

**MINUTES
FREEPORT TOWN COUNCIL MEETING #17-2005
TOWN HALL COUNCIL CHAMBERS
SEPTEMBER 20, 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		

Vice Chair Cassida called the meeting to order at 7 p.m.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #16-2005 held on September 6, 2005 and accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #16-2005 held on September 6, 2005 and accept the minutes as printed (White & Beaulieu) **VOTE:** (6 Ayes).

SECOND ORDER OF BUSINESS: Announcements

Vice Chair Cassida announced that the Volunteer Recognition Barbeque for Town volunteers will be held on Sunday, October 16, 2005 at the Harb Cottage. Invitations will be mailed to volunteers this week.

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

MOVED AND SECONDED: To open the Public Comment period (Arsenault & DeGrandpre) **VOTE:** (6 Ayes).

Sheila Nappi, Freeport Education Foundation, invited the Town Council and Public to attend their second annual Autumn Art & Wine Festival. It will be held on September 24, 2005 from 7:00 – 10:00 p.m. at the USM Stone House. Tickets are \$25.00 each. The Festival is being held to raise awareness of the Education Foundation and raise money for their activities.

MOVED AND SECONDED: To close the Public Comment period (White & Beaulieu)
VOTE: (6 Ayes).

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

ITEM #117-05 To consider action relative to re-applications for an Automobile Graveyard and/or Junkyard Permit. **(Public Hearing)**

MOVED & SECONDED: That the following re-applications for an Automobile Graveyard and/or Junkyard Permit be subject to Public Hearing.(White & Beaulieu) **VOTE** (6 Ayes)

David Bolduc d/b/a D.A.B. Inc., 13 Allen Range Road

John Ingerson d/b/a Freeport Auto Parts, 33 Allen Range Road.

Bob Morency, 7 Cheyanne Drive, addressed his concerns about the Junkyards. His concerns related to the screening, well water contamination with MBTE and TAME, and failure to control discharge of petrochemicals. He stated that prior to purchasing the property he had his well tested and the well was contaminated with MBTE. He asked the Town Council to require the Junkyards to comply with federal, state and local regulations and to require that they adopt best practices as defined by the DEP. In response to questions from the Town Council about the possible source of his well water contamination, Mr. Morency stated that the DEP can only respond to what they observed on his property when doing an inspection and would need to be allowed on the Junkyard property in order to report possible sources of contamination that exist there. Fred Reeder, Codes Enforcement Officer, responded to questions from the Town Council stating that the Junkyards have complied with both the Town Council's requirements from last year and the current local ordinances, adding that he does not inspect the yards for handling of hazardous waste.

Kathy Ingerson, owner of Freeport Auto Parts, responded to the concerns raised by Mr. Morency. She stated that the fence is seven feet tall and that the water has always been bad there due to ledge, sulfur, and rust. In response to questions from the Council, Ms. Ingerson stated that the DEP regularly inspects their yard. She described their facility and how they handle liquids.

Kevin Prout, 4 Cheyanne Drive, addressed his concerns about the fence and sand, noting that this would not be acceptable in any other part of Freeport.

Discussion continued regarding the well water in the area and how the Junkyard handles hazardous liquids.

MOVED AND SECONDED: That the Public Hearing be closed (Beaulieu & DeGrandpre) **VOTE** (6 Ayes)

In the absence of an official DEP report, it was noted that the licensees have done what the Town Council has asked them to do in order to renew their licenses. Councilor Beaulieu asked if it were possible, in the future, to ask DEP to provide the town with a report which they could review prior to renewals coming before them. Councilor Bishop agreed, noting that she did not want to hold up the license but also given the concerns raised this evening, did not want the issue to end here. Councilor White noted that there were two concerns raised this evening, the one about the fence being of less concern. The concern about MTBE existing in wells in close proximity to the Junkyard is of greater concern and he stated that the Town has been put on notice of this concern. He suggested approving the licenses, contingent on further test results. David Bolduc, owner of DAB Inc., stated that Junkyards will soon begin needing a stormwater runoff plan acceptable to DEP and will need to have testing done quarterly. The testing will only involve surface water.

BE IT ORDERED: That the re-applications for an Automobile Graveyard and/or Junkyard Permit issued to the above named applicants be approved (White & Bishop)

Discussion occurred regarding the need to see a report or letter from the DEP stating that they are in compliance and that the license will be conditional upon receiving such notice.

MOVED & SECONDED That the motion be amended to read that the re-applications for an Automobile Graveyard and/or Junkyard Permit issued to the above named applicants be approved contingent upon reports from the Maine DEP regarding the Junkyards' compliance with the DEP and information regarding the existence of any contamination of ground water in the immediate area of the junkyard and in the surrounding area of the junkyards (White & Arsenault) **VOTE:** (6 Ayes)

MOVED & SECONDED That the main motion as amended regarding the re-applications for an Automobile Graveyard and/or Junkyard Permit issued to the above named applicants be approved contingent upon reports from the Maine DEP regarding the Junkyards' compliance with the DEP and information regarding the existence of any contamination of ground water in the immediate area of the junkyard and in the surrounding area of the junkyards (White & Arsenault) **ROLL CALL VOTE** (6 Ayes)

ITEM #118-05

To consider action relative to adopting a new Coastal Waters Ordinance. (Chapter 31) **(Public Hearing)**

MOTION: That the Public Hearing be opened (Arsenault & Bishop) **VOTE** (6 Ayes)

Jan Berlin provided the Council with a brief history of the proposed revisions to the Coastal Waters ordinances. He noted that the amendments have been reviewed by Mr. Clements from the Army Corps of Engineers and Geoff Hole, Town Attorney. He stated that the primary change in the ordinance is that it expands the jurisdiction of the Coastal Waters Commission to cover all tidal waters.

