

**MINUTES  
FREEPORT TOWN COUNCIL MEETING #01-15  
FREEPORT TOWN HALL COUNCIL CHAMBERS  
TUESDAY, JANUARY 6, 2015 – 6:30 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
James Hendricks, 21 West Street	x		
Kristina Egan, 5 Weston Point Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Andrew Wellen, 83 Hunter Road	x		
Scott Gleeson, 23 Park Street			(will be late)
Sarah Tracy, 75 Lower Flying Point Road	x		
William Rixon, 66 Varney Road	x		

Chair Sachs called the meeting to order at 6:34 p.m. and took the roll. She advised that Vice Chair Gleeson would be arriving later.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #24-14 held on December 16, 2014 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #24-14 held on December 16, 2014 and to accept the Minutes as printed. (Egan & Tracy) **VOTE:** (6 Ayes) (1 Excused-Gleeson)

**THIRD ORDER OF BUSINESS:** Announcements (15 minutes)

Chair Sachs announced:

- Winter sand is available for residents' personal use -Each residential dwelling is eligible for up to 10 gallons of sand per storm. No stock piling is allowed. Any resident assisting a fellow resident with sanding must provide the public works department with written confirmation prior to taking additional materials. Taking of pure rock salt is prohibited without approval from the public works Superintendent. The use of municipal sand for the sanding of private roads is prohibited.
- All Dog Owners please remember that dogs six months and older are required to be licensed by law. You may register at the Freeport Town Hall or online at: [www.doglicensing.com](http://www.doglicensing.com). Please bring proof of the rabies vaccination and spay/neutering. The cost at town hall is \$6 and \$11, respectively. All dog licenses expire December 31st of each year. You must renew your dog license no later than January 31st of each year, or a late fee of \$25.00 per dog will be charged.
- If you are wondering how to properly dispose of some of your waste or replaced electronic equipment from the holidays, the home page of the Town's website has a full list of acceptable items, or you can call the transfer station at 865-3740 for more information.
- Check out the Freeport Community Library's website [www.freeportlibrary.com](http://www.freeportlibrary.com) for a full listing of all their upcoming events. You can choose from three author talks in January, join the Library Book Group, view local artists' work, and the family can participate in creative crafts or come to watch Juggler Jack Fields for a night full of juggling, laughs and a few surprises. A LEGO club is also planned to start in the late spring and the library is looking for LEGO donations!

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- AARP will once again be providing free Tax Preparation assistance for low-moderate income households, with special attention to those 60 years and older. Appointments will be made beginning the last week in January. Please call 865-4763 Extension 120 at the end of January to schedule an appointment.
- The Third Friday Free Lunch will not be taking place in January at Freeport Community Services. It starts up again in February. The next one will be held on February 20.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Chair Sachs reminded Councilors to contact the last known chair of the committees they are assigned to and introduce themselves.

Councilor Tracy mentioned a *Portland Press Herald* article announcing that Freeport USA received a \$5,000 grant from the Maine Office of Tourism. The 2014 Tourism Enterprise Grant supports tourism marketing projects in 2015 and that \$5,000 grant will go to the Flavors of Freeport which will take place February 20-22. The purpose is to promote visits to Freeport during the slow season. She noted that Freeport USA has clearly gone out and taken advantage of those resources and she wanted to acknowledge that they did a great job.

Chair Sachs announced that she will not be leaving Freeport. She and her husband have decided to stay in Freeport. Her Board of Directors at Freeport Community Services have happily decided to not accept her resignation. She wanted to let her fellow Councilors know. She is so happy she will get to serve with them.

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

Mr. Joseph reported:

The Public Works Department is happy to announce the successful installation of a new safety fence in Bow Street Park. The fence was recommended by the Train Safety Committee as a safety measure to create a buffer between the train tracks and the park. He thanked Vice Chair Gleeson for his help with this fence. Thanks also go out to Joshua Cushing, Manager of the Hilton Garden Inn who cooperated with the Town on the project. The project was jointly funded by the Town of Freeport and the Hilton Garden Inn. Due to the additional funding from the Hilton Garden Inn, the Town was able to install a more aesthetically pleasing traditional steel and granite fence, instead of a common chain link fence. Thanks to all involved on the project, which really adds to the character of the park.

The skating rink adjacent to the Community Center is open for the season. The rink is now illuminated for use during night time hours, and the public is invited to come down and try out the ice. Town staff are investigating several different (low cost) methods for clearing snow and conditioning the ice. Stay tuned for future updates.

As we enter the bulk of the winter season in Freeport, please remember that parking is prohibited on all Town streets from 11 p.m. until 7 a.m. until April 15. Additional emergency parking bans are also regularly implemented for snow removal purposes during storms. Emergency parking bans are announced on local news networks in the same manner as school closures. If you have any questions as to whether there is an emergency parking ban in place, please call the Police Department business line at 865-4800.

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

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There were no members of the public interested in speaking 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 #02-15                      To consider action relative to adopting the January 6, 2015 Consent Agenda.

**BE IT ORDERED:** That the January 6, 2015 Consent Agenda be adopted.  
(Sachs & Hendricks)

Chair Sachs reviewed the one item on the Consent Agenda for members of the public.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Gleeson)

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ITEM #02-15A                      To consider action relative to approving an amendment to Chapter 21: Zoning Ordinance Section 501, Temporary Activity, as proposed by the Freeport Planning Board. **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Egan & Hendricks)

Councilor Tracy recused herself on this matter for reasons she stated previously.

**VOTE:** (6 Ayes) (1 Excused-Gleeson)

Donna Larson, Town Planner and Fred Reeder, Codes Enforcement Officer provided background information on the amendment. Ms. Larson had some simple amendments that she suggested the Council consider and provided new information to the Council.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Hendricks & Egan) **VOTE:** (6 Ayes) (1 Recused-Tracy)

**BE IT ORDERED:** That an amendment to Chapter 21: Zoning Ordinance Section 501, Temporary Activity, as proposed by the Freeport Planning Board be approved. (Hendricks & Egan)

Councilor Wellen asked if there was a lot of feedback from the business community in general. Mr. Reeder indicated that he did not receive any feedback from businesses and Ms. Larson advised that she received input but not from business owners.

Councilor Egan noted it is apparent that staff has thought this through and it makes sense to make the additions.

**MOVED AND SECONDED:** To amend the motion to adopt the performance standards as revised by staff and handed out to the Council tonight. (Egan & Hendricks) **ROLL CALL VOTE:** (6 Ayes) (1 Recused-Tracy)

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

Chair Sachs thanked staff for making the clarifications.

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ITEM #03-15                      To consider action relative to determining if contract zoning is appropriate for a 10,000 sq ft infill development at 56-58 Main Street.

**BE IT ORDERED:** That a Public Hearing be scheduled for January 20, 2015 at 6:30 pm in the Council Chambers at Town Hall to discuss whether contract zoning is appropriate for a 10,000 sq ft infill development at 56-58 Main Street.

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

Mr. Joseph provided some background information on how this came to him. The question in front of the Council is the appropriateness of contract zoning, which is the very first step in the long contract zoning process. Before the process can start, the Council has to hold a public hearing and deliberate on whether or not it is an appropriate process to use. Donna Larson explained the long process for contract zoning. She does not see the utility in changing the height requirements in the entire district. She mentioned the architects are here and can show the Council where they are at in terms of design, although it is not complete. The applicant is also here along with their attorney if the Council has any legal questions.

Lee Lowery explained that he wrote the cover letter to the Council. He mentioned that this is the only tool to address the situation on this property. They hope to be back on the 20<sup>th</sup>. He had less to say than the project architects so he introduced Sean Silby of Arrow Street. Mr. Silby explained that he was Mr. Yebba's architect on Village Station and has also worked on L. L. Bean's campus a few times. He proceeded to display pictures of the three buildings on Main Street and explained their proposal to utilize the space between them. He answered questions for Councilors.

Al Yebba of Berenson explained that they own all three buildings and these designs are preliminary. He feels this is a good first stab at what the concept will be.

Councilor Tracy asked Ms. Larson how often does the Council decide to use contract zoning and is there any precedent here. Ms. Larson explained that this is the second contract zoning agreement the Council is considering in five or six years. The other project was the apartment building at Oak Leaf. That, too, was an issue of height and in that particular district there is a limitation on the building footprint size. The building that is there exceeds the building footprint requirement so it was a contract zoning agreement.

Councilor Egan mentioned the height of the buildings that the architect showed already exceed the height requirement. She asked if they were proposed today, would they require contract zoning. Ms. Larson indicated that they would.

**ROLL CALL VOTE:** (7 Ayes)

Councilor Egan requested that the photos be placed on the Town's website before the public hearing. Mr. Joseph explained that they are shown on the Town's website under the Council Agenda on the calendar for today's meeting. Residents can check it out.

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ITEM #04-15                      To consider action relative to approving a Special Amusement Permit application for Harraseeket Inn located at 162 Main Street in Freeport.

**BE IT ORDERED:** That a Public Hearing be scheduled for January 20, 2015 at 6:30 pm in the Council Chambers at Town Hall to approve a Special Amusement Permit application for Harraseeket Inn located at 162 Main Street in Freeport.

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

Chair Sachs clarified that this is for indoor not outside.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #05-15                      To consider action relative to the confirmation of a new Finance Director.

**BE IT ORDERED:** That the Town Manager's appointment of Jessica Maloy as Freeport's new Finance Director be confirmed.

**Note:** *Jessica is currently the Finance Director for the Town of Lisbon, Maine and was selected from a large pool of qualified applicants.* (Egan & Tracy)

Mr. Joseph explained that Abbe Yacoben is out in Arizona and will start her new position tomorrow. He mentioned receiving 20 applicants for the position and interviewed 4 which were all highly qualified. Jessica was selected but she requires the Council's confirmation. Her start date will be January 20.

Chair Sachs explained that she met with Ms. Maloy and was impressed with how proactive she is in terms of not waiting for issues to form but trying to streamline processes as well as her communication skills. She is excited that she is coming on board hopefully after this evening. Vice Chair Gleeson also sat in on the interviews and felt that Ms. Maloy stood out. He was impressed and more than happy to endorse the decision.

**ROLL CALL VOTE:** (7 Ayes)

Chair Sachs congratulated Ms. Maloy and welcomed her.

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ITEM #06-15                      To consider action relative to adopting Town Council Goals for 2015.

**BE IT ORDERED:** That the Town Council Goals for 2015 as presented by the Council Chairperson and Vice-Chairperson be adopted as presented (or amended). (Tracy & Egan)

Chair Sachs thanked the Council for all the attention and time paid to these goals.

**ROLL CALL VOTE:** (7 Ayes)

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**OTHER BUSINESS**

1. Discuss the Shellfish Warden's job description.

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Mr. Joseph provided information and explained that this will be back in front of the Council on the 20<sup>th</sup>. It has been an on-going topic for years but started in earnest last year. This is a draft proposed by the Shellfish Commission. These are not finalized in anyway. He plans to attend Thursday's Shellfish meeting and plans to hammer out some details. What the Council will see on the 20<sup>th</sup> will be a final recommendation between the Police Chief, the Shellfish Commission and himself. He thanked the Shellfish Commission for working with him. A lot of hard work has been done by the new members as well as the older members.

Del Arris, Shellfish Commission Chair, explained that with Tom Kay's retirement, it has enabled them to go back to the drawing table and come up with a fairly decent and accurate job description to move forward in a different direction as opposed to where they have been with mostly enforcement. It hasn't been strictly enforcement since Mr. Kay built other things into the job and they want to carry it forward.

Mr. Arris introduced Eric Horne and he explained that the needs of the shellfish program have evolved over the last 15 years. In the early days of licensing, there was an emphasis on enforcement. Folks from out of town were coming in to dig illegally. There was a need to make sure that people were digging within the right lines, etc. The Warden's position was centered around making sure the rules were followed. Water quality issues around the State were less of an issue. As the FDA became more involved in regulating and pushing harder on the State government, that rolled down to the Municipal level where they found themselves looking at the health of the resource itself and wardens throughout the State were asked to not only enforce the flats but also start collecting water samples and making sure the resource was safe for consumers. What they have seen is a transition not completely away from enforcement, because they will always need some enforcement, but a transition towards protecting the actual water quality, making sure the water is clean and the clams harvested are safe to eat. Tom Kay has done an incredible job of straddling the old world and sort of the new world we are in by taking on a lot of the responsibilities that were not in the current job description. If they were to bring in someone new that was looking at the old job description, they would run the risk of losing the momentum that they have built up. As Mr. Kay steps down, they want to make sure the Town has the right job description and the right emphasis and focus on shellfish programs so they will be ready for the future.

Mr. Horne explained that they took elements of the Shellfish Coordinator's position that was talked about last year and mixed in some of the existing responsibilities. They looked at job descriptions from other towns to try to identify the elements most important in making a good shellfish program. They then gave them to Doug Leland. He has spent a great deal of time trying to figure out which elements of these job descriptions are critical, which are important and which are necessary. None of this has been vetted by their commission. They are open to suggestions and plan to come back to the Council.

Doug Leland explained that when this opportunity came up, it became an opportunity to rethink the direction of the Shellfish Commission. They looked at all the requirements necessary for a strong shellfish conservation program and what resources are potentially available to meet those needs. They took a look at the Shellfish Coordinator's position put together last year and the current Warden position and all of those elements and put them together. They asked themselves if the Shellfish community could hire one person, what would they want that person to be able to do. They took an inventory of what needs to be done. He explained how they proceeded.

Councilor Egan thanked Mr. Leland, Mr. Horne and Mr. Arris for this forward thinking information. She asked if a police officer needs to fill the position. Mr. Horne explained that a person has to go through the Police Academy but doesn't have to be a police officer. The DMR requires a 100-hour course for training marine wardens but they don't have to be an actual police officer to do it. Mr. Joseph explained that in the direction we are going, a reserve officer is a much lower threshold. Our current warden is certified as a reserve officer. Their primary duty is not enforcement. They have to take a core police curriculum.

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Councilor Wellen mentioned that he sees this as an opportunity to merge the Harbor Master and the Warden position into one position. He feels this would be a way to save some money. He feels some of the extra non-enforcement stuff should be funded by the State or federal level. He would like this looked at and put into the mix. He feels it is beyond what a small town should be doing. Mr. Arris noted that at one point, they considered merging the two positions but steered away from it because they didn't want to overcrowd anything.

Councilor Egan asked if it would be possible for the Harbor Master to absorb the enforcement piece. She is aware that the Harbor Master will be retiring in the next few years and the Council will have an opportunity to think about what that job looks like. She is very supportive of the Town being able to support this resource.

Chair Sachs noted that this feels like already combining two positions into one huge position. She has looked at the Harbor Master's job description and does not feel it could be combined with the Warden's position. This looks like it is already combining the Shellfish Coordinator with the Marine Warden and appears to be a natural bridge to get expenses down and meld the two positions. She is excited to see the direction this is going in.

Mr. Joseph explained he plans to attend the next shellfish meeting and suggested that maybe putting a little bit in the job description to assist or back up the Harbor Master in a marine related kind of enforcement. He plans to discuss this with the Commission about stepping in that direction. Councilor Egan asked Mr. Joseph to provide the current job descriptions for both the Harbor Master and Marine Warden. Mr. Joseph agreed to bring it back to the Council along with the new job description they come up with. Mr. Leland mentioned that if there are things that are not valued, it would be good for the commission to hear it.

Chair Sachs asked Councilor Wellen to bring a critical eye about extras to the attention of the Shellfish Commission. He noted that he knows the general categories being looked at. If other Councilors have expertise, he suggested they become involved in the meeting.

Mr. Joseph explained that in the Administrative Code, it lays out requirements for department heads and Town officials. There are very few job descriptions in the Administrative Code but the Shellfish Warden is one of those. This might require action from the Council to amend that code because he could have authority to hire an authority different from the Shellfish Warden but the Administrative Code indicates we have to have a Shellfish Warden with these duties. He wants Council buy in if this job description changes because we may need a Code amendment to change the job description.

Chair Sachs noted there is clearly going to be a change in title so that alone would require an amendment so if this is not the direction the Council wants to go in, the Shellfish Commission should know it now.

Assuming the Council approves some version of the new job description, Councilor Tracy asked what flexibility does the Council have later when the Harbor Master retires to reconfigure things. Are we set in stone. Mr. Joseph indicated that there is no really good clear answer to this question. He noted duties can be changed but it becomes a fairness issue when it is substantially changed. Councilor Tracy asked if the Shellfish Commission threw the "kitchen sink" out there of all relevant responsibilities. Mr. Leland explained the different sections of the job description. They did not try to load it up with things that are not necessary. He noted that the diggers know more about the Eco system than anyone else. This is about Freeport's resource in the Harraseeket River. It is not about enforcing who is taking what out and are they in the right place and at the right time. Freeport and Brunswick are considered the leaders in this community and that attracts people to this town because they want to understand what is going on and we benefit from that. This job description is intended to continue that.

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Councilor Wellen asked if Councilors are willing to go in this general direction. He has stated his position but the Commission deserves an answer as to whether Councilors think the Commission should move forward to further tweak this with Mr. Joseph and the Chief. He does not want them going through all that work if the Council is not willing.

Councilor Hendricks thanked everyone for their good work. He is all for moving forward. Councilor Rixon agreed that they should move forward.

Councilor Hendricks would not support pausing and looking at the Harbor Master's position. After studying this position, it is clear that this person will be already doing the work of two people. When the Harbor Master retires, that position can be looked at again. Councilor Rixon agreed with Council Hendricks. Councilor Egan agreed with Councilors Hendricks and Rixon. She feels it is too much to put these two positions together. She feels the Town has a responsibility to try to preserve the resource and the clambers are struggling. She is excited about the direction this is taking and thanked everyone for their work.

Councilor Tracy agrees with what has been said so far. Councilor Wellen brings up a good point. She is mindful that Tom Kay is retiring and the Council needs to get the ball rolling. We have come a long way on this issue. She feels whoever did this work did good work and she appreciates that someone was willing to dig into it. She agrees to move forward but when the opportunity comes up when the Harbor Master retires, the Council should remain open to different structures. Perhaps we could do it more efficiently if it were structured differently. She is comfortable moving forward but feels the Council should keep this in mind.

Councilor Gleeson likes this quite a bit, especially from where the Council has been. He noted it is a great opportunity to take advantage of a retirement. He agrees with what has been said. After serving multiple terms on the Coastal Waters Commission, he feels it would be impossible to combine the job with the Harbor Master. He is hoping one person can do this. He feels it could be a more scaled down position for the Harbor Master when that position becomes open because in the winter months, that position gets really slow. Shellfish is doing really constructive work and he is confident that there are duties that can be done year round versus the Harbor Master which tends to be more seasonal. He would like to move forward.

Chair Sachs noted she has done some research and for her, the Council is taking one and a half positions that are already established and combining it into one. It is not whether we as a small town should be doing all this, it is saying with this position, this is what we would like to do. For her it is less resources targeted in a better way. It is a paring down and refocusing. It is not special interest. She appreciates the work.

Mr. Arris pointed out that they are not locked in yet but they are conscientiously keeping an eye on the numbers.

Chair Sachs noted that Shellfish is meeting at 6:30 p.m. on January 8 at Freeport Community Center. The job description will be introduced to the diggers on the 8<sup>th</sup>. Mr. Joseph feels the job description is really close and he loves the structure. He will sit down with the Commission after the meeting. There may be some tweaks by the shellfish community but the draft will be brought to the Council on January 20. If the time works, the Ordinance change will also be brought up on the 20<sup>th</sup> but a public hearing will need to be marked up. Mr. Joseph offered to discuss changing the Administrative Code with anyone interested. Mr. Joseph also noted that the position needs to be confirmed by the Council in the same manner as the Finance Director which is one of the only non-department head positions Freeport has that requires Council confirmation. The Council will have to change the Ordinance and approve of the person.



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Mr. Arris pointed out that in the past if the Warden was unavailable, a police officer would don a pair of books and provide enforcement for a short period of time.

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**MOVED AND SECONDED:** To adjourn at 8:30 p.m. (Hendricks & Egan)  
**VOTE:** (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #02-15**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, JANUARY 20, 2015 – 6:30 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
James Hendricks, 21 West Street		will arrive later	
Kristina Egan, 5 Weston Point Road		x	
Melanie Sachs, 84 Kelsey Ridge Road		will arrive later	
Andrew Wellen, 83 Hunter Road		x	
Scott Gleeson, 23 Park Street		x	
Sarah Tracy, 75 Lower Flying Point Road		x	
William Rixon, 66 Varney Road		x	

Vice Chair Gleeson called the meeting to order at 6:34 p.m. and took the roll. He explained that Chair Sachs and Councilor Hendricks will be late this evening.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #01-15 held on January 6, 2015 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #01-15 held on January 6, 2015 and to accept the Minutes as printed. (Egan & Wellen) **VOTE:** (4 Ayes) (3 Excused-Sachs, Hendricks & Tracy)

**THIRD ORDER OF BUSINESS:** Announcements

Vice Chair Gleeson announced:

- Interested in the future of Freeport's rural areas? On Wednesday, Jan. 21, 2015 at 6PM in the Council Chamber of the Town Offices. The Planning Board, Project Review Board and Board of Appeals will be talking about a wide variety of topics related to rural growth and development. This is an informal meeting intended to spur creative thinking and ideas. Everyone is welcome!
- Please stay off the ice rink next to the Community Center until it is frozen solid! But when it's frozen, let's get skating! A great big thank you to volunteer resident Jeff Russo and Port Teen Coordinator Darryn Dushane for all their hard work getting the skating rink smooth again. Also thank you to the Freeport Fire Department for adding a little more water and Public Works Department for equipment.
- AARP will once again be providing free Tax Preparation assistance for low-moderate income households, with special attention to those 60 years and older. Appointments will be made beginning the last week in January. Please call 865-4743 x120 at the end of January to schedule an appointment.
- Freeport FebFest of Arts & Culture: Local artists and organizations are showcasing the arts in Freeport for the entire month of February. Freeport Players, FreeportUSA, LL Bean, Greater Freeport Community Chorus, Pine Tree Academy, Freeport High School, Freeport Library and others will be presenting visual, literary, performing, culinary and fine arts in events around town.

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- And you don't want to miss other FebFest activities, including Freeport First Fridays Concert featuring singer-songwriter Tom Acousti February 6<sup>th</sup> 6:30pm at the Freeport Community Center. Tickets \$5 at the door, includes dessert offerings from local bakers. For a list of events and more information visit [www.FreeportFebFest.com](http://www.FreeportFebFest.com).
- And on February 13<sup>th</sup> at 7:30 p.m., Freeport Players presents LOVE LETTERS, by A.R. Gurney at the Freeport Community Center. Seating is limited so advanced tickets are recommended. Tickets \$10/ FMI: [www.fcponline.org](http://www.fcponline.org)

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Rixon advised that the Special Projects Committee has met to consider the Freeport Citizen of the Year. The award will be made on March 3 at the Council meeting. He also noted that the METRO Task Force met last week and looked at possible bus routes, schedules and where stops might be set up. In Freeport it looks like there will be three stops—one in front of L.L. Bean's flagship store, one down by the train depot and possibly one at the Shaw's Plaza. While this information is not firm at this time, next month there will be a draft for both the schedule and possible stops discussed at the meeting.

Councilor Rixon explained that the Coastal Waters Commission did not meet this month because they did not have a quorum. The Conservation Commission will be meeting tomorrow evening.

Councilor Wellen advised that the Shellfish Commission met a week ago and talked mostly about the Marine Warden's job description. He noted it will be discussed later on the agenda this evening.

Councilor Egan noted that tonight the Council will be hearing an update from Anne-Marie Davee regarding the Active Living Task Force which was established by the Council a couple of years ago in order to make it safer for people to walk, bike, run, etc. in Freeport and promote active living. The Council accepted the Active Living Plan last summer and extended the charge of the Task Force in order to continue to be a resource to the Town Council as it seeks to implement the recommendations of the Active Living Plan. The focus of the Active Living Task Force is to deliver some value to the Town through June of 2015. At their last meeting, they discussed supporting more grant applications and also doing some additional public meetings, particularly around the concept of complete streets, making sure our streets are safe not only for vehicle drivers but also for people using them to walk, bike and run. They plan to work with the Traffic and Parking Committee to identify some top priorities that the Council can consider as it goes into its Capital Planning season which will happen around February and March. They also decided to do a one year retrospective for the Council, one year after acceptance of the Plan.

Anne-Marie Davee, Chair of the Active Living Task Force, provided a quarterly update on their activities from October-December of 2014. The Task Force plans to continue meeting at least monthly through June 3, 2015 as designated by the Town Council. Their focus will be on continued communications and public outreach, making connections with existing Town committees, event planning for education initiatives as well as implementation of existing grants and Freeport's accepted Active Living Plan. She encouraged all interested residents to attend their next meeting on Thursday, February 26 at 7:30 p.m. She encouraged residents to check the Town's website for exact dates, times and agendas. They plan to provide another update in March and their last one will be in June.

Councilor Tracy asked Ms. Davee to elaborate on "unique bicycle racks". Ms. Davee explained that they are exploring opportunities to meet specific criteria and guidelines for functionality but also have a unique sort of art design to it that would create some interest to it in the Freeport Village in a cost effective way.

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Councilor Egan mentioned that they received some grant money so they will not be a cost to the Town but there are a lot of designs and they all have a Freeport flavor. One would be a buoy, one would be a clam rake. They thought it would be nice to have a piece of public art that is also a bike rack.

Councilor Tracy advised that on January 15 the Appointments Committee met and Vice Chair Gleeson chaired the meeting. They made appointments to various commissions which included the Coastal Waters Commission, The Hunter Roads Fields Committee, the Library Board, Planning Board, Project Review Board, Solid Waste/Recycling Committee and the Winslow Park Commission. They also discussed the details surrounding an annual orientation for Board and Committee Chairs to give people an idea of what is expected with respect to conducting public meetings and open meeting concepts for the public. She noted that these appointments will be discussed this evening.

Councilor Hendricks explained that the Winslow Park Commission met last Monday and discussed park policy, one of which was voted on in 2001 to not allow any commercial interests in the park. This came to light when there were issues relating to the Lobsterman Triathlon last year as far as organization, medical staffing, payments to the park, etc. The Commission reaffirmed its order to not allow commercial groups in and basically will not allow the Lobsterman Triathlon to happen in the park this year. Because of this, the Lobsterman Tri came back to this meeting and is trying to get in better graces with the Commission but the Commission reaffirmed that they are not going to allow commercial entities to do business in the park. The Commission will seek legal clarification on events to make sure that with things such as weddings it is not violating the trust. If the trust that was set up is violated, it could all go away. One of the things was to not allow commercial interests in the park. The Lobsterman Tri is really a for profit company. He feels confident that they will come back to the commission in March and try to get a Maine non-profit to take over the race and then ask the park if they can hold it in the park.

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

Mr. Joseph reported that he has one item to bring to the Council and the Town as a whole. He explained that the State Budget proposal has been released by the Governor's office and there are several different provisions that could change the way that finances, especially relating to Municipalities, work. The biggest change would be Revenue Sharing changes. One of the controversial proposals would be the elimination of Revenue Sharing but the allowance for towns and cities to tax their non-profits half rate within their boundaries. Two years ago Freeport received approximately \$500,000 in revenue sharing and last year it was cut to roughly \$330,000-\$350,000. Taxing our non-profits at half rate could bring in significantly less than the \$330,000-\$350,000. At best, it may be a break even scenario. He noted that many of the non-profits may not be able to pay their taxes and may have to fold or sell some of their property. The largest non-profits in Freeport are the YMCA, Wolfe's Neck Farm and the Historical Society. Even if the town broke even, there would be significant damage financially to the non-profits. He will work with the Assessor and will come back to the Council with estimates.

Councilor Egan asked if Mr. Joseph could determine what the change to the school funding formula will be. Mr. Joseph offered to look into it. Councilor Egan asked about the change in the Circuit Breaker Program. Mr. Joseph advised that he and the Assessor are looking at this and will bring it back to the Council. Councilor Hendricks asked what the response has been from MMA. Mr. Joseph explained that Freeport is a Service Center Community but it does not have hospitals, universities, etc. We are simply a net importer of employment.

With respect to the budget process, Councilor Tracy pointed out that it might make some sense to work with the new Finance Director to strategize different scenarios about different levels of funding and what we will do if we receive those levels of fundings or not so we have a game plan for a most reasonable outcome. Mr. Joseph agreed. Councilor Egan noted that if MMA declines to move forward, Freeport has the ability to talk to our State Senator and State Representative and testify in Augusta to make our case

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heard so that folks understand what the impact is on small towns like us. Councilor Tracy is confident there will be a group that will have interests that align close to ours and the challenge will be to find that group and aggregate the power to make that position known. She suggested that we identify what towns have similar interests and start discussions with those town managers so we are not caught flat footed when that happens. Mr. Joseph agreed.

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

**MOVED AND SECONDED:** To open the Public Comment Period. (Hendricks & Egan)  
**VOTE:** (6 Ayes) (1 Excused-Sachs)

There were no public comments provided.

**MOVED AND SECONDED:** To close the Public Comment Period. (Egan & Tracy)  
**VOTE:** (6 Ayes) (1 Excused-Sachs)

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

ITEM #15-15                      To consider action relative to adopting the January 20, 2015 Consent Agenda.

**BE IT ORDERED:** That the January 20, 2015 Consent Agenda be adopted.  
(Gleeson & Egan)

Vice Chair Gleeson reviewed the items on the agenda for members of the public. He thanked everybody that donated to the Fuel Fund, the Library and the Fire Department. Councilor Tracy encouraged residents to take a look at the list of people that donated. She explained that the Fuel Fund received \$12,580, the Fire Department received \$9,606 and the Library received \$8,845 in donations. She appreciated the residents' generosity.

**ROLL CALL VOTE:** (5 Ayes) (2 Excused-Sachs & Wellen)

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ITEM #16-15                      To consider action relative to determining if contract zoning is appropriate for a 10,000 sq ft infill development at 56-58 Main Street. **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Hendricks & Egan) **VOTE:** (6 Ayes) (1 Excused-Sachs)

Al Yebba of Berenson Associates thanked the Council for considering their request to use contract zoning. He explained that they are proposing to build a new 10,000 sq. ft. building between 56 and 58 Main Street and upgrade the existing brick building at 56 Main and include a “roof top” deck accessed from the new building expansion. The land has unique topography and because of the way the height is calculated they need consideration for allowing the additional height. Contract zoning is the appropriate mechanism to adhere their request.

Sean Silby of Arrow Street displayed pictures of the three buildings on Main Street and explained their proposal to utilize the space between 56 and 58 Main Street. He pointed out that the buildings that are there are already over the height limit established in the building code. They plan to insert tenants between the two projects and gain access to the roof level of the brick buildings. They will have tenants on four floors of buildings. The slope of the site tapers off pretty steeply. He displayed pictures of the rear of the building. Councilor Tracy mentioned that at the last meeting, a discussion took place that it is

contemplated that this structure would provide access through an elevator or some other handicap accessible mechanism from the back lower portion of the development to Main Street. Mr. Silby noted it is a critical part of the project to put in an elevator for shoppers and freight.

Town Planner, Donna Larson explained the definition of height. She mentioned when looking at appropriateness, decide if it is appropriate to look at contract zoning for this project or is it appropriate to look at a district-wide change. Councilor Tracy noted that tonight the Council is deciding whether the use of contract zoning to address the height issue is the appropriate mechanism. The Project Review Board will take a look at a later phase in the process all of the issues associated with normal development in the downtown district such as fitting in with the downtown area, traffic circulation, etc. Ms. Larson explained what the Project Review Board will do with this project should the Council decide to move forward. The Council is the body that makes zoning amendments. Councilor Tracy clarified that the Project Review Board does not have the power to say no to a contract. If the Council says tonight that contract zoning is appropriate, the Project Review Board's job is then to negotiate an appropriate contract to come back to the Council. Ms. Larson explained the process for the applicants to follow.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Tracy & Egan)  
**VOTE:** (6 Ayes) (1 Excused-Sachs)

**BE IT ORDERED:** That contract zoning is appropriate for a 10,000 sq ft infill development at 56-58 Main Street. (Hendricks & Egan)

Councilor Hendricks asked what the plans are for the current businesses which will be displaced by the construction if the project is approved. Mr. Yebba explained that they have reached out to the businesses that will be impacted and discussions are taking place. He feels confident that one of the businesses will want to relocate temporarily. If a space is not appropriate for them, they may consider shutting down temporarily and reopening when the new building is finished. It will require accommodation on all of their parts. He expects to talk to everybody in the Denney Block properties. The elevator planned will access Main Street and the upper levels. They view the businesses that exist today are businesses they want to keep in Freeport.

Vice Chair Gleeson asked for input from Councilors. Councilor Hendricks is fine with moving forward with contract zoning. He feels the rendition shows it would fit nicely in Freeport and would not go above and beyond the two buildings that already exceed the height. He thinks a discussion maybe should be held later thinking about an overall height reduction in the district is appropriate but does not want to hold up this project. He is fine with moving forward and voting tonight.

Councilor Rixon indicated he is okay with going forward.

Councilor Wellen noted he is not in support of moving forward with contract zoning. He feels contract zoning dilutes the strength of zoning regulations. He is confident the applicants can move forward with a smaller project. He is not in favor of moving this forward.

Councilor Egan advised that she is in favor of moving forward. She is excited about this project and feels it fills a gap on Main Street and part of the Comprehensive Plan is to try to concentrate development in the downtown area. She is also excited about providing more accessibility to Main Street for people with disabilities. She feels the building as depicted, and the height proposed, fits the spirit of the existing zone downtown. The only reason we have to do contract zoning is because of the uniqueness of the parcel and it requires a higher wall in the back rather than the front. It actually fits under the height of the overall zoning piece. She feels this proposal will be great for the town and she is in favor of contract zoning for this proposal.

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Councilor Tracy explained that she is in favor of contract zoning for this particular case. The project is exciting and deserves to be considered on its merits and not stopped at the front door. The other alternative is to look at resetting the height restrictions in the downtown district and given the unique situation of this particular project which she feels will not occur frequently, it makes sense to take it on a case by case basis which is exactly what contract zoning is designed to do. It is in Freeport's Ordinance and within the Council's power. This project has the potential to energize the downtown and she encourages economic development of our store fronts. We are a retail town and it is always good to bring in new blood. In her personal opinion, this appears to be a well-considered project and she looks forward to the modifications she hopes Berenson will be willing to make as it gets feedback from our various boards and committees as they undertake the review process. She is in favor of moving forward and appreciates the applicant coming before the Council.

Vice Chair Gleeson explained that he is the District 1 Councilor and this project falls within his district. He is supportive of moving forward but noted the Council is not discussing the design this evening. He does like the idea of a fill in project. He encouraged the applicants to work closely with the Project Review Board and look at the surrounding areas of why people come to Freeport. Part of what people come to Freeport for is shopping but it is also a unique place to come where they enjoy that there is a national retailer in a 180 year old building. He encouraged them to try to make the project blend as best they can. He is in favor of going forward with contract zoning.

Councilor Wellen noted he is curious why we have a 35 foot height requirement. He assumes it is for aesthetics. As for uniqueness, he feels the Council has to be careful.

**ROLL CALL VOTE:** (5 Ayes) (1 Nay-Wellen) (1 Excused-Sachs)

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ITEM #17-15      To consider action relative to approving a Special Amusement Permit application for Harraseeket Inn located at 162 Main Street in Freeport. **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Wellen & Egan) **VOTE:** (6 Ayes) (1 Excused-Sachs)

There were no public comments provided.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Tracy & Egan) **VOTE:** (6 Ayes) (1 Excused-Sachs)

**BE IT ORDERED:** That a Special Amusement Permit application for Harraseeket Inn located at 162 Main Street in Freeport be approved. (Wellen & Egan)

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Sachs)

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ITEM #18-15      To consider action relative to a citizen petition to remove a street light at 4 Harraseeket Road, pursuant to section 17-103 of the Town of Freeport Street Lighting Criteria.

**BE IT ORDERED:** That a Public Hearing be scheduled for February 3, 2015 at 6:30 pm in the Council Chambers at Town Hall, to discuss whether the street light at 4 Harraseeket Road should be removed by order of the Town Council.

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

**BE IT FURTHER ORDERED:** That notice of the Public Hearing be sent to all property owners within 200 feet of the street light location in question, as required by Section 17-103 of the Town of Freeport Street Lighting Criteria. (Egan & Tracy)

Mr. Joseph explained that this request was brought forward by one of Councilor Egan's constituents. He explained the history of street lights in this area. Councilor Egan noted that this particular light is at the corner of Main Street and Harraseeket Road. It was not on in the past but the bulb was replaced and now it is providing light pollution. Susan Stowell of 9 Harraseeket Road pointed out that now two street lights are on that weren't on in the past. If this light is removed, she plans to do a petition to remove another street light. She noted that four street lights in the one block is a lot.

Councilor Hendricks noted that some lights were eliminated in the past but if a resident really wanted a street light, it was given back to them. It was very unscientific. Mr. Joseph advised that the poles would be left in place but the light would be turned off.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Sachs)

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ITEM #19-15                      To consider action relative to endorsing 2015 CDBG applications.

**BE IT ORDERED:** That 2015 CDBG applications for bus passes for low-income residents, home insulating project, and solar installation be endorsed. (Tracy & Egan)

Town Planner, Donna Larson explained that this year's grants are due by January 29. If they are not endorsed by the Council, they will not be submitted. She provided some new information which she just received this morning. The Housing Trust proposal requires \$4,000 in Municipal funds now, not \$8,000. That particular grant is also matched with Efficiency Maine rebates. The solar project would accompany the Solarize Freeport project that is going on right now. She has 175 names on that list at this point. She received six proposals from solar installers last week. There is a team of 7 people on the Solarize list who are reviewing them and will make a recommendation. She hopes to have a decision in early February. This would be an opportunity for lower income folks to get a little more of a subsidy so that they might be able to participate. All match would have to be paid by the homeowner so they would have to be able to get a loan to pay for the balance. There is no municipal funds being asked for that.

The second project is Phase 2 of the Home Insulation Project, a follow up which she is working on right now. That project has already been able to leverage over \$75,000 in other funds so that some of the houses that got the initial energy assessment and air sealing are already in the process of getting more funds because they were already identified and some more funds became available through the Home Program. They wanted a certain group of people and we gave them that group of people and they are working with them now. Another group has been sent to Opportunity Alliance who also works on this and this grant is intended to finish up so that any homeowner interested in having the rest of the work done on their house, we will have the funds to do that. The last project is a joint project with the Town of Yarmouth. It is the METRO bus pass program. This would allow us to give bus passes (1 ride pass, 10 ride passes and then there is a monthly pass). This anticipates that we would be able to purchase all of those. Half is being paid for by Yarmouth.



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Councilor Egan asked how much additional funding will come into Freeport. Mr. Larson provided some estimates but noted it is not a clear cut answer. She does not know who will come in and ask for bus passes. Councilor Wellen asked about air sealing and if Ms. Larson is still looking for more families. Ms. Larson explained that she could take a few more families. She was originally targeting 75 but ended up with 61. Councilor Tracy noted that she would love to spend money on more people rather than helping the same families but it makes sense to go forward. Ms. Larson explained that the overall goal is to get people to be more energy independent.

Councilor Wellen feels it is important to keep in mind how much funding a municipality our size uses to help low income residents to help them gain specific resources and where the cut off is. He noted the Council will have this discussion when it looks at funding the non-profits.

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**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Sachs)

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8 p.m. Vice Chair Gleeson handed over the gavel to Chair Sachs. He thanked Councilors for their patience and their corrections and assistance.

ITEM #20-15                      To consider action relative to the appointment of a voting delegate representative and alternate voting delegate representative for Maine Service Centers Coalition.

**BE IT RESOLVED:** That the Freeport Town Council hereby authorizes membership in the Maine Service Centers Coalition for 2015 and designates Council Chair Melanie Sachs to be the appointed Representative for the Maine Service Centers Coalition and is therefore authorized to vote at the Maine Service Centers Coalition business meetings.

**BE IT FURTHER RESOLVED:** That the designated alternate is Town Manager Peter Joseph. (Rixon & Gleeson)

Mr. Joseph explained what a service center community is and its purpose. Freeport is a net importer of employment from neighboring communities. He feels it is important to keep pushing on this.

**ROLL CALL VOTE:** (7 Ayes)

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**OTHER BUSINESS:**

Chair Sachs requested that the Council discuss the Shellfish Warden's job description first. She will be recusing herself from the other item.

Discuss revision to the Shellfish Warden's job description, as proposed by the Shellfish Commission.

Chair Sachs noted that the position would rest within the Police Department as a Reserve Police Officer. Del Arris, Chair of the Shellfish Commission, advised that they are hoping that this position will be a part-time Reserve Police officer and will report to Chief Scofield. Chair Sachs noted that the primary focus of this position will be this Conservation Marine Resource Officer and also as a member of the Police Department, at the discretion of Chief Scofield, will have to do other duties. It happens currently and will most likely will happen in the future. Mr. Arris totally understands this and is not working against it.

Chair Sachs noted that this position is primarily for Marine Resource. She has an issue saying serve "in an emergency situation" but with the clear understanding that the primary focus will be what has been discussed. Mr. Arris noted that a 2-page job description has been laid out but they understand that there

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will be a need for some police work. They are not going for a balanced half and half. They are going for the main priority of a Marine Resource Conservation Officer's position. They don't have a percentage of how many hours will be working on conservation versus enforcement. Councilor Wellen feels this is something that can be worked out over time. If the Shellfish Commission feels they are not getting enough done on the non-enforcement stuff, it can be brought to the Council and worked out.

Councilor Tracy noted that one of the issues brought up by some of her constituents was whether the position should be trained through warden training with the Department of Marine Resources. Because this position is contemplated to be a Reserve Police Officer, she feels that person needs to be trained through the Maine Criminal Justice Academy so that person can be a full member of the Police force with all appropriate training. She wants to be clear that the Police Chief should have the discretion to be able to use a portion of that position for non-shellfish related duties. If the Council is in a different place, it should be made clear. Chair Sachs pointed out that motions can be brought forward tonight but nothing has been yet voted on. Mr. Arris explained that they would love to have complete control of this but they plan to work with Chief Scofield on this. They want to be able to go to somebody if there are issues on both sides. Councilor Tracy pointed out that down the road, the Council will check in to make sure that that allocation is working okay for everybody and obviously the Town Manager will be involved on an ongoing basis to make sure that happens. She sees this as an ongoing discussion.

Chair Sachs mentioned possibly amending the Administrative Code to read: "Other duties assigned by the Town Manager." Mr. Joseph noted that the Administrative Code says that the duties currently are: To enforce all Town and State laws pertaining to regulation of clam flats. Be responsible for establishing and managing a shellfish management program which shall include water testing, flat surveys, other local and State requirements. The Shellfish Program Coordinator shall act as a liaison with the department's marine resources and environmental protection and coordinating with DEP on overboard discharge issues. This sums up most of the duties that are being talked about in this job description. We could put "other conservation or shellfish related duties." He strongly recommends adding this and changing the title to Marine Resource Conservation Officer.

Chair Sachs asked for input from the Council. Councilor Egan noted she is fine with emphasizing other conservation related duties. This person is really going to be taking care of the river and our marine resources. Councilor Hendricks is fine with the name and the change to the Administrative Code that Mr. Joseph recommended as well as the power to appoint. Councilor Rixon is fine with the name and retaining the power to appoint.

Councilor Wellen is fine with everything. He is on the fence about retaining the power to appoint. He is curious why it was done that way in the beginning.

Eric Horn shared his theory on why it is a State requirement. Mr. Joseph indicated it would not do any harm to leave it in there but we can change the job title.

Councilor Tracy is fine with changing the Administrative Code to reflect the new title. She is okay with including some flexibility for the Town Manager to assign additional responsibilities. For right now, the appointment power for this position should remain with the Town Council. She would be open to changing it in the future.

Mr. Joseph explained that any amendments to the Code would have to be Ordinance changes. Something as simple as a straw poll, staff would draft it and bring the Ordinance amendment to the Council at the next meeting. He sees that the majority of the Council supported those three things. He asked for a straw poll to go ahead and start the recruitment and hiring and finalize this position. It will be a long process. We are at a point to start moving forward. We are already trying to solve the gap when we won't have coverage.

Chair Sachs asked for input for four things:

Are you comfortable with this position staying within the Police Department?

This position now being called the Marine Resource Conservation Officer?

This position having added to the description amending the Ordinance to state something along the lines as: "and other job duties such as conservation as assigned by the Town Manager?"

Are you comfortable with the Town Manager and Dept. heads and the Shellfish Commission going ahead to start the hiring process?

All seven Councilors indicated yes to all four questions.

Chair Sachs appreciated the spirit for moving forward. Mr. Arris made it clear that he and Chief Scofield have been here for a combination of 100 years! He wants to work with him and Mr. Joseph. He is thrilled with the prospect. He noted that the Commission is happy with this.

Chief Scofield noted that he has been trying to keep the shellfish program going strong for a long time. He feels the Commission has worked hard and came up with good ideas. There is no doubt that there are some things they will be unable to do. As they try to work together over the next six months to a year, they will come back and find out what can't this position do and then come up with ideas on how to handle it in the future.

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Discuss Social Service group funding / budget requests.

Chair Sachs recused herself and returned the gavel to Vice Chair Gleeson.

Mr. Joseph explained that last year during the budget process, there was a discussion on how these social service agencies are funded. Johanna Hanselman explained how it has been done in the past. We now fund ten agencies at about \$38,800. She requested input from the Council.

Vice Chair Gleeson asked if Councilors are happy with the way things are going currently.

Councilor Hendricks feels Ms. Hanselman has done a great job and does not have any changes to recommend. Councilor Rixon is fine with what is being done. Councilor Wellen indicated he is fine with the approach Ms. Hanselman takes. Councilor Egan is fine with the funding formula. Councilor Tracy is fine with the funding formula we have right now but there is an opportunity to make some calls to surrounding towns to see how they do it. Ms. Hanselman indicated that she gathered some of that information from other towns and found that we were not the highest but we were not the lowest.

Councilor Wellen felt we were higher than average and we should not be locked into any amount.

Councilor Egan is curious to see the other agency applications.

Vice Chair Gleeson noted he is fine with the way we have been doing things. It appears that the Council is happy with the way things are going.

Ms. Hanselman thanked all the residents that made donations to the Fuel Fund, the Fire Department and the Library. It speaks so highly of this town and its community and its dedication to some of the Municipal services and what we provide. She is struck by people coming in and paying their taxes and dropping off their donations.

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**MOVED AND SECONDED:** To adjourn at 8:45 p.m. (Egan & Tracy) **VOTE:**  
(6 Ayes) (1 Excused-Sachs)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #03-15**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, FEBRUARY 3, 2015 – 6:30 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
James Hendricks, 21 West Street	x		
Kristina Egan, 5 Weston Point Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Andrew Wellen, 83 Hunter Road			x
Scott Gleeson, 23 Park Street	x		
Sarah Tracy, 75 Lower Flying Point Road	x		
William Rixon, 66 Varney Road	x		

Chair Sachs called the meeting to order at 6:33 p.m. and took the roll. She explained that Councilor Wellen is excused this evening.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #02-15 held on January 20, 2015 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #02-15 held on January 20, 2015 and to accept the Minutes as printed. (Egan & Gleeson) **VOTE:** (6 Ayes) (Excused-Wellen)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Sachs announced:

**AARP will once again be providing free Tax Preparation assistance** for low-moderate income households, with special attention to those 60 years and older. Please call 865-4743 x120 to schedule an appointment.

**Annual Chocolate Bash** at the Freeport Community Library! Wednesday, February 11<sup>th</sup> from 6:30 pm—7:30 p.m. The Library lobby will be full of chocolate goodies to taste test. Chocolate desserts and baskets will be raffled off as well as a basket of assorted pieces of artwork donated by the Art Guild of Freeport. You don't want to miss this event!

**Freeport Conservation Trust, Wolfe's Neck Farm and Maine Farmland Trust are sponsoring "Growing Local"**, a Maine-made film, focusing on Maine's small farms, consumers and the local food movement, followed by a panel discussion. Thursday, February 26 at 7 pm, Freeport Community Center, Free, Refreshments will be provided.

**Freeport FebFest of Arts & Culture**

Local artists and organizations are showcasing the arts in Freeport for the entire month of February. Freeport Players, FreeportUSA, LL Bean, Greater Freeport Community Chorus, Pine Tree Academy, Freeport High School, Freeport Library and others will be presenting visual,

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literary, performing, culinary and fine arts in events around town. For a list of events and more information visit [www.FreeportFebFest.com](http://www.FreeportFebFest.com).

**The Freeport Community Library will be hosting Maine author, Ellen Coony** on Wednesday, February 4 at 6:30 p.m.

There will be a concert on Friday at Freeport Community Services at 6:30 p.m.

**And on February 13<sup>th</sup> at 7:30 pm, Freeport Players presents LOVE LETTERS**, by AR Gurney at the Freeport Community Center. Seating is limited, so advanced tickets are recommended. Tickets \$10. FMI: [www.fcponline.org](http://www.fcponline.org).

The Freeport Community Center's Freeze Out will be held on February 14 for 24 hours until February 15 from 10 a.m. to 10 a.m. at the First Parish Church on Main Street. Folks are encouraged to come by with gifts of food or financial gifts for the Food Pantry and Fuel assistance. Chair Sachs will be there!

**FOURTH ORDER OF BUSINESS:** Information Exchange (15 minutes)

Councilor Hendricks advised that the Municipal Facilities Committee met last week and talked about the current staffing of our fire and rescue program as well as the NET Program. They will be finalizing their information on this. They also briefly discussed the re visioning of the Leon Gorman Park. They tabled the Open Space discussion to their next meeting. At their next meeting the Fire/Rescue staff will bring in what they want to propose adding to the budget this year.

Councilor Rixon advised that the Conservation Commission met last month and elected a new chair. They talked to a representative from the National Park Service and discussed Hedgehog Mountain and the trail system. A National Park Service Grant has been received. He noted that Hedgehog Mountain has three different entrance points but none of them are clearly marked. People that know the area, know the trail system but people there for the first time, would not know the full scope of the trail system. With the grant, they plan to put up kiosks at all three entrance points identifying what is there.

Councilor Rixon advised that the chair of the Solid Waste and Recycling Committee, Josh Owen, a first grade teacher in Falmouth, has put together a Recycling and Composting Program that has been successful in Falmouth. The committee is trying to replicate that program in the Freeport Schools. They plan to contact the principals to see that it is considered in the budget process this year. The committee is very much in favor of the plastic bag ban proposal that is in the Ordinance Committee right now. They would like to look at the history of the Styrofoam ban that was also proposed by Freeport students back in 1990. They would like to have the history of the Styrofoam ban highlighted in *The Tri-Town Weekly* and how it dovetails with the plastic bag ban at the moment.

Councilor Rixon advised that the METRO bus service will be starting on the first of July and the funding is pretty much in place. Grants have been received and others will be coming so it looks like a “go”.

Councilor Egan pointed out that the FDEC meeting has been postponed because of a snow storm. The next meeting will be held on February 12 at the Freeport Community Center at 7:30 a.m. The Active Living Task Force will also be meeting at 7:30 a.m. in Town Hall.

Chair Sachs advised that she met with Nelson Larkins, chair of the RSU Board on December 30 to talk about a leadership forum together with Municipal officials from other communities. They also talked about goals they would have together in terms of transparency on both sides regarding budgeting, communications, etc. The first meeting took place this morning with folks from Durham, Pownal, the

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interim Superintendent, Bill Michaud and Mr. Larkins as well as Chair Sachs, Vice Chair Gleeson and Peter Joseph to talk about ways to improve communications and upcoming challenges for the three communities and the RSU and steps moving forward. She noted that they did not appoint a Councilor to the Superintendent search because they are actually almost finished. They hope to make an offer to a candidate selected by the end of the month. They are doing some final interviews this week and the new person will be on board by July 1. They talked about ways to bring the three communities together and know the challenges within the three communities. For us, things like revenue sharing and for them they have things like fixed costs in terms of teacher contracts which they are in negotiations right now. The next meeting will be in March but Chair Sachs hopes they can be held quarterly. She mentioned that they did state clearly that the funding formula for all three communities needs to be looked at as per the RPC agreement five years ago. Everyone agreed that it is a natural progression of where we are and even if it didn't change one cent, having that conversation and looking at that process is important. They were all able to agree on that. She mentioned that she will keep the Council updated.

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

Mr. Joseph reported:

Over the past 7 days, due to the three separate snowstorms that have hit the area, we have fielded numerous inquiries and concerns regarding snow plowing and removal operations. He put together the information below as a brief tutorial of the plowing and removal operations over the past week, with the hopes that it might answer some of the questions on Public Works Department's winter operations:

Over the past 7 days (Tuesday 01/27-Monday 02/02) we have received approximately 44 inches of snowfall in three separate storms. The average annual snowfall for Freeport over the past 30 years is listed as 84 inches. So just in the past week, we have received about half our annual average snowfall.

The Public Works Department handles all snow plowing and snow removal operations from public roads and streets and the downtown area "in-house".

- The Town is divided into 7 regular plow routes. Each route is approximately 12 miles long. It takes anywhere from 2 to 3 hours for a driver to make one pass over his or her route. Keep in mind, drivers have to make multiple passes at intersections, dead ends, turnarounds, etc., all of which takes time.
- While drivers change routes from time to time, employees often are assigned to a specific route and can plow the same route for years, becoming very familiar with specific quirks of the roads on their route. This is why you sometimes see the same driver do by your house storm after storm. (Don't worry, we do have more than one driver.)
- In addition to the specific routes, other Public Works employees are responsible for running sidewalk machines, and plowing out parking lots and driveways to Town facilities. Police and Fire vehicles often have to respond to emergencies during snowstorms, so those facilities must be maintained 24/7 during storm events.
- When snow plowing operations are completed after snow storm, snow removal operations in the village area begin. In order to free up on-street parking and sidewalk access to businesses and homes in the village area. This is done using front end loaders, loader mounted snowblowers and dump trucks. The snow is removed to the Town's permitted "snow dump," which is located near the High School on the aptly named Snow Road. Snow removal often takes place at night, but can also occur during the day when required.

**COUNCIL MEETING #03-15**  
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- Scheduling snow removal has been nearly impossible this past week. In addition to their regularly scheduled shifts over the past week, Public Works employees worked three 24+ hour shifts during the three snowstorms. After these long shifts, we could not call employees on the night *following* the storm for snow removal operations, as they needed time off to sleep. Further complication matters were the two successive storms that *were forecast, on Friday and Monday meaning that we couldn't call employees in on the night before* these storms either. Employees worked an average of 85 hours last week, and we are expecting similar hours this week.
- Snow removal operations began today, and will continue this week as conditions allow. We are expecting that snow removal operations may need to pause due to more expected snow on Wednesday and Thursday. We sincerely appreciate the patience of the downtown residents and merchants, and we will work to remove the accumulated snow as quickly as we can.
- Thanks to all residents for your continued patience. If you begin to get frustrated by the snow, just remember...ONLY 45 DAYS UNTIL SPRING!

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

**MOVED AND SECONDED:** To open the Public Comment Period. (Tracy & Egan) **VOTE:** (6 Ayes) (1 Excused-Wellen)

Keith McBride, Executive Director of FEDC provided an update on working with the USDA and explained how “Rural” is looked at. They changed for a dozen towns in the Greater Portland area the eligibility for rural development. It makes a big deal for economic development in Southern Maine. He encouraged anyone who has a business in town that wants more information to contact him or the USDA and ask for someone in Rural Development to talk about the programs that are eligible. He is proud to be a part of that change.

Mr. McBride has been working with the school and Jobs for Maine Graduates on a unique program to bring some career education to students which they are hearing is something that is missing in the curriculum. They developed a partnership and have had some great discussions at the Middle School bringing in some folks that have very interesting careers to talk to small groups of Middle Schoolers. At the High School level they have had some interesting panel discussions with plans in the future to have some job shadowing programs and a career fair. Tomorrow he will be talking to JMG Reps from the high school and the middle school to talk to a group of JMG Reps from all over Southern Maine to talk about this program and determine if they would be interested in doing it and if they think it would be effective in their communities. Their role has been to link the business community and the folks that can come in and talk about their careers with the schools. He is grateful for the help of all the members of his Board for their help. Both of these projects are consistent with the goals of Vision 2025.

**MOVED AND SECONDED:** To close the Public Comment Period. (Egan & Hendricks) **VOTE:** (6 Ayes) (1 Excused-Wellen)

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

ITEM #22-15                      To consider action relative to adopting the February 3, 2015 Consent Agenda.

**BE IT ORDERED:** That the February 3, 2015 Consent Agenda be adopted.  
Sachs & Egan)

Chair Sachs reviewed the single item for members of the public.



**VOTE:** (6 Ayes) (1 Excused-Wellen)

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ITEM #23-15      To consider action relative to a citizen petition to remove a street light at 4 Harraseeket Road, pursuant to section 17-103 of the Town of Freeport Street Lighting Criteria. **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Egan & Gleeson) **VOTE:** (6 Ayes) (1 Excused-Wellen)

Councilor Egan explained that Carol Hudson is the petitioner and will be calling in. Chair Sachs pointed out that normally the Council encourages folks to be at the meeting but Mrs. Hudson is in Florida. Mrs. Hudson called in and was put on a speaker phone. She explained the reasons for removing the street light. That particular light had not been working for approximately four years but now it is on 24/7. She is concerned with light pollution and that she and her husband cannot sit on their porch in the dark and enjoy the night sky. She is confident the Town will save money on electricity. She appreciated the Council's time and requested that the street light be removed.

Susan Stowell of 9 Harraseeket Road explained that she would appreciate the light pollution to be less. She does not see the need for that light. It takes away from the rural community that she lives in. It is also very close to a light that is in front of her house which she plans to petition the Council to remove.. It also stays on 24/7. She mentioned that David Tyson and Susan Tyson are both on the petition and they are away. They would appreciate having the light removed.

**MOVED AND SECONDED:** That the Public Hearing be closed. **VOTE:** (6 Ayes) (1 Excused-Wellen)

**BE IT ORDERED:** That a street light at 4 Harraseeket Road, pursuant to section 17-103 of the Town of Freeport Street Lighting Criteria be removed. (Egan & Gleeson)

Councilor Rixon noted that he is aware of light pollution and it warms his heart to hear other people talking about sitting on a porch in the dark and enjoying the night sky. He noted that it is part of our heritage having clear dark night skies. We have lost it in the last couple of generations having electric lights. Councilor Egan reminded the public that the public street lighting policy tries to balance protecting the rural quality of the community and protecting the safety of people walking and driving around. She explained that it is reasonable to remove the light that is being discussed this evening and a second light when it comes before the Council.

Councilor Hendricks explained what was done years ago. Some people wanted one on and some people wanted it turned off. Since this light is not a safety concern, he would be in favor of removing this one and also the other one that was mentioned.

Susan Stowell thanked the Council for the great job Public Works has been doing.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Wellen)

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ITEM #24-15      To consider action relative to approving an amendment to Chapter 2: Administrative Code Section 506, Police Department, as proposed by the Shellfish Commission.

**BE IT ORDERED:** That a Public Hearing be scheduled for February 24, 2015 at 6:30 pm in the Council Chambers at Town Hall to discuss approving an amendment to Chapter 2: Administrative Code Section 506, Police Department, as proposed by the Shellfish Commission.

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

Chair Sachs explained the need for a public hearing. Councilor Sachs mentioned that suggested removing the word "shellfish" from the last sentence. Councilor Tracy mentioned recalling that this position would serve as a resource to the Police Department in time of need. Discussion followed.

Chair Sachs suggested changing the wording of the last sentence to read:

The Marine Resource Officer shall be responsible for other conservation related activities as assigned by the Town Manager and other duties as assigned by the Chief of Police.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Wellen)

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ITEM #25-15	To consider action relative to approving an amendment to Chapter 32: Shellfish Conservation Ordinance Section 32-601, Licensing, as proposed by the Shellfish Commission.
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**BE IT ORDERED:** That a Public Hearing be scheduled for February 24, 2015 at 6:30 pm in the Council Chambers at Town Hall to discuss approving an amendment to Chapter 32: Shellfish Conservation Ordinance Section 32-601, Licensing, as proposed by the Shellfish Commission.

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

Mr. Joseph explained that this amendment is for a due date for the licenses. Questions came up last year of what would happen if we are not open on Fridays and it is the end of the month. This is suggesting changing it to the close of business on the last day of April that we are open with the post marking date of April 30.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Wellen)

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ITEM #26-15	To consider action relative to the approval of a new public peddler license for a non-resident for 2015.
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**BE IT ORDERED:** That the following application for a new public peddler license for a non-resident be approved:

Frank Grondin d/b/a Whimsical (Hendricks & Egan)

Mr. Joseph explained that this is a routine item. He does not see any problems related to this. He spoke to the chief this afternoon.

**VOTE:** (6 Ayes) (1 Excused-Wellen)

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ITEM #27-15      To consider action relative to adopting the Annual Orientation for Board & Committee Chairs process as proposed by the Appointments Committee.

**BE IT RESOLVED:** That the Annual Orientation for Board & Committee Chairs process as proposed by the Appointments Committee be adopted.  
(Gleeson & Egan)

Mr. Joseph explained that this process came about as a discussion that was held with the former chair and vice chair and members of the Active Living Task Force at the time. As a new committee, a lot of the members had not served Town Boards or Committees before and had a lot of questions. They sat down and asked how the process could have been improved for them. Ms. Davee stated that they did not have any training. Jim and Kristina asked staff to put this together and it was brought to the Appointments Committee. This is designed as a cover all. Board and Committee chairs and vice chairs will be invited but with a strong encouragement for any Board and Committee member to attend. Our Town Attorney will be on hand as well as a consultant talking about how to run an efficient meeting and facilitating a committee meeting. Staff will put on some explanations of what we do and what the administrative duties of a chair are and what staff's duties are. Simple topics will be covered such as how do I photocopy something, how do I mail something, how are things put in the paper?, etc. Communication with the Town Council and Town Manager and how they are expected to provide updates. This will be an annual process. Chair Sachs suggested taping the Town Attorney and the consultant for cost purposes. Councilor Hendricks pointed out that the Orientation will be held on Thursday, March 5 but was not sure of the time. Councilor Egan feels this will be a great step for our volunteers. Councilor Sachs agreed it will be very helpful for volunteers. Mr. Joseph gave credit to Johanna Hanselman for coming up with this material.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Wellen)

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ITEM #28-15      To consider action relative to adopting the Budget Schedule for FY16 as presented.

**BE IT RESOLVED:** That the Budget Schedule for FY16 be adopted as presented. (Hendricks & Egan)

Mr. Joseph explained that we are talking about the same amount of meetings and workshops. He is not proposing any changes other than the dates and deadlines to meet the requirements of the Charter and the calendar. The department head meetings will be retained.

Chair Sachs noted it is the beginning of our busy season. Our first workshop will be on February 10 and there will be three agencies coming in. She requested that Councilors review any materials before hand because it will go much more smoothly.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Wellen)

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**COUNCIL MEETING #03-15**  
**FEBRUARY 3, 2015**

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**OTHER BUSINESS**

None

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**MOVED AND SECONDED:** To adjourn at 7:30 p.m.(Tracy & Gleeson) **VOTE:**  
(6 Ayes) (1 Excused-Wellen)

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Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES  
FREEPORT TOWN COUNCIL MEETING #04-15  
FREEPORT TOWN HALL COUNCIL CHAMBERS  
TUESDAY, FEBRUARY 24, 2015 – 6:30 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
James Hendricks, 21 West Street	x		
Kristina Egan, 5 Weston Point Road			x
Melanie Sachs, 84 Kelsey Ridge Road	x		
Andrew Wellen, 83 Hunter Road	x		
Scott Gleeson, 23 Park Street	x		
Sarah Tracy, 75 Lower Flying Point Road	x		
William Rixon, 66 Varney Road	x		

Chair Sachs called the meeting to order at 6:32 p.m. and took the roll. She advised that Councilor Egan is excused this evening.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #03-15 held on February 3, 2015 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #03-15 held on February 3, 2015 and to accept the Minutes as printed. (Gleeson & Hendricks)

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Egan)

**THIRD ORDER OF BUSINESS:** Announcements

- Vice Chair Gleeson reminded the Council that on March 5, at 6 p.m. in Council Chambers it would be having the orientation for all committee heads and committee members. Pam Plumb and Phil Saucier will be the presenters. Light snacks will be provided.
- The Town would like to invite businesses and residents to participate in a breakfast meeting at the Harraseeket Inn on Wednesday, February 25th from 7:45-10:00 a.m. Learn about the restoration of Concord Gully Brook and provide input on the management plan. The plan includes projects and programs that may impact businesses and residents. We will have a very interesting program, and hope for good attendance. Please RSVP: <http://tinyurl.com/concordgully>. For more information: Tamara Lee Pinard 207.892.4700 or at [tpinard@cumberlandswcd.org](mailto:tpinard@cumberlandswcd.org).
- Solarize Freeport's Kick-off event is scheduled for Saturday, March 7<sup>th</sup> at 9 a.m. in Freeport Town Hall. Learn how Freeport's homes and businesses are coming together to reduce the cost of solar. For more information, visit: [www.solararizefreeport.com](http://www.solararizefreeport.com) or call (207) 200-1360.
- The Library's Armchair Travel series returns in March! Each year the library is fortunate to find folks who graciously agree to share their recent travels abroad. The **first four Monday evenings in March**, globe-trotting community members will share slide presentations accompanied with their own personal memories of trip highlights. An

increasingly popular series, come early on each of these Monday evenings in March for your best choice of seating. Each program begins at 6:30 p.m. and is approximately 60 minutes including time for questions and answers. Tea and coffee are served and it's all free-of-charge.

Chris Leighton will be the first "tour guide" on Monday March 9th beginning at 6:30pm, as we enjoy ancient Athens, Greek Islands, Dalmatian Coast and the canals of Venice. Future destinations include: Scotland on March 16. Patagonia and the Falklands on March 23.

- Freeport Conservation Trust, Wolfe's Neck Farm and Maine Farmland Trust are sponsoring "Growing Local", a Maine-made film, focusing on Maine's small farms, consumers and the local food movement, followed by a panel discussion. Thursday, February 26 at 7 pm, Freeport Community Center, Free, Refreshments will be provided.

#### **FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Tracy reported that the Ordinance Committee met earlier this evening and will be discussing the substance of that meeting under Other Business tonight.

Councilor Rixon advised that the Metro Bus Committee met a few weeks back. In Freeport there will be three stops. At this time, it has been decided that the bus will start at the Community Library. The next stop will be in front of L.L. Bean's flagship store and the third stop will be in at Shaw's. Heading south, the bus will then stop three times in Yarmouth and will proceed onto the Interstate into Portland going along most likely Washington Avenue to Congress Street on which will be three stops. The plan is to skip Falmouth on most of the runs except where there will be a few mid-day runs stopping in Falmouth. Bus service is planned to start on July 1 and the cost will be \$3 for a one-way ticket. If someone purchases a monthly pass, the cost will come out to \$2 making a round-trip ticket cost \$4 on a monthly basis. A schedule indicates the bus will run Monday through Saturday. By including Saturday, it meant fewer runs during Mondays through Fridays. The bus starts on the hour at 7 a.m. through 10 a.m. and from 10 a.m. to 2 p.m. it will run on the second hour. By 3 p.m. it will run hourly until 7 p.m. All of this information is on their website. Councilor Rixon offered to find the website.

The Conservation Commission is at the beginning of their budget season. They are looking at kiosks at all their town properties.

Coastal Waters met a few weeks back. The Harbor Master reported that the harbor is pretty much frozen up. It is pretty much frozen up to the first island and it is possible to ski out to Moshier's. Coastal Waters noted there is continuing concern with lobstermen's gear getting tangled with moorings in the harbor. They are trying to figure out ways to educate lobstermen to not be setting traps close to the moorings.

The Recycling and Solid Waste Committee met last evening. They are discussing the plastic bag ban and researching the Styrofoam ban. This is the 25<sup>th</sup> anniversary of that and they would like to develop an educational piece around it and hopefully provide an exhibit at the Library and maybe one at the Town Hall to educate residents of its history.

As Council liaison, Councilor Wellen attended the last Shellfish Commission meeting. Discussion took place on the new Marine Resource Conservation Officer's position being advertised. They have been briefly discussing the idea of leasing certain sections of the clam flats to individual clammers. A more structured conversation will take place at the next meeting. The Commission was not committed in any way.

Chair Sachs noted that the Traffic and Parking Commission met and discussed improved signage along both the approach to the downtown for bicyclists as well as two problematic intersections. One is the left turn onto Route One right after Shaw's and the other intersection is the Mallet Drive intersection. They also discussed the Denney Block project trying to be proactive about lighting as well as if there is enough room on the back of that property for loading and unloading. They are preparing for their Council workshop on March 10.

Chair Sachs and Peter Joseph traveled to Augusta and testified in front of the Financial Affairs/Appropriations Committee as well as the Taxation Committee on the joint hearings they were having on Municipal Revenue Sharing, The Business Equipment Tax, Homestead Exemptions, etc. She is hoping to have Representative Gideon and Senator Gerzofsky here on March 3 and any members of the public talk about feedback, concerns, questions, etc. they may have regarding the budget proposals. Nothing is set in stone. She and Mr. Joseph felt it was important to lend Freeport's voice on the impact that the proposed changes in the tax code would have on the personal property tax of our individual residents, which would be significant.

She advised that Freeport received \$310,000 last year in revenue sharing which is down from a high of \$700,000 five years ago. The Business Equipment Reimbursement Tax could be as much as \$450,000 to us once phased in fully through 2019. If revenue sharing is reduced to zero, it would be pretty much absorbed by personal property tax. Mr. Joseph indicated that the proposal is to double the Homestead Exemption for residents over 65 and eliminate it for residents under 65. He does not anticipate this to be a huge hit to the Town but residents are not asked what their age is when they apply for the Homestead Exemption. He explained how non-profits could possibly be taxed in Municipalities.

Chair Sachs pointed out that this is a very complex tax package and it is important that if someone has any interest and feedback, the Council would love to hear it. Residents are encouraged to contact their Councilor if they are unable to come to the meeting. Councilor Tracy asked where the best place is for residents to learn about these proposals. Mr. Joseph noted he will look into this and determine if there is a good place to steer residents.

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

Mr. Joseph reported:

Winter Operations Update-The Public Works Department has almost fully expended both their Winter Sand and Salt budget and their Overtime budget due to the ongoing series of winter storms that have afflicted Freeport over the past two months. It should be stressed that nearly every municipality in Maine is in the same position at this point; in fact, many are worse off. Whether or not this turns out to be a problem will depend on how the rest of the winter shapes up. If "normal" winter conditions occur from this point forward, the overruns in these two line items should be bearable and will not be cause for emergency. However, if another cluster of severe weather similar to January's weather strikes the area, further action may be necessary. The Town Manager, Finance Director and Public Works Director will continue to monitor the situation and alert the Town Council if any further action is necessary.

In order to meet these budgetary constraints, we will be utilizing Public Works' crews for overtime only in emergency situations (i.e. winter storm or other emergency situations) for the remainder of the fiscal year. All snow removal and storm clean up will take place during daytime hours only, unless special circumstances require otherwise. I would like to extend my deepest thanks to the Public Works crew for their hard work and dedication over this winter. I would also like to thank the residents and visitors here in Freeport for their continued understanding and cooperation, it is much appreciated. And remember, only 24 days until spring!

Concord Gully Brook Watershed Plan—The Town of Freeport has partnered with Maine DEP, Cumberland County Soil & Water Conservation District, and committed watershed residents and businesses to develop a watershed management plan for the Concord Gully Brook watershed. The draft document concludes three years of study within the watershed, and is designed to help the stream comply with State water quality standards by 2025. The public is invited to review this draft document and provide comments.

To see the draft watershed-based and related background information, please visit the project website at <http://www.cumberlandswcd.org/concordgully/index.htm>. Please send comments to Kate McDonald at Cumberland County SWCD no later than February 26, 2015 ([kmcdonald@cumberlandswcd.org](mailto:kmcdonald@cumberlandswcd.org)). The Town of Freeport would also like to invite businesses and residents to participate in a breakfast meeting at the Harraseeket Inn on Wednesday, February 25<sup>th</sup> from 7:45-10 a.m. Learn about the restoration of Concord Gully Brook and provide input on the management plan. The plan includes projects and programs that may impact businesses and residents. We will have a very interesting program and hope for good attendance.

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

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

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

ITEM #30-15                      To consider action relative to adopting the February 24, 2015 Consent Agenda.

**BE IT ORDERED:** That the February 24, 2015 Consent Agenda be adopted.  
(Sachs & Gleeson)

Chair Sachs thanked the Elders for their generous \$500 donation for an Automated External Defibrillator.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Egan)

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ITEM #31-15                      To consider action relative to approving an amendment to Chapter 2:  
Administrative Code Section 506, Police Department, as proposed by the  
Shellfish Commission. **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Tracy &  
Hendricks) **VOTE:** (6 Ayes) (1 Excused-Egan)

Chair Sachs explained the difference being proposed in the Administrative Code. Roben Voit of Maquoit Drive asked how the position would be structured. Mr. Joseph explained that many duties will remain the same and will not be wildly different from the current Shellfish Warden's job description. It will be supervised by the Chief of Police but will work closely with the Shellfish Commission. There will be a broader focus on conservation and environmental work and a lessening of the sole work being done on enforcement. The job posting has been put out and it is on the Town's website. He noted where it has



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been posted. They would like as many applications as possible. If anyone is interested they should be directed to the Town's website. If they have questions, they can contact Mr. Joseph or Judy Hawley.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Tracy & Hendricks) **VOTE:** (6 Ayes) (1 Excused-Egan)

**BE IT ORDERED:** That an amendment to Chapter 2: Administrative Code Section 506, Police Department, as proposed by the Shellfish Commission be approved. (Tracy & Hendricks)

Councilor Tracy offered a clerical amendment.

**MOVED AND SECONDED:** To add the word *Conservation* in the last sentence so that it reads: The Marine Resource *Conservation* Officer shall be responsible for other conservation related activities as assigned by the Town Manager, and other duties as assigned by the Chief of Police. (Tracy & Hendricks) **ROLL CALL VOTE:** (6 Ayes) (1 Excused-Egan)

**ROLL CALL VOTE** on **BE IT ORDERED** as amended: (6 Ayes) (1 Excused-Egan)

Councilor Tracy thanked everyone for their help in this.

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ITEM #32-15      To consider action relative to approving an amendment to Chapter 32: Shellfish Conservation Ordinance Section 32-601, Licensing, as proposed by the Shellfish Commission. **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Wellen & Gleeson) **VOTE:** (6 Ayes) (1 Excused-Egan)

Mr. Joseph explained that this came from confusion that arose when the Town Clerk's office was not open before the first day of May since we are typically closed on Fridays, Saturdays and Sundays.

There were no public comments provided.

**MOTION:** That the Public Hearing be closed. (Hendricks & Tracy) **VOTE:** (6 Ayes) (1 Excused-Egan)

**BE IT ORDERED:** That an amendment to Chapter 32: Shellfish Conservation Ordinance Section 32-601, Licensing, as proposed by the Shellfish Commission be approved. (Wellen & Gleeson) **ROLL CALL VOTE:** (6 Ayes) (1 Excused-Egan)

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ITEM #33-15      To consider action relative to approving an application for a license to operate Beano/Bingo or a Game of Chance on March 7, 2015 submitted by South Freeport Congregational Church.

**BE IT ORDERED:** That an application for a license to operate Beano/Bingo or a Game of Chance on March 7, 2015 submitted by South Freeport Congregational Church be approved. (Rixon & Gleeson)

Mr. Joseph provided an explanation. There were no public comments provided.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Egan)

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**OTHER BUSINESS**

1. Update on Solarize Freeport Project.

Chair Sachs reminded residents that there is a meeting scheduled in the Council Chambers on March 7 at 9 a.m. in Freeport Town Hall when the installers will be presenting the program and answering questions.

Town Planner, Donna Larson provided an explanation of Solarize Freeport. As of February 22 there were 90 people on the new mailing list. 62 households had registered for free estimates. Phone consultations have been started and 10 were completed last week. They estimate that 50% of the people they talked to are very serious. She feels the kick-off event is a little more than a kick-off because things have definitely progressed. The way the pricing is set up is that there are three different tiers. It takes a certain number of kilowatt hours to get to the higher tier. The pricing for this installer starts at \$3.30 per watt. Everything is measured in kilowatts so you multiply it by a thousand and it tells you what the price is for kilowatt. It starts out at \$3.30. If they get up to 61 kilowatts sold in aggregate. Figuring that the typical household is 5 kilowatts so it is maybe 12 or 13 folks that need to sign up. The price goes down to \$3.00 per watt or \$3,000 per kilowatt. It will be a 10% savings if we can get up to the higher tier. In order to get people started, the sooner we know what tier we are in, the more certainty in price there is.

