

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

Wayne Hollingworth from the Durham Road, Chair of the Freeport Democrats, pointed out that Freeport has an Ordinance that forbids the erection of political signs until two weeks before the election. It is his opinion that it is not working. He mentioned recent violations that took place. He asked the Council to look at the Ordinance in the next few months and make it similar to ordinances in surrounding towns, which permit signs to be erected about a month before an election. Discussion followed. Mr. Olmstead explained that candidates or their contact persons are notified of the Town's Ordinance and that 47 man-hours were spent dealing with signs during the last election. He suggested that future signs be placed behind telephone poles because the poles are at the edge of the right-of-way. If the sign is even with, or in front of the pole, it will be taken down. Lots of people's lawns are the public right-of-way.

Recognition of Fire/Rescue Personnel

Chief Darrel Fournier explained the tragedy that occurred during the Sparkle Parade where a young child was run over by a float. He recognized Deputy Chief Paul Conley, Captain Karen Gendron, Lt. Alan Boucher and Firefighter Michelle Roan for the high level of care they provided to the child that evening. They were given a standing ovation. Chair Cassida thanked them for their dedication.

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

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

ITEM #4-07 To consider action relative to adopting the January 2, 2007 Consent Agenda.

BE IT ORDERED: That the January 2, 2007 Consent Agenda be accepted.
(White & Beaulieu)

Chair Cassida reviewed the items on the Consent Agenda and pointed out a couple of minor changes: Allen Farmer d/b/a Casco Bay YMCA did not actually submit an application. It will be deleted from the list this evening. The application for Ryan Doherty d/b/a Doherty's North Freeport Store should be approved contingent upon completion of tax payment.

Councilor Bishop pointed out that Charlie Burnham donated an entire \$2,750 heating system for the Annex Building, which she felt is a tremendous donation from a local company. Other Councilors concurred.

ROLL CALL VOTE: (7 Ayes)

ITEM #5-07 To consider action relative to referring to the Planning Board a proposed amendment to the Zoning Ordinance concerning Off-Street Parking for Religious Institutions in the VC-1 District. (Chapter 21)

MOVED AND SECONDED: That the proposed amendment to the Zoning Ordinance concerning Off-Street Parking for Religious Institutions in the VC-1 District be referred to the Planning Board for consideration and a recommendation.

Note: This item was requested by Councilor Beaulieu. (Migliaccio & Arsenault)

Councilor White asked for some information and Reverend John D'orio explained that he was approached by an organization in town interested in leasing some of the church's parking spots behind their church. They had not been aware of the Ordinance concerning Off-Street Parking for Religious Institutions in the VC-1 District and have asked if there is anyway to amend the Ordinance to allow them to enter into this lease. Their high use time is basically Sunday mornings and their lot often sits for the most part empty. Town Planner, Donna Larson, answered questions for Councilors. Councilor Beaulieu brought this order forward so the church would not have to pay a fee. Discussion followed.

ROLL CALL VOTE: (7 Ayes)

ITEM #6-07 To consider action relative to authorizing sworn police officers to perform acts outside the jurisdiction for which they are appointed.

BE IT ORDERED: That in accordance with 17 M.R.S.A. § 15 Freeport's sworn Police Officers be allowed to perform any acts as outlined in 17 M.R.S.A. § 15 while they are outside the jurisdiction for which they are appointed.

Note: This item was requested by Chief Schofield. (Beaulieu & White)

Chief Schofield explained that Freeport is bordered by Pownal and Durham which are in two different counties and do not have their own police departments. His department gets calls for emergency situations and Freeport police officers are sent to the scene to take appropriate action. He has checked with other communities and learned that they have authorized their full-time officers statewide arrest powers. He answered questions for Councilors.

Councilor White stated that he has had many discussions with citizens of District 2 about the need for increased patrol coverage on various roads because of speeding. He knows this is an issue in town. He noted that he would be voting no on this item since other towns are not paying for the protection Freeport is providing and we don't appear to have the ability to provide the service our residents are looking for.

More discussion followed.

ROLL CALL VOTE: (6 Ayes) (1 Nay—White)

ITEM #7-07 To consider action relative to the issuance of parking credits for parking lot connections.

BE IT ORDERED: That L.L. Bean be issued seven (7) parking credits and Richard Brunson of 21 Main Street be issued two (2) parking credits for spaces lost when connecting parking lots as outlined in a memo from the Town Planner to the Town Manager dated December 21, 2006. (Arsenault & Bishop)

Mr. Olmstead provided history on the subject of parking credits for parking lot connections. Town Planner, Donna Larson, explained that she did not realize that the Council had to approve these connections and that is the reason the Council has not had any during the past few years. Discussion followed.

ROLL CALL VOTE: (7 Ayes)

ITEM #08-07 To consider action relative to amendments to the Zoning Ordinance, Zoning Map, Design Review Ordinance, Design Review District Map and Comprehensive Plan concerning the creation of a new Village Mixed Use District (VMU). Chapters 21 & 22.

BE IT ORDERED: That a Public Hearing be scheduled for January 16, 2007 at 7:00 PM in the Town Hall Council Chambers to discuss the creation of a new Village Mixed Use District (VMU).

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 3 and the Town's website. (DeGrandpre & Bishop)

Town Planner, Donna Larson, suggested that the Council put this off to February 6 in order to allow the Council to meet with the Planning Board on January 23 prior to the Public Hearing. Councilor DeGrandpre noted that he would be happy to do this because the Project Review Board has a workshop the same night and will be in attendance. He asked that they be provided with a copy of the information before the meeting so they would have an opportunity to review it and determine if there is anything they would find difficult to judge when it comes before them. Ms. Larson offered to brief the Board before the meeting.

MOVED AND SECONDED: To amend that the Public Hearing be scheduled for February 6, 2007 at 7 p.m. (DeGrandpre & Bishop) **VOTE:** (7 Ayes)

ROLL CALL VOTE ON AMENDED MOTION: (7 Ayes)

ITEM #9-07 To consider action relative to the appointment of a Facilitator for the South Freeport Parking Study.

BE IT ORDERED: That Susanna Liller of Barton & Gingold Management be appointed to facilitate the South Freeport Parking Study. (Bishop & Arsenault)

Mr. Olmstead explained that six firms replied to the Town's RFQ/RFPs and three were interviewed. He recommends hiring Susanna Liller because of her extensive experience facilitating public access issues.

Councilor Migliaccio mentioned that he is disappointed that the estimates came in around \$11,000 and asked if there is any opportunity to knock down the price of \$150 per hour. Discussion followed.

MOVED: That we approve this at \$125.00 per hour and this is what we should offer.
(Migliaccio) (no second was offered)

Mr. Olmstead noted that if the Council approves this motion as read and instructs him to go back and discuss the price with the facilitator, he would be willing to do so. More discussion followed.

Chair Cassida advised that the project manager will be SueAnn Williams-Lindgren from Spar Cove. Councilor Migliaccio will serve as Council liaison and if things go well, the core group will start later this week and will bring a recommendation to the Council at its meeting on the 16th.

ROLL CALL VOTE: (7 Ayes)

ITEM #122-06 Tabled August 22, 2006 & December 5, 2006.

To consider action relative to proposed amendments to the Coastal Waters Ordinance concerning the discharge of sanitary wastes, clarifications and updates. (Chapter 31).

BE IT ORDERED: That the proposed amendments to the Coastal Waters Ordinance be approved. (White & DeGrandpre)

Mr. Olmstead explained that what is coming back this evening is the original proposed amendments that went to public hearing back in August with a recommendation from Coastal Waters that they be approved.

Kristen Peterson, Chair of Coastal Waters, explained that there may be some confusion because they are only hoping to address the shellfish related issues tonight and not Bustins Island. Further workshops will take place with Bustins Island before they make their recommendations. She introduced Nora Healey from the Shellfish Commission. Jay Pinkham, Harbor Master explained that he has the authority to inspect boats around Bustins as well as all other boats in the harbor. He distributed a packet and explained that the lockdown only occurs inside the river. The reason he does this is to keep the flats open and satisfy the DMR. Ms. Peterson added that federal law already prohibits overboard discharge.

Bob Ewing of Bustins Island pointed out that their present Ordinance is in dispute and they are working with the Harbor Master. Councilor DeGrandpre asked about ground tackle requirements in the Harraseeket River. Mr. Pinkham advised that he does not have the authority to inspect tackle outside of the river.

Councilor Migliaccio asked Ms. Peterson to be prepared to discuss parking for commercial ferries and transport at workshop. He is interested in learning if they are providing off-street parking for 50% of their customers and crew.

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS:

1. Informational Exchange

In an effort to save postage, Mr. Olmstead distributed packets for next week's workshop. FEDC is providing refreshments at 5:30 p.m.

MOVED AND SECONDED: To adjourn at 8:30 p.m. (Bishop & Beaulieu) **VOTE:**
(7 Ayes)

Respectfully Submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #02-07
COUNCIL CHAMBERS
January 16, 2007

CHAIRPERSON'S CALL TO ORDER

PRESENT ABSENT EXCUSED

| | |
|----------------------------------------|---|
| John Arsenault, Prout Road | x |
| Genie Beaulieu, P.O. Box 74 | x |
| Charlotte Bishop, Maquoit Drive | x |
| James Cassida, 5 Timber Ridge Road | x |
| Rich DeGrandpre, Timber Ridge Road | x |
| Joe Migliaccio, 2 Vinmar Lane | x |
| Frederick White, 45 Pleasant Hill Road | x |

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

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #01-07 held on January 2, 2007 and accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #01-07 held on January 2, 2007 and accept the Minutes as printed. (White & Arsenault)

VOTE: (7 Ayes)

SECOND ORDER OF BUSINESS: Announcements

Councilor Arsenault pointed out that there are openings on the Solid Waste Committee, the Traffic and Parking Committee and the Cable TV Regulatory Board. The Solid Waste Committee meets on the third Wednesday of each month at 7 p.m. in the Community Center. The Traffic and Parking Committee meets on the third Tuesday at 7:30 a.m. in the Town Hall. The Cable TV Regulatory Board meets on the fourth Wednesday at 7 p.m. at the Community Center. A surplus of volunteers is needed to be put into a pool. He suggested that anyone interested should contact the Town Office and fill out an application. This can be done by e-mail as well.

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

MOVED AND SECONDED: To open the Public Comment Period. (White & Beaulieu)

VOTE: (7 Ayes)

There were none.

MOVED AND SECONDED: To close the Public Comment Period. (Arsenault &

Migliaccio) **VOTE:** (7 Ayes)

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

ITEM #13-07 To consider action relative to adopting the January 16, 2007 Consent Agenda.

BE IT ORDERED: That the January 16, 2007 Consent Agenda be accepted. (White & Arsenault)

Chair Cassida reviewed the items for members of the public. Councilor Migliaccio recused himself because his business appears on the Consent Agenda as well as a family relation. Mr. Olmstead pointed out that one business has not paid their taxes and the bill will have to be paid before the license is released.

ROLL CALL VOTE: (6 Ayes) (1 Recused—Migliaccio)

ITEM #14-07 To consider action relative to the appointment of a South Freeport Parking Committee Project Leader.

BE IT ORDERED: That Suanne Williams-Lindgren be appointed as the Project Leader for the South Freeport Parking Committee. (Beaulieu & Arsenault)

Mr. Olmstead recommended that once the Council adopts this item that it move down to Other Business, Item #1 to discuss the model being proposed by the Facilitator and Project Leader and also consider names for the committee itself.

ROLL CALL VOTE: (7 Ayes)

MOVED AND SECONDED: To take an item out of order. (White & Beaulieu)
VOTE: (7 Ayes)

OTHER BUSINESS:

1. Presentation of a model for selection of a South Freeport Parking Committee Project Team.

Facilitator, Susanna Liller and Project Leader, Suanne Williams-Lindgren presented the model for the selection of a South Freeport Parking Committee Project Team, which she mentioned was pretty self-explanatory. They will make sure there is good public participation and they would set up a project plan with a pretty aggressive time frame.

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

BE IT ORDERED: That the model proposed for the South Freeport Parking Study be approved.

BE IT FURTHER ORDERED: That the following individuals be appointed to the South Freeport Parking Committee:

| | |
|----------------|------------------|
| John Thomas | John Brewer |
| Faith Baker | Eric Horne |
| Scott Poulin | Gus MacDonald |
| Guy Quattrucci | Kristen Peterson |
| | Brendon Alterio |
| | Beth Le'Bihan |

BE IT FURTHER ORDERED: That the Council Chairperson be authorized to appoint remaining committee members bringing the total to thirteen (13) members. (Beaulieu & White)

Councilor Migliaccio will be the Council liaison to the Committee and noted he would provide updates to the Council. Ms. Liller noted that the first meeting might take place on the last Monday in January. Discussion followed. Councilor DeGrandpre pointed out that the Council would be looking for short-term recommendations for Memorial Day.

ROLL CALL VOTE: (5 Ayes) (2 Nays—Bishop & DeGrandpre)

ITEM #15-07 To consider action relative to an agreement between the State of Maine, Department of Administration of Financial Services, and the Town of Freeport concerning a grant award from the Fund for Efficient Delivery of Local and Regional Services.

BE IT ORDERED: That the Town Manager be authorized to sign an agreement to purchase services with the State of Maine, providing grant funds from the Fund for the Efficient Delivery of Local and Regional Services. (Bishop & Arsenault)

Mr. Olmstead described the grant.

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS:

2. Update on the operating budget for Freeport Community Center.

Chair Cassida directed Councilors to the proposed operating budget in their packets for the remainder of fiscal year 2006 through June of 2007. He introduced Leslie Livingston from FCS. She pointed out that the Community Center has been open for 3 ½ months and everyone appears to love it. She mentioned all the activities that are taking place there. Separate organizations pay rent for space in the center and are responsible for their spaces. They also must contribute to the coffee bar. They are hoping to get Pownall involved financially but it has not happened yet. She went through the budget line by line. Greg L'Heureux explained some of the costs.

Councilor Beaulieu mentioned that budgets are great but she requested a P & L statement. She also suggested that Chair Cassida work on the list of cost reductions and revenue possibilities and pursue them with the FCS Board since the taxpayers of Freeport will have to pay 50% of whatever is left

over. She also requested that the Town Manager be given a key to the Community Center and be furnished with the code. Discussion followed.

Ms. Livingston pointed out that the Town has this building to use for meetings and does not have to consider building an addition onto the Town Hall. Mr. Olmstead noted that prior to building the center, we had \$750,000 in the capital budget to expand this building at some point in the future in order to provide meeting space. Bringing the Community Center on line has provided that meeting space and he has since taken the future expansion costs out of the capital budget. Meeting space is fully satisfied.

Councilor Migliaccio noted he didn't know how to explain to Freeport residents why the center is running over double of what was projected. We've gone from an estimated \$0 per year for staffing of the building to about \$60,000 a year for staffing and benefits. Ms. Livingston explained that volunteers are not coming forward and she and her assistant cannot do everything that needs to be done. She is aware of the need to keep the budget trim and is working hard to keep the costs down for everybody. Councilor DeGrandpre encouraged members of the public to volunteer at the center.

Councilor White explained that he thinks the Community Center needs to operate for a year in good faith. He has no difficulty, personally, explaining to the residents of Freeport where we are, where we're going and how we got here. The residents are clearly supportive.

Councilor Migliaccio asked the Town Manager to get an opinion on whether the Town Council could say "no" if we appropriated \$30,000 and we are asked for \$60,000. Mr. Olmstead pointed out that one Council cannot bind another. Even though this Council has signed the lease, if it doesn't appropriate more than \$30,000 next year, that is the amount it contributes, period. Mr. Olmstead believes the Council can say "no". He will research Councilor Migliaccio's question with the Town Attorney.

Chair Cassida thanked Ms. Livingston and FCS for stepping up and managing the Community Center.

3. Community Development Block Grant (CDBG) Presentation

Aaron Shapiro and Elizabeth Trice from the Cumberland County Community Development Office provided a presentation on the Community Development Block Grant Program (CDBG) and what it may be able to do for the Town of Freeport in the coming years. It is a locally owned and operated program. He explained that they will be informed of their allocation sometime in March. Their working assumption is that the allocation will be somewhere between 2M\$ and 2.5M\$ at this point.

They have already met with Jim Hatch of the Freeport Housing Trust, Town Planner, Donna Larson, Stephanie Slocum from the Freeport Economic Development Corporation and representatives from FCS. They answered questions for Councilors and discussion followed.

Mr. Olmstead advised that at next week's workshop with the Planning Board, staff will bring in 3 or 4 applications that they are working on to review with the Council and the Council will decide which ones to submit.

Chair Cassida thanked Mr. Shapiro and Ms. Trice for their presentation. Mr. Shapiro indicated that they expect to be working with Freeport for a long time to develop projects that will benefit the community and its residents and are looking forward to it.

4. Informational Exchange.

FREEPORT TOWN COUNCIL MEETING #02-07
January 16, 2007

Councilor DeGrandpre explained that he received an e-mail from Chris Stilkey. Burr Cemetery has an opportunity to purchase some land next to them but it is not zoned for cemeteries. Mr. Olmstead noted that they should get in touch with the Town Planner.

Mr. Olmstead advised that next Tuesday the Council would start at 6 p.m. with the Planning Board at the Community Center. Sandwiches will be ordered.

MOVED AND SECONDED: To adjourn at 9:50 p.m. (White & Beaulieu) **VOTE:** (7 Ayes)

Respectfully Submitted,

Sharon Coffin
Council Secretary

February 6, 2007 – 7:00 p.m.

PRESENT ABSENT EXCUSED

X
X
X
X
X
X
X

MOVED AND SECONDED: To close the public comment period on non-agenda items only.
(White & Bishop) VOTE: (7 Ayes)

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

ITEM #19-07 To consider action relative to adopting the February 6, 2007 Consent Agenda.

BE IT ORDERED: That the February 6, 2007 Consent Agenda be adopted. (Bishop & DeGrandpre)

Chair Cassida reviewed the items on the Consent Agenda for members of the public.

ROLL CALL VOTE: (7 Ayes)

ITEM #20-07 To consider action relative to an application for an Alcoholic Beverage License for Pedro O'Hara's (**Public Hearing**).

Mr. Olmstead explained that the license will allow the applicant to serve alcohol at the establishment that was formerly Cricket's but will now be Pedro O'Hara's. The license is in order and all taxes are current.

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

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

BE IT ORDERED: That the application for an Alcoholic Beverage License issued to Michael Levendosky d/b/a Pedro O'Hara's of Freeport, 175 Lower Main Street, be approved. (DeGrandpre & White) **ROLL CALL VOTE:** (7 Ayes)

ITEM #21-07 To consider action relative to amendments to the Zoning Ordinance, Zoning Map, Design Review Ordinance, Design Review District Map and Comprehensive Plan concerning the creation of a new Village Mixed Use District (VMU). (Chapters 21 & 22.) (**Public Hearing**).

Chair Cassida explained that all requests for a zone change go through an intense public process first with the Planning Board and then ultimately with the Town Council. He encouraged members of the public to share their thoughts and feelings with the Town Council because their input is valuable to the process. No decisions have been made at this point by the Council. He recommended that the Council work on this issue until it is completed or 10:30. At that time the Council can vote to continue the public hearing to a future date. The most likely date would be March 30. This will allow the Council enough time to work on the remaining agenda items this evening. There was consensus to do that. Chair Cassida asked for a show of hands from people that wished to speak tonight. He suggested limiting the time for people to speak to 10 minutes. There was consensus to limit discussions to 10 minutes.

Chair Cassida mentioned that concerns have been raised about possible conflict of interest. He has consulted with the Town Attorney and there is no legal conflict of interest on the part of any sitting Councilor with respect to the issue being brought forward tonight. There is perceived conflict of interest

on the part of some people and it is the responsibility of each Council member to determine whether or not they can be impartial in their deliberations on this issue. The Council will not require any individual Councilor to recuse himself/herself. It is an individual choice. He recommended that members of the public use their time at the podium addressing mixed use district pros and cons and the specifics rather than addressing conflict of interest.

Councilor White mentioned that he works in the center of town for a few clients in the proposed mixed use district. He acknowledged this and does not feel he has any difficulty remaining objective in this process. He urged the public to give him a call if they feel he is violating his pledge to them.

Chair Cassida confirmed that discussions have taken place between L.L. Bean and the Town over the development of a piece of land they own in the proposed mixed-use district. He assured everyone that what is being considered in the Frost Gully area is in no way a commercial venture. The project will be unveiled by L.L. Bean shortly and he is confident that the public will be pleased with what is unveiled.

Chair Cassida stated that tonight's proceedings are not a referendum on Bow Street Market but there is no disputing that this decision has an influence on that business. The purpose this evening is to discuss the community's vision for a specific part of town. He cautioned that discussions should not get into personalities or individuals.

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

Town Planner, Donna Larson provided history on this issue. Conan Dedy, Planning Board Chair, explained the Planning Board's review process and concerns raised by the public. He stated that the Planning Board respectfully disagrees with the Village Planning Committee that 15,000 square feet—a building the size of J. L. Coombs on Route One, is compatible with this district. The Planning Board's recommendation is a reasonable compromise that balanced various different interests that are all at stake and all legitimate. He noted that members of the public had ample opportunities to provide input throughout the process.

The following people shared their viewpoints: Rod Regier of South Freeport Road; Rachel Mills of 89 Bow Street who also provided a survey with 84 signatures; Ed Bradley of Flying Point Road; Cliff Goodall of Indian Ridge Road, provided an alternative proposal which he explained as a slightly reduced version of the Planning Board's proposal as of last October, with two mixed use zones; Tom Crotty of U.S. Route One; Tom Bull of South Street; John Lowe of North Freeport; Sue Wierich from the intersection of Bow and South Street; Ben Gideon of 78 Bow Street; Doug Reighley of Harbor Ridge Road and member of the Zoning Board of Appeals; John Orcutt, Architect; Craig John of Lower Mast Landing, Jule Whelan of Lower Flying Point Road; Cynthia Orcutt, Landscape Architect; Rita Armstrong of Bow Street; Peter Ainsworth, Freeport resident; John Patterson of 182 Flying Point Road; Ronnie Small, Bow Street Market employee; Heidi Bishop of Flying Point; Kim Mason of 15 Flying Point Road; George Dorsey of Pleasant Hill Road; Christina Kessler of Richmond and a Bow Street Market employee; Dick Harris of Royal Avenue; Stephanie Holmes of 13 Cottage Street; Pauline Harris of 20 Royal Avenue; Greg Umforts, Freeport resident; Peter Bogle of 26 Park Street; Dr. Jim Hendricks of 45 Bow Street; Kristin Vanherzeele of 40 Bow Street; Amanda Zoll of Bow Street and Peter Taggart of South Street.

Adam Nappi spoke last and took a moment to recognize the broad support he received this evening. He provided some history on Bow Street Market and noted that he has been involved in this process since July of 1993. He pointed out that Freeport values local markets and services. He mentioned that it has

been challenging and rewarding working with his neighbors and the Planning Board. He is committed to working with his neighbors and public officials to create a plan that meets the needs of residents and improves the quality of the neighborhood. The recommendation permitting the expansion of Bow Street Market is absent from the Planning Board proposal. He explained that permitting local retail trade would not change the character of the neighborhood around the market. He asked the Council to consider amending the mixed use proposal to support a maximum allowable footprint of 15,000 square feet for a grocery store and permit local retail trade. He stated that he supports the Goodall alternative.

Chair Cassida pointed out that there are approximately 20 e-mails and letters that were sent to the Town from folks that could not be at tonight's meeting. He offered to share them with anyone interested.

BE IT ORDERED: That the Public Hearing on the Village Mixed Use District be suspended to allow the Council deliberation and discussion. (Beaulieu & White)
VOTE: (7 Ayes)

Chair Cassida mentioned that members of the public would have an opportunity to address the Council again after it has had some discussion but given the time, he doubted it would be this evening. He encouraged the public to stay and listen to the Council's discussion and deliberation.

A five-minute recess was taken. The meeting resumed at 9:55 p.m.

Councilor DeGrandpre noted that there may be some areas that could be eliminated in the alternative provided by Cliff Goodall and folks would feel more comfortable. The "build to requirement" is not a viable piece. One of his pet peeves is that we continue to add density in the downtown and fail to deal with transfer of development rights. If we want Freeport's nature to remain rural outside of the village, we need to find a way to add density by moving it from outside. Another issue for him is what size grocery store is appropriate.

Councilor Beaulieu pointed out that she does not lean towards the Planning Board's recommendation but is leaning between the alternative and the other reach. She feels the Council needs to look at a building footprint for mixed use with grocery stores up to 15,000 square feet and define what retail trade means. She also wants the Council to look at some type of restaurant or pub. She advised that mixed use is an appropriate use and makes good sense. It can work in a historical neighborhood and she doesn't see the fear that people appear to have on restaurants. She is somewhere between the alternative and the district is condensed or as it is proposed.

Councilor Bishop noted that she is leaning towards the Goodall plan. She really likes the green area designated separately to allow for the grocery store to expand and allow restaurants in that area. She does not understand why anything in the red area is included across from Bow Street Market. She understands why South Street is included because of the businesses that are down there. She would be interested in limiting retail and restaurants.

Councilor White thanked everyone that came and spoke this evening. He acknowledged the work done by the Planning Board and understands how they got where they did. He has tremendous respect for the work that they do. He indicated that it doesn't make sense to include the east side of Bow Street in the mixed-use district. He views South Street and Bow Street as two separate areas. He feels obligated to protect the residential areas of Bow Street. He views South Street as mixed use. He also would like to see Bow Street Market expand but doesn't know what the footprint for the market should be. School Street Extension makes sense to him at some point. He would not like to see retail or restaurants on Bow Street. He asked the Council to consider contract zoning only as it relates to the mixed-use district. He would like to put an option on the table to pilot contract zoning only in the mixed-use district and use it as a mechanism to

determine what a grocery store looks like. He suggested amending the language in the recommendation to grocery stores at 5,000 sq. ft. and make Bow Street Market a conforming use in the zone and then consider making a decision relative to a project from a contract perspective. He suggested that the Council do the same for any other retail enterprise that wants to locate in the zone. He would add a sunset clause and let it set for two years and treat it like a pilot. There will be no risk to anywhere else in town. He mentioned that he would have a problem with restaurants encroaching into a residential area.

Councilor Arsenault was really encouraged by the Goodall alternative. Exempting the east side of Bow Street makes sense to him. This is an opportunity to infill into an area rather than visit new areas in the community. This is a good opportunity for green space. He would like to see local retail included. He would prefer to see cafes rather than restaurants in the area. He supports the grocery store aspect but is wrestling with the size of the footprint. He would not want to see mixed use go as far as West Street. He would prefer the line to end at Bella's on South Street. He supports the alternative but would like to see the lines lessened.

Councilor Migliaccio noted that he was on the Planning Board and also on the Village Planning Committee and dealt with this district and the village in general. He would be willing to adopt the proposal put forth by the Planning Board. This zone was a vision presented to the Village Planning Committee by Adam Nappi and the committee took it and incorporated it into the plan. The committee clearly heard that residents wanted local conveniences, specifically Bow Street Market. The alternative proposal really comes down to zoning only four of five lots that ever will be developed and he considers this spot zoning. He would like to see the zone expanded. He would prefer to take up the specific uses that were dropped, some of them are the cafes and figure out a way for specific projects in this zone to be approved in a way that allows the public to have a say in it.

Councilor Cassida thanked everyone that came to tonight's meeting and also the Planning Board for all the work that they put into this. This is a process that the Council goes through for zoning changes and there are many different levels to it. There is give and take on every level. He agrees with some of the sentiment shared by the Council tonight that there are certain areas within this district that don't seem to make a lot of sense to him such as the area across from Bow Street Market. He does not view this as a good mix into this district. The biggest thing for him is finding a way to modify this proposal so that it more closely meets what the Council has said. He would not want to see restaurants in this area but perhaps a café or bakery would be okay. Another concern is how does the Council make the expansion of a grocery store within the mixed-use district possible and make it compatible with the surrounding community. There may be some mechanism to accomplish that perhaps by using language similar to what was used for the parking structure off Main Street using slopes to require that buildings of more than x number of square feet utilize slopes to minimize the scale of the building from the public view scapes. In this particular case, the public view scape would be Bow Street itself. Requirements could be added that developments within the zone that front Bow Street would have to maintain a primarily residential nature. This does not mean that businesses would not be allowed on Bow Street frontage, but those businesses would basically be in-home businesses. He likes a piece of the Goodall alternative that allows grocery store expansions up to 15,000 square feet if this is the number the Council decides upon, but it only does so within the context of it being a mixed use. If one has a building of this size, one must have a residential component of some sort in the building that will help to blend it into the neighborhood.

With some minor tweaking, Chair Cassida is confident that the Council can come up with something that is agreeable to it. After putting the Council's comments into play, the public will have an opportunity to comment on those proposed additions or changes.

Councilor Beaulieu noted that a café requires 40 seats to survive. Councilor Migliaccio added that the number of seats necessary depends on where the café is located.

Chair Cassida advised that the Council has to put all the information back out in a package. Discussion followed. Councilor Migliaccio pointed out that the alternative plan is not anything that the Planning Board came up with and it was never discussed. He did not want the Council to take a step back and not try to craft specific wording tonight. Chair Cassida is also not prepared to propose wording this evening. He is trying to get consensus on the content of this document so we can send it back to the Planning Board and say these are the things we want you to include. We want you to come up with language to define grocery store, café, and convenience store and determine how those things fit to deal with maybe some slope language or language that tries to maintain that residential feel on Bow Street if that is what the Council wants. Councilor Beaulieu did not see the need to return the proposal to the Planning Board. Chair Cassida explained why the Council should return it to the Planning Board. Conan Deady mentioned that this has been a helpful meeting and it would be relatively easy for the Planning Board to come up with the language that addresses some of the suggestions being made around boundaries, modifications to the uses and some additional definitions.

Chair Cassida asked if there was a willingness on the part of the Council to consider contract zoning. The only Councilor willing to consider contract zoning tonight for this issue was Councilor White. More discussion followed. Town Planner, Donna Larson, offered to mark up a copy of the Goodall proposal and the Planning Board and the Council could hold a workshop and then come up with a proposal that is ready to go to a follow up public hearing, perhaps in April. Mr. Olmstead suggested that the Council schedule a workshop on February 27 from 5:30-7:30 p.m. with the Planning Board.

Councilor Migliaccio suggested that the lines be redrawn in order to separate out the L.L. Bean properties. Councilor Beaulieu asked that Bella's be included so the Council can see where it exists.

Mr. Deady asked if there was any appetite for including a concept of formula stores or restaurants by way of excluding such stores or restaurants from the definition of local retail trade. They did not have that in their last definition of local retail trade but it is something that they started to discuss. There is precedent for it in the region and the Town Planner could come up with a proposal if the Council is interested in seeing what it may look like. Chair Cassida mentioned that this is something that can be discussed during the workshop so he would put it out there for discussion.

BE IT ORDERED: That the public hearing on the Village Mixed Use District be continued until March 20, 2007 and the Council workshop with the Planning Board will be held on February 27, 2007 at 5:30 p.m.

BE IT FURTHER ORDERED: That notice of the continuation of the Public Hearing and all proposed amendments to the current proposal for a Village Mixed Use District (VMU) 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 3 and the Town's website and advertised in a newspaper of general circulation. (DeGrandpre & Bishop) **ROLL CALL VOTE:** (7 Ayes)

ITEM #22-07 To consider action relative to a proposed amendment to the Freeport Conservation Commission Ordinance concerning the number of Commission Members (Chapter 35).

BE IT ORDERED: That a Public Hearing be scheduled for March 6, 2007 at 7:00 p.m. in the Town Hall Council Chambers to discuss a proposed amendment to the Freeport Conservation Commission Ordinance concerning the number of commission members.

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 3 and the Town's website. (Bishop & Arsenault)

Mr. Olmstead provided background information and the commission will return to seven members.

ROLL CALL VOTE: (7 Ayes)

ITEM #23-07 To consider action relative to proposed amendments to the Pavement Maintenance Impact Fee Ordinance concerning the clarifications of fees charged (Chapter 52).

BE IT ORDERED: That a Public Hearing be scheduled for March 6, 2007 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Pavement Maintenance Impact Fee Ordinance concerning the clarifications of fees charged

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 3 and the Town's website. (Arsenault & Bishop)

Mr. Olmstead explained that the fee is charged on a per building basis not a per project basis.

ROLL CALL VOTE: (7 Ayes)

ITEM #24-07 To consider action relative to the adoption of a proposed Real Estate Signage Ordinance (Chapter 53).

BE IT ORDERED: That a Public Hearing be scheduled for March 6, 2007 at 7:00 p.m. in the Town Hall Council Chambers to discuss the proposed adoption of a Real Estate Signage 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 3 and the Town's website.

NOTE: This Ordinance is the recommendation of FEDC. (Migliaccio & Bishop)

Mr. Olmstead explained that real estate signs are not currently regulated and realtors are leaving signs up as long as they can after a property is sold for advertising reasons.

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS:

1. Informational Exchange

Councilor Beaulieu advised that on March 1, 2007 at 6:30 p.m. the Maine Municipal Association will be

holding a "front porch meeting" at the Gorham Town Hall. She hopes Councilors will be able to attend.

Councilor DeGrandpre announced that there will be a Municipal Facilities meeting on Friday at the County Bunker to look at the dispatch facilities. He noted there was a meeting on Monday night discussing dispatch with the folks from Yarmouth talking with the County. The Regionalization group is meeting on Thursday. Some of the things that came out of discussing what to do with dispatch was what's going on with the Governor's recommendation in consolidating schools so there may be more discussion with the Regionalization group to see what kinds of ideas exist.

Mr. Olmstead noted that the Town has been looking at the County as a way to regionalize our dispatch services. The Town of Falmouth has expressed interest in hosting a regional dispatch center, which would include the communities of Cumberland, Pownal, Freeport, Yarmouth, North Yarmouth and Falmouth. Falmouth's Council will be addressing this issue at their meeting next week and determine if they want to investigate whether they want to become a regional dispatch. The six communities combined will have a call volume that is greater than the call volume the County currently serves. He suspects what Freeport will end up doing is looking at the County proposal and also looking at the regional dispatch proposal with Falmouth and comparing those numbers with what we currently spend on dispatch and bring the information back to the Council for consideration in the next few months. This means that the grant we received from the State Planning Office to study the Regionalization effort will need to be amended to include Falmouth, which should not be an issue with the State.

ITEM #25-07 To consider action relative to an executive session to discuss an offer to purchase land owned by the Town of Freeport and to discuss lease negotiations concerning the BH Bartol Building. 1 MRSA Sec 405 (6c).

MOVED AND SECONDED: That the Town Council enter into executive session.
(Beaulieu & Bishop) **VOTE:** (7 Ayes)

MOVED AND SECONDED: That the Town Council reconvene into public session.
(Arsenault & Bishop) **VOTE:** (7 Ayes)

MOVED AND SECONDED: To adjourn at 11:44 p.m. (Migliaccio & DeGrandpre)
VOTE: (7 Ayes)

Respectfully Submitted,

Sharon Coffin
Council Secretary

MOVED AND SECONDED: To close the Public Comment Period on non-agenda items only.
(White & Migliaccio) **VOTE:** (7 Ayes)

Presentation of the Citizen of the Year Award

Councilor Bishop explained that this award has been given each year since 1994 to honor a local person/persons for his/her outstanding contributions to the community. This year John Hoy and Mary Sauer were recognized for their efforts in helping to preserve open space for public recreational purposes in Freeport. Mr. Hoy served on the Recreation Commission and Ms. Sauer served on the Conservation Commission. Councilor Bishop presented each of them with a plaque and a walking stick donated by L.L. Bean. They each thanked everyone for all the support they received through the years.

A reception followed.

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

ITEM #25-07 To consider action relative to adopting the March 6, 2007 Consent Agenda.

BE IT ORDERED: That the March 6, 2007 Consent Agenda be adopted. (Beaulieu & Bishop)

Chair Cassida reviewed the items on the Agenda for members of the public.

ROLL CALL VOTE: (7 Ayes)

ITEM #26-07 To consider action relative to a proposed amendment to the Freeport Sign Ordinance concerning Real Estate Signage (Chapter 23) **Public Hearing.**

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

Stephanie Slocum, Director of the Freeport Economic Development Corporation, explained the reason for the amendment. Properties have been sold or leased over the past few years but the Realtor signs have stayed in place providing advertising for the realtor involved. They are found to be distracting and unattractive. There is no requirement in the Town Ordinance today for a realtor to take a sign down, or a limitation on the number of signs they have, their size or location. The FEDC Board would appreciate the Council's support in approving this amendment. Jim Plummer will assess a cost for the removal of signs. Discussion followed. Mr. Olmstead indicated that a mailing would be done to the folks that do business in Freeport or in the area and inform them of the Ordinance requirements. Councilor White requested that the signs not be disposed of but rather placed in a location where realtors can pick them up. Mr. Olmstead noted that they would be brought to the Public Works garage and they would be released upon payment of any fines or fees.

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

BE IT ORDERED: That the proposed amendment to the Freeport Sign Ordinance concerning Real Estate Signage be approved. (DeGrandpre & Bishop) **ROLL CALL VOTE:** (7 Ayes)

ITEM #27-07 To consider action relative to a proposed amendment to the Freeport Conservation Commission Ordinance concerning the number of Commission Members (Chapter 35). **Public Hearing.**

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

Mr. Olmstead explained the reason for this amendment. There were no public comments.

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

BE IT ORDERED: That the proposed amendment to the Freeport Conservation Commission Ordinance be approved. (Bishop & Arsenault) **ROLL CALL VOTE:** (7 Ayes)

ITEM #28-07 To consider action relative to a proposed amendment to the Pavement Maintenance Impact Fee Ordinance concerning the clarifications of fees charged (Chapter 52). **Public Hearing.**

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

Mr. Olmstead explained the reason for the amendment. There were no public comments.

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

BE IT ORDERED: That the proposed amendment to the Pavement Maintenance Impact Fee Ordinance be approved. (Arsenault & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes)

ITEM #29-07 To consider action relative to the approval of Pole Permit Applications.

BE IT ORDERED: That the Town Engineer be authorized to approve Pole Permit Applications on behalf of the Town of Freeport. (Migliaccio & Arsenault)

Mr. Olmstead explained what a pole permit is and why the Town Engineer should be authorized to approve them. He noted that the fee is set by the State.

ROLL CALL VOTE: (7 Ayes)

FREEPORT TOWN COUNCIL MEETING #04-07
March 6, 2007

ITEM #30-07 To consider action relative to a proposed amendment to the Zoning Ordinance concerning parking requirements for religious institutions in the Village Commercial 1 (VC-1) District (Chapter 21).

BE IT ORDERED: That a Public Hearing be scheduled for April 3, 2007 at 7:00 p.m. in the Town Hall Council Chambers to discuss a proposed amendment to the Freeport Zoning Ordinance concerning parking requirements for religious institutions in the Village Commercial 1 (VC-1) District

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 3 and the Town's website. (Arsenault & Migliaccio)

Councilor Beaulieu explained that she brought this item forward for the Congregational Church. The church has parking spaces that could be used for shared parking but they presently are not able to sublet them out. This Ordinance change would permit them to sublet out some of their spaces for uses required within the district and provide a source of funds to keep their church going. Mr. Olmstead suspected there were 48 or 49 spaces in the church parking lot.

ROLL CALL VOTE: (7 Ayes)

ITEM #31-06⁷ To consider action relative to proposed amendments to the Zoning Ordinance concerning Accessory Apartments (Chapter 21).

BE IT ORDERED: That a Public Hearing be scheduled for April 3, 2007 at 7:00 p.m. in the Town Hall Council Chambers to discuss a proposed amendment to the Freeport Zoning Ordinance concerning Accessory Apartments.

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 3 and the Town's website. (Bishop & Arsenault)

Councilor Beaulieu explained that she badgered everybody to get this on the agenda. This would permit individuals to add "mother-in-law apartments" to their homes for some other member of their family. The individual that owns the property still needs to live on the property. This amendment is not to allow individuals to develop rental properties. This is a need that is required because of our aging population and identified in the Comprehensive Plan many years ago.

