

MINUTES
FREEPORT TOWN COUNCIL MEETING #17-2004
TOWN HALL COUNCIL CHAMBERS
OCTOBER 5, 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.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #16-2004 held on September 21, 2004 and accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #16-2004 held on September 21, 2004 and accept the Minutes as printed. (White & Bishop) **VOTE:** (6 Ayes) (1 Abstention—Rumpf)

SECOND ORDER OF BUSINESS: Announcements

Chair Regier noted that: absentee ballots are now available and voting is now possible in the Town Office.

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

MOVED AND SECONDED: To open the Public Comment Period. (White & Bishop)
VOTE: (6 Ayes) (1 Abstention)

Joe Migliaccio hopes the Council will reconsider alphabetizing names on future ballots. He was informed that the Council only voted to put this item on the November ballot. Freeport residents will have an opportunity to vote on this.

Mr. Migliaccio brought up the possibility of the Tax Cap referendum passing in November and asked that the Council consider taking any new money generated by an increase in valuation and committing it toward the School budget to save some of the teachers' jobs. Councilor Rumpf explained that this decision would have to be made by next year's Council. This Council has no authority to make an assessment decision for next year. Discussion followed. Councilor Bishop stated that it would not be fair to take all of this money and apply it to the school side and say that it is not worth saving any positions on the Municipal side.

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

ITEM #181-04 To consider action relative to adopting the October 5, 2004 Consent Agenda.

Chair Regier advised that Virginia Boyles has been added to the appointments of Election Clerks.

BE IT ORDERED: That the revised October 5, 2004 Consent Agenda which includes the new list of Wardens and Election Clerks list be adopted. (Bishop & Arsenault)

Chair Regier drew everyone's attention to the list of remaining Council meetings and noted that the next meeting will not take place on October 19 but will take place on October 26. One of the items will take place in Executive Session dealing with the annual review of the Town Manager.

VOTE: (7 Ayes).

ITEM #182-04 To consider action relative to a proposed amendment to the Traffic and Parking Ordinance concerning a "No Parking Zone" on the South side of East Street. (Chapter 48)

BE IT ORDERED: That a Public Hearing be scheduled for October 26, 2004 at 7 p.m. in the Town Hall Council Chambers to discuss a proposed amendment to the Traffic & Parking Ordinance concerning a "No Parking Zone" on East Street.

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 & Arsenault)

Councilor White explained the amendment.

ROLL CALL VOTE: (7 Ayes).

Chair Regier requested that the Town Manager mail notices to abutters on both sides of the street.

ITEM #183-04 To consider action relative to a Petition for Discontinuance of *a portion of a* Town Way being the location of the Porters Landing Road.

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 portion of* Porters Landing Road a Town Way being the location described in a Petition for discontinuance from Robert E. Stevens and Kathleen Sullivan.

BE IT FURTHER ORDERED: That the request for discontinuance be placed on the October 26, 2004 Town Council agenda for Council action. (Arsenault & Cassida)

Chair Regier noted a technical change needs to be made. Mr. Olmstead suggested adding to the **BE IT ORDERED:** "a portion of a" before Town Way and then again adding to the **BE IT FURTHER ORDERED:** "a portion of" before Porters Landing Road.

MOVED AND SECONDED: To add: "*a portion of a*" before Town Way and then again adding to the **BE IT FURTHER ORDERED:** "*a portion of*" before Porters Landing Road. (DeGrandpre & Arsenault) **VOTE:** (7 Ayes).

Chair Regier explained that this is a stub of what is left of a road in front of Bob Stevens and Kathleen Sullivan's house. This is what is left of a full-width road following a change approximately 15 years ago when a portion of that right-of-way was reduced in size and use and exchanged for the creation of a new public access on Cove Road. He has spoken with Mr. Stevens and as this goes forward, that there be a recommendation from the Shellfish Commission as well as an opinion from the Coastal Waters Commission since this is public access. These should be complete and in the Council's packets on the 26th. Councilor White raised parking concerns.

ROLL CALL VOTE: (7 Ayes).

Chair Regier asked Mr. Olmstead to provide written notice to abutters within 300'.

ITEM #184-04 To consider action relative for a Petition for Discontinuance of a Town Way being the location of the Chase Court Road.

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 Town Way being the location of the Chase Court Road described in a Petition for Discontinuance from the Freeport Housing Trust.

BE IT FURTHER ORDERED: That the request for discontinuance be placed on the October 26, 2004 Town Council agenda for Council action. (Cassida & Arsenault)

ROLL CALL VOTE: (7 Ayes).

Mr. Olmstead will notify the Housing Trust since they own both sides.

ITEM #173-04 Tabled September 21, 2004. To consider action relative to accepting a bid for landfill scales.

