

**MINUTES
FREEPORT TOWN COUNCIL MEETING #21-2004
TOWN HALL COUNCIL CHAMBERS
DECEMBER 21, 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 #20-2004 held on December 7, 2004 and accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #20-2004 held on December 7, 2004 and accept the Minutes as printed. (White & Arsenault)
VOTE: (7 Ayes).

SECOND ORDER OF BUSINESS: Announcements

Chair Rumpf noted that the deadline for the 2004 Maine Residents Property Tax Refund and Rent Refund Program is January 3rd. Application forms are available at the Town Hall. Residents may call Johanna Hanselman for assistance.

On Friday, December 24, the Transfer Station will be open from 8 a.m. to 2 p.m. and closed on Christmas. On Friday, December 31, it will be open from 8 a.m. to 2 p.m. and closed on New Year's Day.

The Town Hall will be closed all day on December 24 and December 31.

Chair Rumpf congratulated the Freeport School system and in particular, Joan Nason, Director of Special Services. The Maine Coalition named her the Special Education Administrator of the Year for 2004 for Excellence in Education.

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

No public comments were received.

FOURTH ORDER OF BUSINESS:

ITEM #226-04 To consider action relative to a Municipal Development and Tax Increment Financing District for Park Street. **(Public Hearing)**

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

Town Planner, Donna Larson, gave a brief summary for members of the public. She answered questions for Councilors. Councilor DeGrandpre asked if the brick sidewalk could be extended into the railroad's right-of-way to eliminate the hazard that exists. Ms. Larson did not have a good answer for this. Councilor DeGrandpre asked her to check with Guilford to see if this could be worked out.

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

MOVED AND SECONDED: That the order as printed below be approved: (Arsenault & Beaulieu) **ROLL CALL VOTE:** (7 Ayes).

ORDER DESIGNATING AN EXPANDED DESTINATION FREEPORT MUNICIPAL DEVELOPMENT AND TAX INCREMENT FINANCING DISTRICT AND ADOPTING THE DEVELOPMENT PROGRAM FOR THE DISTRICT

WHEREAS, the Town of Freeport, Maine (the "Town") is authorized pursuant to Chapter 207 of Title 30-A of the Maine Revised Statutes, as amended, to designate specified areas within the Town as Municipal Development Districts and Tax Increment Financing Districts and to adopt a Development Program for such Districts; and

WHEREAS, there is a need to provide continuing employment opportunities for the citizens of Freeport and the surrounding region; to improve and broaden the tax base of the Town; and to improve the general economy of the Town, the surrounding region and the State of Maine; and

WHEREAS, the designation of additional Municipal Development and Tax Increment Financing Districts will help to provide continued employment for the citizens of Freeport and the surrounding region; improve and broaden the tax base in the Town and improve the economy of the Town and the State of Maine; and

WHEREAS, there is a need to encourage the development, expansion and improvement of commercial facilities within the Town through the

establishment of Municipal Development Districts and Tax Increment Financing Districts in accordance with the provisions of Chapter 207 of Title 30-A; and

WHEREAS, the Town has held a public hearing on the question of establishing the District in accordance with the requirements of 30-A M.R.S.A. § 5253, upon at least ten (10) days prior notice published in a newspaper of general circulation within the City; and

WHEREAS, the Town desires to adopt the Park Street Municipal Development District and Tax Increment Financing District and adopt a Development Program for such District; and

WHEREAS, it is expected that approval will be sought and obtained from the Maine Department of Economic and Community Development, approving the designation of the District and the adoption of the Development Program for the District;

NOW, THEREFORE, BE IT HEREBY ORDERED BY THE FREEPORT TOWN COUNCIL AS FOLLOWS:

Section .1. The Town hereby finds and determines that:

- (a) At least 25%, by area, of the real property within the District, as hereinafter designated, is acreage in need of rehabilitation, redevelopment or conservation as defined in 30-A M.R.S.A. § 5253; and
- (b) The total area of the District does not exceed 2% of the total acreage of the Town, and the total area of all development districts within the Town (including the District) does not exceed 5% of the total acreage of the Town; and
- (c) The aggregate value of equalized taxable property of the District as of April 1, 2003 does not exceed 5% of the total value of equalized taxable property within the Town as of April 1, 2003; and
- (d) The designation of the District and pursuit of the Development Program will generate substantial economic benefits for the Town and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

Section 2. Pursuant to Chapter 207 of Title 30-A of the Maine Revised Statutes, as amended, the Town hereby designates the Park Street Tax Increment Financing District, designated and described as more particularly set forth in the document Park Street Tax Increment Financing

District presented to the Town Council in the form attached hereto and such Development Program is hereby incorporated by reference into this resolution as the Development Program for the District (the "Development Program").

