

MINUTES
FREEPORT TOWN COUNCIL MEETING #01-21
HELD REMOTELY USING ZOOM TELECONFERENCING TECHNOLOGY
TUESDAY, JANUARY 5, 2020
6:30 p.m.

<u>ROLL CALL OF MEMBERS:</u>	PRESENT	EXCUSED	ABSENT
Edward Bradley, 242 Flying Point Road	x		
Jake Daniele, 264 Pownal Road	x		
John Egan, 38 Curtis Road (Chair)	x		
Henry Lawrence, 93 Hunter Road	x (arrived at 6:07)		
Daniel Piltch, 25 Quarry Lane	x		
Douglas Reighley, 2 Harbor Ridge Road	x		
Tawni Whitney, 56 Baldwin Road (Vice Chair)	x		

Chair Egan called the meeting to order at 6:31 p.m. and welcomed everyone. He will explain how members of the public can participate this evening later in the meeting. Chair Egan took the roll and noted that Councilor Lawrence will most likely be arriving shortly but all other Councilors are in attendance as well as the Town Manager.

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 #25-20 held on December 15, 2020 and to accept the minutes as printed.

Councilor Bradley referred to Page 3 in the second full paragraph and where it says, “he noted that Angus King calls him” The sentence should have started with “**if** Angus King were to call him.”

MOVED AND SECONDED: To waive the reading of the minutes of Meeting #25-20 held on December 15, 2020 and to accept the minutes as amended. (Reighley & Piltch) **ROLL CALL VOTE:** (6 Ayes) (1 Excused-Lawrence) (0 Nays)

THIRD ORDER OF BUSINESS: Announcements

Chair Egan announced:

The Appointments Committee will be meeting within five days. There are vacancies on the Appeals Board, the Board of Assessment Review and Cable TV. Additionally, terms will be expiring in a number of other boards at the end of March. Vacancies are anticipated on Project Review as well as some others. He has heard that Complete Streets has an opening. Councilor Reighley added that Complete Streets is looking forward to it being filled rapidly. The Appointments Committee also maintains a list of residents interested in serving on other boards and committees when vacancies arise. If anyone has an interest in serving on our many active and informed committees or boards, please contact the Town Clerk. Applications can be picked up at Town Hall or have one e-mailed to them. They are also available on the Town’s website. Residents can talk to Johanna Hanselman at Tel: 865-4743, Ext. 120.

COUNCIL MEETING #01-21
JANUARY 5, 2021

As a reminder, all Town departments are open by appointment only and curbside only due to increased restrictions from the pandemic. Freeport's Public Works and Public Safety facilities remain appointment-only as they have been since June 1. All regular services and hours will be available at all Town departments but residents need to make a call or e-mail the relevant department person prior to their visit so we can minimize the amount of people in Town Hall at any one time. He explained how residents can book an appointment at Town Hall.

For information on the curbside service at our Community Library, please call 865-3307 or visit www.Freeportlibrary.com for details on their curbside service.

Dog licenses expired on December 31st which was last week. Residents can register their pets at Freeport Town Hall or on line at www.Doglicensing.com.

Councilor Lawrence was welcomed.

FOURTH ORDER OF BUSINESS: Information Exchange

Councilor Reighley advised that this morning the Complete Streets Committee met and was joined by Andy Seymour who is with the Active Living. He added that Active Living has been very good for Freeport. They are sun setting and a lot of the work they have done will be augmented into other Town committees. Complete Streets probably will be most influenced by what has taken place with Active Living. He thanked Mr. Seymour and his committee for their good work. Today's meeting was very productive and they talked about the bridges and that will be in our discussion later this evening. He was happy to have Chair Egan in attendance today. A lot was accomplished. Their meetings start on time and end on time which he finds is amazing. Chair Egan noted that he tuned into this morning's meeting because he knew the bike and pedestrian lane improvements for the bridge were on the agenda. He was happy to hear robust enthusiasm from that committee for our efforts to move that forward for a bond vote this March. He believes the Council may hear from some of those members later on when it takes up that agenda item for setting the election for the bond. Folks on that committee are largely responsible for the progress that we have been able to make so far on these Connect Freeport ideas such as the bike and pedestrian lane improvements over the bridge diligently following the process with our engineer and offering and advising a number of specific design details over the months of process to get us to this point. We are about to launch a community-wide education campaign so we can get residents as enthused about this as we are. He is hoping this committee as well as Active Living and other committees will help spread the word in the community.

Vice Chair Whitney advised that she attended a meeting with the Freeport Accessibility Task Force and the meeting was about trying to make Freeport more accessible for all. The group is now compiling a list of ways in which Freeport is already ADA compliant so we can celebrate those ways and figure out ways that we can be even more accessible for everyone. One of her initiatives when she joined the Council was to make Freeport more age-friendly and met Tricia Oh, the head of AARP. Now that Freeport is an AARP-certified town, we have access to grants to make us more age friendly. She is glad to have partners to bring this to life.

Vice Chair Whitney pointed out that she is also attending 2 to 3 meetings a week on downtown business. She was pleased to see a positive article written about our hiring of the consultant. It was a great way to let residents know what we are doing and start to get involved.

COUNCIL MEETING #01-21
JANUARY 5, 2021

Vice Chair Whitney has been in contact with our Representative Melanie Sachs about forming a phone tree to reach out to some of our Elders in the next few weeks to check in and see how they are doing and if there is anything they might need.

Councilor Bradley advised that he has talked with Carter Becker because the Council held an Executive Session. Nothing is resolved with the things the Council discussed but a positive attitude and an effort to work through the different points to come back with a concrete proposal. Chair Egan felt it was good to hear.

Councilor Bradley asked Vice Chair Whitney about the contract with the provider and the issues discussed prior to entering that contract. Here are many pieces to that that he would like to know a little more. His first question was who signed the contract? Vice Chair Whitney noted that the Town Manager is the one that will write the check. Mr. Joseph added that he will sign the contract. Councilor Bradley mentioned that in the role of FEDC in this process, there was talk about them being the lead agency but having other Town organizations be part of a committee that would talk to the Council about this process going forward. He asked how that got resolved? Vice Chair Whitney advised that it was floated and well received. They are happy to have the Council take the lead or continue with FEDC as the lead. So far, it has been FEDC but Councilor Bradley's point was that he wanted a little more ownership from the Council. Councilor Bradley advised that at the time he had no problem having FEDC taking the lead. They are doing the work and it makes sense to him but he can also see going forward, if things need to be sold to the community as a whole, it is probably not going to be FEDC's job. It will be the Council explaining it to the Town so looking forward into the future, that might be the result. It seems to him that you would build in 1) the Council into a process that FEDC led and 2) bring in all the organizations who are talking about things consistent with revisioning the downtown and ask them to the table and interview them as interested parties. Those are his points but he doesn't know which of them are any good from the Council's perspective. He believes in them or wouldn't have said them but he also does not determine how this goes. He is just asking.

Vice Chair Whitney feels that Principle should be allowed to have their first official group meeting and help them to help us steer since they have done this many times in towns throughout New England. She feels it would be best to ask that question of them and see how it is best presented. They will be very involved in our community creating charrettes and different forums. Councilor Bradley disagreed. He feels Principle does not yet know anything about Freeport. We do and it is fair to say that in this town, if we are going to spend money on never mind the first phase, but the second and third phase which could be substantially more, the Council needs to have ownership. FEDC is the leader among these groups but if you leave those other groups out on the sidewalk, you will have a hard time bringing them back to the table once you decide what you want to do, no matter how good Principle is. Vice Chair Whitney agrees that the more people we have at the table, the better. That is the way to make this work.