She had one suggested change and that is to strike #2.—The accessory apartment must be located entirely outside of the Shoreland Zone and renumber the rest of the information. Councilor DeGrandpre agreed with her and other Councilors concurred. Councilor Migliaccio mentioned sensitive streams and asked Mr. Olmstead to ask the Town Planner to provide relevant information concerning streams at the Public Hearing. Mr. Olmstead explained that he could strike #2 now and reprint the document for public distribution but it would require a second public hearing. Councilor Beaulieu recommended leaving #2 in for now but noting that the Council is proposing deletion of it. Councilors concurred.

ROLL CALL VOTE: (7 Ayes)

ITEM #32-067 To consider action relative to referring to the Planning Board for consideration a proposed amendment to the Zoning Ordinance concerning Cemeteries and Crematoriums in the Resource Protection - 2 (RP-2) District.

BE IT ORDERED: That the Town Council request that the Planning Board consider a proposal to amending the RP-2 District to add Cemeteries and Crematoriums as permitted and accessory uses.

NOTE: This item was requested by Councilor White. (DeGrandpre & Arsenault)

Councilor White explained that cemeteries are faced with a lot of financial challenges and some are running out of space. Burr Cemetery has an opportunity to purchase land in the rear of their cemetery, which is in Resource Protection. They are requesting a zone change, which will permit them to purchase the land and use it for cemeteries and crematoriums. Discussion followed. Councilor Beaulieu clarified that tonight the Council is simply referring this matter to the Planning Board. Councilor White asked that the Planning Board look at this within the next 60 days and bring back their recommendation to the Council. Councilor DeGrandpre suggested notifying all the cemetery associations if crematoriums are going to be discussed.

ROLL CALL VOTE: (7 Ayes)

ITEM #33-067 To consider action relative to an expenditure to the FY2007 Miscellaneous and Contingency to provide for repairs to the Public Safety Building Oil and Water Separator.

BE IT ORDERED: That \$2,300 be expended from the FY2007 Miscellaneous account to provide for repairs to the Public Safety Building Oil and Water Separator. (Beaulieu & White)

Mr. Olmstead explained the need for this expenditure. Normally this would have been taken out of the Building Maintenance Account but that account will be overspent, if it hasn't already been overspent due to the fact that serious furnace problems have taken place in Public Safety and Public Works. Greg L'Heureux asked Mr. Olmstead to bring this to the Council for approval. The separator had to be repaired.

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS:

1. Discuss request from Police Chief on a vehicle for the Police Department.

Chief Schofield explained that he is proposing to utilize one of the recently decommissioned patrol vehicles for the detective's position that is being finalized. He estimates that it will cost approximately \$2,200 per year to operate this vehicle. It will be equipped with lights, siren and radios that are on hand. He requested acknowledgment from the Council on this proposal. The Council provided acknowledgment that they agreed with his proposal.

2. Update on Community Center Fundraising

Councilor DeGrandpre pointed out that he received a call from Bob Stevens informing him that they are still putting together information with the Fundraising Consultant. Mr. Stevens expects to have the information compiled within a couple of weeks and will then bring it to the Council. Chair Cassida also spoke to Mr. Stevens and suggested adding this item to the Council's workshop agenda in April.

MOVED AND SECONDED: To table the update on Community Center Fundraising to the April workshop. (DeGrandpre & White)

Chair Cassida noted there is no need to vote on this motion.

3. Report on Regional Committee activities.

Councilor DeGrandpre reported that the Town of Falmouth is working on options for consolidating Dispatch services. A price has been received from the County but there is a list of things that they do not do. We'll need to weigh services that the County does not provide in dispatch that we will still use or need. Falmouth is getting ready to build a new Town Hall and is considering hosting dispatch for the Regional group that is already active. Another option was for everyone to consolidate to Yarmouth. The Regional group will meet again at the end of March and the Police Chiefs are expected to come in with a formal proposal. Mr. Olmstead noted that part of the proposal would be to utilize a consultant to look at the technical aspects of the merger and take a look at the numbers generated by the Chiefs to ensure that the numbers are sound. There is a regional grant that can be utilized for that purpose. Falmouth was added to the grant. Freeport's call volume is larger than what County currently handles. More discussion followed.

Chairs – Mr. Olmstead indicated that there is a need to purchase some chairs for the Council Chambers. He will purchase 20 stackable chairs and is looking at the Gorham chairs.

4. Informational Exchange

Councilor Beaulieu indicated that she was downtown this Saturday and was dismayed to see that half of the crosswalks were not shoveled out. Freeport did not appear to be a friendly village that morning. Mr. Olmstead noted that this is the responsibility of the property owners. Councilor Beaulieu mentioned that she would be willing to look at the Ordinance and put some teeth into it to add fines. Chair Cassida agreed to look at the Ordinance and suggest language that gives the Town authority to remove the snow and then charge the property owners. Mr. Olmstead noted that Dick Collins has agreed to run a message in the next Merchants Association Bulletin reminding them of their responsibility. Stephanie Slocum has taken this issue to the FMA Board for discussion. He is hoping for compliance and there won't be a need to amend Ordinances and threaten folks with fines. Councilor Beaulieu would like this issue addressed before next year.

Councilor Beaulieu provided an update on the MMA Front Porch Meeting in Gorham that she attended with Mr. Olmstead. MMA was looking for feedback from its members on their strategic plan and membership survey.

Councilor Migliaccio would like to get some action in referring to the Planning Board a request to examine and increase minimum notification requirements for zoning changes. This came up in a Council

workshop. He will try to mark something up and put it in front of the Council. Mr. Olmstead noted that this should be provided quickly because it will have significant cost implications in the budget.

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

MOVED AND SECONDED: That the Council request that the Planning Board consider a proposal to the Zoning Ordinance to increase minimum notification requirements for zoning changes. (Migliaccio & DeGrandpre)

Councilor Beaulieu indicated that she would be voting no on this because when the Council sends something to the Planning Board, it should be well crafted. Councilor Migliaccio withdrew the motion since it does not need to happen this month but will draft up some language for the Chair.

Councilor White mentioned that the Council has not set any goals or targets for this year's budget process. Chair Cassida noted that the Council did set a target of 3.62 this year and the targets are in the Council's goals. Mr. Olmstead advised that the School Committee has the Council's goals.

Councilor Migliaccio indicated that he would like to put on an agenda for future discussion the Route One South directional signage proposal for Exits 17 and 20. It has already been approved by the Parking and Traffic Committee. He would like to bring it back as an action item with a cost associated. Mr. Olmstead offered to get it from Al Presgraves. He noted that it is not an approved item from the Destination Downtown TIF District and it is not in the Capital Budget this year. He would recommend that the money come from the Traffic and Parking reserve fund. He will follow up with Stephanie Slocum and bring it back to the Council. Councilor Beaulieu advised that the proposed sign does not meet the Sign Ordinance.

Councilor Migliaccio would also like to put on an agenda for future discussion a flashing light at the intersection of U.S. Route One and South Freeport Road. This was included in the Walker Study. The Town Planner does not envision a light installed by MDOT anytime in the near future at this intersection. Their estimate was for \$20,000. Mr. Olson from Senator Edmonds' office has located a light in Brownfield Maine priced at \$3,820. Discussion followed. Councilor DeGrandpre suggested that Stephanie Slocum bring this matter to the Traffic and Parking Committee. Mr. Olmstead offered to discuss this with Ms. Slocum tomorrow and get it on a Traffic and Parking agenda.

Councilor White brought up the budget again and clarified that the cap is 3.6%. He asked if it was formally announced to the public. Mr. Olmstead advised that the Council adopted its goals publicly.

ITEM #33-07 To consider action relative to an executive session to discuss an offer to purchase land owned by the Town of Freeport and to discuss the acquisition of property and to discuss lease negotiations concerning cell antennas. 1 MRSA Sec 405 (6c).

MOVED AND SECONDED: That the Town Council enter into executive session. (DeGrandpre & Bishop) **VOTE:** (7 Ayes)

MOVED AND SECONDED: That the Town Council reconvene into public session. (White & DeGrandpre) **VOTE:** (7 Ayes)

MOVED AND SECONDED: To adjourn at 8:54 p.m. (Bishop & Beaulieu)
VOTE: (7 Aye)

Respectfully Submitted,

Sharon Coffin
Council Secretary

**MINUTES
FREEPORT TOWN COUNCIL MEETING #05-07
COUNCIL CHAMBERS
MARCH 20, 2007
6 p.m.**

CHAIRPERSON'S CALL TO ORDER

PRESENT ABSENT EXCUSED

| | |
|----------------------------------------|---|
| John Arsenault, Prout Road | x |
| Genie Beaulieu, P.O. Box 74 | x |
| Charlotte Bishop, Maquoit Drive | x |
| James Cassida, 5 Timber Ridge Road | x |
| Rich DeGrandpre, Timber Ridge Road | x |
| Joe Migliaccio, 2 Vinmar Lane | x |
| Frederick White, 45 Pleasant Hill Road | x |

Chair Cassida called the meeting to order at 6:10 p.m. and took the roll call.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #04-07 held on March 6, 2007 and accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #04-07 held on March 6, 2007 and accept the Minutes as printed. (Bishop & Arsenault)

Councilor DeGrandpre pointed out that on Page 6, Item 3, The sentence reading: *Freeport's call volume is larger than what County currently handles* should be changed to "The five-town Regionalization group would be a larger group than the County currently dispatches." Councilor DeGrandpre also clarified that the sentence reading: *He will purchase 20 stackable chairs and is looking at the Gorham chairs* should have stated that we are going to buy new chairs, and are considering a similar style chair that the Town of Gorham owns.

VOTE TO ACCEPT AS AMENDED: (7 Ayes)

SECOND ORDER OF BUSINESS: Announcements

Chair Cassida mentioned that there are openings on the Cable TV Regulatory Board and Appeals Board. Anyone interested in serving on one of these two Boards should contact the Town Clerk's Office for an application.

Chair Cassida reminded everyone that the Recycling Center is selling compost bins for \$39.50 each and Kitchen Scrap Pails for \$10.50. Spring Clean-up has been scheduled June 2-9 and the daily hours are posted on the Town's Website.

Councilor DeGrandpre mentioned the Freeport Lioness Show coming up at the end of the month at the Freeport Performing Arts Center. It's a local effort that is fun and every penny earned from this show goes back into our community.

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

MOVED AND SECONDED: To open the Public Comment Period on Non-Agenda Items only. (White & Bishop) **VOTE:** (7 Ayes)

There were none.

MOVED AND SECONDED: To close the Public Comment Period on Non-Agenda Items only. (White & Beaulieu) **VOTE:** (7 Ayes)

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

ITEM #38-07 To consider action relative to adopting the March 20, 2007 Consent Agenda.

BE IT ORDERED: That the March 20, 2007 Consent Agenda be adopted. (Migliaccio & Bishop)

Chair Cassida described the items on the Agenda for members of the public.

ROLL CALL VOTE: (7 Ayes)

ITEM #39-07 To consider action relative to the approval of an Alcoholic Beverage License for Antonia's Pizzeria Bar & Grill. **Public Hearing.**

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

Mr. Olmstead explained why a public hearing is required for a new application. There were no public comments.

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

BE IT ORDERED: That the following application for an Alcoholic Beverage License be approved:

Sotirios & Antonia Sotiropoulos d/b/a
Antonia's Pizzeria Bar & Grill
193 Lower Main Street (Beaulieu & Bishop) **ROLL CALL VOTE:** (7 Ayes)

ITEM #21-07 Continued from February 6, 2007:

To consider action relative to amendments to the Zoning Ordinance, Zoning Map, Design Review Ordinance, Design Review District Map and Comprehensive Plan concerning the creation of a new Village Mixed Use District (VMU). (Chapters 21 & 22.) (Public Hearing).

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

Chair Cassida explained that the same ground rules will remain in effect this evening that took place at the last Council meeting. Speakers will be given 8 minutes to share their viewpoints and a fair warning will be provided.

Donna Larson, Town Planner explained the document in front of the Council that the public will be commenting on. She pointed out that a public hearing was held and then a subsequent workshop after that. A change was made to only allow a 15,000 sq. ft. grocery store if it was part of a mixed use development, which means it has to have at least three residential units included. The base elevation must be at least 10 feet below the base of Bow Street and the buildings that sit on top of that grocery store cannot exceed 80% of what is below. In addition, if it is a commercial building, it cannot be more than 4,000 sq. ft. and if it is residential, it cannot be more than 2,500 sq. ft. She referred to a model that was displayed showing how one could have a 15,000 sq. ft. building on the bottom and the smaller buildings on top. There would be some sort of balcony or plaza that would actually be the roof of the grocery store. This was added. Since the workshop, the definition of "grocery store" is now called a "convenience store" since there is a definition for convenience store in the Ordinance. There have been hours of operation added for local retail trade and village cafes and they have to be between 6 a.m. and 11 p.m. The prohibition on selling alcohol in village cafes has been deleted. A waiver clause has been added to the design standards because there are questions on whether 60% of glass is the right amount for the first floor. The waiver allows the Board to have some discretion in the design standards and apply them on a lot-by-lot basis. She noted there is a new colored map that the Council has and copies are available to the public that shows the existing zoning which is in the solid colors and then there is an outline showing the proposed districts so anyone can see what is underneath them. It's primarily the Village-I District but there is a portion that is in the MDR District. She explained the two maps displayed on the wall that are covered in plastic and noted there are markers available for possibly changing some of the district lines if need be.

Councilor Beaulieu referred to Page 3, #13 of the Draft and pointed out it still says "grocery stores". Ms. Larson stated it is an error and should read "convenience stores".

Councilor DeGrandpre recalled in going through the workshop, that it was agreed that cafes and restaurants were going to be put in both districts and if the Council wanted to remove them, they could. Chair Cassida noted that he recalled that they should be included in the uses of the draft for discussion as a starting point. Other Councilors concurred. Ms. Larson advised that it will be #20 on Page 8. She read the definition for convenience stores.

Cliff Goodall, resident and former Chair of two defunct Comprehensive Planning Committees pointed out that the proposal is almost home but not quite. He has concerns about the definition of "convenience store". A 15,000 sq. ft. store is not a traditional small "Mom and Pop's" store. He suggested changing the name to "Local Convenience Goods Store" on Page 3, #13, on Page 5, #6 in two places and then on Page

11, 4th line down under Local Retail Trade. Councilor Migliaccio asked for the three definitions and Chair Cassida assured him that they would be provided during the Council's deliberations.

Sharing viewpoints were: Bill Browder of 4 Flying Point Road, Laura Unfricht of 90 Bow Street, Doug Reighley of Harborside Road and a member of the Appeals Board, Leslie Hallock of 30 Estuary Point, Rachel Mills of 89 Bow Street, Adam Nappi of Bow Street Market, Stephanie Slocum, FEDC Director, Sarah Sproggell of 31 South Street, Dr. James Hendricks of South Freeport Road, Randall Thomas, Freeport Historical Society Director, Greg Unfricht of 90 Bow Street, Shannon Garrity, member of the Appeals Board and resident of West Street, Sue Wieferich, 1 South Street, Peter Taggart of Chapel Street but owns property on Bow Street. After hearing from everyone at least once, the following people were allowed to speak a second time to voice new comments: Bill Browder, Rachel Mills and Laura Unfricht. Stephanie Slocum explained the purpose of a follow-up breakout workshop meeting on October 26 and that the input was provided to the Planning Board. She noted that the impact of the information was negligible but the meeting was not open to the public. Bill Browder also provided information on this October 26 meeting. Councilor Arsenault announced that he no longer works at Bow Street Market. Speaking a second time was Cliff Goodall and Leslie Hallock. George St. Pierre of 12 South Street was the last speaker

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

A five-minute break was taken.

Chair Cassida pointed out that the Council heard a lot of good comments this evening. He asked Councilors to share what they would like to see this document look like.

Councilor Bishop advised that she is still in favor of whacking out the east side of Bow Street. The area is dense enough already. She likes the two zones. It will contain a mini area there to contain it and prevent it from spilling out into the neighborhood. It is unrealistic to think the market can survive like it is. She is fine with the 15,000 sq. ft. size and would welcome easier parking. She is confident that the expansion will improve the appearance of the old building. She is in favor of small restaurants in both zones. She would like to keep the Design Review area and would not want to tamper with it.

Councilor Beaulieu agreed with what Councilor Bishop outlined in regards to removing the area across from Bow Street Market but wants to retain the Design Review District.

Councilor Arsenault also agreed with what Councilor Bishop outlined but mentioned that he heard from a few residents on the east side of the market that want to stay in the district but others do not. They are not in attendance this evening. As far as the project goes in Zone 1, it has been the Planning Board's thought processes of late, to preserve as much open space as possible and infill where they can. He feels this project does that. He is confident that the Council is acting in a manner that the Planning Board would like if it approves this document. He explained how difficult it is for customers to shop off the tallest shelves in the market and that the market is trying to provide services and products requested by customers. He can support the 15,000 sq. ft. size. He is aware that Adam Nappi plans to square off the old store and make it more attractive to the surrounding neighborhood. Councilor Arsenault would support cafes. In Zone 2, there was discussion of ending at Bella's to preserve the neighborhood, but as outlined tonight, there have been suggestions to open it up or leave the line as it is. He can support either alternative. During the Village Planning Study, the extension of School Street was discussed. He discussed this with the Police, Fire and School personnel and would like to see this happen to provide an alternative travel lane. For the most part, he would support the document as it is written except for the few things he outlined. It is economically healthy for the community and it is offering Freeport residents

something for their tax dollars.

Councilor White noted that there is a lot going on here. The more he talks to people about the process, he has gained respect for the Planning Board and their decision. It is an example of a public process where folks were listened to. He feels it is a mistake to move forward in this district without contract zoning. As far as the VM-1 and VM-2 concept, in the absence of contract zoning, he thinks it is the best way to proceed with this. In the VM-1, he supports the School Street corridor being extended. He could envision that area with cafes, retail and the grocery store. He is not sure that 15,000 sq. ft. is the correct size for the market. While he shops at Bow Street Market as much as everyone else and feels a loyalty to the market, he'll support the 15,000 sq. ft. but wanted to go on the public record saying the process is flawed. Zone lines on Bow Street – he would like to adhere to the Planning Board's recommendation on Bow Street from South Street and Park down the road (east). He would like to see it governed by the Planning Board's recommendation relative to density as a Design Review on both sides. He would not like to see retail or café on any property facing out onto Bow Street. He would limit those to the School Street extension corridor concept or any properties on the elongated School Street. He heard the need to leave Bow Street residential and did not hear any need to change that from the majority of folks. He would suggest at least looking at the back property for the folks on the other side of the line. He has not had enough time to look at the benefit or liability. There are three parcels. He would not support drawing the line further down to encompass.

As for zone lines on South Street, Councilor White agrees to stop at Bella's and the Oak Leaf complex. He would prefer to not have retail or cafés there but leave it as the Planning Board recommended. He would like to see the Council define local retail. It is too broad. His interpretation is that it is for local consumption. Things such as antique shops and jewelry shops will need to draw traffic down from Main Street in order to survive. He would like to have the appropriate Town group look at the definition and make a recommendation. He feels it is a mistake to move forward tonight without giving consideration to the coordination of the park in a mixed-use district. Someone needs to look at it because there are other properties in question adjacent to the park and we need to ensure that we make good decisions for the people that live in Town relative to the transition of the park to the mixed-use district. As for the hours of operation, he would prefer that they be closing at 8 p.m. or 9 p.m. He cannot support the 25% over 4,000 without contract zoning. With contract zoning, he would be prepared to support it in some areas. As for Design Review standards, he would like some clarification on how far they would extend. He feels they are excellent and would like to see them throughout VMU-1 and VMU-2. As for alcohol in a café, he could live without it because he views it as simply breakfast and lunch. He does not view this as a place for incubator businesses. They should be built into other areas of Town. Sidewalks could be a component and if we had contract zoning, we could build it in. There should be no exemptions.

Councilor Beaulieu asked the Town Planner if the Council can change grocery store to local convenience goods store. Ms. Larson does not view this as a substantial change. Councilor Beaulieu stated that she would prefer to stay with grocery store and define it. Everyone knows what a grocery store is. On Page 4 and Page 9, she has a problem with the wording for sidewalks. She would prefer to not have "in lieu of fees". It bothers her that a developer could decide to not build a sidewalk but rather pay a fee. Ms. Larson explained that the fee would be placed in an account and set aside until a contiguous sidewalk can be built. Councilor Beaulieu suggested that the wording on Page 4 and Page 9 be the same. Mr. Olmstead would prefer that the Town determine where a fee is appropriate versus construction. Councilor Migliaccio suggested changing the wording to read: "The Project Review Board may accept in lieu of". Councilor Beaulieu prefers that there be no exemptions for single families.

Councilor Beaulieu referred to Page 5, Item #7 and clarified that the 25% expansion will take place mainly in the rear. Ms. Larson explained that it could be squared off. In District 2, Councilor Beaulieu maintained that village cafes should not be permitted as a main use but the Bella's of the world could

have up to 20 seats as an accessory use. On Page 10, she would prefer that the hours of operation should end at 10 p.m.

Councilor Migliaccio heard a lot about process and believes the Council needs to hear what the public is saying. He is confused; he heard a majority of Councilors in the workshop say they were in favor of contract zoning as a tool but the numbers fall apart when applying it to this zone. He would like to do it in a way that gives the Council the most control over it. He feels the Council has a lot of work to do and maintains that any zoning change workshop should be televised and the notification of meetings expanded.

Councilor Migliaccio pointed out that there are no guarantees when one builds a 15,000 sq. ft. building that the market will stay and the Council should give some thought to what will happen to the building if the market leaves. We'll have a 15,000 sq. ft. building and the Town will be forced to do something else with it. He is not willing to fight the battle about the market tonight because by adding the wording regarding the slopes and the utilization of that, it's the best he can expect from the Council. He stepped down and pointed to the map displayed on the wall. He pointed out where he feels the Council should keep the 2,500 sq. ft. cafes in VMU-1. He doesn't like the alcohol piece. He is confident that this will attract tourists to the area. Businesses will advertise to the tourist trade. He doesn't like the idea of creating the zone around the corner without the extension of School Street. He would like to extend Village Mixed-Use 1 over to South Street up close to Bella's. He would be happy to see the rest of the zone contracted and leave the Design Review requirements in place where they are. He would like a discussion about alcohol and deep frying. He is not sure the Council needs to get at it. He would like to hear if anyone is interested in less of an impervious surface in this zone. He proposed 60% impervious surface before to get away from the big parking lot stuff. He has talked about having different size footprints for commercial and retail. He would like to talk about the park since it came after all the discussions and he wants to make sure that it fits and will not prevent the extension of School Street. He feels the market is only compatible in this type of concept. He would rather go slow.

Councilor DeGrandpre is comfortable with alcohol and recommends leaving it in. He is "okay" with it. Ms. Larson clarified that for parking, one space for every two seats will be required for cafes. He is comfortable with the impervious requirement because density is being increased. He would recommend a 10 p.m. closure but would be willing to have a discussion later if needed. As for sidewalks, he agrees they are a requirement – build them or pay a fee. They are important to make this a walkable neighborhood. As for a 25% increase to a 4,000 sq. ft. building, he would like the building fixed but not expanded. He is confused about how big a building is. It is not viable to assume that the entire building will have a single use. The concept here is a village mixed use so we can expect to have several uses within a building. He is trying to understand this. On the cafes in District 1, he feels the size and number of seats will determine what locates here and there are ways to discourage some businesses. 40 seats in Zone 1 is a good place to start. He can live with the same definition in Zone 2 but can also live with the Accessory use that other Councilors have discussed. He cannot live without it – he is tired of leaving people out in the cold that cannot grow. He is not confident that prohibiting fryolators as a mechanism to discourage certain businesses will work. He suggested sorting out the definitions for convenience store, local retail trade and local convenience goods store.

Chair Cassida complimented the Planning Board for what they did and presented to the Council. He agrees that there needs to be some adjustment on the hours of operation. He can be flexible on the closing time. He feels 9 p.m. or 10 p.m. would be appropriate to start. He is okay with the alcohol piece. He is comfortable with the definition of cafes in the VMU-1 but not in the VMU-2. The definition of retail trade provides some flexibility to existing businesses that want to have some accessory seating. As for the 4,000 sq. ft. vs. 2,500 sq. ft., he would prefer to leave it at 2,500 sq. ft. in both districts for buildings other than grocery stores but is comfortable with the 1,500 sq. ft. given the slope characteristics

that have been put in. He would not be okay with the 1,500 sq. ft. building if it were a huge scale on Bow Street. He is confident that this particular concept will maintain the village feeling on Bow Street. He does not feel the Council should allow any buildings up to 4,000 sq. ft. in these districts except for grocery stores.

Councilor Migliaccio asked Chair Cassida why he approves of a 15,000 sq. ft. building. Chair Cassida replied that he feels it is a reasonable size for a grocery store. It is not as big as it could be but allows a business to be competitive.

As for the 25% expansion, Chair Cassida noted he has a problem with this. While he understands the request behind it, he feels the building can be retrofitted for its next use without expanding it. He is not supportive of this. The owner can maintain the footprint that he has.

Chair Cassida is comfortable with the definition of local goods convenience store. He is supportive of reducing the impervious surface to perhaps 70%. Retail Restaurant – Chair Cassida mentioned that café is a better definition and he would prefer it in the VMU-1 but not in VMU-2. Village Café is acceptable to him. He is comfortable with Retail Trade in VMU-1 but would prefer to not see it in VMU-2. He would like to work on the definition of local retail trade from a local service perspective. He would support removing the east side of Bow Street in the district all the way to the corner of Bow and Dennison. He would also support shrinking the district so that Bella's would be right at the edge. Bella's would be conforming as long as we leave retail trade in.

Chair Cassida asked for a consensus on some items.

- Removing the east side of Bow Street up to the corner of Bow and Dennison (majority in favor)
- Go with two zones (6 Ayes – 1 Nay)
- 15,000 sq. ft. grocery store (5 Ayes) 2 Nays)
- Cafes in VMU-1 (40 seats) (Ayes majority)
- Cafes in VMU-2 (20 seats) (Nays majority)
- Expansion of 25% in both districts (4 voted in favor)
- Sidewalks (majority not happy, want it redrafted to say no exemptions, they have to build the sidewalk or pay the fee and the money needs to be used to build the sidewalk in the zone. Project Review Board will make decision)
- Restaurants (not in proposal)
- Alcohol (leave in – 5 Ayes, 2 Nays)
- Hours of Operation (consensus to reduce the hours from 6 a.m.-10 p.m.)
- Councilor Migliaccio wants to limit delivery times between 7 a.m. and closing. Councilor Beaulieu wants the Town Planner to look at developing standards for delivery times with teeth in them for the whole town. Mr. Nappi explained the risks involved with deliveries and mentioned all the variables involved. He will be addressing this with the Project Review Board. There was consensus to send it to the Parking and Traffic Committee at a later date. Councilor Migliaccio

and Councilor White wanted to limit delivery times between 6 a.m.-10 p.m. Chair Cassida asked Mr. Olmstead to add this topic to the next agenda for discussion.

- Accessory Use of up to 20 seats is allowed in both districts (majority agreed but Councilor White does not support this in District 1 or 2)
- Leave the prohibition of Deep Frying in (4 voted to leave it in)
- Impervious area now at 80% (5 Ayes to leave it in)
- 4,000 sq. ft. for VMU-1 (majority voted to leave it alone) In VMU, it is 2,500.

On Page 3, #13 Councilor Migliaccio suggested removing the word “except” and adding a semi colon. Councilors concurred.

- Definition of grocery store – no one wanted to use convenience store. Local Convenience Goods Store— Councilor DeGrandpre found the definition in the VC-4 on Page 75 #19. It reads: Local convenience goods stores accommodating local needs, such as but not limited to, retail bakeries, delicatessens, fish stores, meat markets, farmers markets, grocery and food stores, florists shops and combinations thereof. (Consensus to use this as the definition and include it in this section).

Councilor Migliaccio asked if a café could be included in a Local Convenience Goods Store and Councilor DeGrandpre pointed out that it would be permitted in the Mixed-Use District.

- Local Retail Trade—on Page 11; Ms. Larson suggested striking “except Village cafes”. Discussion followed on making Bella’s a permitted use. There was consensus to leave Village Cafes in the VMU-2 with 20 seats. Consensus to leave “except Village cafes” in now.

The Town Planner reviewed the changes voted on this evening by the Council. Chair Cassida pointed out that the Design Review District stays as it is proposed. He asked if the Council wanted to leave the Planning Board’s proposal the way it is regarding South Street. Discussion followed on the lines. Ms. Larson explained the down side of taking the lines out. There are a lot of protections built in. There’s the limitation on the building footprint which the V-I District does not have. It has sidewalks. There are more things allowed but some things are being taken away. Chair Cassida asked for a vote on taking the east side from Bella’s south out of the mixed-use district. Councilor Migliaccio suggested making a new zone for residential density from Bella’s to West Street. Councilor DeGrandpre suggested adding the Trust property as well. Councilor Beaulieu suggested going back to a backwards “H” rather than going down the middle of the road. Mr. Olmstead suggested drawing the backwards “H” and label the zone below VMU-3 District and exclude from it cafes and retail trade and it is less intensely used. Ms. Larson drew the line on the wall map. Bella’s is included.

For the record, Councilor Migliaccio asked Stephanie Slocum how she would recruit businesses that won’t pull tourists down from Main Street to their 4,000 sq. ft. buildings. Ms. Slocum explained that hopefully businesses would locate in the VMU-1 or 2 District that provide goods or services to residents. Councilor Migliaccio believes that in the future, people will be coming down into this area and it will become an extension of Main Street.

Ms. Larson ran through the permitted uses in VMU2 to make sure the Council wants to permit them in VMU-3—single family/two family, subdivisions, multi family, religious institutions, public or private schools, commercial schools, municipal facilities, construction services. Local retail trade is out, mixed-

use development is in, business and professional offices, art galleries and museums, public utilities, public areas, private assembly, private assembly indoor, B&Bs, daycare center facilities, and village cafes are out. All the densities are the same, sidewalks are the same, 2,500 sq. ft. building maximum, the same setback requirements, same parking, shared parking and the hours of operation doesn't apply. The Council concurred with this definition.

Chair Cassida pointed out that the Council made a lot of changes tonight. While he has a general idea what this document is going to look like, but he has a little discomfort giving final approval without seeing it in writing. If the Council wants to vote on it tonight, he recommends giving preliminary approval only and having it back on the April 3 agenda for final approval after seeing the document.

Ms. Larson asked if the Council would accept any further public comments. Chair Cassida asked her to distribute any written comments to the Council.

Chair Cassida asked how many Councilors are in favor of this proposal that the Town Planner is going to redraft. **VOTE:** (6 Ayes) (1 Nay—Migliaccio)

MOVED AND SECONDED: To table this item for final vote on April 3. (Bishop & White) **VOTE:** (7 Ayes)

ITEM #40-07 To consider action relative to adopting a Five Year Capital Plan and approving a Capital Budget for Calendar Year 2007.

BE IT ORDERED: That a Public Hearing be scheduled for April 3, 2007 7:00 p.m. in the Town Hall Council Chambers to discuss the adoption of a Five Year Capital Plan and approving a Calendar Year 2007 Capital Budget.

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 & Bishop)

Mr. Olmstead explained that he would discuss this next Tuesday night.

VOTE: (7 Ayes)

OTHER BUSINESS:

1. Informational Exchange.

Councilor DeGrandpre had a couple of items regarding Traffic & Parking that he wanted added to the agenda for April 3 and provided a memo to Mr. Olmstead and the Secretary from Al Presgraves outlining them.

TOWN COUNCIL MEETING #05-07
March 20, 2007

Mr. Olmstead advised that he would be contacting the Municipal Facilities Chair to set up a meeting.

Councilor Migliaccio explained that the final number came in for the County Block Grant Program and it was significantly lower than what we thought we would be getting from the County. \$1.4 million was received instead of the \$2.3 million to be distributed throughout the County.

MOVED AND SECONDED: To adjourn at 12:02 a.m. (Bishop & White) **VOTE:** (7 Ayes)

Respectfully Submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #06-07
COUNCIL CHAMBERS
April 3, 2007
7 p.m.

CHAIRPERSON'S CALL TO ORDER

PRESENT ABSENT EXCUSED

| | |
|----------------------------------------|---|
| John Arsenault, Prout Road | x |
| Genie Beaulieu, P.O. Box 74 | x |
| Charlotte Bishop, Maquoit Drive | x |
| James Cassida, 5 Timber Ridge Road | x |
| Rich DeGrandpre, Timber Ridge Road | x |
| Joe Migliaccio, 2 Vinmar Lane | x |
| Frederick White, 45 Pleasant Hill Road | x |

Chair Cassida called the meeting to order at 7 p.m. and took the roll call. He mentioned that Councilor Migliaccio called from his car and will be arriving shortly.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #05-07 held on March 20, 2007 and accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #05-07 held on March 20, 2007 and accept the Minutes as printed. (Bishop & Arsenault) **VOTE:** (6 Ayes) (1 Excused—Migliaccio)

SECOND ORDER OF BUSINESS: Announcements

Chair Cassida dispensed with announcements since there were none forthcoming.

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

MOVED AND SECONDED: To open the Public Comment Period. (White & Beaulieu)
VOTE: (6 Ayes) (1 Excused—Migliaccio)

MOVED AND SECONDED: To close the Public Comment Period. (Arsenault & White) **VOTE:** (6 Ayes) (1 Excused—Migliaccio)

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

ITEM #44-07 To consider action relative to adopting the April 3, 2007 Consent Agenda.

Chair Cassida reviewed the items on the Consent Agenda for members of the public. Councilor White had questions regarding unlicensed dogs, which Mr. Olmstead addressed. Councilor Bishop asked about a change in Item #42-07 and Chair Cassida pointed out that Judith Wood has decided that she does not want to be reappointed to the Planning Board and David Watts will be appointed for the same term ending on May 1, 2010.

BE IT ORDERED: That the April 3, 2007 Consent Agenda be adopted as amended. (Arsenault & Bishop) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Migliaccio)

MOVED AND SECONDED: To take Item #21-07 out of order. (DeGrandpre & Bishop)

Councilor White requested that the Council not move this item up until Councilor Migliaccio arrives since it is an important item. Other Councilor concurred to wait until Council Migliaccio arrives. Councilor DeGrandpre withdrew his motion and Councilor Bishop withdrew her second.

ITEM #45-07 To consider action relative to a proposed amendment to the Zoning Ordinance concerning parking requirements for religious institutions in the Village Commercial 1 (VC-1) District (Chapter 21). **Public Hearing**

MOVED AND SECONDED: That the Public Hearing be opened. (Beaulieu & White) **VOTE:** (6 Ayes) (1 Excused—Migliaccio)

Councilor Beaulieu provided a brief overview of the amendment. There were no public comments.

MOVED AND SECONDED: That the Public Hearing be closed. (Beaulieu & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Migliaccio)

BE IT ORDERED: That the proposed amendment to the Zoning Ordinance be approved. (Beaulieu & Arsenault).

Councilor White asked if the Church is contemplating valet parking. Reverend D'Orio advised that the Church has no current plans to offer valet parking. He is aware that if this plan ever came forward, the Council is the place where it would have to be discussed.

ROLL CALL VOTE: (6 Ayes) (1 Excused—Migliaccio)

ITEM #46-07 To consider action relative to proposed amendments to the Zoning Ordinance concerning Accessory Apartments (Chapter 21). **Public Hearing.**

Councilor Beaulieu brought this amendment forward and explained that this concept has been discussed since the early 90s. Accessory Apartments, otherwise known as Mother-in-law Apartments, would allow a family member to live in a space within a residence or in an addition as long as it fits within the Ordinance. This concept is not to turn a dwelling into a rental. The owner of the property would have to live as part of the residence and they could have another family member in the other unit. It is meant to

help people as they get older.

NOTE: Councilor Migliaccio arrived at 7:10 p.m.

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

There were no public comments. Town Planner, Donna Larson, prepared an amendment regarding the Shoreland Zone. She spoke to the DEP and learned that they might approve an accessory apartment in the Shoreland Zone but it must be connected to the public water and sewer system. She stated that she wanted to make it clear that when she sends items into the DEP, they might say she cannot do it. The DEP said they "might" approve it. She also pointed out that there is nothing in the amendment that says a unit cannot be rented because there is no way of enforcing who is living in any given unit. Someone could rent to a complete stranger but the owner of the house has to live in it. In some cases, they may rent out the main house and live in the apartment. Chair Cassida asked if the Council could make this change but have it conditional upon State approval so that it wouldn't have to come back to the Council should the State not approve it. He suggested adding "conditioned upon State approval" to the end of the order. Ms. Larson noted it would be good to add this.

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

BE IT ORDERED: That the proposed amendment to the Zoning Ordinance be approved conditioned upon State approval. (Bishop & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes)

MOVED AND SECONDED: To take Item #21-07 out of order. (DeGrandpre & Bishop) **VOTE:** (7 Ayes)

ITEM #21-07

Tabled March 20, 2007

To consider action relative to amendments to the Zoning Ordinance, Zoning Map, Design Review Ordinance, Design Review District Map and Comprehensive Plan concerning the creation of a new Village Mixed Use District (VMU). (Chapters 21 & 22)

BE IT ORDERED: That the proposed amendments to the Zoning Ordinance, Zoning Map, Design Review Ordinance, Design Review District Map and Comprehensive Plan be approved as amended. (DeGrandpre & Bishop)

Chair Cassida noted that he read through the document and found that Ms. Larson did a great job in capturing all the information from the Council's deliberations. He mentioned a grammatical thing on page 15 under the Village Café and that he would like to change the last sentence slightly and remove the last two words.

MOVED AND SECONDED: To change the last sentence to read: Village Cafes are prohibited from the use of deep fat fryers requiring mechanical ventilation. (Cassida & Beaulieu) **VOTE:** (7 Ayes)

Councilor White thanked Chair Cassida for postponing the vote and providing time to look at the work. He presented six items to Councilors and asked if there was any support for them. Other Councilors were not interested in making the changes requested by Councilor White this evening. Chair Cassida indicated he would support Councilor White in extending the VMU-3 down past Dennison Avenue. Ms. Larson pointed the area out on the map. There was a willingness on the part of the Council to consider this and make it one continuous zone but Chair Cassida advised that the Council would have to send it back to the Planning Board to review and make a recommendation at a later date.

Councilor Migliaccio indicated that he will not be asking for any changes this evening and will be voting no on this item. He feels Councilors that were unwilling to discuss contract zoning in this sensitive area missed the point. He shared many views with the Council and noted that there are too many inconsistencies involved.

Councilor DeGrandpre shared Councilor Migliaccio's frustrations but noted that the Council amends Ordinances frequently and is constantly trying to deal with items like noise and hours of operation, etc. He believes contract zoning is a great tool and is something the Council needs in its toolbox.

Councilor Bishop recalled when the Council mentioned discussing contract zoning about six months ago. Had the discussion taken place, it may have been a tool that could have been utilized in this item. Contract zoning would have worked well for this type of project but no one wanted to discuss it six months ago because they were afraid of getting free swimming pools, etc. She hopes the Council will have discussions on contract zoning in the future.

Councilor Arsenault echoed Councilor Bishop's comments and agrees that contract zoning would be a good tool for the Council to have.

Chair Cassida noted that this has been a very long process and it would be easy for any Councilor to find things they don't like personally. Everyone has had to accept compromises. It was a difficult task to reach consensus on every single item. He believes the process has been fair and there has been good rigorous debate on a lot of issues. He will be voting in favor this evening.

Councilor Beaulieu advised that other Councilors have picked up the essence and did not make additional comment.

Councilor White noted that he believes this is the right thing wrong and he will not be supportive this evening. He believes there is no justification for creating a mixed-use district. He believes that Bow Street Market should be able to expand. He does not support the commercialization of a residential neighborhood. He mentioned that he would have been willing to consider contract zoning. He also mentioned conflict of interest and that he would have a problem supporting a process where its integrity was undermined by what was perceived as a flagrant conflict of interest. He believes the conflict is there anytime a Councilor that is president of FDEC and FDEC is strongly recommending this mixed-use district and that Councilor is also employed by the business that the Council is developing VMU-1 around. There was opportunity for that Councilor to speak to that issue and disclaim it but chose not to.