Section 3. Pursuant to the provisions of 30-A M.R.S.A. 5254, the Town hereby adopts the statement of the percentage of Assessed Value to be retained by the Town set forth in the Development Program for purposes of said Section 5254.

Section 4. The Town Manager be, and hereby is, authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to the State of Maine Department of Economic and Community Development for review and approval pursuant to the requirements of 30-A M.R.S.A. §5253(l)(F).

Section 5. The foregoing designation of the District and the adoption of the Development Program for the District shall automatically become final and shall take full force and effect upon receipt by the Town of approval of the designation of the District and adoption of the Development Program by the Department of Economic and Community Development, without requirements of further action by the Town, the Town Council or any other party.

Ms. Larson noted that she will submit this information to the State and the State has the final say. They will not take it until it is approved by the Town but they will be the one that makes the final decision.

MOVED AND SECONDED: To take Items 232-04 and 233-04 out of order dealing with the Automobile Graveyards and/or Junkyard Permits. (Beaulieu & DeGrandpre). **VOTE:** (7 Ayes).

ITEM #232-04 To consider action relative to a re-application for an Automobile Graveyard and/or Junkyard Permit. **(Public Hearing).**

MOVED AND SECONDED: That the following re-application for an Automobile Graveyard and/or Junkyard Permit be subject to Public Hearing.

John Ingerson d/b/a Freeport Auto Parts, 33 Allen Range Road. (Beaulieu & DeGrandpre) **VOTE:** (7 Ayes).

Cathy Ingerson had pictures to share with Councilors indicating the original fence and the new fence. The letter from the Codes Enforcement officer called for a 6' fence but it did not specify how long the fence needed to be. The new fence is 7' tall and 20' longer than the old fence. They had it installed before the June 1 deadline. They called the Codes Enforcement Officer when it

**COUNCIL MEETING #21-2004
DECEMBER 21, 2004**

was completed but he did not visit their site. At that time, he could have indicated whether it was long enough or not. The fence cost the Ingersons \$20,000.

Mr. Olmstead pointed out that the State says the yard should not be visible from the public way. A complaint has come in from a resident on Cheyenne Drive, a private way. The concern is that apparently as the private way and the public way intersect, a person can sit there and still see some of the yard. Mr. Reeder indicated that this could be taken care of by a small extension of fence but an exact measurement has not been indicated. Mrs. Ingerson noted that someone at this intersection can view their garage but there are no cars parked in this area. They have been operating at this location since 1959 and Cheyenne Drive was constructed fairly recently. Councilor Cassida noted that the applicant has met the letter of the Town's request and he does not see an issue. What is visible from the public way is what's at issue. Mrs. Ingerson provided another picture and explained where Cheyenne Drive is.

Chair Rumpf noted to Mr. Olmstead that in the future it would be helpful if Mr. Reeder could provide more details as well as a sketch showing specifically what he is looking for. He would like the footage specifically stated. He would also like Mr. Reeder to review it with Mrs. Ingerson.

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

BE IT ORDERED: That the re-application for an Automobile Graveyard and/or Junkyard Permit issued to the above named applicant be approved with the condition that Fred Reeder provides the Council with more detailed information to be discussed at the January 4 meeting and potential additional screening to be in compliance with State Law. (DeGrandpre & Arsenault) **ROLL CALL VOTE:** 7 Ayes).

ITEM #233-04 To consider action relative to a re-application for an Automobile Graveyard and/or Junkyard Permit. **(Public Hearing).**

MOVED AND SECONDED: That the following re-application for an Automobile Graveyard and/or Junkyard Permit be subject to Public Hearing.

David Bolduc, d/b/a Allen Range Road Used Auto Parts, 13 Allen Range Road. (White & Bishop) **VOTE:** (7 Ayes).

Councilor Beaulieu brought up issues that came to the Traffic and Parking Committee. The fence on this property is in disrepair. Large trucks load and off load on the public street which blocks the road. There is a lot of trash that appears at this location from time to time and Public Works has had to clean it up.

