

**MINUTES
FREEPORT TOWN COUNCIL MEETING #14-2004
TOWN HALL COUNCIL CHAMBERS
AUGUST 10, 2004 – 6:00 P.M.**

CHAIRPERSON'S CALL TO ORDER

PRESENT ABSENT EXCUSED

Rod Regier, South Street	x		
Thomas Rumpf, P.O. Box 819, S. Freeport	x (arrived at 6:10 p.m.)		
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.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #13-2004 held on July 20, 2004 and accept the Minutes as printed. (Bishop & Cassida) **VOTE:** (4 Ayes) (2 Excused—Arsenault & Rumpf) (1 Abstention—Regier)

SECOND ORDER OF BUSINESS: Announcements

Chair Regier noted that:

- Nomination papers are available for anyone interested in seeking to fill the following offices in Freeport: Councilor-District 1, Councilor-at-large, School Committee (2), Sewer District (2) and Water District Trustee. The election date is November 2.
- This week's entertainment scheduled at Winslow Park will be provided by Jerks of Grass. Jackson and the Maniacs are scheduled for the following week.
- Construction on Merrill Road has begun.
- The culvert replacement on South Street was delayed a week. It is now being done and South Street in the vicinity of the Dunning Boat Yard is closed. One simply cannot drive through there.
- The Community Center Project Committee will be meeting tomorrow at 6 p.m. at the Library. The general project is beginning to take shape and the architect will be giving a presentation as he sees the project developing right now. Councilor Cassida noted that the committee does not have a design at this time and will not be presenting anything in regard to a design for the community center. Each user group has come to the committee requesting an ideal space that they would like to have in that center. The architect has plugged those numbers into the working budget. The committee is trying to consolidate the space into the money they have available. Once this is done to everyone's

satisfaction, the architect will design a space. He is hoping this will be the final meeting where they fine-tune the space requests.

- The microburst that occurred in Freeport last week was severe enough that the Town has qualified for Federal Emergency Management reimbursement for some of the storm-clearing services. Anyone who suffered major storm damage should contact Sarah Cass in the Fire Department at 865-3421. She is coordinating all the information.

NOTE: Councilor Rumpf arrived at 6:10 p.m.

Chair Regier thanked the Village Improvement Association for providing the granite benches uptown. He has noticed that they are being used constantly.

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

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

There were no public comments. Chair Regier made an executive decision to close the Public Comment Period.

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

ITEM #153-04 To consider action relative to the approval of the August 10, 2004 Consent Agenda.

BE IT ORDERED: That the August 10, 2004 Consent Agenda be approved.
(Bishop & Rumpf)

Chair Regier explained the contents of the Consent Agenda to members of the public.

VOTE: (6 Ayes) (1 Excused—Arsenault).

ITEM #154-04 To consider action relative to proposed amendments to the Solid Waste Disposal Ordinance concerning the issuance of Waste Hauler Licenses.
(Chapter 28) **Public Hearing**

MOVED AND SECONDED: That the Public Hearing be opened. (White & Bishop)
VOTE: (6 Ayes) (1 Excused—Arsenault).

Chair Regier noted that this is a minor change intended to streamline the application process and eliminate Council approval. This permits renewals to be made within a week of their expiration by Town staff. It will not require Council action. Discussion followed on whether to use certified mail in mailing out packets. Councilor White recalled discussing this at great length and that it

was his take that the Council is not willing to provide special initiatives in mailing these renewal applications. Vice Chair Rumpf pointed out that he presided over the meeting where this was discussed and Councilors agreed to wait until this meeting. While there were opinions expressed, no decision was made. Councilor Cassida noted that it is the responsibility of the haulers to ensure that they renew their licenses before they expire. He does not support the Town incurring additional expense by sending the renewals by certified mail. Other Councilors concurred with Councilor Cassida.

MOVED AND SECONDED : That the Public Hearing be closed. (Cassida & Rumpf)
VOTE: (6 Ayes) (1 Excused—Arsenault).

BE IT ORDERED: That the proposed amendments to the Solid Waste Disposal Ordinance be approved. (White & Cassida) **ROLL CALL VOTE**: (6 Ayes)
(1 Excused—Arsenault).

