

AGENDA
FREEPORT TOWN COUNCIL MEETING #02-2004
TOWN HALL COUNCIL CHAMBERS
JANUARY 20, 2004 – 7:00 P.M.

CHAIRPERSON'S CALL TO ORDER

	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Rod Regier, South Street	x		
Thomas Rumpf, P.O. Box 819, S. Freeport			x
John Arsenault, Prout Road	x		
Charlotte Bishop, Maquoit Drive	x		
Rich DeGrandpre, Timber Ridge Road			x
Frederick White, 45 Pleasant Hill Road	x		
James Cassida, 5 Timber Ridge Road	x		

Chair Regier called the meeting to order. He thanked Councilors for covering for him at the last meeting when he was ill.

FIRST ORDER OF BUSINESS:

MOVED AND SECONDED: to table the vote on the Minutes of Meeting #01-2004 held on January 6, 2004 until the Councilors that were in attendance can vote on them. (Arsenault & Cassida) **VOTE:** (5 Ayes) (2 Excused—Rumpf & DeGrandpre).

SECOND ORDER OF BUSINESS: Announcements

- Chair Regier pointed out that it is income tax time and the Town of Freeport working with the AARP, is offering taxpayer assistance. It must be scheduled through the General Assistance Office in Freeport. The public is encouraged to contact Johanna Hanselman for an appointment with an AARP representative. They will discuss their tax information with an AARP representative, not a Town employee. These appointments will be held on Wednesday mornings by appointment at the Public Safety Building.
- There is a continuing need for volunteers to serve on Town committees. The Recreation Committee has an opening.
- There have been several resignations from the Fire and Rescue Departments and there is a fairly small applicant list. There is a real need for people interested in volunteering for these call positions. Training will primarily be done in house. Forms are available at the Public Safety Building and anyone interested should contact Fire Chief, Darrel Fournier, or Rescue Chief, Paul Conley.
- On February 9 there will be a Chocolate Extravaganza at the Public Library from 6:30 to 7:30 p.m. The money will be used to help Freeport Community Services and the Library programs.
- The Municipal Facilities Committee will be meeting next week, January 28 for a brief meeting 5-5:45 p.m. The topic will be process planning for the continuation of a determination for the future of the Soule School site.

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

MOVED AND SECONDED: To open the Public Comment Period for non-agenda items only. (White & Cassida) **VOTE:** (5 Ayes) (2 Excused—Rumpf & DeGrandpre).

There were none.

MOVED AND SECONDED: To close the Public Comment Period for non-agenda items only. (Arsenault & Cassida) **VOTE:** (5 Ayes) (2 Excused—Rumpf & DeGrandpre).

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

ITEM #13-2004 To consider action relative to adopting the January 20, 2004 Consent Agenda.

BE IT ORDERED: That the January 20, 2004 Consent Agenda be adopted.
(Arsenault & Cassida)

Chair Regier outlined the items for members of the public.

On #11-2004, Councilor Bishop questioned if the Municipal Quitclaim Deed was issued on just one year (2001). She understood that two or three years were involved. Mr. Olmstead noted that that was the information he was given by the Tax Department. He will check on it tomorrow and will bring this back if an amendment is necessary.

Mr. Olmstead advised that one Victualer's License has been withdrawn. It is Canteen Service d/b/a Cigna-Healthsource Cafeteria, 2 Stonewood Drive. It should be amended off the list. All of the other licenses have been paid.

MOVED AND SECONDED: To remove the Victualer's License for Canteen Service d/b/a Cigna-Healthsource Cafeteria, 2 Stonewood Drive. From the Consent Agenda. (Cassida & Arsenault) **VOTE:** (5 Ayes) (2 Excused—Rumpf & DeGrandpre).

VOTE ON CONSENT AGENDA AS AMENDED: (5 Ayes) (2 Excused—Rumpf & DeGrandpre).

ITEM #14-2004 To consider action relative to proposed amendments to the Dogs, Animals and Fowl Ordinance concerning fees and penalties (Chapter 37). (**Public Hearing**)

MOVED AND SECONDED: That the Public Hearing be opened. (Cassida & Arsenault) **VOTE:** (5 Ayes) (2 Excused—Rumpf & DeGrandpre).

Chair Regier noted that he and Councilor Arsenault were not in attendance when the public hearing was scheduled and asked for an explanation of what is occurring. Mr. Olmstead advised that at a recent Court Training Session, Animal Control Officers were informed by the courts that local ordinances had to reflect the State's fine schedules in order for prosecutions to occur at the court level. Freeport's fine structure in our Ordinance does not meet the State structure. The amendment would eliminate the structure we currently have and place language in the Ordinance that would adhere to the State's fee structure. Chair Regier outlined the changes to members of the public. There were no public comments.

