

MINUTES
FREEPORT TOWN COUNCIL MEETING #19-20
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY, SEPTEMBER 1, 2020
6:30 PM

<u>ROLL CALL OF MEMBERS:</u>	PRESENT	ABSENT	EXCUSED
John Egan, 38 Curtis Road (Chair)	x		
Eric Horne, 62 Pine Street			x
Henry Lawrence, 93 Hunter Road	x (arrived at 6:36 p.m.)		
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

Chair Egan called the meeting to order at 6:30 p.m. via zoom and welcomed everyone. He explained the process that will be followed for members of the public who wish to participate this evening. He took the roll and explained that Councilors Whitney and Horne are excused this evening but Councilor Lawrence will be arriving shortly. Town Manager, Peter Joseph is present.

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Viewing Mr. Joseph's flag, everyone recited the Pledge.

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #18-20 held on August 18, 2020 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #18-20 held on August 18, 2020 and to accept the minutes as printed. (Reighley & Piltch) **ROLL CALL VOTE:** (4 Ayes) (3 Excused-Horne, Lawrence and Whitney)

THIRD ORDER OF BUSINESS: Announcements

- **Absentee ballots for the November 3, 2020 Election can be requested by contacting the Town Clerk's Office at 865-4743 x 122 or 123 or going to www.maine.gov.** Ballots requested now will be mailed the first week of October. Starting October 5, voters may vote in person at Town Hall. More information on absentee voting can be found at www.freeportmaine.com
- **NOMINATION PAPERS FOR THE NOVEMBER 3, 2020 MUNICIPAL ELECTION** are due back to the Town Clerk's Office no later than 6:00 p.m. on Wednesday, September 9, 2020, for the following offices:

COUNCILOR AT-LARGE – 1 seat
COUNCILOR DISTRICT 2 – 1 seat
COUNCILOR DISTRICT 3 – 1 seat
RSU #5 Board of Directors – 2 seats

SEWER District Trustees – 2 seats
FREEPORT WATER District Trustee – 1 seat

PLEASE NOTE: Currently *NO ONE* has taken out papers for water district trustee yet.

For more information, call Town Clerk Christine Wolfe at 865-4743, Ext. 123 or email cwolfe@freeportmaine.com

- **Freeport Community Library has created a self-guided Nature Quest for children of all ages!** The Walk starts Friday, September 4th at 10:00am and is available until Monday, September 14th at 4:00pm. There is a special prize for all finishers on opening day from 10:00-4:30. event is free and open to the public. For questions or directions to the Library, visit www.freeportlibrary.com or call 865-3307.

Note: Councilor Lawrence arrived at 6:36 p.m.

FOURTH ORDER OF BUSINESS: Information Exchange

Chair Egan read an announcement from Vice Chair Whitney thanking the Town Manager and the Town Planner for helping with the high school today and assisting with the process of getting the right permits for the high school to be able to host a Teacher’s Appreciation Lunch. She much appreciated the efforts of our Town Staff assisting with RSU logistics in order for that to happen.

Chair Egan advised that he attended the Hunter Road Fields Advisory Committee meeting last week. There were a couple of things on that agenda. A number of the sports groups are interested in getting their students and players back out on the field. They are comfortable with the protocol for gatherings. The entire facility has a gathering of 50 people so it is important to note that sports teams are out there and at any given time there is just 50 people allowed to congregate at the facility. This is a challenge because there are a lot of sports teams. Councilor Tracy believed that outside the ranks, it is 100. She asked why he mentioned 50. Mr. Joseph advised that it is 100 broken into groups of 50. While he was not at the meeting but he believes the marching orders for the town is that everyone is welcome to use the Town facilities as long as they can meet the State standards. We are not imposing the State standards but we are letting people know at events such as at Winslow Park or at the Fire Station, we have talked about all these things such as group meetings and what they need to do. They need to be wearing masks, spacing and the minimum number of gatherings, everyone is being super sensitive especially with the Millinocket situation that happened making sure we don’t put a 50 plus or 100 plus into play. Even if we have under 50, everybody is observing the correct protocol. We will help people find the rules but we won’t be interpreting the rules. We will say these are the numbers and you will meet that and they will acknowledge it. We will document it if anything does happen,

Chair Egan noted he stands corrected. Adam Bliss was coordinating and facilitating that meeting so he can clarify it in a few moments. One of the components of the Hunter Roads Fields Committee was to accommodate the spacing and pent up demand for the use of that field. They asked the user groups for the month of October to start games on Sundays at 11. The facility policy was to start games at 12 on Sundays. The group determined that it was a reasonable accommodation to allow more time in between subsequent events on Sundays for crowds to disburse while new crowds were coming in. In order to meet the schedule for all of the user groups before dark, they asked if they could start earlier. It was agreed that

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it was a very reasonable request. Councilor Reighley mentioned that a change is coming from the State to a different standard and he asked if it could be put on the electronic sign in front of Public Safety when that change in phase takes place. Mr. Joseph offered to look at this. He feels it might be useful to do some sort of a phase banner on the website and on sign with a red, green, yellow alert. He will talk to Adam Bliss if that is possible. Mr. Bliss confirmed the limit for gatherings at a public facility if it is outdoors is up to 100 and groups of 50 have to be cordoned off and they cannot intermingle. The idea no more than a group of 50 at the upper field and no more than a group of 50 at a lower field with significant safety in terms of separation.

