

AGENDA
FREEPORT TOWN COUNCIL MEETING #6-2001
TOWN HALL COUNCIL CHAMBERS
APRIL 3, 2001 – 7:00 P.M.

SPECIAL NOTE: This agenda is a working agenda that includes background information and is for distribution to Council members only.

FROM: Dale C. Olmstead, Jr.

TO: John Arsenault, Chairperson, Prout Road
Robert Stevens, Vice Chairperson, Porters Landing
David Soley, Arnold Road
Genie Beaulieu, Larue Drive
Kenneth Mann, Mann Road
Karen Bricklemeyer, Bears Run
Eileen Lowell, South Freeport Road

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of #5-2001, March 20, 2001 Meeting and accept the Minutes as printed.

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

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

COUNCIL MEETING #6-2001
APRIL 3, 2001

ITEM #53-2001 To consider action relative to proposed amendments to the Zoning Ordinance concerning Restaurant Parking Requirements in the Village Commercial I (VC I) Zone (Chapter 21). (Public Hearing).

MOTION: That the Public Hearing be opened.

MOTION: That the Public Hearing be closed.

BE IT ORDERED: That the proposed amendments to the Zoning Ordinance be approved.

ITEM #54-2001 To consider action relative to proposed amendments to the Shellfish Conservation Ordinance concerning appeals and violations (Chapter 32).

BE IT ORDERED: That a Public Hearing be scheduled for April 24, 2001 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Shellfish Conservation Ordinance.

BE IT FURTHER ORDERED: That 30 copies be distributed equally between the Town Clerk's office and the Freeport Community Library for inspection for citizens.

ITEM #55-2001 To consider action relative to authorizing a Municipal Quit Claim Deed for property on Maiden Lane, Tax Map 17, Lot 61H.

BE IT ORDERED: That a Municipal Quit Claim Deed be issued to the following:

To: Gary E. and Sandra Crouse
Property: Tax Map 17, Lot 61H - 64 Maiden Lane, Freeport
Tax Years: 1995 and 1996

NOTE: All taxes have been paid.

ITEM #56-2001 To consider action relative to an expenditure from the Traffic and Parking Reserve Account to provide for the Town's share of a feasibility study.

BE IT ORDERED: That up to \$20,000 be expended from the Traffic and Parking Reserve Account to provide for the Town's share to conduct a feasibility to identify appropriate sites for a train station and develop a local transit program to report rail service.

NOTE: The State share is \$80,000.

ITEM #57-2001 To consider appointment of a Successor Trustee to Paul Powers for the Adelaide Winslow Harb Trust.

BE IT ORDERED: That William L. Plouffe is appointed as Successor Trustee to Paul Powers for the Adelaide Winslow Harb Trust dated May 20, 1953.

COUNCIL MEETING #6-2001
APRIL 3, 2001

ITEM #58-2001 To consider action relative to adopting a policy on the Appointment of School Building Committees.

BE IT ORDERED: That the proposed policy on the Appointment of School Building Committees be adopted.

ITEM #59-2001 To consider action relative to an extension of the Soule School Lease Agreement.

BE IT ORDERED: That the lease agreement between the Town of Freeport and the Brunswick Waldorf School Association be extended until August 31, 2003.

BE IT FURTHER ORDERED: That the rent amount be increased to \$19,125 for the period of September 1, 2002 to August 31, 2003.

ITEM #60-2001 To consider action relative to the discontinuance of the Browntail Moth Spray Program.

BE IT ORDERED: That the Town of Freeport accept the recommendation of the Maine Forest Service by not sponsoring a Browntail Moth Spraying Program for 2001.

ITEM #37-2001 Tabled March 13 and March 20, 2001.

To consider action relative to the acceptance of a Smart Growth Challenge Grant.

BE IT ORDERED: That the Smart Growth Grant from the State Planning Office in the amount of \$50,000 be accepted.

ITEM #49-2001 Tabled March 20, 2001.

To consider action relative to the Capital Improvements Program for Fiscal Years 2002 to 2006.

BE IT ORDERED: That the proposed Capital Improvements Program for Fiscal Years 2002 to 2006 to adopted.

BE IT FURTHER ORDERED: That the following Capital Budget Items be funded for Fiscal Year 2002.

Education

1. Technology Upgrades	\$50,000
2. Mast Landing Carpeting	\$30,000
3. School Bus - 78 Passenger	\$60,000
4. Mast Landing Telephone System	\$25,000
5. Morse St. School Interior Upgrades	\$46,000
6. Morse St. Exterior Upgrades	\$37,000

Recreation & Grounds

1. Mower and Trailer	\$16,000
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COUNCIL MEETING #6-2001
APRIL 3, 2001

2.	Resurface Tennis Courts	\$25,000
3.	Snow Removal Vehicle	\$24,000

Fire Department

1.	28 SCBA Bottles	\$27,000
2.	Protective Clothing	\$12,000
3.	Rescue Pumper Equipment	\$31,500
4.	Chief's Vehicle Replacement	\$27,500

Rescue Department

1.	Replacement of Rescue 1	\$115,000
2.	Information Management System	\$27,000

Public Works Department

1.	Backhoe Replacement	\$80,000
2.	Pick-Up Truck Replacement	\$24,000
3.	Track Excavator Purchase	\$130,000

Solid Waste/Recycling

1.	Vertical Baler for HDPE & PET Plastics	\$12,500
2.	Forklift Replacement	\$36,000
3.	Landfill Leachate Collection/Treatment System Upgrade	\$55,500
4.	Testing and Design for Leachate Lagoon Closure	\$10,000
5.	Truck Replacement with Plow and Hydraulic Tailgate	\$29,000

Comprehensive Town Improvements

1.	So. Freeport Road Reconstruction (Rte. 1 to Pine St.)	\$74,000
2.	So. Freeport Road Drainage	\$74,000
3.	So. Freeport Road ATL Lane (Bicycle Lane)	\$74,000
4.	Sidewalk Reconstruction - Main St. (West St. to Holbrook St.)	\$23,500
5.	Sidewalk Reconstruction - Holbrook St. (Main St.)	\$15,500
6.	Arnold Road Reconstruction/Drainage	\$40,000

Municipal Facilities

1.	Carpeting, Wood Floors and Counter refinishing	\$15,000
2.	Central Air - Town Hall	\$72,000
3.	Resurface and Re-curb Municipal Parking Lots	\$85,000

Police Department

1.	Public Safety Communication Upgrade	\$100,000
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Boards, Committees and Community Groups

1.	Professional Service for Community Center	\$25,000
2.	Directional Signage	\$75,000
3.	Cemetery Improvements	\$41,500

COUNCIL MEETING #6-2001
APRIL 3, 2001

BE IT FURTHER ORDERED: That the following amounts be expended from Reserve Accounts to provide for the purchase and replacements.

