

FREEPORT TOWN COUNCIL MEETING #04-2004
TOWN HALL COUNCIL CHAMBERS
MARCH 2, 2004 – 7:00 P.M.

CHAIRPERSON'S CALL TO ORDER

PRESENT ABSENT EXCUSED

Rod Regier, South Street	x		
Thomas Rumpf, P.O. Box 819, S. Freeport	x		
John Arsenault, Prout Road	x		
Charlotte Bishop, Maquoit Drive	x		
Rich DeGrandpre, Timber Ridge Road	x		
Frederick White, 45 Pleasant Hill Road	x		
James Cassida, 5 Timber Ridge Road	x		

Chair Regier called the meeting to order.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting 03-2004 held on February 24, 2004 and accept the Minutes as printed. (Cassida & Arsenault) **VOTE:** (6 Ayes) 1 Abstention—White).

SECOND ORDER OF BUSINESS: Announcements

Chair Regier advised that Citizen of the Year Nomination forms are available at the Town Office. The deadline is April 1.

Chair Regier explained that the Cushing and Ray family was burned out of their home on Route 236 last week. There is a private donation account set up to aid this family. It is being handled through the Freeport branch of Bath Savings Institution. The contact person there is Barbara Tuttle.

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

MOVED AND SECONDED: To open the Public Comment Period for Non-Agenda Items Only (Rumpf & DeGrandpre) **VOTE:** (7 Ayes).

There were none.

MOVED AND SECONDED: To close the Public Comment Period (Cassida & DeGrandpre) **VOTE:** (7 Ayes).

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

ITEM #34-2004 To consider action relative to adopting the March 2, 2004 Consent Agenda.

BE IT ORDERED: That the March 2, 2004 Consent Agenda be adopted. (Arsenault & Cassida)

Chair Regier explained what is being considered in the Consent Agenda to the public. Mr. Olmstead advised that the licenses are all paid.

COUNCIL MEETING #4-2004
MARCH 2, 2004

ROLL CALL VOTE: (7 Ayes).

ITEM #35-2004 To consider action relative to adopting a Five Year Capital Plan and approving a Capital Budget for Fiscal Year 2005.

BE IT ORDERED: That a Public Hearing be scheduled for March 16, 2004 at 7:00 p.m. to discuss the adoption of a Five Year Capital Plan and adopting a Fiscal Year 2005 Capital Budget.

BE IT FURTHER ORDERED: That 30 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. (White & Cassida)

Chair Regier asked the Town Manager to make sure this information is put on the Town's website. He also asked Mr. Olmstead to provide a budget calendar for the upcoming deliberations and include this on the website as well.

ROLL CALL VOTE: (7 Ayes).

ITEM #36-2004 To consider action relative to proposed amendments to the Vehicle Towing Ordinance concerning definitions, insurance, regulation of licensees and rates. (Chapter 49).

BE IT ORDERED: That a Public Hearing be scheduled for March 16, 2004 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Vehicle Towing Ordinance.

BE IT FURTHER ORDERED: That 30 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. (Bishop & DeGrandpre)

Mr. Olmstead summarized the significance of the changes being proposed. He noted that there is one tower of Record in Freeport and this person is aware of the schedule.

ROLL CALL VOTE: (7 Ayes).

ITEM #37-2004 To consider action relative to proposed amendments to the Administrative Code concerning the Winslow Park Commission, Park Manager and the Adelaide Harb Trust (Chapter 2).

BE IT ORDERED: That a Public Hearing be scheduled for March 16, 2004 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Administrative Code.

BE IT FURTHER ORDERED: That 30 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. (Cassida & Arsenault)

Chair Regier explained that this proposed change is the direct result of a workshop the Council had with the Winslow Park Commission. As part of the Harb Trust there is a separate account administered by an independent trustee and this provides fair notice that this account exists. Councilor Rump advised that there were disbursements of 2 or 3% on the fund during the last year. This is a public trust and it would be a good thing for the Commission to review the investment policy for the fund with the Trustee since it hasn't been done for a long time.

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ROLL CALL VOTE: (7 Ayes).

ITEM #38-2004 To consider action relative to proposed amendments to the Administrative Code concerning the Cable T.V. Regulatory Board composition and role in recommending an annual five year capital plan (Chapter 2).

BE IT ORDERED: That a Public Hearing be scheduled for March 16, 2004 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Administrative Code.

BE IT FURTHER ORDERED: That 30 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. (DeGrandpre & Arsenault)

Mr. Olmstead summarized the two proposed changes.

ROLL CALL VOTE: (7 Ayes).

ITEM #39-2004 To consider action relative to an expenditure from the Recreation Land Capital Account to provide for the Hydro-Fracture of two wells at the Pownal Road Recreation Facility.

