

MINUTES
FREEPORT TOWN COUNCIL MEETING #22-20
HELD REMOTELY USING ZOOM TELECONFERENCING TECHNOLOGY
TUESDAY, OCTOBER 20, 2020
6:30 p.m.

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 6:30 p.m. via zoom and welcomed everyone. He explained how members of the public can participate this evening on the zoom platform.

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, the Pledge of Allegiance was recited.

Chair Egan highlighted and recognized the Freeport High School Golf Team that recently brought home the hardware and captured the State Championship in the Class B Golf competition. He read a bit of what was put together by the Staff and Athletic Department. They went undefeated in their regular season with a 5 and 0 record. They were the Western Maine Conference Champions which qualified them to compete in the State Meet. Matthew Kempf won the Class B Individual State Title and there were 15 on the Golf Team. This was Coach Jason Ouellette's second year coaching the Falcon's Golf Team and the accomplishments were highlighted in a recent *Portland Press Herald* article.

Coach Ouellette thanked the Council for taking the time to recognize the team. They really appreciate it. He gave credit to the golfers themselves. They finished second last year in Class Band played in tournaments over the summer. They are a great group of kids to be around and they have lots of fun together. He is so proud of them. Councilors congratulated them.

Councilor Tracy pointed out that it is a special honor when a team like this brings home such a distinctive award such as a State Championship. In this time when the kids have had to work against a lot of diversity and uncertainty as have adults so it is extra special. Please convey to the team that they have done a wonderful job and instilled a lot of pride in Freeport and we wish them the best. Councilor Reighley asked Coach Ouellette how it felt to see this accomplishment displayed on the sign at the Public Safety Building. Coach Ouellette noted it was awesome and the fact that it was up for several weeks provided such a good feeling to drive by that sign. As a team they are sort of in their own bubble and focus on what they do and now they are starting to realize what it means to the Town and people beyond their little circle. It feels good and great to see the Town embrace it and recognize it.

Chair Egan pointed out because of the zoom platform and everything else that is going on, the team is missing out on what would normally be a team gathering in the Council Chambers and get proper

COUNCIL MEETING #22-20
OCTOBER 20, 2020

recognition but the Council is certainly conveying its best wishes and congratulations to the team this evening.

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #21-20 held on October 6, 2020 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #21-20 held on October 6, 2020 and to accept the minutes as printed. (Reighley & Piltch) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

THIRD ORDER OF BUSINESS: Announcements

- **Voters may now vote in person** at Town Hall. More information on absentee voting and how to request a ballot can be found at www.freeportmaine.com or you can contact the Town Clerk's Office at 865-4743 x122 or 123 and speak to the Clerk or you can come down and vote in Town Hall.
- **SEASONAL FLU CLINIC on Wednesday, October 21st, 10AM – 2PM 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 in Brunswick 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.

FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Horne advised that the Active Living Committee met this week and pulled together a number of resources we will probably hear later tonight. The group has been very engaged in the bridge conversation and looks forward to hearing their participation later tonight.

Chair Egan received an inquiry from a resident and asked the Town Manager to have our Town Engineer available for a brief discussion on a visual hazard at a side road off of North Route One at the Prout Road. He went out and experienced the difficulty first hand. There are a number of vehicles parked at the end or beginning of Prout Road where it hits Route One making it difficult to get a visual eye on on-coming traffic from the north bound side of Route One. Mr. Joseph noted he talked to the Police Chief and Earl Gibson. Mr. Bliss advised that this is a tricky one and is ongoing. It's an issue that has jurisdictional challenges to it in terms of is it on private property, is it in the right-of-way. Public Safety is dealing with this ongoing issue but there are a few layers of challenges but everyone is looking into it.

From Chair Egan's underinformed perspective he feels it is clearly an issue in the right-of-way of Route One. The vehicles are parked right up to the pavement and completely block the northbound view of traffic coming southbound on Route One. That was the specific highlight of the complaints he received

COUNCIL MEETING #22-20
OCTOBER 20, 2020

from Prout Road residents. He hopes we can come up with some method to define what the right-of-way is with some temporary fencing or something to keep vehicles off that so it doesn't block the exit view of that road and those residents. He thanked Mr. Bliss for taking a look at that.

Vice Chair Whitney mentioned she spoke to Patricia Oh who is our State Representative for AARP regarding what other towns are doing as Covid is not going away to make sure we are reaching our Elders who are at home aging in place. One thing other towns are doing is starting up their phone tree again that Freeport did when the pandemic first hit. She is hoping we can start that phone tree up in mid-November in the hope of identifying if anyone has any needs that we will be able to assist them with.

Regarding Arts & Cultural, thanks to a generous grant received recently, demolition has begun and the meeting House Arts Building is starting to take shape. In the meantime, they have a virtual art show that is up and running. Local art can be viewed and purchased at www.meetinghousearts.com.

Vice Chair Whitney advised that she has been working with a great team called lovingly The Street Gang and working with Mary Davis the President of FEDC on the revitalization of downtown. The current focus is getting the Town up to where it should be from now until Christmas. Mary Davis was unable to connect so Vice Chair Whitney put up the screen showing FEDC's priorities for 2020/2021 and explained that a few weeks ago the Harraseeket Inn was booked fully for the first time since the pandemic hit and when these visitors come, we want them to still feel they have an active downtown to visit. The Street Gang is focusing from now until Christmas to try to fill some of our empty store fronts on a temporary basis as pop up stores. She finds it exciting to be part of this work. Some Route One businesses who have been unable to open are considering coming up and doing business on Main Street. They are close to having some creative museum work brought down from Owl's Head to allow people coming to our town to have a fantastic experience. They will then start focusing on the "dead zone" which will be after Christmas and March, April. This group has excellent creative ideas and she finds it a joy to work with them. After some of these things roll up, strategic work will be focused on going down the road. She hoped Mary Davis would come on because Councilor Whitney feels she barely touched on all the great work being done by this committee.

Chair Egan advised that before this meeting he received an e-mail from Kristina Egan at GPCOG embarking on a program to highlight winter activities in the community to enhance and identify visiting the Greater Portland area which Freeport is a member of as a winter destination. They are trying to pattern after what the city of Quebec does with all its winter activities. It rivals anything that happens in the warm season and may be even bigger. The invitation is there for our community to join that effort with GPCOG and he does not see any hurdles to doing that. We are a member of GPCOG and have things to contribute to that effort. He would imagine that this is something we can engage in but is something we can talk about. If there is an official action, the Council can bring it up at a subsequent meeting. If it is just a matter of participating and joining efforts. Unless someone has strong objections to it, we will go ahead and indicate our willingness to participate. Vice Chair Whitney noted she feels it would be wonderful to be a part of that.

Mary Davis advised that the reason she wanted to be here is because we talked at the last meeting the idea of consulting and finding help and external ideas to help us figure out where we are going and what is next. She thanked Councilors Whitney and Piltch for being so involved and helping them to develop a plan which they have in place now about where they are going. She noted that they have a great group of individuals who are really making things happen. When the pent-up demand bursts, and people want to come to Freeport like they did last weekend, they want to be ready and want Freeport to look like a great place to come and stay. There are projects this group are trying to do. They have talked to many groups such as artists, farmers markets, etc. about getting things in store fronts so they will be full in the 4th

COUNCIL MEETING #22-20
OCTOBER 20, 2020

Quarter. She explained the things Visit Freeport and L.L. Bean have been doing to bring folks into Freeport. In talking with consultants that she and Tawni have been doing, are coming up with more ideas of what they can do here and now. Mentioning the “dead zone” the consultants are saying that we have a new market which are families working remotely, kids going to school remotely that can visit and spend more time in Freeport. There is a lot they can do in the downtown coordinated marketing. As they go back into future planning, they will be coming back to the Council with a request for dollars for the next phase which is over three years. She noted that they have consultants working with them free. She advised that they have been working on the diversification of the downtown area and thanked everybody involved for working together. She advised that they have a lot going on and warned they would be knocking on the Council’s doors for more help. Chair Egan noted he loved the energy and how wonderful it is to see all this momentum. He thanked her for coordinating that. Ms. Davis noted that it takes a village to make this happen and if anyone looks at the names on these working groups, there are multiple Councilors, multiple members from the Town, it’s FEDC, it’s Visit Freeport, businesses and citizens reaching out to help them. It is very encouraging to be at a time where everyone wants to make it happen.

NOTE: Councilor Tracy asked for permission to leave the meeting.

FIFTH ORDER OF BUSINESS: Town Manager’s Report

Mr. Joseph reported that our Police Chief, Sue Nourse, as expected and planned over the past year, has notified him of her upcoming retirement. He wanted to take time to recognize her even though she is not in the immediate audience. She has 35 years of experience as a Police Officer in our Department and has worked all the way up through the ranks to Chief. Anybody who knows Sue knows she is extremely dedicated to the community and is involved in the community beyond her official job duties. She will be stepping down from her initial role but will stay around. She is planning on leaving at the end of the year and has figured it out for her personal reasons. He wanted the Council to be aware that it is going to happen. He plans to say good things about her in the future before she retires for sure. While he is disappointed but appreciative and respecting of what Sue has put in for the Town over 35 years. We will have a recruitment process hitting the ground similar to the process we used when we hired Sue. It is a good time right now because we are fully staffed over there. We have good succession with our Lieutenant Goodman so we are in good hands for the interim.

