

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #08-20**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, MARCH 17, 2020**  
**6:30 PM**

**ROLL CALL OF MEMBERS:**

	<b>PRESENT</b>	<b>ABSENT</b>	<b>EXCUSED</b>
John Egan, 38 Curtis Road (Chair)	x		
Eric Horne, 62 Pine Street	x		
Henry Lawrence, 93 Hunter Road	x		
Daniel Piltch, 25 Quarry Lane	x		
Douglas Reighley, 2 Harbor Ridge Road	x		
Sarah Tracy, 2 Pettengil Road	x		
Tawni Whitney, 56 Baldwin Road (Vice Chair)	x (by phone)		

Chair Egan called the meeting to order at 6:30 p.m. and took the role. All Councilors were present.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #06-20 held on March 3, 2020 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #06-20 held on March 3, 2020 and to accept the minutes as printed. (Reighley & Piltch) **VOTE:** (7 Ayes)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Egan noted the Council would have an opportunity to discuss scheduling and some updates in a few minutes. He had no specific announcements. Councilor Tracy noted the Council will be talking about planning, etc. in regular business.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Reighley advised that he attended the GPCOG Voice Committee meeting and scheduled on the agenda was discussing Short-term Rentals which lasted 45 minutes. What came up was Cape Elizabeth, who has an ordinance, is revising their ordinance. They are also finding out from outside of their area that Rockland who has an ordinance, is also revising their ordinance. There is good support for Maggie Fleming, a Falmouth analyst whose document is well used by the group. GPCOG is looking at ways they may help in the creation of any ordinance to any community. Chair Egan found this good to hear since we will have some templates to pull from when we get to the actual crafting of our document. Councilor Reighley feels we have plenty of things to pull from but it is just putting it together so it might work.

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

Mr. Joseph noted everyone has a copy, but he glossed over his report. He has asked the Fire Chief to speak about technical details and make a couple pitches to the public for what they should and should not be doing, which should be old hat by now but he feels we would be delinquent if we didn't say it.

### **What we are doing:**

In order to limit public assembly and encourage social distancing during the COVID-19 epidemic, he has authorized the closure of the following Town facilities:

Freeport Community Library  
Freeport Train Station/Visitor Center

Implemented restricted/emergency access only to the Town Hall, Public Safety Building and Public Works facility. This means that only business that cannot be performed remotely and is absolute necessary or emergency in nature will be conducted with the public, and will require an appointment. Access for these purposes will be authorized on a case by case basis, and residents should call the facility prior to going there to determine if the business they wish to conduct can be completed remotely.

Made provisions to continue to meet most essential services at this time. This is subject to change at any time, should it be necessary to suspend individual service due to employee illness or voluntary or mandatory quarantine at this time.

Implemented staffing plans including work from home, staggered shifts, reduction in force wherever possible to ensure that we're able to continue to provide essential Town services.

### **Actions that staff is recommending to Council**

1. Due to the guidance to limit public meetings and gatherings, staff is recommending that the Town Council cancel the 03/24 Workshop and the 04/07/20 Town Council meeting and move all items that have already been scheduled for the 04/07/20 meeting to the meeting currently scheduled for 04/28/20. If the Council favors this approach, we also recommend that items on tonight's agenda setting public hearings for 04/07 be amended to read 04/28 prior to their adoption. Additionally, the Town Council Chair, Vice Chair and Town Manager can meet in advance of the 04/28 meeting to determine whether items tentatively scheduled for the 04/28 agenda could be pushed off to a meeting in May. A copy of pending and already scheduled items of business is attached to this memo.
2. In order to maintain continuity of operations where payment – type transactions are accepted, and to allow staff to maintain appropriate distance from customers, Mr. Joseph asked that the Council authorize him to waive any user fees, where appropriate, that would otherwise be hand-to-hand transactions, in order to protect the employees that would otherwise be accepting these transactions. At present, he envisions this consisting only of punch card and small cash and card transactions at the Transfer Station, although it is possible that other transactions may arise that we would want to waive during the course of the pandemic. Any significant transactions (disposal of bulky waste on scales, purchase of \$9 or \$18 punch cards, etc.) would be recorded and billed after the fact to avoid a transaction at the facility.

Mr. Joseph has looked through the Capital Budget and we are perfectly fine with the Capital Budget process if we skip the April 7<sup>th</sup> Council meeting. He does not anticipate the April 28<sup>th</sup> meeting will be free and clear but it will be further in the future and we can evaluate as we get closer to that. It does not put us in any problem whatsoever. He will transmit the budget to the Council by the budget transmission date required in the Charter. There are statutory provisions only by when the Council holds public hearings and when it adopts and there is adequate spacing between them so the Council has the ability to move its meetings off. He requested an action that he has written up as No. 2 to give him the authority to suspend cash transactions if we have them such as at the Transfer Station or Winslow Park gate transactions. It would be in the \$1, \$2 or \$3 range and not anything substantial we could issue a bill for. We may go on to an honor system where we will issue a punch card and bill them for it later. We could ask them to punch out the card themselves and hope the people are good. He feels it would be a fair thing to do while there is

a pandemic going on. Chair Egan thanked Mr. Joseph for his leadership in pivoting the staff and all of the planning he has in place. It is excellent to see how fast we can actually turn things here and get a reasonable plan set up. Councilor Tracy agreed and thanked the rest of the staff as well.