MOVED AND SECONDED: That the Public Hearing be closed. (Cassida & Arsenault) **VOTE:** (5 Ayes) (2 Excused—Rumpf & DeGrandpre).

Chair Regier asked the Town Manager to contact the Town Attorney to ensure that Freeport is not creating a potential problem for itself by not having a defined dollar amount for a penalty. The Town Attorney suggested an editorial amendment.

MOVED AND SECONDED: To amend the proposed language to read:

501.1 Owners who violate the provisions of this Ordinance shall be punished by a civil penalty, in accordance with MRSA Title 7 Section 3915 **as amended from time to time.** (Cassida & Arsenault) **VOTE:** (5 Ayes) (2 Excused—Rumpf & DeGrandpre).

BE IT ORDERED: That the proposed amendments to the Dogs, Animals and Fowl Ordinance be approved as amended. (Cassida & Arsenault) **ROLL CALL VOTE:** (5 Ayes) (2 Excused—Rumpf & DeGrandpre).

ITEM #15-2004 To consider action relative to a proposed amendment to the Zoning Ordinance concerning minimum land area per dwelling unit in Commercial District III – CIII (Chapter 21).

BE IT ORDERED: That a Public Hearing be scheduled for February 3, 2004 at 7:00 p.m. in the Town Hall Council Chambers to discuss a proposed amendment to the Freeport Zoning Ordinance.

BE IT FURTHER ORDERED: That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 7 and the Town's website. (Bishop & Cassida)

Chair Regier requested that the Town Manager mail a notification to the two dozen property owners in the district.

ROLL CALL VOTE: (5 Ayes) (2 Excused—Rumpf & DeGrandpre).

ITEM #16-2004 To consider action relative to proposed amendments to the Zoning Ordinance (Chapter 21), the Subdivision Ordinance (Chapter 25), the Design Review Ordinance (Chapter 22) and the Administrative Code (Chapter 2) concerning Planning Board reorganization.

BE IT ORDERED: That a Public Hearing be scheduled for February 3, 2004 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Zoning Ordinance, the Subdivision Ordinance, the Design Review Ordinance and the Administrative Code concerning Planning Board Reorganization.

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 7 and the Town's website. (Bishop & Arsenault)

Mr. Olmstead explained that copies of the material are available for members of the public in the Town Hall. The text is also available on the Town's website.

ROLL CALL VOTE: (5 Ayes) (2 Excused—Rumpf & DeGrandpre).

ITEM #17-2004 To consider action relative to the final report of the Mast Landing Property Committee.

MOVED AND SECONDED: That the Committee Chairperson report on the Committee's final recommendations. (White & Arsenault)

Chair Regier noted that this presentation has been postponed a couple of times and the reason for the postponement was trying to honor personal schedules for people that have to be here. He asked Chris Pinkham, Chair of the Mast Landing Property Committee, to introduce his recommendations. Councilors can ask questions after Mr. Pinkham and other committee members have had an opportunity to make comments. If there are members of the public that wish to comment on this topic, he will entertain those public comments as well. He reminded everyone what the charge to the committee was on July 15, 2003.

Chris Pinkham introduced committee member, Peter Moore. He apologized for the rescheduling of this report. He noted that the Council chose wisely in the selection of committee members that were very dedicated. The committee's goal was to preserve that property for the best use by the Town of Freeport. He thanked everyone that gave a tremendous amount of time to this effort. The recommendations are fairly straight forward. They looked at the issue of the pending grant application and saw it as the lynch pin for the whole decision-making. If the grant comes forward and the Town is in a position to use Land for Maine's Future Money to purchase an easement on the town-owned property, that was the highest and most acceptable goal that the committee saw. Many people came to these meetings testifying that they would be willing to participate in a private fund raising effort to either supplement those moneys or achieve the same dollar goals locally. The committee agrees that the Town should control the future use of that property.

The primary recommendation from the committee is that the land should be preserved as is and that

its use as a public space be continued. He answered questions for Councilors. He noted that the passion of the people that came before the committee demonstrated that the current use and the potential use of that property is very important to them. It is a difficult piece of property in itself. It is near an old quarry with no legitimate access. More discussion followed. Mr. Pinkham thanked Bob Lyman and Councilor Cassida for their input.

