

MINUTES
FREEPORT TOWN COUNCIL MEETING #23-20
HELD REMOTELY USING ZOOM TELECONFERENCING TECHNOLOGY
TUESDAY, NOVEMBER 10, 2020
6:30 PM

<u>ROLL CALL OF MEMBERS:</u>	PRESENT	ABSENT	EXCUSED
John Egan, 38 Curtis Road (Chair)	x		
Eric Horne, 62 Pine Street	x		
Henry Lawrence, 93 Hunter Road	x		
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 6:31 p.m. via zoom and welcomed everyone to the zoom meeting. He explained how the Council would be welcoming two new Councilors and saying good bye to two outgoing Councilors. The Council will also be electing new officers tonight. He took attendance and 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 was recited.

SECOND ORDER OF BUSINESS: To waive the reading of the minutes of Meeting #22-20 held on October 20, 2020 and to accept the minutes as printed.

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #22-20 held on October 20, 2020 and to accept the minutes as printed. (Reighley & Horne) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

THIRD ORDER OF BUSINESS: That the Town Clerk report on the returns of the November 3, 2020 Election.

Town Clerk, Christine Wolfe noted she is happy to report that the November 3rd Election is over. She reported that Jake Daniele was elected as Councilor At Large. Ed Bradley was elected as Councilor to District 2 and returning Doug Reighley was re-elected as Councilor to District 3. For School Board incumbents Madelyn Vertenten and Susannah Hancock were elected. There was only one contested race and that was for Sewer District where Sally Leland won re-election and Chad Coffin was elected. The write-in winner for the Water District was Chad Coffin who received 20 votes.

No. of Registered Voters as of the close of polls today is 7,762

No. of ballots cast - 6,241 (a record)

Voter Turnout – 80% but in 2016 we had 81%

Absentee Ballots accepted – 4,857 which was 77% and this number broke our 2016 presidential election record where we only had 2,400 absentees or 41%

From September 1st through the election, they added or changed 824 voters (824 additions or changes and 272 deletions for people that moved) so they handled 1,100 Voter Registration Cards

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During Covid she was able to use the Town Council Chambers the whole month of October to have in-person voting which was convenient. They then switched over to using the Council Chambers for early processing starting on 10/27. They had several sessions of early processing and it made it so they only had the potential of having 104 ballots returned on Election Day. Special attention was taken to provide security and safety for the voters and election workers on Election Day. They met all CDC and Secretary of State guidelines. She happily reported that there were no incidents reportable on Election Day and the Warden, Deputy Wardens, election workers, Lynn and she would like to thank the officers that were on duty there all day that set everyone's mind at ease. She noted that she could not have done this without the legion of volunteers that came forward. She incorporated 12 new election workers over the month of early processing and on Election Day. She had to refuse 125 people that came forward that wanted to volunteer and help with the election but pointed out that unknown to them, she still has their numbers and will be reaching out to them.

MOVED AND SECONDED: That the Town Clerk's report be accepted. (Reighley & Lawrence) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Councilors thanked Chris for a great job.

Chair Egan pointed out that if this was not during a pandemic, this is the time we would swear in the new Councilors that were just mentioned in the Election Report by Chris and we would have that ceremony happen in front of us live but because the swearing in has to happen in person, Councilor Bradley and Councilor Daniele were sworn in today so he can refer to them as Councilor Bradley and Councilor Daniele and welcome them to the Freeport Town Council. He feels it is great to have them join the Council and hopes to get to know Councilor Daniele in the coming weeks and months. He thanked Councilor Bradley for returning to provide public service to our community having served on the Council previously for many years.

He called the roll call of the newly seated Council for 2020/2021.

<u>ROLL CALL OF MEMBERS:</u>	PRESENT	ABSENT	EXCUSED
Edward Bradley, 242 Flying Point Road	x		
Jake Daniele, 264 Pownal Road	x		
John Egan, 38 Curtis Road (Chair)	x		
Henry Lawrence, 93 Hunter Road	x		
Daniel Piltch, 25 Quarry Lane	x		
Douglas Reighley, 2 Harbor Ridge Road	x		
Tawni Whitney, 56 Baldwin Road (Vice Chair)	x		

They were all welcomed by Chair Egan.

RECEPTION FOR OUTGOING COUNCILORS: The Council will recess briefly to recognize and commemorate the service of Eric Horne and Sarah Tracy on our Town Council. He shared statistics put together by Town Staff. He advised that Eric Horne served on the Council from 2017 through 2020 and served four terms on the Shellfish Commission which supports our shellfish industry both historically and economically. He has been a great sounding board to Chair Egan. He found him to be the most open-minded public official he has ever come across and always wanted to know the data behind any point they were discussing. Chair Egan appreciated that a lot of opinions can be flown back and forth but when the data is there, the opinion becomes the truth. Chair Egan appreciated the support Eric threw behind the solar efforts for the Town to offset a significant portion of its electrical usage with solar production and his endless and tireless support of getting Freeport residents outdoors and staying active in his guidance

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on what was the Outdoor Living and Traffic Parking Committee as well as various other committees which became the Complete Streets Committee and his focus on making sure we were really minding what we could do as a community to support outdoor experiences for all residents and all levels of participation.

