

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #13-22**  
**TOWN COUNCIL CHAMBERS, 30 MAIN STREET, FREEPORT**  
**TUESDAY, JULY 5, 2022**  
**6:00 PM**

Chair Piltch called the meeting to order at 6:02 pm

	PRESENT	ABSENT	EXCUSED
Councilor Chair Daniel Piltch, 25 Quarry Lane	X		
Council Vice Chair, John Egan, 38 Curtis Road	X		
Councilor Matthew Pillsbury, 36 Todd Brook Rd	X		
Councilor Chip Lawrence, 93 Hunter Road	X-arrived at 6:06 pm		
Councilor Darrel Fournier, 3 Fournier Drive	X		
Councilor Jake Daniele, 264 Pownal Road	X		
Councilor Edward Bradley, 242 Flying Point Road			X

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

Everyone stood for the Pledge of Allegiance

**SECOND ORDER OF BUSINESS:** To waive the reading of the minutes of Meeting #12-22 held on June 21, 2022 and to accept the minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the minutes of Meeting # 12-22 held on June 21, 2022 and to accept the minutes as amended. **VOTE:** (Daniele & Egan)(5-Ayes)(2-Excused-Bradley & Lawrence)

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

- **NOMINATION PAPERS FOR THE NOVEMBER 2022 MUNICIPAL ELECTION WILL BE AVAILABLE ON JULY 28th** for the following offices in the Town of Freeport:  
 Town Council: At-Large and District 1- (3 year terms)  
 Sewer District: 2 seats - (3 year terms)  
 Water District: 1 seat -(3 year term)  
 RSU: 2 seats -(3 year terms) and 1 seat -(2 year term)  
 Papers are due back to the Town Clerk September 14, 2022.
- The Public Works Department has started their Annual catch basins cleaning and has also started paving Spar Cove Road. They will start Arnold road after the first of July.
- The Town of Freeport is working with the Greater Portland Council of Governments (GPCOG) to enroll in the State of Maine Governor’s Office of Policy Innovation and the Future (GOPIF) Community Resilience Partnership. As part of the enrollment process, the Town hosted a community workshop on June 22, 2022. The purpose of the workshop was to learn about the climate hazards and impacts facing Freeport, to hear about priority projects that will help the town be more resilient and for the community to give input on which projects should be prioritized for funding. Part of the workshop included a survey. The deadline to complete the

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survey has been extended and will close at the end of the day on 07/08/22. If you missed the workshop and want to review materials, or if you would like to take the survey, please visit the Town's website where you will find a post under "Municipal News" for the workshop recording and materials and a link to the survey.

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

Councilor Egan walked with Climate Action Now in the 4<sup>th</sup> of July parade. He thanked Public Safety for their work.

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

We received notification from the county government that they are holding a Finance Committee caucus on August 8, 2022. At the county level they start the process in August. The member communities in our District will meet and nominate 2 people to the Finance Committee. The Committee works with the County manager and Finance Director to prepare a draft budget to present to the County Commissioners for final action. The municipal officers normally fill the positions on the Finance Committee. Please let the Town Manager know if you are interested.

We have been working with Comcast which are our Cable TV Franchise holders. Our Franchise agreement is up and we've not had an active cable committee constituted during Covid to work on that. Comcast is fine with extending the current agreement for 1-2 years. We would prefer a one-year period, but we need to start the contract negotiation process for that. We need to fill the vacancies on the Cable Committee but have had little interest outside of two residents. We may have a Council sub-committee work with those two residents (Peter Anzuini and John Goran) and Tom Pierce, the Cable Director on the project.

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

There was no Public Comment

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

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ITEM # 137-22                      To consider action relative to the repeal of Freeport Ordinance Chapter 44:  
Pinball and Video Machines. PUBLIC HEARING

**MOTION:** To open the Public Hearing (Pillsbury & Daniele)(6-Ayes0(1-Excused)

Colin Cheney, Freeport resident spoke in support of the repeal. It's forward looking for the Town.

**MOTION:** To close the Public Hearing (Pillsbury & Lawrence)(6-Ayes)(1-Excused)

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**BE IT ORDERED:** That the repeal of Freeport Ordinance Chapter 44: Pinball and Video Machines be approved. VOTE: (Pillsbury & Lawrence)(6-Ayes)(1-Excused)

(Town Manager)(10 minutes)

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ITEM # 138-22            To consider action relative to approving a new lease with Verizon Wireless for a new cellular antenna site at the Town's Bow Street water tank.

There are a few small details in the legal language that will still be changed. No key components are intended to be negotiated further. The questions were mostly about insurance. This is a new lease for a secondary location on that tank. Verizon has other locations in town and are trying to increase their coverage. This has been hung up with the Water Tank transfer. Maine Water still needs to take it back to their stakeholders. We got an extension from Maine Water to execute these leases. It will be between the attorneys when the Manager will sign.