Ms. Larson asked the Council if they would be willing to waive the electrical permit fee which costs \$55 for the first 12 households that sign up. The Town is charged \$20 by the electrical inspector to go out and look at it. The total cost to the town would be \$240 for the 12. This is a small incentive for folks to sign up early. She has been able to get some gift certificates from local businesses that will out to those early signers.

Chair Sachs noted that she has an appointment on Thursday and is very interested in this. She is personally committed to solar whether or not there is a \$55 incentive. She has had solar on her hot water heater for eight years.

Councilor Wellen finds it concerning that Ms. Larson is requesting money from the Town. He doesn't feel there is much of a gain. He is all for subsidizing solar at a State or Federal level. He would not want to set a precedent and has mixed feelings. Councilor Hendricks noted he would be willing to grant the waiver as a show of support. Councilor Rixon would support this project as much as he can. Councilor Tracy feels it is important to support this effort but she is mindful that the Council will be entering its budget period. She remains neutral on it. Vice Chair Gleeson agreed with Councilor Tracy as well as Council Wellen. He supports solar and feels it is a good faith effort. He is neutral on this. He feels it is a small amount of money.

Chair Sachs noted that it appears the Council is lukewarm on it and can vote it up or down next week. It will give Councilors an opportunity to give it some thought and Councilor Egan will probably want to weigh in on this issue. Ms. Larson noted she feels this is symbolic more than anything. It was the only thing she could come up with aside from doing a local rebate program which would be far more expensive. It was the only place she saw where the Town could be involved.

Chair Sachs asked Councilors to send her an e-mail tomorrow whether this should move forward on the next meeting's agenda. She asked for feedback after absorbing the information.

## **2. Ordinance Committee**

Councilor Tracy explained that last spring the Council was approached by high school seniors proposing a plastic bag ban Ordinance for Freeport. The Council referred the matter to the Ordinance Committee to investigate it further. Since that time the Ordinance Committee has been conducting a review of environmental studies and governmental reports regarding ordinances that either ban plastic bags or paper bags and/or tax them and the environmental costs of that. The Ordinance Committee has been looking at other ordinances across other towns and cities across the nation trying to get a sense of whether this is something we should move forward with and if so, what are the best structures. They conducted surveys of the bulk of the business community through Freeport USA and the Chamber of Commerce. They conducted a residential survey on Election Day in November where they got great participation.

They have a lot of information but they are more confused than ever about what is the appropriate way forward. They met this afternoon and the feeling was that they have been trying to do this on the cheap with just their resources and information that is available. The Committee feels it does not have sufficient quality information to make a recommendation to the Council about the best way to move forward. They decided to give the Council a sense of where they are going. There is no action item tonight. They will likely provide a process recommendation about how they propose to advance the ball on this. They feel the entire Council should weigh in on whether they move forward with this or not. The decision making process should also include public input because there has been great interest on the part of the public on this matter and they should have an opportunity to comment on whether we move forward on this or not. It will also include some of the ramifications of moving forward. The Committee feels a greater commitment of resources will be required to actually do this right. For instance, conducting a better environmental review which might include the Solid Waste and Recycling Committee as well as assistance from a professional to really divest and understand the environmental reports which are conflicting. It is not clear what is environmentally friendly and they may need some independent assistance.

On the flip side, they feel there is some analysis that needs to go into the economic impact of such a decision both on businesses and residents if we were to decide a fee structure or tax. They will put this on the agenda for a later meeting for public input and getting feedback from the Council as to whether we should move forward or not and what that will mean. They recognize they are moving slowly on this. The Committee feels that the ultimate decision about whether Freeport passes a plastic bag ban, paper bag ban, tax or whatever form it will take, should rest with Freeport citizens so they would recommend developing a referendum. The Committee does not recommend that the Council make the final decision.

Councilor Wellen noted that even if there is a proposal to move forward, knowing it might take more time and resources, it doesn't mean that at the end of the day they will decide to do anything. They will move forward to get more research. He stated that this should stay with the Ordinance Committee. They are willing to be in charge of the process.

Vice Chair Gleeson mentioned after discussing possible revenue shortfalls, he would like to make sure that in the event we move forward, we are not going to have any unforeseen revenue consequences. If we are going to move forward with attaching a fee on a bag, we will need to recognize what impact that will have on Freeport residents. He does not want to rush into it.

Councilor Tracy pointed out that it seems premature to draft an ordinance and it seems premature to decide to not move forward without more public input. If we move forward, she believes it should be done right and some resources should be dedicated to it. While this is an opportunity to lead, it is also a potential impact on our residents. We need to figure out what is more important. She is inclined to move forward but only on the condition that we actually say we are going to do it right.

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Councilor Wellen's research has shown that only bigger cities and states are doing these ordinances and it is pretty new. It is bigger towns and cities that have the resources to pay consultants \$10,000-\$20,000. He plans to do some research on his own but he would like to hear public input.

Councilor Tracy pointed out that Falmouth is considering this issue and it would be great to see what they decide to do. Councilor Wellen noted that Freeport is a tourist community. He feels this is a big deal and he would like to get the businesses involved.

Councilor Rixon would be interested in looking at the history of what has been done in other municipalities and the ramifications. He wonders if there is already enough information to shed some light here. Councilor Hendricks would like more information. He mentioned the Town's recent experience with consultants and he would not support giving money to consultants considering all the other things we have going on.

Chair Sachs advised that this would be discussed on the 14<sup>th</sup> of April. She would like to have the cost of a consultant provided. Mr. Joseph offered to try to get estimates of consultants and will work with the committee.

Roben Voit suggested that the committee ask the students to do some exploration to come up with possible information that might be as good as we would get hiring someone. He mentioned all the plastic and garbage existing in the ocean now. He suggested banning plastic and going to paper to protect our marine life.

Chair Sachs appreciated the committee's efforts and the holistic approach that they used in looking at this complex issue. She encouraged residents to come to the April 14<sup>th</sup> meeting.

### **3. Ocean Acidification Council**

Chair Sachs advised that Patrick Norton informed her that there is a bill coming before the Legislature to establish an Ocean Acidification Council and asked for a Resolution of Support from the Town Council since Freeport has been a leader in this particular initiative. He plans to go up and testify before the Legislature. Representative Gideon is also planning to be there. Chair Sachs mentioned that if the Council is interested, we can come up with some simple language to vote on next Tuesday. There is no action to be taken tonight.

Councilor Rixon noted that the idea behind this particular Council is looking at the whole State and not just Freeport. Councilor Wellen indicated he would be willing to pass a resolution.

Roben Voit of Maquoit Drive noted he is in favor to establish this Council. Chair Sachs noted that simple language will be provided next week. She reminded the Council that it would be together for the next five Tuesdays.

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**MOVED AND SECONDED:** To adjourn at 8:07 p.m. (Hendricks & Gleeson)  
**VOTE:** (6 Ayes) (1 Excused-Egan)

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Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #05-15**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, MARCH 3, 2015 – 6:30 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
James Hendricks, 21 West Street	x		
Kristina Egan, 5 Weston Point Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Andrew Wellen, 83 Hunter Road	x		
Scott Gleeson, 23 Park Street	x		
Sarah Tracy, 75 Lower Flying Point Road	x		
William Rixon, 66 Varney Road	x		

Chair Sachs called the meeting to order at 6: 35 p.m. and took the roll.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #04-15 held on February 24, 2015 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #04-15 held on February 24, 2015 and to accept the Minutes as printed. (Gleeson & Tracy)  
**VOTE:** (7 Ayes)

Chair Sachs suggested doing the Information Exchange next and there was general agreement to do so.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Rixon advised that during the past week he spoke with the principals of Mast Landing, Morse and Middle School about their recycling and composting program. All three report that it has been a great success and they are looking forward to continuing in the coming years. He is confident that parents have been receiving sound advice on the benefits of recycling and composting.

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

Mr. Joseph reported that starting next Wednesday, the Town will be instituting posting closed roads on many of our side streets which is typically done every spring for roads where putting heavy loads over them could damage them during frost season. This time of year we start to get a lot of heaving where roads can break up. Starting Wednesday, Public Works will begin posting the roads to all overweight loads, especially non-routine deliveries of equipment, lumber, construction materials, construction trucks, etc. Folks will have to contact the Public Works Department for an overweight permit if they are operating a heavyweight truck on certain Town roads. They are generally issued at the beginning of a day before the roads have a period to thaw out so it is actually safe to drive heavy vehicles over. This usually lasts until May 1 each year but could end a little sooner depending upon the weather. He understands that it is inconvenient but asks for cooperation from the general public in complying. This is done to protect the roads which saves all of us hundreds of thousands of dollars in road construction projects. He urged residents to contact the Public Works Department if they have a heavy delivery or heavy truck that needs to get to their house.

**THIRD ORDER OF BUSINESS:** Announcements

Chair Sachs announced:

- This Friday, March 6, is Freeport First Friday at the Freeport Community Center beginning at 6:30 p.m. Gourmet desserts and donated Starbuck's coffee will be offered. Pianist Laura Kargul and violist Ronald Lantz will present "50 Shades of Faure: The Secret Loves of the Great Romantics. There is a \$5 cover charge and donations to the piano fund will be accepted. For more information, please call 865-3985, Extension 202.
- Solarize Freeport Kick Off Event! Saturday, March 7<sup>th</sup> at 9:00 a.m. at the Freeport Town Hall. Learn how Freeport homes and businesses are coming together to reduce the cost of solar. For more information: [www.solarizefreeport.com](http://www.solarizefreeport.com) or (207) 200-1360
- Reminder that the Library's Armchair Travel series returns in on Monday, March 9<sup>th</sup> at 6:30 p.m. Chris Leighton will be the first "tour guide" on Monday March 9<sup>th</sup> beginning at 6:30pm, as we enjoy ancient Athens, Greek Islands, Dalmatian Coast and the canals of Venice. The Library has also scheduled a number of interesting programs for the spring including Author Talks, Crafts for Children, and a workshop on Growing your own Organic Garden. For more information on all these great library programs and more, go to [www.freeportlibrary.com](http://www.freeportlibrary.com)

Unclaimed Property Announcement—Every year, tens of millions of dollars are turned over to the state when account owners cannot be located. Unclaimed property consists of bank accounts, uncashed checks, life insurance proceeds, and other financial properties. This year alone, properties worth over \$20 Million were turned over to the Treasurer's Office. This is on top of the \$200 Million that has accumulated since the Unclaimed Property program began.

To see if you have any property on this list, you need to go to the State's webpage, which the Town's website homepage has a link to. You may also get a town-specific list by [EMAILING](#) the State Treasurer's office.

**2014 Citizen of the Year Award Presentation**

Councilor Rixon, Chair of the Special Projects Committee, recognized the "Founding Mothers of Freeport Community Services" as this year's Citizens of the Year. They were credited with founding Freeport Community Services 41 years ago. Vaughndella Curtis, Janice Fogg, Suzie Harding, (accepted by her daughter, Linda Harding) Betsy Ruff, Cheryl Smith and Carol Southall were presented a plaque and bouquet of flowers. Councilor Rixon noted that they were nominated by Freeport Police Lieutenant Susan Nourse and read her nomination into the public record. Lt. Nourse explained that these ladies worked behind the scenes and have served the Town in many beneficial ways. Pictures were taken. Chair Sachs mentioned that a reception immediately following this presentation is planned at the Freeport Community Center.

Councilor Rixon invited members of the public to speak.

Steve McPheters attested what he knows about Janice Fogg and shared a funny story concerning the 300 foot cell tower proposed some years ago on her land. Since that time Moe and Janice have been their best friends and he is happy that she is being given an award this evening.

Chair Sachs pointed out that she feels it is a huge privilege to work and be with these ladies.

Ed Bonney pointed out that this is a well deserved honor for all of these ladies. He feels they deserve all the accolades they are receiving tonight. He shared his thoughts on having worked with them over the years. He thanked them for all their efforts.

Chair Sachs regretted that Susie Harding was not able to be here tonight and that Muriel Wilson was also a Founding Mother who is no longer with us.

Linda Harding shared a quote from Margaret Meade.

At 7:05 p.m. Chair Sachs suggested that a recess be taken.

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At 7:29 p.m. Chair Sachs called the meeting back to order. She thanked everybody for jockeying the schedule waiting for one our citizens of the year recipients to arrive.

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

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

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

ITEM #35-15                      To consider action relative to adopting the March 3, 2015 Consent Agenda.

**BE IT ORDERED:** That the March 3, 2015 Consent Agenda be adopted.  
(Sachs & Egan)

Chair Sachs explained the one item for members of the public.

**VOTE:** (7 Ayes)

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ITEM #36-15                      To consider action relative to the proposed Capital Program for FY2016.

**BE IT ORDERED:** That a Public Hearing be scheduled for April 7, 2015 at 6:30 p.m. in the Freeport Town Hall Council Chambers to discuss the proposed Capital Program for FY2016.

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

**ROLL CALL VOTE:** (7 Ayes)

ITEM #37-15

To consider action relative to a resolution in support of the enactment of LD 493, *An Act to Create the Ocean Acidification Council*.

**BE IT RESOLVED:**

Whereas Resolve 2013, chapter 110, which became law on April 30, 2014, established a 17 member bipartisan Commission to Study the Effects of Coastal and Ocean Acidification and Its Existing and Potential Effects on Species that are Commercially Harvested and Grown Along the Maine Coast;

Whereas that Commission's duties included determining what is scientifically known about ocean acidification, what steps are necessary to enhance scientific research and monitoring in that area, to develop mitigation and remediation strategies and to identify what steps could be taken to increase public awareness of coastal and ocean acidification;

Whereas the extensive work of that Commission resulted in a comprehensive report issued in January 2015 summarizing the state of the science, research and monitoring efforts on ocean acidification and its potential effects on commercially harvested species along the Maine coast;

Whereas a key recommendation of that Commission was to introduce legislation in 2015 to establish an ongoing Ocean Acidification Council to identify, study, mitigate and prevent the direct and indirect effects of coastal and ocean acidification on species that are commercially harvested and grown in the state's coastal and ocean environments;

Whereas that legislation, now known as LD 493, *An Act to Create the Ocean Acidification Council*, is expected to be referred soon to the Joint Standing Committee on Marine Resources and scheduled for a public hearing in March of 2015;

Whereas the Town of Freeport has a significant economic and environmental interest in the continued long term health and productivity of the coastal and ocean environments and the preservation of its established commercial coastal and ocean harvesting operations;

Whereas the Town of Freeport has made significant investments within the Town's jurisdiction to mitigate the effects of biological threats to commercially harvested marine species that are likely resulting from ocean warming and ocean acidification;

Whereas scientific research shows that effectively addressing the potentially severe biological impacts of ocean acidification must include statewide and regional efforts as well as local efforts;



Whereas LD 493 establishes Maine as a policy leader in addressing the regional impacts of ocean acidification and will position the state to work in a way that compliments local efforts to mitigate those impacts;

NOW, THEREFORE, BE IT RESOLVED that the Freeport Town Council hereby expresses its strong support for LD 493, *An Act to Create the Ocean Acidification Council*. (Rixon & Egan)

Chair Sachs explained that the work of the Bipartisan Commission is to take the next step to create the Ocean Acidification Council. This is an opportunity for Freeport to voice its strong support for work that it had done at a local level and now finds it encouraging and hopeful to see regional and state efforts continue. Representative Gideon, Pat Norton and Councilor Rixon are planning to attend.

**ROLL CALL VOTE:** (7 Ayes)

Chair Sachs thanked Mr. Norton and requested that Councilor Rixon follow this and let the Council know what happens.

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**OTHER BUSINESS**

1. Discussion with the public regarding the proposed State Budget.

*Note: Freeport's State Legislative Delegation has been invited to participate in this discussion. Additionally, residents who have questions or concerns surrounding the Governor's state budget proposal will be given the opportunity to address the Town Council at this time.*

Chair Sachs explained that she and Mr. Joseph went to Augusta and testified in front of the Financial Affairs/Appropriations Committee as well as the Taxation Committee to make their feelings known from a Municipal standpoint the impact that the current proposed tax structure would have on the Freeport taxpayer.

She thanked Representative Sara Gideon and Senator Stan Gerzofsky for being here tonight. She wanted to give them a chance to hear from the public knowing that much of this may change as the workshops begin. Mr. Joseph noted that several of the non-profits have also been invited who have been identified if taxation for certain non-profits goes through. This would be a huge issue to many of the smaller non-profits in Town. Chair Sachs pointed out that residents are more than welcome to come and talk about any portion of the proposed tax changes.

Senator Gorzofsky explained that the Governor gets to propose and the Legislature gets to dispose. They are in the process of trying to understand exactly what this proposal is. The House is in discussion as well as the Senate. This is a very complex budget. The governor is pitting groups against each other. They plan to hold forums here in Freeport on the 30<sup>th</sup> of this month. He encouraged everyone to ask questions of the Appropriations Chair.

Representative Gideon made reference to information that she provided. Chair Sachs explained that this particular information will be on the Town's website tomorrow. Senator Gorzofsky mentioned that this is a moving target. Representative Gideon explained what happens during the budget process. The public hearings last about six weeks. The real work in the Appropriations Committee starts in April. Maine has to have a balanced budget and it requires 2/3 to approve it. It is a very challenging project. The Governor is proposing massive changes to Revenue Sharing and also taxing non-profits in conjunction to that revenue sharing piece. There are lots of other changes included in the budget. She feels it would be helpful to hear from Freeport so they can go back and share those messages and do their work well for the community.

Mr. Joseph provided a brief summary of the impact from a Municipal point of view. Freeport would lose \$316,000 in revenue sharing but the most important thing is that we would not be receiving the \$700,000 we lost back in 2008. Keith McBride of FEDC estimated \$18.6M in sales tax would go from Freeport to the State in sales tax and 5% would be in the range of \$900,000 which is what we were receiving six or seven years ago. Bob Konzal explained that for the Business Equipment Tax Reimbursement, \$450,000 would be lost to the Town or 35 cents on the tax rate. This would be phased in over four years. Mr. Joseph mentioned that these are estimates based on what could happen.

Homeowners 65 years and older would receive \$20,000 under the Homestead Exemption. Anyone under that age would not receive anything. Mr. Konzal doesn't think there will be a significant shift in the budget for this but the Town does not know how old homeowners are in Freeport. He estimated for the tax rate in general, Freeport would go down 2 cents. At this time, we do not know what the tax rate will be.

Regarding Taxation of Non-Profits, it would be mandatory to tax properties over \$500,000 in value. Mr. Konzal looked through the property records and determined that the Freeport Historical Society, Pine Tree Academy, Waldorf School, Wolfe Neck Farm, YMCA, Preservation Management and Freeport Community Services could be affected. Freeport could gain \$150,000-\$200,000 if we tax non-profits. Mr. Joseph noted we would have less revenue from the State and this does appear to be a positive action for the Town. Under this proposal, some people may do really well but some may do really badly. Mr. Joseph noted that the changes are pretty much negative and we are looking at a \$700,000-\$800,000 revenue loss over the next few years. These are large numbers that we cannot make up through efficiencies.

Chair Sachs moved to the public part of the meeting and suggested putting a five minute limit for speakers. She invited anyone in the audience to come up and give their thoughts.

Helen Breña, CEO of the YMCA of Southern Maine spoke regarding the Casco Bay YMCA. She shared her concerns and noted that the tax proposals could impact the Casco Bay YMCA by \$156,000 and it would be hard to make that up. They would be faced with tough choices on what they will need to cut and could affect as many as 2,800 people in our community. Scott Kraus explained that we would all lose and shared stories of individuals that have been helped by the YMCA.

Tom Bull explained that he lives on South Street and is President of FCS. He thanked the Council for recognizing the Founding Mothers earlier this evening. He noted that FCS is the lifeline for people living on the edge by providing food, fuel and clothing. The conservative estimate is roughly a \$12,000 tax bill. That is half of their summer lunch program. They don't have a slush fund to pay a \$12,000 tax bill. They run efficiently and don't have a lot of frills. He provided a fact sheet showing their numbers.

Tyler Kolle explained that he serves on the Waldorf School Board and noted they do not have a slush fund. There is never anything left over that could be allocated to taxes and there is no way to raise that money. They have a low tiered tuition. The school will be affected by the increased sales tax on the services and products they buy in Freeport for buildings and grounds repairs. They were hoping to build a high school in Freeport but will not be able to do that. They will most likely have to continue to rent space. He doesn't have figures to share and does not know what the potential tax bill would be.

James Myall, Executive Director of the Freeport Historical Society explained that they manage the Pettingill Farm and the Harrington House. Their tax bill could be \$15,000 and would represent a huge chunk out of their budget. They have three staffing positions. He explained the services they provide yearly. They are very concerned about what is being proposed.

Brendan Krueger, Principal of Pine Tree Academy explained that they have 135 students and listed all the services they provide in the community. He mentioned that they would be unable to pay any tax bill with their current situation. It would jeopardize their ability to provide quality instruction at their current level.

Dave Herring, Executive Director of Wolfe Neck Farm explained that they are a 626 acre coastal property. The estimate of a \$32,000 tax bill would be a huge hit to Wolfe Neck Farm. He mentioned all the activities that currently occur on the farm. They are about to launch a new program to support the future of organic dairy production in Maine and New England and this is not the time to levy a new tax on Wolfe Neck Farm.

Councilor Hendricks thanked everybody for speaking tonight. He is aware of all the great things our non-profits do in our community and how they will lose in the Governor's proposed budget agenda. He feels it is devious the way the Governor put his budget out this year. He is pitting community against community. This is a tax burden shift from the State to communities. When a community brings in close to \$20M in sales tax, there is impact providing that sales tax on our roads, infrastructure, etc. We work hard to keep our burden low and this will force us to increase taxes or cut services.

Councilor Rixon stated that Councilor Hendricks articulated the situation quite well. He is overwhelmed hearing the significance of this issue hearing from the people that spoke tonight. He hopes this situation can be rectified.

Councilor Wellen agreed with Councilor Hendricks' comments. It appears that the wealthier individuals might make out better than lower or middle income residents. There are assumptions that towns will have to reduce their expenses. He asked for comments. Senator Gorzofsky noted that the Legislature has to convince other members on how it will impact us and they will be doing the same thing. Representative Gideon advised in income levels, that the top and the bottom do well in the Governor's plan. The Elderly do relatively well but it varies drastically for Middle income couples. It matters if there are children in the home. All of that analysis does not include the property tax impact. It is based on the income and sales tax impact with the sales tax credit.

Councilor Egan thanked everybody for coming tonight. She mentioned that Freeport runs a very lean operation and are proud of it. She is opposed to levying taxes on our non-profits. She had three ideas and asked Senator Gorzofsky and Representative Gideon to take back to Augusta.

1) There is universal agreement that we need tax reform in Maine. We have a high income tax and our sales tax can have a real regressive impact. There is an opportunity to sock it to our tourists with the sales tax and levy additional taxes on people from out of state, who are using our services but are not paying for roads, bridges, etc. The overall tax proposal package that Governor LePage has put forward actually reduces taxes overall. She wonders if it might be more appropriate to aim for something more revenue neutral and doesn't increase or decrease the overall tax burden. It just shifts it so we are able to lower the income tax and maybe expand the sales tax in some areas that make sense.

2) We know that many larger non-profits consume a lot of property which reduces the property taxes available to cities and towns and there may be a higher benchmark above the \$500,000 point that might be appropriate to make sure that our eds and meds who are also using our roads and bridges and also need to be paying for services they consume, may be able to be part of that tax package.

3) Relative to the Sales Tax, and having our tourists paying more of it than our residents, would be to have a temporary Sales Tax that would go up in the summer months so that it would affect the tourists and not our residents. These are her ideas and not from the Council.

Councilor Tracy feels it is premature for her to make comments at this time. She asked the Senator and Representative if in their travels, there are helpful references that digested the Governor's proposal that

would be helpful to our residents and the Council as it tries to figure it out. Representative Gideon explained that it is difficult to find one place of reference. She offered to aggregate the results of the public hearings because that is the best way to understand the impact hands on from those who will see the impact. She noted how tough it is to get hands around a good analysis of the budget. She mentioned that by May they will know what they are talking about. Senator Gorzofsky mentioned giving out information now would be dishonest because it is only today's snapshot. He mentioned that MMA's numbers will change every week. The process is just starting and as they go down the road they can get the Council information that will tell you what the numbers are but the Council will have to remember that the snapshot is of that day or of that period. He understands the Council needs numbers now to begin its own budget and needs to know what the Town will get or not from the State and how it will relate to property tax and mil rate. They won't have it for a while but when they have it, they will share it. He invited the Council to participate in their forums. Representative Gideon explained that she felt the Income Distribution Analysis from Maine Revenue Services would be out by now but it is late. There is no date set. It will be a public document. Councilor Tracy appreciated Senator Gorzofsky and Representative Gideon coming in this evening.

Bob Konzal noted he would like to reach out to the eight or nine non-profits and have a separate meeting with them. Mr. Joseph encouraged them to come in and discuss what they might be looking at.

Councilor Gleeson shared his concerns with the non-profits. He mentioned how they impact his family. Revenue sharing has always perplexed him. He has discussed with the Town Manager about how a town that contributes so much to the State Sales Tax and how we added an extra police officer to try to make sure people are more secure on really busy days and how we are trying to make Freeport a safe, fun environment for tourists to visit at great expense. He did not have any specific questions because he will need to see more detail. He appreciated them both for being here.

Chair Sachs thanked Senator Gerzofsky and Representative Gideon. Freeport last year put together a 1.2% increase on its Municipal side, which was less than the previous year and passed it without knowing our Revenue Sharing amount. Freeport is lean and efficient. She feels Councilor Hendricks said it well that this is pitting municipality against municipality. Pownal will be devastated by this impact because they do not have the resources. They are part of our school district and we are all in this together. She encouraged everyone to continue to talk to the Council and to the Legislative Representatives to let them know where their priorities are. She will look forward to any information updates moving forward.

Senator Gerzofsky advised that he and Representative Gideon do not plan to vote on a budget that pits community against community or groups against each other it does not build communities, it destroys them. All representatives across the state will be impacted and they have to figure out how to make it work.

## **2. Presentation of 5-Year Capital Program.**

Mr. Joseph and Jessica Maloy, Finance Director, shared a PowerPoint presentation on Freeport's Proposed Capital Improvements Program for FY2016-FY2020. Mr. Joseph explained that the Operating Budget will be coming before the Council in a month and a half. What the Council approves in the Capital Plan will become the basis for the Capital Budget's actual appropriation in the budget process.

Vie Chair Gleeson welcomed Ms. Maloy. She explained what Capital items are and what the goals for the Capital planning process. She pointed out that the Capital Plan for 2016 totals \$2,486,500. Freeport's Reserve Balance totals \$5,673,647 as of December 31<sup>st</sup>. The two largest components for 2016 are the Fire Department (30%) and Comprehensive Town Improvements (28%).

Mr. Joseph pointed out in the Police Department, there are requests for two new squad cars and a Department redesign for lockers. He displayed a picture of the proposed Ford SUVs.

The **Fire Department** is proposing to replace Engine 3 at a cost of \$750,000. A picture of the 27 year old vehicle was displayed showing how well it has been taken care of.

The **Rescue Department** is proposing to replace a 2005 Rescue 2 at a cost of \$196,000. The new ambulance will replace Rescue 2 along with Rescue 1. It will reduce the fleet from five units down to four.

**Public Works** is proposing to replace a dump truck chassis with plow and wing (\$213,000) and also to refurbish a wood chipper at a cost of \$10,000.

**Solid Waste/Recycling** is requesting to replace Baler #1 at a cost of \$20,000 and closure of the remaining landfill which was discussed last year at a cost of \$150,000.

**Comprehensive Town Improvements:**

- School Street Leon Gorman Park Parking Lot -\$25,000
- Parking Lot Conversion for RVs-\$10,000
- Culvert replacement projects (5) -\$85,000
- Litchfield Road Reconstruction-\$430,000 (picture was displayed)
- South Freeport Village Drainage-\$135,000
- Total FY 2016-\$685,000

**Municipal Facilities:**

- Computer Upgrades-Town wide - \$21,000
- Flooring-Town Hall Carpet-\$25,000
- Library Flooring-\$25,000
- PW Radio Repeater-\$25,000
- Recondition Floor Drains in Public Works Garage-\$30,000
- Vehicle Lift Machine Renovation-\$7,500
- Maintenance Mowing Tractor-\$9,000
- LED Lighting outside at Library/Public Works/Town Hall-\$6,000
- Town Office Improvements-Windows and Heat Pump-\$12,000
- Revaluation Reserve Fund-\$10,000
- Total FY 2016-\$170,500

**Cable** is requesting \$3,000 for Equipment and other improvements (Channel 14)

**Boards, Committees, Community Groups and Other Requests**

- Davis Mausoleum Repairs-\$10,000
- Replacement of harbormaster Outboard Motor-\$25,000
- Total FY 2016-\$35,000

**Destination TIF Village Improvements-windows**

- Sidewalk Improvements-Snow Street to Justin's Way-\$65,000
- Sidewalk Ramp detectable panel replacement (8) - \$6,000
- FEDC-\$95,000
- Total FY 2016-\$166,000

Councilor Hendricks noted how helpful it was to be able to see the items rather than just reading the papers. He would like the presentation e-mailed to Councilors. Mr. Joseph agreed and gave credit to Ms. Maloy for doing all the boring word parts while he had an opportunity to go out and take pictures. It will

be put on the Town's website. He has been trying to add more information to the Capital program as he goes. Councilor Egan would like to see charts showing how much is left in reserve funds.

Chair Sachs pointed out that some of these aspects will be presented by different various parts of the town such as Traffic and Parking, FEDC, etc. in upcoming workshops. She explained opportunities coming up to speak to the Town Engineer. In the past requests should be sent to Mr. Presgraves and cc'd Mr. Joseph so he is aware.

Mr. Joseph suggested that Councilors can call him or Ms. Maloy or set up meetings if they have any questions. They would be happy to sit down with Councilors. Councilor Tracy mentioned that if somebody has a meeting with the Town Manager or Finance Director, obviously they will not reproduce what is discussed. If Councilors have e-mail questions asking for written responses, she feels it would be helpful to share the information with all the Councilors. Mr. Joseph agreed and noted that when the questions are received, he will send out replies to all the other Councilors. If anyone is not happy with Mr. Joseph sharing the information, he needs to know ahead of time.

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**MOVED AND SECONDED:** To adjourn at 9:30 p.m. (Tracy & Hendricks)  
**VOTE:** (7 Ayes)

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Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #06-15**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, MARCH 17, 2015 – 6:30 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
James Hendricks, 21 West Street	x		
Kristina Egan, 5 Weston Point Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Andrew Wellen, 83 Hunter Road			x
Scott Gleeson, 23 Park Street	x		
Sarah Tracy, 75 Lower Flying Point Road	x		
William Rixon, 66 Varney Road	x		

Chair Sachs called the meeting to order at 6:32 p.m. and took the roll. She explained that Councilor Wellen is excused this evening and extended a “Happy Birthday” to him. She noted that Councilor Hendricks will be arriving later.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #05-15 held on March 3, 2015 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #05-15 held on March 3, 2015 and to accept the Minutes as printed.(Gleeson & Egan) **VOTE:** (5 Ayes) (2 Excused-Wellen & Hendricks)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Sachs announced:

Reminder that Heavy Load Road Postings are in effect town-wide now through May 15<sup>th</sup>, depending on weather. All regular delivery route trucks are exempt (Oil trucks, Propane Gas Trucks, Trash Haulers, Municipal Vehicles and other necessary vehicles). For a current list of posted roads, information on permit to travel on a posted road, or questions, please contact the Public Works Department (865-4461) or go to [www.freeportmaine.com](http://www.freeportmaine.com).

Mark your calendars and come enjoy the hunt for great books! The Freeport Community Library Annual Book Sale runs from April 4<sup>th</sup>-9<sup>th</sup> this year. Book sale hours start at the opening of the Library each day and close 30 minutes prior to the Library closing. If you want to donate books, drop off week is 3/30-4/4!

The 2<sup>nd</sup> Annual Edible Book Festival will be taking place on Wednesday, April 15<sup>th</sup> at the Freeport Community Library. It doesn't matter if you are a professional chef or just like to play with your food, a child or an adult, you're invited to participate. All entries must be edible and based on a book or a poem. Community members are encouraged to attend and cast their vote for their favorite edible book. **You CAN have your books and EAT them too!**

**Tuesday, April 7<sup>th</sup> is FREEPORT DAY AT THE NORDICA THEATRE.** Residents of Freeport are welcome to view a movie absolutely free! Donations for the Freeport Historical Society will be collected. *Proof of residency is required.*

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Rixon advised that last Wednesday he and Patrick Norton traveled to Augusta to the Marine Resources Committee Hearing and hand carried the Resolution approved earlier by the Council. He spoke in favor of the Bill. He plans to continue to follow that Resolution and will keep the Council posted. He noted the meeting was well attended and all of the testimony was favorable.

Chair Sachs explained that she attended a Traffic and Parking meeting this morning. The work the Council heard about in a Traffic and Parking Workshop about creating some signage and street markings for safe passage for bicycles was discussed. They plan to make it more clear in two problematic areas, particularly the Desert Road/Shaw's Intersection. There will be a few more markings than was originally thought and will be about \$1,500 a year in ongoing maintenance. She noted the Council would not see it in this year's budget year because hopefully PACTS funding will come through for that. The Council will see it in next year's budget. The on-going maintenance costs for refreshing those markings every year was felt to be important. The Committee also did some work around recommendations for Project Review if the Denney Block project goes forward. They did review those thoroughly in terms of lighting and safety in some of those areas and discussed the workshop.

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

Mr. Joseph reported:

**Solarize Freeport**

This program has kicked off over the past few weeks with a flurry of activity. Town Planner Donna Larson has received the following update from the selected installer for the project:

- Three PV systems are currently under contract, and three additional households are reviewing proposed contracts.
- Three additional households have been provided formal quotes for consideration. Twenty-six additional households are currently at the phone consultation stage.
- Eight households have dropped out of the process due to various reasons such as poor site, too much initial cost, didn't want to invest at this time, etc.
- One hundred forty-four households in total have requested a quote.
- There are 188 subscribers on their mailing list.

The program was designed with a three-tiered pricing plan, and prices drop for all purchasers as each successive "tier" is reached. It's expected that twelve to thirteen average residential installations will be required to reach the top, most affordable tier, although we hope to surpass that number by a wide margin. It appears that we are well on our way, and we look forward to regular updates throughout the process.

Mr. Joseph noted that this project was done with minimal investment by the Town other than Staff time and with great results. He thanked Ms. Larson for her good work. Councilor Egan mentioned that her husband, Alan Caron attended the meeting and felt strongly that Ms. Larson has done a terrific job. He provided comments to the *Press Herald* on Thursday congratulating Freeport for being a leader in solar and congratulating Ms. Larson for finding a no cost to the taxpayer but fantastic program that will help residents.

**County Tax Information**



We have received certified notice of the Town of Freeport's FY16 County tax obligation. Our total tax levy payable to Cumberland County will increase this year by 7.14% to \$941,811. The overall county-wide tax burden for this year has increased 5.35% from \$25,413,304 to \$26,773,596. Freeport's apportionment of the total county-wide tax burden increased was higher than the county-wide rate of 5.35% because our total state valuation increased by 3.7% this year, while the total county-wide state valuation only increased by 1.97%. Due to our higher growth in taxable valuation this year as compared to other Cumberland County Municipalities, we are assessed a proportionally higher portion of the county-wide tax levy.

In a worst case scenario (assuming no increase to the local property tax base) this would increase the County portion of the local property tax rate from \$.066 per \$1,000 of valuation to \$.071 per \$1,000 of valuation. A taxpayer with an average residential property value of \$220,000 would pay an additional \$11 as a result. It is likely that the actual impact will be somewhat less than this estimate. A breakout of impacts by Town as provided by Cumberland County can be found following this report on the Town's website under Town Manager's Report.

Councilor Egan asked Chair Sachs, who served as Freeport's liaison to the County last year, to explain what the County provides with Freeport's money. Chair Sachs explained that this covers some County services, the Cumberland County Sheriff's office, County Registrar, County Tax Collection Office, various social service agencies that they feel have a County impact, the Civic Center and its administration, the District Attorney and some Courts. She pointed out that she voted against their budget because she felt it was not reflective of some of the efforts we are making on a Municipal level. She did not see that same rigor in the Cumberland County Budget. She is still deemed our liaison this year. She serves in District 3.

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

There were no public comments provided.

Chair Sachs pointed out that our friends in Pownal have lost two great public servants this week. Dr. Patricia Adams Searfoss served as a pediatrician to many Freeport families and Darrel Thurber who was a long time Road Commissioner. Chair Sachs extended her condolences to the entire community.

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

ITEM #39-15                      To consider action relative to adopting the March 17, 2015 Consent Agenda.

**BE IT ORDERED:** That the March 17, 2015 Consent Agenda be adopted.  
(Sachs & Egan)

Chair Sachs explained the four Virtualers' licenses on the Consent Agenda for members of the public. Vice Chair Gleeson pointed out that Thomas J. Hudak's name was misspelled on the Consent Agenda but it is correct on the application.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Wellen)

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ITEM #40-15                      To consider action relative to a proposed contract between the Town of Freeport and Denney Block Freeport, LLC for the enactment of a Contract Zone for an infill development between 56 and 58 Main Street.

**BE IT ORDERED:** That a Public Hearing be scheduled for April 7, 2015 at 6:30 pm in the Council Chambers at Town Hall to discuss a proposed contract between the Town of Freeport and Denney Block Freeport, LLC for the enactment of a Contract Zone for an infill development between 56 and 58 Main Street.

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

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Wellen)

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ITEM #41-15

To consider action relative to an amendment to Chapter 2: Administrative Code, Section 614.1 regarding membership changes to the Traffic & Parking Committee as recommended by the Ordinance Committee.

**BE IT ORDERED:** That a Public Hearing be scheduled for April 7, 2015 at 6:30 pm in the Council Chambers at Town Hall to discuss an amendment to Chapter 2: Administrative Code, Section 614.1 regarding membership changes to the Traffic & Parking Committee as recommended by the Ordinance Committee.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Tracy & Egan) **ROLL CALL VOTE:** (6 Ayes) (1 Excused-Wellen)

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**OTHER BUSINESS**

1. Council Workshop on 5-year Capital Program.

Chair Sachs thanked the Department Heads for being here this evening.

**Article 1-Police Department:** Chief Scofield pointed out that the is requesting two new squad cars at \$34,000 each and a Department redesign for lockers at a cost of \$20,000. He explained that they purchased two squad cars last year and are requesting to purchase two again this year. He mentioned that the current lockers are not suitable for their use and had photos to share with the Council of the proposed lockers.

Councilor Tracy pointed out that she loves the SUVs being proposed. Vice Chair Gleeson asked the Chief if he can push a 2017 purchase of a squad car back. Chief Scofield was confident that one squad car could be pushed back from 2017.

**Article II-Fire Department** - Deputy Chief Sylvain explained that they are proposing to replace Engine 3 at a cost of \$750,000. It is 27-years old and their replacement schedule is 21 years. It has 126,000 engine miles. If it is traded in upon buying a new vehicle, the Town would most likely get \$8,000 for it from the manufacturer. The average asking price is \$24,000 but prices are all over the place for a fire truck with this mileage. Deputy Chief Conley pointed out some of the issues that are starting to show up on Engine 3 will need to be refurbished. Some parts are not being made any longer and would need to be fabricated. They have concerns with the motor. Councilor Tracy asked if surrounding towns have fire

trucks similar to this one in age. Deputy Chief Sylvain advised that Yarmouth is on a 25-year replacement schedule and then they rotate their vehicles out to Cousins Island. Everybody else he spoke to is within the 10-25 year replacement policy. He mentioned that Engine 1 will be replaced next.

Councilor Tracy had questions about the Traffic Light Preemption System proposed in FY 2020 which Deputy Chief Conley explained.

Councilor Tracy had questions about the SCBA Bottle Replacement proposed in 2017. Deputy Chief Sylvain explained that there are 80 of them and they are deemed non-serviceable after 15 years.

**Article III-Rescue Department**—Deputy Chief Conley provided some history for the Council. Last year he originally requested two ambulances during the budget deliberations but then reduced his request to one. He admitted that he wished he would have stuck with his original request for two ambulances now because he has one Rescue totally out of service. They started the year out with five ambulances and are now down to four. He is confident that four will take care of our needs. Rescue 2 is out of service even though a lot of money was spent on it. He took it off line. They are asking for the Rescue they wanted last year. That one is arriving on the 30<sup>th</sup> day of March. It was a nine month build-out. It will replace Rescue #3 which is the oldest in the fleet. The 2015 Chevy ambulance he will talk about tonight will replace Rescue #1 which is a 2007. Rescue #2 is basically gone. He will make due with four ambulances and he is perfectly comfortable with the four with the number of calls that come in. He provided some history on the reliability of the fleet in the past. He mentioned that they are able to keep their reserve fund fairly stable with the dedicated revenues coming in from ambulance billing, etc. More discussion followed on the service lives of Rescues. Mr. Joseph offered to re look at the numbers if they are staggered.

Councilor Egan referred back to a spread sheet for **FIRE** and wanted to know why other towns were able to purchase fire trucks for a half million dollars. Deputy Chief Sylvain explained that those lower costs do not include equipment. He is confident that the actual fire truck and equipment will come in less than the \$750,000. He is hoping to find a buyer for Engine 3. Councilor Tracy noted she hopes costs will come in lower. Councilor Egan pointed out that this is Freeport's largest capital item and she would like assurance that there has been recent conversation with towns such as Yarmouth and Falmouth to see if perhaps \$100,000 could be knocked off in a group purchase. Deputy Chief Conley mentioned that he would make an attempt to see who else is looking to purchase a fire truck with similar engineering. Councilor Tracy asked Deputy Chief Sylvain to put a finer point on his pencil and try to cut the wiggle room down a little. It would be helpful to the Council. Deputy Chief Sylvain advised that he has tried this in the past but never had any success. He will be finalizing the price list and getting it out to vendors.

Chair Sachs noted that pictures of some of the items in Mr. Joseph's last week presentation are available on Mr. Joseph's Pad. Mr. Joseph also explained that last week's presentation is on the front page of the Town's website but he will E-mail it out to Councilors.

**Public Works -Article IV:** Albert Presgraves explained that they are proposing to replace a 10-year old dump truck chassis with plow and wing (\$213,000). He explained that the service life should be 8-12 years since they are now made of stainless steel. He mentioned that these trucks are much more off the shelf than a fire truck. It is car shopping rather than custom designing. Mr. Presgraves explained that refurbishing the wood chipper would be a good deal at a cost of \$10,000. It should last five more years.

**Solid Waste/Recycling-Article V:** Mr. Presgraves noted they have three balers but are proposing to replace cardboard Baler #1 at a cost of \$20,000. It is 25-30 years old. He has begun talking to the DEP about the process of closing the landfill. Since he has landfill engineering experience he has gotten movement on their part to see the reasonableness of his position. We want to close it with the same specs and standards that we used to close the landfill sort which they already approved and haven't changed the rules on. It shouldn't require a big engineering study to determine what the design should be or anything

else. He is confident that they will be reasonable if we pursue this. The advantage of doing that this year is that Mr. Presgraves will be here to do the project. He may not be here to do that project after next spring. Closure of the remaining landfill is estimated to cost \$150,000. The advantage of doing it sooner is that the required minimum 30-year monitoring period will end sooner. Every year it is put out stretches into the future.

**Comprehensive Town Improvements-Article VI:**

School Street Leon Gorman Park Parking Lot -\$25,000 (Mr. Presgraves explained that this was paved 25-20 years ago and is getting cracked up)

Parking Lot Conversion for RVs-\$10,000 (This was discussed at Traffic and Parking this morning)

Culvert replacement projects (5) -\$85,000 (Public Works cannot safely do these) Hunter Road is proposed to overlay this year so the culvert should be done before the overlay. Mr. Gibson explained how a culvert along with a driveway was lost in South Freeport two years in a row. The plan is to put two culverts side by side but it will be contracted out.

Litchfield Road Reconstruction-\$430,000 (It has been in bad shape for a while. Most of the houses in the subdivision have been built out. It was shimmed a few years ago and if we don't do a rebuild, we will be looking to do that. Mr. Presgraves noted that a rebuilt road should be able to withstand some truck traffic for building houses.

South Freeport Village Drainage-\$135,000 (Mr. Presgraves pointed out the drainage needs are more than he guessed. He is proposing to just do the drainage work this year. This is a factor that made sense to do Litchfield Road this year. It will give the utility companies an extra year to do whatever repair work they need to do down there in South Freeport.

Councilor Egan noted that her constituents are hoping that the reconstruction work will be done this year. She asked if it is possible engineering wise to accomplish the drainage work, utilities inspections and upgrades and the reconstruction work at the same time in the same year. Mr. Presgraves noted he has no control over the water and sewer utilities and his strong guess is that they cannot get to it in this construction season. Councilor Egan mentioned that Park Street is in such bad condition and Mr. Presgraves offered to look over the whole thing and will get a cost estimate on a piece of Park Street for the Council. Councilor Egan invited Councilors to take a look at Park Street. Mr. Presgraves mentioned that this is part of the \$340,000, 2017 South Freeport Village Road Reconstruction. Chair Sachs asked Mr. Presgraves to talk about the cost to do just that piece. There is an inherent savings in doing it all at once as opposed to piece mealing it out. She mentioned that Wardtown Road residents lived for many years with a sub par road and she understands that there may be some folks in South Freeport that are unhappy but she believes Mr. Presgraves hears this often from different areas in Freeport and the Council needs to recognize the bigger picture. Mr. Presgraves pointed out that both utilities have been aware of this project for close to twelve months and maybe longer and they still are not doing anything quickly.

Vice Chair Gleeson brought up the Parking Lot Conversion for RVs. Mr. Presgraves explained that it is five years out so from the budget process standpoint, the Council does not have to worry about it but it is an obligation. Chair Sachs mentioned that it was talked about in Traffic and Parking. That five year number is somewhat arbitrary. The Council could certainly talk with the landowner to extend it to 10 years or the Council can choose not to fund this at all. The Council can choose to move it down in the Capital program and can also move it to FY 2019. This is a place holder to remember to talk about it. There is lots of flexibility in this proposal if the Council chooses to move forward with it. It would cost \$10,000 to convert it at this point in time if the Council wishes to do so.

Mr. Presgraves mentioned that it is reasonable to ask for a ten-year commitment also but we need to remember the whole idea of converting that parking lot to RV parking is something we want. The landowner is fine leaving it just the way it is. He does not need it to happen. Chair Sachs noted it has been

defined as a need by the Traffic and Parking Committee but the Council needs to decide if it wants to entertain it this year, another year or not at all.

### **Municipal Facilities-Article VII:**

Mr. Presgraves pointed out that No. 4, 5, 6 and 7 relate to Public Works. Mr. Joseph explained the need for the Public Works Radio Repeater. When Public Works' trucks are in certain locations, we cannot talk to them. There are radio problem areas in Winslow Park, Flying Point and Lower Flying Point. Mr. Gibson explained that he will have a repeater installed in his truck.

1. Computer Upgrades-Town wide - \$21,000
  2. Flooring-Town Hall Carpet-\$25,000 (Jessica noted it is in poor shape)
  3. Library Flooring-\$25,000 (Jessica noted it is in poor condition)
  4. PW Radio Repeater-\$25,000
  5. Recondition Floor Drains in Public Works Garage-\$30,000 (in bad shape)
  6. Vehicle Lift Machine Renovation-\$7,500 (it is old and needs renovation)
  7. Maintenance Mowing Tractor-\$9,000
  8. LED Lighting outside at Library/Public Works/Town Hall-\$6,000
  9. Town Office Improvements-Windows and Heat Pump-\$12,000 (really necessary)
  10. Revaluation Reserve Fund-\$10,000 (pays for extra help and contractor work)
- Total FY 2016-\$170,500

Councilor Egan referred to the Public Safety Roof Replacement proposed in FY 2017 and asked if the Town will be able to take advantage of the Federal tax credit so that when the roof is replaced we can also put up those solar panels at a low cost. Mr. Joseph explained how complicated the different ownership models are. He offered to do a rough cost benefit to see if we can push the roof off three years. Councilor Egan noted that a conversation needs to be had on this subject. If the Council is thinking about moving something around, Councilor Tracy would like an explanation in consideration of tax credits, what the benefit for the Town is. Mr. Presgraves advised that the roof can be pushed out because it is not necessary to do, which is the reason it was pushed out a year. If the solar project makes sense to do at a certain time, we will get the roof done first but we will have to move it back up. He agrees that the solar roof project, options and costs and benefits needs to get back on the burner.

Councilor Tracy noted that the Council again has the Library's Children's Room expansion for \$300,000 in FY 2020. This is something the Council has talked about.

**Cable-Article VIII:** Chair Sachs noted that they are requesting \$3,000 for Equipment and other improvements (Channel 14). Jessica speaking for Rick Simard, explained that he has removed the request for the Cable TV which was typically \$10,000 in subsequent years. He is able to push that off and is just requesting the annual replacement of camcorders and dvd recorders. Chair Sachs hopes Rick has recovered.

### **Boards, Committees, Community Groups and Other Requests-Article IX:**

Davis Mausoleum Repairs-\$10,000. Mr. Joseph explained that we hold trust funds for Burr Cemetery and they are requesting funds for some serious work that needs to be done to the interior of the Mausoleum. Iron and steel supports are corroded and moving at this time. The request is to do the repairs before it becomes a structural failure. We hold \$10,000 in the cemetery trust funds and Chris Stilkey estimates it could cost up to \$5,000 to do the repairs. There are no firm cost estimates yet. These are not Town funds but we have money earmarked for the Davis Mausoleum. It is the Davis Family Mausoleum but it is on the Burr Cemetery Association property.

Replacement of Harbormaster Outboard Motor-\$25,000. Vice Chair Gleeson mentioned that in the bidding process, he recommends going with an industry standard reliable engine and he does not believe it will cost \$25,000. He suggested looking at a Honda or Yamaha engine. He does not recommend getting another Evinrude. Councilor Egan did some due diligence and is confident that a new engine can be purchased for a lot less. The 2007 engine can always be sold.

Mr. Joseph noted that we can write the rfp that price is not going to be a selection. We want your best price but if two or three people are selling Honda 250s four strokes, we will compare them but we will assign a value in addition to price. In bold letters at the bottom of the bid spec we will say this will not be a low price bid selection. Vice Chair Gleeson noted that the Coast Guard has Honda engines. Mr. Presgraves and Mr. Joseph agreed with Vice Chair Gleeson that Hondas are good motors.

Total FY 2016-\$35,000

**Destination TIF Village Improvements**

Sidewalk Improvements-Snow Road to Justin's Way-\$65,000

Sidewalk Ramp detectable panel replacement (8) - \$6,000

FEDC-\$95,000

Total FY 2016-\$166,000

Mr. Presgraves noted he was here to talk about the ramps. Mr. Joseph explained the sidewalk improvements proposed from the Snow Road to Justin's Way. There is no sidewalk down to Snow Road and it is a common route to school. Councilor Tracy asked how often community people drive on the Snow Road. Mr. Joseph explained that there is high traffic there at specific times. Councilor Tracy wondered if there is a need for a sidewalk back there. Mr. Presgraves pointed out that the high school reconstruction project includes a new bus turn around in the back of the high school right off Snow Road and will have sidewalks there and there is some anticipation that Snow Road will be used more than it is now by buses and kids. They are including a sidewalk on Snow Road on their property and this proposal is to connect to their project on Justin's Way. Chair Sachs pointed out that this is with TIF funding and is a very specific use.

Mr. Presgraves referred to his \$6,000 sidewalk ramp detectable panels. These are ADA panels all around town. He noted that he likes the 12 inch square composite concrete but they don't hold up well to snowplows so he would like to try some new products that are cast iron with a baked on gray color.

Chair Sachs noted that FEDC is in this category. Councilor Egan asked if the town was done with theater payments. Chair Sachs pointed out that they have been moved down as committed funds. Councilor Egan had questions about the TIF Fund Balance which Mr. Joseph explained.

Chair Sachs pointed out that the Council will have a workshop on March 24. On April 7 we will have a long meeting. There is a public hearing scheduled on the Denney Block, a public hearing on the Traffic and Parking Ordinance, a public hearing on this Capital Program after which we can have a discussion on what we want to move and switch. If anyone has questions, concerns, or need more information, the time to do that is between now and April 7<sup>th</sup> so you can come ready to go with your concerns or amendments. The meat of the work will be done on April 7 and hopefully we can move forward with very minor tweaks on the 14<sup>th</sup>. It is the same process we have used in the past.

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**MOVED AND SECONDED:** To adjourn at 9:30 p.m. (Egan & Tracy)  
**VOTE:** (6 Ayes) (1 Excused-Wellen)

Respectfully submitted,

Sharon Coffin  
Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #07-15**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, APRIL 7, 2015 – 6:30 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
James Hendricks, 21 West Street	x		
Kristina Egan, 5 Weston Point Road	x (arrived at 6:33 p.m.)		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Andrew Wellen, 83 Hunter Road	x		
Scott Gleeson, 23 Park Street	x		
Sarah Tracy, 75 Lower Flying Point Road	x		
William Rixon, 66 Varney Road	x		

Chair Sachs called the meeting to order at 6:31 p.m. and took the roll. She noted that Councilor Egan is expected shortly.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #06-15 held on March 17, 2015 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #06-15 held on March 17, 2015 and to accept the Minutes as printed. (Gleeson & Tracy) **VOTE:** (6 Ayes) (1 Excused-Egan)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Sachs announced:

Reminder that Heavy Load Road Postings are in effect town-wide now through May 15<sup>th</sup>, depending on weather. All regular delivery route trucks are exempt (Oil trucks, Propane Gas Trucks, Trash Haulers, Municipal Vehicles and other necessary vehicles). For a current list of posted roads, information on permit to travel on a posted road, or questions, please contact the Public Works Department (865-4461) or go to [www.freeportmaine.com](http://www.freeportmaine.com).

The Freeport Community Library's ANNUAL BOOK SALE runs through April 9<sup>th</sup> this year. Book sale hours start at the opening of the library each day and close 30 minutes prior to the library closing.

And, the 2nd ANNUAL EDIBLE BOOK FESTIVAL will be taking place on Wednesday, April 15<sup>th</sup> at the Freeport Community Library. It doesn't matter if you are a professional chef or just like to play with your food, a child or an adult, you're invited to participate. All entries must be edible and based on a book or a poem. Community members are encouraged to attend and cast their vote for their favorite edible book. You CAN have your books & EAT them too!

The National Drug Take Back Program will be taking place on Saturday, April 25<sup>th</sup> from 10:00 a.m. – 2:00 p.m. at the Freeport Public Safety Building. Residents can bring unused, unwanted or expired medications to the Public Safety building for proper disposal. A list of acceptable items and how to



properly store them can be found on the Town's website or by calling 865-4800. **This year the Police Department is asking participants to bring a donation for non perishable food items, or personal care items that will be given to Freeport Community Services!**

**Please note:** The Freeport Police Department has installed a secure permanent drug drop off box in **the lobby of the public safety building!** Residents can drop off expired, unwanted or outdated drugs at the public safety building during their normal business hours. (Sunday thru Saturday 8 am – 4 pm). **PLEASE DO NOT Dispose of Sharps in this container!**

You are Invited to an Active Living Public Forum on Wednesday, April 29, from 6:00 pm to 7:30 PM at the Freeport Community Center. Come hear two leading traffic engineers speak about national and regional trends in the design and implementation of improvements to roadways for all modes of transportation. Learn about the concept of "Complete Streets" and hear what communities are doing to implement low cost solutions to encourage, enhance and improve the travel experience for all users; rail, bus, car, bicycle and pedestrian.

Freeport Players is holding AUDITIONS for LOVE & LOBSTERS, a new musical by John Linscott April 12 & 13, 6:30 p.m. Freeport Middle School In the tradition of classic Broadway musicals with a dose of piano / nightclub jazz, LOVE & LOBSTERS is the story of finding love and oneself in a coastal Maine town. Fun characters, catchy tunes, and a chance to be part of a world premiere. Roles for adults and older teens. Audition details at [www.fcponline.org/auditions/](http://www.fcponline.org/auditions/)

#### **FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Egan provided an update on FEDC's last meeting. They focused on Solarize Freeport and talked how FEDC can play a role and help to expand the solarize idea to our commercial businesses. They will be doing some grant writing on that. They also heard from Representative Gideon about some of the bills she is promoting in Augusta to improve the environment for solar in Maine.

Councilor Egan talked about the last Active Living Task Force meeting. They talked about the upcoming Forum. It will be exciting to talk about how to keep pedestrians, hiker, runners and bikers safe in Freeport with the benefit of having national experts coming in. She hopes everyone can make it. If anyone is interested in helping to plan the Forum a little more, the Task Force will be meeting on this Thursday at 7:30 a.m.

Ben and Jerry's Free Cone Day is coming up on April 14. Starting at noon, people can get a free cone or dish of any flavor of ice cream, sherbert or sorbet. Donations will be accepted by a local community non-profit.

On April 30 from 6-8 p.m. at the Community Center there will be a public meeting on the exploration of the Arts and Cultural Center for Freeport. There has been discussion among volunteers about whether that would be a good idea and how it has been done in other places. This is an opportunity for the public to provide their comments.

Councilor Rixon advised that the bill to establish an Ocean Acidification Council is going into work session with the Department of Marine Resources up in Augusta. He noted that the Council was in full support of that bill. He will provide information to the Council next week on what transpired.

Chair Sachs noted that she requested a joint workshop with the Chair of the RSU. She will let the Council know the date. She also attended the second community forum regarding the Governor's proposals for taxation and other things in the budget last Monday. She reminded residents that if they did not have an opportunity to give their feedback to Representative Gideon or Senator Gorzofsky, there will be another

forum in Brunswick on April 9. She was not sure of the time. Senator Gerzofsky will be hosting another forum with the Chair of the Appropriations Committee in Brunswick. It is on the Bowdoin campus and people can feel free to take advantage of that. Information can be found on Senator Gerzofsky's website.

Councilor Tracy advised that she went through the educational budget line by line with Valy Steverlynck-Horne, an RSU5 Board member for two hours last week. If anyone wants to talk to her before the meeting with the RSU5 Board, she would be happy to share what she knows.

**FIFTH ORDER OF BUSINESS:** Town Manager's Report (15 minutes)

Mr. Joseph reported:

**Spring Tree Trimming**—Note that the Freeport Public Works Department performs tree trimming and brush clearing in the spring and fall when time allows between our construction projects and plowing of snow. Crews are generally instructed to trim and clear trees and brush within the town's right-of-way as far back as reasonable. Although this can seem to be excessive in places, we can only do tree trimming on about 20% of the Town's roads every year, so it can be five years before we get back to a particular location, and things grow back surprisingly quickly within that schedule.

The tree trimming is necessary to provide adequate clearance and safety for all road users—trucks, cars, pedestrians, bicyclists and others. In addition to clearance needs, trimming provides improved visibility of regulatory and other signs, and better visibility of wildlife, pets, children and other potential interactions with vehicles. This improved visibility also increases the sight distance at curves, intersections and driveway entrances for enhanced safety.

**National Public Works Week and Open House**—The 22nd National Public Works Week/Open House is a week long national celebration of public works professionals organized by the American Public Works Association (APWA), which will take place the week of May 17-23, 2015. The Town of Freeport's observance acknowledges all the men and women employed by the Town who provide various community services and maintain community infrastructure. The theme for Public Works Week 2015 is "community Begins Here." Highlighted this year is the essential nature of Public Works services in support of everyday quality of life, now and for future generations. Public Works agencies help our community as we know it to thrive and enjoy essential modern services. We are able to have clean water, sanitation, safe streets and neighborhoods, and much more because of Public Works departments and agencies. So when you see a street sweeper or a Town plow truck, remember they are serving you and our entire community.

The Freeport Public Works Department Open House will take place on May 16<sup>th</sup>, 2015 from 9 a.m.-1 p.m. at the Freeport Highway Garage on Hunter Road. This is the first year the Town of Freeport has participated in National Public Works Week with an Open House. We plan to showcase our public works professionals and some of the equipment we use regularly. The Open House will provide an opportunity for residents, including students, to come face-to-face with the people and equipment essential to protecting the health and safety of Freeport residents, and learn more about public works and related environmental issues, in an informal setting.

**Solarize Freeport Update**—Due to high participation by residents, we are happy to announce that the Solarize Freeport bulk purchase has already reached the 3<sup>rd</sup> tier pricing, which means the lowest cost for residents has been reached! To take advantage of these bulk purchase rates or to learn more, go to [www.solarizefreeport.com](http://www.solarizefreeport.com) and register to get a quote. Solarize Freeport rates end May 2, 2015.

**Name the Moose!** Come to the Freeport Community Library to see the wonderful paper-mache animals that are on display! These magical creatures are the work of artist Nantz Comyns. Fortunately for us,

Nantz has donated the Moose to the Library so he is here to stay. The Library is seeking name suggestions, so drop off your ideas at the Library. Also Library staff will be working with Nantz on Wednesday, May 20<sup>th</sup> from 3-5 p.m. to bring the Freeport Library Fish in the children's room back to life with a full makeover. Space is limited to 15 so stop by the Library to sign up. Children of all ages are welcome.

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

There were no public comments 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 #46-15                      To consider action relative to adopting the April 7, 2015 Consent Agenda.

**BE IT ORDERED:** That the April 7, 2015 Consent Agenda be adopted.  
(Sachs & Egan)

Chair Sachs noted that one of the items 42-15 To consider action relative to donations to the Town's Heating Assistance Fund, there is an addition of Deborah McLean and Cole Tamminen that should be added to the official Consent Agenda.

**ROLL CALL VOTE:** (7 Ayes)

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**MOVED AND SECONDED:** To take an item out of order before taking up the discussion on the Capital Program. (Hendricks & Tracy) **VOTE:** (7 Ayes)

ITEM #48-15                      To consider action relative to a proposed contract between the Town of Freeport and Denney Block Freeport, LLC for the enactment of a Contract Zone for an infill development between 56 and 58 Main Street. **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Hendricks & Tracy) **VOTE:** (7 Ayes)

Guy Quartrucci of South Freeport read his statements into the public record. If the 35 feet height restriction doesn't cut it, the Ordinance should be changed for everybody, not just for any given applicant on any given day. He feels that 35 feet works fine. He provided a copy of his remarks to the Council Secretary.

Keith McBride, Executive Director of FEDC pointed out that the Comprehensive Plan talks about the height standard being outdated based on the availability of fire trucks to reach the height level. It talks about being something that should be changed. This particular proposal is based upon the topography of the site and affects one corner of the building. He does not favor contract zoning but feels this is an unusual situation and the Comprehensive Plan speaks to using contract zoning specifically on Page 16.as an opportunity to provide for desirable development in cases where there is an unusual situation going on. It is unusual because of the slope of this site and the historical nature of the buildings around it.

Cliff Goodall, Chair of the Project Review Board advised that the contract that the Council enters into with the developer is the Council's prerogative. What the wording is of that contract is for the Council to

enter into and decide and not the Project Review Board. The Board clearly thinks contract zoning is appropriate to use in this situation. He understands there may be a motion this evening to table the contract to consider considerable conditions that may be entered into with the developer. He is familiar with contract zoning and feels it is appropriate to be used in this case and encouraged the Council to do so. When he first read the contract, he noticed that these people are not asking the developer for very much in exchange for the amendment. He understands that the tabling motion will be for the purpose of perhaps considering some additional request to the developer in exchange for the contract zoning and he believes it is entirely appropriate and perhaps should be pursued by the Council.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Hendricks & Egan) **VOTE:** (7 Ayes)

Derrick Lovich asked that he be permitted to speak. He was concentrating on his reading material and didn't realize the hearing was being closed.

**MOVED AND SECONDED:** That the Public Hearing be reopened. (Hendricks & Tracy) **VOTE:** (7 Ayes)

Derrick Lovich of Pownal and owner of Freeport Wild Bird Seed Supply voiced his concerns with the volume of glass being proposed. He wrote a letter a couple of months ago. He is not here to talk about height restrictions. He advised that glass kills a great amount of birds in North America, possibly 386,000,000 to one billion. He feels this is preventable by good design and mitigation. He is not opposed to infill development and feels it is a good thing that trees are not being planned in front of these buildings. He would be willing to bring expertise to the table.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Hendricks & Egan) **VOTE:** (7 Ayes)

Councilor Rixon asked Mr. Lovich if the Project Review Board got a copy of his letter. Mr. Goodall indicated that the Board did receive a copy. Councilor Rixon asked if a copy of the letter was provided to the developer. Mr. Lovich was under the impression that the developer got a copy of his letter but he did not receive a response.

Al Berenson advised that a reduction in glass was made to the plans. Mr. Lovich did notice the reduction of glass but he still has concerns with the cornering and would like to see a little more improvement. He mentioned that fritted glass could be a perfect compromise that would work really well. He described fritted glass and mentioned that it is not more expensive than regular glass. It is opaque rather than transparent. He could not provide local examples of fritted glass.

Councilor Wellen noted that he continues to believe that this contract zoning request should be denied. The criteria for contract zoning in our Ordinance is unusual nature and unique location. He interprets it in a broader sense. All the other buildings are at the current height level and have the same topography. He asked if the Council would allow each of those other buildings to increase their heights. That is the risk in this case so he feels the council should vote no. The developer can stick with the current height guidelines and make it work or he can advocate for the Council to create a different zoning for that area or perhaps create a new area and see if the Boards that work on zoning in Freeport feel it makes sense. Not that the Ordinance Committee needs ore work but he feels it should look broadly at this Ordinance and 1) evaluate whether we should have contract zoning. A lot of Maine municipalities and around the country do not allow for it. The way we have it set up does not make sense where the initial approval comes to the Council first. He feels the Council are not specialists on this issue and it should go through the normal zoning process first.

**MOVED AND SECONDED:** To table this item. (Gleeson & Egan)

As the District One representative, Councilor Gleeson feels it is important that the Council talk about the contract zone and make sure certain things are met. A large amount of residents had concerns about the large amount of glass originally proposed. He believes the second round is in a good direction but there needs to be some protection that we are definitely getting to this point. If the contract zone comes to the Council, we need to work with our Town Attorney on a few things:

- 1) that the facade design including materials and percentages of glass is relevant to the historical district downtown and that it fits in and doesn't stand out.
- 2) Requiring that freight loading and unloading occur in the alleyway.
- 3) Public access to the elevators that has already been discussed.
- 4) We are losing some open space and we need to determine street scaping and sidewalk improvements.

These are things that need to be hammered out with the Town Attorney.

Councilor Hendricks asked how long Councilor Gleeson wants to table this application and how he proposes to hammer it out. Councilor Gleeson sees this as having a set outline with the Town Attorney and assure that this latest design goes forward. He is not interested in stalling this to a ridiculous time of year.

Councilor Egan supports tabling this tonight and suggested having a Council 20-minute workshop to talk about some of the improvements the Council would like the developer to make. Ms. Lawson advised that this to go through design review and there has already been a conceptual review of that. It is nearly impossible to separate the height from the rest of the project. This is the third draft and they need to come back.

Mr. Joseph explained that all the things Councilor Gleeson itemized were cleared with the Town Attorney and are viable for inclusion in the contract. Chair Sachs explained that the hope is to bring this back on May 2<sup>nd</sup> with the proposed language which the Council will see in the draft on April 14 and have an opportunity to comment on it. She is not sure a workshop is needed.

Councilor Rixon is in favor of tabling this this evening. He hopes that Mr. Lovich and the developer will be in more direct communication and Mr. Lovich will be more of a consultant on how to handle this glass issue. Councilor Wellen asked who will decide what the motion will include. He plans to vote against it. The Town Manager advised that he and the Town Attorney will be in communication with the developer. The communication needs to happen here or needs to be less than three Councilors. He could work with the chair, vice chair, and the developer.

Councilor Tracy has no problem with tabling but has concerns about the conditions being developed by a select few people without the input of people that do this all the time. She suggested working with the Project Review Board to craft some of the conditions but Mr. Goodall noted that the Board has to be removed from the designing. They cannot be judging their own design. He pointed out that Al Berenson is an exceptional willing developer.

Mr. Berenson advised that he is trying to get a sense of where the Council is. They have a design they are working with and tenants they are working with. Glass works for tenants. He is willing to come and do any workshops that the Council feels is necessary. When they go out to construction, they want to stay within a construction schedule.

Councilor Egan pointed out that the Council has different aesthetics and we have to be realistic that when we are working with the developer, we are not going to be able to come up with a consensus design.

Councilor Gleeson displayed the plan and explained that he is looking to be assured that this great effort is what we are going to get. He wants to protect the downtown architectural integrity. Councilor Wellen suggested a half hour workshop before the May 2 meeting. Chair Sachs doesn't need to have a workshop. She is very comfortable with two Councilors working with the developer and the Town Manager and bringing back the language. Councilor Hendricks suggested having a workshop at the next meeting and not wait until the last night. He is fine with the Town Manager, Town Attorney and the developer working together with the Town Attorney. They can bring language back to us next week.

Mr. Joseph advised that a discussion needs to be had on whether the Council is in agreement with Councilor Gleeson's general topics being written in. Councilor Gleeson reiterated his concerns.

- The materials and percentage of glass in the facade.
- Requiring that freight be unloaded in the alleyway.
- Public access down to the lower lot and offset the loss of open space with some street scaping.
- 

Councilor Egan mentioned that a lot of ideas came up about things that needed funding at the Leon Gorman Park and the Council should keep this in mind. More discussion followed. It was suggested that Councilors send their comments to the Council Chair and she will forward them to the Town Manager. Chair Sachs indicated that she would be happy to collect the suggestions. Mr. Joseph advised that this will come up on every agenda until it is settled.

Mr. Joseph advised that he could have language for the Council next week

**ROLL CALL VOTE ON TABLING:** (7 Ayes)

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ITEM #47-15      To consider action relative to the proposed Capital Program for FY2016.

**PUBLIC HEARING**

*Note: The Council is taking public comments regarding the FY2016 Capital Program and will deliberate after the public hearing. The Council is scheduled to adopt the FY2016 Capital Program at the April 14, 2015 meeting.*

**MOVED AND SECONDED:** That the Public Hearing be opened. (Egan & Hendricks) **VOTE:** (7 Ayes)

Daniel Kleban, founder of the Maine Beer Company asked the Council to maintain FEDC. He shared his experience working with them.

Ed McLean, a member of the Chamber of Commerce explained that he is planning to open a restaurant in Freeport this summer. He gave credit to Keith McBride for helping them settle in Freeport.

Bob Santomenna, resident of South Freeport explained that he has concerns with the South Freeport road work being planned for next year. He understood it would be done this year. He asked the Council to consider the dangerous situation in the first hundred yards on Park Street. He feels it cannot wait another year and asked the Council to reconsider its budget for road work and do the bad parts of Park Street this year.

**MOVED AND SECONDED:** That the Public Hearing be closed. Egan & Hendricks) **VOTE:** (7 Ayes)

Chair explained that she would open each article and invite Councilors to ask any clarifying questions.

**Article 1-Police Department** - No changes were proposed by the Council.

**Article II-Fire Department** - Mr. Joseph explained that they have looked into whether joint purchasing is viable but at this time the specs have not been drawn up. They will continue to have those conversations as we go through the process. Deputy Chief Sylvain will need more time to get quotes on all of the equipment.

Councilor Tracy asked if we have the appropriate number of fire vehicles or more than we need. A quick survey determined that we are comparable with Brunswick and Yarmouth. She is satisfied with the information. Councilor Hendricks pointed out that the Council is aware that these are estimates and he is confident that our employees will try to get the best price that they can. The money is going to stay in the account if it doesn't get spent.

**MOVED AND SECONDED:** To not replace Fire Engine #3 in 2016 but instead replace Fire Engine 3 in FY 2019. (Wellen and Sachs)

He explained that he figures we will save \$30,000 a year and that money can go to offset taxes. There is no real big problems with the vehicle and it is running appropriately. He feels that if it starts costing us a ton of money, we can change and replace it sooner. He noted that safety seat belts would be nice but it has been there for a while.

Councilor Tracy disagreed. She feels it is time for it to mothballed and should be replaced this year. Councilor Egan agreed with Councilor Tracy. Councilor Hendricks noted he has never seen a frivolous request from department heads and employees. This fire engine is a liability issue and he wants to protect the safety of our town. Councilor Rixon agreed with Councilors Hendricks, Tracy and Egan. Vice Chair Gleeson has talked to the Deputy Chief and agrees that Engine #3 should be replaced. He would be very open to selling it.

Deputy chief Conley pointed out that Deputy Chief Sylvain has been working on some angles and there is a possibility of selling it. They are working to find the best pricing and is confident that the Council will be happy with the numbers. Councilor Tracy advised that the Council is going to be adopting the Capital Plan on the 14<sup>th</sup> but the Capital budget in June. There is a connection between our Capital Budget and our tax rate. She would like to revisit it at that time and would like to bring that number down. These are big dollar numbers. She would like the Council to adjust to that amount in the Capital Budget. Councilor Hendricks noted that it would not change the tax rate. The money is already there. Jessica Miloy provided an explanation on the connection between the amount of the Capital Budget and the amount the Council needs to hold in reserves and then taxes. Mr. Joseph provided a further explanation and answered questions.

**ROLL CALL VOTE ON COUNCILOR WELLEN'S MOTION:** (1 Aye) (6 Nays)

**Article III-Rescue Department**—No changes were proposed

Department heads were excused.

**Public Works -Article IV:** Mr. Joseph had additional information and explained that the plow miles per driver are above than other neighboring towns and our summer work is scaled to the winter work that is required. No changes were proposed.

**Solid Waste/Recycling-Article V:** No changes were proposed.

**Comprehensive Town Improvements-Article VI:**

School Street Leon Gorman Park Parking Lot -\$25,000  
Parking Lot Conversion for RVs-\$10,000  
Culvert replacement projects (5) -\$85,000  
Litchfield Road Reconstruction-\$430,000  
South Freeport Village Drainage-\$135,000

Mr. Joseph suggested putting off the item covering the Leon Gorman Park Parking Lot for ten years. Mr. Presgraves explained that it was overlaid when School Street Extension was built. It does not need to be done in 2016.

Mr. Joseph explained that No. 5 in 2016 and No. 3 in FY 2017 will be impacted which Mr. Santomena referred to as the Park Street, South Freeport section. Mr. Presgraves provided a \$31,000 estimate to cover the Park Street project. The drainage will be a lot of work going on this summer. Mr. Presgraves explained that he can do the 500 feet of work on Park Street this year. He mentioned that the road is in very bad shape. It is a public safety issue. Mr. Joseph advised that there is no pressing reason not to have this work done this year.

**MOVED AND SECONDED:** To remove School Street Leon Gorman Park Parking Lot at \$25,000 from Article VI to remain in the FY 2020year plan. (Egan & Gleeson) **ROLL CALL VOTE:** (7 Ayes)

**MOVED AND SECONDED:** To add \$31,000 to FY 2016 Article VI. South Freeport Village Drainage project and remove \$30,000 from FY 2017 South Freeport Village Road Reconstruction.(Egan & Tracy) **ROLL CALL VOTE:** (7 Ayes)

**MOVED AND SECONDED:** To move Item 2, Parking Lot Conversion for RVs from FY 2016 to FY 2017. (Egan a& Gleeson)

Chair Sachs will ask the Police Department to informally assess if this is an issue. Traffic and Parking put it there as a place holder and identify it as a need. This will keep it on the radar. She suggested moving it to FY 2018. Mr. Presgraves agreed.

**MOVED AND SECONDED:** To amend the motion to move Parking Lot Conversion for RVs to 2018 in Article VI.. (Egan & Tracy) **ROLL CALL VOTE:** (7 Ayes)

**ROLL CALL VOTE** To move the item to FY 2018. (7 Ayes)

Councilor Egan thanked Mr. Presgraves and the Council for supporting the road work in South Freeport this year.

**Municipal Facilities-Article VII:**

1. Computer Upgrades-Town wide - \$21,000
2. Flooring-Town Hall Carpet-\$25,000
3. Library Flooring-\$25,000
4. PW Radio Repeater-\$25,000



5. Recondition Floor Drains in Public Works Garage-\$30,000
6. Vehicle Lift Machine Renovation-\$7,500
7. Maintenance Mowing Tractor-\$9,000
8. LED Lighting outside at Library/Public Works/Town Hall-\$6,000
9. Town Office Improvements-Windows and Heat Pump-\$12,000
10. Revaluation Reserve Fund-\$10,000

Mr. Joseph explained that he was approached by the Town Assessor regarding the Revaluation Reserve Fund. He feels we will be sufficiently reserved if we put \$25,000 over the next five years including this current year as opposed to \$50,000 in that reserve fund. He provided information on the floor drains which Councilor Wellen asked for and Mr. Presgraves provided additional information. Councilor Wellen noted he is satisfied with the information.