Councilor Reighley added that as a neighbor, there has always been the opportunity for him to talk to Eric as he is out on a walk and catch up on anything that goes on in looking at what we have done down in South Freeport together. Eric has always been great and he would take Eric's contribution any time.

Vice Chair Whitney noted she feels it has been an honor to serve with Eric on this Town Council. Being friends, she appreciated the opportunity to experience something different with him. She feels they were on the same side on many issues and she will miss him. She shared memories of being a parent at Morse Street School with Eric.

Councilor Tracy noted that she and Eric have been together for 35 years and has lovely memories of their families growing up together. She has found it to be a pleasure to be able to finally work together and row in the right direction and try to do some things for the town. She has really enjoyed how proactive Eric is and has been very clear about what he believes is good for the town and is willing to put in the work to make it happen. He is a changemaker and it has been lovely to be able to ride his waves and just be in the glow of his positive energy. He definitely has his own flavor. It has been a pleasure to sit on the same dais and she will remember it fondly.

Councilor Piltch explained that when he first had the opportunity of running for Council, he saw Eric was on the list of Councilors so he asked "how bad could it be?" One of the reasons he wanted to join the Council was to be able to work with Eric in some capacity and he has enjoyed every minute of it. He has found Eric to be a provider of common sense and able to get to the bottom of issues quickly and call it like it is. He admired his independence and sense of values when he approaches issues and it is something he will keep with him. He thanked Eric for the time he spent with the Council.

Councilor Lawrence added that Eric has made him think every time they talked and mentioned sometimes, he never thought about something that way. He appreciated that. It's been fun working with Eric.

Councilor Bradley mentioned he never served with Eric so all of the 35 years that Sarah talked about being with Eric, he was there and watched both of them. He noted that Eric's father was an exceptional man and Eric has done him proud. He regrets he won't serve with Eric but enjoyed watching him serve and knows Eric's dad is as proud of him as he is.

Eric added that he feels the Council is amazing and displayed the plaque his daughter brought in to him that arrived from the Town. He thanked Councilors for their comments. It was a year after the Presidential Election that he decided he wanted to get involved in Town politics and the day he was sworn in was exactly one year to the day his dad passed away. He has been on his mind the whole time he has been serving because he loved this town as much as the Council does. What the Council has brought to him is a sense of family. This is a special group of people, a special town but inside of our amazing town are groups of people who come together and regardless of our political stripes, get through the issues. He feels that when a time when our national politics seems sometime dysfunctional, it has been a huge comfort to him to come every two weeks and sit down with a group of reasonable people and solve problems in a reasonable way and it has a lot to say about the way Freeport conducts itself and people should be proud of this community and all the work that gets done in a level headed way. It has been a

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huge positive for him to be part of this group and it really does feel like a family. He is confident the new folks coming in will do a great job. He thanked everyone.

Mr. Joseph explained that Eric was the first person he met with nine years ago when he was Chair of the Shellfish Commission. He knows he put a lot of time in and he was glad to work with him there before he came on the Council. He was excited to see him move to the Council. He thanked Eric for everything he has done and is confident he will stay involved and will volunteer for our committees and suggested that he fill out an application. Chair Egan added that we will be getting to the vacancies on our Boards and Committees a little later and will keep Eric's name at the top of the list and see if we can twist that other arm.

Chair Egan is unsure he can say goodbye from the Council since Sarah is such a pillar of this institution and this work and certainly guided his decision to even run for the Council and helped an enormous amount in getting his feet landed when he first got on four years ago. Sarah Tracy has been on the Town Council from 2013 until today and served three terms as chair in 2016, 2017 and 2018. Finishing up a year as Chair is no small task and to have done it three years consecutively is significant. It is a lot of work. He had the pleasure of serving as Vice Chair in one of those years with Sarah and learned an enormous amount of how the Council works and the importance of public meetings and making sure that everything the Council conducted was in a public forum. That was a keen lesson for many of us to learn.

He wrote a few things down for Sarah's contribution. He recalled going to a very early discussion with L.L. Bean when they were first considering the work on their campus building and hearing about their project and listening carefully to the questions she was asking at that very early meeting years ago. She has been a beacon and guidance and insight and valued perspective in dealing with the Island Rover. She has been heavily involved in managing the Town's interaction with the RSU and not only with how we interface with that budget but also how the budget process is determined. We had a challenge to work out between the RSU and the Town a number of years ago on an administrative glitch and we were able to do that because of Sarah's leadership. He considers her participation and leadership to be an example of public service discipline and despite a lot of opinions and public sentiment going in a particular direction, Sarah was never shy to say, "let's make sure we look at this from all angles." He felt it took a lot of discipline and it was seemingly effortless for Sarah to demonstrate that discipline to make sure we were including everybody in our public decisions. Her commitment is to make sure everybody is heard and as we just saw in our recent election, it is important that people realize that they are being heard at the local level as well as the national level. He thanked Sarah for her continuous and rigorous demonstration on how to serve a community locally including teaching him how to do a thorough and rigorous review of our Town Manager who is a better manager because of that process. This is what a transfer of power looks like peacefully with Sarah Tracy getting off the Town Council. He congratulated Sarah for getting her Tuesday nights back.