- School Reserves
 - Technology Reserves \$15,000
 - Building Maintenance Reserves \$25,000
 - Vehicle Replacement Reserves \$15,000
- Fire Department Reserves - All Items plus Communications Equipment \$121,500
- Rescue Department Reserves - Vehicle Replacement \$115,000
- Public Works Equipment Reserves - Pick-Up Truck \$24,000
- Street & Road Construction Reserves - S.Freeport Rd. \$148,000
- Municipal Facilities Reserves - Flooring & Counters \$15,000
- Traffic & Parking Reserves - Parking Lots & Signage \$160,000
- Police Department Reserves - Communication Equip. \$39,500

BE IT FURTHER ORDERED: That the following items be funded with funds with the Municipal Development and Tax Increment Financing District for Downtown Development.

- Sidewalk Construction - Main St. & Holbrook St. \$39,000

BE IT FURTHER ORDERED: That a sum not to exceed \$_____ is hereby appropriated for the purpose of purchasing the approved capital items, and to meet said appropriation, the Chairperson of the Town Council and the Town Treasurer are authorized to use general obligation securities of the Town of Freeport in a total principal amount not to exceed \$_____ with the discretion to fix the date, place of payment, forms and other details of the securities, and providing the sales thereof delegated to the Chairperson of the Town and the Town Treasurer.

OTHER BUSINESS:

1. Sign Dog Warrant.
2. Discussion on Construction Manager v. Bid for Services (Councilor Arsenault).
3. Discussion on letter from Conservation Commission concerning the coordination of Open Space efforts.
4. Discussion on proposed personal water craft legislation.

COMMITTEE REPORTS:

Adjourn.

*Clerk
Copy*

**MINUTES
FREEPORT TOWN COUNCIL MEETING #6-2001
TOWN HALL COUNCIL CHAMBERS
April 3, 2001 – 7:00 P.M.**

<u>CHAIRPERSON'S CALL TO ORDER:</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
John Arsenault, Chairperson Prout Road	X		
Robert Stevens, Vice Chairperson Porters Landing	X		
Genie Beaulieu, Larue Drive	X		
David Soley Arnold Road	X		
Kenneth Mann Mann Road	X		
Karen Bricklemyer Bears Run			X
Eileen Lowell South Freeport Road			X

Chair Arsenault noted that Councilors Bricklemyer and Lowell are ill.

FIRST ORDER OF BUSINESS: TO WAIVE THE READING OF THE MINUTES OF MEETING #5-2001 HELD ON MARCH 20, 2001 AND ACCEPT THE MINUTES AS PRINTED.

MOVED AND SECONDED: TO WAIVE THE READING OF THE MINUTES OF MEETING #5-2001 HELD ON MARCH 20, 2001 AND ACCEPT THE MINUTES AS PRINTED. (Councilors Beaulieu & Stevens) (5 Ayes) (2 Excused—Bricklemyer & Lowell)

MOVED AND SECONDED: To take Item 37-2001 out of order. (Councilors Beaulieu & Stevens) (5 Ayes) (2 Excused—Bricklemyer & Lowell)

ITEM #37-2001 Tabled March 13 and March 20, 2001

To consider action relative to the acceptance of a Smart Growth Challenge Grant.

BE IT ORDERED: That the Smart Growth Grant from the State Planning Office in the amount of \$50,000 be accepted. (Councilors Beaulieu & Stevens)

MOVED AND SECONDED: To amend the proposed motion to condition the grant on four understandings:

1. That the study is a feasibility study and not a commitment on behalf of the Town.
2. That the Council will instruct the people doing the study to involve the public and the West Freeport neighborhood in the study process.
3. That the proposed West Freeport growth area is not going to be the only growth area in town, but one of many.
4. That the map attached to the grant application is schematic only.
(Councilors Soley & Stevens).

MOVED To delete \$1,500 to develop school population projections and delete \$8,500 to develop a school impact fee ordinance and analyze open space impact fees. (Councilor Mann) Motion was not seconded.

Town Planner Larson explained how the contract was put together and what the \$50,000 would be used for. She noted that the contract has not yet been received from the State. Discussion followed. Members of the public were invited to share their views. John Libby presented an affidavit to amend Article II, Section 2:12 of the Charter of the Town of Freeport signed by five people that reads: "Add: The Town Council shall not enact any ordinance which would designate a West Freeport Village Residential Growth Area west of I-95 between Beech Hill Road and the Desert Road." He explained that the five people who signed the Petition will circulate it and file it in proper form.

Ann Hindley asked Councilors to table this issue until such time that Councilor Bricklemeyer can be in attendance to hear the comments from people most impacted by this issue. Susan Campbell echoed Mrs. Hindley's suggestion and shared her views as did Brad Guay from Holbrook Street, Diane Sargent, Jerry Tims from Richards Lane and Alan Hindley of Wardtown Road. Andrew Arsenault noted that he served on the Growth Management Committee and is concerned with Councilor Soley's amendments. He mentioned that the map does not represent what the committee did. The map presented to the State Planning Office is not what the Committee voted on. He suggested that a new grant application be submitted with correct map information. He explained the good work that the Committee accomplished. Herbie Brewer echoed Mr. Arsenault's comments and noted that he, too served on the Residential Growth Committee and that the map is different from the one he voted on. Rich DeGrandpre of Beech Hill Road explained why he is troubled by where the Town is in the process. Dorothy Curtis of the Durham Road shared her concerns with losing her property because of high taxes. Brenda Tims of Richards Lane had similar concerns. Joe Carroll of Hunter Road explained that he is trying to preserve his 100 acres for farming. He is not interested in developing his property. Peter Bogle of Park Street is not aware of any support for the West Freeport Village and does not want to spend any money for studies. John Libby of Farm View Lane

shared his concerns as did Cynthia Doten. Diane Dennison of Beech Hill Road advised that she does not want to see any more development in her neighborhood. Ann Hindley of Wardtown Road asked the Council how it could vote on an amendment that it has not yet seen.