Councilor Arsenault pointed out that a legal opinion was sought and the attorney's opinion was that he took the right approach. Chair Cassida reminded the Council of a discussion on conflict of interest at the beginning of this issue when he challenged each Councilor to examine their own involvement and make a decision on their own, recognizing that there was no legal conflict of interest but there was a perception. He is confident that each and every Councilor has done that in his/her own way.

Councilor Migliaccio mentioned the Comprehensive Plan Survey and asked residents to watch for the survey.

ROLL CALL VOTE: (5 Ayes) (2 Nays—Migliaccio and White)

ITEM #47-07 To consider action relative to adopting a Five Year Capital Plan and approving a Capital Budget for Calendar Year 2007. **Public Hearing.**

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

Mr. Olmstead discussed the summary of funding sources and pointed out that he reduced over a million dollars from the Capital Plan requests. The Council will be discussing the detail of the requests later in the meeting. He is proposing to take \$900,000 out of reserves to fund the capital plan that the Managers recommended and proposing to bond \$550,000 for the heating system at the High School and look to fund balance to the tune of \$400,000 to fund a portion of the School Department's Capital Fund request and \$160,000 to fund a portion of the Comprehensive Town Improvements. There is also the use of TIF Funds to fund the Freeport Destination TIF Improvements. The Council at workshop last week discussed relying less on excess fund balance to fund the Capital Budget and free some of those funds up to potentially help with the Operating Budget, which will be discussed in May. He has met with the Superintendent and Finance Director to discuss that potential with the School Committee and passed out a potential second bond proposal to be submitted to the voters on June 12 that would bond three additional school items—the system-wide lighting upgrade at \$85,000, the Morse Street School paving project at \$75,000 and the flooring replacement at the High School at \$40,000 for a total of \$200,000. If they are sent to the voters, it would free up \$200,000 in excess fund balance to be used for other purposes. It is his understanding that the Superintendent and School Committee support this request. He noted that the Town Council can bond any item \$75,000 or less. Discussion followed on bonding and its impact on the budget.

Mr. Olmstead indicated that the reconstruction of East Street should be moved from reconstruction in 2011 to 2008 and Councilor Beaulieu mentioned that Park Street should also be moved to 2008 since it is in such disrepair. Other Councilors concurred to make this amendment. Mr. Olmstead also noted that Mr. Plummer agreed to withdraw his request for the reconditioning of the bulldozer valued at \$45,000 this year so this would be a further amendment.

Charles Fischman of 195 Main Street mentioned that he is happy to see that the North Maine Street sidewalk reconstruction is part of the package that will be approved this evening. It is an important connection for Middle School students.

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

Chair Cassida explained that for deliberation purposes, he will go through the general outline and as the Council gets to certain areas, if it has any questions, deletions, etc., he suggested dealing with them as they are reviewed. One issue has already been pointed out and that is moving the reconstruction of East Street and Park Street, North of Spring from year 2011 to 2008.

MOVED AND SECONDED: To amend the Fiscal Year Capital Plan as follows:

Comprehensive Town Improvements Article VII move East and Park Street Reconstruction, North of Spring from year 2011 to 2008.

BE IT ORDERED: That the Five Year Capital Plan for Calendar Years 2007-2011, dated April 3, 2007 be approved as amended.

Chair Cassida asked if there was willingness on the part of the Council to send to the voters a bond for the boiler. There was consensus to putting out to bond the \$550,000 as well and remove it from the School budget. Councilor DeGrandpre brought up drainage and upgrades of the boiler and noted that it would make sense to do them at the same time. The cost is estimated at \$22,000. Councilors concurred with Councilor DeGrandpre and the amount of the bond would be changed to \$570,000. All references of \$550,000 should be changed to \$570,000. Discussion followed on bonding. There was discussion on whether to bond the High School flooring, the Morse Street Paving and the System-wide Lighting Upgrade separately in a \$200,000 five-year bond and remove them from the School budget. Councilor Migliaccio requested separating these into one bond for the lighting and another bond for Morse Street paving and the High School floor covering. Councilor Bishop explained that the Council has the authority to bond the other two items independently. Councilor Beaulieu pointed out that she feels it is morally incorrect for the Council to go out to bond on issues that it doesn't send to voters. There was consensus to lump the three items into a \$200,000 bond and send it to the voters.

Councilor Beaulieu suggested moving the Police Radio Communications upgrade of \$30,000 to 2008. Chief Schofield agreed to this suggestion. Councilors concurred.

Councilor Beaulieu suggested removing the \$36,000 from Fire's Exhaust System for four units and finding another way to solve a problem. Chief Fournier agreed and Councilors concurred.

Councilor DeGrandpre had suggestions on reconditioning Engine 3 and replacing Engine 5. Discussion followed. Chief Fournier advised that he can replace Engine 5 at a cost of \$450,000 and the money is in reserves. He would like to do it this year rather than in 2008 because there is an opportunity to save \$50,000 by teaming up with the Town of Casco in the purchase. There was consensus on the part of the Council to replace Engine 5 in 2007 and recondition Engine 3 in 2008.

Councilor Beaulieu suggested removing the \$30,000 from Rescue's Information Management Data System. Chief Fournier advised that grant money has been received but \$12,000 is needed for Tough Books and incidentals. Councilors concurred to change the amount to \$12,000.

Councilor Beaulieu recommended removing the \$25,000 covering floor replacement at the Town Hall and move it to 2008. Mr. Olmstead had samples of the flooring and offered to let the Council choose the color. Councilors concurred to move it to 2008.

Councilor Beaulieu recommended reducing the amount for the Planning Citizen Survey from \$30,000 to \$25,000. Other Councilors concurred.

Councilor Migliaccio brought up separating the dissimilar items being considered for bonding. Councilor White noted that he would be willing to separate out the Morse Street paving but the majority of Councilors did not. Mr. Olmstead advised that the Council is not in a position to bond these items separately this evening. The process would take place in May. Councilor Beaulieu advised that she feels that the Council is going down a slippery slope by going out to bond issues that are not sent to the voters. She noted that it is a horrible thing to do. Discussion followed.

BE IT FURTHER ORDERED: That the following Capital Budget Items be funded for Calendar Year 2007

School

| | |
|---------------------------------------------------------------------------------|--------------------|
| 1 Technology Upgrades | \$109,500 |
| 2 Mast Landing – Library Duct Work | 16,500 |
| 3 Mast Landing – Oil Tank Fill Containment (waterproofing) | 13,500 |
| 4 Classroom Furniture Replacement | 20,000 |
| 5 H.S. Replace Carpeting w/Tile 300 Wing, Library, Guidance, Classes | 40,000 |
| 6 Morse Street-Bathroom Replacement | 20,000 |
| 7 Morse Street Paving Entry, Parking Lot & Path to Playground | 75,500 |
| 8 Field Improvements-Field Hockey-HS | 50,000 |
| 9 High School Boilers Replacement of 1961 System & Upgrades | 550,000 |
| 10 System Wide Lighting Upgrade | 85,500 |
| 11 High School-Telephone System Upgrade | 10,000 |
| TOTAL 2007 | 239,500 |

Police

| | |
|--------------------------------|-----------------------------------|
| 1 Radio Communications Upgrade | 30,000 (moved to 2008) |
| TOTAL 2007 | 30,000 |

Fire

2007

| | |
|-----------------------------|-------------------|
| 1 Protective Clothing | 14,000 |
| 2 Exhaust System | 36,000 |

| | |
|-------------|-------------------------|
| 3. Engine 5 | 450,000 |
| TOTAL 2007 | 464,000 (from reserves) |

2008

| | |
|---------------------------|-----------------------|
| 4. Engine 3 Reconditioned | 50,000 (place marker) |
|---------------------------|-----------------------|

Rescue

| | |
|--------------------------------------|---------|
| 1 Rescue 1 Replacement | 145,000 |
| 2 Information Management Data System | 12,000 |
| TOTAL 2007 | 157,000 |

Public Works

| | |
|------------------------------------------------|--------|
| 1 Dump Truck Chassis Replacement (5-7 yd Dump) | 70,000 |
| 2 Dump Truck Body and Sander | 30,000 |

| | |
|--------------------------------------------------|---------------------------------------|
| 3 Snow Plow and Wing Plow Replacement | 33,500 |
| 4 Liquid Calcium/Ground Speed Control System | 10,000 |
| 5 Bulldozer (1984) Replacement/Repair | 45,000 (moved down a year) |
| TOTAL 2007 | 143,500 |

Solid Waste/Recycling

| | |
|----------------------------|--------|
| 1. <u>Tires for Loader</u> | 10,000 |
| TOTAL 2007 | 10,000 |

Comprehensive Town Improvements

| | |
|-------------------------------------------------------------------------------|---------|
| 1 Flying Point Road Phase 1-Town Share Rural Road Grant, original | 148,000 |
| 2 Flying Point Road Phase 1-Town Share Rural Road Grant, additional | 119,000 |
| 3 Main St Paving-West to Mallet-Town Share State PACTS, additional | 20,000 |
| 4 South Street-Town Share of PACTS | 20,000 |
| 5 South Street Sidewalk Reconstruction | 20,000 |
| 6 No. Main Street Sidewalk Reconstruction-Town Share PACTS plus additional | 153,000 |
| 7 <u>Cottage Street and Forest Street Reconstruction</u> | 145,000 |
| TOTAL 2007 | 625,000 |

Destination TIF Village Improvements

| | |
|----------------------------------------------------------------------|---------|
| 1 Sidewalk Improvements-Elm Street, north side | 14,800 |
| 2 North Main Street Sidewalk Reconstruction, Maple to Baptist Church | 16,000 |
| 3 <u>Sidewalk Machine</u> | 95,400 |
| TOTAL 2007 | 126,200 |

Municipal Facilities

| | |
|-----------------------------------|-------------------|
| 1 Flooring Replacement | 25,000 |
| 2 <u>Computer Upgrades</u> 20,000 | |
| TOTAL 2007 | 20,000 |

Cable Television

| | |
|--------------------------------------------------------|--------|
| 1 Wireless audio/video transmitter (4) replacement | 8,000 |
| 2 Equipment replacement | 7,000 |
| 3 HDTV cameras (4) upgrade (channel 14) | 8,000 |
| 4 <u>Equipment and other improvements (channel 14)</u> | 7,000 |
| TOTAL 2007 | 30,000 |

Boards & Committees

| | |
|----------------------------------|--------------------------|
| 1 <u>Planning Citizen Survey</u> | 30,000 25,000 |
| TOTAL 2007 | 25,000 |

BE IT FURTHER ORDERED: That the following amounts be expended from Reserve Funds to provide for items approved.

| | |
|--------------------------------------------|-------------------|
| 1 School Reserves | 200,000 |
| 2 Police | 30,000 |
| 3 Fire Department Reserves | 464,000 |
| 4 Rescue | 157,000 |
| 5 Public Works Reserves | 143,500 |
| 6 Solid Waste Reserves | 10,000 |
| 7 Comprehensive Town Improvements Reserves | 465,000 |

| | |
|-------------------------------------|---------|
| 8 Municipal Facilities | 20,000 |
| 9 Destination Freeport TIF Reserves | 126,200 |
| 10 Cable Reserves | 30,000 |
| 11 Other | 25,000 |

BE IT FURTHER ORDERED: That in lieu of bonding, \$199,500 be expended from fund balance to purchase remaining items in Calendar Year 2007 of the School Department and the Comprehensive Town Improvement Capital Plans.

MOVED AND SECONDED: To approve Item 47-07 as printed and amended. (White & Beaulieu) **ROLL CALL VOTE:** (7 Ayes)

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

BE IT ORDERED That the Town Clerk be instructed to place on the ballot of the next State and/or Local Election the following Bond Issue:

REFERENDUM QUESTION

ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS FOR SCHOOL SYSTEM WIDE LIGHTING UPGRADES, MORSE STREET SCHOOL PARKING LOT PAVING AND HIGH SCHOOL WING FLOOR COVERING REPLACEMENT AS PRINTED. (Beaulieu & Arsenault

MOVED AND SECONDED: To remove the Morse Street paving and the High School Wing Floor Covering Replacement from that motion. (Migliaccio & White) **VOTE:** (5 Ayes) (2 Nays—Beaulieu & DeGrandpre)

ROLL CALL VOTE ON REVISED MOTION: (7 Ayes)

SHALL THE FOLLOWING ORDINANCE BE ENACTED: Ordinance authorizing issuance of bonds for School system wide lighting Upgrade. **THE TOWN HEREBY ORDAINS:** That a sum not to exceed \$85,000 is hereby appropriated for the School system wide lighting upgrade. To meet said appropriation, the Chairperson of the Town Council and the Town Treasurer are authorized to issue general obligations securities and the Town of Freeport in a total principal amount not to exceed \$85,000, and the discretion to fix the dates, maturities, denominations, interest rates, places of payment, forms and other details of said securities, including execution and delivery on behalf of the Town of Freeport, and to provide for the sale thereof, is delegated to the Chairperson of the Town Council and the Town Treasurer.

EXPLANATION AND RECOMMENDATION

The School Committee is recommending the proposed School system wide lighting upgrade.

System Wide Lighting Upgrade

A system wide lighting survey on all of the school buildings was conducted to determine if the potential for energy savings exists. School Officials have discovered that there is a great deal of savings to be realized at all of our school buildings. The initial investment of \$105,000.00 would complete this project with a rebate from Efficiency Maine of \$20,000.00 for a net cost of \$85,000.00. There is a 3.75 year

payback to this investment based on last year's electrical rates but with the rising cost of power, the payback will decrease as power rates increase. Pre-approval has been received for these rebates at the time of the lighting survey from Efficiency Maine.

Cost: \$85,000.00

REFERENDUM QUESTION

ORDINANCE AUTHORIZING THE ISSUANCE OF BONDS FOR THE REPLACEMENT OF 1961 HIGH SCHOOL BOILERS AND OTHER UPGRADES TO THE HIGH SCHOOL HEATING SYSTEM.

SHALL THE FOLLOWING ORDINANCE BE ENACTED: Ordinance authorizing issuance of bonds for the replacement of 1961 High School Boilers and other upgrades to the High School Heating System. **THE TOWN HEREBY ORDAINS:** That a sum not to exceed 570,000 is hereby appropriated for the replacement of 1961 High School Boilers and other upgrades to the High School Heating System. To meet said appropriation, the Chairperson of the Town Council and the Town Treasurer are authorized to issue general obligations securities and the Town of Freeport in a total principal amount not to exceed \$570,000, and the discretion to fix the dates, maturities, denominations, interest rates, places of payment, forms and other details of said securities, including execution and delivery on behalf of the Town of Freeport, and to provide for the sale thereof, is delegated to the Chairperson of the Town Council and the Town Treasurer.

EXPLANATION AND RECOMMENDATION

The School Committee is recommending the proposed replacement of the 1961 Cleaver Brooks Boiler with a three-pass Burnham Scotch Marine boiler equipped with an auto flame controller. The remaining 1974 Cleaver Brooks Boiler will be retrofitted with the auto flame controller to increase efficiency to 91%.

A fire tube boiler life cycle is from 25 years on the low end to 50 yrs on the high end depending on maintenance. The 1961 Cleaver Brooks Boiler is forty-five years old; this brings this unit to the end of its lifecycle. Over the last few years we have replaced ten boiler tubes, welded the tub sheet, and re-rolled six tubes to stop leaks. This boiler continues to have yearly maintenance issues that are costly and will most likely continue to have ongoing problems.

This replacement and the proposed upgrades will include an energy management system which will enable maintenance/energy management to adjust start/stop times as required by building loads. There is a shut down system, which will enable maintenance/energy management to shut down on snow days and holidays saving an average of around \$140.00 for each of these days during the winter months. This quote includes upgrading circulator pumps, all piping work, and expansion tank replacement, DDC Controls, Chimney lining, and all associated work. **Cost: \$160,000.00 (for boiler replacement and boiler room upgrades only).**

High School – Part II- Unit Ventilators

There are thirty-three unit ventilators in the High School that were installed at the time the school was built in 1961. A typical life span for unit ventilators is thirty years with some lasting as long as forty years

plus. The unit ventilators in the high school are worn out causing wasted energy and adding to the maintenance costs.

The new unit ventilators would be equipped with energy management systems as well as scrubber filters at a merv 7 level that will improve air quality to 97%. Each room will be monitored for CO2 as well as occupied/unoccupied items and shut down to further reduce energy cost. All units will be equipped with variable frequency drives and three-way valves to enhance energy efficiency and level building temperatures. Replacing these units would be considered a long-term fix for energy management as well as indoor air quality and building improvements. **Cost: Per Unit-Ventilator is \$10,000.00; (this work should be done in conjunction with boiler replacement). = \$390,00**

ITEM #48-07 To consider action relative to a change in the RV parking location and the approval of parking credits.

BE IT ORDERED: That the Town Snow Dump be designated as the new parking location for Recreation Vehicles.

BE IT FURTHER ORDERED: That LL Bean be assigned forty two (42) parking credits in return for developing and maintaining the lot, providing signage and making improvements to municipal infrastructure outlined in the memorandum from the Town Engineer dated March 22, 2007. (Arsenault & Migliaccio)

Councilor DeGrandpre provided a brief outline. Mr. Olmstead explained that the Town approached L.L. Bean with a proposal and Bean has offered to pay for the costs of developing and maintaining the lot as well as providing signage and making improvements to municipal infrastructure. In return they will be assigned forty-two parking credits. Discussion followed. Councilor Beaulieu asked if the residents that will be affected have been notified. Councilor DeGrandpre noted that Traffic and Parking has not notified any of the residents. Mr. Olmstead pointed out that traffic is going to be directed in and out of Holbrook Street. Councilor White noted his concerns with traffic flow, numbers and size of units. School Superintendent Elaine Tomaszewski expressed concern about the increased traffic on Holbrook Street but noted that the school is trying to cooperate. Discussion followed. Mr. Olmstead recommended sending this item back to Traffic and Parking to engage the Holbrook Street and Elm Street residents during the month of April.

MOVED AND SECONDED: To table until May 1. (White & Bishop)
VOTE: (7 Ayes)

ITEM #49-07 To consider action relative to the approval of a Trailblazing Sign for Exit 20.

BE IT ORDERED: That the proposed Trailblazing Sign for Exit 20 be approved. (Migliaccio & Arsenault)

Councilor DeGrandpre, representing Traffic and Parking, provided an explanation. Mr. Reeder advised that the sign meets Freeport's Sign Ordinance.

ROLL CALL VOTE: (5 Ayes) 2 Nays—Beaulieu & White)

ITEM #50-07

To consider action relative to the installation of a yellow flashing caution traffic light (Intersection Hazard Beacon) at the intersection of U.S. Route 1 South and South Freeport Road.

BE IT ORDERED: That up to \$4,000 be expended from the Traffic & Parking Reserve Fund to provide for the installation of a yellow flashing traffic caution light (Intersection Hazard Beacon) at the intersection of U.S. Route 1 South and South Freeport Road.

NOTE: This is a new caution light owned by MDOT and will be relocated from Brownfield.

NOTE: The balance in the Traffic & Parking Reserve Fund is \$120,000. (Bishop & Beaulieu)

Councilor DeGrandpre, explained that the folks at MDOT are willing to maintain the light provided we pay for the electricity. The Police Chief supports this as well.

ROLL CALL VOTE: (7 Ayes)

ITEM #51-07

To consider action relative to deliveries of goods and collection of trash in the Village area.

BE IT ORDERED: That the Traffic & Parking Committee review the issue of delivery and receipt of goods and trash collection times in the Village area and report back to the Town Council with recommendations they may have. (Beaulieu & White)

Councilor White provided background information to Councilors. Councilor Migliaccio suggested that the Planning Board also be asked to review this item and other Councilors concurred.

MOVED AND SECONDED: That the Planning Board review the issue of delivery and receipt of goods and trash collection times in the Village area and report back to the Town Council with recommendations, if any, that they may have. (Migliaccio & White) **ROLL CALL VOTE:** (2 Ayes—Migliaccio & Cassida) 5 Nays)

BE IT ORDERED: That the Traffic & Parking Committee review the issue of delivery and receipt of goods and trash collection times in the Village area and report back to the Town Council with recommendations they may have. (Beaulieu & White) **ROLL CALL VOTE:** (7 Ayes)

ITEM #52-07

To consider action relative to a proposed amendment to the Traffic & Parking Ordinance concerning RV Parking at the Snow Dump. (Chapter 48).

BE IT ORDERED: That a Public Hearing be scheduled for May 1, 2007 7 p.m. in the Town Hall Council Chambers to discuss Recreational Vehicle parking at the Snow Dump.

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.

MOVED AND SECONDED: To table Item #52-07 to May 1. (Migliaccio & Bishop) **VOTE:** (7 Ayes)

ITEM #53-07 To consider action relative to establishing a Municipal Referendum Election.

BE IT ORDERED: That a Municipal Referendum Election be held on the next scheduled State Election date for the purpose of submitting to the voters School Referendum Bonding Proposals.

BE IT FURTHER ORDERED: That the polls be located at the Town Hall Council Chambers and that the polls open at 7 a.m. (Arsenault & Beaulieu) **VOTE:** (7 Ayes)

OTHER BUSINESS:

1. Discussion on tax rate for FY08

Councilor White explained why he asked that this be on tonight's agenda. He wants to be sure that the Council's goal was to deliver a no increase in the mil rate to Freeport's property owners. Chair Cassida explained that 2% represents a 25-cent increase in the mil rate. Councilor Beaulieu indicated that she would like to look somewhere between \$12.50 and \$12.90. Councilor White would like to instruct the Town Manager and School Committee to look at a 0% mil rate increase. Mr. Olmstead advised that there is \$100,000 on a 24 million dollar budget to fund increases in Town and School budgets. Councilor White is confident that the Council can manage it. Councilor Bishop is interested in what the zero increase would look like. She is aware that everyone is clamoring for tax relief.

Mr. Olmstead pointed out that the School Committee is not under any obligation to go back and produce a different budget. They produced a budget with a 4.23% increase over last year's budget. Discussion followed. Superintendent Tomaszewski pointed out that she has not formally presented the budget to the Council. It is not due until April 13. She noted that the budget is over the 3.6% target and she would like to discuss it with the Council. Chris Leighton noted that they are looking for a dollar number from the Council.

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

MOVED AND SECONDED: That the School Committee and Town Manager prepare a budget scenario which reflects no increase in the current tax mil rate of

\$12.50. (Beaulieu & White) **ROLL CALL VOTE:** (5 Ayes) 2 Nays—
(Migliaccio & Cassida)

2. Informational Exchange

Councilor DeGrandpre referred to a memo from Rod Regier and the Council may be asked to contribute some money to evaluate the way the DMR does water testing. Mr. Olmstead noted that the Legislature most likely will pass a bill but have made it clear that towns that want this to happen will have to contribute funds. There are 50-60 jobs at stake and Mr. Regier needs to be able to advise that Freeport will be in when he attends a workshop this week. Mr. Olmstead will be contacting other communities and the amount could be \$5,000-\$8,000 from each community. Councilor Migliaccio wants to reach out to folks in Washington County. Mr. Olmstead advised that the money would come from the Miscellaneous and Contingency Fund. There was general consensus to support an independent review.

Councilor DeGrandpre noted that he has a draft agenda from Regionalization. The Falmouth Chief will be hosting a meeting next Wednesday and showing his proposal for consolidation of Dispatch services as well as some other things.

Councilor DeGrandpre also had a letter appointing him as Liaison to Bustins. No contamination has been found at the Bustins dump and they will obtain a permit to make it a transfer station. They have some issues with wells and the problem is that they need to deal with some exemptions from some State Regulations because the wells already exist. They are working through this with the State. They are not going to continue with the existing waste disposal but are working on off-island disposal. The DEP is testing some of their wells. They can no longer burn brush on the island. DEP found no overboard discharge last year but will continue with their search again this year.

Mr. Olmstead explained that the Cable Regulatory Board discussed the airing of Planning Board and Council meetings and indicated that the Manager and Cable Director ought to deal with that issue. If that is their wish, Mr. Olmstead and Rick Simard are talking about Saturday and Sunday viewings of Planning Board and Council meetings.

Chair Cassida advised that some concern has been raised by the South Freeport Traffic and Parking group with respect to decisions that are going to be imminently made by the Coastal Waters Commission regarding traffic and parking issues in the Village, specifically for Bustins Island. There is some concern that the Council had given that group some direction in the beginning that they would have the final say in any recommendation that dealt with broad-based traffic and parking issues. They are concerned that the Coastal Waters action supersedes their authority to look at the larger picture. He asked Councilors if he was correct in his opinion that the Council wanted them to hold off on any final decisions until it got a recommendation from the South Freeport group. Councilors concurred that his opinion is correct. Chair Cassida noted that Coastal Waters is making a decision on issuing a license to the Bustins ferry. Coordination is not happening and Chair Cassida will contact Coastal Waters.

NOTE: Because of the anticipated length of this meeting, the Community Center Fundraising report will be added to the April 10, 2007 Town Council Workshop Agenda.

MOVED AND SECONDED: To adjourn at 11:40 p.m. (Beaulieu & White) **VOTE:** (7 Ayes)

COUNCIL MEETING #6-07
APRIL 3, 2007

Respectfully Submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #07-07
COUNCIL CHAMBERS
May 1, 2007
7 p.m.

CHAIRPERSON'S CALL TO ORDER

PRESENT ABSENT EXCUSED

| | | | |
|----------------------------------------|---|--|---|
| John Arsenault, Prout Road | | | x |
| Genie Beaulieu, P.O. Box 74 | x | | |
| Charlotte Bishop, Maquoit Drive | x | | |
| James Cassida, 5 Timber Ridge Road | x | | |
| Rich DeGrandpre, Timber Ridge Road | x | | |
| Joe Migliaccio, 2 Vinmar Lane | x | | |
| Frederick White, 45 Pleasant Hill Road | x | | |

Chair Cassida called the meeting to order at 7 p.m. and took the roll call. He mentioned that Councilor Arsenault is excused this evening.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #06-07 held on April 3, 2007 and accept the Minutes as printed.

Councilor DeGrandpre referred to Page 6, third line and noted that the sentence should read: Councilor DeGrandpre brought up upgrades of the boiler such as frequency drives for the circulators and noted that it would make sense to do them at the same time.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #06-07 held on April 3, 2007 and accept the Minutes as amended. (White & Bishop) **VOTE:** (6 Ayes) (1 Excused—Arsenault)

SECOND ORDER OF BUSINESS: Announcements

Chair Cassida announced that in response to the April 6 storm clean up; storm debris will be collected on May 7 at the curb beginning at 6 a.m. from every public and private road. No big stumps will be picked up and the size restrictions are posted on the Town's website and in public buildings.

Chair Cassida announced that the 2007 Triathlon would be held on September 15 at Winslow Park beginning at 11 a.m.

Chair Cassida thanked Terry Bradley and Marlene Budd for their service to the Town in assisting elderly and low-income residents with tax returns.

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

inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Bishop & Migliaccio)
ROLL CALL VOTE: (6 Ayes) (1 Excused—Arsenault)

ITEM #61-07 To consider action relative to two (2) proposed appropriation ordinances authorizing the issuance of Bonds for the High School Wing Floor Covering Replacement and the Paving of the Morse Street School Parking Lot.

BE IT ORDERED: That a public hearing be scheduled for ~~May 15~~, June 5, 2007 at 7 p.m. in the Town Hall Council Chambers to discuss the two (2) proposed appropriation ordinances.

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 3 and the Town's website. (Migliaccio & Bishop)

Mr. Olmstead explained the reasons for bonding the High School's Wing Floor Covering and paving the Morse Street School Parking Lot. Councilor DeGrandpre referred to the consolidation issue and noted he is a little troubled about the possibility of losing our schools but keeping our bonds. He asked if anyone had any information to share. Councilor Migliaccio noted that he would like to reconsider what the Council did last week concerning the lighting upgrade with a 3 ½ year payback since he had information from the Governor's Office stating that a Town's school assets could be relinquished and the debt obligations maintained. He suggested that the Council reconsider everything except the boiler. Mr. Olmstead suggested setting the public hearing for June 5 rather than May 15. If the Council decides on June 5 to pull the electrical upgrades, the ballots can be pulled. Discussion followed.

MOVED AND SECONDED: To change the date of the public hearing to June 5, 2007. (Beaulieu & White) **VOTE:** (6 Ayes) (1 Excused—Arsenault)

ROLL CALL VOTE ON AMENDED ORDER: (6 Ayes) (1 Excused—Arsenault)

There was consensus from the Council to reconsider the electrical upgrade on June 5, 2007.

ITEM #62-07 To consider action relative to proposed amendments to the Zoning Ordinance allowing Contract Zoning in the Village Commercial I, II, III and IV Districts, the Industrial I and II Districts, the Commercial I, II, III and IV Districts and Village Mixed Use Districts I & II.

BE IT ORDERED: That a public hearing be scheduled for May 15, 2007 at 7 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Zoning 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 3 and the Town's website. (White & Bishop)

Councilor Beaulieu explained why she asked to bring Contract Zoning forward for discussion. She is still unsure if she is for it or against it. If the Council doesn't want it, they need to explain it to the public.

BE IT ORDERED: That \$15,000 raised in the Fiscal Year 2006 Municipal Operating Budget be used to establish a Capital Reserve Fund for the Community Center.

BE IT FURTHER ORDERED: That the Reserve Fund be managed by the Town of Freeport. (DeGrandpre & Bishop)

Chair Cassida explained the reason for establishing this fund. Discussion followed.

ROLL CALL VOTE: (6 Ayes) (1 Excused—Arsenault)

ITEM #65-07 To consider action relative to an expenditure from the FY07 Miscellaneous and Contingency Account to provide for an independent review of the Department of Marine Resources Water Quality Program.

BE IT ORDERED: That \$5,000 be approved to be expended from the FY07 Miscellaneous and Contingency Account to provide for an independent review of the Department of Marine Resources Water Quality Program. (Bishop & Migliaccio)

Mr. Olmstead explained that the cost of the Study is estimated at \$50,000. Other towns are also contributing. Shellfish diggers have also raised \$5,000. Councilor DeGrandpre noted that if anyone is interested in contributing, checks can be sent to the Town. Discussion followed. Councilor White asked that a message be provided along with the check that "we give this money in good faith and that we expect the State will use the information and it will have some impact." Mr. Olmstead noted that Freeport is aggregating the money. He offered to provide a copy of the Minutes that contain this language.

ROLL CALL VOTE: (6 Ayes) (1 Excused—Arsenault)

ITEM #48-07 Tabled April 3, 2007

To consider action relative to a change in the RV parking location and the approval of parking credits.

BE IT ORDERED: That the Town Snow Dump be designated as the new parking location for Recreation Vehicles.

BE IT FURTHER ORDERED: That L.L. Bean be assigned forty-two (42) parking credits in return for developing and maintaining the lot, providing signage and making improvements to municipal infrastructure outlined in the memorandum from the Town Engineer dated March 22, 2007 (Migliaccio & Bishop)

Councilor DeGrandpre provided an overview noting that the neighbors do not want RVs driving through their neighborhood. Councilor Beaulieu stated that the Snow Dump is not the place to park Recreation Vehicles. She has concerns with the drainage in this area. Councilor White agreed with Councilor Beaulieu.

MOVED AND SECONDED: To table indefinitely and send it back to Traffic and Parking. (Beaulieu & White) **VOTE:** (5 Ayes) (1 Nay—DeGrandpre) (1 Excused—Arsenault)

More discussion followed.

information will be provided to the Council in a workshop. We are considering charging plumbing permit fees and this could generate \$8,000. He referred to a chart showing the number of employees by department proposed for 2008. We are reducing Municipal staff by one employee this year. He noted three sheets showing summaries of the Municipal Budget with alternate versions. County tax has increased by \$10,000. Enterprise Funds will be discussed on the 10th. A detailed report on The NET Program will be provided on the 10th. There are lots of charts and graphs that show how we compare with other communities. He included a Benchmark Study provided by Cape Elizabeth. He suggested that the Council study this budget over the next few days and E-mail any questions to either he or Greg L'Heureux so that they can come in with answers to the questions on the 10th. It will be helpful and will shorten the process.

Chris Leighton, Chair of the School Committee, provided handouts to the Council. He noted this is a significant year for the School Committee because they have an opportunity to become a high-performing school district. This is a school that lifts all of its students. They are competing with private schools and are proposing to add an all day Kindergarten. They are hoping to attract families to Freeport.

Superintendent, Elaine Tomaszewski, referred to the School Budget and noted that State allocation is down. She expects tuition decreases since they expect fewer Pownal students entering the high school than last year. They are planning on a \$50,000 decrease in Medicaid funding. The School Committee adopted a \$14,163,880 budget representing a 4.23% increase. She provided a list of recommended long-standing needs and explained them to the Council. She mentioned the concern of losing students statewide. All of the grant money is being reduced.

Councilor Beaulieu requested to see by course what the teacher/student ratio is. According to EPS, we should have 77 teachers but we have 95. It also states we should have 9.5 Ed Techs but we have 21.6. She needs to understand why we have these numbers.

For the meeting on the 10th, Councilor Bishop asked for the last five years how many teachers there were in Morse Street, Mast Landing and Middle School. How many full-time teachers there were during the past five years and how many were part-time. She also is interested in how many Ed Techs have been employed during the past five years.

Ms. Tomaszewski referred to the zero mil rate increase budget and the School would increase by 2.35%. In order to get there, the schools would have to cut \$256,505 from the current proposed 4.23% increase. She listed the cuts for Councilors. Councilor White requested dollar figures for the proposed cuts.

Ms. Tomaszewski noted that the vote on consolidation would take place on the 22nd. She offered to work with the Council.

For the 10th, Councilor Beaulieu requested information going back 2 or 3 years on lighting and electricity and propane. She asked for it by category, not by schools. How many gallons or pounds were used, what the budget was and what was actually spent. If we didn't spend the money, what happened to it.

Diane Boucher explained the plant operation change to Councilor DeGrandpre.

Mr. Leighton brought up the subject of consolidation and the School Committee needs to make a decision on who we partner with and the information gets submitted in July. He asked if the Council had any quick thoughts on staying informed and getting feedback. Chair Cassida suggested that the Council and School Committee schedule a workshop to discuss how to proceed. Discussion followed.

MINUTES
FREEPORT TOWN COUNCIL MEETING #08-07
COUNCIL CHAMBERS
May 15, 2007
7 p.m.

CHAIRPERSON'S CALL TO ORDER

PRESENT ABSENT EXCUSED

| | |
|----------------------------------------|---|
| John Arsenault, Prout Road | x |
| Genie Beaulieu, P.O. Box 74 | x |
| Charlotte Bishop, Maquoit Drive | x |
| James Cassida, 5 Timber Ridge Road | x |
| Rich DeGrandpre, Timber Ridge Road | x |
| Joe Migliaccio, 2 Vinmar Lane | x |
| Frederick White, 45 Pleasant Hill Road | x |

Chair Cassida called the meeting to order at 7 p.m. and took the roll call.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #07-07 held on May 1, 2007 and accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #07-07 held on May 1, 2007 and accept the minutes as printed. (DeGrandpre & White) **VOTE:** (7 Ayes)

SECOND ORDER OF BUSINESS: Announcements

Councilor Arsenault announced that on May 18 from 6-9 p.m. at the Performing Arts Center, there will be a benefit for Max Thomas, a 9th Grader at Freeport High School recently diagnosed with a tumor. There will be a cabaret and silent auction. He urged members of the public to attend.

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

MOVED AND SECONDED: To open the Public Comment Period on Non-Agenda Items Only. (White & Bishop) **VOTE:** (7 Ayes)

There were none

MOVED AND SECONDED: To close the Public Comment Period on Non-Agenda Items Only. (White & DeGrandpre) **VOTE:** (7 Ayes)

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

ITEM #74-07 To consider action relative to adopting the May 15, 2007 Consent Agenda.

BE IT ORDERED: That the May 15, 2007 Consent Agenda be adopted. (Bishop & Arsenault)

Chair Cassida reviewed the items on the Consent Agenda for members of the public. Councilor DeGrandpre thanked members of the public for sending donations to the Library and the Fire and Rescue Departments. Mr. Olmstead explained how letters were sent out to the public asking for donations. He thanked everyone for his or her donation and noted that this will be an annual letter that will go out, hoping to build on this fundraising drive year after year. Councilor Beaulieu encouraged the School Department to give this possible fundraiser some thought.

ROLL CALL VOTE: (7 Ayes)

ITEM #75-07 To consider action relative to the adoption of a Fiscal Year 2008 Operating Budget for the Town of Freeport (Public Hearing).

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

Mr. Olmstead provided a brief overview of the Municipal side of the budget. It's a maintenance budget with the reduction of one-half clerical position; janitorial hours were reduced by one-quarter; eliminated some overtime for the Shellfish Warden, reduced the number of Town Reports being printed; eliminated the cost for a hazardous waste collection day. Residents will be asked to bring this type of waste to a Portland facility and will be responsible for the cost of disposing it. There are no new programs. He talked about the revenue alternatives he placed in the Municipal budget and at some point he will need to know if the Council supports them. In the Police Department he is proposing that we charge for special events; increasing our parking fines from \$15 to \$20; Coastal Waters is looking at charging for the use of the hoist on the Wharf; we are looking at charging contractor facility charges for those contractors building structures on islands that take building materials over our wharf; we are proposing that we regulate all moorings in the Town of Freeport and also proposing to make some adjustments to our plumbing and sign permit fees. These potential revenue streams could raise as much as \$62,000 but none are currently factored into the proposed budget.

Elaine Tomaszewski, School Superintendent, introduced the proposed School Committee budget, noting it was developed with Town Council guidance. They are bringing in a 4.2% increase for a

basic, simplicity budget. In addition to the usual fix-cost item, they have long-standing needs they wanted to take care of this year and they are in the 4.2% budget. She highlighted the individual needs and pointed out that the Kindergarten numbers are lower than anticipated which will allow staff reduction at Morse Street School. There will also be staff reduction at the High School. They have realized a savings of \$12,000 in their dental insurance rates this year. These three reductions represent a decrease of \$90,096, bringing the budget down to 3.57%. She pointed out that they couldn't control the State input into their funding source. She offered to continue to work with the Council.

She provided the Council with the information they requested.

Chair Cassida invited members of the public to address the Council on the Operating Budget for 2007/2008.

The following people shared their thoughts on the School Budget: Robin Monahan, Michael Healy, John Albright, Catherine Breer, Greg Bartlett, Ingrid Adam, Josh Olins, Victor Skorapa, Tom Schwarm and Liza Moore. No one made any comments concerning the Municipal side of the Operating Budget.

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

Ms. Tomaszewski walked the Council through the packets she provided earlier this evening and answered questions. Diane Boucher, School Finance Director, also provided information. Discussion followed. Chair Cassida thanked Ms. Tomaszewski for her presentation and for her budget adjustments. Mr. Olmstead mentioned that he has developed three options based on the revised school number and any new revenues that the Council wishes to proceed with. Chair Cassida asked for input on the following potential revenues:

Special Events Fees—Mr. Olmstead pointed out that we would charge the event the actual cost of providing security. Chief Schofield provided examples such as traffic control on the Fourth of July and Memorial Day. They are being asked to provide security for more and more events such as fun runs sponsored by different groups. He estimates that the revenue may generate two thousand dollars but will bring in his figures at the workshop. There was consensus for Mr. Olmstead to not incorporate this fee into the budget. Councilor Beaulieu suggested that Chief Schofield to keep a side sheet of events that would fall into this category this year.

Increasing Parking Fines from \$15 to \$20—There was consensus to include this revenue. (7 Ayes)

Coastal Waters instituting a fee for using the Hoist (\$100-seasonal or \$10 per use)—There was consensus to adopt this fee. (Councilor White was the only Councilor voting no.)

Contractor Facility Fee—Consensus to adopt this fee (7 Ayes)

Boat Mooring Fees outside the river and around Bustins—The oyster farm will be exempt for now, the Council needs to have a separate discussion later. The vote to incorporate the fee at the current fee structure was (4 Ayes) (3 Nays—Bishop, DeGrandpre and Migliaccio). Mr. Olmstead offered to reconfirm with the Town Attorney to determine if we can implement these fees without going through another formal process at the Coastal Waters' Ordinance level. Last year the Town Attorney advised that it was not necessary to do that and he considered this budget public hearing sufficient.