Mr. Bolduc explained that he picks up trash, gas tanks and old tires that people throw away all the time. Trucks back into his yard to unload but people do have to wait a minute or so to allow

them time to back up. He polices his yard carefully and has no parking signs erected on both sides of the roadway. He is aware that his license is in jeopardy if he does not get his customers to comply. His fence was destroyed during an icy storm. He has ordered the materials to fix it but hasn't had an opportunity to get to it. He is in the process of designing a new roadway nearer to Route One to have his customers drive in a big circle. He has been removing trees but he cannot afford to install the whole thing all at once. His regular customers know that they need to get out of the roadway and not block traffic. He is hoping that the cell tower people that have been discussing a lease with him will construct the road. If they don't put the road in, he will have to install the road to keep his business from spilling over. More discussion followed.

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

BE IT ORDERED: That the re-application for an Automobile Graveyard and/or Junkyard Permit issued to the above named applicant be approved contingent on the applicant's resolving the current traffic situation by application time next year by removing the problem from the public way by redirecting the flow of traffic onto his property. (White & Arsenault) **ROLL CALL VOTE:** (7 Ayes)

ITEM #227-04 To consider action relative to adopting Tipping Fees at the Freeport Transfer Station. **(Public Hearing)**

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

Bart Carhart explained that the scales have been installed at the Transfer Station and will be on line mid-January. Tonight's discussion is on the tipping fees that will be charged once the scales are on line. 10% of the waste comes from out of town. He answered questions for Councilors. Discussion followed. Notice of the fees will be on Channel 7 and at the Transfer Station. Mr. Olmstead suggested providing a handout to everyone that visits the Transfer Station from now on.

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

BE IT ORDERED: That the proposed Tipping Fees at the Freeport Transfer Station be approved. (DeGrandpre & Bishop) **ROLL CALL VOTE:** (7 Ayes).

ITEM #228-04 To consider action relative to adopting a proposed Non-Storm Water Discharge Ordinance. **(Public Hearing)**

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

Albert Presgraves, Town Engineer, explained that tonight Councilors were provided with 3 pages containing some minor amendments to the original proposal that arose from the review by legal

**COUNCIL MEETING #21-2004
DECEMBER 21, 2004**

counsel. They are not very significant and the effect of them doesn't change at all. It is coming to the Council because it is a requirement of the Federal Phase 2 NPDS Storm Water Regulations that the Town is regulated under. He provided some historical information. Discussion followed.

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

BE IT ORDERED: That the proposed Non-Storm Water Discharge Ordinance revised 12/20/04 be adopted. (Bishop & Beaulieu) **ROLL CALL VOTE:** (7 Ayes).

ITEM #229-04 To consider action relative to proposed amendments to the Traffic & Parking Ordinance concerning parking on Independence Drive. (Chapter 48) **(Public Hearing)**.

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

Councilor White explained the proposed amendments. Parking will be permitted for 3 hours between 9 a.m. and 6 p.m. and is out of the Public Way.

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

BE IT ORDERED: That the proposed amendments to the Traffic & Parking Ordinance be approved. (Beaulieu & Arsenault) **ROLL CALL VOTE:** (7 Ayes).

ITEM #230-04 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) **(Public Hearing)**.

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

Councilor Beaulieu explained that this issue was brought to the Traffic and Parking Committee's attention by Chief Scofield. Sight distance is a problem near the recreational field.

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

BE IT ORDERED: That the proposed amendments to the Traffic & Parking Ordinance be approved. (Bishop & Arsenault) **ROLL CALL VOTE:** (7 Ayes).

ITEM #231-04 To consider action relative to proposed amendments to the General Assistance Ordinance Appendixes concerning maximum levels of Assistance. (Chapter 46) **(Public Hearing)**.

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

Mr. Olmstead explained that this brings Freeport's General Assistance Ordinance into compliance with the State's level of assistance.

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

BE IT ORDERED: That the proposed amendments to the General Assistance Ordinance Appendixes be approved. (Cassida & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes).

ITEM #234-04 To consider action relative to an adding an attachment to the Street Excavation Ordinance concerning utility installations. (Chapter 15).

BE IT ORDERED: That a Public Hearing be scheduled for January 4, 2005 at 7:00 PM in the Town Hall Council Chambers to discuss adding an attachment to the Street Excavation Ordinance concerning utility installations.

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. (Beaulieu & DeGrandpre)

Mr. Olmstead explained the attachment.