Councilor Beaulieu read a letter from Rodney J. Regier into the public record. Councilor Soley pointed out that he reviewed his proposed amendments with Mr. Regier and Mr. Regier indicated that he was comfortable with them. Councilors Beaulieu and Arsenault pointed out that they reside in growth areas.

Alan Hindley wanted clarification on the proposed aerial digital flight and Ms. Larson responded that town- wide photography will be done when the snow is gone.

Mimi Harrell mentioned all the changes that have taken place during her lifetime but urged the Council to involve the residents in any future change.

Councilor Soley pointed out how the Town is growing and compared Freeport with some of the neighboring communities. He feels the Residential Growth Committee did an outstanding job. He addressed the misconceptions that exist. Councilor Stevens thanked everyone for their input. He explained the Council's position in trying to keep costs down for expansion and that the grant application got ahead of the process. It is important that so many residents have come forward and pointed out that the process needs to be improved and that they need to be a part of it.

Councilor Mann noted that he is pleased that five people signed an affidavit and are willing to circulate a Petition to put this issue out to referendum and then the people of Freeport will have the final say on this issue. He referred to the Comprehensive Plan that is in effect right now and what choices the Council has. Councilor Beaulieu pointed out that growth is already taking place in District 4. She explained that Councilor Bricklemyer is ill tonight. Chair Arsenault explained that the community really needs to look at growth before it really happens. The Moratorium is holding off growth and the Town really needs a vision. Donna Larson advised that she expected the contract three weeks ago but does not know when it will arrive. She suspects the Town has a few weeks but not several months.

MOVED AND SECONDED: To move the question on the amendment made by Councilor Soley (Councilors Beaulieu & Soley) (4 Ayes) (1 Nay-Mann) (2 Excused-Lowell & Bricklemyer).

Councilor Soley read his amendment again.

MOVED AND SECONDED: To add the word "potential" in Amendment #3 after the word "only". (Stevens & Beaulieu) (5 Ayes) (2 Excused-Lowell & Bricklemyer).

Councilor Mann pointed out the problem that exists with the Residential Growth Committee that has not been disbanded. He recommended that an amendment be made to clarify that there will be a new committee. Ms. Larson advised that in the report it is recommended that a new ad hoc committee be appointed that includes residents of the area to take an in-depth analysis on how a new mixed use village could be developed with the assistance of staff and consultants.

and this is something that the Residential Growth Management Committee wanted to see. Councilor Soley agreed and asked the Secretary to so note.

MOVED AND SECONDED: To add the following amendment: A new ad hoc committee shall be appointed that includes residents of the area to take an in-depth analysis on how a new mixed use village could be developed with the assistance of staff and consultants. (Councilors Mann & Soley) (5 Ayes) (2 Excused-Brickleyer & Lowell).

ROLL CALL VOTE ON AMENDMENTS: (5 Ayes) (2 Excused-Lowell & Brickleyer)

Councilors concurred that they want to see the contract.

ROLL CALL VOTE ON ITEM #37-2001 AS AMENDED: (4 Ayes) 1 Nay-Mann) (2 Excused-Lowell & Brickleyer).

Andrew Arsenault asked for some action from the Council to disband the Residential Growth Management Committee.

MOVED AND SECONDED: To move an item not on the printed agenda. (Councilors Soley & Beaulieu) (5 Ayes) (2 Excused-Brickleyer & Lowell).

MOVED AND SECONDED: That the Council officially thank the Residential Growth Committee for more than a year of very hard work, accept their resignations and disband the committee with tremendous gratitude. (Councilors Soley & Stevens)
ROLL CALL VOTE: (5 Ayes) (2 Excused-Brickleyer & Lowell).

SECOND ORDER OF BUSINESS: Public Comment Period – 30 Minutes (non Agenda Items Only)

Gloria DeGrandpre asked if she would be allowed to speak about the Burnett Bridge item. Councilors concurred that she would be permitted to speak when this item comes up later on the agenda.

MOVED AND SECONDED: To close the Public Comment Period (Councilors Beaulieu & Stevens) (5 Ayes) (2 Excused-Brickleyer & Lowell).

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

ITEM #53-2001 To consider action relative to proposed amendments to the Zoning Ordinance concerning Restaurant Parking Requirements in the Village Commercial I (VC I) Zone (Chapter 21). (Public Hearing).

MOVED AND SECONDED: That the Public Hearing be opened. (Councilors Soley & Stevens) (5 Ayes) (2 Excused-Brickleyer & Lowell).

Town Planner Larson explained that there are two section 10s on Page 3. The second 10 should be removed since it is redundant. Councilor Beaulieu explained these amendments and answered questions.

MOVED AND SECONDED: That the Public Hearing be closed. (Councilors Soley & Beaulieu) (5 Ayes) (2 Excused-Brickley & Lowell).

BE IT ORDERED: That the proposed amendments to the Zoning Ordinance be approved. (Councilors Soley & Beaulieu) (5 Ayes) (2 Excused-Brickley & Lowell).

ITEM #54-2001 To consider action relative to proposed amendments to the Shellfish Conservation Ordinance concerning appeals and violations (Chapter 32).

BE IT ORDERED: That a Public Hearing be scheduled for April 24, 2001 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Shellfish Conservation Ordinance.

BE IT FURTHER ORDERED: That 30 copies be distributed equally between the Town Clerk's office and the Freeport Community Library for inspection for citizens. (Councilors Beaulieu & Soley)

Mr. Olmstead explained the proposed amendments.

ROLL CALL VOTE: (5 Ayes) (2 Excused-Brickley & Lowell).

ITEM #55-2001 To consider action relative to authorizing a Municipal Quit Claim Deed for property on Maiden Lane, Tax Map 17, Lot 61H.

BE IT ORDERED: That a Municipal Quit Claim Deed be issued to the following:

To: Gary E. and Sandra Crouse

Property: Tax Map 17, Lot 61H – 64 Maiden Lane, Freeport

Tax Years: 1995 and 1996

NOTE: All taxes have been paid. (Councilors Stevens & Beaulieu) **ROLL CALL VOTE:** (5 Ayes) (2 Excused-Brickley & Lowell).