Planning Department Plumbing and Sign Permit Fees—(permanent signs). Town Planner, Donna Larson explained the fees. The vote to incorporate the fees was (7 Ayes)

Chair Cassida pointed out to Mr. Olmstead that he now has \$60,000 in new fees to incorporate into his adjusted figures. Mr. Olmstead quickly mentioned that \$40,000 of that is subject to a legal opinion. He noted that he believes he can adjust the figures so that the Council can have them prior to Tuesday's meeting.

Mr. Olmstead mentioned that the South Freeport Parking Committee has requested \$2,000 to implement their recommendations and cost estimations on signs and posts. He will have to put approximately \$4,000 into the Traffic and Parking budget to accommodate this.

Chair Cassida noted that on Tuesday night the Council will work through any last details on the budget and hopefully, vote on it.

Faith Baker had questions on the boat mooring fees but was advised that the public hearing was closed.

BE IT ORDERED: That Item #75-07 be tabled until May 22, 2007. (DeGrandpre & Beaulieu) **ROLL CALL VOTE:** (7 Ayes).

ITEM #76-07 To consider action relative to proposed amendments to the Zoning Ordinance allowing Contract Zoning in the Village Commercial I, II, III and IV Districts, the Industrial I & II Districts, the Commercial I, II, III & IV Districts and Village Mixed Use Districts I & II. (Public Hearing).

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

Councilor Beaulieu explained that she asked the Town Planner to come up with some amendments and it is only fair that the public be made aware of the amendments being discussed. Town Planner, Donna Larson explained that contract zoning is and that it gives the Council the ability to rewrite the Zoning Ordinance for a particular project when it feels it is appropriate. It is a zoning amendment.

Chair Cassida suggested hearing from members of the public. The following people shared their thoughts on contract zoning: Stephanie Slocum, Executive Director of FEDC, Stephanie Holmes, Gaetano Quarttrucci, Marge Migliaccio, Tom Schwarm, Travis Pryor and Greg Unfricht.

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

Councilor Beaulieu thanked everyone for coming out and providing feedback. Chair Cassida polled the Board on the proposed amendment. Councilor Migliaccio mentioned the Comprehensive Plan Survey that will be coming soon and he suggested tabling this item until the Council gets feedback on the Comprehensive Plan. He asked if he should recuse himself because he is a business owner in this district and has family members that also own property in this district. Councilor DeGrandpre pointed out that he, too, has property in this zone. Chair Cassida noted that he does not see this as a conflict of interest. It would be different if Councilors had a project to consider.

Councilor DeGrandpre noted that he owns a piece of property in this district. He has been frustrated listening to folks and the Council has been accused of a lot of things. He is confident that the Council reaches out to residents to make them aware of what is being proposed. This contract will allow for strict enforcement of the contract and will allow the Council to make sure that the maintenance occurs. This contract zoning will allow folks to get full value out of a property that may not be perfect.

Councilor Beaulieu explained why she worked with the Town Planner to work out the amendments. She feels it should start with the Council. If it meets all the criteria, at least it knows it is viable. It then goes to the Project Review Board and the Planning Board looks at it and gives it its blessing. At the end, it has to return to the Council. If this does not go through, it will be fine with her.

Councilor White noted that he has heard that contract zoning is a tool. As a tool standing on its own, he doesn't have any objections to it. He is fearful of the application of the tool and how it is used. He does not feel the Council is ready to apply it openly and objectively and make good decisions. The Town is not ready for it. He cannot support it this evening.

Councilor Bishop indicated that she is in favor of contract zoning. Councilor Arsenault echoed what Councilor Bishop mentioned. He sees it as a useful tool for the community and mentioned instances where the Town has lost businesses and jobs because of its current zoning. Councilor Migliaccio disagreed with Councilor Arsenault's thinking and Councilor Beaulieu cautioned that the two Councilors were degrading into areas and picking off each other.

Chair Cassida advised that he does not understand how the Council would justify saying "no" under contract zoning, given the original proposal. Until the Council goes through a very deliberative process and develops a set of standards that everyone can agree upon, and be comfortable with on how we will rate projects coming in, he would be uncomfortable adding a tool to the toolbox and not knowing how to use the tool. Referring to Councilor Beaulieu's proposed language in the amendment, he likes the fact that it has to come to the Council first

because it at least sets some standard for the public. If the Council doesn't like it, it doesn't go any further than that. He mentioned that compatibility means something different to every person. He questioned what an "adequate buffer" is. He would need a set of standards to back it up. If the Council went through a deliberative process to determine all of the criteria up front, and he was comfortable with the criteria, this may be a good tool under certain circumstances. He cannot vote for it tonight without seeing what those criteria are and having gone through the process. He believes it would be bad government and backing into this process.

Councilor Migliaccio noted that there are different tiers of approval for contract zoning and changes the Council should look at. One may be the example the Council had for Cold River or get a contract for a setback if the property owners of an adjacent building agree that it is fine. The Council went through a public process to change a zone for Cold River. He mentioned that perhaps setbacks and heights may not need the same level of scrutiny as a change in use. He would prefer to go back to the Planning Board and use the Comprehensive Plan Survey to inform everyone on this and look at tiers of contracting for the smaller things. He doesn't want to see change of use for the bigger things. If it's a good use for the zone, he suggests changing the zone.

MOVED AND SECONDED: To bring the printed amendment only to Section 204.3 (A) forward. (Beaulieu & Bishop) **VOTE:** (5 Ayes) (2 Nays—Migliaccio & White)

MOVED AND SECONDED: to add to the last sentence in e. *and the Sewer District service area.* (DeGrandpre & Beaulieu) **VOTE:** (5 Ayes) (2 Nays—Migliaccio & White)

Councilor Migliaccio mentioned that notification should be changed from 300' of the property to 900' of the property.

MOVED AND SECONDED: To amend Section 204.3 c.iii to read: mailed to the owner or owners of the property to be rezoned and to the owners of all property within 900' of the property to be rezoned at their last known address. This notice shall contain a copy of the proposed conditions and restrictions, with a map indicating the property to be rezoned. (Migliaccio & DeGrandpre) **VOTE:** (6 Ayes) (1 Nay—White)

BE IT ORDERED: That the proposed amendment to the Zoning Ordinance allowing Contract Zoning be approved as amended.

BE IT FURTHER ORDERED: That the Town Council accept no applications for contract zoning until standards for review of applications have been adopted by the Town Council. (Bishop & Beaulieu) **VOTE:** (4 Ayes) (3 Nays—White, Migliaccio and Cassida)

ITEM #77-07 To consider action relative to a proposed amendment to the Zoning Ordinance Concerning Standards for Boarding Schools (Chapter 21)

BE IT ORDERED: That a public hearing be scheduled for June 5, 2007 at 7 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Zoning Ordinance concerning Standards for Boarding Schools.

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 3 and the Town's website. (Migliaccio & DeGrandpre)

Mr. Olmstead explained that at one point it was suggested that the Planning Board consider recommending standards to the Town Council for private and public schools. The Planning Board did review the Council's request and brought forth these recommendations as standards.

Councilor Beaulieu will want to know what designates a commercial school.

ROLL CALL VOTE: (7 Ayes)

ITEM #78-07 To consider action relative to a proposed amendment to the Zoning Map and Zoning Ordinance concerning cemeteries and crematories (Chapter 21).

BE IT ORDERED: That a public hearing be scheduled for June 5, 2007 at 7 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Zoning Map and Zoning Ordinance concerning cemeteries and crematories.

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 3 and the Town's website. (Arsenault & Bishop) **ROLL CALL VOTE:** (7 Ayes)

ITEM #63-07 To consider action relative to purchasing and installation of a shed and purchasing and installation of sound panels for the Community Center Large Meeting Room.

Chair Cassida noted that he would be changing the order slightly. At the last Council Meeting he was directed to go back and determine if installation was included in the estimate and he learned that it was not. Warren Construction has donated the installation. He thanked Peter Warren for his generosity. Chair Cassida learned that there are not any Maine distributor options for these panels. When the architect approached the supplier about that, they lowered their bid by \$500 and pointed out that the fabric for the panels is actually made in Maine at Guilford Industries.

BE IT ORDERED: That an expenditure of up to ~~\$6996.74~~ \$6,845.86 from the 2002 Community Center Donation Account to purchase and install sound panels for the Community Center Large Meeting Room and to purchase and install a shed, be approved.

BE IT FURTHER ORDERED: That the remaining account balance of \$150.89 be placed in the Community Center reserve account. (Beaulieu & White) **ROLL CALL VOTE:** (7 Ayes)

OTHER BUSINESS:

1. Discussion on nominations for the MMA Executive Committee and Vice President

Mr. Olmstead explained that Councilor Beaulieu currently serves on the Executive Committee and is eligible to run for Vice President if she chooses. Councilor Beaulieu indicated that she is willing to run for Vice President. Mr. Olmstead explained that public support of fellow Councilors is important. There was consensus from Councilors that they would like to see Councilor Beaulieu nominated for Vice President. Councilor Beaulieu will fill out a form and submit it by June 1.

2. Discussion on the Burnett Road Bridge

Councilor White noted that the Burnett Road Bridge is on borrowed time. The State is inspecting it on a routine basis and has indicated that at some point over the course of this year, they expect that it will not pass inspection. When it fails inspection, it will be closed and permanently removed. Plow trucks and school buses cannot go over it. Councilor White asked where the Council is in this matter.

Mr. Olmstead advised that the State's position is that they are not going to put one dollar into this bridge at this point. If the Town wishes to build a bridge, it will be based on general engineering standards at the Town's expense and design. Discussion followed. Mr. Olmstead explained that if the Council wants to pursue this, have Mr. Presgraves locate two or three firms that deal in this type of bridge building and ask them to submit an RFP on a design/build concept. We could give them some ideas such as single lane and wood elements. Bridge companies know what works best in saltwater environments and what does not work. The Council could then look at the cost estimates and decide whether to move forward. He suspects that the Council would be looking at a minimum of a quarter of a million dollars for a basic bridge. Since the State is not willing to participate at this point, the Town has more flexibility in structure type. He noted that this has gone to the voters twice, does the Council want to go a third time.

Chair Cassida asked if the Council wants to get the cost estimates. There was consensus to move forward and request estimates.

3. Sign the June 12, 2007 Election Warrant—Done

4. Presentation of Environmental Merit Award

Mr. Olmstead advised that the Town of Freeport has received from the Environment Protection Agency an Environmental Merit Award for its work over the last few years in land

use planning. They specifically cited the Town's work with other communities on the management of storm water. Freeport has worked with eleven other communities statewide on storm water management.

5. Information Exchange.

Faith Baker had process questions concerning the mooring fees discussed earlier in the agenda. Chair Cassida indicated that the vote will take place next week. He pointed out that the public could call or e-mail the Town Manager to share their thoughts.

MOVED AND SECONDED: To adjourn at 11 p.m. (Migliaccio & Bishop)

VOTE: (7 Ayes)

Respectfully Submitted,

Sharon Coffin
Council Secretary

MINUTES
SPECIAL FREEPORT TOWN COUNCIL MEETING #9-07
TOWN HALL COUNCIL CHAMBERS
MAY 22, 2007 – 7:00 PM

CHAIRPERSON'S CALL TO ORDER

PRESENT ABSENT EXCUSED

| | |
|----------------------------------------|---|
| John Arsenault, Prout Road | x |
| Genie Beaulieu, P.O. Box 74 | x |
| Charlotte Bishop, Maquoit Drive | x |
| James Cassida, 5 Timber Ridge Road | x |
| Rich DeGrandpre, Timber Ridge Road | x |
| Joe Migliaccio, 2 Vinmar Lane | x |
| Frederick White, 45 Pleasant Hill Road | x |

Before opening the meeting, Chair Cassida explained to members of the public that the Council would take an item out of order and dispense with it early on in the proceedings. He noted that many people are here this evening because of an item concerning mooring regulations and mooring fees. After getting advice from the Town Attorney, the Council has decided to table that discussion this evening and send it back to the Coastal Waters Commission for discussion at which time they will probably make a recommendation to the Council at some future date and the Council will have another public hearing on that issue at that time. The Manager has not included any of the revenues projected from mooring fees outside the harbor anchorage in this year's budget and it is not something the Council will proceed with this evening. The Council will do its due diligence on it over the coming year by holding public sessions and will make a determination on whether it is something to proceed with at a future time.

Chair Cassida noted that the Council will open its meeting and take an item out of order, table that issue and recess the Council meeting and go into workshop on the rest of the budget issues. Ken Mann has questions regarding process. Chair Cassida suggested having the public comment period after opening the meeting on Item 91-07.

Chair Cassida called the meeting to order at 7:05 p.m. and took the roll call.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #8-07 held on May 15, 2007 and accept the Minutes as printed.

Councilor DeGrandpre pointed out that Stephanie Helms' name was misspelled.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #8-07 held on May 15, 2007 and accept the Minutes as amended. (Bishop & Arsenault) **VOTE:** (7 Ayes).

SECOND ORDER OF BUSINESS: Announcements

Chair Cassida announced that the May 15 Town Council meeting that was aired on Sunday night did not have sound. It will be rebroadcast on May 23 at 7 p.m.

The Flying Point Road will be closed for two days between June 15 and July 1 while the Little River culvert is being replaced. This is near 113 Flying Point Road.

The Solid Waste Clean-up Week will take place June 2, 8 a.m.-4 p.m., June 6, 8 a.m.-7 p.m., June 7 and 8, 8 a.m.-4 p.m. and June 9, 8 a.m.-4 p.m. Residents will have the opportunity to bring one load accompanied by the coupon that was received in the mail free of charge.

Winslow Park's Campground will open on Thursday, May 24. Free camping for Freeport residents will be June 11-17. Residents will need to call ahead and reserve space. Family Fun Day will be held at Winslow Park on June 16. There will be free admission to the park and there will be games, races and free food.

Councilor Migliaccio advised that the weekend showings of the May 15 Town Council meeting had no sound and asked if they could be played on the upcoming weekend. Mr. Olmstead offered to check with Rick Simard.

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

MOVED AND SECONDED: To open the Public Comment Period on Non-Agenda Items Only. (White & Beaulieu) **VOTE:** (7 Ayes)

Voicing opposition to mooring fees under Item 91-07: Ken Mann, Tim Baker, Tony DeBrun and Faith Baker.

MOVED AND SECONDED: To close the Public Comment Period on Non-Agenda Items Only. (White & Bishop) **VOTE:** (7 Ayes)

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

MOVED AND SECONDED: To take Item 91-07 out of order. (Beaulieu & White)
VOTE: (7 Ayes)

ITEM #91-07 To consider action relative to amendments to the Coastal Water Ordinance concerning the Bustins Island Ferry Service and mooring assignments (Chapter 31)

BE IT ORDERED: That a public hearing be scheduled for June 5, 2007 at 7 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Coastal Waters 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 3 and the Town's website. (Beaulieu & Bishop)

Councilor White noted that he would like to make a motion to not go forward with mooring fees outside of the river. It is clear to him that it is not worth learning more about it. Councilor Bishop mentioned that she couldn't bring it forward to get rid of it, since she voted against it. Councilor DeGrandpre is comfortable taking it off the table.

MOVED AND SECONDED: To amend this particular item tonight to remove from the end of the sentence "and mooring fees outside of the Harbor." (Beaulieu & Bishop)

VOTE: (7 Ayes)

There was consensus to not move forward with mooring fees outside of the Harbor. Chair Cassida noted that it is not his intention to bring it up again in the near future.

ROLL CALL VOTE ON AMENDED MOTION: (7 Ayes)

Chair Cassida thanked everyone for coming out this evening. He explained that there would not be any discussion on Bustin's Island this evening. Roger Leland thanked the Council for their action tonight.

MOVED AND SECONDED: To recess and go into workshop on the Town Council Budget. (Beaulieu & White) **VOTE:** (7 Ayes)

Mr. Olmstead explained that he was asked to crystal ball what the budget would look like next year and he outlined the challenges facing the Town on the Municipal side. He plugged in 3% for Municipal and 4% for schools or budgets going up \$700,000 a year from now. He has not factored in any lost revenue at the school level. He is confident that the Town will be looking at a 5%-6% tax increase next year. The only way to avoid something like this is to have massive budget cuts. Discussion followed.

Elaine Tomaszewski, Superintendent of Schools, explained that the consolidation effort is an unknown. Freeport is proposed to join with Yarmouth and Pownal but this has not yet been finalized. She predicts the school population may stay pretty much the same or lose a little more. The primary schools will be losing the most. She explained the challenges the Schools are facing.

Chris Leighton, Chair of School Committee, discussed State funding and the consolidation effort. He noted that Freeport is facing some tough times next year and it is important to do the budget work early. Discussion followed.

Diane Boucher and Greg L'Heureux answered questions for Councilors. Chair Cassida asked each Councilor to weigh in on the budget. Councilor White spoke about the process that has been in place for sometime. He is ready to accept both budgets as presented but he is confident that there is room for cost savings on the Municipal side as well as the School side. Councilor Beaulieu is comfortable with the Municipal budget but has concerns with the number of teachers and teacher aides. She suspects the State's numbers are not right but she's not sure why we're so far from them. She added that the School Department figures didn't equal in any of the places she

looked. While she doesn't like it, the Council can't make adjustments to the School budget. She listed some of the drastic cuts that the Town Manager listed as options.

Councilor DeGrandpre noted that he has tried to make sense of the School budget and has compared it with some surrounding communities that are similar to Freeport. He agreed with Councilor White that there was likely room both in the Municipal and School budgets. He noted that "if everybody's willing to work, he's willing to talk."

Councilor Bishop noted that the process has been frustrating. The State promising to ramp up to 55% was a joke. She finds it difficult to look at this budget knowing the net loss of students over the years. Other towns are experiencing the same issues. She supports the budget as presented because she doesn't think Freeport will be getting money from the State. The Council is supporting the schools by almost \$14 million but she supports the Fire Department and the Police Department as well.

Councilor Arsenault echoed Councilor Bishop's comments. He has concerns with the loss in student population and the fact that there have not been any reductions in staff or administrative costs.

Councilor Migliaccio proposed cutting 10% reduction in the increase from both the Municipal and School budgets. This would mean \$19,000 from the Municipal side and \$48,500 from the School side and would become "Option 4".

Chair Cassida asked the Town Manager and School Superintendent what it would mean to their sides if the Council goes forward with this proposal. Mr. Olmstead explained what happens during the budgeting process on the Municipal side. He mentioned possibly eliminating the annual clean-up week or removing the donation for holiday decorations.

Superintendent Tomaszewski indicated that she would look at what will impact students the least and would look at cutting back on supplies or refinishing floors. She mentioned cutting sports or positions or programs but she was instructed by the School Committee not to directly go to the new initiatives for cuts. More discussion followed. Greg L'Heureux clarified that worse case scenario would mean 19 cents but best-case scenario would mean 8 cents.

Councilor Beaulieu pointed out that this is not good budgeting. This should have been done before tonight.

Chair Cassida explained that he doesn't like the process and it is not the appropriate place for the Council to question the School Board on their budget. He likes many parts of what Councilor Migliaccio has brought forward. The compromise deals with the worse case State-spending scenario. He is willing to support Option 4 as a reasonable compromise. Both sides do not get everything they hoped for.

Mr. Olmstead asked how to arrive at a \$20,000 cut. He asked the Council to look at the options and give him a list of cuts. He suggested taking up a Coastal Waters item on the agenda while he meets with the Finance Director.

Chair Cassida asked for a poll of who would support Councilor Migliaccio's recommendation. Councilors Beaulieu, Arsenault and Bishop indicated that they do not support it. The balance of the Council advised that they would support it.

Mr. Olmstead reviewed a list of possible cuts. Discussion followed. Councilor White asked the Council to not target any cuts but rather direct the Town Manager and Department Heads to go back in their budgets and rework the numbers to come up with the reductions. Mr. Olmstead didn't like Councilor White's approach but suggested that Fire, Police, Public Works and Solid Waste each take \$5,000 from their budgets. Four Councilors agreed. Chair Cassida asked the Town Manager and the Finance Director to rework the numbers and adjust the motions for the Council.

MOVED AND SECONDED: To reopen the Special Town Council Meeting.
(Beaulieu & White) **VOTE:** (7 Ayes)

Chair Cassida asked Kristen Peterson from the Coastal Waters Commission if there was anything she planned to discuss this evening. She explained that she was asked to attend tonight's meeting in case the Council had questions on the proposed language changes to the Ordinance. She noted that Coastal Waters recently acted as a Board of Appeals for the mooring assignment for the Lily B that provides ferry service to Bustin's Island. They made a recommendation regarding that issue. Chair Cassida noted that the Council would have a public hearing on June 5 and would have an opportunity for questions at that time. Councilor Migliaccio had questions regarding the ferryboat and requested any information regarding wording and the times they are operating as a commercial charter vessel because the Council will have to deal with parking issues at the public hearing. Councilor White requested the Town Attorney's recommendation for the public hearing.

Anthony Barr of Bustin's Island mentioned that there are concerns of conflict of interest. If the boat was owned by Freeport, it could be operated under Freeport's ferry system or a commercial passenger vessel but the Village Corporation owns it. Unfortunately they have this Town and Village Corporation situation and it will be in the forefront for legal advice regarding parking.

MOVED AND SECONDED: To take Item #92-07 out of order. (Beaulieu & White)
VOTE: (7 Ayes)

ITEM #92-07 To consider action relative to naming the park to be donated to the Town by L.L. Bean.

BE IT ORDERED: That the village park being donated by L.L.Bean be named the "Leon Gorman Park". (DeGrandpre & Beaulieu)

Chair Cassida noted that it is appropriate to do this. Councilor DeGrandpre pointed out that there was discussion at Municipal Facilities and there was a unanimous decision to name the park "Leon Gorman Park". Chair Cassida expressed thanks to Mr. Gorman for his gift.

ROLL CALL VOTE: (7 Ayes)

MOVED AND SECONDED: To take Item #93-07 out of order. (Beaulieu & DeGrandpre) **VOTE:** (7 Ayes)

ITEM #93-07 To consider action relative to approving the following appointments to the Planning Board and Recreation Committee.

BE IT ORDERED: That Suzanne Watson be appointed to the Planning Board for a term ending May 1, 2008, and Saralyn Maxwell be appointed to the Recreation Committee for a term ending November 1, 2010
(Bishop & White)

Chair Cassida explained that normally this item would have appeared on the Consent Agenda but since there was none this evening, the Council is doing it in this fashion.

Councilor Migliaccio suggested tabling the vote to the next Council meeting so that the minutes from the Appointments Committee can be completed. Other Councilors disagreed. Councilor Migliaccio suggested that interviews be set up in the future when there are multiple candidates.

ROLL CALL VOTE: (6 Ayes) (1 Nay—Migliaccio)

Mr. Olmstead brought in revised numbers for the motions coming up.

ITEM #79-97 To consider action relative to the Regional Vocational Budget as approved by the Cooperative Board for fiscal year 2007-2008.

BE IT ORDERED: That the Regional Vocational Budget as approved by the Cooperative Board for the year 2007-2008 be approved in the amount of \$1,907,730 that \$291,382 be appropriated as Freeport's local share. (White & DeGrandpre)

Councilor DeGrandpre pointed out that this is the first time we have voted on a budget without knowing what the State's contribution will be. He feels confident the budget will allow the School side to go forward with their new initiatives

Councilor Beaulieu advised that she will be voting no on every issue of the budget because she feels this is a poor way of budgeting. She does not necessarily have a problem with the numbers.

Councilor Migliaccio noted that the school budget is heading in a more favorable direction. He has two children that will be attending school next year and he takes the school budget very seriously.

Councilor White mentioned that his wife is a school nurse. He has demonstrated over the years that he can be objective and it doesn't alter his perception in any way.

ROLL CALL VOTE: (6 Ayes) (1 Nay—Beaulieu)

ITEM #80-07 To consider action relative to the Regional Vocational Budget as approved by the Cooperative Board for Adult Education for fiscal year 2007-2008.

BE IT ORDERED: That the Regional Vocational Budget as approved by the Cooperative Board for Adult Education for the year 2007-2008 be approved in the amount of \$51,000 and that \$4,328 be appropriated as Freeport's local share. (Beaulieu & White) **ROLL CALL VOTE:** (6 Ayes) (1 Nay—Beaulieu)

ITEM #81-07 To consider action relative to funding public education from Kindergarten to Grade 12 for fiscal year 2008.

BE IT ORDERED: That \$9,869,039 be appropriated as the municipal contribution for the total cost of funding public education from Kindergarten to Grade 12 as described in the Essential Programs and Services Funding Act in accordance with MRSA Title 20-A, Section 15688.

Explanation: The school administrative unit's contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act is the amount of money determined by state law to be the minimum amount that a municipality must raise in order to receive the full amount of state dollars. (Bishop & Arsenault) **ROLL CALL VOTE:** (6 Ayes) (1 Nay—Beaulieu)

ITEM #82-07 To consider action relative to funding annual payments on school debt service for fiscal year 2008.

BE IT ORDERED: That \$790,371 be appropriated for the annual payment on debt service previously approved by the legislative body for non-state funded school construction projects, non-state funded portions of school construction projects and minor capital projects in addition to the funds appropriated as the local share of the school administrative units contribution to the total cost of public education from Kindergarten to Grade 12.

Explanation: Non-state-funded debt service is the amount of money needed for the annual payments on the municipality/district long-term debt for major capital school construction projects and minor capital renovation projects that are not approved for state subsidy. The voters or other legislative body previously approved the bonding of this long-term debt. (Arsenault & Migliaccio) **ROLL CALL VOTE:** (6 Ayes) (1 Nay—Beaulieu)

ITEM #83-07 To consider action relative to appropriating additional local funds for public education from Kindergarten to Grade 12 for fiscal year 2008.

BE IT ORDERED: That ~~\$1,867,366~~ \$1,970,875 be appropriated in additional local funds for public education for Kindergarten to Grade 12 which exceeds the State's Essential Program and Service funding by ~~\$1,624,151~~. \$1,727,660 The School Committee recommends ~~\$1,867,366~~ \$1,970,875 for the following reasons: To provide a complete education program to the students in Freeport public schools.

Explanation: The additional local funds are those locally raised funds over and above the school administrative unit's local contribution to the total cost of funding public education from kindergarten to grade 12 as described in the Essential Programs and Services Funding Act and local amount raised for the annual debt service payment on non-state funded school construction projects or the non-state-funded portion of a school construction project that will help achieve the Freeport budget for educational programs. (Migliaccio & DeGrandpre) **ROLL CALL VOTE:** (4 Ayes) (3 Nays—Bishop, Beaulieu & Arsenault)

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|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|
| ITEM #84-07 | To consider action relative to authorizing the School Committee to expend funds for fiscal year beginning July 1 2007 and ending June 30, 2008. |
|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|

BE IT ORDERED: That the Freeport School Committee is authorized to expend ~~\$15,056,927~~ \$15,160,536 for the fiscal year beginning July 1, 2007 and ending June 30, 2008 from the school administrative units contributions to the total cost of funding public education from Kindergarten to Grade 12 as described in the Essential Programs and Services Funding Act, non-state funded school construction projects, additional local funds for school purposes under the MRSA, Title 20-A, Section 15690, unexpended balances, tuition receipts, state subsidy and other receipts for the support of schools. (DeGrandpre & Bishop) **ROLL CALL VOTE:** (4 Ayes) (3 Nays—Arsenault, Bishop & Beaulieu)

| | |
|--------------------|------------------------------------------------------------------------------|
| ITEM #85-07 | To consider action relative to funding Adult Education for fiscal year 2008. |
|--------------------|------------------------------------------------------------------------------|

BE IT ORDERED: That \$85,000 be appropriated for Adult Education. (White & Bishop) **ROLL CALL VOTE:** (6 Ayes) (1 Nay—Beaulieu)

| | |
|--------------------|------------------------------------------------------------------------------------|
| ITEM #86-07 | To consider action relative to the acceptance of State Funds for fiscal year 2008. |
|--------------------|------------------------------------------------------------------------------------|

BE IT ORDERED: That the following categories of State Funds be accepted for fiscal year 2008.

1. Municipal Revenue Sharing
2. Local Road Assistance
3. State Aid to Education (including Federal pass-through funds and property pass-through funds and property tax relief)
4. Public Library State Aid per capita
5. Civil Emergency Funds (Emergency Management Assistance)
6. Snowmobile Registration Funds

7. Tree Growth Reimbursement
8. Veterans Exemption Reimbursement
9. All other State funds not mentioned in this order. (Beaulieu & White) **ROLL CALL VOTE:** (7 Ayes)

ITEM #87-07 To consider action relative to amendments and additions to the Town Fee and Fine Schedule.

BE IT ORDERED: That the following amendments and additions to the Town Fee and Fine Schedule be approved.

Planning Codes – Approve increases in sign and plumbing permit fees as outlined in the Fee Comparison Sheet titled April, 2007.

Parking Fines – Increase fee for fine for Parking Tickets from \$15.00 - \$20.00

Coastal Waters - Implement the following Wharf Fees:

| | |
|-------------------------------------------------------|------------------------------------------------|
| *Hoist Use Fee | \$100 per season <u>or</u> \$10.00 per use. |
| *Construction Facilities Fee (Migliaccio & Bishop) | \$100.00 |

Councilor White indicated that he does not believe it is enforceable and not a good recommendation. Chair Cassida noted that he is willing to give it a try. He will rely on the Harbor Master to figure it out. He is willing to address it in the future. **ROLL CALL VOTE:** (5 Ayes) (2 Nays—White & Arsenault)

ITEM #88-07 To consider action relative to the proposed fiscal year 2008 Municipal Budget.

BE IT ORDERED: That the following appropriations be made to the several departments for purposes named, that the following revenues estimated be adopted, and that the following amounts be raised by taxation, said action for fiscal year July 1, 2007 to June 30, 2008 Municipal Budget as printed and amended on this agenda.

APPROPRIATIONS

| | |
|--------------------------|--------------------------------|
| General Government | \$1,197,419 |
| Protection & Enforcement | 1,959,937 1,949,937 |
| Health & Welfare | 87,994 |

| | | |
|-----------------------------|----------------------------------------|----------------------------|
| Public Works/Solid Waste | 1,841,373 | 1,831,373 |
| Library | 368,698 | |
| Unclassified | 1,623,902 | |
| Education/Community Ed. | 13,921,775 | 14,025,284 |
| Education- State Debt | 344,781 | |
| Debt Service – Local | 1,605,694 | |
| County Tax | 761,800 | |
| Human Service Agencies | 45,900 | |
| Bustins Island | 168,000 | |
| Abatements | 25,000 | |
| Economic Development Corp. | 85,000 | |
| Capital Reserves | <u>100,000</u> | |
| TOTAL APPROPRIATIONS | <u>\$ 24,137,373</u> | <u>\$24,220,782</u> |

ESTIMATED REVENUES

| | |
|-----------------------------|---------------|
| Non-Property Tax/Tax | \$1,287,500 |
| Intergovernmental | 1,064,545 |
| Charges for Services | 375,300 |
| Licenses and Permits | 233,700 |
| Fines and Forfeitures | 49,500 |
| Miscellaneous | 213,000 |
| Education/Community Ed. | 2,170,370 |
| Education – State Debt | 344,781 |
| Education Tuition Carryover | <u>15,000</u> |

TOTAL ESTIMATED **\$5,753,696**

| | |
|---------------------------------|----------------------------------|
| Library Lease Proceeds | 147,177 |
| Amount Transferred from | 550,000 |
| Undesignated Funds | |
| Amount to be Raised by Taxation | 17,686,400 17,769,909 |

TOTAL REVENUES **~~\$24,137,373~~ 24,220,782**

(Bishop & DeGrandpre) **ROLL CALL VOTE:** (4 Ayes) (3 Nays—
Arsenault, Bishop & Beaulieu)

| | |
|-------------|--------------------------------------------------------------------------------------------|
| ITEM #89-07 | To consider action relative to the operating budget for Winslow Park for fiscal year 2008. |
|-------------|--------------------------------------------------------------------------------------------|

BE IT ORDERED: That \$240,828 be approved for the Winslow Park budget from July 1, 2007 to June 30, 2008 and \$240,828 be approved for the Harb Cottage budget from July 1, 2007 to June 30, 2008. (Arsenault & Bishop)
ROLL CALL VOTE: (7 Ayes)

ITEM #90-07 To consider action relative to adopting a Non-Emergency Transport
(NET) Budget for fiscal year 2008

BE IT ORDERED: That the Non-Emergency Transport budget in
the amount of \$340,256 be approved for fiscal year 2008.

BE IT FURTHER ORDERED: That any excess revenues or balances
left in the NET operating budget at the end of each fiscal year be
returned to reserves until the start up loan of approximately \$200,000 is
retired. (DeGrandpre & Migliaccio) **ROLL CALL VOTE:** (7 Ayes)

MOVED AND SECONDED: To bring Item #89-07 back on the table.
(Beaulieu & Arsenault) **VOTE:** (7 Ayes)

ITEM #89-07 To consider action relative to the operating budget for Winslow Park for
fiscal year 2008.

BE IT ORDERED: That ~~\$240,828~~ \$229,228 be approved
for the Winslow Park budget from July 1, 2007 to June 30, 2008 and
~~\$240,828~~ \$11,600 be approved for the Harb Cottage budget from July 1,
2007 to June 30, 2008. (Arsenault & Bishop) **ROLL CALL VOTE:** (7
Ayes)

OTHER BUSINESS:

1. Informational Exchange

Councilor Beaulieu advised that she receives the *Government Finance Officers Association Publication* and noticed two items that she feels the Council should look at. It appears there has been a FCC ruling regarding government franchising of cable and it appears it wouldn't be totally in Freeport's favor. She gave it to Mr. Olmstead so that he could check and see what it means.

The other item is that the Supreme Court had a finding and says it is in favor of local government concerning flow control ordinances. Mr. L'Heureux indicated that this would have some impact on the Eco Maine budget in the future. Mr. Olmstead advised that there are agreements with each commercial hauler that they will take their waste to RWS. In light of this new court decision, communities that have those agreements will not have to use them in the future. This overturns a 20 plus year court decision that basically said that municipalities couldn't control the flow of waste.

Chair Cassida asked Mr. Olmstead to provide for the Council's budget books an Option 4 sheet and revise all the municipal lines. Mr. L'Heureux will provide them.

MOVED AND SECONDED: To adjourn at 10:25 p.m. (White & Bishop)
VOTE: (7 Ayes)

Respectfully Submitted,

**Special Town Council Meeting #09-07
May 22, 2007**

**Sharon Coffin
Council Secretary**

MINUTES
FREEPORT TOWN COUNCIL MEETING #10-07
COUNCIL CHAMBERS
June 5, 2007
7:00 p.m.

CHAIRPERSON'S CALL TO ORDER

PRESENT ABSENT EXCUSED

| | | | |
|----------------------------------------|---|--|---|
| John Arsenault, Prout Road | | | x |
| Genie Beaulieu, P.O. Box 74 | x | | |
| Charlotte Bishop, Maquoit Drive | x | | |
| James Cassida, 5 Timber Ridge Road | x | | |
| Rich DeGrandpre, Timber Ridge Road | x | | |
| Joe Migliaccio, 2 Vinmar Lane | x | | |
| Frederick White, 45 Pleasant Hill Road | x | | |

Chair Cassida called the meeting to order and noted that Councilor Arsenault is excused this evening. He took the roll.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #09-07 held on May 15, 2007 and accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #09-07 held on May 15, 2007 and accept the Minutes as printed. (Beaulieu & White) **VOTE:** (6 Ayes) (1 Excused—Arsenault)

SECOND ORDER OF BUSINESS: Announcements

Chair Cassida announced that the Flying Point Road would be closed to all traffic on June 19 and 20 in the vicinity of 113 Flying Point Road due to construction related to the Little River Culvert replacement. The Police, Fire and Rescue have plans in place to provide full service during the road closure. If anyone has any questions, they may call Al Presgraves the Town Engineer at 865-4743, Extension 106.

Chair Cassida reminded residents that this is clean-up week at the Recycling Center. On June 6, the facility will be open from 8 a.m. to 7 p.m. On June 7 and 8 it will be open from 8 a.m. to 4 p.m. and on June 9, from 8 a.m. to 4 p.m. Residents may bring one load accompanied by the certificate that was received in the mail free of charge.

Chair Cassida pointed out that Family Fun Day would take place on June 16 at Winslow Park. There will be races, games, free food and free admission to the park. Free camping for Freeport residents will be available June 11-17. Anyone interested should call ahead and reserve space.

Chair Cassida mentioned that a special State election would take place on June 12. The polls will be open here at the Town Hall, not the High School, from 7 a.m. to 8 p.m. There are two local bond questions on the ballot.

Presentation of the Circle of Excellence Award

Councilor Bishop presented this year's Circle of Excellence Award to Susie Saunders for participating in the business community and demonstrating her efforts in helping to keep the Town going. She provided a long list of Mrs. Saunders' achievements. A plaque was presented to Mrs. Saunders.

Mrs. Saunders thanked everyone that worked with her through the years, particularly Jim Plummer and Al Presgraves, who taught her how to walk the streets with a clipboard and a hat.

Stephanie Slocum, Executive Director of FEDC, thanked Mrs. Saunders for her many years of dedicated service to Freeport.

Chair Cassida suggested that the Council adjourn for 15 minutes so that they can congratulate Susie. Refreshments were served.

Chair Cassida reconvened the meeting at 7:25 p.m.

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

MOVED AND SECONDED: To open the Public Comment Period-30 Minutes, on Non-Agenda Items Only. (White & Beaulieu) **VOTE:** (6 Ayes) (1 Excused—Arsenault)

There were no public comments provided.

MOVED AND SECONDED: To close the Public Comment Period-30 Minutes, on Non-Agenda Items Only. (White & Beaulieu) **VOTE:** (6 Ayes) (1 Excused—Arsenault)

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

ITEM #99-07 To consider action relative to adopting the June 5, 2007 Consent Agenda.

BE IT ORDERED: That the June 5, 2007 Consent Agenda be adopted. (White & Bishop) **VOTE:** (6 Ayes) (1 Excused—Arsenault)

Chair Cassida reviewed the items on the Consent Agenda for members of the public.

ROLL CALL VOTE: (6 Ayes) (1 Excused—Arsenault)

ITEM #100-07 To consider action relative to two (2) proposed appropriation ordinances authorizing the issuance of Bonds for the High School Wing Floor Covering Replacement and the Paving of the Morse Street School Parking Lot. **Public Hearing**

Superintendence Tomaszewski provided a brief overview

MOVED AND SECONDED: That the Public Hearing be opened. (Bishop & Beaulieu) **VOTE:** (6 Ayes) (1 Excused—Arsenault)

Rod Regier of South Freeport Road took issue with the way the Council is proposing to pay for the Morse Street School paving and carpeting at the High School. He noted that these are operating budget items and urged the Council to not bond them, but budget for them and save everyone some money. He mentioned that the proposed boiler replacement and the lighting upgrades are both good ideas and proper uses for bonding authority.

MOVED AND SECONDED: That the Public Hearing be closed. (Bishop & White) **VOTE:** (6 Ayes) (1 Excused—Arsenault)

Councilor DeGrandpre mentioned his concern that we have elected to spend a million dollars on schools when we really don't know what will happen regarding consolidation. There is no doubt in his mind that these items need to be done but perhaps they should be moved to next year.

Councilor Beaulieu agrees that these are worthy projects but come next year, we may not own the buildings but we surely are going to own the debt. She is inclined to not send this forward because there are so many unknowns. Councilor White clearly heard what Mr. Regier said and does not necessarily disagree. He noted that both items need to be addressed but whether they need to be addressed this year or next, remains to be seen. He does not want to reopen the operating budget. Superintendent Tomaszewski explained options she may take in the event the carpeting and paving doesn't get funded this year. Discussion followed. Chair Cassida indicated that he has no problem putting these items off at this time. He is confident that the money can be found through prioritization

BE IT ORDERED THAT THE FOLLOWING ORDINANCE BE ENACTED:
Ordinance authorizing issuance of bonds for the paving of the Morse Street School Parking Lot. **THE TOWN HEREBY ORDAINS:** That a sum not to exceed \$74,500 is hereby appropriated for the Morse Street School Parking Lot. To meet said

appropriation, the Chairperson of the Town Council and the Town Treasurer are authorized to issue general obligations securities and the Town of Freeport in a total principal amount not to exceed \$74,500, and the discretion to fix the dates, maturities, denominations, interest rates, places of payment, forms and other details of said securities, including execution and delivery on behalf of the Town of Freeport, and to provide for the sale thereof, is delegated to the Chairperson of the Town Council and the Town Treasurer.