Even with the transfer of ownership of the tank to Maine Water, the Town is retaining the lease for communication and the income for the communication antenna.

Councilor Pillsbury inquired about the differences in the two leases. The positions on the tanks are different and the tanks are different (have different values). We requested that the T-Mobile extensions be uniform to both. T-mobile had proposed different rates at the different tanks, we smoothed them by saying we wanted them the same at both locations. They are three completely different values between them. Two look the same, we asked that they be \$2,500 per instead of 2,200 and 2,800 initially proposed. This will be the second new lease in 5 years and the two extensions. The prior 4 were in the \$2,000 to \$2,500 range. We are paying slightly less than that. That's the going rate now.

What is the reason for the change in the annual escalators? That's what the two sides would agree to. In negotiations we got a higher base rate with a lower escalator and the other was fine with the higher escalator. The higher escalator lease is a higher value lease also.

In years past, we asked in addition to the lease, for access to Public Safety equipment in buildings and emergency generators. Does that still happen? Is that something we should ask for in the future? We have one site that is co-located with Tel Co in their equipment locker using their backup power. Both of these have our own independent back up power on site. We have constructed at Bow Street and Winston Hill our own enclosures with our own backup power. Typically, that is something we deal with the Tower Operator about. T-Mobile is just putting their antenna on the tower. The two key relay channels have backup power at them.

Chair Piltch shared concern about the escalator. We can approve it with the condition that they agree to a 3% escalator. One is set up 15% every 5 years and the other is 2% every year.

**BE IT ORDERED:** That the new lease with a twenty-five year term for a new cellular antenna site at the Town's Bow Street water tank held by Verizon Wireless be approved.

**BE IT FURTHER ORDERED:** That the Town Manager be authorized to execute any documents required to effectuate said lease \*~~extensions~~, including

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any non-substantive alterations and/or amendments to the proposed documents recommended by the Town Manager or Town Attorney. **VOTE:** (Fournier & Lawrence)(6-Ayes)(1-Excused)

(Town Manager)(10 minutes)

\*this is a new lease, not an extension.

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ITEM # 139-22 To consider action relative to approving the T-Mobile lease extensions for the existing cellular antenna sites at the Town's Bow Street and Lookout Drive/Winston Hill water tanks.

This lease is in its final form. It's been signed off by legal on all sides except the final clearance between Maine Water and the town attorney. We don't expect any changes. There is the option there for changes but, they are in PDF and ready to execute when we get clearance. These are existing sites that have been in operation for twenty or more years. There used to be both T-Mobile and Sprint on each tank. T-Mobile bought Sprint and they removed the Sprint equipment earlier this year. T-Mobile will reuse the Sprint mounting points. This will let T-Mobile stay on both tanks for 25 years at market rate.

**BE IT ORDERED:** That the two lease extensions with twenty-five year terms for existing cellular antenna sites at the Town's Bow Street and Lookout Drive/Winston Hill water tanks held by T-Mobile, USA be approved

**BE IT FURTHER ORDERED:** That the Town Manager be authorized to execute any documents required to effectuate said lease extensions, including any non-substantive alterations and/or amendments to the proposed documents recommended by the Town Manager or Town Attorney. **VOTE:** (Lawrence & Fournier) (6-Ayes)(1-Excused)

(Town Manager)(10 minutes)

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ITEM # 140-22 To consider action relative to voting the Official Ballot-District 23 for the Maine Municipal Association's Legislative Policy Committee.

Our Deputy Clerk, Carrie Weeman, is in the running for our District. Both the Manager and the Carrie Weeman spoke with the Town Administrator in Harpswell and she thinks Carrie will do a great job and is happy to take a back seat. Brunswick is half on the District and Freeport and Harpswell together make up the other half. We each nominate one person to the LPC. Harpswell will gladly endorse Ms. Weeman for the LPC.

**BE IT ORDERED:** That the Council cast their vote for Carrie Weeman, Deputy Clerk, Town of Freeport for the -District 23- Maine Municipal Association's Legislative Policy Committee. (Daniele & Lawrence)(6-Ayes)(1-Excused)

(Town Manager)(5 minutes)

**OTHER BUSINESS:**

1. Discussion of Special Amusement Ordinance (Vice Chair Egan)(10 minutes)

The Town Manager, after discussion with staff, believes we should keep the Ordinance and not repeal but we do want to make some changes. The value of the ordinance is that it puts the Code Officer in the room where the entertainment will be occurring for annual inspections. The Code Officer specifically looks at items such as egress and fire suppression. We do have a few places with dance floors/band. There is value to doing annual inspections. The problem we encounter with the ordinance procedure is the public hearing requirement for a new issuance since there is nothing to react to. Staff suggest a shell issue permit if they meet code and zoning for everything else. They would automatically get the permit after an inspection for egress and life safety. If there are complaints throughout the year that would trigger a public hearing on renewal. At this time, the process to get a permit is about 4 weeks due to the requirements to set and hold a public hearing.