Chair Regier thanked Mr. Pinkham for his work as Chair. Peter Moore also thanked Mr. Pinkham for the great job he did as Chair. He talked about the narrative report, which is termed the "Minority Report". The report provides their committee's recommendations, the history of the Town's ownership of the land and recent actions taken relative to possible track funding, etc. The report provides the Town Council with a record of the public comments that they received during their Four-month term. He is not in favor of residential development but seeks to find a win/win solution for permanent protection of the land in its current state and progress for those who share the dream of a track for Freeport.

Mr. Lyman thanked the committee for all their work on this difficult task.

Ben Gideon of 78 Bow Street also thanked the committee for all their work. He explained that he and his wife collected 182 signatures on a petition that he will submit to the Council, asking that the property not be developed. He read the petition into the public record. The goal of funding a track and preserving the land should not be pitted against each other. It makes sense to view these goals separately and try to achieve both objectives. People have stood up at meetings stating they would be willing to raise funds for the track.

Joe Migliaccio apologized for arriving late. He asked if the Council set a public hearing on the C-III zoning changes and if this is a public hearing on the Mast Landing property. Chair Regier explained what has taken place so far this evening. Mr. Migliaccio feels the Mast Landing issue is a big issue because it sets a precedent for potential bond issues. He worries about the Town selling pieces of property. He urged members of the public to contact their Councilors on both these issues.

Bob Santomenna, member of the Board of Freeport Conservation Trust, appreciated the opportunity to participate in all of these committee meetings because the Trust was able to get its message out on its role in the community. They are delighted with the first recommendation of the committee to support fully their LFMF application.

Margaret Ostrander of Mast Landing Road attended all the meetings and the majority of comments were in favor of preserving the land as open space. She would like the public to participate in the decision to go forward with a track. She suspects the cost will be large and then there will be maintenance and upkeep and people in Town need to know what it might mean in terms of taxes, etc. She hopes the Council will provide some kind of forum.

John Albright of South Freeport thanked the committee for all their work. He is happy we are at this point. He respectfully encouraged the Council to appoint a committee to involve the public and figure out how much the track is going to cost and then hire a fundraiser.

Ellie Chase, Teacher at Mast Landing School, advised that she has used the land for science, writing lessons and art lessons and recommends that the land be protected in its entirety for educational purposes as well as recreational. She knows 15 other teachers that use this land as well. It's a

practical and accessible outside classroom. She had 12 more names to add to the Petition, bringing the total to 194.

BE IT ORDERED: That the Town Council receive the final report of the Mast Landing Property Committee (White & Bishop)

Chair Regier advised that the committee completed its work and is formally disbanded.

ROLL CALL VOTE: (5 Ayes) (2 Excused—Rumpf & DeGrandpre).

OTHER BUSINESS: 1. Update on RWS Study.

Mr. Olmstead reported that last Friday a Subcommittee met to review a revised study of the system. He gave Councilors a brief history on the study.

They restructured 1-9 to make sure that Task 7 and 8 occurred first and not later on in the process. Based on discussions, they believe this to be a 14 or 15 week study. The critical elements this Council supported were #8 which was a financial plan going forward and in Phase 3, Task 3 a review of current operations and budgeting practices, etc. was included. He felt they were critical to the study and both ended up in Phase One that was funded on Friday. The study of the system is underway. There will be a seven-week interim report given to the Subcommittee and a final draft report issued in about 14 weeks.

Chair Regier emphasized that since refinancing for this plant seems to be such a central part of discussion and since refinancing will require an extended interlocal agreement, it is crucial for any possibility of this Council supporting extending this interlocal agreement that the question about the current high operating costs of this plant are clarified to make sure that if this is a bad deal, we won't continue with it. Mr. Olmstead advised that this Phase One study will not only review the operating costs of the system but will also review alternatives that communities might have should they decided to not continue with Regional Waste Systems.

2. Informational Exchange.

Chair Regier apologized for missing the last meeting and clarified that Councilors received the 6-month appropriate control. He checked with the Finance Director and with the exception of some expenses for the NET Program, everything looks like it is where it ought to be so we are in comfortable shape at the six-month window.

Chair Regier mentioned his continuing discussion trying to get heavy trucks off Main Street. He received a call from a legislative assistant of Senator Olympia Snowe's office talking about this subject. He read the contents of an e-mail message he received. He sent an acknowledgement letter to the staffer involved. The effort continues.

Adjournment

MOVED AND SECONDED: To adjourn at 8:30 p.m. (White & Bishop)
VOTE: (5 Ayes) (2 Excused—Rumpf & DeGrandpre).

Respectfully Submitted,

Sharon Coffin

Sharon Coffin
Council Secretary.

