

**MINUTES
FREEPORT TOWN COUNCIL MEETING #18-2004
TOWN HALL COUNCIL CHAMBERS
OCTOBER 26, 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 (Arrived at 7:03 p.m.)
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 #17-2004 held on October 5, 2004 and accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #17-2004 held on October 5, 2004 and accept the Minutes as printed. (White & Cassida) **VOTE:** (6 Ayes) (1 Excused—Bishop)

SECOND ORDER OF BUSINESS: Announcements

Chair Regier reminded everyone that Mary Wescott, long-time Town employee died recently. She served as Secretary to the Town Manager and also as Town Clerk. He asked for a moment of silence to acknowledge Mrs. Wescott's many contributions to the Town. She will be greatly missed.

Chair Regier noted that the Town Office is now open for Absentee Voting. It will be open until 7 p.m. on Wednesday and Thursday of this week as well as regular hours 8 a.m. – 1 p.m. on Friday.

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

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

There were none.

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

COUNCIL MEETING #18-2004
OCTOBER 26, 2004

ITEM #190-04 To consider action relative to adopting the October 26, 2004 Consent Agenda.

BE IT ORDERED: That the October 26, 2004 Consent Agenda be adopted.
(White & Cassida)

Chair Regier requested that Item #189-04 be pulled out. Regarding an action relative to the use of the Town Hall lawn for a rally. He had an amendment to add to it. With this item pulled out, he asked if there were questions or concerns on the remainder of the Consent Agenda, which he outlined for the public.

Councilor White had questions about Item #186 and #187, which were addressed by Mr. Olmstead.

ROLL CALL VOTE ON CONSENT AGENDA WITHOUT LAST ITEM:
(7 Ayes)

Chair Regier explained that the last item on the Consent Agenda is a request from a student group to be permitted to use the Town Hall lawn on October 31 for a rally concerning the proposed Property Tax Cap. His thought is that it would be appropriate if a public group wants to make a public statement on a public place. He wanted it made very clear that there is not an endorsement by the Town Council of the actions for this group. To further this sentiment, he asked Councilors if they could introduce an amendment that would permit the Town Manager to authorize any other group to conduct a rally in the same area of the Town Office lawn for the same purposes. The Council will not have another meeting before Election Day and if Council action is required for that, it simply won't be possible.

MOVED AND SECONDED: To amend the language in Order #189-04 authorizing the Town Manager to authorize that other citizens groups that may have a position on the proposed Tax Cap Referendum be permitted to use Town property for a rally if they request it. (Rumpf & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes).

ROLL CALL VOTE ON ITEM AS AMENDED: (7 Ayes).

ITEM #191-04 To consider action relative to the Municipal Facilities Committee's recommendations on the future use of the Soule School Property.
(Public Hearing)

MOVED AND SECONDED: That the Public Hearing be opened. (Bishop & Arsenault) **VOTE:** (7 Ayes).

Chair Regier noted that this is the first large public hearing that the Council has had for a while and he reminded everyone what the rules and procedures are that the Council uses while conducting public meetings.

Councilor DeGrandpre explained that the Municipal Facilities Committee recommends leasing the Soule School building, the playground area and associated parking to Doten Construction, Inc. for daycare use, the parking situation is still being considered. He also referred to copies of a lease and asked members of the public to correct any copies that were not dated November 1, 2004. While he made reference to other changes, Mr. Olmstead explained that these would have to be handled after the public hearing. He had displayed a worksheet to help him get a sense of the parking but clarified that it is certainly not the Committee's parking recommendation. There are spots that need to be determined.

Chair Regier read names from letters submitted indicating dissatisfaction with the process or support for the Village Green (Barbara and Bill Rice, John White, Robert Berger, Eric Levi, Mary Eliza Wengren, Peter Gurquest, Lynn Bellou, Peter Quesada, Barbara Makanowitzky, Nancy Baker, Eric Horne, Reinholt and Andrea Bratler, and Gaetano Quatucci). There is another e-mail from Mark Miller and a supportive letter from Erich Bohrmann for the use of the building as a daycare center as well as Valy Steverlynck of Pine Street. They are on file and will be part of the permanent record for this discussion.

