

**MINUTES
FREEPORT TOWN COUNCIL MEETING #01-2005
TOWN HALL COUNCIL CHAMBERS
JANUARY 4, 2005 – 7:00 P.M.**

CHAIRPERSON'S CALL TO ORDER

PRESENT ABSENT EXCUSED

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
Genie Beaulieu, P.O. Box 74	x

Chair Rumpf called the meeting to order at 7 p.m.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #20-2004 held on December 7, 2004 and accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #20-2004 held on December 7, 2004 and accept the Minutes as printed. (White & DeGrandpre)

Chair Rumpf referred to Page 10, second to the last paragraph, and noted that Amy Fitzpatrick offered to return to Freeport on February 1 to discuss the report.

VOTE ON AMENDED MINUTES: (7 Ayes).

SECOND ORDER OF BUSINESS: Announcements

Chair Rumpf noted that the Community Center's Building Committee continues to meet to work on the project. Their next meeting is on January 12 at 6 p.m. at the Freeport Middle School.

Councilor Arsenault announced that Linda Hardacker, Economic Development Director, gave her notice to the Town of Freeport. She has accepted a position in Biddeford but will be staying with Freeport through the 28th of January. The Board of Directors has compiled a team to review resumes and talk with prospective applicants. They are working on a job description.

Councilor DeGrandpre reminded Councilors of the Regionalization Retreat that will take place on the 19th at Val Halla. It will be a great opportunity to network with counterparts from other communities. Chair Rumpf is planning to attend and hopes other Councilors will also attend.

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

No public comments were received so Chair Rumpf moved on.

FOURTH ORDER OF BUSINESS:

ITEM #5-05 To consider action relative adopting the January 4, 2005 Consent Agenda.

BE IT ORDERED: That the January 4, 2005 Consent Agenda be adopted.
(White & Cassida)

Chair Rumpf reviewed the agenda for members of the public.

Councilor White referred to Item #2-05 and voiced his concerns with the name "Buck's Naked BBQ" and the fact that this name does not project the image Freeport is trying to promote. He feels compelled to say that this name is inappropriate for a business in Freeport and sets the wrong tone.

He asked that Item #2-05 be removed from the Consent Agenda and be dealt with at the time #08-05 later in the meeting.

MOVED AND SECONDED: To adopt the consent Agenda without Item #2-05.
(White & Beaulieu) **VOTE:** (6 Ayes) (1 Nay—White).

ITEM #6-05 To consider action relative to a proposed amendment to the Sign Ordinance concerning the removal of unauthorized off-premise signs. (Chapter 23) Public Hearing.

MOVED AND SECONDED: that the Public Hearing be opened. (DeGrandpre & Cassida) **VOTE:** (7 Ayes).

Chair Rumpf noted that this was discussed briefly at the last meeting. Discussion followed.

MOVED AND SECONDED: that the Public Hearing be closed. (Arsenault & Cassida) **VOTE:** (7 Ayes).

BE IT ORDERED: that the proposed amendment to the Sign Ordinance be approved. (DeGrandpre & Cassida) **ROLL CALL VOTE:** (7 Ayes).

ITEM #7-05 To consider action relative to adding on an attachment to the Street Excavation Ordinance concerning utility installation (Chapter 15) Public Hearing.

MOVED AND SECONDED: that the Public Hearing be opened. (Arsenault & Cassida) **VOTE:** (7 Ayes).

Mr. Olmstead explained that this would be an attachment to the Street Excavation Ordinance that will authorize the Public Works Director to issue letters granting permission for the installation of utility lines primarily across public ways or roads and transferring the responsibility of maintenance of those lines to the individual that installs them.

MOVED AND SECONDED: that the Public Hearing be opened. (Arsenault & DeGrandpre) **VOTE:** (7 Ayes).

BE IT ORDERED: that the proposed attachment be added to the Street Excavation Ordinance and the Public Works Director be authorized to issue the attachment for utility installations. (Arsenault & Bishop) **ROLL CALL VOTE:** (7 Ayes).