Mr. Joseph advised that he found a quote for replacing the windows for Public Safety from last summer. It may come in a little higher. He is thinking \$30,000 is more acceptable than \$150,000. He would recommend reducing the number for FY 2019.

The public works garage roof project was discussed and whether or not having it replaced in 2017 would allow us to take advantage of federal tax credits. He is happy to report that assuming the current expiration date of the current federal tax credits is December of 2016, so it would be during 2017 and assuming the Council is interested in that project if he brings forth a proposal over the next calendar year, which he does not have a hard proposal at this time. It would be possible to do the solar project in that six month window. If we have enough lead time and we start talking about this project next year, we could have it ready to go out July 1 after the Council approves next year's budget. Ms. Larson is looking at whether it makes sense to involve a third party tax credit purchase to offset it or just do the work ourselves. Councilor Egan would like this put on the docket for next year.

**MOVED AND SECONDED:** To decrease the amount for the windows at the Public Safety Building earmarked for FY 2019 currently in the amount of \$150,000 and amend the amount to \$30,000. (Tracy & Egan) **VOTE:** (7 Ayes)

**MOVED AND SECONDED:** To decrease the Revaluation Reserve Fund in FY 2016 from \$10,000 to \$5,000, in FY 2017 from \$10,000 to \$5,000, in FY 2018 from \$10,000 to \$5,000, in FY 2019 from \$10,000 to \$5,000 and in FY 2020 from \$10,000 to \$5,000. (Egan & Hendricks) **VOTE:** (7 Ayes)

**Cable-Article VIII:** (No changes were proposed)

**Boards, Committees, Community Groups and Other Requests-Article IX:**

Davis Mausoleum Repairs-\$10,000.

Replacement of Harbormaster Outboard Motor-\$25,000.

Mr. Joseph provided information on the outboard motor and that \$25,000 is pretty accurate. (no change was proposed)

**Destination TIF Village Improvements**

Sidewalk Improvements-Snow Road to Justin's Way-\$65,000

Sidewalk Ramp detectable panel replacement (8) - \$6,000

FEDC-\$95,000

**MOVED AND SECONDED:** To remove all FEDC funding from FY 2016-2020. (Wellen & Sachs)

Councilor Well noted that if we eliminate the funding, we can set up a temporary economic development office in the Town Planner's office. He noted that a lot of economic development has happened and we can move it in-house and reduce the overall costs to the town. FEDC is a private non-profit corporation run by a private Board of Directors, mostly comprised of business folks. Very few towns our size have the current situation we have.

**ROLL CALL VOTE:** (1 Aye) (6 Nays)

Chair Sachs thanked everyone for all their time, attention and work. She thanked department heads and constituents. Councilor Tracy mentioned that if anyone wants to modify something, she would appreciate everyone letting her know or let the Town Manager know and he will give everyone an alert. If anyone finds any additional information, Chair Sachs hopes it will be shared with the whole Council.

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ITEM #49-15      To consider action relative to an amendment to Chapter 2: Administrative Code, Section 614.1 regarding membership changes to the Traffic & Parking Committee as recommended by the Ordinance Committee. **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Egan & Hendricks) VOTE: (7 Ayes)

There were no public comments provided.

**MOVED AND SECONDED:** That the Public Hearing be closed. Egan & Hendricks) VOTE: (7 Ayes)

**BE IT ORDERED:** That an amendment to Chapter 2: Administrative Code, Section 614.1 regarding membership changes to the Traffic & Parking Committee as recommended by the Ordinance Committee be approved. (Egan & Gleeson)

Mr. Joseph explained the proposed changes. Chair Sachs feels that stability on the committee is important. She suggested trying it to see what happens.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #50-15      To consider action relative to approving an application for a license to operate Beano/Bingo or a Game of Chance on May 2, 2015 submitted by South Freeport Congregational Church.

**BE IT ORDERED:** That an application for a license to operate Beano/Bingo or a Game of Chance on May 2, 2015 submitted by South Freeport Congregational Church be approved. (Rixon & Gleeson)

Mr. Joseph explained that this was approved earlier but it did not happen because of snow. They are asking to reschedule.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #51-15 To consider action relative to waiving bids for the 2015/2016 paving season and accepting the offer from Crooker to extend our existing asphalt paving contracts as outlined in a memo dated March 26, 2015 from the Town Engineer.

**BE IT ORDERED:** That the Town Council waive bids for the 2015/2016 paving season and accept the offer from Crooker to extend our existing asphalt paving contracts as outlined in a memo dated March 26, 2015 from the Town Engineer. (Wellen & Egan)

Mr. Presgraves provided some background information. He feels this would be in the best interest of the Town.

**ROLL CALL VOTE:** (7 Ayes)

Councilor Hendricks thanked Mr. Presgraves for taking the initiative and contacting Crooker.

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ITEM #52-15 To consider action relative to contracting for the Town Wharf Improvements Project.

**BE IT ORDERED:** That Falls Point Marine be awarded a contract for the Town Wharf Improvements Project for the bid amount of \$65,300.

*Note: This project is funded in part by a grant from the Maine DOT in the amount of \$33,500, with the remainder funded by the Town. The Town Council appropriated \$67,000 for this project in 2013 (Item #205-13). \$33,500 of said appropriation to be expended from a Maine DOT Small Harbor Improvement Program grant, and \$33,500 of said appropriation to be expended from the public infrastructure reserve account. (Tracy & Egan)*

Mr. Presgraves explained what would be done to the Town Wharf. If this gets approved, Councilor Hendricks asked Mr. Presgraves to have a follow-up discussion with Neil Lyman at Winslow Park to possibly recycle some of the material.

**ROLL CALL VOTE:** (7 Ayes)

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#### **OTHER BUSINESS**

1. Notification from the Town Manager regarding disposition of town property for an ambulance trade.

Mr. Joseph provided a memo and explained that the ambulance is 14 years old and has high mileage. He couldn't find anything to compare it to. \$3,500 for a trade by the contractor appears to be a fair amount. No action is required but he had to notify the Council.

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2. Discussion regarding Notice of Proposed Increase to Gas Service Rates.

Councilor Tracy recused herself because as an attorney, she represents Maine Natural Gas. She left the room.

Mr. Joseph explained that he received notice that Maine Natural Gas recently submitted a multi-year rate plan and supporting testimony to the Maine PUC that seeks to increase rates effective December 1, 2015. There were 40 pages involved in the notice. He described the increases across the board. We have the

right to become in PUC process. We have the option to request a public hearing or we can make comments at a public hearing. He is not an expert on rate structures for energy companies. He asked if this is something that interests the Council, there is time before the deadline of April 15 to give instruction. He does not need an answer tonight. It is a huge issue that affects more than us as a consumer of gas. We had an interest and a Natural Gas Committee. All of our properties are General Service. This is not just Freeport, it is all over. They feel their current rates are not competitive with the current rates with the companies adjacent to us. He wanted the Town to be aware of this. He does not believe it would hurt to request a public hearing. If the Council does not want to take a position at all, he would not do what he just said.

Councilor Wellen is not sure it is worth staff time to research this. His gut would say probably not. Councilor Gleeson feels this is a drastically high increase for residential customers. He would like to let people know about it. It will impact our residents and businesses.

Councilor Egan mentioned that most residents are thinking of natural gas as a cheaper alternative and are making major up-front investments to take advantage of those rates. She feels the Council should use the Town Manager's report and the website to post that these are proposed rates with a little explanation. She also suggested that being a consumer of natural gas at the Town, and one of the issues with utilities is that we have not had a lot of competition. What might seem normal, she thinks it is good to have a company that has lower prices and is not just trying to level up. She suggested not spending a lot of time but sending a letter to the PUC talking about how we would like to see these rates stay lower. We might as well let them know we are going to be impacted by it.

Chair Sachs noted that we can do something by voicing our strong concerns. If the Council agrees, we should put out notices about these proposed rate increases.

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**MOVED AND SECONDED:** To adjourn at 9:47 p.m. (Egan & Hendricks)  
**VOTE:** (7 ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #08-15**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, APRIL 14, 2015 – 6:30 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
James Hendricks, 21 West Street			X
Kristina Egan, 5 Weston Point Road	X		
Melanie Sachs, 84 Kelsey Ridge Road	X		
Andrew Wellen, 83 Hunter Road	X		
Scott Gleeson, 23 Park Street			X
Sarah Tracy, 75 Lower Flying Point Road	X		
William Rixon, 66 Varney Road	X		

Chair Sachs called the meeting to order at 6:31 p.m. and took the roll. She advised that Councilor Gleeson and Councilor Hendricks are excused this evening.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #07-15 held on April 7, 2015 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #07-15 held on April 7, 2015 and to accept the Minutes as printed. (Egan & Tracy) **VOTE:** (5 Ayes) (2 Excused-Gleeson & Hendricks)

**THIRD ORDER OF BUSINESS:** Announcements

Councilor Egan announced that on April 28 from 6-8 p.m. FEDC invites the public to a public session to explore the concept of an Arts and Cultural Center for Freeport. It will be held at the Freeport Community Center. There has been some exploration and research on whether an Arts and Cultural Center would work in Freeport and this is a meeting for the Corporation to hear from the public on this topic.

Councilor Egan noted that the Active Living Task Force will be hosting a Public Forum on April 29 from 6-7:30 p.m. at the Freeport Community Center. The topic of that meeting is on complete streets, building roads that are safe for people that walk, bike and drive. They will be looking at bicycle lanes, sidewalks and making sure there is enough room for people who also drive. It will be an interesting session with experts coming in and hearing from the public on how we can do better in Freeport.

Chair Sachs announced:

**Memorial Day Parade 2015:**

The parade and events this year will be Monday, May 25 in the morning, starting with the parade at 9:30 a.m. If civic groups would like more information please contact Gloria DeGrandpre at [GloriaD556@aol.com](mailto:GloriaD556@aol.com) or 207-232-6648

**On Saturday April 25, 2015 the second annual Urban Runoff 5K Race and Walk will be taking place.**

The event is sponsored by local municipalities as part of the storm water education program to help build healthy communities. The race takes place at Deering High School, Portland Maine.

Registration begins at 7:45 a.m. and the race starts at 9 a.m. The Green Neighborhood Family fest takes place after the race with live entertainment, face painting, kids' activities. FMI [www.UrbanRunoff5k.com](http://www.UrbanRunoff5k.com)

**You are Invited to an Active Living Public Forum on Wednesday, April 29, from 6:00 pm to 7:30 p.m. at the Freeport Community Center**

Come hear two leading traffic engineers speak about national and regional trends in the design and implementation of improvements to roadways for all modes of transportation. Learn about the concept of "Complete Streets" and hear what communities are doing to implement low cost solutions to encourage, enhance and improve the travel experience for all users; rail, bus, car, bicycle and pedestrian.

**Town of Freeport 2015 Commercial Shellfish License Renewal Applications** must be submitted to the Freeport Town Clerk during the **MONTH of APRIL**. The application must be accompanied by payment of 50% of the required license fee. The remainder of the fee must be paid no later than the last business day in May. To be eligible to purchase a renewal license, a person must have been licensed for the previous year, and must have completed conservation work as determined by the Shellfish Conservation Commission. FMI: [www.freeportmaine.com](http://www.freeportmaine.com) or call the Town Clerk at 865-4743 Ext 123 or email [tstevens@freeportmaine.com](mailto:tstevens@freeportmaine.com)

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Rixon explained that he attended a Coastal Waters Commission meeting. They are looking at ways to communicate with the lobstering community trying to discourage them from setting traps in the anchorage in the Harraseeket River. Equipment is being tangled with moorings and it is a safety issue with divers having to go down.

Councilor Rixon reported that the bill to establish an Ocean Acidification Council, which this Council fully supported, had its first work session in Augusta last week. There were some concerns about possible funding. There are no State level funds available but hopefully there will be some Federal funds that may be available. A second session has been scheduled. He noted that Maine is a leader in establishing an Ocean Acidification Council. There is interest in New Hampshire and Massachusetts as well as New Brunswick and Nova Scotia.

Councilor Egan advised that she and Councilor Rixon attended a Shellfish Commission meeting. There was a very interesting presentation from Dr. Brian Beale who has been doing some experiments around the waters of Freeport to figure out how we can preserve the baby clams. We have a historic fishing industry here that is under threat both from climate change and green crabs which may be related. The Council has been very supportive in trying to preserve this historic industry and invested in some earlier experiments to understand how we could defeat the green crabs that are eating all the baby clams. Since the Council's investment, Dr. Beale has since received several grants to look into these issues and has learned a lot of lessons about what works and what doesn't work. Hopefully, the Council will be hearing a presentation from him. The initial seed investment that the Council made has now spawned a lot more information that will be very useful not only to the clammers here in Freeport, but throughout the whole region.

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

Mr. Joseph reported:

- During our summer maintenance and construction projects, the Town of Freeport offers residents free ditching material to be delivered to their property. Residents must first sign a release form

(our Ditching Material Acceptance Agreement, which can be found on our website.) This form expires on December 31<sup>st</sup> each year and must be renewed on a yearly basis. The ditching material may contain some roadside debris and some rocks, brush and roots. We will deliver the material, but not smooth it out-it is the property owner's responsibility for the proper legal placement of the material and the final stabilization/maintenance of the material. Please contact the Public Works Department at 865-4461 for any questions or further guidelines.

- Spring has sprung, at least for the Freeport Public Works Department. The Public Works Department changed from its “winter” to “summer” schedule this week. If you need to contact the Public Works Department Office, until next winter their hours are Monday—Thursday 6 a.m-4:30 p.m.
- Property Tax Bills for the Spring 2015 billing cycle will be mailed at the end of this week. If you have not received your property tax bill by May 1<sup>st</sup>, please call the Finance Department at 865-4743, Extension 111 for a reprint of the bill. Taxes are due on May 18<sup>th</sup> for this billing cycle.
- Winslow Park will open to seasonal campers May 18<sup>th</sup> and to all campers on May 21<sup>st</sup>. A calendar of Park events for 2015 is available on the Town's website here:  
(<http://www.freeportmaine.com/departments/detail.php?pageid=98>).

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

There were no public comments offered 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 #55-15                      To consider action relative to adopting the April 14, 2015 Consent Agenda.

**BE IT ORDERED:** That the April 14, 2015 Consent Agenda be adopted.  
(Sachs & Egan)

Chair Sachs reviewed the items for members of the public.

**ROLL CALL VOTE:** (5 Ayes) (2 Excused-Gleeson & Hendricks)

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ITEM #56-15                      To consider action relative to the use of single-use paper and/or plastic bags in Freeport.

**BE IT ORDERED:** That the Town Council hereby directs the Ordinance Committee to move forward on conducting a further review of whether an ordinance addressing the use of single-use paper and/or plastic bags in Freeport should be adopted.

**BE IT FURTHER ORDERED:** That the Town Council hereby: (1) requests that the Solid Waste and Recycling Committee perform an analysis of the environmental impacts of banning and/or placing a fee on single-use plastic and/or paper bags in Freeport; and (2) requests that the

Freeport Economic Development Corporation (FEDC) perform an analysis of the economic impacts to Freeport businesses and residents of banning and/or placing a fee on plastic and/or paper bags in Freeport.  
(Tracy & Egan)

Chair Sachs explained that the Council is here this evening to do an informational session about whether to move forward on considering banning or placing a fee on single-use bags. The Ordinance Committee and the Solid Waste and Recycling Committee have done quite a lot of work on this. Councilor Tracy is Chair of the Ordinance Committee and the other members of the committee felt it was important to pause for a moment to gauge the public's interest in this issue and the public's desire to move forward with this issue as well as the Council. This is a complex and very important issue and has wide impact on our town. The Ordinance Committee felt it was time to take a pause and get some public input as well as a little more fact finding. If there is no support among the Council, we don't want to waste any more time. After explaining the three minute rule and asking the public to refrain from public displays of affection or anger, she advised that she would invite the public to speak. She first requested that Councilor Tracy as Chair of the Ordinance Committee, frame the issue for everyone.

Councilor Tracy explained that a year ago two Freeport High School students proposed a ban on single use plastic bags in Freeport. Since that time, the Council considered the issue and referred it to the Ordinance Committee for further review. The Ordinance Committee has since been evaluating the issues both economic and environmental, and examining whether the adoption of an ordinance is in the best interest of Freeport. They conducted a review of available information which she has summarized in a memo that is on the side table. They conducted surveys of Freeport businesses and residents with assistance from the Chamber of Commerce and Freeport USA. They reviewed actions taken or under consideration by other municipalities such as Portland, Windham and Falmouth. They also received the recommendations and participation of the Solid Waste and Recycling Committee and she expects them to provide comments tonight. At the end of that review, the Ordinance Committee felt that a more in-depth review of the environmental and economic impacts was appropriate given the magnitude of the decision.

While the Ordinance Committee did not make a recommendation as to whether an ordinance should be adopted, what they did recommend was a check-in with the Town Council to determine the true interest in pursuing further investigation and if there is Council interest in pursuing further investigation of adoption of an Ordinance, the Ordinance Committee recommended that the Council ask the Solid Waste and Recycling Committee to undertake an environmental assessment particular to the environmental impacts of a proposed ordinance on Freeport, not just the general information reviewed to date. They also recommended that the Council ask FEDC to perform an analysis of the economic impact of an ordinance on our businesses and particularly on our residents. Both of these analyses will take significant effort and resources by our people, our volunteers and our community members and it seemed only fair to have an indication from the Council before such effort is expended that the Council is serious about moving forward on this issue. Here we are, it is important that the public who have expressed opinions both for and against such an ordinance have an opportunity to weigh in and given that the Ordinance Committee's review has been relatively private, although it is technically public, there hasn't been a great amount of participation other than the Solid Waste and Recycling Committee. It seemed appropriate to get some input from the residents at this time as well to gauge interest in moving the town forward on this issue. Tonight the outcome will not be a decision on whether an ordinance should be adopted but the outcome will be a determination by the Council as to whether we should move forward in conducting a more in-depth investigation so that they can make a better informed decision about the total impacts of the proposal. Although the ordinance proposed by the high school students is a proposed ban on plastic bags, the Ordinance Committee and the Council are considering all options at this point. She noted that Portland has adopted a fee on both single use paper and plastic bags. Another approach could be a ban on either paper or plastic and a fee on the other. Conceivably, there could be a ban on both forcing the use of reusable bags. She wants everyone to know that the Council is open to all options, depending on the



outcome of tonight's meeting. She hopes that as the public voices its opinion tonight, they will not only say what they think as to whether we should move forward or not, but how we should move forward. What are the important aspects of analyzing the environmental impacts of the proposed action and the economic impacts. What are all the considerations that the Council should be taking into account as it makes this very important decision. She thanked everyone for their time and noted she is looking forward to hearing from them.

Chair Sachs explained that the public is welcome to come up but if their comments take longer than three minutes, they should be provided to the Council Secretary and they will be distributed to the Council in full. Someone can also say, "here are my remarks, I don't really want to read them." She mentioned that no one needs to change the microphone.

Jan Brackett of Bragdon Road is concerned about the plastic bag issue. She is normally pro environment but asked what the thousands of pet owners are going to do about putting pet waste and litter directly into a garbage bag. She is not sure how much it would cost to purchase plastic bags to get rid of cat litter. She does not know how this will be resolved.

Jamie Roux of 3 Porter's Landing indicated that he has a dog and uses the dogs from the Bow Street path and is not sure if the doggy bags will be impacted. Councilor Tracy indicated that those bags have yet not been defined. He questioned if it is cheaper to make plastic bags than it is to make paper. These are the things important to him and these are the questions that he would like answered.

Daniel Freund of Cheehawk Road thanked the Council for all their hard work. He noted that he believes plastic bags should be banned and Shaw's and Bow Street Market are amenable but there is yet no report from CVS. It will not impact L.L. Bean and other stores that have other plastic bags. The bags in question are lightweight which form a litter problem. He is concerned that a large amount of resources will be committed to studying this project and it appears straight forward to him that a limited ban on plastic bags for the stores that will be affected hardly seems much ado about nothing.

Councilor Tracy clarified that the Council has not yet made a determination on what types of plastic bags would be banned or involved in a fee if the Council were to take that route. All options are still on the table.

Woody Woodbury of Freeport Hardware explained that he eliminated plastic bags back in September or October and it has not affected his business. Paper is a little more expensive but he has received a lot more positive responses than negative ones. He doesn't want his tax dollars going towards an economic study.

Kristen Dorsey of Pine Street explained that she counted nine plastic bags on the  $\frac{3}{4}$  mile stretch on Pine Street before she stopped counting. She supports a ban on plastic bags. Freeport has taken steps in being a leader in saying we care about the environment and we are a working waterfront. We are working hard to make sure we don't have a profound environmental impact on the place where people live, work and play. Plastic is a toxin and cannot blend back into the environment.

Bridget Sullivan-Stevens of 33 Intervale Road explained that she is a mother who supports a ban or fee system associated with plastic bags. She feels that we need to look at it and is supportive of everyone.

Sarah Lakeman of the Natural Resources Council of Maine explained that she is a Portland resident. She supports some sort of Ordinance for Freeport and supports everything that the Solid Waste and Recycling Committee is doing. She was involved in the passage of the ban in Portland. She is working with a group in Brunswick and Topsham and she is willing to be a resource for Freeport. She is supportive of whatever the Council feels is right for Freeport.

Suki Rice of Hunter Road explained that she is a member of the Freeport Climate Action Team. She mentioned that she met with Adam Nappi, owner of Bow Street Market and learned that he is planning to get rid of all plastics. She was not able to talk to CVS personnel. Shaw's has indicated that they would comply with whatever the laws or ordinances are in the community. She spoke with Pigs Fly Bread and learned that they use bio plastic but it breaks down within 12 months. She feels doing a major economic study may not be necessary. She feels a ban will give Freeport a really good name and will help to make us a greener town.

Bridget Sullivan-Stevens read a letter supporting a ban on plastic bags provided by Caroline Thorne-Lyman into the public record (A copy is attached).

Harrison Holmes of Picnic Hill Road explained that he is 12 years old and that the average American family uses over 1,500 plastic bags annually. 95% is not recyclable and do not break down. He asked if it is fair for him and future generations to be stuck with something this dirty for the next thousand years. He urged the Council to ban these bags.

Jim Wellehan of Lamey-Wellehan from Auburn noted he is looking forward to voting for Harrison for Governor when the right times comes. A year ago they decided to not give out any packaging and they received favorable comments. He explained that bio bags do not break down in the ocean, sunlight or in a landfill. Coastal cities are looking at this and we have to do something. It is a critical stage. Finding the right thing is difficult but he believes a fee makes sense. They now use the packaging money they are not spending for scholarships for Maine kids.

Yacob Olins of South Freeport is a member of the Freeport High School Earth Club read a petition declaring support for a ban or fee on plastic bags in Freeport businesses. He provided the petition to the Council Secretary.

Lee Chisholm of Hunter Road advised that he is a convener of 350 Greater Portland, a climate activist organization. Their summer campaign is going to be on the threats to the Gulf of Maine. This is such an easy lift and he is glad the Council is looking at it. The problem is serious but it is so easy. All the Council has to do is tell him to use a recyclable bag. He would be grateful if the Town acted to bag single use plastic bags.

Kate Butler of Desert Road explained the litter control that has taken place in Ireland. If she wanted a plastic bag, she was asked to pay 30 cents. It was reported that the levy on bags in Ireland reduced usage from 328 bags per person to 14 bags per person at the end of 2012. She mentioned that sometimes we need an incentive. She would prefer a ban because the fewer bags, the better.

Jill Baker of Flying Point Road advised that she is here with her teacher. They recently visited Eco Maine and learned that even though there are people who really make an effort in recycling their plastic bags, the bags get caught up in conveyor belts which forces them to shut down for hours which loses energy and profit.

Chair Sachs acknowledged that Troop 45 is here doing their Citizen and Community Badge.

Del Arris of Freeport advised that once a plastic bag gets into the wind, you never know where you will find it. He mentioned that clambers are finding plastic in the Harraseeket River already.

Doug Scolnik of Lower Flying Point Road is a business and property owners at 49 West Street. He sees this as a marketing opportunity for local businesses to get rid of plastic and offer incentives for reusable bags for local merchants with logos and websites, something their customers will take home. They will be

thicker plastic bags and something people will take home with pictures of businesses here. He suggested thinking that it would be less than a ban but rather an opportunity.

Sandy Thompson of Byram Avenue reminded everyone of the Ordinance that was adopted 25 years ago banning Styrofoam and Freeport was considered a leader at that time. She mentioned that Freeport is on the Gulf of Maine and is special. She feels we have an obligation given where we live, the importance of what we do here in Freeport.

Jessie from South Freeport is someone who spends a lot of time walking along the shore and he is amazed by the number of plastic bags caught in waterways. While he is guilty of using plastic bags, he believes we can do without plastic bags.

Pauline Whitten of Lambert Road indicated she supports a ban on plastic bags. If they are not made available, we will come up with alternative ways to get our groceries into our homes.

Mrs. Amy Hunter, Freeport High School Science Teacher, noted that when she is talking to her students about what is happening to our environment, they ask what can they do. She advises that it will be okay but we need to take steps like this to make the world a little bit better. These are the incremental steps we can take to make the world a little better but it won't solve everything. It means a lot to our young people.

Chair Sachs thanked everybody for voicing their opinions and respectfully listening to others. She advised that the Solid Waste and Recycling Committee has done some of this research already and wanted to take a few minutes and present some of it.

Josh Olins, Chair of the Solid Waste and Recycling Committee shared their research with the Council. He acknowledged the work done by the two high school students who proposed the ban last year as well as everyone's continuing conversations. The pictures of plastic bags caught in bushes and trees were taken in Freeport this past week. The committee has been at it for a year. The majority of people surveyed support a ban. He noted that the bags or pieces of bags are everywhere and they never break down and disappear. He feels this is an opportunity to reaffirm our commitment to the coastal environment. He stated that it is time for Freeport to lead the way and continue to pursue a plastic bag ban. They realize that it may be difficult to swallow an all out ban in one shot. The committee would support a fee for plastic and paper bags if was followed by a ban on at least the plastic. They can help with any more research the Council would like. They look forward to working with the Council.

Councilor Wellen mentioned that he received some information from the Sierra Club and he would like to see the committee provide some good research links and research that looks at the life cycle and environmental impacts of plastic and paper. He clarified that he is interested in plastic and paper production, transportation to look at the energy costs for plastic and paper, the resources used to make plastic and paper and the transport. He asked if they are willing to do this.

Mr. Olins advised that he could send Councilor Wellen many more links and that a lot of that information is readily available. His concerns are that they might do that and then be asked to do more. It seems to be a way of taking their time. He mentioned it has been on the docket for a long time and it is time to act.

Councilor Wellen noted that he hasn't seen the details in the paper and resents the fact that Mr. Olins is saying that he is trying to slow it down. He is trying to do due diligence and it wouldn't go on forever if Mr. Olins believes he has already done it but he does not believe he has. He would agree to disagree and he will continue doing his own research.

Mr. Olins explained that they were tasked with an analysis of data, not to give the Council the data. They can give more of the data that they have gone through. In the analysis they made clear that the life cycle

of the plastic is greater than paper. He feels they should steer away from the paper versus plastic argument and continue with more of a reusable versus paper and plastic. Discussion followed. Mr. Olins suggested that Councilor Wellen get in touch with Sandy and Sarah because they are professionals in their field. Councilor Wellen noted that he doesn't need any more analysis from them but will continue doing his own research.

Chair Sachs requested that Mr. Olins send a copy of his PowerPoint presentation to Councilors. Councilor Egan thanked the Solid Waste and Recycling Committee for doing a huge amount of work in putting this data together. Mr. Olin explained that their first choice would be to move to reusable bags. If it helps to get it out there and there is a year lag time, their lower choice would be to keep paper bags in circulation and ban the plastic bags. Their second choice would be a fee on both and their third choice would be a fee on just the plastic.

Kate Bacon, Vice Chair of the Solid Waste and Recycling Committee, noted that they would like to see a ban on plastic bags but in the first year, having a five cent fee on both and then after a year, a ban on plastic but continuing the fee on paper. There are so many options and possibilities.

Chair Sachs read the **BE IT ORDERED**, and noted that a yes vote directs the Ordinance Committee to move forward on conducting a further review of whether an ordinance addressing the use of single-use paper and/or plastic bags in Freeport should be adopted. **BE IT FURTHER ORDERED:** That the Town Council hereby: (1) requests that the Solid Waste and Recycling Committee perform an analysis of the environmental impacts of banning and/or placing a fee on single-use plastic and/or paper bags in Freeport; and (2) requests that the Freeport Economic Development Corporation (FEDC) perform an analysis of the economic impacts to Freeport businesses and residents of banning and/or placing a fee on plastic and/or paper bags in Freeport. She welcomed comments from the Council.

Councilor Tracy explained that they spent a lot of time on the environmental impact side and she hoped that Keith McBride would talk about the economic impact component.

Keith McBride, Director of FEDC explained that they are willing to look at the economic impacts of an Ordinance. He explained that there is a methodology that he can use to determine what the fee would cost residents. He explained the hidden costs that would be involved. The ideal option is the reusable bag that usually costs between 80 cents - \$1.10. He is a number cruncher and not an environmental scientist but he believes that analysis is possible. FEDC is happy to serve as a resource for Freeport and does not have a position on this.

Councilor Wellen mentioned that tourists may resent a fee and it hasn't yet been determined if all of Freeport will be involved or just the food stores. This is an open question for the Council. More discussion followed.

Councilor Egan noted that the Council has heard that residents have a concern about using public resources to do economic analysis. Mr. McBride intends to spend time on this project and it won't cost the Town any extra money. He would like to get some specific Freeport information and if he has to camp out in his car in front of stores and count how many bags are carried out and then extrapolate it out, he would be glad to do it. He would like to make it as accurate as possible. He sees himself as someone who can be a real resource to the Town. This is a critical part of his role.

Councilor Rixon noted that he fully supports the Ordinance Committee going ahead and pursuing further review on establishing some type of an Ordinance. He has reviewed a fair share of ordinances throughout the country and thinks that Portland has been very wise in deciding to put a fee on plastic and paper to begin with. The argument paper versus plastic should be avoided and both of them ultimately should be banned and we don't want to use either in the future. The best solution would be for all of us to be using

reusable bags. Portland's Ordinance was passed last June and people have had time to get use to the fact that the fee would be in place and it is starting April 15. Falmouth is going to start with a fee on both and eventually having a ban after a year. He feels this would be wise for Freeport. In a year, people have plenty of opportunities to get reusable bags. In Massachusetts reusable bags are given to those of lower economic means and he is confident that Freeport could get reusable bags out to people. Portland is starting by looking at stores that have 2% or more of their total sales in food and Freeport has three—Bow Street Market, Shaw's and CVS. This is the real problem and we really want to discourage using the single use bags. He likes the way Portland has gone about it.

Councilor Wellen feels it is important to analyze the environmental cost of paper versus plastic. Are they equally bad for the environment or is one worse than the other. He wants to keep an open mind to weigh all the options on whether the Council should do an ordinance or not. He wants to look at the economic impact and have that study done. He would like to look at the legal costs for the Town. He wants to take more time and reflect on this. Other towns are doing this so there is some momentum and it is worth seriously considering. He would agree to move forward with further review but would take out the request for the Solid Waste and Recycling to perform an analysis because they have already done it. They have already done a lot of work. The Council could change the wording so that they will be involved to work with the Ordinance Committee.

Councilor Egan supports having the Ordinance Committee move forward with looking at fees, bans or whatever seems to make sense for our community. She would also support doing a plastic bag ban a little more immediately. She agrees we should not get into a paper versus plastic debate. Plastic issues in Freeport are particularly acute because of our marine environment as well as the issues with litter. She would support doing something more aggressive on the plastic side. She also likes giving our residents time to adjust and having an up-front part of the program be the distribution of reusable bags with a particular emphasis on making sure that our lower income residents have free or low cost access to reusable bags. She is comfortable without having any more study and does not want it to drag too far out. She hopes the Council can do this more quickly and the Council can adopt an ordinance in the next few months. She thanked everybody for all their comments and coming out asking the Council to do the right thing.

Councilor Tracy noted that she learned a lot this evening. She believes it is worth moving forward but is not sure an environmental analysis needs to delve into the environmental impacts. She echoes Councilor Wellen's concerns about not having very clear information about paper versus plastic and the environmental impacts of driving potentially more consumption of paper.

She strongly believes that an economic analysis is important and while there has been overwhelming sentiment in this room, the budget process weighs on her and what weighs on her in this decision is how our residents will do financially and it is worth investigation on how it will impact our elderly and our low income residents and families. It is worth asking what kind of financial burden they might sustain as a result of the Council's efforts to adopt an ordinance however it is structured. The Council tries to have minimal tax impact with our budget and she is mindful that Freeport will have an increase in the County budget this year as well as our educational budget. Maybe at the end of the economic analysis the outcome will be that the impact is certainly worth the environmental benefit of taking action. She feels it is worth investigation but it is not responsible for the Council to delve into people's lives and behavior without knowing what the outcome will be or the impact will be on our residents. She strongly supports asking Mr. McBride to help the Council with that.

Chair Sachs advised that Councilor Hendricks and Councilor Gleeson were both deeply sorry they couldn't be here this evening. They echoed much of what the Council has said about being thorough and being diligent. Doing an economic analysis seemed to be a little more of import both for businesses as well as residents. For her, making sure those baseline metrics for those economics are important and it is

important to get this right. There is some question on the Council whether to amend the **BE IT ORDERED** currently and ask Solid Waste and Recycling to do further analysis and do a little fine tuning of the environmental impact of paper versus plastic production, transport, life cycle and disposal.

Mr. Olins noted that they could do that. Chair Sachs asked if it would be possible to have an environmental assessment of current disposal rates and partner with Mr. McBride to determine how many bags get thrown away and what would it mean for Freeport to remove 700 bags for each resident. Councilor Tracy referred to Attachment D to help explain the impacts. After discussion, Chair Sachs heard that the answer is yes. If there is something beyond the Solid Waste and Recycling Committee's scope, she advised them to tell the Ordinance Committee.

Chair Sachs urged residents to use their reusable bags.

**MOVED AND SECONDED:** To amend the **BE IT FURTHER ORDERED** to read: That the Town Council hereby: (1) requests that the Solid Waste and Recycling Committee perform an analysis of the environmental impacts of paper bags and plastic bags based on a life cycle analysis.(Wellen & Tracy)

Councilor Wellen feels that they have not agreed to do that because it is a different type of analysis and he does not want to have something that they have not agreed to do. Sandy Thompson clarified that they can do that but it is a difficult analysis. More discussion followed.

**ROLL CALL VOTE ON AMENDMENT:** (5 Nays) (2 Excused-Hendricks & Gleeson)

**MOVED AND SECONDED:** To amend the: **BE IT FURTHER ORDERED:** That the Town Council hereby: (1) requests that the Solid Waste and Recycling Committee perform a life cycle analysis of paper and plastic ~~analysis of the environmental impacts of banning and/or placing a fee on single-use bags in Freeport; and (2) requests that the Freeport Economic Development Corporation (FEDC) perform~~ and/or an analysis of the environmental impacts ~~to Freeport businesses and residents~~ of banning and/or placing a fee on single-use plastic and/or paper bags in Freeport. (Tracy & Egan) **ROLL CALL VOTE:** (5 Ayes)

**ROLL CALL VOTE ON FULL AMENDED MOTION:** (5 Ayes) (2 Excused-Gleeson & Hendricks)

A 5-Minute Break was taken at 9 p.m.

Chair Sachs called the meeting to order at 9:05 p.m.

ITEM #57-15 To consider action relative to adopting the proposed 5-Year Capital Program for Fiscal Years 2016 through 2020.

**BE IT ORDERED:** That the 5-Year Capital Program for Fiscal Years 2016 through 2020 be adopted as (presented / amended). (Egan & Wellen)

Chair Sachs asked if there is anything the Council would like to discuss. She thanked Town Staff for their diligence. Councilor Tracy noted that credit goes to departments that provided pretty lean proposals. The Council will be adopting the Capital Budget in June when it does the Operating Budget. She hopes the cost will come down a little bit on the fire truck but if it is not possible, it is not possible. She believes the expenditure is justified.

Councilor Wellen would have preferred more streamlining on getting more years on the fire truck and also reducing the FEDC costs by \$50,000. He believes the departments worked well in determining their needs and keeping it under control.

**ROLL CALL VOTE:** (5 Ayes) (2 Excused-Gleeson & Hendricks)

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ITEM #58-15

To consider action relative to amending the Hunter Road Fields Rules and Policies as recommended by the Hunter Road Fields Advisory Committee.

**BE IT ORDERED:** That the Hunter Road Fields Rules and Policies be amended as follows, as recommended by the Hunter Road Fields Advisory Committee:

Scheduling: Annual, standing reservation users may be scheduled in advance by the Town Designee. The Advisory Committee/Town Designee may, in unusual circumstances, schedule games of lower priority users ahead of practices of a higher priority user.

Freeport Community Groups/Freeport Residents will be allowed the greatest flexibility in booking the fields – up to 365 days in advance.

RSU 5 Recreation & Community Education Groups may book up to 90 days in advance.

RSU 5 School Department may book up to 60 days in advance.

Private schools in Freeport may book up to 45 days in advance.

Others may book 29 days or closer. (Wellen & Egan)

Town Engineer, Albert Presgraves noted that this language is out of the Rules and Policies document except for the underlined sentence. The Advisory Committee feels this change is needed.

**ROLL CALL VOTE:** (5 Ayes) (2 Excused-Gleeson & Hendricks)

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ITEM #59-15

To consider action relative to contracting to replace two existing wooden bridges for the Pedestrian Bridge Replacement Project at Hedgehog Mountain.

**BE IT ORDERED:** That Berkemeyer Building of Freeport, Maine be awarded a contract to replace two existing wooden bridges for the Pedestrian Bridge Replacement Project at Hedgehog Mountain for the bid amount of \$22,000.

*Note: The Town Council appropriated \$25,000 for this project in the FY12 Capital Budget. The current balance in the Hedgehog Mountain Bridge Replacement account is \$25,000.(Rixon & Egan)*

Town Engineer, Albert Presgraves explained that there were six bidders this time. He provided background information and is confident that Berkemeyer Building will do a great job o this project.

Chair Sachs asked if the builder would be willing to show the Conservation Commission his design and the materials he plans to use at one of their meetings. Mr. Presgraves indicated that this was possible. He mentioned that the bid documents were on the Town's website. If it is off the website, he has it and can send it out.

**ROLL CALL VOTE:** (5 Ayes) (2 Excused-Gleeson & Hendricks)

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ITEM #60-15

To consider action relative to contracting to reconstruct an existing parking lot and build storm water quality improvements for the Athletic Field Complex Project on Hedgehog Mountain Road and Pownal Road.

**BE IT ORDERED:** That J. Maxwell Trucking & Excavation of Gray, Maine be awarded a contract to reconstruct an existing parking lot and build storm water quality improvements for the Athletic Field Complex Project on Hedgehog Mountain Road and Pownal Road for the bid amount of \$122,400.

*Note: The Town Council appropriated \$59,000 for this project in the FY11 Capital Budget and \$138,000 for this project in the FY12 Capital Budget. The current balance in the Hunter Road Fields & Trails Project account is \$191,516. (Tracy & Egan)*

Town Engineer, Albert Presgraves advised that he never explained what the bid alternate number represented. This project is primarily a storm water management improvement system that was required as part of the DEP combined site permit for Hunter Road and Pownal Road. It does include moving and expanding the parking lot at Pownal Road Field. In the design approved by the DEP, we are going to keep the parking lot as a gravel surface although we are adding a paved apron coming in and we are going to pave a little section with handicap spaces such as was done out at Hunter Road. The bid alternate was an additional cost to pave the whole parking lot. In the bidding documents we made it clear that it would be up to the Town to decide whether we would do it or not. We didn't have to award that with the contract. There was a lot of interest in this project and 10 bids were received. He is recommending that a contract be awarded to J. Maxwell Trucking & Excavation of Gray, Maine.

**ROLL CALL VOTE:** (5 Ayes) (2 Excused-Gleeson & Hendricks)

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ITEM #61-15

To consider action relative to contracting to replace the currently leased solid waste stationary compactor and octagon compactor receiver container at the Freeport Transfer Station on Hedgehog Mountain Road.

**BE IT ORDERED:** That Atlantic Recycling Equipment be awarded a contract to replace the currently leased solid waste stationary compactor at the Freeport Transfer Station on Hedgehog Mountain Road for the bid amount of \$19,901, and purchase the associated octagon compactor receiver container for \$7,150.

*Note: The Town Council appropriated \$24,000 for the compactor in the FY14 Capital Budget, and \$15,000 for waste containers in the FY12 Capital Budget. The current balance in the Recycling Vehicle Replacement Reserve account is \$39,000. (Egan & Wellen)*

Town Engineer, Albert Presgraves explained that they are replacing the unit and updating the technology of a motor to the latest technology. He noted this would make the operation more efficient and the timing to replace it is really good. Buying it will also eliminate the leasing expense.

**ROLL CALL VOTE:** (5 Ayes) (2 Excused-Gleeson & Hendricks)

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**OTHER BUSINESS**



1. None.
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## **TABLED BUSINESS**

ITEM #48-15                      To consider action relative to a proposed contract between the Town of Freeport and Denney Block Freeport, LLC for the enactment of a Contract Zone for an infill development between 56 and 58 Main Street.

**MOVED AND SECONDED:** To remove from table. (Tracy & Egan) **VOTE:** (5 Ayes) (2 Excused-Gleeson & Hendricks)

Mr. Joseph explained that what he just handed out to Councilors was not in their packets because it was still in negotiation. The developer was working on some these proposals Thursday, Friday, Monday and even today. We have four tentative agreements on the first page that we have made with the developer. We have a draft plan here which is a conceptual of what they are thinking and to see if this meets any of the conditions that we discussed last time and then some further information in writing from the developer regarding the requests that were made such as bird-safe designs be used in different components.

If they are conceptually in line with what the Council is thinking about, he and the Planner will work with the Town Attorney to draft amendment language for the contract which will come up at the next Council meeting. If these are not what the Council is thinking or we are missing something, now is the time to let Mr. Joseph know that there are other things we need to be doing with the developer or this doesn't meet the Council's standards.

No more than 50% of the facade of the new building on Main Street will be glass. (This was important to Councilor Gleeson)

The elevator in the building will be open to the public during business hours.

The developer has agreed to reconstruct the sidewalk in front of the building. Seating areas will be created in front of the new building. Cannot use existing space on Mill Street because it is needed for truck turns. Green areas will be landscaped.

All retail spaces will have access to the Mill Street loading dock at the back of the building or from a side entrance on Mill Street. This is in regards to loading in front of the building and they are in agreement that all retail spaces will be accessible from the back of the building. They are currently allowed to unload on Main Street because our Traffic and Parking Ordinance actually allows it so the Council, if it desires, should also amend that to say no motor freight in that block would be allowed to offload in front. It would be a secondary change.

They investigated either UV glass or non-reflective glass and are in favor of doing an awning type design on the first floor which would mitigate some of the impact and removing some of the dying street trees but are not in favor of addressing the second floor glass. In their opinion, they think it makes it difficult if it is not very transparent. Their primary concern is visibility into retail space on the second floor which is the reason the glass is there in the first place. That is their concern and the reason they are hesitant to do anything with the second floor.

Chair Sachs asked if the Mill Street/Main Street intersection is a proposed stop for the Metro. Councilor Rixon noted that this has not actually been decided yet. Chair Sachs mentioned that Traffic and Parking feels a bus stop would have a different sort of concentration of people there. Mr. Joseph mentioned that the Town Planner is looking at a proposed Metro stop.

Chair Sachs asked if public signage will be provided letting people know that the elevator is there. Mr. Joseph agrees that this is something that should be provided at the developer's cost and it will be included in the details.

Councilor Rixon mentioned that Derek Lovich was hoping that many of the plantings not be fruit trees or things that would attract birds to that area. He requested that this be specified and Mr. Joseph agreed.

Councilor Egan feels it is a great in-fill project for Main Street but we are losing a lot of area in the lower patio and not gaining much. She suggested looking at the Leon Gorman Park as a place where there could be some additional mitigation. She feels we need funding to make it a nice open space for our residents. She asked if this is possible.

Chair Sachs advised that Cliff Goodall advised that the Project Review Board could not mandate the Mill Street green space improvement but if it is part of the Council's contract, he is confident that it would be approved by the Board. In contract zoning agreements, off-site improvements are valid requirements held by courts if they are reasonably associated physically to the site of the development. Mr. Goodall feels that requiring this project to make improvements in the Leon Gorman Park would not have the reasonable nexus or association in his view. Mr. Joseph added that one-eighth of a mile is too far removed if there was ever a challenge.

Councilor Wellen asked if #3 would be a big job for the developer. Mr. Joseph indicated there is a cost and they agreed to do it. In #4, they agreed to make sure that the freight connections will get down to the alley way. Councilor Wellen still does not think the Council should do the contract zoning. If we could get more in return for this deal, it would be great but he does not have any ideas.

Chair Sachs asked if there are maintenance pieces to this as well. She asked if there has been any thought to improvement of those steps. Mr. Joseph noted that they are new but agrees they are spaced funny. If they state that this is going to be a bus stop, Chair Sachs mentioned that the Town Planner suggested things like bike racks and seating to improve that space. She indicated that there should be a decision soon in determining where the Metro stops will be. Chair Sachs mentioned this would look very different if it is going to be a Metro stop and there should be some considerations the Council would want to make on planning and using that space. Mr. Joseph will talk with Ms. Larson about this space. He advised that they would not be creating any maintenance burden on the Town.

Chair Sachs feels it is hard to believe we have covered every aspect without Councilors Gleeson and Hendricks when they live in the district and are both so interested in this project. Councilor Tracy feels the Council should put some clarity around #3 The Town agrees to grant the applicant an easement. It says "see attached conceptual drawing" but where there is a utility easement marked, she feels the Council should specify in its conditions specify further what is the easement we are granting, the general location and for what purpose. She feels the Council needs to be more specific. Mr. Joseph agreed and explained that this will be translated into contract language and it will come to the Council.

Councilor Wellen asked if the developer would pay the Town's legal fees. Mr. Joseph offered to ask our Town Attorney. Councilor Tracy noted it can be a voluntary request outside of the contract and does not have to be a condition.

Councilor Egan asked if we could make a voluntary request for some open space mitigation. If they say no, they say no. She feels it is a reasonable request. She asked Chair Sachs if she has any suggestion on how to proceed since Councilors Gleeson and Hendricks are not here. Chair Sachs wondered if it is possible to table it once again just until May 2 when they are both scheduled to be here. At that time the Council will have a little better sense of the Metro bus.

Mr. Joseph will start developing the language the Council discussed and identified this evening. It remains a tabled item until the Council approves it.

Councilor Egan asked if it would be possible to ask the developer to make a donation to the Town which would be helpful in mitigating our open space issues in the downtown core. She asked Mr. Joseph to check with the Town Attorney. It would not be conditioned upon approval of a contract zone but is an additional thing.

**BE IT ORDERED:** That a contract between the Town of Freeport and Denney Block Freeport, LLC for the enactment of a Contract Zone for an infill development between 56 and 58 Main Street be retabled. (Egan & Tracy) **ROLL CALL VOTE:** (5 Ayes) (2 Excused-Gleeson & Hendricks)

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**MOVED AND SECONDED:** To adjourn at 10 p.m. (Egan & Tracy) **VOTE:** (5 Ayes) (2 Excused-Gleeson & Hendricks)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #09-15**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, MAY 5, 2015 – 6:30 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
James Hendricks, 21 West Street	x		
Kristina Egan, 5 Weston Point Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Andrew Wellen, 83 Hunter Road	x		
Scott Gleeson, 23 Park Street	x		
Sarah Tracy, 75 Lower Flying Point Road	x		
William Rixon, 66 Varney Road	x		

Chair Sachs called the meeting to order at 6:30 p.m. and took the roll.

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

Everyone stood and recited the Pledge

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #08-15 held on April 14, 2015 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #08-15 held on April 14, 2015 and to accept the Minutes as printed. (Gleeson & Egan)

**VOTE:** (7 Ayes)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Sachs announced:

**Memorial Day Parade 2015:**

The parade and events this year will be Monday, May 25 in the morning, starting with the parade at 9:30 a.m. If civic groups would like more information please contact Gloria DeGrandpre at

[GloriaD556@aol.com](mailto:GloriaD556@aol.com) or 207-232-6648. Chair Sachs thanked her for organizing this event this year.

**Leon Gorman Park Spring Clean-up** will be taking place on Saturday, May 9<sup>th</sup> from 9:00 a.m. – Noon. Volunteers will be planting flowers, spreading bark mulch, collecting trail debris and more. The Town will provide the tools and the snacks. Come for some or all of the time, whatever you can do is a big help. Meet at the pavilion next to the former skating pond. RSVP is helpful but not necessary to Donna Larson at [dlarson@freeportmaine.com](mailto:dlarson@freeportmaine.com)

**Reminder: Open House at Public Works! Saturday, May 16, from 9:00 a.m. – 1 p.m., 7 Hunter Road**

This is the first year the Town of Freeport has participated in the National Public Works Week with an Open House. The Department plans to showcase their public works professionals and some of the equipment used regularly. The Open House will provide an opportunity for residents, including students, to come face-to-face with the people and equipment essential to protecting the health and safety of Freeport residents, and learn more about public works and related environmental issues, in an informal setting.

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**The first Annual Town Council District Workshop** will take place for District 1 residents at the next Town Council Meeting on June 16<sup>th</sup> at the Freeport Community Library. The Workshop will begin at 6:30 p.m. After each District Workshop adjourns, the Town Council will reconvene at the Town Hall for their regularly scheduled Town Council Meeting

**Freeport residents will once again have the whole month of June to bring one free load of waste to the Recycling Center** using the Clean-up Coupon contained in the Town mailer that residents will be receiving in their mailboxes around May 20<sup>th</sup>. As in years past, some material will have fees associated with them, so please review your flyer for the list of acceptable items and fees.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Rixon advised that the State bill to establish an Ocean Acidification Council is having its second work session tomorrow. He plans to let the Council know the results of tomorrow's meeting at the next Council meeting.

Councilor Egan reported that the Active Living Task Force held a public meeting last week on "Complete Streets" and had two experts that work nationally on how to provide safer streets for walkers, bikers, drivers, etc. It was a great meeting because they learned a lot about places such as Portland, South Portland, Falmouth and Cumberland who are all doing a lot of the work that our Active Streets folks have been working on with the Traffic and Parking Committee. It was a great meeting with a lot of good information about how our peers are moving forward with Active Living Plans all over Maine.

Chair Sachs pointed out that on May 11, at 6:30 p.m. at the Freeport Community Center at 53 Depot Street there will be a joint meeting between the Town Council in a workshop session with the RSU5 Board. Municipal officials from Pownal and Durham have been invited as well and the Administrative Town Managers of those communities just to have a dialogue around the different pressures that each of the entities feel around budget time and the special considerations that are coming up. This is something that Councilor Hendricks had wanted for a long time and worked really hard to make sure it happened. Again, just hoping to have a constructive dialogue around some of the issues that are happening and also to gain a better understanding around our budgets. Councilors get asked about the school budget and they get asked about the tax impact of all of the different things, whether it is Cumberland County, the RSU or the different municipalities. This will bring them together in a spirit of collaboration and understanding of one another's budgets and budget processes so we can have the right information for folks as well. The meeting will be televised and streamed live.

Councilor Hendricks advised that the Municipal Facilities Commission will be coming back to the Council during budget discussions in a workshop discussion. They have been doing a year-long study about the NET Program as well as the staffing increase that came out of the last budget season that the Council put off to be able to discuss staffing and the impact of the whole NET Program on the Fire Department. They will be coming back with their findings and as they move forward, a decision will be made on whether to increase staffing or keep it the same.

Chair Sachs advised that Traffic and Parking discussed the proposed Metro stops in Freeport but they are no where near completion. Information still needs to be gathered but they did get some input on some necessary things such as making them all handicap accessible, what sort of amenities would be there, whether it is a bench and a garbage can. They are not going to put full-on shelters on any of them until the service has been started up for a little bit and they can see capacity, ridership and things like that. That discussion is ongoing. She is aware that Councilor Rixon is on the Committee but they brought it to Traffic and Parking for continuing discussion.

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

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Mr. Joseph reported:

The Maine Law Enforcement community collected 23,500 pounds of unused and unwanted drugs on Saturday, April 25 during the semi-annual drug take back day. In Freeport, we collected 295 pounds of unused drugs. Freeport Police Officer/SRO Mike McManus was shown to the right in a picture with the boxes of drugs that were collected in Freeport. He noted that this is one small step to get those unneeded and unused drugs out so they are not floating around and available for evil purposes. These drug take back days are run through an incinerator and properly disposed of. This is why these efforts are important.

The public input phase of trail planning work to create a management plan for the Hedgehog Mountain Trail System has begun. The Town invited the public to join guided walking meetings on the trails in the Hedgehog Mountain area last Saturday, May 2<sup>nd</sup>. This event introduced the Hedgehog Mountain area trails to people, and guides provided several questions to help the walkers evaluate the trail system. About 15 people participated in the walks and came back from the guided tours with many comments and suggestions. The next step is to document those comments and suggestions, and then work with various involved groups such as the Conservation Commission and National Park Service to decided how to implement these suggestions moving forward.

He is sad to announce that Town Clerk Tracey Stevens will be leaving us on May 27<sup>th</sup>. Tracey has accepted a job with the Town of Melbourne Beach, Florida and will be relocating to that area at the end of the month in order to be closer to family. Tracey has done an outstanding job during her time here in Freeport, and has tackled many projects such as reviewing the Town's records retention guidelines, running multiple yearly elections, and has taken on additional duties such as responsibility for the Town Council Agenda organization process. Tracey was also named "Clerk of the Year" by the Maine Town and City Clerks Association last year. She will be truly missed and hard to replace. This will be a Council appointed position. We are fortunate that she gave us four weeks notice.

Chair Sachs pointed out that if anyone missed the Drug Take Back Day, there is a receptacle located at the Public Safety Building which is open 9 a.m.-4 p.m. seven days a week.

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

**MOVED AND SECONDED:** To open the Public Comment Period. (Egan & Tracy)  
**VOTE:** (7 Ayes)

Sande Updegraph from the Freeport Chamber wanted to provide a brief update on what is going on at the Chamber of Commerce because she has not been here for some months. There is a lot going on and they are excelling at everything they do in terms of connecting local businesses and the Freeport community. In a few weeks she will be before the Council to unveil the latest volume of the Insider's Guide to Freeport. It will contain a complete listing of all dining, all lodging, all community numbers and this year they are adding every single retail establishment in Freeport, including some of the hot off the press, doors aren't even open yet, businesses that are joining us. It will have a list of all of the Chamber of Commerce members, a locator map of everyone who advertises and a couple of little articles about the various areas of history in Freeport. The biggest thing is the cover this year which will feature a beautiful photograph of the Freeport Town Wharf. She thanked the Town Manager for giving his approval to them to use it. They will tell a little story on the inside about the Freeport Town Wharf. She plans to bring fresh copies to the Council in a couple of weeks and noted it will be mailed to every household in Freeport, Pownal and Durham.

Ms. Updegraph advised that on June 11, a celebration of their Second Annual Best of Best Contest. This is the People's Best Choice that is run through *The Tri-Town Weekly*. The winners will be published in the

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June 3<sup>rd</sup> edition. On June 11 from 5-7 p.m. everyone is invited to China Rose and they will pass out the winning certificates. Last year it was held at the Freeport Grill and 120 people attended. It was so much fun meeting neighbors and seeing other business people. There will be a lot of publicity on this coming up.

This Tuesday, the night after the Joint meeting of the Council and the RSU5 Board, they will be having one of their very successful monthly business after hours events. This time at a brand new member's location, Jill McGowen right here on Main Street. Jill joined the Chamber because she wanted to get to know the local market and have a better connection here. She is interested in meeting her fellow business people. She will be entertaining everyone and serving wonderful food. It's a free event and a chance to meet other business people and residents.

They are so proud and so happy to continue to have the support of the Town of Freeport. It is not about money but it is about being welcomed at the Council and welcomed by non-profit organizations. It comes from people saying that this is an organization that does contribute to the business vitality in Freeport. She firmly believes that people like to do business with people they know.

Councilor Tracy asked Ms. Updegraph about possibly retiring. Ms. Updegraph noted she plans to semi fade away and not get paid. Councilor Tracy thanked her for her service to the Town and the energy she brought to the downtown and to the businesses. Chair Sachs echoed Councilor Tracy's comments and thanked Ms. Updegraph for her update tonight.

**MOVED AND SECONDED:** To close the Public Comment Period. (Egan & Tracy) **VOTE:** (7 Ayes)

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

ITEM #65-15            To consider action relative to adopting the May 5, 2015 Consent Agenda.

**BE IT ORDERED:** That the May 5, 2015 Consent Agenda be adopted. (Sachs & Egan)

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

**ROLL CALL VOTE:** (7 Ayes)

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**MOVED AND SECONDED:** To Take up Item 48-15 under TABLED BUSINESS out of order. (Gleeson & Hendricks) **ROLL CALL VOTE:** (7 Ayes)

ITEM #48-15    To consider action relative to a proposed contract between the Town of Freeport and Denney Block Freeport, LLC for the enactment of a Contract Zone for an infill development between 56 and 58 Main Street.

**BE IT ORDERED:** That a contract between the Town of Freeport and Denney Block Freeport, LLC for the enactment of a Contract Zone for an infill development between 56 and 58 Main Street be approved. (Gleeson Egan)

Mr. Joseph explained the most recent revised contract which is an agreement between the Town and the developer. The underlined language are new additions since the Council's last consideration. Under 1.

PROJECT (b) Building Design, no more than 50% of the facade of the new building on Main Street will be glass.

(c.) Building Elevator: The elevator in the building will be open to the public during regular business hours: directional signs to the elevator from all building entrances will be provided.

(d) Sidewalk: The sidewalk in front of the building will be reconstructed by the developer. The street trees in front of the building will be removed. Sitting areas will be created in front of the new building and a sitting area will be created on the Mill Street side of the building. See Exhibit A attached (which has not changed). The strip of land between the stairs on Mill Street and the building will be landscaped. No fruiting trees, shrubs or plants will be planted on the site.

(e) All retail spaces will have access to the Mill Street loading dock at the back of the building or from a side entrance on Mill Street.

The only item not in here-there was a discussion about easements and we would write easement language in here. We have since abandoned that. We don't think there are any major access easements needed at this time. Mr. Yebba explained that the need for an easement was only to allow them to install landscaping and the ability to maintain it. Mr. Joseph explained that these are obviously things that the Town would allow so there is no need to specify it in the contract.

Mr. Yebba noted that this contract is very workable for them and he hopes and trusts at the end of the process, everyone will have had an opportunity to provide input into the design and be proud of what is built in this location. He thanked the Council for its input and feels they ended up with a design that is far superior.

Chair Sachs mentioned that the Metro stop may be at the corner of Mill Street and asked Mr. Yebba if he had any concerns or if it would impact the development issues talked about. Mr. Yebba advised that they would very much like to see the station in front of the building. He feels the seating area will be a good point and their design will invite people in. From his standpoint, he does not anticipate any problems and feels it is acceptable.

Chair Sachs mentioned several blank dates in the contract. Mr. Joseph explained that several reference Project Review Board meetings which have not yet occurred. On page 2, a date can be filled in concerning what the Council does tonight, May 5. He offered to fill it in and sign on behalf of the Town.

Councilor Wellen feels it is good that we got some good conditions for the Town. He continues to believe that contract zoning is not justified in this circumstance. He feels it sets a bad precedent when not using a truly unique situation. It is a slippery slope. It dilutes the role of zoning and is an insult to the hard work that the community does to create zoning regulations that look at an entire area for its impact.

Councilor Tracy advised that she continues to be excited by this project and looks forward to it going through the regular Project Review Board process which will provide feedback in terms of design, traffic circulation and other considerations that they do with every project that occurs. She pointed out that there are two Exhibits As and suggested that in Section 1. PROJECT (d) where it talks about Sidewalk and it then talks about Exhibit A attached that it be changed to Exhibit B. The Town Planner agreed.

**ROLL CALL VOTE:** (6 Ayes) (1 Nay-Wellen)

Chair Sachs thanked Mr. Yebba and noted she looks forward to following the process along.

ITEM #66-15 To consider action relative to approving a liquor license application for Stirling and Mull, LLC located at 175 Lower Main Street, Freeport.



**BE IT ORDERED:** That a Public Hearing be scheduled for May 19, 2015 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss approving a liquor license application for Stirling and Mull, LLC located at 175 Lower Main Street, Freeport.

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

*Note: This replaces a liquor license for the prior owner at 175 Lower Main Street, Freeport Grill, formerly Freeport Seafood Company. (Tracy & Egan)*

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #67-15

To consider action relative to the adoption of the Fiscal Year 2016 Operating, Capital, and TIF Budgets for the Town of Freeport.

**BE IT ORDERED:** That a Public Hearing be scheduled for June 2, 2015 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss the proposed Fiscal Year 2016 Operating, Capital and TIF Budgets for the Town of Freeport.

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

Chair Sachs explained that on May 19 there will be a workshop with department heads where hopefully, between now and then, the Council will have an opportunity to look at the budget and get any information needed. Councilors can ask department heads, through Mr. Joseph, specific questions that they know they will need answered during that workshop session on the 19<sup>th</sup>. The Council will then have a public hearing on June 2. After the public hearing, the Council will have its workshop session which will run much like the Council did with the Capital Plan, and ultimately will vote on it at the next meeting. This is simply setting the public hearing and later on getting the overview.

**VOICE VOTE:** (7 Ayes)

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## **OTHER BUSINESS**

1. FY16 Operating, Capital & TIF Budget Presentation.

Finance Director, Jessica Maloy reported on the proposed Operating Budget for Fiscal Year 2016. Their goal this year, as directed by the Council, was to develop a budget proposal that minimizes the impact on the taxpayers and maintains a stable Municipal tax rate while continuing to provide the highest quality of services possible within the resources available.

This year we are looking at a budget expenditure impact of \$388,000. Much of the increase is primarily due to an insurance rate increase of \$165,000. There is a proposed salary increase of 1.69 percent or \$64,000. She noted that other communities have been bench marked on this item. There is also a Buildings and Grounds increase proposal of \$35,600 to take over the maintenance and contract work that

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is currently being done in the Downtown. In addition there are heating costs of \$35,000 and \$20,000 for the METRO bus service going into effect this summer, \$32,500 for tipping fees and trash hauling. \$17,500 of that is proposed with the landfill closure. If the closure does not take place, that amount will come out of the budget. There is a proposed \$20,000 for a grant match and this is to earmark funds within the budget as department heads and staff go out for funds that are eligible for Municipal government. This will allow staff to pursue those opportunities.

Ms. Maloy pointed out that we are looking at a budget revenue impact of a \$329,000 increase. She explained that she is looking at increasing what is budgeted for excise taxes and projecting that we will be taking in more. Historically, we have been taking in \$100,000 more than what was budgeted. She explained that it is the same case with the BETE reimbursement. We are not anticipating to receive more funding, we are just truing up to what our historicals have been and bringing our budget up to those actual levels. Mr. Joseph noted that this is more accurate forecasting.

Ms. Maloy explained that we have a proposal to use impact fee money and transfer it to the General Fund as those funds need to be used within five years of receipt. She is proposing to use \$100,000 to offset paving and roadwork for this year. There is also \$9,000 coming in from the Leon Gorman Park and \$41,000 from Destination Freeport TIF that will offset the Buildings and Grounds proposal. Mr. Joseph explained these are both costs we have been paying for the past three years but the way it is shown is a \$35,600 increase and a \$50,000 increase to revenue so the net is the difference between those two. They are projecting that we will save over \$10,000, closer to \$15,000 by in-sourcing those seven items, essentially those five big contracts and doing it in-house with the addition to staff. This is a bit confusing but we will get into it at the next workshop. The Public Works Director will be here and we will get into a lot of detail on the cost savings projections and expenses are.

Ms. Maloy advised that the final item is a proposed new cell tower lease and using those funds to reduce the tax impact versus setting them aside in a reserve. Mr. Joseph noted that he has an agreement pending that will be before the Council for consideration before the budget is approved. It is a co-location on the existing water tower. This will be Freeport's seventh cell tower.

Ms. Maloy pointed out that this would bring a municipal tax impact of \$59,000 or 1.18%. Mr. Joseph explained that it is less than four and a half and typically, tax rates are assessed in increments of five cents by the Assessor. He advised that Cumberland County's tax impact is set in stone and they have already sent us the bill for that. RSU 5 is a work in progress and they still have several decisions to make but as proposed, the Municipal levy for Freeport if approved, would be \$16,799M and would mean a \$1.27 mil rate impact. The Town portion would be a 4.38 cent increase on the tax rate or \$59,000 increase. The total tax is the total levy to the Town of all three property taxing units would mean \$1.37 as presented on the tax rate or 8.81%. He uses these figures cautiously because the RSU discussion is still quite involved and this is all we have to work with at this point. If they change that or revise it downward, Mr. Joseph would provide the Council with updated figures.

Chair Sachs asked Mr. Joseph to clarify for those at home on our public information, the percent increase for the RSU is 11.43%. On the materials they are decimating at the moment, it is 7.1% She asked him to clarify where he has his figures from for those at home. Mr. Joseph explained that he understands that the 7% increase to the total tax rate. The bottom line is the \$15.80 tax rate we had last year if it was increased by \$1.20. Mr. Joseph is saying it might be closer to \$1.27 but they are really close. The difference is the \$1.27 projected mil rate impact when divided by \$15.80 is 7%. He is showing it as an increase over their portion of the mil rate. Ours is 1.18%. If we divide our 4.4 cent tax increase by \$15.80 it would be about one-quarter of 1.8%. There are two separate calculations being shown. This is just tax rate levy increase over last year's tax rate levy. Essentially, the bill we are being sent is increasing by 11.4% over the bill we were sent last year if the approval goes forward which is not guaranteed for everyone at home. Mr. Joseph noted that he is showing percent increase of the tax levy so the tax bill that they send out is the bill that is

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sent to the taxpayers. He explained that the Governor's proposal will reduce Revenue Sharing next year somewhat and eliminate it within two years. His proposal leaves it the same this year. He warned that this can have a significant long-term effect on the Town over the next five years.

Ms. Maloy explained that the public is invited to speak to department heads informally to get information they may not want to get in a formal setting on May 13 from 5-6 p.m. and May 14 from 7:30-8:30 a.m. in the Town Council Chambers.

Mr. Joseph offered to answer questions. Councilor Hendricks pointed out that he feels this 1.18% Municipal increase is a great job and asked about the rate of inflation. Mr. Joseph advised that we missed inflation by a whole percent this year. Mr. Joseph gave credit to Freeport's new Finance Director for all the work she has done.

Chair Sachs asked if this presentation could be E-mailed to Councilors so they can focus in on changes both ways. Ms. Maloy agreed to send it out.

Mr. Joseph explained that Councilor Hendricks asked him to provide some information on historical tax levy performance and tax rate performance and CPI performance. Ms. Maloy actually completed it this afternoon so he will E-mail it out to the entire Council. It covers seven years. It shows that for seven years Freeport was around the inflation rate and he can only take credit for three years. Our former Town Manager and former Councils did a great job controlling the tax levy increases on the Municipal side as well as at about the inflationary rate.

Councilor Tracy asked for clarification—she asked if Chair Sachs advised that the current increase being proposed by the school is 7.1%. Chair Sachs pointed out that she has seen two different figures on the pink budget sheet: 7.1% and 9.5%. Mr. Joseph explained that the 9% does not mean we are getting a 9% tax increase because Durham and Pownal will see a different impact of that. Freeport pays a different percentage than Durham and Pownal due to the shifting State Aid formulas and assessments. The 7% figure that was thrown out is their projected tax rate increase which is pretty close considering we have the numbers they need to use. Last year they sent a bill to the town of \$15 million and he is expecting them to send a bill of roughly \$16.8 million this year. He explained the different ways of calculating. Councilor Hendricks asked Mr. Joseph to be prepared to explain the two different ways of calculating the increases at Monday's workshop.

Councilor Egan referred to the increase in insurance rates and she wanted to verify that all of those increases are things that we don't have any choice over and also if the salary increases are embedded in our contracts with our employees. Mr. Joseph explained that it's a mixed bag. He would say that based on our current personnel offerings, we don't have a choice in it. The health care increase is something we are going to see regardless of what health plan we are on. We have had some very bad claims over the past 12 months. Ms. Maloy referred to the last orange tab that says Supplemental Information, there is a memo from Mr. Presgraves addressed to Mr. Joseph. There is a lot of data from our health insurance provider that might explain some of the increase we are seeing. Mr. Joseph explained that the rate increases for Maine State Retirement and the health insurance figures are shared by employees and both of those portions that employees contribute to are going up.

Chair Sachs encouraged the Council to read through their packet carefully. If they have questions, definitely let Mr. Joseph know ahead of time so that the department heads can be prepared when the Council has the workshop on the 19<sup>th</sup> to answer the questions. If there are additional questions after the workshop, get those in and then we will have the Public Hearing on June 2 and have a chance to go through line by line.

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Councilor Egan asked about the \$25,000 cell tower lease and whether it would be an annual amount of new revenue. Mr. Joseph advised that it would. She asked about the offset paving and road additional \$100,000. Mr. Joseph explained that the Town has an impact fee account that developers pay into when they develop property to cover additional road wear and tear that is borne by the housing units that are created. The balance of that fund is \$300,000. We have five years from the date that the impact fees are collected to use those so we have some impact fees that have been collected in recent developments that are due to expire in a year or two so that is why the Council is seeing to spend it. That is a revenue stream paid for by developers. When someone buys a brand new constructed house, the developers paid an impact fee on that house to offset wear and tear on roads that the house will generate either through the construction process or through the addition of new housing units and 20 trips a week in a car, etc. Over the next couple of years there will be similar offsets shown but probably not in that amount.

Chair Sachs again requested that the PowerPoint presentation be E-mailed to the Council. She is looking forward to seeing everyone at the Community Center on May 11 at 6:30. It will be stream live for folks if they wish to tune in.

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**MOVED AND SECONDED:** To adjourn at 7:50 p.m. (Egan & Hendricks)  
**VOTE:** (7 Ayes)

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Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES  
FREEPORT TOWN COUNCIL MEETING #10-15  
FREEPORT TOWN HALL COUNCIL CHAMBERS  
TUESDAY, MAY 19, 2015 – 6:30 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
James Hendricks, 21 West Street	x		
Kristina Egan, 5 Weston Point Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Andrew Wellen, 83 Hunter Road	x		
Scott Gleeson, 23 Park Street	x		
Sarah Tracy, 75 Lower Flying Point Road	x		
William Rixon, 66 Varney Road	x		

Chair Sachs called the meeting to order at 6:31 p.m. and took the roll.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #09-15 held on May 5, 2015 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #09-15 held on May 5, 2015 and to accept the Minutes as printed. (Egan & Tracy) **VOTE:** (7 Ayes)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Sachs announced:

**Next Monday, the Memorial Day Parade** begins at 9:30 a.m. at the Freeport High School, followed by the Memorial Day Ceremony at Bow Street Park at 10 a.m.

**The Town Council Workshop for District 1 residents will take place on June 16<sup>th</sup> at the Freeport Community Library.** The Workshop will begin at 6:30 p.m. After the Workshop adjourns, the Town Council will reconvene at the Town Hall for their regularly scheduled Town Council Meeting

**Freeport residents will once again have the whole month of June to bring one free load of waste to the Recycling Center** using the Cleanup Coupon contained in the Town mailer that residents will be receiving in their mailboxes soon. As in years past, some material will have fees associated with them, so please review your flier for the list of acceptable items and fees.

**RSU#5 will hold a Budget Meeting on Wednesday, May 27<sup>th</sup> at 6:30 p.m. in the gymnasium at the Freeport High School.** All registered voters are invited to attend the budget meeting to vote town meeting style on the budget for the upcoming fiscal year. A Registrar will be available if you need to register to vote.

**On June 9, 2015 the polls will be open from 7:00 a.m. to 8:00 p.m. in the gymnasium at the Freeport High School located at 30 Holbrook Street for the RSU#5 Budget Validation Referendum Election.** Absentee Ballots will be available at the Freeport Town Clerk's Office beginning Thursday, May 28<sup>th</sup>. The **deadline** to request an absentee ballot is **Thursday, June 4<sup>th</sup> at 6 p.m.**

**Applications for Recreational Shellfish Licenses for the period July 1, 2015 to June 30, 2016 will be available at the Freeport Town Clerk's Office during regular business hours beginning Monday, June 1, 2015.** Licenses are limited and will be sold on a first-come, first-served basis. For more information, call the Freeport Town Clerk's Office at 865-4743 Ext 123 or email [tstevens@freeportmaine.com](mailto:tstevens@freeportmaine.com)

**FOURTH ORDER OF BUSINESS:** Information Exchange

Chair Sachs explained that during this portion of the program the Council was going to have a discussion about any updates concerning the 295 clear cutting issue. The Council became aware that many residents would like to speak on this issue, so she anticipates that there will be a motion to add an item not printed to the agenda to actually have a discussion at the podium right after the Public Comment period.

Councilor Wellen advised that he attended a Shellfish Commission meeting. There was continued discussion of someday leasing clam flats. This is at the preliminary stage of discussion and it may or may not happen anytime soon. There was also discussion about hiring the Marine Conservation officer. He invited Del Arris, Chair of the Shellfish Commission to provide an update to the Council. Mr. Arris explained that the Commission talked about the new hire which will be discussed later tonight. They also talked about leasing. They set dates to get their work done by the end of November and will bring it to the Council to see how it is received as well as what they have to do for DMR. They are hoping to get this done and all in place for next spring. Councilor Wellen noted that there will be time for clambers and anyone interested to provide public comment as they look at different ways of doing leasing.

Councilor Egan pointed out that FEDC met this morning and the main topic was centered around exploring an Arts and Cultural Center for Freeport. There was a very well attended public meeting at the end of April where approximately 55 residents came together to start talking about what an Arts and Cultural Center would be like. The different options discussed were: 1) Having a kiosk that would share information from the creative community with residents and try to involve residents in the arts overall. 2) Actually create a physical space where there could be exhibits and other kinds of art classes for Freeport residents. FEDC has been partnering with the Freeport Players on this and also has created several different committees that are exploring different aspects of this potential Arts and Cultural Center. FEDC has determined that it wants to continue to support the efforts, kind of behind the scenes, helping with staffing and logistics, to see if this could come to maturity here in Freeport. They see it as a potential for driving economic growth in town.

Chair Sachs explained that the Council had a joint workshop with the RSU on May 11 that is already up on the website. One of the outcomes was for Jessica Maloy, our Finance Director, to do a revised Town of Freeport proposed tax change sheet for 2016. It will be on the website shortly so that the recent cuts proposed by the RSU5 Board are reflected in that worksheet. Their calculation went from a 9.1 to a 7.22 on the mil rate. Chair Sachs encouraged everyone to watch that particular workshop.

Chair Sachs noted that speed has been an issue for many neighborhoods. In Traffic and Parking this morning, Chief Schofield stated that they have a grant from the Bureau of Highway Safety to dedicate extra funding for speed enforcement for the next few months. A study was recently done on Merrill Road which has a thousand cars that go through at a posted speed of 25 miles per hour between 6 a.m. and 7 p.m. We are looking at some voluntary traffic calming measures along Merrill Road. Chief Scofield wanted to advise folks that there will be extra enforcement out there through the summer.

Chair Sachs welcomed County Commissioner, Steve Gordon, Cumberland County Manager, Peter Creighton and Finance Director, Alex Kimball and thanked them for being here this evening to talk about budget pressures everywhere.