Chair Egan explained that it is not hard for sports team gatherings in any type of an age group to have right up to 50 people when there are two teams, coaches and parents coming to watch their children play. It will be a tight regulation. All of the user groups expressed a concern and sensitivity to that and will be watching. Councilor Tracy pointed out that her children are part of the major user groups and parents are not invited this fall. They are taking the regulation quite seriously and it is unfortunate that parents who have invested a lot of time in their children's activities but it is good to maintain safety and wanted to assure people that those regulations will be followed very strictly.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph wanted to tack onto the earlier statement. He expressed some gratitude to the Town employees, school district employees, residents and business community for the level of adherence we are seeing to the guidelines and how seriously people are taking everything. That includes the Hunter Road Fields portion of it and the school fields portion of it, businesses with lines out the door that are making people wear masks when they enter their businesses. It is great to see. Obviously, there is no declaration of victory. It is a long uphill battle that is in front of us. It makes him believe we can keep a handle on it at least locally. Our infection numbers, since they started reporting them almost two months ago, have gone from 17 to 22 confirmed cases in Freeport so we are seeing a trickle at best. People in town are really doing their best to try to keep separation. He thanked everybody. All of the Town employees are doing what is asked of them and required. It is nice to see people in this area of the State and in this area of the country are taking it seriously. It is everybody's efforts that are getting us there so he thanked everyone.

Mr. Joseph felt he didn't need to talk about the sports groups but there are a lot of uses coming up and he wanted to make the public aware of what the standards are. He feels it is great to hear that the sports leagues are taking it seriously with not even inviting the parents in order to keep people safe.

The West Street construction project is moving along. Adam Bliss is here and he can reach out and edit him. We are expecting that the guard rail will be put up in the drop-off sections hopefully on Friday. It will not be paved for two weeks following that to allow settling time to make sure there are no pockets in the pavement. Traffic will be opened Friday or the beginning of next week. He thanked everyone for their patience. It was a pretty tense project if anyone has seen pictures of how deep it went and the amount of concrete culvert pieces that went into that as well as the old bridge that came out of it. They found an old 150-200-year-old timber bridge down way underneath the roadbed where the West Street Road used to be. He had pictures of it.

Mr. Joseph advised that we have a minor celebrity here on our Town Boards and Committees. Andy Spaulding, chair of the Active Living Committee, will be inducted into the Maine State Running Hall of Fame. That is a pretty cool anecdote but if anyone knows Andy, he is always running a road race, training for a marathon or something like that. Congratulations to him and it is a cool sign that we have the right people leading those types of committees if you have someone that committed to it. He mentioned that he would e-mail out an article to the Council which he received just before the start of the meeting.

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

Chair Egan explained that this public comment period is a part of every Council agenda where the public has an opportunity to comment, ask questions, share concerns, air complaints and generally discuss things with the Council that are not on our agenda. He noted there are three items on the agenda this evening that are at the end of OTHER BUSINESS. He explained how the public could participate. He mentioned that he got about 150 e-mails on the trash issue a few weeks ago that he was not able to answer but he is working his way through that. This is a way for the Council to hear directly from the public.

Tais Szpanerfer wanted to thank Mr. Joseph and Town Planner, Caroline Pelletier for acting so quickly this afternoon to allow them to participate in the Teacher Appreciation event tomorrow at the high school. She also thanked Vice Chair Whitney for making it happen so quickly. She feels it is important for the Council to review some of the guidelines for local businesses and food trucks. She would like them to put some attention on that and revise some issues that continue to go on. Today if it wasn't for Tawni, Peter and Caroline they wouldn't have been able to participate in the school event and it will make a huge difference to their business and help it to thrive and excel. She mentioned the zoning for allowing food trucks to participate in private events. She wasn't aware that it would cause such a stir and a big issue that put them in a time crunch. It is frustrating and stressful when they get stopped at every turn. They get ahead in one thing and turn around and something else happens and they stall. She would like the Council to take the time to revise it and see what ways it can be made better to accommodate local businesses and potential food trucks being able to come in. It should be different rules for coming in food trucks and food trucks tied to a permanency here in Freeport. It has been stressful dealing with it and trying to make their business work in the best way they can in this time and they follow the rules. She feels it needs more attention to details and make it understandable for people. She thanked the Council for all their help in pushing this forward.

Councilor Reighley feels this is in the works at the Planning Board to change the ordinance for the structure on food trucks as we understand them today. He thanked her for the excellent burrito he enjoyed.

Chair Egan feels it is important point in terms of the difference between an existing and on-going restaurant having a food truck function versus a food truck coming in from some other community that parks temporarily for sales. He thanked her for pointing that out. He noted that the Council will take a look at it in its language review. Councilor Piltch congratulated Tais on the establishment and rapid expansion on her business in very challenging times. He feels it is a great addition to the community. He suggested that she reach out and send an e-mail with an overview of how her experience has been in establishing a business in Freeport. He is interested in knowing if there is anything he can do to advocate for her and other businesses in town.

Amanda Kent explained that she and her husband are with Tais supporting the Council. They have become regular people coming to the Council but that is not always going to be the case. When something seems so wrong with the code, the big issue is in the activity comment language and approval process is very frustrating because there are rules and regulations not necessarily written in the code but have become practice by different years of things being done. With a catering event, she searched the code and there is only one time that a catering private event is listed. It became a big difficult thing for Tais to do this when the school had invited her to be a part of this and nobody seemed to know how to get the approval through and make it happen when it should be a very easy thing. They have not opened Wicked Goods because it is such a small space and all their workers are over 65 and are health challenged. They

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are struggling and really appreciate all the things the Council has been doing. She thanked the Council again. Tais noted she is speaking for all businesses and everyone is struggling. It is important to know that the Council and Town Staff are behind them in every way they possibly can.

Mr. Joseph advised that the specific issue that was run into the other day is that food trucks require in any of the districts besides C-I and C-3 to be in conjunction with another use. It is a strange wording that was developed 5 or 6 years ago and was just amended in the past 9 or 10 months. They are prohibited in the downtown area except in coordination with special events and the special event definition is nebulous at best. He feels it needs more attention. Based on the feedback we are getting; nobody is happy with that decision so he will probably put it on the radar for the Council's consideration to change the regulations. Chair Egan feels the sooner we can move it through the process the sooner the Council can change it and businesses like we just heard from will have some relief. Mr. Joseph advised that it is a Zoning Ordinance thing and will go to the Planning Board but ultimately it is the Council's say. The Council needs a recommendation from the Planning Board to change zoning.

