

Clerk

**TOWN COUNCIL MEETING #19-2001
DECEMBER 4, 2001 - 7:00 P.M.
TOWN COUNCIL CHAMBERS**

SUMMARY AGENDA

- ITEM #172-01** To consider action relative to approving the December 4, 2001 Consent Agenda.
- ITEM #173-01** To consider action relative to proposed amendments to the Shellfish Conservation Ordinance concerning licensing, hearings from appeals, waivers for conservation work and flat closures (Chapter 32).
- ITEM #174-01** To consider action relative to proposed amendments to the General Assistance Ordinance concerning maximum levels of assistance (Chapter 46).
- ITEM #175-01** To consider action relative to the approval of a Purchase and Sales Agreement for the Purchase of Real Estate - Tax Map 17, Lot 49.
- ITEM #176-01** To consider action relative to a proposed extension to the Moratorium on processing applications for major subdivisions and to include minor subdivisions in the moratorium.

OTHER BUSINESS:

1. Presentation and recommendation on the Non-Emergency Transport Program (NET).
NOTE: Council action is anticipated following the presentation.
2. Request for Planning Board to review sign ordinance for commercially zoned properties that abut I-95.

Adjourn.

AGENDA
FREEPORT TOWN COUNCIL MEETING #19-2001
TOWN HALL COUNCIL CHAMBERS
DECEMBER 4, 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, Prout Road
Robert Stevens, Porters Landing
Kenneth Mann, Mann Road
David Soley, Arnold Road
Eileen Lowell, So. Freeport Road
Rod Regier, South Street
Susan Campbell, Hunter Road

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of #18-2001, November 27, 2001 Meeting and accept the Minutes as printed.

SECOND ORDER OF BUSINESS: Council Chairperson comments.

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

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

COUNCIL MEETING #19-2001
DECEMBER 4, 2001

ITEM #172-01 To consider action relative to adopting the Consent Agenda for December 4, 2001.

BE IT ORDERED: That the December 4, 2001 Consent Agenda be adopted.

ITEM #173-01 To consider action relative to proposed amendments to the Shellfish Conservation Ordinance concerning licensing, hearings from appeals, waivers for conservation work and flat closures (Chapter 32).

BE IT ORDERED: That a Public Hearing be scheduled for December 18, 2001 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 #174-01 To consider action relative to proposed amendments to the General Assistance Ordinance concerning maximum levels of assistance (Chapter 46).

BE IT ORDERED: That a Public Hearing be scheduled for December 18, 2001 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the General Assistance 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 #175-01 To consider action relative to the approval of a Purchase and Sales Agreement for the Purchase of Real Estate - Tax Map 17, Lot 49.

BE IT ORDERED: That the Agreement for the Purchase and Sale of real estate by and between Burton B. Brewer and Christine B. Hastedt and the Town of Freeport for property shown on the Town of Freeport's Tax Maps at Map 17, Lot 49 and described in a deed from Robert R. Wescott and Bradley G. Wescott to Burton B. Brewer and Christine B. Hastedt, dated December 14, 1981 and recorded in the Cumberland County Registry of Deeds in Book 4899, Page 168, be approved.

BE IT FURTHER ORDERED: That the Town Manager be authorized to execute the agreement on behalf of the Town of Freeport.

ITEM #176-01 To consider action relative to a proposed extension to the Moratorium on processing applications for major subdivisions and to include minor subdivisions in the moratorium.

BE IT ORDERED: That a Public Hearing be scheduled for December 18, 2001 at 7:00 p.m. in the Town Hall Council Chambers to discuss the proposed extension of the Moratorium on processing applications for major subdivisions and to include minor subdivisions in the moratorium.

**COUNCIL MEETING #19-2001
DECEMBER 4, 2001**

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

NOTE: The Planning Board may consider recommending that the Moratorium be amended to include minor subdivisions.

