

**MINUTES
FREEPORT TOWN COUNCIL MEETING #02-2005
TOWN HALL COUNCIL CHAMBERS
JANUARY 18, 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 (arrived at 8 p.m.)
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. and noted that Councilor Arsenault is delayed but hopes to arrive later.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #1-2005 held on January 4, 2005 and accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #1-2005 held on January 4, 2005 and accept the Minutes as printed. (DeGrandpre & Beaulieu)

VOTE: (6 Ayes) (1 Excused—Arsenault).

SECOND ORDER OF BUSINESS: Announcements

Chair Rumpf wanted to make the public aware that Freeport is participating in the Rapid Renewal Program for reregistering vehicles over the Internet. If anyone has any questions, they can call the Town Hall and receive help. There are currently 30 towns now participating in this program.

Chair Rumpf announced that the Council will continue to hold its annual workshops with different boards such as the Planning Board, Board of Appeals, Freeport Economic Development Commission, etc.

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

MOVED AND SECONDED: To open the Public Comment Period. (DeGrandpre & Bishop) **VOTE:** (6 Ayes) (1 Excused—Arsenault).

Jean Cusinow of 126 Maquoit Drive referred to an article that appeared in *THE FORECASTER* concerning the Town Assessor's request to do a revaluation in response to State Law. Chair Rumpf explained that the Council decided to defer this for a year and not implement an emergency revaluation. This will be taken up as part of the regular operating budget discussion for next year. Councilor DeGrandpre noted that he wished more people would come to Council's workshops. He explained the inequities that exist in Town.

Chair Rumpf closed the public comment period.

FOURTH ORDER OF BUSINESS:

ITEM #11-05 To consider action relative adopting the January 18, 2005 Consent Agenda.

BE IT ORDERED: That the January 18, 2005 Consent Agenda be adopted (Beaulieu & White)

Chair Rumpf reviewed the agenda for members of the public. Mr. Olmstead advised that all license fees have been paid with the exception of Dinner At Your Door. The application was not submitted so it needs to be removed from the Consent Agenda.

MOVED & SECONDED: To remove Joni Thompson d/b/a Dinner At Your Door and postpone it indefinitely. (Beaulieu & White) **VOTE:** (6 Ayes) (1 Excused—Arsenault).

MOVED AND SECONDED: To adopt the consent Agenda as amended. (Beaulieu & White) **VOTE:** (6 Ayes) (Excused—Arsenault).

ITEM #6-05

To consider action relative to a consent between the Town of Freeport and the Island Rover Foundation concerning a resolution of all pending Ordinance violations on the Foundation's property.

BE IT ORDERED: that the proposed consent agreement between the The Town of Freeport and the island Rover Foundation be approved.

BE IT FURTHER ORDERED: That the Town Manager be authorized to Execute the agreement on behalf of the Town of Freeport. (White & Cassida)

Fred Reeder, Codes Enforcement Officer, explained that Mr. Arndt has a very large boat under construction on his property along with lots of material and personal items. A few years ago this property was broken off from his residence and put into a foundation. When it came to the Town for tax relief, it was turned down but it came to Mr. Reeder's attention that there is a separate piece of property with a manufacturing use on it. In the past it had been viewed as a home occupation. To alleviate the problem with the manufacturing use, a presentation had been made to the Town to perhaps turn the foundation into a private school for educational purposes. There was a Staff Review meeting for a change of use and it became evident at that meeting that there were a lot of concerns about turning this type of use in an essentially residential area. It is a permitted use but the area is totally residential. The Fire Department and the DEP were notified to come and look at the property. After many discussions, it was decided that trying to change the use to a school did not make sense. Violations were discussed and Mr. Reeder asked Mr. Arndt if he were cited for the violations, would he consent to a Consent Agreement. Mr. Reeder put an agreement together with the aid of the Town Attorney to address the neighborhood's concerns. It appears that no one wants to stop Mr. Arndt from completing his project but there are environmental concerns.