The following members of the public voiced their views and indicated whether or not they support the daycare use and their preference for the amount of parking spaces. Gaetano Quatrucci, Joe Migliaccio, Mary Eliza Wengren, Reid Potter, Dede Bennell, Steven Salata, Tom Hinton of South Freeport Road, Evelyn Sawyer of Pine Street, Linda Nelson, neighbor, Wendy Betts of South Casco, Patricia Sanford, Jasmine Clayton of 92 S. Freeport Road, Sandy Drake, Ted Wengren, Eric Horne of Pine Street, Jane Horsfall of Main Street, Elizabeth Libbyon, Founder of the French School, Nikki Hite, Miss Ford from the French School, Susan Miller of Main Street, Robert Berger of Harraseeket Road, Alma Garnett of 10 Main Street, John Thomas, Nicole Patenaude, John Garfield from Bustins Island, Amy Hunter from Yarmouth, Barbara Hadlock and Kim Davidson of Marquis Road. Discussion followed. Becky Doten clarified financial information that was mentioned.

MOVED AND SECONDED: That the Public Hearing be closed. (Bishop & Rumpf) **ROLL CALL VOTE:** (7 Ayes).

At 9: 30 p.m. Chair Regier suggested a 5-minute recess.

The Council reconvened at 9:40 p.m. Chair Regier noted that there are four questions going forward that need to be dealt with this evening.

1. Lease before the Council
2. Dedicated parking for Bustins Island
3. Discussion with park folks from South Freeport
4. Settlement on parking cap

Councilor Cassida asked the Municipal Facilities Committee members to provide a brief overview as to how they ended up with their number one choice. Councilors Rumpf, and White

summarized their thought processes on this issue. Councilor Cassida indicated that he is satisfied with the recommendation. Councilor Arsenault pointed out that his preference would be to take down the building and make it into green space, provide a few parking spaces and not be burdened by maintaining the building any longer. Councilor Bishop does not want the building torn down. Chair Regier noted that he is totally in favor of the lease going forward. There was Council support to go forward with the proposed lease.

Parking for Bustins Island—Councilor Cassida noted that residents of Bustins Island are Freeport residents and they have a need for parking. He does not have a sense of how many parking spaces should be created on this property dedicated for Bustins Island residents. He does not see this area as an open ended for anybody type of space. Councilor Arsenault noted that some of the parking needs to be dedicated to Bustins Island residents and other spaces dedicated to other Freeport taxpayers. Councilor Bishop agrees there should be parking at this location but at a reasonable fee for dedicated spots for Bustins Island. Councilor Cassida agrees with Councilor Bishop that the spaces should be at a reasonable rate for Bustins Island residents. Chair Regier supports dedicated parking for Bustins Island residents at a fair market rate given the location of this property. Councilor White supports the committee's recommendation and feels that the Town should provide some parking for Bustins Island as it has for many years. There was unanimous support to move forward with a piece of parking for Bustins Island residents and the balance for Freeport residents.

Commitment for the use of the balance of the site — Councilors agreed that this is a good use of Municipal Facilities' time going forward regarding a shared use. They can work with the Village folks.

Parking limits — what quantity cap? Chair Regier indicated that the daycare would require 10 spaces. Councilor White suggested that the Council allow the committee to work on this and come back with a reasonable recommendation. The committee has a sense to minimize the number. A suggestion of 30 spaces or less was mentioned. Discussion followed. Chair Regier indicated that he would hate to have the backyard chopped up but noted that the Council is leaving the parking question open for the Municipal Facilities Committee to deal with but there is direction that there is support for some manner of dedication to Bustins, some priority of use of the rest of it for Freeport residents, however identified, there be some kind of a binding commitment for a park for the balance of the property and if fairly stated, he asked if the Council was ready to go back to the lease. Councilor DeGrandpre asked for clarification that when Councilor Rumpf mentioned 30 spaces, if he meant 30 in addition to the daycare's needs. Councilor Rumpf indicated that he did see it as the maximum.