Mr. Joseph explained that FCS has a meeting set up tomorrow with the FCS Director, Councilor Whitney, Johanna and himself by phone. They have a plan in place and have communicated it to us and their constituents. Councilor Whitney offered to e-mail the FCS plan to Chair Egan.

Mr. Joseph included two suggested orders in his report.

Fire Chief Jordan explained that Covid-19 is now in the community transmission phase. If anyone does not need to be out and about, he asked residents to stay home. It is the best way to short circuit the virus transmission. There was pressure to get the social distancing around the country. He has met with the Cumberland County Emergency Management Agency and has been receiving reports every evening for about two weeks. After reviewing them, he sends them to Mr. Joseph. He met with other agencies in Westbrook. Maine is fortunate that it was late into the game and seeing cases and it gave them extra time to prepare. Hospitals have made changes so they could keep potential Covid-19 cases away from the general hospital public. He feels that has been helpful. He attended a GPCOG meeting and found it helpful to see what people are doing. He has met with Bow Street Market regarding best practices. He also met with L.L. Bean regarding putting locks on their doors that they never had before since they haven't closed. He also communicated with Maine EMS regarding policies they were looking for from us on nursing homes and senior living centers for best practices. The nursing home associations stood up early and got ahead of this and then the regulatory agencies got involved as well. Nursing homes are not allowing visitors unless it is for end of life meetings. Chair Egan added that there are problems with the staffing since they come and go but the homes are really drilling into their staffs for good practices when they are not on shift. Chief Jordan noted that they are taking temperatures and assessing their crews when they come in and when they leave.

Chief Jordan explained the protection measures implemented at the Fire Station. They will respond accordingly in terms of what they will wear for Personal Protective Equipment and how they will respond at the scene. One person goes as close to the patient as they feel they can get with a mask to ask questions. If the crew needs to be in gear, they will gear up. They have received the equipment from Maine Emergency Management Agency through Maine CDC. He feels they are in pretty good shape right now with that but they have not had a lot of calls to use that equipment. None of their calls have turned out to be positive for the COVID Virus. No other persons other than the active members are allowed inside the station. They are taking temperatures of the on-duty EMS providers at set times of the day and assuring they are not symptomatic for Covid-19. This protects the public and the balance of their force. They are investigating reusable hazmat suits if we get to that point down the road. Mr. Joseph added that they do not want people to think that there has been an escalation. The visual of someone walking out of a building in a hazmat suit is a lot different than someone wearing a mask and a gown. We are planning that ahead at this point so people will not be surprised if that changes in the future.

Chief Jordan understands that many businesses are impacted by the Covid-19 economy and realize there is a serious impact on them. The SBA has been in touch with him and he believes that Keith McBride has been in touch with businesses already regarding SBA loans. Mr. Joseph advised that there is a conference call by Keith, DECD and the Department of Labor that he will participate in this week with several local businesses. Chair Egan shared the good news that Maine has been pre-approved for disaster assistance lending by the SBA directly. They will be able to contact the SBA tomorrow.

Chief Jordan advised that he has been using social media website e-mail lists and keeping their powder dry on the reverse 911 until such time they feel there is something more of an acute nature that warrants it. He doesn't see it necessarily happening and is hoping they are getting ahead of this now. Tests confirmed there have been 23 confirmed and 9 presumptive positive cases but, it also has 1,303 negatives

out of the testing. Out of the testing a very small percentage have tested positive but cases are around and 60% of the cases are in Cumberland County. EMS cannot administer the test, that is a CDC or hospital item.

He recommends that residents' first contact should be their primary care doctor by telephone. He does not know if tests are available but offered to find out. He does know that more test kits are being made every day. He feels that our success in this will hopefully show as an overreaction and what we have done here cuts that fuse and keeps the virus from spreading and not overwhelm the health care system. Mr. Joseph advised that we need to hammer on people to do their part and take this seriously and follow the recommendations.

Councilor Tracy asked about best practices concerning grocery stores. Chief Jordan suggested wiping the handles of the shopping carts, touch as few surfaces as possible and bring a cleaning cloth and clean the conveyor belt off. Minimize contact and speak to anyone trying to crowd you. The main transition is airborne and surface is next. He believes the stores in our area are doing their best to keep things clean. He mentioned using hand sanitizer on the way out and washing hands when you get home. He suggested that Bow Street Market only offer their salad bar and hot bar as a grab and go prepackaged and found they were already in the process of doing that. They consolidated their coffee bar. Mr. Joseph suggested minimizing the number of trips. It is simple math. Mr. Joseph asked Chief Jordan if businesses could contact him if they have any consults or questions about keeping their place safe. Chief Jordan noted they can contact him and he would be happy to visit them. He explained that there are cleaners out there that have been approved for corona virus with a small "c" which is a number of different viruses but is not Covid-19. Anyone looking for information can call the Chief anytime.

