

MINUTES
FREEPORT TOWN COUNCIL MEETING #21-20
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY, OCTOBER 6, 2020

6:30 p.m.

This meeting was held online/virtually using Zoom teleconferencing

ROLL CALL OF MEMBERS:

	PRESENT	ABSENT	EXCUSED
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		

Chair Egan called the meeting to order at 6:32 p.m. via zoom and welcomed everyone. He took the roll. All Councilors were present along with Town Manager, Peter Joseph.

FIRST ORDER OF BUSINESS: Pledge of Allegiance

Viewing Vice Chair Whitney's flag, everyone stood and recited the Pledge.

Chair Egan explained how the meeting would be conducted this evening and how the public could participate.

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #20-20 held on September 15, 2020 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #20-20 held on September 15, 2020 and to accept the minutes as printed. (Reighley & Horne) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

THIRD ORDER OF BUSINESS: Announcements

Chair Egan announced that he voted today and found it to be a fantastic experience to be able to go into Town Hall with three people in the whole room.

- **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. Voters may now vote in person at Town Hall. More information on absentee voting can be found at www.freeportmaine.com.
- **SEASONAL FLU CLINIC on Wednesday, October 21st, 10AM – 2 p.m. at the Freeport Town Hall. By appointment only - Call 865-4743 x120 for an appointment.** There will be a limited number of appointments so if you are unable to schedule an appointment, you can find the full CHANS/Mid Coast-Parkview flu shot clinic schedule at <http://www.midcoasthealth.com/flu>. CHANS will be holding a Drive-Thru Flu Shot

Clinic every Saturday and Sunday from 8:00 AM – 4:30 PM at the Mid Coast Hospital Parkview Campus starting this weekend and ending November 9th.

- **Nominations are now being accepted for 2020 Citizen of the Year**

Each year the Freeport Town Council presents a Citizen of the Year Award to honor those who have significantly contributed to the quality of the Town. Nomination forms are available at the Town Office and on the Town's website at www.freeportmaine.com. Deadline for nominations is December 10, 2020.

- **Freeport Conservation Trust's 2020 Freeport Trail Challenge**

is on! Covid-19 has changed the way many of us do things, but fortunately getting outside is still considered a safe activity. Hike the four specified Freeport trails and you will win a prize.

You can print your own passport at freeportconservationtrust.org; you can have your passports mailed to you by calling the Freeport Conservation Trust at 865-3985x212; and you can also enter by sending FCT pictures of yourself on each trail at info@freeportconservationtrust.org. For the safety of everyone, please keep your distance from other parties in parking areas and on trails. Leash your dog and wear masks if other people are around.

- We are still engaged with MDOT for getting updates and information about their replacement schedule for the three bridges that directly affect Freeport traffic which is Exit 20, Exit 22 and the Cousins River Bridge on the border with Yarmouth. The Chair stated that he doesn't believe there is any immediate action coming that the Town needs to vote on. Our Engineer, Adam Bliss has been attending those meetings and there is an invite out for anyone who would like join. There is interesting stuff going on but unfortunately, he was not able to join today.

Vice Chair Whitney announced that we have a live concert happening this Saturday. The Meeting House Arts Community Concert will be held this Saturday at 2 p.m. by the Freeport Arts & Cultural Alliance. It is located at 40 Main Street. It is set up so you can buy a pod and you will have 6 feet distance from any other family. They have various artists that will be playing. Student tickets are \$10 and Adults are \$15. Tickets can be ordered on their website and you can also see the map that they have laid out showing the pattern designed to keep everyone safe. Masks will be required and they will only seat 80 people maximum to keep everybody safe.

Councilor Horne pointed out that this is the time of year when the Council takes a moment to recognize the volunteer contributions that all of our Board and Committee members have made, particularly those that have stepped down or are stepping down. We normally would have a ceremony and give out certificates to those who have served under 10 years and a plaque for those who have served more than that. In lieu of an actual reception, he went through the names of the people that are stepping down and the committees they have served on. He wanted to recognize that our town works as well as it does because of all the hard work from the folks who live here and the committee work that they do.

The 2020 Recognition for outgoing Board and Committee members certificate recipients are Robin Baron who is on the Winslow Park Commission, Guy Blanchard on the Conservation Commission, Geralyn Campanelli on Complete Streets and also Active Living, Art Colvin from the Board of Appeals, Sewer District and Paper Street Committee back in '99. George Connick on the Winslow Park Commission, Karissa Davan from Winslow Park Commission, Judith Donohue from the Library Trustees, Chester Goggin on Complete Streets and the Board of Appeals, Chris Grimm on the Shellfish Commission as well as the Conservation Commission, Rodney Harmon from the Cable TV Regulatory Board, Adalgisa

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Holtrop from the Library Board of Trustees, Catrina Milliman from Complete Streets and Sustainability Advisory, Theresa Oleksiw on the Conservation Commission, Dan Piltch from the Coastal Waters Commission, Jennifer Rancourt on Active Living, Suki Rice from Sustainability Advisory, Kate Rosenfeld from Sustainability Advisory, Dale (Chopper) Sawyer was on the Shellfish Commission, Karla Seaman on the Library Board of Trustees, Michael Stumbo on the Conservation Commission, Dimitra Voulgari from the Conservation Commission, Drew Wing on Project Review Board and Lonny Winrich on the Planning Board.

The last name for the plaque recipient is a person who served from 1999 to 2020 on the Board of Assessment Review. This person was chair from 2002 to 2020 which is a great contribution. That person is Mike Healy. Councilor Horne feels Mr. Healy may have broken a record with that one. He wants to give a shout out to everyone on the list for their contributions provided over the years. The amount of combined contributions is pretty staggering. He feels Freeport has been fortunate.

Chair Egan agreed that it is an inspiring group of residents who have stepped up and contributed their time. He is certain just from the length of that list that their time commitment easily exceeds 10,000 hours of personal time committed towards the Town running smoothly. There is a maxim out there that after 10,000 hours you have the right to say you have mastered something but it usually takes 10,000 hours of practice. He thinks the smooth running of our town and the engagement of all of our committees is a reflection of those 10,000 hours. He thanked all of those members that were just read.

FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Reighley advised that the Ordinance Committee has been very active and is in the work of creating an Ordinance for Short-term Rentals. There is a small working group which consists of Councilor Tracy, Town Manager Peter Joseph and Town Planner, Caroline Pelletier. The Codes Enforcement Officer may also have been involved. They created a document that the committee has been able to then supplement and give guidance and direction and filter down through our Town Planner. He thanked the work of Councilor Tracy and Councilor Piltch on this. He feels they have accomplished a lot and hopefully they will have something to present here by the last meeting of the month.

Councilor Reichley pointed out that the Complete Streets Committee met today and were happy to receive the input requested by our Town Planner, Town Engineer, Chief Nourse and other parties that were contributing to the document that will be discussed later. It is a policy and is not part of an Ordinance. It is the Council's responsibility to accept or not accept this document. It is the basis for the operation of the Complete Streets Committee going forward and it does have an annual review of this policy so that the information supplied by those people can be implemented as we go with this. The second part of this is that we also then had an election of new officers. Doug Leland has chosen not to continue on as chair but was happy to accept the position of Vice Chair. Greg Michaud who retired from a paying job has just inherited a job that is not going to pay him but will give him a lot of hours. He thanked Greg for that. He also wanted to thank Doug for shepherding this process with the transition from Traffic and Parking to Complete Streets and creating a committee that will be beneficial to the Town as we move forward.

Vice Chair Whitney advised that she is continuing to work with a great group of people and very closely with Mary Davis of FEDC to focus our time on the re-energizing of our downtown. They are continuing to interview many different consultants and reporting back to the group. Their hope is to give a presentation to the Council on October 20th with all the details they collected over this period of time.