Councilor Reighley suggested seeing what pieces we can generate first before we get into the hard points sitting down. Councilor Bradley noted he is not talking about any substance. He is talking about the organization and the process and we are fairly far along. We just spent \$50,000 on that and he would like to know how that is going to be spent. If we need a vote on this, let's have one. If we don't and it is consensus, let's just do it. If it is consensus the other way, let's not do it. He is not trying to direct it.

Councilor Piltch mentioned there is a FEDC Board meeting on Thursday and this is one of the topics. It was something along the lines of digest the feedback that we got from the Council meeting on roles and responsibilities so he hopes this topic will be discussed on Thursday. He will not be able to attend but it sounds like Vice Chair Whitney heard loud and clear what Councilor Bradley had to say and will bring that up. FEDC heard that at our meeting and they will discuss it and come back with their proposal.

COUNCIL MEETING #01-21
JANUARY 5, 2021

Vice Chair Whitney agreed. Councilor Bradley is happy to hear that you don't want the Council to direct this process and want to wait for more feedback. He does not agree with that but it is okay if that is what you want to do. He will attend the meeting and say what he has to say. It seems to him that this is Freeport's money, our Council and our Town. FEDC is a part of the Town and a major part of this project but they should not be running this show alone. Councilor Piltch agreed and noted it is the right thing to do but he does not know that he would want to step up as a Council member and say that the Council should lead the day-to-day operation of the proposal. He thinks the Council is delegating that to FEDC but it is on the Council's behalf. It is a Council-led project and we are asking FEDC to do the day-to-day but bring everybody to the table to help run the process not just as interview subjects. Councilor Bradley thinks it is important to how the downtown turns out to be going forward. Mr. Joseph clarified that we have Dan, Tawni and Ed involved in the meetings with FEDC. He thinks Councilor Bradley's points are good and they are what was discussed and what everyone here agrees on. If anything evolves that is even moderately uncomfortable, we bring it back to the Council for full Council involvement and feedback. It is on us that if we see anyone is being left out, and is not the will of the Council, tell him that.

Councilor Bradley mentioned if he was God, he would say let FEDC run this just the way they are running it and bring these people to the table. On a regular basis have Vice Chair Whitney give a report to the Council on the progress of the process. Any individual Councilor who is already at the table or wants to be at the table, should go sit in on the FEDC meetings. He doesn't think the Council should be running this from these meetings. At the end of the day, he would like to say to everybody when we go to raise the \$100,000 or \$200,000 to re-envision the downtown, that we participated in this and we trust the guy. We trust FEDC and all the other organizations that had their input just like the bridge. You know it is the right thing to do.

Councilor Piltch suggested encouraging the meetings with Principle and FEDC to be noticed and be more public than FEDC's meetings traditionally are and they are at least given notice to the Council and other groups in town that are likely participants. Vice Chair Whitney agreed that it was a good idea. Chair Egan mentioned that as we go through a couple of these meetings and it is obvious that there is a constituent group not being heard from and not in attendance, that is on our task to go find those folks and make sure they know about the meetings and invite them in. Vice Chair Whitney advised that they had a brief meeting after Christmas discussing how best to get the word out using different forms. There is another meeting on Thursday and she is happy to give updates at these meetings on what is happening.

Chair Egan advised that he attended the Freeport Sustainability Advisory Board meeting last evening and that group is focusing on specific data collection on some recycling solutions. They are also focusing on a number of activities that they have had historical involvement with and trying to generate some enthusiasm for getting a more specific and tangible list of sustainable values that they can bring forth. We will see a high-level summary of that when we get to Council Goals later this evening. He hopes Councilors got a chance to print out the list circulated earlier today from the Town Clerk that has proposed draft Goals for our Council for 2021 as well as committee assignments. The Sustainability Committee is looking forward to having some specific engagements with us on those issues.

Chair Egan is disappointed that we were not able to have a public recognition of Chief Nourse at the end of her career. It was extremely disappointing to him because he felt that for someone who put 37 or how many years it was in public service to this community deserved a hell of a party and specific recognition of not only her recent accomplishments as Chief but all of the things, she accomplished in her tenure here in our community. We are certainly better off because of her years of service and the lasting elements in our community that have her fingerprints on them. He is hoping when the zoom meetings are over and we are back at Town Hall and the chief might be around, we can have some sort of recognition and a reception for her at Town Hall. Mr. Joseph mentioned that he told her to expect to be summoned at some

COUNCIL MEETING #01-21
JANUARY 5, 2021

point whether it is in the spring or summer when things cool down. He shared Chair Egan's feelings as well. It didn't feel great to him. Councilor Reighley mentioned a special invitation to the chief to come out to Bustin's Island for the Annual Meeting and the opportunity to roast her properly is what we need to do. Councilor Bradley asked if the Town presented her with a token of our appreciation? Mr. Joseph assured him that there is a group here that took care of that according to the formula based on the length of service.

FIFTH ORDER OF BUSINESS: Town Manager's Report

Mr. Joseph updated the Council on information that has been shared with some Councilors. We are navigating tough times but it has quieted down with Town employees but we had a patch for three or four weeks at the beginning of December where there were a lot of forced COVID quarantines and positive COVID cases, etc. among Town employees but our control processes were all in place and explained them. Freeport experienced 49 positive COVID cases two or three weeks ago. It is out there and there is community spread going on. It is pretty serious and people need to hear that.

On the vaccination protocol, some of the exposures for Town employees has slowed down a bit which is great news for us but we are still moving full speed ahead as soon as vaccinations are available. The current standards the CDC is using are 1-A and 1-B. 1-A are the Town health care workers so that would be paramedics, EMTs and health care providers. Probably about 30 of our employees fall into that category. 1-B would include first responders and front-line essential workers. Right now, we have had a handful of 1-A employees who are medical providers. They are essentially fire department employees who are EMTs and paramedics have been vaccinated with their first dose. Currently we are just at the end of the point where the EMS Agencies are trying to vaccinate the vaccinators. There will be three agencies in Cumberland County that will be providing vaccinations to all the other Municipal agencies. Ours will be Portland. Portland will be vaccinating Freeport's people. Freeport, Brunswick and Harpswell will be a pod. It will be distributed to our employees. The bulk of our 1-A providers to be vaccinated this week but it is constantly changing on a daily basis based on the availability of vaccine. They expect that to happen the end of this week but more than likely will happen next week. As of last Saturday, they expected the Group 1-A to start being vaccinated the week of the 10th but may be optimistic right now but it is still good news that these are the timelines that we are on for our front-line service employees. That leads to the question we have been getting from the general public: when is the vaccinations for the general public going to start? It is 100% dependent on when vaccine doses can get out there. They have been told by the CDC that towns in general will not be hosting vaccination clinics through town services. We may potentially serve as a location where vaccination drives can happen but they are not going to be using the Town's EMS Agencies to do any vaccinations beyond the Group 1-A and 1-B vaccinations of essential employees. They have gotten that question several times. If that changes, we will be the first in line to qualify as a location to do that but it was confirmed yesterday by the CDC that there are still no plans to involve municipalities in vaccinations.

Councilor Bradley noted he would encourage us as a town to push for that and why not if there is vaccine hanging around and is not being used because there are no people to distribute it. It makes no sense to him for that to occur but he doesn't know if it will occur, but that is everybody's biggest fear that once vaccine production ramps up and delivery ramps up, it will be hanging around waiting for people to stick it into people's arms. He is confident we have plenty of people in Freeport that know how to do that and plenty of people here that want the vaccine. Who else will ask these questions but us? Mr. Joseph noted those are good points and would be a fantastic situation to be in. If it happens, he would be glad to be wrong that there is a surplus. If there is a shortage of vaccinators, he will figure out a way to either get people here to service our location, do it ourselves, transport people once we have staff people that are vaccinated to drive people to other locations so they can be vaccinated. These are ways that it could play out. He hopes

COUNCIL MEETING #01-21
JANUARY 5, 2021

we will see people taking the vaccine quicker than it can be produced and the two could be rapid together at the same time. We are at pre-1-A at this point from Municipal operations. He will update the Council as our people become vaccinated and keep tabs at where we are at. If we get to the point that Councilor Bradley just described, he will certainly have a hot line with leadership when that happens and figure out what to do to capitalize on that scenario.