ITEM #56-2001 To consider action relative to an expenditure from the Traffic and Parking Reserve Account to provide for the Town's share of a feasibility study.

BE IT ORDERED: That up to \$20,000 be expended from the Traffic and Parking Reserve Account to provide for the Town's share to conduct a feasibility to identify appropriate sites for a train station and develop a local transit program to report rail service.

NOTE: The State share is \$80,000. (Councilors Mann & Beaulieu)

Councilor Beaulieu explained this expenditure and answered questions.

ROLL CALL VOTE: (4 Ayes) (1 Nay-Mann) (2 Excused-Brickleyer & Lowell).

ITEM #57-2001 To consider appointment of a Successor Trustee to Paul Powers for the Adelaide Winslow Harb Trust.

BE IT ORDERED: That William L. Plouffe is appointed as Successor Trustee to Paul Powers for the Adelaide Winslow Harb Trust dated May 20, 1953. (Councilors Soley & Stevens)

Councilor Stevens explained the need for this appointment. Councilor Beaulieu suggested that an audit be taken before Mr. Plouffe takes over. Councilor Soley explained that this is pretty much done automatically and Mr. Olmstead offered to take care of it. Bill Ross had some questions for the Council which Councilor Stevens attempted to answer.

ROLL CALL VOTE: (5 Ayes) (2 Excused-Brickleyer & Lowell).

MOVED AND SECONDED: To add an item not on the printed agenda. (Councilors Stevens & Soley) (5 Ayes) (2 Excused-Brickleyer & Lowell).

MOVED AND SECONDED: That the Council authorize the petitioning of the Probate Court of Cumberland County to appoint William L. Plouffe as Successor Trustee under the Deed of Trust from Adelaide Winslow Harb to Paul L. Powers of October 16, 1950 recorded in Book 6231, Page 309. (Councilors Stevens & Beaulieu) (5 Ayes) (2 Excused-Brickleyer & Lowell).

ITEM #58-2001 To consider action relative to adopting a policy on the Appointment of School Building Committees.

BE IT ORDERED: That the proposed policy on the Appointment of School Building Committees be adopted as amended. (Councilors Beaulieu & Stevens)

Councilor Beaulieu read the policy. Discussion followed.

MOVED AND SECONDED: To remove the word "separate" three lines up from the bottom and changing the word "of" to "for" on the last line. (Councilors Stevens & Soley) (5 Ayes) (2 Excused-Brickleyer & Lowell).

ROLL CALL VOTE: (5 Ayes) (2 Excused-Brickleyer & Lowell).

ITEM #59-2001 To consider action relative to an extension of the Soule School Lease Agreement.

BE IT ORDERED: That the lease agreement between the Town of Freeport and the Brunswick Waldorf School Association be extended until August 31, 2003.

BE IT FURTHER ORDERED: That the rent amount be increased to \$19,125 for the period of September 1, 2002 to August 31, 2003. (Councilors Mann & Stevens) **ROLL CALL VOTE:** (5 Ayes) (2 Excused-Bricklemyer & Lowell).

ITEM #60-2001 To consider action relative to the discontinuance of the Browntail Moth Spray Program.

BE IT ORDERED: That the Town of Freeport accept the recommendation of the Maine Forest Service by not sponsoring a Browntail Moth Spraying Program for 2001. Councilors Mann & Stevens)

Mr. Olmstead pointed out that it is possible for residents to ground spray at their own expense and the Maine Forest Service will provide assistance. Residents may contact Johanna Hammond at the Town Office.

ROLL CALL VOTE: (4 Ayes) (1 Nay-Mann) (2 Excused-Bricklemyer & Lowell).

ITEM #49-2001 Tabled March 20, 2001.

To consider action relative to the Capital Improvements Program for Fiscal Years 2002 to 2006.

BE IT ORDERED: That the proposed Capital Improvements Program for Fiscal Years 2002 to 2006 be adopted as amended. (Councilors Beaulieu & Stevens) **ROLL CALL VOTE:** (5 Ayes) (2 Excused-Bricklemyer & Stevens).

BE IT FURTHER ORDERED: That the following Capital Budget Items be funded for Fiscal Year 2002.

Education

- | | |
|---------------------------------------|------------------------------|
| 1. Technology Upgrades | \$50,000 |
| 2. Mast Landing Carpeting | \$30,000 |
| 3. School Bus - 78 Passenger | \$60,000 \$55,000 |
| 4. Mast Landing Telephone System | \$25,000 |
| 5. Morse St. School Interior Upgrades | \$46,000 |
| 6. Morse St. Exterior Upgrades | \$37,000 |

(Councilors Beaulieu & Stevens) Mr. Lyman gave an overview.

MOVED AND SECONDED: To change the \$60,000 figure for the school bus to \$55,000 (Beaulieu & Stevens) (5 Ayes) (2 Excused-Bricklemyer & Lowell)

Recreation & Grounds

- | | |
|---------------------------------------|---------------------|
| 1. Mower and Trailer | \$16,000 |
| 2. Resurface Tennis Courts | \$25,000 |
| 3. Snow Removal Vehicle | \$24,000 |

(Councilors Beaulieu & Soley). Mr. Lyman explained these items. Discussion followed.

MOVED AND SECONDED: To defer Items #2 and #3 under Recreation & Grounds for one year. (Councilors Soley & Stevens) (5 Ayes) (2 Excused-Bricklemeyer & Lowell)

Vote (on mower & trailer): (5 Ayes) (2 Excused-Bricklemeyer & Lowell)

Fire Department

1. 28 12 SCBA Bottles	\$27,000 \$12,000
2. Protective Clothing	\$12,000
3. Rescue Pumper Equipment	\$31,500
4. Chief's Vehicle Replacement	\$27,500 \$28,000

(Councilors Beaulieu & Soley). Chief Fournier recommended reducing the amount of SCBA Bottles and updated the Council on his search for a used vehicle.