BE IT ORDERED: That the bid from All-Tech Scales and Systems in the amount of \$37,908 to provide for the purchase and installation of landfill scales be accepted.

Note: The budget for the project is \$47,500. There will be \$4,000 in additional expenses for paving materials. (DeGrandpre & Bishop)

Alex Abbott, Chair of the Solid Waste Recycling Committee, reported that they have studied traffic flow, accounting and cash handling and are convinced that the scales are necessary. Bart Carhart and Albert Presgraves were also in attendance and answered questions for Councilors. Discussion followed.

ROLL CALL VOTE: (7 Ayes).

OTHER BUSINESS:

Chair Regier suggested taking up the Soule School Property first and Councilors agreed. At the end of this discussion, he would like to schedule a public hearing on October 26. He would prefer that the Council deal with this as a regular business item on its published agenda. He asked Municipal Facilities Committee members to present their recommendation and Councilors should make whatever comments they wish to on this. He hopes there can also be discussion about where this recommendation fits into the specific steps that still have to go forward on this with the idea that there will be more information to present to the public on the 26th.

Report from the Municipal Facilities Committee on the use of the Soule School Property.

Councilors DeGrandpre reported that the committee has concluded that the building is worth saving and will be an asset 20 years from now. They have determined that their recommendation would be to accept the proposal from Doten's for the First Step Day Care. They have been working with Mr. Olmstead on generating a lease which will have several documents attached covering the building schedule, the work to be done, what pieces of the property would be leased and how and to whom. At this time, it is thought that the Town would retain the gravel area and construct and manage the parking for Bustins and whatever uses the Town has in the village area. They are hoping to meet with the Bustins Island folks to gather information. Councilor Rumpf noted that the committee has made every effort to be responsive to the public input. His decision is based upon the conclusion that the Town will receive an asset at the end of the lease period that will be in better shape than when the lease started and the Town will also receive substantial income during the lease period. He noted that the recommended use is compatible with the neighborhood and it is a use that has been historically provided in the neighborhood for the past 17 years. It will provide a service to the whole Town. Councilor White agreed with Councilors DeGrandpre and Rumpf and shared thoughts on the process. At one point

the committee engaged the services of a facilitator to help them with the dialogue to try to determine what was important to the members of the village and anyone else that chose to attend the public meetings. Core values, children and open space were high on the list. More discussion followed.

Councilor DeGrandpre is hoping to schedule a Municipal Facilities Committee meeting before the end of this week to be able to come up with a discussion document for the Overseers of Bustins Island. A public hearing also needs to be scheduled and he expects the lease to be fleshed out at that point. He hopes to have an agreement ready to discuss with the Bustins Island folks on the 26th.

Chair Regier suggested that the Council deal with the proposed lease. He pointed out that there are several blanks that need to be filled in. There is reference to an appendix that will list the construction details as well as a timeline but they are not on there. He asked Councilor DeGrandpre about the site allocation and what would be the best way to fill it out. Councilor Rumpf noted that the lease makes reference to a map that will be attached showing the various areas that needs to be finalized. The Town Manager will develop the lease. The Town Manager, working with the Town Engineer, on the information provided by the applicant, can complete the construction details.

Councilor Rumpf noted that the Bustins Island Overseers are meeting this weekend and the Municipal Facilities Committee would like to be able to provide specific guidance to them as to what the Town would propose in respect to what they originally proposed so they can discuss it at their meeting.

Councilor DeGrandpre suggested that the Municipal Facilities Committee meet on Thursday, October 7 at 5 p.m. at Town Hall to discuss the Bustins Island parking question. The meeting will be posted on the Town's website. Councilor Bishop mentioned the need for parking in the village on weekends. Councilor White noted that that they will define parking. The goal is to park 40 cars plus the use of the building.

Councilor Rumpf noted the Town would retain the wooded area. It will not be part of the lease and the Town will be able to work with the neighborhood association, if it is appropriate from their perspective. Councilor Arsenault noted his concern with the parking issue and if there is any consideration being given to the buffering of headlights. Councilor Rumpf indicated that the Dotens will be landscaping along the road and if the Town develops the parking in the back, the neighborhood association has expressed some interest in helping with landscaping or the Town could take the lead on it. There is an interest to hide the silver bullets and screen the parking.

Chair Regier realizes how difficult this issue has been and there was no single overwhelming sentiment for one use or another. Regarding the lease, it is not clear how it will work economically. There is a sub lease involved and it is between the Town and the Dotens and whoever is there sub tenant. The Council has to remember that the recommendation is for a construction company to be the tenant and not the Day Care Center and it is important that there be some statement that if the sub tenant and sub leaser changes along the way, that that not be a

vehicle for changing the neighborhood zoning. Councilor DeGrandpre noted that there is a need for stronger zoning language. Mr. Olmstead will develop some language.

