

**MINUTES  
FREEPORT TOWN COUNCIL MEETING #20-2004  
TOWN HALL COUNCIL CHAMBERS  
DECEMBER 7, 2004 – 7:00 P.M.**

**CHAIRPERSON'S CALL TO ORDER**

**PRESENT   ABSENT   EXCUSED**

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
Genie Beaulieu, P.O. Box 74	X

Chair Rumpf called the meeting to order at 7 p.m.

**FIRST ORDER OF BUSINESS:**      To waive the reading of the Minutes of Meeting #19-2004 held on November 9, 2004 and accept the Minutes as printed. Chair Rumpf noted that the Planning Board's schedule is included in these Minutes.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #19-2004 held on November 9, 2004 and accept the Minutes as printed. (Cassida & Arsenault)  
**VOTE:** (7 Ayes).

**SECOND ORDER OF BUSINESS:** Announcements

Chair Rumpf reminded Councilors that they agreed in the past to recognize the protocol adopted over the past few years and minimize any side conversations in deference to speakers that are addressing the Council and the public at home. He asked Councilors to continue to honor this agreement.

The Coastal Center for Entrepreneurship will be meeting on December 16 at 8:30 a.m. in the Town Hall. They provide mentoring and support for people starting new businesses in the area.

The public may view members of the Public Works Department surveying during the week. They are locating catch basins and locating GPS points which is part of a federal storm water study.

Chair Rumpf encouraged members of the public that are interested in working on Town committees to apply through the Town Hall. There is always a need for good applicants for Town committees. The application is also on the Town's website.

Chair Rumpf noted that the Town Hall will be closed for business on the Fridays preceding Christmas and New Year's, (12/24 and 12/31).

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

Chair Rumpf asked if anyone wished to make comment. No one came forward so Chair Rumpf closed this portion of the meeting.

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

**ITEM #215-04** To consider action relative to adopting the December 7, 2004 Consent Agenda.

**BE IT ORDERED:** That the December 7, 2004 Consent Agenda be adopted. (Beaulieu & DeGrandpre)

Chair Rumpf highlighted items on the Consent Agenda for members of the public. Mr. Olmstead answered questions for Councilors. Councilor White asked about the work that will be done on the Town Wharf. Mr. Olmstead indicated that work will begin in January and should be completed by spring. Notice to this effect shall be put on the Town's website and postings will be put up at the harbor.

**ROLL CALL VOTE:** (7 Ayes)

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**ITEM #216-04** To consider action relative to a moratorium on new applications for subdivision in the Village 1, Village Commercial 2, Village Commercial 3 and Village Commercial 4 Districts. **Public Hearing**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Arsenault & Cassida)

Town Planner, Donna Larson, speaking on behalf of the Planning Board, noted that back 60 days ago there was an emergency moratorium placed only in the village areas and subdivisions. The Planning Board is in the process of updating the Subdivision Ordinance to include the village areas which had been excluded from the open-space subdivisions that were adopted a couple of years ago. This moratorium is to put it in place for six months to let the Planning Board go through that process. It only applies in the village areas.

Councilor DeGrandpre asked Ms. Larson to keep the Council updated as the Planning Board works through the process. Ms. Larson agreed and has also discussed with Mr. Olmstead moving up the Planning Board's workshop with the Council so that it happens mid-to-end-January. More discussion followed.

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

**BE IT ORDERED:** That the proposed moratorium on subdivisions in the Village 1, Village Commercial 2, 3 & 4 Districts be approved. (Arsenault & Bishop) **ROLL CALL VOTE:** (7 Ayes).

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Chair Rumpf announced that representatives from the Department of Marine Resources are unable to attend tonight's meeting because of the weather. The discussion on the Harraseeket Dye Test will not be addressed tonight. It will be rescheduled for the 21<sup>st</sup>.