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS:

1. **Discussion on Council Goals for 2005**

Chair Rumpf explained that he took Council's comments from the last meeting and attempted to consolidate some of the goals. He reviewed them for members of the public:

1. Control Property Taxes
 - No increase in mill rate
 - Continue Regionalization efforts

**COUNCIL MEETING #21-2004
DECEMBER 21, 2004**

- Promote sound economic development
 - Work with School and Town leadership to explore opportunities for staff consolidation, and maintaining quality education
 - Work with Delegation to implement state tax reform that will reduce mill rate in Freeport
 - Determine appropriate levels for reserves and fund balance.
2. Consider growth management recommendations of Planning Board for Village Districts: review and implement, as appropriate.
 3. Complete and implement plans for use of Soule School property in South Freeport
 4. Complete community center building plan, with sound financial plan, and initiate construction.

There was general consensus by Councilors to adopt these goals.

2. Informational Exchange.

Councilor Arsenault gave an update on the Regionalization Committee meeting that took place last week. They did not discuss the Governor's proposal for Regionalization. They did discuss inviting Councilors from all the communities involved to a retreat at Val Halla and provide an opportunity for everyone to network. It will be held on January 19 at 7 p.m. Each community will pay for its own dinners. There was also discussion on sharing the Clam Warden with Cumberland, Yarmouth and Freeport. Councilor DeGrandpre pointed out that the committee discovered that each community has slightly different needs and slightly different opportunities. While they are still meeting as a five-community group but they are starting to pull together two towns for this or three towns for that. They are also looking into zoning issues where the towns come together.

Councilor Arsenault invited members of the public to consider serving on various boards in Town such as the Library Board, Planning Board, etc. They are encouraged to come in and fill out an application.

Chair Rumpf provided notes from the leadership meeting he and Vice Chair Cassida had with the School Committee, School Superintendent and the Town Manager last week. They were joined by Representative Webster to talk about the status of tax reform issues in Augusta.

3. Update on Harraseeket River Dye Study.

Chair Rumpf noted that Senator Edmonds, Representative Webster, DMR Deputy Commissioner David Etnier and DMR Director of Public Health Amy Fitzpatrick are in attendance this evening. Officer Dan Brown explained the reason for the dye study which was initiated December 19, 2002 when the entire Harraseeket River was closed by the Department of Marine Resources because a sewer treatment plant main broke at Porter's Landing. It was closed for 41 days but on January 29, 2003, a portion of the river was reopened south of Brewer Marine, leaving everything as far north as Mast Landing and

Porter's Landing closed to shellfish harvesting. Officer Brown had maps displayed showing what area was open to shellfish harvesting before the pipe broke and then the areas that were never reopened. It was decided that a red dye study would be conducted and the dye was injected at the sewer outfall pipe in May of 2003 as well as various spots on the river. The DMR was looking for a dilution factor of 1,000 particles of water to 1 particle of effluent. It was explained that the study was expected to be completed in a month. At this date, DMR still has not completed its report. He checked with the Department of Marine Resources often and has been told that the report was being worked on but it had taken a back seat to other projects and it has no predicted closure date. He understands that another dye study was conducted in September of this year but he was not involved with it. The Town was not notified of that testing. He noted that the closure size consists of 25 ½ acres with a density of approximately 376 bushes of clams per acre. This is one of the most densely populated clam areas in the entire state. He is hoping to get the results of the dye test so that the problems can be resolved. He answered questions for Councilors. He also noted that there has never been a report of anyone getting ill from this river.

Councilor Arsenault pointed out that when the pipe broke and the flats were originally closed, he recalled that when the flats were partially reopened, DMR continued to close a large area because they informed the town they were concerned about overboard discharge from boats in the river. Freeport then went ahead and rearranged its total mooring process to satisfy the State and then was told it was not the problem. Officer Brown advised that boats were moved down from the marina area into the Cushing Briggs area and now are being told we might have to move some of these boats out of Cushing Briggs because they could be a potential problem. This appears to be something that needs to be evaluated every year because we are not sure where we stand with it. With the changing regulations, it is difficult to balance out the sewage treatment plant and the boats. The State and the Food and Drug Administration view it as two potential problems. As far as he has been able to tell, there are very limited problems with either one but we are dealing with the potential of these situations. They are only concerned with boats with through hull fittings right now. The Harbor Master has been doing a lot of work in determining which boats have these through hull fittings.

Chad Coffin, Shellfish Commission Chair, noted that the commission would like to get this matter resolved.