Returning to the lease, Councilor Rumpf asked if the Council could make recommendations for changes that need to be made to the lease that the Town Manager can implement so that the Council does not have to vote on specific lease language changes tonight. Chair Regier expects conceptual agreement without actual language being drafted tonight. Mr. Olmstead noted that the Town Attorney drafted the whole thing and he does not expect that it will change very much.

Councilor Rumpf had specific changes: in Paragraph 1, the definition of "premises" needs to be clarified. The red line may change. On Page 2 in 4-D, he questioned "the tenant may not store

any hazardous chemicals on the property. Is propane considered hazardous? He was advised that it is not. He suggested that a reference be made to an exception for fuels. On Page 4 in #8 Parking, rather than saying "no parking shall occur to the rear of the building, he suggested that the language be changed to read, "no parking for use by the tenant shall occur off the premises". On Page 6, 13-i, all measurements of leaseable space shall be from the exterior of the outside wall to the exterior of the outside wall". He asked if mention of the land area should be described as well. Mr. Olmstead agreed that it should say "as well as land depicted in Exhibit A". Councilor DeGrandpre referred to Page 2, 4-f, if there needs to be a reassignment, the Dotens asked for 30 days and he feels this is reasonable. Others agreed. On page 1, the final rent for this property will be developed by the Assessor after he runs it through his program, based on the red lines. Councilor Cassida is comfortable leaving the Assessor to adjust the lease. Item #9, use of the premise, Councilor DeGrandpre noted that this was probably appropriate when it was used as a school and closed for the summer but he shares the daycare's concern of the Town sending someone in to use their building. It is not appropriate at this time and Mr. Olmstead indicated that it could be reworded so that any request would be forwarded to the tenant to decide whether she would allow another use. Jackie noted her concern for the daycare's belongings and who would be responsible for any losses. Mr. Olmstead noted that insurance issues would surface when other groups want to use the building. Councilor Rumpf recommended that the Council limit this to the use of the grounds on the premises, not the building. Others concurred. Jackie noted that no pets should be permitted on the playground. On the last page of Schedule B, Councilor DeGrandpre mentioned that on the heating system, there is mention of removing the existing system and he does not want anyone tearing up the concrete and tearing pipes out of the floor. He suggested changing the language to read, "replace the existing system." The boiler is probably okay. Under architectural design, Councilor DeGrandpre suggested changing the language to read: "engage an architect and/or engineer if necessary to develop site plans . . .". Others did not agree. Councilor Rumpf does not want the tenants disturbing the woods. Councilor Rumpf noted that the tenant should agree to complete the following: building and grounds improvements on premises by June 30. Councilor DeGrandpre brought up the silver bullet and that it is so big, parking spaces may be lost. Councilor Rumpf preferred to leave it the way it is and have the Dotens work it out with Mr. Thomas. Mr. Thomas explained the right-of-way that exists there. Mr. Olmstead offered to meet with Mr. Thomas, the Dotens and the Assessor to figure out where the property lines are and try to figure out where the silver bullet can be located and will come back to the Council with a recommendation. He also explained that there would be two letters of credit.

BE IT ORDERED: That the recommendation of the Municipal Facilities Committee regarding the future use of the Soule School Property be accepted.

BE IT FURTHER ORDERED: That the Town Manager be authorized to enter into a lease agreement with Doten Construction, Inc. dated November 1, 2004 for the use of a portion of the property outlined on the map titled Exhibit A as modified on 10/26/04. (Bishop & Cassida). **ROLL CALL VOTE:** (7 Ayes).