The Fire Chief had no concerns with the materials but wanted the right-of-way kept open and this is part of the Consent Agreement. Tim Wright from DEP did his review and asked for a list of materials that exists on the property and that Mr. Arndt construct a containment unit with a spill containment around it, which has already been done. Mr. Reeder has inspected it and found it to be more than adequate. This is a low priority for DEP but they will do periodic inspections. If anything arises, Mr. Arndt will come into compliance within 90 days of the inspection. The agreement says that the boat and all the material will be gone from the property in 5 years and the property will revert back to its natural state.

The Town Attorney suggested that Mr. Reeder bring the agreement to the Town Manager so that he can bring it to the Council. Discussion followed. Mr. Arndt noted that he has been building this boat for 12 years. It is 113' long, and weighs 68 tons. It will take 5 years to finish it. He feels this is a reasonable time line.

Chair Rumpf noted that the way the Agreement is written, it is not enforceable. Councilor Cassida suggested that Mr. Reeder and Mr. Arndt in the next 30-60 days, generate a list of materials that can be removed within 6 months. Councilor White suggested requiring a 30% reduction in the materials stored. Councilor Cassida is happy with the terms but noted that there needs to be a consequence in the Agreement that will provide an incentive for Mr. Arndt to complete the project. It could be a financial responsibility. More discussion followed. He recommended adding to #8: "failure to meet any terms of this agreement will immediately result in *something*." It could be a \$100 per day penalty or a \$50 per day penalty. It would be an incentive for Mr. Arndt to meet his obligation. Councilor White agreed with Councilor Cassida.

Councilor Bishop read a letter from Mike and Linda Feters of 142 Maquoit Drive into the record submitting questions. They were unable to attend tonight's meeting. Mr. Arndt clarified that he never blocked the right-of-way. He has maintained a clear path through this right-of-way. It is a paper street. The letter was given to the Secretary to add to the public record.

Chair Rumpf clarified that he has heard concerns about clarifying the piece regarding the materials that are going to be removed in the interim and the issue of whether there should be a clearer fine. Councilor Cassida referred to Paragraph #5 of the Agreement and suggested striking references to responding to any requests by the State within 90 days. He would only keep the first two lines.

Chair Rumpf noted that the issues discussed this evening need to be addressed so it would make sense to table this item. He asked if anyone had any other concerns.

Dr. Glenn Knock of 84 Maquoit Drive is concerned that there are no provisions for the death or disability of Mr. Arndt and asked what would happen if something happened to Mr. Arndt. Councilor DeGrandpre noted that there are other members of the Foundation that would be responsible. Mr. Arndt explained that 30 people are involved in this project.

Eleanor Bachman of 116 Maquoit Drive asked Councilors to walk down and view the enormity of this project.

NOTE: Councilor Arsenault arrived at 8 p.m.

Judy Welsh of Maquoit Drive noted she wants to see Mr. Arndt complete his boat but had concerns with the exemption for personal property past the six-month period. She has viewed old cars and wants to know if they will be removed. Mr. Arndt explained that the whole project started out as a personal project so all the materials were personal. Some of them have been moved into the Foundation and in a

discussion about a list, it is difficult to decipher if it is personal property or Foundation property. His intent is to remove both personal and Foundation materials from the property and will be addressing them with Mr. Reeder. Councilor White noted that the Council should not require Mr. Arndt to remove all personal property since this would not be reasonable. Councilor Cassida suggested using some wording that would require Mr. Arndt to bring his property into compliance with Town Ordinance within that 5-year period. Discussion on requiring a performance bond in the Consent Agreement followed.

MOVED AND SECONDED: To table Item #12-05 to the second meeting in February and direct the Codes Enforcement Officer and Town Manager to work with Mr. Arndt to implement the changes discussed this evening in the Consent Agreement. (White & Beaulieu) **ROLL CALL VOTE:** (7 Ayes).

OTHER BUSINESS:

MOVED AND SECONDED: To take up Item #2 first. (Cassida & Beaulieu) **VOTE:** (7 Ayes).