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Vice Chair Whitney reminded everyone that we have a Covid Relief Fund that is for anybody in Freeport who has been impacted by Covid-19. If someone is experiencing some kind of financial difficulty, please reach out to Johanna Hanselman. There have been funds collected to help at this time.

Councilor Piltch also reminded everyone that we have a Covid Loan Program for small businesses. It is for small businesses in Freeport for up to two transactions of \$5,000 each with favorable terms. There are also programs not run by the Town which are available to Freeport businesses from the State's Department of Economic Community Development Grant Program as well as the GPCOG's Grant Program. There are lots of resources available and FEDC would be a good contact to help someone get in touch with those programs.

Separately Councilor Piltch reported back on ongoing work being done by a dozen or so people that have been reviewing the policies and procedures from the Freeport Police Department. Lieutenant Goodman has been doing a great job representing the Police Department. When they meet every few weeks, they review a chunk of policies. They have been doing a lot of work because there are lots of policies. They plan to continue that work.

Chair Egan mentioned that related to that effort going on with the Police Department, at the last couple of meetings we have had informal conversations about the Council forming a Racial Equity Review Committee and inventory of the Town's H/R Operating Policies and Procedures to review for any potential implicit racial bias that may be in the Town's Operating documents. He wanted to report that at the next meeting we will have an agenda item to convene a formal committee. It is an ad hoc committee so its time is not definite. It will be a committee of the Council which was an indication at our last meeting of the direction for the structure of this committee to begin review of the Town's H/R Operating Policies and Documents to make sure we are not inadvertently reflecting implicit racial bias. He reminded everyone that there is no blaming going on here, no incident that we are responding to. This is a proactive effort in which the Town will be taking steps to assure the whole community that our governing documents, policies and procedures do not overtly contain racial bias language or inferences and to confirm that there is no room for racial discrimination in the Town of Freeport. We are going to have a committee convene. The Appointments Committee will officially take action to populate that committee after we have a vote. At our next meeting there will be an agenda item to convene that and have it move forward.

He extended his apologies to members of the public who have been e-mailing him about when that was going to happen and he was not able to get back to them. He has just changed jobs and it has taken up a huge amount of his time over the past couple of weeks.

Councilor Reighley pointed out that he would be remiss not to have included in this process with the Ordinance Committee contributions of a citizen of our Town, Joyce Veilleux. She has been a great help with the Short-Term Rentals and he thanked her. Chair Egan thanked Joyce for her patience in moving this forward. He feels she has been very helpful and he hopes she will continue to be and recognizes that the wheels of Town Government are moving but may appear to be standing still at times.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph provided an update on absentee voting. He said that they have already talked about how absentee voting is now available and want to remind everybody who is not comfortable voting in person that there are several ways to get your vote in early. Voting at Town Hall started yesterday and so far we have received 3,264 requests for absentee ballots, that includes the 2,700 mail requests that went out last week that were submitted over the past months as well as several hundred this week and several hundred in-person votes starting yesterday. Of those 3,264 requests, 900 plus have already been returned. The

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majority of those are from people who voted in person dropped their ballots off so it is counted as an absentee request and then a return. Several hundred have come back through the mail that just went out last week. 909 have been returned already. We are easily above 10% voter turnout from the absentee ballots. He noted that Chris and Lynn from the Clerk's Office are doing a fantastic job in addition to all the employees in Town Hall picking up the slack with the high volume of traffic through the doors this week. Election workers are also working in the Council Chambers to process ballots. He invited anyone who wants to come out and vote, to please come out Monday through Thursday 7:30 a.m. to 6 p.m. in Town Hall. The Town Clerk will take care of them.

Mr. Joseph provided an update on some Main Street work that will start the week of 10/19. It will not impact traffic but it will impact pretty much everything else, the parking stalls on the north side of Main Street from Justin's Way to the corner of Key Bank which is Elm Street. It will then go across Main Street to the front of Tuscan Bistro on Main Street. A ditch will need to be dug for phone lines. A few weeks ago, there was a water main break in front of the Harraseeket Inn and this is tied to that problem. In fixing that it created a problem with the telephone utilities on Main Street. It has to do with underground trenches. There will be utility work done by the Phone Company and an excavation company to rewire some of the main trunk lines that are below the ground. It is expected to run between 1-2 weeks. He wanted people to know what this is and they can expect the disruption. It is not a Town project. It is a Utility Project but we will be having a little bit of oversight over it.

He wanted to make the Council and the public aware that we signed an Administrative Consent Agreement at Location #1 and #2 Overboard Lane for Shoreland Zoning Cutting Violations that happened there. He reminded everyone that an Administrative Consent order is when there is a violation of the Zoning Ordinance. There is a plan to fix it and the Town Manager is allowed to enter into a Consent Agreement but has to notify the Council it is happening. He is only allowed to do that in a case where the Consent Agreement will restore 100% of the violations that happened back to a non-violating status. He disclosed these but if there is anything where a zoning violation is allowed to continue, that would be a consent order that would have to be agreed to and signed by the Town Council. This is notification that that one is out there and they just processed it. He feels it went very well.

Mr. Joseph advised that he and several members of the Bridge Committee just got off a 2-hour bridge call that is composed of residents, himself, Adam Bliss, counterparts from Yarmouth that were also on the Bridge Committee because it is the Exit 17, 20 and 22 Bridge Committee. The bulk of our focus is on the Exit 20 and 22 bridges obviously from Freeport's perspective. We have a crunch. DOT is asking for immediate input from the Town. The only thing he can think of is our next Council meeting so he is putting it out there and making everyone aware. He has not had time to consult with Council leadership because this meeting just ended at 6 o'clock. DOT needs input from the Town on cost sharing. This specifically relates to pedestrian facilities to be built with the bridges. When he says they need input, they are asking for it in a two-week period. While some people find this unreasonable but it has to do with the grant staging and when they need to have the final design of the bridges completed which is a year from a month ago. We are talking about mid hundreds of thousands of dollars. The scope of what we are talking about at Exit 20 for a shared bike multi use path is in the range of \$500,000. The scope of what we are talking about for a sidewalk at the Exit 22 Bridge is in the range of \$200,000 and about \$850,000 for a shared multi-use path. He won't get into details because he just received the presentation and we will all see it before we have to have this discussion. They are asking for very quick feedback. The only thing he can think of is to have the various committee members meet with the Council at the October 20th meeting. After the Election and meetings in December the new Council would have scheduled would be too late for this project. Essentially it would mean that these things would not get added on to the project as it was designed.

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Chair Egan asked if there is a place holder in the Capital Budget for any of this work. Mr. Joseph advised that it is not in the current fiscal year. We were planning on these costs in out years but we are still going to have to give a binding commitment to DOT because they are going to incur hundreds of thousands of dollars in design work based on what we tell them. They are not going to do that without some kind of commitment from us. Obviously, this timing is not optimal. He is throwing it out there so everyone is aware of it. We don't have a solution tonight but we will have to come up with a solution when we talk with our committees at the next Council meeting on the 20th and get feedback prior to the Election.

Councilor Tracy mentioned that one of the bridges is at least between two communities and asked if they are asking for us to pay all of it? Mr. Joseph mentioned that the DOT will connect if there are facilities on either side of a bridge at the department's cost. In this case, the Exit 20 Bridge where there is a sidewalk on one side and a planned sidewalk on the other side, they feel that the sidewalk construction in addition to the bridge, the extra 6 feet of construction would be on the department's dime. Everything above and beyond that would be the Town's responsibility. Meaning a multi-use path if you were going to go from a sidewalk to a 10-12-foot-wide path, that would be 100% on the Town and that is roughly a \$850,000 cost minus the \$245,000 sidewalk cost so it rounds out to about \$500,000. He suggested that the Council think of this as an upgrade. The Exit 22 Bridge, there are not facilities on either side of that bridge. Sidewalk construction would be 50-50 shared with the Town and the State and multi-use path everything above that would be 100% on the Town. These are just Freeport projects. We have already accounted for the money separately in the budget on the Cousins River Bridge.