ITEM #192-04

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) **Public Hearing.**

MOVED AND SECONDED: That the Public Hearing be opened. (Arsenault & Rumpf) **VOTE:** (7 Ayes).

Genie Beaulieu explained that the Parking and Traffic Committee unanimously voted to bring this forward. The request was brought to them by Jim Plummer of the Public Works Department for safety reasons. David Bradley and James Drier, East Street residents, are in favor of this amendment. They noted problems they are encountering with excessive noise, their driveways being blocked, etc. Employees of the nursing home have not been using the parking lot provided for them. Discussion followed.

MOVED AND SECONDED: That the Public Hearing be closed. (Cassida & Rumpf) **VOTE:** (7 Ayes).

BE IT ORDERED: That the proposed amendment to the Traffic & Parking Ordinance be approved. (Arsenault & Cassida)

Councilor Rumpf noted that it is the intent of the Council to direct the Town Manager to talk to the Nursing Home management about the potential problems and see if anything can be done to resolve them while the Traffic and Parking Committee does its work.

ROLL CALL VOTE: (7 Ayes).

ITEM #193-04 To consider action relative to a Petition for Discontinuance of a Portion of a Town Way being the Porters Landing Road.

MOTION: That the Council receive public comment on the Petition for Discontinuance. (Cassida & Arsenault) **VOTE:** (7 Ayes).

Chair Regier made sure that Councilors had all the background information and noted there is a minor change in Exhibit A.

Bob Stevens explained the Petition for Discontinuance requested. It was suggested by Public Works so that they would not have to maintain this small piece any longer. Discussion followed. Mr. Olmstead noted that he would need to receive a waiver from Mr. Stevens and Ms. Selinger.

BE IT ORDERED: That pursuant to provisions of Title 23, section 3026 of the Maine Revised Statutes and after notice and hearing, that portion of the town way accepted on June 4, 1832 commonly known as Porter's Landing Road, in the Town of Freeport, County of Cumberland, State of Maine described on Exhibit A attached hereto and made a part hereof is hereby discontinued effective that date the Town Manager receives and accepts in writing waivers of discontinuance damages from Cynthia F. Selinger, Robert E. Stevens and Kathleen E. Sullivan.

The location of the town way is described in the June 4, 1832 records of the Town of Freeport, and redefined by the Commissioners of Cumberland County dated September 25, 1958.

BE IT FURTHER ORDERED: That a public easement is retained, said easement consisting of a ten foot wide foot path, and with all motorized vehicles other than municipal maintenance vehicles excluded, said easement being also described on said Exhibit A running from the public way and connecting to the ten-foot wide public easement retained in the Order of Discontinuance of a portion of Porter's Landing Road recorded in the Cumberland County Registry of Deeds, Book 11523, Page 293. Reference is made to a Standard Boundary Survey prepared by Owen Haskell, Inc. entitled "Standard Boundary Survey on South Freeport Road, Porters Landing Road, in Freeport, Maine for Hugh M. Phelps" dated June 6, 1989, and last revised October 19, 1993, to be recorded.

BE IT FURTHER ORDERED: That all abutters having waived any claim for damages, no damages shall be paid to any abutting property owners, the names of whom, as determined from the assessment records of the Town of Freeport are as follows:

Cynthia F. Selinger
Robert E. Stevens

Kathleen E. Sullivan

BE IT FURTHER ORDERED: That the Town of Freeport shall deed to Robert E. Stevens and Kathleen E. Sullivan any portion of said portion of Porter's Landing Road hereinabove vacated owned by the Town of Freeport by virtue of said vacation and the Town Manager is authorized to execute and deliver such deed upon the effectiveness of such vacation.

MOVED AND SECONDED TO ADOPT AS PRINTED: (Cassida & Arsenault)
ROLL CALL VOTE: (7 Ayes)

ITEM #194-04 To consider action relative to a petition for Discontinuance of a Town Way being Chase Court Road.