OTHER BUSINESS:

1. Presentation and recommendation on the Non-Emergency Transport Program (NET).
NOTE: Council action is anticipated following the presentation.
2. Request for Planning Board to review sign ordinance for commercially zoned properties that abut I-95.

Adjourn.

**TOWN COUNCIL
CONSENT AGENDA
DECEMBER 4, 2001**

ITEM #167-2001 To consider action relative to the approval of a Malt, Spirituous and Vinous License for Freeport Cafe.

BE IT ORDERED: That the application for a Malt, Spirituous and Vinous license to Dayna Riley d/b/a Freeport Café, 31 U.S. Route 1, be approved.

ITEM #168-2001 To consider action relative to awards from the Dr. Gould Trust Fund to provide for medical expenses.

BE IT ORDERED: That 19 individuals receive awards totaling \$2,313.30 from the Dr. Gould Trust Fund for the payment of medical expenses.

NOTE: All recipients have qualified with the General Assistance Office.

ITEM #169-2001 To consider action relative to an award from the Davis Trust Fund to provide for medical expenses.

BE IT ORDERED: That 1 individual receive an award in the amount of \$74.38 from the Davis Trust Fund for the payment of medical expenses.

NOTE: This recipient has qualified with the General Assistance Office.

ITEM #170-2001 To consider action relative to appointments to the Freeport Economic Development Corporation Board of Directors.

BE IT ORDERED: That Rodney Regier and Genie Beaulieu be appointed to serve as members of the Freeport Economic Development Corporation Board of Directors until June 1, 2005.

ITEM #171-2001 To consider action relative to the issuance of Municipal Quitclaim Deeds.

BE IT ORDERED: That two municipal Quitclaim Deeds be issued as follows:

1. To: Richard Allen
Property: Tax Map 6, Lot 2B, Cove Road
Tax Year: 1982
2. To: Richard Allen
Property: Tax Map 6, Lot 2C, Cove Road
Tax Year: 1982

NOTE: All taxes were paid a year ago but a discharge was never filed by the Town.

End of Consent Agenda

MINUTES
COUNCIL MEETING #19-2001
FREEPORT TOWN HALL COUNCIL CHAMBERS
DECEMBER 4, 2001 – 7:00 P.M.

<u>CHAIRPERSON'S CALL TO ORDER</u>	<u>Present</u>	<u>Absent</u>	<u>Excused</u>
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Robert Stevens, Chairperson Porters Landing	x		
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John Arsenault, Vice Chairperson Prout Road	x		
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David Soley Arnold Road	x		
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Susan Campbell Hunter Road	x		
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Rod Regier South Freeport Road	x		
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Kenneth Mann Mann Road	x		
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Eileen Lowell South Freeport Road	x		
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FIRST ORDER OF BUSINESS: TO WAIVE THE READING OF THE MINUTES OF MEETING #18-2001 HELD ON NOVEMBER 27, 2001 AND ACCEPT THE MINUTES AS PRINTED.

MOVED AND SECONDED: TO WAIVE THE READING OF THE MINUTES OF MEETING 18-2001 HELD ON NOVEMBER 27, 2001 AND ACCEPT THE MINUTES AS PRINTED. (Councilors Soley & Arsenault).

Councilor Regier pointed out that on page 5 under ITEM 166-2001, John Arsenault was nominated as Council Vice Chair, not Bob Stevens.

MOVED AND SECONDED: To amend the Minutes as noted by Councilor Regier. (Councilors Lowell and Arsenault) (7 Ayes).

VOTE ON MOTION TO ACCEPT AMENDED MINUTES: (7 Ayes).

SECOND ORDER OF BUSINESS: Council Chairperson Comments.

Chair Stevens took the opportunity to present a plaque to Vice Chair Arsenault for his dedication to the citizens of Freeport in serving as Chair as the Town Council in 2001. Vice Chair Arsenault thanked Councilors for helping him. He also thanked the Town Manager and Town employees for their dedication to the community and their help in answering questions and following through on problems that arose.