BE IT FURTHER ORDERED THAT THE FOLLOWING ORDINANCE BE ENACTED: Ordinance authorizing issuance of bonds for ~~the paving of~~ the replacement of the High School Wing Floor Covering. **THE TOWN HEREBY ORDAINS:** That a sum not to exceed \$40,000 is hereby appropriated for the replacement of the High School Wing Floor Covering. To meet said appropriation, the Chairperson of the Town Council and the Town Treasurer are authorized to issue general obligations securities and the Town of Freeport in a total principal amount not to exceed \$40,000, and the discretion to fix the dates, maturities, denominations, interest rates, places of payment, forms and other details of said securities, including execution and delivery on behalf of the Town of Freeport, and to provide for the sale thereof, is delegated to the Chairperson of the Town Council and the Town Treasurer. (Bishop & Migliaccio) **ROLL CALL VOTE:** (6 Nays) (1 Excused—Arsenault)

ITEM #101-07 To consider action relative to proposed amendments to the Zoning Map and Zoning Ordinance concerning cemeteries and crematories (Chapter 21). **Public Hearing**

Town Planner, Donna Larson, provided an overview. State law says that crematoriums have to be in a cemetery.

MOVED AND SECONDED: That the Public Hearing be opened. (Migliaccio & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Arsenault)

Sharing their views were: Betsy Ruff of Durham Road, Les Craig, President of Burr Cemetery, Bill Griffin, Chris Stilkey, Burr Cemetery Superintendent, Bob Santomenna, Trustee of the Freeport Conservation Trust, Jason Wilson of Wilson Funeral Home in Gray and Mr. and Mrs. Don Cray, abutters.

MOVED AND SECONDED: That the Public Hearing be closed. (DeGrandpre & White) **VOTE:** (6 Ayes) (1 Excused—Arsenault)

Town Planner, Donna Larson, shared information on mercury that she learned from the Internet. She answered questions for Councilors.

Councilor Migliaccio asked if the Planning Board discussed screening. Ms. Larson advised that this is something that will be looked at by the Project Review Board at the appropriate time.

Councilor Migliaccio suggested asking the Planning Board to draft some special screening language for crematories.

Councilor Migliaccio is not against the crematorium if it is done correctly but he cannot change the RP zone to a less restrictive RR-1 zone. He would like to know more about the applications of pesticides and herbicides.

Councilor DeGrandpre agreed with Councilor Migliaccio's concerns regarding screening because it is one of the more intense uses in the RR-1. He still is processing questions at this time.

Councilor White supports allowing a crematorium in this zone as well as the zone change. This allows Burr Cemetery an opportunity to plan for the future and to inject some funds into the cemetery to enable them to be very proud of it.

Councilor Beaulieu has no problem with crematoriums and is confident the Project Review Board will address setbacks and buffering. She respects Rick Knowlton's comments about this particular area. When he says they no longer have to protect the water in Frost Gully for public water, she believes him. She agreed with everything that Councilor White said this time.

Councilor Bishop noted that opportunities for cemeteries to expand do not come along very often. She doesn't feel changing the zone will create a huge impact.

Chair Cassida noted that he is trying to balance the interests of the Conservation Trust and the cemetery. He views them as being compatible. He encouraged everybody to walk through the Evergreen Cemetery in Portland to enjoy the trail system and pond that is located in the rear. People view this as a park and there is a crematorium in the center but they would never guess it is there. He views this as an opportunity for collaboration where a beautiful forested cemetery could be intertwined with a Conservation Trust trail with connections to other parts of the community. He encouraged both organizations to get together and make it work. He has no problem with the rezoning.

Councilor Migliaccio asked about herbicides and pesticides. Chris Stilkey advised that he couldn't think of any cemeteries that use herbicides or pesticides. He does not want to use fertilizers because he does not want to encourage the grass to grow quickly. Mr. Stilkey answered more questions for Councilors.

BE IT ORDERED: That the proposed amendment to the Zoning Map and Zoning Ordinance concerning cemeteries and crematories be approved. (DeGrandpre & White) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Arsenault)

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| ITEM #102-07 | To consider action relative to a proposed amendment to the Zoning Ordinance Concerning Standards for Boarding Schools (Chapter 21). Public Hearing |
|--------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------|

Town Planner, Donna Larson, provided an overview of the proposed amendment.

MOVED AND SECONDED: That the Public Hearing be opened. (DeGrandpre & Bishop) **VOTE:** (6 Ayes) (1 Excused—Arsenault)

Eric Pandora of Birch Point Road pointed out that he has not seen anything of the standards on the Town's website. He has also not seen the Minutes from the Council pertaining to this issue on the website. He asked the Council to table the amendment or accept a revised amendment, which he provided limiting the number of students to 20 in a district not served by public sewer and water.

MOVED AND SECONDED: That the Public Hearing be closed. (DeGrandpre & White) **VOTE:** (6 Ayes) (1 Excused—Arsenault)

Councilor White advised that he personally contacted some folks in the Wolfe Neck area to let them know the standards that were developed but they chose to not participate beyond the previous decision. At this stage of the game, he would have a difficult time supporting the revised amendment. He noted that this has been a difficult project for the Planning Board but feels they did a great job.

Ms. Larson pointed out that the school has been approved for 32 students or perhaps 36. This change would make it non-conforming. The Planning Board did not discuss this. They looked at boarding schools and that they need to be viable.

Chair Cassida mentioned the State's Plumbing Code and that a school would have to demonstrate the ability to create a system that will adequately service 50 students. If they cannot do that, they cannot get a permit. He would put his trust in the State's Plumbing Code in this particular situation.

Councilor DeGrandpre noted that in RR-1 there are no limits for nursing homes but in RR-2 there is a limitation to 20 beds. With the requirements for water and sewer on site, he feels that a maximum number of students is not applicable here.

Councilor Beaulieu agreed with Councilor DeGrandpre. She has no problem with defining this and she has a problem with the number 50 if the land can provide water and sewer. She suggests leaving the number out. Councilor White disagreed and wants to put a cap on the number of students allowed in a neighborhood.

Councilor Bishop is okay with the cap of 50 on this site. The school needs to sustain itself.

Councilor Migliaccio had questions for the Town Planner, which she addressed.

Councilor DeGrandpre offered an amendment to remove #2—There shall be no more than 50 students that reside at the school but no one seconded it.

BE IT ORDERED: That the proposed amendment to the Zoning Map and Zoning

Ordinance concerning Standards for Boarding Schools be approved. (DeGrandpre & White) **ROLL CALL VOTE:** (5 Ayes) (1 Nay—DeGrandpre) (1 Excused—Arsenault)

ITEM #103-07 To consider action relative to amendments to the Coastal Waters Ordinance concerning the Bustins Island Ferry Service (Chapter 31). **Public Hearing**

Kristen Peterson, Chair of Coastal Waters Commission provided an overview.

MOVED AND SECONDED: That the Public Hearing be opened. (Beaulieu & White)
VOTE: (6 Ayes) (1 Excused—Arsenault)

The following people shared their views: Tony DeBrun, Roger Leland, Frank Castonelle and Anthony Barr II.

MOVED AND SECONDED: That the Public Hearing be closed. (Migliaccio & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Arsenault)

Mr. DeBrun advised that Bustins is open to the public and everyone is welcome to come over. Councilor Migliaccio recommended that there is confusion about this. He suggested that rules and regulations along with the ferry schedule be posted at the landing level. It should be made clear what they can or cannot carry on and that no alcoholic beverages are permitted on the ferry.

BE IT ORDERED: That the proposed amendment to the Coastal Waters Ordinance concerning the Bustins Island Ferry Service be approved. (Beaulieu & White) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Arsenault)

ITEM #104-07 To consider action relative to proposed amendments to the Development Program for the 2006 amended Phase II Desert Road Business and Industrial Park/Downtown Freeport Increment Financing Districts and the Ordinance Authorizing Credit Enhancement Agreement, pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.

BE IT ORDERED: That a public hearing be scheduled for June 19, 2007 at 7 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Development Program for the 2006 amended Phase II Desert Road Business and Industrial Park/Downtown Freeport Increment Financing Districts and the Ordinance Authorizing Credit Enhancement Agreement, pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended

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 3 and the Town's website. (White & DeGrandpre)
ROLL CALL VOTE: (5 Ayes) (2 Excused—Bishop & Arsenault)

OTHER BUSINESS:

1. Discussion on development of Contract Zoning Criteria

Chair Cassida mentioned that when the Council passed the contract zoning issue, we did it with the stipulation that we would develop standards. There was some discussion on whether it should go to the Ordinance Committee or whether it should go to the Planning Board and get Council agreement on what body it should go to. He would like to formalize this. After speaking to most of the Councilors, there is a general tendency to send it to the Planning Board. He spoke with the Town Planner. They have since talked to the Town Manager and communicated the desire to hold a workshop at 6 p.m. before the next Council meeting on June 19. The purpose of the workshop is to lay some groundwork on the contract zoning criteria and also lay some groundwork on the development of the Comprehensive Plan survey. This will bring the two bodies together so that we are all on the same page. There was consensus to participate in a workshop. Mr. Olmstead will bring in sandwiches.

MOVED AND SECONDED: To take #3 out of order. (White & Migliaccio) **VOTE:** (6 Ayes) (1 Excused—Arsenault)

3. Discussion about the Fourth of July Parade

Councilor White noted that he had this item put on tonight's agenda. He mentioned that in discussions with Ed Bradley, Mr. Bradley expressed interest, desire and horsepower to pull together a Fourth of July parade this year. He is confident that Mr. Bradley can make it happen. Mr. Bradley explained that it would be a shame to lose the Fourth of July parade. It is a community event and the Community Center people asked him to investigate it. He read a letter from St. Jude's Church into the public record. There are people willing to step up and do the work. The Town has the greatest amount of liability protection. Discussion followed.

Mr. Bradley does not know how much it will cost but bands are the most expensive entity. Bands may have gone somewhere else by now so there may not be as much music as in the past. Mr. Olmstead advised that L.L. Bean will help with organization and money and will increase their contribution from last year. He checked with the Town's insurance carrier and if the Council chooses to sponsor the parade, it will fall under the Town's current policy. There will not be any additional costs but there are restrictions:

- No throwing candy from floats
- No horses
- Utilize experienced public safety personnel to line up floats and direct traffic
- Set up/line up of floats to occur on Town and not private property
- Each organization involved in the parade to sign a waiver of liability

Councilor Beaulieu suggested not allowing children on floats unless there are sides on them or they are seatbelted on somehow. Mr. Bradley suggested saying that no child under 12 will be

allowed on a float unless accompanied by a parent and any child on a float under the age of 6 will require a parent's signature on a waiver of liability.

There was Council consensus for the Town sponsoring the parade. Councilor Migliaccio requested a legal opinion in writing.

MOVED AND SECONDED: To move an item not on the printed agenda. (Beaulieu & Bishop) **VOTE:** (6 Ayes) (1 Excused—Arsenault)

MOVED AND SECONDED: To authorize the Community Center Fundraising Committee to form a sub committee of people that have volunteered and others that we know about to organize and manage the parade for the Town of Freeport this year subject to the conditions laid out in the insurance committee record and the conditions with respect to children:

- #1 —No child under 12 on a float without parent supervision.
 - #2—No child under the age of 6 unless the supervising parent signs a waiver of liability in favor of the Town.
 - #3—No throwing candy from floats
 - #4—No horses
 - #5—Utilize experienced public safety personnel to line up floats and direct traffic
 - #6—Set up/line up of floats to occur on Town and not private property
 - #7—Each organization involved in the parade to sign a waiver of liability
- (Beaulieu & Bishop) **VOTE:** (6 Ayes) (1 Excused—Arsenault)

Chair Cassida will contact Channel 13 tomorrow morning.

2. Discussion on Proposed Amendment to Town Council Rules & Procedures

Councilor Migliaccio referred to his May 23 E-Mail proposing that the Council draft something that is appropriate saying that Town Council Committee meetings shall not be scheduled and announced to the public with less than one week notice unless all members of the committee have been contacted for scheduling purposes. The Town Manager or Council Chair may schedule meetings without coordination and prior contact in an emergency situation as determined.

Chair Cassida noted that this is generally not a problem but it can do no harm. Mr. Olmstead suggested a single sentence: "Under normal circumstances, committee chairs are required to provide committee membership with a minimum of five days notice." He chose five days because this is the notice Councilors receive for Council meetings. He offered to come up with some language.

3. Information Exchange.

Councilor Beaulieu referred to a meeting held in Brunswick last evening concerning County redistricting. There was one person that recommended keeping the number at three districts. Mr. Olmstead has sent information on the possibility of seven districts or five districts. She doesn't believe the number will stay at three. Mr. Olmstead does not understand how increasing the number from 3-5 or 3-7 will increase staffing costs. He sees it as a couple more chairs at the table and a little more postage. Councilor Beaulieu noted that commissioners have moved to having a professional staff but in their minds, they still work like select people and not doing the Manager's tasks.

Councilor DeGrandpre mentioned that next Monday there would be a meeting at the Log Cabin.

MOVED AND SECONDED: To adjourn at 11:10 p.m. (Bishop & DeGrandpre)

VOTE: (6 Ayes) (1 Excused—Arsenault)

Respectfully Submitted,

Sharon Coffin
Town Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #11-07
COUNCIL CHAMBERS
June 19, 2007
7:00 p.m.

CHAIRPERSON'S CALL TO ORDER

PRESENT ABSENT EXCUSED

| | |
|----------------------------------------|---|
| Genie Beaulieu, P.O. Box 74 | x |
| Charlotte Bishop, Maquoit Drive | x |
| James Cassida, 5 Timber Ridge Road | x |
| Rich DeGrandpre, Timber Ridge Road | x |
| Joe Migliaccio, 2 Vinmar Lane | x |
| Frederick White, 45 Pleasant Hill Road | x |

Chair Cassida called the meeting to order at 7 p.m. and took the roll call.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #10-07 held on June 5, 2007 and accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #10-07 held on June 5, 2007 and accept the Minutes as printed. (Bishop & Beaulieu) **VOTE:** (6 Ayes)

SECOND ORDER OF BUSINESS: Announcements

Chair Cassida advised that long-time resident, Louis Marstaller passed away yesterday. He called for a moment of silence in his memory. He extended sympathy to Mr. Marstaller's family.

The grand opening and dedication of the Leon Gorman Park will take place after the Fourth of July parade at 11:30 a.m. Ceremonies will take place in the park near the gazebo. Everyone is invited.

The Town received a letter from Councilor John Arsenault on June 6 formally resigning from the Council. He has relocated to Florida. Chair Cassida read the letter into the public record and thanked Councilor Arsenault for his dedicated service over the years. He wished him the best in his future endeavors.

Chair Cassida provided the results from the local bond issues that were voted on by Freeport residents on June 12. The High School boiler replacement was approved by a vote of 495 in favor and 165 opposed. The lighting upgrade was also approved by a vote of 471 in favor and 213 opposed. Freeport residents also voted in favor of the State bond issue.

Councilor Beaulieu advised that the Greater Portland Council of Government would be recognizing Freeport at its annual meeting next week. Freeport will be receiving two awards. One award is for sharing the Town's fuel depot with the town of Pownal and the other award is for the Freeport Community Library. She is planning to attend that meeting.

Councilor White announced that the detour on Flying Point Road is more than half way through. Traffic will resume on Thursday. Mr. Olmstead mentioned that the work is two hours ahead of schedule.

Councilor DeGrandpre advised that the Parking and Traffic Committee met this morning and discussed speed tables and a raised crosswalk where Bean's crosswalk will cross to Mast Landing School. This will be on a Council agenda sometime in July or August.

Councilor Migliaccio reminded the public that the Fourth of July parade will begin at 10 a.m. and there will be prizes awarded for neighborhood floats. People can contact Ed Bradley for more information.

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

MOVED AND SECONDED: To open the Public Comment Period on Non-Agenda Items only. (White & Bishop) **VOTE:** (6 Ayes)

Charlie Swanson of Wolfe's Neck explained that the Burnett Road Bridge is schedule for inspection in the fall and he is confident it will not pass. He wanted to bring its importance to the Council's attention. He is aware that the Town Engineer is seeking bids for replacement and hopes the Council will look at it favorably in the future. Councilor White noted that the Town Engineer is working on an RFP process as directed by the Town Council.

Lynn Heinz of Flying Point Road also mentioned the Burnett Road Bridge and encouraged the Council to find a way to replace it.

MOVED AND SECONDED: To open the Public Comment Period on Non-Agenda Items only. (White & Migliaccio) **VOTE:** (6 Ayes)

Councilor Migliaccio asked if it would be appropriate at this time to discuss encouraging people to make donations if a grass root effort takes place to replace the bridge. Chair Cassida suggested discussing it under "Under Business".

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

ITEM #108-07 To consider action relative to adopting the June 19, 2007 Consent Agenda.

BE IT ORDERED: That the June 19, 2007 Consent Agenda be adopted.
(White & DeGrandpre)

Chair Cassida reviewed the items on the Consent Agenda for members of the public. Mr. Olmstead explained that the bid for the trackless multi-purpose tractor included a trade-in.

ROLL CALL VOTE: (6 Ayes)

ITEM #109-07 To consider action relative to proposed amendments to the Development Program for the 2006 amended Phase II Desert Road Business and Industrial Park/Downtown Freeport Increment Financing Districts and the Ordinance Authorizing Credit Enhancement Agreement, pursuant to the provisions of Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended.
Public Hearing.

MOVED AND SECONDED: That the Public Hearing be opened.
(Beaulieu & White) **VOTE:** (6 Ayes)

Town Planner, Donna Larson, provided a brief explanation and advised that there are no changes in terms of the TIF.

MOVED AND SECONDED: That the Public Hearing be closed
(Beaulieu & DeGrandpre) **VOTE:** (6 Ayes).

Ordinance Authorizing Amendment
To Development Program and Credit Enhancement Agreement

The Town of Freeport hereby ordains and orders that the Town, acting pursuant to the provisions of Title 30-A, Chapters 206 of the Maine Revised Statutes, hereby adopts the Amendment, dated June 19, 2007, to the Development Program for the 2006 amended Phase II Desert Road Business and Industrial Park/Downtown Freeport Tax Increment Financing Districts (the "Amendment") to the District as presented to this Town Council Meeting and as has been on file in the Town Clerk's Office, a copy of which is incorporated herein and made a part of the minutes of this Town Council Meeting; submit to the State of Maine Commissioner of Economic and Community Development for approval such applications and further documentation as may be necessary or appropriate for final approval of such Amendment; and authorize and direct the Town Manager to execute and deliver a Credit Enhancement Agreement with L.L. Bean, Inc. and Berenson Freeport Associates LLC in such form as approved by the Town Manager. The Town Manager is hereby authorized and directed, on behalf of the Town, to execute and submit to the Commissioner of the Maine Department of Economic and Community Development "DECD") such applications and

further documentation as may be necessary or appropriate for any necessary final approval of the Amendment; and the Town Manager be, and hereby is, authorized and empowered, at his discretion, from time to time, to make such technical revisions to the Amendment as he deems reasonably necessary or convenient in order to facilitate the process for review and approval of the Amendment by the Commissioner of DECD, so long as such revisions are not inconsistent with the Amendment or the basic structure and intent of the District. (Beaulieu & Bishop) **ROLL CALL VOTE:** (6 Ayes)

ITEM #110-07 To consider action relative to accepting a donation of the Leon Gorman Park from L.L. Bean, Inc.

BE IT ORDERED: That the Leon Gorman Park be accepted as a donation from L.L. Bean, Inc. to the Town of Freeport.

BE IT FURTHER ORDERED: That the following deeds from LL Bean, Inc., Dover Properties, LLC, and Adam J. and Sheila A. Nappi for land included in the Park donation, be accepted.

1. Quitclaim deed from L.L.Bean, Inc. dated June 19, 2007
2. Quitclaim deed from Adam J. and Sheila A. Nappi dated June 19, 2007
3. Quitclaim deed and Easement deed from Dover Properties, LLC dated June 19, 2007

BE IT FURTHER ORDERED: That a donation from L.L.Bean of \$200,000 be placed in trust with the earnings to be used to maintain the Leon Gorman Park in accordance with the terms outlined in a letter from L.L.Bean dated June 13, 2007 (DeGrandpre & Bishop)

Mr. Olmstead explained that the deed from Dover would be signed on Thursday. The Town Attorney has reviewed all of the deeds and found them to be in good order. He met with representatives from L.L.Bean, the architect and some landscape folks and established a maintenance plan for the park. It will be a nine month, seven day a week plan. Greg L'Heureux and L.L.Bean's Finance people are also working to determine if \$200,000 is adequate for the maintenance schedule that was agreed upon today. Rules will be established administratively when the park opens. It will be opened at 8 a.m. and will be closed at dusk each day. Maintenance in year one will be minimal for the Town. The Town will take over in the second year. The plan is to have the park fully operational by Thanksgiving. More discussion followed. Mr. Olmstead advised that L.L.Bean's goal is to not donate a park to the Town that would create a financial burden going forward. Organizationally, Mr. Olmstead noted that the Recreation Committee will oversee this park going forward.

ROLL CALL VOTE: (6 Ayes)

ITEM #111-07 To consider action relative to a proposed amendment to the Administrative Code concerning the membership of the Cable T.V. Regulatory Board (Chapter 2).

BE IT ORDERED: That a public hearing be scheduled for July 17, 2007 at 7 PM in the Town Hall Council Chambers to discuss a proposed amendment to the Administrative Code concerning the membership of the Cable T.V. Regulatory Board (Chapter 2).

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 3 and the Town's website. (Bishop & Beaulieu)

John Goran, Chair of the Cable Regulatory Board was in attendance.

ROLL CALL VOTE: (6 Ayes)

ITEM #112-07 To consider action relative to an expenditure from the Fiscal Year 2007 Shellfish Commission Budget to provide a donation to the Maine Clammers Association.

BE IT ORDERED: That \$2,000 be expended from the Fiscal Year 2007 Shellfish Commission Budget to provide a donation to the Maine Clammers Association. (Migliaccio & DeGrandpre)

No one was in attendance to answer questions.

Councilor Beaulieu suggested tabling this item since she doesn't know what the Maine Clammers Association is, whether it is going to be an annual request, who its members are, what are they going to lobby, etc.

MOVED AND SECONDED: To table Item #112-07 to the July 17, 2007 meeting when the Council can get more information. (Beaulieu & Migliaccio) **VOTE:** (6 Ayes)

ITEM #113-07 To consider action relative to an amendment to the Traffic and Parking Ordinance concerning Resident Sticker Parking at the Town Leased Lot in South Freeport (Chapter 48).

BE IT ORDERED: That a public hearing be scheduled for July 17, 2007 at 7 PM in the Town Hall Council Chambers to discuss a proposed amendment

to the Traffic and Parking Ordinance concerning Resident Sticker Parking at the Town Leased Lot in South Freeport (Chapter 48).

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 3 and the Town's website. (White & Beaulieu)

Mr. Olmstead explained that the Brewer parking lot that we control is regulated from June 24 to Labor Day and is limited to Freeport residents only. Stickers are not required at this time. If we are going to require stickers, the Ordinance needs to be amended. From June 24 to July 17, the Town will not be able to fine people for parking in Brewer's lot without stickers because the Ordinance does not support that. The Town will enforce the resident piece of it so if non-residents are found in the lot, they will be fined. After the 17th, they will have to have a sticker, being a resident or not. Councilor White brought up the non-resident fishermen and the fact that this change does not provide for them. Councilor DeGrandpre noted that this is a substantial change since residents will have to obtain a Freeport resident parking sticker. Chair Cassida pointed out that the Council is merely setting the public hearing this evening. Discussion followed.

ROLL CALL VOTE: (4 Ayes) (2 Nays—White & DeGrandpre)

ITEM #114-07 To consider action relative to a proposed amendment to the Rules of Order and Procedure for the Town Council concerning Council Committees.

BE IT ORDERED: That the Rules of Order and Procedure for the Town Council be amended as follows:

31. Add - Committee Chairperson shall attempt to contact each committee member prior to establishing meeting dates and provide a five-day notice of meetings when possible. (Beaulieu & Migliaccio)

Mr. Olmstead explained that he was asked to bring forward a recommendation addressing Councilor Migliaccio's concerns at the last Council meeting. Councilor Beaulieu noted that this is not necessary but agrees there is no harm in doing it. Councilor Migliaccio urged Councilors to vote on this.

ROLL CALL VOTE: (4 Ayes) (2 Nays—Beaulieu & Bishop)

ITEM #115-07 To consider action relative to endorsing the sidewalk project from the Baptist Church to Kendall Lane on Main Street.

BE IT ORDERED: That the Town Council restate its support for completing the sidewalk project from the Baptist Church to Kendall Lane on Main Street.

BE IT FURTHER ORDERED: That the Town Council convey to the Commissioner of MDOT that the Town would like to self-administer the project with the goal being to complete the project in 2007. (DeGrandpre & White)

Councilor Beaulieu explained that this sidewalk has been going back and forth and Freeport is not having very good luck in keeping this on the MDOT agenda or the PACTS agenda. She encouraged Councilors to sign a letter addressed to the MDOT Commissioner formally requesting the sidewalk, which she read into the public record. Councilor DeGrandpre brought up the fact that the State has denied a crosswalk at Kendall Lane. Discussion followed. There was consensus to send the letter.

ROLL CALL VOTE: (6 Ayes)

ITEM #116-07

To consider action relative to accepting and receiving the U.S. Department of Housing and Urban Development Community Block Grant funds from Cumberland County for the purpose of rehabilitating/replacing mobile homes in the Town of Freeport.

BE IT ORDERED: That the Town Council accept and receive the U.S. Department of Housing and Urban Development Block Grant funds in the amount of \$31,544.00 from Cumberland County for the purpose of rehabilitating/replacing mobile homes in the Town of Freeport.

BE IT FURTHER ORDERED: That the Town Council authorize the Town Manager to enter into any contracts and agreements with Cumberland County necessary to receive and utilize these funds.

BE IT FURTHER ORDERED: That the Town Council authorize the Town Manager to enter into a contract with the People's Regional Opportunity Program (PROP) to administer the grant. (Bishop & Beaulieu)

Mr. Olmstead noted that the Council has discussed this previously. Councilor Migliaccio suggested thanking the other members of the Municipal Oversight Committee that he sat on when

this was reviewed. It is the first year for this program. He asked if Aaron Shapiro has mentioned the potential availability of other funds should another project go under budget. He mentioned a community center in a church in western Maine. Mr. Olmstead advised that we need to call Mr. Shapiro and see what happened with that project.

ROLL CALL VOTE: (6 Ayes)

OTHER BUSINESS:

1. Discussion on filling Town Council vacancy

Chair Cassida explained that Councilor Arsenault's resignation leaves the Council with four months before the regularly scheduled election. The Town's charter requires that the Town hold a special election if a vacancy occurs within six months of the regularly scheduled election. If the Council were to vote this evening to schedule a special election, by the time it did all the special notices, etc. that election would be three weeks prior to the November election. Whoever was running would attend the October 16 meeting and then would be forced to run again. It makes sense to Chair Cassida to proceed with six Councilors until the November election. We would have to have four votes from the entire Council to pass an item. Anything that ties, fails.

2. Information Exchange.

Chair Cassida mentioned that Councilor Arsenault's resignation has created some vacancies on various boards and committees. He has made a few executive decisions on how to fill those vacancies. He advised that Councilor White would fill Councilor Arsenault's seat on the Municipal Facilities Committee. Councilor Beaulieu will fill the seat on the Regionalization Committee.

Chair Cassida will fill a seat on the Appointments Committee but Councilor Bishop will become Chair of the Appointments Committee. There are two vacancies left—the FEDC Board and the Cable Oversight Negotiating Committee. After discussions with Mr. Olmstead, Chair Cassida noted that the Cable Oversight Negotiating Committee is not an active committee at this time and he is confident that the Council Leadership can help them without appointing anyone to that committee. Chair Cassida plans to let the new Council appoint a new full-time member to the FEDC Board in November but he plans to attend the meetings in the meantime to gain a better understanding of what this Board is. Councilor White questioned if it is appropriate for a Town Councilor to serve on FEDC.

Councilor Beaulieu noted that she received an E-mail today stating that Brunswick would like to talk to Freeport about Regionalization of schools. She requested that a Council person be appointed to the Consolidation Committee as well as a member of the public. Chair Cassida advised that there is a Council and School leadership meeting scheduled on Friday and something will be brought back to the Council at some point. Councilor Beaulieu is encouraged that Freeport talk to Brunswick. Councilor White agreed with Councilor Beaulieu on this item. He views Freeport and Brunswick as a great match.

Councilor DeGrandpre mentioned a letter from Pownal referencing their understanding of the State Statute. They have a meeting scheduled on Thursday night. He offered to re-read the letter and provide information to the Council.

Chair Cassida advised that he would be out of state on July 17 and August 14. Councilor DeGrandpre will be in charge.

MOVED AND SECONDED: To revisit Item #112-07. (White & DeGrandpre)
VOTE: (6 Ayes)

ITEM #112-07 To consider action relative to an expenditure from the Fiscal Year 2007 Shellfish Commission Budget to provide a donation to the Maine Clammers Association.

BE IT ORDERED: That \$2,000 be expended from the Fiscal Year 2007 Shellfish Commission Budget to provide a donation to the Maine Clammers Association. (Migliaccio & DeGrandpre)

Chair Cassida advised that Councilor Beaulieu had a list of questions that were unanswered earlier in the meeting. Councilor Beaulieu asked who is the Maine Clammers Association, what is it, who are the members, what are they lobbying, is this going to be an annual request for money and if so, how much?

Walter Coffin, Vice President of the Maine Clammers Association has been organized to provide the clammers a single voice to represent them in Augusta. They have determined that the Legislature would not listen to a few local diggers but would certainly listen to everybody in the State. This money will help to unify the diggers and bring them into an association that has a mission statement. Their goal is clean water and to clean up the bays along the coast using other funds they plan to raise. This request is a preliminary one to get the ball rolling.

They have three Board members from Freeport, which are all licensed Freeport diggers. They have fliers going out to every digger in the State. The thrust of this organization is to get an even playing field and plan an extensive Legislative campaign in the fall. Free membership is being offered to diggers but some diggers are willing to contribute money. They will be contacting environmental groups for donations and they plan to sell t-shirts at local fairs.

There is \$4,200 in the Shellfish budget because the clam seeding has not taken place this year.

Councilor Beaulieu noted she is hesitant to grant this request. Chair Cassida noted that he is supportive but suggested that Mr. Coffin return to the Council after his organization has acquired some membership and created a coffer for themselves. He would like to see if the organization is successful in gaining members. Councilor White would have preferred the group coming with more structure such as goals, plans, mission statement, etc. They are requesting money from their own budget. Everything they say makes perfect sense. The clam diggers in the State of Maine are probably the last unorganized group left and it appears they are on the right track. He is pleased that Freeport is taking a leadership role. He has no difficulty supporting the request and trust that they will get back to the Council with their structure, list of members, etc. This seed money is to develop membership.

Councilor Beaulieu suggested tabling this item until July 17 to provide an opportunity for this group to bring back the needed information. Councilor DeGrandpre noted that their budget ends in 12 days. He, too, would like to see more information but at this point in the budget year, this money would be well spent. Councilor Migliaccio would like to know more about the tax status of this group and is generally in favor of the mission of clean water. He appreciates their efforts. He would like to see a charter, tax status, priorities, goals, mission statement, members and associate members.

Chair Cassida needs to understand the organization and assurance that it will do what it says it will do. Rather than taking a vote and having it fail, he asked for a second to Councilor Beaulieu's motion to table.

MOVED AND SECONDED: To table Item #112-07 to the July 17, 2007 meeting when the Council can get more information. (Beaulieu & Migliaccio)
VOTE: (6 Ayes)

Mr. Olmstead will ask Greg to encumber the money from this year's budget.

ITEM #117-07 To consider action relative to an executive session to discuss the Town Manager's Annual Evaluation (M.S.R.S. Title 1 Section 405 § 6A), to discuss the Town's Legal Contract with Bernstein, Shur, Sawyer & Nelson (M.S.R.S. Title 1 Section 405 § 6 E) and to discuss an offer to exchange real estate by the West Street Condo owners (M.R.S.A. Title 1 Section 405 §6C).

MOVED AND SECONDED: That the Town Council enter into executive session to discuss the Town Manager's Annual Evaluation, discuss the Town's Legal Contract with Bernstein, Shur, Sawyer & Nelson, and to discuss an offer to exchange real estate by the West Street Condo owners. (White and DeGrandpre)

Mr. Olmstead brought up the subject of the sticker system in South Freeport and noted that we developed an internal system to begin notifying people on the 24th that as of the 17th of July, they will need to purchase and display on their windshields a sticker. We had hoped to use that three-week period to get that notice out to people that when the 17th arrives, they would have stickers on vehicles and it would be a fairly smooth transition. He is now wondering if we are going to go through that three-week education process, if there are votes for a sticker system. He doesn't want to go through the three-week process and sell 200 or 300 stickers and then find out there will be no support for the system. He asked if there are four votes. Chair Cassida noted that he would be in favor of the sticker system but will not be here to vote. Councilor Beaulieu is fine with the sticker system. Councilor White will not support it unless there are provisions for the non-resident fishermen but he supports a sticker system. Councilor DeGrandpre will not vote for it. It is a substantial departure from the status quo. Chair Cassida pointed out that there are not four votes. Mr. Olmstead advised that he will not do anything with the implementation of a sticker system until the 17th of July. If it passes that evening, he will implement it. If there are not four votes, he suggested putting it to bed and letting the South Freeport Committee deal

with it when it comes back with its long-term recommendations.

Councilor Migliaccio recommended keeping the public hearing scheduled. Discussion followed. Chair Cassida explained that this was meant to be a short-term solution. Councilor Beaulieu didn't want to bring this to public hearing since there is not enough support. Councilor Bishop is not sure she will be here on July 17. Councilor Beaulieu suggested changing the July meeting to the 24th or the 10th. She doesn't think it is good policy to hold a meeting with four Councilors.

MOVED AND SECONDED: To move an item not on the printed agenda.
(Beaulieu & Bishop) **VOTE:** (6 Ayes)

MOVED AND SECONDED: To move our July meeting to July 24 at 7 p.m. so
that we will have 5 or 6 Councilors in attendance. (Beaulieu & Migliaccio)
VOTE: (3 Ayes) (3 Nays) Failed so the meeting will remain on July 17.

Chair Cassida encouraged everyone to do his or her homework on this issue.

VOTE: (6 Ayes)

MOVED AND SECONDED: That the Council reconvene.

MOVED AND SECONDED: To adjourn at

Respectfully Submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #12-07
COUNCIL CHAMBERS
July 17, 2007
7 p.m.

CHAIRPERSON'S CALL TO ORDER

PRESENT ABSENT EXCUSED

| | | | |
|----------------------------------------|---|--|---|
| Genie Beaulieu, P.O. Box 74 | x | | |
| Charlotte Bishop, Maquoit Drive | x | | |
| James Cassida, 5 Timber Ridge Road | | | x |
| Rich DeGrandpre, Timber Ridge Road | x | | |
| Joe Migliaccio, 2 Vinmar Lane | x | | |
| Frederick White, 45 Pleasant Hill Road | x | | |

Vice Chair DeGrandpre called the meeting to order at 7 p.m. and took the roll call. He explained that Chair Cassida is excused this evening.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #11-07 held on June 19, 2007 and accept the Minutes as printed.

Vice Chair DeGrandpre pointed out that on page 10 and 11 the paragraphs referring to the sticker system in South Freeport should have been positioned before the Council entered into Executive Session. The discussion took place before the Executive Session.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #11-07 held on June 19, 2007 and accept the Minutes as amended. (Bishop & White) **VOTE:** (5 Ayes) (1 Excused—Cassida)

SECOND ORDER OF BUSINESS: Announcements

Vice Chair DeGrandpre had the following announcements:

- The Town Council will be revisiting its '08 fiscal year operating budget at its August 7 Town Council meeting. The State figures are in on school revenue sharing and they are \$186,000 less than budgeted.
- There are several backyard composters available at the Recycling Center for \$39.50. For more information, residents should call the Center at 865-3740.

- The Thursday evening concert series at Winslow Park is continuing. This week Cool Water will be playing beginning at 6:30 p.m. For a complete concert schedule, residents may call the park at 865-4198 or view it on the Town's website.
- Beginning July 30, Nomination Papers are available for Councilor-District I, Councilor-At-Large, Two seats on the School Committee, Two seats on the Sewer District and one seat on the Water District. All nomination papers must be returned by September 12.
- There is a special School Committee meeting on Thursday, July 19 at 6:30 p.m. at the High School in Room 404. It is a joint workshop with the Durham and Pownal School Committees.

Councilor White mentioned the \$186,000 budget shortfall resulting from less funding coming from the State. He asked residents that live in District II to call him and let him know what they think about the shortfall. He noted that it is a wide-open playing field and the Council will need to decide whether or not to increase taxes to compensate for it. If residents don't weigh in, the Council will make decisions based on its best judgment. He also encouraged residents to call the other Councilors as well.

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

MOVED AND SECONDED: To open the Public Comment Period on Non-Agenda Items Only. (Bishop & Migliaccio) **VOTE:** (5 Ayes) (1 Excused—Cassida)

Councilor Beaulieu pointed out that her District I seat will be open this year and she plans to run again in November. She thanked everyone for his or her encouragement to run. She asked residents from any district to call her at 865-4696 with any issues or concerns.

MOVED AND SECONDED: To close the Public Comment Period on Non-Agenda Items Only. (White & Bishop) **VOTE:** (5 Ayes) (1 Excused—Cassida)

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

ITEM #124-07 To consider action relative to adopting the June 19, 2007 Consent Agenda.

BE IT ORDERED: That the June 19, 2007 Consent Agenda be adopted.
(Bishop & Migliaccio)

Vice Chair DeGrandpre reviewed the items on the Consent Agenda for members of the public. Mr. Olmstead noted that all the paperwork is in order.

ROLL CALL VOTE: (5 Ayes) (1 Excused—Cassida)

ITEM #125-07 To consider action relative to the issuance of Special Amusement Permits for Dancing and Entertainment to Gritty McDuffs, Jameson Tavern, Hilton Garden Inn, Harraseeket Inn, Conundrum, Lobster Cooker and Azure Café. **(Public Hearing).**

Councilor Migliaccio recused himself because his family's restaurant is included in the list.

MOVED AND SECONDED: That the Public Hearing be opened.
(White & Bishop) **VOTE:** (5 Ayes) (1 Excused—Cassida)

There were no public comments.

MOVED AND SECONDED: That the Public Hearing be closed.
(Bishop & White) **VOTE:** (5 Ayes) (1 Excused—Cassida)

BE IT ORDERED: That the following Special Amusement Permit applications be approved.

Center Cotton, Inc. d/b/a Gritty McDuffs, 187 Lower Main Street

John Stiles d/b/a Jameson Tavern, 115 Main Street

Hilton Garden Inn, 5 Park Street

Nancy Gray d/b/a Harraseeket Inn, 162 Main Street

Vincent Migliaccio d/b/a Conundrum, 117 U.S. Route One

Michael Marino Lobster Cooker, 39 Main Street

Echelon Management, Inc. d/b/a Azure Café, 123 Main Street

(White & Beaulieu) **ROLL CALL VOTE:** (4 Ayes) (1 Recused—Migliaccio) (1 Excused—Cassida)

ITEM #126-07 To consider action relative to a proposed amendment to the Administrative Code concerning the membership of the Cable T.V. Regulatory Board (Chapter 21). **(Public Hearing).**

MOVED AND SECONDED: That the Public Hearing be opened.
(Beaulieu & White) **VOTE:** (5 Ayes) (1 Excused—Cassida)

Vice Chair DeGrandpre noted that the amendment will change the total membership of that Board

from seven to five members. John Goran, Chair was on hand to answer questions. There were no public comments provided.

