

MINUTES
FREEPORT TOWN COUNCIL MEETING #13-2004
TOWN HALL COUNCIL CHAMBERS
July 20, 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		

Vice Chair Rumpf called the meeting to order at 7:10 p.m. and pointed out that Chair Regier and Councilor Arsenault are on vacation.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #12-2004 held on July 6, 2004 and accept the Minutes as printed.

Councilor DeGrandpre had clarification questions, noted that on page 6, the sentence that reads: Certain types of fees would have to be implemented prior to the vote such as a \$500 per household road maintenance fee" leads people to believe the Town Manager is recommending this road fee whereas he was using this as an example only. Discussion followed. There was consensus to change the sentence to: "Any broad based fees would have to be implemented prior to the vote; for example, a \$500 per household road maintenance fee".

Mr. Olmstead advised that State Statute does not allow a municipality to charge a broad-based fee for road maintenance. More discussion followed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #12-2004 held on July 6, 2004 and accept the Minutes as amended
(DeGrandpre & White) **VOTE:** (5 Ayes) (2 Excused—Arsenault & Regier)

SECOND ORDER OF BUSINESS: Announcements

Vice Chair Rumpf advised that MDOT will be doing some work on South Freeport Road near Porters Landing in the first week or so of August. They will be replacing a major culvert. The road will be closed between 8/2-10. People will have to take an alternative route during this time.

Vice Chair Rumpf reminded everyone of the Winslow Park Summer concert series taking place on Thursdays, which will continue through the 12th of August. This Thursday the Sean Mencher Trio is scheduled. The series can be found on the Town's website.

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. (White & DeGrandpre) **VOTE:** (5 Ayes) (2 Excused—Arsenault & Regier)

There were none.

MOVED AND SECONDED: To close the Public Comment Period for Non-agenda items only. (Cassida & DeGrandpre) **VOTE:** (5 Ayes) (2 Excused—Arsenault & Regier)

ITEM #144-04 To consider action relative to adopting the July 20, 2004 Consent Agenda

BE IT ORDERED: That the July 20, 2004 Consent Agenda be adopted. (Cassida & DeGrandpre)

Vice Chair Rumpf summarized the items for members of the public. Mr. Olmstead advised that all license fees have been paid up to date.

ROLL CALL VOTE: (5 Ayes) (2 Excused—Arsenault & Regier)

ITEM #145-04 To consider action relative to the issuance of Special Amusement Permits for Dancing and Entertainment to the Harraseeket Inn, Gritty McDuff's and the Azure Café. (Public Hearing)

MOVED AND SECONDED: That the Public Hearing be opened. (Bishop & Cassida) **VOTE:** (5 Ayes) (2 Excused—Arsenault & Regier)

Mr. Olmstead explained that two of the establishments have not received the Fire Department's approval, which is required. The Fire Chief has inspected and signed off on the license for Nancy Gray. He inspected Gritty's and advised the Town Clerk it is fine. He will sign off on it tomorrow. He has scheduled an inspection of the Azure Café. He suggested the Council approve these pending sign-off by the Fire Chief.

There were no public comments.

MOVED AND SECONDED: That the Public Hearing be closed. (White & Cassida) **VOTE:** (5 Ayes) (2 Excused—Arsenault & Regier)

BE IT ORDERED: That the following Special Amusement Permit applications be approved upon completion of Fire inspection.

Nancy Gray, Mystic Motor Inn, Inc. d/b/a Harraseeket Inn, 162 Main Street.

Jonathan Soule d/b/a Gritty McDuffs, 187 Lower Main Street.

