

**FREEPORT TOWN COUNCIL MEETING #03-2004
TOWN HALL COUNCIL CHAMBERS
FEBRUARY 3, 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. Vice Chair Rumpf and Councilor White are excused. He recommended tabling the vote on the Minutes of the January 6, 2004 meeting until four Councilors that attended that meeting can vote on them. Councilors agreed.

FIRST ORDER OF BUSINESS: **MOVED AND SECONDED:** to table the vote on the Minutes of Meeting #01-2004 held on January 6, 2004 until four Councilors that were in attendance can vote on them but waive the reading of the Minutes of Meeting #02-2004 held on January 20, 2004 and accept those Minutes as printed. (Arsenault & Cassida) **VOTE:** (5 Ayes) (2 Excused—Rumpf & White).

SECOND ORDER OF BUSINESS: Announcements

- Chair Regier pointed out that Freeport was awarded \$50,000 from the Land for Maine's Future in its application for the preservation of the Lower Mast Landing road property. He read a portion of the press release from the Freeport Conservation Trust that produced the application.
- Chair Regier pointed out that Freeport was awarded \$100,000 in the form of a Harbor Improvement Grant from the Maine Department of Transportation and requires a match for a Town commitment. The Council approved \$33,000 during the budget season last year for the Town match so everything is financially set for very necessary repairs for the South Freeport Town Wharf. He asked Mr. Olmstead to thank the Town Planner, the Harbor Master and Town Engineer for their efforts.
- Chair Regier advised that the Town needs volunteers to serve on various committees around town. Application forms need to be filled out and they are kept on file for a year. Applicants are asked at that time if they want to continue with that. Often the answer is no so the list diminishes. At this point the barrel is close to empty. Councilor Bishop explained the form to members of the public and also noted that most committees meet once a month.

Councilor DeGrandpre explained that the new Project Review Board as well as the Planning Board are being pulled together and it would be great to hear from people with interest and expertise. It is a good way to learn how things work in Town.

- On February 9 there will be a Chocolate Extravaganza at the Public Library from 6- 7:30 p.m. The money will be used to help support Library programs.

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

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

There were none.

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

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

ITEM #22-2004 To consider action relative to adopting the February 3, 2004 Consent Agenda.

BE IT ORDERED: That the February 3, 2004 Consent Agenda be adopted. (Arsenault & Cassida)

MOVED AND SECONDED: To amend Item #21-2004 so that the term for Sara Dalton to serve as a member of the Board of Appeals runs until July 2, 2005 (not 2004). (Bishop & Arsenault) **VOTE:** (5 Ayes) (2 Excused—Rumpf & White).

Mr. Olmstead advised that all items subject to fees are all paid to date but the background investigation on Bryan Baley conducted by the Police Department has not been completed so he suggested conditioning this application upon completion of that review.

MOVED AND SECONDED: To amend Item #18-2004 in order that the Bryan Baley Peddler License be subject to successful completion of the background check. (DeGrandpre & Arsenault) **VOTE:** (5 Ayes) (2 Excused—Rumpf & White).

Chair Regier reviewed the Consent Agenda for members of the public.

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

ITEM #23-2004 To consider action relative to a proposed amendment to the Zoning Ordinance concerning minimum land area per dwelling unit in the Commercial District III – CIII (Chapter 21). (**Public Hearing**)

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

Town Planner, Donna Larson, explained that this amendment applies to the entire C-III District. The request to the Planning Board came from the Freeport Housing Trust. They asked that the minimum lot size per dwelling unit be decreased from 10,000 sq. ft. to 5,000 sq. ft. The Planning Board held a public hearing in January and recommended that the Town Council adopt this amendment. This will not apply to single-family dwellings, only multi-family dwellings.

Councilor DeGrandpre noted that the Council is interested in meeting the needs of the Housing Trust. He suggested taking a comprehensive look at this zone. Jim Hatch from the Freeport Housing Trust explained some of the reasons for this request. The goal of the Housing Trust is to respond to housing needs in Freeport. Mr. Hatch shared some statistics and gave a written copy to Mr. Olmstead. School Superintendent, Bob Lyman, shared concerns about doubling the density in any areas and putting added pressure on the school system. It will be expensive to add to our schools. Beth Finlayson, Executive Director of FCS, advised that there is a need for more affordable housing in Freeport. Judy Miskell agreed that the demands are great in Cumberland County for affordable housing. Peter Moulton suggested lowering the lot size for regular homeowners so that they don't need to purchase a 2-acre lot. He does not like the location that is being considered for affordable housing.