Chair Stevens welcomed comments from the new Councilors. Councilor Campbell thanked District 4 residents for electing her to the Council. She is looking forward to serving on the Council for the next two years. She enjoyed the opportunity to meet with them along the way. She listened to their concerns, and plans to work diligently to address them in the coming year. She noted that the number one concern was property taxes. Residents also noted that they have concerns with the Council and hope to see an open process followed which Chair Stevens mentioned at the last meeting is his plan.

Councilor Regier noted that he is humbled and honored to become part of the Council. He is looking forward to working with the Council and will try to represent the different interests of the residents of District 1 as well as their attitudes. He reminded everyone that he works at home and has a published telephone number and needs to hear from people in District 1.

Chair Stevens noted that he is looking forward to working with the new Councilors and is confident that a lot will get accomplished this year.

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

MOVED AND SECONDED: To open the Public Comment Period (Councilors Arsenault & Campbell) (7 Ayes).

There were none.

MOVED AND SECONDED: To close the Public Comment Period (Councilors Arsenault & Campbell) (7 Ayes).

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

ITEM #172-01 To consider action relative to adopting the Consent Agenda for December 4, 2001.

BE IT ORDERED: That the December 4, 2001 Consent Agenda be adopted. (Soley & Arsenault) **ROLL CALL VOTE:** (7 Ayes).

ITEM #173-01 To consider action relative to proposed amendments to the Shellfish Conservation Ordinance concerning licensing, hearings from appeals, waivers for conservation work and flat closures (Chapter 32).

BE IT ORDERED: That a Public Hearing be scheduled for December 18, 2001 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 Campbell & Arsenault)

Mr. Olmstead explained the proposed amendments. Councilor Soley requested that the Town Manager advise the Shellfish Commission to come to the public hearing prepared to explain why the Board of Appeals should not be the body that hears the appeals.

ROLL CALL VOTE: (7 Ayes).

ITEM #174-01 To consider action relative to proposed amendments to the General Assistance Ordinance concerning maximum levels of assistance (Chapter 46).

BE IT ORDERED: That a Public Hearing be scheduled for December 18, 2001 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the General Assistance 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 Arsenault & Mann)

Mr. Olmstead explained that this needs to be done annually in order to comply with State guidelines. Councilor Campbell asked for last year's data so that she would have something to compare it to.

ROLL CALL VOTE: (7 Ayes).

ITEM #175-01 To consider action relative to the approval of a Purchase and Sales Agreement for the Purchase of Real Estate - Tax Map 17, Lot 49.

BE IT ORDERED: That the Agreement for the Purchase and Sale of real estate by and between Burton B. Brewer and Christine B. Hastedt and the Town of Freeport for property shown on the Town of Freeport's Tax Maps at Map 17, Lot 49 and described in a deed from Robert R. Wescott and Bradley G. Wescott to Burton B. Brewer and Christine B. Hastedt, dated December 14, 1981 and recorded in the Cumberland County Registry of Deeds in Book 4899, Page 168, be approved.

BE IT FURTHER ORDERED: That the Town Manager be authorized to execute the agreement on behalf of the Town of Freeport. (Councilors Lowell & Arsenault)

Chair Stevens explained that this information is in the Council's packet and concerns property at Florida Lake. Councilor Mann added more explanation and noted that he supports this purchase. Councilor Soley commended Councilors Stevens and Mann for doing a tremendous job. There is easily over 100 acres and Freeport will be able to use the Marstaller's donation as part of the Town's match which is key to the whole project.

ROLL CALL VOTE: (7 Ayes).

ITEM #176-01 To consider action relative to a proposed extension to the Moratorium on processing applications for major subdivisions and to include minor subdivisions in the moratorium.