Jonas Werner d/b/a Azure Café, 123 Main Street. (Bishop & Cassida)

ROLL CALL VOTE: (5 Ayes) (2 Excused—Arsenault & Regier)

ITEM #146-04

To consider action relative to proposed amendments to the Solid Waste Disposal Ordinance concerning the issuance of Waste Hauler Licenses. (Chapter 28)

BE IT ORDERED: That a Public Hearing be scheduled for August 10, 2004 at 6 PM in the Town Hall Council Chambers to discuss proposed amendments to the Solid Waste Disposal 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. (DeGrandpre & Bishop)

Mr. Olmstead mentioned that when these amendments were being put together, there was an effort to treat these licenses in the same manner as other license holders in the Town. Mr. Carhart notifies everyone on May 1 and provides a complete packet. It gives folks an extra 24 days to respond and will allow the licenses to be issued by the Solid Waste Recycling Director rather than the Town Council. This is done administratively and is not written into Ordinances.

Vice Chair Rumpf advised that Chair Regier has informed him that it is his recommendation to use certified mail to applicants when their licenses are up for renewal. This can be discussed at the public hearing. Mr. Olmstead noted concerns with treating this type of license differently from other licenses and that certified mail is expensive. Councilor Bishop pointed out that the fee for certified mail could be added to the license fee if a decision is made to require this type of mailing. Vice Chair Rumpf would like more time to consider this and suggested holding off until the 10th.

ROLL CALL VOTE: (5 Ayes) (2 Excused—Arsenault & Regier)

ITEM #147-04 To consider action relative to endorsing MDOT Transportation Enhancement Program Projects.

BE IT ORDERED: That the proposed MDOT Transportation Enhancement Program Projects outlined in a memo from the Town Engineer dated July 14, 2004 and approved by the Traffic and Parking Committee be endorsed by the Freeport Town Council and be submitted to the Maine Department of Transportation. (Cassida & White)

Genie Beaulieu, Chair of the Parking and Traffic Committee, noted that the committee has reviewed the whole list and prioritized them. Their number one priority was to pave shoulders on Flying Point Road (from Bow Street to Wolfe's Neck Road) because of safety factors. Their second priority was to pave shoulders on the Pleasant Hill Road. Their third priority was the U.S. Route One sidewalk on the west side from the Baptist Church to Kendall Lane because of students going to the Middle School. They all require a 20% match from the Town, which amounts to a total of \$75,200 for all three.

Ms. Beaulieu advised that the committee reviewed Peter Anastos' proposal for a bridge and pathway from the Muddy Rudder to the Freeport Inn. While they agree it is an important project, after an extensive study, they felt it could not be put ahead of the other priorities that exist in Freeport. Discussion followed. Mr. Olmstead noted that the sidewalk from the Baptist Church to Kendall Lane is rated number one by Pacts and could possibly be funded in 2006. State funds will be applied for the other two projects. The Council needs to endorse all of the projects but if the Council wants to prioritize the first two on this memo and prioritize the application from Peter Anastos and rank them 1, 2, 3, he will convey this information to the State so that they will know what the community's priorities are. The State will do its own fieldwork and may or may not agree with the Council but typically asks a community what its priorities are. The timeline is 2006/2007 but needs to be submitted by the end of August. Ms. Beaulieu strongly urged the Council to leave Flying Point Road as number one. It is in dire need of reconstruction.

Councilor White agreed with Ms. Beaulieu but would like to go back through the entire list of Freeport projects, since Kendall Lane is coming off. He would like to submit three projects with a great need for residents of Freeport and the Anastos project would most likely not be included. Mr. Olmstead suggested that Councilors authorize the Traffic and Parking Committee to give final approval to the projects, which would give them an opportunity to meet and add any additional projects they feel should be added and then prioritized. Councilor Cassida liked the idea of returning this issue to the Traffic and Parking Committee.

Ms. Beaulieu will try to schedule a special meeting with the Parking and Traffic committee and will report to the Council at its August meeting.

MOVED AND SECONDED: To amend:

BE IT ORDERED: That the proposed MDOT Transportation Enhancement Program Projects as recommended by the Traffic and Parking Committee be endorsed by the Freeport Town Council and be submitted to the Maine Department of Transportation. (Cassida & Bishop) **VOTE:** (5 Ayes) (2 Excused—Regier & Arsenault)

ROLL CALL VOTE: (5 Ayes) (2 Excused—Arsenault & Regier)

ITEM #148-04 To consider action relative to an offer to purchase cellular leases from the Town of Freeport.