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

Councilor DeGrandpre suggested amending the size from 5,000 sq. ft. to 7,000 sq. ft. and that the new Planning Board should take a comprehensive look at this.

Chair Regier interrupted the discussion and pointed out that a letter was received from Joe Migliaccio questioning the wisdom of this zoning change. It will become part of the public record.

Councilor Cassida has no problem with the original proposal and can support it at 5,000 sq. ft. or 7,000 sq. ft. Councilor Arsenault and Councilor Bishop agreed. Chair Regier advised that he supports the Housing Trust's efforts and agrees it is the right location. He encouraged the Housing Trust to pay attention to good architecture and good landscaping.

MOVED AND SECONDED: To amend to 7,000 sq. ft. from the proposed 5,000 sq. ft. (DeGrandpre & Bishop) **VOTE:** (5 Ayes) (2 Excused—Rumpf & White).

BE IT ORDERED: That the proposed amendment to the Zoning Ordinance concerning land area per dwelling unit in the C-III District be approved as amended. (Bishop & Arsenault) **ROLL CALL VOTE:** (5 Ayes) (2 Excused—Rumpf & White).

ITEM #24-2004 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 Administration Code (Chapter 2) concerning Planning Board Reorganization. **(Public Hearing)**

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

Town Planner, Donna Larson, provided a PowerPoint presentation on the creation of a Planning Board with new responsibilities as well as a new Project Review Board. The Design Review Board will be eliminated. A Staff Review Board will also be created. All amendments pertaining to the Staff Review Board and its functions take effect immediately and all other amendments take effect April 1, 2004. She answered questions for Councilors. Discussion followed.

Cliff Goodall, as a member of the public, thanked everybody involved for having done this. He asked the Council to look ahead as to how this will be implemented. He noted that the most important characteristic for someone to serve on the Project Review Board is intellectual honesty and a commitment to be objective because they are sitting as judges. If we get the right people on the Board, we will make the system more effective and more fair. He suggested that the Council recruit people.

Randall Thomas, Director of the Freeport Historical Society, advised that she has been following this closely and thanked Ms. Larson for keeping her informed. She supports consolidating Design Review Board with the Planning Board. She is in support of retaining the Design Review Ordinance remaining unchanged. She noted that the A, B and C system is outdated. She urged the Council to look at the way Design Review voted. It took four members to vote against a project to kill it and she would like to see it changed. Chair Regier advised that the text is conscious.

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

MOVED AND SECONDED: To incorporate the language of the three pages discussed at workshop dated February 3, 2004 titled Zoning Ordinance Amendments for the Planning Board reorganization into the main motion. (Arsenault & Bishop) **VOTE:** (5 Ayes) (2 Excused—Rumpf & White).

Chair Regier commended the Town Planner for all her work in this effort.

Mr. Olmstead will reconstruct the reason why Coastal Water's appeals stopped going to the Board of Appeals.

BE IT FURTHER ORDERED: That the proposed amendments to the Zoning Ordinance, the Subdivision Ordinance, the Design Review Ordinance and the Administrative Code concerning Planning Board Reorganization be approved as amended. (DeGrandpre & Arsenault) **ROLL CALL VOTE:** (5 Ayes) (2 Excused—Rumpf & White).

ITEM #25-2004 To consider action relative to approving contracts between the Town of Freeport and U.S. Cellular providing for placement of cellular antennas on the Winston Hill and Bow Street Water Tanks.

BE IT ORDERED: That the Town Manager be authorized to enter into contracts with U.S. Cellular for the placement of cellular antennas on the Winston Hill and Bow Street Water Tanks.

NOTE: This is the standard contract used by the Town for other cell leases. Planning Board review follows this action. (Cassida & Arsenault)

Mr. Olmstead explained that these leases will generate \$48,000 annually for the Town. They are for a total of 20 years with options.

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

ITEM #26-2004 To consider action relative to the PACTS Metropolitan Planning Area.

BE IT ORDERED: That the area of Freeport to be included in the PACTS Metropolitan Planning Area be limited to the area required to be included as a result of the 2000 Census. (Arsenault & Bishop)

Mr. Olmstead explained the PACTS Metropolitan Planning Area to Councilors. Discussion followed.

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

ITEM #27-2004 To consider action relative to Municipal Development and Tax Increment Financing District for U.S. Route #1 South.

BE IT ORDERED: That a Special Town Council meeting be held on February 24, 2004 at 6:00 p.m. in the Town Hall Council Chambers for the purpose of holding a public hearing on proposed amendments to the Destination Freeport Municipal Development and Tax Increment Financing District for U.S. Route #1 South.