Chair Egan suggested that Councilor Piltch reach out with the financial assistance the Town has in place for businesses hit hard by COVID to help with whatever the needs might be.

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

ITEM # 138-20 To consider action relative to adopting the September 1, 2020 Consent Agenda.

BE IT ORDERED: That the September 1, 2020 Consent Agenda be adopted.
(Egan & Reighley)

Chair Egan reviewed the items for members of the public.

ROLL CALL VOTE: (5 Ayes) (2 Excused-Horne & Whitney) (0 Nays)

ITEM # 139-20 To consider a resolution relative to participation in the Maine Municipal Association Workers compensation incentive program.

Mr. Joseph explained that Deputy Chief Conley is here as the chair of the Town's Safety Committee. It is an employee led committee established by our Workers Comp provider which is the Municipal Association in this case. We get surprise inspections by the Department of Labor occasionally. We are not subject to OSHA but we are subject to Maine State Department of Labor. The Safety Committee works with both the Department of Labor and Workers Comp and our loss and liability carrier which is the Municipal Association to identify issues, work on problems that arise and that includes inspections, etc.

Deputy Chief Paul Conley provided some background on the old program from Maine Municipal and he feels the department did well in maintaining the required documentation policies in place. It lacked some financial incentive based upon performance. The documents the Council has tonight in this program is tied to a tier system. If they meet all three tiers annually, their Workers Comp Fund does receive a 10% reduction. He feels they have some work ahead of them to make sure they are all compliant with the new document laid out well and in place. The burden of a lot of this work is self-inspection and they have to inspect their own facilities. He will not be inspecting the Fire Department. He works here and would not catch some low hanging fruit. Earl and Suzanne might walk through here with a check list and might find some things. Conversely, he could go to Earl's shop and that is what they will be doing. They will communicate and have a safety culture here that is supportive of one another and it is just bumped up

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with this resolution here tonight with the Council bringing it one level up in the management spectrum of the program. He offered to answer questions. It is a continuation of MMA but just a different name. Mr. Joseph explained that it is a slightly revised program but same context of incentivizing them to do better with Workers Comp but we were in a similar program before.

WHEREAS, the Town of Freeport is a member of the Maine Municipal Association Workers' Compensation Fund (hereinafter "WC Fund"); and

WHEREAS, Maine Municipal Association (hereinafter "MMA") provides risk management services and workers' compensation coverage; and

WHEREAS, MMA developed the Workers' Compensation Safety Incentive Program (hereinafter "the Program") to help reduce the incidents and impact of workplace injuries by implementing WC claim best practices; and

WHEREAS, MMA will provide necessary written program information, and offer assistance to participants; and

WHEREAS, WC Fund members that participate in the Program and complete the required activities, will have the opportunity to earn a credit to their annual contribution; and

WHEREAS, the Town of Freeport is committed to providing a safe environment for its employees, citizens, and visiting public; and

WHEREAS, the Program will help enhance such an environment and promote a self-sustaining culture of safety with participating members,

NOW THEREFORE BE IT RESOLVED: that the Freeport Town Council elects to participate in the MMA Workers' Compensation Safety Incentive Program. (Piltch & Reighley) **ROLL CALL VOTE:** (5 Ayes) (2 Excused-Horne & Whitney) (0 Nays)

Chair Egan thanked Deputy Chief Conley for shepherding the Council through and wished him luck in that work.

OTHER BUSINESS:

1. Discussion on payment options for the County six-month transition budget (Jan-Jun 2021)

Mr. Joseph advised that he is providing this report as Jessica Maloy's supervisor. They met and agreed that this is the direction to go in. The Council wanted them to come back and formalize that recommendation. It essentially splits up six months out of the eighteen-month budget the County has adopted. Our annual assessment is about \$1.1M from the County so it would be between \$500,000 and \$600,000, half of that amount for six months out of eighteen months and splits it out over five years and essentially lets us tack on roughly \$100,000 to \$125,000 a year as opposed to paying the full \$600,000 in one lump which will keep the tax increase very small. The only down side of doing things this way is that the County will pass on TAN costs which are Tax Anticipation Notes as they operate in arrears so if they need to borrow for that money, of that \$500,000, the aggregate County wide is \$20-30M so any portion of

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that that they need to borrow on an annual basis to fulfill their operating costs in the six-month shortfall like they have been doing in the past, they are just going to proportionately pass on to the towns collecting for a 5 year payment plan. That is what we are doing right now. The County takes out a TAN every year to pay bills because we don't collect the taxes until we are half way through the year. It will not cost us any more than the current process is costing us now. It is not a penalty. We won't realize the savings until year 5. The good part is that at any point in time the financial situation doesn't look so grim in two or three years, we can say hey, we will take on that extra \$100,000 or \$200,000 to finish up the payment. We can make it at that time and avoid those few thousand dollars in carrying costs for the entire length of the program.

Chair Egan asked if this is a result to a change to the fiscal year by County government? Mr. Joseph agreed and feels it is a smart move. He fully endorses it because those borrowing costs the County incurs every single year to fund operations for six months out of the year will go away when they do this.

Councilor Reighley mentioned that we did the same thing with METRO by changing from an annual year to a fiscal year. He asked if there are any other areas where we are still dealing with annual years? We actually operate on fiscal year so he asked if we are all clean now? Mr. Joseph advised that yes, all of our government units and the school collects monthly for their operational expenses so they are probably the most current with collection versus expenses. We get twelve bills every year from the School District for their monthly portion. The County collected a full six months late to six to nine months if you didn't pay on time late funding. We collect biannually in November and May to pay for ours so we are running three months in arrears. We won't collect our money that we are operating on now until November-December. It is fine because we have enough fund balance to cover that.