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

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

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

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ITEM # 52-20                      To consider action relative to adopting the March 17, 2020 Consent Agenda.

**BE IT ORDERED:** That March 17, 2020 Consent Agenda be adopted. (Egan & Reighley)

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

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

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Chair Egan referred to a list provided by Chris Wolfe for the Council to look at the items it was going to be dealing with this evening in consideration of how many public meetings we will have throughout the rest of March and beginning of April. There is a suggestion in the Manager's Report that we suspend all public meetings, Council meetings, workshops and committee meetings until April 28. While that is far away, who knows how far enough is far enough? It is almost six weeks. It is not a hard and fast date but it is far enough out there where very likely we will have a better picture if that is "nearing the end" of the social distancing/quarantine period or it is only in the middle of it. That is where the April 28 comes from and is why we have this suggested list of adjustments to the agenda. Obviously, a number of items on our agenda this evening are to set public hearings for April 7 as well as the action items that we were planning on taking care of this evening. The big item on the April 7<sup>th</sup> agenda was the discussion on Concord Brook Gully TIF and related to an application from L.L. Bean. We have had some initial feedback that postponing that discussion to the 28<sup>th</sup>, while not desirable, is not fatal either to the application or to the process. On one side, people have been saying we have been moving too fast and here we are going to

slow it way down. There is an opportunity to take a look at that particular item which has a lot of public interest as well as Council interest in further discussions. He asked Mr. Joseph to go over the other items on the schedule.

Mr. Joseph explained that he believes that the 7<sup>th</sup> will be in the thick of this. While the seven Councilors can be remote, the public has to have the right to come and participate in the meeting. He feels it will be unfair with some of these things we have under discussion such as the TIF, etc. It makes sense to put the public hearings off. The public hearing on the Capital Budget is scheduled for tonight but the Council can continue it to the 28<sup>th</sup>. Chair Egan feels the Council can have a conversation on it but he would recommend that we have the public input on the Capital Budget also postponed to the 28<sup>th</sup>. Mr. Joseph advised that we won't adopt the Capital Program on the 28<sup>th</sup>. It would be adopted in a meeting in May and he agrees it is the right thing to do. When the Council gets to that, he would recommend that the Council take a majority vote to continue it and we could re-notice prior to the 28<sup>th</sup> as well. If we have the telephonic ability to hold a meeting, there is no reason the Council couldn't hold an emergency meeting to push things back or talk about schedule remotely. It would not be inappropriate to just notice an emergency meeting or even in a couple of weeks in advance prior to the 28<sup>th</sup> to discuss the Council's schedule remotely. He does not feel that people will feel that they need to come into Town Hall to be part of that like they would for business items that would be discussed.

Chair Egan asked the Council about a number of other public hearings that were noticed and set up for this evening. He asked for feedback about having several public hearings changed that were scheduled for tonight knowing we have no members of the public. Councilor Reighley advised that the purpose of a public hearing is to have public hearing and if we don't it is best to postpone. Other Councilors agreed. Councilor Reighley mentioned committee meetings. Mr. Joseph indicated that he could not order committees what to do and he is confident that none of them want to meet at this point.

**MOVED AND SECONDED:** To postpone all committee meetings until April 28, 2020 at the earliest. (Tracy & Horne) **VOTE:** (7 Ayes) (0 Nays)

Councilor Piltch asked if the public will be permitted to call in while the Council is holding a telephonic meeting. Mr. Joseph advised that there is nothing that would prevent it. The public can participate remotely at any given time. Chair Egan suggested that if we set up that technology, well before the meeting starts, it be tested for audio quality and the ability to communicate back and forth. Mr. Joseph will make sure it is done correctly.

**BE IT ORDERED:** That the Council meeting schedule be amended to remove the 03/24/20 Town Council Workshop and the 04/07/20 Town Council Meeting.

**BE IT FURTHER ORDERED:** That the following public hearings that were previously scheduled for 04/07/20 be re-noticed and rescheduled for 04/28/20:

- Public Hearing on amendments to the Chapter 49, Towing Ordinance
- Public Hearing on amendments to Chapter 15, Street Regulation Ordinance
- Public Hearing on proposed Tax Increment Finance (TIF) District. (Tracy & Reighley)

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

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**MOVED AND SECONDED:** To continue ITEMS # 53-20, 54-20 and 55-20 public hearings scheduled for this evening to April 28, 2020. (Lawrence & Tracy) **VOTE:** (7 Ayes)

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Councilor Tracy asked if the Council could talk about what kind of communication Councilors should have with their constituents and how. She mentioned that the Council has Channel 3. Chair Egan thought some kind of text could be put on the temporary illuminated signs people see at various places when a road washes out or a detour but the Manager informed him that it is two lines of eight characters each which is not enough space to have a coherent message.