Regarding Absentee Ballots and Early Voting, there is a deadline coming up which is October 30th. That will be the last day to vote in person which is by State Law, not our policies. Town Hall is usually closed on Fridays but we will open from 12 Noon to 7 p.m. that day. The demand and the level of people through the door during the past few weeks tell us we need to be open on that day so that Friday, October 30 is the last day for in-person voting. Residents can return their Absentee Ballots up until 8 p.m. on Election Day. On Friday, Saturday, Sunday and Monday they can be returned to Town Hall at either the Drop Box or the Clerk’s Office if we are open or not. On Election Day, all outstanding absentee ballots need to be returned to the Polling Place. All voting has to take place in the Polling Place unless it is an emergency situation and you get in touch with the Town Clerk about doing an absentee vote. That is really important. There are a few exceptions if you get ill unexpectedly or if you have to leave unexpectedly and didn’t know about it, you would have to show us that is the case or some unanticipated medical emergency, you would have to talk to the Clerk’s office.

Our Town Clerk reported just before the meeting they have put out 4,172 ballot requests so far out of 7,500+ registered voters and 3,200 have been returned. That is about 40% voter turnout already that we have ballots in the vault to be counted. He wanted to give Chris, Lynn and their volunteers a huge acknowledgment for the work they have been doing. They came in daily on the weekends and sometimes twice a day to empty the Ballot Drop Box to make sure it is not full and there is no problem with it. This

COUNCIL MEETING #22-20
OCTOBER 20, 2020

has been a fantastic job by the voters in getting out early and making it so there is not a last-minute crush. We are still expecting some light in-person voting on Election Day, of course. At this point in time, there can only be 3,000 people walking through the doors. We have a couple more weeks. Chair Egan noted he was glad to hear it is going very smoothly, that our crew is doing a great job and we have numerous avenues for our residents to vote.

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

Chair Egan explained how members of the public could provide comments at this time.

Councilor Reighley pointed out that the Complete Streets Policy was tabled at the last Council meeting and he feels it should have been on the agenda for tonight's meeting. Chair Egan explained that the Staff, because of everything else going on, were unable to coordinate and get their comments interpreted so we could have a final presentation.

Keith McBride of FEDC explained that the Freeport Sewer District took an incredible step in acknowledgment of what is in the best interest of our Town and our potential development feature this year when they looked at their upcoming budget and decided they would hold the line on any increases to user per gallon rates and are announcing a 30% across the board reduction in all connection and capacity fees. This has been a significant issue for the town and has been a barrier in a lot of different development projects downtown and Route One South and everywhere else. Their mindset on this was looking at what is in the best interest of the community trying to escape from these particularly difficult times. We have very high priority goals to meet for development and they said they want to do their part to help make it so we can get to where we want to be coming out of COVID. He thanked the Sewer District very much and acknowledged that it would make a huge difference.

Mr. Joseph added that former Councilor and Sewer District Manager, Lee Arris came in and talked to him and Keith a month or two ago and asked what can they do? Keith mentioned all the business stuff that was discussed over the past 3-5 years such as development fees and Mr. Joseph added user fees in development so they were both saying the same things. Mr. Arris said okay, went back to his Board and did it. He and Keith were impressed that the Sewer District was trying to step up and help out knowing that there is an economic downturn that maybe this could spur a couple of projects on if they cut those fees for developers. It was a good job and he thanked the Sewer District.

There were no additional public comments provided so the Council moved on.

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

ITEM # 154-20 To consider action relative to adopting the October 20, 2020 Consent Agenda.

BE IT ORDERED: That the October 20, 2020 Consent Agenda be adopted.
(Egan & Reighley)

Chair Egan reviewed the items on the Consent Agenda for members of the public. He mentioned he has a couple of additions to the names listed for Election Clerks on Item #159-20.

MOVED AND SECONDED: To remove #159-30 and amend the listing to include Ellis

COUNCIL MEETING #22-20
OCTOBER 20, 2020

Campanelli and GERALYN Campanelli. (Reighley & Piltch) **ROLL CALL VOTE:** (6 Ayes) (1 Excused-Tracy)

ROLL CALL VOTE ON AMENDED ORDER: (6 Ayes) (1 Excused-Tracy)

ITEM # 155-20 To consider action relative to proposed amendments to Section 413-Village Commercial I (VC-1) of the Freeport Zoning Ordinance, adding existing single-family dwellings as a permitted use in that zone. PUBLIC HEARING.

MOVED AND SECONDED: To open the public hearing. (Horne & Reighley)
ROLL CALL VOTE: (6 Ayes) (1 Excused-Tracy)

BE IT ORDAINED: that the proposed amendments to Section 413-Village Commercial I (VC-1) of the Freeport Zoning Ordinance, adding existing single-family dwellings as a permitted use in that zone be approved as presented. (Horne & Reighley)

Town Planner Caroline Pelletier explained that this 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. They decided to apply to the Planning Board and the proposal before the Council is to allow existing single-family homes be considered permitted uses and the proposal is set up so that if adopted, it would be homes that exist as of this date be permitted uses and they could add on should they want to do that. It would not allow any new single-family homes. It was decided that it would be a much bigger discussion that would need to take place. The applicant is present in the audience tonight.

Chair Egan invited members of the public to provide comment.

MOVED AND SECONDED: To close the public hearing. (Horne & Reighley)
ROLL CALL VOTE: (6 Ayes) (1 Excused-Tracy)

Councilor Horne pointed out that he is in support of this amendment. In the spirit of diversification of the downtown, he wondered if the bigger discussion should happen. Councilor Reighley inquired if this would go before the Planning Board or Design Review for the continued modification of the Ordinance to allow for new single-family homes to be constructed in this zone? Ms. Pelletier explained that any change to the Zoning Ordinance would have to go through the Planning Board. In this instance, single-family homes came up in the Planning Board discussion and our current Comp Plan does not mention it in the village and it is coming up to be revamped. Ten years ago, when we were doing our Comp Plan, the focus was on Commercial and keeping that heavy Commercial presence. You don't see a lot of single-family reference. It was acknowledged that we are going to have this visioning occurring for the village and we would be better to look at it as a whole in all of those recommendations together instead of piecemealing it. She doesn't think this conversation is far down the road but it will be a fuller approach to looking at the village in its entirety, not just piecing it together. Chair Egan is happy to see that this is coming forward. He thanked the applicant for pushing this forward.

ROLL CALL VOTE ON PROPOSED AMENDMENT: (6 Ayes) (1 Excused-Tracy) (0 Nays)

ITEM # 156-20

To consider action relative to setting a public hearing to discuss proposed amendments to sections 104 and section 413.C.5 of the Freeport Zoning Ordinance, which would replace “masonry” with “non-combustible” and “non-masonry” to “combustible” for the purposes of measuring setbacks, and add a definition for “non-combustible” to the ordinance, along with related changes.

BE IT ORDERED: That a Public Hearing be scheduled for December 1, 2020 at 6:30 pm via Zoom meeting to discuss a proposed amendment to section 104 and section 413.C.5 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. (Reighley & Horne)

Town Planner Caroline Pelletier explained that in the early 80s our standard in the village didn’t have a setback if you had a fire-rated façade. The Ordinance changed to use masonry and non-masonry. Looking at the outside of the village, it doesn’t appear that we have a ton of masonry construction that happens. In reviewing the records, we couldn’t tell if it was because people truly wanted buildings that appeared to be built of masonry, stone or brick or if it was fire rating. We have an applicant, the Freeport Historical Society that wants to do a project and would prefer to have it not be masonry because it is a vault that they want constructed of steel. They worked with the Planning and Codes Department and came up with a definition. What is before the Council will modernize that term of masonry and non-masonry and change it to combustible and non-combustible. The new definition proposed would really refer the Council back to the Building Code so as materials change and modernize, if they are considered non-combustible per the Building Code, they would be allowed to have a reduced setback. That being said, she mentioned that the Council should not expect the village to change overnight because we still have Design Review in place so people will still have to come through the existing process. As far as the walls behind the façade, it will be a different option.

ROLL CALL VOTE (6 Ayes) (1 Excused-Tracy) (0 Nays)

ITEM # 157-20

To consider action relative to the creation of the Racial Equity Assessment Ad Hoc Committee.

BE IT ORDERED: That the Racial Equity Assessment Ad Hoc Committee be established, to exist until 10/20/21, unless otherwise extended by future order of the Town Council.

BE IT FURTHER ORDERED: that the Racial Equity Assessment Ad Hoc Committee be charged with the following: review of existing municipal procedures, HR policies, and other instruments of municipal governance, to

COUNCIL MEETING #22-20
OCTOBER 20, 2020

assure avoidance of implicit racial bias contained within. And, additionally, to propose suggested clarifications for inclusive language addition.

BE IT FURTHER ORDERED: that the Committee be composed of 7 members at large, appointed by the Town Council.