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

Chair Egan explained to the public how to participate this evening. There were no public comments provided so Chair Egan closed the public comment period and the Council moved on.

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

ITEM # 01-21 To consider action relative to adopting the January 5, 2021 Consent Agenda.

BE IT ORDERED: That the January 5, 2021 Consent Agenda be adopted.
(Egan & Reighley)

Chair Egan reviewed the items on the Consent Agenda for members of the public.

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

ITEM # 02-21 To consider action relative to setting a public hearing regarding a supplement appropriation of \$19,800 for the purpose of building upgrades at the Freeport Recycling Facility.

BE IT ORDERED: That a public hearing be set for January 19, 2021 at 6:30 pm regarding the supplement appropriation of \$19,800.00 for the purpose of building upgrades at the Freeport Recycling Facility.

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

Mr. Joseph explained that if the Council doesn't like this, they should not vote yes in setting the public hearing. They did several bid openings recently at the Recycling Facility. One came in substantially below the budgeted and expected amount which was already a Capital budgeted project. It was expected to be in the \$60,000 range and came in around \$20,000 and that is the retaining wall project. There is a \$60,000 fund for the retaining wall project established in last year's Capital Budget. The second project was this building improvement project which was not originally budgeted as a Capital project because it was not expected to rise into the Capital Budget level. However, the results came back at \$19,800 for the work. Part of that could be on our estimating work. The construction market right now is pretty insane so that is reasonable. We don't have money set aside for that and will pay for it out of the Operating Budget. He would consider those minor upgrades. It will be removing two overhead garage doors and replacing them with a wall and two windows. He explained how the building would be

COUNCIL MEETING #01-21
JANUARY 5, 2021

improved. He is hoping to do it out of the underage for the retaining wall project but this requires the technicalities it would be a separate appropriation by the Council and the Council would have to appropriate the surplus funds out of that account to spend on the building projects. Councilor Reighley mentioned it is nice to see a local contractor involved.

Chair Egan explained to the public that this is not new money but money we saved on another project and we are reallocating to this. It should be a very smooth public hearing on the 19th. Mr. Joseph advised that this is adding a new project which is why it is coming before the Council as a supplemental request.

Adam Bliss mentioned that they want to move forward with this project. They selected the lowest bidder according to the rfp process. What that project entails beyond safety improvements is shutting down of accepting bulky waste for a one-to-two-week period. The time is right to do that work while contractors are outside of their typical construction season so they have available capacity and winter time is our traditionally slowest period for accepting bulky waste items. To do a two-week shutdown makes the most sense for the retaining wall repair project. They would like to start that project in two weeks on January 18th and will notify through the website, the Municipal Bulletin and our electronic signage. The building improvements can't begin for five weeks because there is a lengthy lead time for materials. Mr. Joseph added that it can't happen unless the Council votes up this request tonight and in two weeks. Chair Egan suggested that a notice be posted at the drive-in entrance to the Transfer Station about the closure as soon as this week if possible.

Councilor Piltch asked if there is another location for the bins so people can drive up and heave the stuff over the top? Mr. Bliss advised that we can't because of what he described as lifting over one's head. The containers are 8 feet tall but they did think of that. He feels it would be well advised to limit activity around these repairs so they can get in quickly and get out. He expects the repairs to take a week but wanted to add a week of buffering in there because it is winter and many contractors move snow. Mr. Joseph is assuming that there will have to be some cordoning off some area around the retaining wall. Mr. Bliss agreed and mentioned that in the rfp he made it clear that the contractor is responsible for barricading the work area.

Councilor Daniele asked if we could ask one of our neighboring towns if someone shows up with a bunch of bulky waste to honor our Freeport tag such as Riverside or Portland? Mr. Bliss advised that Riverside would be a back-up plan if they did show up and were surprised by the shutdown. The challenge to reaching out to Yarmouth or a neighboring town is how do we exchange money, etc. Councilor Daniele noted that it would be just them honoring our tag but they would still have to pay for their bulky waste. Mr. Joseph agreed that they would be charged whatever the disposal rate is and then keep a tab of how many people went in there or something like that. He offered to talk to at least two of our neighbors.

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

ITEM # 03-21 To consider action relative to the Town Council Recommendations on the Articles to be voted at the March 9, 2021 Special Municipal Election.

Chair Egan recapped that MDOT went through an extensive process with lots of input from our committee and our Town Engineer over the past 14 months or most of 2020 taking input on their plans for the two bridges at Exit 20 and Exit 22 as well as the bridge over the Cousins River which is actually in the Municipality of Yarmouth and they engaged both communities extensively for what those improvements were going to be and then suddenly at the end of September and beginning of October, we were advised that we had to make a commitment to the cost share for the elements that are above and

COUNCIL MEETING #01-21
JANUARY 5, 2021

beyond a strict element for element replacement. In other words, anything that was going to be new in the new bridge that is not there today was going to have to have a cost share and the MDOT needed a commitment from us meaning the Town Manager would be willing to write a check in order for them to move forward with the design work and they gave us only about six weeks to come up with that decision, up or down. A couple of conversations ensued with MDOT and negotiated some additional timing for us to provide that commitment. After lots of discussion here at this Council as well as with Staff, the pathway for us to get to this fastest is to have a Municipal vote for a bond in order to provide authorization for those expenditures and such a date will be on March 9th. At that point, a vote either way by the Town would be the evidence that MDOT is requiring of the Town in order to move forward with its design work. The timing and schedule are entirely driven by MDOT's schedule which was determined many months ago, from their finance and capital alignment project and their ability to get grants from the U.S. Government. The MDOT's schedule for these bridges and the design work was laid in cement a long time ago and is not moveable. The only thing they had some room to move on was how fast they were going to move with their design in front of their bid process and they have given us the maximum amount available to them.

It was made perfectly clear that the Town's opportunity to cost share in these improvements is once in a 75-year timeframe so we have this window of time between now and March to drum up support and enthusiasm in our community for these improvements or the project goes forward and we have to wait another 75 years, at least, before we can have bike and pedestrian improvements on these two bridges. To him, that is the most compelling piece of this argument of why we are having an election in the middle of March instead of in June or November when the past 300 elections have occurred. It is way out of the ordinary to have one in March, particularly during COVID but the window of what we are going to miss if we don't commit to the funding for these things is 75 years. It is an outrageous timeframe to wait for having connectivity for bikes and pedestrians on the two sides of our community, the east and west side of 2-95. That is the context for setting a public hearing on February 23rd and the vote for the election on March 9. We will have more opportunity for public comment on this particular item as well as the public hearing itself on the 23rd. We did go ahead with consent at our last meeting to engage a proposal from GPCOG to assist with public relations and organizing a public relations education opportunity in our community that they can deploy to help us with that largely using a lot of the material that Adam Bliss has already produced which made that process go much smoother. He thanked Mr. Bliss for sharing the very illustrated material. Our next two items are to set this election

ITEM # 03-21 To consider action relative to the Town Council Recommendations on the Articles to be voted at the March 9, 2021 Special Municipal Election.

BE IT ORDERED: That the Town Council vote to recommend in favor or opposed to the warrant article. (Piltch & Reighley)

Chair Egan explained we have language that has been drafted for what the warrant looks like. There is a dollar amount in there that is reflective of a specific design element that has gone through an enormously long and elaborate process from a number of committees as well as MDOT's own public hearings and input sessions. However, there has been a late design element wrinkle that Chair Egan wanted to ask the Town Manager to explain that justifies where we are with the dollar amount. The original budget for this bond election was a little more than a million dollars and now we are talking about less than half of that so there is some context he wants to share with the Council and the public who are listening as well as the specific elements of where we are with the actual design itself.