Councilor Piltch has made efforts on social media. Chair Egan asked if there are other channels the Council can talk about in addition to Channel 3 and asked Councilor Piltch for his opinion on how deep and wide social media postings reach. Councilor Piltch advised that the more the better. Not everyone uses the same types of communication channels. There are people that check the Town's website all the time and do not look elsewhere. There are others on Facebook or others. In terms of official communication, we have the Town's website and the Town e-mail which they can sign up for. He set up a Twitter feed at Freeportpiltch which nine people signed up for. He believes there are a lot of people that do not have an Internet access so physical signage would be helpful. He would be happy to help with social media. Councilor Whitney advised that Freeport Friends is having a conference tomorrow. They have been sending out e-mails. She has been contacting the churches trying to identify seniors that would not be accessing information in that way. Councilor Horne is confident that people that have Internet get a good diet of information from websites. Perhaps we should be targeting the folks that don't have Internet. Maybe we should mail out information in a Town Mailer. Councilor Whitney agreed.

Councilor Tracy agreed that a letter makes sense but the Council needs to agree on a message that is really clear on who you call if you have questions. The information will change. Mr. Joseph agreed that there may be people out there who do not understand how to get information and who to call. Councilor Reighley suggested using posting points where people walk into the post office, the markets, pharmacies, etc. and would have visibility.

Councilor Tracy wrapped it up by listing Channel 3, snail mail, our Town Manager's Report, e-mail list and postings in key locations, those of us who are on various social media can repeat whatever. She has her e-mail list. What are we going to disseminate? It makes sense to make a key list of food, heat, who to call with a medical question and emergency. She asked if someone in Staff could start to put this together. Chair Egan suggested adding, "I'm feeling a little sick, is it time for me to get a test?" The advice we just heard from Chief Jordan can be put into that message which is if you are feeling sick, call your doctor and take your direction from there. Mr. Joseph mentioned a message he just received from Caroline Pelletier suggesting we send out a postcard with important contact numbers for key things. Councilor Tracy noted that we are keying towards those that are housebound and less computer savvy and finally we can use Channel 3. Councilor Piltch suggested that the Town Manager put out a daily or weekly message by video saying this is what we are doing and this is what is going on. He feels it would be reassuring. He also suggested that the Council and the Manager be conduits when out in the public. He is confident people will come to us with questions about what is happening. The more the Council can communicate amongst itself perhaps daily in a conference call without taking action on things, we will be able to share if the public calls us. We can be a voice of direction. Chair Egan asked Councilor Piltch and Vice Chair Whitney to coordinate from the Council's perspective with staff and the Town Manager. They both agreed. Mr. Joseph explained that this would be copywriting work for some of our talented work from home folks. Councilor Horne asked what could be posted on Channel 3. Mr. Joseph explained how it could be done. He will work with Councilor Piltch and Vice Chair Whitney.

Councilor Tracy asked Mr. Bliss if our new electronic sign would have more than two lines. He advised that it would have at least four lines but the letters need to be clear and concise. It will be discussed in a later item.

**BE IT ORDERED:** That a Public Hearing be scheduled for April 28, 2020 at 6:30p.m. in the Freeport Town Hall Council Chambers to discuss various amendments to Chapter 15, Street Regulation Ordinance.

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

Mr. Joseph pointed out that there are a lot of little pieces to the entire thing. This is opening permits, utility work in the right-of-way, what can go within the right-of-way. It is essentially everything Public Works relies on for street openings, access, etc. Chair Egan reminded Councilors that we had a nice collection of these items in our packets. With plenty of time to ponder such amendments before the 28<sup>th</sup> of April, please hold onto this item for that summary.

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

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ITEM # 57-20                      To consider action relative to setting a public hearing for April 28, 2020 to discuss proposed amendments to Section 507.H.2 of the Freeport Zoning Ordinance and the Official Zoning Map of the Town of Freeport pertaining to the identification of coastal bluffs.

**BE IT ORDERED:** That a Public Hearing be scheduled for April 28, 2020 at 6:30p.m. in the Freeport Town Hall Council Chambers to discuss the proposed amendments to Section 507.H.2 of the Freeport Zoning Ordinance and the Official Zoning Map of the Town of Freeport pertaining to the identification of coastal bluffs.

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

Chair Egan reminded Councilors that they have an even thicker packet in their packets from Caroline Pelletier with a summary memo and then all of the items specifically noted for amendment.

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

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ITEM # 58-20                      To consider action relative to awarding the bid for a LED Public Safety Sign.

**BE IT ORDERED:** That Neokraft Signs be awarded the bid for the LED Public Safety Sign in the amount of \$22,540.42.

*Note: The Council appropriated \$20,000 in FY19 for this project. (Horne & Tracy)*

Town Engineer, Adam Bliss thanked Public Safety, Fire/Rescue, EMTs, the Town Manager and fellow workers for stepping up during these times. It is their calm and leadership that gives the people we serve a sense of calm. He planned to have the sign in place by Memorial Day and built in a little contingency

time factor. There is an eight-week lead time for that sign so he wants it in the ground by Memorial Day. He pointed out that there is a colored graphic in the Council's packets. He suggested going with a two-week period of one color of the three and take a straw poll.