BE IT ORDERED: That a Public Hearing be scheduled for December 18, 2001 at 7:00 p.m. in the Town Hall Council Chambers to discuss the proposed extension of the Moratorium on processing applications for major subdivisions and to include minor subdivisions in the moratorium.

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

NOTE: The Planning Board may consider recommending that the Moratorium be amended to include minor subdivisions. (Councilors Mann & Arsenault)

Town Planner, Donna Larsen was invited in to answer questions for Councilors. She mentioned that the Planning Board will be holding a public hearing in mid-January and they will be able to make a recommendation to the Council sometime in January.

Councilor Soley asked if a copy of the proposed Ordinance could be put on the website. Mr. Olmstead indicated that he thinks it would be possible to do this and could check on it tomorrow. Other Councilors concurred. Councilor Regier suggested that the document be dated so everyone knows what version they are reviewing.

MOVED AND SECONDED: To amend by adding after Freeport Community Library "and one copy on the Town's website" for inspection by citizens. (Councilors Soley & Arsenault)
(7 Ayes).

Town Planner Larsen explained that the Planning Board will be discussing minor subdivisions at its next meeting. Discussion followed.

ROLL CALL VOTE: (7 Ayes)

Councilor Mann requested that Planning Board members be in attendance at the December 18, 2001 meeting.

OTHER BUSINESS:

1. Presentation and recommendation on the Non-Emergency Transport Program (NET).
NOTE: Council action is anticipated following the presentation.

Mr. Olmstead explained that because personnel live further away from the Public Safety Building, response times had continued to grow. Volunteers are finding more pressure on their lives and it is difficult to commit to the amount of time they used to. The critical response time is Monday through Friday 8 a.m.-5 p.m. because people work out of time. The Council challenged the chiefs to address this problem without burdening the taxpayers and they brought to the Council a non-emergency transport program to complement and supplement the emergency services they provide. They have been in this business for a year and originally the Council decided to purchase one vehicle and then leased a second. The Council indicated that if the program proved successful, it would be

**COUNCIL MEETING #19-2001
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willing to purchase the second vehicle when its lease expired. After careful review, Mr. Olmstead advised that the program is exceeding everyone's expectations. They will also be asking to add a new component, a wheel chair transport vehicle. Heddy Fillmore was on hand to discuss budget items.

Chief Fournier and Chief Conley introduced guests, Patrick Cote who is the liaison to Parkview Hospital, Peter Gamache who uses Freeport's services and Beth Finlayson from FCS. They provided a PowerPoint presentation and welcomed questions. They presently have a contractual agreement with Parkview Hospital as well as several nursing homes. They also provide billing services for the Town of Yarmouth. They have cut their response time in half to 4 minutes and this has not burdened the Freeport taxpayers. They are busy.

Patrick Cote explained how a wheelchair van would make it comfortable for him to access rehab programs at the YMCA. Presently it is necessary to put him on a stretcher to transport him. Mr. Cote explained how the chair van is important and that Freeport's quality and reliability has been excellent. Ms. Finlayson explained how patients with Alzheimer's are frightened getting into an ambulance and laying down on a stretcher. The non-emergency transportation has been wonderful and the wheelchair accessible van will make a huge difference. She urged the Council to support this request. Councilors raised questions and discussion followed.

Councilor Lowell shared her experience with her mother who was in a wheelchair and how important it is to be able to sit up. Northeast Ambulance provided a free service during the holidays which permitted her mother to enjoy the holidays with her family. She suggested that Freeport consider offering such a service. Chief Fournier suggested that Councilor Lowell recommend this service at a later date. Councilor Campbell asked for information on the reimbursement piece but noted that she supports this service. Chief Fournier offered to have the numbers generated for her.

MOVED AND SECONDED: To introduce items not on the printed agenda.
(Councilors Soley & Arsenault) (7 Ayes).

ITEM #177-2001 **BE IT ORDERED:** That the NET vehicle being leased from Sugarloaf Ambulance be purchased for an amount not to exceed \$66,500.