ITEM #155-04 To consider action relative to proposed amendments to the Traffic & Parking Ordinance concerning South Freeport Wharf Parking. (Chapter 48)

BE IT ORDERED: That a Public Hearing be scheduled for September 7, 2004 at 7 PM in the Town Hall Council Chambers to discuss proposed amendments to the Traffic & Parking Ordinance concerning South Freeport Wharf parking.

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. (White & Bishop)

Councilor White explained the changes being proposed. The intent is no overnight parking in this area. Chair Regier asked Mr. Olmstead to make sure that the businesses receive mailed notices of the public hearing as well as the Coastal Waters Commission, the Shellfish Commission and the overseers of Bustins Island. Mr. Olmstead indicated that day parking is defined in the Ordinance.

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

ITEM #156-04 To consider action relative to draft management plans for Hedgehog Mountain and Florida Lake.

BE IT ORDERED: That a Public Hearing be scheduled for September 7, 2004 at 7 PM in the Town Hall Council Chambers to receive public comment on draft management plans for Hedgehog Mountain and Florida Lake.

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 & DeGrandpre)

Chair Regier advised that there are 6 or 8 page documents describing the publicly owned land. He asked Mr. Olmstead to notify the Freeport Penguins Snowmobile Club of this public hearing. Councilor DeGrandpre will be notifying people that have expressed an interest to him. He does not believe there is any reason to act hastily on this item. Councilor White, being a hunter, is surprised to see that hunting is allowed there.

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

ITEM #157-04

To consider action relative to approval of an irrigation project for the Pownal Road Recreation Facility.

BE IT ORDERED: That the proposed irrigation system recommended in a memo from the Town Engineer dated July 28, 2004 at an estimated cost of \$51,250 be approved.

Note: That the 2004 Capital Budget include \$52,000 for this project. (Cassida & White)

Albert Presgraves, Town Engineer, explained that he has been working with the committee on this field. Hydrofracturing did improve water production; we are getting 10 gallons a minute. The Recreation Committee is going to talk to some of the Booster Clubs that use this field to see if they can raise the additional \$10,000 to put in the underground irrigation system. He answered questions for Councilors. The field needs topsoil filled in between the clumps and should be over seeded.

Councilor DeGrandpre mentioned that it is time to move on and make it happen.

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

ITEM #158-04

To consider action relative to a proposed amendment to the Freeport Town Charter concerning nomination procedures and name placement on ballots. (Section 7.03(b) and 7.08).

BE IT ORDERED: That the following proposed amendment to the Freeport Town Charter should be considered:

Article VII, Section 7.03(b) and 7.08 of the Charter of the Town of Freeport is amended as follows:

7.03(b) Filing and Acceptance of Nominations Petitions:

All separate papers comprising a nominating petition shall be assembled and filed with the municipal clerk as one instrument not earlier than 100 days or later than the close of normal office hours, 55 days before the election. The clerk shall make a record of the exact time when each petition is filed. No nominating petition shall be accepted

unless accompanied by a signed acceptance of the nomination.

Explanation:

The purpose of these changes is to avoid the necessity of sending out separate absentee ballot envelopes with state ballots and municipal ballots, which is now necessary because of the timing requirements of State law and the Charter. Absentee voting is becoming increasingly popular.

7.08 "Ordering Candidate Surnames."

Where two or more candidates have been nominated for any office, the names of said candidates shall appear on the ballot in alphabetical order by last name.

Explanation:

The purpose of these changes is to eliminate the practice of placing names on the ballot by lot and to place names on the ballot in alphabetical order by last name. (DeGrandpre & Cassida)

Chair Regier summarized that the nomination process would be moved forward about 10 days and the appearance of names on the ballot will be alphabetical. He asked Mr. Olmstead to remind the Council where it fits in the calendar for a change to the Town Charter. Mr. Olmstead distributed a memo from the Town Clerk explaining the process going forward. Discussion followed.

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

Chair Regier asked the Council Secretary to make note that this will appear on Freeport's local cable channel 7.

ITEM #159-04	To consider action relative to a Petition for Discontinuance for a section of a Town Way being the former location of the County Road.
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BE IT ORDERED: That notice be given to all abutting property owners and the Planning Board and an order of discontinuance be filed with the Town Clerk concerning the proposed discontinuance of a section of a Town Way being the former location of the County Road described in a Petition for Discontinuance from William H. Phipps dated July 20, 2004.

