

**FREEPORT TOWN COUNCIL MEETING #10-2004
TOWN HALL COUNCIL CHAMBERS
JUNE 1, 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 at 7 p.m. and noted that Councilor White is excused this evening.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #09-2004 held on May 18, 2004 and accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #09-2004 held on May 18, 2004 and accept the Minutes as printed. (Rumpf & DeGrandpre) **VOTE:** (5 Ayes) (1 Abstention—Bishop) (1 Excused—White)

SECOND ORDER OF BUSINESS: Announcements

Chair Regier pointed out that next Tuesday is Election Day in Freeport. There is the State primary as well as a referendum question. Polling hours will be 7 a.m. to 8 p.m. The Town Clerk's office is regularly open Wednesday night until 7 p.m. but will also be open this Thursday evening until 7 p.m. for absentee voting.

This Saturday from 11 a.m.-2 p.m. there will be a Recycling Fair at the Recycling Center. There will be food, music and a raffle relevant to recycling. Some Freeport students will be painting a mural on one of the walls.

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. (Arsenault & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—White).

There were none.

MOVED AND SECONDED: To close the Public Comment Period for Non-agenda items only. (Arsenault & Cassida) **VOTE:** (6 Ayes) (1 Excused—White).

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

ITEM #105-04 To consider action relative to adopting the June 1, 2004 Consent Agenda.

BE IT ORDERED: That the June 1, 2004 Consent Agenda be adopted (Bishop & Arsenault)

Councilor Bishop summarized the items that are on the Consent Agenda for members of the public. Chair Regier noted that Edgar Leighton and Ed Bonney are retiring from the Freeport Economic Development Corporation. He thanked them both.

Councilor Cassida noted that the Conservation Commission has a blank seat on the Consent Agenda but the Appointment Committee is not making an appointment. He suggested striking the line. Councilors concurred.

ROLL CALL VOTE ON AMENDED MOTION: (6 Ayes) (1 Excused—White).

ITEM #106-04 To consider action relative to responses to the Request for Proposal process for the use of the Soule School Property.

BE IT ORDERED: that a Public Hearing be scheduled for June 15, 2004 at 7 p.m. in the Town Council Chambers to accept public comment on the responses received as a result of the RFP process and a potential recommendation from the Municipal Facilities Committee.

BE IT FURTHER ORDERED: that the Public Hearing be advertised in accordance with procedures for Public Hearings held by the Town Council. (Arsenault & Cassida)

Councilor DeGrandpre explained where things stand at the present time. They are planning to meet again this Thursday at 4:30 p.m. in the Town Hall. Councilor Rumpf clarified that two inquiries were received late but proposals were not actually submitted. While there was interest from the committee, they did not feel they could allow a late proposal in unless there was agreement from the other applicants that met the deadline that they were amendable to this. Those applicants were not unanimously willing to allow this. The committee concluded that it could not allow other proposals in at this point and would proceed with the proposals they have. They intend to review those proposals based on a matrix that is being developed and hope to have a recommendation for the Council in time for the public hearing. Discussion followed. Councilors Bishop, Arsenault, Cassida and Regier concurred that some applicants followed the process and got their proposals in on time and the committee should go forward and follow the process. Councilor DeGrandpre noted that he would respect what Councilors want to do. Members of the public were encouraged to attend Thursday's meeting and voice their opinions.

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

ITEM #107-04 To consider action relative to proposed amendments to the Zoning Ordinance concerning a new use "Community Center and Services" in the Village Commercial I (VC-I) Zone. (Chapter 21).

BE IT ORDERED: that a Public Hearing be scheduled for June 15, 2004 at 7 p.m. in the Town Hall Council Chambers to discuss a new use "Community Center and Services" in the VC-1 Zone.

BE IT FURTHER ORDERED: that copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 7 and the Town's website. (Cassida & Arsenault) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—White).