MOVED AND SECONDED: That the Council receive public comment on the Petition for Discontinuance. (DeGrandpre & Cassida) **VOTE:** (7 Ayes).

James Hatch explained that the Housing Trust is requesting this discontinuance. It is an internal driveway of Varney Square Estates developed in the late 60s. They have enjoyed the fact that it has been plowed and repaved by the Town. Discussion followed. Mr. Olmstead indicated that he would require a waiver from Mr. Hatch.

BE IT ORDERED: That Chase Court, as described on Exhibit A attached hereto and made a part hereof, formerly known as 'Freeport Projects Road,' is hereby discontinued as a town way pursuant to 23 M.R.S.A. §3026, the Town of Freeport hereby reserving no public easement or other rights in said town way discontinued hereby.

BE IT FURTHER ORDERED: That no damages shall be awarded.

BE IT FURTHER ORDERED: That the Town of Freeport shall deed to the Freeport Housing Trust, Inc. any portion of Chase Court Road hereinabove vacated owned by the Town of Freeport by virtue of said vacation and the Town Manager is authorized to execute and deliver such deed upon the effectiveness of such vacation. (DeGrandpre & Rumpf) **ROLL CALL VOTE:** (7 Ayes).

ITEM #195-04 To consider action relative to an emergency moratorium on new applications for subdivisions in the V-I, VC-II, VC-III and VC-IV Districts

Chair Regier pointed out that this moratorium will require 5 votes to pass.

WHEREAS, with the goals of preparing for and effectively managing anticipated residential growth in the Town of Freeport, and having identified Freeport Village as an area with potential for accommodating future growth, the Freeport Town Council created a Village Planning Committee; and

WHEREAS, the Village Planning Committee was charged with proposing ordinance amendments necessary to implement its vision of the "Village" as a growth area; and

WHEREAS, the Village Planning Committee has completed its work and made its recommendations to the Freeport Town Council; and

WHEREAS, the Town Council has reviewed the report of the Village Planning Committee and has charged the Planning Board with the responsibility of preparing

ordinance revisions and new ordinance provisions to implement those recommendations of the Village Planning Committee and endorsed by the Planning Board; and

WHEREAS, the report of the Village Planning Committee recommends that the Freeport Subdivision Ordinance be amended to include open space requirements, village road standards, sidewalk and bikeway standards, and design standards for buildings; and

WHEREAS, the report of the Village Planning Committee recommends allowing a higher density in the Village by lowering the minimum lot size; and

WHEREAS, the recommendations of the report of the Village Planning Committee pertinent to this Ordinance would apply in the following zoning districts: Village 1, Village Commercial 2, Village Commercial 3, and Village Commercial 4; and

WHEREAS, undeveloped parcels, redevelopments, and conversions of single family homes to apartments in the districts above are currently zoned to allow residential subdivisions; and

WHEREAS, the Town Council anticipates that continued residential growth in Freeport will put development pressure on property in the Village; and

WHEREAS, until the Town completes the steps needed to implement those recommendations made by the Village Planning Committee endorsed by the Planning Board, the application of the Town's existing Comprehensive Plan and land use ordinances is inadequate to prevent serious public harm from rapid, uncontrolled residential development in these districts; and

WHEREAS, subdivisions as defined by Title 30A 4401(4) create the greatest potential for serious adverse impact if they are developed before the Town has had the opportunity to revise, update and strengthen its land use ordinances; and

WHEREAS, amendments to previously approved subdivisions that do not include the creation of additional lots or residential units do not pose the same potential problems as creation of new subdivisions; and

WHEREAS, the Town Council finds that the problems giving rise to the need for a moratorium exist; and

WHEREAS, the Planning Board has communicated to the Town Council that it needs time to finalize its consideration of the recommendations of the Village Planning Committee and prepare

the ordinance revisions and new ordinance provisions needed to implement the recommendations of the Village Planning Committee endorsed by the Planning Board; and