Mr. Joseph explained that there were two appropriations. One for a portable sign and one for a fixed sign. The portable sign was going to go in front of the Fire Station. They did not buy the \$15,000 portable sign. The plan is to take \$5,000 of that and use it for this expenditure to cover the difference and use the remaining appropriation to rehab a defunct Police Department sign which is smaller and more easily mobile. We would use it as a portable directional sign so we would get a smaller sign and a larger sign at Public Safety. Councilor Horne thanked Mr. Bliss and Mr. Joseph for being flexible in where this was going to go. Councilor Tracy reminded that it would be an electronic LED sign between two granite posts and as much as possible consistent with the historic nature of the downtown.

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

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ITEM # 59-20                      To consider action relative to awarding FY21 Paving bid.

**BE IT ORDERED:** That Crooker Construction be awarded the FY21 Paving bid for the unit prices submitted under the bidding contract provisions.  
(Lawrence & Horne)

Town Engineer, Adam Bliss explained that every year or every other year we put out a paving bid to 7 or 8 paving contractors. This year 7 responded. Crooker consistently receives the bid since they have an asphalt plant just seven miles from here. They have a long history of doing business in this area and we have had a good relationship with them. He gave Earl Gibson, the Public Works Superintendent, credit because he handles those daily issues well when they come up. Chair Egan agreed that Mr. Gibson does an excellent job. Mr. Joseph recognized Mr. Bliss and Mr. Presgraves before him, for every time they said do we have to bid out this year and just go with their carryover price. Mr. Joseph would insist that they bid it out and consistently they have been right all the time with Crooker coming in low. It has been a lot of work for them to do this but it is good to confirm that we are getting the best deal all the time and their work is great. He thanked Mr. Bliss for doing the extra work.

Councilor Tracy mentioned the cratering of oil and fuel prices and asked Mr. Bliss if it would merit rebids? Would that affect asphalt prices? Mr. Bliss explained that it would give us better unit prices on the asphalt unit item because there is an escalator clause that goes up or down based on the weekly liquid asphalt price published by Maine DOT. It is an indexed price essentially.

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

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ITEM # 60-20                      To consider action relative to amending the Town Council Meeting Schedule to include the Districts participating in each District Workshop.

Chair Egan noted he would be happy postponing this April 28<sup>th</sup> workshop by a month and having it at the second meeting in May. There may be some questions that come up about the budget prior to the adoption of the budget. Councilor Horne was on board with having the workshop in May. Mr. Joseph noted he is not comfortable having the workshop at the Community Center because there are changes constantly happening there on the facility side. Chair Egan suggested having the workshops in the Council Chambers and dealing with the limitations of this room as we see them.

**BE IT ORDERED:** That District 1 and District 2 be selected for the District Workshop scheduled for May 19, 2020 at Town Hall Council Chambers.



**BE IT FURTHER ORDERED:** That District 3 and District 4 be selected for the District Workshop scheduled for September 15, 2020 at Town Hall Council Chambers.

**BE IT FURTHER, FURTHER ORDERED:** That the Town Council meeting that is occurring on April 28, 2020 is being moved from the Freeport Community Center which is where it is currently noticed to occur will be held at the Town Hall Council Chambers. (Tracy & Reighley) **VOTE:** (7 Ayes) (0 Nays)

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**OTHER BUSINESS:** Chair Egan suggested moving the second item up to the beginning.

Council Workshop on 5-year Capital Program. Chair Egan noted he is aware that the Council will be having a workshop on the Capital agenda. He asked if there is anything in particular in addition to the schedule included in the Council's packets that Ms. Maloy wants to address this evening.

Ms. Maloy explained that she has no updates. Mr. Joseph noted that since there will be big gaps in our meeting schedule, he and Ms. Maloy will have the ability to do conference calls with individual Councilors. Councilors will be able to ask questions and they can assemble and get information and have all that discussion with the public at the public hearing. Chair Egan suggested that during those conference calls, the Manager and the Finance Director could be in touch with two Councilors at the same time which is more efficient than having seven conference calls. Ms. Maloy noted that after going through the narrative, Councilors can always e-mail her as well.

Chair Egan pointed out that improvements to the First Parish Church are experiencing a cost overrun and the Arts & Cultural Alliance of Freeport, which we provided \$140,000, are asking if we would consider an additional \$50,000 out of the Destination TIF budget for the current FY 2021 Capital Program. Councilor Reighley mentioned that he asked a question of the Alliance when they hosted their open house at the church and they said that they had raised far in excess of the amount that we granted them. They are asking for more money but they have successfully fund raised more than what we provided them with. He questions the need for them to come and ask for more money. Mr. Joseph advised that he questioned the amount that they are short and they are doing more research on that. Specifically, the issue is a regulatory one that was uncovered when they went and did their planning. They are planning to do a deck addition for outdoor gathering. The original assumption did not account for code requirements in our Zoning Ordinance. The amount may not be there anymore. Councilor Reighley pointed out that in their presentation, there was no mention of a deck. Chair Egan feels the message should be provided to the group that they need to provide us with details, exact process of what they are going through and their best estimate on the cost and specifically what is going to be built. To address the question from Councilor Reighley about their additional fundraising efforts and where it stands and what their budget looks like. Once we have that information, Chair Egan is willing to have it considered here but we can have a conversation about it once we have the information.