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

Mr. Joseph reported:

- June is Clean-up month at the Freeport Recycling Facility. Clean-up coupons should be arriving in the mail this week and next week for all Freeport mailing addresses. Saturdays are always busy at the Recycling Center and are especially so during Clean-up Month. If possible, bringing your material in during the week will spare you long wait times. But if you can't, please know that the staff does its best to move people along and they appreciate your patience. In years past, the Recycling Facility has closed the Swap Shop during Clean-Up Saturdays as there wasn't sufficient manpower to supervise the donations. Last year, volunteers helped keep the Swap Shop open by managing donations and keeping the room organized. Their help was invaluable! It would be great to repeat that again this year. If you support the idea of reuse and can volunteer a few hours on a Saturday in June, please contact Suzanne Duplissis at 865-3740.
- Maine DOT is at work paving Route 1 between Exit 24 on I-295 and the Brunswick town line. The target completion date for this work is July 16. Travel delays should be expected until that time.
- The Town has re-started work on the reconstruction of Wardtown Road (Route 125), between Baker Road and the intersection with Grant Road and Lunt Road. The project will be completed in two parts, starting with the section north of Curtis Road. After completing the remaining shoulder and drainage work alongside the road, the pavement reclaiming/grinding operation is planned to start immediately after Memorial Day. Asphalt paving should occur about two weeks later. The section south of Curtis Road will include drainage work, with the reclaiming/grinding operation and paving planned to be completed by the end of June. During this whole time, travel delays should be expected.
- The Town plans to repave three short sections of road before the end of May: Concord Road, Independence Drive, and Depot Street between West Street and Grove Street. These projects will be completed quickly, but they will cause disruptions to travel during the work.
- Later in the summer, the Town will also be completing two other major projects. Litchfield Road will be re-constructed with reclamation/grinding of the existing road, and full-depth pavement. Hunter Road will see drainage improvements made before it is re-surfaced with a shim and overlay pavement. These two projects are not yet scheduled, but are planned for later this year. An update will be provided once these projects have been scheduled.
- If you have any questions about any of the projects mentioned above, please contact the Public Works office at (207) 865-4461.
- I would like to give a special thank-you to Riverview Martial Arts of Topsham who volunteered a 100-person crew for a clean-up day at Winslow Memorial Park two Saturdays ago. Winslow Park Manager, Neil Lyman was able to make use of the volunteers to clean up campsites as well as to do shoreline clean-up, including starting work on dismantling some abandoned floats along the cove side of the park. Winslow Park staff will complete the demolition and removal of these floats over the next two weeks. Once again, thanks to Riverview Martial Arts for their spirit of volunteerism.

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

**MOVED AND SECONDED:** To open the Public Comment Period. (Gleeson & Egan) **VOTE:** (7 Ayes)

Ethel Wilkerson of Elm Street discussed the clear cutting that has taken place along the highway corridor. She explained that there are children in their neighborhood and she focused on air quality and pollution. She feels it is a public health concern for her area and is disappointed there was no public comment period provided. She does not feel the clearing had to be as severe as it turned out to be.

Joanie Thompson of 54 Elm Street also was disappointed that there was no notification. She woke up in the middle of the night to grinding. The noise pollution is unbearable right now. She is planning to have 250 feet of stockade fence erected along the right of way because the noise is too loud. She couldn't live there if she didn't have the fence erected. She fears her home value has dropped. She requested that the Town do anything in their power to build a berm or plant trees or petition the State to put up a sound barrier. She feels the holes in the fence are dangerous.

Andrew Lee of 55 Elm Street advised that he is in support of working toward resolution and having a dialogue. He will try to be involved as much as he can.

Michelle Peacock of 5 Oak Avenue explained that she is concerned about the noise and sight pollution. She cannot enjoy her backyard during rush hour traffic. At night she cannot have windows open because of the trucks going by. She finds it very disappointing.

Kathleen Meade of 6 Guptil advised that she is two blocks away but now she can hear the highway inside her house. She encouraged the Council and Town Manager to work with the State to provide a significant barrier now.

Sally Leland noted that the blight is not in her backyard but it is because it is in her community's backyard and she is here to echo the residents that are affected. It affects all of us if it affects one.

Vanessa Lee of 55 Elm Street explained that she lives in the house directly next to the highway. She had loved the neighborhood but found it disappointing when everything came down. She can now see the cars on the highway and now does not go outside much. She would appreciate the Council working with the State.

Tim Rich of Elm Street mentioned that besides the noise pollution that others have discussed, his big concern is the fence that has been cut up to. There are huge holes in the fence between the high school and Elm Street. There is one spot near the high school that one can drive right through. There are plenty of other spots where the fence is broken down. He has concerns that children might go wandering off and find themselves right next to the highway.

Sebastian Meade of 6 Guptil noted that he agrees with everything that has been said. He has heard that people that live on the Snow Road, Justin's Way and Holbrook Street have the exact same complaints but could not be here tonight.

Joyce Veilleux, Commander of the American Legion Post in Freeport totally agreed with everything that has been said. She pointed out that it is that time of year when we remember those that served and went before us. There are some misunderstandings out in the public and she wanted to use her three minutes at the microphone to explain a few things. The flags and the flag holders are provided by the town and the American Legion makes sure they get out before Memorial Day. Those flags are for all veterans. There is a misconception out there that a veteran has to have participated in a war or has to have been active duty. That is not correct as long as the person served, the person is authorized a flag and a holder. If there were National Guard, Reserve, even if they were in the Navy or Air Force, they will provide them with a flag and a holder. Documentation needs to be brought to the Town and show copies of separation papers which



is a DD214 or something that proves that they actually served and they will make sure they get a flag and a holder. She urged people to bring their papers to the Town to make sure everybody gets recognized.

Ashleigh Lee explained that she lives next to the highway with her family. She wanted to say that the fence along the highway is rusty and old and not attractive. When she looks out her bedroom window, she can see a brown rusty old fence. Nora Lee lives in Freeport and she explained that she is eating a lollypop.

**MOVED AND SECONDED:** To close the Public Comment Period. (Egan & Tracy) **VOTE:** (7 Ayes)

**MOVED AND SECONDED:** To add an item not on the printed agenda for Council discussion on the issue of the clear cutting project on 295. (Gleeson & Tracy) **VOTE:** (7 ayes)

Councilor Gleeson advised that he has been working closely with Chair Sachs over the past few weeks trying to find a solution to offset the visual and noise impacts created by the removal of trees and vegetation from the DOT's right-of-way. The plan was to cut trees between Exit 22 and 29 so it affects more than Freeport. His constituents are frustrated with the DOT's clear cutting and they have not tried to offset what they did. They basically took every tree down. It was a more cost effective way to go. The residents previously had a 75 foot buffer and now have a front row view of 295. It is a pretty dramatic change. He mentioned that he and Chair Sachs have worked with the Town Manager and have come up with some cost ways to offset the visual impact on certain ends of the affected streets but there is only so much that we can do. He noted that these things will cost money. Most of the complaints have come from Elm and Oak Streets. There is concern that DOT didn't give much notice, if any. They contacted the DOT and were informed that there was a Press Release done. He mentioned that there is a State side to the fence and there is a Town side of the fence.

Kathleen Mead pointed out that the State kept saying it is doing it from Exit 22 to 28 but Freeport is in the 20 to 22.

Representative Gideon has been in touch with Chair Sachs and explained that she and Councilor Gleeson have strongly advocated to have a workshop with the DOT in Freeport based on residents' advocacy of their town. They know loud and clear how Freeport feels on the way they went about this. Councilors have been contacting DOT. Councilor Gleeson has been working with Representative Gideon and they are working hard to have a representative from DOT here for the District One workshop on June 16. It is hoped that they will tour the area and they will listen to constituents. She noted that the safety concerns of the downed fence with huge holes is a grave concern to Chair Sachs as well as to the other Councilors. Representative Gideon indicated she would call Mr. Connell's supervisor after speaking to Chair Sachs.

Mr. Joseph called residents attention to Albert Presgraves, Town Engineer in the back of the room. He is the only person who saw the project a couple of weeks before it was done and made a call to DOT and asked them to reconsider the scope. He pointed out some of the concerns that would likely arise if they chose to do the clear cutting. They indicated to Mr. Presgraves that they would take it into consideration.

Mr. Joseph feels badly for everyone affected and can imagine what they are hearing. Mr. Presgraves and the Public Works Superintendent went out and looked at the site. The Town has a very narrow right-of-way there but there is a slight berm there. They investigated putting in another berm there which wouldn't be that great of a solution. Residents would be losing that turn-around but the town does have the option to do some plantings of 5-7 feet evergreen trees that would be used for screening purposes year round. He estimated that it would cost \$1,000 or a little more and labor to install the trees. They would continue to talk to the DOT and our State Reps to get them to take some action to help out the affected residents.

They can go ahead with that in the next week or two. Unfortunately, all of the cutting was done on DOT's property.

Chair Sachs noted there is \$22,000 left in the already appropriated Contingency Fund from last year. It is at the Town Manager's discretion but she wanted to let the public and the Council know that it is his intent to use the Contingency Fund.

Councilor Egan noted she is 100% supportive of spending the money. She asked if it is possible that DOT made a mistake and there may be a way to persuade them to rectify it. Mr. Joseph advised that the scope of where it started and ended is probably a mistake. He is confident the State went out and flagged where to start and stop but didn't use a lot of precision. Councilor Egan stated that the fact that the DOT has not gotten back to the Town is terrible.

Councilor Tracy asked if a Press Release is sufficient notice or if they actually have to notify abutters in writing. Mr. Joseph advised that there is no requirement to notify anybody because it was all within their right-of-way. The Town gets paving project notices and they are usually good about providing those notices. Councilor Tracy mentioned it may be worth an hour's time trying to figure out if they had a notification requirement.

Chair Sachs explained that there is nothing to vote on. The funds have already been appropriated in Contingency but she feels it is important for the Council and the public to know when funds are being expended. She asked folks to keep an eye on this and call the Council if they have any concerns and know that the Council is as devastated as they are. It looks atrocious and is not the way Freeport tries to communicate or do business. She thanked everybody for communicating with the Council.

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

ITEM #75-15                      To consider action relative to adopting the May 19, 2015 Consent Agenda.

**BE IT ORDERED:** That the May 19, 2015 Consent Agenda be adopted.  
(Sachs & Egan)

Chair Sachs explained the items on the Consent Agenda to members of the public.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #76-15                      To consider action relative to approving a Special Amusement Permit application for Stirling & Mull located at 175 Lower Main Street, Freeport.

**BE IT ORDERED:** That a Public Hearing be scheduled for June 2, 2015 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss approving a Special Amusement Permit application for Stirling and Mull, LLC located at 175 Lower Main Street, Freeport.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Hendricks & Egan) **VOTE:** (7 Ayes)

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ITEM #77-15                      To consider action relative to approving an application for a B.Y.O.B. Permit submitted by Kendall Tavern Inn Bed & Breakfast located at 213 Main Street, Freeport.

**BE IT ORDERED:** That a Public Hearing be scheduled for June 2, 2015 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss approving an application for a B.Y.O.B. Permit submitted by Kendall Tavern Inn Bed & Breakfast located at 213 Main Street, Freeport.

**BE IT FURTHER ORDERED:** That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Rixon & Gleeson) **VOTE:** (7 Ayes)

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ITEM #78-15                      To consider action relative to approving a liquor license application for Stirling and Mull, LLC located at 175 Lower Main Street, Freeport. **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Egan & Tracy) **VOTE:** (7 Ayes)

There were no public comments provided.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Egan & Tracy) **VOTE:** (7 Ayes)

**BE IT ORDERED:** That a liquor license application for Stirling and Mull, LLC located at 175 Lower Main Street, Freeport be approved. (Egan & Tracy) **VOTE:** (7 Ayes)

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ITEM #79-15                      To consider action relative to a resolution recognizing Mr. Alfred Fogg of Freeport on his 100<sup>th</sup> birthday.

**BE IT RESOLVED:**

WHEREAS, It is the intent of this Legislative Body to commemorate and recognize certain milestones celebrated by citizens of the Town of Freeport; and

WHEREAS, Attendant to such concern, and in full accord with its long-standing traditions, this Legislative Body is justly proud to congratulate Mr. Alfred Fogg of Freeport, Maine, upon occasion of celebrating his 100<sup>th</sup> birthday; and

WHEREAS, Alfred Fogg was born in Freeport, Maine on May 19, 1915 to Mr. & Mrs. Thomas D. Fogg; and

WHEREAS, Alfred Fogg was a lifelong resident of the Town of Freeport; is a United States Veteran, a former Bath Iron Works employee, a devoted family man and an avid life-long clammer, now therefore,

BE IT RESOLVED, That this Legislative Body pause in its deliberations to celebrate the 100<sup>th</sup> Birthday of Alfred Fogg; and

BE IT FURTHER RESOLVED, That a copy of this Resolution, suitably engrossed, be transmitted to Alfred Fogg dated this 19<sup>th</sup> day of May by the Freeport Town Council. (Tracy & Egan)

Councilor Tracy wished Mr. Fogg a happy birthday and explained that his daughter, Mrs. Damone was her Home Economics teacher. She noted that she is proud of him and he represents our heritage. When we talk about making sure that the people of Freeport can stay in Freeport, he is a prime example of that. She extended good wishes to Mr. Fogg and his family. Chair Sachs echoed Councilor Tracy's comments. She explained that Councilor Tracy would deliver the resolution along with birthday cards from FCS. If anyone so wishes, Mr. Fogg resides at the Freeport Nursing Home on East Street. She is confident he would be absolutely delighted.

**VOTE:** (7 Ayes)

Chair Sachs thanked Councilor Tracy for bringing this forward. Councilor Tracy thanked Bridget Healy for bringing this to her attention.

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ITEM #80-15                      To consider action relative to the confirmation of a Marine Resource Conservation Officer.

**BE IT ORDERED:** That the Town Manager's appointment of Andrew Durgin of Biddeford as Freeport's Marine Resource Officer be confirmed pursuant to the Town of Freeport Administrative Code Section 506.7. (Wellen & Egan)

Mr. Joseph explained that the position was advertised and eight applications were received but Mr. Durgin was the first choice after a second interview. He is currently an employee of the Cumberland County Sheriff's Office and also served as a Reserve Police Officer in Old Orchard Beach.

Mr. Durgin explained that he appreciates the opportunity and is excited to begin his duties.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #81-15                      To consider action relative to the confirmation of an Acting Town Clerk.

**BE IT ORDERED:** That the Town Manager's appointment of Mary Howe as Acting Town Clerk be confirmed pursuant to the Town of Freeport Administrative Code Section 505.1. (Gleeson & Egan)

Town Manager, Peter Joseph explained that Ms. Howe is currently the Deputy Town Clerk and Tracey Stevens has been working with her to get her ready to handle the upcoming election on June 9. The town Clerk's position has been advertised but Ms. Howe has agreed to serve as Acting Town Clerk until we bring someone in full time.

Chair Sachs mentioned that Tracey notified her that Mary Howe needs to be appointed as the Acting Registrar of Voters as well.

**MOVED AND SECONDED:** To amend Item #81-15 to appoint Mary Howe as Acting Town Clerk and Acting Registrar of Voters. (Tracy & Egan) **ROLL CALL VOTE:** (7 Ayes)

**ROLL CALL VOTE ON AMENDED ORDER:** (7 Ayes)

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ITEM #82-15      To consider action relative to the appointment of delegates to the annual Greater Portland Council of Governments (GPCOG) general assembly.

**BE IT ORDERED:** That Council Chair, Melanie Sachs and Town Manager, Peter Joseph be appointed to represent Freeport at the GPCOG annual meeting to be held on June 17, 2015 at 11:30 a.m. at the USM Glickman Library in Portland.

*Note: According to the GPCOG Bylaws, at least one representative shall be a Municipal Officer. The other representative shall be either a Municipal Officer or a designee elected by a majority vote of the Municipal Officers. (Hendricks & Gleeson)*

Town Manager, Peter Joseph explained that he volunteers to be the second person for this item. One or both have to be Municipal officers for the Town.

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**VOTE:** (7 Ayes)

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ITEM #83-15      To consider action relative to placement of a historical sign by the Freeport Historical Society and American Legion describing the history of cannons in Bow Street Park.

**BE IT ORDERED:** That a historical sign by the Freeport Historical Society and American Legion describing the history of cannons be authorized for placement within Bow Street Park. (Rixon & Egan)

Joyce Veilleux, Commander of the American Legion Post, explained that one of their missions is to preserve the local history. To that end, they are requesting permission to add a sign to the Freeport Heritage Trail which will explain the history of the two cannons located in the Soldier Memorial Park on Bow Street. They are working very closely with the Freeport Historical Society and using the same designer that designed the Heritage Trail signs. The signs are made of the same material, same color, and same size. They have the trail map on the bottom just like the current signs do. The only difference is that we are requesting that the sign be placed at a height that makes it easier for someone in a wheel chair to be able to read or for a child to read. They are requesting that the back be at a four foot level and the front be at a forty-five degree angle downward. They would like to place the sign in the park behind the stack of cannon balls of the cannon on the left side as one is looking at the flag pole.

They feel it is important not only because of the history of the cannons that were actually at the first major battle of the Civil War but also in the last battle of the Civil War in the last surrender that took place in Durham, North Carolina. There were also 12 Freeport men in that unit and they were the ones that procured the cannons. They requested that their names never be mentioned. In order to honor their work, they would like to place the sign. It will not be in place before Memorial Day.

Chair Sachs explained that this is a permanent use of Town property, it is coming to the Council. She thanked Commander Veilleux for bringing this forward.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #84-15      To consider action relative to a water tower lease between the Town of Freeport and Portland Cellular Partnership D/B/A Verizon Wireless at the Stagecoach Road water tank for co-location of the cellular phone antennas.

**BE IT ORDERED:** That the proposed water tower lease between the Town of Freeport and Portland Cellular Partnership D/B/A Verizon Wireless at the Stagecoach Road water tank for co-location of the cellular phone antennas be approved.

*Note: Term of contract is five years with four automatic extension provisions. Initial rent is \$26,400 annually with a 3% annual escalator for subsequent years. (Wellen & Egan)*

Town Manager, Peter Joseph explained the water tower lease. It will not spoil the view. The slight added public benefit to this is increasing cell phone reception in that neighborhood. He mentioned that \$26,400 is being budgeted for the General Fund.

**ROLL CALL VOTE:** (7 Ayes)

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#### **OTHER BUSINESS**

1. Discussion regarding an Active Living Advisory Committee.

Chair Sachs explained that the Council extended the charge of the Active Living Task Force through the end of June. We want to begin the discussion where we would like this to go while we have time to explore it. She provided points for discussion to Councilors. To begin the discussion, she mentioned that the Council could make the Task Force a standing committee. We could extend their charge as simply a Task Force with a time limit or not. We could thank them very much for all their work and say nothing is no longer needed or something she has not thought of. She opened it up to the Council for discussion. She mentioned that many Active Living Task Force members are here this evening and they are welcome to answer questions as well.

Councilor Hendricks pointed out that the Council has had so much discussion on this issue. He does not have a problem making them a Town Committee with certain caveats such as working under the Town Planner and the Planning Department. He has heard from citizens that making them a standing committee, they are worried it is an advocacy committee that is going to be advocating to spend Town money. After hearing how much they got done in a short amount of time, it is clear they have been working for free because they wanted to do it.

Councilor Rixon advised that he would be in favor of them becoming a Town Committee. He was impressed with their presentation that occurred at the Community Center.

Councilor Wellen acknowledged that they have done a lot of really good work but he feels it is not enough of a reason to become a Town Committee. Private non-profits get a lot done for the Town. The Historical Society and other groups do. He feels it does not make sense to make them a Town Committee. They basically did a plan and now their purpose is to decide how much or how little of it to implement. We already have committees and departments such as Traffic and Parking, Engineering and Planning to implement even if we implemented the whole plan which is estimated at \$15M-\$20M. He feels they can do as much for the Town without becoming a Town Committee. It would be another committee for Councilors to serve on. He feels it is time to end it.

Councilor Egan advised that she is in agreement with Councilors Hendricks and Rixon that the Council should make the Active Living Advisory Committee a permanent Town Committee. The Comprehensive Plan that the Town has, specifically lays out that we want to make sure that bicyclists, pedestrians, runners and people with dogs all have safe places to go and to be active. The Task Force created a very robust plan that talks about how the Comprehensive Plan can be implemented in a very specific way. She noted that Freeport is a very outdoor community and this is a high priority for a lot of our community.

She hopes they know that they are very much appreciated by the Council and thanked them for their service and countless hours of volunteer time trying to make this community safe for everybody.

Councilor Tracy agrees that the Council should create the Active Living Advisory Committee. This is one thing we can do to proactively improve the quality of life for our residents. This group is comprised of smart, dedicated and energetic people and they are trying to create a situation where the Plan we paid good money for does not sit on a shelf. If they had that permanent status, they would have the possibility of attracting outside grant money to make Freeport better. She wholeheartedly supports that status and appreciates their work so far and is excited to see what they do.

Councilor Gleeson noted that he also supports creating the committee in an official capacity. He believes being an official Town Committee will help them secure grants.

Chair Sachs noted that she is in support of making the Active Living Advisory Committee a permanent Town Committee.

Councilor Wellen pointed out that it appears the majority of the Council supports forming a Town Committee. He feels it is important that this committee be made up of members from different backgrounds and from all four districts in Freeport. He would want to see possible members interviewed to make sure they have a balanced perspective.

Chair Sachs advised that at the Council's next meeting on June 2, we will set the public hearing for the establishment of the Active Living Committee. They did recommend a seven-member committee with representatives from all four districts with two members at large and one member would be a Town Councilor with voting rights on that committee. These meetings are open to everybody. It would go through the same Appointments process just like every other committee. Those meetings are held on the second Thursday of the month at 7:30 a.m. here in Council Chambers. If Councilors have language that they would like to see for the formation of the committee to be setting the public hearing on the 2<sup>nd</sup> and then we will have the public hearing on the 16<sup>th</sup> and can vote after that. There will be plenty of opportunity for the public to weigh in. She asked for a head nod from Councilors if they were okay with she and the Town Manager getting together to draft language. She was happy to see the nodding of heads.

She thanked the Active Living Task Force thus far for all of their help and marshaling through this process.

Chair Sachs advised that the Town Engineer offered to put the Storm Water permitting to the third item as opposed to the second item and move up the FY16 Operating, Capital & TIF Budget Workshop with department heads so we will reverse the order of #2 and #3.

At 8:10 p.m. the Council took a brief recess to set up the Budget Workshop.

## 2. FY16 Operating, Capital & TIF Budget Workshop.

Chair Sachs called the meeting back into session at 8:16 p.m. She announced that she would be leaving at 9 p.m. but has reviewed the budget very carefully and will be prepared for the public hearing coming up on June 2. She thanked Jessica Maloy for providing the schedule for reviewing the department budgets. Each department head will provide a very quick overview of their budget. She invited the three Cumberland County officials to join the Council at the table. Every year when the Town issues tax bills and when our Finance Director comes out with these presentations, there is the Cumberland County piece, the RSU5 piece and the Municipality piece and we never had the opportunity for the County folks to come and talk about what is in their particular allocation of our tax impact.

Peter Creighton, County Manager, Alex Kimball, County Finance Director and Steve Gordon, County Commissioner for District 3 introduced themselves. Mr. Creighton explained that their biggest issue is what is happening regarding jails. The situation is serious. If they don't get State funding by the beginning of July, it could mean the loss of \$3.6M or more. They are working hard to try and secure the State funding they will need by the first of July.

Mr. Kimball explained that Freeport's valuation went up more than other communities. He explained the costs incurred by the Civic Center while under construction, had a major hit on the tax bill for everyone in Cumberland County.

Mr. Joseph asked them to explain the relationship between the Town and the County. Mr. Creighton explained that the Civic Center is owned by the Cumberland County Recreational District and if they have a shortfall, they can write a warrant to the County and the County has to pick it up and include it with its taxes and reimburse them. Services included in the budget are the Civic Center, Sheriff's Offices & jails, Communications Center, District Attorney's Office, Criminal Justice, Emergency Management, Community Development Program, Regional Assessing Office, Human Services Funding, Extension Service Funding, Registry of Deeds, Probate Office and Workforce Development.

Commissioner Gordon noted that the issue of the jails is a real concern for him. If they don't get their funds by June 30, they will really be in a hole. He suggested that Freeport put pressure on their representatives. Chair Sachs explained that last year the Cumberland County Jail Program Work Release for prisoners provided 624 hours for Community Services. Senator Gerzofsky sits on the Criminal Justice Committee and he is very well aware of some of these things. More discussion followed.

Chair Sachs noted how careful budgeting has taken place in Freeport and this town has been extremely frugal and would like to see the same rigor on the County side. She means it when she says we are pinching every penny. She asked them to recognize that municipalities are already at that crisis mode. Mr. Gordon appreciated her comments and explained their dilemma if they don't received their \$3.6M. Beth Edmonds, Chair of the Civic Center Board pointed out that they have a national management team in there and their goal is to break even but it will take a few years. More events have to happen that will make money.

Mr. Creighton asked what the Council would like them to bring a year from now. Chair Sachs mentioned that she should get some feedback from Councilors and be able to talk a bit about that. She feels it is interesting to know what is upcoming and it would be great to have the head's up. She noted she is so thankful that the County folks were able to come here tonight. It was very helpful to get their perspective.

Chair Sachs thanked the department heads for staying and apologized for having to leave. She understands that there are very few changes in the budget and she hopes that department heads give a brief overview of significant changes. She excused herself at 9 p.m.

**Police** - Chief Scofield suggested that the Town Clerk be taken up next since she has to be here early tomorrow morning.

**Town Clerk** - Tracey Stevens explained that the only increase in her budget is \$500 for document preservation because we have 70 boxes that need to be shredded and the cost will be approximately \$500 for that. She noted that she decreased her advertising line by \$200 so it will mean a \$300 increase overall. This was fine with the Council.

**Police** - Chief Scofield explained that he increased the recruiting line, clothing, uniform cleaning, Employees travel line, animal control and vehicle maintenance. Everything else pretty much stayed the same.



Mr. Joseph pointed out that we are currently in the middle of negotiating our union contract which expires before the end of the fiscal year. The Council will see an action item on an agenda in June for approval ratification of our contract agreement, if we reach one. There will be cost items attached to that. He does not see this being a substantial spike. This will likely be a three-year contract. Under Special Enforcement, Chief Scofield put in a few more dollars to buy the new officer uniforms.

Councilor Tracy brought up a \$500 increase for overtime. Chief Scofield mentioned he may have put it on the wrong line. \$500 should go away. Councilor Gleeson mentioned a savings by hiring a Marine Resource Officer already trained. Chief Scofield noted he will need some training but not Academy training.

**Fire** - Paul Conley mentioned the Fire budget stayed pretty much the same. There are no new programs planned. The 25% increase for radio maintenance is a complicated radio system and they will be faced with things that will come up. He mentioned that the portables are in good shape but the batteries cost \$100.

**Rescue** - Paul Conley explained that they adjusted some lines and brought some items down. He now only has one truck that is a 2007 and it is not used on a daily basis. He is comfortable with where he is. The Supply increase covers medical supplies. The Council did not have any questions.

**NET Program** Mr. Conley explained the significant increases cover payroll, health insurance and wages that are tied in. Pretty much it is a maintenance budget and they are pretty comfortable with it for their needs.

Councilor Egan asked why the actual for 2015 is higher than the projected 2015 for professional salaries. Ms. Maloy explained that there is a journal entry done at the end of the year that is part of the audit for the shared personnel between Fire and Rescue in NET so there will be funds coming out of the actuals back into Fire/Rescue.

Councilor Hendricks referred to three different memos in Councilors' packets. One is the NET Program Review, the Staffing discussion and the one sitting on the desk was a better copy. He instructed Councilors to grab out of their packets the original one that had the cost analysis and rip it off. Last year during budget time, the Fire/Rescue Chiefs came and were asking for additional staffing. The Council wanted more information and referred it to the Municipal Facilities Committee which did the analysis and just finished it last month. They started out with needing a better idea of the NET Program and tried to figure out if it was making money or losing money. Should we keep continuing with it or should we not continue with it. They learned that NET had some good years and brought in money Other years where it was minus and still other years when it was a bread even enterprise. The biggest thing about having a NET Program is that it enables us to have an increased level of staffing which we would not be able to provide without it. They came to a decision that yes, NET is still worthwhile and the ability to have an increased level of staffing. Crews there did not just respond to NET calls but when they were not responding to NET calls, they were taking emergency calls.

They then started looking at a staffing model. Councilor Hendricks explained Mr. Joseph's chart showing an A, B, C and D crew and explained their primaries. People are now refusing to be in the back-up stipend crew so the goal is to try to maintain that 24-hour coverage during that period of time. The idea is to bring on another crew as shown on the chart. If we decide to bring on a second overnight crew which would be the overnight shift it would cost approximately \$50,000 for 24 hour coverage. The tax impact would be approximately four cents or if anyone's house is valued at \$250,000, it would cost \$10.00 per year to have that crew. He provided some historical information on the request for additional staff.

Councilor Wellen asked for clarification that there is one crew on overnight to take the first call. If a second emergency call comes in, if we don't have stipended people there, the calls goes out to the

community on call but the response time goes from 5-15 minutes to 15-30 minutes respond time. He wants to know how often per month do we now have a 15-30 minute response time for emergency calls if that is what we are trying to cover. He asked if it happens 20 times a year or more. He also asked how it compares to how often we have a 15-30 minute response time during the day. He feels he does not have enough data. Chief Conley mentioned that it would have to be hand counted to isolate it that way. He mentioned that there is no guarantee a paramedic would be on a second truck. There is always one on the first truck. Councilor Wellen does not feel a decision can be made tonight. Councilor Hendricks advised that MFC's consensus was to bring it to the full Council. It comes down to do you want to spend the extra money to increase the level of service? Councilor Wellen offered to give this more thought and will see if he wants to revise what he is asking for.

Councilor Egan explained that MFC wanted to bring this to the full Council. It is a policy call. It is important to remember that there is always 24 hours full-time service and the way we respond when we don't have that 24 hours service is we either have people on call or we are having some trouble getting them in but sometimes we do have them on call. If we don't have somebody on call, we then go to mutual aid and that is what increases the call time. The key piece of data for her is that we just don't know how many times it is happening that there is an emergency call when we have our first crew out or what the problem is. We don't know what the impact is on the community.

Councilor Gleeson brought up depreciation of the vehicles and asked if it was factored in. Councilor Hendricks answered that yes that information was roughed in. He reiterated that what it boils down to is what level of service do we want.

Councilor Tracy agrees it is a risk assessment and cost benefit and the Council has questions about how many times it happens. This analysis has taken some time. She asked why we have to rush into the consideration of a \$50,000 expenditure when we can spend the time tracking the issue. She feels the Council should start tracking tomorrow and then we will get three months of data in the interim. Mr. Joseph agreed.

**Winslow Park** - Neil Lyman advised that they generally come under their budget historically. Over the last few years people on the Commission want to put a little more into infrastructure. They want to add a swim float, the farmhouse needs work and add a handicap ramp off the current boat ramp this year. Everything else is pretty much usage items. The Council was fine with the plans.

**Human Services** - Johanna Hanselman explained one change in her budget. One agency did not submit a request. Her budget is \$500 less than last year.

**General Assistance** - Johanna explained that there are no changes proposed but there are definitely things happening in Augusta. If the bills are passed, it would decrease her budget.

**Public Works** - Albert Presgraves noted there is a \$100 increase for Radio Maintenance. Same thing for vehicle maintenance. There is a 1% increase for Public Works General. He explained the \$425,000 Hot Top Roads. \$100,000 is not coming out of General Fund money but is coming out of impact fee assessments. He would be able to do Hunter Road for less with the new technology. It will last longer and cost less. However, he will not overlay Hunter Road this year but will do some patching. There will be a 10% increase in the salt budget which would cost approximately \$12,000 additionally. He hopes this conservative budgeting will work. The increase in chains is because we are going through chains.

**Trees and Park** - Mr. Presgraves noted there will not be any change.

**Solid Waste** - Mr. Presgraves explained the -45% for Water Testing. He explained that we have been doing the same thing year to year and he is happy to save the \$6,000. He has been able to do the ground water monitoring and have a lab monitor it and send the results to the DEP without hiring an engineer to

analyze it. There is no change from year to year. It could change unfortunately. He explained the unpredictable leachate figure. The tipping fee is being reduced. The demo tip is going up substantially because we will be transferring the waste that is currently going to the landfill. He calls this a comfortable budget. The bottom line is a 4.2% increase.

**Engineer** - Mr. Presgraves mentioned the only change is a slight salary change.

Mr. Presgraves explained that the **Stormwater** item for \$20,400 in the budget has not changed in a number of years and relates to the presentation he will provide later this evening.

**Hunter Road Fields** - Mr. Presgraves pointed out that there is a decrease of 8.8%. Cleaning the bathrooms will be handled by the new Building and Grounds Department.

**Building and Grounds** - Mr. Presgraves explained that the Water budget is going up because they pumped a lot of water onto the fields last year for irrigation. It is city water. He mentioned he is taking \$5,000 off for pest control and the fields are looking good.

**Building Maintenance** - Mr. Presgraves advised that he provided a memo explaining that we would save \$122,500 and would add \$90,000 for this new department. It includes the historic building and grounds account that pays for doing the Town buildings. In this budget when one goes down to the Heat items, there are substantial increases and then there is another \$4,000 item for Community Center. Those four items are \$30,500 increase that have nothing to do with the new Building and Grounds contract extra work that we are talking about doing. This is an increase of \$91,000 in additional costs for this new department and we are still saving the \$122,000. That \$30,000+ we are saving has to be compared to the fact that we need some additional capital equipment to run this department. It was not approved in the original Capital budget and he has not determined how to get it funded. It is something on the order of \$60,000 but should last ten years. The big items needed are a pick-up truck with dump bed and a road side mower with attachment for the trackless sidewalk machine and some small tools. It would cost \$6,000 for ten years.

**Library** - Beth Edmonds explained the Minerva System and that they are getting an average of 100 books a day going in and out the building. Supplies are up because of a need for cards and scanners. She is looking at an increase of 2.6%. Ms. Maloy explained the heating cost increase.

**Codes** - Fred Reeder explained that his budget has no changes.

**Board of Appeals** - Fred Reeder also has no changes. He would love extra part-time help in the future next year. The Planning Board keeps increasing Ordinances and residential building keeps increasing.

**Transit** - Ed Bonney explained that his budget is down slightly. Mr. Joseph advised that the METRO is being delayed until next spring because they couldn't get any qualified suppliers that met the bid requirements for buses that they were looking for. They are actively exploring working with Lewiston/Auburn and Brunswick for two lines that would trunk through Freeport so the same thing we agreed to with them but they would use it as a base point to extend on to Brunswick or Lewiston. For the same costs, we would get the versatility of ten trips to Portland or five trips to Brunswick or five trips to Lewiston/Auburn. The Brunswick possibility is much more concrete than the Lewiston/Auburn one. They are still looking to see if they can lease the equipment for the same cost they could purchase it but it seems unlikely. Mr. Joseph noted that if they start in the spring, it would be one-quarter of the \$20,000 but he is not comfortable to reduce it in this budget yet. We are still talking about three years and the same amount of money but with a different start date. We will know before the Council adopts the final budget. Mr. Bonney mentioned there is a lot of interest in the bus and if what he is hearing is correct, residents need to be updated. Mr. Joseph indicated that this is just coming out and an article will be in the papers.

**Coastal Waters-** Jay Pinkham advised that there are few changes. Ms. Maloy explained that she added \$2,600 for fuel. Mr. Pinkham mentioned that he purchases fuel at the Marina and explained the little things that need to be done in Maintenance.

Vice Chair Gleeson asked if the Council wants to continue or go into the Stormwater permit awareness presentation. Mr. Joseph pointed out that he and Ms. Maloy can review the remaining items. Councilor Egan mentioned that Councilors can be in touch with Mr. Joseph and Ms. Maloy if they have any questions.

**Finance** - Ms. Maloy pointed out there is a staffing change in Finance. In FY16, she is requesting to include an additional half-time person. Right now she has a half person and is looking to make it a whole person and give the option of offering plates at the front counter. Citizens would not have to drive to Topsham to get their plates. She mentioned that there should be two people at the counter at the same time covering cash. Her intent is to also cross train with the Town Clerk's office. It would mean a \$15,000 increase. There were no objections voiced by the Council.

A three Minute Break was taken at 10:35 p.m. so Mr. Presgraves could set up his PowerPoint presentation.

3. Stormwater permit awareness presentation regarding the Town's MS4 permit obligations.

Mr. Presgraves explained that the purpose of this presentation is to make the Council aware of our MS4 Permit requirement. The MS4 stands for Municipal Separate Storm Sewer Permit. It is a federal program that is administered by the Maine DEP with oversight by the U.S. EPA out of Boston. These MS4 Permits are reviewed every five years and are issued to the Town. We must comply with the permit requirements. He explained the requirements and answered questions for Councilors.

Mr. Presgraves mentioned that there will be a Maine Stormwater Conference in South Portland on November 16 and 17 and encouraged Councilors to consider attending.

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**MOVED AND SECONDED:** To adjourn at 11:10 p.m. (Egan & Hendricks)  
**VOTE:** (5 Ayes) (2 Excused-Sachs & Tracy)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES  
FREEPORT TOWN COUNCIL MEETING #11-15  
FREEPORT TOWN HALL COUNCIL CHAMBERS  
TUESDAY, JUNE 2, 2015 – 6:30 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
James Hendricks, 21 West Street	x		
Kristina Egan, 5 Weston Point Road	will be late		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Andrew Wellen, 83 Hunter Road	x		
Scott Gleeson, 23 Park Street	x		
Sarah Tracy, 75 Lower Flying Point Road	x		
William Rixon, 66 Varney Road	x		

Chair Sachs called the meeting to order at 6:30 p.m. and took the roll. She noted that Councilor Egan would be arriving shortly.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #10-15 held on May 19, 2015 and to accept the Minutes as printed.

Chair Sachs advised that County Manager Peter Crichton's name was misspelled.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #10-15 held on May 19, 2015 and to accept the Minutes as edited. (Tracy & Rixon) VOTE: (6 Ayes) (1 Excused-Egan)

**THIRD ORDER OF BUSINESS:** Announcements

Councilor Gleeson representing the Appointments Committee pointed out that the Town is in need of residents interested in serving on a Town Boards or Committee. They will be meeting in June to discuss terms which are expiring on the Board of Appeals, Board of Assessment Review, Cable TV Regulatory Board, Conservation Commission and the Shellfish Commission. Applications are available at the Town Hall and on the Town's website: [www.Freeportmaine.com](http://www.Freeportmaine.com).

Chair Sachs announced:

**The Town Council Workshop for District 1 residents will take place on June 16<sup>th</sup> at the Freeport Community Library.** The Workshop will begin at 6:30 p.m. After the Workshop adjourns, the Town Council will reconvene at the Town Hall for their regularly scheduled Town Council Meeting

**Freeport residents will once again have the whole month of June to bring one free load of waste to the Recycling Center** using the Cleanup Coupon contained in the Town mailer that residents should have received in their mailboxes by now. As in years past, some material will have fees associated with them, so please review your flier for the list of acceptable items and fees.

**On June 9, 2015 the polls will be open from 7:00 a.m. to 8:00 p.m. in the gymnasium at the Freeport High School located at 30 Holbrook Street for the RSU#5 Budget Validation Referendum Election.** Absentee Ballots will be available at the Freeport Town Clerk's Office beginning Thursday, May 28<sup>th</sup>. The deadline to request an absentee ballot is Thursday, June 4<sup>th</sup> at 6:00 p.m.

**You don't want to miss this year's Family Fun Day & Close to the Coast Race on Saturday, June 20<sup>th</sup> at Winslow Memorial Park.** The Race starts at 9:00 a.m. with a whole host of festivities to follow ~BBQ, Games, Bouncy House and Refreshments. Live music begins at 11:00 a.m. with performances by the *Jerks of Grass* and *Golden Oak*. For more information: 865-4198.

**The Freeport Community Library Summer Reading Program runs from June 10 – August 27<sup>th</sup>.** This is a free, fun program that encourages children to read. By simply reading a book, children can win all kinds of terrific prizes. In addition, there will be programs and crafts throughout the summer. Stop by the Children's Room to sign up. The Library could also use your help in getting their LEGO club started. If you have any LEGOs to donate, please drop them by Children's Room. **The Library has a whole host of events and programs for adults this summer too, so be sure to stop by the Library to see what they have planned!**

**The Fourth of July Parade** is being organized. If anyone is interested in being part of the fun, neighborhood floats, antique cars, community groups and local businesses, please contact Michelle Barker who works at Bath Savings Institution at 865-6998 or e-mail her at [Mbarker@bathsavings.com](mailto:Mbarker@bathsavings.com). The theme this year is **Fabulous Freeport Fun on the Fourth.**

**FOURTH ORDER OF BUSINESS:** Information Exchange

Mr. Joseph provided information on the phone system here at Town Hall. The Town is experiencing some incoming phone call difficulties town wide for departments including Public Works, the Public Safety Building (the non-9-1-1 functions at Public Safety.) It is the business lines. It was caused by a service disruption when a fiber optic trunk line was broken in Massachusetts. He did not have an estimate on when it would be repaired and brought back up. If anyone needs to get in touch with anyone at Town Hall, Mr. Joseph suggested that they e-mail tomorrow or stop in at Town Hall until they no longer get a busy signal calling in on one of the main phone numbers. If you get a busy signal, the phones are down. If anyone sends an e-mail and asks Town staff to call, they will be able to call out.

Councilor Tracy provided an update on the Ordinance Committee meeting that took place prior to tonight's Council meeting. They convened to get an update on the single use bag Ordinance issue. They asked the Solid Waste and Recycling Committee and FEDC to do some additional analyses of information to help them be better informed about the environmental and economic impact of a proposed Ordinance affecting the use of single use bags in Freeport. At today's meeting they received a preliminary draft of an economic analysis from FEDC and a preliminary draft of an environmental and life cycle analysis from the Solid Waste and Recycling Committee. They heard summaries and analyses for approximately a half hour apiece. The next step will be for the Ordinance Committee to provide questions and follow up comments and feedback on those drafts and will then schedule another meeting to finalize those reports and then will consider their next steps.

Councilor Rixon reported that the Coastal Waters Commission recently wrote a letter to Doctor Beal who is conducting shellfish studies along the coast. There have been complaints from residents about the plastic netting being dislodged from the seed beds and causing a navigational problem. The second complaint is about noise pollution from the air boat being used on the flats. Apparently there is a 90 decibel limit for any type of boat. The commission is interested in meeting with Doctor Beal to rectify these problems. Chair Sachs requested that Councilor Rixon provide an update on the outcome of the meeting.

Chair Sachs provided an update on the clear-cutting issue discussed at the last Council meeting. The specifications for the work area were designated as a Freeport-only project from Mile Marker 21.78 northbound and ends at Mile Marker 25.7 for a distance of 3.92 miles. She has been in communication

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with the MDOT folks and they anticipate having a representative at the Freeport Library for the District 1 Workshop. She thanked residents for continuing to send pictures and voicing their concerns. Within the specification for work it says: "all trees shall be cut flush to the ground and all cut trees and debris generated each night should be removed from the right-of-way. This is clearly not happening so Chair Sachs has asked for clarification around that. It is clearly within the scope of work for the contractor to do that. She has maps showing the actual designated areas and noted they can be found on the website and she is happy to forward it to anyone that wishes.

**Note:** Councilor Egan arrived at 6:45 p.m.

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

Mr. Joseph reported:

- The Public Works Department has scheduled installation of the berm and screening plantings at the end of Elm Street for the end of this week and beginning of next week. Construction and plantings are expected to take a few days. Total materials cost is expected to be approximately \$1,000 for the berm and \$1,000-\$1,500 for the trees. The money will come from the Contingency Account. It is Town General Fund money that was already appropriated. It will not result in additional taxation next year.
- Congratulations to Officer Nate Leger of the Freeport Police Department, who graduated from the Maine Criminal Justice Academy (MCJA) last week. Officer Leger graduated out of 60 cadets from the 18 week academy. He completed his field training with the Freeport Police Department prior to attending the MCJA and is now fully certified. Officer Leger was pictured with Freeport Police Officers Norris and Moorhouse at the MCJA graduation ceremony.
- A reminder to residents who travel Wardtown Road/Route 125 on a regular basis-construction is ongoing, and delays should be expected. The good news is that construction is proceeding on schedule and base coat paving should be complete by July 1<sup>st</sup>.

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

**MOVED AND SECONDED:** To open the Public Comment Period on Non-Agenda Items Only. (Gleeson & Egan) **VOTE:** (7 Ayes)

Ed Bonney of 183 Lower Main Street explained the legislation that is on the fast track to be passed by the Legislature to allow anyone at any time to carry concealed weapons. He encouraged the Council to follow this legislation closely with Representative Gideon who did not vote for it and the Police Department to make sure that everyone is prepared for when this probably will go into effect in September, assuming the Legislature does adjourn in June. He is in support of Second Amendment Rights. He understands that there are no restrictions on where you can carry a concealed weapon and it can be carried without a permit. Permits will be voluntary. He suggested that the Council keep on top of this and understand fully what the meaning is for all citizens and every other community in the State. He suggested that Councilors talk with the Police Chief, our Senator and Representative Gideon. It appears from the votes that have been taken, it will be impossible to stop it.

**MOVED AND SECONDED:** To close the Public Comment Period (Egan & Gleeson) **VOTE:** (7 Ayes)

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

ITEM #89-15                      To consider action relative to adopting the June 2, 2015 Consent Agenda.

**BE IT ORDERED:** That the June 2, 2015 Consent Agenda be adopted.  
(Sachs & Egan)

Chair Sachs explained the items for members of the public.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #90-15                      To consider action relative to amending Chapter 2: Administrative Code, Section 601.1 Appointments to Boards and Commissions, concerning term limits.

**BE IT ORDERED:** That a Public Hearing be scheduled for June 16, 2015 directly after our District One meeting in the Freeport Town Hall Council Chambers to discuss amending Chapter 2: Administrative Code, Section 601.1 Appointments to Boards and Commissions, concerning term limits:

601.1 Appointments to Boards and Commissions

Individuals appointed to boards and commissions will be limited to three terms or a total of nine (9) years, provided that the Appointments Committee may waive this limitation in exigent circumstances as determined by an affirmative vote of a majority of the Appointments Committee. Additionally, individuals who serve as chair or vice chair of the board or commission at least four (4) of the previous nine (9) years shall be exempt from this limitation.

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

Ordinance Committee Chair, Sarah Tracy explained that there have always been term limits on Boards and Committees but they have not always been followed for various reasons. Sometimes it was because we did not have people to fill vacancies and there were existing people on committees that wanted to continue to serve after they completed their allotted terms. The Appointments Committee felt it was important to align the Ordinance language with the practice in this Town and our committees should be following our Ordinances. They had two choices: one was to get rid of terms limits or two, to somehow factor in an ability to waive the terms limits in certain circumstances. After discussion, the Appointments Committee decided to go the waiver route because it is important to have a presumption that there is some turnover on boards and committees to get new people participating in our community and have a situation where we don't have a lot of people filling seats that basically don't provide openings for others that want to get involved. She noted that the Committee truly appreciates all volunteers. The discretion is that the waiver of the term limit has to be approved by an affirmative vote of the majority of the Appointments Committee.



**ROLL CALL VOTE:** (7 Ayes)

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ITEM #91-15 To consider action relative to amending Chapter 2: Administrative Code, by adding Section 616 Active Living Committee.

**BE IT ORDERED:** That a Public Hearing be scheduled for June 16, 2015 ~~at 6:30 pm~~ in the Freeport Town Hall Council Chambers to discuss amending Chapter 2: Administrative Code, by adding Section 616 Active Living Committee.

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

**MOVED AND SECONDED:** To amend the **BE IT ORDERED:** That a Public Hearing be scheduled for June 16, 2015 following the District One Workshop. (Tracy & Hendricks) **VOTE:** 7 Ayes)

Chair, Sachs explained that draft language has been prepared adding the Active Living Advisory Committee and establishing it within the code based on the recommendations not only of Councilors during discussion, but also having representatives from each district which is what the Committee recommended as well and having staggered terms. Duties and responsibilities have been kept very broad in that much of the work is actually put to lots of different committees. We don't want to duplicate any of the work. If this moves forward, the intent of keeping this broad is so each committee can take on the pieces it does and Active Living can direct some of the efforts for those things that are not otherwise covered. The third part of it—employment of Planning Department staff is language that is included for many of the other committees regarding which Town staff is supporting each activity. This is simply setting the Public Hearing.

**ROLL CALL VOTE ON AMENDED ORDER:** (7 Ayes)

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ITEM #92-15 To consider action relative to approving a Special Amusement Permit application for Stirling & Mull located at 175 Lower Main Street, Freeport. **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened.(Wellen & Egan) **VOTE:** (7 Ayes)

Ed Bonney of 183 Lower Main Street, one block from Stirling & Mull, noted he is not here to oppose the Council granting the Special Amusement Permit but rather is here to point out that he feels the Council never puts restrictions on these Special Amusement Permits. He was here a year ago expressing concern about outdoor music that was very disruptive to people that live in apartment houses on Lower Main Street. The Council decided not to put any restrictions at all because the applicant said they would not have outdoor music anymore. Whenever the Council gives license to someone to do something, there is always a way to get around it and do what you want to do anyway. He noted that music can be broadcasted even if it is not outdoors, onto a deck. Councilor Gleeson advised that the Town has a Sound Ordinance and if anyone has any problem, they should let the Council know, and they will address it. Mr. Bonney wanted to provide his perspective on Freeport's Noise Ordinance which Councilor Rixon earlier alluded to about a 90 decibel limit. He provided a scenario where he called 9-1-1 at 10 o'clock at night because music was blasting and a lot people have to get up at 5 a.m. to go to work. It is nice to be able to go to bed at 10 p.m. and have the window open during the summer but you are blasted with music. A

police officer comes and hears the music but he is not equipped with sound measuring devices so nothing happens because the Council has licensed this establishment to do that. No restrictions were put on the length of time they can have live music and it can be broadcasted outdoors. Okay it happens again, and if Mr. Bonney wants to file a complaint, he has to hire a sound engineer which must make average sound takings to ensure that such a sound limit is not crossing a property line. As the complainant, it is incumbent upon him to do this, not the Police. He suggested that the Council look at the Sound Ordinance and see if it makes sense and try to come up with a way to make it enforceable if someone has a complaint. He suggested that the Council look at this permit and ask that they not rebroadcast their music outdoors after 9 p.m. If the Council fails to do this, he respects its decision but feels there is a real problem because the Council never puts restrictions on these applications. He thanked the Council for their time.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Tracy & Egan) **VOTE:** (7 Ayes)

**BE IT ORDERED:** That a Special Amusement Permit application for Stirling and Mull, LLC located at 175 Lower Main Street, Freeport be approved. (Wellen & Egan)

Councilor Hendricks noted that the Noise Ordinance is pretty broad. He feels that limitations could be added regarding times. Changes could be made and the Ordinance Committee could add more teeth into the Ordinance. He would not want to restrict someone's business but would want to make sure they follow the Ordinance instead of trying to find ways to move around it. While this is a new establishment, they do have the same General Manager. He would recommend that the application be modified and the Ordinance Committee look at the Ordinance and make some simple changes to make it more easily enforceable. He mentioned that the Council could change this application so that outdoor music broadcasting can't go past a certain hour or it could put the application on hold. Councilor Egan asked if the Town has a device that can measure the decibel level at the Police Department. Mr. Joseph advised that the Town does not have a decibel meter according to the Chief of Police. He noted that the Council does not have the authority to regulate the playing of music outdoors without writing a specific Ordinance like for a "radio". If someone has a live band playing outside, the Council needs to give them permission with this permit. We have restaurants on Main Street with outside seating areas that pipe music outdoors. He does not believe our Ordinance regulates that. The Noise Ordinance gives a long list of things that are essentially disturbing the public peace except as authorized by the Town Council. Mr. Joseph suggested that the Council may want to table until it can get a little input from legal counsel. The specific issue would be whether or not the Council has the right to regulate as part of the special amusement permit application which is laid out somewhat in statute, whether you have the right to regulate just music playing outside that is not live entertainment.

Chief Schofield pointed out how broad the Noise Ordinance is. It is different levels at different times of the day and in different zones of the community. He mentioned some of the difficult calls they receive and that they do not have a decibel meter to measure sounds.

Councilor Hendricks noted he would be willing to make a motion to table. Putting this off for two weeks, would be well before their opening date of June 30 and would allow the Council to seek some legal counsel and perhaps kick it back to the Ordinance Committee. With these ordinances, they need to be made enforceable in order to make them practical. If the Council cannot enforce them, they are really not practical. Councilor Gleeson agreed with Councilor Hendricks. He advised that a large amount of outdoor noise pollution at late hours is a problem and until the Council gets it hammered down, he would support tabling it. Chair Sachs pointed out that if the Council is going to look at the Noise Ordinance, they should keep in mind that there are other noises such as equipment, etc. There are implications beyond just that.

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Councilor Tracy suggested talking practically. In two weeks, she does not believe the Noise Ordinance will be revised. The first question is can we change the outdoor entertainment definition to include music played through speakers outdoors? If so, we could then limit it through this permit. The second question is if outdoor entertainment is statutorily defined and we can't use this permit to impose any limitation on music played through speakers outdoors? What does the Noise Ordinance say about that and is there a nighttime ordinance that is different from a daytime ordinance? Mr. Joseph read from the Ordinance. She asked what the Police Department needs to make a judgment about disturbing the peace and can they make a subjective call or do we need to get a decibel meter for the Police Department. She only guessed at how much it would cost. Chief Schofield explained when officers are called to a loud party, they don't go measure it with a meter. They use their discretion and take action based on it.

Chair Sachs noted that tabling in order to get counsel around some of these definitional issues is really the first step because the Council could continue to go around and around on this. Mr. Joseph read from the Ordinance. More discussion followed. Councilor Egan is fine with tabling it but noted that the Council may have the tools to deal with this without an ordinance change. Councilor Tracy is fine with tabling it. Mr. Joseph offered to work with the Town Attorney.

**MOVED AND SECONDED:** To table to the 16<sup>th</sup> to get some legal counsel.  
(Hendricks & Egan) **ROLL CALL VOTE:** (7 Ayes)

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ITEM #93-15      To consider action relative to approving an application for a B.Y.O.B. Permit submitted by Kendall Tavern Inn Bed & Breakfast located at 213 Main Street, Freeport. **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Egan & Gleeson) **VOTE:** (7 Ayes)

There were no public comments provided.

**MOVED AND SECONDED:** That the Public Hearing be closed. Egan & Gleeson) **VOTE:** (7 Ayes)

**BE IT ORDERED:** That an application for a B.Y.O.B. Permit submitted by Kendall Tavern Inn Bed & Breakfast located at 213 Main Street, Freeport be approved. (Egan & Tracy) **VOTE:** (7 Ayes)

Mr. Joseph explained that this is a standard application. E noted that the application only had room for six signatures.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #94-15      To consider action relative to the adoption of the Fiscal Year 2016 Operating, Capital, and TIF budgets for the Town of Freeport. **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Tracy & Egan) **VOTE:** (7 Ayes)

Mia Millefogie of Visiting Health Nurses thanked the Council and the Town for its many years of support. She provided an update on her organization and the services they provide in Freeport. They are requesting an additional \$200 this year. She answered questions for Councilors.

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John Donnelly, a Freeport Community Services Board Member noted his organization is very appreciative of the support the Town has provided them. They provided many services and outreach throughout the community along with the summer camp program. He is hoping that this key piece of their operating budget is continued.

Joy Grondin explained that she is a Freeport resident and represents the American Red Cross. They assisted over 1,000 individuals last year when their homes were destroyed by fire. She mentioned other ways they help in the community. She hopes for continued support.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Egan & Gleeson) **VOTE:** (7 Ayes)

*Note: The Council is scheduled to adopt the budget at its June 16, 2015 meeting.*

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ITEM #95-15                      To consider action relative to appointing a Town Auditor for FY2015.

**BE IT ORDERED:** That the firm 'Runyon Kersteen Ouelette' of South Portland be appointed as Town Auditor to review the Town's year end FY2015 finances at the cost of \$24,000.

*Note: The Town Council accepted the price of \$22,000 for auditing services for FY2014 last year, with the option to renew for FY2015 at a slight increase.*  
(Gleeson & Egan)

Finance Director, Jessica Maloy explained that she spoke to the auditors. She noted that this price may be adjusted and the Council will see some fluctuation in the price downward.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #96-15                      To consider action relative to contracting to replace the security camera system at the public safety building.

**BE IT ORDERED:** That Exactitude of Cumberland Foreside, Maine be awarded a contract to replace the security camera system at the public safety building for the bid amount of \$18,688.

*Note: The Town Council appropriated \$50,000 for this project in the FY15 Capital Budget. The current balance in the reserve account is \$48,462.*  
(Hendricks & Egan)

Police Chief, Jerry Schofield, advised that he is confident that this company will be able to install a new system.

**ROLL CALL VOTE:** (7 Ayes)

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**OTHER BUSINESS**

1. FY16 Operating, Capital & TIF Budget Workshop.

Chair Sachs noted that the Council went through the departments with the Department Heads and tonight this is the Council's time to go through each unit and talk about any changes for each of the unit.

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On Page 3, **Finance**, Councilor Egan reminded the Council of the discussion of changing a half-time person with a full-time person to do license plates.

**MOVED AND SECONDED:** That we add \$1,250 to 0102-3480 Computer Maintenance. (Egan & Gleeson) **VOTE:** (7 Ayes)

Chair Sachs reminded residents that department heads have submitted a very lean budget this year, with the increase being four cents on the mil rate.

On Page 8, **Building and Grounds Maintenance**, Mr. Joseph explained that the net savings is \$15,000. Mr. Presgraves provided a memo and he believes the savings may be a little more than \$15,000 but is confident that at least \$15,000 will be saved.

On Page 10, Mr. Joseph recommended reducing \$20,000 to \$12,000 to cover approximately a half year of **METRO** Service. Chair Sachs noted that the buses have been ordered but they are not ready.

**MOVED AND SECONDED:** Under Item **Transit** 0109-3424 be reduced to \$12,000 per the Town Manager's recommendation. (Gleeson & Egan) **VOTE:** (7 Ayes)

On Page 13, **Special Enforcement**, Mr. Joseph recommended that Overtime Wages be reduced by \$500.

**MOVED AND SECONDED:** That we decrease Line Item 0201-1300 Overtime Wages by \$500 to \$1,500. (Egan & Hendricks)

Mr. Joseph explained that an administrative error was made between the Finance Director and the Chief of Police when the budget was drafted.

**VOTE:** (7 Ayes)

Page 15, **Rescue**, Chief Conley passed out information on Rescue calls that occurred between 6 p.m. and 6 a.m. during the months of April and May 2015. Mr. Joseph explained the information in detail for the Council. Discussion followed on response times.

Councilor Hendricks noted it really comes down to the Council as the policy body of the town, to what level do we want to provide. Perhaps it is not the sheer number of the calls but rather what was that call. Was it a heart attack where someone had to wait an additional 15 minutes or was it a brain injury, or stroke? He does not feel the Council can quantify that number. Some of these calls are life threatening and every second counts. He views this as potentially his own friends or family needing assistance. Chief Conley noted that the industry standard of care is to have a paramedic available for calls.

Chair Sachs explained that this is not a NET staffing request but comes under Section 203-1001, a request for additional staffing to Rescue. She mentioned that the Council does not have to make any motion this evening. The Council will be adopting it next week so Councilors can give it some thought.

**MOVED AND SECONDED:** To increase Item 0203-1001 by adding \$50,000 for an addition of a second 24-hour Rescue person. (Hendricks & Egan)

This would mean a 14% increase. The budget impact of \$50,000 would mean a little less than four additional cents on the mil rate. For a \$250,000 home, it would mean \$7.50 more.

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Councilor Wellen noted he is struggling because there are so few calls where it is an issue. He explained that he just got the numbers tonight so he doesn't want to make a decision tonight. He would prefer to think about it and make a decision in two weeks.

Councilor Egan finds this decision is a really tough issue because Councilors are stewards of public money and have to figure out what the acceptable risk we have to take because we cannot have ten crews on. She recalled Councilor Gleeson stating that we can't all own a Lexus which is the safest automobile. Sometimes we have to afford what we can afford.

Chair Sachs asked if Councilors are in or out. If Councilors change their vote in two weeks, it will be okay. She plans to vote yes. She asked for a response from other Councilors on whether they want to add in the \$50,000 now. **ROLL CALL VOTE:**

Hendricks-yes  
Rixon-yes  
Wellen-No  
Egan-No  
Tracy-No  
Gleeson-Yes but wants to revisit it  
Sachs-Yes

Chair Sachs mentioned that this will be revisited in two weeks.

Page 14, **Fire** (no comments)

Page 16, **Public Safety Reception** (no comments)

Page 17, **Public Utilities** (no comments)

Page 18, **Human Service Agencies** (Chair Sachs recused herself) Jessica Maloy referred to 0300-8601 and that there was a representative from Home Health this evening requesting an additional \$200 but Staff recommendation was to maintain the budget as is. (There was general Council agreement to leave it at \$1,000.)

Page 19, **General Assistance** (no comments)

Page 20, **Public Works** (no comments) (no comments)

Page 21, **Public Works Summer Roads** (no comments)

Page 22, **Public Works Winter Roads** (no comments)

Page 23, **Public Works Tree and Park** (no comments)

Page 24, **Solid Waste/Recycling** (major increase was discussed at last meeting)

Page 25, **Town Engineer** (only increase is under Professional Salary)

Page 26, **Hunter Road Fields Maintenance** (no comments)

Page 27, **Freeport Community Library** (no comments)

Page 28, **Bustin's Island** (no change)

Page 29, **Promotions** (this covers the music associated with the parade)

Page 30, **Planning** (Mr. Joseph explained that Purc Prof is the Planner's Study Request. There are no studies paid for in 2015. 0602-4360 covers information that is needed for the Design Review Board to make decisions when doing their job. \$3,500 is for the design of the Leon Gorman Park. Councilor Tracy feels the park has momentum and is a good investment for our community.

**Note:** Chair Sachs resumed her seat on the Council.

Page 31, **Board of Appeals** (no comments)

Page 32, **Coastal Waters**

**MOVED AND SECONDED:** That Line Item 0605-6260 for vehicle fuel be increased by \$2,600. (Egan & Gleeson) **VOTE:** (7 Ayes)

Page 33, **Conservation Commission** (no comments)

Page 34, **Shellfish Commission** (Chair Sachs asked about Other Wages, \$13,500.) Mr. Joseph noted that it was added for outside scientific work last year. Councilor Wellen is not sure they plan to use that money but the question needs to be brought to them. Mr. Joseph offered to talk to the Chair and see if they have any planned uses for that money. He apologized for not anticipating this. Councilor Tracy asked if there is some budget contingency the Chair would be comfortable with and asked what he needs. She also suggested inquiring about 7670, money for Surveying the Flats. Councilor Gleeson would like to get the chair in at the next meeting. It seems logical that \$5,000 might be a compromised number now that we have the Conservation Officer. Chair Sachs asked Mr. Joseph to talk to the Chair and provide a memo from him or the Chair in advance of the meeting on the 16<sup>th</sup>. She would find it very helpful.

Page 35, **Misc. & Contingency:** Mr. Joseph explained that the intent is to budget something that can be used to show when we make a grant application, that we already have funds budgeted. He explained the traditional process that has been followed. It is a convenience item. If it is not used, it would go back to the General Fund.

Chair Sachs noted she would be willing to remove this \$20,000 since she voted to add an extra paramedic but it is just her priority. Councilor Wellen agreed that he would be willing to take it out. Councilor Hendricks asked for more information on what was spent under Contingency during the last five years. Ms. Maloy offered to come back with the historical information.

**MOVED AND SECONDED:** To eliminate 0608-5710 to 0. (Sachs & Egan) **ROLL CALL VOTE:** (7 Ayes)

Page 36, **Cable TV** (no comments)

Page 37, **Traffic and Parking** (big decrease)

Page 38, **Debt Service** (no comments)

Page 39, **County Tax** (had discussions on why it is so high)

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Page 40, **Abatements:** Mr. Joseph explained that when there is an assessing error, the Town refunds money to a taxpayer. This would be the issuance of a check. Chair Sachs asked for a five-year average and Ms. Maloy offered to get the information.

Page 41, **Revenues Town General Fund:** Ms. Maloy provided an overview of revenues coming in and out.

**Overall budget Implications**—Councilor Wellen discussed the tax rate stabilization account which is at \$1M right now. The criteria for possibly using it is if our tax rate will be increased by more than 5% and if there are some unusual or extraordinary expenses that it can cover. This should be for an expense that is not going to happen the next year. He explained that we are at an 8% tax increase this year if everything goes through. He noted our health care increase was more than usual and he feels it could be a fair use of the tax rate stabilization money. The health insurance increase is \$58,000 this year which is higher than normal. He wanted to open this up for discussion after the summer.

Councilor Hendricks recalled using this fund in 2010 or 2011. He suggested discussing whether that \$1M level is appropriate. It could be \$500,000. If we used half of it this year, what would be the methodology of re-establishing that fund. Ms. Maloy noted that to rebuild it, would mean coming back and asking for that commitment again.

Mr. Joseph noted that he is not against using it but if the Council chooses to use it, he asked the Council to consider the risk of actually needing it for a large increase in another year. Ms. Maloy explained that what she sees in this budget for increases are normal operating increases that occurred over time. There have been no really big increases besides a 10% spike in health costs this year that will not occur again. The level continues. It will not go down. Councilor Wellen noted he is fine with dropping it this year. He would like to discuss it further with the Town Manager outside of the budget season.

Page 1, **Winslow Park** - (no comments)

Page 2, **Harb Cottage** (this is their money, the Council can control expenditures but cannot take the fund balance.)

**NET** (It's a program worth retaining) Sara Cass and Paul Hogue did an enormous of work and Chair Sachs asked Mr. Joseph to convey the Council's thanks to both of them.

**Capital Improvement Program:** Chair Sachs noted that the Council needs to add some money under Public Works Equipment. It is under Public Works Article IV., 3 and 4. Mr. Joseph was informed by Mr. Presgraves that the actual correct amount is \$72,000 of which \$30,000 is attributed to a mowing machine which will be used for roadside mowing. It is an attachment to our sidewalk plowing machine. That is part of the equipment that be used to eliminate the roadside mowing contract. The remaining \$42,000 was for a truck that the three hired employees will be using to move the equipment around.

**MOVED AND SECONDED:** To add \$72,000 for mower and truck as Items 3 and 4 in Public Works Article IV. (Egan & Hendricks) **VOTE:** (7 Ayes)

**TIF:** (no comments)

Chair Sachs recapped that the Council will be looking again at Rescue and the salary we added; the budget for Shellfish, Contingency, and Abatements, We have added \$2,600, \$1,250 and some minor adjustments. We decreased METRO by \$8,000, Grants by \$20,000, Police overtime by \$500 with a possibility of \$10,000 for Shellfish.



**COUNCIL MEETING #11-15**  
**JUNE 2, 2015**

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2. Update on Council Goals. Chair Sachs explained that she planned to move this discussion to the July 7 meeting. She noted that she wishes to table it but it doesn't need a vote. (She saw lots of heads nodding.)
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**MOVED AND SECONDED:** To adjourn at 10 p.m. (Tracy & Egan)  
**VOTE:** (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES  
FREEPORT TOWN COUNCIL MEETING #12-15  
FREEPORT TOWN HALL COUNCIL CHAMBERS  
TUESDAY JUNE 16, 2015**

**PLEASE NOTE—THIS MEETING IMMEDIATELY FOLLOWED THE CONCLUSION OF THE DISTRICT 1 WORKSHOP WHICH BEGAN AT 6:30 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
James Hendricks, 21 West Street	x		
Kristina Egan, 5 Weston Point Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Andrew Wellen, 83 Hunter Road	x		
Scott Gleeson, 23 Park Street	x		
Sarah Tracy, 75 Lower Flying Point Road	x		
William Rixon, 66 Varney Road	x		

Chair Sachs called the meeting to order at 8:28 p.m. and took the roll. All Councilors were in attendance. She explained that Councilors are reconvening after the District 1 Workshop.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #11-15 held on June 2nd, 2015 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #11-15 held on June 2nd, 2015 and to accept the Minutes as printed. (Egan & Tracy) **VOTE:** (7 Ayes)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Sachs announced:

**Don't forget, Freeport residents have until the end of the month of June to bring one free load of waste to the Recycling Center** using their Cleanup Coupons. Some material will have fees associated with them, so please review your flier for the list of acceptable items and fees.

**You don't want to miss this year's Family Fun Day & Close to the Coast Race on Saturday, June 20<sup>th</sup> at Winslow Memorial Park.** The Race starts at 9:00 a.m. with a whole host of festivities to follow ~BBQ, Games, Bouncy House and Refreshments. Live music begins at 11:00 a.m. with performances by the *Jerks of Grass* and *Golden Oak*. For more information: 865-4198.

**The Library has a whole host of events and programs for children, adults and families this summer.** Sign your kids up for the Library Summer Reading Program which runs from June 10 – August 27<sup>th</sup>. This is a free, fun program that encourages children to read. Enjoy the outside Summer Concert featuring Pan Fried Steel on Wednesday, July 8<sup>th</sup> from 6-7:30 p.m.; participate in some summer craft activities, or come to one of the many Author Talks scheduled during June, July and August. Be sure to stop by the Library to see what they have planned!

If you wish to be part of the **Fabulous Freeport Fun on the Fourth Parade**, please contact Michelle Barker at Bath Savings Institute, at 865-6998 or e-mail her at [Mbarker@bathsavings.com](mailto:Mbarker@bathsavings.com). We would like to have many participants. If anyone would like to march in the parade, but you are not affiliated with Rotary or other groups or businesses, Chair Sachs invited them to consider joining Freeport Community Services and march in the parade, which is open to everyone. They can be reached at 865- 3985.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Hendricks reported that Municipal Facilities met in the past couple of weeks and resolved some issues. They talked about tax-acquired properties that will be coming before the Council. They also began the discussion on an auxiliary fire station in Freeport which was brought up by District 2 residents in a workshop. The committee is getting information from our fire personnel as well as the Town Manager regarding this issue. They resolved it that they need more information and will bring it before the Council at some point after budget, possibly in July or August. He mentioned that another point coming before the Council is a grant proposal regarding solar farms. The committee did not come to any decision because a monetary decision will need to be made. They need to know if the Council is willing to bring it forward.

Councilor Rixon reported that the Conservation Commission is looking at opening up the view on Hedgehog Mountain to Bradbury Mountain and beyond to Mount Washington. There could be a window cut for this. The Conservation Commission has been looking at selectively cutting and limbing which would open up the window. There will be no clear cutting on the top. Hopefully it will be done by July 1.

The Coastal Waters Commission had received complaints about the noise from boats being used and nets that had come loose that posed a navigational problem with Dr. Beal's clam seeding and research project that is underway in the Harraseeket River. Dr. Beal had Chad Coffin, who is working with him, respond to the letter that the Coastal Waters Commission had written. Chad replied that two nets had drifted free and both were recovered. There was no propeller damage done to them so apparently they were not entangled with boats. About the noise, Chad advised that they would only be operating between 7 a.m. and 7 p.m. Monday through Saturday. Keeping the boats under 4,000 rpms would supposedly keep it under the 90 decibel State limit for motor vehicles or vessels. The Coastal Waters Commission has received that letter and Councilor Rixon is not sure what exactly will proceed from that.

Councilor Rixon advised that the Recycling and Solid Waste Committee has met with the Ordinance Committee and passed in their draft of their environmental and life cycle analysis of single use plastic bags. Their final draft will soon be in the hands of the Ordinance Committee. Along with that they will be submitting their recommendations which will be in two parts. One option will be very similar to the student ordinance that was offered last summer. The second option will be very similar to the ordinance passed in Portland. There was a meeting a week ago at the Greater Portland Council of Governments sponsored by the Natural Resource Council of Maine where they brought together people from different towns and communities that are considering some sort of a plastic bag ordinance in their area. There was general agreement that all towns should have some uniformity in their ordinances so that businesses and citizens can plan accordingly.

Chair Sachs reported that Traffic and Parking met this morning. An extensive, exhaustive review of lane markings for bicycle safety took place. It is ongoing work and will be forthcoming.

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

Mr. Joseph reported:

Election Results—June 9<sup>th</sup> RSU Budget Validation Referendum:

- 1,296 ballots cast
- 20% voter turnout (6,466 registered voters)
- 102 absentee voters
- 917 Yes (70.75%)
- 378 No (29.17%)
- 1 Blank

A full election report was attached to the back of Mr. Joseph's report. Thanks go out to Acting Town Clerk Mary Howe, our election workers, wardens and Judy Hawley from the Town Manager's Office (who covered the Town Clerk's Office at Town Hall on Election Day) for all of your hard work and for making this election go smoothly.

**Things are happening at Hedgehog Mountain!**

1. On a clear day you'll soon be able to see Mount Washington from the top of Hedgehog Mountain. The Conservation Commission has endorsed a plan to remove a couple of small trees and a few limbs from larger trees to provide a view toward the Presidential Range.
2. Eagle Scout Quinton Libsack will be building benches so that everyone can enjoy the view. But, hold off on your trip to the summit until late July.
3. Two bridges leading to the summit trail will be closed for reconstruction from June 22-July 24<sup>th</sup>. While the Hedgehog property will not technically be closed, it will be very difficult to access so users expecting a casual stroll should probably avoid the area during that time.
4. Also, an intern from the National Park Service is developing a sign system for the lands, which we hope will eliminate some of the guesswork that currently happens on the property. These signs should be up in the Fall of 2015.

**Pownal Road Field/Hedgehog Mountain Road Construction**

Construction has begun on storm water improvements to the Pownal Road Field and Hedgehog Mountain Road. These improvements were one of the conditions of approval for the Site Location of Development Permit approved by Maine DEP in 2013. Construction is scheduled to be completed by July of this year.

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

**MOVED AND SECONDED:** To open the Public Comment Period. (Hendricks & Tracy)  
**VOTE:** (7 Ayes)

Sally Leland, Sewer District Trustee, explained that the Sewer District will be holding an Open House from 9 a.m.-Noon this Saturday at 43 South Freeport Road.

**MOVED AND SECONDED:** To close the Public Comment Period. (Egan & Tracy)  
**VOTE:** (7 Ayes)

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

**COUNCIL MEETING #12-15**  
**JUNE 16, 2015**

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ITEM #101-15 To consider action relative to adopting the June 16, 2015 Consent Agenda.

**BE IT ORDERED:** That the June 16, 2015 Consent Agenda be adopted.  
(Sachs & Egan)

Chair Sachs reviewed the items for members of the public.

**VOTE:** (7 Ayes)

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ITEM #102-15 To consider action relative to a proposed amendment to Town Ordinance Chapter 2: Administrative Code, amending Section 601.1- Appointments to Boards and Commissions, concerning term limits. **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Hendricks & Egan) **VOTE:** (7 Ayes)

Doug Leland from Cushing Briggs Road explained that he had concerns regarding term limits. As he reads and understands the language right now, after three terms two members from the Appointments Committee can indefinitely extend terms for someone on a committee if they choose to do that. Also if someone has served nine years and four of those years as chair or vice chair, then they are automatically exempt from term limits from that point on. This seems like two different pathways to the potential for permanent appointments on committees. The problem he is having with this if this were to occur, is that every time there is one of those appointments, there is someone else in the Town who is not given an opportunity to participate. The value of having term limits is the ebb and flow of people through committees that provide fresh perspectives, new ideas and new energy to a committee. If the system gets constipated, we lose that to some degree. He feels that when we start making exceptions to term limits, it can potentially erode the trust between the community and the Council because it is a protection for the community. It says there is a certain amount of time that people can serve, and at that end of that time, it is time to move on. If the exceptions are so broad that basically anybody can be extended at any time based on the decisions of a couple of people or the viewpoints of a couple of people, he believes that trust can be eroded in that kind of situation. He suggested that if you take the scenario that there is a unique person with special expertise that you would like to have continue in that position, he would consider an honorary-type position which is a non-voting position. This person will be able to fully participate in committee meetings and presumably, if he or she is that unique, they will continue to be able to influence the committee but it will not interfere with the normal term limits for other people that want to participate on that committee. If the issue is that there are not enough people that wish to serve on a committee, he would suggest that there be greater emphasis put on existing committees and the leadership of existing committees to play a bigger role in identifying potential candidates for their committees and watching those term limit periods as they are about to expire and help the Town with the recruiting process to fill those positions.

Beth Edmonds, Library Director, explained that it is rather challenging when you have someone that has been a loyal member of a committee and has offered their expertise freely and openly for a number of years for the Town to say "sorry, we don't want you anymore". It is a slap in the face. She has a member who will be very hurt if that were to happen. She would like to see some way for someone who regularly volunteers at the Library as well as serving on the Board and has given great service to be reappointed. There are people on Boards that might not show up. She feels some thought should be given to this. It is not straight forward.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Hendricks & Gleeson) **VOTE:** (7 Ayes)

**BE IT ORDERED:** That the proposed amendment to Chapter 2: Administrative Code, Section 601.1—Appointments to Boards and Commissions be approved as presented. (Hendricks & Egan)

Councilor Hendricks explained that it is very hard when there is a small number of candidates for all Boards. Many times the committee has reappointed people to committees that should have been removed because of limited terms but due to the fact that no one else is applying or we have three openings and the only person applying is the person that has been on the committee for consecutive terms. The committee has run cable ads, put it on the website and made announcements at the Council. The issue is that we have a small number of volunteers that are essentially burning out because they are serving on many Boards and Committees. Those same people tend to be very dedicated. Essentially we have been breaking our own rules by reappointing these same people. We decided to have the code say exactly what we have been doing. There are some committees that a lot of people want to be on but there are some that the Appointments Committee has struggled to fill. They are trying to be more transparent by stating what they are actually doing, which has been going on behind the scene with appointments.