WHEREAS, the Town Council finds that the Planning Board is working diligently and is making reasonable progress to alleviate the problems giving rise to the need for the moratorium; and

WHEREAS, the Town Council finds that these circumstances justify emergency action under Section 2.14 of the Freeport Town Charter;

NOW, THEREFORE, the Town of Freeport hereby ordains as follows:

1. Acceptance, processing and acting upon applications prohibited. During the time this Ordinance is in effect, no officer, official, employee, office, board or agency of the Town of Freeport shall accept, process, approve, deny, or in any other way act upon any application for a subdivision, as defined by 30-A M.R.S.A. § 4401(4), in the Village 1, Village Commercial 2, Village Commercial 3, and/or Village Commercial 4 zoning districts, as those districts are defined and identified in the Zoning Ordinance of the Town of Freeport, Maine.
2. Applicability. Notwithstanding anything to the contrary in 1 M.R.S.A. § 302, this Ordinance applies to any application for a subdivision as defined in 30-A M.R.S.A. section 4401(4), whether or not such application had become a “pending proceeding” as defined in 1 M.R.S.A. § 302 prior to the enactment of this Ordinance.
3. Effective date and duration. This Ordinance takes effect immediately upon enactment by the Freeport Town Council and shall remain in effect through December 25, 2004, unless extended, amended or repealed by the Freeport Town Council.

4. Exception for previously approved subdivisions. This Ordinance shall not apply to any application for a subdivision amendment provided no new lots or units are created by the amendment. (Cassida & Arsenault)

Town Planner, Donna Larson, explained that an application has been filed in the Village area, which is prompting the need for this emergency 60-day moratorium. She doesn't want anyone to think that it will last for only 60 days but, in fact, over the course of the 60 days, the Planning Board is recommending that a full six-month moratorium go into place. A consultant will be hired to develop design standards. She noted that the timeline provided to the Council is realistic and the Planning Board has agreed to double up on its meetings to get through this work. Mr. Olmstead noted that an extension will require a public hearing and he will require some language to put on the next Council agenda. Discussion followed.

Councilor DeGrandpre is not convinced there is an emergency at this time. Councilor Cassida supports the work being done by the Village Planning Committee but has a hard time enacting a moratorium when an applicant has an application in the process. Councilor White has no problem supporting this. He is interested in the long-term outcome. Councilor Rumpf agrees with Councilor White but mentioned that the work of the Village Planning Committee has been going on for a long time and is well known. The Council should take into consideration the interests of the entire town. Councilor Bishop agreed with Councilors White and Rumpf. Councilor Arsenault agreed with them as well and added that the end result may to the project's advantage. It may find more flexibility than it does now. Chair Regier noted that the Council appoints people and gives them support for the various committee work around town. The timeline Ms. Larson submitted should be a necessary part of anyone's consideration going forward.

Councilor DeGrandpre noted that Freeport has a reputation for being pretty difficult to work with and he doesn't want to go back to this. Genie Beaulieu noted that she strongly supports this moratorium and that it is the right way to go. Ms. Larson indicated that the developer would like the new standards but they cannot be applied at this time.

ROLL CALL VOTE: (6 Ayes) (1 Nay—DeGrandpre).

Chair Regier asked the Secretary to be sure the timeline is included in the record.

ITEM #196-04 To consider action relative to approving an Easement Deed between the Town of Freeport and RT New England Franchise, LLC on a parcel of land known as the B.H. Bartol Library, 55 Main Street (Tax Map 11, Lot 39).

BE IT ORDERED: That the Easement Deed on the parcel of land known as the B.H. Bartol Library, 55 Main Street (Tax Map 11, Lot 39) dated October 26, 2004 be approved.

BE IT FURTHER ORDERED: That the Town Manager be authorized to

execute the easement deed on behalf of the Town of Freeport.

