

**FREEPORT TOWN COUNCIL MEETING #06-2005 MINUTES
TOWN HALL COUNCIL CHAMBERS
MARCH 15, 2005 – 7:00 PM**

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 #5-2005 held on March 15, 2005 and accept the Minutes as printed.

Chair Rumpf referred to the third paragraph on page 8 and amended the wording to read that Mr. Olmstead will work with Mr. Plummer *to refine the procedures and guidelines used in the granting of permits when roads are posted.*

Mr. Cassida referred to the last paragraph on page 4 and amended the wording to read: *Although he is opposed to granting the conservation easement, he will be voting favorably.* Other Councilors concurred with the changes.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #5-2005 held on March 1, 2005 and accept the Minutes as amended. (Arsenault & White). **ROLL CALL VOTE:** (7 Ayes).

SECOND ORDER OF BUSINESS: Announcements

Chair Rumpf commended the Freeport Boys and Girls Ski Teams for winning the combined Class C Ski titles at the State meet. He wanted everyone to be aware of their great successes.

Chair Rumpf mentioned that applications for Town boards and committees were sent out in a recent Town mailing. He encouraged members of the public that may have an interest in serving to fill them out and return them to the Town Hall for consideration.

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

There were no members of the public wishing to speak so Chair Rumpf moved on to the next order of business.

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

ITEM #33-05 To consider action relative to adopting the March 15, 2005 Consent Agenda.

MOVED AND SECONDED: That the March 15, 2005 Consent Agenda be adopted. (White & Cassida)

Councilor Beaulieu asked about the Victualer's license for the Stone House. Mr. Olmstead indicated that the Stone House is tax exempt but the application fee is forth coming and the application won't be released without collecting the fee. All other license fees have been paid. Chair Rumpf noted that the Stone House Manager has offered the Town free space for community functions in the future if the Council or other committees or boards would like to use their facility depending upon its availability. Anyone planning a retreat, etc. should work through the Town Manager to secure space.

Chair Rumpf highlighted the items on the Consent Agenda for members of the public.

Councilor Arsenault advised that there is an opening on the Planning Board as well as Winslow Park. Councilor DeGrandpre urged members of the public to consider filling out the applications that arrived with their tax bills to serve on Boards and Committees.

ITEM #34-05 To consider action relative to adopting a Five Year Capital Plan and approving a Capital Budget for Calendar Year 2005. (Public Hearing)

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

Chair Rumpf noted that the Council held a workshop before tonight's meeting and it will be continued after the meeting. Mr. Olmstead noted that the capital budget is on the web and has been available to the public for two weeks. The vote is scheduled on April 5. Councilor DeGrandpre asked if the public would be able to ask questions on the 5th since it will be an agenda item. Chair Rumpf advised that if there is considerable interest from the public on the 5th, some time will be given for public comment.

Charles Fischman of 195 Main Street referred to the Main Street sidewalk, Kendall Lane to the Baptist Church. He mentioned his support for this item. He is happy to see it is coming up. Mr. Olmstead explained that there is a strong likelihood that this item will be funded next year because of PACTS. Mr. Fischman also mentioned the Island Explorer buses being used at Acadia National Park and suggested that the Council consider using similar vehicles for short school bus trips being repeated throughout the day in Freeport. Councilor DeGrandpre advised that all of the new buses have to meet the new diesel emissions standards so they are quite a bit cleaner than they used to be.

Rod Regier made reference to the proposed reduction of debt mentioned by Chair Rumpf. Mr. Regier is opposed to incurring interest expenses unnecessarily and feels that just because someone doesn't want to claim a budget item, it is not good fiscal policy. He noted that school buses, technology improvements, firefighters' uniforms, dump trucks, etc. are recurrent costs. He

believes there are a number of items in the Capital Plan that are annual expenses. He encouraged Councilors to recognize what are genuinely capital expenses and what are genuinely bondable capital expenses and those that are not. He challenged Councilors to find ways to use current money to pay for current costs. Discussion followed. Chair Rumpf noted that the vote would be taken up next month. The Council will be doing more workshoping. There are opportunities for the public to contact their individual Councilors or the Town Manager with questions.

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

MOVED AND SECONDED: That Item #34-2005 be tabled until April 5, 2005. (DeGrandpre & Cassida) **VOTE:** (7 Ayes).

ITEM #35-05 To consider action relative to an application for an Alcoholic Beverage License for the Hilton Garden Inn. **(Public Hearing)**

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

Mr. Olmstead explained that this is a new application which requires a public hearing before the Council. No taxes have been assessed as of this time.

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

BE IT ORDERED: That the application for an Alcoholic Beverage License issued to Inn Freeport, LLC d/b/a the Hilton Garden Inn, 5 Park Street, be approved. (Arsenault & Bishop) **ROLL CALL VOTE:** (7 Ayes).

ITEM #36-05 To consider action relative to a proposed amendment to the Zoning Ordinance concerning the definition of an "Automobile Graveyard".
(Public Hearing)

MOVED AND SECONDED: That the Public Hearing be opened.
(Beaulieu & Bishop) **VOTE:** (7 Ayes).

Mr. Olmstead noted that there are 8 exemptions to the definition and Councilors were provided with a copy of them.

Chair Rumpf explained that this is basically to amend the definition in our Zoning Ordinance to comply with the definition that is currently in State law.

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

BE IT ORDERED: That the proposed amendment to the Zoning Ordinance be approved. (Beaulieu & Bishop)

Councilor DeGrandpre explained that he is much more comfortable seeing what is exempted because of hobbyists that restore cars, tractors, etc. Councilor Cassida pointed out that the Council would not typically include a copy of 29-A, but it might be useful to the public to see the definition along with the list of exemptions.