MOVED AND SECONDED: To accept the Fire Department budget except that the 28 SCBA Bottles at \$27,000 be reduced to 12 SCBA Bottles at \$12,000 and the Council will leave it up to the Chief to find a vehicle for the money allotted (Councilors Soley & Beaulieu) (5 Ayes) (2 Excused-Bricklemeyer & Lowell)

MOVED AND SECONDED: To increase the amount for the chief's replacement vehicle to \$28,000 (Stevens & Beaulieu) (4 Ayes) (1 Nay-Mann) (2 Excused-Bricklemeyer & Lowell)

Rescue Department

1. Replacement of Rescue 1	\$115,000
2. Information Management System	\$27,000

Public Works Department

1. Backhoe Replacement	\$80,000
2. Pick-Up Truck Replacement	\$24,000
3. Track Excavator Purchase	\$130,000

MOVED AND SECONDED: To remove the Backhoe Replacement and defer it one year and that the Council remove the Track Excavator Purchase in favor of renting. (Councilors Soley & Stevens) (5 Ayes) (2 Excused-Bricklemeyer & Lowell)

Solid Waste/Recycling

1. Vertical Baler for HDPE & PET Plastics	\$12,500
2. Forklift Replacement	\$36,000
3. Landfill Leachate Collection/Treatment System Upgrade	\$55,500
4. Testing and Design for Leachate Lagoon Closure	\$10,000
5. Truck Replacement with Plow and Hydraulic Tailgate	\$29,000

Comprehensive Town Improvements

1. So. Freeport Road Reconstruction (Rte. 1 to Pine St.)	\$74,000
2. So. Freeport Road Drainage	\$74,000
3. So. Freeport Road ATL Lane (Bicycle Lane)	\$74,000
4. Sidewalk Reconstruction - Main St. (West St. to	

	Holbrook St.)	\$23,500
5.	Sidewalk Reconstruction – Holbrook St. (Main St.)	\$15,500
6.	Arnold Road Reconstruction/Drainage	\$40,000

Municipal Facilities

1.	Carpeting, Wood Floors and Counter refinishing	\$15,000
2.	Central Air – Town Hall	\$72,000
3.	Resurface and Re-curb Municipal Parking Lots	\$85,000

MOVED AND SECONDED: To remove the \$72,000 Central Air Town Hall item. (Councilors Soley & Mann) (5 Ayes) (2 Excused—Bricklemyer & Lowell)

MOVED AND SECONDED: To reduce the Carpeting, Wood Floors and Counter Refinishing amount to \$5,000 (Councilors Stevens & Soley) (5 Ayes) (2 Excused—Bricklemyer & Lowell)

4. **Burnett Bridge**—Mr. Olmstead explained that the cost estimate has been reduced to \$120,000 after discussions with Peter Tubbs. It is still unclear what exists under the top structure. Discussion followed. Gloria DeGrandpre of Wolf Neck Road noted that this is a historical area of town and gave some historical information. She would like the citizens to be able to vote on this bridge in the fall. Eric Jensen, Manager of Wolf Neck Farm noted that the bridge needs to be workable and safe and it is imperative to the farm. Randall Thomas of the Freeport Historical Society echoed Ms. DeGrandpre and Mr. Jensen's comments and noted that she would like the bridge kept in the current footprint and its maintenance done locally. She has seen the proposal that Councilor Mann has and advised that the Society would be happy to support it. Mr. Olmstead asked the Council to consider providing \$2,200 for Peter Tubbs and suggested authorizing it at its meeting on May 8. Councilor Beaulieu suggested taking it from Fund Balance. Mr. Olmstead offered to bring a recommendation to the next meeting on where the \$2,200 can come from. He will check with Peter Tubbs to see if he really needs \$2,200.

Police Department

1.	Public Safety Communication Upgrade	\$100,000-\$79,000
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MOVED AND SECONDED: To change the \$100,000 to \$79,000. (Councilors Soley & Stevens) (5 Ayes) (2 Excused—Bricklemyer & Lowell)

Boards, Committees and Community Groups

1.	Professional Service for Community Center	\$25,000
2.	Directional Signage	\$75,000
3.	Cemetery Improvements	\$41,500 \$5,000

MOVED AND SECONDED: To waive the policy (Councilors Soley & Beaulieu) (5 Ayes) (2 Excused—Bricklemyer & Lowell)

MOVED AND SECONDED: To reduce the Cemetery Improvements to \$5,000 with the understanding that Ms. McPheters or some good hearted person come back to the

Council with a 5-year plan. (Councilors Soley & Stevens) (5 Ayes) (2 Excused—Bricklemyer & Lowell)

Ms. McPheters offered to return with a long range plan. She reminded the Council that these are town-owned cemeteries.

Ed Bradley brought up the Community Center and asked for Council support.

MOVED AND SECONDED: To move an item not on the printed agenda. (Councilors Soley & Beaulieu) (5 Ayes) (2 Excused—Bricklemyer & Lowell)

MOVED AND SECONDED: That the Town Council support going to the voters with a bond issue for a community center at some number to be determined in the near future between a half million dollars and a million dollars. (Councilors Soley & Stevens) (5 Ayes) (2 Excused—Bricklemyer & Lowell)

BE IT FURTHER ORDERED: That the following amounts be expended from Reserve Accounts to provide for the purchase and replacements.

- School Reserves
 - Technology Reserves \$15,000
 - Building Maintenance Reserves \$25,000
 - Vehicle Replacement Reserves \$15,000
- Fire Department Reserves – All Items plus Communications Equipment ~~\$121,500~~ \$123,000
- Rescue Department Reserves – Vehicle Replacement \$115,000
- Public Works Equipment Reserves – Pick-Up Truck \$24,000
- Street & Road Construction Reserves – S.Freeport Rd. \$148,000
- Municipal Facilities Reserves –Carpet & Voting Machines ~~\$15,000~~ \$29,000
- Traffic & Parking Reserves – Parking Lots & Signage \$160,000
- Police Department Reserves – Communication Equip. \$39,500

(Councilors Beaulieu & Stevens) **ROLL CALL VOTE:** (5 Ayes) 2 Excused-Lowell & Bricklemyer)

BE IT FURTHER ORDERED: That the following items be funded with funds with the Municipal Development and Tax Increment Financing District for Downtown Development.