Councilor Gleeson pointed out that Councilor Hendricks said it perfectly. This is the spirit of why they are doing it. It is not meant to be anything other than that.

Councilor Tracy noted that we have been struggling with the points Mr. Leland brought up and how to make sure it is not some old boys network at some point that is trying to keep some core of people on these committees when what we are trying to do is circulate through new people. They discussed defining what exigent circumstances would be and the committee decided not to do that because they wanted to trust the judgment of the Appointments Committee and give them the benefit of the doubt that as elected leaders of the Council which has been a lot of circulation of new blood. We could entertain to make it an affirmative vote of the entire Council rather than three Appointments Committee members. They do want it to be a presumption that the term limits stand which is why they used exigent circumstances which imply something very special or a great need. She believes the concerns raised here are fair.

Councilor Egan pointed out that as a Town we are committed to term limits and for a lot of good reasons, have that turnover. The Appointments Committee tries to retain our really good volunteers. She agrees with Mr. Leland that this does foreclose opportunities for other people to serve. She has heard from residents that there is no point in applying for Traffic and Parking because those people have been on forever. She is concerned about this. She suggested having the super majority of the Council vote on exceptions to extend a person's term beyond the term limits and everyone understands that there are exigent circumstances. They are defined for everyone and are transparent to the community about what is going on. She proposed that rather than having the Appointments Committee determine an exemption to the term limits, the full Council vote on it by super majority.

Councilor Hendricks noted he has no problem with Councilor Egan's proposal. It would make it more transparent in exigent circumstances. The Appointments Committee would state the reason why they chose to make the initial vote to reappoint or remove someone from a committee. We could make it not a consent vote or a separate vote by the Council. We could easily change the code but it is easy if it just becomes practice.

Chair Sachs asked Councilor Egan if she is thinking that the amended language should read: *provided that the Appointments Committee may waive this limitation in exigent circumstances as determined by*

*an affirmative vote of a majority of the Appointments Committee and then voted by super majority of the Town Council. Councilor Egan felt that it sounded really good.*

Councilor Egan pointed out that the word exigent means pressing or special. It is not a word that lay people understand. She had to refer to a dictionary to find out what it meant. Councilor Tracy feels that “exigent” seems to fit the bill but is not hung up on it. She feels that the Council does not have a lot of super majority things and suggested changing it to “majority”. Councilor Wellen agreed.

**MOVED AND SECONDED:** To amend the language that is before us to read: Individuals appointed to boards and commissions will be limited to three terms or a total of nine (9) years, provided that the Appointments Committee may waive this limitation in exigent circumstances as determined by an affirmative vote of a majority of the Appointments Committee. Additionally, individuals who serve as chair or vice chair of the board or commission at least four (4) of the previous nine (9) years shall be exempt from this limitation. Appointments due to exigent circumstances must be approved by a majority of the Town Council. (Gleeson & Egan) **ROLL CALL VOTE ON AMENDMENT:** (7 Ayes)

Chair Sachs pointed out that the Town has new Board and Committee training every year and if you know someone is terming out, it would be a good idea to address that within the training, stating look ahead, see who is on your committee, who is terming out and have that conversation early with somebody so that two weeks before their reappointment is due, they don't get that news. Councilor Tracy noted that staff would have to help the Appointments Committee with this because the committee wouldn't know who is terming out and most likely the chairs wouldn't.

Councilor Egan wanted the Minutes to reflect something Councilor Tracy said earlier which is that the presumption is that we want people to term out. We want to have people in Town have the opportunity to serve.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #103-15      To consider action relative to a proposed amendment to Town Ordinance Chapter 2: Administrative Code, adding Section 616—Active Living Committee.  
**PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Rixon & Egan) **VOTE:** (7 Ayes)

Anne-Marie Davee of Arnold Road in Freeport explained that she has served as the Chair of the Active Living Task Force and acknowledged that Freeport has had an amazing group of volunteers who are committed to improving the quality of life for everyone in our community and have been doing so since 2012. They successfully fulfilled both of the charges previously set forth by the Town Council. First to develop an Active Living Plan that supports the Town's Comprehensive Plan and considers resource constraints and then amended to monitor and act as an additional resource of information to the Town and its citizens for the initiatives outlined in the accepted Living Plan until June 30. We now have an accepted plan that was supported by the Town Council based on expert assessments and civic engagements. An appointed Active Living Committee could continue to focus on implementation of the Active Living initiatives that are low to no cost as recommended in the Plan. A Town-appointed committee would also position us well for external funding so that we were more competitive. The group has already facilitated two awards—a Technical Assistance Grant from the National Parks Service and a Safe Routes to School Mini Grant. She noted that 10 of the 27 towns in Cumberland County now have similar Active Living

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Committees. There is regional momentum for active living initiatives in all of our surrounding communities.

She urged the Council to support the Active Living Committee. Members in the audience displayed signs asking the Council to support the Active Living Committee. Chair Sachs asked them to come and display their signage for the camera so people at home could view them.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Egan & Gleeson) **VOTE:** (7 Ayes)

**BE IT ORDERED:** That the proposed amendment to Chapter 2: Administrative Code, adding Section 616—Active Living Committee, be approved as presented. (Rixon & Gleeson)

Councilor Wellen explained that he feels that adding this committee is just appointing a committee we don't need. In terms of active living, this group could be a private group that could work with other committees that already deal with the different aspects of what this Plan will deal with. They can be a resource to these other groups but to be a full committee, it takes time for the Town Planner to serve on another committee and potentially could bog down local government. He feels it is bad precedent to have a Plan become a committee. The Town usually has committees based on functions that are more broad. He feels it is a mistake to have this committee.

**ROLL CALL VOTE:** (6 Ayes) (1 Nay-Wellen)

Chair Sachs pointed out that the Appointments Committee will be busy asking for applications. There will be lots of open spots for the Active Living Committee.

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ITEM #104-15      To consider action relative to the appointment of Christine Wolfe of Dresden, Maine as Town Clerk and Registrar of voters, and to authorize her to sign liquor licenses on behalf of the Town Council.

**BE IT ORDERED:** That the Town Manager's appointment of Christine Wolfe as Town Clerk for an indefinite term, and Registrar of Voters with a term ending on January 1, 2016 in accordance with state law, be confirmed by the Town Council.

**BE IT FURTHER ORDERED:** That Christine Wolfe be authorized to sign liquor licenses on behalf of the Town Council in accordance with Sate law. (Egan & Gleeson)

Mr. Joseph introduced Ms. Wolfe this evening and noted he is excited to have her start in Freeport. Ms. Wolfe thanked the Council for this opportunity. She is looking forward to meeting the residents and working with the Council.

**VOTE:** (7 Ayes)

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Councilor Hendricks suggested taking an item out of order.

**MOVED AND SECONDED:** To take Item #106-15 out of order. (Hendricks & Tracy) **VOTE:** (7 Ayes)



ITEM #106-15            To consider action relative to the operating budget for Winslow Park for fiscal year 2016.

**BE IT ORDERED:** That \$271,500 be approved for the Winslow Park budget from July 1, 2015 to June 30, 2016 and \$16,700 be approved for the Harb Cottage budget from July 1, 2015 to June 30, 2016. (Hendricks & Egan)

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #105-15            To consider action relative to the acceptance of State Funds for fiscal year 2016.

**BE IT ORDERED:** That the following categories for State Funds be accepted for fiscal year 2016:

- 1) Municipal Revenue Sharing
- 2) Local Road Assistance
- 3) State Aid to Education (including Federal pass-through funds and property tax relief)
- 4) Public Library State Aid per capita
- 5) Civil Emergency Funds (Emergency Management Assistance)
- 6) Snowmobile Registration Funds
- 7) Tree Growth Reimbursement
- 8) Veterans Exemption Reimbursement
- 9) Business Tax Reimbursement
- 10) All other state funds not included in items 1—9 (Tracy & Egan)

Mr. Joseph stated that the presumptive State budget deal that has been acted upon, that he just learned today in the Press, does not consider cuts to major revenue sources listed here as was predicted when we went through the budget process. This is a good sign for us.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #107-15 To consider action relative to adopting a Non-Emergency Transport (NET) budget for fiscal year 2016.

**BE IT ORDERED:** That the Non-Emergency Transport Budget in the amount of \$615,050 be approved for fiscal year 2016. (Wellen & Egan)

Chair Sachs noted that Deputy Chief Conley is here and some information came forward today regarding the hospital integration of Midcoast Hospital and Parkview Adventist. There was a Press release this morning talking about this integration including the closing of the in-patient service at Parkview. All employees at Parkview will be integrated into Midcoast. She warned that this may have some impact since our NET people make many transports to Parkview. Deputy Chief Conley will speak to the NET budget.

Deputy Chief Conley noted this information was a shocker for him today. He met with the president of both facilities trying to get a handle on how the impact would affect us. He doesn't have specific numbers tonight to offer the Council. There is a sense that they will operate a clinic out of Parkview from 8 a.m. to 8 p.m. and that will require transport for those patients. They are still working on maintaining their

relationship. At night time, any emergency patients will be going to Midcoast. He doesn't have a sense that he will be hit very hard. When this program was started some 12-14 years ago, it was determined that if things slow down for them, they will change the hours and stay within the confines of their budget. He is confident that in shifting services, those patients will require somewhat of the same services regarding discharges. Our two nursing homes keep them busy with NET runs as well. He recommended leaving the budget as is.

Mr. Joseph noted that he talked to the Finance Director and Paul and if we see a sizable dip in the number of transports, such as 10%, 25%, or 50%, the NET Fund is an Enterprise Fund. If we don't have that revenue coming in, we won't spend it. We will cut back on the number of shifts and runs that we do for example. It is hard to predict but we have the ability to scale back the program to meet those changes. If we only get 75% of our revenue in this fund, we only spend 75% of our funds. Otherwise we get into the fund balance of that NET fund and drive down to the point where we may have to reconsider the program.

Chair Sachs requested check-ins when better information is made available at a future date. Councilor Gleeson had questions regarding un-reimbursed trips and Chapter 11 but Deputy Chief Conley was not able to answer because he did not have any data.

Mr. Joseph explained that in the fall, Deputy Chief Conley will come and update the Council on any changes he has seen and what he has done.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #108-15      To consider action relative to the adoption of the Fiscal Year 2016 Operating Budget for the Town of Freeport.

**BE IT ORDERED:** that the following appropriations be made to the several departments for purposes named, that the following revenues estimated be adopted, and that the following amounts to be raised by taxation, said action for fiscal year July 1, 2015 to June 30, 2016 Municipal Budget. FY 2016 Appropriations in the amounts listed on the agenda totaling \$10,235,053

<b><u>FY 2016 Appropriations</u></b>		
General Government	\$	1,554,351
Protection and Enforcement	\$	2,504,933
Health and Welfare	\$	103,240
Public Works/Solid Waste	\$	2,237,430
Library	\$	454,700
Unclassified	\$	2,053,930
Debt Services-Local	\$	179,658
County Tax	\$	941,811
Bustins Island	\$	180,000
Abatements	\$	25,000
<b>Total Appropriations</b>	<b>\$</b>	<b>10,235,053</b>

as well as FY 2016 Estimated Revenues in the amounts listed on the agenda totaling Revenues of \$10,235, 053.

<b><u>FY 2016 Estimated Revenues</u></b>	
Non-Property Tax	\$ 1,406,300
Intergovernmental	\$ 1,067,500
Charges for Services	\$ 305,350
Licenses and Permits	\$ 374,100
Fines and Forfeitures	\$ 100,400
Miscellaneous	\$ 50,500
Library Lease Proceeds	\$ 175,000
<b>Total Estimated Revenues</b>	<b>\$3,479,150</b>
Amount Transferred from Undesignated Funds	\$ 825,000
Amount to be Raised by Taxation	\$ 5,930,903
<b>Total Revenues</b>	<b>\$10,235,053</b>

**BE IT FURTHER ORDERED:** That the following appropriations be made for the capital items/projects listed below, and that the capital budget for FY 2016 be adopted in the amounts listed on the agenda totaling \$2,383,500.

Police	New Squad Car and Changeover Equipment	34,000
	New Squad Car and Changeover Equipment	34,000
	PD Redesign	20,000
Fire	Engine 3 & Equipment Replacement	750,000
Rescue	Rescue Replacement (2005) - Rescue 1	196,000
Public Works	Truck Chassis (Tandem Axle), Plow and Wing (Truck 3)	213,000
	Wood Chipper Refurbish	10,000
	Buildings & Grounds Roadside Mower Attachment	20,000
	Buildings & Grounds Pickup Truck w/Bed	52,000
Solid Waste	Baler #1 Replacement	20,000
	Closure of Remaining Landfill	150,000
Comprehensive Town Im	Culvert replacement projects (5)	85,000
	Litchfield Road Reconstruction	430,000
	South Freeport Village Drainage and Park St Project	166,000

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Municipal Facilities	Computer Upgrades -Townwide	21,000
	Flooring-Carpet-Town Hall	25,000
	Library Flooring	25,000
	PW Radio Repeater	25,000
	Recondition Floor Drains in Public Works Garage	30,000
	Vehicle Lift Machine Renovation	7,500
	Maintenance Mowing Tractor	9,000
	LED Lighting Outside at Library/Public Works/Town Hall	6,000
	Town Office Improvements - Windows & Heat Pump	12,000
	Revaluation Reserve Fund	5,000
Cable Television	Equipment and other improvements (channel 14)	3,000
Boards and Committee	Replace Harbormaster Outboard Motor	25,000
	Davis Mausoleum Repairs	10,000
<b>Total FY 2016 Capital Budget</b>		<b>\$ 2,383,500</b>

**BE IT FURTHER ORDERED:** That the following amounts be appropriated from the Reserve Funds to provide for items approved on the agenda in the amounts listed on the agenda totaling \$2,383,500 for a Total FY 2016 Capital Transfer from Reserves.

Police Reserves	\$ 88,000
Fire Reserves	\$ 750,000
Rescue Reserves	\$ 196,000
Public Works Reserves	\$ 295,000
Solid Waste Reserves	\$ 170,000
Public Infrastructure Reserves	\$ 681,000
General Administration Reserves	\$ 60,000
Building Reserves	\$ 105,500
Cable Television Reserves	\$ 3,000
Other Reserves	\$ 35,000
<b>Total FY 2016 Capital Transfer from Reserves:</b>	<b>\$ 2,383,500</b>

**BE IT FURTHER ORDERED:** That the following appropriations be made for the items and projects listed below and that the Destination Freeport TIF budget for FY 2016 in the amounts listed on the agenda totaling FY 2016 Destination Freeport TIF Budget of \$166,000. (Gleeson & Egan)

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Sidewalk Improvements - Snow St. to Justin's Way	65,000
Sidewalk ramp detectable panel replacement (8)	6,000
Freeport Economic Development Corporation	95,000
<b>Total FY 2016 Destination Freeport TIF Budget</b>	<b>166,000</b>

(Gleeson & Egan)

Chair Sachs reminded Councilors that when they went line by line, they identified four sections that they wanted to revisit and then there was another category in the event something was missed. The first section to revisit is 203-1001 which is the Rescue request for additional staffing. The Council voted 4 to 3 to add \$50,000 but every single Councilor expressed some ambivalence about whether that would actually go through.

Deputy Chief Conley does not have a good number to say on the impact of shifting patients from Parkview to Midcoast. He can say that their turn-around time will increase because Midcoast is further away. That raises a concern for him. He feels strongly that he needs a second crew for emergencies. He provided a chart showing the critical calls and time differences. More discussion followed. Councilor Wellen mentioned that this chart is not what he requested. He was trying to get the probability that a longer response time would cause a serious medical problem and he understands that data is not available in general. He asked how many emergency calls come in during a year. Deputy Chief Conley responded that in 2014, 1,093 calls. In 2015, they have had 481 to date.

Chair Sachs asked if Councilors wanted to staff that additional position. Councilor Hendricks advised that his vote has not changed. Councilor Rixon noted his vote has not changed to support it. Councilor Egan advised that she supports it because of the numbers that were provided. Councilor Tracy noted she has concerns about the extra expenditure but will support it. Councilor Wellen feels it is being overly cautious to add another crew. He would like to look at data nationwide before forming a decision. He realizes it is not a simple thing. He realizes he is in the minority. Councilor Gleeson pointed out that he wishes the Parkview thing has not happened. He trusts this will help the night-time calls which will benefit Freeport and he will support it. Chair Sachs stated that her vote would have changed to a no because of the destabilization of the primary funding source for the position. She does not feel it is prudent at the moment given what is going on.

Chair Sachs pointed out that it will remain in the budget.

Councilor Wellen feels the Council is always adding more to the budget and there is always risk. It is a matter of how far the Council will go. Councilor Gleeson noted there are a lot of areas where he plans to get a lot of the \$50,000 back. Councilor Hendricks mentioned the possibility of decreasing other items to make it more neutral to the budget.

Chair Sachs referred to Item 0607-1200 which is Other Wages under the Shellfish Commission. She reported that she attended the Shellfish meeting last Thursday and forgot to mention it under Informational Exchange that there is more work being done on leases. She talked to the entire commission and made sure that there was nothing they needed it for. The rest of their appropriations stayed exactly the same. They reserved the right to come to the Council with an additional request if needed. Her recommendation to them was to take out the entire \$13,500 because it was not truly earmarked for anything. She requested a motion.

**MOVED AND SECONDED:** To eliminate Item 0607-1200 from Other Wages under the Shellfish Commission. (Egan & Gleeson) **ROLL CALL VOTE:** (7 Ayes)

Chair Sachs referred to 0608-9200 which is the Contingency fund currently at \$30,000. Finance Director Jessica Maloy provided some historical information on this account from 2010-2014. The average spent was \$26,458. We are currently budgeting in 2016 \$30,000. Councilor Hendricks explained that in 2011, those circumstances were due to legal costs we incurred and it was unusual. If we remove that year from the Contingency, our average is \$19,000. He recommended reducing the \$30,000 to \$20,000.

**MOVED AND SECONDED:** To reduce the Contingency amount from \$30,000 to \$20,000. (Hendricks & Egan) **ROLL CALL VOTE:** (7 Ayes)

Chair Sachs referred to 0950 Abatements which is currently allocated at \$25,000. Ms. Maloy also provided a five-year history on Abatements. Ms. Maloy explained that abatements are used when there are discrepancies with an assessment on taxes. She noted that she would be hesitant to go much lower than \$25,000.

Chair Sachs asked if Councilors had any other motions regarding any other line item that are within these budgets which is everything except Human Services or Community Service Building.

Councilor Hendricks pointed out that the cuts made total \$51,500. Ms. Maloy explained that the number of motions initially by Councilor Gleeson included a majority of those adjustments. The Council did cut initially all of those funds but she wanted to make them aware that it is not \$47,000 from what they saw for total appropriations. Chair Sachs clarified that the Council added \$50,000 for staffing as well as \$2,600 for Harbor Master Vehicle Fuel and \$1,250 for Computer Maintenance from the last time. The total additions were \$53,850 and the total subtractions were \$52,000.

Mr. Joseph referred to 0602 3000 Funding for the Gorman Park Design Study and asked if there was a motion by the Council to remove it. Councilor Hendricks advised that Municipal Facilities talked to the Town Planner about the reasoning for that and learned that it was already done and paid for it out of her budget this year. On his way out, he asked Ms. Hawley to write Mr. Joseph a note about it. Mr. Joseph has been told that the \$7,500 proposal could be reduced to \$4,000.

**MOVED AND SECONDED:** To reduce 0602-3000 by \$3,500. (Egan & Hendricks) **ROLL CALL VOTE:** (7 Ayes)

Chair Sachs noted this will bring the subtractions to \$55,500 and the things added total \$53,850.

Councilor Wellen explained that it is good that the Council made those cuts but it would have been really nice to cut an additional \$50,000 from the budget when he views an 8% tax increase for the taxpayers.

For information, Councilor Egan asked if the Council would be willing to entertain for next budget season Saturday hours at the Library. It would cost \$5,000 to add limited Saturday hours during the summer. She requested that the Council start discussing this at the beginning of the next budget season. Chair Sachs noted that the workshop session would be the appropriate place to start budget discussions.

Councilor Gleeson had an amendment to propose:

**BE IT ORDERED:** that the following appropriations be made to the several departments for purposes named, that the following revenues estimated be adopted, and that the following amounts to be raised by taxation, said action for fiscal year July 1, 2015 to June 30, 2016 Municipal Budget. FY 2016 Appropriations, items listed in the agenda, reducing Contingency by \$10,000 for a total of **\$10,211,553.00**.

FY 2016 Estimated Revenues as listed in the agenda, amount to be raised by taxation \$5, 907,403 for a total revenue of **\$10,211,553.00** (Gleeson & Hendricks) **ROLL CALL VOTE ON AMENDMENT:** (7 Ayes)

**ROLL CALL VOTE ON AMENDED ORDER:** (7 Ayes)

Chair Sachs thanked Councilors and Department Heads and Staff for all the time, care and attention provided on the budget.

Chair Sachs recused herself from the next item.

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ITEM #109-15 To consider action relative to the adoption of the Fiscal Year 2016 Operating Budget for the Town of Freeport.

**BE IT ORDERED:** that the following appropriations be made to the several departments for purposes named, that the following revenues estimated be adopted, and that the following amounts to be raised by taxation, said action for fiscal year July 1, 2015 to June 30, 2016 Municipal Budget.

<b><u>FY 2016 Appropriations</u></b>		
Human Service Agencies	\$	38,300
Community Center Building	\$	44,215
<b>Total Appropriations</b>	<b>\$</b>	<b>82,515</b>
<b><u>FY 2016 Estimated Revenues</u></b>		
Amount to be Raised by Taxation	\$	82,515
<b>Total Revenues</b>	<b>\$</b>	<b>82,515</b>

(Hendricks & Egan) **ROLL CALL VOTE:** (6 Ayes) (1 Recused-Sachs)

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**ITEM #110-15**

To consider action relative to contracting to for the purchase of a replacement plow truck chassis for the Public Works Department.

**BE IT ORDERED:** That Morrison & Sylvester, Inc., of Auburn, Maine, be awarded a contract for the purchase of a plow truck chassis, in the amount of \$87,865. This price includes a trade-in credit of \$32,000 for the truck that is being replaced.

Note: \$213,000 was included in the FY16 Capital Budget for this purchase. This

item is contingent on the successful passage of action item # 108-15, above. The body, plow, and wing will be purchased through a separate, future, bid. (Tracy & Egan)

Town Engineer, Albert Presgraves explained that the additional benefit is that this is the truck we can get the soonest and have it delivered and have time to have everything put on it whereas the newer ones have lead times that would make it problematic. Earl Gibson was also in attendance.

Chair Sachs resumed her seat on the Council.

**VOTE:** (7 Ayes)

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**OTHER BUSINESS**

1.) None

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**TABLED BUSINESS**

ITEM #92-15 To consider action relative to approving a Special Amusement Permit application for Stirling & Mull located at 175 Lower Main Street, Freeport.

**MOVED AND SECONDED:** To move the tabled item onto the agenda. (Egan & Hendricks) **VOTE:** (7 Ayes)

**BE IT ORDERED:** That a Special Amusement Permit application for Stirling and Mull, LLC located at 175 Lower Main Street, Freeport be approved. (Wellen & Egan)

Mr. Joseph explained his letter to the Council after having a discussion with the Town of Attorney and Chief Schofield. He learned that Freeport's Noise Ordinance is not generally used to enforce these cases but it can be, but the State's Disorderly Actions Law is often cited when needed to address a noise complaint of a neighbor, etc. The Town Attorney reinforced the fact that granting a Special Amusement Permit does not absolve the person holding that permit from following all the other Town ordinances and State laws. For example, the Council is not enabling them to make a ridiculous amount of noise that would somehow prohibit our police officers from enforcing the noise limit which he believes was the Council's concern. One thing to think about would be the noise complaint to be enforced, would have to be in the judgment of the police officer to be unreasonable and injurious to the public health, etc. He advised that the Council would be leaving the enforcement of the noise to the judgment of the officer on that scene. Mr. Joseph mentioned that there has not been a history of noise complaints to the Police Department on that property and no visits by the Police Department. There have been discussions between the neighbors and the property owner or the operator of that restaurant but no history of Police action.

The Council has the option to put a condition on the Special Amusement Permit which can be anything from very specific wording about what can and cannot be wafting outdoors through open windows or speakers pointed outdoors or very specific hours of operation. The Town Attorney said it can be anything about hours of operation, location of the music and any other effects directly related to the noise generated by the music. The Council cannot say "you have to change your sign to a color green now." That cannot be a condition. It has to be tied to the permit being sought.

Councilor Hendricks noted that it appears the Council can make any amendment we want on this. We can limit them to not pipe music outside after 9 or 10 p.m. or leave it in the hands of the Police Department to



enforce it. Mr. Joseph mentioned the difference between piped in music such as a radio playing prerecorded music, CDs, etc. and actual live performance. The Special Amusement Permit addresses a live performance or entertainment happening on site. The Council should not anticipate that those conditions will apply to just speakers playing radio music. That is completely addressed under our Noise Ordinance or the State's Disorderly Law.

Chair Sachs explained that Chief Schofield is very aware of this situation now. He stated that they are very willing to address any issues.

Councilor Gleeson asked if the Council should stress 10 p.m. Councilor Hendricks recommended voting on this as is and notify the owner that this has been an issue and the Police will start taking a more serious look at noise complaints and will enforce it. We should let Ed Bonney know that if issues arise in the future, the Police Department should be notified because they will enforce it. Councilor Gleeson explained that there is a fine line between playing live music indoors with the doors open. It is a comment but he does not have a motion to make. Councilor Hendricks asked the Town Manager to let the business know that this will be passed but there were Council concerns.

**ROLL CALL VOTE:** (7 Ayes)

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**MOVED AND SECONDED:** To adjourn at 10:30 (Egan & Hendricks) **VOTE:**  
(7 Ayes)

Respectfully submitted,

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #13-15**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY JULY 7, 2015**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
James Hendricks, 21 West Street	x		
Kristina Egan, 5 Weston Point Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Andrew Wellen, 83 Hunter Road	x		
Scott Gleeson, 23 Park Street	x		
Sarah Tracy, 75 Lower Flying Point Road			x
William Rixon, 66 Varney Road	x		

Chair Sachs called the meeting to order at 6:30 p.m. and took the roll. Chair Sachs noted that Councilor Tracy is excused this evening.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #12-15 held on June 16th, 2015 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #12-15 held on June 16th, 2015 and to accept the minutes as printed. (Egan & Hendricks)

**VOTE:** (6 Ayes) (Excused-Tracy)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Sachs announced:

You don't want to miss the Library's Outdoor Summer Concert **featuring PAN FRIED STEEL, Wednesday, July 8<sup>th</sup> from 6-7:30 p.m.** Pan Fried Steel is a community steel band based in Yarmouth and play calypso, reggae, Latin, swing and covers music from Charlie Parker to Jimmy Buffet to the Beach Boys! Grab the family, blanket or lawn chairs, picnic summer and enjoy a relaxing evening at your library!

And **the Winslow Park Summer Concert Series** begins this Thursday, July 9<sup>th</sup> at 6:30 p.m. **Coastal Winds** is a 50 piece woodwind band with fun popular tunes, traditional bandstand tunes and some military tributes. Perfect for the whole family!

**Freeport Players present LOVE & LOBSTERS**, by Maine songwriter, musician and playwright John Linscott July 17-26, at the Freeport Performing Arts Center. Pay-what-you-want preview July 16 7:30pm. Catchy tunes, a touch of local humor, and a love story set in a coastal Maine village are highlights of this charming musical. Appropriate for most audiences. Tickets \$15 at the door, or \$10 in advance at [www.fcponline.org/tix.htm](http://www.fcponline.org/tix.htm). For more information visit [www.fcponline.org](http://www.fcponline.org) or call the info line, 865-2220.

July 17 at 12 p.m. is our very famous Friday Free Lunch at Freeport Community Center. Come by and grab a free meal with all your friends in air conditioning. Chair Sachs did not know the menu yet but it does start serving at noon. This is a great opportunity to meet neighbors and share a meal together.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Chair Sachs explained that Traffic and Parking continues to work on bike safety standards both signage as well as putting down the different places they are going to place way-finding signs, not only for bikers but cars as well.

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

Mr. Joseph reported:

- The Public Works Department is expecting to wrap up this year's paving work on Wardtown Road by next week. The final wearing course of pavement will be put in place next spring. It has been our standard practice over the past several years to allow one season's worth of use on a road before installing the final layer of pavement. This allows us to identify any issues such as compaction or settling and address them before making the final paving coat. The road will, however, still be striped this summer between pavings.
- Clean-up Month was a success again this year. The Recycling Facility had 711 "clean-up coupons" used this year. 161 were used on the last Saturday of June alone! The need for replacement coupons was down this year to just 6%, from 9% the year before and 16% the year before that. We are seeing great progress as people get used to the system. Additionally, volunteers helped to manage the Swap Shop on all four Saturdays this year, which was a huge help to us. Thank you to all who volunteered.
- The bridge replacement project at the Hedgehog Mountain Trails is complete. Trails are now back to full access from the parking area on Hedgehog Mountain Road. Thanks to Berkemeyer Building of Freeport for getting the project done on time and on budget.
- The Independence Day festivities in Freeport were a success again this year. Thanks go out to L.L. Bean for sponsoring the fireworks display, and to Michelle Barker for organizing the parade. Their contributions to the holiday celebration were essential!
- I'd like to officially welcome our new Town Clerk, Christine Wolfe, who started work two weeks ago. Christine is learning the ropes and fitting in well. She really enjoys meeting new people and getting to know the residents in Town, so if you are at Town Hall, please take a minute to say hi and introduce yourself.
- Also at Hedgehog Mountain, the tree trimming at the summit has been successfully completed. A nice view northwest to the Presidential Range is now available year-round, at least on clear days. I encourage everyone to take the opportunity to check out the new view this summer. A picture was included with Mr. Joseph's report.

Chair Sachs thanked Town Staff that contributed to the parade by bringing the sound system over on their day off and the Public Safety crew that was out in force during the festivities. She also thanked Jim and Rich DeGrandpre who volunteered to do the parade play by play and Michelle Barker and L.L. Bean.

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

**MOVED AND SECONDED:** To open the Public Comment Period. (Gleeson & Egan)  
**VOTE:** (6 Ayes) (1 Excused-Tracy)

Sande Updegraph from the Greater Freeport Chamber of Commerce explained that she had a conversation with Ed Bonney and is pleased to report that he is doing much better after four major surgeries. He will be in the hospital for a good three months. His surgeons indicated that he is making progress better than expected. He is speaking very well and is taking phone calls and very limited visitation. He gave Ms. Updegraph permission to update the Council and the Town on his progress.

Ms. Updegraph pointed out that *The Insiders Guide to Freeport for 2015* is out and widely available. If anyone needs one, they should call the Chamber.

Ms. Updegraph noted that on behalf of the Board of Directors of the Greater Freeport Chamber of Commerce, she is pleased to introduce to the Council and the Town of Freeport, the new Executive Director, Stephanie Petkers who is joined this evening by her husband, John. She explained that Ms. Petkers is well known in Freeport and is well respected.

Ms. Petkers advised that she is excited about this opportunity. She mentioned she has had a business in Freeport for a couple of years and has a lot of marketing experience. She is aware that she has big shoes to fill but is looking forward to working with the Council

Suki Rice of Freeport Climate Action Team which began in January around climate issues. She advised that they are about to unveil a Freeport Community Solar Farm on July 15 at the Library at 7 p.m. They will be talking about two sites that will be open for people to sign up to become members of, which means they will be able to provide their energy source as being the sun. They have been working with ReVision Energy to build a community solar farm for Freeport and area-town residents. This is for folks that want to go solar, but because their rooftops have shade or an incorrect orientation or renting, etc., they cannot go solar. A solar farm is a large installation that up to nine families can go in and buy a portion of. At the moment, there are only two farms in Maine so hopefully, Freeport will become the third solar farm. She provided information on the meeting. They would love to have Freeport become even more solarized.

**MOVED AND SECONDED:** To close the Public Comment Period. (Egan & Gleeson) **VOTE:** (6 Ayes) (1 Excused-Tracy)

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

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ITEM #111-15                      To consider action relative to adopting the July 7, 2015 Consent Agenda.

**BE IT ORDERED:** That the July 7, 2015 Consent Agenda be adopted.  
Sachs & Egan)

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

**VOTE:** (6 Ayes) (1 Excused-Tracy)

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ITEM #112-15      To consider action relative to a proposed amendment to Town Ordinance Chapter 23 – Freeport Sign Ordinance, Section 3.3 “Temporary Banners”.

**BE IT ORDERED:** That a public hearing be scheduled for July 21, 2015, at 6:30PM in the Town Council Chambers, to discuss the proposed amendment to Town Ordinance Chapter 23 – Freeport Sign Ordinance, Section 3.3 “Temporary Banners”.

**BE IT FURTHER ORDERED:** That notice of the public hearing be published in a newspaper of general circulation, posted on the Town’s website, and posted on cable channel 3, and that copies of the proposed amendment be made available for review at the Town Clerk’s Office, the Town Manager’s Office, and the Freeport Community Library for review. (Gleeson & Egan)

Chair Sachs suggested that residents go to the Town's website to review the Sign Ordinance Amendment regarding Temporary Banners.

Mr. Joseph explained that the Temporary Banners section of the Ordinance specifically deals with the banners that previously were flown across Main Street near Independence Drive and the Bean Campus on Route One heading South. They were used exclusively by non-profits. Due to damage that was sustained over the past three years, the poles that held the banners were cracked and were no longer serviceable. He was told by a line crew that it would cost \$6,000-\$10,000 to install poles, hardware, wires, banner hanging apparatus, etc. There were safety concerns when the banners came down during high wind incidents and were whipping across Main Street in traffic during a tropical storm or heavy rain events. Also, the use of the fire truck, ladder truck or a bucket truck for the electric line work was required to hang the banners, neither of which is an affordable way to do so for a non-profit that is doing this to try to raise funds. Those trucks are expensive and are not an appropriate use to hang banners. In a meeting with all of the non-profits using the banners, they came up with a few alternate locations. The preferred alternate location was at Exit 20, by Maggie's at the Desert Road Intersection. There is a Welcome to Freeport sign currently at that location. Mr. Joseph went out and looked at the site with the Town Engineer. Since it is within the Urban Compact, which is the part the Town manages, the DOT gave us free rein to install a sign if we so wished which is how the Welcome to Freeport got placed there years ago. Mr. Joseph has spoken with the Freeport Community Improvement Association and they committed to discussing contributing some landscaping and beautification contributions to that area. White square tubular poles would be constructed to match the existing signs and blend in in that area as much as a banner could do. The intention here is to continue this community resource for the non-profits. The Ordinance amendment is here to change the location of the sign and not to change sign display regulations. There are also a few things in there about how technical language that was suggested by the Codes Office and by Caroline Pelletier from the Planning Office about questions that have come up through the years like putting up only one banner per event and people came in with two permits for two banners for the same event, or putting up two banners at the same time, etc. Also there is a change in the length because there are far more non-profits and groups that want to use the banners than we have time and space for. This will be ground mounted so that the groups themselves will be able to hang the banner using a pulley or a winch system. This will save money on resources for the Town and make it more convenient for the groups themselves.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Tracy)

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ITEM #113-15      To consider action relative to a supplemental appropriation of \$128,000, to be used to provide energy efficiency housing rehabilitation services to low and

moderate income residents, with \$4,000 of said appropriation to come from local matching funds provided by the Town of Freeport Energy Savings Reserve Fund, and \$124,000 to come from various grant and matching funding sources.

**BE IT ORDERED:** That a public hearing be scheduled for July 21, 2015, at 6:30 p.m. in the Town Council Chambers, to discuss the proposed supplemental appropriation of \$128,000 to be used to provide energy efficiency housing rehabilitation services to low and moderate income residents.

**BE IT FURTHER ORDERED:** That notice of the public hearing be published in a newspaper of general circulation, posted on the Town's website, and posted on cable channel 3, and that copies of the appropriation language be made available for review at the Town Clerk's Office, the Town Manager's Office, and the Freeport Community Library for review.

*Note: Of the total \$128,000 proposed appropriation, \$100,000 of said appropriation will be offset by a Community Development Block Grant (CDBG), \$20,000 will be offset by matching funding from Efficiency Maine, \$4,000 will be offset by matching funding from Freeport Housing Trust, and \$4,000 will be provided by the Town of Freeport from the Energy Savings Reserve Fund. The Town Council endorsed submission of the CDBG application on 01/20/15. The current balance of the Energy Savings Reserve Fund is approximately \$23,000. (Egan & Gleeson)*

Chair Sachs noted that the Council saw this on January 20. This is just setting the public hearing.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Tracy)

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ITEM #114-15      To consider action relative to the approval of several special amusement permits.

**BE IT ORDERED:** That seven individual public hearings be scheduled for July 21, 2015 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss applications that have been made for Special Amusement Permits from the following businesses:

Hilton Garden Inn Freeport, 5 Park Street  
Echelon Management, Inc., d/b/a Azure Cafe, 123 Main Street  
Buck's Naked BBQ, 568 US Route One  
Jameson Tavern, 115 Main Street  
Harraseeket Inn, Inc., 162 Main Street  
Freeport Associates, 39 Main Street  
Center Cotton, Inc., d/b/a Gritty McDuff's, 187 Lower Main Street

**BE IT FURTHER ORDERED:** That public notice of said hearings be published in a newspaper of general circulation, posted on the Town's website, and posted on cable channel 3, and that the special amusement permit applications in question be made available for review at the Town Clerk's Office during regular business hours. (Wellen & Gleeson)

Chair Sachs encouraged Councilors to look the applications over and get any information needed prior to the 21<sup>st</sup>.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Tracy)

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ITEM #115-15      To consider action relative to contracting for the purchase of a 1-ton dual wheel truck for the Buildings & Grounds Maintenance crew under the Public Works Department.

**BE IT ORDERED:** That Weirs Motor Sales, Inc. of Arundel Maine be awarded a contract for the purchase of a 1-ton truck with plow and landscape bed, in the amount of \$51,592.

*Note: The Town Council appropriated \$52,000 in the FY16 Capital Budget for this purchase. (Rixon & Egan)*

Town Engineer Al Presgraves explained that the memo he provided is self-explanatory. He mentioned that the Town decided to hire its own staff to do some of the maintenance work previously done by contractors to save money and provide better service. The July 1 start was a little difficult because of the July 4<sup>th</sup> holiday that fell on a Saturday but he heard they did a great job. This truck is for that crew. It is a GM truck with a landscape bed.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Tracy)

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ITEM #116-15      To consider action relative to contracting to replace two existing culverts, one on South Freeport Road, and one on Merrill Road.

**BE IT ORDERED:** That A. H. Grover be awarded a contract for “Culvert Replacement Project 2015-1” for the bid amount of \$35,200.

*Note: The bid opening for this project is scheduled for Tuesday July 7<sup>th</sup>. Town Engineer/Public Works Director Al Presgraves will present the bid results along with a recommendation of contract award prior to the consideration of this agenda item. The Town Council appropriated \$85,000 for replacing 5 culverts in the FY16 Capital Budget. This contract seeks to replace two of those five culverts. The remaining culverts will be contracted at a later date. (Hendricks & Egan)*

Town Engineer Al Presgraves explained that they only received two bids and this particular bid was considerably lower than the other one. He is recommending that the Town award the contract to A. H. Grover. This is a good contractor and has also done other work for the Town. He provided an update on other culvert projects the Town has. Unfortunately, his cost estimate was a bit low on a couple of them. It seemed that a couple of them had to go from a 36 inch pipe to a 48 inch pipe but they are, in fact, on streams and the current regulations do not allow us to upgrade a culvert in this way. We have to provide fish passage measures so the 36 inch culvert will need to be a 10 feet wide arched aluminum culvert which will cost more money. The good news is that the DEP just put out an rfp for 100% grant money to replace culverts like that to provide for fish passage in places that are currently blocking fish passages which this 36 inch existing culvert is. That will go and be submitted next week and he feels that we are very likely to get it but we won't be able to bid it out until next year. The grant is good for two years.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Tracy)

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ITEM #117-15      To consider action relative to contracting for the purchase of Ambulance.

**BE IT ORDERED:** That Sugarloaf Ambulance and Rescue Vehicles be awarded a contract for the purchase of a 2015 PL Custom Ambulance for the amount of \$178,888.98.



*Note: his purchase price reflects a trade in credit of \$3,500 for Rescue 1, a 2007 ambulance with approximately 145,000 miles. The Town Council appropriated \$196,000 for this purchase in the FY16 Capital Budget. (Gleeson & Egan)*

Deputy Fire Chief Paul Conley explained that we are coming to the end of the Multi Town Joint Bid process. This is the fourth ambulance purchased under this program. The difference between last year and this year's price was \$568.00.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Tracy)

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ITEM #118-15      To consider action relative to amending the 2015 Town Council meeting schedule.

**BE IT ORDERED:** That the 2015 Town Council meeting schedule be amended as presented. (Egan & Gleeson)

Chair Sachs explained that the Council is adding the date of August 25 for the Bustin's Island Annual Dinner Meeting and adding locations for the District 2, 3 and 4 Workshops.

Councilor Egan explained that she would be unable to attend the Bustin's Island Dinner Meeting. Chair Sachs thanked her for letting the Council know.

**VOTE:** (6 Ayes) (1 Excused-Tracy)

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**OTHER BUSINESS:**

1) Presentation on Eelgrass Restoration Feasibility Tests by Casco Bay Estuary Partnership

Lucy Lloyd from Flying Point thanked Chair Sachs for putting this item on the agenda. She read a note from Jeremy Bell, who is the Aquatic Habitation Restoration Manager at the Nature Conservancy regarding their commitment to eelgrass conservation and restoration in Casco Bay. Ms. Lloyd introduced Hilary Neckles, lead scientist of the project. Ms. Neckles provided a handout showing the tremendous loss of eelgrass cover in Casco Bay. The primary cause of eelgrass loss was the population explosion of green crabs. She explained how important the eelgrass habitat is for many marine resources in Upper Casco Bay. Natural recovery is beginning off the Freeport shoreline but Upper Maquoit and Middle Bay in Brunswick are still largely un-vegetated. She is leading this effort to determine the feasibility of jump starting eelgrass recovery through restoration. They just finished a round of test planting at Flying Point and at Simpson's Point and will be following it over the next year to document the success of these different methods and whether it will be possible or necessary to use human intervention to help Nature recover. She looks forward to sharing the results of their Study with the Council. She explained the importance of eelgrass to the planet.

Chair Sachs requested that Ms. Eckles e-mail her presentation to the Town Manager so he can put it on the Town's website. Ms. Neckles agreed and also offered to e-mail the benefits.

Councilor Egan explained how Freeport has been trying to fight back green crabs to protect its shellfish and found that we could not trap enough crabs to make a difference. The only way to move forward with the shellfish industry is to start farming harvest rather than just going out and trying to harvest without any farming. She asked if we don't have another cold winter and the crabs come back, what will we do.



Ms. Neckles noted that in terms of eelgrass, there are areas in Nova Scotia where they successfully restored eelgrass through green crab control in specific areas. One approach may be to have crab control in small pockets of the coast such as coves or protected areas. This would allow at least small areas of eelgrass to be restored. Now there is so much unknown about what the crab populations will do. If the crabs come back in full force, it is a whole new ballgame.

Chair Sachs noted she appreciated Ms. Lloyd and Ms. Neckles coming this evening and making this presentation. She looks forward to hearing more about it in the future.

2) Discussion regarding request from RSU#5 for transfer of Snow Road land parcel

Chair Sachs explained that she received a note from Cliff Goodall, Chair of the Project Review Board indicating that this item is slated to be on their agenda tomorrow. They are unable to move forward because the Council will not be voting on this up or down until the 21<sup>st</sup>. Whenever there is a transfer of land in Freeport, we thought the more transparency, the better. We are taking this opportunity to discuss it in full and get some information from the architect so you will know about it. It does not impact the project moving forward to have these two weeks to talk about it and make sure everybody fully understands it. The Project Review Board's intention is to discuss it briefly but they cannot take any action regarding this tomorrow night. She is aware there is considerable interest in the Project Review Board's meeting, particularly that there is a memorial tree outside the high school for Craig Richards of the Class of 1993 that is currently in the plan to come down. There is a memorial plaque there as well. This is a discussion that the Building Committee is well aware of as is the RSU 5 Board. They will be discussing the tree issue at their School Board meeting on July 8. The Council does not have any standing or say in this issue but Chair Sachs is aware that this is of great public interest.

Chair Sachs noted that tonight the Council is getting a heads up about the intricacies around the transfer of a Snow Road parcel. This is not an action item this evening. The Council will see it again on the 21<sup>st</sup>.

Mr. Joseph noted this is a somewhat complicated issue. The property that Freeport High School now sits on, Holbrook Street at the end where the high school is and the end portion of Snow Road that now goes through where the dirt parking lot is going to the High School past the Town's snow dump, was all owned by the Town of Freeport for many years as one parcel of land. In 2009 the RSU was created and at the last minute, it was realized that the Snow Road right-of-way was essentially on the property that the high school belongs to and there was not an accepted Town road extension or public easement or Town ownership other than the ownership of the high school parcel underneath that. They created a 50 foot wide strip that was transferred from the newly formed RSU and retained by the Town. It didn't 100% follow where Snow Road actually is but the meets and bounds do not line up with the actual pavement of the end of Snow Road. To further complicate matters, in about 2002 Holbrook Street on the end was discontinued by the Town Council. The land underneath reverted back to the ownership of the school at that time which essentially was the Town but it reverted to that parcel and there was not a distinguishing parcel line underneath it. This was when the Performing Arts Center was constructed and that was also basically to eliminate a property line to allow the Performing Arts Center to be constructed closer to the road than a setback would have allowed if there had been a property line distinguishing it underneath. We are now in a similar situation with the Town-owned 50 foot wide strip underneath Snow Road. Mr. Joseph had pictures to share with the Council showing the area being discussed. He noted that a corner of the proposed high school addition is proposed on the existing Town-owned piece of land. The proposal from the RSU would relocate the right-of-way instead of being Town-owned, we would retain an easement for public access and maintenance and utilities over that Town-owned piece of land. The proposal from the RSU would relocate the right-of-way instead of being where the road is now. It is both a transfer of the property where we give the property to the RSU and they give us an easement right. It is also a relocation of where that easement right lays to allow the construction of the high school in its proposed location and also to put the easement over where the road actually is instead of having the pavement off the edge of

what we technically own. This will be on the agenda on the 21<sup>st</sup> for an actual vote on whether to go forward with this plan.

Andrew Johnston, civil engineer explained that they are working with the school to do the design and permitting on this project. He briefly went through a reiteration of what Mr. Joseph just explained. He displayed a plan showing the original school back in 2002. He pointed out that when the RSU was formed and the school district became a separate entity from the Town, the Town transferred the school property to the school district. While the Town wanted to retain ownership of the snow dump, at the last minute they in effect, created a 50 foot right-of-way on the school's property. That is just a 50 foot right-of-way. It

is not Snow Road and was never accepted as a Town street. It is not a Town street but is a right-of-way over what was previously the school's driveway. The intent was clear to maintain public access through the site and to allow people the right to drive from Snow Road to the end of Holbrook Street. What was not realized at the time, that by creating those property lines, they actually put the existing school buildings into non-conformance with the existing zoning. The existing school building does not meet the setback from the property lines and neither the temporary classroom and neither does the small accessory building in the back. When they come to do the new addition, they look at the plan and realize they cannot meet the setback and the existing building does not meet the setback. They are proposing to simply revert a portion of the Town's right-of-way to an easement and realign it. The easement they are proposing actually lines up directly with the driveway. It abuts the school parking lot on one side and the face of the new addition on the other. It retains the right of passage and the right of enforcement throughout the property as the Town wants. It also maintains the right-of-way adjacent to the Town's snow dump and retains the Town's right to access that property and retains frontage on that property. This seems like the easiest way to tidy up some of the issues that were created when splitting up the school property and they feel it is the easiest way to do it. He offered to answer questions.

Mr. Joseph advised that the actual agreement was proposed by the RSU's law firm but they worked with Freeport's Town Attorney. The proposal was agreed to by the RSU's Counsel. The Town Attorney and staff feel there is adequate protection in the agreement for maintaining both current and possible future uses. A utility easement was added in. The permanent public access easement is also being gained. The Town will continue to snowplow in the wintertime. In exchange, the school has agreed to do summer maintenance such as drainage work and paving but Mr. Joseph does not have this 100% in front of him right now. Mr. Joseph noted that the Town will most likely continue to do street sweeping. The Town can agree to do more than what is required of the Town in maintenance anytime it is easier for the Town and the RSU just by agreement.

Councilor Wellen asked what would happen if Freeport withdraws from the RSU at a later date or the RSU dissolves. Mr. Joseph noted that nothing changes the easement rights of the Town but it would change who owns the underlying property. Chair Sachs asked about sidewalks proposed along the portion of Snow Road. Mr. Johnston advised that the school's intent is to build a sidewalk from end to end of the school's property and he understands that the Town is proposing to extend that sidewalk further down Snow Road. Chair Sachs urged collaboration around that.

Mr. Joseph noted that the public way of Snow Road ends at the back of the field. We will then continue with what exists now which is essentially a Town-owned piece of land with pavement on it. In the future, the Council has the ability to accept it as a public road, or put a right-of-way over it or as easement of any sort. If this school project and this proposal was not going forward, the Council could have talked about accepting the existing strip as a right-of-way and then after the snow dump property, where the school property starts now, we would start the easement so there will be three separate phases of ownership. The public driving over it would not be able to tell that it is three separate phases of ownership. If the project goes through, he suggested considering accepting this as a public way so that it is two pieces instead of three. Mr. Johnston pointed out that there is an impact to abandoning that portion because it creates the frontage for the existing Town snow dump lot. If it is taken away, the snow dump lot does not have any

frontage. Mr. Joseph would recommend that if this all goes through, the Council consider accepting it as a public way up until where the easement language starts just to make it two pieces instead of three.

Chair Sachs noted that currently it is a non-conformity. Mr. Johnston pointed out that the Town will have the right to enforce speed limits and parking and this is written into the easement language. This proposal is rectifying a historical problem. It does not conform to zoning. It is not predicated on the design.

Mr. Joseph noted there will not be a public hearing required for this transfer. Only an affirmative vote by the Council is required. He encouraged members of the public who have questions or feedback, to contact him or their Councilors.

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### 3) Review of progress on 2016 Town Council Goals

Chair Sachs explained that Goal #1 was to Prioritize, evaluate and control expenditures in operating and capital budgets to mitigate the impact on the taxpayers and maintain a stable tax rate, while providing the highest quality services possible within the resources available.

She reminded Councilors that there was discussion about keeping the increase to no more than 2%. The Council passed a Municipal Budget increase of 1.15%. During the budget process, the Council reviewed line by line. She feels that Councilors really did their homework. She thanked the Town Manager for disseminating answers if a Councilor had a question for all Councilors and putting it in a memo for residents as well. There was a lot of transparency around the budget. She also appreciates Town Staff putting reserve balances on Council agendas to keep everyone informed.

Goal #2, Continue to promote efforts to engage Freeport residents in decision making.

Chair Sachs pointed out that the Council uses things in its communications plan, active listening, talking about feedback on action items either through various mailings or surveys or doing an update on Council Goals. She mentioned that last year the Town Manager started providing Town Manager Reports and he puts them up on the Town's website and e-mails it to interested residents. The active listening strategies are used specifically in the District Workshops the Council does. She mentioned the speeding initiative in particular. It was identified in several workshops as an issue and two months later, Chief Scholfield was here and talked about a grant to have an additional staff member specifically for speed enforcement. The Council is hopefully listening to residents and encouraging them to come to meetings and talk to their Councilors. If anyone wants to be on an e-mail list, they are encouraged to talk to their Councilor.

For soliciting feedback, Chair Sachs advised that a survey on the single use plastic bag was done on Election Day. There were two informational sessions, one was incorporated within the Council meeting regarding plastic bags and the workshop on the DOT Clear Cutting issue on 2-95 was publicized.

She lauded Department heads for coming in to do the public sessions on the budget. They come in for a morning session and evening session to talk about their specific budgets and answer questions for the public. It is important to continue this.

The Planning Department has done an outreach for volunteer opportunities piloting for Gorman Park. It was a great resident engagement.

The new section on the website called Freeport Outdoors is in direct response to residents' concerns.

Finally, the changes proposed by Councilor Egan and adopted by the Appointments Committee to try to engage more residents and provide an opportunity to serve on Town committees and boards.

Councilor Wellen advised that he believes everything Chair Sachs has said is true. He recently thought of one thing the Council needs to rethink a little bit. He has received feedback from his constituents. Two examples are the Denney Block and the Active Living Committee decisions. Some would argue that if we are going to have a public hearing, we should keep an open mind and not form an opinion before listening to what our constituents want. The public hearing time is a formal time for input. On the Denney Block, some Councilors advised that it was a go. On the Active Living Committee, he heard from constituents that they didn't feel they should bother coming to the Public Hearing when six of the Councilors were in favor of it. This is just something to think about. Chair Sachs noted she feels she can be more mindful of this and appreciates the reminder that the public should come forward and feel comfortable to say whatever they want to say.

Councilor Hendricks could remember changing his mind on several issues. He has gone both ways. He would like the public to feel that they can always come and share their views. There are no secret discussions and no back room votes. Councilor Egan feels there is no perfect answer to this. It is important to not confuse Councilors as judges versus legislators.

Chair Sachs invited the Council and the public to let the Council know if there are ways to do this goal better. She asked them to tell the Council what they like or what they dislike.

Goal #3. Increase communication and strengthen the working relationship between the Town Council and the RSU5 Board.

Chair Sachs indicated that she has spent a lot of time on this one. She asked the RSU to put the vacancy for the School Board on their website but it did not happen. It was put on the Town's website. She met with the RSU Chair on December 30 to talk about the issues moving forward for both Boards and Councils. She asked to take part in the Superintendent's Search but was told that a Town Councilor would not be appointed to that because the process was too far along. The same with the Building Committee but the request was made. The Building Committee meetings are open to the public so anyone can attend them.

A Leadership Breakfast took place on February 3 and she and Councilor Gleeson attended along with representatives from Durham and Pownal and the superintendents and the RSU Chair to discuss issues. She and Council Gleeson asked what their process was to review the funding formula. At that time they indicated they wanted to wait until fall when the new superintendent was in place. Mr. Joseph has asked Ms. Maloy to touch base with them about when they are ready. Chair Sachs will be happy to be part of the process.

As for the budget process, several Councilors have attended their budget meetings or met with RSU Board members to get a good understanding. To Chair Sachs' knowledge, none of the RSU Board members came to our budget processes. We did send them all of our budget materials on April 8 so they could be fully engaged in our budget process as well. We asked at the Leadership Breakfast on February 3 regarding their Finance Committee structure and some of the other committees that Councilors were interested in. They advised that they were reviewing all of their committee structures and hopefully would move forward on that when the new superintendent was here in the fall.

We had the budget meeting on May 11 with everyone there from the RSU and Durham and Pownal in order to talk about budget impact, being mindful of the tax impact. We are looking forward to meeting and working with the new superintendent. Chair Sachs is hopeful about looking at the funding formula.

Goal #4. Operate cohesively as a group and promote intercommunication, information exchange and collaboration on direction and process between Councilors, while conducting Town business in an efficient manner and promoting transparency of Town government.

Chair Sachs mentioned how efficient Council meetings have been and that they have not gone to 10 o'clock most nights. She noted that most of the Councilors have been regularly attending committee meetings. She thanked Councilors for coming so prepared. It makes meetings much easier.

She confessed to forgetting about the Crow's Nest piece until reviewing these goals and thought we had already done that. She really appreciates Town staff for their interaction and information.

Understanding of practices—The Council has talked about communication by e-mail. E-mail should be used for just matters of administration, meeting times, etc. She uses it for processes saying this is coming up, but does not give opinions around it. It becomes murky when people start giving their opinion on a particular article. Simply sending an article may or not be construed as information sharing. If a Councilor has an article of interest from time to time for the Council, it should be brought to the meeting and discussed under Information Sharing, it should be ready for distribution, or the Council can put an electronic copy out so the public will have a copy as well. From time to time, Councilors will come across an article that is interesting and might find it important for all Councilors to know.

Councilor Egan disclosed that she sometimes disseminates articles to Councilors. The way she reads this, it is quite clear that this is not deliberation. Deliberation is deciding substantive matters and is about a group making a decision. She will not make copies of articles and bring them to Council meetings. To her, it is very clear that information dissemination is not deliberation. Chair Sachs pointed out that she is trying to have a shared understanding around what best practices we would like to adopt and clarify it for people. Since it is our goal to operate cohesively as a group, she thought a discussion around the Council's comfort level with this. Anybody sending in an article that they feel is informational, great, as long as there is no discussion about the merits of that article whatsoever.

Councilor Hendricks noted that if our Town Attorney is recommending that the Council not send in articles, he would go with what he is saying. Councilor Hendricks does not mind getting articles but if our attorney says it shouldn't be done, he feels the Council shouldn't do it.

Councilor Egan advised that she does not want to push information on Councilors but this says "E-mail is permissible to communicate, to disseminate information and reports" so she does not see how this is murky. She does not feel sharing an opinion is deliberation. She feels the FOAA law is to make sure that the Council is not having back door meetings and deliberating and making decisions.

Mr. Joseph explained that he spoke to the Town Attorney and learned that disseminating a report or an article is pretty cut and dry. Disseminating that report with an opinion, is a gray area. It would depend on who is making the argument. Disseminating a report and then having inadvertently seven people and one person hitting "reply" and "reply to all". The difference in the reply and the reply to all is all the difference in the legal term. If someone sends out an article and someone hits "reply" and indicates that they don't agree with the article, thinks it is terrible. There can be all the feisty discussion that two Councilors want to have back and forth on something. There is nothing about FOAA that is wrong. The problem is that it creates the situation where you inadvertently start the conversation, not that the person ending it is doing that but it makes it easier to happen. Attorney Saucier said we can do it but it is up to the Council. When Councilor Hendricks sent things out to the Council he noted "please don't try to start a conversation on this. It is just information before the meeting." How well this is adhered to is the key. Councilor Hendricks advised that he does not have a problem with Councilors sending stuff out. He has a problem talking back and forth. He would prefer that Councilors make phone calls and share their ideas.

Chair Sachs noted that this is just a gentle reminder to be cautious. She would welcome feedback from the Council and the public on ways that the Council can do better regarding these goals.

She also pointed out that Councilor Rixon gets the award for going to every committee meeting.

**MOVED AND SECONDED:** To adjourn at 8:32 p.m. (Hendricks & Egan)  
**VOTE:** (6 Ayes) (1 Excused-Tracy)

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Respectfully submitted,

Sharon Coffin, Council Secretary



**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #14-15**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY JULY 21, 2015**  
**6:30 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
James Hendricks, 21 West Street			x
Kristina Egan, 5 Weston Point Road			x
Melanie Sachs, 84 Kelsey Ridge Road	x		
Andrew Wellen, 83 Hunter Road			x
Scott Gleeson, 23 Park Street	x		
Sarah Tracy, 75 Lower Flying Point Road	x		
William Rixon, 66 Varney Road	x		

Chair Sachs called the meeting to order at 6:30 p.m. and took the roll. She explained that Councilors Hendricks, Egan and Wellen are excused this evening.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #13-15 held on July 7th, 2015 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #13-15 held on July 7th, 2015 and to accept the minutes as printed. Gleeson & Tracy) **VOTE:** (4 Ayes) (3 Excused-Hendricks, Egan & Wellen)

**THIRD ORDER OF BUSINESS:** Announcements

Councilor Tracy announced that the Ordinance Committee will be meeting to discuss the Single Use Plastic bag Ordinance on July 28th at 5:30 p.m. here in Council Chambers at Town Hall.

Chair Sachs announced:

**NOMINATION PAPERS** will be available JULY 27<sup>th</sup> for the November 3, 2015 municipal election in the Town Clerk's Office! Nomination Papers are due back to the Town Clerk's Office no later than 6:00 p.m. on Wednesday, September 9<sup>th</sup> for the following offices:

<u>Office</u>	<u>Term</u>	<u>Minimum signatures required</u>
COUNCILOR AT-LARGE – 1 seat	3 years	100 signatures
COUNCILOR DISTRICT 4 – 1 seat	3 years	50 signatures
RSU #5 Board of Directors – 2 seats	3 years	100 signatures
RSU #5 Board of Directors – 1 seats	1 year	100 signatures
SEWER District Trustees – 3 seats	3 years	25 signatures
WATER District Trustee – 1 seat	3 years	25 signatures



For more information, call Freeport Town Clerk Christine Wolfe at 865-4743, Ext. 123 or email [cwolfe@freeportmaine.com](mailto:cwolfe@freeportmaine.com)

The Next District Town Council Workshop will take place for District 2 Residents on August 4<sup>th</sup> at the Mallet Barn at 625 Wolfe's Neck Road prior to the next Town Council Meeting. The District Workshop begins at 6:30 p.m. at the Mallet Barn. After the Workshop adjourns, the Town Council will reconvene at the Town Hall for their regularly scheduled Town Council meeting. The Town Council will meet again on August 25<sup>th</sup> for the Annual Bustins Island meeting with Municipal Officials. This meeting is hosted by Bustins Island officials and will be held on the island. The boat leaves the Town Dock at 5 p.m.

Councilor Gleeson noted from the Appointments Committee that the Town of Freeport is looking for volunteer residents to serve on the newly established Active Living Committee. This committee will consist of seven members and shall serve as a resource to the Town of Freeport citizens for initiatives outlined in the Town of Freeport Active Living Plan. If you are interested in serving on this committee, applications are available at Town Hall and on the Town's website at [www.Freeportmaine.com](http://www.Freeportmaine.com).

**FOURTH ORDER OF BUSINESS:** Information Exchange

Chair Sachs explained that her term on the Cumberland County Municipal Finance Committee expires in 2016. She has one more year left and has indicated that she is happy to not continue on in that role. There is a Councilor from Brunswick that called her and expressed interest in representing District 3. She is happy to have him do it or have another Councilor fill that term. She feels there has been a very good productive relationship over the past few years. She asked Councilors to let her know what they think about this.

Councilor Tracy reported that the Appointments Committee met last Thursday morning and filled a number of vacancies. They will come to the Council for approval on August 4. Chair Sachs noted that the Appointments Committee is enforcing a very long held ordinance about term limits. Only under exigent circumstances are they going to continue to have folks on committees in an effort to engage the public in joining committees. There was also some talk as a way to recognize folks stepping down that have served for many years. We really do appreciate the folks that have served for so many years and are now termed out or are stepping down. We are deeply grateful to them. If anyone has recently gotten off a committee, definitely know that we invite you to the Volunteer Barbecue in October but most likely the Council will invite you to a future Council meeting to recognize your long service since we truly appreciate the amount of volunteerism in this Town.

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

Mr. Joseph reported:

- We have been very busy due to our seasonal and weather conditions especially these past couple of weeks. He urged everyone to try to stay calm in Town when we have another cloudy, overcast and rainy day when we are inundated with visitors. That obviously plays a huge role on our demand for services on our Police Department, Fire Department and Public Works Department. Everything has been fairly smooth so far on those very busy days. The Building and Grounds Maintenance Division has started as of the first of this month. Everything is going smoothly. We have two of the three positions hired already and they have taken over the majority of the maintenance contract that expired as of July 1.
- The Freeport Fire/Rescue Department is hosting a Fire/Rescue Junior Academy the week of August 3-7 from 8 a.m.-5 p.m. For Junior Fire/Rescue Personnel ages 14-18, there will be hands on training in Fire and EMS skills taught by local Fire Department Members and Officers. A

Muster Challenge and Family cookout will take place on Friday. If you have a Junior Firefighter interested in attending, call Sarah Cass at 207 865-3421 or email [scass@freeportmaine.com](mailto:scass@freeportmaine.com). The cost is \$100 for the full week and participants will be provided an Academy T-shirt, lunch and snacks.

- On July 8<sup>th</sup> the Freeport Community Library hosted its first outdoor concert, which was a huge success! Approximately 150 people came to enjoy an evening filled with music as varied as calypso, reggae, swing, Beach Boys and Jimmy Buffet played by the community steel drum band, Pan Fried Steel. Attendees ranged from the young to old who all listened, swayed and danced to a diverse repertoire of music. Thank you to the Library for putting this on.

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

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

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

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ITEM #121-15                      To consider action relative to adopting the July 21, 2015 Consent Agenda.

**BE IT ORDERED:** That the July 21, 2015 Consent Agenda be adopted.  
(Gleeson & Tracy)

Mr. Joseph explained that since the setting of the Consent Agenda on Thursday, the last two conditional approvals for Mainely Custard and Classic Cook-out, they were in the midst of a real estate transaction and the taxes have since been paid as part of that transaction. They have already fulfilled the conditions. The only outstanding conditions are State Food Licenses.

**VOTE:** (4 Ayes) (3 Excused-Hendricks, Egan & Wellen)

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ITEM # 122-15                      To consider action relative to a proposed amendment to Town Ordinance Chapter 23 – Freeport Sign Ordinance, Section 3.3 “Temporary Banners”. **PUBLIC HEARING.**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Gleeson & Tracy) **VOTE:** (4 Ayes) (3 Excused-Hendricks, Egan & Wellen)

Mr. Joseph explained that this has to do with the banner poles that held banners that previously were flown across Main Street near Independence Drive and the L.L. Bean Campus on Route One heading south. The poles were cracked and were no longer serviceable. He was given a quote of approximately \$6,000 to do the repair work along with the running gear that went with them. He met with some of the non-profits and started looking for alternate locations. He discovered a ground-mount location at Exit 20 within the State DOT right-of-way that we have permission to utilize because it is within the Urban Compact. There is a Welcome to Freeport sign currently at that location. The intention is to continue this community resource for the non-profits.

Mario Pascarelli from Durham, representing St. Jude's Church, thanked Mr. Joseph and everybody for working so hard to come up with this solution.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Gleeson & Tracy) **VOTE:** (4 Ayes) (3 Excused-Hendricks, Egan & Wellen)

Chair Sachs asked if the Freeport Community Improvement Association took a vote on funding some landscaping and beautification contributions to that area. Mr. Joseph noted that this was positively reviewed by the Board but he didn't believe the Board members took a vote. He has heard that they are in support of the location.

Chair Sachs thanked everyone who worked on this.

**BE IT ORDAINED:** That the proposed amendment to Town Ordinance Chapter 23 – Freeport Sign Ordinance, Section 3.3 “Temporary Banners” be approved as presented. (Gleeson & Tracy) **ROLL CALL VOTE:** (4 Ayes) (3 Excused-Hendricks, Egan & Wellen)

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ITEM #123-15      To consider action relative to a supplemental appropriation of \$128,000, to be used to provide energy efficiency housing rehabilitation services to low and moderate income residents, with \$4,000 of said appropriation to come from local matching funds provided by the Town of Freeport Energy Savings Reserve Fund, and \$124,000 to come from various grant and matching funding sources.  
**PUBLIC HEARING.**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Tracy & Gleeson) **VOTE:** (4 Ayes) (3 Excused-Hendricks, Egan & Wellen)

Mr. Joseph provided some background information to the Council. There were no public comments provided.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Tracy & Gleeson) **VOTE:** (4 Ayes) (3 Excused-Hendricks, Egan & Wellen)

**BE IT ORDAINED:** That a supplemental appropriation of \$128,000 be approved. Said appropriation to be used to provide energy efficiency housing rehabilitation services to low and moderate income residents, with \$4,000 of said appropriation to come from local matching funds provided by the Town of Freeport from the Energy Savings Reserve Fund, and \$124,000 to come from various grant and matching funding sources.

**BE IT FURTHER ORDERED:** That the proposed “CONTRACT FOR THE DELIVERY OF HOUSING REHABILITATION SERVICES BY AND BETWEEN CUMBERLAND COUNTY AND THE TOWN OF FREEPORT” be approved, and the Town Manager be authorized to sign said contract on behalf of the Town of Freeport.

*Note: \$100,000 of said appropriation will be offset by a Community Development Block Grant (CDBG), \$20,000 will be offset by matching funding from Efficiency Maine, \$4,000 will be offset by matching funding from Freeport Housing Trust, and \$4,000 will be provided by the Town of Freeport from the Energy Savings Reserve Fund. The Town Council endorsed submission of the CDBG application on 01/20/15. The current balance of the Energy Savings Reserve Fund is approximately \$23,000. (Tracy & Gleeson)*

Mr. Joseph explained that the Energy Savings Reserve Fund was established five or six years ago by order of the town Council and is funded by calculations that are done when we do energy efficiency improvements to town buildings. At the end of the year we calculate the difference between what would have been spent for example, when we did the heating system rehab in this building and several of the other buildings. There is a calculation done between the Finance Office and the Town's Planning Office between what the relative usage would have been under the old system and those savings are then transferred into the Energy Savings Reserve Fund.

Chair Sachs thanked the Town Planner, Donna Larson who has brought together all these folks as well as Julie Fraser and Johanna Hanselman. She explained that FCS only identifies residents who could benefit from the services.

**ROLL CALL VOTE:** (4 Ayes) (3 Excused-Hendricks, Egan & Wellen)

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ITEM #124-15      To consider action relative to the approval of several special amusement permits.  
**PUBLIC HEARING.**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Rixon & Gleeson) **VOTE:** (4 Ayes) (3 Excused-Hendricks, Egan & Wellen)

Mr. Joseph explained that the Council had talked about whether these would be separate public hearings or a public hearing on all seven applications. After doing some research, he discovered there is absolutely no difference. Towns do it both ways. He explained that all the application materials are included, all the special amusement permit applications are included. They all require a public hearing of the Council annually as they come up. These are all businesses in Freeport that will have special amusements along with their food and drink service.

There were no public comments provided.

**MOVED AND SECONDED:** That the Public Hearing be closed.(Tracy & Gleeson) **VOTE:** (4 Ayes) (3 Excused-Hendricks, Egan & Wellen)

Councilor Tracy noted that some of these have outdoor entertainment and she wants to make that the Council is treating these in the same manner as others in the past. She wants to be sure that information is provided to them.

Chair Sachs advised that none of them go past 10 p.m. but Azure does not have a time limit. Residents were encouraged to let the Police Department know of any concerns with noise in any part of town for any reason. They will certainly come and investigate and enforce the Noise Ordinance. If the officer responding determines that the noise would be disturbing a neighbor, he or she can order it to be stopped. In the Zoning Ordinance there is a lengthy list of the actual amount of noise that can be given off but it is more for an industrial use.

**BE IT ORDERED:** that Special Amusement Permits for the following businesses be approved:

Hilton Garden Inn Freeport, 5 Park Street  
Echelon Management, Inc., d/b/a Azure Cafe, 123 Main Street  
Buck's Naked BBQ, 568 US Route One  
Jameson Tavern, 115 Main Street  
Harraseeket Inn, Inc., 162 Main Street  
Freeport Associates, 39 Main Street  
Center Cotton, Inc., d/b/a Gritty McDuff's, 187 Lower Main Street  
(Tracy & Gleeson)

**ROLL CALL VOTE:** (4 Ayes) (3 Excused-Hendricks, Egan & Wellen)

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ITEM # 125-15

To consider action relative to a proposed ordinance amendment to article 11.5.C.8 of the Subdivision Ordinance, amending the waiver criteria used by the Project Review Board to determine if more than 15 lots may be allowed on a dead end road, and if a dead end road may be longer than 2,500', as recommended by the Planning Board.

**BE IT ORDERED:** That a public hearing be scheduled for August 4, 2015, in the Town Council Chambers at Town Hall, immediately following the conclusion of the Town Council District 2 workshop which will be held at 6:30PM, to discuss the proposed amendment to article 11.5.C.8 of the Subdivision Ordinance.

**BE IT FURTHER ORDERED:** That notice of the public hearing be published in a newspaper of general circulation, posted on the Town's website, and posted on cable channel 3, and that copies of the proposed amendment be made available for review at the Town Clerk's Office, the Town Manager's Office, and the Freeport Community Library for review. (Gleeson & Tracy)

Chair Sachs pointed out that this particular Ordinance amendment has generated a lot of discussion in our community and it will be discussed here after the District 2 Workshop. All the materials are posted on the town's website. She requested that everyone read the materials carefully. The Town Planner will be available for questions.

**ROLL CALL VOTE:** (4 Ayes) (3 Excused-Hendricks, Egan & Wellen)

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ITEM #126-15

To consider action relative to a proposed ordinance amendment adding a new section 504.C "Rural Flexible Lot Developments" to the Freeport Zoning Ordinance, and a proposed ordinance amendment to article 3.2 of the Subdivision Ordinance, which defines "required open space", as recommended by the Planning Board. Taken together, these two amendments would allow for lots created outside of a Subdivision to be as small as 20,000 square feet, provided open space is created and protected from further subdivision and development.

**BE IT ORDERED:** That a public hearing be scheduled for August 4, 2015, in the Town Council Chambers at Town Hall, immediately following the conclusion of the Town Council District 2 workshop which will be held at 6:30PM, to discuss the proposed amendments to section 504.C of the Zoning Ordinance, and section 3.2 of the Subdivision Ordinance.

**BE IT FURTHER ORDERED:** That notice of the public hearing be published in a newspaper of general circulation, posted on the Town's website, and posted on cable channel 3, and that copies of the proposed amendment be made available for review at the Town Clerk's Office, the Town Manager's Office, and the Freeport Community Library for review. (Tracy & Gleeson)

Councilor Tracy requested an explanation as to what a flexible lot development is and what the intent is. Chair Sachs noted she will forward some things that the Town Planner provided to all Councilors and will also make them available to anybody interested. She asked Mr. Peter to note this for the Town Planner.

**ROLL CALL VOTE:** (4 Ayes) (3 Excused-Hendricks, Egan & Wellen)

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ITEM #127-15            To consider action relative to proposed ordinance amendments to section 402.I.F.2, section 402.II.D.3, section 403.F.2, and section 425.G.3 of the Freeport Zoning Ordinance, as recommended by the Planning Board. These amendments would reduce setback requirements for certain types of sheds in rural districts.

**BE IT ORDERED:** That a public hearing be scheduled for August 4, 2015, in the Town Council Chambers at Town Hall, immediately following the conclusion of the Town Council District 2 workshop which will be held at 6:30PM, to discuss the proposed amendments to section 402.I.F.2, section 402.II.D.3, section 403.F.2, and section 425.G.3 of the Freeport Zoning Ordinance.

**BE IT FURTHER ORDERED:** That notice of the public hearing be published in a newspaper of general circulation, posted on the Town's website, and posted on cable channel 3, and that copies of the proposed amendment be made available for review at the Town Clerk's Office, the Town Manager's Office, and the Freeport Community Library for review. (Rixon & Gleeson)

Chair Sachs explained that there is a handout on the Town's website.

**ROLL CALL VOTE:** (4 Ayes) (3 Excused-Hendricks, Egan & Wellen)

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ITEM #128-15            To consider action relative to a request from RSU #5 for the transfer of a portion of the so-called "Snow Road Parcel" from the Town of Freeport to RSU #5, in exchange for the grant of permanent access and utility easements from RSU #5 to the Town of Freeport.

**BE IT ORDERED:** That the Freeport Town Council hereby authorizes and directs the Town Manager to execute the deed to RSU #5 in the form attached hereto, and to and perform any necessary related tasks. (Gleeson & Tracy)

Mr. Joseph provided a brief explanation. Councilor Gleeson pointed out that the RSU will have no ability to close the right-of-way or use it exclusively and the Town will not lose control over it. Andrew Johnston was in attendance but did not provide any additional comments.

Councilor Tracy asked for a value on this transaction for the next meeting. Mr. Joseph noted that there have not been a lot of 50 foot rights-of-way that have been sold in Freeport but perhaps he could get a value from the Assessor.

Chair Sachs noted that it has been brought to her attention that this project has been going on for quite some time and at the eleventh hour, this is coming before the Council. It would be helpful that the dialogue starts much earlier as opposed to now before we break ground in a month. If there are other considerations needed from the Council, the Council would love to have some time to absorb and a little due notice. So said gently.

**ROLL CALL VOTE:** (4 Ayes) (3 Excused-Hendricks, Egan & Wellen)

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ITEM #129-15            To consider action relative to contracting for the purchase of replacement fire engine.

**BE IT ORDERED:** That Pierce Manufacturing be awarded a contract for the purchase of a "Multi-Purpose Response Vehicle" in the amount of \$640,438, through the Houston Galveston Area Council (HGAC) contract pricing program.