BE IT FURTHER ORDERED: That a Public Hearing be scheduled for February 24, 2004 at 6:00 p.m. in the Town Hall Council Chambers to discuss amending the Destination Freeport Municipal Development and Tax Increment Financing District for U.S. Route #1 South.

BE IT FURTHER ORDERED: That Public Notice of this hearing be placed in a newspaper of general circulation ten (10) days prior to the hearing.

NOTE: The Special Council Meeting will be held prior to the February 24, 2004 Council Workshop. The application must be in the State hands by March 1, 2004 (Bishop & Arsenault)

Chair Regier explained that this is an outcome of the financial workshop the Council had about a month ago. Mr. Olmstead explained what would be considered.

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

ITEM #28-2004 To consider action relative to amendments to the School Department Reserve Account Policy concerning levels of funding and funding sources.

BE IT ORDERED: That the proposed amendments to the School Department Reserve Policy be approved. (DeGrandpre & Bishop)

Chair Regier explained the guidelines that give the public an indication of what will be answers to questions such as how much sand can be taken by a private citizen per storm for private residential use, etc. He noted that the Council is trying to lower borrowing costs. The Town does not need to borrow to purchase a school bus, the money would be better spent on educating children. Discussion followed.

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

ITEM #29-2004 To consider action relative to proposed amendments to the Tax Rate Policy.

BE IT ORDERED: That the proposed amendments to the Tax Rate Policy be adopted. (Cassida & Arsenault)

Chair Regier explained the proposal and the problems involved from one year to the next such as the loss of State Aid to our schools.

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

Harbor Improvement Grant

MOVED AND SECONDED: To introduce an item not on the printed agenda. (Cassida & Arsenault) **VOTE:** (5 Ayes) (2 Excused—Rumpf & White).

MOVED AND SECONDED: To accept the grant award from the Department of Transportation for the Harbor Improvement Grant and authorize the Town Manager to enter into the grant agreement on behalf of the Town of Freeport. (Arsenault & Cassida).

Mr. Olmstead answered questions for Councilors.

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

OTHER BUSINESS:

Informational Exchange:

Mr. Olmstead explained that last week at a Department Head Retreat, they discussed the upcoming budget process. February 24 will be the first budget meeting with school folks and municipal administrators. Department heads would like to talk with Councilors before this meeting. Mr. Olmstead and Chair Regier suggested setting February 12 aside for a two-hour discussion on what they perceive their budget needs are. He suggested 6-8 p.m. with sandwiches provided. Councilors concurred that this would be fine.

Councilor DeGrandpre spoke with the Fire Chief about the money from Emergency Preparedness. He would like to know more about how the funds have to be used and when. Chair Regier noted that there is a disconnect that Mr. Olmstead will work through. Mr. Olmstead will investigate what other towns are doing with this money at the next Regionalization meeting.

Heavy Trucks

Chair Regier advised that our national delegation is putting real effort in trying to help Freeport get heavy trucks off Main Street.

Community Center

Chair Regier noted that there has been a little bit of paralysis for six weeks regarding the rules by which money can be authorized for the Community Center. A lot of background information has been determined at a meeting that took place yesterday. At the Council meeting on March 2 e is hoping to be able to draft a committee as well as write the language for the specific charge to whoever is appointed. He would welcome input from other Councilors.

Personal Property Tax

Mr. Olmstead explained that a bill has been introduced in the Legislature to eliminate the personal property tax. For Freeport, if personal property taxes were phased out over a period of time, it would mean a shift in property tax of approximately 16% from commercial onto residential tax bills. The Council should be aware of this and make its feelings known to the Legislature. Chair Regier asked for authorization to write to the State delegates to encourage that this not be eliminated.

Soule School Meeting

Councilor DeGrandpre advised that the next meeting will be on February 26 from 7-8:30 p.m. in the South Freeport Church. Notices will be posted. Facilitators will be available. Mr. Olmstead noted that capital budget requests have to be in by the 15th of February. In this situation the range is so broad. The capital plan can be amended at anytime but if bonding is going to be required in 2004, mid-August would be the drop-dead date for that. Councilor DeGrandpre offered to meet with Mr. Olmstead in order to plan ahead. Mr. Olmstead advised that he had a conflict on the 26th but Johanna would staff that committee.

Adjournment

MOVED AND SECONDED: To adjourn at 9 p.m. (Cassida & Arsenault)
VOTE: (5 Ayes) (2 Excused—Rumpf & White).

Respectfully Submitted,



Sharon Coffin
Council Secretary