Vice Chair Whitney pointed out that Sarah is truly someone that listens and if her personal thoughts are on the other side of the situation, you can't tell when you are talking with her. She is by far one of the most intelligent people she knows. When sitting in meetings with her, she can ask the tough questions but does it in such a respectful way that progress truly gets made. She is someone you can call on and she will be there to listen to you with calmness. She is the reason why Vice Chair Whitney wanted to be a Councilor and has been a mentor to her. She will miss Sarah but luckily, she has been asked to serve on FEDC so she won't be too far away from her. She considers her one of her dearest friends.

Councilor Horne echoed what has been said and noted that he and Sarah have basically known each other their whole lives mostly in social settings. Being able to work with Sarah and see her with her game face on was a whole other side. What he has found so incredible about her is her ability to listen to all the

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different angles and then distill it all and frame it properly and move the ball down field. It is such a skill and very few people have that ability to distill what has been said and then let the smoke clear. After it has cleared, it is usually Sarah saying, "okay, I am hearing these five points." Meetings are very productive when Sarah is involved. He thanked Sarah.

Councilor Piltch added that he looked at the list of people on the Council before he decided to run, he noticed Sarah's name was next to Eric's so he said, sign me up. He wanted a chance to serve with both of those people and he is so glad he did. What he most admires about Sarah is the ability she has shown to really look at all sides. It is a true talent and he will miss that but hopes the Council will do more of it in the future.

Councilor Reighley explained when he joined the Council and he found himself with Melanie Sachs on one side and the Chair was on the other side, he found that she could run a meeting and there were opportunities for different points of view coming up but it always came down to consensus because we always tended to agree that everything was presented to the Council logically and that was the guiding force of being the Chair. Later on, as we are coming down to the end of Sarah's term, she served on the Ordinance Committee with him and we are working really hard to get a Short-Term Rental Ordinance coming before the Council and hopes it will take place on December 1. In going through the document that was prepared by our Town Planner and our Town Manager, we will have a working idea of what is taking place and again they go through it again very thoroughly so nothing is left out. We are running short on time and he did not want to have any more meetings than necessary but we needed one and Sarah said "I am still here" so she came and continued on and the detail never dropped off. It was always there. He would say the same thing happens if she is going to be a coach for a sports team, he would hate to be in a case where she is representing the other side because he knows he would be in serious trouble. He would love to see her continue on and love to see her do what exactly she would want to do and he is willing to support her in anything she wishes. He thanked her for the opportunity to serve with her and he will always remember her.

Councilor Lawrence thanked Sarah for being the Chair when he first joined the Council. He had no idea what he was getting into. He feels it was nice to have someone who actually listened. He agrees with everything that has been said wholeheartedly. It has seemed like family. While we may have had some differences, Sarah always listened and did a phenomenal job. He wished her the best.

Chair Egan noted that at this point Alan was supposed to be coming into the room with Sarah's plaque. Alan Tracy thanked Chair Egan and as Sarah's No. 1 constituent, he echoed everyone. She was a fantastic Town Councilor and everyone said it well. As her family, they are glad to be getting her back on Tuesday nights. He thanked Johanna for getting the plaque to them. Chair Egan noted it was well deserved for an enormous amount of public service in our community. He congratulated Sarah on getting her Tuesday nights back.

Councilor Bradley reminded everybody that he is Sarah's dad and he is very proud of her public service and her decision to take time away from a busy practice and an amazing family to serve our town. What has amazed him about her in addition to her commitment is the way she can think through issues and express and consolidate ideas and emotions into actions. It is something very few people can do and she does it very well.

Mr. Joseph thanked Sarah on behalf of the Staff for everything she has done and the immense amount of work she did and the time she put in. She is highly regarded by everyone.

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Former Council Chair Melanie Sachs pointed out that she and Mr. Gleeson would have been in person in the Council Chambers for both Eric and Sarah if they could have. She was an Odyssey of the Mind Coach with Eric and can't tell how many 6 a.m. phone calls she and Sarah did. It was a productive time for both of them together and the hours and hours she spent with both of these fantastic people. She and Mr. Gleeson can't wait to invite Sarah to the Tuesday Night You Are Not At Council Meetings. She pointed out their dedication to this town, service, passion and love of data. She loves them both dearly and thanked them both. She can't believe Sarah is going on FEDC so quickly and that is just terrific. She found it to be a pleasure to serve with both of them.

Former Councilor John Gleeson echoed Mel's comments but noted she always upstages him. He noted it was great serving with Eric and Sarah. He echoed his admiration for both of them last year when he retired. He worked with Sarah as the Vice Chair and echoed that she worked tirelessly for three years trying to have a busy law career in addition to children and everything else. She has given a lot. He hopes she enjoys her retirement. He can't wait to have Eric and Sarah and Melanie at Gritty's for a beer and not have to worry about three Councilors meeting or what we are talking about. He just wanted to be there to support both of them on their way out despite COVID. They are both great and he hopes they enjoy their retirement and he will see them on the other side.