Chair Egan asked if there is an action item on this where the Council will have to take a formal vote coming up at a subsequent meeting or will this just happen administratively? Mr. Joseph advised that we do not. We will just tell them to bill us that way. The default is that they will continue to bill us the way that he and Jessica are recommending if we take no action. The action the Council would need to take is budget an extra \$500,000 in this year's budget if you would want to or \$600,000 if you don't want to do this. We will need to raise an extra \$600,000 of taxes to roughly pay off this. The do-nothing option really defaults to what they are recommending. If you don't like this option and you want to raise taxes to pay it off in one year and then realize the decrease in taxes in years 2, 3, 4 and 5, you don't have to do anything tonight either but in the budget process next year you will need to raise that amount for County taxes in the amount of \$500,000 or \$600,000.

Chair Egan noted that seeing that there will be a different Council looking at that budget, we will probably address this item again in the next budget season with a slightly different Council and who may have a decision that is different than we are proceeding with tonight. Mr. Joseph added that the Council could make that decision at any sequential budget year following as well. Chair Egan felt it was important for the Council to know that while we are not taking a vote this evening, we are not giving up our chance collectively as a community to have an influence on how this adjustment of fiscal year gets paid off whether it is over time every five years or we do it all at once. It will come up again during the budget season which is a very brief six months from now. He asked the Council for any other discussion on this other than proceeding as directed from the Manager and Finance Director. Nodding heads indicated the direction the Council wanted to go.

2. Introduction of proposed Complete Streets Policy

Chair Egan asked Councilor Reighley to introduce the Complete Streets Policy and provide a little bit of background. Councilor Reighley explained that last year the committee went through and changed the Ordinance involving Traffic and Parking and creating a new name the committee called Complete Streets.

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As a result of that change in the Ordinance which is in place, it was felt that we don't have an understanding of the term "Complete Streets" so this document the Complete Streets Policy, is designed to spell out the actual actions that the committee will take in evolving decisions that will come from the committee in items presented to them. The work on the Complete Streets Policy has been in progress for more than a year. Doug Leland has led them through the process very well and GERALYN Campanelli provided thoughtful comments for them to reflect upon as they worked through this. It was finally approved about a month and a half ago now by the Complete Streets Committee. It then was taken up in Ordinance for approval and found that the document was to their approval without asking for any changes and recommended it to Council for consideration. In this they had options as Council now to do three different things. 1) is to approve as written, 2) is to receive as written and 3) more importantly because of the time which has been involved in creating this, the suggestion that a public comment hearing also be held. He asked the opinion of Council Chair to voice his position on this going forward.

Chair Egan noted that one of the slight variations in Councilor Reighley's pre-steps is the need to make sure we have heard from Staff particularly related to the compliance and consistency outlined in the Complete Streets Policy. He participated in that committee and agree completely with his comments about Chair Leland and GERALYN providing excellent comments. We had a lot of participation from a number of different stakeholders. This is just a first "introduction". He knows that Councilors have only had a few days of this document so are not ready to take any action or make any firm recommendations. He knows that the Manager has advised that there are still some comments from Staff that could be circulated in a conversation at the Council's next meeting so he feels that might be the next step but he would like to hear from other Councilors who have had a chance to read it.

Councilor Reighley asked that the Council recognize Doug Leland who is Chair of Complete Streets to voice what he would like. Mr. Joseph noted that he had balloons and Doug should get ready. Mr. Leland noted that there are balloons! Mr. Leland advised that he is sitting in tonight to look at the policy that has gone through Ordinance and is not just a draft. He is here to clarify any questions the Council may have on it. As an overall comment both in regards to the policy the Council has before it and he has had the opportunity to see some Staff comments which the Council has not had. This will make more sense in a few days. He said that if this Policy was presented to the National Complete Streets Coalition, which is a national organization and all they do is look and advise on and when requested, will grade Complete Streets Policies for municipalities. He believes the one in front of the Council would do very well in front of any assessment they would take on a Complete Streets Policy both in terms of substance and structure. That said, he looks at this as a utility document. It wasn't put together with an expectation that it was going to be a comfortable fun read. It is here to make sure the intent of a Complete Streets Policy captures the elements of a Complete Streets Policy so that those who need it most will understand what the town is trying to achieve. He believes this document does this well. There is opportunity on the margins to make improvements to it and there always will be. He fully expects that this document will be amended as our Constitution has been over the years. Two items he would ask the Council to make a note of because it will make more sense when the Council looks at other comments. The two items that are more substantive is one is the distinction between public right-of-way and private right-of-way and where does this policy intercept or not intercept with that. This policy is based on public right-of-way. Complete Streets jurisdiction is the public right-of-way but there are places where they come together. This policy in No. 10 actually creates the pathway to integrate the private and the public but does not get specific on how that gets done because it is not a conversation, he feels Council has had nor Planning or Project Review. They touched on it in their conversations but as a single committee they were not in a position to resolve that on their own. He believes there is opportunity there but it is one area to look at and once the Council has had that opportunity, he can comment more on it. The other is that this is a policy designed looking forward. The Complete Streets Committee is providing to Council a policy for consideration and to help provide guidance for the town. Those who are interfacing with the town, especially on commercial

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development projects as to what our expectations are. It is just that. It is a policy, it's guidance, it's forward looking and the one piece that will be important with forward looking and will end up on Peter's desk more than anyone else's is just the management of this policy because it does involve management of town issues and staff issues, time management issues. This policy doesn't try to fit the policy exactly where the town is today. It is trying to establish the best possible Complete Streets Policy with the expectation that as a town we can figure out how to manage that today and going forward.

Chair Egan thanked Mr. Leland for his guidance and well thought out reasoning behind this and his access to resources that a lot of us do not have that luxury. It is great to be able to rely on his connectivity to the larger user groups that are out there.