BE IT FURTHER ORDERED: That the request for discontinuance be placed on the September 7, 2004 Town Council agenda for Council action. (Bishop & DeGrandpre)

Mr. Olmstead explained that there is a small section of the former Old County Road that lies between I95 and U.S. Route 1 that still exists as a street of record. It is approximately 50' x 200'. William Phipps has petitioned that this section of road be discontinued by the Town. Abutting property owners need to be notified. The MDOT has signed off. Alan Wolf, attorney, was in attendance representing Mr. Phipps who owns the property to the north of this road.

Councilor DeGrandpre pointed out his concern with challenges at Exit 20. He does not want to give up all access to the Interstate. It is a narrow piece of property and a sharp angle but it is one place to move the exit with the reconstruction of Desert Road bridge to bring an exit between the two. The other location would be the Park and Ride that we have across from the Coastline. He raises these concerns because he doesn't want to give away the farm if the Town needs it in the future.

Chair Regier asked Mr. Olmstead if a discontinuance link could be set up on the Town's website along with a map. Mr. Olmstead suspected that it could be. Mr. Olmstead advised that this is a public street not a paper street. He will notify the Freeport Country Club and the three abutters.

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

OTHER BUSINESS:

1. Discussion on updating the Town Code.

Mr. Olmstead advised that Town staff has come across several codes that have no substantive changes but require such things as changing titles, correcting typographical errors, making phrases gender neutral, etc. Rather than bringing them all to the Council for public hearings and actions, he is asking the Council to authorize staff to make the changes as outlined in Johanna Hanselman's memo.

MOVED AND SECONDED: To introduce an item not on the printed agenda. (DeGrandpre & Cassida) **VOTE:** (6 Ayes) (1 Excused—Arsenault)

MOVED AND SECONDED: That the Council authorizes Town Staff to make revisions to the Town Code as outlined in the July 21, 2004 memo from Johanna Hanselman. (Cassida & Rumpf) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Arsenault)

2. Discussion on the election of the MMA Legislative Policy Committee.

Mr. Olmstead noted that the Council is being asked to vote for a representative from the district to the Legislative Policy Committee but no one is listed because no one was nominated. He put this on the agenda to once again ask the Council if someone has an interest in serving. If anyone does, he suspects they will be elected. Councilor Cassida mentioned that he may have an interest and will talk to Mr. Olmstead later.

3. Discussion on proposed rules for Street Entertainers

Chair Regier mentioned that Councilor Arsenault indicated that he would like to be present for this discussion at the next meeting. Councilors were willing to delay it until September 7.

4. Discussion on date for Palesky Public Meeting

Chair Regier noted that it seems reasonable to have a separate dedicated public meeting for the Palesky referendum. He asked if Tuesday, September 14 would work for Councilors. Councilors concurred that this would be reasonable. He mentioned issuing invitations to proponents to appear and give a prepared presentation specific to Freeport. Phil Harriman and John Nichols were mentioned as possible speakers. Councilor Cassida pointed out that they should be invited in to make their pitch. There should be equal fairness on both sides. If anyone comes up with any other names, they should give them to Mr. Olmstead. The Municipal and School sides will also be giving their analysis. Discussion will take place on how the tax cap will affect the Town of Freeport. Mr. Olmstead indicated that the Council has not set a public hearing. The meeting on the 14th will be a public discussion where public input is welcomed. Chair Regier noted that the meeting will be conducted in the same manner as a public hearing but it can be labeled a public discussion.

5. Informational Exchange.

Chair Regier advised that cemeteries are a work in progress and will appear on a September agenda.

Chair Regier mentioned the meeting that he did not attend last month regarding priorities for street improvements. It was discussed two weeks ago at the Traffic and Parking Committee meeting. The order of priorities was given to the Town Engineer for application for various street improvements. Two projects were recommended as tying for the number one position—the Main Street work—Kendall Lane to the Baptist Church and Flying Point Road, Bow Street to Wolfe's Neck. The next recommendation in order of priority was widening the outside lane of Pleasant Hill road. The next item was finishing South Street from Dunning Boat Yard to West Street. The final priority was the reconstruction project widening shoulders on Pownal Road.

Bustins Island Visit—Mr. Olmstead mentioned August 30 but will send an e-mail message confirming it.

Chair Regier declared the meeting adjourned at 7:20 p.m.

Respectfully Submitted,



Sharon Coffin
Council Secretary