BE IT FURTHER ORDERED: that the Racial Equity and Inclusion Assessment Ad Hoc Committee be considered a public body of the Town of Freeport, and as such will keep records of all meetings, and comply with all relevant public meeting laws of the State of Maine. (Whitney & Reighley)

Chair Egan explained that this is the formal action of creating this citizen-driven committee that we have been discussing over the last several meetings. We have had some direction and there are other communities in Southern Maine that are embarking on this same thing. For example, Cape Elizabeth just formed their committee with an official Council action. Cumberland is taking a look at it. Portland already has one. The elements in this order are to officially convene the committee. The actual process of getting individuals in those slots will be a bit of a subsequent process. There are suggestions from the citizens group that was encouraging us to participate in this so there will be some names coming and the Appointments Committee will take those names and formalize that and present it at a subsequent Council meeting, perhaps as soon as December 1 for getting this committee going. The initial term is for a year but there is nothing specific in limiting this to a one-year term if the group needs additional time to continue nor does it have to continue for a year if they are able to convene and conclude their work in a shorter time. He is recommending that the 7 members include either a Councilor or someone the Council directs to represent the Council on that committee. He asked Councilors to think about if they would like to participate. He mentioned looking at Councilor Horne since he would be having a lot of free time getting off the Council. That is the procedure that we are going forward with. There is some focus that the committee members we end up with truly do reflect the racial and economic diversity in our community and the selection is based on the applicant's statement of interest in an effort to create a community that reflects our diversity and the selection process also include a Covid-safe conversation with the applicant. We have an opportunity to be thoughtful and mindful and purposeful about selecting those members onto that committee and the Appointments Committee will proceed with that. It would be splendid to have the committee and panel by December 1 but he would rather get it right than fast so if the Appointments Committee needs more time with everything else going on in November, we can certainly entertain that.

Councilor Lawrence noted that there was a misprint in the last BE IT FURTHER ORDERED: it should read *of* all meetings. He asked if we are focusing on racial and not equity for everybody on this? He understands that racial is the main point but asked if it should be all encompassing? Chair Egan clarified that the impetus of getting this discussion going is to identify implicit racial bias but he thinks we want to be able to identify and highlight any areas of implicit bias that are contained in our documents.

Mr. Joseph pointed out that he is not aware of anything that jumps out at him about explicit racial problems but is aware from a gender basis, there is a lot of 1970s language where everyone who is a Town official is assumed to be a he. He and our Police Chief have a running joke that anytime we modify anything having to do with the Chief it has to change from he to they because almost any reference in our books automatically assumes it would be a male. He knows they are everywhere in our Ordinances. Councilor Lawrence feels that would be an easy one to fix. Mr. Joseph noted he would 100% support making that change and feels everyone would.

Councilor Piltch wondered if the Council should be more direct in what we are charging the committee to

COUNCIL MEETING #22-20
OCTOBER 20, 2020

do and if we want them to focus on equity and inclusiveness for other groups as well, might we not want to call out what those groups are? Do we want to give them some language to go beyond racial equity?

Chair Egan mentioned the focus is to give broad parameters to the committee but the membership will hopefully have some particular perspectives and the committee could come back to the Council saying, "we've convened and would like to address the following" and we could endorse that path. He doesn't feel he could articulate all of the potential areas that might be out there because of his lens which is exactly why we want this committee to have some diverse representation to identify things. That is why it is as broad as it is right now. More discussion followed. Councilor Lawrence suggested taking the word "Racial" out of the name of the committee.

It was decided to change the name to Racial Equity and Inclusion Ad Hoc Committee. Councilor Lawrence suggested changing implicit racial bias to implicit biases contained within in the second BE IT ORDERED and other Councilors agreed.

MOVED AND SECONDED: To amend ITEM #157-20 TO READ AS FOLLOWS:

BE IT ORDERED: That the Racial Equity & Inclusion Assessment Ad Hoc Committee be established, to exist until 10/20/21, unless otherwise extended by future order of the Town Council.

BE IT FURTHER ORDERED: that the Racial Equity & Inclusion Assessment Ad Hoc Committee be charged with the following: review of existing municipal procedures, HR policies, and other instruments of municipal governance, to assure avoidance of implicit biases contained within. And, additionally, to propose suggested clarifications for inclusive language addition.

BE IT FURTHER ORDERED: that the Committee be composed of 7 members at large, appointed by the Town Council.

BE IT FURTHER ORDERED: that the Racial Equity & Inclusion Assessment Ad Hoc Committee be considered a public body of the Town of Freeport, and as such will keep records of all meetings, and comply with all relevant public meeting laws of the State of Maine. (Horne & Reighley) **ROLL CALL VOTE:** (6 Ayes) (1 Excused-Tracy) (0 Nays)

ROLL CALL VOTE ON AMENDED ORDER: (6 Ayes) (1 Excused-Tracy) (0 Nays)

Chair Egan thanked everybody.

OTHER BUSINESS:

Chair Egan mentioned that Councilor Tracy asked if the Council could move the discussion regarding the bridges to a bit later to allow for her to return to the meeting. She has some keen ideas to participate in that conversation so he suggested taking up the food trucks first.

1. Discussion regarding the potential inclusion of Food Trucks as a permitted use in various commercial districts throughout Town

COUNCIL MEETING #22-20
OCTOBER 20, 2020

Chair Egan pointed out that we are getting advocacy from entrepreneurs, both with existing food trucks and those who may be contemplating it to change our Ordinance which right now only allows food trucks at events and only in certain areas to entertain the idea of us having our Ordinance allow food trucks in specific areas but unattached to an event so they could be parked there at any time and conducting their business. The Council is not taking action this evening but there are members of the public wishing to participate.

Town Planner, Caroline Pelletier, explained that she sent a memo that was in the Council's packets that mentioned food trucks are relatively new to Freeport. We adopted the language in 2014. It was brought forward to the Town by an existing business that was looking to have a food truck. There was great debate and a lot of public opinion. At the end of the day and the final language adopted by the Town Council was fairly strict. It allows food trucks in two ways. One way was as an accessory to artisan food and beverage usages in certain districts and the second was with special events. In Freeport a special event is a specific activity where there is expected gathering of more than 250 people in attendance and requires notification to the Police Department for something such as fireworks, etc. More recently we have had a resident and business owner in Freeport that did bring a change to the Food Truck Ordinance. They are now allowed on Route One South accessory to any existing business.

If the Council wants to make changes, it has a couple of different options. No. 1 would be possibly to permanently amend the Ordinance to expand where food trucks are allowed. Because it is in the Zoning Ordinance legally it would have to be taken up by the Planning Board and would have to follow a public notification process. They would have to make a recommendation and find it consistent with the Comp Plan. Option No. 2 would be if the Council would want to do something temporarily under the Emergency Ordinance. Something that came to mind were two options. One would be under the Emergency Ordinance to temporarily allow food trucks in additional zoning districts where they are today. If the Council would like to go that route, she could present different options and if you went that route, they would still have to comply with certain standards. They would still have to have their trash cans, still have to meet setbacks in certain cases, they would still need food licenses as applicable or food truck licenses. The second way the Council could do it under the Emergency Ordinance would be if you wanted to allow it for special activities. People can't have special events now because you can't have gatherings of greater than 250 people. She mentioned some of the events where Visit Freeport was able to draw people in a safe and effective way and host activities in accordance with the Governor's order. If you felt like that may might be an appropriate occasion to have food trucks in the village, you could temporarily under the Emergency Ordinance and amend how you define a special event. She provided in her memo some ideas that the Council could consider them.

Mr. Joseph pointed out that the Emergency Ordinance runs for 60-day windows and has to be reauthorized by the Council every 60 days. It expires on November 13 so we would expect to have something in front of the Council by November 10 even though it is an organizational meeting. Chair Egan noted that there is a lot of information here and we are making a short term decision here that could consider hearing this for official action at our next meeting which is the first meeting in November and has a lot of ceremonial components to it but we do have business to conduct there in terms of authorizing the extension of our Emergency action. He asked how Councilors feel about the proposal to enhance or expand the opportunity for food trucks in the Emergency extension.

Councilor Lawrence mentioned having mixed feelings about it. We have a lot of restaurants that are still struggling. We want people to come to town and enjoy it but they would be competing. He also likes the fact that more business brings more people so he is conflicted. Councilor Horne shares that. He noted the reason the rules have been strict is to protect the bricks and mortar restaurants. He loves food trucks and if there is a way to make it happen where it is additive versus zero sum and where local restaurants get hurt

COUNCIL MEETING #22-20
OCTOBER 20, 2020

in the process. He has not heard what the bricks and mortar restaurant folks feel about this and it would be an important voice to hear from. Councilor Reighley mentioned he would prefer to see this as a long-term discussion rather than going through an emergency situation. It needs a lot more planning and one of the areas we could look at is in issuing vendor permits that apply for a location in town and maybe we can make a change in that as well to address it now as a food truck operation than a temporary setup that operates in town. Councilor Lawrence advised that part of the issue is that we have an artificial situation right now and everything is shut down so that is hurting restaurants and having food trucks in town really takes away the business.