Councilor Reighley pointed out that today at Complete Streets he heard a figure of a half million dollars for an expansion of a width to 10 feet wide but it is the position of Complete Streets and Active Living

COUNCIL MEETING #01-21
JANUARY 5, 2021

that would like to go with 12 feet wide so the amount moves closer to a million dollars. Chair Egan noted that that is what he wanted the Town Manager or the Town Engineer to address the specific difference between those two elements. All along, the community and our committees have been advocating for a 12-foot-wide pathway that would accommodate both bicycle and pedestrian.

Mr. Joseph advised that the wrinkles that happened resulted in two separate dollar figures coming to the town. The wrinkles were the DOT decided to take a much more aggressive cost sharing perspective meaning they will cover more of the projects specifically at Mallett Drive than they initially thought they were going to. However, the wrinkle is they are going to cover a substantial portion of a 10-foot wide multi use path because that is the standard of what they are generally building and recommending to be built in the area. The Martin's Point Bridge comes to mind and that is what it ended up being. They would cover a higher percentage of a 10-foot-wide path. However, if we go anything above that, they are willing to design a 12-foot wide and cover the design costs but we will eat the entire cost to add those 2 feet of concrete pavement and whatever steel is needed beneath them. The two figures include a 20% contingency which is substantial but since we are going to bond, we need more flexibility in there. The 10-foot-wide path with the contingency is \$480,000 which is the figure reflected on the draft warrant. The 12-foot-wide figure with the contingency is \$634,000. If the Council wants to deliberate and decides that a 12-foot-wide path is more favorable than a 10-foot-wide path, the figure in the warrant would need to be amended to \$634,000 from \$480,000. That is the Council's decision point that Chair Egan was referring to tonight.

Chair Egan mentioned that it is unfortunate that the design preference that we have presented and discussed for well over a year with DOT was for the 12-foot-wide path. It was unanimous at the Complete Streets Committee and the Active Living Committee that their recommendation is to go forward with requesting additional dollars to cover the 12-foot-wide path recognizing that we are asking voters to come out in the middle of the winter in the middle of a pandemic to vote on a bond issue that they more than likely will not have a lot of background on, nowhere near the amount of information we have. The number we have in front of us was to make it as small as possible. That is the reason it is at \$480,000 and not \$634,000. However, hearing from our committees, he wants to make sure we have the option for the Council to go ahead and make the decision and go 10 feet or 12 feet recognizing that if we go 12 feet, the Town has to incur 100% of that additional cost.

Councilor Reighley reminded the Council that even though we are thinking of how much we are funding now; we have to remember that this is going to last for 75 years. Councilor Lawrence pointed out that \$634,000 is about half of where we were when we were all talking about 12 feet. We were at \$1.2M or \$1.5M and now we are at \$634,000. Typically, when we build anything, in a year or two it is already too small so he thinks a 12-foot path is really what we should be asking for. \$634,000 over 75 years is not a lot of money and it gives us a bigger path. This will help put the Town back together.

Chair Egan advised Councilor Bradley that the functionality is entirely about the distance for two bicycles to pass in opposite directions in their own travel lanes versus having to wander into the pedestrian travel lane. With the 12-foot-wide path, you can have two bikes safely passing each other in opposite directions without having to drift over into the pedestrian portion of that lane. He believes there is a barrier between the pedestrian and bike lanes, at least some kind of raised element in the construction so that it is clear that pedestrians are in one path and the bicycles are in the other path.

Councilor Daniele advised that the 12 feet is considered the gold standard when designing these things. He noted that Mallett Drive needs to be repaved and if we could ask for additional money from this bond in order to plan out and design that, we may be able to save costs by doing those repairs at the same time that the bridge is done. He asked the Town Engineer to provide more information on that going forward.

COUNCIL MEETING #01-21
JANUARY 5, 2021

Mr. Bliss noted he would be happy to talk but wanted to hear from other Councilors.

Councilor Piltch asked what is DOT doing for nearby bridges? For bridges that have a bike path, how wide are those? Mr. Joseph advised that DOT is pushing for 10 foot. They are not requiring that but they are hoping this will be their policy moving forward. Whenever this type of scenario arises, they will do a cost share for a 10-foot-wide multi-use path where they think it is warranted by their standards. Anything over and above that will be on the Municipality to fund. He knows that the Martin's Point Bridge is 10 feet, 6 inches. He understands that their policy will be flexible and they will be giving options to people. They are hoping this will be the standard that they use when they do these types of projects.

Councilor Piltch is interested in what the infrastructure looks like all around us. Mr. Bliss advised that the lens he views this project through is labelled context sensitivity and context is the operative word. What is the setting for this bridge crossing and what is connecting into the bridge crossing? Is this an urban or rural environment? How much traffic and what type vehicles? 8 foot is the absolute minimum in terms of multi-use pathways.

Councilor Reighley pointed out that the Martins' Point Bridge has been in service for ten years so that design ten years ago was all that was sought. He knows the Town of Falmouth didn't have any interest in doing anything more. In Yarmouth, the Route One overpass, Main Street was an addition of a pedestrian walkway and before that there was nothing there. Yarmouth has been more involved with the Cousins River even though we are partners of the work creating that bridge so it was whether they had an interest in going further than that. Andy Seymour would have more information for us.

Councilor Lawrence shared that when he drives down Hunter Road, there are tons of bicycles going both ways and not just kids. These are adults out for a hard workout and he knows they are using that bridge. Because of that, he feels we should have 12-foot pathways.

Councilor Bradley congratulated anyone able to bring this price from \$1.2M to \$634,000 and the project is clearly something this town needs and we should do. His question is of the amount and the decision to bond as to pay for it out of reserves. He thinks that it is not a slam dunk that we are going to get the public to pay for this and if word gets out that we are buying the gold standard as opposed to the preferred, we might get a push back, we might. If we did, it would be too bad if that is what kept us from doing what we all concede is an important thing to do to connect the Town. Either way we do it, he asked is there a way to do it without bonding so we know it gets done or in the alternative, do we have a fall back in case the bond doesn't work. Can we assure ourselves and commit by vote or some way to DOT if the bond doesn't pass, we will pay for it out of the amount at which point he would be much more focused on the \$480,000 than if we bond it. He wanted to put this out there and see what people say.

Mr. Joseph advised that in October we discussed the option of opening the checkbook and writing a \$1.2M check at that time but what is a \$480,000 or \$634,000 check? He was dead set against it and would be kicking and screaming if someone said they wanted to do the \$1.2M because that gets into the range of, at least the public views that as malfeasance of public funds. He thinks it is less of a concern if you are in the \$500,000 range but is still a concern to him that there hasn't been a public input process. That is his main concern but the Council is the political decision makers. That is his word of warning but the Council does have that power to do that at any given point of time. Councilor Bradley asked if we have the money if we decide to go that route? Mr. Joseph advised that we have the money that we could write the check but that will be effectively a tax hike next year of that exact amount because we won't have the money to do the projects in next year's Capital Budget if we spend those fund balance funds now. We will essentially have to raise funds next year in the tax rate to do our Capital projects. Councilor Bradley

COUNCIL MEETING #01-21
JANUARY 5, 2021

mentioned that in the spirit of getting this done, could we make a commitment to DOT that we will pay for this out of our funds but also put it on the warrant for the normal voting time when there will be more voters and more enthusiasm around the vote rather than a middle of the winter election. Mr. Joseph advised that we tried that but DOT won't go for it. Councilor Bradley asked what if we make the commitment to pay the money and we don't care whether or not we get the bond. We will pay for it and if we get the bond, we will have it in place and then we just repay whatever we had to pay out. Mr. Joseph advised that the downside is if we don't get the vote for the bond, you are ignoring the public's will if you go and fund it otherwise. More discussion followed. Mr. Joseph advised that the Council is in the driver's seat for this election and anything you can dream up as long as it is legal, it is just a question of how complex you want to make it.