Councilor Egan inquired about the requirements that trigger the amusement permit when a liquor license is involved. A liquor license holder must have an amusement permit to have music/entertainment. He questioned whether all the inspections to get the liquor license would be sufficient enough that we could issue the amusement permit based on that. The Code Officer rarely now finds any violations because they were picked up previously. Inspections pick up items such as blocked entrances/exits, walls being built, things getting stacked that block egress. The Code Officer could have eyes on the establishments annually to confirm safety issues are addressed. Councilor Egan questioned whether the liquor license holder wouldn't get an annual inspection to keep the liquor license. The Manager said he didn't think so. Live entertainment/music are only a concern due to the entertainment crowding factor it could generate.

Could we change the liquor license to say there is the potential for an annual or more frequent inspection? However, that is a State process and we don't have the authority to change. The Council could change the Amusement Ordinance to read "we may inspect if you have a liquor license".

Councilor Fournier asked whether the Fire Rescue inspects the retail businesses annual like they used to years ago. The Fire Rescue do walk through establishments, but not on a scheduled basis. They discussed the necessity of attaining warrants to enter certain areas and the necessity for the annual inspection with the amusement permit to check for life safety issues. If the establishment does not allow entry then the Council does not issue the Amusement Permit. Councilor Fournier is concerned that we are not inspecting our businesses. He also does not want to put more work on the Code Officer. We could possibly have other employees certified in NFPA do the egress checks also.

Councilor Lawrence recapped the process: You don't need to come to the Town Council and ask permission due to difficulties with the timing of having a public hearing. We'll leave it up to staff to inspect. The Manager stated that he also doesn't want to put more work on the Code Officer. He is already doing annual inspections as part of the renewal process and he sees value in this and has previously caught some issues during them. What the Manager is proposing is that these permits come to the Council if there is a problem or we have legitimate complaints similar to the Short-Term Rental process.

The Manager reminded the Council of their ability to make the Ordinance read however they would like it to and with any requirements or restrictions. Councilor Fournier says he supports this change as long as the work load is spread out over several people.

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What if the establishment doesn't have a liquor license, shouldn't they be inspect too? The thought is that with liquor licenses there is inebriation and probably where this ordinance initiated from. These establishments need to meet code requirements and standards. They discussed other establishments that may trigger a fire or codes inspection.

Permits in theory are tied to facilitating the work needed for this. This is a source of revenue to support being able to do these functions. If we get rid of this stuff, we may not have the ability to get staff help for the overload.

They are \$125 and we issue 7 per year. Councilor Daniele supports pairing it down and doesn't support the idea of having a "fun permit".

The Council directed the Manager to make suggestions at staff level and bring it back to the Council or to Ordinance Review, if necessary. The goal is to reduce the restrictions but leave the safety parts of the ordinance.

2. Discussion regarding NEMBA mountain bike trail proposal at Hedgehog Mountain (Chair Piltch)(30 minutes)

Chair Piltch recapped the Public Forum held previously and was discussed at the last Council meeting. The way it stands now the Conservation Commission has given themselves a deadline of December of this year to update the Management Plan for Hedgehog Mountain. Until then, there is no indication if they're in support or not in support of the mountain bike trails. This is before us as a Council to say, do we want to direct the Conservation Commission, make a recommendation or ask the Conservation Commission for something before December or do we want to take some action or do we want to wait until December.

Councilor Egan thinks we should have a clear presentation of enthusiasm and support for the proposal in broad terms and let them negotiate sort of how they are going to manage. Part of the reason for December is to allow for seasonality of vegetation. It would be wise for the commission to have absolute clarity and no doubt about the Council's position which he hopes is in support of approving the proposal. He thinks we can have those things happening parallel so we don't get to an update of the Management Plan in December and have another 4 months of contemplation. The updates and review of the Plan should be in the context of trying to find a way to incorporate most of the proposal from NIMBA to install at their expense the mountain bike trails.

Councilor Lawrence stated it wasn't the issue of whether people wanted mountain bike trails there, the problem was the height because you want ups and downs and to do that you had to go through some conservation areas. Then there was the safety issue of people walking up trails and crossing the trails and speeding bikes going down. He thinks everyone is working towards having bike trails there and between Bradbury and our mountain, it would be awesome.