BE IT FURTHER ORDERED: That in consideration for the easement, the Town of Freeport accept the term outlined in Propane Tank Agreement dated October 26, 2004. (Arsenault & Bishop)

Chair Regier noted that there is a page missing on the propane tank agreement. Mr. Olmstead had a new copy of the 3-page propane tank agreement. Mr. Olmstead explained the agreement. Ruby Tuesday will provide a new roof on the Bartol Library Building estimated to cost in excess of \$32,000. They will repoint all the stonework on the building as well as any brickwork that needs repointing. They will repair the steps and make improvements to the lawn areas as per Project Review Board approval, which they are now in the middle of and they also agreed to forever maintain the lawn areas around the former library. This monetary consideration is in excess of \$50,000. Exhibits B, C and D cannot be developed until they get through the Project Review Process. A is the easement itself.

Mr. Olmstead shared the parking lease terms with Councilors and noted that this depletes the Town's parking supply that it has for lease and reserves 40 spaces for the Community Center project in that lot. He will go back and recalculate. There may one or two spaces left but he will not commit those spaces until after the Community Center Project number is determined. Those spaces are leased for a 25-year period with options beyond that at \$75 per space per month with 3% annual increases. It's a very good deal for the Town.

ROLL CALL VOTE : (7 Ayes)

Councilor Rumpf commended Mr. Olmstead for continuing to find creative ways to bring revenue to the Town.

ITEM #197-04 To consider action relative to an executive session to discuss Cable TV Franchise Negotiations. (M.S.R.S. Title I Section 405 Subsection 6C)

Chair Regier advised that it is not necessary to enter into an executive session and suggested tabling it indefinitely and introduce an item not on the printed agenda to accept the draft charge membership for a Cable TV Negotiating Committee.

MOVED AND SECONDED: To table Item #197-04 indefinitely and introduce an item not on the printed agenda. (Arsenault & Rumpf) **VOTE:** (7 Ayes).

MOVED AND SECONDED: To accept the draft charge of the membership for a Cable TV Negotiating Committee (Rumpf & Arsenault)

Chair Regier pointed out the committee's qualifications. Councilor Cassida wanted the record to show that Mr. Goran's name was brought forward to serve on this committee but he was not selected to be on this committee. Chair Regier explained that this is a very strong committee for the Town.

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS:

1. Discussion on request from Recreation Committee for additional funding to complete the Pownal Road Irrigation Project.

Russ Martin, Chair of the Recreation Committee gave a brief update to the Council. The underground tanks have been installed and the project should be completed in the spring. At the August 10th meeting the Council authorized expenditures of \$51,250 for an above ground water reel system. During the past few months they have asked user groups for donations to enable them to upgrade to an in-ground irrigation system. While donations have been offered, the user groups requested that they come to the Town and ask the Town to come up with the additional money first. He provided a resolution with an updated estimate asking for money for an in-ground irrigation system and contingency money. They are asking that the Town fully fund the project. If the Town cannot do this, they are asking that the Town allow them to accept donations from non-profit groups if the Town will not come forth with the extra money. There are no contractual obligations to the donations. Chair Regier noted that the Council approved \$52,000 for the capital budget which is a difference of \$750. Discussion followed.

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

MOVED AND SECONDED: that the Council authorize the full expenditure of the Capital Budget amount for irrigation which is \$52,000 for this project and authorize the Town Manager to accept contributions of up to \$5,000 as approved by various groups to go towards this project. (Rumpf & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes).

Mr. Olmstead explained that a list of the pledges will need to be provided and he will put them on a future agenda for adoption by the Council.

NET Program update.

Chair Regier referred to a memo accompanied by spreadsheets provided by the Finance Director yesterday. Mr. L'Heureux explained the various components involved. The NET program experienced an approximate \$82,000 deficit last year. He pointed out that he has seen a strong recovery in the billing element beginning in July. The wheelchair element of the program is not self-funding and it is his recommendation that that part of the element be terminated. Chief Paul Conley would prefer to keep the wheel chair van and serve some customers on a cash basis. These are short trips and he is reasonably sure he can meet those needs. Mr. Olmstead pointed out that unless there is a monetary benefit to the Town of Freeport, his recommendation would be to cut the program in its entirety, with notice, as of January 1. Mr. L'Heureux has not gotten to the point of fine-tuning the analysis and there are elements he will follow up on. He suggested reevaluating the NET Program as a whole at the end of December.