Councilor Daniele asked Mr. Joseph if he has the numbers on funding the bond through the TIF so everything would be covered without raising taxes. He feels that would alleviate a lot of these concerns. Mr. Joseph added that he could only give him half of that question which is what the tax impact of the bond would be. He does not have the timing for the TIF only because it would depend on two things he cannot commit to. Councilor Daniele asked in five years' time would the TIF funds be able to cover the bond payments? Mr. Joseph replied yes but the hard part here is that it is not something we can definitely say that the current Council can bind future Councils to do. That decision would have to be made in Budget Years 3, 4, 5 or whatever that is in the future from here. Councilor Lawrence asked when the earliest would be that we would have to make a payment to the DOT? Mr. Bliss advised that we would have to have a signed agreement in place when they advertise construction in August of 2021. The project is packaged as a group of four bridges and they will stagger construction of those bridges. We do not know the layout of when they will start one and sequence to the next one but there's flexibility there to delay construction of Mallett Drive for example after Exit 17, Twin Bridges. The construction start timeframe would probably be late winter of 2022 or early spring. There are a lot of unknowns in terms of traffic management, construction management, etc. Mr. Joseph added that it could be two years from now if they decide to do that bridge first. Councilor Lawrence noted that it would be two years into this that we would be having to come up with a bond payment. Mr. Joseph cautioned that the only two ways this can happen that he can sign an agreement with DOT in time to get their bidding done in the summer of this year is if there is an appropriation either out of the checkbook like we talked about when Councilor Bradley asked the question earlier and the Council votes to do an appropriation and it is on the books and he can rely on that and it continues as a Capital appropriation even if the Council is gone but it is still on the books and he can legally write that check. 2) The bond authorization is there even if we don't issue the bond for a year, two or three even if that is how the construction phasing happens, there is still an appropriation that he can rely on to sign an agreement with DOT that won't go away. We would have to do one of those two things even if the long-term intent is funding it out of the TIF even if we have that money in three, four or five years, we will need one of those two appropriation votes in place so he can sign the agreement either way. Councilor Daniele clarified that he was not suggesting to pay for it just with TIF funds. We are telling the public that their taxes are not going to go up because the TIF funds will be paying the bond off. He asked about \$50,000 payments and if it is a lump sum at the end? Mr. Joseph advised that he is just guessing at rates right nw.

Councilor Reighley asked if we could call the question on Item #03-21? Chair Egan mentioned the point was taken but that he wanted to go back to a point that Councilor Bradley made that getting the vote approved in March is no slam dunk and it is not a lot better than 50/50 right now because the public is completely unaware of what is going on with all of the activity going on. That is the reason we have engaged with GPCOG to help us with an education effort to spread the word and we will use our committees. The reason why the Council decided to go the bond route back in October is for transparency reasons that the special election and putting it out of sequence was entirely related to the timing from DOT and we wanted to keep the decision and dollar amount focused on the only part of this we couldn't

COUNCIL MEETING #01-21
JANUARY 5, 2021

control in terms of timing which was the commitment for the money. It is very good news that it is less than half of what it was originally proposed to be. He thinks the pathway of doing something other than a bond jeopardizes our ability to actually get this done. One of the arguments made for bonding is that we are taking the payment and burden of the \$480,000 or the \$634,000 and stretching it out over 20 years as opposed to finding it in our Capital budget and we would then have to accommodate that expense in tax increases over a very short period which would put a much more significant burden on our taxpayers. The story and information to spread to the public about how tiny the burden of this bond will be on an individual tax bill is far outweighed by the benefits everyone will get to enjoy. That was the logic behind using the bond method as quirky it is to have an election in March. He asked to get a sense from folks if the \$480,000 is the dollar amount we go with for a 10-foot path that has been recommended in the materials or do we listen to our committee and make the decision for the 12-foot path. He is open for a motion.

MOVED AND SECONDED: To approve \$634,000 to provide for a 12-foot width on the pathways. (Reighley & Whitney)

Councilor Daniele suggested hearing from the public for input now before the Council decides how much to set this bond for. The Active Living Committee is adamant that we should be planning the next stage of development so having a design already for Mallett would be really important through this bond. The committee members will be getting the public on board with this.

Mr. Joseph being a stickler for details pointed out that there is a motion and a second on the floor so we would need to have the motion withdrawn voluntarily or voted down.

Chair Egan explained that he doesn't disagree at all at the gravity of having resources to do proper planning. His limited understand is that we actually have other channels through out typical budget process to accomplish that on a much smaller dollar amount than the \$500,000 or \$634,000 we are talking about here. Recognizing the efficiency and logic of having the planning sequence aligned when construction is going to happen makes really good sense but we just heard what the calendar looks like for when construction starts and it gives us enough time assuming the vote goes favorably in March to accommodate that and make those allocations for planning and find some grants to do it. He is hesitant to add more ornaments to the Christmas Tree Bond here because the compelling story is, we are leveraging the DOT's ability to cost share with us. For five minutes he will take public comments. Councilor Reighley pointed out when we get to Item 04-21 we are going to set a public hearing on February 23 so anybody in the public can talk about this in more detail.

Councilor Daniele feels that the people waiting to talk about this should be able to say something. Chair Egan invited that to happen now. Mr. Joseph added that the design work will be in the Capital Program for year one. It doesn't get it done any quicker to put it into the bond but it will ultimately be the Council's decision whether to appropriate those dollars in June when it votes on the budget. We won't be spending it before July 1 on the design work. He will make sure it gets into the Capital Budget for consideration but it will be the Council that has to make that decision. He will put that out there so nobody on a committee has to be concerned that we will sneak it away.

Councilor Lawrence asked when we have to make a commitment to DOT? Will it be after the vote? Mr. Joseph replied that the answer is yes. He added that the changes they made on the cost sharing now, the changes assume 100% funding of sidewalks at both bridges which was not the case before. There is a minor safety blanket there if the vote fails, the DOT project will include sidewalks which is an upgrade but not ideal.

COUNCIL MEETING #01-21
JANUARY 5, 2021

Andy Spaulding advised that they want to advocate for an extra \$100,000 built into the bond to put us in a position where we can fully do design and planning work and take advantage of construction efficiencies particularly in Mallett's case when that comes due for repaving in 2-5 years.

Sally Walsh had three points:

1. The Mallett Drive is access to the center of Freeport. If you are trying to stimulate economic development, you want a good and easy way to get in. Something that is striking to the Town.
2. A connection to both sides of Freeport where families with children are going to be walking it and wheelchairs, motorized and hand pushed will be crossing the bridge so that is another reason for an increase in width.
3. You should market that you are saving \$600,000 because we originally started the bond at \$1.2M and now you have it down to \$650,000.

Joyce Veilleux advised that she was originally going to say we needed 10 feet but after listening to the discussion that mentioned you would be able to pass two bicycles going in opposite directions safely, she now hopes we increase the amount of the warrant to include the 12 feet. If the Council educates the public about that, we won't have a problem in March.

Eric Horne noted he is grateful that this question is getting moved forward. He thinks the voters will have an opportunity to weigh in on this. We have a real opportunity to bring the two sides back together and pleased that this is moving in the direction that it is. He is sure we can all use our voices to make this happen. He thanked the Council.

Councilor Pilch pointed out that he is in favor of the 12-foot-wide paths.

ROLL CALL VOTE TO AMEND: (6 Ayes) (1 Nay-Egan)

Councilor Reighley noted that the Council still needs to act on ITEM #03-21 and Chair Egan agreed because we just voted to amend the article, not to actually adopt the warrant.