- Sidewalk Construction – Main St. & Holbrook St. \$39,000

(Councilors Beaulieu & Stevens) **ROLL CALL VOTE:** (5 Ayes) 2 Excused-Lowell & Bricklemyer)

BE IT FURTHER ORDERED: That a sum not to exceed \$517,000 is hereby appropriated for the purpose of purchasing the approved capital items, and to meet said appropriation, the Chairperson of the Town Council and the Town Treasurer are authorized to use general obligation securities of the Town of Freeport in a total principal amount not to exceed \$517,000 with the discretion to fix the date, place of payment, forms and other details of the securities, and providing the sales thereof delegated to the Chairperson of the Town and the Town Treasurer. (Councilors Beaulieu & Stevens)
ROLL CALL VOTE: (5 Ayes) 2 Excused-Lowell & Bricklemyer

OTHER BUSINESS:

1. Councilors Signed the Dog Warrant.
2. Discussion on Construction Manager v. Bid for Services (Councilor Beaulieu advised that she attended two committee meetings and she recommends going with Construction Manager. It will take on full responsibility and liability for a job. She was assured that the sub contracts will all go out to bid. A list of bidders will be made available to anyone interested. The Council does not need to take any action.
3. Discussion on letter from Conservation Commission concerning the coordination of Open Space efforts.

Mary Sauer updated the Council on Brunswick's efforts and mentioned that Brunswick is interested in doing some data sharing and brainstorming with Freeport. Councilor Soley advised Ms. Sauer to report that there was a consensus of overwhelming support for this effort.

4. Discussion on proposed personal watercraft legislation.

Mr. Olmstead explained that Tom Bull has submitted legislation regarding regulation of watercraft related to coastal waters. He asked Councilors to read it and direct their concerns to Tom.

Operating Budget—Mr. Olmstead explained his goal of 5% and that he is a long way from that figure. He asked if the Council wanted him to do the cuts to 5% or if the Council wanted to make the cuts. Councilors concurred that Mr. Olmstead should do the cutting. For the agency budget, Mr. Olmstead asked if the Council wanted him to deal with the requests or if the Council wanted to deal with them. Councilors concurred that Mr. Olmstead should deal with the agencies.

Councilor Beaulieu asked if the Council should get the State's bus money into the School's Reserve Account at some point. Mr. Olmstead noted that this type of decision should be made by the School Committee based on the policy. The Council should convey this information to the School Committee.

Adjournment

MOVED AND SECONDED: To adjourn at 11:50 p.m. (Councilors Beaulieu & Stevens) (5 Ayes) 2 Excused-Lowell & Bricklemyer)

Respectfully Submitted,



Sharon Coffin
Council Secretary

TOWN OF FREEPORT

Approved
Meeting # 6-2001
Item # 53-01
April 3, 2001

Municipal Offices
(207) 865-4743
FAX (207) 865-0929



March 8, 2001

TO: Dale Olmstead, Town Manager
FROM: Donna Larson, Town Planner
RE: Restaurant parking requirements in the VC-I District

At the request of the FEDC, the Planning Board reviewed the parking requirements for restaurants in the VC-I District, and has recommended several changes to the requirements and a streamlined process for restaurants moving into approved retail space. The Board held a public hearing on Wednesday, March 7 to discuss these proposed changes.

The Board was also asked to consider amending requirements in the VC-I District so that two parking spaces in a parking lot would be equal to one space in a parking garage. The Board agreed in concept that concentrating parking in garages was preferred to expansive parking lots. They expressed a willingness to recommend the 2-for-1 parking space proposal as an incentive to build garages, but concluded that design guidelines for parking garages are a necessary part of that proposal. The Planning Board agreed to encourage the Council to move forward with developing design guidelines for parking garages with the assistance of the FEDC and other interested stakeholders.

The amendments listed below do the following:

- 1) restaurants have the same parking requirements as retail in the VC-I District (the retail requirement is based on square feet, restaurants are based on the number of seats),
- 2) eliminate the requirement that 25% of the required parking be on-site. Also included are amendments to the Traffic and Parking Ordinance, Art. V, Section 48-502, Leased Parking Standards.
 - a) To be consistent delete the words "on-site parking requirement of 25% in the VC-I District" from Sec.

601.G.b, this sections give the Board of Appeals the authority to grant a variance from the 25% requirement)

- 3) eliminate the requirement that parking be within 1,000 of the building
 - a) To be consistent delete the words "500' distance requirement for parking in the VC-I District" from Sec. 601.G.b, this sections give the Board of Appeals the authority to grant a variance from the requirement, the 500' should be 1,000'
- 4) allow staff review rather than Planning Board review for restaurants that want to locate in previously approved retail space (absent any specific language, a prospective restaurateur would have to go before the Planning Board. This only applies if there are no expansions to the building and if the building doesn't abut a residential use)
- 5) allow staff review of existing restaurants that might be eligible for a reduction in the parking requirement if these proposed amendments are adopted.

Chris Vaniotis has reviewed this proposed language.

Amend Section 413(D)(1) as follows:

1. For Shared Parking. The requirements for off-street customer parking in the Village Commercial I Zone shall be seventy five percent (75%) of those stated in Section 514 for retail trade, restaurant, restaurant-carry out, commercial sales and service and convenience store with gas pumps, provided that the Shared Parking concept is utilized. Restricted customer parking would require one hundred (100%) of Section 514 requirements. A reduction for Shared Parking shall not be applicable to the required employee parking for Retail Trade and Commercial Sales and Service. Employee parking may not be restricted if the Shared Parking concept is utilized for customer parking. This reduction does not apply to the required parking for employees or to restricted (non-shared) customer parking. Parking in the VC-I District is further subject to the provisions of Section 514.A.10 of this Ordinance.

Amend Section 514(A)(5) as follows:

Restaurants, Snack Bars,
Eating and Drinking
Establishments:

In the Village Commercial I District (VC-1), 1 customer parking space for each 150 square feet or major fraction thereof of gross floor area plus the

greater of 1 employee parking space for each employee based on the highest expected average employment or 1 employee parking space for each 1,000 square feet or major fraction thereof of gross floor area. In all other zoning districts, 1 parking space for every 2 seats or stools (indoor & outdoor, and one space for each 50 square feet of dining or drinking area where there are no fixed seats with a minimum of 10 spaces.