There is confusion around how to define "summit". The existing Management Plan from 10 years ago says bikes are not allowed on the summit or summit area. If they go almost to the summit on the back side and the trails go on another and we don't have people and bikes in the same area at the top. This is what they are trying to get to. The commission will have to figure out how to draw the line of what the summit is and where do you allow the bike trails.

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Councilor Egan: The presentation from Trail Builders gave clear demonstrations of how they build high arch bridges. They are also concerned about cross traffic.

Councilor Pillsbury: He has heard public concern about the ongoing expenses of maintenance and upkeep and management for the Town. After it's fund raised and it's built, what we heard is that's the end of it in terms of the people who raised the money. It's going to be expensive to maintain. We heard from the Commission that the Town doesn't give them enough money to appropriately maintain things. We should better support them and he supports this but it's an ongoing liability. He needs more of a concrete plan and he's not saying it's not worthwhile, but he has concerns. Councilor Fournier mirrored Councilor Pillsbury remarks. He wants to see a fund set up to cover the ongoing expenses. We do get CREEP in this town. He has heard complaints about trails at Bradbury Mountain not being maintained due to State funding cuts. Let's make this something that will be successful for many years and he supports it.

Councilor Daniele added that these trails will be machine cut which will greatly reduce maintenance and Bradbury's weren't. These trails will be cut so that they won't get the ruts. He supports this project going forward but doesn't want to alienate the Conservation Commission either. They may feel we are pushing this on them and making them act quickly and do things. We have asked the Commission to manage this and we don't want to step on too many toes because they are volunteers.

Councilor Pillsbury: This seems like a large enough project that it could one of the key parts of the Downtown Revisioning. Who else do we need to engage in this? He's afraid that some of these projects might develop on their own in isolation. It's a problem if we fund raised all this money and invested in Hedgehog, but it's not connected anywhere, it's not part of the big picture. If we had thought more logically maybe there's a way to fundraise the trails and some connections or increase the scope to make it more viable and better. What about ADA compliance out there and is there an opportunity for access out there. This is going to be the crux of the problem, developing all the plans for the visioning. How do we do them in the right way and how do we get the most bang for the buck.

Councilor Lawrence: We are kind of doing that and the first big step is the bridges being built. You've seen what the engineer has put together and all the trails that are supposed to go right by there and right down Murch Road. He agrees it needs to be coordinated, but it already is because we have a plan to build trails out to and past that spot. We can do the projects individually because they will all be connected eventually.

Councilor Daniele: Connect Freeport meets monthly on this kind of thing. They are an active part of this Plan. Everyone is excited to make those connections. That's what's going to keep this going.

Councilor Pillsbury: Let's be mindful to bring people into this, not to slow the project down, but if we are going to put time and money into this project let's make sure it's wisely spent. It's so loose because we are in the development stage.

The Conservation Commission has a lot on their plates. Usually this time of year, they are building bridges and clearing trails and they are volunteers. That is why it's taking a while. There is a consensus from the Council to move this forward a little and let us know if you need help. We have specific concerns about the summit area, parking, ongoing maintenance plans, costs and concerns about safety of trail crossings. Maybe they can get a working group together to come up with an iteration of the Plan. We would like them to be chipping away at it. We want them to know the Council is heavily in support of them doing something instead of nothing. We don't want to lose NIMBAs interest. We will make the

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offer to do the negotiating with NIMBA for the Commission if that would help and not overstep. That way NIMBA knows we want and are working on this.

There is no staff person for the Conservation Commission. The Manager and Council Liaison attend their meetings. To that point, is it time we look at that and assign a staff person to make it more efficient. We put a lot on our committees.

Chair Piltch: There has also been talk about whether we should have a Parks Department. We have the need but not the staff or budget for it. Established staff does the parks area. They discussed staffing challenges. Councilor Pillsbury supports looking at our staffing. Councilor Lawrence supports a coordinator. There was talk of seeing if the new Sustainability Coordinator might be able to assist.

The way the Ordinance is written now, the Commission needs to approve a Management Plan by two thirds (5 of 7 people). They recommend the Plan to the Council and the Council approves it. If a new Plan is not approved the old one stands. The old one says no bikes on non-designated trails, on the summit or the Summit trail. You could argue every trail is a designated trail and they bike their now.

Town Manager: There is nothing in our Plan that currently prohibits any of this from happening other than you don't have cut trails. You have constructed trails specifically for biking. He thinks the only thing that would need to formally change in that plan is if there is some consideration for "Summit" and what Summit means. The Summit trail is off limits due to certain vegetation at the summit area. There is nothing in the management plan that says that biking couldn't go to the summit.

They discussed postponing the next meeting due to several Councilors being unable to attend. We can decide later in the week.

Motion to adjourn (Lawrence & Fournier)(6-Ayes)(1-Excused)

**END OF AGENDA (Estimated time of adjournment 7:20 PM)**