BE IT ORDERED: That up to \$6,000 be expended from the Recreation Land Capital Account to provide for the Hydro-Fracture of two wells at the Pownal Road Recreation Facility.

NOTE: Capital Account balance is currently \$6,210. (White & Rumpf)

John Hoyer, Chair of the Recreation Committee, explained the reasons for bringing this item forward. He suggested changing the language of the request to allow them to move quickly and prudently. Discussion followed. He noted that he would like the \$3,000 in the next few weeks.

MOVED AND SECONDED: To change the language to read: That up to \$3,000 be expended from the Recreation Land Capital Account to provide for engineering services and planning at the Pownal Road Recreation Facility. (Cassida & Bishop) vote: (7 Ayes).

Mr. Hoy indicated that it is not clear if the Town Engineer can do this work but the committee will start with the Town Engineer. Councilor Rumpf suggested that if the Town Engineer can do the work, he would hope that this would be the avenue chosen rather than spending money for outside engineering services.

ROLL CALL VOTE ON AMENDED MOTION: (7 Ayes).

ITEM #40-2004 To consider action relative to an expenditure from the Cable T.V. Reserve Account to provide for wiring of the High School Auditorium.

BE IT ORDERED: That up to \$4,800 be expended from the Cable T.V. Reserve Account to provide for wiring of the High School Auditorium.

NOTE: Reserve balance is currently \$203,265. (Bishop & Arsenault)

Rick Simard explained that this is wiring to fill the conduits that were placed in the facility when it was constructed since they did not have the funds at that time. This request came from the School Department. He answered questions for Councilors. Mr. Simard will be doing the work with help from school employees.

ROLL CALL VOTE: (7 Ayes).

ITEM #41-2004 To consider action relative to a grant application to the State of Maine Municipal Investment Trust Fund Program to provide for the building of a Community Center.

BE IT ORDERED: That a Public Hearing be scheduled for March 16, 2004 at 7:00 p.m. in the Town Hall Council Chambers to discuss a grant application to construct a Community Center.

BE IT FURTHER ORDERED: That notice of the Public Hearing be placed in a newspaper of general circulation at least 10 days prior to the Public Hearing.

NOTE: The purpose of the Public Hearing is to give citizens of Freeport the opportunity to comment on the proposed project. (Rumpf & Arsenault)

Mr. Olmstead explained the purpose of this public hearing and that it was discovered that the original application was a preliminary application and once you are selected from that pool, you are invited to submit a more detailed formal application and with that submittal has to be the results of a required public hearing soliciting public comment on the proposed project you are applying for. The application deadline for the more detailed application is June 30. While the funds are secure, the Town has to jump through these required hoops.

ROLL CALL VOTE: (7 Ayes).

ITEM #42-2004 To consider action relative to the appointment of a Community Center Project Committee.

BE IT ORDERED: That a Community Center Project Committee be appointed and charged with the following:

1. To develop a Community Center on abutting properties owned by the Town of Freeport and Freeport Community Services (FCS) located on Depot Street.
2. To confirm and prioritize potential community needs and users of a Community Center.
3. In consultation with potential users, to determine space requirements and building(s) design that best meet community needs and priorities, within the funding limits of the project.
4. To construct a Community Center in two phases, consisting of the funded project and additional elements deemed necessary by the Committee, within a total budget of not less than \$1,250,000 from the following sources:
 - \$750,000 – bond, passed November, 2001
 - \$500,000 – Department of Economic & Community Development grant awarded 12/04
 - TBD - Additional fund raising, to be coordinated by FCS, for phase 2 construction, amount to be determined
 - 8,700 – Carryover from earlier fund raising
5. To comply with the conditions of the DECD grant.
6. To identify the cost of operating the completed Community Center and to recommend the source of that ongoing funding.
7. To recommend a management authority for the completed Community Center.
8. To respect the autonomy of users of the completed Community Center, while insuring they meet the responsibility accompanying substantial public funding of the project.
9. Preparations for final contract with DECD shall be completed by May 31, 2004.
10. The goal for substantial completion of community center project shall be December, 2005.

NOTE: The \$8700.00 carry-over from earlier fund raising shall be available to assist the Committee in meeting its charge. (DeGrandpre & Arsenault)

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Chair Regier suggested amending a typo by general consensus in 4. The \$500,000 Dept. of Economic & Community Development grant was awarded 12/03, not 12/04. Councilors concurred on the amendment.

MOVED AND SECONDED TO AMEND: That the following be appointed to serve on the Community Center Project Committee:

Jim Cassida, Chair
Lisa Andreason
Ken Guimond
Tom McDermott
Ron Smith
Bob Stevens
Peter Warren
Tom Whelan
Brenda White
Betsy Ruff, Alternate (DeGrandpre & Rumpf) **VOTE:** (7 Ayes).