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**ITEM #217-04**      To consider action relative to an application for a Historic Preservation Grant through the Community Development Block Grant Program to assist with the Community Center Project. **Public Hearing**

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

Peter Warren, Community Center Building Committee member, FCS Board member, resident and building contractor in Freeport explained that this grant was found by Town Planner, Donna Larson, through the Greater Council of Government. This grant will be used to renovate the two existing historic buildings that are in dire need of restoration. They are estimated to be valued at \$300,000. These buildings are being incorporated as key elements in the design of the Community Center. It is everyone's wish to see them preserved since they are part of Freeport's history. They will serve as a proud statement on the street. Placing the new community center building behind them will provide ADA access, which has been lacking. The \$25,000 match will be funded from the interest that has accrued on the \$750,000 bond. There is also money available from donations made in the initial fundraising effort. The committee feels that the community center meets the grant criteria. The committee has also received the blessing from Earle Shettleworth and is pleased to have received his letter.

Mr. Warren explained that restoration work is more expensive than straight construction work. Asbestos needs to be removed from one of the buildings. The money will be solely used for the restoration work on the two existing buildings. The approval of this grant ensures that all of the funding will be in place to do the necessary work on these buildings.

Randall Thomas, Executive Director of the Freeport Historical Society noted that she has been providing information on these historic buildings. She noted that Historical Society members are supportive of this project. These particular buildings are the cream of the crop of what Mr. Mallet built for his employees and it would be nice to see this project move forward. She is looking forward to working with Freeport Community Services and the Town in this application.

Leslie Livingston of Freeport Community Services highlighted the services they provide to the community. They are the only group that provides social services in Freeport. They operate the Food Pantry and the Clothes Tree. She has first-hand knowledge of working in these buildings with drafty windows. She urged the Council to support this application.

Mac Collins of 64 South Street, an architect, Historical Society member and new member of the Planning Board, also urged the Council to approve the application for this grant. He noted it is good to have a couple of the Mallet houses in public hands.

Victoria Powers of 2 True Street, a trustee of the Historical Society and FCS Board member, pointed out that it would be terrific to get these buildings working well for the community.

Judy Miskell of Marquis Road and FCS, concurred with previous speakers. She pointed out that the community center will provide space for the Elders, the Teens and FCS and urged the Council to approve this grant application.

Bob Stevens of Porters Landing, serves on the Building Committee and on the FCS Board. He encouraged Councilors to approve the application for the grant.

Lesla Andreassen of Pine Street pointed out that this money is made for this kind of a project. It is a win/win situation. There is a lot of historical value to these buildings. She encouraged Councilors to support this application.

Jason Donohue of Dennison Avenue noted he is in support of this application. He mentioned that obtaining these additional funds to bring these buildings back to life and fit within the Community Center's contours would be superb.

**MOVED AND SECONDED:** To close the Public Hearing (White & Arsenault) **VOTE:**  
(7 Ayes)

**BE IT ORDERED:** that the grant application be authorized. (White & Arsenault) **ROLL CALL VOTE:** (7 Ayes).

Chair Rumpf commended the Town Planner, the Community Center Building Committee and Councilor Cassida for all their efforts.

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ITEM #218-04                      To consider action relative to adopting a proposed Non-Storm Water Discharge Ordinance.

**BE IT ORDERED:** That a Public Hearing be scheduled for December 21, 2004 at 7 p.m. in the Town Hall Council Chambers to discuss the adoption for a proposed Non-Storm Water Discharge 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. (Bishop & Arsenault)

Mr. Olmstead explained that as a result of the 2000 Census, Freeport finds itself in the Greater Portland Metropolitan area and is subject to a number of new regulations. This is one and we now have to provide the federal government data on how we manage our storm water and we must formally adopt a Non-Storm Water Discharge Ordinance. The model Ordinance has been prepared by the Maine Municipal Association but appropriate changes have been made to adapt to Freeport's situation. Al Presgraves will be at the next meeting to speak to this. The public will be invited to address it as well. Discussion followed.

**ROLL CALL VOTE:** (7 Ayes).

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ITEM #219-04                      To consider action relative to adopting proposed Tipping Fees at the Freeport Transfer Station.