Ms. Maloy advised that we will be looking to add to the plan \$100,000 for communications. Police and Fire have been working on a proposal for upgrades. This is what is needed for that to fund the option that is best suited for the Town to pursue communications. Mr. Joseph advised that the bid was opened on Wednesday before the Thursday dropping of the Capital Program to the Council electronically. The results did not get from the bid table to the Capital Program. He noted that they would get into more detail in calls to Councilors individually but there is \$200,000 in a Capital account that has been waiting for this to happen. We have one radio transmitter site in town and two receiver sites. This would potentially upgrade that to three to four receiver sites. It is more comprehensive than what we originally envisioned. Chair Egan confirmed that this is infrastructure for the whole communication system, not the actual devices on person or in the vehicle. Ms. Maloy advised that this was in the works and previously appropriated at \$200,000 two years ago and implementation was delayed so it was reinitiated and they

found a suitable alternative for the town that comes at a higher cost. They had explored it but she forgot to put it in the final number so it is not in the number that the Council has. It will be in addition to what is in front of the Council. Mr. Joseph noted it is complicated but it is a big project that Police/Fire and Public Works are all behind.

Chair Egan asked if there is any part of this infrastructure that could be shared working with neighboring municipalities. Mr. Joseph mentioned that the real problem right now is the continuous narrowing of communication frequencies that are allocated to public service. It has been halved once and will be halved again. FCC chops it up and divvies it up and wants to give less and less to the public sector. There is new technology that lets us use less and less but we have to do upgrades to make it work. Discussion followed. Chair Egan noted this will be taken up when the Council has its Capital Budget workshop meeting in May.

Councilor Piltch mentioned that with everybody's income about to be disrupted, does the Council have the ability to defer penalties on real estate taxes that may be paid late if people are unable to make payments on time. Can we do it? Mr. Joseph explained that it takes two years following a delinquency for there to be a foreclosure issue. We want to make sure that the Town taxes are the priority over other fees and things so tax delinquency interest rates are priced intentionally to make them the most painful so they are paid off first. Half of our income comes from property taxes. Councilor Piltch explained what the City of Portland is doing. Mr. Joseph offered to look at this with Ms. Maloy.

Councilor Horne asked what the parameters are for the rainy-day fund that is built into our Capital funds. Ms. Maloy explained that it is actually a tax stabilization account and typically it can be used to offset a significant change in the tax rate. Mr. Joseph noted that this is a Council policy to do with it what it likes. It is the Council's call and can be changed with the majority vote of the Council.

Ms. Maloy advised that the tax due date will be May 18 since the 15<sup>th</sup> falls on a Friday.

### **Deliberation on Concord Gully TIF District**

Chair Egan advised that from earlier votes this evening, the Council just moved the public hearing portion of the final vote on this item, should it get approved, to April 28 and the change from April 7 to April 28 was not ideal but not fatal from the applicant's perspective. They were able to pivot with that date. He was able to sit in on one of the applicant in-town negotiation meetings last week and was impressed with the commitment. There were at least 12 people sitting around the table including Keith and Mary, the Chair of the FEDC Board about going through the very specific details. He asked a couple of things point blank of the applicant. One was why they were so committed on the dollar amount for the stormwater improvements related to the runoff management from their project. He heard that the company has six constituencies that they lens all of their decisioning on and they make these large decisions in the context of how it addresses each of those constituencies and they try to balance that a decision made doesn't benefit one or two of those constituencies at the expense of others. It was interesting to hear that the town itself and the town residents were two of those six constituents from a private enterprise. He heard from his question about making such a significant investment in stormwater improvements that they recognize that they are a large, but not a majority, or not the largest contributor, of potential stormwater pollutants to the brook. We have heard from Adam that the estimate is somewhere between 29-30% of the water that is diverted into the brook comes from their property. Mr. Joseph added that the Town is somewhere near 27-29% of the runoff. Chair Egan noted that if we are going to be collectively and jointly with the company applicant spending \$8.5M on stormwater improvements, are we going to fix the pollution in the brook and clearly the answer is "no", but we will be making significant progress toward doing that. His personal opinion is that we are going to be making significant progress towards that high lofty environmental goal of improving water quality not only in the brook which it relates to a lot of open green space in our community but also Casco Bay in general which is a significant element of Freeport's

identity. His particular aspect is that he does not see anyone else stepping up to making any where near these kinds of investments in an environmental impact that will lead to improved water quality including the Town. If we were looking at our Capital Program here that had \$8.5M in stormwater improvements, he is not sure how long that conversation would last but he doesn't think it would last very long. He feels it is significant and worthwhile to reflect while we are looking at all of the things that may have or might not have been inside that CSA to just point out the fact that in his opinion, it is worthwhile mentioning that a private enterprise is spending a significant amount of money on stormwater improvements. The answer he heard from them directly was because they are committed to reflecting how much they are investing in this community from an environmental perspective. It is highly important to their brand and highly important to who they are as a company. Those words were right out of their mouths at that meeting and he believes it and is glad to hear that. There may be room for discussion about whether that is the priority item for this company. They are going to do other items we have talked about such as access to the Event Center and the Baseball Field and will be coordinating time and access for the trail improvements. Chair Egan wanted to share this before getting into a discussion on the details of the TIF. We had an Executive Session where we talked about a lot of things but it was important for him to hear from the company, which he did hear, what their motive was particularly focusing on this element of their development plan. Their project is obviously much bigger and they are spending over \$100M on their campus including improvements inside with furniture and equipment but it is important he feels to highlight that.