Vice Chair Whitney added that having worked with the Street Gang, this discussion has been brought up with a group of different business owners and individuals from around town also. She also had the privilege of sitting in restaurants and restaurants that have a food truck so she has been able to hear from both sides. What has been unanimously said so far is that if there was an occasion that brought more people to town, business owners that had restaurants felt that that would be fun. If there is more business coming to town, let the food trucks open but if we are just talking about a regular Saturday with so many people, it could be the end of some of these restaurants. She likes the wording of Option No. 2 that gives us the flexibility when we have scheduled things on the calendar that might not be there. For example, the Early Bird Sale and an event like that might bring other people to town so maybe we could allow food trucks on those times. We are trying to get more opportunities for people to come so she likes the idea of exploring it to see if we can please everybody if possible.

Councilor Piltch is curious to hear from the public, both the food truck owners and restaurant owners if we have any tonight. His questions are what is the timing? Do people have food trucks ready to go now or do they have food trucks they want to get out in the fall and winter? Is this something they want to do long term? On the restaurant side, if their objection is to having food trucks in town, what specifically are they? Is it within a distance from their restaurant, is it a traffic issue? Whatever it is, he is curious to hear why restaurant owners feel a food truck might hurt their business. Generally, he feels they would boost the town as a whole. He wouldn't want to rush to do anything but feels we should try what we can. He is curious to hear more.

Mr. Joseph mentioned that there are three current inquiries about food trucks. One is an existing local business that has a food truck existing as well. One was a serious inquiry and one was a passing inquiry from out of town food trucks. All three would like to locate in commercial zones throughout town including the downtown district. That is from the past couple of weeks

Tais Szpanerfer introduced her fiancée, Adam who works at her cantina. She explained that her landlord helped her to change the regulations for Route One so they were able to stay put. While that process was taking place, they brick and mortared and opened a cantina. Adam mentioned that as far as amendments go, even if it is something simple to protect people that are concerned about outside businesses and protecting the local businesses amending food trucks owned and operated within the town itself allow them to go to events to show the diversity. Who knows what this upcoming season for dine in services will go and is to show that we can do other things, especially for new and small restaurants like theirs. It gives them more exposure and that is ultimately what they were looking for because of the lack of foot traffic that they have. They are trying to get more exposure for themselves. They would like to start with events but if it gains in popularity and more people like them, they would like to continue it further. They are trying to keep everything within the town to make sure the town survives. He feels we are going to get through this together in a team effort.

COUNCIL MEETING #22-20
OCTOBER 20, 2020

Tais added that this is not to cripple any business in Freeport. They chose to invest in Freeport and they are trying to be a part of the community. She feels that if we all work together, we are ten times better off than if we don't.

Councilor Reighley asked Mr. Joseph if a food truck could go out to Hunter Road Fields. Ms. Pelletier advised that town property is not a great example because there are regulations about town property. They could not go out there today without special permission from the Council and Project Review. They can't do it as accessory to artisans' food and beverage. The only way they could possibly do it is with a Special Event. Chair Egan advised that there is a Snack Shack out there and more discussion followed. Councilor Reighley mentioned that it is an example of where a food truck would have a logical place to go as well as at the High School's football game. Ms. Pelletier noted that we have the current standard that they have to be located on private property except that the Project Review Board and/or the Town Council may approve food trucks in the public right-of-way if they are associated with special events. Mr. Joseph advised that the Project Review Board and/or the Town Council could allow food trucks to go at the entrance of Hunter Road within the right-of-way if there is a special event. Councilor Reighley pointed out that in writing a new ordinance for food trucks we can take into consideration the ability to be on Town property with a food truck. Chair Egan explained that it sounds like the language right now is the supposition that it's either private property or public right-of-way and there is not provision for being on municipally owned property but out of the right-of-way such as Hunter Road Fields, school district or even potentially even the Town Hall parking lot. He agrees we need to address that gap in the language. It indicates that a small step trying this out would be to disconnect the prohibition of specific large events because we are not having large events but have it be tied to an event going forward and that might be the first step we take is to allow food trucks to participate in organized events within the community and perhaps we can leave that broad as well.

Mr. Joseph added that that one is an important one to consider right now. It's almost like events or things happening that otherwise would have been large and brought a food truck in, now can't be large because they are prohibited from having that many people. What if someone wants to do a socially distant 100 persons with ticket and circles drawn on the grass movie outside of Discovery Park that Bean's wants to put on or if the Town wants to do something on Town property, it is one of those exact situations where you would have hired a food truck to come in and given them an opportunity to make some money and people could have a happy event and just run over to get a donut, etc. but now because of the current pandemic regs, we can't allow a food truck there because they are not going to get the 250 person permit and are prohibited from having that many people. It is directly a prohibition because of Covid happening and is very related to an Emergency Ordinance he can see it 100% being justified. Councilor Reighley added that another thing to consider is distancing from existing restaurants as one of the criteria we would look at. It may satisfy the existing restaurants' concerns about the potential loss of business. If we set 500' from an existing restaurant or some other figure, it would be criteria that could change. Ms. Pelletier clarified that under normal conditions in a season with special events with food trucks, we probably have a handful of events that actually have them so we are not talking about a huge number of events.

Tais mentioned that when the Council says to allow food trucks, is it meaning any food truck or within the authorized Freeport food trucks that are currently business registered in the Town. The issue of local businesses being concerned about food trucks taking over business for events or not. Does the Council mean outside food trucks or food trucks with established businesses in Freeport?

Mr. Joseph explained that the way the Ordinance is worded does not limit it to in-town businesses like we have discussed already. If someone came in and got a special event permit for 50 people, they could bring an outside food truck in. It doesn't appear to make sense if you are going to serve 100 people at a special event so right now, they are allowed in those circumstances. The Council could entertain changing that to

COUNCIL MEETING #22-20
OCTOBER 20, 2020

in-town only if they wanted to. Tais asked if the Council would limit the number of food trucks for each event or would it leave it open for as many as possible? Do Freeport residents get the first go on it? Chair Egan agreed those are all thoughtful considerations and goes back to what Councilor Reighley said which is we need more time to have discussion and a little more data and do some planning before we write something. He is not sure it can be done by the November 10th deadline which Mr. Joseph advised is the next time we can amend our 60-day relaxation of language. He as a voice on the Council, is in favor of supporting food truck operations in a number of different ways because it is an evolution of the food service economy and the opportunity to promote small entrepreneurs who have taken the risk to come forward and try to make their business plan go in a place where there is a congregating group of people who come to the community for various activities, that is a convening reason for an entrepreneur to take a risk on it. Individually, he thinks the Council should be trying to work towards encouraging this as opposed to discouraging it. He is not saying this at the expense of our existing restaurants. He is not sure how food trucks regulate the people in line waiting for their food standing six feet apart when there is no one out there to step it off so that is a challenge as well. There are a lot of variables here but he is interested in supporting this. He sees this as being started out as a pilot and have 3 or 4 slots and certainly offer them to Freeport businesses to get access to those 3 or 4 slots and try it out and see how it goes.

Councilor Piltch mentioned that in the spirit of trying something even if we don't get it 100% right, with the holiday season coming up, we might have the opportunity to attract some folks to town to help our shops. November 10 might be a little aggressive and it might be worth trying. We might not have time to ask all the questions of all the people that may be involved but at the same time, if we try something, the results will most likely be neutral or good. If we have too much success, that is a great problem to have and we can figure that out when we get there. He does not see a lot of negatives in opening it up for 60 days and seeing what happens. That will give us some data to think about for a long-term plan.

Amanda Kent pointed out that she and her husband sponsored the whole food truck question for Commercial-I, they support all of the Council's good thinking. If it is possible to do a test trial run on what Caroline called activities, such as Sparkle Weekend, it gives people another option when they don't want to be inside a restaurant at this time, but they want to be able to grab something while walking down the street. She feels it is a nice option for the Town. For the long term she supports having this option in town and would like the Town to look at locations where food trucks would be allowed in a similar manner where the peddler carts are allowed. She is aware of the parking lots attached to Town Hall that may be perfectly appropriate places for food trucks to be allowed to be. She threw it out for consideration. She wonders if a business wants to sponsor a food cart but they don't have parking spaces or a space in front of the business but perhaps have a leased space and somehow, we could manipulate it within the system along those lines.

Tais pointed out that they had a good system working with Councilor Whitney, Mary Davis and Caroline Pelletier. She wanted to thank everybody for considering this as a possibility for them. She noted how amazing Nick and Amanda Kent are.