BE IT FURTHER ORDERED: That the funds be expended from the Fire Equipment Reserve Account (Councilors Regier & Arsenault) **ROLL CALL VOTE:** (7 Ayes).

Item #178-2001 **BE IT ORDERED:** That the Town Manager is authorized to spend up to \$29,900 to purchase a wheelchair van from Mobility Works.

BE IT FURTHER ORDERED: That the funds be expended from the Fire Department Reserve Account (Councilors Soley & Arsenault) **ROLL CALL VOTE:** (7 Ayes).

ITEM #179-2001 **BE IT ORDERED:** That the Fiscal Year 2002 NET (Non Emergency Transportation) Budget be amended as follows for capital outlay for ambulance.

<u>Appropriations</u>	<u>From</u>	<u>To</u>
NET Budget-Capital Outlay	\$0-	\$ 19,500
Total NET Budget Appropriation	\$268,000	\$287,500

Councilors Campbell & Arsenault) **ROLL CALL VOTE:** 7 Ayes

ITEM #180-2001 **BE IT ORDERED:** That the Fiscal Year 2002 NET (Non-Emergency Transportation) Budget be amended as follows for operation of the wheelchair transportation program.

<u>Appropriations</u>	<u>From</u>	<u>To</u>
Payroll	\$ 54,248	\$ 64,128
Radio Maintenance	\$ 1,000	\$ 2,500
Vehicle Maintenance	\$ 3,000	\$ 3,750
Motor Fuels	<u>\$ 7,000</u>	<u>\$ 8,000</u>
Total NET Budget Appropriation	\$287,500	\$300,630

(Councilors Arsenault & Regier) **ROLL CALL VOTE:** (7 Ayes).

Mr. Olmstead thanked everyone involved for making this program a success. While he was a doubter originally, he has been proven wrong. Councilor Lowell noted that it is the "heart" behind the project that has made it so successful.

2. Request for Planning Board to review sign ordinance for commercially zoned properties that abut I-95.

Councilor Arsenault noted that Crackerbarrel has worked through Design Review and is going to the Planning Board tomorrow night. They understood that a space had been reserved on the logo sign on I-95 and was being held for them by the State but have since learned that it is being utilized by McDonald's. They have been in discussion with Commissioner Melrose to see if a tab could be added or perhaps another sign added to provide signage for Crackerbarrel. It is at a stalemate at the State level right now. It is unknown whether they will be able to do it or not. It appears that it would take a legislative change. Crackerbarrel feels that if they are going to spend \$3 1/2mm in Freeport, they really do need some kind of signage. Councilor Arsenault has been considering asking the Planning Board to consider increasing the permitted signage on the highway side. A larger size is permitted on Route One if the speed limit is over a certain speed. This will open the discussion.

Councilor Lowell noted that Crackerbarrel is a wonderful family-type restaurant and it would be a plus for everyone in Freeport and she hopes the Council will support them to help them become successful.

MOVED AND SECONDED: To move an item not on the printed agenda. (Councilors Soley & Arsenault) (7 Ayes).

MOVED AND SECONDED: That the Town Council request that the Planning Board Review whether to increase the size of signs for commercially-zoned properties that abut Route I-95. (Councilors Soley & Arsenault)

Councilor Mann noted that the community has been asking what the hold-up is on Crackerbarrel. He mentioned that the Council also did a streamlining process so that the Town could get applicants through Design Review and Planning Board quicker. He has not inquired as to what went wrong in this case but has made some calls to Michelle Hart about retention ponds. It appears that the Council should look into this streamlining process in a workshop with the Planning Board and the Design Review Board at some point. He personally lobbied for a new kiosk at Freeport Crossings. Councilor Arsenault advised that Crackerbarrel will be tearing down the Golf Day building. Councilor Campbell noted that she would support expediting the project.

ROLL CALL VOTE: (6 Ayes).(1 Abstention-Mann).