MOVED AND SECONDED: To take up Item 2-05 to consider action relative to an application for a Victualer's License for Buck's Naked BBQ, which was removed from the Consent Agenda. (Beaulieu & Cassida). **VOTE:** (7 Ayes).

Councilor White pointed out that this name is a marketing ploy and sets a tone for the Town. Councilor DeGrandpre noted it is important to honor the First Amendment since a lot of people died protecting it. Chair Rumpf encouraged Councilor White to discuss this name with the owner if he so chooses.

BE IT ORDERED: that the Victualer's License application from Alexis J. Caisse d/b/a Buck's Naked BBQ, 132 US Route #1 be approved. (Beaulieu & DeGrandpre) **ROLL CALL VOTE:** (6 Ayes) (1 Nay—White)

ITEM #8-05

To consider action relative to the issuance of an Alcoholic Beverage License for Buck's Naked BBQ. Public Hearing.

MOVED AND SECONDED: That the application for an Alcoholic Beverage License for Alexis J. Caisse d/b/a Buck's Naked BBQ, 132 U.S. Route 1 be subject to Public Hearing. (Cassida & Beaulieu) **VOTE:** (7 Ayes).

There were no public comments.

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

BE IT ORDERED: that the Alcoholic Beverage License Application from Alexis J. Caisse be approved.

Note: This is a new application and must be approved by the Town Council. Renewal applications will be approved by the Town Clerk. (Cassida & Arsenault) **ROLL CALL VOTE:** (6 Ayes) (1 Nay—White).

ITEM #9-05

To consider action relative to an application for a Planning Grant to investigate the development of joint ventures for delivering municipal services.

BE IT ORDERED: That the Town of Freeport partner with the Greater Portland Council of Governments in applying for a State Planning Grant providing for the efficient delivery of local and regional services.

Notes:

- 1). The grant funds will be administered by the Maine Development Foundation.
- 2). This item has been requested by Councilor Beaulieu. (Bishop & Cassida)

Councilor Beaulieu explained the availability of this planning grant. No matching funds are required but a vote of support is needed. Discussion followed. Chair Rumpf noted that he would review the application on behalf of the Council.

ROLL CALL VOTE: (7 Ayes).

OTHER BUSINESS:

1. Report from Codes Enforcement Officer on fencing required for Freeport Auto Parts, 33 Allen Range Road.

Mr. Reeder gave a historical presentation to the Council. The original fence was in need of repair but it was completely replaced. He has since received a complaint from a homeowner on Cheyenne Drive that a portion of Freeport Auto Parts is still visible. He visited the site and noted that there is a portion of the junkyard that can be seen from a public way. He asked the owners if they would take care of the additional screening but they declined. He advised that two additional 9' sections of fence would adequately screen the junkyard either on Allen Range Road or in the back near their garage to be in compliance with State law. The grade in this 18' does not appear to drop off too greatly. Cathy Ingerson had pictures to share with Councilors. She shared her concerns. Discussion followed.

Councilor Cassida suggested an alternative. He is certain that the owners made a good faith effort to comply with State law and their license has been approved for this year. He is comfortable leaving the approval in place but making it clear through some letter that Mr. Reeder could issue that this section of screening would have to be completed in the course of the next year in order to obtain a license next year.

MOVED AND SECONDED: that the Council issue an Automobile Graveyard and/or Junkyard Permit to John Ingerson d/b/a Freeport Auto Parts conditional upon his installing additional screening on this section of their yard to the satisfaction of the Codes Enforcement Officer prior to their renewal in 2005. (Cassida & Arsenault) **ROLL CALL VOTE:** (7 Ayes).

2. Consider request from Ruby Tuesday for sewer line easement from the Town of Freeport.

Note: The Council will be asked to authorize the Town Manager to act on behalf of the Town of Freeport in granting an easement for a sewer line and storm drain connection for Ruby Tuesday.

Tom Bard, president, explained that he was not able to negotiate an easement with L.L. Bean but the Town agreed to grant him an easement to an existing storm drain along the edge of Route 1 and will continue to Nathan Nye where it continues to an existing manhole. In exchange, Mr. Bard has agreed to

repair the brick sidewalk in front of Ruby Tuesday and continue past the Bartol Library. Discussion followed.