Mr. Joseph asked if someone read the be it ordered at the beginning? The Secretary replied that it was read and seconded. Mr. Joseph said it is still on the floor. He mentioned there are two small changes that need to be made to the warrant that he was going to address under No. 5. They are grammatical changes but need to be moved and seconded by the Council to do that and we have the \$634,000 figure now and it is sufficient to put that into the warrant. He will put them on the screen when we get to #05-21.

ROLL CALL VOTE: Recommending the warrant as amended. (7 Ayes) (0 Nays)

ITEM # 04-21 To consider action relative to setting a public hearing for Feb 23, 2021 to discuss the warrant article to be voted at the March 9, 2021 Municipal Special Election.

BE IT ORDERED: That a public hearing be set for February 23, 2021 to discuss the warrant article to be voted at the March 9, 2021 Special Municipal Election.

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

COUNCIL MEETING #01-21
JANUARY 5, 2021

inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel and the Town's website. (Lawrence & Reighley)
ROLL CALL VOTE: (7 Ayes) (0 Nays)

ITEM # 05-21 To consider action relative to finalizing and approving the Municipal Special Election Warrant for the March 9, 2021 Municipal Election.

BE IT ORDERED: That the Election Warrant for the March 9, 2021 Municipal Special Election be approved and endorsed. (Bradley & Reighley)

Mr. Joseph asked the Town Clerk to confirm that the warrant that we are voting on right now is the one that elects a moderator. Ms. Wolfe agreed that it is. Mr. Joseph put the warrant up on a shared screen. The few changes recommended by the Town Attorney after legal review are to determine the following articles. 2. is now going to be amended because of the vote the Council just made to \$634,000 instead of \$480,000. The vote was 7 in favor and 0 opposed for the recommendation. The other change recommended by the Town Attorney was to remove State because it is not a State Municipal Election. It is a Municipal Election. This is on the Constable's Return that will be filled out by the Police Officers that post the election warrants. They are all administrative and he needed to point them out so they are on the record and recording in case anyone ever brings it up.

MOVED AND SECONDED: To amend the Election Warrant. (Reighley & Lawrence) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

MOVED AND SECONDED: To approve the final language as amended:
ROLL CALL VOTE: (7 Ayes) (0 Nays)

Chair Egan advised that the Council's responsibility is to go and find 12 people that we each know and convince them about the benefits or voting in favor and showing up to vote on March 9th for this election.

ITEM # 06-21 To consider action relative to the 2021 Town Council Goals and Guidelines.

Chair Egan explained that the timing of the mail out of the agenda did not allow him to include the final list of committee assignments and our first draft of Council Goals. He recognized that getting them today was not an ample time to go over that but they are largely following along the same lines of articles we had in front of us this past year. However, the Goals segment has been simplified to three much more specific and theoretical measurable outcomes that we have. The only other change to the Guidelines is an introduction of some elements of sustainability in our practices as a Town Government that the values of sustainability be incorporated into procurement and asset management. Obviously, that is a broad statement that will need articulation particularly when it comes time for Staff deciding on A or B. He wanted to have it as a guideline because we have been talking about it for a number of years as a goal to be focused on so he felt it would function better as a Guideline for sustainability. The goals down at the bottom are reflective of the input he received soliciting individual feedback from Councilors. His apologies to Councilors Bradley and Daniele for soliciting this for Goal statements prior to their seating officially on the Council. This is a chance to take a look at that. This is a draft version of the three goals. He wants to articulate and reflect that the idea of having a matrix to be able to track specific conclusions and/or projects we talked about has been implemented in some particular forms through some particular committees but not yet for the full Council as was recommended last year by Councilor Reighley so he is reiterating that one as a specific goal for calendar year 2021 for us. After a lengthy discussion and conversation about our Equity Assessment Committee, and other conversations going on in the

COUNCIL MEETING #01-21
JANUARY 5, 2021

community, he feels it is appropriate for us to have a statement about getting very specific and affirming the values that we hold as a community to be inclusive and welcoming to everybody in our community and there is no room or tolerance for racism or discrimination in our community. Having it as an active goal allows us to strive for actually demonstrating that and having it communicated on various Town channels whether that is on our website or various things we send out to the public. The last thing is about reinventing our community in terms of how it thinks of itself and how the general public thinks about our community. He does not want to focus on the word “reinventing” because it is more of an evolution but he wanted to get that as a specific goal because we are spending money on it and we have had a lot of conversation about where do we go next, not with just our downtown but with our entire community as the retail sector which carried the town financially and reputationally has now diminished. This is an opportunity for us to set some new parameters out there not just for this year but for coming years. We are engaging with a planning and consulting team to help us chart some of those early stages and also that it is incumbent upon us to be articulate about how we want to describe that path and that vision we are aiming for. Those were his efforts to smith those three elements into Goal statements and he is open for some conversation and we do not necessarily have to decide on those this evening although we could.

Councilor Piltch advised that he submitted two comments that might have been lost in a shuffle. One is related to the re-vitalization of downtown but it is more broad which was about continuing to work with the community to set goals for town growth. How big do we want Freeport to be? Rather than have these development projects come ad hoc, we say we expect to achieve 8% growth per year and this is sort of our target. It sounds like there is a lot of interest in the community to do that. Chair Egan advised that he was aware of that specific goal and that is his deficit in not being able to express that in the revisioning of our community going forward. He asked Councilor Piltch to articulate a phrase or two, we could add it in there assuming everyone is in concurrence of that.

Councilor Reighley appreciates the fact that Chair Egan put this together and actually requested input from all of us and blended it very nicely. He is happy for slight amendments to what is in front of us right now but he is willing to accept what is printed right now.

Councilor Lawrence asked if No. 3 could be moved up to make it No. 1 or No. 5? Chair Egan did not disagree with that and explained why he set it that way.

Vice Chair Whitney agreed with Councilor Reighley. She appreciates Chair Egan doing this and taking the time to have conversations with all of us. She too, would be happy with any edits but likes the way it is written tonight.

Councilor Lawrence liked it but he would say in No. 3 in the Goals, it sounds more because it is a core value as a guideline and something we have to run everything by. He doesn't know how you would assess that goal as far as how we achieve it. He would move it to the top and it is a core value. He doesn't know how measurable it might be. Mr. Joseph offered to put this up on the screen. Chair Egan explained why he put that one in the goals. He added that he would be fine moving that up to a No. 5 under the Guidelines and have the three specific goals. Mr. Joseph moved it up.

Councilor Piltch offered to tag on to the end of the one about the downtown or propose it as a separate one. He offered: The Council will work with the community to set goals for overall town-wide growth. He wanted to leave it open. Mr. Joseph captured it. Councilor Piltch asked Mr. Joseph to change the year for the Goals to 2021.

Councilor Bradley mentioned he was at a disadvantage for not only not being contacted about these but not having these before the meeting. He takes it that the Council will have a chance to finalize these at

COUNCIL MEETING #01-21
JANUARY 5, 2021

another meeting. Chair Egan agreed. He wants a chance to read through this and there are a couple of things that he thinks are priorities and goals for this year, some of which we already discussed. They may be in here but he doesn't know where. He offered to call Chair Egan and discuss them. He asked if the whole review of our finances and the impacts from COVID is a goal for us as a Council this year? Chair Egan explained that it is not specifically in the context of the pandemic. Councilor Bradley feels we would be remiss. He feels whatever we have in here about finances, there should be at least a sentence with particular reference to the impact from COVID on Municipal finance. Something like that. He also questioned about the downtown and asked if that is incorporated in one of these goals? Chair Egan indicated it is in the coordination and collaboration. Councilor Bradley noted as long as that is meant to incorporate all the discussion we had earlier about how we are going to do the downtown and maybe the Comprehensive Plan and other things. Chair Egan asked Mr. Joseph to scroll down to that one and pointed out that it says, the Council will lead the process of revisioning the image and brand of Freeport. In contrast, it does not say FEDC will lead the process of revisioning the image and brand of Freeport.