Chair Egan asked Caroline if it is possible to take a small step on this issue and identify allowing food trucks in the downtown area as it relates to participating with concurrent activities and try it for two months and see what that brings? Councilor Reighley noted he would call it an immediate action and the Council should begin the process of long-term planning as well. Chair Egan is thinking in terms of no more than four food trucks and leave it up to the Staff to define exactly how those locations are identified. It is a small step on an emergency basis. Councilor Piltch suggested broadening it and allow it for every weekend for 6-8 weeks and see what happens. People will get used to having a food truck here every Saturday. Mr. Pelletier clarified that when we allow food trucks for special events, they don't assign spots. Typically, there are a limited number of spots and the host business will give permission for the

COUNCIL MEETING #22-20
OCTOBER 20, 2020

food trucks to go there and they come and apply for the permit as to where they want to go. She is envisioning it working the same way unless the Council tells her otherwise. Chair Egan noted he feels the Council identified a major gap. The Town owns some very key located property and he would be interested in a permit request coming forward to operate in the Town Hall Parking Lot which is highly visible on Main Street and is out of the right-of-way and doesn't cause traffic issues. Let's see how it goes for the two-month trial period. Ms. Pelletier agreed that this was a good directive. Councilor Horne pointed out that he feels if we are going to test something, he would prefer to test on a smaller scale. He is still nervous about the existing restaurants in Freeport. It is a real wild card and if we are going to move forward, he feels it should be on a pilot basis both in scale and scope. Chair Egan agreed and is recommending 3 or 4 permits. Vice Chair Whitney also agreed in order for the food trucks themselves to be successful. Success rates would be better if we keep the numbers small. Councilor Lawrence pointed out that the whole problem we are having is because of the pandemic. We don't want to hurt businesses that are already here. Having food trucks give people other options but it is a tough row to hoe. Councilor Piltch cautioned about making our test too small. The start-up rule is that overly constrained projects are bound to fail. Limiting it to 1 or 2 food trucks, we limit the attractiveness of it. In his experience, he has found that his family is more likely to buy food from food trucks when there are more food trucks around. He would like to see it be as broad as possible.

Chair Egan clarified that the Council is in agreement that it will be for a two-month time period and it is at locations that Staff directs makes sense. Do we want to put a limit on how many? Councilor Reighley feels it is self-limiting and we can't restrain trade. Chair Egan did not agree. Councilor Horne supports putting a limit on it to some degree. He suggested six on a given day and Councilors agreed.

Ms. Pelletier asked if the Council wants to allow these food trucks on vacant parking lots or do you want them on a site that has an established business? For example, in the Town Hall Parking Lot, at Village Station or are you fine seeing parking lots with food trucks? That automatically gives some limits there. This is just another approach to help. Chair Egan mentioned that if there are empty parking lots, he doesn't know if the owner feels it would be fine to have a food truck. It would obviously have to be consented but for the Town's parking lot, no matter how crowded the town is, that parking lot next to Town Hall always has 4 or 5 spaces in it. He feels it is an ideal location and would want to encourage it. It does not need to be identified with a host business for the location. For the pilot period he suggested limiting it to six on a given day. Ms. Pelletier advised that she will come up with something for the Council to critique and provide feedback and alter as it feels appropriate at the next meeting.

2. Discussion regarding the replacement by MDOT of the Exit 20 interchange /
Desert Road Bridge and the Exit 22 interchange /Mallet Drive Bridge

Chair Egan mentioned that Councilor Tracy wanted to participate but was unsure when she would be able to return to the meeting so he decided to move forward in light of making two dozen members of the public wait further. He explained that the Council had a discussion on this at its last meeting which is that the timing of the Town's decisioning process to provide feedback to the DOT is extremely constricted in terms of the particular elements of the bridge redesign for Exit 20 and Exit 22 interchanges and the ability for this group gathered here this evening to make any sort of indication of elements to include in the design work is practically non-existent because we don't have the authority to commit well over a million dollars in improvements on that without getting some input from our voters. There has been a lot of citizen engagement with a committee that has been in discussion with MDOT and we have members of MDOT staff here this evening.

Mr. Joseph recognized Mackenzie and Wayne from MDOT in the audience. Mackenzie is the Project Manager and Wayne is the Senior Bridge Staff person. He thanked them for waiting so long. We have had

COUNCIL MEETING #22-20
OCTOBER 20, 2020

some follow-up discussions with putting a little more comfort on at least Town Staff. We have also done some investigation into what some of the funding mechanisms would look like if the Council wanted to go ahead with putting a proposal forward. We have very rough cost estimates but they are in the mid hundreds of thousands of dollars per location. There are two bridge locations in question, Exit 20 and Exit 22 and those proposals are to add 12-foot multi-use paths instead of sidewalks when those bridges are reconstructed. The costs will be different and he only has preliminary cost estimates and does not want to get hung up on is it \$600,000 or \$580,000 because those numbers will not be the final numbers that come back but they are good ballpark for discussion magnitude numbers for us to consider. The best way he can summarize it is the Council has three ways that it could fund this kind of a project. The standard way that we would do every other Capital proposal would be to go through the Capital Budgeting Process. The Council decides that these are two worthy projects and includes them. We fund them out of reserves for the tune of \$1.2M and they get built the next cycle. The problem with that is there is a schedule here with DOT and they have to advertise the bridges by September of next year which means they have to have a final design for those bridges done well in advance of that date and our Capital Budgeting cycle doesn't end conclusively until the end of the fiscal year. On July 1 we can't give them, "we would like a multi-use path there" and they design it in a month or two and get it advertised. There is some flexibility that they can work with us. It won't be tomorrow but July is out of the picture for giving them that information and getting a design done. The reason it is important is that there is a fairly massive federal grant secured by the department if they meet those deadlines so it is in everyone's interest. The 3 projects together would likely not get done and definitely would not get done in this fashion with complete overall rebuilds of the bridges. It is in our interest to move it forward since the bridges need work and it is in the State's interest to save State taxpayers all that money to get federal funding available that we will pay a small portion of. It makes all the sense in the world to work with them so that rules out our standard Capital budgeting process. There has been some analysis done by Staff as to whether it makes sense to put these out to bond or whether it makes sense to fund these out of reserves. Both he and the Finance Director looked at it over the past two weeks and are heavily leaning toward recommending the Council consider a bond issue on this even if it was to go through the Capital Budgeting process. It is a large ticket item. It has a 70-year plus lifespan. There is no reason with bond rates in theory likely being low for the near future at least not to bond and put a 10-year, 20-year, 30-year bond or however the Council wishes to proceed bond issue out for a project that has a 70-year lifespan. This is something that will outlive the bond by about 50 years probably. The complicating factor is that a bond issue requires a referendum vote in Freeport if it is over \$100,000 per our Charter. That would involve a special election and he confirmed today that a special election has at least a 60-day lead time. This makes it a compelling issue for the Council to give them some direction because the department would like some commitment by the end of the year time frame. It is just barely do-able if we take immediate action. This is where we are at right now if this is the direction the Council wishes to proceed in. The third option would be to open the checkbook and make a supplemental appropriation and write a check in the amount whatever the Council decides is the appropriate upgrade to do these bridges. Problematic and probably would get some people very unhappy in town that we would do this without public input outside of the budget process without taking substantial input from the public which would happen if we were able to go to a referendum vote. Obviously, everyone would have a chance to vote on it.

Councilor Reighley asked what is our current outstanding bonding level and 60 days would bring a public referendum to February. Mr. Joseph noted that it would depend on when the Council directed him to move forward but it would be around the end of the year plus or minus. Mr. Joseph noted there are two bond issues for the School Department, pre-RSU consolidation. There is less than a million dollars outstanding on them and it is probably the lowest in the State that has bonds out. He is almost certain that it is lower than any of the surrounding municipalities right now but can't confirm it. The Town has not bonded anything in over 10-15 years.

COUNCIL MEETING #22-20
OCTOBER 20, 2020

Councilor Horne mentioned timing and asked if we were to go the bond route, that's not too late for the State to get an answer. Mr. Joseph suggested asking Mackenzie who is the Project Manager. In discussions with her today she indicated that end of the calendar year is probably do-able but we might be a little bit beyond that but he thinks it is 1-2 weeks if the Council takes its time on doing this and do it in the next Council meeting or a couple of meetings from now. He mentioned the second week in January at the latest if the Council goes slow on this or somewhere between Christmas and New Years if the Council goes fast on it. Chair Egan pointed out that nobody will come to a special election during the week between Christmas and New Year's. Mr. Joseph agreed that timing in terms of getting votes is something the Council will want to consider when it sets the date for the election. He is just giving the Council a range of what is possible,

Chair Egan referred to Adam Bliss' memo summarizing the options we are looking at which involve the addition of a 12-foot wide multi-purpose lane at the Exit 20 bridge and a 12-foot wide multi-purpose lane at Exit 22 as well. Those improvements reflect an enormous amount of momentum and aspiration and goal-setting by our various committees that have contributed to this conversation. It is important to point out that those particular elements of the bridge design upgrades are not just coming out of some engineer's textbook. They are the result of an enormous amount of public input through committees and many of the members are here this evening. He wanted this well understood. It is sandpaper that we don't have enough time to really go through the best process to make sure we have a lot of input on whether or not we are going to spend this money. This scale of a project \$1.2M would be undertaken over a whole series of budget meetings if we were in our budget cycle at a different time of a year. Mr. Bliss noted that this is the result of years of work by the Active Living Committee with supporting information from FEDC, Vision 20/25 for recreation facilities plus the Comprehensive Plan. The Maine DOT folks are in the audience to help answer some technical questions. He did a screen share and explained a story map. What everyone is seeing is a vision produced by the Active Living Committee called Connect Freeport which endeavors to connect the downtown village, Lower Main Street to the athletic fields to the west and Hedgehog Mountain to the west. He answered questions for the Council. The recommendations for the type of crossings largely come from the Active Living Committee, Complete Streets Committee and the Ad Hoc Bridge Committee as well as supporting references from the Active Living Plan and others. He showed a graphic of what the multi-use path would look like.