Mr. Joseph noted that this is the first time he has seen dollar estimates and the first time he discussed cost sharing was about an hour ago. Councilor Reighley asked if the Council could be sure to get input from Complete Streets and Active Living. Mr. Joseph agreed and suggested having them at the meeting. DOT has offered to have their project manager present if that would help if there are questions. He will leave this up to the Council.

Councilor Tracy asked if they gave any information on why they have given us so little time. We have been talking about these projects for a while and she finds it amazing that we have so little time to think about such a big expenditure. Mr. Joseph did not disagree but feels the rationale as to why they need an answer now is to fit into the timing schedule that they have to design these bridges. 80% of this is funded by the Feds through grant money so they have essentially 11 months to come up with a comprehensive approved design for the Federal Government. They can't wait six months for us to make that decision and the project won't happen. As to why they are having the conversation with us today as opposed to several months ago is something that would have to be asked of them. He noted that he had to shut today's meeting down because they reached their deadline for time and were trying to comprehend the bigger questions.

Councilor Horne asked about accessing PACTS money but Mr. Joseph advised that we are not eligible for PACTS funding. Mr. Bliss advised that his intent is to go after all grants available to us which is inclusive of PACTS, MDOT, Bike/Ped Grant Program among other mechanisms. He suggested that the Council think of this in two parts. The bridge project of which the upgrade would be local share, then there are connections into those bridges in the form of sidewalks or multi-use paths which is where we would go to request grant funding from the sources he mentioned. Mr. Joseph added it is important to know that the entire bridge is not on the Town to pay for. They are just talking about the upgrades to the bridge that we have requested through the process above and beyond what is existing right now. The bridge as it exists now, is 100% funded through federal and state money. Both bridges as long as nothing changes will be in the state budget. The sidewalk upgrade to Exit 20 would be 100% funded, at least that was the preliminary decision of the people involved in the project that they would make the request because there is a connection there. If you want to upgrade that sidewalk into a bike path, that would be an add that the

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Town would be 100% on the hook for. If you wanted to put either a sidewalk or a bike path on the Exit 22 bridge, that would be a 50% Town match for the sidewalk and a bike lane would be 100% of everything above the sidewalk cost for the Town. Chair Egan added that he attended a number of these meetings that the dollar amounts now are new information and puts it in sharp contrast about what the DOT is going to pay and what they are expecting for local match. The idea that the opportunity for the local municipalities to participate in bridge design and then MDOT was not only open to, but warmly receiving ideas from communities on how to improve bike and ped access over these largely automotive bridges. It is not a surprise that there would be a local match requirement as part of these design upgrades. It is not dramatically new when you are looking at six-digit numbers that can make it seem like, where did this come from? He believes that there's not been any hide the ball here. The DOT staff, while being particulate about the cost that the upgrades they were inviting us to participate in the design process and kind of popcorn up some ideas such as the ones we have seen, we have known all along that the Town would have to participate in some substantial portion of those. The idea that DOT paying for improvement on a bridge in which there are no connections of similar use on either side is also not new. It is an issue that was brought up more than a year ago on a committee he attended. He appreciates the urgency of trying to get some commitments back to that committee about the Town's willingness to commit to local funds. He will get some information on what kind of a binding dollar amount this Council which is coming to its end here after one more meeting, is going to be able to do for this project going forward. He thinks there is substantial support from the community at large informally for us to improve both of those bridges for bike and ped access to connect the two sides of our community divided by the Interstate but it is another story all together when you are actually signing a document that says the Town will spend x dollars. It just makes it more real. He noted that the Council has to cover a lot of ground in the next two weeks. Mr. Joseph added that he needed to get this out asap if it is going to be on a Council agenda in two weeks if we are going to try to remotely give them feedback. He advised them he would be breaching this tonight. They asked if Mr. Joseph was surprised by this and does it match up with his understanding. He noted that we knew there was a share and the percentages are consistent with what we have seen in other communities. The only thing that got him going is that we have to come up with some guidance in two weeks and they understood that.

Chair Egan mentioned that it is heavily complicated by the timing of the term cycle of our Council membership. The next meeting is the last meeting for this existing Council. We will have an election and there will be new members on the Council but we won't convene as that group until late in November to start any business. Mr. Joseph advised that it would not do any good to have a special election in November or December because it is beyond their window. Councilor Tracy mentioned that she found it surprising that they would not give us more time to discuss that kind of magnitude of an expenditure with our townspeople. That level of an expenditure is the kind of discussion that requires a public hearing and as has already been discussed, input from committees. It is a very different thing to be conceptually on board and having a binding commitment for that amount of money. In her years on the Council we have never had to make that kind of a magnitude of a decision in this timeframe. It does a disservice to the Council and our relationship to our constituents to put us in that kind of a decision at that level of money. To her it shows a lack of recognition of the amount of money and the process required. She appreciates the cooperation and coordination that has been going thus far but hopes Mr. Joseph will convey the dismay that at least one Councilor feels having to make that kind of a decision in this kind of a timeframe. It puts us in a tough spot. Mr. Joseph noted they already had a Government 101 lecture administered by him at the meeting about how the legislative process needs to happen in January through June for the Council to make that budget decision. The appropriate legislative process is for the Council to decide in January through June on that dollar amount but the Council has the ability to make appropriations anytime throughout the year but that is way outside of the norm. He has already communicated that it would be way outside of the norm of the Council's operations at this point. Councilor Tracy understands that it might not be possible. Her beef is the timeframe. Yes, sometimes we have to make appropriations

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outside of the budget process. It is unfortunate but it happens but requiring it in the cycle of one meeting, we will barely be able to notice it and people will not know what is going on and we will not be able to get the kind of input she feels should be received prior to making that kind of a decision even though we have known there would be a local match. That magnitude of a local match is pretty big. Mr. Joseph 100% agreed with her. He offered to pass it on and feels the Council can pass it on in person in the very near future when talking to them. He explained that there is nothing to set for a public hearing at this point. We need to get feedback from our committees before we even start thinking about the budgetary impact. Chair Egan mentioned that even if there were to be some general consensus, we may agree to in terms of portions of these improvements, this Council also needs to know what is the process and penalty if later Councils decide to not spend \$750,000 on bike/ped upgrades on two bridges that are being built by the DOT. That part of it needs to be in the realm of discussion. Councilor Tracy is right that we are being asked to make a substantial impact that is over a million dollars if we do both, which is a huge impact on any budget element in the Town's process even if we were to stretch it out over a number of years in Capital budget in terms of planning for it. There is no way to say that it doesn't have an impact on taxes. Mr. Joseph stated that he would not sign any commitment form without Council appropriation. This is a much bigger governmental action than just saying yes, we conceptually agree to pay this amount in five years. We need something binding before we can sign anything with them. It is a stretch to get it done within their timeframe but if we don't, these bridges will not be built the way people would like to see them built. The design needs to be by September of 2021 to qualify for the Federal Grant which is 80% funding for the project. If it is not done by September of 2021, the project doesn't happen or at least it gets funded local/State share as opposed to 80% federal/20% State.

Councilor Tracy suggested having a discussion advising that we need more time to process this decision. Please proceed with hypothetically with a bike/ped path on Exit 20 but if we decide to not move forward and pay for the bike/ped path, we will share a proportionate design cost which is basically we are paying for an option. She wonders if there is a creative solution to their problem which is they don't want to design something that is not going to be bought but we can't buy something yet because we don't know what we are buying if we agree to just cover the design cost. Mr. Joseph advised that there is a design cost from a firm and it would be a percentage of the total cost, whatever it is. Councilor Tracy asked him to find out what it is. Mr. Joseph is confident they could give us a pretty firm estimate in two weeks' time. Chair Egan feels they will not be that far down the road with the design work in 4 or 6 weeks, even if they may have let out a bid for the design work. Mr. Joseph advised that before next week's meeting, he will have some detailed conversations with them about what the timeframes are for design work and what their drop-dead dates are. He will have this information available on the 20th.