MOVED AND SECONDED: That the Public Hearing be closed.
(Beaulieu & White) **VOTE:** (5 Ayes) (1 Excused—Cassida)

BE IT ORDERED: That the proposed amendment to the Administrative Code be approved. (Beaulieu & Bishop) **ROLL CALL VOTE:** (5 Ayes) (1 Excused—Cassida)

ITEM #127-07 To consider action relative to a proposed amendment to the Traffic and Parking Ordinance concerning Resident Sticker Parking at the Town leased lot in South Freeport (Chapter 48). (**Public Hearing**).

MOVED AND SECONDED: That the Public Hearing be opened. (Bishop & Migliaccio) **VOTE:** (5 Ayes) (1 Excused—Cassida)

Dick Doucette of Lower Mast Landing Road noted that he purchased a sticker and then noticed the Sign has been removed from the parking lot. He supports the sticker system and had questions for The Council. He understands there is some concern for fishermen that live out of town but he is a tax-paying resident and has a mooring. He feels it is nice to have a place to park his car and that his taxes are providing something he can use.

MOVED AND SECONDED: That the Public Hearing be closed.(White & Migliaccio) **VOTE:** (5 Ayes) (1 Excused—Cassida)

BE IT ORDERED: That the proposed amendment to the Traffic and Parking Ordinance concerning Resident Sticker Parking at the Town leased lot in South Freeport be approved. (Bishop & Beaulieu)

Councilor White pointed out that he is advocating for the out of town fishermen that have had moorings and slips in the river for a number of years. He has received assurance from Committee members that they will address his concern in the weeks to come and will get back to the Town Council. He will support this amendment tonight based on that assurance.

Councilor Migliaccio advised that public safety officers will collect data and at the end of the season a meeting will be scheduled to discuss what worked and what did not work and long-term solutions will be provided. He encouraged everyone to provide input on what worked and what didn't and direct it to the Town Manager.

Mr. Olmstead advised that we are in the first year of a three-year lease with Brewer's.

ROLL CALL VOTE: (5 Ayes) (1 Excused—Cassida)

ITEM #128-07 To consider action relative to adopting Rules and Policies for the Leon Gorman Park

BE IT ORDERED: That the Rules and Policies for the Leon Gorman Park as proposed by the Municipal Facilities Committee be adopted. (Migliaccio & White)

Mr. Olmstead noted that amendments are necessary.

MOVED AND SECONDED: To amend Item #127-07 To consider action relative to adopting Rules and Policies for the Leon Gorman Park. (Migliaccio & White)

Add to the **General Policies:** Bikes are allowed on paved areas only.
Under **Winter Policies:** No parking except for the School Street lot.

Vice Chair DeGrandpre explained that 12 parking spaces at the end of School Street will be plowed by the Town in the winter to provide access to the skating pond.

VOTE ON AMENDMENT: (5 Ayes) (1 Excused—Cassida)

Councilor Beaulieu is happy to see this amendment regarding bike usage in the park. . She noted how dangerous it is to ride bikes in the gullies. She would prefer to see bike paths separated. More discussion followed on bike usage.

ROLL CALL VOTE ON AMENDED ORDER: (5 Ayes) (1 Excused—Cassida)

MOVED AND SECONDED: To take up an item not on the printed agenda. (Migliaccio & Beaulieu) **VOTE:** (5 Ayes) (1 Excused—Cassida)

MOVED AND SECONDED: To send the newly adopted rules to the Conservation Commission and Recreation Commission to develop recommendations for a management plan for the park. (Migliaccio & Bishop)

Councilor White explained why it is being sent to both commissions. Mr. Olmstead will provide all the necessary information to both commissions.

ROLL CALL VOTE: (5 Ayes) (1 Excused—Cassida)

ITEM #112-07 Tabled June 19, 2007
To consider action relative to an expenditure from the Fiscal Year 2007 Shellfish Commission Budget to provide a donation to the Maine Clammers Association.

BE IT ORDERED: That \$2,000 be expended from the Fiscal Year 2007 Shellfish Commission Budget to provide a donation to the Maine Clammers Association. (White & Bishop)

Walter Coffin, Vice President of the Maine Clammers Association, answered questions for Councilors. Their number one goal is to work for clean water. They are essentially training the clambers to be modern clambers, stewards of the bay and protectors of the environment. Councilor White noted that the group should be recognized for taking the initiative in getting the association started. He asked that the group report back to the Council at some point. Vice Chair DeGrandpre suggested that the Maine Clammers Association provide their feedback at the same meeting as the Shellfish Commission.

MOVED AND SECONDED: To amend the motion: That \$2,000 be expended from the Fiscal Year 2007 Shellfish Commission Budget to provide a one-time donation to the Maine Clammers Association. Further, if the Maine Clammers Association wishes to request more money in the future, the request should be put through the annual agencies' budgeting process in March. (Beaulieu & Bishop). **VOTE:** (5 Ayes) (1 Excused—Cassida)

ROLL CALL VOTE ON AMENDED ORDER: (5 Ayes) (1 Excused—Cassida)

OTHER BUSINESS:

1. Discussion on Formation of a Reorganization Planning Committee for School Consolidation.

Vice Chair DeGrandpre spoke to Chair Cassida on how to put this committee together and Chair Cassida suggested two Councilors, two School Committee members and five community members. Mr. Olmstead pointed out that the selection of a partner for consolidation is not a Council decision and not a School Committee decision. It is a community decision. He chose the number nine because it is a good workable size group.

Following those guidelines, three Councilors expressed interest and Chair Cassida will decide which two will go forward. The School Committee will need to choose two members. The public sector needs to be as diverse as possible. This committee needs liberal and conservative thinkers. Vice Chair DeGrandpre pointed out that if any resident has an interest, they should send a letter to the Town Manager quickly. Mr. Olmstead will compile a list. Letters need to be received in Town Hall by July 27.

Chris Munroe, Vice Chair of the School Committee, explained that the communities around us are trying to determine what the possibilities are for consolidation. On August 31 Freeport does not have to name one possible partner. It could list possibilities such as Yarmouth or Pownal and Durham or even Brunswick. Beth Parker from the School Committee also offered input. More discussion followed.

MOVED AND SECONDED: That the Council Chair appoint two Councilors to serve on the Reorganization Committee and the School Committee Chair will appoint two members from the School Committee to serve on the Reorganization Committee. People that want to nominate themselves from the general public will send letters in by mail or e-mail to Dale Olmstead. They need to be received by July 27. The Council Chair and the School Committee Chair will then meet and choose the five at-large members of the public. (Beaulieu & White) **VOTE:** (5 Ayes) (1 Excused—Cassida)

2. Discussion on Nominations to the Midcoast Regional Redevelopment Authority

Mr. Olmstead noted that four applications were included in Councilor's packets. After talking to the Governor's office, he recommended that the Council nominate all four.

MOVED AND SECONDED: To take up an item not on the printed agenda. (Beaulieu & Bishop) **VOTE:** (5 Ayes) (1 Excused—Cassida)

MOVED AND SECONDED: That we send forward to the Governor for the Midcoast Regional Redevelopment Authority the names of Suzanne Watson, Katherine Arno, Tom McBrierty and Stephanie Slocum. (Beaulieu & Bishop) **VOTE:** (5 Ayes) (1 Excused—Cassida)

3. Discussion on joining with Boothbay Harbor and Southport to exempt Bustins Island value from State Revenue Sharing Formula.

Vice Chair DeGrandpre explained that the estimated savings would be between \$22,000-\$25,000. It will not affect Bustins Island.

MOVED AND SECONDED: To take up an item not on the printed agenda. (Beaulieu & White) **VOTE:** (5 Ayes) (1 Excused—Cassida)

MOVED AND SECONDED: That we join the effort of Boothbay Harbor and Southport to adjust State evaluation based on revenue sharing on Bustins Island and ask our Legislators to co-sponsor the bill when it is introduced in January. (Beaulieu & Bishop) **VOTE:** (5 Ayes) (1 Excused—Cassida)

4. Information Exchange.

Councilor Migliaccio asked what the status is of parking on the Snow Road and the Noise Ordinance that is going to the Planning Board.

Vice Chair DeGrandpre explained that the Traffic and Parking Committee met this morning and discussed the noise generated by trash haulers. Deliveries are pretty much covered by site plans. Their recommendation is to come to the Council and change the wording in the current Trash Haulers' Ordinance because it currently states residential 6 a.m. to 6 p.m. We would remove the word "residential" so that all trash removal in Freeport will be done between 6 a.m. and 6 p.m. This should eliminate all the problems with the Inns and Bed and Breakfasts.

Residents from the Snow Road neighborhood came to the meeting and it was noted that they did not look favorably upon that issue so it died and is not coming back to the Council.

ITEM #129-07

To consider action relative to an executive session to discuss an offer to exchange real estate by the West Street Condo owners (M.R.S.A. Title 1 Section 405 §6C) and to discuss a personal issue concerning a retiring employee (M.R.S.A. Title 1 Section 405 §6A).

MOVED AND SECONDED: That the Town Council enter into executive session to discuss an offer to exchange real estate by the West Street Condo owners and to discuss a personal issue concerning a retiring employee.

MOVED AND SECONDED: That the Council reconvene. (Bishop & White) **VOTE:** (5 Ayes) (1 Excused—Cassida)

MOVED AND SECONDED: To accept the offer of Freeport Farms Condo Association in the letter dated July 11, 2007, to provide access to Town-owned land on West Street (White & Bishop) **VOTE:** (5 Ayes) (1 Excused—Cassida)

Adjournment

MOVED AND SECONDED: To adjourn at 8:38 p.m. (White & Bishop) **VOTE:** (5 Ayes) (1 Excused—Cassida)

Respectfully Submitted,

Sharon Coffin

MINUTES
FREEPORT TOWN COUNCIL MEETING #13-07
TOWN HALL COUNCIL CHAMBERS
August 7, 2007 – 7:00 PM

CHAIRPERSON'S CALL TO ORDER

PRESENT ABSENT EXCUSED

| | |
|----------------------------------------|---|
| Genie Beaulieu, P.O. Box 74 | x |
| Charlotte Bishop, Maquoit Drive | x |
| James Cassida, 5 Timber Ridge Road | x |
| Rich DeGrandpre, Timber Ridge Road | x |
| Joe Migliaccio, 2 Vinmar Lane | x |
| Frederick White, 45 Pleasant Hill Road | x |

Chair Cassida called the meeting to order at 7:04 p.m. and took roll call.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #12-07 held on July 17, 2007 and accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #12-07 held on July 17, 2007 and accept the Minutes as printed.
(Bishop & DeGrandpre) **VOTE:** (6 Ayes)

SECOND ORDER OF BUSINESS: Announcements

There were none

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

MOVED AND SECONDED: To open the Public Comment Period on Non-Agenda items only. (White & Beaulieu) **VOTE:** (6 Ayes)

There were none.

MOVED AND SECONDED: To close the Public Comment Period on Non-Agenda items only. (White & Beaulieu) **VOTE:** (6 Ayes)

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

ITEM #136-07 To consider action relative to adopting the August 7, 2007 Consent Agenda.

Chair Cassida reviewed the items appearing on the Consent Agenda for members of the public.

Councilor Bishop removed Melissa Kelley from the Consent Agenda under Item 130-07 since it does not appear to be valid. Mr. Olmstead explained the Town Clerk's concerns. Councilor Migliaccio removed Item 134-07 from the Consent Agenda. (no seconds are necessary)

BE IT ORDERED: That the August 7, 2007 Consent Agenda be adopted as amended. (Beaulieu & White) **VOTE:** (6 Ayes)

Chair Cassida asked if Councilors were willing to discuss the removed items at this time or later in the meeting under "Other Business." Councilors were willing to discuss the item concerning Melissa Kelley since Paul Kelley was present. Mr. Kelley explained that his daughter is on her way but due to work issues, is not in attendance. She is the one that applied and is getting help from her sister. Councilor DeGrandpre explained the problems that have arisen with the application. Chair Cassida suggested tabling this item to the next meeting so that Ms. Kelley can work with the Town Clerk to correct the deficiencies. Councilors pointed out that their next meeting is in three weeks and Councilor White suggested granting the item contingent upon Ms. Kelley clearing up the deficiencies.

MOVED AND SECONDED: To include in Item #130-07 Melissa A. Kelley, Peddler Public Property, Nathan Nye Street, contingent upon her ability to address the concerns of the Town Clerk and Town Manager relative to the application. (White & Migliaccio) **ROLL CALL VOTE:** (6 Ayes)

Chair Cassida mentioned that the other item removed from the Consent Agenda will be discussed at the end of the meeting.

ITEM #137-07 To consider action relative to an expenditure from the Cable TV Reserve Account.

BE IT ORDERED: That up to \$8,000 be expended from the Cable TV Reserve Account to replace the Computer-based editing system

Note: The Reserve Account amount is \$225,000. (White & Beaulieu)

Mr. Olmstead explained the expenditure since Rick Simard is on vacation. The fund is dedicated and needs to be spent on Cable.

ROLL CALL VOTE: (6 Ayes)

ITEM #138-07 To consider action relative to amending the Fiscal Year 2008 Operating Budget for the Town of Freeport.

BE IT ORDERED: That the Fiscal Year 2008 Operating Budget for the Town of Freeport be amended as follows:

Statement of Revenues and Expenditures

Revenues: School – Decrease from \$2,170,370 to \$1,984,154
Property Tax – Increase from \$17,769,909 to \$17,956,125
(DeGrandpre & Migliaccio)

Chair Cassida explained why this item is on tonight's agenda. He referred to two different Scenarios, each containing four options and provided a brief overview on both of them. Since approving the budget in May, the Town Manager has negotiated a new lease on the Bartol Library building and the new lease will generate \$27,823 in additional revenue for the Town. Chair Cassida mentioned that the Town Manager is recommending raising the parking fines from the \$20 approved earlier to \$25. This would generate approximately \$5,000 for the rest of the year. Mr. Olmstead advised that he would be sitting down with his department heads and look through each and every budget and identify savings wherever he can. He will also look at the contributions that are made to public restrooms, etc.

Chair Cassida pointed out that on the School side, he had a discussion with the Chair of the School Committee and it appears there are no additional revenues to identify. There is a possibility of removing the additional \$25,000 added to the School reserves from this year's budget. In exchange for that, the Town Manager feels there is money from other sources that might be diverted into that slot to basically keep the school reserves whole. Mr. L'Heureux addressed this issue referring back to the Bartol lease and the small surplus that has been building up.

Superintendent Tomaszewski explained that any carry forward money that we have residing in our school district would be forwarded to the new RSU and used only for our town's expenditures.

The School Committee informed chair Cassida that there is a list of potential cuts should they be forced to reduce their budget. He identified approximately \$78,000 in potential cuts. Since the Superintendent was away on vacation when these discussions took place, he offered to give her an opportunity to comment. Superintendent Tomaszewski pointed out that one Ed Tech position at Morse Street is unfounded and that is about \$15,000. She also has a 1.7 position at the High School which is an Archeology Teacher, which has not been finalized. This is about \$5,000 or \$6,000. She advised that a teaching principal position at Mast Landing is unfilled this year and the savings were used to preserve our Title One services. She clarified that there is no \$78,000 in unfilled people at this point. Chair Cassida reviewed Scenario A and B. Mr. Olmstead clarified that in Scenario B the Municipal side would be cut by an additional \$28,000. Police Chief Schofield advised that he planned to buy two cars this year. If he doesn't get them this year, he can live with it but warned that he may be back next year requesting two cruisers. More discussion followed.

Chair Cassida polled the Council on which scenario and option they were leaning towards.

Councilor Migliaccio voted for Scenario A, Option 2

Councilor Beaulieu voted for Scenario B, Option 1

Councilor DeGrandpre voted for Scenario B, Option 1

Councilor Bishop voted for Scenario B, Option 1

Councilor White voted for Scenario B, Option 3

Chair Cassida voted for Scenario B, Option 1

Councilors explained why they are supporting these scenarios.

Councilor Migliaccio explained that he is okay with a four-cent mil rate increase. He thought the Annual Clean-up Days was going away completely.

Councilor White doesn't think it is wise to remove the police cruisers this year.

Councilor DeGrandpre offered to take \$25,000 from the increase in school reserves this year and move it to the school side. It will cut it back to \$75,000.

Mr. Olmstead explained the challenges facing the Council next year. He estimates a 6-8% increase in the tax rate next year.

Councilor Bishop mentioned soliciting school donations in a manner similar to the Fire/Rescue Department and the Library. Chair Cassida mentioned that he hopes the School Department can cut their budget without cutting entire programs or services. Superintendent Tomaszewski pointed out that it's late in the game for the Council to ask her to cut \$96,500 and it will not be easy to open the budget and find money.

Councilor White noted that he does not want cuts to come out of the Annual Clean-up or donations to agencies and looked for support from other Councilors. Four Councilors agreed.

Councilor Beaulieu noted that the Council has looked at the hard cuts. She doesn't want to cut employee hours.

Revised Motion for Item #138-07:

Statement of Revenues and Expenditures

Revenues:

- School – Decrease from \$2,170,370 to \$1,984,154
- Non-Property Tax – Increase from \$3,223,545 to \$3,228,545
- Transfer/Library Lease – Increase from \$147,177 to \$175,000

Totals: Decrease from \$24,220,782 to \$24,067,389

Expenditures:

- Municipal – Decrease from \$7,059,323 to \$7,031,407
- School – Decrease from \$14,025,284 to \$13,928,807
- Capital Reserves (School) – Decrease from \$100,000 to \$75,000
- Debt Service – Decrease from \$1,427,694 to \$1,423,694

Totals: Decrease from \$24,220,782 to \$24,067,389

BE IT FURTHER ORDERED: That the Town Manager be authorized to make adjustments in the various budget categories.

BE IT FURTHER ORDERED: That parking fines be increased from \$20 to \$25 and also there will be no cuts to the agencies and no further reductions from the annual Clean-up Week budget. (DeGrandpre & Bishop) **ROLL CALL VOTE:** (4 Ayes) (2 Nays—Migliaccio and White)

Councilor Bishop cautioned residents not to call her an hour or two before Council meetings with concerns or input since she doesn't go home after her workday ends on meeting days. She is happy to speak to anyone but urged people to not call immediately before a meeting and expect to reach her.

ITEM #139-07 To consider action relative to a recommendation on the disposition of tax acquired property made by the Municipal Facilities Committee.

MOVED AND SECONDED: That the Municipal Facilities Committee report on their recommendation. (Bishop & Migliaccio) **VOTE:** (6 Ayes)

Councilor DeGrandpre provided a report. Mr. Olmstead answered questions for Councilors. Councilor Bishop referred to page 5, a. and asked what "A tax lien other than the lien which resulted in foreclosure cannot have previously matured on the property" means. Mr. Olmstead indicated that he did not know but could get an answer for the Council. Chair Cassida encouraged members of the public to work through the process that is in place to verify hardship.

BE IT ORDERED: That the recommendation of the Municipal Facilities Committee outlined in the Municipal Facilities Committee minutes of July 17, 2007 be approved. (Beaulieu & Bishop) **ROLL CALL VOTE:** (6 Ayes)

ITEM #140-07 To consider action relative to a proposed amendment to the Solid Waste Disposal Ordinance concerning waste collection times. Chapter 28.

BE IT ORDERED: That a public hearing be scheduled for September 4, 2007 at 7 p.m. in the Town Hall Council Chambers to discuss a proposed

amendment to the Solid Waste Disposal Ordinance concerning waste collection times.

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 3 and the Town's website. (Migliaccio & White)

Councilor DeGrandpre explained that this came from the Traffic and Parking Committee.

ROLL CALL VOTE: (6 Ayes)

OTHER BUSINESS:

Item 134-07 To consider action relative to casting the Town of Freeport's ballot for MMA Vice President and Executive Committee.

Chair Cassida brought this item back from the Consent Agenda.

BE IT ORDERED: That the Town of Freeport cast its ballot for the MMA Nominating Committee's nominees for MMA Vice President and Executive Committee for 2008. (White & Bishop)

Councilor Migliaccio explained that when he looks at the slate of candidates, he noticed that three of them are Town Managers and Administrators. He is not a big fan of populating MMA with Town Administrators because it reflects sometime on their stand on revenue funds and funding formulas, positions on tax reform, etc. In the future when these nominations come forward, he hopes MMA would provide a paragraph in the candidate's words of what their agenda is. Councilor Beaulieu explained that she is on the Executive Committee and does not believe MMA can forward that information. The Executive Committee is well represented evenly by Managers, Council people, Selectmen or Selectwomen. It just so happens that the positions coming up at this time is filling seats of Managers. She noted that the term is for three years and after three years, people are off. If a Manager is going off, they try to fill that seat with another Manager.

ROLL CALL VOTE: (5 Ayes) (1 Nay—Migliaccio)

1. Discussion on School Capital Budget Proposal

Superintendent Tomaszewski explained that as a result of the vote on June 5, 2007, the Morse Street School Parking Lot Paving and the High School Carpet Replacement were not funded. \$15,000 has been committed to temporary improvements of the Morse Street parking area through Public Works. They are left with not being able to replace the carpet in the High School wing. She is proposing to defer the \$20,000 Morse Street School bathroom renovation and put it with \$20,000 out of contingency to replace the carpeting at the high school at the close of school in June of 2008. The advantage is that it would be in this year's capital budget and not next year's. The amount would be reduced by any savings from other

projects.

Chair Cassida noted that this appears to be a reasonable accommodation. Councilor Beaulieu noted that she would prefer to take a vote in the spring when the repair would take place. Dennis Ouellette explained that they would be willing to come back and ask for the money in the spring. Councilor White asked if there is any risk. Superintendent Tomaszewski noted that if they know they can do it, they would be in good shape. She mentioned that the carpet holds dirt and moisture but has outlived its useful life many years ago.

MOVED AND SECONDED: To take up an item not on the printed agenda. (Beaulieu & DeGrandpre) **VOTE:** (6 Ayes)

MOVED AND SECONDED: To authorize the movement of \$20,000 previously approved for refurbishing bathrooms in the Morse Street School to the replacement of carpet in the High School Library and the transfer of up to \$20,000 from the School Reserve Account with the stipulation that if there are cost savings from other projects, they will defray the cost of this project. (White & Bishop) **ROLL CALL VOTE:** (5 Ayes) (1 Nay-Migliaccio)

2. Informational Exchange.

Councilor White mentioned that many people have been asking why the Pleasant Hill Road was repaved again this year when it is in such great shape. Mr. Olmstead explained that pavement is done at two levels. One coat of an inch or so is called the base coat and is applied shortly after the road is reconstructed. It then sets for a year to make sure the pavement holds. If no issues arise, a second coat is applied.

Councilor Migliaccio mentioned that the interim School Consolidation Committee made up of Freeport residents have gotten together and have scheduled meetings. There needs to be a submission by August 31. The meetings have been scheduled on Tuesdays and Thursdays from 6-9 p.m. and the schedule will be posted.

Councilor DeGrandpre asked about the letter from MDOT concerning the sidewalk project and asked if it would be a year or two away. Mr. Olmstead explained that we are not short \$400,000 in the project. They underestimate the amount of money the Town has already contributed to the project and do not take into account the savings we would realize by using our own Public Works crew and that project is costed out at the highest level design which adds some expensive retaining walls and granite slabs which we feel are unnecessary. We have asked the State Department of Transportation to give us their detailed cost estimates and we will take those and shape the project into a project that we feel is appropriate for the area. We will do our own cost estimates and meet with MDOT and ask for permission to build the sidewalk according to our own specifications. He and Councilor Beaulieu will meet with the State Historic Preservation Commission and review our letter with them and hopefully get a letter of support. We will then approach the Freeport Historical Society and review our proposal and hopefully get a letter of support from them. We will then send the package to the Commissioner of the MDOT to try to break this deadlock.

Councilor Beaulieu advised that the North Freeport Neighborhood Association, the Middle School and the Historical Society have been actively working on this project. Senator Edmonds has been extremely helpful.

Councilor Migliaccio asked about the Burnett Bridge. Mr. Olmstead advised that we are getting the specs

ready to send out to contractors. The State has to approve the design to ensure it meets its specifications. An RFP will be ready to go by the end of the month and out to contractors.

Councilor White pointed out that the Websters are here this evening and would like to address the Council about an easement on their property. Mr. Webster is hoping to sell his house on the Varney Road and found out that the Title Insurance Company denied the application for the mortgage company based on a letter sent out by the Town Engineer implying that the Town plans to use the easement along the road for potential maintenance or other purposes in the future. The loan was denied to the buyers. His house was built in 1790 and there was no definition of what a Town road was and as a result, when the property was deeded over and over, it basically said you own the property up to the curve in the road. A survey was done by a Mr. Dunlap and it says that the owners own up to the potential 25' easement that the Town has from the center of the road. Mr. Webster has written to the Town Engineer and offered to provide Councilors with copies of all the documents. He is asking that the Town release any interest from the pavement to the 25' boundary. The road is only 18' wide.

Chair Cassida noted that it appears this is not something that can be resolved here this evening. Negotiations need to happen outside of this venue. Mr. Olmstead asked the Council to authorize him to work with the Websters to get the portion of the house out of the right-of-way. He mentioned that the Quick Claim Deed and other document he received today needs to be reviewed by the Town's Attorney and he is on vacation this week.

Councilor Beaulieu suggested that the Town Manager and Town Engineer negotiate and work with our Town Attorney for developing verbiage for a Quit Claim Deed with covenants using the same standards that we have used for everybody else. Councilor Migliaccio agreed with Councilor Beaulieu.

Councilor White would like to see the Town Manager work with these folks.

Mr. Olmstead asked the Council to authorize him to find a resolution to this problem and authorize him to sign the appropriate paperwork if he is able to do that. If not, it will have to return to the Council in September. Councilors agreed to this suggestion and no official motion is necessary.

ITEM #140-07 To consider action relative to an Executive Session to discuss offers to exchange and purchase real estate. (M.R.S.A. Title 1 Section 405 § 6C (Freeport Farms/West Street Property and Cushing Briggs/Sandy Beach Area).

MOVED AND SECONDED: That the Town Council enter into executive session to discuss offers to exchange and purchase real estate. (M.R.S.A. Title 1 Section 405 § 6C (Freeport Farms/West Street Property and Cushing Briggs/Sandy Beach Area).(White & Migliaccio) **VOTE:** (6 Ayes)

MOVED AND SECONDED: That the Council reconvene. (Bishop & White) **VOTE:** (6 Ayes)

MOVED AND SECONDED: That we ask the Town Manager to accept an offer from Michael Saucier to lease property at Cushing Briggs/Sandy Beach with the lease amount of \$100 per month to be applied towards the purchase price of \$70,000. (White & Bishop) **ROLL CALL VOTE:** (6 Ayes)

MOVED AND SECONDED: To adjourn at 10:03 p.m. (Beaulieu & Bishop)
VOTE: (6 Ayes)

Respectfully Submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #14-07
TOWN HALL COUNCIL CHAMBERS
September 4, 2007 – 7:00 PM

CHAIRPERSON'S CALL TO ORDER

PRESENT ABSENT EXCUSED

| | | | |
|----------------------------------------|---|--|---|
| Genie Beaulieu, P.O. Box 74 | x | | |
| Charlotte Bishop, Maquoit Drive | x | | |
| James Cassida, 5 Timber Ridge Road | x | | |
| Rich DeGrandpre, Timber Ridge Road | x | | |
| Joe Migliaccio, 2 Vinmar Lane | x | | |
| Frederick White, 45 Pleasant Hill Road | | | x |

Chair Cassida called the meeting to order at 7:05 p.m. and took roll call. He noted that Councilor White would be arriving later.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #13-07 held on August 7, 2007 and accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #13-07 held on August 7, 2007 and accept the Minutes as printed.
(DeGrandpre & Bishop) **VOTE:** (5 Ayes) (1 Excused—White)

SECOND ORDER OF BUSINESS: Announcements

Chair Cassida announced that the 10th Anniversary Celebration for the Community Library Would be held on Friday, September 14 from 6-8 p.m. Everyone is welcome. There will also be a party on Saturday, September 15 from 9 a.m. to 2 p.m. The party will include a fun walk, music by Pound of Tea and all kinds of fun and family activities.

At 8 p.m. on Saturday, September 15 at Freeport High School there will be a Dave Mallett Benefit Concert. Mr. Olmstead noted that the events are posted on the Town's website and no budget monies are being used for them.

On a sad note, Chair Cassida announced that Gladys Moon passed away this morning. She has been an active member of the Freeport community and will be greatly missed. She was a life member of the Freeport Rescue. She and her husband contributed countless hours tending the gardens at the Municipal Building and Bow Street Park. Chair Cassida asked for a moment of silence.

Councilor Migliaccio announced that the Town of Freeport has submitted its letter to the State of Maine Department of Education for a consolidation plan. A response will be coming from the Commissioner of Education sometime around September 14. For anyone interested, there are consolidation partner choices posted on the School's website.

Chair Cassida mentioned that the deadline for anyone interested in serving in the next round of consolidation was last Friday. He has chosen some individuals to serve on this committee. There was plenty of interest among Town Councilors. All three Town Councilors who served on the initial committee expressed interest as did the School Committee members as well as an additional school committee member. He found very limited interest otherwise. He recruited an alternate for the committee.

Chair Cassida noted that while he has appointed a committee, this is not the sole responsibility of these individuals to carry forward the school consolidation effort. He has spoken to the School Committee Chair and agreed that this has to be a community effort. He encouraged community members to keep their calendars open because there will be a need for sub committees to delve into certain topic areas to advise the committee that is moving forward and help them work with our partners in other communities to put together a school consolidation plan. He pointed out that there is a place at the table for anyone who has an interest.

His decision on the committee make-up is: John Gleason from the School Committee, Rick White from the Town Council and Nelson Larkins as an at-large community member. Peggy Haynes, resident and parent, will serve as the alternate to that committee. She will attend every meeting but will only participate as a voting member if one of the other three members is not present.

Councilor Beaulieu asked if the Council is going to vote on this later. She is not sure Chair Cassida has the authority to appoint a formal committee without Council approval. She mentioned her concern that each individual named has too close a relationship with the School Committee. The charge from the State indicated that the committee is supposed to be more inclusive of the community. She would prefer to announce the committee tonight and wait a week because the public has not had an opportunity to put their names in. It was discussed last Wednesday but there have not been any public meetings so unless the Council spreads the word, the public won't know about it. Having John Gleason who is on the School Committee, Nelson Larkins who is running for the School Committee and Rick White, whose wife is a school employee, is too narrow a focus. She has no problem with any of these people individually but it is not a broad representation of the community. She is personally fine with not being on the committee so she is not saying this to get herself on the committee.

Councilor DeGrandpre noted his concern with the committee is that they are going to be charged with making the recommendation to consolidate as has been indicated, or consolidate in another way or perhaps it's not the fiscally responsible way to move. He shares Councilor Beaulieu's concerns and want to make sure we have folks on this committee with an open mind willing to gather the information and make an honest recommendation.

Councilor Migliaccio asked about the four members and Chair Cassida explained that the

committee asked him to come up with three members and an alternate. He understands that Durham and Pownal will also be choosing three members and an alternate.

Councilor Migliaccio has concerns with blazing down the Pownal, Durham path. He asked if the committee would be charged with engaging in a discussion with Yarmouth. He noted that Freeport is the big fish and asked why it would have the same number of votes as someone else. Chair Cassida suggested continuing the discussion under "Other Business."

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

MOVED AND SECONDED: To open the Public Comment Period-30 Minutes on Non-agenda items only) (Beaulieu & DeGrandpre) **VOTE:** (5 Ayes) (1 Excused—White)

Nelson Libby, Operations Manager for Troiano Waste Services advised that he has safety issues to discuss. Councilor DeGrandpre pointed out that this is an agenda item and asked him to address it a little later.

MOVED AND SECONDED: To close the Public Comment Period. (Beaulieu & Bishop) **VOTE:** (5 Ayes) (1 Excused—White)

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

ITEM #146-07 To consider action relative to adopting the September 4, 2007 Consent Agenda.

BE IT ORDERED: That the September 4, 2007 Consent Agenda be adopted. (DeGrandpre & Bishop)

Chair Cassida reviewed the items for members of the public.

ROLL CALL VOTE: (5 Ayes) (1 Excused—White)

ITEM #147-07 To consider action relative to a proposed amendment to the Solid Waste Ordinance Concerning waste collection times (Chapter 28). PUBLIC HEARING.

MOVED AND SECONDED: That the Public Hearing be opened.(Bishop & Beaulieu) **VOTE:** (5 Ayes) (1 Excused—White)

Councilor DeGrandpre provided a brief overview.

Nelson Libby Operations Manager for Troiano, Jason Berquest, Operations Manager for Pine

Tree Waste and John Almond of Reynolds explained the reasons why they work at 4:30 and 5 a.m. in Freeport and voiced safety, customer service and productivity concerns.

Councilor Beaulieu from District I explained that this issue has been discussed recently and it's the noise generated at 4:30 a.m. and 5 a.m. pick-ups that people are complaining about. She knows this has been a big issue with the B&Bs. Councilor DeGrandpre noted that there are areas in Freeport that are pretty much commercial and perhaps this amendment could be tailored to 5 a.m. but this issue would have to go back to Traffic and Parking for more discussion. Councilor Beaulieu advised that Holbrook Street needs to be protected until at least 6 a.m. Mr. Olmstead asked if the haulers were able to weigh in at the committee level. Councilor DeGrandpre indicated that they were not provided notices and he is willing to bring it back to Traffic and Parking and have these folks attend as well. They are not trying to put anyone out of business. They are responding to noise complaints.

Mr. Olmstead mentioned that he served on the RWS Board and he knows these issues are real issues. He recommended that the Council send this back to Committee and invite the haulers in and try to come up with a solution that addresses their concerns as well as the concerns of residents. Councilor DeGrandpre pointed out that Traffic and Parking will be meeting on September 18. Mr. Olmstead offered to notify the haulers.

MOVED AND SECONDED: That Item #147-07 be tabled indefinitely.
(Beaulieu & DeGrandpre) **VOTE:** (5 Ayes) (1 Excused—White)

ITEM #148-07 To consider action relative to approving a Tower License Agreement between the Town of Freeport and Navigator Properties, LLC.

BE IT ORDERED: That the proposed License Agreement between the Town of Freeport and Navigator Properties, LLC providing for the location of antennas, cables and ground space on a Tower to be constructed by Navigator Properties be approved. (Bishop & Beaulieu)

Chief Fournier explained the agreement. He advised there are no current plans to install antennas on the tower. Mr. Olmstead referred to #8 and that the Town would have to pay for the electricity. Chief Fournier noted that the Town is not paying for it now and he is confident that Navigator Properties, LLC. will agree to continue paying it.

MOVED AND SECONDED: To amend 8. Utilities. *Licensors* will be responsible for installing, maintaining and paying for all utilities used at the Premises by Licensee. (Beaulieu & Bishop) **VOTE:** (5 Ayes) (1 Excused—White)

ROLL CALL VOTE ON AMENDED ORDER: (5 ayes) (1 Excused—White)

- ITEM #149-07 To consider action relative to the issuance of eleven (11) parking credits to Bow Street Realty, LLC.

BE IT ORDERED: That eleven (11) parking credits be issued to Bow Street Realty for spaces lost resulting from improvements to be made to 10 Bow Street (Tax Map 11 Lot 118 ETC).

Note: The improvements consist of a Pedestrian Plaza and Walkway to the Village Station Retail Project. (Migliaccio & DeGrandpre)

Mr. Olmstead suggested that the Council table this item. The two landowners have not yet reached an agreement. Until agreement is reached and there is a final plan, it would be inappropriate to grant credits.

MOVED AND SECONDED: To table Item #149-07 indefinitely.
(Migliaccio & DeGrandpre) **VOTE:** (5 Ayes) (1 Excused—White)

OTHER BUSINESS:

1. Update on the Harraseeket River Dye Study

Councilor Cassida explained that the Town has been dealing with the Department of Marine Resources on the closure area in the Harraseeket River that is the result of the Freeport Sewage Plant and its effect on shellfish harvesting. The size of the closure is of real concern to shellfish harvesters. We were successful a number of years ago in getting the DMR to do a dye study. The dye study results have been the subject of ongoing debate since they were published. Educated people disagree on how to go about interpreting the data that was generated by the study. We held a yearly meeting with the DMR where we tried to let them know our feelings with respect to their interpretation of the dye study. He feels the Town was successful on a number of fronts. Former Council Chair, Rod Regier, has some expertise in this area, and his analysis has now been sent to the peer reviewers of the original study. We hope that they will agree with some of our points. Hopefully we will get some feedback shortly. With any luck, the DMR will take the comments into consideration.

There has been a slight relaxation of the closure area south of the Sewage Treatment Plant closer to the main anchorage so there is some area there where the southern line has been changed. It offers some relief in that area. We are in a holding pattern waiting for comments back from the DMR.

Mr. Olmstead advised that Mr. Regier has been given a list of the peer review folks and has sent them his comments. He has not heard back from any of them. Chair Cassida will continue to be in contact with Mr. Regier and noted it is not a resolved issue in our book yet.

Councilor DeGrandpre thanked the DMR Commissioner and Deputy Commissioner and their staff for an interesting and lively discussion. There were a lot of good questions asked and they indicated a willingness to look at the data and other ways to interpret it. He hopes they will dig into it in the next couple of weeks.

2. Informational Exchange.

Chair Cassida brought up school consolidation and in response to Councilor Beaulieu's concerns, he advised that he is simply making a recommendation on the make-up of the committee. He fully recognizes that the Council needs to approve the appointments. He had a limited pool from which to choose from outside of Town Council and School Committee interest. Last Wednesday's meeting was a public meeting and it was televised. He hoped that the public that was interested, was paying attention to it but no one expressed an interest in serving on the committee. He mentioned there was a rush and there were reasons for it. He was not aware that Mr. Larkins is running for the School Committee. He looked at him as a member of the public and he is not on the School Committee yet. If he is elected, he won't be on the School Committee until November and this process will be pretty much done. He understands Councilor Beaulieu's concerns but he worked with what he had.

Councilor DeGrandpre mentioned that his concern is that we have more questions than answers. He and the community needs to know what the structure will look like if this new super school Committee is made up of nine members. Will there be 3 members from each community? As for the cost of education, will it be based on the number of students or evaluations? Chair Cassida mentioned that Councilor DeGrandpre was bringing up good points and he wished he had brought a letter that Chris Leighton had drafted which is on the school's website. It is very thorough and well thought out and details the next round of the process. They will have to go through the process with representatives from Pownal and Durham and also have discussions with Yarmouth to see if they want to be in the mix. It's a huge task.

Councilor Beaulieu advised that she has no problem with any of the individual people but feels it is too focused on the School Committee. Not knowing everyone's strengths, she doesn't see any analytical types. She is fine with the number but she would prefer to see a mix that represents more than the School Committee.

Councilor DeGrandpre asked Chair Cassida to consider adding his name to the committee because he sees this as the biggest decision we will make in this decade and we need to have enough information to make an intelligent choice. It is critical that at the end of the day, we don't have more questions than answers.

Councilor Migliaccio suggested holding off on assembling the committee and giving the public an opportunity to come forward. He stated that he was a member of the August Committee and on August 29 there was a meeting with the Town Council and School Committee here in the

Council Chambers. At that meeting Councilor White presented the committee's recommendation and he felt that the presentation as one option as the committee's recommendation to partner with Pownal and Durham was an incorrect interpretation of where we left the last meeting on August 23. He stated he would publicly apologize if, when he watched the tape, there was any doubt on how many options we were willing to submit to the State. Pownal and Durham were our two consolidation partners and we were going to ask for an exemption. The committee voted late in the meeting as to how many options we were going to submit to the State that we were going to pursue consolidation with and the majority voted that we should submit three options. The next tier down which was one less, voted to submit two options. Somewhere between Thursday, and when Councilor White presented the committee's recommendation on Wednesday as only one option with Pownal and Durham, something got lost in translation. Something was changed and he is not going to publicly apologize.

He did go back and play the August 23 tape and it will be played on television. Everyone should be aware that the committee was going to submit more options. If we are going to appoint a committee now and the committee is going to start planning with Pownal and Durham, he feels that the committee will not look at the Freeport, Pownal and Yarmouth option. Yarmouth has sent another letter asking Freeport to engage in discussions with them. He does not feel that the public has had an opportunity to provide comments.