ROLL CALL VOTE ON AMENDED MOTION:

Chair Regier clarified that the three abutting properties involved are on Depot Street and does not include the property fronting on West Street. The members of the committee will need to be sworn in by the Town Clerk.

ITEM #43-2004 To consider action relative to amendments to the policy on Fire Department Burns and Training.

BE IT ORDERED: That the proposed amendments to the Policy on Fire Department Burns and Training, dated March 2, 2004, be approved. (Cassida & Arsenault)

The Fire Chief, Darrel Fournier explained the proposed changes and 2 and Category 3 by \$500 as well as Category 5. Chief Fournier agreed that it would make sense to do this.

MOVED AND SECONDED: To change the pricing on Category 2 to \$3,500, on Category 3 to \$5,500 and Category 5 to \$5,500 minimum and to remove the language: *in addition the owner shall pay for all training costs associated with the burn. This charge shall not exceed \$1,000 per burn.* Add: personnel and apparatus costs shall be returned to the Fire Department's operating budget. (DeGrandpre & Arsenault). **VOTE:** (7 Ayes).

ROLL CALL VOTE: (7 Ayes).

ITEM #44-2004 To consider action relative to proposed amendments to the Design Review Ordinance concerning the elimination of "de novo" appeal of decisions of the Project Review Board to the Board of Appeals Chapter (Chapter 22).

BE IT ORDERED: That a Public Hearing be scheduled for March 16, 2004 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Design Review ordinance concerning "de novo" appeals.

BE IT FURTHER ORDERED: That 30 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. (Bishop & Arsenault)

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Chair Regier explained that this came from the recent change of the Planning Board and Project Review Board. This is intended to limit the form of appeal that may be made by someone who is contesting the decision about a Design Review license and exactly what form that appeal might take to the Board of Appeals.

ROLL CALL VOTE: (7 Ayes).

Chair Regier asked Mr. Olmstead to schedule this item after the Community Center issue.

OTHER BUSINESS:

1. Informational Exchange

Councilor DeGrandpre gave an update on the Municipal Facilities Committee meeting he attended last week regarding Soule School. They will be pulling the information together and will schedule another meeting. They are hoping to get a recommendation to the Council. Some of the uses that were discussed were:

- a. Community Use/Dual Use such as Library Learning Center
- b. School or Day Care
- c. Tear it down, make green space or village green, keep the woods
- d. Limited parking incidental to use
- e. No parking
- f. Community Recreation - Playground or skating
- g. Senior housing rental, residential

He noted that c. Tear it down, make green space or village green, keep the woods got the most votes. The committee will be coming up with a smaller list of options to take to a public informational meeting. Councilors concurred that Johanna pulled together a lot of information.

2. Discussion on the Cemetery Perpetual Care Policy and Funds

Mr. Olmstead noted that several years ago the private cemetery associations pointed out that the invested perpetual care funds were not providing enough revenue to properly maintain private cemeteries. He mentioned that the sale of lots has fallen off and the investments have not been producing the type of income anticipated. For the past two or three years, we've been eating into the principle of the fund and if this continues, we will be in serious trouble down the road. Greg L'Heureux made reference to a memo he provided to the Town Manager and explained what the portfolio consists of. He has had concerns with this fund and will be evaluating it. Discussion followed. Chair Regier asked Mr. L'Heureux to work through some financial projections to make a recommendation for a draw down. He asked Mr. Olmstead to get together with Barbara McPheters and some of the other associations to see about consolidating services through a joint maintenance account to reduce costs that are being borne across these cemeteries. Councilor DeGrandpre asked Mr. Olmstead to determine if there is a policy in place.

3. Update on Regionalization Issues

Councilor DeGrandpre updated the Council on the last meeting he attended. Dispatch and assessing were discussed. Mr. Olmstead shared some information from a lunch he had with Falmouth's Assessor and Town Manager discussing the formation of an assessing district. Both towns agreed that this is something they would like to investigate under the regional umbrella. He has had conversations with North Yarmouth's Administrator and learned that he is open to discussion. Bob Konczal has talked to Pownal Selectmen and will be talking to Durham's Administrator to find out if they have any interest in discussing a regional assessing district. It appears that at least three communities have some interest in this concept. Freeport and Falmouth's assessors have been asked to come up with a model that can be discussed with other communities as well as the regional committee. He noted that the Freeport MDOT facility is going to be closing next year. It is a relatively new facility

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the concept of a Regional Maintenance Facility. Beth Edmonds will be checking with her sources to find out when the site will become available and what the process might be to get control of it for this regional purpose. He is hoping the State would consider donating that site to the five communities in an effort to promote regionalism in this area. Councilors concurred that Mr. Olmstead should officially approach the Department of Transportation as soon as possible.