Chair Egan pointed out that there is no action presumed for this evening. He believes the next step is the Council will have a conversation in a more formal setting potentially even a public hearing, with at least a public input session as well as being able to review Staff comments on the policy even as it is being presented. He asked the Council to keep in mind that this has already gone through the Ordinance Committee so it is following the pathway. It would not be unreasonable to think that after a meeting in which we have had some public input and a chance to discuss Staff comments, we could then recommend this for adoption.

Councilor Tracy noted that she supports the opportunity for comment and is looking forward to what Staff has to say. That was a loose end at the Ordinance Committee and she is interested in hearing what our community members have to say about the policy. She appreciates Doug Leland's work on this Policy. He has a history of taking on substantively difficult and complicated issues and really digging in and helping us do the work to put our Ordinances in place. He has done it again. She thanked Mr. Leland for the hard work that she sees in the product. She has one question she raised at the Ordinance Committee and will raise again. In Section 6-A. 1. an exemption from the policy is a project that conflicts with or is prohibited by law. She feels it is still confusing because it looks like it might actually do something that conflicts with or is prohibited by law. She wonders whether we should nix that but is looking forward to the comments.

Councilor Piltch wanted to thank Doug and the whole committee. It appears a lot of work went into it and a lot of thought. It is a document that reads well and easily. The only comments he wrote down are related to comments from Staff so he will hold off on those. There are performance measures listed in 11-B and one talks about the number of miles and he thinks that is of interest. He wants to understand how many miles we get completed each year. He suspects there may be other metrics the Council would want to look at in addition to that. He doesn't want to focus exclusively on miles.

Mr. Joseph added that he received comments from the Town Engineer and the Town Planner today shortly before the meeting. He will forward them out to the Council. Doug Leland and he were copied on the comments. The Council may think some of those comments are great and want to make changes or not. He noted he would send the comments out by e-mail tonight to the Council so they can be reviewed before the next meeting.

Councilor Tracy advised that she has not seen the Staff comments but feels it would be helpful if appropriate to have the Complete Streets Committee respond to those comments so the Council would have both the comments and response, given that we have some time. Mr. Leland advised that he feels it is do-able but they won't have a meeting until October but can circulate the comments and ask for input directed to the Town Manager, the Council Chair or the Council Vice Chair. Mr. Joseph added that that would be good and the comments can be reviewed by the Council. There won't be a motion from the committee and the Council can make changes where necessary. Chair Egan advised that he is not trying to

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accelerate any kind of a process but is thinking we only have three meetings left with the Council before the election so it would be timely and reflect and honor the commitments and work that has gone into this by this Council to take action on the Complete Streets Policy. It would be advantageous for the Council to have this scheduled for the first meeting in October with discussion and a chance for the public to comment at that meeting with action taken at a subsequent meeting. Mr. Joseph and Mr. Leland agreed that this would work for them.

Councilor Reighley mentioned he was going to propose a BE IT ORDERED but feels now it can wait until the meeting on the 15th. Mr. Joseph advised that it would be noticed as a public input session. It is not a public hearing by law but it will be publicized on the Town's website explaining what the document is and when the Council will be taking comment on it. No motions are needed tonight.

3. Discussion regarding how best to engage with community members over recent requests to review general Town policies for potential implicit race bias.

Chair Egan regretted that all seven Councilors are not here this evening but this is the first discussion as a Council on how to have a conversation about how to engage with community members and their interest in opening a conversation about an "equity assessment" that the Town may ponder and consider. He mentioned that the Council got some communications from a number of the organizers of this issue from our community. In light of the fact that this is a national conversation happening in every state of the country or at least in many states, but it is an opportunity to bring up the conversation because it is happening absolutely in our state and there has been plenty of coverage about race and bias issues from activities in our larger cities in Maine. We had an event organized by members of the public back in June. There was a rally and march through downtown that was incredibly attended. We will be engaging in this evening is essential a follow-on to that similar to what process is already engaged with our Police Department, being shepherding by Councilor Piltch.

Councilor Piltch explained that there are a lot of moving parts and there is some confusion about the different initiatives going on. The good news he believes is that as a community we responded vocally, actively and in adequate numbers to say that there was a community want to make progress on this issue. It is not an easy thing to do. We can't wave a magic wand and fix everything but there are some concrete steps that we can take. Along those lines, some of the things going on that he is aware of: 1) there is a committee who raised their hands to be involved in reviewing the Police Department policies that the Chief and others in the department are enthusiastically supportive of. They have been going through 92 or 93 policy documents they have and are marching through the relative ones one at a time because they need to be reviewed periodically but especially in the light of equity issues, bias issues and things like that. If there are parts of the policies that need to be changed because of that, they are opening a discussion and returning with recommendations. That committee has met two or three times.

Councilor Piltch is also aware of an Equity Assessment and follow on work that the RSU5 has started to work on. They hired a consultant to help them with that and the Assistant Superintendent is shepherding that. He knows the RSU has their hands quite full in getting ready for going back to school. He knows that the work is ongoing.

Councilor Piltch has also heard that there is a recently organized group of citizens from the three towns, Pownal, Durham and Freeport that are hoping to get together to discuss the issues at large. He does not know if they have any specific actions or agendas but they are putting out but they are convening to have a place to have that discussion. He believes it is in the very early stages but knows it is going on as well.

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What is being proposed tonight is a fourth initiative that is different from the first three. It was initiated by the community that came to the Council saying we should also be looking at Town government and making sure that we don't have any implicit bias in the way we govern our town. They are asking us to essentially sponsor a committee to take a look at policies and determine if they are appropriate and are they equitable. The first step of that would be an Equity Assessment to come and review policies similar to what is being done with the Police Department and say that our policies are appropriate and are equitable. He believes that this is just the introduction to the discussion. He is speaking on behalf of what he thinks the community has asked us to do. He doesn't want his comments to say that he speaking on their behalf and saying what should be done. He supports what the community is doing and hopes he is representing it accurately. He mentioned there is someone from the community who has something to say that will help with the context as well but this is his contribution.