Ed Bradley, Flying Point Road, asked what the reason was for extending the jurisdiction. Mr. Berlin stated that it was to provide regulation of town waters. Currently there is no regulation outside of the Harraseeket anchorage and therefore the Corps of Engineers regulate this area. He described how the Coastal Waters Commission intended to regulate moorings outside the anchorage, noting that there would not be a charge for registering these moorings.

Jay Clements, Army Corps of Engineers, explained the role of his agency adding that Freeport should have a vested interest in regulating their own waters. He noted the potential problems in the absence of local control and the benefits to having local control.

Ken Mann, Wolfe Neck Road, stated he was pleased to see that the Coastal Waters Commission had responded to public concerns expressed at the last meeting. He noted one issue of concern regarding the issue of whether or not dingies needed to be registered. Members of the commission stated there was no intention to deal with flats moorings outside of the anchorage.

Ed Bradley asked if pre-existing moorings outside of the anchorage could be exempt from registering, expressing concern about moorings being denied.

Carol Chipman, Lower Flying Point Road, noted the increase in moorings and expressed her support of the proposed ordinance.

MOVED & SEONDED That the Public Hearing be closed.
(White & Bishop). **VOTE** (6 Ayes)

In response to questions raised by the Town Council, Mr. Clements noted that there are State laws regarding residency and fees for moorings. It was also noted that the issue of houseboats had been addressed in the ordinance.

BE IT ORDERED: That the proposed Coastal Waters Ordinance be adopted and the current ordinance be vacated (Bishop & DeGrandpre)

Discussion followed regarding boats under eight feet being exempt from registering and whether or not it was clear in the ordinance.

MOVED & SECONDED That the proposed Coastal Waters Ordinance be amended as follows:
add to the end of Article V 1.a., This article does not apply to boats eight feet or under that are not on a permanent mooring and the current ordinance be vacated (Bishop & DeGrandpre)
VOTE (6 Ayes)

MOVED & SECONDED That the main motion as amended to adopt the proposed Coastal Waters Ordinance and vacate the current ordinance be approved (Bishop & DeGrandpre) **ROLL CALL VOTE**: (6 Ayes)

ITEM #119-05 To consider action relative to a bridge loan from Capital Reserves to provide for the construction of a Community Center Project

BE IT ORDERED: That the Town of Freeport advance funds from the Capital Reserve Funds for a loan not to exceed \$900,000 for the construction of the Freeport Community Center. The expectation is that the donations from pledges will be used to repay the loan within a five year period ending December 31, 2010. (Bishop & Arsenault)

Bob Stevens provided the Town Council with a report from the Community Center Fundraising Committee. The committee was established in March and they have raised \$485,349.13. This leaves a lot to raise but the committee feels confident about their ability to raise the remainder of the money, and they are ready to move into the next stage of fundraising.

Peter Warren, construction manager for the project, spoke in support of the project, noting that they have been able to hold the line and that they could be finished by July. In order to get started they need the Town to bridge the money. He said they have received a substantial amount in gifts-in-kind and he also feels confident about the ability to raise the needed funds.

Leslie Livingston, FCS executive director, spoke of the importance of the Community Center. She noted the collaborative efforts that have been made with numerous organizations within the community.

Jonas Warner, Vice President of the FMMA also spoke in support of the Community Center and how it is an opportunity to strengthen this community, adding that the FMMA voted to charge the business community to help raise these funds. Dick Collins, FMMA

executive director also spoke in support of the Community Center adding the value of such a facility and how it helps to make Freeport marketable.

Greg L'Heureux, Finance Director, explained the cash flow analysis and explained the bridge loan from the capital reserve funds. The big question is what is the anticipated collection of donations and whether or not the donations will come in as anticipated. He stated that the bridge loan would required is closer to \$812,000. The actual donations received to date is approximately \$250,000. Regarding interest, this has been incorporated at a rate of 3%. In response to questions about where these funds would come from and the impact on future capital projects, the Finance Director stated that they could liquidate some investments (such as treasury notes). He stated there was in excess of \$4 million in reserves which have been set aside for capital projects.

Councilor Beaulieu asked how the bridge loan would be secured and regarding how the order read, she stated that as a Town Councilor she does not want that decision left to FCS and the town attorney, as \$900,000 is a lot.

Bob Stevens stated that the FCS property is valued at \$400,000 and there is the municipal property next to it. These are the assets available as security. In response to a question about going to a bank for a loan, Mr. Stevens stated that the fastest and best way is to do it through the town.