Mr. Olmstead advised that MDOT will be overlaying U.S. Route One South from Desert Road to Yarmouth in the spring. The State is asking if the Town would like contractors to be required to provide bonds in the event portions of the road are damaged during the construction process. If so, the Council will have to sign a form requesting bonding before construction commences.

Councilor Mann noted that he has received calls about adding street signs. There are about three places he feels should have signage. Mr. Olmstead asked him to contact him later and he would send Mr. Plummer to the locations.

Chair Stevens advised that he has met with the Town Manager, Johanna Hanselman, and Dick Bradbury regarding browntail moths. A letter will be formulated for the Council to review at its next meeting. A public hearing will be scheduled on January 10 with Mr. Bradbury. The letters will go out to residents before December 30 and will indicate what the Town is hoping to accomplish. If people opt out, the Town will know about it early enough to make accommodation for ground spraying in those areas with many opt-outs. This will be an opportunity to get people focused on browntail moths.

Paper Streets

Chair Stevens mentioned the letter Councilors received from Mr. Thompson raising legal questions. He noted that he could benefit from a legal response to this letter. Councilor Mann suggested that Councilors jot down questions they would like to submit to the Town Attorney. Discussion followed. Councilor Soley agrees that the Council should begin to address the paper street issues. Mr. Olmstead did not believe that the two legal workshops were used this year. Chair Stevens suggested that Mr. Olmstead should check and see if the Council is entitled to a workshop with the Town Attorney and asked that he call Councilors and advise them. Councilor Soley suggested handling this in an executive session. Mr. Olmstead did not want to rush into this. He asked Councilors to submit their questions for the attorney and let the attorney be as well prepared as he can possibly be. Councilors agreed.

Howard Place

Chair Stevens mentioned that two proposals have been received for Howard Place. The reports are public and he suggested that Councilors take a look at them and decide if they want to proceed. An attorney will need to be engaged at some point.

School Leadership

Chair Stevens advised that he and Vice Chair Arsenault met with the School Leadership to stay in touch and keep dialogue going on. Mr. Olmstead advised that a four-month schedule has been formulated which calls for two workshops. Chair Stevens asked if dessert could be provided at the workshops and Mr. Olmstead assured him that this is possible.

Councilor Campbell asked if anyone from the School Committee attended the School Funding Formula Meeting held this evening. Mr. Olmstead advised that Bob Lyman attended. Joe Carroll also attended and updated the Council on what transpired. Councilor Campbell asked if Mr. Lyman could be asked to report to the Council.

COUNCIL MEETING #19-2001
DECEMBER 4, 2001

Councilors Mann and Campbell attended a meeting in Brunswick regarding "Great American Neighborhoods" with the State Planning Office. They found it interesting. Councilor Campbell suggested that Donna Larsen contact the Town Planner in Bath to see what they are working on.

Vice Chair Arsenault advised that he is currently the Vice Chair of the Cumberland County Budget Advisory Committee. The forthcoming budget for this year will be coming at an increase of 20.38% which will relate to an increase of \$6.55 per year for taxpayers on a home valued at \$100,000 but there is an adjustment to that because they found a figure that will reduce that figure to a line item or to the overall budget. He outlined three items that will be reduced as well. He has been working to ensure that the communities in Cumberland County have a say in the process. The commissioners are discussing adding more commissioners to the table. This will be done by population. They have found a representative to carry their message to the Legislature for them. A meeting has been requested for sometime in January.

He has talked to Sheriff Dionne and learned that it is a malignant problem and it should go to the State and the State should be responsible for the correctional system and next year's budget will be worse than it is this year. All counties have the same problem.

Councilor Soley advised that the High School Building Committee has hired architect, Steven Blatt.

Adjourn.

MOVED AND SECONDED: To adjourn at 10 p.m. (Councilors Soley & Arsenault)
(7 Ayes).

Respectfully Submitted,



Sharon Coffin
Council Secretary