Chair Egan thanked Councilor Piltch and clarified that the reason this is on the agenda tonight is because we have been approached by members of the public to have a conversation with the Council about this. It is not in response to an incident, a dynamic, complaint or situation. It is the start of a proactive conversation that we as a Council here can take comfort and reassurance knowing that many communities are dealing with this in different ways all over the state and all over the country and is not inappropriate for a community like Freeport which has predominantly white led Council and a white Town government to consider the idea that there may be some implicit bias that is overseen in some of our policies and procedures whether it is hiring or management or just how to engage with the town. It is not meant to indicate or implement anything. It is not coming out of someone complaining there was any evidence of discrimination. It is really a proactive chance for the Council to listen to its constituents in the community and organize that thought process into a group that can then engage with the Town directly and review some of the documents Councilor Piltch has just mentioned. We are just opening the conversation this evening. He wanted to hear back from initial reactions from Councilors. Because of public meeting laws, the Council did not have a chance to kibitz about these agenda items before the meeting which is why we have them listed as Other Business so we can have an informal conversation about it. He asked what folks are thinking about it.

Councilor Lawrence feels it is great that the Council go and review all these policies. He feels the Council should start with what we are looking for. We say inequities but what does it mean? He asked if we have a definition of what we are looking for.

Councilor Reighley noted that this is not just our issue as has been stated. We have some organizations that may or may not have begun some work on this. He asked if we can get some feedback from GPCOG and MMA on these items so we are not reinventing the wheel and creating a document that speaks differently from what Yarmouth might create or Brunswick may create or some other community. He believes this is something we all input and come back with something that benefits not only ourselves but also speaks common language to every community within the State of Maine.

Councilor Piltch is aware they are asking for coordination going on with other towns and he knows we have been in contact with Cape Elizabeth who he believes is organizing a similar effort as well as Falmouth. He is encouraged that communities are continuing to reach out to other towns to coordinate efforts that we are all reinventing the same wheel. He feels a lot can be done by working together and he doesn't know what GPCOG is doing but it is worth asking the question. Councilor Reighley feels it is best to follow these things through CPCOG and funnel it through MMA so everybody can be involved rather than just going hitting and missing one town or another. GPCOG can speak to Cape Elizabeth as well as the other 14 communities. Councilor Piltch noted that the issues facing Portland and South Portland may be different than the issues facing Freeport so he believes there is a lot we can gain from a

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coordinated effort but there are some other things we might have need to do on our own. Chair Egan agreed. We want to hear from our residents to inform us of what is happening right here and if there are any recommendations, we can follow those recommendations into a larger pool to see what other communities are looking at.

Councilor Tracy noted she is supportive of the effort. We are always looking for ways to engage residents and here we have a situation where residents are engaging us proactively. She feels we should use that energy and try and harness it and a committee sounds like a good idea. It has to be appropriately sized so that it is not hard to make recommendations and then it should have a good cross section of perspectives so that it reflects not only those who brought it to us but may be those who are business people or those who wouldn't have thought about it but they have a perspective about it. She feels it is important to let people know if we do do this that this is an opportunity and give a wide range of people a chance to participate if they choose.

Ryun Anderson advised that she is a member of the loosely organized group that Councilor Piltch referenced. The march in June was powerful for her because she felt like she found people she had been looking for here in Freeport. She has been really wanting to talk about anti-racism and equity issues and here are all these people that she can do that with. While the march was wonderful, it is what happens in the months and years after that that will really matter. Tri-Town Equity and Inclusion Coalition is the name of the organized group and is a way for folks to find one another and maybe do some work together. One of the groups that has found each other has drafted a statement they wanted to have shared tonight and she read it into the public record. She noted she would send it along as well.

Chair Egan thanked Ms. Anderson and asked her to pass onto her fellow committee members the Council's appreciation for sharing it and bringing it forward. Again, he explained that tonight is just to have an opening of this topic and figure out what our engagements might look like and how we might go about participating, forming and encouraging the committee to begin this process. It is important before any group like this convenes that there is an agreement about an objective and what does success and progress look like and what is the eventual goal of the committee's efforts. Those are likely going to be questions that will be answered early on long before there is any review of a document. It is how the members of the group understand why they are gathered.

Councilor Reighley advised that this is possibly going to be an ongoing long-term discussion taking place. One of the things that he has experienced in his time on the Council is when we have our district Council meetings, this is probably something we should bring up for people to discuss as an agenda item for the general public. Chair Egan agreed and hopes this year the Council will have a chance to have those district meetings in district's specific locations. It will be much more effective to hear from folks than the platform we have right now with zoom which is allowing us to function but is less than ideal for gathering public input.

Chair Egan asked Mr. Joseph to give the Council guidance on some of the mechanics of a committee or group formation. Do we have one or two Councilors then join a committee or does the Council try and organize that. He does not want to over structure this and eliminate the efforts that are coming from the community. He would prefer to be listening and engaging and saying this is how it will go.

Mr. Joseph explained that for the formation of a committee, commission or board, to have any official authority or duties to function by itself, be an official government entity, that needs to be an action of the Council and is laid out in our Administrative Code. It is not required but the Council could establish something like that by Ordinance separately but all of our boards and committees are typically in the Administrative Code. For short term things like this a lot of time the Council creates specialized working

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groups with a sunset date and a very narrow definition of what they are going to do. A board like that would not have any authority of its own but he doesn't think that is what the Council is looking for. He thinks the Council is looking at a work group that may have a Council member or two or seven if you all want to be involved. There is no reason why it couldn't be established as a Council subcommittee. It would have no official authority. Its only authority would be through the action of the Council if it brought something back to it. He is open to a bunch of ideas, whatever the Council would like to see.

