

MINUTES
FREEPORT TOWN COUNCIL MEETING #16-2004
TOWN HALL COUNCIL CHAMBERS
SEPTEMBER 21, 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. Councilors Arsenault and Rumpf are excused. Councilor Bishop may arrive later but is also excused. He noted that 4 votes are necessary to pass anything this evening.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #15-2004 held on September 7, 2004 and accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #15-2004 held on September 7, 2004 and accept the Minutes as printed. (White & Cassida) **VOTE:** (4 Ayes) (3 Excused—Rumpf, Arsenault & Bishop)

SECOND ORDER OF BUSINESS: Announcements

Chair Regier noted that:

- Nominations closed last Friday. Running for the two Town Council seats are John Arsenault and Genie Beaulieu. Sean Cream and John Morang are running for the two School Board seats. F. Donald Dorsey and Edward Hindley are running for the two Sewer District Board openings and John Karp is running for a Water District seat.
- Freeport residents can enjoy free camping this week at Winslow Park Campgrounds. Chair Regier urged residents to call 865-4198 to make reservations.
- The Chowdah Challenge will be held from 11-2:30 at the Town Hall site on Saturday, October 2. It is a fundraiser for Freeport Community Services.
- There is a substantive meeting of the Planning Board coming up on October 4 at 6:30 p.m. at the Middle School regarding the continuing work of rezoning of the entire downtown district. Particular focus will be on lot sizes and open space.

COUNCIL MEETING #16-2004
September 21, 2004

- The granite benches have been made available entirely from private donations from businesses in Town with the design and coordination done by the Freeport Improvement Association. Everyone owes great thanks to the Freeport Improvement Association for this.
- For the next couple of weeks, people in blue shirts will be seen about Town. These are Cumberland County inmates that will be staining the Library and painting the West Street Barn. They will also be doing some touch-up painting of the Town Office. Freeport is very fortunate to benefit from the Cumberland County Prison Inmate program.
- Ballots will be available to Freeport residents by Friday, October 1. Citizens may ask the Town Clerk to mail them a ballot or they can come in and vote in the Town Office. Voting will be absentee.

Councilor DeGrandpre announced that the Municipal Facilities Committee has scheduled a meeting on September 28 at 3 p.m. but before that date, on September 23, at 11 a.m. at the Town Hall, Al Presgraves, the Town Engineer, will be reviewing proposals from folks that are proposing to renovate the Soule School. The proposers have all been notified and are also aware of the meeting on the 28th.

Councilor DeGrandpre announced that the Appointments Committee was planning to meet tonight but due to circumstances beyond their control, that meeting has been moved to October 5 at 6:15 p.m.

THIRD ORDER OF BUSINESS:

Public Comment Period – 30 Minutes
(Non-Agenda Items Only)

MOVED AND SECONDED: To open the Public Comment Period. (White & Cassida) **VOTE:** (4 Ayes). (3 Excused—Rumpf, Arsenault & Bishop)

There were no public comments.

MOVED AND SECONDED: To close the Public Comment Period (Cassida & DeGrandpre) **VOTE:** (4 Ayes). (3 Excused—Rumpf, Arsenault & Bishop)

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

ITEM #174-04 To consider action relative to the approval of the September 21, 2004 Consent Agenda.

BE IT ORDERED: That the September 21, 2004 Consent Agenda be adopted.
(White & Cassida)

Councilor DeGrandpre asked if the bid for the landfill scales could be removed from the Consent Agenda and dealt with separately later in the meeting. Mr. Olmstead advised that Bart Carhart is trying to reach Mr. Presgraves and will arrive shortly.

MOVED AND SECONDED: To remove the bid for the landfill scales from the Consent Agenda and table it to later in the agenda. (DeGrandpre & Cassida) **VOTE:** (4 Ayes) (3

Excused—Rumpf, Arsenault & Bishop)

Chair Regier highlighted the remaining items on the Consent Agenda for members of the public. Mr. Olmstead advised that nothing is outstanding for the Virtualers' licenses.

ROLL CALL VOTE ON AMENDED CONSENT AGENDA: (4 Ayes)
(3 Excused—Rumpf, Arsenault & Bishop)

Chair Regier noted that as soon as Mr. Carhart arrives, the Council will take up the landfill scale.

ITEM #175-04 To consider action relative to A proposed amendment to the Freeport Town Charter concerning nomination procedures and name placements on ballots. (Section 7.03 (b) and 7.08). Public Hearing

MOVED AND SECONDED: That the Public Hearing be opened. (Cassida & DeGrandpre)
VOTE: (4 Ayes) (3 Excused—Rumpf, Arsenault & Bishop)

Chair Regier advised that he had a conversation with a citizen that is concerned about ballot bias by name placement and he gathers that there is a formal university study to support this hypothesis. At this point, he feels it is a little too late to deal with that. The Council action two weeks ago authorized the Town Clerk to put these two items on the ballot so at this point proofs have been sent to the Town Clerk and the printer has been advised to print the ballots with the changes approved two weeks ago. Unfortunately this is not the answer the caller wanted to hear. Discussion followed.