**BE IT ORDERED:** That a Public Hearing be scheduled for December 21, 2004 at 7 PM in the Town Hall Council Chambers to discuss proposed Tipping Fees at the Freeport Transfer Station.

**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 & Beaulieu)

Mr. Olmstead explained that scales are being installed at the Transfer Station and will go in effect in January. Discussion followed. Councilor White requested a new document representing the new fees going forward. Chair Rumpf also requested a list of fees for non-residents and Mr. Olmstead will provide one.

**ROLL CALL VOTE:** (7 Ayes)

ITEM #220-04

To consider action relative to a Municipal Development and Tax Increment Financing District for Park Street.

**BE IT ORDERED:** That a Public Hearing be scheduled for December 21, 2004 at 7 PM in the Town Hall Council Chambers to discuss adopting a Municipal Development and Tax Increment Financing District for Park Street.

**BE IT FURTHER ORDERED:** That Public Notice of this hearing be placed in a newspaper of general circulation at least ten (10) days prior to the meeting and 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)

Mr. Olmstead advised that additional materials were added this evening to the information in Councilor's packets.

**ROLL CALL VOTE:** (7 Ayes).

ITEM #221-04

To consider action relative to proposed amendments to the Traffic & Parking Ordinance concerning "No Parking Zones" on the Pownal Road near Hedgehog Mountain Road. (Chapter 48)

**BE IT ORDERED:** That a Public Hearing be scheduled for December 21, 2004 at 7:00 PM in the Town Hall Council Chambers to discuss proposed "No Parking Zones" on the Pownal Road near Hedgehog Mountain Road.

**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. (Arsenault & Beaulieu)

Councilor Beaulieu explained that Chief Scofield requested this amendment after personally observing someone almost being hit at this location. The parking lot does not hold all the cars so people are parking on the street during games. This does not happen often. This will move cars in an effort to improve visibility.

**ROLL CALL VOTE:** (7 Ayes).

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**ITEM #222-04**

To consider action relative to an agreement between the Town of Freeport and New England Interactive, Inc., as agent for the State of Maine and the Information Resources of Maine to provide for Electronic Transactions and Access to Public Records.

**BE IT ORDERED:** That the proposed agreement be approved and that the Town Manager be authorized to execute the agreement.

**Note:** This will allow electronic on line vehicle re-registrations. The program is commonly referred to as "Rapid Renewal." (Beaulieu & Cassida)

Mr. Olmstead explained that Freeport residents will be able to re-register their vehicles on the Internet (not new vehicles) and it will be in effect sometime in January. There will be a very slight revenue loss to the Town. He would welcome a program on Channel 7 to educate people on the process.

**ROLL CALL VOTE:** (7 Ayes).

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**ITEM #223-04**

To consider action relative to proposed amendments to the General Assistance Ordinance Appendixes concerning maximum levels of assistance. (Chapter 46)

**BE IT ORDERED:** That a Public Hearing be scheduled for December 21, 2004 at 7:00 PM in the Town Hall Council Chambers to discuss proposed amendments to the General Assistance Ordinance Appendixes concerning maximum levels of assistance.

**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. (Bishop & Arsenault) **ROLL CALL VOTE:** (7 Ayes).

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**ITEM #224-04**

To consider action relative to proposed amendments to the Traffic and Parking Ordinance concerning parking on Independence Drive.

**BE IT ORDERED:** That a Public Hearing be scheduled for December 21, 2004 at 7:00 PM in the Town Hall Council Chambers to discuss parking on Independence Drive.

**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. (Arsenault & Bishop)

Councilor White explained that this allows for perpendicular parking from 25' south of the telephone pole on Independence Drive beyond the farm stand. It sets a 3-hour parking standard from 9 a.m. to 6 p.m. on the east side.