ITEM #108-04 To consider action relative to proposed amendments to the Zoning Ordinance concerning Off-Street Parking and Loading – Section 514. (Chapter 21). **PUBLIC HEARING.**

BE IT ORDERED: That a Public Hearing be scheduled for June 15, 2004 at 7 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Zoning Ordinance concerning Off-Street Parking and Loading.

BE IT FURTHER ORDERED: That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 7 and the Town's website. (DeGrandpre & Rumpf) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—White).

ITEM #109-04 To consider action relative to amendments to the Subdivision Ordinance concerning appeals from the Subdivision Ordinance. (Chapter 25)

BE IT ORDERED: That a Public Hearing be scheduled for June 15, 2004 at 7 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Subdivision Ordinance concerning appeals from the Subdivision Ordinance.

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

Chair Regier explained the amendments.

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

ITEM #110-04 To consider action relative to an amendment to the Freeport Zoning Map to include two additional parcels to the Industrial II (I-II) District on the Desert Road.

BE IT ORDERED: that a Public Hearing be scheduled for June 15, 2004 at 7 p.m. in the Town Hall Council Chambers to discuss an amendment to the Zoning Map to include two additional parcels to the I-II District.

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

Mr. Olmstead will ensure that the map is included on the Town's website.

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

ITEM #111-04 To consider action relative to supporting Question 1 on the June 8, 2004 Election.

BE IT ORDERED: That the Freeport Town Council resolves to declare its endorsement of Question #1 on the June 8, 2004 ballot, "Do you want the State to pay 55% of the cost of public education, which includes all special education costs, for the purpose of shifting costs from the property tax to state resources?" and to encourage Freeport voters to support its passage. (Arsenault & Bishop)

Chair Regier explained that he requested that this item be put on tonight's agenda. Councilor Rumpf noted that he is not willing to support this order as written but would support it if it was clarified that we support the Legislature modifying the referendum if it is passed so that it is phased in which has already been agreed to by the MMA in discussions with the legislative leadership. Councilors DeGrandpre, Arsenault and Cassida agreed with Councilor Rumpf. More discussion followed.

MOVED AND SECONDED: To add the following sentence at the end of the motion: The Council supports the amended phase in, over time, of Question #1 as negotiated by MMA and legislative leadership in this year's legislative session. (Rumpf & Arsenault) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—White)

ROLL CALL VOTE ON AMENDED MOTION: (6 Ayes) (1 Excused—White)

ITEM #112-04 To consider action relative to creating a property tax relief policy

BE IT ORDERED: That the Town Council create a new Property Tax Relief Policy declaring:

Any net increase in revenue made available by the State of Maine to the Town of Freeport as a result of property tax reform efforts outlined in "The School Finance and Comprehensive Tax Reform Act of 2003" and in LD 1924 "An Act to Reduce the Cost of Local Government Through Increased State Education Funding and Provide Property Tax Relief" shall be used exclusively to lower property taxes in Freeport. Any net increase in revenue so derived shall not be appropriated for additional or new municipal or school support. "Net increase" shall mean additional financial support, minus any reductions of payments currently received for public education or municipal operating budgets. This policy shall expire at the end of fiscal year 2009-2010. (Cassida & Arsenault)

Chair Regier requested that this be put on the agenda this evening. Councilor Rumpf noted that this has the approval of school leadership. Councilor Arsenault is pleased to see this.

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

OTHER BUSINESS:

1. Presentation from Grade 11 Biology Class on water quality project.

Mrs. Fortier turned the agenda over to her students. Thomas Schultheis explained that their class has been working with the Cumberland County Soil and Water Conservation District as well as Professor Lea from Bowdoin College learning about water quality. Tonight they will discuss the watersheds in Freeport they tested and explain why they chose them.

The Collinsbrook Watershed Group consisting of Emma, Michele, Amanda, Heather, Amy, Matt, Emily and Dale reported their findings and recommendations.

Frost Gully Watershed—Christy, Ricky and Kyle reported their findings and recommendations. A buffer planting was done here to prevent further erosion.

Concord Gully Watershed—Tom Schultheiss, Sabrina Best and Gina reported their results and recommendations.