Councilor Reighley mentioned that the \$800,000 figure that is being thrown out here is not for design. He asked if it is for the actual cost of adding to the bridge? Mr. Joseph added that it is correct. DOT is covering all the design costs. Councilor Reighley pointed out that this is going to be funded federally 80% so what is our actual percentage? Mr. Joseph clarified that the design costs will be 100% borne by the State. The Town and the Feds will not pay any design costs. Construction for replacement of what is there now is going to be 80% federal/20% State. The cost for anything above and beyond, additions to the bridge for a multi-use path it will be 100% over a sidewalk cost paid by the Town. Sidewalk costs are different at both Exit 20 and 22. At Exit 20 they agreed that sidewalk costs would be 80/20 federal/State with no local share. Exit 22 since there are no existing local connections to the bridge, their initial position is that the sidewalk would be 50/50 State and local, zero federal. The feds have already awarded the grant and they have to make sure the conditions of the grant are complied with. That is how they are involved for the funding side and to make sure that the State meets the condition of the grant. The DOT's policy is that they will not put add-ons into the federal grant programs. Councilor Reighley suggested that the DOT people can get an opinion from the feds because it will cost us over a million dollars and it will give us more time.

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Chair Egan noted there is lots to get on board for the next meeting.

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

Chair Egan explained how the public could provide comments. There were no public comments provided. The Council moved on.

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

ITEM # 148-20 To consider action relative to adopting the October 6, 2020 Consent Agenda.

BE IT ORDERED: That the October 6, 2020 Consent Agenda be adopted.
(Egan & Reighley)

Chair Egan reviewed the one item for members of the public.

ROLL CALL VOTE: (7 Ayes)

ITEM # 149-20 To consider action relative to approving proposed amendments to Chapter 46: General Assistance Ordinance and Appendices A-D & H for the period October 1, 2020 to September 30, 2021. PUBLIC HEARING.

MOVED AND SECONDED: To open the public hearing (Lawrence & Reighley) **ROLL CALL VOTE:** (7 Ayes)

There were no public comments provided.

MOVED AND SECONDED To close the public hearing. (Lawrence & Reighley) **ROLL CALL VOTE:** (7 Ayes)

Mr. Joseph explained that there is a split between Town expenditure and State expenditure. The State reimburses us for certain expenditures that we make in the program, a certain percentage of them. It varies and is changed by the legislature on a regular basis. We get reimbursed as long as we comply with the standards set forth by the State. To do that we change our Ordinance every time the State sets new appendices which are the allowable rates that can be reimbursed. If we don't adopt these, the State will disqualify our program and we won't be reimbursed for those costs.

BE IT ORDERED: That the proposed amendments to Chapter 46: General Assistance Ordinance and Appendices A-D & H for the period October 1, 2020 to September 30, 2021 be approved. (Lawrence & Piltch) **ROLL CALL VOTE:** (7 Ayes)

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ITEM # 150-20 To consider action relative to a proposed amendment to Section 413-Village Commercial I (VC-1) of the Freeport Zoning Ordinance.

BE IT ORDERED: That a Public Hearing be scheduled for October 20, 2020 at 6:30 pm via Zoom meeting to discuss a proposed amendment to Section 413-Village Commercial I (VC-1) of the Freeport Zoning 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 and the Town's website.

Note: This is an applicant proposed amendment to Section 413 Village Commercial I (VC-I) of the Town of Freeport Zoning Ordinance. The change would allow existing single-family dwellings in the District to be a permitted use. (Reighley & Lawrence)

Town Planner, Caroline Pelletier explained that this was a simplistic change. It was an applicant-driven agenda item from an applicant in the Village who wanted to put an addition on to their modest house only to find out that single-family homes in the Village Commercial I District are not a permitted use. In order to add on they would be limited to 15% if they were able to prove undue hardship and get a variance from the Board of Appeals which is difficult. The wording before the Council is to make existing single-family homes as of whatever date this gets adopted if it goes forward, to be considered permitted uses. There are essentially 10-12 existing single-family homes in the Village can stay where they are and have the ability to add on should they want to do that. It does not allow undeveloped land or a change of use on parcels to create single-family homes but the Planning Board feels this needs a more comprehensive look and there will be some visioning coming up. It didn't seem like the right time to put it all into one application.

Councilor Reighley added that it is nice to know that the other houses in this district will have an equal opportunity for expansion versus going through the Board of Appeals.

ROLL CALL VOTE: (7 Ayes)

ITEM # 151-20 To consider action relative to awarding the bid for a new Fire Chief vehicle.

BE IT ORDERED: That the award for the new Fire Chief vehicle be awarded to Casco Bay Ford, for purchase of a SUV Interceptor (Ecoboost/Hybrid) for the amount of (\$44,671/\$47,821).

Note: The Fire Department analysis shows that the life cycle cost for gasoline vs hybrid engine are very similar, therefore, the Fire Department is seeking guidance from the Town Council on vehicle type.

The FY21 Capital Program appropriated \$45,000 for this purchase. The balance in the Fire Department Equipment Reserve is \$1,241,500. (Tracy & Reighley)

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Since Fire Chief, Charles Jordan is seeking Council guidance on which vehicle to buy, Chair Egan stepped up and suggested that he buy the Hybrid. He is confident it will dramatically change the fuel consumption in that particular element of the fleet and it sets an example that the Town is moving toward recognition of sustainability. He can't wait for there to be a Fire Chief vehicle that runs on electricity only. Councilor Horne and other Councilors voted for the Hybrid for sure. Chief Jordan explained that the Hybrid is fuel and electric and explained how it works. He referred to the information that should have been included in the Council's packets. Discussion followed. Councilor Tracy noted she is happy to see the Chargers go. Councilor Whitney asked if the Chief has a preference. Chief Jordan explained that he doesn't have a preference but likes the message the Hybrid sends. He expects to receive it March 1 and is confident that his current vehicle will run until then.

MOVED AND SECONDED: To strike the phrase Ecoboost and the \$44,671 figure (Reighley Horne) **ROLL CALL VOTE:** (7 Ayes)

ROLL CALL VOTE: ON REMAINING LANGUAGE (7 Ayes)

ITEM # 152-20 To consider action relative to awarding the bid for a new Police Chief vehicle.

BE IT ORDERED: That the award for a new Police vehicle be awarded to Casco Bay Ford, for purchase of a hybrid SUV Interceptor and to Coastal Electronics for equipment and upfit for a total cost of \$40,607.91.

Note: The FY21 Capital Program appropriated \$50,000 for this purchase. The Police Department Equipment Reserve balance is \$338,500. (Horne & Reighley)

Chair Egan explained that there is information in the Council's packets about the same opportunity for the Police Chief's replacement vehicle to be a Hybrid. Mr. Joseph pointed out that this is a cruiser not a chief's vehicle even though it says chief's vehicle on the agenda. Chief Nourse explained that it is a front-line cruiser that is being replaced. The car being taken off the line will be traded in as part of the package. Lieutenant Goodman is on the call if there are questions. Mr. Joseph noted it makes sense to go with the Hybrid vehicle as a department vehicle.

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS:

1. Discussion regarding Halloween Safety.

Mr. Joseph explained that the local merchants and Visit Freeport unanimously came to the decision that no one was going to be doing the downtown Trick or Treat this year. At the stores it is not physically possible for them due to occupancy guidelines, never mind the fact that he has not seen a safe way to hand out individual packets of candy, keeping them clean and maintaining 6 feet of distance; although the mask thing is maybe 50% covered with most of the kids' outfits and adults as well. A decision was made to put this off. Some people may not be aware that it is run by the downtown merchants and Visit Freeport every year. The Town does not organize that but we support that decision. It seems consistent with the CDC guidance that was released a few weeks ago. In his opinion and in the Police Department's opinion it seems like the smart thing to do.