The paramedics that are the providers of the Rescue Emergency component were being funded

out of the NET program and a substantial deficit was the result of that experience. The cost of those paramedic/fire fighters should have been borne by the Rescue/Reserve, which are the fees collected on the emergency side to pay for the continuing replacement of the ambulances and some of the operational costs of the rescue. There is approximately \$400,000 in that reserve which is not taxpayer money. He recommends that the Council fund \$200,000 from this rescue/reserve to pay a portion of the deficit that has accumulated over the life of the program. This will leave a \$50,000 deficit and the hope would be that once the program is under control, it will be able to recover that \$50,000 deficit. He answered questions for Councilors.

MOVED AND SECONDED: To take up an item not on the printed agenda. (Cassida & DeGrandpre) **VOTE:** (7 Ayes).

MOVED AND SECONDED: To terminate the wheelchair program as of December 31, 2004 and transfer \$200,000 out of the Ambulance Reserve/Rescue to the NET program recognized as of June 30, 2004. (Cassida & Arsenault) **ROLL CALL VOTE:** (7 Ayes).

Chair Regier asked that the Council receive the transit study dated 8/23/04 from Crickelier Associates.

MOVED AND SECONDED: To take up an item not on the printed agenda. (Bishop & DeGrandpre) **VOTE:** (7 Ayes).

Chair Regier only wanted to say that the Council is receiving this transit study. There is a \$20,000 Town appropriation from Traffic and Parking reserves in 2001 and he wants to be sure the Council knows what is going on with it.

MOVED AND SECONDED: To receive the transit study by Crickelier Associates. (Bishop & DeGrandpre) **VOTE:** (7 Ayes).

Mr. Olmstead noted that the Maine Service Coalition group met on October 7 and unanimously endorsed the Chamber of Commerce's tax reform proposal. They have to meet formally again in November at their annual meeting where the real endorsement of this proposal will take place. He has been reviewing the Chamber's proposal and it does place limitations on spending at all levels of government. While he has not discussed this with the school folks, he feels it is something that the municipal side can live with. He has been looking at a five-year history of the growth in town on a valuation basis and tried to determine what type of budgetary increases the Town would have been allowed under this proposal. It appears that we would have been in the 4-5% range on an annual basis and this is something that we could easily live with. The bill caps spending at all levels of government, county, state and local. It is not just municipalities. He was surprised that the entire coalition signed off on this.

**COUNCIL MEETING #18-2004
OCTOBER 26, 2004**

Councilor DeGrandpre pointed out that the Council is invited to attend a Bustins Island Overseers meeting on November 6 at 10 a.m. at the Public Safety Building. The Municipal Facilities Committee will meet next Thursday, November 4 at 7:30 a.m. Mr. Olmstead will get someone to staff it in his absence. The agenda will be parking.

ITEM #198-04 To consider action relative to an executive session to discuss the Town Manager's Annual Evaluation. (M.S.R.S. Title I Section 405 Subsection 6A.)

MOVED AND SECONDED: That the Town Council enter into executive session to discuss the Town Manager's Annual Evaluation. (Rumpf & Bishop) **VOTE:** (6 Ayes) (1 Excused—Arsenault).

MOVED AND SECONDED: That the Council reconvene. (Rumpf & Bishop)
VOTE: (6 Ayes) (1 Excused—Arsenault)

MOVED AND SECONDED: To adjourn at 1:31 p.m. (DeGrandpre & Cassida)
ROLL CALL VOTE: (6 Ayes) (1 Excused—Arsenault)

Respectfully Submitted,



Sharon Coffin
Council Secretary