Councilor Beaulieu asked if it would make more sense to amend the Ordinance to include the whole section as our Ordinance rather than simply attaching the definitions.

MOVED AND SECONDED: To amend this proposed amendment to include all of the language starting from A. "Automobile graveyard" does not include and the list of 8 exemptions. (Cassida & Arsenault) **VOTE: (7 Ayes).**

FREEPORT ZONING ORDINANCE CHAPTER 21

Section 104 – Definitions

Junkyard:

a.) Automobile Graveyard: ~~a yard, field or other area used as a place of storage for three or more unserviceable, discarded, worn out or junked motor vehicles.~~

"Automobile Graveyard" means a yard, field or other outdoor area used to store 3 or more unregistered or uninspected motor vehicles, as defined in Title 29-A, Section 101, Subsection 42, or parts of the vehicles. "Automobile graveyard" includes an area used for automobile dismantling, salvage and recycling operations.

A "Automobile graveyard" does not include:

- (1) An area used for temporary storage of vehicles or vehicle parts by an establishment or place of business that is primarily engaged in doing vehicle repair work to make repairs to render a motor vehicle serviceable. In order for a vehicle's storage to be considered temporary, it must be removed from the site within 180 calendar days of its receipt;
- (2) A area used by an automobile hobbyist to store, organize, restore or display antique autos, antique motorcycles, classic vehicles, horseless carriages, reconstructed vehicles, street rods or parts of these vehicles as these vehicles are defined in Title 29-A, Section 101 as long as the hobbyist's activities comply with all applicable federal and state statutes and rules and municipal ordinances, other than ordinances that are more restrictive than this subsection regarding the storage of vehicles or vehicle parts that are collected by a hobbyist. For the purposes of this subparagraph, an automobile hobbyist is a person who is not primarily engaged in the business of selling any of those vehicles or parts from those vehicles;
- (3) An area used for the parking or storage of vehicles, vehicle parts or equipment intended for use by a municipality, quasi-municipal entity or state or federal agency;

- (4) An area used for the storage of operational farm tractors and related farm equipment, log skidders, logging tractors or other vehicles exempted from registration under Title 29-A, Section 851;
 - (5) An area used for the parking or storage of vehicles or equipment being offered for sale by a dealer, equipment dealer, trailer dealer or vehicle auction business as defined in Title 29-A, Section 851;
 - (6) An area used for the storage of vehicles by an establishment or place of business that is primarily engaged in business as a new vehicle dealer as defined in Title 29-A, Section 851;
 - (7) An area used for temporary storage of vehicles by an establishment or place of business that is primarily engaged in business as an insurance salvage pool. In order for a vehicle's storage to be considered temporary under this subparagraph, the vehicle must be removed from the site within 180 days of receipt of title by the business; or
 - (8) An area used for the parking or storage of operational commercial motor vehicles, special equipment or special mobile equipment as defined in Title 29-A, Section 101 that is temporarily out of service but is expected to be used by the vehicle or equipment owner or by an operator designated by the owner. This subsection does not exempt an area used for the parking or storage of equipment or vehicles that are not operational while stored or parked in the area.
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OTHER BUSINESS:

1. Recommendations on Fire/Rescue Department Reorganization.

Chief Fournier explained that a Management Study was done and some good improvements have since been made. Organization charts were provided to Councilors. Discussion followed. Chief Fournier noted that not everyone is happy with the reorganization but he believes the improvements are workable.

Councilor Beaulieu asked if the NET program is making money or losing money. Chief Fournier indicated he was not prepared to discuss it this evening. Chair Rumpf requested that this be added to next month's agenda.

2. Update on Nathan Nye Street improvement request.

Mr. Olmstead explained two meetings ago a gentleman requested that the Council make some improvements to Nathan Nye Street so he could access a rear lot that he owns behind his home. The Council requested that he work with the Town Planner and the Public Works Director to determine the improvements needed and their costs. The Council indicated that the applicant would have to pay for the improvements. As the investigation moved on, costs began to mount. The applicant has determined that he can access the rear lot through his driveway so he has withdrawn the request to improve the street.

3. Update on the Soule School Property.

Mr. Olmstead explained that the Town has not executed the building lease. The French School folks have scheduled a meeting with the Town Planner to determine what they need to do in order to go before the Staff Review Board. Ms. Larson hopes to have their application before the Staff Review Board in April.

Mr. Olmstead has met with Bob Santomenna of the Conservation Trust and discussed the easement. He has provided Mr. Santomenna with a map and the various dimensions of the red and blue areas not covered by the conservation easement. Mr. Santomenna will go back to the Trust for a formal vote on the acceptance of the easement. They will prepare the easement and submit it to the Town for review and final action by the Council.

On the management portion, Mr. Olmstead talked to Caroline Kurrus of the Conservation Commission and tried to put the Friends of Soule School and the Conservation Commission together to begin discussing the management plan for the park portion and the open space portion of the property. Those discussions are beginning.

Regarding the parking piece, the Town Planner plans to have Staff Review of the parking area take place at the same time as the site plan review of the building area takes place. In April he expects the Staff Review Board to consider both the site plan for the building and the land that goes with the building and the parking in the rear. The Staff Review Board meets the first Tuesday of each month at 1 p.m.

4. Information Exchange.

Councilor Cassida advised that the Community Center received approval from the Project Review Board last week and a Design Review Certificate. They are now working on getting bid documents together to put the project out to bid to get some firm prices. The Building Committee has agreed to enter into a contract with Gary Friedman Associates for the fundraising component of the project. The Fundraising Committee will be meeting for the first time tomorrow morning. They are making progress.

MOVED AND SECONDED: To adjourn at 8:50 p.m. (Arsenault & Bishop)
VOTE: (7 Ayes).

Respectfully Submitted,



Sharon Coffin
Council Secretary