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As for neighborhood trick or treating, some Town neighborhoods host trick or treating door to door. Those are very unofficial. He has received inquiries if the Town is going to do this or is the Town going to do that. He is not sure that it is appropriate to get involved in this question. He would recommend that people follow the CDC guidance which is not to do hand to hand trick or treat and try to do other options on Halloween. He doesn't know if somebody decided to host a neighborhood trick or treat, he doesn't think that it violates any of the standing Corona Virus standing executive orders that are in place. It is not a congregation of 50 or more people and it doesn't break any of the rules. It leaves us in an awkward position. They are not really our projects or events. They are not technically prohibited under the law but they are recommended against so his position is that we should probably discourage them but doesn't feel there is anything we can do to enforce it even if the Town decided it didn't want to have any neighborhood trick or treating going on because he doesn't think it really breaks any laws or rules. He is open to get feedback from the Council on this.

Chair Egan clarified that the Council is not being asked nor is the Council in a position to take any official recommendation on either one of these topics. The Merchants participation in this holiday event is completely outside of Council direction and is run by the Merchants group with the participating businesses and obviously the Council does not have jurisdiction over what people do in their neighborhoods on various holidays. As Peter just said, it would not violate any of the existing orders as issued by the State. We really do not have anything to take an opinion on here in terms of an official position but he thinks it is worth reminding folks about what the guidelines are and that is the conversation we wanted to put out this evening.

Councilor Reighley stated that the South Freeport Village is not an organized event and is not hosting anything so there must be some way we can make folks be aware that we are suggesting that gatherings of a nature on Halloween are not to be encouraged. That message could go public through any one of our television stations, local publications, radio stations that share community interest. Councilor Horne agreed. He mentioned that South Freeport has hundreds of people there so even if there are some die hards that still want to do it, any kind of public announcements discouraging it might knock some of the traffic down. He feels it would not hurt to go on record even if we can't enforce anything.

Councilor Tracy noted she feels conflicted. She feels that it is not our jurisdiction and if we have any message, it should be to the extent that if there is any activity, it needs to be compliant with CDC guidelines. Personally, she doesn't feel the Town should go farther and say "you shall do or you should not do." Making people aware of the guidelines, masks, 6 feet apart, outside, wash your hands and all the precautions we have been saying. Beyond that she doesn't know if she would support a Town Council message. She does feel complying with CDC guidelines is important but feels it is not the Council's business. Mr. Joseph advised that we will let people know that the downtown event is cancelled because the decision has already been made. Councilor Piltsch read the CDC guidelines into the public record.

Chair Egan feels this is not something the Town has any official governance over other than the general public safety and public health protection of our residents so he feels it is a reasonable position to take and would ask if the rest of the Council agrees that it could be a formation of a position we put out on our typical channels of communication that we encourage people to follow the CDC recommendations when it comes to the holiday which include: (avoiding and then list the activities) and that we put that guidance in our messaging. Mr. Joseph repeated the guidelines into the public record. He agreed that the guidance can be put on our website and in all of our channels. Councilor Tracy mentioned listening to a radio discussion where people are devising ways to put out candy. She feels if people are creative enough to try to follow the guidelines, we should say, go see the guidelines. Chair Egan feels that it is perfectly fine for the Council to recommend that residents of the Town follow the guidelines issued by the CDC and avoid

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high risk activities. Mr. Joseph offered to craft some language to put out on our channels of communication.

2. Discussion with the Sustainability Advisory Board to provide Council direction to the Board on future research surrounding the Town Recycling Program.

Chair Egan mentioned that this was something he added on because the Council was kicking around the opportunity for ways to approach the recycling challenge our community has with the overall goal of increasing our recycling volume at Ecomaine and decreasing our municipal solid waste volume at Ecomaine, which is where all of our recycling and trash ends up. We pay for municipal solid waste and includes paying the tipping fees for the commercial carriers that provide curbside service for trash pick-up. It also includes recycling pick-up. The Town, collectively all of us, also pays through our taxes for contaminated loads of recycling which then have to be transferred over to the municipal solid waste because of above acceptable thresholds of contamination. We have had a couple of conversations in subsequent meetings this fall, including the supposition we were about to make a move and we never had a conversation about it and had an enormous public response in the opposite direction for what was actually not even proposed officially. We certainly got a good feedback on where the community thinks about this issue and what the community is not interested in. We have a very effective Sustainability Advisory Board Committee which has done a lot of research and has been promoting various aspects of activities and behaviors in the community that can address the goal he started with which is to increase recycling and decrease municipal solid waste. That includes matters of convenience and efficiency and what makes good common sense for how to accomplish both of those dynamics. We specifically have not moved towards any conversation of a curbside recycling activity after just having it mentioned in an agenda item. Chair Egan wants to close the loop and be respectful and honest back to that committee which has done an enormous amount of work for the Council here to provide some direction from us back to that committee about what we think should happen, could happen and might happen in some particular areas of research that we might direct that committee to undertake in terms of recycling and trash. He knows we have Rod Regier in our audience this evening who is our Ecomaine Representative and active in this conversation. He has provided data as well as a historical perspective having been on the Council previously when these issues have been discussed. We have been talking about this for quite a long time. He wants to promote the idea to get specifics if people have any that we could document and send back to the Sustainability Committee for things to go investigate to keep the momentum going towards improving recycling volume and decreasing the municipal solid waste volume. Kate Rosenfeld indicated that she would like to be part of the conversation as well as Rod Regier.

Rod Regier mentioned he sent some information to the Council off and on through the months it has been discussing this. While he didn't have anything large to add to that, he did wonder as we talk about specific activities. We certainly save money overall by recycling rather than sending to Ecomaine for the recycling fee. The way you save the most amount of money is by not sending anything at all down to Ecomaine. It occurred to him today that it has been at least 10 years since there was an active effort to make the black composting bins available to residents. There is a new generation of folks living in town and the conversation right now might be the catalyst to revisit that. It is a small level but he wonders if this might be the moment to reinforce and encourage that action. The other thing that has been discussed along the way is to consider the hours at the Transfer Station. He feels it might be a worthwhile experiment again. For any kind of recycling to be effective, it has to be easy and if there are more convenient hours that can be determined, he feels it would be beneficial. He didn't have anything else to add to the conversation but thanked the Council for inviting him to participate.

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Councilor Reighley mentioned that there has been no market with the single sort materials and asked what would happen if we entered into sorted out metals from paper, is there a market there? Mr. Regier responded that right now, at the last Ecomaine meeting, they went through the values Ecomaine was receiving for the different recyclable materials. They are still paying to make mixed paper disappear and unfortunately that is the largest weight going from the Recycling Center. There is a decent market for corrugated cardboard. There is a market for waste metals but not very much and there is a market for plastic but it takes a lot of plastics to make a reasonable weight. He noted that there was a discussion for continuing that activity at the Transfer Station because at one time we actually segregated all the material and sold it individually. The potential income for recyclable sales versus the additional cost for staff he is not sure is a win anymore. Councilor Reighley mentioned if we were to promote having someone pick up locally and instead of running all the recyclable materials into Ecomaine but bring it to the Transfer Station for sorting and then sale, would that be something that would not necessarily turn a profit but actually increase the amount of recycling taking place and get some revenue coming back from it. Mr. Regier could not give him a numeric answer for the detail but knows that there are a couple of towns in Ecomaine's membership that do exactly this. They segregate their recyclables and send them packaged separately down to Ecomaine. There is a substantially different cost structure when that happens but he can't tell what it is. Someone would have to talk to the Director at Ecomaine, Kevin Roach. It costs about \$75 a ton to process recyclables in that single stream facility down there. Anything saleable such as corrugated cardboard is segregated and sent to Ecomaine. It would be a very different cost structure than anything we have talked about.