Reid Potter has no problem with cutting off discussion tonight but hopes there will be a fair and open discussion on the 26th without decisions having been made first.

Guy Quadrucci wanted to weigh in with Mr. Potter and wants people to come on the 26th and share valuable input. He read a statement into the public record and more discussion followed. Copies of his statement were provided to Councilors. Mr. Olmstead will have the lease language fleshed out and will put it on the Town's website.

Wendy Betts noted that the French School put together a strong proposal and expressed her disappointment that they were not chosen.

MOVED AND SECONDED: To introduce an item not on the printed agenda.
(Cassida & Arsenault) VOTE: (7 Ayes).

BE IT ORDERED: That a public hearing be scheduled for October 26, 2004 at 7 p.m. in the Town Hall Council Chambers to discuss the Municipal Facilities Committee's recommendation on the future use of the Soule School Property in South Freeport.

BE IT FURTHER ORDERED: That notice of the hearing be placed at the Town Hall and the Freeport Community Library and the notice be placed on Freeport's local cable channel 7 and the Town's website. (DeGrandpre & Cassida) **ROLL CALL VOTE:**
(7 Ayes).

Chair Regier requested that Mr. Olmstead make this the first item on the agenda.

Update on upcoming Cable TV Franchise Contract Negotiations

Mr. Olmstead explained that the Cable Company has notified the Town of its obligation to enter into franchise negotiations for cable services. He provided information that explains the various processes that can be used to negotiate a new franchise agreement. Our current contract expires September 30, 2007. The informal process is the preferred process that most Towns enter into. It is much less time consuming. Discussion followed. His recommendation is that at the next meeting the Council make a decision, appoint a negotiating committee and charge the committee to begin the process by November of this year. Chair Regier recommended that a Councilor be appointed to this committee. Councilor Arsenault shared his experience working on contract negotiations. Mr. Olmstead asked if the situational assessment should be conducted in executive session and Chair Regier agreed that it should. Chair Regier will draft a charge for the negotiating committee. Mr. Olmstead advised that Pat Scully is a consultant and is an expert in his field. We will use him as our primary consultant going into negotiations. Councilor Arsenault suggested hiring consultants to be a part of this committee, perhaps not using them for all the meetings but at least for reference in addition to the legal advice. It will be cheaper than hiring legal opinions.

Update on heavy truck traffic on US Route #1.

Councilor Arsenault read a letter he received from Olympia Snowe responding to his letter in July and noted that he has been working on this for 8 years and we still don't have an answer. He did receive a nice letter.

Sign the Municipal Election Warrant

Councilors signed the warrant.

Update on TIF consideration schedule.

Mr. Olmstead explained the schedule that has been developed for consideration of the TIF District, which will include the area that the Hilton Hotel is being built in. There has not been any commitment made by the Council or anyone else to this proposal. The Town has been working with the consultant to talk about infrastructure improvements the Town would like to see in the area. Some of these are above and beyond what would be required of the project and to pay for those, we would propose that the Council give consideration to a TIF District. On October 15 there will be a draft document finalized by the Planning Office. There is a formal policy on how these districts are considered. The FEDC Board has to review and recommend so the first stop would be at the FEDC Board's meeting on the 26th of October. They would then come and workshop with the Council on November 16 and explain what their recommendation is. The Council would set a public hearing on December 7 on that recommendation and on December 21 conduct a public hearing and potentially take action that evening. The Council could take a final vote in January.

Chair Regier pointed out that the principle terms are that the proposed hotel would pay its regular full property tax. There will not be a property tax reduction. Less than half of the property tax would be diverted to this TIF project. The rest would be available for the normal operating budget. We are looking at a 7-year duration. This is for Park Street and School Street improvements, improvements for the Town Park and expanded storm water retention, which will benefit the entire village.

Councilor informational exchange.

Councilor Bishop reported that the Volunteer Picnic was very nice. She thanked the School Department for the food and all the merchants that provided gifts. Councilor White thanked Councilor Bishop for all her efforts.

Chair Regier advised that he attended a meeting of the Lobster Triathlon Committee which is a non-Town committee and explained who serves on this committee. He received some complaints which had to do with no notice to anyone in the Staples Point area that roads would be closed.

In the future organizers will create a list of committee members for the Town Manager and notice of road closures will be mailed to the neighbors. He pointed out that road closures should appear on the Town Council's Consent Agenda.

Adjournment

MOVED AND SECONDED: To adjourn at 9:05 p.m. (Bishop & Arsenault) **VOTE:** (7 Ayes).

Respectfully Submitted,

Sharon Coffin
Council Secretary