Councilor Tracy pointed out that we had the Active Living Committee a few years ago which was a citizen-driven group that got blessing to be a temporary committee. They came forward with a report and the Council provided some funding to help with the report and then they made a recommendation and the Council ultimately accepted the report. That structure seems logical to her but she could be missing something. Chair Egan noted he is curious that the scope of work of such a group we are contemplating here get access to the documents they may need access to in terms of HR Policies or Management documents in terms of how the Town runs and how we engage with the public, etc. He heard the Manager say that the group has no authority if it is not an official Council committee. While it may not have authority in terms of being able to suggest an Ordinance change that comes to the Council at the next meeting, that the group is not out on its own string somewhere. It is organized by an intent from this Council to move forward to tackle these issues and engage on this topic. He does not know how to blend between those two things. He likes the idea of it being a citizens-driven working group or whatever phrase we can put on that. He is interested in hearing down the road what the processes look like for folks like Ryun and others she mentioned earlier to engage and actually use some resources already in place and come up with some definitions as Councilor Lawrence indicated so we have an understanding and agreement on the vocabulary and really put a nice frame around this so when that work is ongoing and the efforts of that group have been laid out, there is a pathway that someone coming in taking a look will see what it looks like. It would have some structure.

Councilor Reighley suggested if this group is formed, it should include one Council member because the Council member can then bring forward any recommendations that that group formulates. We do it all the time so to him this is a logical way. Again, it is the responsibility of the Council person to bring forward the position of the committee and not necessarily the position of the Councilor. Hopefully, they are in agreement. Chair Egan agreed and noted that there may be more than one Councilor interested in pursuing that for sure. Mr. Joseph added that to be clear, his comment about authority is limited and directed as authority independent from the Town Council. If you are going to give them duties or jobs or tell them to go forth and accomplish something with forceable authority, that has to be established in Ordinance. In terms of interacting with Staff and Town committees and things like that, the Council will have no issues in what it is anticipating. Chair Egan wants to be sure that who knows what might come out of this, the Town Staff and Mr. Joseph understand that this is coming from a Council endorsement to move forward. It is great to hear about a willingness to participate and we have a perfectly clear example of Chief Nourse and her staff engaging with that citizens committee and having a very transparent process. Mr. Joseph advised that this same reaction would be received from any Town Staff whether it was brought forth by a single resident or the Council tells us to participate.

Councilor Pilch wanted to draw a parallel to the Police Department work which has been supportive. Because the intent of this group might be to review Town management including ourselves and the Town Manager, he feels it is important that it comes from the Town Council as an initiative or at least the Council supports the initiative. He would suggest maybe forming an ad hoc committee that the Council directs with some goals and objectives in conjunction with what the community is asking us to do. Giving these goals and objectives we can ask that they report back to us within some appropriate amount of time. The committee can then come back with suggestions, recommendations, observations or whatever they choose to come back with. That is how he would do it. He would like to work with the committee that

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brought those ideas up to formulate what those goals and objectives would be and assuming that the Council agrees with them, we could then say we want to empower this committee and figure out how to populate it.

Councilor Tracy feels it sounds logical. She wants to make sure we have opportunity for the public to weigh in on setting the goals and objectives. We certainly have a motivated group of people who may be able to more quickly put together some goals and objectives they envision bringing the committee forward but then we should allow other townspeople to weigh in before the Council defines that as the formal goals and objectives of the ad hoc committee. Chair Egan agreed. We have heard the term working group and now Councilor Piltch is using ad hoc committee. He asked Mr. Joseph if they function at the same level of organizational authority. They are not in a full endorsed committee of the Council by statute but in response to more along the lines of what Councilor Tracy was saying earlier about the Active Living being an ad hoc committee that had a start and an end and a specific scope of work to focus on. Mr. Joseph advised that yes, there is no legal definition between calling something a board, committee, commission, ad hoc committee or working group. It is just actually how it is created and how it is tasked by the Council. If the Council votes by order to create a working group, committee or whatever you want to call it, give it a task and say report back to us, you would have taken a separate way of creating a committee than if you wanted for example a standing committee that reviewed citizen complaints of discrimination and took action versus a committee that is going out and finding facts and come up with recommendations and bring them back to the Town Council. There is no real requirement on how you create something like that. It could be a simple Council order with a name, a task, a charge and timeframe.

Councilor Piltch asked if it is required that all the work be done in public? Mr. Joseph noted it becomes a public body when you make it a public body so he would have to look up what the statutory reference is for actually creating a public body and what that threshold is. He would have to do some research on that. He would not worry about that so much. He would get the structure wanted and figure out if it becomes an official committee. He explained the Active Living Committee and how it evolved.

Chair Egan explained his initial reaction towards the efficiency and effectiveness of the group coming together which would be less structured with the group finding its own harmony and not be necessarily completely constrained with all of the rigor of the public notice, public meeting, recording of all meetings, etc. but that is just an initial reaction in terms of just trying to get some efficiency going. On the other hand, he doesn't want anybody thinking that the group is operating with some kind of cloak over it and he is sure that members of the public don't want that either. The whole idea of this topic is inclusion so he is struggling with how to manage that. He mentioned that we have a number of constraints as a Council here of gathering and when we can talk more than two members on any particular subject, etc. He is trying to find a happy medium for the group which is largely or entirely members of the public and not used to this structure and rigor. He is trying to be mindful of keeping that group as fluid and loosely organized as possible so they can get to their business.

Mr. Joseph advised that if the Council votes to create something and task it, he would default to the direction of it becoming a government body subject to records which is something that happens on its own and is driven more by citizens even if one or two Councilors participate in it and it is not created and defined by the Council, therefore, you have a good argument that it is not an official government body that is subject to those laws. He cautioned that before the Council votes to create it, they should think long and hard about being responsible, you the Town would have to take over for noticing and making sure they meet those criteria.