MOVED AND SECONDED: That the Public Hearing be closed. (DeGrandpre & Cassida)
VOTE: (4 Ayes) (3 Excused—Rumpf, Arsenault & Bishop)

Note: The purpose of this Public Hearing is to allow the public to debate the merits of the proposal. There is no further action required by the Council.

ITEM #176-04 To consider action relative to the issuance of a Tax Abatement to Fleet Credit Corporation for the 2002 Tax Year.

BE IT ORDERED: That a Tax Abatement in the amount of \$7,901.22 be issued to Fleet Credit Corporation, account #F5001P, for Tax Year 2002.

Note: The personal property involved was assessed to two different property owners. L.L. Bean was solely responsible for the property and has paid the taxes due. The Town Council must act on any abatement that is more than 1 year old. (DeGrandpre & Cassida)

Mr. Olmstead explained the need for this abatement and that it is really a refund. Chair Regier asked Mr. Olmstead to request an acknowledgment from Fleet that this actually resolves the situation.

ROLL CALL VOTE: (4 Ayes) (3 Excused—Rumpf, Arsenault & Bishop)

OTHER BUSINESS:

1. Update on Bowe request to eliminate a paper street—Chair Regier announced that there is further deed homework that is being done and it is premature to discuss this. Mr. Olmstead suggested postponing this indefinitely because Mr. Bowe indicated he did not know when he would be able to come back, if at all. If the resolution of the deed indicates it is not his property, he will not be returning. The record should not reflect that Mr. Bowe is coming back to the next meeting.
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2. Report on Wireless Capital Partner's offer to purchase cell leases. Mr. Olmstead explained that an additional offer has been received to purchase the Town's cell leases. After reviewing this offer, everyone has advised him to hang on to these leases. The Town will be better off if it retains them. These leases currently generate \$168,000 per year. Councilor DeGrandpre views the income stream as far more valuable than a lump sum. Discussion followed. There was no interest from Councilors to pursue this offer. Mr. Olmstead will say "thanks, but no thanks."
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3. RWS update—Mr. Olmstead reported that a new General Manager has been hired with an extensive solid waste background. He came well recommended and will begin at RWS next Monday.
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4. Update on Information Technology Position—Chair Regier explained that the approved budget on both the School side and the Municipal side has a line item funding this particular position. Mr. L'Heureux advised that a decision has been made to table the interview process until next May and the position will remain unfilled. The School has decided to fill some of their needs on a contractual basis and Mr. Olmstead and he intend to do the same on the Town side when the need occurs. They wanted to alert the Council to this change in what was originally presented with the budget. Unless the Council voices an objection, their plan is to proceed in this direction. Discussion followed. Mr. L'Huereux's goal is to computerize the motor vehicle program but he does not have the staff or knowledge to proceed with the computer elements of that transition. They have also put the computer conversion on hold until after the November referendum is resolved.

Mr. Olmstead advised that no formal action is required but a general consensus from the Council is needed. Councilors concurred with this direction.

Notice from Standard & Poors

Mr. L'Heureux advised that the Town was able to go through a rate surveillance two weeks ago. Standard & Poors are currently doing a number of communities in the State. These are done on a periodic basis. Based upon Freeport's financial information, management abilities and economics of the community they were able to affirm our AA rating. On the downside, if the tax cap is voted in, it will have some bearing on our rating.

ITEM #173-04

Chair Regier took back off the table the discussion of the Consent Agenda item concerning the landfill scales since the Director of the Recycling Center is now in attendance. He mentioned that on the Consent Agenda is an action to make an appropriation that was approved during the Capital Budget cycle earlier this year. It has to do with scales for the Landfill and trying to get better control over the relationship between people that bring in trash for disposal and being able to accurately charge for it. It was put out to bid and a couple of bids were received that were under the estimated amount. Authorizing this bid, which is on the Consent Agenda, has led to this discussion right now because there are questions that began in the Capital Budget and he is not sure how far they are to being answered. Mr. Carhart explained the bidding process and the Town's Engineer is recommending All-Tech's bid, which is valid through October 7. Sebago Scales is good for 30 days and their proposal was dated September 7. Councilor White indicated his concern with spending \$40,000 for scales. He has no doubts about the bids and the bid process. He asked that if we purchase the scales, what flow type controls would be put into place to ensure that there is a good process out there versus a snarl. He recognizes that the scales are going on the backside of the building and traffic will need to be routed to use the scales. He also had questions about the processes related to cash handling abilities.