Sarah wanted to respond. She thanked everyone for their comments because when you look back on what you have done, you are not sure and it is really nice to have it reflected back at you. She feels it has been a real pleasure to serve on the Council. She grew up in this town and was educated here. When she came back, she thought she would serve the town but it served her. This Council became her second family and a real support network. She met people she never would have met and learned more about the place we have all chosen to build our lives and she always looked forward to the meetings. They were long but it was really fun to sit with a group of people and work toward the common good whatever that was defined on any given night. She wanted to thank the Staff. She was continuously impressed with how well run this town is. Fiscally we are in great shape. There are good vibes and the tenor between the Staff and the townspeople is positive which is largely in part to Peter's approach, which is a warm but firm approach. Everybody is very good at what they do and it was a real pleasure to work with Peter, Jessica, Johanna, Chief Nourse, Chief Jordan, Caroline, Adam, Judy, Christine and everybody else who works with them. She always loved it when Earl came in. It was like a mini show. It is impressive how efficient the town is and also how personable the Staff is as they do their work. She enjoyed working with all of them. The thing that gave her energy was that we always found a way to move forward even when we didn't agree. There were often times when she was on the wrong side of issues but she walked out thinking everyone had a chance to say what they wanted to say. If you lost the vote, you lost the vote but everybody moved on to the next issue and didn't hold a grudge. She expects that will continue but she doesn't think we should all take that for granted. There have been years when that doesn't exist on the Council. There may be years ahead when it doesn't but she thinks this group of Councilors will work to preserve that comradery and she thinks it is so important and it also allows people coming and saying what they have to say if they know they will be heard. She wanted to thank her family. When she first ran, her daughter Ella was 5 and now she is 12. Savannah was 9 and she now drives a car. For more than half of their lives she has been preoccupied with the Council, for better or worse, and appreciates they never made her feel guilty about that. They were supportive and have picked up the slack at times. Alan cooked many more dinners than she cooked and was there for the kids. They had a strong network at home and Alan worked with her to think about issues. She appreciates that partnership. Finally, she wished her father the best of luck. It is odd to be succeeded by your father but she thinks he will be a fun addition to the Council. Everyone will know where he is coming from and he has balanced energy and way more time than she has. She feels he will be a wonderful addition to the team and is very knowledgeable. She is looking forward to continuing her discussions about town issues with him and all of the Council in her recreational capacity. She feels it has been a true honor and a true pleasure and appreciates it all.

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Chair Egan noted he is looking forward to working with Councilor Bradley. He welcomed Eric and Sarah to sign off or stay on if they like.

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

Chair Egan asked for clarification on if he should call this fiscal year 2021 or calendar year 2021 since we are starting with a month and a half in 2020 but it is largely going to happen in 2021. Mr. Joseph advised that it is clearest to call it the 2020/2021 Council year since we have a month in December but 11 months will be in 2021.

ITEM #161-20 To consider action relative to the electing of a Chairperson and a Vice-Chairperson for the Town Council.

MOVED AND SECONDED: That the nominations for the position of Council Chairperson be opened. (Reighley & Piltch) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

MOVED AND SECONDED: To nominate John Egan for the position of Chairperson of the Town Council. (Reighley & Bradley)

MOVED AND SECONDED: That the nominations for the position of Council Chairperson be closed. (Reighley & Bradley) **ROLL CALL VOTE:** (7 Ayes)

BE IT ORDERED: That John Egan be elected Chairperson of the Town Council. **ROLL CALL VOTE:** (6 Ayes) (Recused-Egan) (0 Nays)

MOVED AND SECONDED: That the nominations for the position of Council Vice-Chairperson be opened. (Reighley & Lawrence) **ROLL CALL VOTE:** (7 Ayes)

MOVED AND SECONDED: To nominate Tawni Whitney for the role of Vice Chairperson of the Town Council. (Piltch & Reighley)

MOTION AND SECONDED: That the nominations for the position of Council Vice-Chairperson be closed. (Reighley & Piltch) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

BE IT ORDERED: That Tawni Whitney be elected Vice-Chairperson of the Town Council. **ROLL CALL VOTE:** (6 Ayes) (1 Recused-Whitney) (0 Nays)

Chair Egan thanked the Council for a very smooth process and their support. He hopes that this proves to be the smart move from everyone's perspective and we have continuity. He hopes to meet their expectations for chairing this great group on this Council. He thanked the Council for its support. He is not sure what the percentage is but it is an overwhelming percentage of his job which is made much easier because of the expert guidance of Mr. Joseph and the support of his Staff.

Councilor Piltch thanked Chair Egan and Vice Chair Whitney for leading the Council through the last year. He is thankful for the way Chair Egan and Vice Chair Whitney at his side, ran the meetings.

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Councilor Reighley seconded those comments as did Councilor Lawrence. Chair Egan felt he could speak for Councilor Whitney and the communication they have with each other and the ability to disagree and not always have to have every vote 7 to 0 and still be able to communicate on all the issues we are looking at made the job quite easy and he appreciates the support. He noted that the Council can tackle budget issues, local political issues, environmental issues and fiscal issues but when you have to be wrestling with those on the Council you are working with, it makes it a Mt. Everest task which we have none of here. He appreciates the support.

ITEM # 162-20 To consider action relative to suspending Section 6, Presiding Officer, of the Rules of Order and Procedure for the Freeport Town Council to allow the discussion of Chapter 60, Emergency Ordinance: Temporary Suspension of Certain Ordinance Standards to Safely Accommodate Expanded Outdoor Business Activities due to COVID-19.