Councilor Reighley inquired if the facility in Maine that was going to take on some of this material for producing items has come on line. Mr. Regier answered not yet. The Black Dragon plant in Rumford is one but he does not know the estimated completion time. Chair Egan agreed that Nine Dragons is still a little ways off. Councilor Horne asked Mr. Regier about the percent of contamination that is coming from Pine Tree that is way above what our silver bullets generate. On the Town side we changed who pays the penalty but he assumes the Town's taxpayers pick up the tab for recycling that turns into waste in a contaminated load. Mr. Regier did not believe so. Councilor Horne asked if Ecomaine members have any leverage over the private haulers to encourage contamination rates beyond making them pay for the waste themselves? Mr. Regier mentioned the only way he could imagine the Town would be able to have leverage would be for the Town to somehow incorporate it into the licensing fee for all waste. Pine Tree Casalla in Freeport is on the high side of average and while he asked Board members, he never got an answer beyond greater education and he has found that one dimensional answer frustrating. Councilor Horne would like to see some way that the Town could compel more compliance on the way recyclables are handled with private haulers who have high contamination rates. He is all ears as to how we can get that contamination rate down. Even if they are paying for it, it is still the ecological impact seems unnecessary to him. Mr. Regier mentioned that it is a contractual matter and then the real issue is how do you make the goal stick and not simply have it as an added cost that gets passed on to customers?

Councilor Reighley asked if in the contamination rate with Pine Tree, does it hold up in other communities where they are doing the same thing with the "separation of recyclable materials?" Mr. Regier offered to ask this question at the Board meeting coming up at the end of the month. Councilor Reighley would like to know if Freeport is doing better than other towns where Pine Tree is the only game in town. Mr. Bliss advised that he agrees with everything Mr. Regier has mentioned so far. He agrees by weight food waste contributes a lot to the tonnage delivered to Ecomaine. If we can reduce that food waste by incentivizing composting, then we have opportunity to reduce our tipping fee costs. The question becomes how do we incentivize composting. We still offer compost bins at cost and is something we can explore to take to the next step during the next budget season offering so many composting units in a five-year plan with a goal of offering that investment in offering free composting units to residents that is offset by the reduced tonnage delivered to Ecomaine. This is something we can

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explore moving forward. He agrees with Mr. Regier that if we were to go back to sorting recyclables, the cost benefit would not be very good because of the added staff and the volatility of the recyclables market. Any conversations we have, he requests that operations and staff be part of those conversations between the Sustainability Board, Town Staff and Council.

Councilor Reighley asked if it would be beneficial for the Council to invite companies like Garbage to Garden come and do a presentation for us so this now becomes an opportunity for the citizenry of the town to actually hear what they have to offer. Mr. Bliss agrees that education is a critical piece of this recycling and solid waste problem. Chair Egan agreed and knows a little about this company. They are ambitious to get their message out about the ecological benefit of what they are able to accomplish through their business model. He is starting to see a 6-12-month long program and this maybe some direction he can help articulate in his participation at the Sustainability Advisory Board is to curate a series of events we can try and have some public exposure to. It will be hard to do during Covid so they would be electronic events starting with an opportunity to learn more about composting and he agrees offering compost containers or vessels to residents may be one way to do it. He feels a lot of people would prefer a small container and take it to a collection point and not have to tangle with the chemistry in going on in running their own compost activity at their property. That is the kind of conversation that way more people in Freeport hopefully could be and should be having around their own kitchen table about the different ways they can participate. Composting is one of them. Learning more about what is recyclable and not recyclable is another. He receives an e-mail weekly from Ecomaine gushing with materials, resources and programs for both education, community and non-profits to plug into to learn and understand the waste stream. That could be another segment of this season or year long event of education opportunities. He is starting to get a picture of that. He would like to hear any more input on some other topics or directions we can itemize and send back to the Committee.

Councilor Tracy asked if the Council is asking the Committee to look at pricing out curbside recycling only? Chair Egan answered that it could be a research topic but is separate from the education community engagement dynamics. Getting the language around how the town would actually implement that is probably even more difficult than trying to figure out who and how it gets paid for but it is certainly a possibility. Mr. Bliss agrees that is a possibility there and he has a lead on the Town of West Bath that has adopted such a curbside recycling program. He has reached out to their Town Manager and is waiting to hear of their annual cost for such a program. The wrinkle to that example is they contract with not only that company to pick up the recycling and also contract them to also run their Transfer Station. If he remembers correctly, it is one of these private haulers we have been talking about with the high contamination piece. Councilor Reighley asked the size of West Bath and if there is a village center? Mr. Joseph noted they have less than 3,000 residents and he doesn't know if there is a village center. Councilor Reighley noted he would not consider West Bath as a good comparison for Freeport. Mr. Bliss noted it is a resource we can reach out to. Councilor Tracy asked what the cost is for hauling the silver bullets annually. She assumes a curbside recycling would be more but wonders how much would be offset by eliminating the silver bullets. If people are getting their recycling picked up at the end of their street, they are not going to care if the silver bullet is at the police station anymore in theory. Mr. Bliss recalled that for four containers, it was \$60,000 a year to haul them to Portland. On the surface, curbside recycling pick-up makes sense. Yes, we have the challenge of long driveways but containers of recyclables are lighter than containers full of solid waste. Chair Egan pointed out that for the record, this is a hypothetical conversation. The Council is not moving towards any plan or a proposal to institute curbside recycling. Councilor Tracy advised that this discussion is whether to ask the Sustainability Committee to look into what it might cost. Mr. Bliss noted it is a good idea and does not compete with our local hauler. He mentioned that it costs about \$100 to haul a silver bullet uncompacted. The compacted weight is 4-5 tons. Councilor Horne supports asking the Sustainability Committee to at least flesh out the idea. He gets that it is not a formal proposal. He agrees with Mr. Regier that it needs to be

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convenient and this should be communicated to the Sustainability Committee. Councilor Piltch is in support of the education program around composting to understand how relatively easy it is to do whether it is on your property or bringing it to the Garbage to Garden bins behind the police station. It makes a big difference. He would like to see what it would take to do curbside recycling in addition to making it more convenient and likely cheaper than it is today. If we are going to do that, he asked if there is an opportunity to do curbside compost which other communities have done. The diversion of that waste could make a big difference to Ecomaine. Councilor Lawrence suggested doing a trial run and have the Transfer Station open longer hours to make it more convenient for residents. Right now it closes at 4 o'clock and when you are working full time you are not home until 4:30 or 5. People he has spoken to have indicated that if the Transfer Station was open longer, it would make it more convenient. Now that we are heading towards electric vehicles, we don't have to worry about carbon footprint. Councilor Reighley added that the money we saved on the Police vehicle we can apply towards part-time staffing. Chair Egan mentioned we are spending that 2 or 3 times over. He agreed we should try to get a cost analysis and try out changing the hours to see if it increases or decreases or if it has any impact on the volume. Councilor Lawrence feels we need to let residents know ahead of time. We could put out signs saying when we are going to be open. Perhaps the Transfer Station could be open until 6 o'clock since it opens at 8 a.m. It would go a long way and is something we can do easily. He suggested doing it on Wednesdays. Mr. Joseph added that if we are going to do that, we will need to talk about staffing and we also will have to light the Station. It is not lit now and it probably wouldn't be a huge cost but there would be some capital upgrade costs there to light the entire facility because people drive behind it on the scales, etc.