Mrs. Fortier thanked the Council for allowing her students to present tonight. They will continue with their studies. A written summary will be provided to the Town Planner. Councilor Arsenault thanked the students for coming tonight. He found it very educational. Councilor DeGrandpre appreciated all the students' hard work.

2. Review policy on Cemetery Trust Fund disbursements.

Chair Regier noted that there is a lot of information that was prepared for Councilors' packets. He explained the trust funds that fall under the Town's umbrella. The trust funds for the six private cemeteries have something like \$200,000 in aggregate presently, which was generated by perpetual care collections. About five years ago the Town Council policy changed on

disbursements to specifically authorize something on the order of \$15,000 to help with the costs for maintaining the cemeteries, regardless what the interest was. During the last few years this policy has eaten into what the principle is for these accounts. Several weeks ago the Council disbursed the \$6,500 interest from the trust funds to provide money to pay for mowing before Memorial Day. Municipalities must pay for the maintenance of Veterans' graves, which amounts to \$3,500 from the Public Works account. The Finance Director recommends that these two payments be the only appropriations to the private cemeteries this year. The Council needs to deal with whether to accept the recommendation from the Finance Director.

Andrew Arsenault, President of Flying Point Cemetery, Vickie Lowe, Trustee of Grove Cemetery and David Stilkey, Trustee, Burr and Grove Cemeteries pointed out that the need for additional money to maintain their cemeteries and purchase liability insurance. The price of lots and the perpetual care fees have been raised but in the older cemeteries, it hasn't helped much. Mr. Arsenault hopes Councilors will allocate a few thousand dollars to help the cemeteries get by this year. The Town gives money to other groups in Freeport and he hopes that it will consider helping the cemeteries. Hopefully, the investment strategy for the perpetual care funds will be improved in the future. Mr. Arsenault advised that the various cemeteries have not yet pooled for insurance but it will most likely become part of the discussions this year.

Councilor Arsenault advised that he is willing to help the cemeteries this year. This is the community's heritage. Councilor Rumpf would prefer to ask the citizens if they are willing to help support the private cemeteries with tax dollars. Councilor DeGrandpre would like to help solve the problem by finding a way to provide liability insurance and reducing their expenses. Mr. Olmstead suggested that the Town coordinate a meeting of cemetery associations to see if some commonality can be developed. He suggested looking at Fleet Bank's performance to see if some improvement can be made. Greg L'Heureux had some suggestions for cemeteries. He will take a strong position in the investment management of the perpetual care funds. Discussion followed.

Chair Regier asked the Council prior to its next meeting, to consider whether it would consider making an appropriation to the private cemeteries and determine what would be the rational way to determine the level and what would be the reasonable controls, if at all, to place on it. He asked Councilors to contact him. He has questions about the performance of the trust fund. He would like to treat this as a task force. He would like someone from the groups that have money in the trust funds to participate in the task force. He mentioned that perhaps a Library trustee, Johanna Hanselman, a School Department representative and, of course, representatives from the cemeteries work with Greg and perhaps Councilor Rumpf, if he has the time. If he does not, Chair Regier will be happy to work with the group to formulate some kind of investment policy for these trust funds.

Councilor Rumpf advised that he is not confident to be making any recommendation on whether to support any appropriation. He would expect a recommendation from the Town Manager and the Finance Director. Mr. Arsenault asked if the Town could assist getting the cemeteries together to provide a forum as well as advice. It would be great to have the Town Manager and the Finance Director attend as well. Mr. Olmstead will assemble the information provided to Councilors this evening and send it to the different cemeteries. Councilor Rumpf requested a listing of each cemetery's needs this year.

3. Discussion of agreement with architect for Community Center

Councilor Cassida pointed out that proposals were sent out to 13 architectural firms. 6 responses were received and 4 high-quality architects were interviewed on May 12. Scott Simond Architects was chosen. The committee is working to come up with a contractual agreement but only have a draft at this time. The language needs to be fine-tuned. He asked whom the contract is actually between. Discussion followed.