Amend Section 514(A)(10) as follows:

~~10. Except as provided in Section 514.A.10.g, but otherwise notwithstanding anything to the contrary contained in the Ordinance, in the Village Commercial I District, the eOff-street parking requirements required for non-residential uses in the Village Commercial I District (VC-1) shall be located within in the VC-I District and shall be subject to the following conditions: provisions:~~

10. Off-street parking requirements for non-residential uses in the VC-I District shall be located in the VC-I District and shall be subject to the following conditions.

- a. If shared parking is used, Employee parking may must be located off site, providing and the employer shall maintains and enforces a parking policy which requires employees to use the designated, off-site parking area(s);
- ~~b. A minimum of 25% of the required customer parking shall be on the same or abutting lot if same or an abutting lot is under the same ownership. A variance may be granted for the location of this parking only if the foot print or the physical size of the building is not increased and the parking spaces will be located within 500 feet of the site as measured along lines of public access. If it is provided in a municipal facility, the distance limitation shall not apply;~~
- ~~e.b. If the remainder of the e Customer parking is not located on site, it shall be located within the VC-I District, within 1,000 feet of an entrance used by customers and measured along lines of public access, or shall may be leased from the municipality,* as per the Freeport Traffic and Parking Ordinance, Chapter 48, Article V Leased Parking Standards, *~~
- ~~d.c. All such parking areas shall be held under the same ownership or leased from the municipality;~~
- ~~+d. All parking spaces shall be paved, striped, plowed and well maintained so that the spaces are useable;~~
- ~~f.e. If any of these conditions are not met or if they lapse, the Occupancy Permit shall be automatically revoked and it shall be the responsibility of the Codes Enforcement Officer to invoke the requirements of Section 601.~~

~~g-f.~~ Where the Freeport Town Council has approved specific recommendations for improving traffic circulation or parking patterns and a property owner, upon the request of the Town Council, in order to implement those recommendations, makes improvements or alterations which result in the loss of parking spaces located in the VC-I District which would otherwise be available to satisfy the off street parking requirements of this Ordinance, the Planning Board, applying the criteria of Section 602.F.1. of this Ordinance, may approve the use of off-site parking spaces to satisfy the off-street parking requirements of this Ordinance, provided that:

- (1) Such parking spaces are shared parking and are located in a municipal facility;
- (2) Such municipal facility is located on a parcel zoned Village I and is contiguous to the Village Commercial I District; and
- (3) Such parking spaces are not being utilized to satisfy off-street parking requirements for some other property.

Amend Section 514(A)(11) as follows:

~~11. Shared parking shall be allowed only as specified in this Ordinance. Leased parking requirements are regulated under Chapter 48, Traffic and Parking Ordinance, Article V, Leased Parking Standards. See insert at end of Zoning Ordinance.~~

Amend Section 514(A)(5) as follows:

5. Off-street parking in compliance with the following minimum requirements shall be provided and maintained for new construction, expansion of existing uses or structures, and changes of use. For the purposes of this section, the change of an existing building in the VC-I District from retail trade to a restaurant or from a restaurant to retail trade shall not be considered a change in use provided the building is located on a lot which does not abut a lot in residential use. In case of expansion of an existing use or structure which is already lawfully non-conforming as to parking, additional parking must be provided for the expansion only and shall be in addition to the existing parking spaces which shall be retained. If a structure is demolished and a new structure with a different use is constructed, or a use ceases for a period of eighteen months, the property shall meet the current parking requirements of this Ordinance. All major fractions of parking area shall require additional parking spaces.

Amend Section 601(G)(2)(b)

Except where specifically limited or prohibited, variances may be authorized only for minimum setback, maximum building/lot ratio, ~~on-site parking requirement of 25% in the VC-I District, 500' distance requirement for parking in the VC-I District,~~ parking requirements for housing for the elderly, minimum frontage,

minimum area, 15% expansion of non-conforming uses and buildings, and destroyed or demolished non-conforming buildings. Only the minimum variance that will alleviate the hardship shall be granted.

Amend Section 602(B)(1)(c)

- c. A change of use when the new use is subject to Site Plan Review, except that a change of use of an existing building in the VC-I District from a restaurant to retail trade or from retail trade to a restaurant may be approved by the Town Planner as or in the same manner as a minor modification to an approved site plan under Section 602(C)(1)(b)(1), provided the building is located on a lot which does not abut a lot in residential use and no change occurs to the existing elements and features of the site except for necessary changes to the content of signage.

Amend Section 602(B)(1) as follows:

- d. A reduction in the number of or a reconfiguration of parking spaces serving a restaurant in the VC-I District, where such reduction or reconfiguration is allowed under Section 514(A)(5) of this Ordinance as amended on March _____, 2001; such reduction may be approved by the Town Planner as or in the same manner as a minor modification to an approved site plan under Section 602(C)(1)(b)(1).

Amend Section 602(C) as follows:

6. Notwithstanding paragraph (5) above, a change in use of a building in the VC-I District from a restaurant to retail trade or from retail trade to a restaurant may be approved by the Town Planner as a minor modification to an approved site plan under Section 602(C)(1)(b)(1), provided the building is located on a lot which does not abut a lot in residential use and no change occurs to the approved elements and features of the site except for necessary changes to the content of signage.

Amend, ARTICLE V Section 48-502 LEASED PARKING STANDARDS as follows:

Section 48-502 Leased parking spaces shall be allocated according to the following priorities:

1. Applicants with existing buildings who want to expand or change their use within the existing footprint of the building;
2. Applicants with existing buildings who want to expand the footprints of the existing buildings, to create additional square footage for existing or changed uses. ~~The applicant shall provide at least 25% of the required customer parking on the same or an~~

~~abutting lot if it is under the same ownership. Another 50% of the required spaces shall be on the same or abutting lot or within 1000' of the building entrance as specified in the Zoning for parcels in the VC I District. The remaining 25% may be leased municipal parking lots;~~

3. Applicants who want to build a new building after the date of adoption of this Article. ~~The applicant shall provide at least 25% of the required customer parking on the same or an abutting lot if it is under the same ownership. Another 50% of the required spaces shall be on the same or abutting lot or within 1000' of the building entrance as specified in the Zoning Ordinance for parcels in the VC I District. The remaining 25% may be leased in municipal parking lots.~~

Meeting # 6-2001

Item # 58-01

April 3, 2001

Adopted (as amended)
PROPOSED

POLICY ON THE APPOINTMENT OF A SCHOOL BUILDING COMMITTEE

The Town Council shall appoint a Building Committee whenever the Town plans to spend more than \$100,000 for the construction or renovation of a municipal or school building. The Building Committee shall oversee the construction or renovation of the project. A ~~separate~~ Building Committee shall be appointed for each project. Whenever the project involves a school building, the School Committee shall recommend members ~~of~~ the Building Committee to the Town Council.
for

To: The Members of the Freeport Town Council

From: Pat Pooters

Date: 3/20/01

Subject: Town Cemeteries

I cannot be at the Town Council Meeting tonight because of a conflict of scheduling.