Councilor Arsenault, who is president of the Freeport Economic Development Corporation, noted that Ruby Tuesday has renewed interest in downtown Freeport.

MOVED AND SECONDED: To take up an item not on the printed agenda.
(Beaulieu & Cassida) **VOTE:** (7 Ayes).

MOVED AND SECONDED: To authorize the Town Manager to act on behalf of the Town of Freeport in granting an easement for a sewer line and storm drain connection for Ruby Tuesday. **ROLL CALL VOTE:** (7 Ayes).

3. Municipal Facilities Committee Update.

Councilor White advised that the committee is working on three projects:

- Soule School - finalizing a lease with the Dotens, addressing parking use for Bustins Island residents as well as an open space management agreement with the neighborhood group.
- West Street Condos - involves land exchanges to give the Town access to property it owns. The committee is waiting for the association to become informed in order to vote on the action
- The banding together of properties on Desert and Hunter Road for industrial use. There has been some interest shown in developing an environmentally friendly business park.

Mr. Olmstead advised that if any members of the public want to be added to the Soule School E-Mail list, they should submit their E-mail addresses to him. Agendas are e-mailed out to this list of people. Faith Baker and Gus McDonald had questions for Councilors White, Rumpf and DeGrandpre. Discussion followed.

Councilor White advised that meetings would be held on January 12, January 20 and January 26 from 5 p.m.-6:30 p.m. in the Council Chambers. He will provide an agenda for the January 12 meeting.

4. Informational Exchange.

Chair Rumpf and Vice Chair Cassida will be meeting with School leadership this week. They will be ensuring good communication with their delegation in Augusta regarding tax reform. It is important that they are aware of the potential impacts of changes on Freeport since there have been misunderstandings in the past in this regard. Chair Rumpf will be working with Mr. Olmstead and others on this.

As promised by Amy Fitzpatrick, of the DMR, copies of the draft report on the Harraseeket River Dye Study. Rod Regier has agreed to review the draft and propose some comments that could be sent, if the Council wishes, on behalf of the Town. He asked if the Council is comfortable with him reviewing Rod's comments to make sure they are reasonable and then forwarding them as the Town's comments in the hope that they will be incorporated into the final report preparation. Councilors concurred that this would be fine. Councilor Arsenault noted that if there needs to be another change in the harbor regarding

moorings, he needs to know that as soon as possible. If boat owners are told in February that moorings need to be reconfigured, Mr. Olmstead noted that it would be a crunch to get it done because there is always controversy. Councilor Arsenault hopes the size of the closed area is reduced. Discussion followed.

Chair Rumpf referred to the mailing from MMA regarding tax reform. It was suggested that Councilors follow up and contact their Legislators if they are aware of issues being proposed.

Councilor Cassida advised that the Community Center Building Committee has a workshop with the Council scheduled on February 8 to discuss ownership and management of the facility in detail. A preliminary discussion can be scheduled on January 11. It will be an informal discussion on what the ownership structure will be and what the management structure will be. The cost of operation is a wildcard but they can put some numbers together and will let the Council know what they are thinking. Councilor Cassida noted that several members of FCS are also on the Building Committee and will be in attendance anyway. He mentioned that the Teens are less structured than any of the other groups and they obviously will have to pay the bills for their place in the community center. He has asked the School Committee to discuss this among themselves. The Teens really need a sponsoring agency that will help them raise the money on a yearly basis to raise funds to pay for their costs. The committee feels that the School Department in some form is best suited for this role. He is eager to learn what the School Department has discussed and get their feedback.

Councilor Beaulieu noted that she agrees the community center is a wonderful idea but with tax reform looming, if the Town is asked to pay for the community center, what is it not going to pay for? What is the Council willing to give up for services? She doesn't see the pie getting any bigger. It is only so big. This will always be her question as the Council goes forward. The bucket of options is only so large. This is a great project but the Town will have to give up some other great things. The Council's hands may be tied in the future.

MOVED AND SECONDED: To adjourn at 9 p.m. (Cassida & Beaulieu)
VOTE: (7 Ayes).

Respectfully Submitted,

Sharon Coffin
Council Secretary