We had some presentation at our last public meeting where there was a slight revision to their proposal for the split between the Town portion and the CPA portion of the TIF capture. That was a different math ratio of the overall \$25M over the 30-year period and how it was going to be split. The applicant presented an illustration both graphically and numerically of shifting the ratio of the CEA in Town versions of the capture to a 60-40 ratio as opposed to a 90-10 and that allowed the Town to accumulate more of the captured dollars into its fund to be able to do projects much sooner. If we had stuck with the original proposal, the Town side of that TIF captured balance would take 5 or 6 years before it would have accumulated a meaningful amount of money for us to be able to go out and start tackling some of the projects we have heard this group and the public bring forward. By amending that, the applicant will have to borrow some of the additional money. They will finish the work in a 3- or 4-year period but they will not get paid for it until the end of the CEA period so they will have some borrowing costs that have to be factored in. The more important thing on that revision is that it gave the Development Account side that the Town has access to do projects with a much more significant balance in a much sooner time frame. We have talked about being able to get going right away on the trail and it is going to be probably 8-12 months of planning, design and figuring out easements and such which coincides nearly perfectly with when the funds will be available to focus on that if that is the decision by the Council to go forward with. That is an example and Chair Egan is not suggesting that it is guaranteed. He wanted to set this up with a little bit of perspective and share his opinion. He asked the Manager to speak briefly about the details of the negotiations and where we stand right now.

Mr. Joseph asked the Council to pepper him with questions and it is cleared to discuss publicly our conversations. The most important feedback moving forward is the timing with all that is going on right now with closures. The biggest question is not on the part of conversing with L.L. Bean. They are open to moving around and front loading and back loading those questions about how much money does the Town want up front versus late. We have discussed several options and can move the money around as long as we analyze what the cost to them is and what the benefit to the Town is and we keep those numbers the same. They are willing to go with it as long as it doesn't end up costing them more in the long run to finance something for us. They have focused on two specific models. One is something we talked about last week and the other one slightly tweaked from that. The question he feels we need input on or answer from is how much money does the Council want up front to put funding in for development projects that are not CEA related. We have pretty much hashed out all the terms of the CEA in negotiations. We don't have a final draft but this will be the next step for the Council to consider and do as you see fit with the proposal. The biggest unknown out there is what projects are in the Development

program, meaning non-CEA projects. We envisioned trails, West Street to Pine Street trail and likely trail connections beyond that in the 5-15-year horizon, Route One North, Route One South and East to West. He doesn't think the bridges fit well in there because they happen before there is money in the Development Fund to do them. He sees environmental remediation to the stream being one of the uses in there. That proposal didn't have a lot of support to put \$500,000 in the TIF to fund work we would specify within the stream bed. Why not just include that as a potential development program and we can decide on the amount later that future Councils can determine we can spend. That is a long-term push. If there is intention to fund other than projects like that out of that TIF, we did hear suggestions from the public that we would need to be able to estimate what is needed for those types of projects and whether we need a million dollars up front, \$200,000 up front, what's in discussion, what is in consideration. Mr. Joseph thinks the projections shown before the ultimate projection is pretty close to what we could do and use the money for. It is not his call. It is a policy call for the Council to determine.

Mr. Joseph advised that he cannot rely on those funds to do the Cousins River Bridge in the next fiscal year. If we have to make payments the other bridges are 2 or 3 years out before DOT will ask us if there is a local share for those payments.

Chair Egan advised that if we see the Development side of that TIF capture coming, that is a much easier financial decision to make to get from year 2 to year 4 than it is to ponder initiating long-term financing for whatever those bridge improvements might look like. Mr. Joseph noted the Council could include them in there and it is a decision we can make as we get closer to that time. The bridges haven't been even planned at this date so there is no harm in including something.

Councilor Piltch asked if there has been any appetite for shrinking the size of the CEA overall so that the geometry changes and there is a smaller CEA overall. Mr. Joseph did not believe there was a ton of appetite for that but they are willing to consider it. They asked if we were to shrink that amount down, they would be protected against future stormwater work requirements within the watershed if they are doing less than the full amount. More discussion followed.

Councilor Horne asked if we could be sued by the federal government for not cleaning up the stream as a town. Mr. Joseph advised that we are responsible for the impervious cover throughout the town whether it is generated public or private and whether it is off our roads or Bean's property when a point exits into the waters of the State and the waters of the U.S., it is on us. We are issued a permit to operate our system but if that doesn't go far enough in the opinion of people, private parties often sue the federal government and the permittees and through our court system enact tougher standards. It is up to the courts at that point in time.