Councilor Cassida noted that the Council is scheduling 7 public hearings on the 21<sup>st</sup> and several will provide significant public input. He asked if the Council was biting off more than it could chew on the 21<sup>st</sup>. Mr. Olmstead had estimated that the meeting would adjourn on the 21<sup>st</sup> between 10:30 and 11 p.m. Councilor Beaulieu suggested limiting debates to 3 minutes and allowing a person to get up only once on each subject unless they are bringing up new things. She feels that occasionally the Council permits its public hearings to get carried away. Mr. Olmstead pointed out that one thing has changed since he considered the agenda and that is the discussion on the Harraseeket River. That discussion will be at least an hour long. Councilor White did not want the public hearing on Independence Drive postponed. Mr. Olmstead did not want to postpone the river dye test discussion.

**ROLL CALL VOTE:** (7 Ayes).

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**ITEM #225-04**

To consider action relative to a proposed amendment to the Sign Ordinance concerning the removal of unauthorized off premise signs.

**BE IT ORDERED:** That a Public Hearing be scheduled for December 21, 2004 at 7:00 PM in the Town Hall Council Chambers to discuss a proposed amendment to the Sign Ordinance concerning the removal of unauthorized off premise signs.

**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. (Cassida & Arsenault)

Mr. Olmstead reviewed this amendment with the Codes Enforcement Officer and the Town Attorney. It will authorize regular Town staff to remove unauthorized signs as they see them. Discussion followed. Notice will be provided to the Merchants Association. Councilor Cassida suggested changing the date of the public hearing to January.

**MOVED AND SECONDED:** To change the date of the Public Hearing to January 4 instead of December 21. (DeGrandpre & Bishop) **VOTE:** (7 Ayes).

**ROLL CALL VOTE ON AMENDED MOTION:** (7 Ayes)

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**OTHER BUSINESS:**

1. Update on Harraseeket River Dye Test. —Postponed, it will be discussed on December 21.
2. Council Committee Assignments for 2005

Chair Rumpf explained that he and Vice Chair Cassida met and discussed these assignments. He reviewed them and discussion followed. Chair Rumpf advised that if Councilors have any concerns, these assignments could be amended.

3. Discussion on 2005 Council Goals.

Chair Rumpf explained that he tried to pull together a list of similar goals by priority and show them on a table. He separated them into three groups. He reviewed the first four goals and hopes they will be incorporated as Council goals for '05. In the second grouping there are four goals that received more than one vote from each Councilor but no more than two votes. These are goals that the Council will continue to work on. Councilor Cassida noted that 2005 will be critical for the Community Center. Substantial construction may take place in this period of time in addition to fundraising. He will give an update later in the meeting. Chair Rumpf noted he would not have a problem incorporating 5, 6 and 7 along with the first four in the Council's goals with some modification. Discussion followed.

Councilor Arsenault explained Goal 12. Chair Rumpf suggested referring it to the Planning Board. He asked Councilor Arsenault to discuss it with Mr. Olmstead and have it added to an agenda with more detail.

Chair Rumpf will rework these goals based upon the comments he received tonight and will bring them back to the December 21 meeting to vote on.

4. Discussion on Workshop Schedule for January to April 2005.

Mr. Olmstead explained that he will begin working with department heads to determine which groups will come to the Council first. He asked if the Council wanted to reserve one of these evenings for a workshop with the Town Attorney. Discussion will need to take place on what the issues are and determine the availability of the Town Attorney. Mr. Olmstead noted that the Project Review Board and the Planning Board may want to be involved in one of these workshops. He suggested waiting to see if issues surface over the next month or two. He would prefer to not set up a meeting if there are not substantive issues. Chair Rumpf has one issue that he would like to chat with Mr. Olmstead about separately and that is a better understanding of the relationship between the Council and the School Committee vis-à-vis the #4 proposed goal and the feasibility of sharing staff in certain areas. This would not warrant a workshop.

Mr. Olmstead advised that four committees have asked for early workshops with the Council. He has scheduled three for January 11 and the Planning Board is on the 25<sup>th</sup>.