*Note: The Town Council appropriated \$750,000 for this project in the FY 2016 Capital Budget. Equipment to outfit this truck will be procured through a separate purchasing process at a later date. The current balance in the Fire Dept Reserve account is \$1,083,406. (Tracy & Gleeson)*

Deputy Fire Chief Paul Conley thanked Deputy Sylvain for his leadership in this project but his work is not done. They moved three different options to the bid process. This does not include the equipment. The ball park estimate on the equipment is \$50,000-\$60,000. The truck is expected in 8-9 months.

Councilor Tracy asked Deputy Sylvain to let the Council know when the truck arrives.

**ROLL CALL VOTE:** (4 Ayes) (3 Excused-Hendricks, Egan & Wellen)

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ITEM #130-15      To consider action relative to contracting for the purchase of an outboard motor.

**BE IT ORDERED:** That Casco Bay Marine be awarded a contract for the purchase and installation of a Yamaha F225XCA outboard motor, in the amount of \$21,974.

*Note: The Town Council appropriated \$25,000 for this purchase in the FY16 Capital Budget. The current balance in the Boards & Commissions Reserve account is \$66,358. (Rixon & Gleeson)*

Mr. Peter explained that there is shop work and parts work involved in this price. Councilor Tracy explained that she is glad that we went with a business that pays taxes in Freeport since their bid was the lowest. If we ever get to another situation such as this where the bids are really close, she would give weight to local businesses.

**ROLL CALL VOTE:** (4 Ayes) (3 Excused-Hendricks, Egan & Wellen)

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ITEM #131-15      To consider action relative to contracting for the purchase of plow equipment to be installed on the plow truck chassis approved for purchase by the Town Council on June 16, 2015.

**BE IT ORDERED:** That a contract for the purchase of plow equipment be awarded to Viking-Cives of Maine, Lewiston, ME in the amount of \$92,675.

*Note: The Town Council appropriated \$213,000 for this project in the FY16 Capital Budget. \$88,280 was previously approved by the Town Council for the purchase of the plow truck chassis. The current balance in the DPW Equip Reserve account is \$779,499. (Rixon & Gleeson)*

Public Works Superintendent Earl Gibson advised that this completes our plow chassis. It will be completed in 90 days. It was a holdover model that saved us \$10,000. He thanked the Council for enabling him to purchase this truck. Chair Sachs thanked him for identifying this opportunity that saved the taxpayers money.

**ROLL CALL VOTE:** (4 Ayes) (3 Excused-Hendricks, Egan & Wellen)

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**OTHER BUSINESS:**

- 1) Island Rover Update

Mr. Joseph explained that the Island Rover Foundation is currently operating under a consent order that was reached with the Town in the fall of 2014 which provided a negotiated settlement of legal action between the Town and the Island Rover Foundation at that time. Under the terms of the order, the Foundation agreed to meet specific benchmarks and launch or move the vessel by the fall of 2016. The recent benchmark was the selection of contractors for transport/launching.

The Foundation has selected Carter Becker of Falls Point Marine to serve as the project manager to include welding, transport and launching. The Town Attorney has reviewed the benchmark requirement and advised that the Foundation has met the May 1<sup>st</sup> benchmark in his opinion. For informational purposes, the next benchmark will be the selection of a launch site which is required by November 30, 2015.

Welding is expected to begin this week. The Foundation has hired a professional fundraiser earlier this year and a fundraising site was launched this week. The Foundation has begun an educational partnership with the Harpswell Coastal Academy using ship construction as part of their science and math curriculum. Mr. Arndt expects to announce an educational partnership with a “tall ships” initiative within the next few weeks. Mr. Joseph will report back when he has the November 30th benchmark in hand.

Chair Sachs is happy that the Foundation is moving forward and benchmarks are being met. Councilor Tracy suggested providing an affirmative update at the District 2 Workshop. Chair Sachs suggested providing copies of Mr. Joseph's memo in the Mallet Barn.

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**MOVED AND SECONDED:** To adjourn at 7:40 p.m. (Tracy & Gleeson)  
**VOTE:** (4 Ayes) (3 Excused-Hendricks, Egan & Wellen)

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Respectfully submitted,

Sharon Coffin, Council Secretary



**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #15-15**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY AUGUST 4, 2015**  
**NOTE: DISTRICT 2 MEETING BEGAN AT 6:30 AT WOLFE'S NECK FARM**  
**REGULAR MEETING CONVENED AT 8:19 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
Kristina Egan, 5 Weston Point Road	x		
Scott Gleeson, 23 Park Street			x
James Hendricks, 21 West Street	x		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 75 Lower Flying Point Road	x		
Andrew Wellen, 83 Hunter Road			x

Chair Sachs called the meeting to order at 8:19 p.m. and took the roll. She advised that Councilors Gleeson and Wellen are excused this evening.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #14-15 held on July 21th, 2015 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #14-15 held on July 21th, 2015 and to accept the minutes as printed. (Egan & Hendricks) **VOTE:** (5 Ayes) (2 Excused-Gleeson & Wellen)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Sachs announced:

**NOMINATION PAPERS** are now available for the November 3, 2015 municipal election in the Town Clerk's Office! Nomination Papers are due back to the Town Clerk's Office no later than 6:00 p.m. on Wednesday, September 9<sup>th</sup> for the following offices:

<u><b>Office</b></u>	<u><b>Term</b></u>	<u><b>Minimum signatures required</b></u>
COUNCILOR AT-LARGE – 1 seat	3 years	100 signatures
COUNCILOR DISTRICT 4 – 1 seat	3 years	50 signatures
RSU #5 Board of Directors – 2 seats	3 years	100 signatures
RSU #5 Board of Directors – 1 seats	1 year	100 signatures
SEWER District Trustees – 3 seats	3 years	25 signatures
WATER District Trustee – 1 seat	3 years	25 signatures

For more information, call Freeport Town Clerk Christine Wolfe at 865-4743, Ext. 123 or email [cwolfe@freeportmaine.com](mailto:cwolfe@freeportmaine.com)

The Town Council will meet again on August 25<sup>th</sup> for the Bustins Island Annual Meeting with Municipal

**COUNCIL MEETING #15-15  
AUGUST 4, 2015**

Officials. This meeting is hosted by Bustins Island officials and will be held on the island. The boat leaves the Town Dock at 5:00 p.m. The next Regular Town Council Meeting will take place on September 1<sup>st</sup>.

The Delta Knights are this week's Winslow Park Summer Concert Series performers. They will be playing at the Park on Thursday at 6:30 p.m. Come enjoy an evening of rhythm & blues and oldies!

**FOURTH ORDER OF BUSINESS: Information Exchange**

Councilor Tracy advised that the Ordinance Committee met last Tuesday regarding the single use plastic bag Ordinance. The committee considered the final report of the Solid Waste and Recycling Committee regarding environmental impacts of a proposed ordinance as well as the draft report of the Freeport Economic Development Corporation on the economic impacts to businesses and residents of such a proposed ordinance. After reviewing the conclusions from those reports, asking questions and also hearing from a member of the American Progressive Bag Alliance, the committee decided that in order to make a well-informed decision, it needed a little more information. They received information from the Alliance and forwarded it to the Solid Waste and Recycling Committee for review. The committee will be reaching out to other communities that have adopted a single use bag ordinance both in ban form and in fee form to learn of their experiences. They will be pursuing this process over the next couple of months and then they will decide if they are ready to make a recommendation to the Council as to whether an ordinance should be adopted. They did agree that if the Ordinance Committee makes a recommendation to the Council about an action related to an ordinance regarding single-use bags, three members of the Ordinance Committee feel that the ultimate decision should be sent to referendum to be decided by Freeport residents. That would be a recommendation of the Ordinance Committee. The Council would have to decide whether to take action on its own or send it to referendum. This is one item the Committee was clear on when the meeting was over and there was a lot that was not clear.

Councilor Rixon advised that he attended the last few Ordinance Committee meetings regarding this issue as well as the Solid Waste Committee meetings. He provided reasons why he supports the recommendations by the Solid Waste and Recycling Committee to ban plastic bags. He urged the Ordinance Committee to recommend banning single use plastic bags. Chair Sachs suggested that he direct his recommendations to the Ordinance Committee. Councilor Tracy pointed out that the Ordinance Committee has heard conflicting scientific evidence and is doing its best to sort through it and is reaching out to other communities that have already gone through this process to have them help us distill some of the information that is out there.

Councilor Egan noted that this is something that was proposed by a couple of high school students about a year ago. The Council has a lot of information and she feels it is something that can be studied for many years. She suggested moving this to the Council sooner rather than later. She is confident that several Councilors are eager to take some action on this and she hopes the Committee doesn't spend several more months doing research. The Council knows from a survey done that there is strong support in the community for a plastic bag ban or fee. If the Council puts it out to referendum, it allows debate to happen in the community and more information to come out in the public rather than having it just localized in the Ordinance Committee. She requested bringing this up on an agenda sooner rather than later and no matter what the Council votes, whether to adopt an ordinance here or send it to the public, that the Council not spend a lot more time gathering information. The Council has a lot of information already and will never have perfect information.

Councilor Hendricks pointed out that this portion of the agenda is called "Information Exchange" not "Opinion Exchange". This is not an agenda item and the Council should not be discussing this and throwing out opinions. In the past the Council has never circumvented its committee process. There is no rush on this item. He suggested that the Council let the Ordinance Committee go through its paces and once they are ready, they will bring it back to the Council. There will be plenty of time to discuss it then.

Councilor Tracy pointed out that she wanted to correct a couple of things: 1) the information the representative from the Bag Alliance recommended was a governmental study which even the Solid Waste and Recycling Committee wanted to review and they hadn't yet done so. The Ordinance Committee felt it was important to get that information and they have now received it. 2) The Ordinance Committee has tried to move this forward several times and members of the Committee felt uncomfortable making a recommendation based on the information they have. The Council at any time can bring it back up to the Council. If the Council wishes to take it up at the Council level, by all means. The Ordinance Committee would not be offended by that. They would be happy to convey the information they have gathered thus far and their reasons for continuing the issue. If this is what the Council would like to do, go ahead.

Chair Sachs noted that Councilors spend a lot of time in committees and she appreciates the methodical approach the Ordinance Committee is taking because while the Council saw strong opinions in this room, being in the community as she is, she has found there is not a unanimous opinion out there. She appreciates very much the work the Ordinance Committee is doing. She urges members of the public to talk to either Councilors Tracy, Gleeson or Wellen about this issue or to attend the Ordinance Committee meetings. Councilor Tracy advised that the meetings are publicly noticed and they do their best to let the press know when their meetings are scheduled.

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

Mr. Joseph reported:

- The Public Works Department is preparing to begin work on the first phase of the South Freeport Village roads project later this month. A pre-construction meeting for residents will be held on Wednesday, August 19<sup>th</sup> at 6 p.m. in the Town Council chambers. This year's work will consist of drainage and utility work as well as the replacement of the stretch of Park Street closest to South Freeport Road. Paving is scheduled to take place in 2016. All residents are encouraged to come to the pre-construction meeting to learn more about the project.
- Work on the Wardtown Road/Route 125 project has been completed for this year. Final paving is scheduled for late spring and early summer of next year. As a reminder, the Public Works Department generally tries to leave one winter season between base coat paving and final paving, in order to determine whether any adjustments to the base coat are needed prior to final paving.
- Eagle Scout candidate Quinton Libsack has been working at the Leon Gorman Park and Hedgehog Mountain for his Eagle Scout project. He has fixed erosion problems at Gorman Park and has built a bench at the top of Hedgehog Mountain so that you can now enjoy the view of Mount Washington and the Presidential Range at your leisure. Thanks, Quinton!
- Leon Gorman Park has benefited from other volunteer work this summer. Bill Whelan has been weed whacking trails and Lynn Woolf has done extensive flower planting. If you would like to join the Friends of Leon Gorman Park, there are other volunteer opportunities to enhance the beauty of the park. Please contact Town Planner Donna Larson if you'd like to lend a hand.
- There have been two armed robberies in Freeport in the past few weeks. The Police Department is working with the FBI and other local departments to investigate both of those robberies. The suspect in the Key Bank robbery was caught. Investigation in the recent robbery at Norway Savings Bank is ongoing. People are encouraged to contact Lt. Nourse at 865-4800 if they have any information. They could use help from the public. The Police Department has been meeting with local bankers to go over preparedness and determine if there is something they should be doing differently.

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

**MOVED AND SECONDED:** To open the Public Comment Period ((Egan & Tracy)

**VOTE:** (5 Ayes) (2 Excused-Gleeson & Wellen)

Ruby McDermott pointed out that she feels the Council should put on the Town's website what time to be here when the Council is not expecting to be in attendance at 6:30 p.m.

**MOVED AND SECONDED:** To close the Public Comment Period (Egan & Tracy)

**VOTE:** (5 Ayes) (2 Excused-Gleeson & Wellen)

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

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ITEM #132-15            To consider action relative to adopting the August 4, 2015 Consent Agenda.

**BE IT ORDERED:** That the August 4, 2015 Consent Agenda be adopted.  
(Sachs & Egan)

Chair Sachs explained the items on the Consent Agenda.

**VOTE:** (5 Ayes) (2 Excused-Gleeson & Wellen)

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ITEM # 133-15            To consider action relative to a proposed ordinance amendment to article 11.5.C.8 of the Subdivision Ordinance, amending the waiver criteria used by the Project Review Board to determine if more than 15 lots may be allowed on a dead end road, and if a dead end road may be longer than 2,500', as recommended by the Planning Board. **PUBLIC HEARING.**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Tracy & Egan) **VOTE:** (5 Ayes) (2 Excused-Gleeson & Wellen)

There were no public comments provided.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Tracy & Egan) **VOTE:** (5 Ayes) (2 Excused-Gleeson & Wellen)

**BE IT ORDAINED:** That the proposed amendment to Article 11.5.C.I of the Subdivision Ordinance be approved as presented. (Tracy & Egan)

Donna Larson, Town Planner explained the reasons for the proposed ordinance amendment. The Planning Board drafted the language. In the past, the Project Review Board has granted waivers to allow for more lots. This change limits development to 19 lots if there is some sort of public benefit attached to it. She answered questions for Councilors.

Chair Sachs asked why the Board didn't just follow the ordinance and asked if there was discussion in the Project Review Board's meeting. She asked if there was there any discussion about parking, increased use of the road, increased traffic, noise? Ms. Larson noted the Board was trying to meet multiple goals and there was constant discussion about trails and noise. Chair Sachs indicated that this is a solution not for the problem that it was. She realizes a lot of work went into it. She wished there had been discussion

about "shouldn't we just enforce the ordinance that had been written?" It would have been great and saved a lot of time.

**ROLL CALL VOTE:** (5 Ayes) (2 Excused-Gleeson & Wellen)

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ITEM #134-15 To consider action relative to a proposed ordinance amendment adding a new section 504.C "Rural Flexible Lot Developments" to the Freeport Zoning Ordinance, and a proposed ordinance amendment to article 3.2 of the Subdivision Ordinance, which defines "required open space", as recommended by the Planning Board. Taken together, these two amendments would allow for lots created outside of a Subdivision to be as small as 20,000 square feet, provided open space is created and protected from further subdivision and development.  
**PUBLIC HEARING.**

Donna Larson explained that this proposed ordinance amendment is something that came out of a lot of discussions. The Planning Board heard quickly from the public that there was not interest in increasing the minimum lot size but there was interest in doing something different. They wanted options. They wanted flexibility. What appeared to be an answer was to allow the clustering but for non subdivisions. The way you can sell lots outside of subdivisions, is typically one every five years but there are exceptions. There are people very supportive of this and helped in forming it because it gives them an option. It does not go to the Project Review Board. It is hands off by the Town. The property owner has to record it in the Registry of Deeds. One lot must be 2 ½ acres and 200 feet of road frontage.

**MOVED AND SECONDED:** That the Public Hearing be opened. (Egan & Tracy) **VOTE:** (5 Ayes) (2 Excused-Gleeson & Wellen)

No public comments were provided.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Egan & Tracy) **VOTE:** (5 Ayes) (2 Excused-Gleeson & Wellen)

**BE IT ORDAINED:** That the proposed amendment adding a new section 504C. "Rural Flexible Lot Developments" to the Freeport Zoning Ordinance and a proposed amendment to article 3.2 of the Subdivision Ordinance be approved as presented. (Egan & Tracy)

Councilor Tracy pointed out that this makes it easier to develop lots because even though the balance between the smaller lot and the 2.5 acre lot goes to open space, you can do it if you don't have the right amount of road frontage. Ms. Larson advised that if someone does not have the correct amount of road frontage, you are using 2.75 acres as the divider rather than the 2.5 acres. If someone wants to create a lot outside of a subdivision, there is no notification. The neighbors will not know that is happening unless the property owner has told them. The landowner decides where the lot goes and where the open space is placed. It can abut the neighborhood. The plan will be on file but the creation of the deed creates the lot.

Councilor Tracy mentioned the possibility of confusion about what is going on. The plan is on record but the lots have not been created. Ms. Larson mentioned how the property owner chooses to go about creating and selling these lots is completely up to him or her. They are not obligated to sell a lot. They simply have the potential to sell one.

Chair Sachs noted she is not comfortable with this proposal. The provision of these smaller lots being able to be clustered abutting a subdivision or not, whomever it is, appears to be a risk she is less comfortable with. The potential for the small lot size makes her very uncomfortable about this particular proposal. She noted she would not be voting in favor of this proposal.

Councilor Egan mentioned that this is modeled on the subdivision clustering that we already have on our books and she feels it is a really good idea.

Councilor Tracy agrees that landowners should have the right to maximize their property and their investment. This is something new and it seems to make it easier to finagle a lot in a place where otherwise it might not fit. She would prefer to table this until we have a full Council because it is controversial to her. She asked what is the big driver. It would be helpful to hear from people that have been immersed in this.

Councilor Egan would like to hear from Planning Board members or others that have articulated that this is a problem that needs to be solved and what the benefits are.

Chair Sachs referred back to Minutes from the March 10, 2015 meeting of the Planning Board and Project Review Board workshop with the Council explaining the reason for this is that the Comprehensive Plan points out the differences between subdivisions and non-subdivisions. This is coming from the Planning Board as an option for that non-subdivision development. That was the driver why this has come up.

**MOVED AND SECONDED:** To table this item until we have a full Council.  
(Tracy & Egan)

Councilor Hendricks pointed out that Councilors have the option to attend meetings. They always have the option to weigh in on items when they are on vacation, etc. He feels sometimes it is a bad precedent to put off items because people are not here. Councilors could have easily weighed in by e-mail, texted, or called in with a statement. Chair Sachs indicated that she has not heard from Councilors Gleeson or Wellen on this issue. When a Councilor is on vacation, Councilor Hendricks feels it is up to he or she to contact the Chair and see what is on the agenda.

If this is tabled, Ms. Larson advised that she will be out of town until September 21. Chair Sachs anticipated that this could be taken up in October.

**ROLL CALL VOTE TO TABLE:** (5 Ayes) (2 Excused-Gleeson & Wellen)

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**ITEM #135-15**      To consider action relative to proposed ordinance amendments to section 402.I.F.2, section 402.II.D.3, section 403.F.2, and section 425.G.3 of the Freeport Zoning Ordinance, as recommended by the Planning Board. These amendments would reduce setback requirements for certain types of sheds in rural districts.  
**PUBLIC HEARING**

Ms. Larson explained that this request came from the Board of Appeals. When someone is selling a house, the surveyor goes out to do a mortgage inspection survey and discovers that the shed does not meet the setback requirements and then the whole sale is held up while variances are applied for or sheds are moved. They asked the Planning Board to take a look at this. They had a joint meeting in February and this was discussed. No building permit is required for a 200 sq. ft. shed. It could be no closer than 25 feet. It cannot be a chicken coop, a workshop, etc. A shed is a shed one stores something in. A height limitation was put on the shed. The Appeals Board does not feel a shed needs a 50' setback requirement.

**MOVED AND SECONDED:** That the Public Hearing be opened. (Egan & Hendricks) **VOTE:** (5 Ayes) (2 Excused-Gleeson & Wellen)

There were no public comments provided.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Egan & Hendricks) **VOTE:** (5 Ayes) (2 Excused-Gleeson & Wellen)

**BE IT ORDERED:** That the proposed ordinance amendments to section 402.I.F.2, section 402.I.L.D.3, section 403.F.2, and section 425.G.3 of the Freeport Zoning Ordinance, as recommended by the Planning Board, be approved as presented. (Rixon & Egan) **ROLL CALL VOTE:** (5 Ayes) (2 Excused-Gleeson & Wellen)

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Chair Sachs recused herself from the following item since a portion of the proceeds goes to Freeport Community Services. Councilor Hendricks will run this portion of the meeting.

**ITEM # 136-15** To consider action relative to a Request for Use of Town Property application submitted by Michael Amarello/3C Race Productions for the purpose of holding a half marathon running race with line up starting at the Train Station Parking Lot on September 16, 2015.

**BE IT ORDERED:** That the application for a Request for Use of Town Property submitted by Michael Amarello/3C Race Productions for the purpose of holding a half marathon running race with line up starting at the Freeport Train Station Parking Lot on September 16, 2015 be approved. (Tracy & Egan)

Councilor Hendricks noted that there have been no issues with this gentleman. He has paid his bills and he does not foresee any issues with this application.

**ROLL CALL VOTE:** (4 Ayes) (1 Recused-Sachs) (2 Excused-Gleeson & Wellen)

Councilor Egan was excused.

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**ITEM #137-15** To consider action relative to the reappointment of John Creasy to the Library Board of Trustees invoking the exception to term limits allowed by Freeport Administrative Code Ordinance section G.01.I.1, for exigent circumstances.

**BE IT ORDERED:** That John Creasy be appointed to the Library Board of Trustees, invoking the exception to term limits, for a term to expire March 2018. (Rixon & Hendricks)

Appointment Committee Chair Sara Tracy explained that they heard from Beth Edmonds, Library Director, that Mr. Creasy is a Board member that has served for three terms but is incredibly involved in the Library. He is a great resource for the Library and wishes to continue to serve. There is no one else knocking down the door for the Library Board seat. They feel there is no reason to not invoke this exception and feel that the exigent circumstances standard would be satisfied in this particular instance.

**ROLL CALL VOTE:** (4 Ayes) (3 Excused-Egan, Gleeson & Wellen)

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**ITEM #138-15** To consider action relative to awarding of a contract for the purchase of a used boom mower attachment for the Public Works Department.

**BE IT ORDERED:** That a contract for the purchase of a used boom mower attachment in the amount of \$15,000 be awarded to H.P. Fairfield.

**BE IT FURTHER ORDERED:** That the Town's bidding requirement be waived for the purchase of the used boom mover attachment.

*Note: Public Works equipment reserve fund currently has a balance of \$779,500. The Town Council previously approved \$20,000 for this purchase in the FY16 Capital Budget.(Hendricks Tracy)*

Earl Gibson, Public Works Superintendent explained that a new model would have cost \$30,000. He feels this attachment is in very good shape. Mr. Joseph explained that this is a used piece of equipment and is the only one available in our area right now so we were not be able to send out an rfp to ask for bids on a six-year old piece to compare bids.

**ROLL CALL VOTE:** (4 Ayes) (3 Excused-Egan, Gleeson & Wellen)

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ITEM #139-15      To consider action relative to the disposition of Tax Acquired Property.

**BE IT ORDERED:** That the Town Council approve the Municipal Facilities Committee's recommendation to transfer the following property to Ward Town Mobile Home Cooperative, c/o Lash Realty, Waldoboro, Me upon payment of one half of the outstanding back taxes, interest and fees due as of the date of payment;

	<b>Location:</b>	<b>Amount Due as of 8/4/2015:</b>
1.	12 Jean Street	\$569.03

**BE IT FURTHER ORDERED:** That the Tax Collector be authorized to write off the remaining balance of property taxes owed.

**BE IT FURTHER ORDERED:** That the Town Manager be authorized to sign any deeds or documents necessary to execute this transfer. (Tracy & Hendricks)

Mr. Joseph explained that the Finance Director recommended writing off the remaining balance of property taxes on it. The structure is not livable and we avoid the cost of demolishing and removing it. We feel it is the best we can do on this property.

**ROLL CALL VOTE:** (4 Ayes) (3 Excused-Egan, Gleeson & Wellen)

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ITEM 140-15      To consider action relative to the disposition of Tax Acquired Property.

**BE IT ORDERED:** That the Town Council approve the Municipal Facilities Committee's recommendation to transfer the following property to Jessica Pooley, Damariscotta, Me upon payment of all outstanding back taxes, interest and fees due as of the date of payment;

	<b>Location:</b>	<b>Amount Due as of 8/4/2015:</b>
1.	3 LaJoie Drive	\$730.73
2.	14 Jean Street	\$750.36
3.	5 Jean Street	\$464.53
4.	13 Veronica Lane	\$744.64



5.

24 Veronica Lane \$970.36

**BE IT FURTHER ORDERED:** That the Town Manager be authorized to sign any deeds or documents necessary to execute this transfer. (Rixon & Hendricks)

Mr. Joseph explained that Ms. Pooley is a technical adviser to the Mobile Home Cooperative. They are not allowed to own properties and then rent them out. They own the land underneath these habitable units but they have arrangements worked out with Ms. Pooley to rent them out to some of the current occupants. Some have rental agreements to continue to live there. Others have been evicted or no longer live there. The ones that are vacant will be turned around and either rented or sold to tenants. Dale Whitmore advised that this will give the people living there an opportunity to finance and still be our neighbors. Ms. Pooley is the agent and has gone out of her way to help the Cooperative and these people. Mr. Joseph advised that Mr. Whitmore is President of the Board of Directors for the Wardtown Mobile Home Cooperative.

**ROLL CALL VOTE:** (4 Ayes) (3 Excused-Egan, Gleeson & Wellen)

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**MOVED AND SECONDED:** To adjourn at 9:50 P.M. (Hendricks & Tracy)

**VOTE:** (4 Ayes) (3 Excused-Egan, Gleeson & Wellen)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES  
FREEPORT TOWN COUNCIL MEETING #16-15  
FREEPORT TOWN HALL COUNCIL CHAMBERS  
TUESDAY SEPTEMBER 1, 2015**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
Kristina Egan, 5 Weston Point Road	x		
Scott Gleeson, 23 Park Street	x		
James Hendricks, 21 West Street	x		
William Rixon, 66 Varney Road			x
Melanie Sachs, 84 Kelsey Ridge Road			x
Sarah Tracy, 75 Lower Flying Point Road	x		
Andrew Wellen, 83 Hunter Road	x		

Vice Chair Gleeson called the meeting to order at 6:30 p.m. and took the roll. He advised that Councilors Sachs and Rixon are excused this evening.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #15-15 held on August 4th, 2015 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #15-15 held on August 4th, 2015 and to accept the minutes as printed. (Tracy & Egan)

**VOTE:** (5 Ayes) (2 Excused-Sachs & Rixon)

**THIRD ORDER OF BUSINESS:** Announcements

Vice Chair Gleeson announced:

**Reminder that NOMINATION PAPERS** are now available for the November 3, 2015 municipal election in the Town Clerk's Office! Nomination Papers are due back to the Town Clerk's Office no later than 6 p.m. on Wednesday, September 9<sup>th</sup>. Please note there is one additional on the Sewer District for a one year term. For more information, call Freeport Town Clerk Christine Wolfe at 865-4743, Ext. 123 or email [cwolfe@freeportmaine.com](mailto:cwolfe@freeportmaine.com).

The next District Town Council Workshop will take place for District 3 residents on September 15 at 6:30 p.m. at the South Freeport Church at 98 South Freeport Road prior to the next Town Council meeting. Following the workshop, the Council will reconvene in the Town Hall for its regularly scheduled meeting.

In appreciation for all their time and commitment to the Town of Freeport, the Town Council invites the Town's Boards and Committee members and their families to attend this year's annual Volunteer Recognition Barbecue which will take place on Sunday, September 20, 2015 from 2-4:30 p.m. at Harb Cottage in Winslow Park. In order to attend, please rsvp with number attending to 865-4743, Extension 120 by Thursday, September 10, 2015.

Don't miss out, there are two more weeks of free camping for Freeport residents at Winslow Park September 12 to September 27. For more information, call 865-4198.

**COUNCIL MEETING #16-15**  
**SEPTEMBER 1, 2015**

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Want to hike for local trails during September and October? Participate in the Freeport Trail Challenge. Pick up a Freeport Trail Challenge Passport around Town and through the co-sponsors-Town of Freeport, Casco Bay YMCA and the Freeport Conservation Trust. Collect stamps from each trail on the Trail Challenge Passport or post a selfie from your walk. There will be prizes for kids who get all four stamps in their passports and adults completing the challenge will be entered into a raffle for prizes. You can contact FCT to get a passport mailed to you. FCT's office is in the Community Center, 865-3985, Extension 212. Learn more at [Freeportconservationtrust.org](http://Freeportconservationtrust.org) or e-mail info at [Freeportconservationtrust.org](mailto:Freeportconservationtrust.org).

**FOURTH ORDER OF BUSINESS:** Information Exchange

There was not any information exchanged.

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

Mr. Joseph reported:

- In the spring of 2015, the Town converted lighting systems at five Town parking lots from conventional lighting to more efficient LED lighting arrays. As an example, the Howard Place parking lot was converted in May of 2015. Since that time, we have realized the following reductions for June and July, as compared to the same time period of 2014:

June	KWH	Cost
2014	911	\$158.14
2015	380	\$59.51

July	KWH	Cost
2014	883	\$134.96
2015	393	\$61.73

This has resulted in a savings of 1,021 KWH and \$171.86 over these two months alone. Keep in mind that days are longer during the summer, so parking lot lights are on for shorter periods of time than during the winter. We can, therefore, expect to see greater savings during the winter months. The other four parking lots that were converted are not on separate meters (they are included on their building meters), which makes it more difficult to break out the savings for each; however, we expect to see similar results in terms of savings.

- Last month, the Town of Freeport received a refund of approximately \$85,000 from the Maine Public Employee Retirement System (MPERS). This refund consisted of excess contributions paid by the Town in past years. Prior to refunding this money, MPERS had held the funds in escrow for the Town. However, recent changes to reporting requirements instituted by the Government Accounting Standards Board (GASB) led the retirement system to issue refunds to all municipalities instead of holding the excess funds in escrow. Since the money was a refund for payments the Town had made in previous years, our auditors requested that we show the refund as excess unanticipated revenue during last fiscal year (FY2015). As such, the refund will increase our general fund balance by \$85,000, which will have the effect of lowering the fall 2015

**COUNCIL MEETING #16-15**  
**SEPTEMBER 1, 2015**

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property tax rate by about \$0.06 (six cents). This refund is expected to be a one-time source of revenue.

- Although the summer may be wrapping up, construction season is still in full swing here in Freeport. As a reminder to neighbors in the South Freeport Village area, road construction on Park Street in South Freeport is expected to begin on the Tuesday following Labor Day. Immediately following completion of the work on Park Street, the Public Works Department will begin replacement of the storm drains in the South Freeport Village area. This is expected to take approximately one month.
- Stormwater improvements to the Pownal Road Field parking lot and along Hedgehog Mountain Road are now complete, and have received many compliments from users. We remind those parking along Hedgehog Mountain Road to please note the new curbs, and park only on the paved area of the road. The entrance to the Pownal Road Field is in a different location now. It is further away from the Hedgehog Mountain Road.
- The Litchfield Road has been repaved and shoulder and driveway work will be done over the coming weeks. If anyone's driveway has a steep drop-off, they should not worry. The Town will not leave it that way. The Town will get out there and put the shoulders in and match up the driveways.

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

**MOVED AND SECONDED:** To open the Public Comment Period. (Egan & Tracy) **VOTE:** (5 Ayes) (2 Excused-Sachs & Rixon)

There were no public comments provided.

**MOVED AND SECONDED:** To close the Public Comment Period. (Egan & Tracy) **VOTE:** (5 Ayes) (2 Excused-Sachs & Rixon)

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

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**ITEM #146-15** To consider action relative to adopting the September 1, 2015 Consent Agenda.

**BE IT ORDERED:** That the September 1, 2015 Consent Agenda be adopted. (Gleeson & Egan)

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

**VOTE:** (5 Ayes) (2 Excused-Sachs & Rixon)

Councilors signed the Election Warrant.

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**ITEM # 147-15** To consider action relative to the annual renewal of Automobile Graveyard and/or Junkyard Permits.

**BE IT ORDERED:** That a Public Hearing be scheduled for September 15, 2015 at 6:30 pm in the Council Chambers at the Freeport Town Hall to discuss the

**COUNCIL MEETING #16-15**  
**SEPTEMBER 1, 2015**

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annual renewal of Automobile Graveyard and/or Junkyard Permits for John Ingerson d/b/a Freeport Auto Parts located at 33 Allen Range Road and David Bolduc d/b/a D.A.B., Inc. located at 13 Allen Range Road.

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

**ROLL CALL VOTE:** (5 Ayes) (2 Excused-Sachs & Rixon)

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ITEM #148-15      To consider action relative to awarding a contract for the purchase of a "Jaws of Life" tool set.

**BE IT ORDAINED:** That the Hurst Company be awarded the purchase contract for a "Jaws of Life" Tool Set in the amount of \$30,249.05.

*Note: The Town Council appropriated \$750,000 for replacing Fire Engine 3 in the FY16 capital budget. The Town Council previously approved a contract for \$640,438 for the Fire Engine purchase. This tool purchase will be used to outfit Engine 3. The balance in the Fire Department equipment reserve fund is \$1,086,387. (Hendricks & Egan)*

Mr. Joseph explained that the **BE IT ORDAINED should be changed to BE IT ORDERED** for Items #148-15, #149-15 and #150-15.

**MOVED AND SECONDED:** To amend the **BE IT ORDAINED** to read **BE IT ORDERED** for Items #148-15, #149-15 and #150-15. (Hendricks & Tracy)  
**VOTE:** (5 Ayes) (2 Excused-Sachs & Rixon)

Deputy Fire Chief Eric Sylvain provided a brief explanation of the need for extrication tools and the manufacturers they worked with to accomplish what they needed.

**ROLL CALL VOTE:** (5 Ayes) (2 Excused-Sachs & Rixon)

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ITEM #149-15      To consider action relative to the Engine 3 Truck Committee recommendation to purchase rescue pumper loose equipment.

**BE IT ORDERED:** That Industrial Protection Services be awarded the purchase contract for rescue pumper loose equipment in the amount of \$18,205.00.

*Note: The Town Council appropriated \$750,000 for replacing Fire Engine 3 in the FY16 capital budget. The Town Council previously approved a contract for \$640,438 for the Fire Engine purchase. This tool purchase will be used to outfit Engine 3. The balance in the Fire Department equipment reserve fund is \$1,086,387. (Wellen & Egan)*

Deputy Chief Eric Sylvain explained what is considered loose equipment. They did their due diligence and are buying only what is needed.

**COUNCIL MEETING #16-15**  
**SEPTEMBER 1, 2015**

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**ROLL CALL VOTE:** (5 Ayes) (2 Excused-Sachs & Rixon)

Councilor Egan pointed out that it is exceptional that Freeport is able to pay for large pieces of equipment from savings rather than bonding for them. Mr. Joseph noted that Freeport received a substantial cash discount in the mid \$20,000 range for paying in cash.

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**ITEM #150-15**

To consider action relative to awarding a contract for communication system work to RCM, Communications for \$36,101 and that the bidding requirement be waived.

**BE IT ORDERED:** That RCM, Communications be awarded the contract for communication system work in the amount of \$36,101 and the bidding requirement be waived.

*Note: The Town Council appropriated \$50,000 in FY 2015 (of which \$15,000 is available) and \$25,000 in FY16 for this purpose. The balance in the building maintenance reserve is \$731,759 and the balance in the Fire Department equipment reserve is \$1,086,387. RCM, Communications was selected by RSU#5 to work on this project jointly with the Town of Freeport. (Tracy & Egan)*

Deputy Fire Chief Paul Conley explained that all roads landed in his office. Next year Fire, Rescue and Police will have communication upgrades on their Capital Budget Requests. They sat down with Radio Communications Management, Inc. (RCM) to take stock of our communication system and considered what we should be thinking about, planning and doing. They were behind the eight ball and didn't catch Public Works early enough and their project proceeded through so that is what the Council has in FY2016 is Public Works money for communication issues. The School Department came along and thought they could piggyback on our tower space up on Beech Hill Road. That put the brakes on because there is no more room. RCM was the successful bidder on the school's project. Thinking ahead, he got everyone together to have a conversation to figure out what would be the best plan. He explained the school's situation and that they have been working on a system that links all the schools together and the central office. He referred to a diagram in the Council's packets showing what this looks like and what they are trying to accomplish. From an emergency management standpoint, he feels this is the best deal they can get.

He is confident that they have done due diligence. Their request is to go with RCM in this. RCM has designed this and they have had great success with them in the past.

Mr. Joseph pointed out that the key problem here that leads to this solution is that there is not tower space on that tower for four separate antennas which leads to the combiner and the duplexes being combined for the four separate users, the Police, Fire, Schools and Public Works. Public Works Department would not be able to have tower space there. This will allow us to actually put the schools and the Public Works Department into the facility.

Vice Chair Gleeson explained that he would appreciate assurances that waiving the bidding process will not cost the Town more money than it should cost. He understands that a lot of work has been already done and there is value to working with people you are working with already.

**COUNCIL MEETING #16-15**  
**SEPTEMBER 1, 2015**

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Deputy Chief Conley noted that he has had 25 years of experience with this company and their reputation is strong in the Public Safety community. He is confident that they have given us a fair market assessment and they have put a lot of investment into this that has not been recovered. They won the bid with RSU5 and we are tied in indirectly.

Councilor Egan feels it is important to periodically bid projects out like this because we can get close to companies. Partly we have a duty as a public agency to make sure we are putting out bids for public services. In this instance, having the collaboration with the RSU and tying it all together makes sense to waive this time. She asked that in moving forward, we don't automatically just renew simply because the RSU is going to renew and that we work with the other departments to make certain the schedule is coordinated for the next bid out. There should be a plan to bid it out in the future.

Councilor Hendricks noted that the RSU could have easily communicated what was going on prior to awarding the bid and we would have had an opportunity then to say "we are already doing this, let's put it all together". We should take the high road and reach out to make sure we are all on the same page.

Deputy Conley advised that Phase 2 will be in the regular Capital Budget and the Council will see Public Works and Fire/Rescue all together and the schools will be up and running.

**ROLL CALL VOTE:** (5 Ayes) (2 Excused-Sachs & Rixon)

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**ITEM #151-15** To consider action relative to approving a liquor license application for Olive Juice, LLC located at 117 US Route 1, Freeport.

**BE IT ORDERED:** That a Public Hearing be scheduled for September 15, 2015 at 6:30 pm in the Freeport Town Hall Council Chambers to discuss approving a liquor license application for Olive Juice, LLC located at 117 US Route 1, Freeport.

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

**VOTE:** (5 Ayes) (2 Excused-Sachs & Rixon)

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**OTHER BUSINESS:**

- 1) Presentation by representative of the Maine Forest Service, Charlene Donahue, on brown tail moth.

Mr. Joseph thanked Charlene Donahue, Forest Entomologist for coming this evening. He also referred to Johanna Hanselman's memo dated August 24 which provided some history back in the late 1990s and early 2000s when the Town conducted a brown tail moth caterpillar aerial insecticide spray program with the assistance of the Maine Forest Service.

**COUNCIL MEETING #16-15**  
**SEPTEMBER 1, 2015**

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Ms. Donahue explained that this insect comes from Europe and will not go away. Some years it will be more of a problem than others. The moths are found in the Casco Bay area as well as Cape Cod. They only feed in May and June. They have poisonous hairs that cause dermatitis and respiratory distress. She explained some of the precautions that residents can take from April to the middle of July. The Forest Service does a winter survey of the webs and tries to get the information out to the towns. She mentioned that there are no State funds available for spraying. She recommended that residents hire a licensed pesticide applicator to spray if they feel it is necessary. This should be done before the end of May and needs to be done during good weather. She offered to provide links to the Town Manager indicating where residents can go for information related to the brown tail moths. She has a PowerPoint presentation but is unsure it would work without someone speaking along with.

Vice Chair Gleeson thanked Ms. Donahue for coming this evening.

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**TABLED:**

ITEM #134-15

To consider action relative to a proposed ordinance amendment adding a new section 504.C "Rural Flexible Lot Developments" to the Freeport Zoning Ordinance, and a proposed ordinance amendment to article 3.2 of the Subdivision Ordinance, which defines "required open space", as recommended by the Planning Board. Taken together, these two amendments would allow for lots created outside of a Subdivision to be as small as 20,000 square feet, provided open space is created and protected from further subdivision and development.

**BE IT ORDAINED:** That the proposed amendment adding a new section 504C. "Rural Flexible Lot Developments" to the Freeport Zoning Ordinance and a proposed amendment to article 3.2 of the Subdivision Ordinance be approved as presented.

*Note: This item was tabled at the August 4, 2015 Council meeting. As such, it will appear on the Council agenda until it is acted upon. However, the Council does not plan to take this item up for consideration until October.*

Vice Chair Gleeson suggested tabling this item to a date certain since the Town Planner is out of the country and the Council is short two Councilors this evening.

**MOVED AND SECONDED:** To table this to October 6. (Hendricks & Egan)  
**VOTE:** (5 Ayes) (2 Excused-Sachs & Rixon)

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**MOVED AND SECONDED:** To adjourn at 7:43 p.m. (Tracy & Egan) **VOTE:**  
(5 Ayes) (2 Excused-Sachs & Rixon)

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Respectfully submitted,

Sharon Coffin, Council Secretary



**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #17-15**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY SEPTEMBER 15, 2015**  
**NOTE: DISTRICT 3 MEETING TOOK PLACE PRIOR AT 6:30**  
**AT SOUTH FREEPORT CHURCH, 98 SOUTH FREEPORT ROAD.**  
**REGULAR MEETING CONVENED AT 7:46 P.M.**

**PRESENT**      **ABSENT**      **EXCUSED**

Kristina Egan, 5 Weston Point Road	x
Scott Gleeson, 23 Park Street	arrived at 7:52 p.m.
James Hendricks, 21 West Street	x
William Rixon, 66 Varney Road	x
Melanie Sachs, 84 Kelsey Ridge Road	x
Sarah Tracy, 75 Lower Flying Point Road	x
Andrew Wellen, 83 Hunter Road	x

Chair Sachs called the meeting to order at 7:46 p.m. and took the roll. She advised that Vice Chair Gleeson would be arriving later.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #16-15 held on September 1, 2015 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #16-15 held on September 1, 2015 and to accept the minutes as printed. (Egan & Hendricks)

**VOTE:** (4 Ayes) (2 Abstentions-Sachs & Rixon) (1 Excused-Gleeson)

**THIRD ORDER OF BUSINESS:** Announcements:

Councilor Tracy announced that on Wednesday, October 7 the Tri-Town Track and Field Project will be having a community meeting from 6-8 p.m. It will be an evening of conversation to learn about the Tri-Town Track and Field initiative. Live music and refreshments will be provided. It will be held at the William Allen Farm in Pownal, Maine. Rsvp at [www.let'sbuildit.eventbrite.com](http://www.let'sbuildit.eventbrite.com). She explained that a group of community members are getting together to attempt to privately fund raise for a track and turf field at Freeport High School to serve Freeport, Pownal and Durham.

Chair Sachs announced:

- The next **District Town Council Workshop** will take place for District 4 Residents on October 6 at the Merriconeag School at 57 Desert Road prior to the next Town Council Meeting. The District Workshop begins at 6:30 p.m. at the school. After the Workshop adjourns, the Town Council will reconvene at the Town Hall for their regularly scheduled Town Council meeting.
- As a reminder, the **Annual Volunteer Recognition Barbecue** will take place this Sunday, September 20<sup>th</sup> from 2– 4:30 p.m. at the Harb Cottage in Winslow Park.

**COUNCIL MEETING #17-15**  
**September 15, 2015**

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- **Don't miss out – There are Two More Weeks of Free Camping for Freeport Residents At Winslow Park.** Now through September 27<sup>th</sup>. FMI: 865-4198.
- This coming Friday at 12 Noon, is **Third Friday Free Lunch at Freeport Community Center.** Chair Sachs noted they are making Chicken Chili and invited everyone to come with friends and family to enjoy a hot meal together. No residency or donations are required.
- There will be a **Public Seasonal Flu Vaccination Clinic at the Freeport Town Hall on Wednesday, October 14<sup>th</sup> from 9– 11 a.m.** Provided by CHANS home health care.
- **Participate in the Freeport Trail Challenge this fall.** Pick up a Freeport Trail Challenge Passport around town and through the co-sponsors: Town of Freeport, Casco Bay YMCA and Freeport Conservation Trust. There will be prizes for kids and adults completing the challenge will also be entered into a raffle for prizes. Learn more at [freeportconservationtrust.org](http://freeportconservationtrust.org) or email [info@freeportconservationtrust.org](mailto:info@freeportconservationtrust.org) or call 865-3985 x 212.
- The Friends of the Freeport Community Library are holding their first **Annual AppleFest Fundraiser** on Saturday, September 26<sup>th</sup> from 11:00 a.m. – 2:00 p.m. There will be an apple tasting table full of delicious apple desserts, crafts, and raffles for tastiest pies. Other great Library programs coming up in September and October include topics such as the College Admissions Process, Comets, Meteorites & Asteroids, and Freeport History. For more information visit the Library circulation desk or [www.freeportlibrary.com](http://www.freeportlibrary.com)!
- The Freeport Police Department is participating in the **NATIONAL DRUG TAKE BACK INITIATIVE** on Saturday, September 26, 2015 from 10 am to 2 pm. Residents can bring unused, unwanted or expired medications to the Freeport Public Safety Building for proper disposal. For information on what substances you can dispose of, please go to the town's website or call the police department at 865-4800.
- Freeport Players present **Exit The Body**, a Farce-thriller by *Fred Carmichael*. Mysterious strangers, secrets, a dead body, and a late-night hunt for stolen jewels  
September 18-27, F/Sa 7:30pm, Su 2 pm. Pay-what-you-want preview September 17 7:30 p.m.  
Freeport Performing Arts Center, 30 Holbrook St, Freeport. FMI: [www.fcponline.org](http://www.fcponline.org) or 865-2220

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Wellen advised that the Shellfish Commission recently sponsored a public hearing on potentially leasing out some of Freeport's clam flats. At their next meeting they will discuss the proposal and decide whether they will vote to support it or put it on hold. If the Shellfish Commission votes to support it, it will then come to the Town Council. There were many opinions provided, both pro and con. If anyone has an opinion, they can contact the Shellfish Commission members or attend their next meeting at the Community Center. Residents can check the Town's website for the date.

Councilor Tracy explained that the Ordinance Committee will be meeting on September 22 at 6:30 p.m. in Town Hall's Council Chambers. They will be talking with Portland's City Councilor Ed Susleveck regarding Portland's experience with the Single use Bag Ordinance. This will be the next step in Freeport's continued consideration of an Ordinance here. Everyone is welcome to attend.

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

Mr. Joseph reported:

The Town will observe Fire Prevention Week this year from October 4-10. During Fire Prevention Week, the Freeport Fire and Rescue Department will host its annual Fire Prevention Open House on Wednesday, October 7, 2015 from 5-7 p.m. This year there will be additional displays and demonstrations from the Freeport Police Department, plus plenty of other new displays and activities for the children and adults. Public safety equipment will be on display, there will be a performance from the Maine Pipes and Drum Corps, as well as a Police K-9 demonstration, demonstrations by medical providers, and our Public Safety Communications/911 center personnel will be on site as well. The Fire Auxiliary will again be selling grilled burgers and hot dogs (proceeds will benefit the Fire Auxiliary).

Construction has begun on the South Freeport Village roads project, which will take place in two parts- this fall and next summer. Currently the Public Works Department is reconstructing a short (approximately 300') section of Park Street. After this work is completed, work will begin on the storm drain system throughout the South Freeport Village. Approximately 20 catch basins will be replaced with new cast concrete units. Road reconstruction and repaving is currently scheduled for the second half of next summer (August and September). Residents with any questions about the scope of work and timing of the construction project are encouraged to contact the Public Works Department at 865-4461.

Town Assessor, Bob Konczal has completed the tax commitment process for 2016. The Town's tax rate has been set at \$16.80 per \$1,000 of valuation. This is an increase of \$1.00 per \$1,000 from last year's rate of \$15.80. This represents an increase of \$100 per \$100,000 of valuation. For example a property valued at \$250,000 would see an increase of \$250 from last year's tax bill. This \$1.00 increase to the tax rate can be broken down as follows by taxing authority?

- Cumberland County           \$0.037 (3.7 cents)
- Town of Freeport           \$0.032 (3.2 cents)
- RSU #5                       \$0.930 (93 cents)

(Note: there is a 0.1 cent rounding margin)

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

**MOVED AND SECONDED:** To open the Public Comment Period. (Egan & Gleeson)

**VOTE:** (7 Ayes)

Johanna Hanselman, General Assistance Administrator, advised that Downeast Energy and L.L. Bean have partnered to make a significant contribution of oil to our Heating Assistance Funds. She feels it will go a long way to assist residents in need from Freeport and Yarmouth. L.L. Bean will contribute the oil and Downeast Energy will be making all the deliveries. She estimates that this will assist 50 households in Freeport and Yarmouth. On behalf of the Town and the residents she works with, Ms. Hanselman extended her sincere appreciation to L.L. Bean and Downeast Energy for their generosity. She feels that we are fortunate to have businesses such as L.L. Bean and Downeast Energy that truly make Freeport a better, safer and warmer community. Michael McCormick from Downeast Energy pointed out that they have had a long standing partnership with L.L. Bean over the years. When they learned that they had some heating oil with no home, it made sense for them to get involved and do their part. He noted that this would not be possible without Johanna Hanselman. She identified homes that need fuel and they have already started making deliveries. He thanked Ms. Hanselman.

Chair Sachs thanked Mr. McCormick and Carolyn Beem from L.L. Bean. She mentioned that Downeast Energy supplies same day deliveries to those in need in Freeport and Yarmouth with no additional charge. She also thanked Ms. Hanselman.

**MOVED AND SECONDED:** To close the Public Comment Period. (Egan & Hendricks)  
**VOTE:** (7 Ayes)

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

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ITEM #154-15 To consider action relative to adopting the August 4, 2015 Consent Agenda.

**BE IT ORDERED:** That the August 4, 2015 Consent Agenda be adopted.  
(Gleeson & Egan)

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

**VOTE:** (7 Ayes)

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ITEM # 155-15 To consider action relative to the annual renewal of Automobile Graveyard and/or Junkyard Permits.

**MOVED AND SECONDED:** That the Public Hearing be opened.  
(Gleeson & Egan) **VOTE:** (7 Ayes)

There were no public comments provided.

**MOVED AND SECONDED:** That the Public Hearing be closed.  
(Gleeson & Egan) **VOTE:** (7 Ayes)

**BE IT ORDERED:** That the annual renewal of Automobile Graveyard and/or Junkyard Permits for John Ingerson d/b/a Freeport Auto Parts located at 33 Allen Range Road and David Bolduc d/b/a D.A.B., Inc. located at 13 Allen Range Road be approved. (Gleeson & Egan)

Town Manager, Peter Joseph explained that there are no known violations with the State. Mr. Reeder checked with the State and was told there were no violations out there.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #156-15 To consider action relative to approving a liquor license application for Olive Juice, LLC located at 117 US Route 1, Freeport.

**MOVED AND SECONDED:** That the Public Hearing be opened. (Egan & Tracy) **VOTE:** (7 Ayes)

Nicole Bennett advised that she is co-owner of Olive Juice, LLC located at Old World Gourmet. They already hold a liquor license to sell beer and wine off premise but they are looking to add to that license. Recently the State has changed the stipulation so they can sell beer and wine on one side and serve beer and wine on the other. They plan to offer two beers and two wines and are not planning to expand their hours. They will be lunch only.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Egan & Gleeson) **VOTE:** (7 Ayes)

**BE IT ORDERED:** That a liquor license application for Olive Juice, LLC located at 117 US Route 1, Freeport be approved. (Egan & Gleeson) **ROLL CALL VOTE:** (7 Ayes)

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ITEM #157-15      To consider action relative to a proposed inter-governmental agreement between the Greater Portland Transit District (METRO) and the Town of Freeport.

**BE IT ORDERED:** That the proposed inter-governmental agreement between the Greater Portland Transit District (METRO) and the Town of Freeport regarding the Portland North Express inter-city bus service pilot project be approved. (Tracy & Egan)

Town Manager Peter Joseph explained that this item has been before the Council several times. METRO is now at a point to expend funding to purchase the buses in question. The Council has had budget discussions on this but they are at the point where they need Freeport's commitment. The inter-governmental agreement in front of the Council formalizes most everything discussed with Greg Jordan, General Manager of the bus service. He feels fairly confident the agreement is consistent with the Council's discussions. The Town's attorneys and METRO's attorneys pretty much hashed out all the sore spots. There is one item in the agreement that was not discussed and that is bus advertising on the back of the shelter. If METRO installs bus shelters in the second and third year and the Town's Ordinances prohibit advertising on the back of the shelter, the Town would contribute an extra \$1,000 per shelter per year.

Mr. Jordan explained that the model they have been following is to have advertising be a part of the shelters and help fund their work to make sure they are clean and in good repair. A year ago there was no discussion on whether Freeport would want shelters in the community. It was an open discussion. Conversations through the task force is that there is a desire for shelters and if local Ordinances or community desire prohibit advertising on the shelters, they would simply ask for the offset so they can keep them clean and in good repair.

Councilor Egan asked if Mr. Jordan has parameters around what kind of advertisers are allowed. Mr. Jordan noted they have an advertising policy and he would be happy to send it to the Town Manager. He believed tobacco advertising is prohibited but was unsure about alcohol. He mentioned there are guidelines that ensure that the advertising is not offensive.

Councilor Wellen asked Mr. Jordan if he plans to actually build shelters in Freeport. Mr. Jordan advised that there is consensus that they would be in operation six months to a year before deciding where a possible shelter is placed. It is unclear at this time where the most popular boarding points will be. Councilor Wellen had questions about counting the people where they board in Freeport or depart in Freeport. Mr. Jordan advised that they would be tracking boardings by stops and by towns. Councilor Wellen requested this information in writing because he feels it is crucial to determine if this service is worth continuing after three years.

Councilor Hendricks asked if the official stops have been determined. Mr. Jordan advised that there will be stops at the Freeport Library, L.L. Bean's Flagship Store, L.L. Bean's headquarters and Shaw's Plaza. Councilor Hendricks explained the importance of aesthetics to how Freeport looks and if we decide to do shelters, they work with our local people to make them more attractive than the typical metal and glass shelters that don't look as pleasing aesthetically. Mr. Jordan agreed to work with the towns of Freeport and Yarmouth. Councilor Hendricks suggested reaching out to local businesses first and give them an opportunity to advertise locally. As for Mr. Jordan's word on the schedule, Councilor Hendricks mentioned he doesn't need to have it in writing. Mr. Jordan has indicated many times that he would provide the metrics. Mr. Jordan pointed out that he will be happy to go on the record-they will provide the data and the Council will have the data.

Mr. Joseph pointed out that Councilor Hendricks bringing up the aesthetics of the bus shelters is a really good point. The shelters do not have to be placed within the public right-of-way but it is a likely location if we can determine an area that doesn't impede traffic flow, pedestrian flow, etc. He will work with Town staff. If that is the case, it would have to be by permission of the Town. If it is between METRO and a private landowner, it would be between them and the appropriate planning process. Reasonable looking shelters have been bounced around and not a square plexiglass cube.

Vice Chair Gleeson mentioned that in discussing metrics, METRO has a GPS automated system that takes the human element out of it. Mr. Jordan advised that the buses would be equipped with this system.

Chair Sachs explained that she is on the Traffic and Parking Committee and questioned whether the stops mentioned earlier are actually set at this point. She asked if Mr. Jordan has communicated with L.L. Bean and figured out Shaw's, does he plan to go into the Shaw's Plaza? Mr. Jordan clarified that the stops at this time are large dots on a map. They don't know exactly where each location will be. They don't intend to pull into the Shaw's Plaza. They would seek to have the stop out on Route One. He plans to return to the Traffic and Parking Committee to finalize the locations.

Chair Sachs asked if building the shelters will be predicated on whether there is advertising or not. Mr. Jordan advised that the advertising piece is meant to help them maintain the shelters. They have the funding for building the shelters embedded in the overall project.

Chair Sachs pointed out that if we elect to have four shelters, this could mean \$4,000 if advertising is not permitted. She is less comfortable talking about this last minute. She explained how closely the Council watches its budget. She is really struggling with this piece. She doesn't understand why it wasn't part of the prior conversation. Mr. Jordan stated that this follows METRO's standard model for putting up shelters to defray costs to the cities.

Councilor Hendricks asked if other communities take the responsibility of cleaning and maintaining damaged glass by themselves. He feels this could be a really simple job if it is on Main Street in Freeport. He asked if this is a sticking point. Mr. Jordan explained that this model could be discussed. Portland's downtown areas are maintained by the Portland Downtown District and they do clean the shelters in the downtown core. He is confident that this can be discussed when it comes to cleaning. More conversation would have to take place on maintenance if there is a damaged panel, etc. There is room for discussion.

Chair Sachs mentioned the possibility of eliminating b. and c. from Section 4. Town Responsibilities. Mr. Joseph pointed out that if there are things in the agreement that the Council is not willing to abide or agree to, then a motion could be made to amend them from the contract. It would then be a discussion between Mr. Jordan, his Board and Mr. Joseph on whether they would be willing to deal with that. If not, they would come back to the Council at a future meeting and indicate that they are unable to reach agreement, is the Council able to reconsider any of these things, etc.

Councilor Hendricks advised that if someone is to be responsible for cleaning the shelters, rather than relying on outside contractors, we should at least have the ability to do it ourselves. He is hoping to have shelters that are nicer than the common plexiglass cubes. He asked if Mr. Jordan had to have the agreement tonight. Mr. Jordan advised they are on a bit of a tight time line but could certainly wait until the next meeting.

Chair Sachs advised that for her, it is only Section 4. b. regarding advertising and the maintenance. She is comfortable with the performance language as it is.

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**September 15, 2015**

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Councilor Wellen mentioned that he is hesitant about advertising in the village but he is interested in other Councilor's views. Mr. Joseph advised that we retain all our regulatory rights in this agreement and we are not giving anything up. Councilor Wellen does not have a problem leaving the advertising in.

Councilor Egan pointed out that she is comfortable with the contract as is. Advertising could change the character of the downtown village and given the fact the Council would have to change an Ordinance, it is unlikely that the Council would go in that direction. Having a bus shelter is an amenity. It is not part of a basic transit service. We have the option in this agreement that if we want an additional amenity, we would have to pay for it. This makes sense to her.

Councilor Tracy noted that discussion has taken place on the amount to maintain the shelters in a clean and acceptable condition. The Council talked a little about there may be other alternatives. Under the wording of this contract we would be paying arguably \$1,000 for foregone advertising revenues and not necessarily what it costs METRO to clean the shelters. If that is the goal, she proposed that it be brought back for a little more fine tuning because it would provide the Town with some flexibility to possibly offer some in-kind services to offset, as opposed to just paying because METRO had a really great Gap advertisement opportunity and lost it as opposed to due to our Ordinance.

Chair Sachs pointed out that for her in Maine, a shelter for the people we've discussed that we hope will be using this bus will most likely be our elderly, our disabled, those without transportation, she doesn't want that conversation to be well, because we don't want advertising in the downtown and we don't want to put a bus shelter there because we would have to have advertising there. She wants it to be "do we want one or not?" This to her seems like the Council would have to have that advertising conversation and for her, it is two different things.

Mr. Jordan stated that if we want to go to an actual cost scenario, he would be willing to report on how much it costs to maintain the shelter and clean it. Councilor Tracy explained that it would have to be a little bit more detailed because Mr. Jordan's actual costs may be his out of pocket costs and then there would be a provision that the Town and METRO would need to agree and then a not to exceed cap.

Councilor Hendricks would like the Town to have the option on doing the maintenance itself. The Council does not have to decide tonight about advertising. If in Part b. we had the option of advertising, paying METRO directly or providing the maintenance ourselves, at least the making it look good cleaning part.

Councilor Tracy suggested establishing a standard for what generally METRO expects for its shelters. If the Town takes it over, it should be to METRO's standards as well as the Town's.

There was general agreement that this part needs more work. Councilor Gleeson noted that advertising is an unforeseen thing but Freeport is unique. He is for nixing advertising but if the Council decides on advertising, perhaps a local flair is an option.

Chair Sachs suggested approving the agreement after taking out 4. b. and bringing it back as an addition to the contract. Councilor Tracy noted she would be reluctant to peel a piece out. She would prefer to send it back with direction that this is the particular area we want worked on.

Councilor Wellen referred to c. Community Outreach, Bus Shelters. He feels the language is vague. Mr. Jordan agrees the language could be better expressed. It is their intention to work directly with the Town to place what shelters are deemed desired. Mr. Joseph clarified that any shelter to be placed on public property would have to be at the agreement of the Town. It would likely go through the Public Works Department, the Town Engineer or him and any appropriate Planning process that the Planning Department needs to go through if we decide that is the best interest of the Town to do it. If we don't, his interpretation of this agreement is that we would not prohibit them going through the appropriate planning

process to install them on private property but the Town on any public right-of-way would have the ultimate say over placement of structures. Legally, there is no language in this agreement that could force us to place something in a public right-of-way. Councilor Wellen asked if the Ordinance allows structures like this in a public right-of-way. Mr. Joseph explained that the Town could build structures in a public right-of-way and allow people to do it with permission. He explained the encroachment permits the Town allows.

Councilor Tracy noted that Councilor Wellen brings up a good point. She would propose a different structure for this paragraph to reflect what she feels is the intent. This paragraph should really talk about what the Town's obligations are with respect to bus shelters on public property as opposed to the extent that METRO and a private property owner deal with bus shelters. The Town wouldn't be obligated to help with community outreach efforts from that front. She suggested the concept that bus shelters may be placed on public property upon mutual agreement between METRO and the Town and in the event of such an agreement, the Town agrees to cooperate with METRO in its Community Outreach efforts as set forth in Paragraph 3.a.iv. It is premised upon mutual agreement and then if we do agree, we will help with the community outreach.

Mr. Joseph will talk to Mr. Jordan and will have to renegotiate a couple of these such as 4. b. He asked for Council sentiment. He asked if advertising should not be allowed at all and then negotiate a cost or if advertising is permissible by Town Ordinance, it should remain in there. If it is not permissible by Town Ordinance, then we have to negotiate a cost.

Councilor Hendricks feels that advertising can be tastefully done. Sometimes points of interest can be advertised as well as pamphlets from local restaurants. It does not need to be a bill board sign on the back of a plexiglass shelter. He suggested leaving advertising in and working out the details later. Councilor Rixon agreed with Councilor Hendricks that advertising can be tastefully done. Councilor Wellen preferred no advertising. Councilor Tracy noted she would rather pay for the cleaning then deal with the advertising if it is allowed. She would like to keep a certain aesthetic for the downtown. Councilor Egan feels we need shelters given our climate and we need to pay for them if we want them. She suggested leaving the option of advertising in because who knows what will happen in the future. The Council can always decide if it is too distasteful to take it out and pay for it otherwise. If we go with advertising, she would prefer not to restrict Mr. Jordan from getting larger ads that would defray some of the maintenance costs. She suggested treating this as a pilot and see if we can live with it. She would like to explore what we can do for the cleaning on our own under our own Town contracts and just have a straight maintenance and parts agreement on the things that the Town cannot do.

Vice Chair Gleeson would prefer not to go with advertising but if we have to, it should be a local flair. There are so many unknowns and we have a certain look in the downtown, he doesn't like the prospect of advertising on shelters. He would like to know what the real costs are and then he will budget them in.

Chair Sachs indicated that she would say no to advertising but suggested that Mr. Joseph put something together with options. Mr. Joseph clarified that the goal here is not to allow any advertising downtown that would not be allowed under our Sign Ordinance.

**MOVED AND SECONDED:** To table this agreement to the October 6 meeting. (Tracy & Gleeson) **VOTE:** (7 Ayes)



WHEREAS, the passing of distinguished Maine resident and local business and civic leader Leon A. Gorman, has brought deep sorrow and loss to his family and to the countless individuals whose lives he has touched throughout the Freeport community; and

WHEREAS, Leon A. Gorman was a graduate of Bowdoin College, and a veteran of the United States Navy; and

WHEREAS, he began employment with L.L. Bean Inc. in 1961, and was appointed President of the company upon the passing of his grandfather Leon Leonwood Bean in 1967; and

WHEREAS, under his leadership, corporate growth during the 1970's, 1980's and 1990's transformed both L.L. Bean Inc. and the Freeport community into retail leaders both in the State of Maine and nationwide; and

WHEREAS, he continued to serve as Chairman of the Board from 2001-2013, and Chairman Emeritus of the Board from 2013 until his passing, during which time he continued to provide corporate leadership and inspiration; and

WHEREAS, his spirit of philanthropic leadership resulted in the support of many regional and national organizations such as The Nature Conservancy, the Appalachian Mountain Club, the Student Conservation Association, the Boy Scouts of America, Bowdoin College, the United Way, the Maine Community College System, and numerous others; and

WHEREAS, through this same spirit of philanthropic leadership, the Freeport community benefited greatly through his support of the Casco Bay YMCA, Freeport Community Services, local schools, and the Town of Freeport, where he is memorialized by a public park that bears his name, and;

WHEREAS, his memory will be cherished by his family, employees, and countless residents throughout not only Freeport, but the entire State of Maine; now, therefore,

**BE IT RESOLVED**, that the Town of Freeport, through its Town Council, expresses its deepest sympathy at the passing of Leon A. Gorman, and by this resolution memorializes him for his notable record of personal, professional, and civic achievement, as well as the love and devotion he gave his family, friends, and employees. (Sachs & Gleeson, Wellen, Egan, Tracy, Rixon & Hendricks)

The resolution was given to Carolyn Beem of L.L. Bean. She mentioned that Freeport is a special place to L.L. Bean. It is where the company was formed and where it continues to grow and prosper. She noted that Leon Gorman was most proud of the open-door conversations that the company has had with the Town and the Town Councils over the last 100 years. It is their hope that Town folks and the Town Council feels that is reciprocated and that the company's doors are always open as well. This means a great deal to the L.L. Bean community, the employees and the leaders. It certainly means a great deal to Leon's family. Freeport has always been a special place for him.

**ROLL CALL VOTE:** (7 Ayes)

**OTHER BUSINESS:**

- Request from Burr Cemetery Association for the release of Perpetual Care Funds held by the Town of Freeport.

Chair Sachs pointed out that this has been an action item tabled since 2005. Mr. Joseph explained that the formal request is dated March 12 but he has had several discussion with Chris Stilkey who is the caretaker for Burr Cemetery about the release of the Perpetual Care Fund. The fund amounts to approximately \$133,000 as of July 1 but with the stock market ups and downs, it could be anywhere within \$15,000 of that number. The Finance Director has put together a financial summary showing the balance and what it has done since the Town started separate accounting in 2003 and what has been paid out for maintenance costs over the years. The request from the Cemetery is based solely on returns. The Town has a conservative investment policy where we only invest a certain portion of our funds in equities and stocks, etc. A lot of it is held as cash investments. He believes 75/25 is the Town's maximum investment in equities. This was discussed by the Town Attorney and the Town Manager in 1998 and it came before the Council in 2005. It was discussed by the Town Attorney, the Town Manager, Town Council and representatives from Burr Cemetery. The Minutes of that meeting are included in the Council's packets. There were draft conditions talked about by the Council at the time but that never reached agreement by the two sides. Technically there is a tabled motion but the Council is not bound by that tabled motion.

Chair Sachs noted that the letter dated November 2, 2005 where Mr. Olmstead requested additional information based on the discussion of the Town Council at the time. It appears there was no further discussion and those documents were not provided to the Council.

Chris Stilkey, explained that the Perpetual Care Funds are governed by State law. The Town acquired the six association perpetual care over the course of 150 years a little dribble at a time. It never became mandatory until the 90s. Perpetual Care never grew. The account was worth what was contributed to it. A percentage of any gains was given to the cemeteries. If the association had \$100,000, it got \$3,000 and the account stayed at \$100,000. He started looking into it in the 90's and felt that the association would do better with a savings account. He went to the Town Manager and talked and it went round and round. After negotiations in his office with the investment counselor, it was determined that they would give the association gains that the account should have been attributed of about \$30,000. The other accounts were also given a percentage that Key Bank admitted were not being given to the associations. Way back it was discovered that whoever was in charge of the money actually lost a portion of the money which was in violation of State law. You can't touch the Perpetual Care base amount but you can do what you want with the gains. Now the account has dropped in value due to the stock market. If there is not a buffer there, you are in violation. With a poor investment strategy and a restricted one like the Town has, you can't make that buffer. Last year the discussion at the Association's Board became heated. They indicated that they cannot run the cemetery on \$3,000. They can't maintain 6 ½ acres for \$3,000. The Crematory has helped to mow and trim the cemetery. He has learned that the Town has been buffering the account. When it loses, the Town actually buffers the account so they won't be in violation of losing the money.

Chair Sachs asked if any of the documents requested in 2005 provided to Mr. Olmstead. Mr. Stilkey mentioned that they must have been provided. He offered to check the Minutes. He feels the Council at the time didn't understand. They wanted to raise the price of grave sites.

Mr. Joseph explained that the trust funds are whole. If the balance gets below the amount that was initially started, they track that. Mr. Stilkey advised that they no longer give the Town the Perpetual Care payments when someone buys a lot. They keep it in their own trust. Mr. Stilkey answered questions for Councilors.

Chair Sachs asked if there are projects not being fulfilled because of lack of funds. Mr. Stilkey advised that there are massive projects not being done. She requested a list of the Trustees and Mr. Stilkey offered to get the list to her but he named the Trustees. Chair Sachs asked if there were investment plans and Mr. Stilkey noted that they hadn't gotten that far. They are now aggressively pursuing what will happen when they recover those funds. They will model them off of other successful cemeteries in this area. Mr. Stilkey did not know what the tax status is for the Lighthouse Crematory. He owns the company and it is supposed to be not for profit. It has a lot of restrictions. He offered to look it up.

Councilor Egan understood from the packet that the simplest solution would be to give the funds back to the entity and have them relieve the Town of any future responsibility to maintain the graves. She asked what issues would have to be resolved in order to make it happen. Councilor Hendricks does not understand why the Council would want to hold on to these funds. It appears that the Town doesn't want to part with the money but is not really doing anything with it. He feels it is not Town money. It is money that is supposed to be for maintenance of the cemetery. He would agree to wash his hands of it.

Mr. Joseph noted that the key legal question is that the money was given to the Town in trust for maintenance of the cemetery. In order to relieve ourselves of that legal obligation to the people that have passed away years ago. The responsibility never goes away unless a court tells us it goes away. People gave the money to the Town. If the Town feels that the cemetery association that did not exist back then is the correct body to be legally responsible for the maintenance of those graves and the court agrees, we can then transfer the money. The policy question is whether or not the Council would agree to that.

Councilor Wellen mentioned that in the memo, the association formally requested the release of Perpetual Care Funds that the Town now holds. It does not say that the association would like to release the Town of any obligations. Mr. Stilkey advised that that is assumed. He explained that the Town holds six separate trust funds for six associations in this Town. Only one association is interested in seeing how this process goes and may come to the Council and request their funds.

Councilor Egan asked if the Council transfers the funds to the cemetery, would the same restrictions apply to the trust where they couldn't touch the principle but only can use the amount made in interest. Mr. Joseph noted that in practicality, it would depend upon what the judge's decree would say if this was ordered. Mr. Joseph would want to make sure that if this goes forward, the final decree from the court emphasizes that it is not just a pool of cash and that State regulations regarding Perpetual Care Funds apply to the new owner of the cash. The current Town Attorney recommends should we choose to go that route, is to have Cemetery Association file suit for the transfer of the funds and the Town just ascend to it with any concerns or conditions if we are in favor of it. Councilor Egan asked what the down side would be if the Council chooses to turn over the funds. Mr. Joseph explained that if the funds are lost by the Cemetery Association or something happens, is the Town going to let a cemetery within our borders go to shambles just because it is no longer our responsibility or are we going to go back to the table and say "okay, we are going to take it over". This is not a decision the Council makes but is a decision a future Council would have to make. The same is if a currently active cemetery association goes under and no longer is entrusted in maintaining their cemetery, the Town Council could vote to take it over.

Vice Chair Gleeson noted that his concern is on how the investment strategy would be structured. Mr. Stilkey may not be on the Board his entire life and what happens if we get someone who goes in on some pay stock. He would never let a cemetery go to shambles if they lost all their money.

Mr. Joseph pointed out he is not in favor or opposed to this. There is no cost to the Town but if we hold on to this money and the market turns and the stock market destroys itself and we lose everything in there, their funds are backed up with taxpayer dollars. If it is in a private investment account, there is no back-up whatsoever. The only real question is will the Town continue to back up those funds if they are lost by a private agency versus by our own hand.

Councilor Hendricks does not feel the Town should continue to back up those funds with taxpayer dollars. Chair Sachs noted that the Town took this on for perpetual obligation. She is uncomfortable that the same questions from 1998 to 2015 have continued to persist around this transfer and that there has been no action. If this has been a dedicated desire of this association, that it was not immediately followed up on and this had gone through. She is concerned about the lack of turnover and the lack of transparency. Using words such as imploding, lots of costs, no returns yet you keep some of the funds and we keep some of the funds. There is this word about buffer but we have to keep the principle going. She doesn't have any clear sense of the amount of costs or projects that aren't done other than it is just costing hundreds of thousands of dollars. This makes her uncomfortable only because of the way the Council has operated in terms of just facts. These are the facts that are laid out, these were the costs we had, these are our trustees, this was our investment strategy, this is what we presented to the Council ten years ago was this letter and this list, then she would have a path to be able to do so. Hyperbolic rhetoric does not work for her personally although the intent behind it could be perfectly fine. It is a business decision. Right now she does not believe that any future Council would turn its back on a cemetery should it "implode". She is personally not comfortable with this given the history and what she is hearing this evening.

Mr. Stilkey noted that the Crematory pays for the maintenance of the cemetery which is what Perpetual Care was intended to do. This money would go towards things that were never afforded such as repairs and upgrades. He is confident the cemetery would never fall back to the Town because of the Crematory.

Councilor Tracy asked if the Crematory didn't pay for the mowing of the cemetery, would the Town be responsible for that money. Mr. Stilkey advised that in State law, a Town may take over a cemetery if it is abandoned, but it doesn't have to. What maintenance means is subject to interpretation. One may say two mowings a year and another may say twelve. Councilor Tracy feels the Council should look at what is it that it would like to have as the outcome. It seems to her that the outcome would be a financially stable cemetery and how can we get there. It seems one sided that the Council is holding onto the funds and not letting them do what they need to do.

Chair Sachs explained that the Council can ask Mr. Joseph to put the exact wording from Item #147-05 from the November 1, 2005 Minutes to be placed on the agenda. We can ignore it and take no action on it or vote it down this evening or we can move it off the table and vote on it now. We can reintroduce it at The next meeting with that exact wording. She is not in favor of it because she does not have evidence. Nothing has been followed up and the urgency for her is not there. None of the documentation has been there. She feels an obligation since we have been caretakers for this fund for quite sometime and without some sense of what is happening. She would have liked to have seen some evidence of the claims made here today in terms of transparency around contributions, things that haven't been done, things that have been paid for. Basically just following up on the request from ten years ago.

Mr. Stilkey noted that he would like a list from the Town Manager of what the Council really wants to see. Chair Sachs pointed out that the information from 2005 is on the table tonight but Mr. Joseph agreed to put it in writing for Mr. Stilkey. He explained that the association only meets once a year so it may take some time to get the information together.

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**MOVED AND SECONDED:** To adjourn at 9:56 p.m. (Egan & Gleeson)  
**VOTE:** (7 Ayes)

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Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES  
FREEPORT TOWN COUNCIL MEETING #18-15  
FREEPORT TOWN HALL COUNCIL CHAMBERS  
TUESDAY OCTOBER 6, 2015**

**NOTE: DISTRICT 4 MEETING WAS HELD AT 6:30 AT MERRICONEAG SCHOOL, 57  
DESERT ROAD, REGULAR MEETING CONVENED AT 7:23 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
Kristina Egan, 5 Weston Point Road			x
Scott Gleeson, 23 Park Street	x		
James Hendricks, 21 West Street	x		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 75 Lower Flying Point Road	x		
Andrew Wellen, 83 Hunter Road	x		

Chair Sachs called the meeting to order at 7:23 p.m. and took the roll. She advised that Councilor Egan is excused this evening due to work commitments. She sends her apologies.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #17-15 held on September 15th, 2015 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #17-15 held on September 15th, 2015 and to accept the minutes as printed. (Gleeson & Hendricks) **VOTE:** (6 Ayes) (1 Excused-Egan)

**THIRD ORDER OF BUSINESS:** Announcements

Councilor Tracy announced that on Wednesday, October 7 the Tri-Town Track and Field Project will be having a community event from 6-8 p.m. It will be an evening of conversation to learn about the Tri-Town Track and Field initiative. Live music and refreshments will be provided. It will be held at the William Allen Farm, 284 Allen Road in Pownal, Maine. Rsvp at [www.let'sbuildit.eventbrite.com](http://www.let'sbuildit.eventbrite.com). She explained that a group of community members are getting together to attempt to privately raise funds for a track and turf field at Freeport High School to serve Freeport, Pownal and Durham students and community members. If anyone wants to get involved, they should let Councilor Tracy know and she will find a way to get them in touch with the people that are heading up the community outreach portion of the Steering Committee.