Mr. Olmstead asked Mr. Carhart to sit down with Mr. Presgraves and come up with a site plan to be put in the Council's packets and brought here and explained. He requested that Mr. L'Heureux do a financial audit of the collections between now and then and if there are changes needed or recommendations, they should be brought to the meeting on the 5th. He recommended that the Council table this item until the October 5th meeting where it will be a regular agenda item, not a Consent Agenda item. He does not want to get into it this evening, because we are not ready.

Councilor White noted that should the tax cap pass and the landfill is reduced to two days, what's the impact there. Is there lost demand or increased demand? Will 70% of 4 days be handled in 2 days? What's the impact process-wise? What may work today may not work in that scenario. Mr. Carhart indicated that he would address these issues at the next meeting.

Mr. L'Heureux indicated that he has had conversations with Mr. Carhart about going up there when the scales were installed and developing a process where there would be greater control over the cash process.

Mr. Carhart noted that he is hoping to have the job completed by November 15. Alex Abbott advised that they are not scheduled to meet until after the next Council meeting but could help in anyway they could to move forward with resolving the cash management and traffic flow items. Mr. Olmstead asked Mr. Abbott if it would be possible for members of the committee to work with Mr. Presgraves and Mr. Carhart outside of a meeting and Mr. Abbott replied that they could. Chair Regier mentioned that they should add "monitoring scales and dealing with cash transactions" as part of a job description for personnel. Mr. Carhart has been asking for input from people that regularly bring recycling to the Landfill. Councilor Cassida noted that he would be interested in the traffic flow.

MOVED AND SECONDED: To table consideration of the landfill scales to the October 5 meeting. (DeGrandpre & Cassida) **ROLL CALL VOTE:** (4 Ayes) (3 Excused—Rumpf, Arsenault & Bishop)

Chair Regier explained that he met with Congressman Tom Allen and several folks from neighboring towns. The tax cap is not a federal issue but there was some brief discussion of prescription drugs, federal support for Special Ed, etc. The two items that came up pertinent to Freeport are the Homeland Security

Grants and that they are designated for equipment or training relative to abating or mitigating any impacts from terrorist activity and not for any ongoing operational costs. Congressman Allen noted that this will be the continued flavor for these types of grants. This is not to replace existing fire trucks.

They also talked about heavy trucks and Freeport's interest for getting heavy trucks off Route One onto the Interstate is not going to happen this year. This is part of a much larger question of rail lobbies versus truck lobbies and we are losing in the process. More discussion followed. Mr. Olmstead gave Congressman Allen a lot of credit for working so hard on this issue.

Review of Bartol Library building exterior improvements to be made in conjunction with the Ruby Tuesday development.

Mr. Olmstead explained that Ruby Tuesday has asked the Town for an easement to place fuel tanks under the lawn at the Library. In consideration of that easement, they have offered to do a number of repairs to the B. H. Bartol Library building. They have offered to repoint all of the stonework and steps and will maintain the Library grounds. They realized that they needed more than two tanks so now they have come back and asked if they could put tanks under the north side of the Library but also under the South lawn. Mr. Olmstead indicated that he could recommend this to the Council but not for the same consideration as discussed before. He asked that they replace the roof on the Library as further compensation to the Town. The roof is very old and will need to be replaced. \$50,000 has been set aside in a reserve fund for that. He asked Ruby Tuesday if they would place \$45,000 in escrow with the Town for that roof replacement and the Town will determine when to replace it. They have agreed to this. He also asked them to maintain the south side of the Library lawn as well and they agreed. The Town will also lease them 72 parking spaces for their restaurant needs. The developer has sent plans to Mr. Olmstead and asked that the Council look at them and tell them what type of improvements they want in these areas. Do they want grass, bricks, planters, benches, kiosk, fences, rails, etc.? He doesn't want to go through Project Review and then have the Council say they don't like it.

Mr. Olmstead advised that evergreen shrubs would camouflage five vents. He believes that the tank will be filled from the rear of the building.

Councilors looked at the plan. Chair Regier asked if Councilors would be comfortable sending this to the Village Improvement Committee as well as the Fire Chief. They had no objections. He wanted to ensure that if the intention is for a plaza or open space, that it remain so and not become an extension of an outdoor patio for the restaurant.

Councilors congratulated Mr. Olmstead for the great negotiations.

MOVED AND SECONDED: To adjourn at 8:05 p.m. (Cassida & DeGrandpre) **VOTE:**
(4 Ayes) (3 Excused—Arsenault, Rumpf & Bishop)

Respectfully Submitted,

Sharon Coffin
Council Secretary