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Councilor Lawrence advised that the definition Mr. Joseph just provided is what we are trying to get to here. In going through documents and looking for recommendations to make, we don't have any authority, we would just be making recommendations that would be going to Peter saying these are things we think we should be looking at. Making it formal is not what he thinks the Council should do.

Councilor Reighley noted it sounds like we are talking about a workshop coming up, an additional meeting. Chair Egan noted that is possible. Councilor Tracy mentioned that in the comments provided to the Council she read that they wanted to have some legitimacy that the Town is doing that. She has some concern about saying "okay whoever is interested and whatever Councilors are interested, just let us know. That is a little bit different and maybe everybody gets comfortable with that but she thinks there needs to be a little more analysis that that satisfies the request.

Councilor Piltch mentioned that at the beginning he thought it would be easier for the group to accomplish what he thought they wanted to accomplish but doing it more or less on their own with contributions from those of us who want to be involved and provide recommendations from the public saying "hey, Council we think this is what you should do." He discussed that and suggested that they might be able to operate more efficiently as a non-public committee. They provided some interesting points. He is aware that we won't decide tonight but feels it would be good to come back and ask for more input from the public at large and people who are organizing this to get clarity on and start thinking about how we would ask them to be a part of it. Some of the discussion can be off line but he feels some of the discussion should happen in the public as well.

Councilor Reighley suggested pausing this and bringing it back up in discussion at the next meeting as an agenda item. Some things can be sorted out and if we put a little more time into between now and the next meeting, things will be a lot of clearer so his suggestion is to continue this discussion at the next meeting.

Chair Egan tried to get a sense from the five Councilors present, if A is to have it become a committee of the Council where the Council reviews a scope and a set of goals and objectives and has some hand in membership of the committee.

B is one or two Councilors join the citizens group which is then granted access by direction to the Manager for the committee to review policy and go about its work without a sanctioned structure from the Council. If that is B and there are probably variations of A-1 and A-2 and B-1 and B-2, but generally in terms of a contrast, are people more favorably of an A structure or a B structure?

Councilor Lawrence noted he is in favor of the B structure because the Council will get better information.

Councilor Tracy suggested doing something more formal. She feels there may be a way to split that. It is important to make sure that the committee itself has a diversity of perspectives and she doesn't see how licensing a small group of people to come up with a bunch of recommendations. It seems antithetical to the diversity inclusion message. She does not feel that precludes doing some work in a smaller group. She provided examples of how in Active Living the projects were divided up into smaller subsets of the committee and they would go off and work on it and bring it back to the bigger committee. She would prefer something where if we are really going to say this is important. She feels it is also important for us to say and we want people to participate. Here is the opportunity to be on this committee if you feel it is of interest to you and you have something to contribute. We can limit the inability to move by limiting the numbers but at least we have given a variety of people an opportunity to participate.

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Councilor Pilch feels A or B would be great but would prefer A over B. He agreed with what Councilor Tracy said. Maybe we could create an opportunity for there to be multiple groups and we would be faced with getting recommendations from different groups.

Councilor Reighley explained that his Option C would be to present both A and B to the group and see what they would choose out of this and go from there. Realistically, we represent them and it is what they are wishing to provide us with. His position is to allow them to make that choice for us.

Mr. Joseph doesn't believe there will be any issue. These are all public documents that we are talking about – policies, documents and three/quarters of them are on our website and the other half are on his shelf and something he can provide to any group in 30 minutes or less. He and Judy have talked about these things all the time in the public so it is not that the Council needs to do it to bless groups so they have access to it. There will be multiple groups. One will start this and another will say "I don't like the direction they are going in. I am going to do my own investigation and give the results to the Council." If you don't care who is on this committee in at least some definitive manner, if there is more than one group, how do you give one group more credibility than another? The Council would have to consider all viewpoints and he doesn't think this is what the Council is looking to do.

Chair Egan noted the Council has been discussing this for more than a half hour and we are not resolving too much this evening other than it is a great first step to start the discussion. For our next meeting, he asked Ryun to bring back to the community group the specific question of how big of a group does your constituency feel the committee needs to be. While we heard in certainly previous communications by e-mail and his participation in committee that the community group wants this committee to have some authority for sure. He has not heard a word this evening that you are not going to get that but in terms of structure along the lines we have just been discussing to get feedback. Is your group ready to adhere to some of the rigors of public meetings, recordings and postings, etc. so that it can be a fully transparent process? While he doesn't think there will be opposition to that, it is cumbersome and requires an organized thought in terms of how and when people lead and get agreement on time, etc. If the Council could hear from you and your constituency before our next meeting, we could take that information and incorporate it into a discussion item we could have on our following agenda on how we put this together having had a good conversation this evening. He wants to be sure we get it right when we start it. It will be a long process and people will put in a lot of time and a lot of commitment. He is interested in making sure we get it right and everybody is feeling positive on how it is going forward. He feels we will probably end up with something in between the sharp contrast he just drew between A and B. He asked Councilor Piltch to sketch out a couple of bullet items in a summary format of what you might feel the committee structure looks like since he has had experience working with the citizens group working with the Police group. He asked him to give it to the Manager and it can be a frame for an agenda item for our meeting on the 15th.

Ryun Anderson advised that she took careful notes from this conversation to take back to the group. Councilor Reighley suggested that she get a copy of the Minutes from this meeting for comparison. Mr. Joseph advised that this will all be on Facebook.

Chair Egan thanked everyone for their participation this evening.

MOVED AND SECONDED: To adjourn at 8:36 p.m. (Reighley & Tracy)
ROLL CALL VOTE: (5 Ayes) (2 Excused-Horne & Whitney)

Respectfully submitted, Sharon Coffin, Council Secretary