

MINUTES
FREEPORT TOWN COUNCIL MEETING #23-2005
TOWN HALL COUNCIL CHAMBERS
DECEMBER 20, 2005 – 7 p.m.

CHAIRPERSON'S CALL TO ORDER

PRESENT ABSENT EXCUSED

John Arsenault, Prout Road	x		
Genie Beaulieu, P.O. Box 74			x
Charlotte Bishop, Maquoit Drive	x		
James Cassida, 5 Timber Ridge Road	x		
Rich DeGrandpre, Timber Ridge Road	x		
Joe Migliaccio, 2 Vinmar Lane	x		
Frederick White, 45 Pleasant Hill Road	x		

Chair Cassida called the meeting to order and pointed out that Councilor Beaulieu is excused this evening.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #22-2005 held on December 6, 2005 and accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #22-2005 held on December 6, 2005 and accept the Minutes as printed (White & Bishop) **VOTE:** (6 Ayes) (1 Excused—Beaulieu)

SECOND ORDER OF BUSINESS: Announcements

Chair Cassida pointed out that Town employees have generously donated \$4,832.60 to charities during the past year.

Councilor DeGrandpre advised that the family of Stan Davis has presented the Freeport Fire Company with a \$40,000 bequest in his honor. The money will be used to renovate the Town's firefighting museum and expand the company's scholarship program. In the past, Mr. Davis made other contributions of more than \$100,000 to help establish the fire museum.

Having just returned from an Appointment Committee meeting, Councilor DeGrandpre announced that there are vacancies on some Town boards and committees. Any citizen interested in serving on one of these boards should fill out an application and submit it to Town Hall. The Committee is always looking for good candidates and will be putting together a job description in the next few months for each of the committees so folks will have an idea what they do and when they meet. Applications can be found on the Town's website and are also available at Town Hall. Councilor Bishop noted that these committees mostly meet once a month.

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

MOVED AND SECONDED: To open the Public Comment Period. (White and DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Beaulieu).

There were no public comments.

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

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

ITEM #163-05 To consider action relative to the adoption of the December 20, 2005 Consent Agenda.

BE IT ORDERED: That the December 20, 2005 Consent Agenda be adopted. (Bishop & Arsenault)

Chair Cassida reviewed the two items that were on the Consent Agenda for members of the public.

Mr. Olmstead indicated that the luge run would be handled in the same manner as last year. Councilor DeGrandpre encouraged members of the public to participate in the luge run.

ROLL CALL VOTE: (6 Ayes) (1 Excused—Beaulieu).

ITEM #164-05 To consider action relative to applications for Alcoholic Beverage Licenses.
(Public Hearing)

MOVED AND SECONDED: That the following applications for Alcoholic Beverage Licenses be subject to Public Hearing.

Alexis J. Caisse d/b/a/
Buck's Naked BBQ
132 U.S. Route 1

Timothy Rudolph d/b/a/
Kendall Tavern B&B
213 Main Street

Dominic Petrillo d/b/a/
Petrillos
15 Depot Street
(White & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Beaulieu).

**COUNCIL MEETING #23-2005
DECEMBER 20, 2005**

There were no public comments. Mr. Olmstead explained that the applications are all in order and the taxes are current.

MOVED AND SECONDED: That the Public Hearing be closed. (Bishop & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Beaulieu).

BE IT ORDERED: That the applications for Alcoholic Beverage Licenses be approved. (White & Bishop) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Beaulieu).

ITEM #165-05 To consider action relative to the adoption of a new Floodplain Management Ordinance for the Town of Freeport. (Chapter 16) **(Public Hearing)**

MOVED AND SECONDED: That the Public Hearing be opened. (Migliaccio & Bishop) **VOTE:** (6 Ayes) 1 Excused—Beaulieu).

Fred Reeder, Codes Enforcement Officer, explained that he will be dealing with this Ordinance and has dealt with it for more than 20 years. In his 20 years, he has never received an application. The State's Planning Office has prepared this document. On page 4 he has plugged in application fees of \$25 for minor development and \$50 for major development. Discussion followed.