Chair Egan pointed out that we have passed this previously in two-month increments and this is our next vote to keep those rules suspended. Mr. Joseph agreed and felt it would expire in a few days if the Council does nothing.

BE IT ORDERED: That Section 6, Presiding Officer, of the Rules of Order and Procedure be suspended to allow for the discussion of Chapter 60, Emergency Ordinance. (Daniele & Reighley) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

ITEM # 163-20 To consider action relative to the reenactment of Freeport Ordinance Chapter 60, Emergency Ordinance: Temporary Suspension of Certain Ordinance Standards to Safely Accommodate Expanded Outdoor Business Activities due to COVID-19, with minor amendments, to be effective November 11, 2020 until January 9, 2021, pursuant to the Freeport Town Charter, Section 2.14 “Emergency Ordinance”.

BE IT ORDAINED: That Chapter 60, Emergency Ordinance be repealed and replaced as amended below:

WHEREAS, the Governor of the State of Maine declared a Civil State of Emergency due to the spread of the Coronavirus Disease (“COVID-19”) on March 15, 2020, which remains in effect, and

WHEREAS, COVID-19 is a communicable disease that is easily contracted through personal contact with infected individual in the community, and

WHEREAS, the Governor has announced a phased reopening plan intended to reduce the spread of COVID-19, which will likely include restrictions on indoor activities at many of Freeport’s businesses such as shops offices, and restaurants, and

WHEREAS, these businesses may find it beneficial to make temporary changes to their traditional operations to allow outdoor business activities, such as outdoor seating, outdoor sales areas, outdoor meeting areas, and additional outdoor signage to communicate business changes due to COVID-19, and

WHEREAS, the Town of Freeport expects significantly reduced numbers of visitors during the upcoming summer tourist season, which would create a corresponding economic hardship to many of its

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businesses, and which could be mitigated to some extent by allowing expanded outdoor business activities, and

WHEREAS, expanded outdoor business activities may also help to promote the public health and welfare, by allowing patrons of these businesses to observe social distancing guidelines by avoiding shopping or dining in close proximity to other patrons, and

WHEREAS, there are several sections within Freeport’s municipal ordinances that may prevent, restrict or delay some of these expanded outdoor business activities and modifications – including sections within the Sign Ordinance (Chap. 23), Design Review Ordinance (Chap. 22), Zoning Ordinance (Chap. 21), and Building Code Ordinance (Chap. 11).

WHEREAS, Section 2.14 of the Freeport Town Charter authorizes the Town Council to adopt one or more emergency ordinances to meet a public emergency affecting the life, health, property or the public peace, and

WHEREAS, during this State of Emergency, the Town of Freeport must consider the welfare of its businesses while protecting the health and welfare of its citizens, and

WHEREAS, the temporary suspension of certain ordinance standards and restrictions governing outdoor business activities is immediately necessary to protect the health, safety and welfare of businesses and their employees, and the patrons of those businesses, in light of the Governor’s current phased reopening plan which will allow a number of affected businesses .to reopen in a limited fashion on June 1st, 2020, and

WHEREAS, in light of the foregoing, the Town of Freeport Town Council deems it proper and necessary to temporarily suspend certain provisions of the Town’s code of ordinances relating to outdoor business activity for the purposes of allowing businesses to reopen or continue operating without undue hardship while also allowing for compliance with social distancing guidelines. (Bradley – no second)

Chair Egan explained that these two items are a continuation of special provisions of our Land Use Ordinance that we have waived without penalty to allow businesses to operate outdoors among other things being able to operate in private and public space and temporary relaxation of tying ordinances and communication about business activities. He asked if there is anything in particular the Council should be paying attention to in the Ordinance language which we are not going to read all of it, but is presented in the public agenda in the various chapters contained. Mr. Joseph advised that there are two changes to the previous language he would like Ms. Pelletier to elaborate on a bit. It is a result of the feedback at the last Council meeting prior to the Election regarding food trucks during special events, there are two that are there and Ms. Pelletier may have another small provision that she is suggesting we adopt as we reviewed this further after the packet went out to the Council. Councilor Reighley offered to second Councilor Bradley’s motion above so Chair Egan noted it is on the floor for discussion.

Ms. Pelletier advised that to date she has issued 27 permits under this Emergency Ordinance. More recently she issued some for our schools and for tenants that are going to vacant store fronts for the holiday season. As a result of the Council’s work, at the last meeting you asked her to look at food trucks because you had a few inquiries. We talked about how they are restricted in Freeport. Currently in the Village Commercial I they were only allowed when we were having these large events with quantities of people 250 or greater and we are all aware that those events are not happening now. What you have before you is some language that would temporarily modify the existing ordinance so that if events are being held in Freeport to draw additional visitors to Freeport, the property owner could obtain a

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temporary activity permit. If they have a temporary activity permit, they would then be able to have a food truck. One thing would be good to get clarity on that was discussed at the last meeting is what do you feel a special event is. Some have said Sparkle Weekend, we have businesses that have extended shopping hours. Are those times you feel is appropriate to bring food trucks into the village? The second part we discussed was how many of these permits do you feel is appropriate to issue? The language before you has the number of four per day. She feels that incorporated what the Council discussed at the last meeting. One other change the Council might want to consider is that the Ordinance does not allow food trucks on public property. There is a way to do it in the public right-of-way such as the side of the street if they go to Council and Project Review but does the Council want to allow them on Town property? If so, she has some additional language the Council might want to let in. For example, it could be Town Hall or a Municipal parking lot. Those locations were discussed at the last meeting. One other change someone reached out to her after the meeting was that if you are going to allow them in some parking lots, there may not be power. Currently food trucks cannot have generators. We do have a vendor that would like to have a generator so some language has been put in that you do allow generators if it is not on a property that abuts a residential property. She offered to answer questions.