Chair Cassida clarified that what was decided at last Wednesday's meeting was that we were going to put forth a single option of Freeport/Pownal/Durham but that there would be a caveat that we were willing to consider engaging in further talks with Yarmouth. This was put into the letter of intent to the Commissioner of Education. He advised that the Chair of the School Committee is in the process of setting up a meeting with Yarmouth. It will be a joint meeting between the School Committees and the Town Councils of both communities. A decision can be made on how to proceed if Yarmouth is willing to enter into a consolidation with us. It is an ongoing process. Councilor Migliaccio agreed to disagree.

Councilor Beaulieu mentioned that at last Wednesday's meeting with the School Committee and the Town Council, the committee took everyone through all of the options. At that point the committee voted to send just one option. We need to get off the subject of Yarmouth. They are a footnote as has been said. She feels we always need to keep doors open but we must be careful how we do that so the Town doesn't get confused. If we have our new committee doing due diligence with Pownal and Durham and have another group that isn't even an official committee talking to Yarmouth, all we are doing is muddying the waters. If there is a group talking to Yarmouth, we need to know who is on it. She is concerned with who is talking to Yarmouth when they are talking to Yarmouth and what they are talking about. Currently we are waiting to hear from the Commissioner on consolidation with Pownal and Durham. She is not sure we should be having discussions with Yarmouth until after the 14th. Chair Cassida clarified that discussion with Yarmouth would be between the two School Committees and two Town Councils. There is no committee being proposed there.

Councilor Bishop asked where Chair Cassida is on members of the new committee. She asked if he would consider Peggy Haynes as a committee member and Nelson Larkins as the alternate. Councilor Beaulieu did not know what Mrs. Haynes does for work and whether she represents

business. She noted that if the Council puts out a plea for interested people to respond by September 12, the Council could vote on the members of the committee on September 18. If no one else throws their name in, she is fine with the list. Being the last week in August, she is not sure how many people watched television. Mr. Olmstead noted that people do watch the Council meetings.

Councilor Beaulieu asked anyone with an interest in how to consolidate, or if we should even consolidate the Freeport School System, and consider themselves a member of the community, or a business owner, having analytical abilities should contact the Town Manager before September 12. Mr. Olmstead suggested reaching out to the Freeport Merchants Association.

Councilor DeGrandpre pointed out that this decision has no reverse. It is our obligation as leaders of the community to do our due diligence and get all of our questions answered. Chair Cassida mentioned that the town of Durham has put forth a recommendation to consolidate with Freeport and Pownal. Before they move forward, they have scheduled a 9/15 Town Meeting to vote on this proposal. We don't know what the outcome of that vote will be. If they choose to not participate in discussions with us, we are down to Freeport and Pownal.

Councilor Migliaccio agrees with Councilor Beaulieu's recommendation to hold off and give the public an opportunity to get their names in. He suggested considering adding another Town Councilor to that committee. People have asked him to provide a public forum and workshop with Yarmouth to seek their sentiments.

Mr. Olmstead noted that the State Representative envisioned that each community would select a committee to determine who their partners might be and file a letter of intent. It was his thinking that if Freeport had 13 members to begin with, a smaller number would move to the next step and others would cease to be on the committee. He mentioned that if we want to mirror legislation, we would have to appoint a member of the business community. Chair Cassida mentioned that Councilor White has a landscape business in town so he is not overly concerned that we don't have business represented on the committee. Councilor Beaulieu suggested that Mr. Olmstead talk to FEDC, FMA and FCS to reach out to see if someone is interested in serving.

Chair Cassida clarified that it is clearly not the will of the Council to accept his recommendation. The Council wants to ask for additional time and the Chair will bring back a revised recommendation, based on additional interest. Councilor Migliaccio suggested putting a slide up saying we are looking for committee members. Mr. Olmstead asked if the message would say we are looking for business people that reside in Freeport and are interested in school consolidation. Chair Cassida agreed. Councilor DeGrandpre fears the committee is going to be too small and suggested adding another member from each community. Mr. Olmstead explained the difficulty of changing the number at this time. Councilor Migliaccio wanted to include the charge of the committee.

Chair Cassida apologized to the individual committee members he originally recommended noting that it was not his intention to provide them with any angst. He still feels strongly that they would represent us well.

Councilor Migliaccio asked the Town Manager to check into evaluation and revenue sharing formulas to protect the municipal side and economic development side. He does not know how to get at it. He mentioned that Harpswell would be a good example as it partners with inland towns.

Councilor DeGrandpre noted that Councilors had a letter in their packets that Stephanie Slocum made the cut. He asked if any of the others moved forward. Mr. Olmstead indicated that just Stephanie made the cut and will represent Harpswell even though Freeport submitted her name. Councilor Migliaccio forwarded congratulations to Stephanie.

MOVED AND SECONDED: To adjourn at 8:32 p.m. (Beaulieu & Bishop)
VOTE: (5 Ayes) (1 Excused—White)

Respectfully Submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #15-07
TOWN HALL COUNCIL CHAMBERS
September 18, 2007 – 7:00 PM

CHAIRPERSON'S CALL TO ORDER

PRESENT ABSENT EXCUSED

| | |
|----------------------------------------|---|
| Genie Beaulieu, P.O. Box 74 | x |
| Charlotte Bishop, Maquoit Drive | x |
| James Cassida, 5 Timber Ridge Road | x |
| Rich DeGrandpre, Timber Ridge Road | x |
| Joe Migliaccio, 2 Vinmar Lane | x |
| Frederick White, 45 Pleasant Hill Road | x |

Chair Cassida called the meeting to order at 7:05 p.m. and took roll call.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #14-07 held on September 4, 2007 and accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #14-07 held on September 4, 2007 and accept the Minutes as printed. (DeGrandpre & Bishop) **VOTE:** (6 Ayes)

SECOND ORDER OF BUSINESS: Announcements

There were no announcements.

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

MOVED AND SECONDED: To open the Public Comment Period-30 Minutes on Non-agenda items only) (White & DeGrandpre) **VOTE:** (6 Ayes)

Peter Murray of Redding Lane, representing an informal group of Freeport citizens called Freeport Families for Education urged the Council to direct the Reorganization Planning Committee to consider all possible options for Freeport school district consolidation. He requested that the committee report back clearly and in written form to the public its decisions. Any significant decision must be made with plenty of opportunity for public input. He also asked the Council to request that the Freeport School Committee submit a second Notice of Intent to the State Department of Education that indicates Freeport will be evaluating a Yarmouth, Freeport, Pownal consolidation option.

Other members of the public speaking on this issue were: Kim Murray of Redding Lane, Julie Coleman, Dede Bennell, Kate Brogan and Jim Doyle.

MOVED AND SECONDED: To close the Public Comment Period.
(DeGrandpre & Bishop) **VOTE:** (5 Ayes) (1 Excused—White)

Chair Cassida mentioned that he would have comments to share a little bit later in the agenda and urged the public to stay. Councilor Beaulieu noted that she is willing to answer any questions that the public may have on where she stands on this issue. She will return all phone calls. Councilor White thanked everyone for coming and urged him or her to stay involved.

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

ITEM #152-07 To consider action relative to adopting the September 18, 2007 Consent Agenda.

BE IT ORDERED: That the September 18, 2007 Consent Agenda be adopted. (Migliaccio & DeGrandpre)

Chair Cassida explained the two items for members of the public.

ROLL CALL VOTE: (6 Ayes)

ITEM #153-07 To consider action relative to re-applications for an Automobile Graveyard and/or Junkyard Permit. PUBLIC HEARING.

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

David Bolduc d/b/a D.A.B. Inc., 13 Allen Range Road.
John Ingerson d/b/a/ Freeport Auto Parts, 33 Allen Range Road. (Bishop & Beaulieu) **VOTE:** (6 Ayes)

John Randall requested that the property at 33 Allen Range Road be surveyed before the permit is issued. He is an abutting landowner and feels Mr. Ingerson may be encroaching on the line. He has not discussed this with Mr. Ingerson.

MOVED AND SECONDED: That the Public Hearing be closed.
(Migliaccio & Bishop) **VOTE:** (6 Ayes)

Mr. Olmstead noted this is a private property issue and it is his opinion that the Council cannot use its licensing powers to resolve a property dispute. Chair Cassida agreed.

Councilor DeGrandpre recommended that Mr. Randall contact Mr. Ingerson and share his concerns with him.

BE IT ORDERED: That the re-application for an Automobile Graveyard and/or Junkyard Permit issued to the above named applicants be approved. (Bishop & DeGrandpre) **ROLL CALL VOTE:** (6 Ayes)

ITEM #154-07 To consider action relative to an expenditure from the Traffic and Parking Reserve Fund.

BE IT ORDERED: That \$2,045.57 be expended from the Traffic and Parking Reserve Fund to pay for a portion of a trailblazing sign to be located at the intersection of Desert Road and U.S. Route One South. (DeGrandpre & White)

Mr. Olmstead explained the need for the expenditure and that the sign was presented to the Council in the past.

ROLL CALL VOTE: (6 ayes)

ITEM #155-07 To consider action relative to appointments to the School Consolidation Reorganization Committee.

Chair Cassida explained that the Council and the School Committee jointly authorized the formation of a planning group that met frequently in August to work through the school consolidation issue. The group made a recommendation to the School Committee primarily. The legislation requiring school consolidation required that the school administrative unit send a notice of intent by August 31 to the Department of Education. Freeport did that. The recommendation accepted by the Council and School Committee was that Freeport pursue as its first alternative, a Freeport/Pownal/Durham consolidation option but left the door open through a footnote, to further consider consolidation options with the Town of Yarmouth. He did not view this as a one-option notice of intent. Freeport put forth its primary option as did every community, but left the door open for a secondary option because it was felt there was some validity that needed to be investigated. The School Committee has set up a workshop with representatives from Yarmouth on September 25 in the Council Chambers beginning at 7 p.m. It will be open to the public.

This evening Chair Cassida is putting forth the nomination of five individuals to serve as Freeport's delegates to the Freeport/Pownal/Durham's RPC. He listed Rick White of the Town Council, John Gleason of the School Committee, Marge Migliaccio, Fred Palmer and Nelson Larkins as the alternate. These individuals bring diversity to this process and represent a balanced committee that will fairly represent the interests of Freeport. For those individuals that requested to be on this committee, Michelle Broderick, Peggy Haynes, Peter Murray, Glen Sutton and Catherine Wilbur, Chair Cassida encouraged them to stay involved in this process.

This is a long process that needs to be done in a short period of time and the committee being appointed this evening will be relying on everybody in the community that they can muster, to help gather information and come up with the best plan possible for Freeport's schools. In the end, it will be Freeport residents that decide if this is the right consolidation choice. When the committee makes a recommendation back to the three communities, each community has the ability to say yes or no to that consolidation plan. There will be a public vote on it.

BE IT ORDERED: That the following individuals be appointed to represent Freeport on the School Consolidation Reorganization Committee:

1. Rick White
 2. John Gleason
 3. Marge Migliaccio
 4. Fred Palmer
- Nelson Larkins—Alternate (White & Beaulieu)

Councilor Beaulieu asked if this same committee is being charged with talking to Yarmouth or is the School Committee talking with Yarmouth. She does not want the public concerned about who is talking to Yarmouth and who is official and can talk. She would prefer that this committee be authorized to talk but the School Committee is welcome to participate. She would like one group looking at all the information.

Chris Leighton explained that he spoke with the Chair of the Yarmouth School Committee, David Ray and invited them to a meeting. At the time, Freeport did not have an RPC and the School Committee was serving as a facilitator. This will be the first official meeting of the Freeport RPC. He mentioned to Mr. Ray that there is growing interest in Freeport about the Yarmouth option. He views this upcoming meeting as a fair and frank discussion to learn more about Yarmouth's choices. There will be an opportunity for public comment and then a question and answer period. On Monday night, Yarmouth is meeting with Falmouth and Cumberland. Yarmouth has not yet been granted the ability for an "opt out" by the Commissioner of Education.

Councilor White asked who the facilitator will be and Mr. Leighton noted it has not been fleshed out yet. He will call David Ray and come up with an agenda. He will ask Superintendent Tomaszewski to post it on the school's website. He noted it is important to hear from Yarmouth on where they see themselves going and what their approach is to Falmouth, Cumberland and North Yarmouth. Councilor DeGrandpre noted there are a lot of pieces that are different with Yarmouth in the mix. Chair Cassida explained that if Yarmouth tells us they are not interested in working with us at this time, should that change down the road, there is nothing that precludes us from considering Yarmouth in the mix at that particular time should their situation change and this could be true of the consolidation process being mandated by the State.

Chair Cassida suggested leaving it that the School Committee will have its meeting with Yarmouth and after that meeting, if they feel a correction to the letter of intent should be made, he will leave it to the discretion of the School Administrative Unit to make that correction. If a correction is made, the RPC being appointed tonight, would be charged with moving forward with whatever has been accepted by the Department of Education with respect to our notice of intent.

Beth Parker pointed out that Freeport is the only Town where the Town Council is appointing its RPC members. In other communities the School Committee is appointing their RPC. Councilor White explained that in Freeport the Town Council is charged with appointing all Boards and Committees. At some point, he suggested that everyone needs to work together.

ROLL CALL VOTE: (5 Ayes) 1 Nay—Migliaccio)

MOVED AND SECONDED: To move an item not on the printed agenda.
(Beaulieu & White) **VOTE:** (6 Ayes)

BE IT ORDERED: That following the meeting that the Freeport and Yarmouth School Committees will be holding on September 25 that if it is made clear or learned that Yarmouth would like to have further discussions with Freeport about consolidation that we strongly encourage the School Committee to draft an amendment to the Department of Education clarifying that we would like to continue discussions with Yarmouth. (Beaulieu & Migliaccio)
More discussion followed.

ROLL CALL VOTE: (5 Ayes) (1 Nay—Bishop)

OTHER BUSINESS:

1. **Meeting with Cable TV Franchise Negotiating Committee**

Peter Guffin provided an update on the committee's work. He noted that the current contract expired in September of 2007 so technically they are in a suspension limbo mode. He requested that the Council formally adopt an agreement, which will be extended until March 8, 2008 to allow both parties to negotiate in good faith. Town Attorney, Pat Scully was in attendance this evening.

Item #156-07 To consider action relative to an extension of the Cable TV franchise agreement with Comcast.

BE IT ORDERED: That the Town's Cable T.V. Franchise Agreement with Comcast of Maine and New Hampshire, Inc. be extended until March 8, 2008.

BE IT FURTHER ORDERED: That the Town Manager be authorized to sign the extension agreement. (Beaulieu & White) **ROLL CALL VOTE:** (6 Ayes)

Mr. Guffin went on to explain the committees two goals. They need to try to figure out what the Town's needs are and pull together some type of report, which they can present to the Town Council. They will ask the Council to formally adopt the report so that they will have a formal record of what the Town's needs are and specifically PEG Access. Their second charge is to develop that set of financial business terms that they want to see included in a franchise agreement. They will most likely negotiate 6-12 key issues. They want to identify what they are and get them in front of Comcast to try to meet the renewal in six months. They will be meeting more regularly than in the past.

Councilor Migliaccio thanked Mr. Guffin and his committee for all their efforts.

2. Update on administration of the Solid Waste/Recycling Department

Mr. Olmstead advised that Bart Carhart is retiring at the end of this week from his duties at the Solid Waste facility but will continue as Administrator of Winslow Park on a part-time basis. He is trying out on an interim basis where the Town Engineer will oversee administratively the Solid Waste Recycling Department. The foreman's position has been elevated to Landfill Supervisor and a part-time individual has been brought to full-time status to cover the hours that Bart will be giving up at the facility. This is a probationary period and if this new structure works, it will require some changes to the Administrative Code, which Mr. Olmstead will bring to the Council once he is satisfied that this new structure is working. If it works, the Town will realize a savings in excess of \$10,000. He plans to go slowly to ensure the plan is successful. He hopes to make a decision on whether or not he will recommend this on a permanent basis by the next budget cycle.

3. Informational Exchange.

Councilor Beaulieu advised that she does not have anything to report on the North Main Street Sidewalk but wanted people to know that we are still working on it. Albert Presgraves is continuing to talk to the MDOT. She and Mr. Olmstead have been involved. We are still on track for something in the spring.

Mr. Olmstead advised that information came in today that the State Historic Preservation group has determined that the very expensive retaining wall will not be required by them. For some reason, now MDOT is wondering if they should require it. They have decided to come and do some test borings in the ledge to determine how stable the ledge wall will be. Retaining walls nearly doubled the cost of the project and if we can get them removed, we will get this project done. Councilor Beaulieu pointed out that the changes in the drainage in that area will be vastly improved.

Councilor Beaulieu noted that there was an e-mail from Geoff Herman of MMA that they are going to be working as a clearing house for school consolidation. She wanted to bring this up for the public because in the past Councilors have asked what does MMA do for us. This is something that the public and the Council will see and we are getting some value for our dollars.

Councilor DeGrandpre mentioned that he has been talking to the Town Engineer about a bunch of little things that need to be done around town. He is trying to develop a list of them. He believes that Public Works can do these low-cost things in the spring season.

Councilor White explained that he has been talking to the Town Engineer concerning the Little River Bridge. Mr. Olmstead noted that the last update indicated that Mr. Presgraves was developing a request for proposals on a design/build bridge. MDOT decided that they do want some oversight of the RFP development and now Mr. Presgraves is spending a fair amount of time in Augusta trying to understand what their requirements will be. This will be a Council decision at the end of the day. In talking with one individual that may be interested in bidding, he asked Mr. Presgraves when this would go to the voters. He was told the likelihood of November of 2008 and then the contractor questioned why the Town would be soliciting proposal almost a year prior to that when no contractor will guarantee prices for a year. This is a dilemma we will be faced with going forward.

Councilor Migliaccio mentioned that Freeport was selected by the U.S. Conference of Mayors and CGI Communications that they will be coming to Freeport in June/July of next year.

Councilor Migliaccio extended his thanks and advised that residents can view the video by going to www.mayors.tv. They will be able to see Lewiston and Scarborough and may want to give feedback to the Town Manager. Mr. Olmstead noted that FEDC identified the company and the offering. This is at no cost to the Town of Freeport. If we were going to go out and hire this work, it would be a \$20,000+ project. The U.S. Conference of Mayors will send to Freeport through CGI Communications a team of cameramen and scriptwriters. We will tell them what we would like and they will produce it for us. They will send it back to us for review and we will have complete oversight and approval of the finished project. This will be a chance to go on the Town's website and see videos on our educational system, recreational offerings, business offerings, etc. We are pretty excited about it.

MOVED AND SECONDED: To adjourn at 8:40 p.m. (DeGrandpre & White)
VOTE: (6 Ayes)

Respectfully Submitted,

Sharon Coffin
Council Secretary

Testimony to the Freeport Town Council

Delivered by: Peter M. Murray (pete@pmurray.com)

Date: September 18, 200

Good evening. Thank you for the opportunity to say a few words on the Freeport School Consolidation deliberations. My name is Peter Murray. My wife, Kim and I live on Redding Lane in Freeport along with our 3 children – 2 in the Freeport Public Schools currently and one soon to be.

I consider myself a product of public schools – Portland High School class of '87. There are a couple of aspects of my experience at PHS that I'd like to share tonight. The breadth of programming that the system was able to offer its students was truly astounding. From the remedial English as a Second Language course through to the insane six-year experimental math course that changed my life – advanced anatomy & physiology, drama, auto-repair, engineering drafting, "home-ec", seriously geeky latin, computer programming. All of that breadth in the same system offered to kids from all socio-economic backgrounds under one roof. This is my standard for the wonderful diversity that public education can be – perhaps idealized with the fog of 20 years. I want to provide a similarly interesting and diverse public education environment for my kids and all of the kids of Freeport. That is what motivates my speaking up on this topic.

I stand tonight as a representative of an informal group of Freeport citizens called Freeport Families for Education. This group began to coalesce a little over a week ago when word that a single-option plan had been submitted to the Department of Education on August 31. Many of us were surprised after hearing about long discussions over the summer of multiple options being considered. Today over 100 families in Freeport have expressed concern that pursuing a single option may not be in the best interests of Freeport children. Why wouldn't we thoroughly investigate multiple options as long as potential partners have left the door for discussion open?

With that sentiment in mind, on behalf of the Freeport Families for Education, we respectfully request that the Town Council undertake two actions:

- 1) Direct the Reorganization Planning Committee convening today to thoroughly and open-mindedly consider ALL possible options for Freeport school district consolidation. The committee should report back clearly and in written form to the public its thought processes and rationale for decisions it makes. Any significant decisions must be made with plenty of opportunity for public input.**
- 2) Urge the Freeport School Committee to submit a second Notice of Intent immediately to the state Department of Education that formally indicates Freeport will be evaluating a Yarmouth, Freeport, Pownal consolidation option.**

These two actions will communicate to your constituencies that this consolidation deliberation is being undertaken in the most thorough, level-headed way. That Freeport committee have not taken it on

themselves to eliminate possibilities for the town without exhaustively soliciting public input and thoroughly explaining their thinking and rationale.

In reading the transcripts and talking with many people about this process to date, it seems to me that folks are paying close attention to issues of propriety (Yarmouth representatives are hard to work with, they are stubborn), and issues of finance (Freeport will never vote for option X because it costs too much) – but there hasn't been a lot of discussion about what is best for the students. There hasn't been a lot of focus on what opportunities this consolidation may turn up. I would encourage everyone involved in the process to keep an eye out for the opportunities. There is no reason on earth that the result of this consolidation process shouldn't form the foundation for a famously great school district – let's shoot for that!

**Freeport Town Council
Freeport, Maine**

Testimony - September 18, 2007

We ask that Freeport amend its current consolidation application with the State to allow for a Freeport – Pownal – Yarmouth combination. Yarmouth is a highly efficient, high achieving school district with a total property valuation and population roughly equal to that of Freeport.

By adding the Yarmouth option to our current proposal, Freeport could seek guidance from the State in searching for financial efficiencies achieved through combining districts with a similar set of administrative expenses. Freeport's current proposal effectively and prematurely closes all options except for Freeport – Pownal – Durham.

This is a critical juncture not only for Freeport parents and students but also for homeowners whose future property values will be in part determined by the strength of our educational system. There is no need to rush to consolidation if all potential options have not been fully and exhaustively explored, especially when the cost of a mistake or omission is so high.

Thank you for your time and consideration.

**James Doyle & Marianne LaCroix
Freeport, ME**

**MINUTES
FREEPORT TOWN COUNCIL MEETING #16-07
TOWN HALL COUNCIL CHAMBERS
OCTOBER 2, 2007 – 7 P.M.**

CHAIRPERSON'S CALL TO ORDER

PRESENT ABSENT EXCUSED

| | | |
|----------------------------------------|---|---|
| Genie Beaulieu, P.O. Box 74 | x | |
| Charlotte Bishop, Maquoit Drive | | x |
| James Cassida, 5 Timber Ridge Road | x | |
| Rich DeGrandpre, Timber Ridge Road | x | |
| Joe Migliaccio, 2 Vinmar Lane | x | |
| Frederick White, 45 Pleasant Hill Road | x | |

Chair Cassida called the meeting to order at 7:05 p.m. and took roll call.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #15-07 held on September 18 and accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #15-07 held on September 18 and accept the Minutes as printed. (DeGrandpre & White) **VOTE:** (5 Ayes) (Excused—Bishop)

SECOND ORDER OF BUSINESS: Announcements

Chair Cassida announced that the Tax Assessor has set the mil rate for the upcoming tax this year at \$12.56 per thousand valuation which is where the Council projected it to be when it did its budgeting for this year. Last year's mil rate was \$12.50.

Starting this month, the Performing Arts Center will establish its Second Tuesday Speakers Club and all programs will begin at 7:15 p.m. and end around 8:30 p.m. on the second Tuesday of each month from October 2007 to May 2008. These will be provided at no cost. The first speaker will be journalist Bill Nemitz. He will speak on October 9 and is being made available through the generosity of L.L. Bean and the Harraseeket Inn. Additional speakers include Judith Isaacson, Jack Montgomery, Gerry Talbot, Lincoln Pierce, Big Nate, Michelle Kelly, Mary Allen Lindemann, Kim Block and Joan Benoit-Samuelson.

Councilor White announced that there are two upcoming reorganization planning meetings scheduled. The first one is on October 3 at 7 p.m. at Morse Street School in Room 17 with Freeport, Pownal and Durham. The second one is on October 12 at 7:15 a.m. in Yarmouth at the Yarmouth Central Office. This will be the second meeting between Freeport, Pownal and

Yarmouth. He noted that it is important for everyone to stay informed of the progress on these two fronts. There are four things being considered:

1. Freeport, Pownal, Durham consolidation
2. Freeport, Pownal, Yarmouth consolidation
3. Opt out
4. Fall into a donut hole

The members of the Freeport Planning Committee are John Gleason, Marge Migliaccio, Fred Palmer and Rick White. Nelson Larkins is an alternate. Councilor White indicated that if anyone has questions, they should contact committee members.

Councilor Beaulieu pointed out that audio tapes of the meetings should be made. This is an important issue and it would be good to provide a record of what is going on for people that have questions. Councilor Migliaccio noted that the Superintendent sent him an e-mail advising that she will make every effort to have tomorrow's meeting taped and perhaps televise it. There will be a video record. He asked Mr. Olmstead to forward her note to Councilor White. Chair Cassida mentioned that the meeting in Yarmouth will be different and he is not sure of their capability. He mentioned that perhaps we could do an audio with our own equipment. Councilor White offered to bring this matter up in tomorrow's meeting.

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

None

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

ITEM #161-07 To consider action relative to adopting the October 2, 2007 Town Council Consent Agenda.

BE IT ORDERED: That the October 2, 2007 Consent Agenda be adopted. (White & Beaulieu)

Chair Cassida explained the items on the agenda for members of the public. Councilor Migliaccio thanked the volunteers and donors. Councilor DeGrandpre pointed out that if anyone has any interest in serving on a Town Board or Committee, they can pick up an application at the Town Hall or on the Town's website. He noted that it is interesting work.

ROLL CALL VOTE: (5 Ayes) (1 Excused—Bishop)

ITEM #162-07 To consider action relative to proposed amendments to the General Assistance Ordinance concerning Appendixes Updates (Maximum Levels of Assistance) (Chapter 46)

BE IT ORDERED: That a Public Hearing be scheduled for October 16, 2007 at 7 pm in the Town Hall Council of Chambers

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 the Freeport's local cable channel 3 and the Town's website. (Beaulieu & White)

Mr. Olmstead provided a brief overview of the changes.

ROLL CALL VOTE: (5 Ayes) (1 Excused—Bishop)

OTHER BUSINESS:

1. Discussion on the Harraseeket River Dye Study.

Councilor Cassida provided some background information on a meeting with the Department of Marine Resources that was held in August and concerns Freeport has with the Dye Study. He noted that Rod Regier is here tonight to present some information to the Council for consideration. Chair Cassida mentioned a draft letter that he prepared addressed to the DMR and advised that he would like to discuss it after Mr. Regier's discussion.

Rod Regier explained that he discussed the dye study in April of 2003 and did not envision that he would still be discussing it four and a half years later. He displayed a map showing the Harraseeket River and the areas permanently closed for digging shellfish. No one at the DMR can explain why the closures were expanded or why the lines for permanent closures were selected. In 2003 the Town of Freeport challenged this decision and that led to the DMR conducting a dye study to put some quantification on what happened here. The first draft came in late 2004, which is when Mr. Regier became involved feeling there were some problems in the way the DMR was handling the data from the study. His important questions have never been answered but at this point the DMR has released a "final report" which Chair Cassida mentioned at the August meeting. DMR suggested reopening the bottom area of the closure but are maintaining the larger closure upstream. They are expanding the permanent closure of the easterly branch of the Harraseeket. This will be devastating to the shellfish industry here in Freeport.

Mr. Regier noted that posting the report on the DMR website as the "final report" violates what was agreed upon in August. He read letters he received from the peer reviewers selected by the DMR and pointed out that none of them have addressed the central problem of how the data is analyzed. He requested that the Council request that the DMR remove the report from their website and not pretend that it has been resolved. This is a work in progress; it is not a final report. Discussion followed. Mr. Regier pointed out that handling of the data so badly is the problem.

Chair Cassida recommends removing the second paragraph from his draft letter. He asked Mr. Regier if there are professionals that Freeport could engage at Town expense to give an independent analysis of that data. Mr. Regier indicated that there is talent that can do that and it would be intellectually more honest and cost effective. Chair Cassida noted that the Town has to decide if it wants to go to the expense to present the DMR with an alternative analysis. He warned that if we hired a professional that concurred with DMR, we would have to lick our wounds. If the analysis comes back and concurs with Mr. Regier's interpretation and we present it to DMR, and they don't accept it, we need to know what we are going to do with it. We have to have a game plan in mind before we authorize the expense. Mr. Olmstead mentioned that it would likely go to court. He suggested that there be some discussion with the Commissioner before a peer review is conducted because there needs to be an understanding that the DMR will give the outcome of that review some serious consideration because he does not believe staff will. Councilor DeGrandpre pointed out that it should be an independent peer review where someone will ask the difficult questions and will be honest in their interpretations. The Town should be involved in the choosing of the peer reviewer. Chair Cassida noted he is willing to ask Commissioner LaPointe if he would be willing to accept the report from an independent review.

Councilor White pointed out that the Council needs to understand what taking DMR to court looks like. We need to focus on what the State did wrong and the ramifications for the Town if we head down that path. Chair Cassida asked Mr. Olmstead to broach this with the Town Attorney and see what it would look like. He asked Mr. Olmstead to put this item on a future agenda for further discussion on the feedback from the Town Attorney.

Chair Cassida referred to the draft letter and asked if it was the will of the Council to redraft it and just deal with the issue of the study being posted on the web and authorize him to engage in a conversation with Commissioner LaPointe to determine whether they would accept an independent review and put this on a future agenda for discussion. There was consensus to do all of these things. Mr. Regier wanted Chair Cassida to make it clear that the peer reviewers suggested by the State did not address the questions asked. Chair Cassida asked Mr. Regier to provide some professionals that the Town could engage and also an estimate of the cost for an independent review. Councilor Migliaccio asked what the cost of a repeat study would amount to. Councilor DeGrandpre pointed out that over five million pounds of clams have been harvested from Freeport waters over the years and nobody has gotten sick. The clams are tagged and we know where they were dug. Public health has always been protected and always will be. The Town is trying to keep as many productive flats open as possible. Councilor White would like to know what the productivity of the eastern closure is in dollars or bushels of clams and the percentage of flats. Mr. Regier is confident that the Shellfish Commission can provide this information. Mr. Olmstead will contact the Shellfish Commission.

Mr. Olmstead explained that in contract negotiations, when two parties reach an impasse, they look to mediation or arbitration to resolve the issues. When that happens, both parties will both put together a short list of mediators or arbitrators that will come in and listen to both sides and render advice or decisions. Both parties will share the costs. It would be nice

to get the DMR to agree with a similar process where we can develop a short list of peer reviewers and jointly select one, pay for the cost and abide by the decision once it is made. Chair Cassida will try to broach this subject with the Commissioner.

Chair Cassida will redistribute the letter and circulate it by e-mail. If the majority agrees with the redraft, he will have Mr. Olmstead print it off, get it signed and mailed. He suggested having this item appear as an update on the agenda for the next October meeting or the first meeting in November. Councilors thanked Mr. Regier for all his work over the years.

2. Update on Community Center Fundraising.

Bob Stevens introduced the committee—Leslie Livingston, T. J. McDermott, Louise Berlin, Tom Whelan, Brenda White and Rich DeGrandpre and explained that they have been working for two years. In addition to grants, they have raised \$1,110,668; cash receipts of a million and pledges to be paid of \$185,000. They have documented \$54,466.67 in gifts in kind. Ms. Livingston told him his figures dated August 31 are already outdated. More money has been raised. In June they ran out of steam and decided that they had raised all the money they could at that time. They still need to raise \$325,000 and need some new energy and new plans. They are proud of the amount of money they raised. Almost everyone has agreed to sign on again since it is a labor of love. They are aware that if the bridge loan is not paid back to the Town, the Center could be lost. He mentioned that the FCS Board recently held a retreat and has come up with some ideas. Their overall goal was \$2.8 million. Chair Cassida noted that the project came in \$17 under budget.

T.J. McDermott, President of the Board of FCS, explained that he is stepping down, but it has been a privilege to serve on the Board. Giving the amount of time that they had, the fundraising committee did an incredible job. He mentioned the savings realized by not having to build an addition to the Town Hall, etc. He answered questions for Councilors.

Chair Cassida would like to see the FCS Board give periodic updates so that the Council is always aware of where the ball is. Mr. McDermott asked if a member of the Council could regularly attend the Capital Campaign meetings as well as the Advisory meetings. Chair Cassida agrees that someone could be appointed to attend the Fundraising Committee meetings. He was responsible for attending the Advisory meetings but found he was not able to since he works out of town. He recommends that a Town staff person should attend those meetings. Councilor White wanted everyone to keep in mind that this a community project. Councilor DeGrandpre pointed out that he would like to attend the informational meeting when it is scheduled.

Mr. McDermott advised that they received an award for restoring those two houses from the Maine Historical Society.

Chair Cassida thanked the committee for all their work. He is pleased so many have decided to stay on.

3. Discussion on bulldozer repair.

Jim Plummer advised that the 23-year old bulldozer is not currently working. It is normally used on construction projects and also at the Recycling Center. He received a quote for repairs, which he reviewed with Councilors. Option #1 would cost \$12,946. Option #2 would cost \$26,660. An estimate to replace the bulldozer was \$85,000. Mr. Plummer answered questions for Councilors. There was consensus to go with Option #2.

MOVED AND SECONDED: To expend up to \$27,000 from the Public Works Capital Reserve Funds to repair the steering clutch and clutch control system and undercarriage (DeGrandpre & White) **ROLL CALL VOTE:** (5 Ayes) (1 Excused—Bishop)

4. Discussion on disposition of Rescue Van 3.

Chief Fournier introduced Sarah Cass and explained that his department is expecting a new ambulance at the end of the month. He reviewed recent calls and activity and mentioned that he feels he would be better off keeping Rescue #3 in operation since it would only generate a \$5,000 trade-in. It will be used as a back-up vehicle. He is confident that he could sell it for a higher price at some point. He explained what equipment would be transferred to it and answered questions for Councilors.

Councilor White suggested keeping the vehicle for 12 months and revisiting it then. Councilor Beaulieu indicated that she would prefer to sell the vehicle on the open market and not do a trade-in. She mentioned that the Enterprise Account should refund the Town's reserve funds. Discussion followed.

Mr. Olmstead asked Ms. Cass to work with Greg L'Heureux to generate lost calls, lost revenues, etc. and what the benefit NET would realize by keeping the van. Chair Cassida is willing to keep it on a trial basis until the May budget season but if it is not profitable to keep this vehicle, it will be gone. He cautioned that if it is discovered that this vehicle is not profitable before May, it should be sold quickly.

MOVED AND SECONDED: To allocate \$5,000 from the NET Capital Reserve Fund to offset the trade-in value for purchasing Rescue 3. (White & Migliaccio)
ROLL CALL VOTE: (5 Ayes) (1 Excused—Bishop)

Mr. Olmstead indicated that he is clear on what is expected from him on this issue for the next budget season.

5. Discussion on management plans for Hidden Pond and Leon Gorman Park

Ethel Wilkerson of the Conservation Commission explained that Hidden Pond is located on the Grant Road. It is a 56-acre parcel that was donated by The Nature Conservancy. They have drafted a Management Plan and she reviewed two small changes that were made to the draft. She referred to page 3, Bullet 5 where the language was changed to read: "no trapping

except with written approval of the Freeport Conservation Trust.” On Page 7, Action #5 was added to read: “The Conservation Commission should update the Conservation Trust of its activities.”

Ms. Wilkerson answered questions for Councilors. Discussion followed. Councilor DeGrandpre asked if there is a mud hole somewhere where 4-wheelers can go on and noted that the prohibition of night activity may exclude snowmobiling. Ms. Wilkerson mentioned that the snowmobile trail was already on the property before it was deeded over and it may require a specific rule change to define it. Councilor DeGrandpre suggested changing #1 under Rules on Page 7 to read: “The property is for day use only except for snowmobiles on marked trails.”

Ms. Wilkerson explained that they have held public hearings and the Freeport Trust endorses the Management Plan.

Regarding the Leon Gorman Park, Ms. Wilkerson advised that the Conservation Commission has provided comments on the Management Plan to Mr. Olmstead. She explained that there were no restrictions on the ice rink in the Management Plan. Mr. Olmstead mentioned that an amendment would be made to the Management Plan regarding the ice rink after it goes through the Planning process. When he receives it from Steve Moore, he will forward it to the Conservation Commission for review. We should wait until we get the complete plan. Ms. Wilkerson noted that they will go through their normal process and will most likely schedule a public hearing.

MOVED AND SECONDED: To authorize the Management Plan for Hidden Pond as amended this evening. (DeGrandpre & White) **ROLL CALL VOTE:** (5 Ayes) (1 Excused—Bishop).

Ms. Wilkerson offered to make the changes and will send it to Mr. Olmstead.

Councilor White brought up the subject of dogs and recalled the discussion. It was clear to him that dogs need to be on a leash and under control. Ms. Wilkerson will take this back to the Commission.

6. Discussion on L.D. 1007 “An Act to Promote County Based Economic and Community Development.”

Councilor Beaulieu explained that she forwarded some information to Councilors and wanted everyone to know that this L.D. will put County government into the Economic Development arena and gives them the authority to hire staff, etc. as long as it makes it through the vote of the Budget Advisory Committee. She plans to talk to some other people about this. Councilor Migliaccio explained that he was on the Long Range Planning Committee and went to the Economic Development one. As part of that, there was a set of recommendations that came out that needed a lot more work. It was not a foregone conclusion that the County should be in the Economic Development arena. It was something to look at. Discussion followed. Chair

Cassida pointed out that the Council took a position on this a year ago and he has not heard anything that would indicate we have changed our opinion on it. Mr. Olmstead recalled writing to David Webster and Beth Edmonds. Chair Cassida suggested that the Council strengthen its position in November to its representatives at a Leadership meeting. Mr. Olmstead predicts that this will be a benefit to the smaller communities but because the County is offering it, the larger communities will subsidize it. Councilor Beaulieu pointed out that all communities except for South Portland and Brunswick are members of COG.

Another issue to talk about is L.D. 1822 that requires all elected officials to complete a Right-To-Know training course within 120 days of taking the oath of office. Mr. Olmstead explained that if this passes, MMA will put on a series of workshops but people will have to be certified before they can take their seats. Councilor Beaulieu does not feel that people should call her for right-to-know stuff; she thinks that they should call the Town Manager. Councilor Migliaccio noted that during the training, people will most likely learn what can be shared and to whom the request should be forwarded.

7. Sign Municipal Election Warrant —Mr. Olmstead passed it down for signatures.
8. Informational Exchange —None

MOVED AND SECONDED: To adjourn at 9:10 p.m. (White & Beaulieu) **VOTE:** (5 Ayes) (1 Excused—Bishop)

Respectfully Submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #17-07
TOWN HALL COUNCIL CHAMBERS
OCTOBER 16, 2007 – 7 PM

CHAIRPERSON'S CALL TO ORDER

PRESENT ABSENT EXCUSED

| | |
|----------------------------------------|---|
| Genie Beaulieu, P.O. Box 74 | x |
| Charlotte Bishop, Maquoit Drive | x |
| James Cassida, 5 Timber Ridge Road | x |
| Rich DeGrandpre, Timber Ridge Road | x |
| Joe Migliaccio, 2 Vinmar Lane | x |
| Frederick White, 45 Pleasant Hill Road | x |

Chair Cassida called the meeting to order at 7:04 p.m. and took the roll call.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #16-07 held on October 2, 2007 and accept the Minutes as printed.

Councilor DeGrandpre noted that under the discussion for Hidden Pond, when he asked about a mud hole to be utilized by 4-wheelers, he meant that he hoped that gravel pits or wetlands of not high value would be made available for 4-wheeler use.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #16-07 held on October 2, 2007 and accept the Minutes as amended. (Beaulieu & White) **VOTE:** (6 Ayes)

SECOND ORDER OF BUSINESS: Announcements

Chair Cassida announced that the Town of Freeport has received the Excellence Award by the Board of Judges in the 2007 Maine Municipal Association Municipal Report Competition. We placed third in the population group, which is an honor. Mr. Olmstead explained that Freeport has received approximately 10 awards in the last 15 years and that Kelly Profenno's good work should be recognized.