2. Review of October 22, 2004 letter from the Freeport Conservation Trust concerning the Mast Landing Property.

Bob Santomenna of the Freeport Conservation Trust introduced Louisa Moore. He explained why the Mast Landing property should be preserved from development. It provides unique wildlife habitat. There is a 100-year old Mallet quarry on the property. It provides open space close to the Village center. An appraisal is underway at their expense and additional title work is being done. There are 34.8 acres involved. One of the Trust's members has made a presentation to the Planning Board regarding open space planning for the village. Ms. Moore added that the school utilizes the many nature trails, wetlands and quarry that exist on this property.

Chair Rumpf noted that the Trust would like to have an indication of whether we still have an interest in pursuing the LMF Grant and if so, what additional conditions would the Council wish to place upon it in the way of match or whether there may be Councilors who do not wish to keep this grant opportunity open. They are out of funds now and if there is no interest, they would be happy to take the money back and allocate it to other projects.

Mr. Santomenna noted that LMF continues to want to see progress on this and the Trust has given them a report. A match is needed to secure LMF funds. This property was acquired for recreational purposes and the appraisal should be available in a month or so on both Lots 7 and 2. (Lot 7 was a donated parcel with no restrictions).

Bob Stevens of Porters Landing, one of the original donors of money to the Town that was used to acquire Lot 2. He and others were excited to learn that this parcel was being acquired for recreational purposes as set forth as a condition in the deed. As an attorney, he believes that the condition that it be used for recreational purposes is enforceable. If it is not used for some 15 years, it could be used for some other municipal purpose. It is the parcel itself that needs to be used, not the proceeds from that parcel. In his view, we have a win/win situation. We have a parcel of land that needs to be used for public recreation and there is an opportunity to acquire some money to use the property in the manner it is supposed to be used anyway. He encouraged the Council to promote this and pursue completion of this application. The pressure of trying to raise money for the running track is off. More discussion followed. Councilor Beaulieu noted that she would like to see the appraisal before proceeding. Councilor White is supportive of this concept. Chair Rumpf is supportive of protecting

this property to provide open space close to the Village Center and it will be useful to get the appraisal. Councilor Cassida suggested that the Trust request that this item be put on the agenda when the completed appraisal is made available along with a specific proposal. Mr. Santomenna agreed.

1. Update on Fire/Rescue Department Reorganization

Mr. Olmstead advised that last fall, a consultant was engaged to review the organizational structure of the Fire and Rescue Departments and the results were accepted by the Council. Mr. Olmstead does not have the final proposal at this time but he is close. It is still being debated internally. The charts he provided are 90% done. He expects to bring forth the final organizational piece to the first meeting in March.

2. Informational Exchange

Chair Rumpf noted that the Council has been invited to the Regionalization Retreat tomorrow night at 6:30 p.m.

The Planning Board will also be meeting tomorrow and reviewing the recently completed Transportation Study. He made the Planning Board aware of the Council's conflicts. He asked if the Planning Board could provide an update at next week's workshop and Mr. Olmstead offered to check.

At the last meeting, the Council agreed that Chair Rumpf should review the proposed grant application for GPCOG application into the State for planning funds. He reviewed it today with Mr. Olmstead. He is comfortable with what is there but will be asking for a clarification that the work that will be done will be applicable to any Regionalization efforts around different types of services in the GPCOG territory. Mr. Olmstead noted that he expects a clarification to come by E-Mail and he will forward it on to Councilors.

Councilor Arsenault advised that he met with the Historical Society this evening. He has been trying to preserve the Soule Building down at Brewer's Boat Yard. The Wolfe Neck Farm is interested in using it as office space and will be discussing it in a meeting this week. Brewer's would pay for taking it down, cataloging it and storing it for up to two years. Architect John Orcutt has indicated that if Wolfe Neck does anything with it, it will be done this spring. It would be positioned where the hoop gardens exist overlooking Little River. It should maintain its present historical value because it would still be in the same farmland/waterfront area.

Councilor Arsenault announced that he became a grandfather this week.

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

Respectfully Submitted,

Sharon Coffin
Council Secretary

2. Update on Fire/Rescue Department Reorganization

3. ~~Information Exchange~~

MOVED AND SECONDED: To adjourn at 9:05 p.m. (Cassida & Beaulieu)
VOTE: (7 Ayes).

Respectfully Submitted,

Sharon Coffin
Council Secretary