Councilor Tracy also announced that the Ordinance Committee will be meeting on October 13 at 6 p.m. and will be taking up the issue of single use plastic bags. They met a week and a half ago with Ed Suslovic of the Portland Council. He was very involved in Portland's effort to adopt a single use bag ordinance and has been very helpful in sharing their experience in process and adopting their ordinance related to plastic and paper bags. They came up with a five-cent charge on both and no ban. The committee is considering all options at this point. The Committee will take public comment on the 13<sup>th</sup> and is hoping to have a decision for the Council soon.

Chair Sachs announced:

- The Town is observing its **Fire Protection Week**. Freeport Fire and Rescue is hosting its Open House from 5-7 p.m. tomorrow night at the Public Safety Building. There will be plenty of activities for children and adults. Public Safety equipment will be on display. Police K-Nine demonstrations will be provided. Demonstrations by medical providers and our Public Safety Communications 9-1-1 Center Personnel will be on site as well. The Fire Auxiliary will be selling grilled burgers and hot dogs with proceeds to benefit the Fire Auxiliary. Non-perishable food items will be accepted to benefit Freeport Community Services.
- Freeport Voters: **Absentee ballots are now available for the November 3<sup>rd</sup> Election**. Please contact the Clerk's Office to find out the many ways of obtaining an absentee ballot.
- If you have moved since the last time you voted, please stop by the Town Clerk's office with proof of residency by October 29<sup>th</sup> so your name will appear on the correct district voting list. There will be a Municipal Election on November 3, so the voting lists will be split by district and if you have moved, you may have changed voting districts. Correcting this now will prevent standing in line to do it on Election Day, November 3<sup>rd</sup>.
- **Public Seasonal Flu Vaccination Clinic at the Freeport Town Hall** on Wednesday, October 14<sup>th</sup> from 9:00 a.m. – 11:00 a.m. This will be provided by CHANS home health care.
- Nominations are now being accepted for the **2015 Citizen of the Year**. Nomination forms are available at the Town Office, the Freeport Community Library and can be found on the Town's website at [www.freeportmaine.com](http://www.freeportmaine.com). Deadline for nominations for the 2015 Citizen of the Year Award is December 10, 2015.
- **FREE MOVIE DAY FOR FREEPORT RESIDENTS AT THE NORDICA THEATER**, Tuesday, Oct. 20<sup>th</sup>. Donations for the Freeport Rotary will be collected. Only Freeport residents are eligible for the free movie. Proof of residency is required! Students must bring their School IDs. Or some sort of identification to prove that they live in Freeport.
- Freeport Players announces auditions for *The WFCP Home Time Radio Hour* on October 19 & 20, 6:30-8:30 p.m., at Freeport Middle School. Roles are available for singers and actors aged 14+.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Wellen pointed out that there will be a Shellfish Commission meeting this Thursday at the Community Center. The Commission will be discussing the leasing program which they had public comment on a week or so ago. They might vote on it one way or another this Thursday. If anyone has any interest, they may want to attend. Chair Sachs mentioned that she spoke to Chair Doug Leland today and he advised that he is not anticipating taking public comments since they have had three public meetings. She encouraged people to go to the meeting and listen. It is Chair Leland's hope that they will have a vote. Chair Sachs plans to attend and listen as well.

Chair Sachs pointed out that Councilor Egan wrote in that the big news from FEDC is that the office building near Chilton's on Lower Main Street was bought by Midcoast Federal Credit Union. They will be relocating from Bath. FEDC helped fill this long vacant office space by assisting the credit union with basic diligence and connecting them with the Town to explore permitting and other issues. If anyone has questions about that, please contact Keith McBride at FEDC or Councilor Egan.

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

Mr. Joseph reported:

- The Planning Department, along with the Town Manager's Office, has been working to develop a maintenance plan for the blueberry fields at the Hunter Road Recreational Facility. Staff has met with and received guidance from our local Cooperative Extension chapter on how best to manage this resource. We are currently developing a schedule to safely burn back half of the blueberry fields per year over the next two years. This will be done through a controlled burn with the assistance of the Freeport Fire Rescue Department. An exact date has not been set, but we are currently targeting mid-November, after the conclusion of organized play for the soccer leagues. More information will follow once an exact date has been set.
- Freeport Police Officer Nathan Leger recently initiated a new way for Freeport Officers to raise funds for Special Olympics Maine athletes. While police officers in Maine are prohibited from soliciting funds, there is a provision under law that allows them to do so on behalf of Special Olympics athletes. Officers in Freeport have raised funds for Special Olympics Maine for 31 years, and last year they raised over \$3,441 for the Torch Run.
- Officer Leger proposed the idea of "Cop on Top" after he heard about it from other police agencies in Maine and across the nation. The idea is to have an officer on a building for a period of time, in this case from 9 a.m. to 11 p.m. on September 9<sup>th</sup>, to bring attention to what Special Olympics means to Maine athletes. The officers stay visible to the public, disseminate information about Special Olympics, and collect donations from people passing by their location.
- L.L. Bean generously agreed to have the officers on the upstairs porch of the flagship store above the patio near the Bean Boot. Officer Leger recruited Officer Keith Norris and Sergeant John Perrino to assist in the endeavor. Sgt. Perrino was on the ground talking with the public, while Officers Leger and Norris were on the porch "reeling in" the donations. The officers had a Bean Boot as the receptacle for donated cash or checks. All money donated during the event directly benefited Special Olympics athletes.
- On September 30<sup>th</sup>, Freeport experienced approximately six inches of rainfall over a 24-hour period. While heavy flooding was observed in low-lying areas of Portland and other neighboring towns, Freeport was able to escape this rainfall event (relatively) unscathed. Flash flooding was observed in many areas of town. The Fire, Police, and Public Works Departments were kept busy throughout much of the day responding to several trees down that disrupted electrical service temporarily, in addition to minor flash flooding on several roadways in Town. The most serious flooding occurred on Hunter Rod, at the crossing for Merrill Brook, where floodwaters caused the closure of the road from approximately noon until 3 p.m. Fortunately, only minor erosion of shoulders was experienced throughout much of Town. If you are aware of any areas where damage has occurred along roadways in Town that have not yet been addressed, please contact the Public Works Department at 865-4461.

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

There were no public comments provided. Chair Sachs explained that the Council just had a District 4 workshop and it may be that people did not expect the Council to be moving at such a speedy pace. In the



**COUNCIL MEETING #15-15**  
**OCTOBER 6, 2015**

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event there are people in the room at the end of the meeting, she may ask if anyone would like to approach to make public comments.

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

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ITEM #161-15 To consider action relative to adopting the October 6<sup>th</sup>, 2015 Consent Agenda.

**BE IT ORDERED:** That the October 6, 2015 Consent Agenda be adopted.  
(Gleeson & Tracy)

Mr. Joseph explained that under ITEM 172-15 he volunteered to serve as the official Voting Delegate tomorrow at the MMA Annual Business Meeting in Augusta. Jessica Malloy will also be there at a different part of the day. If any Councilors would prefer to serve as the Delegate, he would gladly defer to someone on the Council. There did not appear to be any interest from Council members to serve as the Voting Delegate.

**VOTE:** (6 Ayes) (1 Excused-Egan)

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ITEM # 162-15 To consider action relative to an amendment to the Traffic and Parking Ordinance, Section 48-301 No Parking Zones as recommended by the Traffic and Parking Committee:

No vehicle shall stand, stop, or park at any time in any of the following specified locations. Any vehicle stopped, standing, or parked in a designated "no parking" area shall be considered a hindrance to the normal movement of traffic and will be removed from the way and placed in a suitable parking place, at the expense of the person in whose name such vehicle is registered.

72. On the west side of Hedgehog Mountain Road from the intersection with Pownal Road for a distance of ~~80~~ 25 feet.

**BE IT ORDERED:** That a public hearing be scheduled for October 20, 2015, in the Town Council Chambers at Town Hall, 6:30PM, to discuss the proposed amendment to Chapter 48, Section 48-301 No Parking Zones as recommended by the Traffic and Parking Committee.

**BE IT FURTHER ORDERED:** That notice of the public hearing be published in a newspaper of general circulation, posted on the Town's website, and posted on cable channel 3, and that copies of the proposed amendment be made available for review at the Town Clerk's Office, the Town Manager's Office, and the Freeport Community Library for review. (Gleeson & Tracy)

Chair Sachs explained the reason for the proposed amendment.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Egan)

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**COUNCIL MEETING #15-15**  
**OCTOBER 6, 2015**

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ITEM #163-15 To consider action relative to approving proposed amendments to Chapter 46: General Assistance Ordinance Appendices A, C & D for the period October 1, 2015 to September 30, 2016.

**BE IT ORDERED:** That a Public Hearing be scheduled for October 20, 2015 at 6:30 pm in the Council Chambers at the Freeport Town Hall to discuss amendments to Chapter 46: General Assistance Ordinance Appendices A, C & D for the period October 1, 2015 to September 30, 2016.

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

Mr. Joseph explained that these are done annually in order to match the State's requirements.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Egan)

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ITEM #164-15 To consider action relative to recognition of service for outgoing board and committee members:

**BE IT RESOLVED:** That the following Town volunteers be recognized for their dedication to their Town Boards and Committees for the times listed.

Barbara Asnes, Library Board of Trustees: 2013-2015

Steven Bradbury, Board of Appeals: 2000-2015

Shannon Garrity, Board of Appeals: 2003-2015

Roy Pierce – Board of Assessment Review: 2004-2015

LeeAnne Sargent – Coastal Waters Commission: 2013-2015

Joseph Hahn – Conservation Commission: 2009-2015

Charles Thompson – Hunter Road Fields Advisory Committee: 2012-2015

Alan Tracy – Project Review Board: 2008-2015

Robert Fast – Solid Waste/Recycling Committee: 2014-2015

Chair Sachs suggested skipping this item for a few minutes to allow time for folks to get here. There was general agreement from the Council to do so.

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ITEM #165-15 To consider action relative to a Request for Use of Town Property application submitted by Kelly Edwards/FreeportUSA for the purpose of using the train and information center parking lot for the Sparkle Express and The Sparkle Express Mini Fest on December 5, 2015.

**BE IT ORDERED:** That the application for a Request for Use of Town Property submitted by Kelly Edwards/FreeportUSA for the purpose of using the train and information center parking lot for the Sparkle Express and The Sparkle Express Mini Fest on December 5, 2015 be approved. (Wellen & Gleeson)

Chair Sachs mentioned that this is the same request that was made last year. They are requesting barriers

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to block the parking lot entry way for safety purposes. Last year there was a request to waive the quiet zone but it is not needed this year. She asked Councilor Gleeson to make folks in District 1 aware of what will happen on December 5.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Egan)

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ITEM #164-15

To consider action relative to recognition of service for outgoing board and committee members:

**BE IT RESOLVED:** That the following Town volunteers be recognized for their dedication to their Town Boards and Committees for the times listed.

Barbara Asnes, Library Board of Trustees: 2013-2015

Steven Bradbury, Board of Appeals: 2000-2015

Shannon Garrity, Board of Appeals: 2003-2015

Roy Pierce – Board of Assessment Review: 2004-2015

LeeAnne Sargent – Coastal Waters Commission: 2013-2015

Joseph Hahn – Conservation Commission: 2009-2015 (also Coastal Waters)

Charles Thompson – Hunter Road Fields Advisory Committee: 2012-2015

Alan Tracy – Project Review Board: 2008-2015

Robert Fast – Solid Waste/Recycling Committee: 2014-2015  
(Sachs & Gleeson)

Chair Sachs advised that Councilors Gleeson, Tracy and Hendricks wanted to make sure that as the Council moves forward to get folks engaged in Town service, which means that some terms end, they suggested that as folks move off committees due to term limits or other activities, that they are recognized because the Council is deeply grateful for the service provided to the Town by these people. Johanna Hanselman has put together some wonderful certificates of appreciation. If someone serves two or more terms, they get them framed. If someone has one term or less, it is in a wonderful folder. Chair Sachs hopes that the volunteers will come by and pick up their certificates. Councilor Gleeson noted that the Appointments Committee was trying to find some way to recognize these volunteers. He mentioned that after three consecutive terms, the Town is not allowed to reappoint long-time members. They felt it was important to make sure that people realize that their service is really appreciated.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Egan)

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**TABLED:**

ITEM #157-15

To consider action relative to a proposed inter-governmental agreement between the Greater Portland Transit District (METRO) and the Town of Freeport.

**MOVED AND SECONDED:** To move this item off the table. (Hendricks & Gleeson) **VOTE:** (6 Ayes) (1 Excused-Egan)

**BE IT ORDERED:** That the proposed inter-governmental agreement between the Greater Portland Transit District (METRO) and the Town of Freeport regarding the Portland North Express inter-city bus service pilot project be approved. (Rixon & Gleeson)

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Mr. Joseph noted that Greg Jordan, Executive Director is here in the event there are any questions. Mr. Joseph explained that the main difference in the documents the Council has in front of it is in Section 4. Town Responsibilities. b. Bus Shelters. The key points have been changed to include: The parties will determine by mutual agreement, the location, design and number of bus shelters for METRO to procure “which was a large topic of conversation at the last meeting. How many are we going to get? Where are they going to go? How much say is the Town and METRO going to have? Mr. Joseph noted that this draft is by mutual agreement of both parties. Obviously we do not have it figured out at this point nor may we for part or all of the Pilot Program. If that does change, this gives us the ability through the Town, the Town Council and METRO to work either to relocate, design or procure bus shelters. There is a provision in here that talks about the cost of the bus shelters. METRO has a standard bus shelter cost and there was some talk about what if different than standard bus shelters are required either by our Design Review process, by the wish of the Council or the Town, so that is allowed in here but the Town would obviously agree to the difference between the costs and METRO does not have to expend more money for the shelters.

There is also a paragraph on cleaning the shelters. METRO has agreed that if the Town can meet METRO's cleaning standards, the Town will be able to clean the shelters. They have standards because there is FTA's funding and they have to guarantee that the asset is kept in a certain condition. If we can do it to their standard, it will satisfy FTA and we can take that cost on. At the last meeting, we talked about \$1,000 per shelter per year. Mr. Jordan and the METRO Board estimates the remainder of that to be \$750 per year in regular maintenance and the Town would pay that amount upon actual costs incurred by METRO if we choose to install shelters and by mutual agreement of the parties.

Advertising has been removed from the memo. If advertising comes back on the table in the future, it would have to be by future agreement of the Town through the Council and METRO to use that as a way to offset the maintenance costs.

Mr. Jordan pointed out that the changes were summed up well by Mr. Joseph.

Councilor Wellen mentioned that the language on Bus Shelters concerns him. He asked Mr. Jordan if METRO is pushing for bus shelters. Mr. Jordan stated that the decision to put in bus shelters will be a collaborative decision that the Town and METRO will make together. As the service begins next spring or summer, we will most likely find that they are a good idea. They do have the funding to put in shelters. He referred Councilor Wellen to the second sentence under b. Bus Shelters. He mentioned that the number could be zero. Councilor Wellen noted that that sentence covers it. Councilor Wellen asked about bus shelters in South Portland. Mr. Jordan advised that there are at least a half dozen bus shelters in South Portland. He explained that in this climate, bus shelters are a good idea.

Councilor Hendricks explained that he is good with the changes. He thanked Mr. Jordan for working to get this done. Councilor Tracy agreed with him. Councilor Wellen appreciates the changes but mentioned the Performance Measures and is worried that the Town will not get the numbers on every trip that comes here of how many get on and how many get off. That is a crucial number for deciding whether it is worth the cost of continuing after three years. He would like to add: “METRO also agrees to provide the Town of Freeport on a quarterly basis any other information regarding boarding pattern at the Town's request as long as it can be installed by the installed GPS systems.” Councilor Gleeson advised that the Town Manager can call and get that information if METRO wasn't forthcoming with it. Mr. Jordan advised that they will supply the Town with the stop information per town, per stop that they will get from their Automatic Passenger Counting System. He has no problem adding this metric to the list.

Councilor Wellen referred to page 4, c. Community Outreach. He feels that this is vague and should be removed. He feels the Town is working with METRO in a good faith effort and it doesn't have to be part of the contract. It does not make sense. Mr. Jordan agrees that the language came from an attorney and it

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does not need to be in there. Councilor Wellen noted he is fine with dropping this, knowing that Mr. Jordan feels it is not necessary. He does not want Mr. Jordan to have to go back to his Board. Councilor Tracy advised that if the Council gets to a point where it is renewing beyond the Pilot Phase, this is something the Council could look at.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Egan)

Chair Sachs thanked Mr. Jordan for renegotiating the problematic parts and working with Mr. Joseph.

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ITEM #134-15      To consider action relative to a proposed ordinance amendment adding a new section 504.C “Rural Flexible Lot Developments” to the Freeport Zoning Ordinance, and a proposed ordinance amendment to article 3.2 of the Subdivision Ordinance, which defines “required open space”, as recommended by the Planning Board. Taken together, these two amendments would allow for lots created outside of a Subdivision to be as small as 20,000 square feet, provided open space is created and protected from further subdivision and development.

**BE IT ORDAINED:** That the proposed amendment adding a new section 504C. “Rural Flexible Lot Developments” to the Freeport Zoning Ordinance and a proposed amendment to article 3.2 of the Subdivision Ordinance be approved as presented.

*Note: This item was tabled at the August 4, 2015 Council meeting. As such, it will appear on the Council agenda until it is acted upon. However, the Council does not plan to take this item up for consideration until October 20<sup>TH</sup>, 2015.*

This item will remain on the table.

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Chair Sachs noted that the Burr Cemetery Association will come back in December.

**MOVED AND SECONDED:** To adjourn at 8:15. (Gleeson & Tracy)  
**VOTE:** (6 Ayes) (1 Excused-Egan)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES  
FREEPORT TOWN COUNCIL MEETING #19-15  
FREEPORT TOWN HALL COUNCIL CHAMBERS  
TUESDAY OCTOBER 20, 2015  
6:30 PM**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
Kristina Egan, 5 Weston Point Road			x
Scott Gleeson, 23 Park Street	x		
James Hendricks, 21 West Street	x (arrived at 6:47 p.m.)		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 75 Lower Flying Point Road	x		
Andrew Wellen, 83 Hunter Road	x		

Chair Sachs called the meeting to order at 6:32 p.m. and took the roll. She advised that Councilor Egan is excused this evening. She is in California for work and Councilor Hendricks will be arriving later.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #18-15 held on October 6, 2015 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #18-15 held on October 6, 2015 and to accept the minutes as printed. (Gleeson & Tracy) **VOTE:**  
(5 Ayes) (2 Excused-Egan & Hendricks)

**THIRD ORDER OF BUSINESS:** Announcements

Chair Sachs announced:

**Freeport Voters!**

- Absentee ballots are now available for the November 3<sup>rd</sup> Election. Please contact the Clerk's Office to find out the many ways of obtaining an absentee ballot.
- If you have moved since the last time you voted, please stop by the Town Clerk's office with proof of residency by October 29<sup>th</sup> so your name will appear on the correct district voting list. There will be a Municipal Election on November 3, so the voting lists will be split by district and if you have moved, you may have changed voting districts. Correcting this now will prevent standing in line to do it on Election Day, November 3<sup>rd</sup>.
- The Freeport Energy Summit will be taking place on Saturday, November 7<sup>th</sup> from 9:00 – 11:30AM at the Freeport Town Offices. Solarize Freeport is wrapping up, so the goal is to come up with a few initiatives that can be started right away in the areas of energy conservation, renewable energy and innovation. **EVERYONE IS INVITED.** For more information or to RSVP contact Donna Larson, Town Planner at 865-4743 ext 103 or [dlarson@freeportmaine.com](mailto:dlarson@freeportmaine.com). RSVP is appreciated but not required
- **Nominations are now being accepted for the 2015 Citizen of the Year** Nomination forms are available at the Town Office, the Freeport Community Library and can be found on the Town's

**COUNCIL MEETING #19-15**  
**OCTOBER 20, 2015**

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website at [www.freeportmaine.com](http://www.freeportmaine.com). Deadline for nominations for the 2015 Citizen of the Year Award is December 10, 2015.

- Freeport Community Service's Annual Meeting which is free and open to the public, will take place on October 26 at 6:30 p.m. at the Community Center at 53 Depot Street. Judy Higbea will be honored and will be awarded the 2015 Carol Kaplan Award. There will be a tribute to her work.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Tracy advised that there was an Ordinance Committee meeting last Tuesday night on the topic of the Single Use Bag Ordinance. She noted that it will be addressed under Other Business at the end of this meeting.

Councilor Tracy pointed out that she just held an Appointments meeting and the committee appointed one member of the community to the Planning Board and one member to the Active Living Committee. They will be coming to the Council for approval in December.

Councilor Wellen explained that he attended a Shellfish Commission meeting discussing the leasing issue. Another issue coming to the forefront is concern about the wormers and whether they are going on territory that is off limits to clammers. There was some discussion about a regional group trying to develop a lobbying effort. They discussed the possibility of asking local Municipalities for funds to support a lobbying effort. It might come to the Council or it might not.

Chair Sachs advised that she was at the Traffic and Parking Committee meeting this morning. A representative from METRO came with actual proposed bus stops. She will forward the PowerPoint presentation to all Councilors. She believes it is going to go back to the Task Force. There is a question whether the public will get some input around the stops. She asked Councilor Rixon to keep the Council updated if there is any public input around the stops.

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

Mr. Joseph reported:

- The Public Works Department is gearing up for winter! As a result, work on the South Freeport Village roads project will be suspended for the season. All existing work should be wrapped up by the end of this week, and will not resume until next construction season.
- The Town was honored recently to receive an award from the Maine Municipal Association for last year's Annual Report! Freeport's report was judged the 1<sup>st</sup> place winner in the 5,000+ population category. The award was presented at the Association's Annual Convention recently, and is the latest in a long string of 1<sup>st</sup> and 2<sup>nd</sup> place awards that we have received over the past several years. Credit for this award goes to the department directors and committee chairs who contribute material to the Annual Report, but special recognition is due to Caroline Pelletier in the Planning Department, who does the bulk of the work organizing the report each year and working with the printer to ensure the high standards that Freeport's Annual Report has come to be known for. The Annual Report can be viewed online at: <http://www.freeportmaine.com/inc/scripts/file.php?fileid=8294>. Congrats to Caroline, and all involved!

**COUNCIL MEETING #19-15**  
**OCTOBER 20, 2015**

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- The Town was also recently recognized by the Maine Conservation Alliance for the "Solarize Freeport" program. "Solarize" helped secure low-installation prices through a bulk purchase of solar arrays for homes here in Freeport, at little cost to the Town. In fact, only a small amount of in-kind staff time costs were incurred throughout the entire process, which was overwhelmingly successful. At the same time, Maine Beer Company, based here in Freeport, was also recognized for the solar array they recently installed at their brewery on Route One here in Freeport. This array allows them to generate half of their electricity on site, lowering their operating costs. Congratulations to everyone who worked on both projects!

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

**MOVED AND SECONDED:** To open the Public Comment Period on Non-Agenda Items Only) (Rixon & Gleeson) **VOTE:** (5 Ayes) (2 Excused-Egan & Hendricks)

Josh Olins of 139 South Freeport Road lent his support to moving the Ordinance on Single Use Bags as quickly as possible and removing the referendum part so it will not bog down the process and invite the Plastic Bag Industry to do some serious lobbying. He feels the Ordinance Committee has had this in their hands for a long time and is very well educated on the topic. He looks forward to the Committee proposing an Ordinance without a referendum and having a public comment period on it and voting it in.

Adam Chisholm, Freeport native, noted that he has had experience living in cities that passed a similar policy on Single Use Bags. He has found it to be successful for the Town, residents and vendors. He voiced his support for moving it through.

Suki Rice advised that we have been working with this plastic bag fee for almost two years now. She does not feel that we need to put it off for another year and we don't need a referendum to do it. She appreciates the work the Ordinance Committee has done on this. She recommends that the Council deal with this and not wait until next November.

Lisa Turner of Route 125 pointed out that the Public Works Department did an amazing job rebuilding Route 125. After getting at least 6 ¼ inches of rain a few weeks ago and all the culverts handled it. There are double yellow lines painted on the road. She feels it is wonderful. Mr. Joseph offered to forward the clip electronically to the Public Works Department. Chair Sachs thanked Mrs. Turner for being part of the process.

**MOVED AND SECONDED:** To close the Public Comment Period. (Tracy & Gleeson) **VOTE:** (6 Ayes) (1 Excused-Egan)

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

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**ITEM #173-15** To consider action relative to adopting the October 20<sup>th</sup>, 2015 Consent Agenda.

**BE IT ORDERED:** That the October 20, 2015 Consent Agenda be adopted.  
(Sachs & Gleeson)

Chair Sachs reviewed the items for members of the public. Vice Chair Gleeson extended thanks to Harry Virtue for his service to the Planning Board.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Egan)



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**ITEM #174-15** To consider action relative to approving proposed amendments to Chapter 46: General Assistance Ordinance Appendices A, C & D for the period October 1, 2015 to September 30, 2016. **PUBLIC HEARING.**

**MOVED AND SECONDED:** To open the public hearing (Gleeson & Wellen)  
**VOTE:** (6 Ayes) (1 Excused-Egan)

Chair Sachs explained the amendments to members of the public. Mr. Joseph pointed out that this will ensure that the Town is reimbursed for any General Assistance expenditures by the State which they will not do if we do not have their standards in our Ordinance.

There were no public comments provided.

**MOVED AND SECONDED:** To close the public hearing. (Gleeson & Tracy)  
**VOTE:** (6 Ayes) (1 Excused-Egan)

**BE IT ORDERED:** That the amendments to Chapter 46: General Assistance Ordinance Appendices A, C & D for the period October 1, 2015 to September 30, 2016 be approved. (Gleeson & Tracy) **ROLL CALL VOTE:** (6 Ayes) (1 Excused-Egan)

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**ITEM #175-15** To consider action relative to an amendment to the Traffic and Parking Ordinance, Section 48-301 No Parking Zones:

No vehicle shall stand, stop, or park at any time in any of the following specified locations. Any vehicle stopped, standing, or parked in a designated "no parking" area shall be considered a hindrance to the normal movement of traffic and will be removed from the way and placed in a suitable parking place, at the expense of the person in whose name such vehicle is registered.

72. On the west side of Hedgehog Mountain Road from the intersection with Pownal Road for a distance of ~~80~~ 25 feet. **PUBLIC HEARING**

**MOVED AND SECONDED:** to open the public hearing. (Hendricks & Gleeson) **VOTE:** (6 Ayes) (1 Excused-Egan)

Chair Sachs explained that this is necessary because there are now paved shoulders and a paved road. There were no public comments provided.

**MOVED AND SECONDED:** to close the public hearing. (Hendricks & Wellen) **VOTE:** (6 Ayes) (1 Excused-Egan)

**BE IT ORDERED:** the proposed amendment to Chapter 48, Section 48-301 No Parking Zones be approved. (Hendricks & Gleeson) **ROLL CALL VOTE:** (6 Ayes) (1 Excused-Egan)

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**ITEM # 176-15** To consider action relative to awarding the bid for the Public Works Floor Drain Replacement.

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**BE IT ORDERED:** that Plowman Construction be awarded the bid for the Public Works Floor Drain Replacement in the amount of \$22,950.00.

*Note: As of 9/30/15, the Building Maintenance Reserve fund has a balance of \$719,936. The Town Council previously approved \$30,000 for this purchase in the FY16 Capital Budget.(Rixon & Gleeson)*

Chair Sachs appreciates the bid coming in under what was budgeted. Mr. Joseph explained that the Town is getting a higher specified product at a lower price. Earl Gibson, Public Works Superintendent noted that when the bids were sent out, some of the contractors looked at it and recommended increasing the load rate. The increase was made and they were still able to keep it under budget.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Egan)

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**OTHER BUSINESS:**

1. Introduce the new RSU#5 Superintendent Ed McDonough.

Chair Sachs welcomed Mr. McDonough. She invited him to come to the podium and explained that this is part of the outreach of two entities within Freeport. She noted that she and Vice Chair Gleeson had an opportunity to meet him when he first came into the District.

Mr. McDonough thanked Mr. Joseph and Chair Sachs for providing him with an opportunity to introduce himself this evening. He explained that he has been meeting with folks in the district as part of an entry plan. His intent was to meet with groups to see what folks value and the strengths of the district as well as challenges and opportunities. He plans to provide a findings report at year's end and offer next steps to the communities. It is quite clear early on that one of the key strengths of the district is the quality of its people from students, parents, teachers, Administrators, School Board members and Community members. He feels blessed to be joining such a dedicated team of folks. He mentioned that there has been a smooth opening in all six schools and enrollments have remained relatively stable. The School Board has established some strategic goals for the school year which are published on the District's website. One of the goals is to engage the leadership of the three towns in an effort to explore where they can work together to achieve efficiencies in non-educational areas. Construction will begin next week on the high school renovation project and bids came in below the architect's estimate for the work. Last week the district had a successful bond sale. The low bid had an interest rate of 2.67% which will allow them to reduce the borrowing for the project from \$14.6M to \$13.6M, thereby reducing the cost to taxpayers by one million dollars. He is looking forward to working with the Council and all of the folks from the three towns on behalf of the children. He answered questions for Councilors. He explained that his three week update is on the website under Communications, there is a Superintendent's link.

Councilors thanked Mr. McDonough for coming this evening. Chair Sachs invited him to return anytime.

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2. Information update – status of the proposed amendment to Freeport Shellfish Ordinance regarding municipal shellfish aquaculture permitting

Chair Sachs explained that the Shellfish Commission voted at their last meeting to put forward an Ordinance change. It is actually a pilot program but has to go in within the Ordinance because of the permitting requirements. She is happy to see Chair Leland in the audience. She offered to summarize the proposed amendment and Chair Leland will take questions.

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Chair Sachs explained that this is a pilot project regarding aquaculture. Normally this would go straight to a Council vote or to the Ordinance Committee for review. There are a couple of things in between, we could have the Town Attorney review it, the commission voted to send it to the Department of Marine Resources where it is now. There is one legal opinion from our Town Attorney, Phil Saucier on a couple of pieces around this if the Council votes to have it go to the Ordinance Committee this evening that need to be worked out. One of these is to make sure that the processes are well understood around property owner permission. Several commission members have mentioned that they believe this has to happen but there are some variances around that and there are also riparian rights which Mr. Joseph will speak more to that. She did not feel that she could explain it as simply as Mr. Joseph. There is some thought to having Attorney Saucier review the entire Ordinance regarding property ownership, the riparian fair fish and fowl navigation rights is a separate somewhat related issue that may not be addressed until it gets to the State Court. Clearly, property owner permission is an issue and a process around that needs to be figured out before any Ordinance can be implemented. Whether the Ordinance Committee feels that it needs to be a process that is put forward in total before it moves on, is up to the Ordinance Committee.

Chair Sachs pointed out that the Council can vote to move this to the Ordinance Committee, vote to move it to the Ordinance Committee with lawyer review, vote to choose not to take it up at all and send it back to the committee with thanks or anything else that Chair Sachs may not have thought of. She asked for Councilor's thoughts on this issue.

Councilor Wellen feels it needs more work in terms of the legal piece and feels the cost issue needs to be looked at more carefully at the Ordinance level. He sent an e-mail to the Commission about increased costs to the Town for enforcement. It might take more time for the Conservation Officer for enforcement. He is unclear whether the wormers can go into the clam farms but feels the Council needs to look at the costs upfront. He suggested looking at what other communities have done. He would not mind it going to the Ordinance Committee. Chair Sachs pointed out it would cost money to bring it to the Town Attorney.

Councilor Rixon is in favor of it going forward to the Ordinance Committee and does not know what the legal piece would entail. He explained that he was very impressed with the depth of thought and emotion shared by each of the Shellfish Commission members before casting their votes. They spoke of their responsibility as commissioners to look after the marine environment and the future of the clam flats. He feels this has great promise. Councilor Wellen agreed that the commissioners did a great job explaining why they were voting the way they did.

Councilor Hendricks noted he would be fine moving this to the Ordinance Committee. Shellfish has put in quite a bit of work on this. It looks like it could be a promising program. In the news, it is obvious the amount of clams coming out of Maine is declining. Each year there is a steady decline. There is talk about leasing land that has not been fruitful or was clammed years ago but is not clammed anymore. They are looking forward and are preparing for the possibility that they may have to do something like this because of success in other states. He is confident that there are a lot of things that need to be worked out as far as particulars but he is willing to send it to the Ordinance Committee and they can bring it back with their recommendation. He views each clammer as an individual business and each clammer gets to decide how he wants to do his own business. The ones that want to keep their business traditional in the way they have always done it, it is well within their right. They should not oppose it just because they do not want to try it. He sees this as an opportunity for some to branch out. Who is to say that this may work or it may not. The people that choose to do this may be putting all their eggs in a basket with a hole in the bottom. He likes the forward thinking of trying to help protect the industry we already have and trying to make it better. He would be fine with Attorney Saucier reviewing it but is not certain it needs to be done yet. He is confident there will be many questions and would prefer to do it all at once.

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Chair Sachs' inclination is to do it concurrently. If there are some significant legal issues here, she would not want Ordinance to spend an inordinate amount of time on it if there is a legal issue we could clear up easily before all that work happens. There may be a greater issue of riparian rights which may not be settled until court cases down the road. These other ones of property owners' concerns and permissions, if that process passes scrutiny would seem to lend itself to not wasting a lot of time.

Vice Chair Gleeson agreed with Councilor Hendricks and Chair Sachs. His only concern is that there is opposition from the clambers and it is not popular among people out there harvesting shellfish. Councilor Wellen noted that there is a lot of clammer opposition to this but he feels the Shellfish Commission needs to look at conserving the resource in the long term. Officer Durgin was not sure if it would be more of a burden but increasing the fee would help pay for it. Vice Chair Gleeson is okay with sending it to the Ordinance Committee. Chair Sachs encouraged Councilors to go on the website and listen to the commissioners' stated goals around proposing and supporting it at the September 10 meeting. Councilor Wellen added that the clambers views were shared at that meeting as well.

Councilor Tracy noted she would be fine sending it to the Ordinance Committee. They would be happy to take this on but feels it is important to get a legal opinion. She suggested having a workshop between the Ordinance Committee and the Shellfish Commission to identify the areas the Shellfish Commission believes still need to be worked out so there will be a clear picture of what they believe are action items. At that point she suggested sending it to Phil Saucier because they may add legal questions as a result of that meeting. It is important to know from the Town Attorney if there are any major roadblocks as we go through the process. Councilor Wellen pointed out that we will be the first town in Maine doing this if we move forward and there are a bunch of unknowns to look at. Mr. Joseph advised that the Shellfish Commission asked the Town Attorney to look at riparian rights and they wrote some language in here that addressed that generally. Attorney Saucier has not looked at the whole Ordinance broadly because we were not going to spend the money to have it reviewed before it was passed by the Shellfish Commission or what the Council decides to do with it. Attorney Saucier has only looked at one general legal question and there may be several others.

Chair Sachs echoed Councilor Wellen and Councilor Rixon's comments on the care that was taken and hard work regarding process that the Shellfish Commission did. She is glad to see a product coming out of it that the Commission believes in.

Doug Leland, Chair of Shellfish, pointed out that the broader picture of what has been happening with the shellfish industry in Maine. Nobody has an answer to that question. It was merely to see if it made sense to experiment so that there might be a Plan B in a back pocket should in fact the shellfish industry continue on a decline. He agrees that the legal questions should be looked at. There may be two groups of those. One would specifically pertain to the pilot project and the others, if it can be looked at that way, which ones can only the State answer. These may not be legal issues as much as they are regulatory. Regulatory could lead to legal issues but the bigger questions are regulatory issues right now and are really only ones the State could weigh in on. The pilot project is closer to home and there may be some issues there. Mr. Leland had an invitation extended to him for the Council. The Manomet Institute is very involved in aquaculture and conservation efforts in multiple fish stocks as well as shellfish in Maine. They have offered at any point in time to conduct a workshop for the Town Council and a public hearing for the Town if the Council would like that kind of expertise. In addition, one individual they are supporting, extended an individual invitation to anyone to come and look at his farm in Georgetown. He is the only shellfish farmer in the State of Maine. He spent 20 years harvesting wild clams.

Mr. Leland advised that the State has a framework in place and much of the language in this Ordinance is from the State's framework. They started with that and started looking at it from a Freeport perspective. The law that established it is 100 years old but no one has yet taken them up on it. This is a reason they

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put it back in their hands. They are taking a look at it right now. Councilor Tracy advised that the Ordinance Committee is happy to work on it but they work slowly and deliberately.

Chair Sachs encouraged Councilors to listen to the last meeting. She explained that she recalled a commission member saying that one should not be vilified for simply trying to serve. She thanked Commission members for their service.

**MOVED AND SECONDED:** To move this to the Ordinance Committee and empower Mr. Joseph to refer it to Phil Saucier, the Town Attorney. (Hendricks & Tracy)

Councilor Wellen pointed out that the Ordinance Committee should point out costs. Chair Sachs noted that this is duly noted as an issue.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused—Egan)

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3. Review of ordinance committee recommendation regarding single use bags.

Chair Sachs thanked residents for the comments they made during the Public Comment Period. She mentioned that there is a lot of information in front of the Council. She thanked residents that spoke during the Public Comment period.

Councilor Tracy, Chair of Ordinance, explained that as a preliminary issue, it is important to address an item that arose this afternoon. It has come to her attention that an issue has been raised as to whether she as the Chair of the Ordinance Committee, has a conflict of interest in the matter of the Single Use Bag Ordinance. The first suggestion was that her representation of Maine Natural Gas, which is a local distribution gas utility presented a conflict of interest because natural gas utilities rely upon suppliers and producers of natural gas and natural gas is used to make a chemical component of plastic bags. Through that connection in theory, Maine Natural Gas might have an interest in adverse effects on plastic bags. The second allegation was that her law firm, Pierce Atwood represents the American Chemical Council which has opposed plastic bag bans or fees at the State of Maine Legislature.

As an attorney and a Town official, she is very aware of the conflict of interest standard and she pulled the standard and re-reviewed it this afternoon after this issue was raised. She is incredibly confident that she has absolutely no conflict of interest. She is very sensitive to this issue and she has recused herself in the past when she thought there may be an appearance of a conflict of interest although she believes she has never had a conflict of interest. In this instance, she has no conflict of interest and has no appearance of conflict of interest. She is a partner at Pierce Atwood but is a non-equity partner and has no ownership interest in the business. She does represent Maine Natural Gas which is a local distribution company. It owns the pipes through which natural gas is shipped to residences and businesses in the State of Maine. This is where her agreement ends. Pierce Atwood represents hundreds if not thousands of clients and if attorneys were not able to participate in decisions upon which their clients might have views, then attorneys would not be able to participate in Town Councils or other official boards in the public process. This connection is too remote to present a conflict of interest and she does not feel it does in this case. She affirmatively stated that neither her employment at Piece Atwood nor her representation of Maine Natural Gas impacted her substantive decisions on this matter or her processing of this issue at the Ordinance Committee. She has taken the issue of single use bag ordinances very seriously and worked on it incredibly hard and given ample opportunity for public input. After that long process which everyone agrees has been painstaking and slow, her views are hers and hers alone and formed by the materials she has reviewed, the comments from residents, businesses and other interests that have been made in this

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case, not of her clients, and formed by her own judgment. She is happy to answer any questions on this matter but strongly states that she does not have a conflict of interest.

Turning to the substantive issue itself, a year and a half ago two high school students raised the issue as to whether the Town should enact a ban on plastic bags. The Council considered their recommendation to enact such a ban and referred it to the Ordinance Committee. Since that time the Ordinance Committee has conducted an extensive review of the issue which included lengthy analysis of already published materials on the topic, it has asked for and considered the results from reports from the Solid Waste and Recycling Committee and FEDC. They received lots of public comments and conducted a poll of exiting voters at the last Election in November. They have spent time talking to those who have had experience in this area, most notably Edward Suslovic who led the City of Portland's effort to pass an ordinance with respect to plastic and paper single-use bags. At the conclusion of that process the Ordinance Committee voted to make a recommendation to the Town Council as to whether the Town of Freeport should [pass a single-use bag ordinance. That recommendation was summarized in a memo from Peter Joseph dated October 14, 2015 which is attached to tonight's meeting materials. At that meeting the Committee unanimously voted to make the following motion:

"To make a recommendation to the Town Council that the Council propose, at referendum, an ordinance that places a fee on plastic and paper single use bags, with the recognition that one member of the Ordinance Committee would prefer an ordinance that places a fee on plastic bags, but no fee on paper bags. Such ordinance would be loosely modeled on the ordinance adopted by the City of Portland in June of 2014."

They provided much of the materials they reviewed to tonight's agenda and also a prior memorandum with extensive exhibits related to their review of materials. There is a link to those materials through this memorandum. Councilor Tracy pointed out that the committee has struggled with this issue. It has been a difficult issue to come to a conclusion on. They appreciate the hard work of the Solid Waste and Recycling Committee as well as Keith McBride of FEDC who did a lot of work on the economic impacts of a proposed fee. She noted that they are all volunteers and worked very hard on this issue. They appreciate all the feedback they received from residents and businesses throughout the process. They are happy to discuss their views tonight.

Chair Sachs explained several options regarding disposition. The Council can make a recommendation to accept the Ordinance Committee's recommendation to move forward with a non-binding referendum at a non-specified date, or choose to propose a public hearing with some specific ordinance language on a future date or say "thank you very much, we don't choose to do anything at all" or choose to say "we have absorbed all this information and still not sure what I want to do and table it to date certain."

Chair Sachs referred to Councilor Egan's thoughts at this time. She supports the Council putting together some language placing a fee on single-use plastic bags and does not support sending it to referendum.

Councilor Tracy explained that the committee decided the best structure would be to enact an ordinance to place a fee on both plastic and paper single use bags to reduce the presence of plastic in our landscape as litter and also in micro plastics in the environment. There is also another reason one may have an ordinance is for the purposes of encouraging actions that reduce climate change. The committee reviewed evidence that in the life cycle of producing paper bags, it also has an adverse impact on the environment. Their concern was that if they addressed one type of single use bags, they basically would shift everyone over to the other and their analysis at the end was that they should address both types of bags to encourage the use of reusable bags. They decided on a fee rather than a ban. A fee gives people the opportunity to incur the cost if they decide to purchase the bags. They heard compelling testimony from Ed Suslovic that there is value in being consistent from town to town on how we are addressing this issue especially from a near by geographic area. Portland's ordinance appears to be working.

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The other major issue they struggled with was whether the Council should decide or whether it should be sent to a non-binding public vote. The Council would ultimately make the decision but the voting public would have a chance to weigh in. When the committee made the decision to send it to a non-binding public vote, the thought was that given the structure of the ordinance that they recommended, this would place an additional fee on our residents. This is an area of governance that is outside of our normal Town function and this is an area that not all agree. Given the significance of adding fees to our residents when we work so hard to not add additional costs to our residents that it is worth giving people the opportunity to weigh in in the privacy of the voting booth. Given that this is a non-core function of the Council, the Council could benefit from that feedback.

Vice Chair Gleeson noted that Councilor Tracy wrapped it up very well. He mentioned that some of the things he heard in public comment were things about "should we go on the Council side of things and vote it through here or should we go based on a non-binding advisory vote?" He did some research and found that Newburyport, Massachusetts and other city councils that took this up and had already voted at the Council level and then due to public input tried to go back and put it out to public vote. He feels this needs to go to the public especially since there is no choice for our citizens to pay a five cent fee per bag. He never feels it is a waste of time to let our residents have their voices heard. He mentioned that a special election could cost somewhere between \$3,000-\$5,000. We could choose to put it on the June ballot or the November ballot with negligible costs. He feels this is an important item but it is about process.

Councilor Wellen agreed with Councilor Tracy and Councilor Gleeson. He mentioned the survey that was taken and explained that there were significant flaws in it. It is hard to know whether 20% of residents supported it or 80%. Given the big impact, it makes sense to have everybody weigh in on this. He recommends that it happen at the Presidential Election because that is where we will get the best cross section of folks. He feels the fee would be better than a ban.

Chair Sachs clarified that it was 2 to 1 to place a fee on plastic and paper. One vote was to place a fee on plastic. Councilor Tracy explained that in the past the Council has taken a position on an environmental issue and mentioned the Styrofoam ban. In that instance they did not send it to referendum. That was a change that they were requiring of businesses. In this instance the proposal is to place a fee on our residents to deter people from using single use bags at the point of sale when they purchase food. The Portland Ordinance applies this fee to businesses but exempts businesses with incidental sales (2% or less attributable to food). It would more apply to Shaw's, CVS or Bow Street. While the Council has the power to make the decision, it is not within the traditional governance function that she believes the Council has undertaken. She acknowledges that there have been exceptions to that. Given the potential impact and the reaching into people's daily lives impact of this proposed ordinance, she believes that it qualifies as a non-core function and the balance for her weighs in favor of having full input from the Town's residents.

Councilor Rixon feels the Council should consider an ordinance that is similar to Portland's with a fee on both plastic and paper bags. He is not in favor of sending it to referendum. He advised that Ordinances should be decided by the Council after considering the scientific and technical information available, not on the results of a non-binding referendum. He feels that public input is a major portion of the process which is why we have scheduled and well advertised public hearings. An issue should not be decided by the number of people attending a hearing or by the results of a referendum. He explained the Freeport Charter. He mentioned that the vast majority of people were not aware of the Ordinance Committee's meeting.

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Councilor Tracy noted that the Ordinance Committee made it clear at its meeting that it was considering whether or not to send this matter to referendum. They then held a public comment period and deliberated. There was opportunity to comment.

Councilor Wellen explained that if the non-binding referendum is passed by the voters, there is very little chance the Council would go against that vote.

Councilor Hendricks explained that he has voted multiple times on decisions that affected citizen's pocketbooks. He feels the Council is on a slippery slope when it puts ordinance decisions, zoning decisions or other substantive decisions out to referendum. The Council is basically saying that even though we have been elected to act in your best interests and listen to what you have to say, and have public hearings that we need help on this one. We want you to decide and then we can make a decision after. After thinking about this, he is all for public hearings. He feels it needs a bit more tweaking. He would prefer a fee on plastic and not on paper. He is confident it can be worked out. He does not feel it should be sent out for a vote.

Councilor Wellen mentioned that only two communities in the State of Maine have instituted an ordinance. There is nothing simple about it. He would prefer a fee on plastic and paper.

Chair Sachs pointed out that three Councilors have spent so much time and have come to this conclusion. This holds a lot of weight for her. The decision was not made lightly. This Council has taken on an enormous amount of hard issues in the past three years. The fact that this committee has come up with this recommendation gives her pause. She is very conscience of the pocketbook issues.

Vice Chair Gleeson completely supports his fellow Ordinance Committee but he wanted an option where someone would not have to pay for a bag. Councilor Tracy feels that the intent why we are doing this is up in the air. Some people have said that this is not really going to do that much. It is really more support for the concept. There are reasons why the high school students proposed it. On the concern side is impact on residents but one can avoid costs by bringing in your own bags. She has concerns that it impacts the low income and the elderly. This is government reaching into the private lives of its citizens.

Councilor Rixon explained that his gut feeling is that stores could reduce their prices if they don't have to purchase bags. It is part of their overhead and it would be reduced. He feels we are all paying for bags in the cost of food. Councilor Wellen suggested that everyone read the FEDC report.

Chair Sachs asked what would be the harm in doing a six-month referendum. Councilor Rixon noted it would mean six months of that many more plastic bags and the whole process would be put off. The sooner we do it, we can start the process of changing consumer behavior. Chair Sachs sees the benefit to having a non-binding vote. She does not see it as a slippery slope. She has spoken to a lot of people in Town and opinions are wide and varied around this issue. This Ordinance Committee did not do a knee jerk reaction. They have looked at the science and the economic impact and she is very appreciative of that. It will not be costly to place this on a ballot in June or November. She feels this is important and the Council has shown leadership on many tough issues. She has no problem moving this to a non-binding public vote. More discussion followed.

**MOVED AND SECONDED:** To table this discussion to allow time for the following to occur: 1. A public hearing on the Ordinance Committee's recommendation to send this ordinance to a non-binding advisory vote. 2. A discussion by the Council to determine criteria for sending a proposed ordinance to referendum. (Rixon & Hendricks)

Chair Sachs noted she does not agree with No. 2. and tabling to allow for a public hearing is not helpful. Councilor Wellen agreed with Chair Sachs. Councilor Hendricks pointed out that the message is clear. He



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doesn't want to table this and having a public hearing will not make any difference to the four Councilors that want to send it to a vote. He can't support this motion.

**ROLL CALL VOTE:** (6 Nays) but Councilor Rixon indicated he wanted to change his vote to a 1 Aye) (1 Excused-Egan)

**MOVED AND SECONDED:** To put forward a non-binding ballot initiative regarding a Single-use Bag Ordinance in 2016 modeled on the Portland Ordinance. (Gleeson & Wellen) **ROLL CALL VOTE:** (4 Ayes) (2 Nays-Rixon & Hendricks) (1 Excused-Egan)

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**TABLED:**

**MOVED AND SECONDED:** To move Item #134-15 off the table. (Tracy & Gleeson)  
**VOTE:** (6 Ayes) (1 Excused-Egan)

ITEM #134-15      To consider action relative to a proposed ordinance amendment adding a new section 504.C "Rural Flexible Lot Developments" to the Freeport Zoning Ordinance, and a proposed ordinance amendment to article 3.2 of the Subdivision Ordinance, which defines "required open space", as recommended by the Planning Board. Taken together, these two amendments would allow for lots created outside of a Subdivision to be as small as 20,000 square feet, provided open space is created and protected from further subdivision and development.

**BE IT ORDAINED:** That the proposed amendment adding a new section 504C. "Rural Flexible Lot Developments" to the Freeport Zoning Ordinance and a proposed amendment to article 3.2 of the Subdivision Ordinance be approved as presented.

*Note: This item was tabled at the August 4, 2015 Council meeting. (Tracy & Gleeson)*

Town Planner Donna Larson explained that this is basically clustering for non-sub-divisions. This gives property owners an option if they are interested in creating lots outside of a subdivision. On any given parcel whether 15 acres or 150 acres, one cannot have more than four flexible lots on any given parcel. This requires that a plan be drafted showing the approximate location of where these lots are going to go and the size of those lots. This will allow the Town to check the map and make sure that the map is correct and the property owners actually has enough land to do this. That plan will get recorded in the Registry of Deeds which will protect the property owner. If plans change, there is a provision that gives the property owner the opportunity to go in and invalidate the plan. For any lots they already created, the additional land that is open space would have to continue to be open space but they do not have to maintain open space for lots not created. Back in August there was some concern about lots being clustered next to property lines. She provided language that established a new setback and this is the only place that this setback would exist. It says that the property line of any flexible lot has to be set back at least 50 feet from the property line from the original parcel that is getting the new lot. This is not in the proposal but is simply something for the Council to consider. She answered questions for Councilors.

Chair Sachs asked what is the problem we are trying to solve with this solution. Ms. Larson referred to the Comprehensive Plan and that it suggested finding other alternative ways to deal with lots not in sub-divisions. The average lot size in a sub-division in terms of density usually works out to be 3 ½ or 3 ¾ acres. The Comprehensive Plan suggested having a larger lot size for sub-divisions. Last fall the Planning Board sent out a survey to everyone in the rural residential district and received 750 back. People were not in favor of increasing the minimum lot size but were in favor of looking at other options

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such as growth management and putting building permit limits on, etc. This proposed amendment does not have anything to do with the Comprehensive Plan but the Plan talks about finding ways of preserving open space even in non-sub-divisions.

Councilor Wellen asked if this approach is being done else where in the State or the country. Ms. Larson advised that she is not aware of any other place where this is being done. Councilor Wellen asked if Ms. Larson had any pros and cons to share with the Council. Ms. Larson noted that this is less land consumptive and is good for open space. Having shorter roads is probably a good thing. It is not increasing the rate of housing. These lots can be a little smaller so that land can be preserved as open space.

For clarification purposes, Mr. Joseph explained that on a ten-acre parcel, this would allow four houses to be clustered on two acres and the other eight acres would be set aside for open space.

Ms. Larson explained that it would retain wildlife corridors. The road frontage requirement is 100 feet rather than the 200 feet. If one does not have 200 feet of road frontage when calculating his/her density, they are dividing by  $2\frac{3}{4}$  acres instead of  $2\frac{1}{2}$  acres. If one only has 300 feet of road frontage, he or she can have one lot with 250 feet and one lot with 100 feet along the road and can have 80 acres on that lot but if he or she uses up all of the road frontage and doesn't leave a right-of-way to get back there, he or she cannot use it. They landlocked their parcel. If someone only has 300 feet of road frontage, they would have to set the smaller lot back. There are many scenarios because every lot is different. If anyone has 800 feet of road frontage, they could get all of them along the road.

Wendy Caisse, Planning Board Chair provided a broad overview on the general conversation with the public. They asked the public if they would like larger lots and found that they did not want larger lots. People indicated that this is creative and gives them some flexibility. They had four meetings and spent a lot of time talking about this. There was very little negative conversation about it. She did note that the abutting landowner could feel an impact if there were house after house after house. She personally feels it is more efficient to have houses closer together.

Lisa Turner of Wardtown Road pointed out that this is done in Virginia. She mentioned that the point is to stop cutting up land into  $2\frac{1}{2}$  acres. This would enable her to sell small house lots along the side and still retain the full chunk of land. This is an elegant solution that gives people an option. It's still one lot every five years just like it is now.

Ruby McDermott from a lane off Desert Road explained that if this proposal goes through, she could sell three lots and those owners would not be able to see each other's homes. She has a wonderful field and a tree growth. She would not want to see anyone build anything in her field. She noted that open space gives people peace. She can see the value in her field.

Aaron Kaufman, resident, feels that this would be smart development for the town and he would support it. Referring to plastic bags, he suggested that anytime the Council has an opportunity to do something that is better for the environment and the world, they should take that opportunity.

Matt Russell of Upper Mast Landing Road explained that he lives on 25 acres. He has 11 acres in fields and 14 acres of woods. He could have chunked his land up into eight lots but he was excited when this proposal came forward. He would only get three more lots but he can put them on the edges and keep his field so that in the future someone could still farm it, go sledding on it or go walking in the woods. He will probably have to subdivide it at some point for financial security. He is willing to have only three more lots and preserve this open space.

He urged the Council to approve the original 504.C proposal and not accept Ms. Larson's additional 50

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foot setback proposal. He sees no reason for it. He pointed out again what he could do with his property at his time.

Chair Sachs noted that it does not invalidate the rest of Mr. Russell's argument if the amendment went through with the additional setback. There is lots of choice for the landowner but it may, in some cases, limit the abutter that does not have choice. Mr. Russell feels the additional setback proposal is just wasting more land. He suggested that if the Council is going to move forward with the 50 foot amendment, it add a provision that this could go to the Zoning Board of Appeals and they could reduce it to zero if the abutters have no problem with the very nice plan being put together. Chair Sachs pointed out that for the abutter, this is not necessarily a waste.

Councilor Tracy thanked the members of the public for helping her understand the purpose and benefits of this proposal. Councilor Hendricks noted that he would be willing to approve the language as originally provided.

**MOVED AND SECONDED:** That the Council approve the language as originally proposed without the amendment. (Hendricks & Gleeson)

Councilor Wellen explained that he became a Councilor based on protecting the rural residential area, he sees the advantage of this in terms of protecting open space. These folks that have these lots can improve their financial positions. He is concerned about abutters where you could be clustered more than you could anyway. There are cons out there that we perhaps all don't all agree to. Some people say "that's my 401k. I can get that value" but the person that is being clustered near may lost value on their home. There are people that are passionate about this proposal but they also have a self interest. The speakers this evening are landowners who will benefit from this. He is concerned that there may be unattended consequences when you do something like this and we are the only town in Maine considering this.

He would like the Town Planner to do more research and look at the consequences where it has been done in other states or talk to Planners. He feels it is too risky right now. He agrees that more open space is ecologically better and shorter roads are better. He is representing the whole district where people like the rural residential feel of their space of a couple acres and not having clustered houses nearby. He feels it is too much to risk moving in that direction right now.

Councilor Tracy pointed out that she is generally in favor of this but has a bit of discomfort. She is aware here has been a lot of work done by the Planning Board. She asked Ms. Larson if the Council wanted to get input from other resources. She asked if there are organizations or ex-planning experts that might be able to review it and provide some comments.

Ms. Larson noted that she could go to the Natural Resources Council of Maine or an outdoors association. She could go to different places and she is not sure what the Council would feel is valid. Councilor Tracy mentioned that she is talking about planning experts with an interest in development or open space. Her thought was more a neutral body. Ms. Larson mentioned she could go to a planning consultant but we would have to pay for it and ask them for comments. She explained that she has never done this before and is unsure what kind of reaction she would get. Councilor Tracy would like to put it out for peer review. Ms. Larson offered to try.

Chair Sachs advised that the original motion is already for consideration under **BE IT ORDAINED.**

Councilor Gleeson mentioned that he does not want to rush but feels there is good intent. This has been tabled so long but he is open for discussing it further. If the Council took a straw vote right now, he would go with it. Councilor Wellen noted that Councilor Tracy's approach makes sense

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to allow some time for our Town Planner to speak to other planners and get peer review. We are talking about a big change that has not been done in Maine and we should be very careful. It is concerning that all the speakers only spoke about how great this would be for them and their assets. There appears to be a lack of sensitivity for the abutting home owners.

Councilor Hendricks explained that he does not feel peer review will be helpful from his point of view. Councilor Tracy mentioned that there may be comments on the workability of this and ways that may make it easier to administrate. It sounds like a creative approach to development. It may work well. Our Planning Board is very familiar with our Comprehensive Plan but it is made up of volunteers, just like the Council. It seems prudent to get some feedback from experts, if we can get it for free, if it exists just so we can factor it in. We may say at the end of the day, that their comments do not reflect our Comprehensive Plan and that is fine. She doesn't know why the Council wouldn't try to reach out and see if there is anything we should consider. This seems to be very cutting edge. She would lean towards getting feedback from people that from a mission standpoint are fairly neutral. Mr. Joseph explained that COGS provides planning services to smaller towns north. Portland is not doing a lot of contract planning for towns around here.

Chair Sachs advised that she did not get any feedback from Councilor Egan. She provided options to the Council. Councilor Hendricks noted he would like to vote on it now but can understand why other Councilors want to get more information. He would not want to have another 2 ½ hour conversation on this topic. He would prefer to table it to a date certain and once the Council gets the information, it come to a decision without rehashing everything that has already been said.

Councilor Gleeson advised that he is leaning towards it but recommends tabling it to December 1. He understands that the Planning Board has worked hard on this. For his own comfort level, he wants to recheck on it.

**MOVED AND SECONDED:** To table Item 134-15 to a date certain of December 1. (Gleeson & Tracy)

Ms. Larson asked for clarification. Councilor Tracy suggested that she ask for feedback. If there any issues on this new approach to lot development that should be considered as the Council decides whether or not to pass it.

Ms. Larson advised that she will put this out to the Greater Portland Council of Governments, Androscoggin Valley and Kennebec Valley and ask them if someone on their staff would be willing to give this a read-over with their understanding that she is not asking them to provide any legal aspects. Chair Sachs suggested asking for technical aspects, unintended consequences. Mr. Joseph noted that he will distribute the comments to the Council as soon as they are available.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Egan)

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**MOVED AND SECONDED:** To adjourn at 10:30 p.m. (Gleeson & Tracy)  
**VOTE:** (6 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES  
FREEPORT TOWN COUNCIL MEETING #20-15  
FREEPORT TOWN HALL COUNCIL CHAMBERS  
TUESDAY NOVEMBER 10, 2015**

**6:30 p.m.**

	<b><u>PRESENT</u></b>	<b><u>ABSENT</u></b>	<b><u>EXCUSED</u></b>
Kristina Egan, 5 Weston Point Road		x	
Scott Gleeson, 23 Park Street	x		
James Hendricks, 21 West Street	x		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 75 Lower Flying Point Road	x		
Andrew Wellen, 83 Hunter Road	x		

Chair Sachs called the meeting to order at 6:30 p.m. and took the roll. She advised that Councilor Egan is absent this evening.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #19-15 held on October 20, 2015 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #19-15 held on October 20, 2015 and to accept the minutes as printed. (Gleeson & Tracy) **VOTE:** (6 Ayes) (1 Absent-Egan)

**THIRD ORDER OF BUSINESS:** That the Town Clerk report on the returns of the November 3, 2015 Election.

Town Clerk Christine Wolfe reported that everything went well at the Election and thanked the election workers for their help as well as Deputy Clerk Mary Howe and Rick Simard. She pointed out that with the high school renovation going on, she will have to look at the parking situation for the November, 2016 Election. She reported the Election Results as follows:

Total Number of Registered Voters At Poll Opening Time - 6,472  
Number of Registration Cards handled by the Registrar on Election Day (New Voters and Change of Address, Name or Party) - 46  
Total Number of Ballots Cast: State-1,878; Town-1,882  
Percentage of Voters who cast ballots - 29%  
Number of Absentee Ballots requested - 301  
Number of Absentee Ballots cast - 256  
Percentage of Votes Cast by Absentee - 13%  
Number of Absentee Ballots never returned to us - 39

**MUNICIPAL ELECTION RESULTS:**

**Town Councilor At Large, 3-Year Term, 1 Seat**

458 - Doreen Mae Christ  
1,227 - Melanie Sachs  
23 - Write-ins  
174 - Blanks

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**Town Councilor District 4, 3-Year Term, 1 Seat**

122 Write-ins: Leland Arris elected with 50 votes; Runner up with 26 votes was Jennifer Worthy

**RSU#5 Board of Directors, 1-Year Term, 1 Seat**

1,380 - Louise Brogan  
12 - Write-ins  
490 - Blanks

**RSU#5 Board of Directors, 3-Year Term, 2 Seats**

1,012 - Jeremy Clough  
857 - Nelson Larkins  
970 - John B. Morang  
20 - Write-ins  
905 - Blanks

**Sewer District Trustees, 1-Year Term, 1 Seat**

780 - Clinton Goodenow, Jr.  
474 - Wilson Woodbury  
9 - Write-ins  
619 - Blanks

**Sewer District Trustees, 3-Year Term, 3 Seats**

932 - Michael Ashby  
741 - James Harriman  
1,068 - Sara Randall  
17 - Write-ins  
936 - Blanks

**Water District Trustee, 3-Year Term, 1 Seat**

101 - Write-ins: Elected with 11 Votes: Leland Arris  
1,369 - Blanks

**STATE OF MAINE RETURN OF VOTES CAST, MUNICIPALITY: Freeport - 1 (1-1)**

**Question 1: Citizen Initiative**

1,174 - Yes  
585 - No  
19 - Blanks

**Question 2: Bond Issue**

1,344 - Yes  
516 - No  
18 - Blanks

**Question 3: Bond Issue**

1,431 - Yes  
434 - No  
13 - Blanks

**COUNCIL MEETING #20-15**  
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**MOVED AND SECONDED:** That the Town Clerk's report be accepted. (Tracy & Gleeson)  
**ROLL CALL VOTE:** (6 Ayes) (1 Absent-Egan)

**SWEARING IN OF NEW COUNCILORS BY THE TOWN CLERK:**

Town Clerk Christine Wolfe swore in  
Melanie Sachs, 84 Kelsey Ridge Road  
Leland Arris, 70 Glenview Road

Chair Sachs took the roll:

	<b><u>PRESENT</u></b>	<b><u>ABSENT</u></b>	<b><u>EXCUSED</u></b>
Kristina Egan, 5 Weston Point Road		x	
Scott Gleeson, 23 Park Street	x		
James Hendricks, 21 West Street	x		
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 75 Lower Flying Point Road	x		
Leland Arris, 70 Glenview Road	x		

On behalf of the Council as well as Town Staff, Chair Sachs recognized outgoing Councilor, Andrew Wellen by presenting him with a plaque thanking him for his dedicated service to the Town and its citizens during the years 2012-2015. She noted that she would truly miss Councilor Wellen's perspective.

Councilor Wellen thanked everyone for working together the last few years. He feels it has been a great experience. He has appreciated working with Councilors, residents and Town staff. He thanked the Save Our Neighborhoods group in Freeport because they helped him become acquainted with Town politics and motivated him to run for Council. He also thanked his wife and kids for supporting him and tolerating his endless discussion on Town politics at the dinner table.

Councilor Tracy pointed out the Councilor Wellen always did his homework and expressed his views articulately. He was not afraid to say what he thought and often swayed the Council discussion. She appreciated that perspective. She advised that he served his constituents well and was always willing to dig in and do the hard work that the job required. She thanked him for his time.

Vice Chair Gleeson echoed everything Councilor Tracy just said. He enjoyed Councilor Wellen's fearlessness even when the room was full of people and articulated his points if he was passionate about something. He found Councilor Wellen to be helpful working on the Ordinance Committee. He will miss working with him on the Council. He enjoyed their chats regarding investing in the parking lot after the Council meetings.

Chair Sachs explained that she hopes Councilor Wellen will provide comments at future Council

**RECEPTION FOR OUTGOING COUNCILOR:**

The Council recessed at 6:37 p.m. to recognize outgoing Councilor Andrew Wellen.

Chair Sachs brought the meeting back to order at 6:58 p.m.

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

**COUNCIL MEETING #20-15**  
**NOVEMBER 10, 2015**

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ITEM #179-15                      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. (Hendricks & Tracy) **VOTE:** (6 Ayes) (1 Absent-Egan)

**MOVED AND SECONDED:** That Melanie Sachs be nominated as Council Chairperson. (Tracy & Rixon) **VOTE:** (6 Ayes) (1 Absent-Egan)

There were no other nominations provided.

**MOVED AND SECONDED:** That the nominations for the position of Council Chairperson be closed. (Hendricks & Tracy) **ROLL CALL VOTE:** (6 Ayes) (1 Absent-Egan)

**BE IT ORDERED:** That Melanie Sachs be elected Chairperson of the Town Council. (Rixon & Tracy) **ROLL CALL VOTE:** (6 Ayes) (1 Absent-Egan)

Chair Sachs thanked her colleagues.

**MOVED AND SECONDED:** That the nominations for the position of Council Vice-Chairperson be opened. (Gleeson & Tracy) **VOTE:** (6 Ayes) (1 Absent-Egan)

**MOVED AND SECONDED:** That Scott Gleeson be nominated as Council Vice Chairperson. (Tracy & Hendricks) **VOTE:** (6 Ayes) (1 Absent-Egan)

There were no other nominations provided.

**MOVED AND SECONDED:** That the nominations for the position of Council Vice-Chairperson be closed.(Rixon & Tracy) **VOTE:** (6 Ayes) (1 Absent-Egan)

**BE IT ORDERED:** That Scott Gleeson be elected Vice-Chairperson of the Town Council. (Hendricks & Tracy) **ROLL CALL VOTE:** (6 Ayes) (1 Absent-Egan)

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**MOVED AND SECONDED:** To adjourn at 7 p.m. (Gleeson & Hendricks) **VOTE:** (6 Ayes) (1 Absent-Egan)

Respectfully submitted,

Sharon Coffin, Council Secretary



**MINUTES  
FREEPORT TOWN COUNCIL MEETING #21-15  
FREEPORT TOWN HALL COUNCIL CHAMBERS  
TUESDAY DECEMBER 1, 2015  
6:30 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
Leland Arris, 70 Glenview Road	X		
Kristina Egan, 5 Weston Point Road	X		
Scott Gleeson, 23 Park Street	X		
James Hendricks, 21 West Street	X		
William Rixon, 66 Varney Road	X		
Melanie Sachs, 84 Kelsey Ridge Road	X		
Sarah Tracy, 75 Lower Flying Point Road	X		

Chair Sachs called the meeting to order at 6:33 p.m. and took the roll.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #20-15 held on November 10, 2015 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #20-15 held on November 10, 2015 and to accept the minutes as printed.(Gleeson & Tracy)

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

**THIRD ORDER OF BUSINESS:** Announcements

- **Residents of Freeport Can Now Obtain License Plates at the Town Hall!** The Town of Freeport has been appointed as an agent for the Secretary of State and is now able to process New Registrations and transfers for vehicles. This enables residents to get their vehicle registrations and plates within minutes.
- **The Deadline for nominations for the 2015 Citizen of the Year Award is December 10, 2015.** Nomination forms are available at the Town Office, the Freeport Community Library and can be found on the Town's website at [www.freeportmaine.com](http://www.freeportmaine.com).
- **2016 Dog Licenses are now available.** All dog licenses expire December 31st of each year. Dogs six months and older are required to be licensed by law. You may register at the Freeport Town Hall or online at [www.doglicensing.com](http://www.doglicensing.com). Please bring proof of the rabies vaccination and spay/neutering. The cost at town hall is \$6 and \$11, respectively.

*Please be aware that you must renew your dog license no later than January 31st of each year, or a late fee of \$25.00 per dog will be charged.*

There will also be a **Rabies Clinic at the Town Hall from 9:00 a.m. – 12:00 p.m. on Saturday, January 23<sup>rd</sup> 2016.** Vaccinations are \$15.00 for both dogs and cats. You may license your dog during the rabies clinic at the Town Clerk's Counter.

- **December is "Food for Fines" month at the Library!** During the entire month of December all overdue charges will be eliminated from your account in exchange for donations of non-perishable food items that are comparable in value to your fines. For example 1 can of food = \$1 in fines. All the non-perishable food items collected during December will go to the Food Pantry at Freeport Community Services.

**FOURTH ORDER OF BUSINESS:** Information Exchange

Chair Sachs pointed out that there will be a Shellfish meeting on December 10 at 6:30 p.m. at the Freeport Community Center. It will include a presentation by Chris Warner who is a clammer/fisherman out of Georgetown who is currently embarked in a clam leasing project. Anyone interested is encouraged to attend the meeting.

Councilor Egan reported that FEDC and the Sewer District have been having continuing substantive conversations about both how to ensure good sewer access to our businesses and also think about growth in the future for economic development.

Councilor Rixon reported that the Recycling and Solid Waste Committee is considering presenting six \$500 ECO grants to teachers and students to develop ideas on issues of sustainability and possibly recycling, composting or renewable energy. They are working on this and he will report on it when it is finalized.

Councilor Rixon also attended a Maine Storm Water Conference with Al Presgraves. At that conference the Department of Homeland Security was one of the many presenters. The Homeland Security representative said he had one overriding message and that the Department of Homeland Security takes Climate Change very seriously. The presentation was on what the federal government is doing about Climate Change. If anyone wants more information on this presentation or any of the others from the conference, they can go to [www.Mainestormwaterconference.org](http://www.Mainestormwaterconference.org).

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

Mr. Joseph reported:

- Freeport's Finance Department is proud to announce that we are now issuing motor vehicle plates. The Town has received temporary authorization from the Secretary of State to issue plates, which will be upgraded to full authorization after the successful completion of a 6 month probationary period. This authorization required training of staff, as well as inspection and review by the Bureau of Motor Vehicles of our existing registration agent status, which was successfully completed in October. The Finance Department began issuing plates to the general public on November 1<sup>st</sup>. This means that for most new registrations, residents will no longer be required to make the trek to the BMV office in Topsham to complete their registration. Congratulations to the Finance Department on their successful completion of this certification!
- Holiday Hours: All Town offices, including the Library and Recycling Center, will close at 2 p.m. on December 24<sup>th</sup>. The Town Hall will be closed from 12-1 p.m. only on December 17<sup>th</sup>, so that employees can attend a holiday luncheon at the Public Safety Building.
- After hearing interest from Town residents, Town Planner Donna Larson is currently investigating the feasibility of a second joint purchasing program, modeled on last year's highly successful "Solarize Freeport" program, for purchases of alternative heating systems such as heat pumps and

pellet furnaces. Utilizing the existing model from “Solarize” will help to reduce staff time and effort required even further for such an effort. Interest from the community is currently being gauged, to see whether such a program would be feasible. Any residents who are interested in learning more should contact Donna at 865-4743, Extension 103.

- Lastly, it is with sadness that I inform the public that Library Director Beth Edmonds has formally announced her retirement, planned for February of 2016. Beth has been a Town employee since 1981, and has held the position of Library Director since 2005. It is with great respect that I ask you to join me in congratulating Beth on her lengthy and distinguished tenure with the Town.

Beth advised that she has loved being the Library Director but there are other pieces to her life. She has a new grand niece that lives in California. She announced that Vicki Lowe is also retiring at the end of December. They will be having their Holiday Tea on December 10 from 12-2 p.m. and it will be a party for Vicki as well. She began working at the Library in 1979. Ms. Edmonds hopes everyone will come and attend. She also explained that there are very good people in house that could take over. They have worked hard and really understand the process.

Mr. Joseph advised that he, Beth and Council leadership will discuss moving forward with Beth's replacement over the next month or so.

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

**MOVED AND SECONDED:** To open the Public Comment Period. (Tracy & Egan) **VOTE:** (7 Ayes)

Joyce Veilleux, Commander of American Legion Post 83 explained that they have been involved with cleaning up veterans' stones in the cemeteries. There is one instance where they plan to replace a stone and will schedule a re dedication ceremony at some point. They have been cleaning many stones and they have finished the First Parish Cemetery with help from the DAR and members of the church. They have done all the veterans' stones at Porter's Landing except for one which is too tall. They will need a longer ladder. They finished the Upper Mast Landing Cemetery. Next year their goal is to do Woodlawn Cemetery which has approximately 154 stones and they will be looking for help. If there are any Boy Scouts, Girl Scouts, Masons or anyone that would like to help, they can be reached at American Legion Post 83 on Facebook. She explained the chemical they use that is not harmful to the stones and is environmentally friendly. They have identified 732 stones.

Mr. Joseph thanked Mrs. Veilleux and the Legion volunteers for their work in cleaning up stones the past two years.

Jean Fraser of Ponderosa Drive suggested that the Town consider having a Sustainability Coordinator appointed for the town as is currently working in Falmouth, Portland, etc. She is inspired by the excellent Resolution the Council will be taking up later in its agenda. She is proud to see how Freeport has taken the lead on so many projects and initiatives that address Global Warming and Climate Change. She feels that the initiatives could be more effective and include so many more people, organizations, schools, and businesses if there was a Sustainability Coordinator looking after not only Freeport but also on behalf of Freeport, other parts of Maine, the Country and the World. This coordinator could educate and inspire a large number of people would be wonderful.

Caleb Stevens, a Topsham resident explained that he runs the Edward Jones office in Freeport. He is also on the Freeport Community Improvement Association Board. He mentioned all the projects they have completed in Freeport. They have recently put up the new banner post on Route One near Exit 20. They

have been accepting bids for the hard scape and landscape finishing to cap it off but will finalize who will do the work and what they will do. The new sign at Exit 24 will be capped off as well with stone work and plantings. The Edward Jones office is located at 5 Depot Street, Suite 24, 2<sup>nd</sup> Floor and they are currently accepting donations of new and unwrapped gifts for Toys for Tots through December 11<sup>th</sup>.

Heidi Vierthaler, Freeport resident, noted she is very grateful for all of Beth Edmond's service. She has served as an activist in the Democratic Party. She brought a paragraph or two to add to the Resolution to President Obama. Chair Sachs explained that the Council never takes public comment on resolutions. She welcomed Ms. Vierthaler to provide her information to Councilor Rixon, who wrote the resolution and if he wishes, he can perhaps incorporate some of her comments.

**MOVED AND SECONDED:** To close the Public Comment Period. (Hendricks & Tracy) **VOTE:** (7 Ayes)

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

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ITEM #180-15                      To consider action relative to adopting the December 1, 2015 Consent Agenda.

**BE IT ORDERED:** That the December 1, 2015 Consent Agenda be adopted.  
(Tracy & Egan) **VOTE:** (7 Ayes)

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ITEM #181-15                      To consider action relative contracting for the purchase of two new police cruisers.

**BE IT ORDERED:** That the contract for the purchase of two police cruisers be awarded to Casco Bay Ford in the amount of \$54,176.