Amy Fitzpatrick of the DMR apologized for not being at many of the meetings referred to by Officer Brown. The data gathered in September is being tweaked and will be put into a draft report. She expects the draft report to be provided by the end of January and it will contain the dilution rates as well as a sanitary survey report. She offered to return to Freeport to discuss the report. She answered questions for Councilors.

Questions were asked by Garrett Simmons, Chad Coffin, Michael Harriman and Terry Miskell of the Freeport Shellfish Commission, which were addressed by Ms. Fitzpatrick. She directed them to contact her for updates. She committed to them that she would track this issue pretty hard.

Jay Pinkham, Harbor Master, noted he was in charge of moving all the moorings and he has three years of documentation from all the surveys from the boats and soon to have another year of documentation. He would like to know what role this paperwork has in the survey. Ms. Fitzpatrick offered to find out for him. He also noted that he had been allowed 52 boats in the river at one time and now he is only allowed 9. Ms. Fitzpatrick asked him to hold off on anything until she can get an answer on through hull fittings versus heads. More discussion followed.

Officer Brown asked if he may see the first draft and Ms. Fitzpatrick noted that she would send it to him but he should keep in mind that it is a first draft and not their best work. It does not have the September data.

David Etnier, MDR Deputy Commissioner, advised that Freeport's delegation has been in touch with Commissioner Lapointe of DMR and have spoken to him about this issue. He gave his word that he would be on top of this report and believes Ms. Fitzpatrick will have it by the end of January. His number is 624-6553 if anyone wants to follow up with him on anything they don't understand. He agrees that they have not done a good job with this dye study and its completion has taken too long. He has no excuses and too many legitimate questions have been raised. He will do everything possible to make sure this study is turned out to Freeport as quickly as possible.

Rod Regier, South Street resident, noted that he spent a lot of time on this issue. He is relieved that there is an end to this process in view. He agrees that dye studies are hard to do and are powerful tools. It is hope that the analysis is being done objectively.

Councilor Beaulieu asked if the Council should request that the report be provided at the first meeting in February. Ms. Fitzpatrick noted that she would be willing to come to this first meeting in February as long as she is given advance notice.

Chair Rumpf thanked everyone for coming. He recognizes that this has been a frustrating process for a lot of people. He is encouraged by the commitments made this evening. He realizes a lot of work has gone into a management plan that will enable the Town to open more clam-flats in the harbor and hopes it will be successful. He looks forward to the cooperation of the Department and appreciates the presence from Freeport's delegation and its efforts to get some attention. Senator Edmonds clarified that the first meeting would take place on February 1 and Mr. Olmstead advised that that is the correct date.

Winter Workshops

Mr. Olmstead put together a detailed list of winter workshops and he would like to get it out to the various boards and committees so they can plan their time with the Council. If anyone has a problem with the schedule, they should let Mr. Olmstead know. Councilor Cassida would like an opportunity for the Community Center Committee to workshop with the Council on ownership structure and operating budget sometime before the Council is deep in the budget process. He would prefer an informal workshop session. Mr. Olmstead suggested

**COUNCIL MEETING #21-2004
DECEMBER 21, 2004**

a 5 p.m. workshop over sandwiches on February 8. Councilor Cassida asked to be taken off the January 11 agenda.

Councilor Beaulieu noted that Traffic and Parking has no burning issues to come before the Council and asked if they could submit a written report. Mr. Olmstead indicated that written reports have been acceptable in the past. Councilor Beaulieu will have a report generated.

David Webster, new representative, pointed out the Property Tax Refund Program has a deadline of January 3. It is a tax relief program and is worth looking at. Anyone interested should call the Town office. There are people that can explain the form.

The Fuel Assistance Program by Freeport Community Services is looking for support. He asked people to consider how they may be able to help some folks in need this winter. If anyone would like to call him, his home phone number is 865-4311.

Councilor Bishop urged people to look into the Circuit Breaker Program. It's for anybody and it's simple. It is not begging for money.

Mr. Olmstead pointed out that last week at the annual Town Employee Christmas raffle, more than \$600 was raised for the Carol Kaplan Fuel Assistance Fund administered through Freeport Community Services.

Mr. Olmstead noted that Councilors will be getting a formal invitation from Cumberland to attend the retreat at Val Halla. He will need to know how many will attend so he can mail a check.

MOVED AND SECONDED: To adjourn at 9:30 p.m. (Bishop & Beaulieu)
VOTE: (7 Ayes).

Respectfully Submitted,

Sharon Coffin
Council Secretary