Chair Egan thanked Ms. Pelletier. He knows we also got some information from another food truck vendor associated with Village Station and a request to allow food trucks on that property. He is assuming that means the absence of a designation of a special event. He does not feel the Council is prepared to take any action on that particular request this evening because we haven't had any data in front of us and have not had any public discussion about it. We have had public discussion and it was noticed a number of times that we have been talking about how to allow food trucks coincide with special activity events that also meet the COVID-19 requirements. He feels comfortable that a generator could be used if it is not on a property that abuts a residential property would be the only addition to consider. While we had discussion at the last meeting if four the right number.

Vice Chair Whitney is aware of how much time Ms. Pelletier has put into this and how much feedback she has received so she is comfortable with the language but is also open to the addition of allowing generators and allowing food trucks be on public property. Mr. Joseph added that generators are currently in the wording in the base language before the Council. The public property is still prohibited in a different section. Chair Egan asked if parking on a street in front of a business considered public property or the public right-of-way. Ms. Pelletier noted it is considered the public right-of-way.

Councilor Reighley mentioned the taxi stand on Main Street that is not being used and asked if it could be a site for a food truck. He mentioned the drop off points for chartered buses and asked if that location could be used for a food truck. We have the location down by Public Safety where chartered buses would be parked and guests would be shopping. Would that be a place for a food truck? Mr. Joseph is almost against having them in those cases located in the right-of-way meaning a parallel parking spot along a street only because the whole intention of this is to respond to COVID related issues and private sidewalks in that area are not beneficial to people waiting in line. In the downtown area there are numerous parking lots pretty close to Main Street. Councilor Reighley just mentioned one at the charter bus areas close to the Public Safety Building. The town has some lots behind the Historical Society and there are private parking lots close to Main Street in both directions. Mr. Joseph is in favor of removing the prohibition on public spaces but even if you remove the prohibition on public right-of-way and allow him to make the decision, his default would be most of the time that it is not conducive for public safety unless there is something he is missing. Councilor Lawrence agrees that a parking spot on Main Street might not be the place but he is sure we have other rights-of-ways where it might work. Ms. Pelletier has a slightly modified version that she screen shared:

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Section 526.A.(B) (II) be modified to allow food trucks to be located on private property or on public property with permission by the Town Manager; except that the Project Review Board may approve food trucks in the public right-of-way if they are associated with a special event that has been approved by the Project Review Board and/or the Town Council (as an example 4th of July festivities).

Chair Egan noted that it is a good compromised solution and thanked Ms. Pelletier for that. He asked if everybody is comfortable with the number 4. Councilor Piltch noted that he would be fine with it.

Chair Egan asked about special events and Ms. Pelletier mentioned she talked to Visit Freeport about known advertised events in Freeport and they are limited. She knows Chair Egan got an e-mail from Village Station and they view their extended shopping hours as a special activity that would increase traffic to Freeport. She asked if there is some distinction that is important to the Council is an appropriate use to bring in food trucks. Mr. Joseph noted we are open to more specific language than just events designed or intended to bring additional visitors to Freeport. If the Council wants that to be more specific or less specific or you like it as is, he asked that they let them know. Chair Egan feels we are trying to flex as much as we can to support business operators to make the most of a stunted visitor season whether it is in the summer or cooler months. However, we know enough about food trucks and how they have to integrate with other food service businesses in our community that we need to be thoughtful and strategic about how far we are opening that door. He is in favor of defining the opportunity of getting one of those four permits on an event that is published as some sort of special event to increase activity. There are a lot of them with Visit Freeport USA being at the top of the list. He is encouraged to see that there will be an opportunity to have food trucks and we will see how it goes and we will have some data and experience with it. He is a little hesitant to say that extended shopping hours constitutes some sort of a special event. Vice Chair Whitney agreed with him. She heard food trucks say they don't want to come unless something is going on because it needs to be worth their while also and restaurant owners say, "hey, if there is going to be more than just the regular Freeport people, then absolutely" so she feels that shopping hours being extended is not enough to be considered an event. It should be more like Sparkle Weekend and if the Owl's Head Museum was going to do a demonstration. Those are solid examples that would safely draw in people.