5. Informational Exchange

Regarding the Community Center, Jim Cassida explained that the current design plans have projected costs that are above what is allotted for construction. It will take a professional fundraiser to raise a million dollars. The committee is considering hiring Gary Friedman and Associates to do a feasibility study. A contractual agreement needs to be in place between Gary Friedman and Associates and the Town of Freeport. The fee is \$12,000 and will come out of the \$750,000 to get them started.



Councilor Beaulieu noted that she has a problem putting this item on the agenda this late in the evening on a stormy night without having any public notice. She is not against the project. Councilor Cassida explained the urgency involved. Discussion followed.

**MOVED AND SECONDED:** To take up an item not on the printed agenda.  
(White & Bishop) **ROLL CALL VOTE:** (6 Ayes) (1 Nay—Beaulieu).

More discussion followed.

**MOVED AND SECONDED:** that the Council authorizes the Town Manager to enter into a contract with Gary Friedman and Associates in the amount of \$12,000 to conduct a feasibility study regarding the Freeport Community Center project. The money will come from the fundraising money if fundraising goes forward.  
(Cassida & Bishop) **ROLL CALL VOTE:** (6 Ayes) (1 Nay—Beaulieu)

**Informational Exchange:**

Regarding RWS, Mr. Olmstead explained that the Higgins issue has been resolved to the satisfaction of both parties. Higgins will be operating our landfill and will transport ash through the first three months of '05. After that time we will be transporting 50% of the facility's ash to the West Old Town's landfill. It still has some hurdles to cross. It may be that our ash will be taken to Norridgewock or Rochester, New Hampshire in the interim.

The new General Manager has been instructed to begin reorganizing the Board. Rather than having a 27-member board meeting on a monthly basis, there will be a 9-member Executive Committee that will meet on a monthly basis to deal with the monthly operations of the facility. There will be a general assembly type body that will have 27 members that will meet at least annually to approve budgets, etc. It will be a more streamlined structure. If approved, Freeport will be in a district with Yarmouth, Cumberland and North Yarmouth and we would have one member on the Executive Committee. These communities would have to meet and select their representative. The goal is to have this organization in place by June 30.

Councilor DeGrandpre asked when the Soule School would be in front of the Staff Review Board. Chair Rumpf advised that it is scheduled on December 14. He asked if notice would be sent to the E-Mail list. Councilor Bishop asked everybody to remove her e-mail address from his or her list. It is her place of business.

Councilor DeGrandpre mentioned his concern that people parking at the entrance to Bliss Woods may break down the new shoulders. He asked if there is a parking plan for this entrance. Chair Rumpf noted that there was a plan to build a parking area where school busses could go in and turn around but it hasn't happened. He suggested that Councilor DeGrandpre talk to Amos Enoe who lives in Town.

Mr. Olmstead advised that last week the Managers and Fire Chiefs of Yarmouth and Freeport met to talk about ways to consolidate Fire and EMS services. They agreed to first focus on EMS and have given both fire chiefs the instruction that they should bring back a plan if they determine that it is feasible to consolidate EMS services.

Mr. Olmstead advised that the General Assistance District has been approved by the State and Freeport is providing general assistance services to both Yarmouth and Freeport. It is going very well.

Mr. Olmstead advised that Nike, Bowdoin and Joanie Samuelson have reached an agreement on adding lanes to the track at Bowdoin College. Freeport will be the host community in accepting the Nike donation. In return for being the host, Freeport will get priority use of the track at Bowdoin, both indoor and outdoor. Bowdoin has indicated that they are willing to enter into a 20-year agreement at \$1 per year from Freeport giving Freeport residents and students priority use of the facilities. The School Committee is involved in the discussions.

Councilor Arsenault advised that he wrote a letter to Earle Shettleworth in an effort to save the old Brewer building and relocate it. He has two interested parties. The building is deteriorating quickly.

**MOVED AND SECONDED:** To adjourn at 9:45 p.m. (White and DeGrandpre)  
**VOTE:** (7 Ayes).

Respectfully Submitted,



Sharon Coffin, Council Secretary