Drive and Route One South.

Mr. Joseph advised that these are two Planning Grants but planning does not mean they are going to be used for making plans. It is just a description of the type of work they are going to fund. They are for multi-use paths at Mallett Drive and U.S. Route One South from Pine Street roughly to Old South Freeport Road where the path we are building is going to stop. Feasibility Study for the southern portion where they will be exploring conversations with landowners. There are a few big parcels down there that can make most of the connection but they are going to require conversations and possibly negotiation but mostly in the terms of non-profit or big landowner, would you consider an easement through here for a multi-use path? That is a lot of investigative work just by itself. The Mallett Drive one is more technical planning leading up to doing the engineering work that could bid the process out. There is a match. It is small. The exposure to the town is that if we don't go forward with these two projects, the match essentially would be wasted money. The match is 2.5 thousand for each of the two grants. We can use the money for several things but Adam Bliss is working with a consulting firm to bring somebody on so we would have to go through a selection process. We would get somebody that does right-of-way acquisition. The person we will be bring on will be for this specific project. It would go away when the project is done.

**BE IT ORDERED:** That two grants for planning study funds for multi-use paths be accepted. (Daniele & Fournier) **VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

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### **OTHER BUSINESS:**

1. Update on pending Real Estate Discussions (Soule School and Water Tanks)

Mr. Joseph advised that no decision is to be made on this item. He suggested that the Council move on to Item No. 2. Chair Piltch noted the Council is not dismissing this item. We are simply postponing it.

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2. Discussion regarding Goal Setting Retreat

Chair Piltch advised that the fellow he reached out to another help the Council plan our retreat was booked all the way through April and he doesn't want to wait that long. He doesn't have a facilitator so it means he did not set a date. He will see if he can find somebody else and will schedule it in with the workshops we have and the other two workshops we have with the Principle Group. He will come back with more dates next time when all this stuff might happen.

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In the Public Comment period. Councilor Fournier is hoping the Manager can address the issue of a resident being two years getting a building permit and come up with a plan so we can address one of the goals. Councilor Bradley feels that this issue comes up every time we have a significant conflict with a resident and it has to do with the CEO. Then it comes up in the context of who is going to be granting these permits. He is either overworked or he makes people angry with him somehow so we have talked about a number of different ways to address that. He doesn't feel he is a bad guy but he is too rigid. We have talked about some training or the need for a second guy to help him if he is overworked and would be a little more friendly or public-oriented and less strict. Alan has talked to him and to Darrel. He is not on a crusade at all. He would like to see Nick's strengths utilized by the Town because he has real strengths but he is also causing an issue and if we are redoing the Downtown, it is going to get worse if it is not addressed. It is a murmuring that is going on beneath the town. Maybe it is just the difference between the CEO now and who it was. He feels it is an issue the Council needs to positively address and

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he does not mean to attack Nick at all but address it in a way we can all benefit from. Chair Piltch suggested putting it on the To Do List and say we want to review our codes and permitting processes in Town Hall. Mr. Joseph offered that the Council just had a 2–3-hour discussion on food trucks that was scratching the surface of a single regulation that affects one person, one group or one business. It was intentionally by previous people that recommended it, to be difficult to discourage food trucks and we have those things that were intentionally put in place to make things difficult. He and Caroline joke about whether Design Review is good or bad but it is intentionally difficult to redo the façade of a building because our predecessors didn't want change. What we do have that is different is that we have someone reading 4,000 pages of ordinances and whether something complies with it before issuing a permit and says this doesn't comply with 15 pages of our Zoning Ordinance that maybe was not being enforced before. What is the root of the problem? He has a personal feeling that we have put regulations in place and are continually putting regulations in place to make things difficult. That being said, there is a lot of talk about. Chair Piltch noted the Council is committed to having that discussion.

**MOVED AND SECONDED:** To adjourn at 11:02 p.m. (Bradley & Fournier)  
**VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

Respectfully submitted, Sharon Coffin, Council Secretary

**TO DO LIST**

Research availability of PCR Rapid Tests (Councilor Bradley)

Review our fees at some point this year (Chair Piltch)

Schedule dates for touring facilities (Chair Piltch)

Institute Indoor Town facilities Mask Policy (Town Manager)

Determine how much is reasonable to keep in reserve accounts (Councilor Bradley)

Set process for how we are going to accept applications for ARPA funding before summer (Chair Piltch)

Determine if our Capital Reserve Budget is properly funded and we have a proper schedule to set our budget priorities (Councilor Fournier)

Review our codes and permitting processes in Town Hall (Chair Piltch)