Councilor Lawrence pointed out that if a few stores want to stay open later and they think a food truck would come, it might work. We don't know that. If the stores want to pay a food truck to show up and say they are guaranteed an amount, maybe that is enough to bring people to town. Councilor Piltch felt it was worth noting that we have a number of empty restaurants so he would love to encourage whatever we can do to bring people and businesses back to downtown. Since the language in front of us only goes to January 9th and we are only talking about 4 food trucks, he is inclined to be permissive about it and say if it is worth it to bring a food truck to town, come aboard. If we get 4 food trucks for 60 days, if it has an impact on restaurants, we can rethink it in January. If it doesn't, we can have a discussion about continuing it. A compromise could be saying on weekends between now and January 9th on Thursdays through Sundays. He would be okay saying 4 food trucks between now and January 9th and see where it goes.

Councilor Daniele agreed that this Ordinance could be the special event. We could say we are creating a special event for the next 60 days. It would give us a lot of valuable data. We will find out if it worked for restaurants and if food trucks liked it. He feels it will give the Council a lot of information.

Councilor Bradley confessed he didn't feel adequate to join fully in the conversation because he does not have a feel for the issues. He read the language but unfortunately as a lawyer, had a bunch of questions about it and how it works but he feels it would be best if he sat down with the Town Planner rather than take up the Council's time to go through his questions. He will be hesitant to vote on this tonight because

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of the questions he has about the language itself and what it intends to produce. He has no objections to food trucks and will go along with the Council's judgment about what is the right way to do it but he needs to be sure that the language accomplishes that.

Chair Egan asked for clarification. He asked if we are going to remove the requirement that the food truck is associated with a special event or are we going to leave the special event as the most vague thing possible? Mr. Joseph feels that Item No. 2 is consistent with a lot of the discussion we have had with people both pro and con. The specificity they are looking for is a widely interpreted event. It has to be something plausible and on the face of it, it will bring people to town and Caroline and Nick agree and will sign off on a special activity permit. Councilor Lawrence feels the stores staying open is a special event because we kind of roll up our sidewalks at 8 o'clock. Mr. Joseph noted if there was a concerted effort to keep a chunk of stores open as opposed to one or two. Chair Egan advised that the Council will leave it as is and let the Staff make those decisions. Essentially the direction Mr. Joseph is getting is as wide a definition as possible on the purpose of organizing a food truck and to Councilor Daniele's point it is just 60 days and we can have some feedback from the food truck operators and restaurants in town about how it is going during what is typically a slow period of time in Freeport except for right around the holidays. Perhaps it is a good compromise for now and stop tweaking it there and leave the language as is with the addition of allowing food trucks on publicly owned land. Councilor Reighley pointed out that Caroline has not yet printed out the new language that falls underneath Item III in this discussion which he moved that we approve.

Councilor Piltch mentioned there is a prohibition about not using generators on a parcel that abuts a current residential use. He suggested saying, "generators may be used until 9 p.m." Mr. Joseph liked the suggestion.

MOVED AND SECONDED: To amend the language referencing 526-A, (B) (11) in the last sentence so it reads: Generators may be used until 9 p.m. when the food truck is located on a parcel that does not abut a parcel with a current residential use." And add that Section 526.A.(B) (II) be modified to allow food trucks to be located on private property or on public property with permission by the Town Manager; except that the Project Review Board may approve food trucks in the public right-of-way if they are associated with a special event that has been approved by the Project Review Board and/or the Town Council (as an example 4th of July festivities) (Piltch & Reighley) **ROLL CALL VOTE:** (6 Ayes) (1 Abstention-Bradley) (0 Nays)

NOW THEREFORE BE IT ORDAINED:

That for the time period from November 11, 2020 until January 9, 2021, unless this ordinance is repealed by the Town Council prior to January 9, 2021, the following emergency exceptions to established ordinance provisions of the Town of Freeport shall be in effect, and shall apply to any existing business within the Town of Freeport, that is otherwise operating in compliance with all municipal ordinances and regulations in effect. **Chapter 23 - Sign Ordinance**

- A) Temporary signs to support changes to the operations of business as a result of the COVID-19 pandemic shall be exempt from regulation under Chapter 23. This may also include additional signs needed for distance markers outside of establishments. Internally illuminated signs, signs with moving parts, and flag and/or feather style signs are not exempted from the regulations of Chapter 23. Signs must be located on private property and not project over the public right-of-way; unless permission is otherwise granted from the Town Council. No sign shall exceed 32 sf in size or 25 feet in height.

- B) To be exempted as described in section I (A) above, all signs must obtain a temporary activity permit from the Codes Office/Planning Department.

I. Chapter 21 - Freeport Zoning Ordinance, Section 501 - Temporary Activity

- A) Limits on number and length of outdoor sidewalk or tent sales described in this section shall be suspended for the duration of this Ordinance. In order to be exempted as described above, all merchandise and items used for the outdoor set-up (including but not limited to tables, tents, and retail fixtures) must be brought inside when the business is not open if they cannot be safely secured. This exception also applies to outdoor setups for tourist information centers.
- B) To be exempted as described above, all businesses conducting temporary outdoor sales must obtain a temporary activity permit from the Codes Office/Planning Department. No other land use approvals beyond a temporary activity permit shall be required for these uses.
- C) Section 501(D) shall be replaced with the following language for the duration of time while this ordinance is in effect: “Peddler activities and food trucks during events held by a Freeport business or organization, in compliance with current guidance from the Maine and US Centers for Disease Control, and which are reasonably expected to draw additional visitors to Freeport, are considered a temporary activity subject to the requirements of section 501(A)(2-4), section 526, and section 526A of this ordinance. Said events are not required to obtain a Special Event Permit unless they meet the criteria listed in Freeport Ordinance Chapter 10. Up to four temporary activity permits may be issued under this section per day, and shall be issued on a first-come, first-served basis.”