4. Discussion on appointments to the Planning Board and Project Review Board

Councilor Bishop noted that interviews will be conducted tomorrow evening for openings on the Planning Board. There are 6 or 7 new candidates. Chair Regier mentioned that the Town Attorney indicated that all 7 members of the present Planning Board should go forward to one board or another if they choose to do so since the boards are so similar. Councilor DeGrandpre explained that requests from sitting members shall be honored. Councilor Bishop hopes to come to the next Council meeting with the seats filled on both Boards.

5. Review of Meeting with School leadership

Chair Regier explained that polled Councilors to learn what they thought their constituents would accept as a tax increase for the upcoming year and learned that the numbers did not vary very widely. They came in as "zero would be nice, but 2% is probably more realistic;" to 2 to 2 ½%, dependent upon what the school funding formula turns out to be for this year; to 2%-3% making sure the staff for the school side as well as the municipal side is protected and kept intact. It isn't time yet to issue direct instruction to the Town Manager and School Committee about where the budget should be going. Based on this private polling, if the Council looked at something like a 2% increase with the projections given by Dale and Greg last week regarding new evaluation, and without aggressively taking on new debt, it is possible for a \$750,000 increase, leaving about \$250,000 for the municipal side. By the end of March, the Council will have to come up with a formal policy for the tax rate increase.

6. RWS Meeting

Chair Regier attended a RWS meeting on Saturday in Mr. Olmstead's absence. He had never sat on a 28-member board trying to get something done. He discovered that the board members do not necessarily like each other or each other's policy. He discovered that this Council has to deal with paying for solid waste and a relationship with RWS and how the tipping fee might be controlled. This year it is \$128 a ton and if nothing is done, next year it will be over a \$165 a ton. This is the basis for Mr. Olmstead's projection in next year's operating budget for a possible \$80,000 increase in tipping fees. He noted the fast-track discussion taking place at RWS to alter the existing inter-local agreement. The 25-year agreement ends in 2014 which is the one Freeport signed. There is a \$90 million debt at RWS right now and there is a proposal seriously working its way forward to extend that debt for 20 years, which will have a dramatic reduction in tipping fees. They could go from \$128 a ton down to \$75 or \$80 a ton. The Council should discuss what needs to be considered for the Town of Freeport to even consider extending the inter-local agreement and who might be invited to answer these questions and in what format. There is no plant manager right now which presents an operating problem. There are some private companies involved that are a totally different magnitude in financial capacity than RWS and that has a potential impact on how this plays out also. He made a list of what needs to be considered for Councilors. He learned that Freeport's share of RWS' indebtedness is not a fixed percentage but is adjusted from year to year. Mr. Olmstead explained how it is adjusted. Chair Regier would like a multiple town meeting to include Jim Cloutier, President of RWS. He noted that there will be a dedicated workshop coming up in the next two months. If Councilors want to include someone, they should let Chair Regier know.

7. MDOT Study

Mr. Olmstead explained that he received today by e-mail the study of impacts caused by exempting currently non-exempt Maine Interstate Highways from the federal truck weight limits Draft Executive Summary, February '04. We have been talking about this study for well over a year now dealing with weight limits on the Interstate system is in draft form and will be presented to the public on Friday from 9-11 a.m. at MDOT's main headquarters in Augusta. He and Genie Beaulieu will be attending and will be leaving from the Town Hall parking lot at 8 a.m. He has e-mailed other towns that they may attend as well. Anyone interested in

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downloading the study can find it on MDOT's website --
been released state-wide today.

. This study has

8. Storm Water Funding

Mr. Olmstead referred to an e-mail and explained that Donna Larson has been spearheading a regional effort to deal with the new storm water regulations and trying to get the State to cooperatively work with Maine towns caught up in these regulations. She and Mr. Olmstead put together a group of municipal officials who went to Augusta a couple of months ago to talk to the Governor's staff. about a 28 community cooperative effort. This e-mail informs Donna that the Governor has put in his bond package \$500,000 for assistance to communities to comply with new storm water regulations. Beth Edmonds has been instrumental in helping to get the money included in the Governor's bond package. The bond package still needs to get on the ballot for voter approval but this is a big deal. Freeport led the effort and Donna Larson should be recognized for her efforts. She took this commitment on and has been relentless in prodding towns to make the phone calls and send the e-mails to make sure the funds are secured. Councilors agreed that this was good work by the Town Planner.

Adjournment

MOVED AND SECONDED: To adjourn at 9:25 p.m. (Cassida & Bishop)
VOTE: (7 Ayes).

Respectfully Submitted,



Sharon Coffin
Council Secretary