Chair Egan noted he has written down four topic areas to bring to the Sustainability Committee for some research and investigative work which he is happy to share at their next meeting. Vice Chair Whitney asked if we can get the Gift (Swap) Shop open again. It is harder for people to get rid of skis they don't need or all the good things that end up at that shop. Councilor Reighley mentioned that the Governor just opened Stage 4 and this might be in it. Mr. Joseph noted he hears the request but did not know the length of the closing. Mr. Bliss advised that this was a Covid safety precaution and something he had not discussed about reopening. That is the same thing with Spring Clean-up. They postponed the event where you get a coupon for a free drop-off because of Covid. We said we would entertain having that event in the fall time and here we are. A few residents have reached out asking if we are going to have that event and some direction would be appreciated. He mentioned the honor system of drop-off when we were doing hands-free exchanges in the spring and the system was give us your name and address and we will send you an invoice. They have \$10,000 in outstanding invoices that are just not being paid so we have this shortfall we were not anticipating. Mr. Joseph added that we have already used the Spring Clean-up money for something else. Mr. Bliss knows that other communities have postponed their events entirely but we did not go that far. We just postponed ours. Councilor Tracy mentioned that a few residents have reached out but it doesn't appear there has been a big objection about the Spring Clean-up. Unless others feel differently, she feels we can say that one was a wash and we will try it again next spring. She agrees with Councilor Whitney on the Swap Shop. FCS is having the same problem with the drop-off times being severely limited. Eventually people just throw that stuff out so if we are trying to minimize waste, it doesn't seem like there is a reason to limit accessibility to that resource. In a time when people do not have much money, it is nice to have that feature. People are giving to people that can make use of it. It would be nice to have that support available even though it is small. Councilor Horne supports getting the Swap Shop open if there is a safe way.

Chair Egan appreciated the input he received over the past half hour. The recommendations he has to bring back to the Sustainability Committee involve:

- Potential research on cost comparisons for curbside recycling pick-up versus centralized community-based containers.

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- The opportunity to review the change in hours and or days of operation at the Transfer Station in a trial period to see if it increases recycling and give it a fair shot.
- Potentially come up with a proposal for a series of educational events over an extended period of time for the community to learn more about what goes into our solid waste stream and how they can help towards the goal of increasing recycling and decreasing municipal solid waste and the overall reduction in volume.
- The opportunity to learn more about composting.

Kate Rosenfeld, as an interested resident and not representing the Sustainability Advisory Board, wanted to hear what was going on. She feels it was a great discussion and it sounds like a great list. She thanked the Council for offering the chance to respond.

3. Continued review of the Complete Streets Policy

Chair Egan mentioned that he is hoping to continue and conclude the conversation on the Complete Streets Policy. At our last discussion on this item, we had not yet heard specified comments and feedback from Staff as the Policy came out of the Ordinance Committee. We now have those comments that were included in the information in our Council packets.

Councilor Reighley advised that this Policy has been in the works for a long period of time. The request by Council to get input from Staff and other interested parties on this is now in our packets. The Policy is a policy and is not part of an Ordinance and is an internal document that actually sets working guidelines for the Complete Streets Committee. With the input that has come from Town Staff as well as Chief Nourse, there is plenty of opportunity for this document to go forward as it is because what has been submitted by the others is an opportunity for the Policy to keep changing as we go along. There is an annual review process and an opportunity to shift direction written into the policy so these considerations have been put into place. The Committee is not only designed to make decisions involving Complete Street issues but it is also willing to listen to criticism and make shifts and changes as necessary. The action before the Council tonight is do we wish to receive or do we wish to receive and approve this policy as it is written understanding that these recommendations and input from Staff will be honored and implemented whenever they can be.

Doug Leland was welcomed to the conversation. He pointed out that he did not have anything to add. The Council has received comments from Staff and comments from the Committee regarding the Staff comments and has the Policy. If there are specific questions about the aspects of the Policy or any of his comments, he would be happy to elaborate but has nothing more to add to what Councilor Reighley had to say. He did mention the question he asked this morning at Complete Streets which was the significance between receiving and accepting. He would tie this into the bridge discussion the Council had earlier. It would seem that regardless how the bridge discussion ends up, multi-use paths, bridges, pedestrian accommodations and biking accommodations will be part of future discussions in Freeport for some time and that none of it is inexpensive. If the Town wants to go in that direction, it is going to cost some money. Currently, the feds have made a half billion dollars available for those types of projects but they haven't distributed any of it yet. There are other sources of funding too. His question this morning was the distinction between receiving and approving or receiving and accepting, does it change the perspective of those who are in a position to grant money? Do those words signal to people that grant money a level of commitment from the towns that they will potentially giving money to? If there is a significant difference in those two things, he would factor it into the Council's thinking regarding this policy.

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Mr. Bliss noted that it is a great comment. Today at the MDOT meeting the Bridge Program Manager asked us for supporting examples on how and when the Town plans to connect into these bridges. We have already provided a persuasive argument on Desert Road because of the development and the existing infrastructure. Because our argument for Mallet Drive will benefit from having a Complete Streets Policy in place, that will supplement everything that Active Living and Complete Streets have put together over time. We benefit monetarily because that cost share has the potential to greatly increase. Caroline Pelletier, Town Planner, advised that having that Policy in place could be beneficial. We have potential development on the horizon and the potential to have a public component or impact areas in the public right-of-way definitely having this in place before hand would support any requests made of any developers and also you do not want to rush. You want to make sure you have a clear policy on the books which is why some of the comments were raised. She offered to answer questions.

Mr. Bliss liked a comment he read that having such a policy will help drive revision of our Comprehensive Plan and relevant ordinances. He knows the Comprehensive Plan will have to be updated in the next few years. Mr. Joseph added that as they cleared through some of the Staff comments and the responses it is not clearly delineated in the Policy but it is clearly intended that it applies to Town projects that are approved and funded by the Council. The question is whether we want to apply these standards to private development as well. He knows he talked to a few Councilors about the possibility of referring it to Planning for implementation into our private development standards. Right now, you can't require something of a private road developer unless you go through a legislative process and make requirements that they have to follow. Adopting a policy does not meet those guidelines. The Council cannot pass a document that means someone has to build \$400,000 worth of infrastructure in their private development project. It has to go through an Ordinance adoption process to make that happen. That is tightly governed by Statute that has to go to Planning and then has to come back to the Council, etc. The question is is this something we want to entertain referring to our Planning Board to standardize the development between private and public projects in Freeport so you are using one set of guidelines? Chair Egan feels there would have to be a lot more discussion on the actual impacts in terms of cost before he could feel comfortable that these policy recommendations become part of a Land Use Ordinance directly affecting private development. It is actually a substantial difference in overall policy direction that as a Council we might take implementing a set of design standards and criteria and value statements about public infrastructure he believes is significantly different than using that and putting it over the entire Land Use Ordinance where it affects all private development as well. We have a robust Land Use Ordinance right now and many would say, complex and thick if you are looking to do projects. However, it also yields really quality, well situated and well incorporated projects at the other end so there is a purpose for that process. He thinks that is a significant leap that he does not feel we are in a position to take on right now with the level of review and specificity that is in the current Complete Streets Policy.

Councilor Lawrence asked if there is any benefit to putting definitions together so when you are talking on Complete Streets or private development, you are talking the same words that mean the same things. Char Egan noted that he agrees and the scope of the parameters, design elements, recommendations and performance standards referenced in the Complete Streets Policy as a goal for the overall Town to be aiming for, you can spend an entire 3-hour Planning Board meeting talking about one sentence in an Ordinance language element with dimensions and setbacks related to sidewalks, for example. The specificity there absolutely makes a difference and he doesn't understand the dynamic of how Planners use Land Use Ordinance language in order to craft the process in a balanced way in order to be accommodating and allowing for development projects to move forward while also recognizing values and design standards that the Town has in place. It is a detailed pathway that Caroline engages in on a daily or weekly basis. He agrees that the vocabulary needs to be consistent if it is going to be applied. His point earlier is that he believes it is a dramatic difference in impact in terms of scope about whether the effects of the Complete Streets Policy are directly connected to changes, upgrades, improvements and

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revisions to the overall Land Use Ordinance because that is an enormous lift that would require substantial planning to implement.