*Note: This item was approved in FY16 Capital Program for \$68,000. The balance remaining in the Police Equipment Reserve fund as of 10/31/2015 is \$329,849.96.  
(Hendricks & Egan)*

Chief Schofield explained that the money was approved during the Capital Budget process. The difference between the two bids is \$38.26 per vehicle. While the low bid is from Quirk Ford in Augusta, he determined that it would make sense to purchase the two cars from Casco Bay Ford in Yarmouth to save sending three officers and one vehicle to Augusta at an approximate cost of \$100. Calculating that into the overall cost of the vehicles, it makes the bid from Casco Bay Ford the lowest. He answered questions for Councilor Arris.

Councilor Tracy noted she is happy to see the choice of vehicles and that they are a positive image for Freeport. They seem to be economical as well so it is a win, win.

**ROLL CALL VOTE:** (7 Ayes)

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ITEM #182-15                      To consider the following resolution:

**WHEREAS,** The Town has already reduced its carbon footprint by initiating a Solarize Freeport program, insulating town buildings, converting to LED lighting, installing solar panels on the town library,

providing energy audits and insulating homes of low-income residents;  
and

**WHEREAS,** The Town has a significant economic and environmental interest in the continued long term health and productivity of the coastal and ocean environments and the preservation of its established commercial coastal and ocean harvesting operations; and

**WHEREAS,** The Town has made significant investments within the Town's jurisdiction to mitigate effects of biological threats to commercially harvested marine species that are likely resulting from ocean warming and ocean acidification; and

**WHEREAS,** Scientific research shows that effectively addressing the potentially severe biological impacts of ocean warming and ocean acidification must include international, national, statewide, and regional efforts, as well as local efforts; and

**WHEREAS,** In December, 2015, at the 21<sup>st</sup> session of the Conference of the Parties to the United Nations Framework Convention on Climate Change (UNFCCC), or COP21, the President of the United States and his Administration are scheduled to participate in an international discussion that will focus on reducing global carbon emissions and keeping global warming below 2°C.

**NOW, THEREFORE, BE IT RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FREEPORT,** that the Town Council hereby urges the President of the United States and his Administration to commit to reducing carbon emissions at the national and global level at COP21 in December, 2015. Let it be known that Freeport is already pursuing local programs to reduce carbon emissions, but more action is needed at the state, federal, and international level to meet the challenges of climate disruption.

**BE IT FURTHER RESOLVED,**

That the Town Council will submit a letter to the President of the United States to convey this message. (Rixon & Egan)

Heidi Vierthaler indicated she gave information to Councilor Rixon. Councilor Rixon noted that he has not read all of her information and questioned if it is appropriate. He noted he would like time to review it. Chair Sachs invited Ms. Vierthaler to go to the podium to ask a question but reiterated the Council does not take public comments on resolutions.

Ms. Vierthaler wanted to know if we could put a call in for the creation of a clean green energy economy and maybe include the concept of a Manhattan project type of endeavor to get people back to work on the economy and also mention that the Gulf of Maine is warming faster than 99.9% of the global oceans and it would be nice to invite Obama to visit us. Chair Sachs explained that Councilors are welcome to propose an amendment if they so desire.

Chair Sachs pointed out that the Town actually provided access to energy audits and home insulation, it did not do them which was stated in the first paragraph. She asked Councilor Rixon to explain "biological

threats” contained in the third paragraph. Councilor Rixon explained that this came from the resolution from last spring. They were Pat Norton's words and referred to the green crab issue and warming waters. Chair Sachs noted that the Town studied the effects of predation in our Eco system but the Town did not do some of the other things mentioned in the resolution. She feels the Town was supporting the institution of an ocean acidification panel at the State level so that they would begin to do these things. She also did not agree with the broad blanket statement in the second paragraph.

Vice Chair Gleeson noted it's why we are taking a national and global resolution at the Council level. The resolution pertaining to ocean acidification was at the State level. He worries about the next hot bed issue and what happens if a Councilor comes forward and is passionate about the fact that the U.S. has the highest corporate taxes in the world and we should be lobbying our President to lobby the Congress that we support Freeport's economic growth. It can go on and on with whatever issue a Councilor wants to take up the Council's time with. He feels he is here as a steward of his district and to deal with the ultimate and local issues as sort of doing the nitty gritty paperwork and that is what he wants to stick to.

Councilor Egan noted she is supportive of this resolution and is not worried about the slippery slope. She feels that Climate Change is having an immediate impact in our town. It is not something that is a global or state-wide issue. It is here and we have experienced it already in the clamming industry. We are experiencing extreme weather. She feels we have a duty to step up on these issues and join with the other municipalities that have taken this resolution and stand up for the things we already lead on. Make sure that all the citizens in Freeport we are representing know that the Town Council cares about this issue and wants to take action on it. She feels it is a good thing for the Council to do and is grateful to Councilor Rixon for bringing this forward. She mentioned that she has heard from a lot of her constituents by E-mail that it is important to them that the Council take action.

Councilor Hendricks noted he shares the same reservations that Vice Chair Gleeson has on resolutions. Typically they have been something that affected Freeport and its citizens and acknowledged something locally. He feels the Council can all sit here and have its own issue. We all have our own activist-type issues that we support and like and we could all bring those to the table here locally and make resolutions about them. He does not feel that it is the purview for the Freeport Town Council. He will not oppose the one being proposed tonight but agrees that the edits will make it more sound.

Councilor Tracy explained that she is conflicted on this issue. She personally believes that Climate Change is an issue. She believes it is an opportunity to lead but the issue is a potential challenge for the Town Council in the sense that environmental issues are not part of the Council's core mission. She agrees that they sometime affect the Council's local jurisdiction and that requires attention and we have taken action, which she has supported in the past along the lines of access to renewable energy, efficiency options, access to studying the effects of Climate Change on certain industries such as the clamming industry, all of which she supports. As we consider these resolutions and we consider Council Goals, she would like the Council to be careful of doing something that would then hamstring us later in considering all the angles of another proposal that comes down the road. She does not feel this resolution does that so she will not oppose it. She is not opposed to exploring issues related to Climate Change but goes back to the discussion of the Single Use Bag Ordinance. If we had had something such as a Town Goal regarding Climate Change, we may not have been able to as openly consider all of the angles as we did in that process. She recognizes that some people were not happy with the way that turned out but wants to make sure as we are doing these kinds of things, we are not setting a precedent that later restricts us from really acting in a way that we think is appropriate for the next issue that comes down the road. She does not think this resolution is harmful and will not oppose it.

Councilor Egan pointed out that she feels that Global Climate Change is not an environmental issue. It is really about our economy and how well we will have quality of life in the future. We are talking about the

future of how our planet is going to be and the people on the planet, more importantly. This is about survival and quality of life. It's here and now and about us.

Councilor Tracy advised that this issue has the potential to take over everything the Council does. There needs to be some balance but she does not mean to lessen the impact of Climate Change. As a governing body we have other considerations and we need to have the freedom to consider those without having this issue trump all because it has the potential to do that. Councilor Egan agreed.

Chair Sachs mentioned that she heard that four Councilors have a little concern about the imprint that this might have for future issues and the ability to look at them. She suggested making an amendment and there was general agreement to go with it.

**MOVED AND SECONDED:** To amend the first paragraph to read: providing access to energy audits and home insulation of low-income residents; and eliminate the second and third paragraphs. (Sachs & Hendricks) **ROLL CALL VOTE:** (5 Ayes) (1 Nay-Arris) (1 Abstention-Gleeson)

**ROLL CALL VOTE ON AMENDED RESOLUTION:** (6 Ayes) (1 Abstention-Gleeson)

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## **OTHER BUSINESS:**

Discuss Council Goals for 2016.

Chair Sachs provided information and suggested discussing each one. She mentioned that it took two meetings last year to settle on the four basic goals. There was general agreement that simple majority would be great.

### **1. Goal related to the budget/budget process**

Prioritize, evaluate and control expenditures in operating and capital budgets to mitigate the impact on the taxpayers and maintain a stable tax rate, while providing the highest quality services possible within the resources available.

Councilor Hendricks noted he is fine with adopting last year's language but did not want to put a certain benchmark number that the Council is trying to achieve. It makes it harder in the budgetary process, because budgetary increases can come from the State or the County which would drive us over this particular goal. He would not like to have this specific goal and then have to rehash our own budget because we are trying to hold to 2%. Trying to be too specific could hamper the process.

Councilor Egan agreed with Councilor Hendricks. She, too, is fine with last year's language. Her reason for not putting a financial benchmark is because we don't know what the State will do. We will be in a touch position if it turns out that something unexpected happens, either on the expense side or the cutting of revenue side.

Chair Sachs asked for a show of hands if Councilors were fine with adopting last year's language for Goals No. 1. There was general agreement to do so.

### **2. Goal related to property tax relief**

Chair Sachs mentioned that the desire for a stable property tax came from several folks. Bob Konczal provided a memo earlier today regarding some proposals. Councilors requested a copy of his memo and Mr. Joseph offered to make them.

Mr. Joseph provided the memos. Chair Sachs referred to what was proposed and explained that it cannot be implemented because of State laws and regulations. She asked for thoughts.

Councilor Hendricks mentioned that we really are hamstrung by Maine law in what we can actually do. There isn't much we can do about reducing the tax rate unless we stop spending. Taxes have to be sent out equally to everyone. There are forms offering property tax relief that can be done by law but they are not that great. The Town does not want to become a foreclosure company. He is aware that some people have been on the payment plan for sometime. The Council needs to be aware that some people are having trouble maintaining their homes or keeping the homes they once had because of property taxes.

Councilor Egan recognizes that people are leaving Freeport for places that have lower property tax rates because they are getting priced out of their homes. The problem is that we are losing some of our long time residents. If the Council wants to explore, she suggested: first, market what we have. Second, we should adopt the Ordinance as much as State law allows us to do and then promote that program. Third, to do a scan nationally and see what other states are doing. Since we need a State legal change, we could recommend to our State Representative and Senator that we have this problem in Freeport and we expect it is happening in other wealthier Southern Maine towns as well, and ask if they would consider seeking a change in State law that would allow people to age in place rather than move out of their long-term homes. She noted that any time we offer any type of relief, it comes out of taxpayer money. While she understands Mr. Konczal's point but it is a policy choice.

Councilor Tracy referred to Mr. Konczal's memo and that in addition to the deferral issue, he talks about the Municipal Property Tax Assistance option which may be implemented by the Town of Cumberland. She feels there are some limited options and she would not be opposed to exploring them to see if there is anything viable. She would like the goal in the form of exploring and looking at what our options are. She doesn't want the staff to spend a lot of time but feels we should start looking around the State. Mr. Joseph offered to ask Mr. Konczal about things we would like more information on. Chair Sachs mentioned that it could be a goal if we put it as a quarterly discussion item so that there are basic updates that would trigger the Council to think about it and talk about.

Councilor Egan feels that it doesn't need a huge amount of work but it needs a little bit of research and a little bit of focus. She feels it would appropriate to have it as a goal again. It's not something the Council can talk about and come to any conclusion. This information from Mr. Konczal is really helpful and she is looking forward to going through it in more depth but there also may need to be a slight reframing of the question around here is the problem; what are the different ways the Council can solve it and not just be limited to the way it is laid out. We may conclude as Mr. Konczal did at the top, the short answer is no, no and no. The Council may come to that conclusion after a short bit but we as Councilors without a little bit of staff support can really tackle this without a little bit of focus and research.

Mr. Joseph clarified what Mr. Konczal was responding to in his memo. He is not saying no, nothing of this can be done.

Chair Sachs asked if this should be a goal or no goal. Councilors Hendricks, Rixon, Arris and Gleeson explained that this should not be a goal. Councilor Tracy is willing to support a goal of exploring options that the Town may be able to access either through adoption of an ordinance or communication of programs available to our residents that we don't offer ourselves. She is open to this as a goal but feels it doesn't have to be a goal and the Council can address it in other ways.

Chair Sachs spoke with Mr. Konczal and learned that he will update these frequently asked questions and include some of the information. It will be on the website for folks. She suggested that Mr. Joseph ask Mr. Konczal for some of the things that he heard and that Councilor Egan shoot some questions to Mr. Konczal about things she would like extra information on. The Council can bring it back as a discussion



point later on. Councilor Hendricks suggested work shopping with Mr. Konczal for a half hour at some point. Mr. Joseph explained that other than the general exemptions and relief forms, the Municipal Property Tax Assistance Program for volunteer work for \$750 off and the local option tax deferral are both programs that could be adopted by Council action. It only takes Council action to adopt that ordinance or the program in one or the other case. Having it as a goal will not take it out of consideration. Chair Sachs asked Mr. Joseph to thank Mr. Konczal for putting this information up on the website. She noted it could be revisited during the budget workshop season when the Council is doing ½ hour meetings with department heads. It will give lots of lead time and brings the issue back up in February.

### **3. Goal related to Council communication and efficiency**

(Last year's language) Operate cohesively as a group, promote intercommunication, information exchange and collaboration on direction and process between Councilors, while conducting town business in an efficient manner and promoting transparency of Town government.

Other comments:

- Encourage Councilors to be better prepared, be more proactive in gathering more information well in advance of meetings, as well as sharing that information with others. Do your homework.
- Increase recognition of varied ways we interpret our role as a Councilor, the impact it has on our colleagues, and need for transparency.
- Consistent attendance and reporting out of Committee meetings to keep everyone informed.
- Efficiency in delivery of town services to citizens.

Councilor Hendricks asked for clarification on “Efficiency in delivery of town services to citizens.” Councilor Arris explained that on Fridays people cannot do any town business. It was brought up to him. He thought that perhaps there is some way the town can operate on that fifth working day. It was suggested that this goal be changed to read: Access to town services for citizens.

Chair Sachs explained that this may be less about Council Goals but more about things we would like to see happening, whether we can ask the Town Manager to do or we talk about during the budget process. As we go through these, be thinking about what goals, we as a deliberative body, want to do. She suggested that Councilor Arris keep that thought. It is a good point and not the first time we have heard it. It may be time to re-evaluate that particular thing.

Chair Sachs mentioned: Increase recognition of varied ways we interpret our role as a Councilor, the impact it has on our colleagues and need for transparency. She feels that some folks see this role as very nonpartisan, sort of a stewardship role that you are responsive to folks. Others take more of an activist role perhaps. Whichever way you practice impacts your colleagues. It is okay not be cohesive as a one unit speaking with one voice. That is perfectly fine but the recognition of how you interpret your role is important but you need to be transparent about it. This was discussed back in July when the Council reviewed its goals. She asked if Councilors liked the language from last year.

Councilor Tracy liked last year's language. She feels it would be helpful if a Councilor has a plan to go do something that is very public like putting a statement in the newspaper or be part of a thing that you know will be covered in a newspaper, where you will be perceived to be acting on behalf of the town in your individual capacity, it would be great to give people a heads up. If you feel it is not appropriate, that is your prerogative. She feels it would promote working better as a team and minimize some of the feelings of being blindsided when someone comes out on something and that is their prerogative to do, but others are taking certain actions and not knowing the whole picture.

Councilor Egan explained that there is not a right way or a wrong way to be a Councilor. Sometimes if

one believes in something and works on something, it should be accepted that you bring those beliefs to the table. Some of us are elected because of things we represent and the things we fight for. It should not be looked as a bad way or a less good way of being. We all have the prerogative to do whatever we want saying we are a Town Councilor. We are Town Councilors with individual views that can go out and do whatever we like to. It is really important as much as we can, to try to keep one another abreast of the issues that are going on. We have to respect that we all approach this role differently and there isn't one better than the other.

Chair Sachs thanked Councilors for their input. She asked if they are good with last year's language. Everyone was in agreement.

#### **4. Goal related to engaging Freeport citizens in decision-making**

(Last year's language) Continue to promote efforts to engage Freeport residents in decision-making.

- The Town administration and Council should continue its efforts to engage as many residents as possible in decisions affecting the town's suture. A road map for doing this is contained in the Town's Strategic Communications Plan, adopted in 2013.

Action Steps suggested last year around this goal:

- The Town Councilors will utilize active listening strategies at Council Meetings.
- Town Administration and Council should solicit feedback from residents as to action items that the Council or Town Administration may undertake to improve quality of life for the residents of Freeport. This may include holding District workshops, soliciting feedback through mailings or electronic surveys and placing suggestion boxes at Town Hall.
- The Council Chair will place progress reporting on adopted Council goals in June and December. Also will place quarterly status updates on agenda for ongoing issues as reported by Council Chair or Town Manager.

Chair Sachs explained that we are doing the Town Manager Report, the District Workshops, the Cable information, our phone numbers are on the web, people have access to our E-mail addresses. The Council did its goals but did not do quarterly updates. She explained that she talked to Mr. Joseph and we just started developing a tracking tool for some of the issues, such as the Snow Road easement. It will have to be put on a future Council agenda. We will start tracking some of these things a little bit better.

Councilor Tracy mentioned that last year she supported a couple of things. She feels we could be better about getting things in the local newspapers under the "Happenings Section" when we know a big issue is going to be taken up by one of our committees. She fears there is a whole population of people that don't follow Town doings and one way to get at them might be to have a note put in the *The Tri Town Weekly* one of the committees will be undertaking x, y or z. Look at the Town website for more information. She feels someone needs to be in charge of trying to solicit information from the committees and kind of be responsible for funneling it to the various places.

Councilor Tracy feels where we keep our documents all through the calendar system is incredibly difficult and onerous. If someone asked her to go back and find where the documents are posted, she would be hard pressed and she knows how to navigate the system. We really need to think how we structure making our information available to people. At times we do a good job of having a separate link and letting people know such as on the Withdrawal. She feels we did a pretty good job. It is worth considering how we make our materials accessible to people on our website. It's hard right now.

Chair Sachs noted that website redesign is in our Communications Plan. Because of the budget it didn't go forward. If we are saying we would like to review the Strategic Communications Plan, maybe we should look back into our recommendations and figure it out. Mr. Joseph recalled that this was identified two or three years ago but we never got beyond who determines when something is significant enough to be front and center. The committee recommended that we put everything in a central location, but that could change if we decide to do calendar or documents differently, that's totally do-able on the website unless there is an action of the Council to request that a special link be made to it. Councilor Egan explained how our files are labeled and it is not easy to go back and create history.

Councilor Hendricks mentioned that the reason the website was not redesigned was because of the cost. Chair Sachs urged Councilors to remember this at budget time when a proposal is brought forward.

Councilor Tracy suggested during one meeting a month, a pending question on our agenda, does anybody have any issues on any of their committees an issue that should be funneled to the local newspaper? Chair Sachs suggested that when Councilors are doing their information updates to note the items that should be inserted in the local newspapers. It could be added to the Town Manager's Report or two or three items could be provided to Betsy Roper of *The Tri Town Weekly*. Chair Sachs offered to take this on if Councilors say "this is an important issue and we anticipate next month talking about blah".

Councilor Hendricks explained that there has been a significant decline in attendance at the District Workshops. He also noticed that the Council hears some of the same questions at each workshop. He does not feel the Council should stop doing them but it should make a Town Hall or a Town Workshop where anyone can come from any district twice a year rather than four times a year and allow people to interact. He has been thinking of this during the past few months. If the meeting was held at the Community Center, it could be taped and televised. This may be a more efficient way to engage residents. He would prefer to have them as a separate open-ended meeting. Discussion followed.

Councilor Tracy pointed out that her district would be disappointed. Attendance at the District 2 Workshop has been well attended. Councilor Gleeson noted that perhaps we could have two Districts combined and is worthy of exploring. He agrees the workshop should be on a separate day.

Chair Sachs recalled Councilor Egan's suggestion of a few years ago that there should be a budget line item of a certain amount and solicit community input on how to spend it. Councilor Egan explained that it is called "participatory budgeting" and is working in a lot of places where there are problems to solve. Citizens are asked "what do you think will move Freeport forward or improve your quality of life?" It engages citizens in government and helps them understand the tradeoffs we face when looking at the budget. She hesitates to propose it because it costs money. A small pilot of \$1,000 or \$2,000 could be really great for citizen engagement. Chair Sachs asked Councilors to think about this and we are at a point where we can at least consider it. If we like it, we will ask the Town Manager to place it under the Boards and Committees budget piece. We can talk about it during the budget process.

Councilors were good with the language used.

Councilor Rixon asked for clarification on the Active Listening Strategies in 20 seconds. Councilor Egan explained that it is a technique of trying to let people finish and not let people know what you are going to say in response.

## **5. Goal related to working with the RSU/Pownal/Durham**

(Last year's language) Increase communication and strengthen the working relationship between the Town Council and the RSU5 Board

Action steps suggested by Councilors this year:

- One community meeting with all partners
- Updates by RSU/Town at one another's meetings
- Leadership meeting with chairs/superintendent and 4 partners
- Clarifying role and importance of School Board in determining tax rate for public

Councilor Egan feels it is always important for the Council to have a good relationship with the RSU5 Board. There isn't any hot button issues this year that requires it to rise to a Council goal but we should still try to have a relationship with them.

Chair Sachs explained that many of these are hers because she would change the language to reflect the Town Council, the RSU5 Board and our partner Municipalities. The reasons for saying this is if you are asking the Chair to be in leadership meetings and do a community meeting once a year, it is an investment of time. We are inviting the superintendent to speak frequently and to give updates about their budget process within our website as well as at our Council meetings. If that is an investment in time and resources that we are asking to do, it should be a Council Goal.

Councilor Hendricks pointed out that he felt the Council was very active in its participation in the meeting with the RSU5, he didn't feel the Council was warmly received by them. It appeared the meeting was more important to the Council than to the RSU5 Board. Chair Sachs provided an update on a meeting she attended in November. She feels that last meeting was productive. Councilor Hendricks feels it is important and our school district needs to be aware of the tax impact on residents. It is important to have discussions with them year in and year out. There may be ways to save taxpayer money in many ways. If Chair Sachs feels the investment in time is going to be good, he is fine with it. Councilor Tracy noted there is utility both in meeting with the School Board and in hearing what the other Councilors in the other towns say in that meeting and the issues that are important to them. The School Board chair this year is not a Freeport person and reflects the partnership that we have. We should preserve a vehicle for communicating now that we have established it. Chair Sachs pointed out that relationship building year is important and support for the new superintendent is also important. This is a good year to have it as a goal and she is willing to do it. She will craft some language.

**B. This goal was proposed by at least two Councilors:**

**1. Goal referencing issue of climate change**

Suggestions:

Recognizing the value of the town's coastal environment and marine resources, support existing efforts and promote new measures to adapt to climate change.

- Strengthen the town's efforts to reduce its climate footprint.
- Investigate other communities' efforts in becoming more resilient to the impacts of climate change.

Strengthen our town's efforts to combat and adapt to global climate disruption.

- Build on Freeport's reputation as a town that supports energy efficiency and renewable energy, sustainable transportation, land conservation, and cleaner water and air. Ensure the town's infrastructure is prepared for extreme weather and other climate disruptions. This should be accomplished by developing and implementing a municipal climate plan.

Chair Sachs asked if this should be a Council Goal or is it more of a town staff type of thing.

Councilor Tracy reiterated that she is supportive of things like investigating other communities' efforts in becoming more resilient to the impacts of climate change. Exploratory efforts to inform our knowledge about what other towns are doing and what we could consider is helpful and would be a positive step. She would not be supportive at this point of creating a municipal climate action plan. It seems a little more proactive than where she is comfortable at this point.

Chair Sachs mentioned that Solid Waste and Recycling had a wonderful mission statement where they expanded their scope beyond just the title of their committee where they were doing some of that. Councilor Egan mentioned if that committee is open to thinking about sustainability overall and having climate being a piece of that, that could be a place where some of this work happens. She is fine with not having a climate action plan but we could figure out how to do a few things this year. The idea was to get this on the agenda in an organized way. She feels the Council should decide whether it wants to have this as a goal. She feels we have a lot of things that we already do and it is a way of packaging it. We have made progress on Solarizing Freeport, protecting the marine environment, etc.

Councilor Tracy suggested having a workshop on municipal climate change activity and invite the Sustainability Coordinators from two comparable towns to come and talk about what they are doing. The Council can decide what to do from there and whether it wants to take action or decide to postpone it. She wants to have something that isn't perceived to be trumping all other issues and creating precedent.

Councilor Arris pointed out that climate change is a political word. It is a divisive word and a political word. We do all this stuff that impacts climate change. It is conservation, it is environmentalism. If we are going to talk about goals, we should probably use those words. We are all supportive of this. The community has done very many things for energy efficiency, conservation and it all equates to saving money and reducing carbon footprint. Those are all geared toward climate change. The world issues of climate change are very important but he would prefer to talk about what we are doing trying to do carbon neutral. He suggested not jumping into the middle that immediately brings some other thoughts on it that would not be productive. The entire world climate is not really the Council's issue.

Councilor Gleeson would be good having "Ensure the Town's infrastructure is prepared for extreme weather and other climate disruptions" as a separate goal. Chair Sachs explained that the Emergency Preparedness and Mitigation is a very different goal and this is where it got bogged down one year when it was thrown in one year as a goal.

Councilor Egan likes Councilor Tracy's suggestion of doing a workshop with Sustainability Coordinators. Maybe our goal is really modest and that we have a workshop in January and February and then we can decide where we might want to go from there. Chair Sachs explained that Emergency Preparedness and Mitigation is very different but they are both important.

Councilor Hendricks noted he is not for having this as a goal but he likes Councilor Tracy's suggestion of a workshop. He feels the topic is too broad and we already do some of these things. Councilor Rixon likes the idea of a workshop and is delighted that the Council is having this conversation. It may not be necessary to have this as a goal.

Councilor Tracy explained that the goal of the workshop would be to invite two Municipal Sustainability Coordinators to help us brainstorm actions that municipalities can take to address the effects of climate change and/or to minimize the Town's carbon footprint. There was general agreement to have the workshop.

Councilor Hendricks suggested scheduling an Emergency Preparedness Workshop, too. Chair Sachs penciled it in. Mr. Joseph noted that Deputy Chief Conley will be able to focus on this and start working with the Council. Chair Sachs asked Councilor Arris to talk to the Solid Waste and Recycling Committee

about our perception that they have expanded their mission and tell them what the Council is thinking about. Chair Sachs mentioned that the Emergency Preparedness Workshop would be scheduled in June because we are adding additional meetings.

Councilor Tracy mentioned community timing and one of the things that was problematic last year about the community meeting, time got away from us a little bit. When we entered into that discussion, we were all trying to get up to speed on the RSU5 budget and they had been mired in it for months. This caused a little tension because they probably felt we should have been engaged sooner. Chair Sachs advised that the RSU5 budget will be set and done by the end of March. They will spend all of April and May explaining it to people. She will bring it to the next meeting for discussion. The RSU5 is hoping that municipal and community members will come to their different workshops. The community meeting will not be just budget focused. Councilor Tracy feels that there is value in having those governing boards together in one place to discuss budget.

C. These Goals were proposed by one Councilor each:

1. Improve communication with MDOT in regards to the I-295 corridor and future clear-cutting.

- Investigate future plans for clear-cutting and mitigation plans for affected residents and businesses.
- Join with Yarmouth, Cumberland, Falmouth, Portland and South Portland to form a consortium to have a stronger voice relating to the I-295 corridor.

Councilor Rixon pointed out that every time he goes south off of Exit 20, he notices that there are beautiful stands of pine trees and MDOT could very easily clear cut them for visual access for drivers and it would really be wrong. Last summer MDOT advised that their plan was to clear cut all the way to South Portland. He feels that our surrounding towns should be aware of that and we would have a stronger voice if we could combine with all these other communities. Mr. Joseph noted that he has talked with folks with Yarmouth, Cumberland and Falmouth. They are doing a presentation this Friday to the Town and City Manager Association statewide on programs implemented between the four towns already. He will be glad to have this discussion with them and mention that we should have a discussion with Portland and South Portland as well.

Councilor Gleeson does not feel this needs to be a Council goal. He has had meetings with MDOT, our Representative and Senator as well as Chair Sachs and Town Manager. They have owned that they did not properly notice. In the future, we have made it very clear to MDOT that there needs to be a process where we are not reactive but are proactive. Their plan is to go to Brunswick and Topsham next. He finds it interesting to join with Yarmouth, Cumberland and Falmouth but he is not sure it should be a Council goal. He mentioned where we are with NNEPRA having a Quiet Zone. Falmouth has adopted one and Yarmouth is considering it. We had a situation where NNEPRA going in and clear cutting and widening with very little notice or consultation to the town. Collaborative efforts between NNEPRA and MDOT, etc. are all things that could be worked on but he is not sure how to wrap them into a goal.

Mr. Joseph will bring the information back after talking to the other towns. Chair Sachs suggested putting the update in the Town Manager Report.

2. Attract diversity in new businesses for Freeport.

Councilor Arris noted this is something that would be a great thing but he is not sure how the Council could do it. Leaders in the community should discuss on a regular basis how to broaden the tax base that we are losing control of in order to keep taxes reasonable. He has spoken to Keith McBride of FECD. He is unsure how to attract a carbon neutral, high paying, multi national business here and create 10,000 jobs.

Chair Sachs mentioned she would add it to her wish list as well. She hears it is a good wish list but not necessarily a goal. She appreciates everyone's thoughts and comments.

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Chair Sachs advised that Donna Larson got information from colleagues on flexible lots but did not have it in a format that could be discussed this evening. The Council will most likely taking this up on December 15 since there is considerable interest in it.

Councilor Arris recommended shortening up and simplifying the language. Chair Sachs agreed the language is difficult to follow. She encouraged Councilors to go to the Town Planner if they have questions.

**TABLED:**

ITEM #134-15

To consider action relative to a proposed ordinance amendment adding a new section 504.C "Rural Flexible Lot Developments" to the Freeport Zoning Ordinance, and a proposed ordinance amendment to article 3.2 of the Subdivision Ordinance, which defines "required open space", as recommended by the Planning Board. Taken together, these two amendments would allow for lots created outside of a Subdivision to be as small as 20,000 square feet, provided open space is created and protected from further subdivision and development.

**BE IT ORDAINED:** That the proposed amendment adding a new section 504C. "Rural Flexible Lot Developments" to the Freeport Zoning Ordinance and a proposed amendment to article 3.2 of the Subdivision Ordinance be approved as presented.

*Note: This item is expected to be addressed at the December 15, 2015 meeting.*

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**MOVED AND SECONDED:** To adjourn at 9:20 p.m. (Tracy & Egan)

**VOTE:** (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**

**FREEPORT TOWN COUNCIL MEETING #23-15**

**FREEPORT TOWN HALL COUNCIL CHAMBERS**

**TUESDAY DECEMBER 15, 2015**

**6:30 PM**

**Please note there was an Executive Session held prior to this meeting starting at 6 p.m.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
Leland Arris, 70 Glenview Road	x		
Kristina Egan, 5 Weston Point Road	arrived at 7:55		
Scott Gleeson, 23 Park Street	x		
James Hendricks, 21 West Street	x		
William Rixon, 66 Varney Road		x	
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 75 Lower Flying Point Road			x

Chair Sachs called the regular meeting to order at 6:42 p.m. and took the roll. She noted that Councilor Tracy is excused this evening and Councilor Egan is hoping to arrive later.

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

Everyone stood and recited the Pledge.

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #21-15 held on December 1, 2015 and to accept the minutes as printed.



## TOWN COUNCIL MEETING #23-15

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Councilor Rixon referred to the Information Exchange and noted that at the December 10 Shellfish meeting Chris Warner not Chris Ward is currently embarked in a clam farming project, not in clam leasing.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting #21-15 held on December 1, 2015 and to accept the minutes as amended. (Gleeson & Hendricks)

**VOTE:** (5 Ayes) (2 Excused-Egan and Tracy)

### **THIRD ORDER OF BUSINESS:** Announcements

Chair Sachs made the following announcements:

- Residents of Freeport Can Now Obtain License Plates at the Town Hall! The Town of Freeport has been appointed as an agent for the Secretary of State and is now able to process New Registrations and transfers for vehicles. This enables residents to get their vehicle registrations and plates within minutes.
- The winter storm season is upon us. For a full listing of winter reminders from the Public Works Department or if you have questions or concerns, please feel free to contact the Public Works Department at 865-4461 or go to the Town's website at [www.freeportmaine.com](http://www.freeportmaine.com).
- Recycling and the holidays: For information on what is recyclable and information on the proper disposal of holiday materials such as trees, wreaths, packing peanuts, etc., please contact the Recycling/Transfer facility at 865- 3740 or check the town's website for a full listing.
- New Year's Eve Fireworks will take place on Thursday December 31<sup>st</sup> as close to 6:00 p.m. as possible.
- 2016 Dog Licenses are now available. All dog licenses expire December 31st of each year. Dogs six months and older are required to be licensed by law. You may register at the Freeport Town Hall or online at: [www.doglicensing.com](http://www.doglicensing.com).

## TOWN COUNCIL MEETING #23-15

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*Please be aware that you must renew your dog license no later than January 31st of each year, or a late fee of \$25.00 per dog will be charged.*

There will also be a Rabies Clinic at the Town Hall from 9:00 a.m. – 12:00 p.m. on Saturday, January 23<sup>rd</sup> 2016. Vaccinations are \$15.00 for both dogs and cats. You may license your dog during the rabies clinic at the Town Clerk's Counter.

- December is "Food for Fines" month at Freeport Community Library! During the entire month of December all overdue charges will be eliminated from your account in exchange for donations of non-perishable food items that are comparable in value to your fines. All the non-perishable food items we collect during December will go to the Food Pantry at Freeport Community Services.

- Municipal Offices Holiday Hours:

The Town Hall will be closed from 12-1PM only on December 17th, so that employees can attend a holiday luncheon.

Town Hall, Library and Recycling/Transfer Facility will be closing at 2:00 p.m. on Christmas Eve, December 24 and will be closed Christmas Day, December 25. The Recycling Facility will be open regular hours Saturday 12/26. 9:00 am. – 4:00 p.m.

Town Hall, Library and Recycling/Transfer Facility will be closed on New Year's Day, January 1<sup>st</sup>.

### **FOURTH ORDER OF BUSINESS:** Information Exchange

Councilor Hendricks reported that the Winslow Park Commission met last night. Items on the agenda were developing a new capital plan and appointing a new Trustee for the Park. They are currently going through the process of Trustee selection, which is a short list. At the moment, one person has put her name into the hat. He explained that the person will be interviewed by the Commission and once a decision is made, it will come before the Council, most likely in January-February.

## TOWN COUNCIL MEETING #23-15

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Councilor Hendricks pointed out that Winslow Park is a great place to bring dogs. It has come to his attention that recently people are not controlling their dogs in the park and offending dog owners have been less than cordial to both Commission members and people in the Park. Things such as running on the beach and on the playground, relieving themselves on the beach, not applying to park rules and not keeping their dogs within 10 foot voice command or on a leash. The Commission talked about having the Dog Control Officer be there more often and give out tickets. Councilor Gleeson asked what constitutes a ticket. Councilor Hendricks explained that dogs are not allowed on the playground or the beach. Owners are required to clean up after their dogs. They are required to have their dogs under voice command, having a dog at large that either jumps, bites or attacks other dogs or a person. The Commission would like to keep the park open for dogs but it only takes a few bad dogs and people to change any rules.

Councilor Rixon advised that the Shellfish Commission met last Thursday and their one agenda item was a presentation by Chris Warner of Georgetown who is a clam farmer. He provided a very detailed one-hour presentation on his experience clam farming. Freeport's clammers and shore front property owners had very thorough questions. Chair Sachs mentioned the meeting was taped and will be on the Town's website soon.

Chair Sachs advised that Traffic and Parking met this morning. They discussed options for addressing residents' concerns about the intersection of South Street, Torrey Hill Range Road and West Street. In the winter there is perceived danger when cars are coming down the hill on Torrey Hill Range Road, they can slip through the stop sign. The sight lines are not optimal so residents have suggested adding a four-way stop sign. The Traffic and Parking Committee anticipated that this action would trigger a review by Maine DOT and that they would determine that South Street is a collector road with far less traffic than Torrey Hill and therefore, would not be a candidate for adding a stop sign. The Committee talked through several options and decided to ask the Police and Public Works Department to install cautionary signage.

They also discussed an Ordinance that grants parking permits for the Brewer lot down at the harbor. The Ordinance allows permits only to residents with a vehicle registered in Freeport. This prohibits granting permits to Freeport property owners who pay taxes but are not residents.

In terms of better communications between the Council and the RSU, Chair Sachs advised that at the January 27<sup>th</sup> business meeting the Superintendent is going to recommend the preliminary budget for the RSU. This is a bit earlier than usual. They then plan to have five different budget review meetings including a budget workshop on March 9. On March 23, the RSU5 School Board will vote to adopt that budget which is a very different schedule than they have had in the past. They have asked the Council to help get the word out. The time to get involved in the budget process is early and often. While all of this can be found on their website, it is from January through March and then pretty much from April until the big annual budget meeting held in the High School Gym, that's all informational for folks. The time to impact the budget is from the end of January to the end of March.

## TOWN COUNCIL MEETING #23-15

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Chair Sachs was asked to make a statement regarding panhandling, which are people standing on different corners in town with signage. She and the Town Manager have done a lot of research on this and looked at all the safety and other concerns that residents have brought forward. The Police Department has tried to make sure that any safety concerns for both motorists and folks in the medians are taken care of. If someone stands on a corner anywhere and puts up a sign, that is considered protected speech. She would be happy to share some of the summary articles related to this issue if anyone wants to e-mail her at [Msachs@freeportmaine.com](mailto:Msachs@freeportmaine.com). The Supreme Court has overturned Ordinances in other states that targeted that activity. Social Service agencies and employers have offered jobs to folks and also some support. Freeport tries to take care of its own and reaches out to folks and she wanted to assure people that this has been done. She urged residents to keep talking to the Council. She applauded the Police Department for intervening as selectively as they can and with great respect for all in trying to make sure that motorists and those that are there feel comfortable.

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

Mr. Joseph reported:

Maine DOT recently took formal action to lower the speed limit on Griffin Road (the portion of Rt. 125 closest to the intersection with RT. 136) from 50 to 45 mph. The remainder of Route 125 (Wardtown Road) will remain posted at 40 mph. Town Engineer Albert Presgraves requested the formal review of the speed zone by the State after an informal consultation with the State Traffic Engineers. Al's formal request was based in part on input from drivers who use that stretch of road and felt that the 50 mph limit was excessive. A map of the new speed zone was attached to this report.

Holiday Hours: All Town offices, including the Library and Recycling Center, will close at 2 p.m. on December 24<sup>th</sup>. The Town Hall will be closed from 12-1 p.m. only on December 17<sup>th</sup> so that employees can attend a holiday luncheon at the Public Safety Building.

The Town of Freeport is proud to announce that once again this year, the Government Finance Officers Association of the United States and Canada (GFOA) presented a Distinguished Budget Presentation Award to the Town of Freeport, Maine for its annual budget for the fiscal year beginning July 1, 2015. In order to receive this award, a governmental unit must publish a budget document that meets program criteria as a policy document, as an operations guide, and as a communications device. This marks the fourth straight year that the Town has received this award. This also marks the first time that current Finance Director Jessica Maloy was awarded this honor. Congratulations to Jessica for accomplishing this feat on her first attempt!

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A holiday reminder to users of the “Silver Bullet” recycling containers. We know that the holidays are a time where these containers see a high amount of use. As such we schedule extra pick-ups throughout the holidays to attempt to keep overflow situations to a minimum. Even with the extra pick-ups, sometimes container capacity cannot keep up with demand. We ask that if you encounter a full container, that you please do not leave recyclables on the ground around the container. Recyclables left outside are considered illegal dumping, and are frequently blown onto neighboring property, contributing to roadside litter. Please help us keep the silver bullet sites and neighboring properties clean by not leaving recyclables outside the containers!

At the last Council meeting, Mr. Joseph was asked to reach out to some of our 295 neighbors to talk about the experience Freeport had with tree clearing. He has spoken to Yarmouth, Cumberland, Falmouth, and South Portland and played telephone tag with Brunswick today. They had all seen it on the news and were glad to know that it is on the long term plan of DOT and they will be keeping their eyes open.

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

**MOVED AND SECONDED:** to open the Public Comment Period on Non-Agenda Items. (Hendricks & Rixon) **VOTE:** (5 Ayes) (2 Excused-Egan & Tracy)

Josh Olins, Chair of the Solid Waste and Recycling Committee explained that he watched the Council's goal setting meeting and was excited to hear the Council's thoughts regarding the future of the Solid Waste and Recycling Committee and some ideas that might possibly expand its role to become more of a town-wide sustainability committee. There was mention of an interest in organizing a workshop about sustainability with neighboring towns' Sustainability Coordinators coming in. He noted this is exciting to them and they would love to hear the Council's thoughts and visions about how that might happen. Chair Sachs explained that she hopes to flesh this out tonight. Mr. Olins mentioned to the two Councilors not here, if they would rather send that e-mail to him, he feels it would be a great way for him to catch his team up to speed. Chair Sachs appreciated his openness.

**MOVED AND SECONDED:** to close the Public Comment Period on Non-Agenda Items. (Hendricks & Rixon) **VOTE:** (5 Ayes) (2 Excused-Egan & Tracy)

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

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ITEM #192-15                      To consider action relative to adopting the December 15, 2015 Consent Agenda.

**BE IT ORDERED:** That the December 15, 2015 Consent Agenda be adopted.

(Gleeson & Arris)

Chair Sachs asked Mr. Joseph about the full payment of real estate and personal property taxes required before issuance of a victualer's license for Doherty's North Freeport Store. Mr. Joseph explained that the wording on the Consent Agenda will not allow the Town Clerk to issue the license without the taxes being paid in full.

**ROLL CALL VOTE:** (5 Ayes) (2 Excused-Egan & Tracy)

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ITEM #193-15                      To consider action relative to the discontinuance of Davis Avenue.

**BE IT ORDERED:** That a public hearing be scheduled for January 5, 2016 in the Town Council Chambers at Town Hall, 6:30 pm, to discuss the discontinuance of Davis Avenue.

**BE IT FURTHER ORDERED:** That notice of the public hearing be published in a newspaper of general circulation, posted on the Town's website, and posted on cable channel 3, and that copies of the proposed amendment be made

available for review at the Town Clerk's Office, the Town Manager's Office, and the Freeport Community Library for review. The Town Council authorizes notification by the Town Manager to the abutters and the Planning Board on their behalf. (Arris & Gleeson)

Mr. Joseph explained that all the properties abutting Davis Avenue are owned by Harraseeket Inn or by different components of the Harraseeket Inn. The Town has received a request to discontinue the road. This would be beneficial to the Town because it would allow private regulation of that road instead of the Town having to deal with parking issues on it.

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Councilor Arris has concerns that public parking spaces would be lost. Councilor Hendricks mentioned that the Inn owns all the property and their employees have been parking along Davis Avenue. Chair Sachs advised that the Council will be talking about it in a few weeks.

### **ROLL CALL VOTE:** (5 Ayes) (2 Excused-Egan & Tracy)

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ITEM #194-15      To consider action relative to referring a zoning issue to the Planning Board for review pursuant to section 203 of the Freeport Zoning Ordinance.

**BE IT ORDERED:** That the Town Council, in light of recent concerns expressed by residents, requests that the Planning Board consider review of a zoning ordinance and map amendment in the area of Cottage and Forest Streets (currently zoned Village 1), and forward a recommendation back to the Town Council for formal consideration. (Gleeson & Hendricks)

Mr. Joseph explained that this is in response to concerns from the neighborhood that were raised during a business application for a change of use to locate a professional office in what was formerly a residential property. Besides the RSU across the street, it is the only non-residential use on Cottage Street. Technically the RSU is on West Street. This would ask the Planning Board to look at it in light of what the residents' concerns are. It is not asking them to do something specific. It is asking them to consider it and make a recommendation to the Council if they think there is a change that should be made in spite of those concerns. A petition was submitted during the Project Review process that spells out exactly what the concerns are on a commercial use in a residential neighborhood. Councilor Gleeson explained that a lot of people in town do not know what zoning permits and what it doesn't permit. The concerns are that this could start a creep where the character of the neighborhood will be affected if more of these homes are converted to commercial use. All but one of the residents are interested in this issue and this is the reason he brought it to the Council level. He fully supports sending it to the Planning Board. Councilor Hendricks explained that he did not sign the petition because he is an abutter. If the Council takes this up, he would like it to be expanded to all of Village I and not just to this particular neighborhood. If the Planning Board is going to take it up, it should take a look at all the other outlying neighborhoods that are on the fringes or edges of the commercial zone and not just limited to that. Councilor Gleeson feels this is an excellent point. He has interest in other areas that are similar to this one.

Chair Sachs suggested amending the **BE IT ORDERED** to say that the Planning Board consider review of a zoning ordinance and map amendment for all areas currently zoned Village 1.

Doug Horner of Cottage Street appreciates Councilor's Hendricks point of expanding it to a broader part of the community. That has always been part of their intention in the conversations they had. He feels this is a very unique part of the community. It is off to the side in the middle of a good bit of hustle and bustle in town. The residents would like to see the character and well being remain as it currently is and they think this is a good way to do that.

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Allen Heald of Cottage Street explained that Mallet built this neighborhood in the 1800s and never had a business in the residential area. Recently a business was permitted to come in. They know it is grandfathered in and they cannot do anything about it. They would like to have their street restricted to residential only. It is narrow and a dead end. There is no parking on both sides of the street. The children use it to travel to catch the bus. Businesses will endanger the children. They don't want to lose the identity of their street. He pointed out there are a lot of empty businesses in Freeport and they don't want businesses on their street. He fears the values of their homes will go down. He asked the Council to consider this and make a recommendation to the Planning Board to review it.

**MOVED AND SECONDED:** To amend the order to say: That the Town Council in light of recent concerns expressed by residents, request that the Planning Board consider review of a zoning ordinance and map amendment to the area currently zoned Village I and forward recommendation back to the Town Council for consideration. (Hendricks & Arris).

**ROLL CALL VOTE:** (5 Ayes) (2 Excused-Egan & Tracy)

**ROLL CALL VOTE ON AMENDED ORDER:** (5 Ayes) (2 Excused-Egan & Tracy)

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ITEM #195-15

To consider action relative to a request from the Burr Cemetery Trustees for the return of perpetual care funds currently held by the Town of Freeport.

**BE IT ORDERED:** That the Town of Freeport, through its Attorney, assent to a filing by the Burr Cemetery Trustees in Cumberland County Probate Court seeking the transfer of Perpetual Care Funds from the Town of Freeport to the Burr Cemetery Trustees, with the following conditions (once the following conditions are met):

1. The Cemetery Association agrees to request, in its petition to the court, that the Town be absolved of all legal perpetual care obligations upon transfer of the funds. Transfer of the funds by the Town will be contingent on this condition being addressed (by the court) to the satisfaction of the Town.
2. The Cemetery Association agrees that all future handling of the transferred funds shall be consistent with any court order issued in the matter.
3. The Cemetery Association agrees to indemnify and hold harmless the Town in regards to any financial claims related to the transferred funds.
4. The Cemetery Association agrees to reimburse any legal or professional costs incurred by the Town in this matter from this point forward, including but not limited to attorney's fees, court costs, and any bank costs directly related to the transfer of funds.
5. The Cemetery Association agrees to provide a list of all current cemetery trustees.



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6. The Cemetery Association agrees to provide the Town with the name of its investment adviser, its investment strategy, and a copy of its most recent financial report. (Rixon & Gleeson)

Mr. Joseph explained that the Council had quite a discussion and looked at a lot of materials last time. In this packet the Council will see a letter from him to Mr. Stilkey listing seven bullet points. Mr. Stilkey has provided the names of their Trustees. Tom Whalen of Bath Savings Trust Company is here and would potentially be the investment adviser should they manage these funds. There is a copy of their 2014 Annual Report, financial statement and an e-mail from Chris Stilkey on behalf of the Cemetery Association's Board of Trustees and Directors stating that they agree with Items 2, 3, 4 and 5.

Mr. Stilkey advised that he brought Tom Whalen in from Bath Savings Trust Company to explain what his strategy is and what he does. Mr. Whalen explained that he put together a one page document describing who they are and what they might do and reviewed it for the Council.

Chair Sachs disclosed that her agency, FCS has a relationship with Bath Savings. She noted that this matter is before the Council because one of the concerns stated by the petitioner is that the rate of return is not sufficient. She asked Mr. Whalen if he reviewed the performance of the portfolio to this point. Mr. Whalen advised that he has not and will not claim that he can do significantly better than how it has done to date.

Councilor Arris asked Mr. Stilkey if any of the trustees are here tonight. Mr. Stilkey replied that they are not here but entrusted him to speak on their behalf. Councilor Arris asked how often the Board meets. Mr. Stilkey noted that they would prefer to have an annual meeting but it doesn't always happen but minutes are available from the meetings that did take place. Councilor Arris asked how trustees are selected and Mr. Stilkey explained that they are generally nominated and appointed by other trustees.

Chair Sachs mentioned that the reason for this request is the feeling by the trustees that the returns on investments are not adequate to meet the cemetery's needs. She had asked examples either from minutes or from other trustees being here, of projects that were not funded because there were not adequate funds. Mr. Stilkey did not recall Chair Sachs' request of an actual list. Minutes simply reflect a "wish list". The cemetery never invoices the Town. The Town issues a check for what they feel is appropriate to the fund. Chair Sachs noted that the reason for the request is stated to be unmet needs and stated to be a poor return on investment and that is the reason for the Council to take this action. She has not seen the evidence around it but understands the desire.

Rod Regier of South Street explained that he has had to be an Executor a couple of times over the past few years and it focuses one's attention on inter-generational responsibilities. There is a strong sense that the Council has immediately gone to the execution stage without actually questioning the actual merit of the proposal. The Council serves as trustees of cemetery funds, Library funds, benevolent doctors funds, scholarships, etc. There is no reason the Council has to maintain control of that. There are perfectly good reasons that the Council could nominate and encourage a successor trustee but the starting point for that is that whoever the Council considers, has to demonstrate that they can be at least as effective financially as well as with all the duties of a trustee. He sent a document showing the history of the cemetery funds on

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the last page. Since 1980 the total fund balance for all the cemeteries was \$80,000 and now it is over \$300,000. Some of it is because additional money was added for perpetual care but a lot of it came from investment gain in these accounts. At the last meeting, there were several remarks that these accounts have not grown which is simply not true. If the Council goes forward, he feels it is not wrong to have a successor trustee. He hopes the Council will request the Probate Court to mirror some of the public requirements that are the Council's duties as public representatives in regards to audits by independent examiners publishing the audits. There is nothing wrong with transparency. He asked the Council to remember that the Cemetery Association will be an independent body and as good as Bath Savings is, they will not be necessarily in perpetuity the investment adviser. There can be equally good ones but it's a matter of the Council being confident that the successor trustee would be able to perform at least as well as has been the case so far. He hopes that the Council will apply the same scrutiny that it has in so many other areas it has in his observation.

Councilor Hendricks asked Mr. Joseph if the Town is being invoiced and Mr. Joseph was unable to provide an answer tonight. He advised that the Finance Director is the Town's Treasurer and moves around all of the Town's funds for investment. Bangor Savings is the Town's current adviser and handles the daily investment of the Town's funds. The Council sets the investment policy. Cemetery funds are handled in the same way as all of the reserve funds and trust funds. There is an accounting that goes back to 1980 and Mr. Joseph offered to find out how it has been done over the years and who made the decisions over those 30 years of how to handle it that got us to where we are now. Discussion followed on cemetery law. Chair Sachs noted that the premise for bringing this forward was that it wasn't being managed well and there were no gains. She is not seeing the impetus behind this. There is no compelling reason to do so. Yes, if there is a reason to look at our policies around disbursement, invoicing, etc. that is fine.

Mr. Stilkey pointed out that Sharon Coffin takes care of the Flying Point Cemetery and he asked her if she ever invoiced the Town. Mrs. Coffin indicated that she had not. Mr. Stilkey noted that when people purchase a lot, they are only buying rights of interment. The cemetery owns the property. The State has mandated that a minimum of 33% of the sale has to be placed in a perpetual care fund. It is up to the cemetery to decide how much they place in such a fund above the 33%. People cannot stipulate how their investments are made. Burr places 50%. Mr. Stilkey pointed out that the gains being seen today were given to them 20 years ago and they have not expanded. Mr. Joseph reported that since 2003 the records show that we have gained \$68,000 in that account and \$54,000 has been paid out to Burr.

**NOTE:** Councilor Egan arrived at 7:55 p.m.

Councilor Hendricks noted that he feels he needs more information before moving forward with all the cemeteries. Councilor Arris agreed with Councilor Hendricks that lots of information is missing. If Mr. Stilkey's comments are correct, there appears to be a discrepancy in whatever the policy was on the part of the Town to ensure that returns were given on cemetery lots. It should be something the Council looks at to see what the policy was historically. He would like to know more about the Town's policy. He also has a concern with the cemetery petition. Without having any trustees here to make their argument, he would like to hear from them, particularly if they have been around a long time. He has a hard time supporting this action at this time.

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Chair Sachs explained the Council's options. It could vote no. If more information is needed, she would encourage a motion to table but provide her with the specifics about what particular information is desired, whether it is a full review of our policy regarding this, or request of the trustees for additional information. Or the Council could vote yes.

Councilor Hendricks noted the Council needs more information on both sides. If our cemetery policy is so loose, he is embarrassed about it. The Council needs to know what is going on. Sometimes an allocation is made every year and the Council doesn't ask why it is happening. The Council is unaware of what our Finance Director has been using for the allocation of funds and he would really like to see what the Finance Director has been using. It would be helpful to have the majority of trustees here. Mr. Stilkey indicated this is a bad time of year for them and he would have to reschedule in May. If the Council moves forward, Councilor Hendricks would like to see transparency, if the cemetery association folds, for the money to revert to the Town. Mr. Stilkey indicated they are not in dire straits and do not need the money tomorrow. Councilor Hendricks asked him how open he would be to a corroboration between the association and the Town in a situation where the Town would continue to hold the money but the association had some input to how well the Town handles the investments. Mr. Stilkey advised that he is not authorized to speak to this. If the Council wants to present something, he will take it to the trustees. He advised that he manages 17 cemeteries and is aware that Freeport cemeteries need desperate help. On a personal note, he would love to see a complete collaboration between the six cemetery associations and the Town, whether it would mean forming a new group with at least one person from each cemetery together. This is something to think about. He feels he would have better luck in May getting trustees together. If anyone wants to contact him, they have his e-mail.

Chair Sachs recapped that she heard that the Council would like more information on the Town's investment policy, how it is disbursed, Trustees in attendance, Minutes from the last 5-10 Annual Meetings and By-laws in paper form as well as Finance Committee Minutes. Councilor Arris would like to have data from the older information. He is sure the Town has data but the older stuff from the cemetery would be helpful. He is interested in the statement that over 200 years, the principle never changed. He would be interested in learning what was put in and what it looks like.

Councilor Hendricks is interested in what needs to be done in the cemetery, perhaps a capital plan for the cemetery. This would give the Council a better idea about what is lacking and needs to be done to maintain the cemetery. Councilor Gleeson added that he would like to see some of the trustees. If the Town were to allow the funds to be released, what would be something the Town would be comfortable with and what would Burr be comfortable with. If it is done right, he does not have a problem letting them manage their money but there does need to be protections. Chair Sachs mentioned the Council can ask Mr. Joseph to compile a list of legal stipulations that the Town would be requiring as part of the transfer for the petition for the Court. The Council would have to approve the list to be sent on as a specific agenda item regarding stipulations.

**MOVED AND SECONDED:** To table this item to a date uncertain. (Hendricks & Arris) (6 Ayes) (1 Excused-Tracy)

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**MOVED AND SECONDED:** To take an item out of order and take tabled Item #134-15 as the next agenda item. (Gleeson & Hendricks)

ROLL CALLVOTE: (5 Ayes) (2 Excused-Arris & Tracy)

### **TABLED:**

ITEM #134-15                      To consider action relative to a proposed ordinance amendment adding a new section 504.C “Rural Flexible Lot Developments” to the Freeport Zoning Ordinance, and a proposed ordinance amendment to article 3.2 of the Subdivision Ordinance, which defines “required open space”, as recommended by the Planning Board. Taken together, these two amendments would allow for lots created outside of a Subdivision to be as small as 20,000 square feet, provided open space is created and protected from further subdivision and development.

**BE IT ORDAINED:** That the proposed amendment adding a new section 504C. “Rural Flexible Lot Developments” to the Freeport Zoning Ordinance and a proposed amendment to article 3.2 of the Subdivision Ordinance be approved as presented. (Egan & Gleeson)

Chair Sachs explained that this item was tabled and since it is a brand new proposal, some peer review should be done. Donna Larson, Town Planner explained the intent of this proposal. She feels the idea of a peer review was a good one since it brought up some things which were good additions and she summarized this in her cover memo. All of those things have been added into this and the Planning Board had an opportunity to look at it. She had a landscape architect draw up a diagram to show how this would be done and she also did sample instructions which have standard calculations that should be shown on a plan. Wendy Caisse, Chair of the Planning Board explained the discussions that took place at the Planning Board and that the Board was unanimous in its decision to support this amendment.

Matt Russell of Upper Mast Landing Road lives on 25 acres with a sledding hill which goes down to the creek. He has trails in the woods. He provided a handout to the Town Manager to share that shows what can be done right now under current RR1 and RR2 rules if someone wanted to put their houses in the field that you don't want. He hopes this diagram clearly shows what he was trying to say back in October. He does not want to chunk it out into 2 ½ acres. If he needs financial security and wants to sell a lot, this is the most beautiful thing going. He can guarantee that all that space will be open hundreds of years from now. He has never split off a lot. He wants Freeport to be a leader in the State on this and requested that the Council approve this tonight.

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Lisa Turner of Laughing Stock Farm on Route 125 explained that this will make a big difference for them. They have a 14 ¾ acre farm and look forward to perhaps having one of their children take it over at some point or having another little house for an employee. This gives them the opportunity to preserve farm land without raising money from people and buying property rights and going through all that. It just changes the rules. This is important to them and they could possibly tuck little houses in that will not be noticeable.

Chair Sachs thanked Councilor Tracy for recommending the peer review. Councilor Hendricks likes the changes and thanked Ms. Larson and Ms. Caisse for coming this evening. He thinks it is good and the Council should move forward. Councilor Arris agrees that the Upper Mast Landing neighborhood is beautiful and that the neighborhood will not be changed much on Route 125 if a few houses are added nearby. He loves open space but has concerns about taking it off the tax rolls because it is taxable. If one takes open space off the tax rolls, other taxpayers have to pick up the slack if a decision is made to deed it over to a non-profit. Mr. Joseph explained that the value of excess land that is not subdivide able or not useable for a second housing lot is virtually close to zero. Councilor Aris finds it troublesome to watch land go off the tax rolls. Ms. Larson explained that this has to be in the RR Districts or the RP2 District and has to be more than 7 ½ acres. She estimates there are less than 100 properties that would be in that category. There is a clause that stipulates that open space can be taken over by the Town or the Land Trust. More discussion followed. Chair Sachs clarified that this ordinance doesn't create any incentive nor disincentive to place land in conservation. Anybody can make this decision and this ordinance doesn't change anything about that.

**ROLL CALL VOTE:** (5 Ayes) (1 Nay-Arris) (1 Excused-Tracy)

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ITEM # 196-15      To consider action relative to the adoption of the Town Council meeting schedule for the calendar year 2016.

**BE IT ORDERED:** That the Town Council hereby adopts the Town Council meeting schedule for the calendar year 2016 as presented in the printed agenda:

<b><u>Date</u></b>	<b><u>Time</u></b>	<b><u>Location</u></b>	<b><u>Meeting Type</u></b>
January 5	6:30 pm	Town Hall	Regular
January 19	6:30 pm	Town Hall	Regular
February 2	6:30 pm	Town Hall	Regular
February 9	6:30 pm	Town Hall	Workshop
February 23	6:30 pm	Town Hall	Regular

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March 1	6:30 pm	Town Hall	Regular
March 8	6:30 pm	Town Hall	Workshop
March 15	6:30 pm	Town Hall	Regular
March 29	6:30 pm	Town Hall	Workshop
April 5	6:30 pm	Town Hall	Regular
April 12	6:30 pm	Town Hall	Regular
May 3	6:30 pm	Town Hall	Regular
May 17	6:30 pm	Town Hall	Regular
June 7	6:30 pm	Town Hall	Regular
June 21	6:30 pm	TBD/Town Hall	Regular & District 1
July 5	6:30 pm	Town Hall	Regular
July 19	6:30 pm	Town Hall	Regular
August 2	6:30 pm	TBD/Town Hall	Regular & District 2
August TBD	6:30 pm	Bustin's Island	Bustin's Annual
Sept 6	6:30 pm	TBD/Town Hall	Regular & District 3
Sept 20	6:30 pm	Town Hall	Regular
Oct 4	6:30 pm	TBD/Town Hall	Regular & District 4
Oct 18	6:30 pm	Town Hall	Regular
Nov 15	6:30 pm	Town Hall	Organizational
Dec 6	6:30 pm	Town Hall	Regular
Dec 20	6:30 pm	Town Hall	Regular
<i>TBD</i>	<i>6:30 pm</i>	<i>Town Hall</i>	<i>Community Meeting</i>
<i>TBD</i>	<i>6:30 pm</i>	<i>Town Hall</i>	<i>Community Meeting</i>
<i>TBD</i>	<i>6:30 pm</i>	<i>Town Hall</i>	<i>Sustainability Wksp</i>
<i>TBD</i>	<i>6:30 pm</i>	<i>Town Hall</i>	<i>Emergency Prep Wksp</i>
<i>TBD</i>	<i>6:30 pm</i>	<i>Comm. Ctr.</i>	<i>RSU 5 Workshop</i>

(Hendricks & Egan)

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Chair Sachs explained that last year the schedule was modified to go around school vacation weeks. She took the liberty to alter this schedule so that none of these dates fall within school vacation weeks but doing so, it predicated some back-to-back weeks such as March 29, April 5 and April 12. She did not modify the community meeting since the Council discussed a tad whether it wanted to get rid of the District Workshops and add in a Community Meeting on a separate day. This can be done but she noted the schedule is fully packed and so she wanted a fuller discussion on having community meetings on a different day or retaining the district workshop before a regular meeting. She suggested looking at the dates and making sure the Council is okay with the schedule as presented going around vacation weeks. If the Council would prefer to go on a regular schedule with vacation weeks, she would be fine changing it back. The Council needs to have a discussion around district workshops versus community meetings. If the Council would like community meetings or district workshops on different days, we should talk about where that will fit in.

Chair Sachs mentioned there was a really nice offer from Josh Olins around sustainability and his committee's willingness to look at some of the issues. She suggested starting within the committee structure rather than scheduling a separate workshop and share the information. She suggested doing the same with Emergency Prep in the same way and having Public Safety do a presentation at the end of one of our summer meetings. With the RSU5 Workshop, she mentioned in Information Sharing that the superintendent's budget is going to be presented on January 27 and they will actually have a series of workshops through March and the Board will vote to approve that budget at the end of March which is a very different schedule than they have had in the past. If the Council is going to have this community meeting with all of the municipalities and the RSU5 Board, it is most helpful to do so before the budget is set. In looking at the Council's fairly brutal schedule from January through March 29, February 29<sup>th</sup> is about the time the Council would have to schedule it. If the Council wants to have the meeting when it is most relevant to the budget, it would have to be in that time frame. If the Council wants more of a community discussion, then it can be done much later.

She suggested talking about vacations. Councilor Egan asked if too much Town business would accumulate if the Council reduced July to one meeting. Mr. Joseph advised that this is tough to answer because he doesn't know what the schedule will then look like. Councilor Egan advised that she will not be here for the Bustin's Island trip in August. Chair Sachs would hesitate to remove July 5 or July 19 off the schedule. She mentioned that the Council is stewards of Town business and this is what it signed up for.

Councilor Hendricks is good on the dates currently set. There were no suggestions to remove a date. Chair Sachs moved on to the Sustainability Workshop. Councilor Egan would like the Council to hear from neighboring Sustainability Coordinators and have it tacked on to a regular workshop and have it be 45 minutes. Chair Sachs asked what would be the aim and what would be the end. Are we looking to explore that position. Councilor Egan advised that the Council could hear what other towns are doing to



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coordinate sustainability efforts. A staff position may be an option but there may be other things we can do to become more sustainable.

Councilor Rixon felt Councilor Tracy's suggestion to have a workshop and possibly invite Sustainability Coordinators from similar towns was a very good one. He envisioned that the workshop would be open to all interested Town residents and advertised as a public hearing. Councilor Gleeson would be fine having a discussion in committee but the Council definitely has to find out when it is having the workshop. He feels the residents need to know what the goal is of the workshop. It's fine to talk about it. He will go with the flow.

Councilor Arris likes Councilor's Egan to tack it on and make it more of an informational workshop to actually talk to the experts who are doing this all the time. This would be a good beginning. He feels it is premature to be talking about a Sustainability Coordinator but it is important to get information from the public and get their feedback. Councilor Hendricks is not open to having a community-wide forum discussion at this point. It would be putting the cart before the horse. He would prefer to have an informational workshop to get some ideas on what is going on and what our options are. He doesn't feel the Council needs to set a date for the sustainability workshop yet. It could be tacked on to another workshop or under Other Business on a light meeting night.

Chair Sachs mentioned doing invitations and asked what they should be asked to talk about. Should they talk about what their jobs are, sustainability initiatives, municipal initiatives, consumer initiatives. Councilor Egan feels that this is bringing in experts that think about what municipalities can do to pursue sustainability. She would frame the invitation to discuss what the main initiatives their towns are talking on. Councilor Rixon feels it would be wise to have this be part of one of our light meeting nights under Other Business. Residents in town would know that it is going to happen and if they are interested, they could come to the meeting. Councilor Hendricks feels the Council is not sure what it yet wants.

Looking at the schedule, Chair Sachs noted it looks like July would be best because we don't have a District Workshop scheduled. She will get the invitation out there. If anyone has any suggestions on things you want them to talk about, she asked that they be forwarded to her.

Chair Sachs brought up the Emergency Prep Workshop. Councilor Egan noted that when the Council was talking about this, she was talking about resiliency. It's thinking about how our town can weather a storm and also be prepared for other impacts of climate disruption. While having an emergency evacuation plan or other things like that are important, there are other things we can do to prepare our infrastructure and ensure that our Town can survive a "Hurricane Sandy".



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Chair Sachs clarified that when Councilor Egan is saying climate disruption, she is saying our ability to bounce back from a natural disaster that she attributes to climate change. Councilor Egan replied that this is also making sure we are prepared for extreme heat so it may not be a natural disaster. Looking at water and dealing with ocean acidification and the quality of life for our elderly residents will experience in extreme heat and that our economy is going to be resilient. We are not going to solve all of these issues. This is about getting us grounded and should be on our radar screen.

Councilor Hendricks was thinking more in line with emergency preparedness and not so much climate change. He thinks it is a little too much. Councilor Arris assumes that talking about emergency preparedness is making scenarios on what sort of things go wrong, whether they are from climate change or just a violent storm. Those are compatible. If we are going to have a discussion on emergency preparedness, what would be useful is what types of things we really need to be prepared for. Councilor Egan mentioned extreme heat but it would be easy under an emergency preparedness discussion to make sure there is someplace that has air conditioning for old, young or everybody. It's the same discussion for Councilor Arris.

Councilor Rixon advised that when he thinks of emergency preparedness, he sees that as in response to individual events. With climate disruption, it is so much broader and it is far more than responding to individual events. He doesn't know how in one workshop the Council could encompass it all. It is important for the Council to look at to see what it can do for this community. He doesn't know how to start getting his arms around it.

Councilor Hendricks agrees that some of these overlap but a good beginning to the conversation is to determine where we are at with some of these things. You can call anything emergency preparedness from natural disaster to a terrorist event in the Town of Freeport. It has been brought up to him that with more than a million visitors a year, how would we handle something like that.

Chair Sachs summarized that most Councilors would like to do an emergency preparedness assessment of our Town's resources at the moment. The stewards of that plan currently rest with our Fire Department but they can certainly bring in any consultants or experts that they are working with. No matter what the event is, where are the gaps and what can we do to if we identify significant gaps. Scheduling it, it appears people are more comfortable doing it after our budget work is done. We can ask Deputy Chief Conley and Chief Fournier since they are the keepers of that plan for preparation and mitigation. They can let us know when they would like to see a workshop done at the end of a Council meeting. Do they really need 45 minutes, one hour or 90 minutes?

Councilor Egan mentioned the overloading of our culverts to deal with storm water in an emergency event and asked if the Town Engineer could be added to discuss this. Mr. Joseph advised that these are all

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going to be in the actual plan being overseen by our Fire Chief. Chair Sachs pointed out that the majority of the Council would like to talk about emergency preparedness and not a resiliency plan to address climate disruption. She mentioned that it will be scheduled.

Chair Sachs brought up the RSU5 Workshop. Councilor Hendricks feels the most efficient use of our time would be a committee meeting collaborating on expenses, etc. Councilor Arris mentioned the increase of the tax rate in Freeport,  $\frac{3}{4}$  of it was on the school side. It is important to get with them early and point out what kind of impacts they are having on the broader community between January and March.

Councilor Hendricks pointed out that the Council does not control the RSU5's budget and they don't have to take any of the Council's suggestions in good faith. Councilor Egan feels there is real value in exchanging information on both sides. School Board members do not hear from constituents about property taxes in the same way the Council does. She feels it is a good idea to share with them the perspective of what effect property taxes have on our residents and it is important for the Council to hear about the struggles they have on the budget side to provide a quality education. There are people in both camps and the only thing that can help is to have increased dialogue. The format of these meetings in the past has not been very helpful. It is very formal. She would prefer to meet between January and March.

Councilor Gleeson is fine with a collaborative meeting between January and March. He would be okay with the February 29<sup>th</sup> meeting as well. The format was always chosen by the RSU. Councilor Hendricks feels that the Council is the only people speaking at these meetings. He suggested possibly changing the format and getting a facilitator to encourage people to talk.

Chair Sachs noted that these will all continue to be TBDs. She moved on to the Community Meetings. Should we take them off and go with the District meetings? Councilor Hendricks would prefer to have the district meetings in one location. The same questions about the same general stuff in town comes out at these meetings. Rather than feeling rushed to get the district meeting over and back to the Council Chambers by 7:30 p.m., we should have larger open forums on a regular night and open it up to everybody in town to come and discuss the same things. Councilor Gleeson likes that idea. He feels the Council was talking about D1 and D2 together and then D3 and D4 together but doesn't know how to do this. He asked if we could start a community meeting at 7:30 or 8 p.m. and kill two birds with one stone. This would still add two more meetings. Councilor Hendricks suggested doing it on an evening when there is a light agenda and start the meeting at 6 p.m. and get the regular business done and then at 7 p.m. start the community meeting and go til 9 p.m. Chair Sachs thought this would be tough for her. Councilor Hendricks would prefer to have the community meetings at the Community Center or in the Council Chambers so they can be taped.

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Councilor Arris is not sure what the purpose of a district meeting is. He noted this is a small town and a Councilor can meet with his/her constituents at any time. Councilor Hendricks explained that when the district meetings began, it was a time when the Council Chambers were filled with outspoken and not so happy residents about their inability to speak about topics going on in town. The district meetings were wildly popular then but attendance has since dwindled. Now people feel more comfortable speaking here and depends on the issues going on at the time. He feels they have been good meetings and good things have come out of them. He doesn't want to get rid of them but feels they should be consolidated.

Chair Sachs provided options: Eliminate the district meetings entirely. Move to two community wide meetings either at the Community Center or here at Town Hall. The proposed dates could be April 26 and/or October 25. The other option is to keep it as is.

Councilor Gleeson wants to keep the two community meetings because they are unique. We might be able to move up the meeting to 6 p.m. Combine districts D1 and D2 and try to give them two hours on June 21. We can also combine districts D3 and D4 and give them two hours on October 4. Councilor Egan suggested pairing D1 and D3. Councilor Gleeson did not have a preference. Mr. Joseph pointed out that June 21 is a sensitive date. It is the last meeting of the fiscal year. Councilor Egan suggested that Chair Sachs and Mr. Joseph should figure out what works best.

Chair Sachs suggested adopting this calendar this evening and modifying it at a future date when we have the full calendar. She is hearing general consensus to combine a couple of district meetings and keep them before a regular meeting at a date to be determined with a 6 p.m. start time. This will eliminate the two community meetings. Mr. Joseph will go through and set the schedule regarding the dates.

Councilor Gleeson brought up the subject of a possible workshop with the Assessor regarding tax relief. Councilor Egan checked her notes and it was determined that a workshop was not necessary.

**MOVED AND SECONDED:** to remove the two community meetings from the Council Schedule. (Hendricks & Egan) **ROLL CALL VOTE:** (6 Ayes) (1 Excused-Tracy)

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

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### OTHER BUSINESS:

1. Discussion regarding Town Council Goals for 2016.

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Chair Sachs noted that she tweaked the goals based on some of the feedback from the last meeting. Councilor Hendricks is happy with them.

**MOVED AND SECONDED:** To adopt the Council Goals for 2016. (Egan & Hendricks)

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Tracy)

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2. Discussion regarding Executive Session held earlier this evening.

Councilor Rixon asked for a summary in a few words of what happened so the public knows what the discussion was and where we are going to go with it.

Chair Sachs explained that the Executive Session was to talk about an inconsistency in our Charter apparently with State law regarding the gathering of signatures for petitions. Our Charter in three different places states that signatures must be gathered under the direct supervision of the Town Clerk. This seems to be incongruous with the State Legislature who passed a particular law that implies, yet does not state absolutely, that it is the right of folks to circulate petitions and that towns should not place any undue burdens such as requiring them to come to Town Hall to do so before the clerk. This inconsistency was brought up and options were discussed with the Town Attorney, Phil Saucier and there were a few ways we could address this inconsistency between our Charter and State law. One would be that we could seek a declaratory judgment so that the Town could petition the Superior Court to amend it. Second, we could place an amendment on our Charter for the next regular Municipal election stating we would like to bring our Charter under what we believe is State law. Those were the two that we could do or we could ignore it altogether and just hope that nobody ever challenged it. We could take action to preempt any party from doing anything.

**MOVED AND SECONDED:** That we take this up on our next printed agenda on January 5 as an action item to place an amendment to the Town Charter at the next Municipal Election. (Hendricks & Egan)

Mr. Joseph mentioned that the Council will need to set a public hearing.

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Chair Sachs explained that with this motion the Council is fully prepared to address the issue. The sticky piece comes if someone is going to present a petition for any reason, it makes it harder to talk about this issue if there is a petition currently pending. The intent of the Council is to try to rectify this so that there are no legal risks to the Town. It is not designed in any way to infringe on anyone's right to petition or bring anything before the Town but simply we want to change this to come into compliance so that there is no question to the validity of any petition whatsoever, either for or against any issue.

Councilor Arris commented that if there is a petition that comes up before the Council is able to act upon it in the manner that Chair Sachs is prescribing, he would strongly support following the dictates of State law and would minimize following the Charter. Chair Sachs indicated that there is no consensus on this but asked how others felt. There were five Councilors that voted to follow State law and one not so inclined (Sachs).

**ROLL CALL VOTE:** (6 Ayes) (1 Excused-Tracy)

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**MOVED AND SECONDED:** To adjourn at 10:25 p.m. (Gleeson & Egan)  
**VOTE:** (6 Ayes) (1 Excused-Tracy)

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Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES  
FREEPORT TOWN COUNCIL MEETING #22-15  
FREEPORT TOWN HALL COUNCIL CHAMBERS  
TUESDAY, DECEMBER 15, 2015  
6 P.M.**

**EXECUTIVE SESSION  
(A regular Town Council meeting followed at 6:30 p.m.)**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
Leland Arris, 70 Glenview Road	x		
Kristina Egan, 5 Weston Point Road	x		
Scott Gleeson, 23 Park Street	x		
James Hendricks, 21 West Street			x
William Rixon, 66 Varney Road	x		
Melanie Sachs, 84 Kelsey Ridge Road	x		
Sarah Tracy, 75 Lower Flying Point Road			x
Town Attorney, Phil Saucier	x		
Town Manager, Peter Joseph	x		

ITEM #191-15 To consider action relative to an Executive Session pursuant to 1 M.R.S.A §405(6)(E) to consult with the Town Attorney regarding a legal matter pertaining to the Town Charter

**MOVED AND SECONDED:** That the Town Council enter Executive Session.  
(Gleeson & Egan) **VOTE:** (5 Ayes) (2 Excused-Hendricks & Tracy)

Councilor Egan left during session.

**MOVED AND SECONDED:** That the Town Council exit Executive Session.  
(Gleeson & Arris) **VOTE:** (4 Ayes) (3 Excused-Egan, Hendricks & Tracy)

Respectfully submitted,

Sharon Coffin, Council Secretary