Councilor Reighley asked if there is anything that we did not receive that we asked for and are there things in this overall plan that we didn't ask for that we have received? Mr. Bliss feels we asked for a lot and we have an opportunity to receive a lot. He did not believe we have been denied anything. Mr. Joseph added that the DOT has presented options for what we have asked for. We don't have formal agreement. That would have to be the next step and we would have to get funding from the Council and the general public if we are talking about a bond and the next step after that would be to go to DOT and get firm agreements. There are agreements we enter into with DOT at that point for cost sharing and services above and beyond the base which is what he had on a screen. He described the screen. In typical terms the department typically pays for inclusion of a sidewalk if there are facilities leading up to the bridge already in place. In this case we have a sidewalk that ends at the approach to the bridge that goes north and south on Route One and we have short term plans to complete a sidewalk on the Desert Road side. With the Divine Capital project going in, one of the conditions is that they will have to build a separated sidewalk within the public right-of-way in their agreement and there is a short section of public connection of 200 feet that the Town would build and connect that new development across this bridge with a sidewalk built to the existing north and south U.S. Route One sidewalk at a minimum. That is typically why the department covers the installation of a sidewalk if there are sidewalks leading up to the bridge. You can't not do that because you would be forcing people onto the road if it was heavily travelled. The alternative of shared use paths is when you start getting into cost sharing. The estimated additional cost would be \$245,000 for a sidewalk and \$545,000 for the extra shared use path. Neither the Town nor the State can

COUNCIL MEETING #22-20
OCTOBER 20, 2020

commit to those shares being correct until we go through the formal process. Mr. Bliss added that the shares are different for each bridge based on existing infrastructure in place. Mr. Joseph advised that there is existing sidewalk infrastructure and immediately planned sidewalk infrastructure on both sides of Exit 20. There is none on Exit 22. They treat that differently under their policy. At the minimum it would be a 50/50 cost share with the Town but the State can agree to less than that depending on their available funding. The Town would have to come up at least 50% of the sidewalk addition at Exit 22. Mr. Bliss pointed out that on Mallett Drive we don't have existing sidewalks in place. We do have planning documents that support eventual construction of sidewalks. We know that Mallett Drive will be eligible for paving in PACTS funding in the next 1-5 years but he suspects it is closer to 2-3. When that road gets paved, he knows there will be traffic calming treatments as part of the design such as buffered bike lanes, a safe route to school crossing of Mallett Drive and other elements. If there is support for crossing of Mallett and there is a strategy on the Town's part of how much we pay for DOT Policy, which is guided by that sidewalk infrastructure. What would help assuage DOT is if they were given some sort of commitment in a reasonable time frame that infrastructure would be built connecting into the bridge. Chair Egan mentioned that if it were up to the seven of us this evening, that would be a relatively easy conversation but the dollar amounts we are talking about are significant in terms of gravity and percentage of our Capital budget and that is the frustration. The corner we are in in order to be able to support this and take advantage of all the momentum going forward and yet not being able to make that commitment because it is legally possible for us to go ahead and execute plans that commit a future Council to paying for that is far from our practice and suspect as stewards of the public money. Mr. Joseph had answers about the debt level. Currently debt limitation State wide is that a municipality can borrow 15% of valuation. That amount for us is \$260M that would be out debt cap under State Law. We currently have a little over \$1M in debt so we are one-half a percent roughly of our debt limit. We have 99.5% debt capacity right now.

Andy Spaulding mentioned he appreciates the discussion. Both Adam and Peter provided a lot of historical context but it would kill him to not mention that we have so much work by so many people in town and going back to the Task Force of the Active Living Plan, ever since they came into existence in 2016, really Mallett and collectively both bridges have been their highest priority. They walked Mallett Bridge with a representative from MDOT talking about this issue. They were in front of Council in 2017 to get approval to apply for a PACTS Study Grant. They did a Build A Bridge charrette with roughly 15 members of the public attend with MDOT present to give very detailed feedback specific to Mallett but they also looked at Desert Road. The recommendation for the 12-foot path has been formed by public input and a lot of analysis by a lot of people. The goal for them is a 12-foot wide path. He mentioned the connectivity they could create on both sides of town. He encouraged the Council to think about moving that forward. Councilor Reighley asked Mr. Spaulding if he is happy with what is being presented. Mr. Spaulding advised that he is very happy.

Todd Coffin of the Active Living Committee participant, echoed Mr. Spaulding's comments. He feels this is a once in a lifetime opportunity with these bridges having life cycles of more than 75 years. It is super critical that we leverage this opportunity and make the commitment to improve the connectivity between west and east Freeport. He strongly supports this cause.

Jake Daniels of the Active Living Committee noted that the bridges look great, there is a lot of connectivity funds that could be really well spent right now to increase the Connect Freeport mantra. If we do go to bond and he hopes we do, he would suggest potentially also looking into other projects we could include in that bond either as one giant bond or a second bond referendum for the voters so we could do other projects and that would probably ease DOT about having the sidewalks on the Exit 22 portion of the bridge, too by saying, "oh no, we are going to pay for those and they will get done in the next couple of years" which could increase the cost sharing. A final note in terms of why this is so

COUNCIL MEETING #22-20
OCTOBER 20, 2020

important. We are not just looking for connectivity of Freeport just for us but we are competing with other towns. Look at the Androscoggin River Trail in Brunswick. Look at the Beth Condon Trail in Yarmouth but Freeport competes against towns like Kittery and North Conway. This could be a way that draws people into our Town because they know we are environmental and you can get around. He 100% supports this.

Mr. Joseph noted that if this is the direction we are going in which is to bond, that is a Council decision to make, we would likely authorize those bonds in a referendum but would not need to issue them. We don't have an exact schedule, timeline or that kind of stuff. They wouldn't necessarily have to be issued immediately which would lead to the potential for aggregating other Capital projects not even related to this type of work in the Capital Budget Process next year as well. The Council would get authorized to bond up to x number of dollars. You have the legal authorization to bond up to that amount and could have another vote at a regular election for example for another project within the same timeframe maybe before you even need to issue those bonds. There is a lot of flexibility. You would issue the bonds before they are needed for construction. You may not need to use the authorization for bonds if that amount comes in lower and if there are other funds that are applied and the town decides to fund it other ways.

Liz McDonald from Active Living wanted to say it is important to have the multi-use paths on the two bridges not only because it will enhance activities for residents but also as we see the retail shopping going by the wayside a bit, we still have a lot of people that come up here from other states that are looking for something to do and being able to use the paths to get around Freeport would be a huge draw for the town. They could go from the Desert of Maine and go across the bridge and go downtown. It would be good for tourism not just the people that live here.

Greg Michaud of Active Living, thinking about the vision of the Active Living Plan advised that he doesn't think the Council would imagine that the last piece of the puzzle would be 75 years from now when the next bridge gets built. He supports it and hopes that we can make that connectivity as one of the first puzzle pieces instead of the last. Councilor Reighley asked if there was anything we asked for that we didn't get. There was dialogue about it. In the April meeting we talked about the placement of traffic lights on the new bridges. He brought up that there could be impact on the streets on either side of those bridges. For example, the Mallett Drive bridge, if there is a light on the west side of the bridge at the ramps, how do you make a left hand turn off of Pownal Road? How do you make a left hand turn off the Medical Center? The traffic will certainly be backed up beyond those intersections. The same thing with Hunter Road. How do you make a left-hand turn onto the bridge from Hunter Road when there is a new traffic light at the on and off ramps just 100 feet away? They did talk about it but did not make a specific ask. They spent time talking about rotaries by the Medical Center but never really brought it to fruition. He wants to make sure that the placement of those traffic lights does not impact the ends of these roads. Again, the north bound from Route One at that traffic light if cars want to get onto the north bound ramp, they have maybe 100 feet to get over into that outside lane and make it in. He wants to make sure that the traffic coming and going on those roads are equally accommodated. That is the only thing he has not seen reflected. Councilor Reighley pointed out that Greg is now the chair of the Complete Streets Committee.

Mr. Joseph advised Greg that it was a good point and we have the MDOT staff in the audience to take note and discuss during the design process. Mr. Bliss thanked Greg for mentioning a concern at the Pownal, Durham and Mallett Intersection. The DOT made it clear that the scope of work under these bridge projects is a few hundred feet beyond the bridges and is simply because of limited funds available. There just isn't money to go look at doing complete intersection overhauls such as the Mallett Intersection or the Desert Road Intersection. They anticipated two lights as part of these bridge projects and it looks to be good traction for at least three so potentially there is an additional signal going in that benefits the community. It is not definite yet, the State Traffic Engineer needs to sign off on that. They will be

COUNCIL MEETING #22-20
OCTOBER 20, 2020

evaluating traffic queuing at these signals and their impacts to intersections. They are definitely looking at those issues. He displayed a map to Andy Spaulding's point; this Connect Freeport vision does connect a lot of parcels. He pointed out Hedgehog Mountain and the Hunter Road Athletic Fields with some green trails overlay. He explained some of the infrastructure in place. He mentioned that we do have to look at these projects not just from a cost, but a sustainability standpoint as well as an economic development standpoint.