Councilor Bradley asked what is Connect Freeport? Chair Egan explained that it is an effort that is coming forward from Complete Streets and Active Living Committees. It is essentially going to be the brand name of the bridge project which is to connect the two sides of the community but is a much larger effort about having connectivity all over the community, not just the East side and the West side.

Councilor Bradley pointed out that we got a letter from Conservation and Wolfe Neck about the Town's focus on global warming and what we were going to do. He would like to see that goal worked in here somewhere. Councilor Lawrence advised that it was up in the Guidelines. Chair Egan read No. 3 and mentioned that we could add to that specific elements or steps but it is recognizing that any tangible step forward for mitigating climate change needs to be in a coordinated effort. The goal would be for the Town to coordinate, rather than the Town is going to accomplish anything. Us taking a stand on specific elements of climate mitigation are going to be dust in the wind if we are not acting in coordination with our communities. Councilor Bradley did not disagree but he did not see in any way that we could promote the Council's participation and efforts to consider mitigation or coordination with respect to other items. He doesn't know what they had in mind when they wrote the letter but he would like a way to bring them into our process to inform us.

Councilor Reighley suggested having workshops with each one of the committees going forward. He was pleased to be able to go into his Town's e-mail today and print out our Goals and had a chance to review them before tonight's meeting. He suggested that new Councilors check their e-mails before coming to meetings. Councilor Bradley appreciated the guidance. His point is we can always meet with other committees and hear what they are saying but advise them as to what our goals are in respect to what they are doing. He would like to have climate mitigation and climate matters as a goal somehow in these policies. He would be glad to suggest language for some of these.

Chair Egan mentioned that he did not expect to have this fully approved this evening. He encouraged Councilor Bradley to work some phrasing and present it as a draft addition for the next meeting. It can be incorporated and will be on the regular package of agenda items sent out 3-4 days before the meeting.

MOVED AND SECONDED: To table Item # 06-21 to our next regularly scheduled Town Council meeting. (Reighley & Lawrence) **ROLL CALL**
VOTE: (7 Ayes) (0 Nays)

Chair Egan advised that the cutoff for getting something on the agenda is usually the Thursday morning before the Tuesday meeting. Our next meeting is on the 19th so that would be January 14. He invited

COUNCIL MEETING #01-21
JANUARY 5, 2021

Councilor Daniele to provide additions or suggested text to please consider making them for inclusion in our next round of this.

Chair Egan explained that the last item on the agenda is a continuation perhaps for the last time since we are talking about extending it significantly, the emergency ordinance language that we have pushed forward a number of times over the past ten months now in response to the pandemic. This is a restatement of some elements in our Ordinance Chapter 60 and a suspension of certain standards.

ITEM # 07-21 To consider action relative to the reenactment of Freeport Ordinance Chapter 60, Emergency Ordinance: Temporary Suspension of Certain Ordinance Standards to Safely Accommodate Expanded Outdoor Business Activities due to COVID-19 to be effective January 6 2021 until March 6, 2021, pursuant to the Freeport Town Charter, Section 2.14 “Emergency Ordinance”.

BE IT ORDAINED: That Chapter 60, Emergency Ordinance: Temporary Suspension of Certain Ordinance Standards to Safely Accommodate Expanded Outdoor Business Activities due to COVID-19 to be effective January 6, 2021 until March 6, 2021, pursuant to the Freeport Town Charter, Section 2.14 “Emergency Ordinance” be reenacted without amendments as printed below:
(Reighley & Lawrence)

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

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

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

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

WHEREAS, the Town of Freeport expects significantly reduced numbers of visitors during the upcoming summer tourist season, which would create a corresponding economic hardship to many of its businesses, and which could be mitigated to some extent by allowing expanded outdoor business activities, and

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

WHEREAS, there are several sections within Freeport’s municipal ordinances that may prevent, restrict or delay some of these expanded outdoor business activities and modifications – including sections within

COUNCIL MEETING #01-21
JANUARY 5, 2021

the Sign Ordinance (Chap. 23), Design Review Ordinance (Chap. 22), Zoning Ordinance (Chap. 21), and Building Code Ordinance (Chap. 11).

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

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

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

WHEREAS, in light of the foregoing, the Town of Freeport Town Council deems it proper and necessary to temporarily suspend certain provisions of the Town's code of ordinances relating to outdoor business activity for the purposes of allowing businesses to reopen or continue operating without undue hardship while also allowing for compliance with social distancing guidelines.

NOW THEREFORE BE IT ORDAINED:

That for the time period from January 6, 2021 until March 6, 2021, unless this ordinance is repealed by the Town Council prior to January 6, 2021, the following emergency exceptions to established ordinance provisions of the Town of Freeport shall be in effect, and shall apply to any existing business within the Town of Freeport, that is otherwise operating in compliance with all municipal ordinances and regulations in effect.

I. Chapter 23 - Sign Ordinance

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

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

- A) Limits on number and length of outdoor sidewalk or tent sales described in this section shall be suspended for the duration of this Ordinance. In order to be exempted as described above, all merchandise and items used for the outdoor set-up (including but not limited to tables, tents, and retail fixtures) must be brought inside when the business is not open if they cannot be safely secured. This exception also applies to outdoor setups for tourist information centers.

- B) To be exempted as described above, all businesses conducting temporary outdoor sales must obtain a temporary activity permit from the Codes Office/Planning Department. No other land use approvals beyond a temporary activity permit shall be required for these uses.
- C) Section 501(D) shall be replaced with the following language for the duration of time while this ordinance is in effect: “Peddler activities and food trucks during events held by a Freeport business or organization, in compliance with current guidance from the Maine and US Centers for Disease Control, and which are reasonably expected to draw additional visitors to Freeport, are considered a temporary activity subject to the requirements of section 501(A)(2-4), section 526, and section 526A of this ordinance. Said events are not required to obtain a Special Event Permit unless they meet the criteria listed in Freeport Ordinance Chapter 10. Up to four temporary activity permits may be issued under this section per day, and shall be issued on a first-come, first-served basis.”

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

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

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

- A) Temporary modifications to an existing business/educational site required to conduct outdoor business/educational activities will not require an applicant to amend their existing site plan through the formal Site Plan Review process, so long as no new permanent impervious cover is created. Outdoor business activities for the purposes of this section shall include outdoor sales areas and tent sales, outdoor seating for existing restaurants, outdoor seating space for carryout establishments (such as coffee, ice cream, and carryout food), and outdoor meeting space for offices and exercise classes, outdoor space to support classroom educational instruction, along with minimal new lighting as required for safety and ambiance of these activities. The use of any temporary outdoor heating sources to support these modifications must comply with all applicable local and State codes and standards.
- B) Existing businesses/educational facilities may conduct any of the outdoor business/educational activities described in section III(A) above on the property owned by another so long as: 1) the underlying outdoor business activity (restaurant, retail, office, etc.) is allowed in that zone and, 2) the applicant for a temporary activity permit described in section III (C) below shall provide written authorization for any proposed activities from the property owner. Any use of public property (including sidewalks and streets) for outdoor business activities shall require prior approval of the Freeport Town Council.
- C) To be exempted as described above, all businesses/educational facilities conducting temporary outdoor business activities described in section III(A) and III(B) must obtain a temporary activity permit from the Codes Office/Planning Department. No other land use approvals beyond a temporary activity permit shall be required for these uses.
- D) Any outdoor business/educational activities conducted on a site abutting a residential site shall observe all building setbacks as required by the underlying zoning district.
- E) Any tents, awnings, or temporary shelters utilized for purposes described in section III (A) and III (B) shall comply with applicable regulations of the State of Maine Fire Marshall’s Office and the Town of Freeport’s Fire Prevention Code.
- F) The exemptions described in sections III (A) and III (B) shall apply to existing Freeport businesses/educational facilities only. New business locations and/or educational facilities

must undergo all applicable land use reviews, including but not limited to site plan review, design review, building permit review, and sign permit review.