Councilor Piltch asked if there would be a vote on April 28<sup>th</sup>. Chair Egan advised that there would be a public hearing and then a vote. A telephonic gathering could be worked out prior to the 28<sup>th</sup> to have more discussion on this particular item. Councilor Piltch asked if the CSA is now at \$9.5M? Mr. Joseph advised that that is one of the models. \$9.2M does not have the trail work or the stream restoration. \$9.6M would be the original terms minus the stream work and a little front loading. \$9.5M is one option but is not something modeled because we asked about front-loading money before we asked about taking out the stream work. It is an option for sure. The trails are out of the CEA but there are a number of options.

Before the 28<sup>th</sup> Chair Egan is confident the Council will have a summary from staff about how this all distills down to a crisp 1, 2, 3 at the most options. If we want to be moving the many pieces around to try to get to that, this would be the time to express it to Vice Chair Whitney, the Manager and him as a direction point. It is why we are talking about it tonight to get those ideas out on the table and so we can give clear direction to the Manager to give us a document that we can actually have confidence to vote on on the 28<sup>th</sup>.

Mr. Joseph noted that if we intend to have the final documents on the 28<sup>th</sup>, if we want to have documents ready for review at that meeting on the 28<sup>th</sup>, he needs to pick something and negotiate and drop the CEA

to include one of these three scenarios. If Councilors have a strong preference and whether you like the front loading of the TIF money to be the option that was presented last time with the large amount of money front loaded, he needs to know that. If anyone would like slightly less, he needs to know that or if anyone would like no front loading of money and maybe a \$9M or \$9.2M CEA. Chair Egan feels it would help if the Council could see those numbers in very simplified 1,2,3 or A, B, C. He requested that Mr. Joseph circulate that and individual Councilor can give him feedback on which options we are looking at. There is a lot of different scenarios that people are thinking about and it would be helpful to get those down and we can circulate that for feedback.

Councilor Reighley suggested that the same document should go to FEDC so they can put their input as well. Councilor Horne advised that he is in favor of a TIF and if there is appetite for a smaller CEA, that is what he would like to see for an option if that can be negotiated. If it is not possible, having the Development Fund and the CEA be in similar proportions in the earlier part of the development so we have funds available for projects. Chair Egan clarified that if we frontload more towards the Development side, there is a borrowing cost to the project which starts to push the CEA back up again but not dramatically. It would be likely to trend if we were to look at something going from \$9.2 back to \$10M it would be as a result of frontloading more funds on the Development side. Perhaps we can articulate our preferences that way to see a CEA not exceed a \$9.2, \$9.5 or \$10M and get as much as we can underneath that amount into the Development side if that is the way somebody is thinking. Councilor Piltch would like to see a smaller CEA overall and that is where his comfort level is highest.

Mr. Joseph had another burning question on the back end captured. He is taking a stab in the dark for discussion and that is that 50% is captured in the year 14 or 15 and the rest of it goes to the General Fund at that point instead of 100% captured to the TIF Development Fund. He asked if anyone has strong feedback that they want at 30%, 100% or split right down the middle a good place to draft a document for the development program. Councilor Reighley suggested that Mr. Joseph put this in his questionnaire for the Council. Chair Egan mentioned that he has thought about this and individually once we have gotten the projects that we are anticipating and for this group to be talking about something that is beyond ten years from now is pretty comical. He is interested that this is a significant opportunity for this particular valuation to really move the needle on our tax obligation and if we have accomplished what we wanted to over the first ten or even twelve or fifteen years, in that outer period from year 15 on, to have the capture dive dramatically and return a lot more of that valuation to the General Fund is in his opinion the direction we are going to go in. He would be fine with the capture rate going to 25% or 30% but would not want to see it any higher than 50%. Others agreed. Councilor Tracy did not have any strong views at this point but feels some of the money should be available for the Development Fund in the early years and there is a significant amount of capture in the later years.

Mr. Joseph noted he has direction and will consult with the Chair and Vice Chair. Chair Egan would like to hear from the other Councilors on how they are thinking so we can balance those decisions into what goes into the CEA. He would like that feedback before we approach any sort of final draft with the applicant. He is expecting that the Council is not all in agreement which is fine and whatever happens, we have contributed our earnest opinions about it but the process is important and he wants everyone to be able to chime in. If anyone's honest opinion is that they don't like any of the options, he requested that they submit something else to consider.

Councilor Reighley referred back to the Manager's Report. On the second page there was a second suggested order and asked if the Council needs to vote on it. Mr. Joseph indicated that he would appreciate it and suggested using ITEM #65-20.

ITEM #65-20    **BE IT ORDERED.** That the Town Manager be authorized to waive any nominal Town user fees, if the Manager determines that accepting payment for these transactions during the COVID-19 epidemic would create an undue risk to employees. (Reighley & Horne)  
**VOTE:** (7 Ayes) (0 Nays)

Chair Egan appreciated Councilors' ability to come this evening and also thanked Vice Chair Whitney for hanging onto the phone.

**MOVED AND SECONDED:** To adjourn at 9:05 p.m. (Reighley & Horne)

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

Respectfully submitted,

Sharon Coffin, Council Secretary