MOVED AND SECONDED: That the Town Council review the offer from Unison Site Management of New York. (Bishop & DeGrandpre) **VOTE:** (5 Ayes) (2 Excused—Regier & Arsenault)

Finance Director, Greg L'Heureux, explained that Unison Site Management of New York approached the Town a month ago to determine if it had any interest in selling its easements to them under a number of different scenarios. A revised offer was received this morning which was provided to Councilors on its 7 leases on two water towers. There is one more space available. The funds from these leases are used to fund items on the annual Capital Improvement Plan and fund the Capital Reserves. He explained the different scenarios and risks involved. Since there was so much money involved, he felt it was appropriate to bring the offer to the Town Council to get its thoughts. Mr. Olmstead pointed out that this is really an Executive Session item and encouraged the Council to review the offer and ask any questions of the company it has and then adjourn into Executive Session to discuss whether or not it wants to respond to the offer. He recommended that the Council not discuss its negotiating position publicly. He suggested that the Council find out more information about this company and its holdings. It is a relatively new business they are in. Discussion followed.

James George of Unison expanded on what Mr. L'Heureux commented on. He answered questions for Councilors. Vice Chair Rumpf indicated that this is something the Council will want to consider but will enter into Executive Session. Mr. Olmstead suggested completing the balance of the agenda before going into Executive Session.

OTHER BUSINESS:

1. Discussion on July 2, 2004 letter from Peter Anastos concerning a bridge and pathway from the Muddy Rudder to the Freeport Inn — Vice Chair Rumpf noted that this was discussed earlier.
2. Update on RWS—Mr. Olmstead updated the Council on the progress of hiring a General Manager. They received more than 75 applications but selected 5 to interview. They are halfway through the interviews. Their goal is to have someone on board by October 1. More discussions are taking place on restructuring the Board and the debt. This will require a change in bylaws.
3. Discussion on release of Agency Funds —Mr. Olmstead explained that some agencies typically request their annual funding in July. If the proposed tax cap passes, the Council can reopen its budget. Staff recommends releasing half of the funds now if the Council chooses. It would create a hardship if funds were not released. Every agency has been notified in writing that funds would not be released until this discussion took place. The proposal is a 2-phase disbursement of funds to agencies in July and January. Councilors concurred that they had not problem with this.
4. Tax Cap —Mr. Olmstead noted that the Council has talked about developing strategies to deal with the tax cap should it be approved. He does not recommend that the Council pursue the same strategy that South Portland is

trying to put in place because local charter does not trump State law. He asked Councilors to come to a workshop on August 10 with suggestions for educating the public. The School Committee has agreed to take the same approach and they will be invited to the workshop. On the school side, it's basically bodies and programs that will have to be cut. Councilor White noted that it is important to come out with some clear action because November is coming fast.

5. Councilor Bishop advised that the park by the Public Safety Building has become a beautiful spot and noted that private funds have been used for this area. She thanked everyone involved.

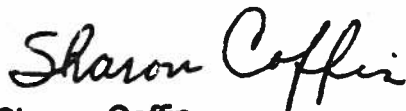
MOVED AND SECONDED: That the Town Council enter into Executive Session to discuss the offer to purchase cellular leases from the Town of Freeport. (DeGrandpre & Cassida) **VOTE:** (5 Ayes) (2 Excused—Regier & Arsenault)

MOVED AND SECONDED: That the Council reconvene. (White & Bishop) **VOTE:** (5 Ayes) (2 Excused—Regier & Arsenault)

Adjournment

MOVED AND SECONDED: To adjourn at 9:53 p.m. (DeGrandpre & Cassida) **VOTE:** (5 Ayes) (2 Excused—Regier & Arsenault).

Respectfully Submitted,



Sharon Coffin
Council Secretary