Chair Egan noted we have had a fair amount of input here. In previous conversations we haven't had a lot to chew on here as a Council. He doesn't think there has been a tremendous amount of discernment and wrestling with the ideas of the work that the committees have brought forward and the design process has been presented to us this evening. The idea of connecting both sides of the community is certainly valid. This particular element of multi-use pathways across two bridges that are isolated, the question is much more related to the process that we as a Council have to go through to bring this issue to our community constituents in order to buy in to the upgrades that are very widely agreed upon here but they are not even known at all to the rest of the public so we have an opportunity to share that information but in an extremely short time in which to accomplish that public education process so constituents and voters in Freeport can understand what they are investing in. As attractive as having a special election in first couple of days in January might be to capture this, there is no way to look at it other than to say it's bad form and does not follow how we normally go about making decisions in our community in terms of million-dollar increments. That is what he is having a hard time with and would welcome other opinions.

Councilor Reighley requested hearing from the MDOT representatives to see if they have any input for us. Wayne Frankhauser, Bridge Program Manager at MDOT noted that Peter and Adam have done an excellent job of summing up what the issue is. He apologized for the tight timeframe that the grant has placed us under. They are relying more on these federal grants for their funding now and they all do come with some timeframes that are pretty tough to meet. If they don't meet them, they risk forfeiting the grant money. He again apologized for the time crunch that has placed them under to make this decision. He offered to answer questions.

Chair Egan asked what point the grant window is at that they have to make their application. Mr. Frankhauser advised that it is a deadline for them to obligate the funds with the Federal Highway Administration and that is by the end of September 2021. Working backwards from there, their process is that they need to go through the final design and plan development for the projects to advertise them for bids. That would occur at the latest in early September of 2021. Working backwards from there, they have the final design and plan development for the bid documents which they do have some flexibility on. They do need several months to do it though. Secondly, they also need to know if they need to acquire property rights to do this which also has a 9-12-month timeframe involved with that right-of-way process. A lot of this they can move forward on with a level of commitment and then work out any final arrangements in a Municipal/State Agreement later but he thinks they do need some level of commitment to know if we are going to go down this direction of the wire bridges probably in that January 2021 timeframe.

Councilor Tracy asked M. Frankhauser when he became aware that they were going to use the federal grant for these bridges? He could not remember exactly when they knew the grant was actually awarded to them. It was a while back and they have been working through the process since then to get to this point. Councilor Tracy mentioned that it seems like we have been talking about these projects for a long time. She appreciates his apology but has to say she is quite surprised at the timeframe we have to work with. The Council will get questions on why we are jamming this so fast so it would be helpful to understand what kind of timeframe Mr. Frankhauser had and why we are learning about it now in terms of the tight timeframe that is left. Mr. Frankhauser advised that the process had to fit into their process as

COUNCIL MEETING #22-20
OCTOBER 20, 2020

well. They could have probably been back to the Council sooner. The project has changed hands with project managers a few times and it has taken them a little while to get to this point. They didn't fully understand the process that Freeport has to go through and they are learning about now. He apologized for the tight timeframe. Councilor Tracy referred to the level of commitment that Mr. Frankhauser said he needed in January and that the documents could be worked out later, she asked what kind of level of commitment he needs from Freeport. Is it verbal or authorization? Mr. Frankhauser noted that in his mind it is authorization that they can spend the money. They will have to develop a Municipal/State Agreement that covers the cost shares and when the payment is due which they do have some flexibility on but they want some level of certainty and commitment. When Freeport folks say okay DOT proceed down the path of adding this extra width or this extra project, it is going to happen. Mr. Joseph add that the State needs something in writing from us but we can't provide it without the vote happening either from a fiscal appropriation from the Council or the voters through a bond. The Department is trying to be as flexible as they can in that regard. It doesn't change a lot for us with the main problem being if we don't have the appropriation and we sign something, we are essentially appropriating money without appropriating it. We are binding future Councilor voters of the Town to a decision they may not make. His description to Mackenzie was that it was all great until it's the 5% of the time when something goes wrong and the AG is talking to both of us on how to resolve it because we owe hundreds of thousands of dollars to the State and the project has gone south. We need to avoid that situation.

Councilor Tracy agreed. It appears MDOT needs to be able to final design the project so they can send it out to bid in February which is why they need the authorization from Freeport which has to be formal. She asked if they have ever been in a situation where they sent a project out to bid that has options to it that might a piece like a multi-use pathway or some other piece totally unrelated to this situation that was added on as a piece and weren't sure it would be built or not but they had that option of flexibility when you went to bid? Mr. Frankhauser advised that they have done bid alternates for something as a multi-use path. In thinking it through, it might get a little tricky as far as if the added width requires the acquisition of a right-of-way. He thinks that they can conditionally acquire the rights if they decide to go with a bid alternative, that might be the tricky part. Councilor Tracy noted it doesn't sound like there is a prohibition on bidding out a build alternate with a multi-use pathway as the alternate design. Mr. Frankhauser did not think so and is confident they can find a way to work it in.

Councilor Tracy explored if there is an alternative approach that would give Freeport adequate time to go through the public process to have adequate input to make an expenditure like this and allow MDOT to move forward with their process and understand all the pieces they need to put in place and also cover them for their design costs if for some reason we decided to not move forward with the multi-use pathways. We would commit to cover whatever the incremental design costs were associated with the option we decided to not move forward on. It seems to her that it might open up a little extra time and allow MDOT to bid out like it needs to and allow us to not create a major issue with transparency in our town government which frankly had we known earlier, we would have acted with all due course and expeditiously to make sure we were on track for MDOT. She hopes in subsequent discussions this can be explored.

Councilor Reighley asked what is realistically a better time than to try to do something in two months? Can we go and present this discussion to our community and have this special election in May or June? Councilor Lawrence asked how much time do you think we need to do this? Mackenzie, Project Manager for this project with DOT, noted that the conversation she had with Mr. Joseph really put things in perspective for her and the two processes. The way the department looks at it, Freeport does have flexibility to go through its budget process between March and June and appropriate those funds. The issue the department has is that they need to know what the cross section is going to be. Whether it is going to be a sidewalk or a multi-use path by the end of the year. That gives their Design Team, their

COUNCIL MEETING #22-20
OCTOBER 20, 2020

Right-of-Way Team and internal processes enough time to obligate the funds and advertise for bidding in September of 2021. As much as the DOT thinks these are two different things because of the legal and the Municipal/State Agreement, the Town of Freeport doesn't want to obligate those funds and the 5% of what goes wrong. The Town should go through its typical budget process March through June and you get the funds for the multi-use path and that is what they designed, great! What if you go through your budget process March through June and you don't get the funds and they have a multi-use path, so what are they going to do between June and September to change all of their plans to be a sidewalk. That is a really big deal then for them to do in a month or two. It is really the fact that they need that design change which the department thinks is simple but it's that what if between January to March to September that could really throw things for a loop and as Peter mentioned again having the AG come down on both of them is not what they want. That is her two cents. Mr. Joseph mentioned that one outcome that Councilor Tracy just described is the department doing double barrel designs for two options and what does it look like financially? For example, let's say the town and the department were willing to do this, what does this look like cost wise for the department assuming that the department says yes if you cover the cost of the second design, we will design two. Maybe we can even discount that option or go further with it so we would know what it cost. Mackenzie does not have the answer tonight but is willing to talk to the consultant and then she and Wayne can talk. Mr. Frankhauser advised that they can certainly look. He wouldn't even consider it a bid alternative. It sounds like there would be some time for them to advance both designs to allow the Town to have a better process involved with getting the money. If they advance the two designs, it is some effort but is not a huge amount of effort. He and Mackenzie could certainly talk to the designers to try to get figures on what that will be. What he is hearing is that a more practical and reasonable timeframe for Freeport is a decision by March to June. Chair Egan would say that that is the earliest timeframe for a bond issue special election. That also allows us to examine our budget process because by the end of March we are at least a significant way past the Capital Budget process so we would have a lot more transparency and local participation in developing that Capital budget which might amend dramatically how much we have to bond for or even if we have to bond. We could not get to that level of certainty much sooner than that. If we were going to have a bond election, it would be scheduled for the latter part of March. Chair Egan noted that the Council pretty much meets every Tuesday in March. Councilor Tracy agreed with Chair Egan on the timeframe. The alternative that we are talking about is that we need to make a decision by the end of the year or January. The Council does not start doing active business until mid-December and everyone knows what the holidays are like and people come out of it a little bleary eyed so from the perspective of our residents she has concerns that if we were going to try to do a process by which we are coming up with a decision in early January, mid-January or even late-January, it will appear that there is some sort of dark room deal or something is wrong. The levels we are talking about are really important to make sure that people have a chance to weigh in. She advised the MDOT that that is what they are hearing from us and anything they can do to provide a little bit of breathing room so we can properly vet this. She suspects it will all work out fine but we need the time to do that. Councilor Reighley added that we need to be in contact with Active Living and Complete Streets on projects for connect ability that aren't there yet and find out what those costs may be so that we can put together a bond package representative of all the things we are wishing to do in this bond package.