Chair Cassida suggested getting the FEMA maps entered into the GIS system.

MOVED AND SECONDED: That the Public Hearing be closed. (Bishop & DeGrandpre) **VOTE:** (6 Ayes) 1 Excused—Beaulieu).

MOVED AND SECONDED: To include the application fees in Article IV on Page 4, which were \$25 for a minor development and \$50 for a major development. (DeGrandpre & Arsenault) **VOTE:** (6 Ayes) (1 Excused—Beaulieu)

BE IT ORDERED: That the proposed Floodplain Management Ordinance be Adopted as amended and the existing ordinance be vacated. (Migliaccio & DeGrandpre) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Beaulieu).

ITEM #166-05 To consider action relative to a proposed amendment to the Traffic & Parking Ordinance concerning fifteen minute parking zones. (Chapter 48) **(Public Hearing)**

MOVED AND SECONDED: That the Public Hearing be opened. (Arsenault & Bishop) **VOTE:** (6 Ayes) (1 Excused—Beaulieu).

Mr. Olmstead explained that this amendment would eliminate the Sunday exemption in the 15-minute parking zones. These zones will be in effect from 9 a.m. to 6 p.m. seven days a week.

There were no public comments. Mr. Olmstead asked Mr. Plummer if when the signs are replaced because of age or damage, the 9 a.m. to 6 p.m. times could be added. Councilor DeGrandpre noted that perhaps small additional signs showing the times could be added to the existing signs. Councilors

**COUNCIL MEETING #23-2005
DECEMBER 20, 2005**

concurred that this should be left to the Town Manager's discretion. Mr. Plummer offered to research the availability of labels or small signage with his sign vendors.

MOVED AND SECONDED: That the Public Hearing be closed. (Arsenault & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Beaulieu).

BE IT ORDERED: That the proposed amendment to the Traffic & Parking Ordinance be approved. (Arsenault & Bishop) **VOTE:** (6 Ayes) (1 Excused—Beaulieu).

ITEM #167-05 To consider action relative to a proposed amendment to the Sidewalk Maintenance Ordinance concerning snow removal in Commercial Zones. (Chapter 9) **(Public Hearing)**

MOVED AND SECONDED: That the Public Hearing be opened. (DeGrandpre & Arsenault) **VOTE:** (6 Ayes) (1 Excused—Beaulieu).

Mr. Olmstead explained that for the past 30 years or so there has been an Ordinance in place where the primary responsibility for keeping sidewalks free of snow and ice and safe for pedestrians lies with the abutting property owners in the Village Commercial I and II zones. This amendment is to extend this to the other commercial zones where sidewalks have been built, specifically U.S. Route One South to the Shaw's intersection and also down Bow Street to Park Street where sidewalks have been built to accommodate the new Hilton Inn. The Public Works Department will continue to plow, salt and sand sidewalks. This Ordinance makes it clear that the ultimate responsibility rests with the abutting property owner and should Public Works not be able to get to the sidewalks in a timely manner, then it would be expected that the property owners get out and assist in the effort. This has worked well in the downtown area for many years and some of the downtown property owners have made it known that they think this Ordinance should be extended to the other commercial districts where sidewalks now exist so there is equal application of the Ordinance.

Councilor DeGrandpre noted that he would like to offer an amendment to remove the commercial zones from this Ordinance because in C-I, C-II and C-IV there are no sidewalks and in C-III that is where the snow goes. Discussion followed.

There were no public comments.

MOVED AND SECONDED: That the Public Hearing be closed. (White & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Beaulieu).

MOVED AND SECONDED: To remove Commercial I, Commercial II, Commercial III and IV from the proposed article but leave Village Commercial I, Village Commercial II, and Village Commercial IV in. (DeGrandpre & Arsenault) **VOTE:** (6 Ayes) (1 Excused—Beaulieu).

Chair Cassida explained that he would like to modify the amendment to make it clear that residences are not included.