Councilor Piltch had questions along the public/private line. Is there a mechanism for us to include recommendations and suggestions other than requirements? In other words, giving private developers bonus points for saying, if you do this, we would look favorably on it but today we are not going to require it. Caroline feels that it is really tough. We have a lot of standards that are just too gray and too unclear and too many people are interpreting them in different ways. She feels we can always ask a developer for things and a lot of times they say yes but she would hate to be pushing them towards doing something without really clear standards in place. It would not be fair to the developer or the Board that is reviewing the project. Councilor Piltch agrees with Councilor Lawrence that it might be good to offer some language on how the Town is approaching it so if the developer is facing market pressure to do these kinds of things, they can at least do it in a way that is consistent with how we are doing it as a town. The motivation is not coming from us but from coming the market saying if I am going to be doing a big residential development, I'm pretty sure the people buying those homes will want bike paths and this is the way the Town is doing bike paths and connecting them. He referred to the policy side and his question is around policy versus ordinance. If we accept this as a policy which he thinks it is how it is written, it gives us guidance and suggestions as to we might think about things when it comes to Capital planning but it doesn't bind us to spend the money to have to do the kinds of things that might inflate a project. If this was an Ordinance, would we have to do the multi-use path at the Exit 22 bridge? Would this be required or is it a policy that suggests we should do it? Mr. Joseph advised that there is not really a distinction when you are talking about the town because if you are breaking your own ordinances, you as the Council are the ultimate body through the enforcement mechanisms and all that responsible for enforcing your own ordinances so if you choose to break them or ignore them, there is nothing anybody can do about it. It makes a vast difference if you are talking about private. If you are talking about telling the Town to do something, a policy is a slightly more polite of a request than an ordinance but there is no way that somebody can use an ordinance to force the Council to do something because you are the body ultimately responsible for enforcing its own ordinances.

Chair Egan recalled the Council started off the idea of a public information sign at the Public Safety Building and talked about what we wanted it to do and function. We quickly found out that the sign was going to be in violation of the Sign Ordinance that controlled that zone. We took the steps to modify the Ordinance to allow for the activity we happily finished this year. He would not dismiss it as saying this is just a friendly way of saying. He thinks a policy carries a little more weight than that and indicates a set of values in a statement of how the Town wants its public infrastructure to function. It is an evolving document and eventually subsequent Councils and Planning Boards can pick it up and take it further. He is interested in getting a feel from our group this evening to go ahead and accept it and adopt it as a policy knowing that it doesn't pull any levers just yet but gets us onto a path that eventually will start having some impact as it flows through our planning process and our Planning Board.

Councilor Horne noted he is on board for accepting in the spirit of it being a framework that is evolving. He likes the annual review provision. It is like a compass for our town and directs where we want to go and has some aspects of being aspirational because we have a long way to go in some places and not in others. He feels this is the kind of document this town has been lacking for a long time. He would support accepting it. He agrees we do have a robust Land Use Ordinance now and we lead on the public spaces that the Town is responsible for first. It is a great start. He thanked Councilor Reighley and Doug Leland for shepherding this.

Councilor Reighley reiterated that this is the first step that then ties in eventually with Planning as we go forward and this policy is the basis to what we will look at when we begin to work with the public and

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private sectors in any development in Freeport. Councilor Tracy wants to understand the status of the Staff comments but the policy has not changed to reflect some of those comments that Doug Leland has agreed to. Councilor Reighley added that it is correct. They are in consideration but this is a flexible enough document that's nothing more than policy so can be changed anytime and there is that annual review that is there. Mr. Leland did not have the documents in front of him but his recollection is that a number of those areas where there was agreement on where changes could be made were not significant and could be changed very quickly. The staff comments would not have to wait for an annual review. Chair Egan agreed that was his interpretation as well. Mr. Leland advised that he would have to go back and look at Staff comments and see where there was agreement or where something still needed further discussion. He does not have an answer at this time. Councilor Tracy does not have a strong feeling about the form in which we take on this policy. A lot of work has been done and we need to recognize it in a way that gives credit its due and also puts us in a good fiscal situation for having something that is evidence of our commitment so we can leverage other monies that will be consistent with this policy. She has reservations about accepting a policy where we have Staff comments and there is agreement on the changes to be made but haven't been made yet. She doesn't understand why we don't incorporate those comments and adopt a fully formed policy as opposed to incorporating something we know already that Staff has spent commenting on and there is agreement on some of the comments but they haven't been incorporated yet. Mr. Bliss explained that most of his comments were for clarification and his questions have been answered. If it helps, he is all set. Caroline added that she came into this later and found that it lacked clarity in places which were the reason for most of her comments. Most of them were not major. It was just cleaning up to be clear that this does not involve private projects and would not involve the Project Review Board at this point. It really would apply to municipal projects in the right-of-way and then there were just a few suggested edits that Doug was in agreement with. Mr. Joseph asked if this would be implemented through the Project Review Board and the Planning Board adopting standards and doesn't seem like there is a lot of appetite on the Council but Caroline raised the exact same question and Doug's suggestion was that the Project Review Board would go through and adopt these standards is exactly where there was push back from the Council that it is not wanted at this time. He feels like the jurisdiction paragraph No. 7 is completely unclear and it doesn't seem like everyone agrees that what is written in the actual policy and there are three ways we want it to go. The majority of the Council supports one thing and Doug is also suggesting a different way it could go similar to what he originally said but is a little different in his response to Caroline. It has to do with whether it applies to public or private projects. No. 7 in Doug and Caroline's e-mail exchange on page 4 of 6 it is completely unclear to him and he read it out loud. He stated there is no way we can legally do that in a policy. It can't have any weight and an order from the Council cannot have any weight. Mr. Leland suggested taking the whole paragraph out and provided an explanation to take it out. More discussion followed.

Mr. Joseph pointed out that his concern is with the word "shall". Councilor Tracy is not sure the Council should be adopting a policy that needs final work. Councilor Lawrence wants to get it edited and then he feels the Council can approve it. Others agreed.

MOVED AND SECONDED: To table this discussion to the October 20 meeting and that the revisions suggested by the Town Manager in Article 7 be considered for revising and that again a check with the Town Engineer and Town Planner to finalize any other changes to take place before this goes forward and this action can be done with the Complete Streets Committee Chair and Vice Chair. (Reighley & Whitney)

Mr. Joseph clarified that there is a chunk of agreed changes that nobody is questioning and there is no debate that should be worked with incorporating with Doug Leland and the Vice Chair. If there is anything that is not agreed to if there is a serious question, he will flag in the final document that is presented to the Council for the Council to make a decision on. Doug and Councilor Reighley agreed.

ROLL CALL VOTE: (7 Ayes) (0 Nays)

Chair Reighley wanted the Council to recognize the good work of Doug Leland for the years in transforming Traffic and Parking to Complete Streets and the vision for the future of Freeport. It is great work and we greatly appreciate everything he has done. Mr. Leland asked what the final copy would look like and if it will be a Complete Streets-driven process now? Is it a Peter Joseph-driven process? Is it Staff driven? Chair Egan advised that the Manager will confirm the position of the Staff in terms of the comments and then review what is the draft final language with Mr. Leland and the Chair of the Complete Streets Committee to get Mr. Leland's concurrence that the edits being proposed are not deviating from his intent of the original policy proposal coming forward.

MOVED AND SECONDED: To adjourn at 9:29 p.m. (Reighley & Lawrence) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Respectfully submitted,

Sharon Coffin, Council Secretary