Councilor Bishop expressed concern as they had first been told the amount was \$500,000 and now it is \$900,000. She supports the project, but she has constituents who don't want them to pursue the bridge loan. She agreed that they need to ask voters as they are being asked to use almost a million dollars of taxpayers money.

Councilor Beaulieu asked if it is legal to use town money in this way. The Town Manager responded that they have not asked for a formal legal opinion from the town attorney. There was agreement on the need to check the legality of using the money as requested. Discussion followed regarding whose name will be on the deed, contract, etc. and whether the \$900,000 figure could be brought down. Peter Warren noted that this project needs the support of the Town Council and noted that they have until October 15th to accept the bids and if they don't they will have to re-bid which will be costly.

Ed Bradley and Betsy Ruff also spoke in support of the building.

MOVED AND SECONDED That the motion be amended to read that the Town of Freeport advance funds from the Capital Reserve Funds for a loan not to exceed \$800,000 for the construction of the Freeport Community Center. The expectation is that the donations from pledges will be used to repay the loan within a five year period ending December 31, 2010. (White & DeGrandpre) **VOTE:** (5 Ayes, 1 Nay – Beaulieu)

BE IT FURTHER ORDERED: That the loan be secured through a mechanism that is agreed upon by the Freeport Town Attorney and Freeport Community Services.

MOVED AND SECONDED That the motion be amended to read that the loan be secured through a mechanism that is agreed upon by the Town Attorney and Freeport Community Services and returned to the Town Council for their approval (Beaulieu & Bishop) **VOTE:** 6 Ayes

MOVED AND SECONDED That the original motion be amended to include that the said loan shall accrue an annual interest of 3%. (Beaulieu & White) **VOTE** (6 Ayes)

MOVED AND SECONDED That the original motions with amendments be approved that the Town of Freeport advance funds from the Capital Reserve Funds for a loan not to exceed \$800,000 plus 3% interest for the construction of the Freeport Community Center. The expectation is that the donations from pledges will be used to repay the loan within a five year period ending December 31, 2010. and that the loan be secured through a mechanism that is agreed upon by the Town Attorney and Freeport Community Services and returned to the Town Council for their approval (Beaulieu & White) **ROLL CALL VOTE:** 6 Ayes

ITEM #120-05

To consider action relative to adopting Santa Barbara, Honduras as a Sister City.

BE IT RESOLVED: That the Town of Freeport, Maine, hereby adopt the town of Santa Barbara, Honduras, as a Sister City.

BE IT FURTHER RESOLVED: That the Freeport Rotary Club be commended on its efforts to provide Santa Barbara, Honduras, with the capacity to provide its own pure water through the placement of water purification devices in each family's home.

BE IT FURTHER RESOLVED: That citizens of Freeport be encouraged to support this Sister City Resolution by adopting a Santa Barbara family and placing, at the cost of \$75.00 each, a water purification system for that family (Beaulieu & DeGrandpre)

Robert Hanson, Freeport Rotary Club, provided an overview of their request, explaining the water system and asking the Town Council to adopt Santa Barbara in an effort to promote and provide

any assistance they can. He noted that Freeport High School students are working with them on this project.

The Town Council expressed their support of this project and the Rotary Club's work.

ROLL CALL VOTE: (6 Ayes)

ITEM #121-05 To consider action relative to the confirmation of the appointment of Head Librarian.

BE IT ORDERED: That the Town Manager's appointment of Beth Edmonds as Freeport's new Head Librarian be approved (Bishop & Arsenault) **VOTE:** (6 Ayes)

ITEM #122-05 To consider action relative to a purchase agreement between the Town of Freeport and the Freeport Conservation Trust for the purchase of a Conservation Easement for land located on the Lower Mast Landing Road (Lots 2 & 7 on a plan entitled "Torrey Hill Subdivision")

BE IT ORDERED: That the purchase agreement between the Town of Freeport and the Freeport Conservation Trust dated September 20, 2005 be approved (DeGrandpre & Arsenault)

Bob Santomenna provided the Town with an overview. Councilor Arseneault expressed concern about sufficient provisions for parking. Discussion followed regarding where in the purchase and sales agreement reference can be made to parking and how to define parking. Other concerns were raised regarding what types of recreation would be available and the need to develop a management plan to address some of the issues raised. Mr. Santomenna stated that the Town Council would approve the management plan. It was agreed that the Conservation Trust, Conservation Commission and Town Council would work together to discuss the management plan. Mr. Santomenno agreed to organize these discussions and Rich DeGrandpre and John Arsenault agreed to be the Town Council representatives.

ROLL CALL VOTE: (6 Ayes)

OTHER BUSINESS:

1. **Informational Exchange.**

The Town Manager stated that the Town Assessor would be setting the tax rate on September 22, 2005. He stated the projected tax rate was \$.20 as they fell one million short in assessments.

MOVED AND SECONDED To adjourn at 11:45 p.m. (White & DeGrandpre) VOTE (6 Ayes).

Respectfully submitted,

Johanna Hanselman