MOVED AND SECONDED: To add the word “commercial” in three places in the first sentence. The commercial owner, commercial tenant, commercial occupant and any person having the care of any commercial building or lot. (Cassida & Bishop) **VOTE:** (6 Ayes) (1 Excused—Beaulieu).

BE IT ORDERED: That the proposed amendment to the Side Walk Maintenance Ordinance be approved as amended. (DeGrandpre & Bishop)

ROLL CALL VOTE: (6 Ayes) (1 Excused—Beaulieu).

ITEM #168-05 To consider action relative to an increase in Electrical Fees.

BE IT ORDERED: That Electrical Fees be increased as proposed on the Fees and Fines Schedule, dated 1/3/06 as amended. (Bishop & DeGrandpre)

Fred Reeder, Codes Enforcement Officer explained that electrical inspections are done by a licensed electrician that lives out of town. This person has been doing these inspections for 17 or 18 years. After benchmarking what surrounding communities charge, Mr. Reeder is proposing to increase the fees to bring Freeport in line with what the surrounding communities are charging. He proposes to increase compensation for the electrician from \$15 per hour to \$20 per hour, which will be his first pay increase in 15 years. The electrician will be adding a new telephone line solely for electrical inspections, which will allow contractors access to the inspector to schedule inspections and ask questions. At the present time, all calls are directed to Mr. Reeder. Mr. Reeder’s budget will pay for the answering machine. Mr. Reeder estimates that the proposed increases could generate an additional \$3,000 in new revenue annually on the residential side and perhaps \$5,000 on the commercial side. Discussion followed.

Mr. Olmstead noted that it is important that the electrician provide a log periodically showing the calls that he has received. Mr. Reeder noted he does not have strong computer skills but is confident there must be some way to figure it out.

Tom Arsenault, electrician, shared his views and had questions which were addressed by Mr. Reeder. Mr. Reeder offered to discuss the possibility of the electrician carrying a cell phone.

MOVED AND SECONDED: To modify the electrical inspection process routing calls directly to the electrical inspector and increasing fees and fines as indicated in the schedule dated 1/3/06. (White & Bishop) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Beaulieu).

Councilor Migliaccio asked if this issue can be discussed in a year to determine whether the process has gotten better. Mr. Olmstead offered to make a note and this item can be discussed when the Council meets with the Codes Department.

ROLL CALL VOTE: (6 Ayes) (1 Excused—Beaulieu)

ITEM #169-05 To consider action relative to the designation of Drug Free “Safe Zones”.

BE IT ORDERED: That in accordance with MSRS Title 30A, Section 3253 and

**COUNCIL MEETING #23-2005
DECEMBER 20, 2005**

MSRS Title 17A, Section 1105 the following areas be designated as Drug Free "Safe Zones".

1. Bow Street Park
2. Pownal Road Athletic Field
3. Winslow Park
4. Hedgehog Mountain Recreation Area
5. Florida Lake Recreation Area (White & Bishop)

Mr. Olmstead explained that a fairly new State Statute authorizes municipalities to designate safe zones within their communities. Chief Schofield recommends that the Town designate these areas as "safe zones". The types of drugs are outlined in State Statute. Discussion followed. Mr. Olmstead noted that signage would go up at these facilities.

ROLL CALL VOTE: (6 Ayes) (1 Excused—Beaulieu)

ITEM #170-05 To consider action relative to adopting Town Council Goals for 2005-2006.

BE IT ORDERED: That the following Town Council Goals be adopted for 2005-2006.

1. Control Property Taxes

- Attempt to limit municipality expenditures consistent with the Northeast Region CPI Indicator.
- Work with School Department to encourage and support clear communication and expectations.
- Work with School Department to develop a budget that limits the increase over last year to 4% or less.
- Review reserve account, tax stabilization account and fund balance accounts to determine if balances are appropriate.
- Promote balanced economic development to strengthen the commercial tax base.
- Promote consolidation of services with surrounding communities.

2. Continue support of the community center building project through completion and the grand opening.

3. Develop and strengthen long-range planning in growth management to ensure that public infrastructure can support growth rates.