II. Chapter 21 – Freeport Zoning Ordinance, Section 526-A – Food Trucks

- A) Section 526-A (B)(11) shall be replaced with the following language for the duration of time while this ordinance is in effect: “not have any furniture, umbrellas, or other objects or structures outside of the food truck. Generators may be used when the food truck is located on a parcel that does not abut a parcel with a current residential use.”

III. Chapter 21 - Freeport Zoning Ordinance, Section 602 - Site Plan Review

- A) Temporary modifications to an existing business/educational site required to conduct outdoor business/educational activities will not require an applicant to amend their existing site plan through the formal Site Plan Review process, so long as no new permanent impervious cover is created. Outdoor business activities for the purposes of this section shall include outdoor sales areas and tent sales, outdoor seating for existing restaurants, outdoor seating space for carryout establishments (such as coffee, ice cream, and carryout food), and outdoor meeting space for offices and exercise classes, outdoor space to support classroom educational instruction, along with minimal new lighting as required for safety and ambiance of these activities. The use of any temporary outdoor heating sources to support these modifications must comply with all applicable local and State codes and standards.
- B) Existing businesses/educational facilities may conduct any of the outdoor business/educational activities described in section III(A) above on the property owned by another so long as: 1) the underlying outdoor business activity (restaurant, retail, office, etc.) is allowed in that zone and, 2) the applicant for a temporary activity permit described in section III (C) below shall provide written authorization for any proposed activities from the property owner. Any use of public property (including sidewalks and streets) for outdoor business activities shall require prior approval of the Freeport Town Council.

- C) To be exempted as described above, all businesses/educational facilities conducting temporary outdoor business activities described in section III(A) and III(B) must obtain a temporary activity permit from the Codes Office/Planning Department. No other land use approvals beyond a temporary activity permit shall be required for these uses.
- D) Any outdoor business/educational activities conducted on a site abutting a residential site shall observe all building setbacks as required by the underlying zoning district.
- E) Any tents, awnings, or temporary shelters utilized for purposes described in section III (A) and III (B) shall comply with applicable regulations of the State of Maine Fire Marshall's Office and the Town of Freeport's Fire Prevention Code.
- F) The exemptions described in sections III (A) and III (B) shall apply to existing Freeport businesses/educational facilities only. New business locations and/or educational facilities must undergo all applicable land use reviews, including but not limited to site plan review, design review, building permit review, and sign permit review.

IV. Chapter 11 - Building Code Ordinance

- A) In the event of any conflict between the Freeport Building Code Ordinance and directives issued under executive order by the Governor regarding the requirement or availability of public restroom facilities, the requirements issued by executive order of the Governor shall prevail.

V. Chapter 22 - Design Review Ordinance

- A) A Design Review Certificate shall not be required for any of the temporary outdoor business activities described in Sections I, II, or III of this ordinance, so long as no permanent changes to the site or the building facades are proposed.

(Egan & Reighley) **ROLL CALL VOTE:** (6 Ayes) (1 Abstention-Bradley)

Chair Egan reminded Councilors of two things coming up in December. Two issues will require us to work in a relatively quick timeframe. The first one is we have to go ahead with the Social and Racial Equity Assessment Committee with an effort towards extending invitations to join that committee to as wide a group as possible so we can try and achieve some diversity of several types on that committee. The second thing is that we will have a short timeline to go ahead and potentially approve moving forward with a special election in March for a bond in order to accomplish improvements on the Exit 20 and Exit 22 bridges to coincide with the MDOT work. He is not suggesting that we need to specify that we are all in favor because we haven't had a lot of discussion yet but we need to set the course so we can have that election or not in March. It is not something we can linger on and think about for a number of meetings. We have to get right on it if we are going to move forward. That will be on the agenda for December 1st. If we miss the window with DOT, it is another 75 years before they will replace or do anything with those bridges. There will be other things coming up as well and in February, we will be getting into our budget season.

Councilor Reighley feels the Ordinance Committee should wrap up and move to Council the Short-term Rental Ordinance they have been working on for the Council's consideration and also the Complete Streets group has gotten together and the Complete Streets Policy could also come before us on December 1st for approval.

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Chair Egan mentioned the Appointments Committee will be meeting soon to address a couple of things such as our Social and Racial Equity Assessment Committee. We also have over a dozen vacancies on our other Boards and Commissions. He is putting the word out for residents watching the proceedings of this meeting which means they are interested in how local government works and if they are interested in local government working better, they could participate. He encouraged residents to think about that. There is a whole host of opportunities for people to get involved in. Please think about it and put your name into the Town Clerk.

MOVED AND SECONDED: To adjourn at 8:07 p.m. (Reighley & Lawrence) **ROLL**
CALL VOTE: (7 Ayes) (0 Nays)

Respectfully submitted,

Sharon Coffin, Council Secretary