Mr. Frankhauser thanked the Council. He did not fully understand the process the Council has to go through. They can certainly talk about ways to adjust the schedule to give Freeport the extra time and still move the project forward. He will let Freeport know what they come up with. Mr. Joseph mentioned that there is a Bridge Committee Advisory meeting scheduled for a week from tomorrow, the 28th. Mr. Frankhauser is confident that they will be able to further the conversation at the next meeting. Mr. Joseph added that the future Council can decide whether to hold special meetings in November if they thought it was of a pressing nature. Chair Egan reiterated to Mr. Frankhauser and Mackenzie that if it was a matter of this Council giving them an indication to go forward, we would have been done 2 ½ hours ago

COUNCIL MEETING #22-20
OCTOBER 20, 2020

because he feels there is strong support from the Council to do everything it can to leverage the opportunity the DOT is presenting here. There is not a political roadblock here at all. All seven Council voices agree that this is a great opportunity and we have been applauding the efforts of our committees which has generated all of the input that DOT has gotten through the committee process. That part is pretty well assured, but it is the matter of how this group takes this issue and the timeliness of how to [pay for it to our community without the community reacting to, “what, where did this come from?” It seems like 2 or 3 months should be more than an adequate amount of time, but it is not because the general public is not paying attention to the timeframes we are all focused on here. They have no idea what the timeframe is for a federal grant to leverage resources to make these bridge projects much more amendable through community implementation. The general public has no idea what the bonding schedule is or what our current bond amount is or what our reserves are. As representatives, we have to bring as much of that community along as we can and that is the rub we are trying to negotiate. It is not a matter of whether or not we want to support the project.

Doug Leland in listening to the conversation tonight, he wants to build off what Chair Egan and Councilor Reighley were saying. For practical purposes the conversation is focused on the funding for the two bridges and the timeframes, process, etc. As a resident, he would benefit if he was hearing it for the first time and hadn't been involved in these issues, he would want to know what the big picture is. If these bridges are going to be in place for 60-70 years, what is the rest of the infrastructure that makes these bridges so important. If the conversation gets focused on just the cost of these two bridges, and the concern is that it is a bit of a surprise to the community, the next piece of infrastructure will be the same thing. It will create a sense of where is this going, we just had a bond issue for two bridges and now 2 or 5 years later we are back again looking at something for a path. The presentation to the community can begin to flesh out what the big picture is for multi-use path infrastructure, how these 2 bridges fit in to that strategic picture, realizing that it is a long-term picture,, he feels it will make the communication easier and set the expectation for the other pieces that come down the road. His only concern is the west side of the Mallett Bridge and whether or not it is safe over there. The issue is not just the geometry of where the roads come in but it is the volume of traffic that is trying to get on to 2-95. That is an issue that anyone is not going to want to address. He understood that at one time there was a stop sign put in at the bottom of 125 and 136 and it didn't go over very well. If that didn't go over well, what is the solution going to be because we are talking about putting in a bridge that is encouraging more people to be making the transit across there. There isn't a plan to make it safe on the other side and he feels we are going to have issues that we don't want to have.

Councilor Piltch agrees that how we present this to the community is going to have an impact on how they receive it. He would like to ask for help to do that from the Active Living and Complete Streets Committees. We have a bit of an outreach effort ahead of us and they have a lot of information they could help share to help making the connections and provide the platform to do it. He thanked the MDOT folks for being understanding and flexible. He appreciates it. Councilor Tracy also reiterated that. She appreciates their openness in going back and talking about options. She knows it puts them in a difficult position but appreciates their openness in undertaking that effort.

Todd Coffin pointed out that this is not a handoff. They are here for long haul. Anything the Council needs for community outreach and communications, they are on board with. Andy Spaulding advised Councilor Piltch that he has gotten in touch with Anne-Marie Davee and learned that she has a long list of active people from the charrette that they did. They would be happy to carry that torch and do whatever is needed on public education.

Councilor Reighley brought up a list of projects that could possibly be included. Councilor Lawrence pointed out that we need some kind of a number that we are thinking about. We could start with a larger

COUNCIL MEETING #22-20
OCTOBER 20, 2020

number and reduce it down. The first thing everybody is going to ask is what do you think it is going to cost? We can say that at the most expensive it will be this. He wants to do this quickly so we all have some kind of number to work with and get the message out. Chair Egan advised that Adam's memo outlines that the two items add up to roughly \$1.2M. Councilor Lawrence suggested throwing \$1.5M at this. Mr. Joseph mentioned he would be comfortable with a \$1.4M estimate for all the stuff that is rolled into this. Everything else that has been discussed tonight there is no timeframe constriction on it so he feels it should be considered through the Capital Budget process. The only thing that is even justifiable outside of our regular budget process is the two bridge questions because DOT needs an answer faster than July 1 when our fiscal year starts. Chair Egan noted the Council is trying to message a specific project and keeping it clean and crisp with a multi-use pathway on the two bridges. That is a clean message to take for a potential bond special election and agrees that connectivity in general could also be a crisp message and engages people to think about this or that. The task is to get everybody comfortable with the value of the opportunity here which is to leverage all the resources and everything we have been speaking about this evening.

Mackenzie agreed with Councilor Lawrence about getting that worse case scenario number idea and understands about keeping it clean and crisp. That is something between now and our Bridge meeting next Wednesday they can try and vet it out a bit more now that they have a better understanding of Freeport's process. DOT has a cost-sharing policy and it is important to remember that it says, "The DOT may contribute up to 50%." There are two very important words in that language there that they need to flesh out. They can talk internally and vet that more to clean up that number if it makes sense. Councilor Lawrence advised her that he would push for the two 12-foot paths. Mackenzie feels it is nice to hear that the Council is all in agreement. She feels it is all being gentle with the message.

Chair Egan pointed out that it looks like we have some action to move forward with. He will try to attend the meeting on the 28th and will wait to hear back from Wayne and Mackenzie on opportunities for flexibility and the actual sequence of the timing of the commitment piece. He will start to work with Staff to put together a plan for pitching this idea for a bond issue special election sometime in late March. Mr. Joseph mentioned that he and Council leadership can work after the Bridge meeting to come up with something and put in front of the Council at the beginning of the next Council year. Chair Egan noted he would aim for that action on the first meeting on the 10th. Councilor Horne is pleased to see things ticking forward. He has had the pleasure of working with a high caliber group of folks being the liaison for Active Living. He has no doubts the committee will be right there with the Council in bringing whatever information is needed to the general public. It is a pleasure to see that this might happen. He thanked everybody.

Chair Egan thanked everyone for attending and the voluminous amount of work done by Doug Leland.

3. Discussion regarding potential modifications to Shellfish Licensing
Conservation Program requirements in light of COVID-19 complications.

Mr. Joseph advised that this is a temporary change and requested that the Council give him some feedback informally and based on the feedback, something will either come back or not at a future meeting. They usually do organized group events for Shellfish Conservation. The license holders approached the Harbor Master/Marine Resource Officer expressed concern to him that they would not be able to do group events for health concerns or concerns being shoulder to shoulder doing projects. The Ordinance says you have to do this. There is no mechanism in there. The officer's proposal is that it should be uniform and not one person getting a doctor's note and gets out of it. He is asking if the Council would consider suspending that requirement for this year. Going forward, it may move to a

COUNCIL MEETING #22-20
OCTOBER 20, 2020

voluntary thing at the recommendation of the Shellfish Commission rather than this mandatory thing but that is not what they are asking the Council to decide right now. Charlie is asking if the Council would consider it so we could bring to them and you for approval. It would be suspending the hours requirement this year. It could be voluntary if people want to do it but would not be disqualified from getting a license if they didn't.

Councilor Reighley asked if the Shellfish Commission is in favor. Mr. Joseph did not know if this has gone to them but it will before it comes back to the Council with a proposal. He is just trying to see if there is any appetite for it at all before writing an ordinance. Councilor Lawrence mentioned there are not a lot of projects going on right now and in light of COVID-19, they can't do much. Leaving this issue for this year would be fine. He believes the commission is okay with it. Councilors voted yes. Councilor Piltch mentioned that in a Conservation meeting that one of the items they were going to ask the Shellfish folks to do as an individual activity is help replenish the pet waste stations, etc. Mr. Joseph mentioned that a lot of the license holders do that voluntary stuff for projects that would benefit their industry. Mr. Joseph will talk with Charlie about creative suggestions for next year.

Councilor Reighley waived his privilege of making the next motion and allowed one of the retiring members to make it.

MOVED AND SECONDED: To adjourn at 10:31 p.m. (Tracy & Horne)
ROLL CALL VOTE: (7 Ayes) (0 Nays)

Chair Egan noted this concludes Eric and Sarah's official active term on the Council. He hopes they join in on the 10th for a little bit of ceremony and official handoff to their replacements. He will have additional commentary but took this moment to thank them for their participation, thoughtful contributions and sage advice on a whole bunch of different things, particularly on topics that allowed him to enjoy the past year as Council Chair. They each noted it has been a pleasure for them.

Respectfully submitted,

Sharon Coffin, Council Secretary