V. Chapter 11 - Building Code Ordinance

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

VI. Chapter 22 - Design Review Ordinance

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

Town Planner, Caroline Pelletier explained that this is a continuation of what the Council renewed the last time. The last change you made was the addition of some relaxation of standards to allow some food trucks in the Village Commercial I Zoning District. To date since the original enactment, they have issued a total of 31 Temporary Activity Permits under this Emergency Ordinance. They have included signage to outdoor classroom space to outdoor dining and a few other things mixed in. With regards to food trucks, they have issued two permits for a food truck in the village. She feels it didn't go well for one of them and the other stayed a week. She is uncertain if they will come back. The only question she has for the Council is what feedback they have received from businesses. She had a couple of businesses reach out to her to see if we expect some of these changes to go forward next summer because they are trying to plan ahead and make some investments to do some of these same things such as outdoor seating, etc. If anyone has heard feedback from businesses if this helped, she would love to hear it. If the Council feels it is appropriate to bring something forward with some changes, she would be happy to do that.

Vice Chair Whitney thanked Ms. Pelletier. She has heard 100% positive from all the businesses she has been in contact with. It has really helped them. She has heard nothing negative. She feels the town looks great when you go down and you see a flag saying they serve coffee. She really appreciates Ms. Pelletier doing this. Councilor Reighley pointed out that we are seeing increased traffic in town now.

Councilor Bradley pointed out that there are a couple of carry-ons and whereas that are outdated and are probably from the first time we did it. Thoughts about Freeport expects significantly reduced numbers of visitors during the summer tourist season is probably from the first time. There is a June 1, 2020 date which is not appropriate. He pointed out that they are not substantive

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

OTHER BUSINESS:

1. Discussion regarding transfer station staffing levels

Chair Egan explained that the Council has been hearing for sometime about how dramatic the traffic increase is at the Transfer Station, particularly on Saturdays. The Town Engineer will give us a context of what we are seeing and Mr. Joseph will fill in his proposed plan that he will be able to execute on assuming endorsement from us.

COUNCIL MEETING #01-21
JANUARY 5, 2021

Mr. Joseph suggested that Town Engineer, Adam Bliss screen share his graphics and explained that this is a consent type item that they want to bring to the Council. They don't need Council approval but they need Council feedback because it is essentially a permanent staffing change that the Council will have a say on in about six months. They don't want to do something the Council thinks is dumb but after looking at these numbers, they are hoping the Council will think it makes all the sense in the world like they do.

Mr. Bliss displayed his graphics and explained that they have seen year over year increases in revenue and material received at the Transfer Station and includes all categories. He provided background information on staffing. Removing two silver bullets realized a savings of \$20,000 to \$25,000 which in turn brought more visitations from residents to the Transfer Station for recycling drop off.

He feels the graphics provide a pretty compelling argument for going back to three full-time staff. Support for that will also include expanding hours of operation, increasing their education program and enhancing their recycling contamination monitoring program. More discussion followed but Mr. Joseph pointed out that they are not considering curbside trash pick-up to replace specific people that are hauling trash right now.

Mr. Joseph advised that they are somewhat reducing their weekend help. They will still need weekend help but will probably need one less Saturday person. Chair Egan is not sure exactly what the request is because they don't need a vote from the Council. It is within the parameter of their management.

Mr. Bliss would want to know if there is support from Council for the increase in Staff knowing that they would have to revisit this under the Operating Budget for FY 2022. They wouldn't want to hire that person today and see that position eliminated in fiscal year 2022. It is just a communication and conversation with Council about what is happening at the operations level. Mr. Joseph added that they don't need any approval but if anyone thinks this is a bad idea, let them know now before they hire somebody. They don't need an answer tonight.

Councilor Reighley asked if the contamination rates in the silver bullets are declining? He and Councilor Lawrence have long wanted to have increased hours which means increased staffing. The Transfer Station is doing a fantastic job and is helping us clean up our act with the trash so the increased hours will benefit the community. Mr. Bliss advised that recycling contamination percentages have decreased overall since the removal. Councilor Daniele advised that he is in support of this. Vice Chair Whitney also spoke in support because of a conversation we had that should the volume at the Transfer Station become less popular, this staff person would be trained to do something else in the Town. That gave her comfort. Maybe we can get the Swap Shop open so we can do a little recycling. Mr. Bliss noted they would get right to work on that.

Mr. Joseph pointed out all the things that have driven up the demand at the Transfer Station in the past 18 months and they should have come back to the Council 12 months ago but they are here now. There were no negative comments from Councilors on this potential staffing arrangement. Chair Egan noted he is completely impressed with how smoothly things run out at the Transfer Station.

2. Discussion regarding Town Council Committee assignments

Chair Egan explained that this is to review and make potential changes if needed on potential assignments. This was sent out after consultation with all of the Councilors about Committee preferences. The list includes what he hopes to be an equitable distribution of responsibilities across the 20+ committees we have that require Council participation on as well as respecting the individual choices and

COUNCIL MEETING #01-21
JANUARY 5, 2021

selections by Council members from an individual conversation. The list is presented and we can finalize it, we can take a vote or move it to the next meeting as well. We wouldn't want to go much later than that so that the committees can have the benefit of knowing who their Council representative is.

He advised Councilor Daniele that if he adds up his assignments, he might find it is a little bit heavier. It is because his participation on Active Living has a sunset in June. He is still not sure he understands why that is happening. It seems like there is a lot of good work going on there. He is hoping to have some sort of transition bridge for those members and more importantly their enthusiasm for working on important Town issues that it gets captured and channeled elsewhere. He asked for comments and questions.

Councilor Piltch thanked Chair Egan for doing all this. He didn't think a vote was needed on this. He feels it is at his discretion as Chair to do this. Chair Egan agreed that it is one of the few actions that he can just take as Chair but he doesn't like to operate like that so he wanted to offer an opportunity for conversation. Mr. Joseph explained that there are four committees that say Statute next to them or Charter Committees – Appointments, Facilities, Special Projects and Ordinance. They require consent of the entire Council for the appointment. Everything else is in Chair Egan's discretion. He is just being nice by letting everybody know.

Chair Egan explained that Councilor Bradley made a comment about a recovering attorney going on to the Ordinance Committee. That is precisely the reason why he is recommending his participation there because of his past experience both as a Councilor and his career. He believes Councilor Bradley has the needed skills. Chair Egan advised that the timing of the meetings is up to the committee to make it convenient for Councilors. If there is a time that is a challenge for you, don't hesitate to recommend a change to make it more convenient for your attendance.

Councilor Bradley noted he does not know what the Special Projects or Municipal Facilities Committees do. Chair Egan explained that Special Projects rarely meets and is for things that require Council action that do not fit in elsewhere. Municipal Facilities is the asset management for the very few short list of Town assets under ownership. It would largely take place with the Bartol Library Building, Dunning Boat Yard and a couple of cemeteries as well as municipal buildings such as Town Hall. Councilor Bradley noted he has no problem with these appointments and he will check his e-mail before every meeting to avoid Councilor Reighley's advice again. Chair Egan advised Councilor Daniele that he would support him and attend the Sustainability Advisory Board meetings because he has a passion for that.

MOVED AND SECONDED: To accept these assignments. (Reighley & Lawrence)
ROLL CALL VOTE: (7 Ayes) (0 Nays)

MOVED AND SECONDED: To adjourn at 9:12 p.m. (Reighley & Whitney) **ROLL CALL VOTE:** (7 Ayes) (0 Nays)

Respectfully submitted,

Sharon Coffin, Council Secretary