MOVED AND SECONDED: To take up an item not on the printed agenda.
(Rumpf & Arsenault) **VOTE:** (6 Ayes) (1 Excused—White)

MOVED AND SECONDED: That we amend the charge to the Community Center Project Committee to give them explicit authority to enter into contracts for design and construction as authorized by the Town Council (Rumpf & DeGrandpre).
VOTE: (6 Ayes) (1 Excused—White)

4. Report on Regionalization efforts (Dispatch & Homeland Security Grants) and discussion on Homeland Security Grants

Councilor Arsenault reported on what took place at the meeting. Most of the language was drafted by the Chiefs and Town Managers and presented to the consultants. Councilor DeGrandpre noted he was disappointed with the work done by the consultants. The conclusion based on their method of regionalizing dispatch, is that it would cost the towns \$200,000 more which did not make sense to many members there. Nat Tupper was appointed to work with the consultants and Chiefs to make sure that what information is received from the consultants is complete and in a recognizable form. There was consensus to continue to look for opportunities. Mr. Olmstead advised that the chances of regional dispatch going forward Freeport south are slim. He recommends that Freeport step back and refocus on Freeport's local needs regarding expending the 2003 Homeland Security monies. Additional Homeland Security grants are coming our way. Chief Fournier explained that he is interested in relocating the portable classroom to the Public Safety site and turning it into an emergency operations center. He explained how it could be outfitted with water, power and sewer. It could be used for meeting space. He does not have enough money this year but plans to return when the 2004 money becomes available. Mr. Olmstead explained what is driving the costs up on this building. There was consensus from Councilors to go forward.

5, RWS Update

Mr. Olmstead explained that the Board at its last meeting dealt with two issues. #1 was restructuring the Board itself and #2 was restructuring the debt. The Board reached a unanimous vote on restructuring the Board. The proposal is to have a general assembly, which will be 28 members that will meet on a quarterly basis to deal with basic policy issues. There would be a 9-member Executive Committee that would meet on a monthly basis to deal with day-to-day operations of the plant. Portland will have 2 of the 9 members. Freeport would be the North Shore District along with Cumberland, Yarmouth and North Yarmouth. These 4 towns would meet on a periodic basis. They are moving to hire a General Manager. On the restructuring of debt, there was no vote taken but there appears to be a growing consensus that we will restructure the debt in such a way that it gives each community the option of restructuring their debt in a way they would like. Freeport would fall into a category of refinancing its debt to achieve a lower interest rate but keeping the same debt payment structure. The organizational restructuring could occur as early as January 1. More discussion followed.

6. Discussion on new procedure for approving liquor licenses.

Mr. Olmstead explained that new State law allows the elected body of a community to delegate the issuance of liquor licenses to administrative staff. The Council can delegate the Town Clerk as the issuing agent for new or renewal liquor licenses. The Council could remove these from the Consent Agenda. It would prove a major convenience for the applicant. Discussion followed. There was consensus that it is a good idea to make the process easier for applicants.

7. Information Exchange

Councilor Rumpf had a question concerning the column "PCE Recommendation" on the PACTS Policy Committee Short List dated May 20. Mr. Olmstead explained that every other year Freeport has to submit a list of projects that we would like to have PACTS fund in the next biennium. He was showing Councilors the projects that move forward as candidates for funding over the next two years. Freeport submitted in the Rebuild Road category- Main: Maple to Kendall which would include a sidewalk. It survived the PACTS process and will go forward. PCE is the engineering estimate to design and cost out the project. Discussion followed. Typically there is a 20% match. Freeport's planning ratings are high and Donna Larson is quite an advocate. He cautioned that we are not there yet but it is partly good news.

Adjournment:

MOVED AND SECONDED: To adjourn at 10:35 p.m. (Rumpf & Bishop)
VOTE: (6 Ayes) (1 Excused—White)

Respectfully Submitted,

Sharon Coffin
Council Secretary