- Develop a plan to extend School Street and possibly rezone the area to support local services.
- Support and encourage additional affordable housing where appropriate.
- Support development measures that slow the rate of sprawl.
- Develop a growth management plan for Route 1 South. (Bishop & Arsenault)

Chair Cassida noted that these goals contain the revisions suggested at the last Council meeting.

ROLL CALL VOTE: (6 Ayes) (1 Excused—Beaulieu)

ITEM #171-05 To consider action relative to proposed amendments to the Zoning Ordinance Village Commercial I and II Zones (VC – I & VC – II) concerning uses in the zone and new definitions. (Chapter 21).

BE IT ORDERED: That a Public Hearing be scheduled for January 3, 2006 at 7 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Zoning Ordinance Village Commercial I and II Zones.

BE IT FURTHER ORDERED: That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 7 and the Town's website. (Migliaccio & DeGrandpre)

Mr. Olmstead advised that the Town Planner sent him a memo dated December 8, 2005 outlining the numerous amendments. He provided copies to Councilors. Discussion followed.

ROLL CALL VOTE: (6 Ayes) (1 Excused—Beaulieu)

ITEM #172-05 To consider action relative to an amendment to the Rules and Procedures of the Freeport Town Council concerning Minutes of Council meetings.

BE IT ORDERED: That the proposed amendment to Item 11 of the Rules and Procedures of the Freeport Town Council concerning the delivery of Council Minutes be approved. (DeGrandpre & Arsenault)

Chair Cassida explained that he brought this item to the Town Manager's attention. It requires that the Council Secretary distribute minutes of the meeting within four days, which is not traditionally done. He suggests changing it to 10 days, which will accommodate the Council's current format. Councilors concurred.

ROLL CALL VOTE: (6 Ayes) (1 Excused—Beaulieu)

OTHER BUSINESS

1. Informational Exchange

Councilor Arsenault noted he sits on the Cumberland County Budget Advisory Committee representing Freeport, Brunswick and Harpswell. They hosted a meeting last week where the County Manager provided a presentation of the County budget. There was an opportunity for a question and answer session and a number of tough questions came out of that. The County is looking at placing questions on the ballot in the near future. He noted it was good to have them here to give an overview. Councilors Beaulieu, DeGrandpre and Migliaccio attended this meeting.

Councilor DeGrandpre noted his concerns with the County proposing to spend \$25,000 on economic development when a lot of communities are already doing this. The County does not

**COUNCIL MEETING #23-2005
DECEMBER 20, 2005**

have any land and is not able to provide TIFs. There is not much the County can do other than provide a table. The other frustration he has is with the apparent change in how the County wants to manage their finances. They want to change from a policy where they reserve for capital expenditures to bonding for most everything. The \$50,000 item in their budget appears to be to promote their new fiscal policy, which is to promote their new bonding package.

Mr. Olmstead advised that the meeting was televised and he asked Rick Simard to provide tapes to the surrounding communities so they can play it on their local cable channels.

Councilor Migliaccio pointed out that he was struck by the fact that the County sent signals that they clearly want to be in the economic development business. He volunteered to help by discussing with them what is available for economic development.

Mr. Olmstead noted that the question that needs to be answered is: Should the County be involved in this effort? He is concerned with duplication of effort. More discussion followed.

Councilor Migliaccio mentioned LD 1660, the Governor's proposal to repeal the personal property tax. Mr. Olmstead noted that the Council will have a dialogue with the Assessor on the Re-val on January 3 and the timing of that as well as LD 1660. Freeport residents should know that if the tax on personal property were repealed, their residential tax bills could increase by as much as 15%. They should be talking to Senator Edmonds and Representative Webster about the Governor's proposal.

Mr. Olmstead advised that the Town's health insurance premiums are going up 10.5% this year. 2.5% of that increase is to help support the Dirigo plan.

ADJOURNMENT

MOVED AND SECONDED: To adjourn at 9 p.m. (White & DeGrandpre)
VOTE: (6 Ayes) (1 Excused—Arsenault)

Respectfully Submitted,

Sharon Coffin
Council Secretary