However I want to have input into the discussion of the condition of our older cemeteries, which the town is responsible for keeping up, plus my concern for the cemeteries that are under the care of associations.

Our older cemeteries need to be kept in good shape, with repairs done each year in order to save the markers and the information on them. We as residents should support the expenditures needed to do this, as once the marker is lost so is the information. As a person interested in history and genealogy, this would be, to me, a great loss. We also have a moral duty to take care of the heritage that these cemeteries represent.

The sum of \$35,000.00 dollars is not all that much, especially since we have to catch up on maintenance. This sum of money should be taken out of the general fund of the town.

Please consider this request as a good start in updating the care of cemeteries in Freeport which the town is responsible for, and you should consider making it a budget item in future budgets.

As for those cemeteries under association care, we need to be allowed to have control of the monies, which currently the town administers. There are no contracts signed between the associations and the town, so it is just a matter of figuring out how much each association has in the accounts and the total sum for each given to the association responsible. This should be done after a complete audit of the investments, etc. The current money given each year is not really sufficient to help us care for broken stones, mowing, etc.

Thank you for letting this be read by Barbara McPheters on my behalf.

A handwritten signature in black ink, appearing to read "Pat Pooters", with a long horizontal flourish extending to the right.

	Stone repair	Stone cleaning	Stone wall repair	Grading of lots	Total cost of repairs
Porters Landing	700.00	1,860.00		4,500.00	7,060.00
Lane	700.00	1,900.00	120.00	4,800.00	7,520.00
Upper Mast Landing	400.00	1,600.00	240.00	3,850.00	6,090.00
Wolf's Neck	400.00	640.00		1,750.00	2,790.00
Ward	1,050.00	2,470.00		3,800.00	7,320.00
Collins	600.00	1,350.00		3,000.00	4,950.00
Meeting House	500.00	1,350.00	120.00	3,800.00	5,770.00
	4,350.00	11,170.00	480.00	25,500.00	41,500.00

Council consideration, 3 April

Hi Bob, David, and Genie,

Use the letter below as you wish, either to be read into the record tonight (I cannot attend), or for your own notes and editing. I just don't want to see the growth management work to date destroyed by misunderstanding and misinformation.

Dear members of the Freeport Town Council,

I support continued effort by the Town of Freeport to manage residential growth in the general, balanced manner outlined in the final report of the Residential Growth Committee.

I further support accepting the \$50,000 grant offered by the State of Maine,

subject to the condition that the proposed West Freeport Village study, if you authorize it, be accompanied by a permanent, written sentiment of the Freeport Town Council which includes the following points:

1. Continued, extensive public involvement must be integral to the study.
2. The actual grant application and accompanying map are only approximate representations of recommendations made by the Residential Growth Committee.

The grant application map is a generalized schematic illustration subject to substantive revision.

3. Broad geographic distribution of growth areas throughout the Town shall be maintained.

Growth management and our current land use regulations which encourage sprawl

remain a major concern. These larger issues, however, risk being lost by the

present narrow debate over the terms of the grant application, which in turn

risks paralyzing further constructive effort to deal with the problems of growth. Opponents to the grant application have voiced legitimate concerns,

which I believe can be addressed without rejecting this opportunity to move forward. Successful growth management will have many elements, and we mustn't ignore this chance to investigate whether denser, mixed land use in a

limited area west of I-95 is an appropriate, acceptable piece of our eventual solution.

Sincerely,
Rodney J. Regier

----- Headers -----

Return-Path: <dsoley@bernsteinshur.com>
Received: from rly-zc02.mx.aol.com (rly-zc02.mail.aol.com [172.31.33.2]) by air-zc01.mail.aol.com (v77_r1.36) with ESMTP; Tue, 03 Apr 2001 09:21:04 -0500
Received: from mail.cybertours.com ([208.130.46.86]) by rly-zc02.mx.aol.com (v77_r1.36) with ESMTP; Tue, 03 Apr 2001 09:20:42 -0500
Received: by mail with Internet Mail Service (5.5.2653.19)
id <HX1Z92AJ>; Tue, 3 Apr 2001 09:20:40 -0400
Message-ID: <D7665FD97AD4D41195BC0008C709DFA627968A@mail>
From: David Soley <dsoley@bernsteinshur.com>
To: "Samrodfp@aol.com" <Samrodfp@aol.com>, BGenie@aol.com, restevens@curthax.com
Cc: "Alan Caron (E-mail)" <acaron@suscom-maine.net>
Subject: RE: West Freeport study proposal
Date: Tue, 3 Apr 2001 09:20:33 -0400
MIME-Version: 1.0
X-Mailer: Internet Mail Service (5.5.2653.19)
Content-Type: text/plain;
charset="iso-8859-1"

AFFIDAVIT

Amend Article II, Section 2:12 of the Charter of the Town of Freeport as follows:

Add:

The Town Council shall not enact any ordinance which would designate a West Freeport Village Residential Growth Area west of I-95 between Beach Hill Road and the Desert Road.

The following five voters will constitute the Petitioners Committee:

	Name	Street Address	Town
1	<i>Brenda L. Tims</i>	38 Richards Lane	Freeport, Maine 04032
2	<i>Susan L. Lippitt</i>	38 Hunter Road	Freeport Maine 04032
3	<i>Eugene C. Curtis</i>	30 Hunter Road	Freeport Maine 04032
4	<i>Alan C. Dunderberg</i>	109 Wardtown Road	Freeport Maine 04032
5	<i>John M. Sullivan</i>	5 True Street	Freeport Maine 04032

All notices shall be sent to Committee members at the above addresses.

The above five voters will circulate the Petition and file it in proper form

The Petitioners Committee may designate additional voters of the municipality who are not members of the Committee, to circulate the Petition.