Chair Cassida sadly announced that long-time Town employee, Al Thompson passed away last week. He worked for the Town 38 years and spent 46 years with the Fire Company. Chair Cassida called for a moment of silence.

Councilor Bishop announced that there was a very successful Volunteer Picnic on Sunday, which was well attended. She thanked all of the "chicken burners" and the businesses that donated gifts for the raffle. She noted that the Harraseeket Inn donated a \$500 package, which

was raffled. \$180 was raised from this one item and donated to the Food Pantry. The Council thanked Councilor Bishop for all her hard work in making this event so successful.

Councilor White pointed out that the third Regional Planning meeting would be held tomorrow night at 7 p.m. at the Pownal Elementary School. He will provide an update later in the meeting under "Under Business".

Councilor DeGrandpre noted that the committee working on the Comprehensive Planning Survey would be meeting in the Council Chambers tomorrow night. It will be their second meeting and will be interesting.

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)

Chris Grimm, parent of two small children, had questions regarding school consolidation and asked the Council to draw the entire Town into discussions before voters are shown a plan. Chair Cassida assured Mr. Grimm that this item would be discussed under "Under Business".

John Jaques of Wolfe Neck pointed out he is concerned with the direction the Town is taking on school consolidation. He mentioned that other towns are bringing the public in to get feedback. He encouraged the Council to get some information out to the public. Councilor White explained that the RPC discussed holding a public meeting before December 1 but they have not determined what it will look like yet. He did not have a specific date this evening. He noted that the committee is in the beginning stage of the process. He urged Mr. Grimm and Mr. Jaques to stay for his update that will come later in the meeting.

MOVED AND SECONDED: To close the Public Comment Period.
(Migliaccio & White) **VOTE:** (6 Ayes)

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

ITEM #163-07 To consider action relative to proposed amendments to the General Assistance Ordinance concerning Appendixes Updates (Maximum Levels of Assistance) (Chapter 46). **Public Hearing**

MOVED AND SECONDED: That the Public Hearing be opened. (Beaulieu & DeGrandpre) **VOTE:** (6 Ayes)

Mr. Olmstead provided an update for the Council.

MOVED AND SECONDED: That the Public Hearing be closed. (Beaulieu &

White) **VOTE:** (6 Ayes)

BE IT ORDERED: That the proposed amendments to the General Assistance Ordinance be approved. (Beaulieu & DeGrandpre) **ROLL CALL VOTE:** (6 Ayes)

ITEM #164-07 To consider action relative to adopting a new Investment Policy for the Town of Freeport.

BE IT ORDERED: That the proposed investment policy for the Town of Freeport dated October 16, 2007 be adopted. (DeGrandpre & Beaulieu)

Mr. Olmstead mentioned that the date should be amended to the 12th.

MOVED AND SECONDED: To change the date of the investment policy to October 12, 2007. (DeGrandpre & White) **VOTE:** (6 Ayes)

Greg L'Heureux, Finance Director) reviewed the Investment Policy provided to Councilors. He advised that this supersedes the policy that was in place which was limited to the Town's Reserve Funds. This is a broad policy covering all the Town's investments. Discussion followed.

Councilor Beaulieu referred to Page 3, No. 2 and wanted to go on record to stay away from the Federal Instrumentality Securities such as Federal Home Loan Banks and Student Loan Marketing Association. Mr. L'Heureux answered questions for Councilors.

ROLL CALL VOTE ON AMENDED ORDER: (6 Ayes)

OTHER BUSINESS:

Councilor Migliaccio suggested changing the order of items and other Councilors concurred.

1. School Consolidation Update.

Councilor White explained that he would like to provide a high-level overview of where the Freeport, Pownal, Durham RPC process is and then provide an update on discussions that Freeport and Pownal have been having with Yarmouth on two occasions.

Freeport, Pownal and Durham have had two meetings to date. Their third meeting is scheduled for tomorrow night. They have gotten to know one another and set up some ground rules. They have discussed how to communicate out to the public. They have elected chair people for the Freeport, Pownal, and Durham RPC. They have discussed timelines and began setting up sub-committees. They need to share a plan that shows direction and structure with the Commissioner by December 1. He referred to a flowchart that was provided. The State is the sponsor of this process and Robert Kautz is a State facilitator that can answer questions accurately.

He explained that this process is not about preserving or improving education. It is about saving money at the Administrative level. They are in the process of developing a fourth subcommittee to focus on academics and it will report out on it at tomorrow night's meeting. The RPC has agreed that information will be provided on each school's website. Selectmen and Councilor White will keep their groups informed. The communities that have cable channels will provide information there.

Councilor White noted Freeport's options:

- Freeport, Pownal and Durham
- Stand Alone
- Freeport, Pownal
- Stand Alone

They must look ahead and bring the information to a public forum.

Councilor White advised that Freeport, Pownal and Yarmouth have met on two occasions. He categorized the meetings as informational and educational. It was a fact-finding process to determine if there is anything for us in the future. Yarmouth has been approved by the State to stand alone as a high-performing school. They do not have to consolidate and their timeline is different. They have a three-year window. When you get to the financials, it would cost Freeport \$1.2 million to consolidate with Yarmouth. Yarmouth was clear that they had all the information they needed at this time and there is no value added to meet again before their public forum. Regionalization in a collaborative manner may occur with Yarmouth at some point in the future.

Councilor White noted that Pownal feels some responsibility and loyalty to Durham. They are both small entities.

Chair Cassida thanked Councilor White for this detailed report. He noted that the RPC will develop a plan that will go to the voters and he encouraged Councilors or members of the public that have questions, concerns or comments to contact Rick White, John Gleason, Fred Palmer, Marge Migliaccio or Nelson Larkins.

Chair Cassida asked if Councilors needed any information that Councilor White could bring to future meetings. Councilor DeGrandpre would like the RPC to work through our real budget numbers and not the EPS modeling. He feels it is important to have this information.

Councilor Migliaccio noted that he doesn't want to enter a partnership with two towns that have voucher programs. Councilor White advised it is inherent in the process and recalled sentiment on "if they have choice, we should have choice." Councilor Migliaccio noted we should be paying per pupil as opposed to on a valuation basis. He would like the Town's Finance Manager involved in the budget development. He would also like to see what the "opt out" model looks like.

Councilor White cautioned that at some point there will be pressure to close some schools.

Councilor Beaulieu thanked the committee for working on such a tough assignment. She asked Councilor White if the plan is to have a public referendum sometime in June and Councilor White stated it to be so.

2. Discussion on the Harraseeket River Dye Study results.

Chair Cassida mentioned that Rod Regier provided an update at the Council's last meeting. We left that meeting with several tasks to accomplish. Tom Kay, Shellfish Warden, has worked up a calculation where he estimates the number of bushels, the number of harvesters that could benefit and the number of harvestable days in one year and comes up with \$1.8 million of clams in the closure area. It is a finite resource. This gives us a base line.

The Council asked the Town Manager to consult with the Town Attorney regarding what our legal options might be. Geoff Hole advises that there is a procedure to challenge the State's recommendation if we so choose. His letter makes it very clear that if we were to consider that, we would have to have some qualified professional review this and give a contrary opinion to the DMR's finding. To do this based on the good work that Rod Regier has done would not be considered adequate based on any kind of challenge. He thinks we are getting a strong recommendation from the Town's Attorney to seek out a second opinion in this process.

The last thing we were charged with doing was to meet with the Commissioner of DMR. Chair Cassida met with him yesterday morning and had a frank discussion about the process and the way they see things moving forward. They talked about posting the dye study on the website. DMR's opinion is that it is their duty as a public agency to publish their findings for public information purposes. They would not agree to remove the results from the dye study from their website. It is debatable whether the findings should be called final or not final. The long and short of it is that they are their findings and they want people to have access to them. Many of their findings are disputed in one way or another and it doesn't mean that they don't post their findings once they make them. The Commissioner reiterated that they made an agreement with the Town of Freeport on August 3 to give consideration to the peer review comments addressing the questions we had relative to the dye study. The Commissioner has not spoken to his staff as of yesterday that was privy to the comments from those peer reviewers. Chair Cassida understands that basically two of the reviewers have deferred comment because they didn't have time until the end of October and one did not specifically address the issues we have raised. The Commissioner stated that a non-comment is a vote of support. The Commissioner agreed to check with his staff and would contact Chair Cassida today. Chair Cassida checked his messages but did not find one today. He may have a further update at a future meeting.

Chair Cassida asked if the Town were to engage in an independent analysis of the dye study, would the DMR give careful consideration to a finding by someone else. The Commissioner deferred answering this question. He would not make a firm commitment on a contrary finding.

Chair Cassida noted that a professional finding would help the Town. Before hiring anyone, he would the DMR to acknowledge that this person is a qualified professional upfront. They don't have to make any commitment on whether they will accept the findings or not. This would give us the confidence to go forward.

Chair Cassida met with Mr. Regier today and learned that he has not yet gotten together a list of individuals or any estimates. Chair Cassida suggested keeping this item on the next agenda to keep the spirit hot to try to get the list and the cost. Once we have the information, we should ask the DMR if they would accept these individuals' qualifications at the very least. Chair Cassida is trying to get a handle on how much another dye study would cost. We need to keep on top of this and move forward.

3. Information Exchange.

Councilor Beaulieu thanked Mr. Olmstead for providing the first quarter's financials. She had questions about the Police budget. Mr. Olmstead advised that the lines are off. She asked if the Council could get the same type of quarterly report from the School Department after reviewing Portland's problems. Chair Cassida offered to put the request to the School Department.

ITEM #165-07 To consider action relative to an executive session to discuss the Town Manager's Annual Evaluation and Administrative Employment Agreements (M.S.R.S. Title 1 Section 405 § 6A).

MOVED AND SECONDED: That the Town Council enter into executive session to discuss the Town Manager's Annual Evaluation and Administrative Employment Agreements. (Migliaccio & Bishop) **VOTE:** (6 Ayes)

MOVED AND SECONDED: That the Council reconvene. (White & Beaulieu) **VOTE:** (6 Ayes)

MOVED AND SECONDED: That the Town Manager be authorized to sign and execute an Administrative Employment Agreement between the Town of Freeport and Darrell Fournier dated October 16, 2007. (Beaulieu & Bishop) **VOTE:** 6 Ayes

MOVED AND SECONDED: To adjourn at 10:17 p.m. (White & Bishop) **VOTE:** (6 Ayes)

Respectfully Submitted,

Sharon Coffin
Council Secretary

MINUTES
ORGANIZATIONAL COUNCIL MEETING #18-07
FREEPORT TOWN HALL COUNCIL CHAMBERS
NOVEMBER 13, 2007 – 7 P.M.

CHAIRPERSON'S CALL TO ORDER

PRESENT ABSENT EXCUSED

| | |
|----------------------------------------|---|
| Genie Beaulieu, P.O. Box 74 | x |
| Charlotte Bishop, Maquoit Drive | x |
| James Cassida, 5 Timber Ridge Road | x |
| Rich DeGrandpre, Timber Ridge Road | x |
| Joe Migliaccio, 2 Vinmar Lane | x |
| Frederick White, 45 Pleasant Hill Road | x |

Chair Cassida called the meeting to order at 7:03 p.m. and took roll call.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #17-2006 held on October 16, 2007 and accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #17-2006 held on October 16, 2007 and accept the Minutes as printed. (Migliaccio & White)

VOTE: (6 Ayes)

ANNOUNCEMENTS:

Chair Cassida announced that if anyone needs help understanding their Medicare prescription drug coverage, they could schedule an appointment with a professional from the Southern Maine Agency on Aging. The meetings will be held at the Freeport Library. Appointments are necessary and residents should call 1 877 353-3771 or 396-6500. These numbers are posted on the Town's website.

Chair Cassida noted that the Town is accepting nominations for CITIZEN OF THE YEAR. This annual award is given to an individual that has contributed to the quality of the Town, the well being of its citizens and the reputation of Freeport. Nominations should be sent to Town Hall before November 26. Application forms are available at Town Hall.

The Azure Café will be providing Freeport citizens with a Thanksgiving Dinner at the Freeport Community Center on Thanksgiving Day from 11 a.m. to 2 p.m. It is necessary to call Sue Mack at 869-1055 to reserve a seat. There is no charge for the meal. Chair Cassida thanked the Azure Café for providing this meal to the citizens of Freeport.

SECOND ORDER OF BUSINESS: That the Town Clerk report on the returns of the November 6, 2007 Election.

Bev Curry, Town Clerk, reported:

Total number of registered voters at the start of voting—5,964
Number of voters who registered on Election Day—35
Total number of State ballots cast—1,978

**Total percentage of voters who cast ballots—33%
Number of Absentee Ballots requested—248 (12.5% of votes cast)**

Voters elected the following candidates to Municipal Office:

**District I Councilor (3 Year-Term) Genie Beaulieu—316 votes
Councilor-at-Large (3 Year-Term) William Muldoon—1,552 votes**

**School Committee (3 Year-Terms)
Sean Crean—1,279 votes
John Morang—1,426 votes**

**Sewer District Trustees (3 Year-Terms)
Donald Dorsey—1,139 votes
Edward Hindley—829 votes**

**Water District Trustee (3 Year-Term)
John Karp—1,186 votes**

Question 1: Bond Issue (Shall the issuance of general obligation bonds of the County of Cumberland be authorized in an amount not to exceed \$1,700,000 to fund the costs of an upgraded radio and data transmission system for County law enforcement and emergency response purposes?)

Yes—1,190

No—711

Question 2: Bond Issue (Shall the issuance of general obligation bonds of the County of Cumberland be authorized in an amount not to exceed \$1,100,000 for the construction of an expanded medical facility at the Cumberland County Jail?)

Yes—859

No—990

Question 3: County Commissioner Redistrict (Do you favor the Maine State Legislature increasing the number of Cumberland County Commissioner Districts from three (3) to seven (7)?)

Yes—422

No—848

Question 1: Citizen Initiative (Do you want to allow a Maine tribe to run a harness racing track with slot machines and high-stakes beano games in Washington County?)

Yes—781

No—1,165

Question 2: Bond Issue (Do you favor a bond issue to stimulate economic development and job creation that would provide \$5,000,000 in loans and grant funds and would provide \$50,000,000 in research, development and commercialization funds for targeted technology sectors, awarded after a competitive process administered by the Maine Technology Institute, and will leverage at least \$50,000,000 in other funds?)

Yes—1,097

No—840

Question 3. Bond Issue (Do you favor a \$43,500,000 bond issue for interior and exterior building renovations, improvements and additions at all campuses of the Maine Community College System, the

Maine Maritime Academy and the University of Maine System; to replenish the School Revolving Renovation Fund for school repairs and renovations; and to support capital improvements for cultural and educational assets such as museums, historical facilities and libraries?)

Yes—1,132

No—814

Question 4: Bond Issue (Do you favor a \$35,500,000 bond issue to invest in land conservation, water access, wildlife habitat, outdoor recreation opportunities, including hunting and fishing, farmland and working waterfront and to invest in state parks, historic sites and riverfront, community and farm infrastructure to be matched by at least \$21,875,000 in private and public contributions?)

Yes—1,407

No—558

Question 5: Referendum Question (Do you favor extending term limits for Legislators from 4 to 6 terms?)

Yes—772

No—1,155

Ms. Curry thanked all the election workers for carrying out their jobs with competence, sensitivity and good humor. She answered questions for Councilors.

MOVED AND SECONDED: That the Town Clerk's Report be accepted. (Migliaccio & Bishop) **VOTE:** (6 Ayes)

SWEARING IN OF NEW COUNCILORS:

Town Clerk Curry swore in Genie Beaulieu and Bill Muldoon. Applause followed.

ROLL CALL OF NEW MEMBERS:

PRESENT ABSENT EXCUSED

| | |
|----------------------------------------|---|
| James Cassida, 5 Timber Ridge Road | x |
| Charlotte Bishop, Maquoit Drive | x |
| Rich DeGrandpre, Timber Ridge Road | x |
| Frederick White, 45 Pleasant Hill Road | x |
| Genie Beaulieu, PO Box 74 | x |
| Joe Migliaccio, 2 Vin Mar Lane | x |
| William Muldoon, 2 Roos Hill Drive | x |

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

MOVED AND SECONDED: To open the Public Comment Period. (White & DeGrandpre) **VOTE:** (6 Ayes)

John Jaques of Wolfe Neck Road requested that the Town Council begin to engage in conversations with L.L. Bean to swap the Morse Street School property and the high school property for a larger property on Desert Road.

MOVED AND SECONDED: To close the Public Comment Period. (White & Bishop) **VOTE:** (6 Ayes)

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

ITEM #166-07 To consider action relative to the electing of a chairperson and a vice-chairperson for the Town Council.

MOVED AND SECONDED: That the nominations for the position of Council Chairperson be accepted. (White & Migliaccio) **VOTE:** (7 Ayes)

MOVED AND SECONDED: To nominate Richard DeGrandpre to serve as Chairperson of the Town Council. (Bishop & Migliaccio)

MOVED AND SECONDED: That the nominations cease. (Beaulieu & White)
VOTE: (7 Ayes)

BE IT ORDERED: That Richard DeGrandpre be elected Chairperson of the Town Council. (White & Migliaccio) **ROLL CALL VOTE:** (7 Ayes)

Former Chair Cassida turned over the gavel to Chair DeGrandpre.

MOVED AND SECONDED: That the nominations for the position of Council Vice Chairperson be accepted. (Migliaccio & White) **VOTE:** (7 Ayes)

MOVED AND SECONDED: To nominate Charlotte Bishop for the position of Vice Chairperson of the Town Council. (White & Migliaccio)

MOVED AND SECONDED: That the nominations cease. (Beaulieu & White)
VOTE: (7 Ayes)

BE IT ORDERED: That Charlotte Bishop be elected Vice Chairperson of the Town Council. (White & Migliaccio) **ROLL CALL VOTE:** (7 Ayes)

Chair DeGrandpre thanked former Chair Cassida for all his hard work and presented him with a gift. Former Chair Cassida thanked him and encouraged everyone to continue to work together. Chair DeGrandpre also thanked John Arsenault for his many years of service to the Town of Freeport.

ITEM #167-07 To consider action relative to amendments to the Zoning Ordinance (Section 409,104,514,201 and 427), Zoning Map, and Comprehensive Plan (Sections VI and VII) concerning the Route One South Corridor. Chapter 21.

BE IT ORDERED: That a Public Hearing be scheduled for December 18, 2007 at 7:00 PM in the Town Hall Council Chambers to discuss the amendments regarding the Route One South Corridor.

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 3 and the Town's website. (White & Bishop)

Councilor Beaulieu mentioned that she has questions regarding some of the proposed changes. She asked if she should e-mail her questions to Donna Larson so that she can get the answers. Ms. Larson could e-mail her reply back to all Councilors. Mr. Olmstead suggested that she e-mail her questions to Donna and copy the entire Council. Chair DeGrandpre urged Councilors to read through the amendments carefully. He read the highlights of the amendments into the public record. Councilor Migliaccio pointed out that the zoning changes for Route One South are not just for commercial development. He urged people to get out and speak to it at the Public Hearing.

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS:

Request by FMA for Town to sponsor Sparkle Parade.

Chair DeGrandpre explained that the Freeport Merchants Association is requesting the Town to participate in producing the Sparkle Weekend Parade for November 30 under the umbrella of the Town's insurance policy in the same manner as the Fourth of July Parade. Mr. Olmstead noted that there are restrictions that the Town's insurance carrier requires that were placed upon the Fourth of July Parade. Chair DeGrandpre read through the guidelines:

1. No child under 12 on a float without parent supervision.
2. No child under the age of 6 unless the supervising parent signs a waiver of liability in favor of the Town.
3. No throwing candy from floats
4. No horses.
5. Utilize experienced public safety personnel to line up floats and direct traffic.
6. Set up/line up of floats to occur on Town and not private property.
7. Each organization involved in the parade to sign a waiver of liability.

Councilor Beaulieu shared her concerns and pointed out potential problems. Dick Collins answered questions for Councilors. Discussion followed.

MOVED AND SECONDED: To sponsor the parade with the following amendments:

1. No child under 12 on a float without parent supervision **on the float.**
3. No throwing of candy **during parade.** (Cassida & Bishop) **ROLL CALL VOTE:** (7 Ayes)

Discussion on Harraseeket River Dye Study.

Councilor Cassida updated the Council on the Dye Study. He has not had any additional contact with the DMR on this issue since the last Council meeting. He asked Rod Regier to report on the progress he has made in identifying possible independent peer reviewers. He also has preliminary figures on what the cost structure may look like and has some conversations with DMR. Mr. Regier first explained that he participated a few weeks ago when three outside reviewers were in Maine spending time in labs, on the coast and on the clam flats. He is comfortable that people that have something to say will listen to them. He is confident that the response to the State Legislature will be in within two months. It looks like an honest process. He noted how important David Webster's role has been to this matter.

He explained that regarding the Dye Study; he is hoping to receive the Council's blessing to work with Tim Bridges and DMR representatives to resolve the analytical problems in the data internally. If that doesn't happen, he asked the Council to formulate a RFQ for independent peer reviewers with qualifications that are acceptable to DMR. He has spoken to people that have the expertise necessary and estimates it will cost between \$5,000-\$8,000 for the pair of them. He has a rough outline, which needs to be flushed out with the Town Manager and Council leadership and asked for Council consensus. Discussion followed.

There was Council consensus to go with the first request. If Mr. Regier is successful, he won't have to do the second. Councilor Cassida is confident that an RFQ for independent peer reviewers can be drafted to hit the target and is comfortable authorizing Mr. Regier, Mr. Olmstead and Council leadership to develop the RFQ together. Before any money is spent, it will have to come back to the Council. Councilor White would appreciate seeing the RFQ in his packet. Chair DeGrandpre noted that everybody will get a copy. Councilor Cassida offered to place a call to the Deputy Commissioner tomorrow and will try to confirm a meeting time for Mr. Regier. He will let Mr. Regier know what transpires.

School Consolidation update.

Councilor White provided an update to Councilors. They have had one meeting since the last update. This has become a complex process. There is a very structured process that they are following and they will be at it for some time. They held one public meeting and had 60-80 people in attendance and Superintendent Elaine Tomaszewski provided an overview of options available to Freeport. A second community gathering will be structured soon. They have formed a new Education Committee to examine the strengths, opportunities and threats that accompany consolidation. Discussion followed. Towns that currently have choice, will have choice in the new RSU. If the towns make a decision to not relinquish choice, that decision is protected. A workshop is going to be set up for school finance with the State Facilitator. An important piece is that the best plan for consolidation will be placed before the voters.

David Webster explained that Legislature leadership is sponsoring a new bill that will bundle all the proposals into one legislation. He has no sense of where choice is on the Legislature's radar. He offered to download the e-mail from the Commissioner regarding tuition for sending a student out of the RSP. Councilor White noted that Durham is going to have a public meeting next week to discuss consolidation and school choice and determine where they are.

Councilor Cassida noted that the public will have a say in authorizing the School budget after the Council approves it. The Municipal budget will most likely have to be approved 30 days earlier, probably in April. Councilors shared their concerns. More discussion followed. Chair DeGrandpre mentioned that this is the most important decision we will make in our lifetimes.

Councilor Beaulieu feels that the committee is representing the citizens of Freeport and any concerns should be addressed to committee members. Chair DeGrandpre thanked Councilor White and Representative Webster for their input.

Report from Municipal Facilities Committee on the disposition of Tax Acquired Property.
Councilor DeGrandpre mentioned that the Committee made some decisions at its last meeting. They decided to enter into a payment agreement with Caroline Faulkner and Mr. Olmstead indicated that this has been done.

On the Curtis property on South Street, the committee recommends the Town clear the title, purchase title insurance and hold onto the land. The building can be offered to anyone willing to pay the expense of moving it. If there are no takers, the house should be burned by the Fire Department. There is an

outstanding \$25,000 sewer bill on this property and this needs to be dealt with before clearing the title. Mr. Olmstead suggested taking the money from the sale of the Desert Road property. The family has chosen not to redeem the property. Councilor Cassida wanted some provision that if the property is sold, the money should be repaid.

MOVED AND SECONDED: To authorize the Town Manager to advertise the Curtis house to be donated for the cost of moving and authority to pay the outstanding sewer bill out of the Desert Road property sale. The money will be repaid in the event the property is sold in the future. (Beaulieu & Migliaccio) **ROLL CALL VOTE:** (7 Ayes)

Chair DeGrandpre is trying to schedule a meeting with Mr. Randall and his attorney to discuss the Cove Road property. He is hoping to meet with them before the next Council meeting.

Informational Exchange

Mr. Olmstead passed out the usual paperwork for committee assignments and goals and asked everyone to review their information on Page 1 and make any changes. This information goes on the Town's website. If anyone doesn't want their phone number or e-mail address included, they should strike it out. Councilor Cassida indicated that a separate list of these numbers could be provided to fellow Councilors. He noted his phone number is shown incorrectly.

Chair DeGrandpre mentioned that he included last year's goals to give everyone an idea what they were and perhaps get a grade. Mr. Olmstead explained that Councilors should provide their goals on this list and the Council leadership will adopt 3-5 from the 7 lists as Council goals and then the other goals will become individual goals. Councilor Migliaccio would like to set some time aside to review last year's goals and see how the Council did. Chair DeGrandpre explained current appointments. He urged Councilors to call Mr. Olmstead or him if there are any questions. These need to be back by November 21.

Councilor Migliaccio mentioned the survey that should be in the mail to Freeport residents. Chair DeGrandpre mentioned that if anyone has not received one, they should notify the Town. It should be returned by November 20. Councilor Migliaccio urged residents to complete the survey and return it promptly. If anyone needs help, they can contact the Town Planner's office. He also asked if a slide could be put on cable reminding residents to fill out their surveys.

MOVED AND SECONDED To adjourn at 9:15 p.m. (Beaulieu & White) **VOTE:** (7 Ayes)

Respectfully Submitted,

Sharon Coffin
Council Secretary

**MINUTES
FREEPORT TOWN COUNCIL MEETING #19-07
COUNCIL CHAMBERS
DECEMBER 4, 2007**

CHAIRPERSON'S CALL TO ORDER

PRESENT ABSENT EXCUSED

| | | | |
|----------------------------------------|---|--|---|
| James Cassida, 5 Timber Ridge Road | x | | |
| Charlotte Bishop, Maquoit Drive | x | | |
| Rich DeGrandpre, Timber Ridge Road | x | | |
| Frederick White, 45 Pleasant Hill Road | | | x |
| Genie Beaulieu, PO Box 74 | x | | |
| Joe Migliaccio, 2 Vin Mar Lane | x | | |
| William Muldoon, 2 Roos Hill Drive | x | | |

Chair DeGrandpre called the meeting to order at 7:05 p.m. and took roll call. He noted that Councilor White is excused this evening.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #18-07 held on November 13 and accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #18-07 held on November 13 and accept the Minutes as printed. (Cassida & Bishop) **VOTE:** (6 Ayes) (1 Excused—White)

SECOND ORDER OF BUSINESS: Announcements

Chair DeGrandpre announced that residents should have received the Community Attitude Survey. If anyone hasn't received it, there are some available at the Town Hall. If someone disagrees with their spouse, they can pick up another copy. The deadline for getting them back has been extended to December 14. Councilor Cassida mentioned that some residents took offense that their name was not on the survey. One survey was mailed to a household. Councilor Beaulieu noted concerns with giving some families two surveys while others only get one. She feels it is unfair unless everyone gets another one for his or her spouse/significant other. Mr. Olmstead advised that 200 surveys have been picked up at Town Hall. Councilor Cassida suggested discussing this under "Other Business." Other Councilors concurred.

Chair DeGrandpre announced that the School Consolidation RPC meets next Wednesday night in Pownal. Councilor Migliaccio offered to look up the meeting schedule but believes the meeting will actually be held tomorrow night in Pownal. Chair DeGrandpre offered to get back to everyone on this.

Rick Simard provided a schedule for Chair DeGrandpre.

December 5 – The meeting will be held at the Pownal Elementary School
December 19 – The meeting will be held in Durham
January 9 – The meeting will be in Freeport, the location is unknown at this time
January 23 – The meeting will be held in Pownal
February 13 – The meeting will be held in Durham
February 27 – The meeting will be in Freeport, the location is unknown at this time
March 5 – the meeting will be held at the Pownal Elementary School
March 19 – the meeting will be held in Durham

Councilor Migliaccio advised that last week's consolidation meeting was a good meeting. Councilor White encouraged people interested in the school choice voucher system to plan on attending tomorrow night's meeting. He mentioned that the letter submitted by the School Committee contained language to ask for other combinations if the one we are putting forth now doesn't work.

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

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

Dan Mains of Thunder Road asked the Council to suspend the legal action the Town has against him because he has done a lot to comply. Mr. Olmstead explained where the Town is in the process. Mr. Mains explained why he did not sign the Consent Agreement prepared a year ago. Chair DeGrandpre offered to review the Consent Agreement prepared by the Town Attorney. Mr. Mains objected to Chair DeGrandpre because he believes it would be a conflict of interest since they are both self employed in an auto repair business and competing for the same customers. He had no objection to Vice Chair Bishop reviewing the Consent Agreement. Councilor Bishop offered to get back to him before it goes to court.

MOVED AND SECONDED: To close the Public Comment Period. (Beaulieu & Bishop) **VOTE:** (6 Ayes) (1 Excused—White)

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

ITEM #173-07 To consider action relative to adopting the December 4, 2007 Consent Agenda.

BE IT ORDERED: That the December 4, 2007 Consent Agenda be adopted. (Beaulieu & Cassida)

Chair DeGrandpre reviewed the items for members of the public. Mr. Olmstead referred to the Town Council Meeting Schedule and noted the words "Pre Budget Discussion" should be

deleted from the January 15 Workshop and the March 21 date should be changed to March 25. He also referred to Item 172-07 relative to accepting a bid for a new fire vehicle. He noted that after running the numbers, it makes sense to do a partial pre payment.

ROLL CALL VOTE: (6 Ayes) (1 Excused—White)

ITEM #174-07 To consider action relative to a proposed amendment to the Sign Ordinance concerning Temporary Banners (Chapter 23).

BE IT ORDERED: That the Public Hearing be scheduled for December 18, 2007 at 7:00 PM in the Town Hall Council Chambers to discuss a proposed amendment to the Sign Ordinance concerning Temporary Banners.

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 3 and the Town's website. (Bishop & Muldoon)

Councilor Muldoon asked for some background information. Mr. Olmstead provided an explanation and noted that the Codes Enforcement Officer is requesting this amendment. Councilor Muldoon wants to be sure the non-profits are made aware that this is happening and pointed out that some organizations put up non-event banners. He also suggested that the \$100 fee be examined carefully. He suggested looking at the log of organizations that have put up banners during the past year to make sure they are made aware of the amendment. Mr. Olmstead offered to look at the list and will have Mr. Reeder here to discuss the fee at the public hearing.

ROLL CALL VOTE: (6 Ayes) (1 Excused—White)

ITEM #175-07 To consider action relative to adopting an Emergency Operations Plan for the Town of Freeport.

BE IT ORDERED: That the proposed Emergency Operation Plan for the Town of Freeport dated November 8, 2007 be adopted. (Cassida & Migliaccio)

Chief Fournier explained the Plan to Councilors and answered questions. He plans to use this document when emergencies, such as the Patriot's Day storm occur. Councilor Beaulieu suggested that the Fire Chief check to make sure the generator is operational and perhaps request that a yearly report of its condition be received from the School Department. Chief Fournier offered to check with the School Department.

Councilor Beaulieu asked who would be next in line in the event the Town Manager was not available. Chief Fournier indicated that Judy Hawley would be in charge under the Town Charter. Chief Fournier explained the NIMS training to Councilors.

Councilor Migliaccio mentioned training and Chief Fournier agreed it would be helpful to do a training presentation with everyone involved. Councilor Migliaccio suggested taping the presentation and playing it on cable to make the public aware of the plan. Chief Fournier is planning to provide a program to the Elders. Councilor Bishop noted it would be helpful to tape it and play it on cable. Chief Fournier offered to check with Rick Simard. Chair DeGrandpre asked if the draft plan has been reviewed by County and State government. Chief Fournier mentioned that County has reviewed it.

ROLL CALL VOTE: (6 Ayes) (1 Excused—White)

OTHER BUSINESS:

1. Town Council Committee Assignments for 2008.

Chair DeGrandpre mentioned the '08 assignments and asked if anyone had any problems or concerns. Councilor Migliaccio pointed out that he has a problem coordinating the meeting times in Portland with the County Budget Committee. Councilor Beaulieu noted that she is at these meetings anyway and it is not a voting seat. She is willing to bring the information back to the Council and much of the information comes in e-mail form. She does have a conflict of interest since she cannot vote on her own budget. She can, however, provide feedback. Mr. Olmstead advised that the District has a vote and he mentioned that staff could attend these meetings. The seat will come up for vote next year and Freeport could run for the seat. There was consensus that Councilor Beaulieu bring back the information since Councilor Migliaccio has difficulty attending these meetings.

2. Town Council Goals for 2008.

Chair DeGrandpre referred to the Goals and read them into the public record. Councilor Muldoon mentioned Goal #3 and asked why the merger of FEDC and FMA into a Freeport Chamber of Commerce is being considered. Mr. Olmstead provided an explanation. Councilor Muldoon suggested expanding the title and perhaps providing more explanation such as a "broader inclusiveness" and the reasons we are considering this. Other Councilors concurred.

Councilor Migliaccio would like to put to bed the contract zoning criteria. Councilor Cassida mentioned that this has to be brought forward by the Planning Board. Discussion followed. Chair DeGrandpre mentioned that the goals would be revised and brought back.

3. MMA Workers Comp Fund Stewardship Report.

Councilor DeGrandpre asked Mr. Olmstead to explain this item. Mr. Olmstead explained how the Town has earned credits by reducing its Workers Compensation program. He noted that the rates for health insurance costs are dropping this year and the goal is to make Town employees

healthier this year and keep them healthy. He would like to use some of the savings to beef up the Wellness Program.

4. Review Council meeting schedule and considered workshops with the Town Attorney. Councilor Bishop suggested that Councilors provide any questions in advance for the Town Attorney. Chair DeGrandpre noted that there may be some questions around school consolidation but if anyone has questions, they should be provided to Mr. Olmstead before January 22.

5. Update on School Consolidation
Councilor White is excused this evening but Chair DeGrandpre mentioned that there haven't been many changes except for the letter sent to Augusta which is on the School's website. The schedule of meetings is also on the School's website.

6. Discussion on Fireworks Displays
Councilor Beaulieu asked that an explanation on the process be given. Mr. Olmstead provided information on how a fireworks display can take place in Freeport. In the past the Town Council and the School Department agreed that the School Department would govern activities on school property. He is not aware of any fireworks ordinances.

Susan Campbell of Hunter Road voiced concerns with fireworks and the impact on her farm animals, particularly an older pony that suffers from panic attacks. She has contacted L.L. Bean that is planning fireworks displays during the month of December. Their offers to board the pony for the month of December out of Freeport or picking it up on Saturdays were ruled out by Ms. Campbell's veterinarian. She views six fireworks displays in any month of the year as excessive and asked the Council to determine what amount is reasonable. Discussion followed.

Councilor Migliaccio suggested asking the Ordinance Committee to ask for feedback from the public. He wants to be sure that the public has an opportunity to be notified when fireworks are planned in their neighborhoods. Chair DeGrandpre mentioned that this is an expensive thing to do and this is an extraordinary year for L.L. Bean celebrating their 95th birthday. Councilor Cassida noted he has concerns with over regulation in general but agreed it may be useful to do some research if there is reasonable standards for fireworks. It's a complicated issue.

Councilor Bishop noted that she is grateful that L.L. Bean provided notice on their fireworks display. Since not everyone received a notice, Mr. Olmstead offered to check and see what criteria they used to send out their notices.

Councilor Cassida offered to do some research in the next month or so to see what is available for fireworks ordinances and the type of language that is available for guidance. If there is anything the Council wants to pursue, it can then be forwarded to the Ordinance Committee. Mr. Olmstead offered to get Councilor Cassida a list of fireworks permits in surrounding communities that have been issued in the last year.

7. Informational Exchange.

School Consolidation—Councilor Migliaccio noted that last week's meeting in Durham was pretty informative. They did another straw vote on the school choice issue and learned that some residents like smaller schools such as Freeport and others prefer Brunswick. He feels straw votes are more of a sentiment-thinking thing.

County Budget—Councilor Beaulieu advised that next Tuesday night the County Commissioners will be meeting with the County Budget Advisory Committee on the budget. They will vote on their budget December 19. She noted that the jail issue did not pass and it probably will be back. There are three or four options to see if we can save money or space. We will most likely see another referendum in the fall.

Comprehensive Plan Survey—Chair DeGrandpre pointed out that there was a distribution of one survey to a household. Councilor Cassida advised that the survey was addressed to him and his wife took offense to it. It was not addressed to head of household. Councilor Migliaccio provided some history on the survey.

Councilor Muldoon agreed that mailing lists are generally not good quality. Given the limited response expected, he would welcome more in quantity. Mr. Olmstead mentioned that he picked up another survey for his wife and his name was put on a list. Discussion followed.

Chair DeGrandpre would prefer more than fewer and agreed it is difficult to have an up-to-date mailing list.

MOVED AND SECONDED: To adjourn at 8:45 p.m. (Beaulieu & Bishop) **VOTE:** (6 Ayes) (1 Excused—White)

Respectfully Submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #20-07
COUNCIL CHAMBERS
DECEMBER 18, 2007

CHAIRPERSON'S CALL TO ORDER

PRESENT ABSENT EXCUSED

| | | |
|----------------------------------------|---|---|
| Genie Beaulieu, P.O. Box 74 | x | |
| Charlotte Bishop, Maquoit Drive | | x |
| James Cassida, 5 Timber Ridge Road | x | |
| Rich DeGrandpre, Timber Ridge Road | x | |
| Joe Migliaccio, 2 Vinmar Lane | x | |
| Bill Muldoon, 2 Roos Hill Drive | x | |
| Frederick White, 45 Pleasant Hill Road | | x |

Chair DeGrandpre called the meeting to order at 7:03 p.m. and took roll call. He noted that Councilors Bishop and White are excused this evening.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #19-07 held on December 4 and accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #18-07 held on December 4 and accept the Minutes as printed.
(Beaulieu & Migliaccio) VOTE: (5 Ayes) (2 Excused—Bishop & White)

SECOND ORDER OF BUSINESS: Announcements

Chair DeGrandpre advised that Town Employees conducted their annual Christmas raffle this afternoon and it generated \$1,500 for the Food Pantry. This amount has been matched by someone so this means \$3,000 will be given to the Food Pantry. The Town Manager was asked to thank the Town staff for their generosity.

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

MOVED AND SECONDED: To open the Public Comment Period on Non-Agenda Items Only. (Muldoon & Migliaccio) **VOTE:** (5 Ayes) (2 Excused—Bishop & White)

There were no public comments.

MOVED AND SECONDED: To close the Public Comment Period. (Cassida & Muldoon) **VOTE:** (5 Ayes) (2 Excused—Bishop & White)

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

ITEM #180-07 To consider action relative to adopting the December 18, 2007 Consent Agenda.

BE IT ORDERED: That the December 18, 2007 Consent Agenda be adopted.
(Beaulieu & Migliaccio)

Chair DeGrandpre outlined the items on the Consent Agenda for members of the public.

ROLL CALL VOTE: (5 Ayes) (2 Excused—Bishop & White)

ITEM #181-07 To consider action relative to amendments to the Zoning Ordinance (Section 409,104,514,201, and 427), Zoning Map, and comprehensive Plan (Sections VI and VII) concerning the Route One South Corridor. (Chapter 21) PUBLIC HEARING.

MOVED AND SECONDED: That the Public Hearing be opened. (Cassida & Beaulieu) **VOTE:** (5 Ayes) (2 Excused—Bishop & White)

Town Planner, Donna Larson explained the proposed amendments. Kate Arno, Vice Chair of the Freeport Economic Development Corporation noted that Stephanie Slocum is unable to attend tonight's meeting. FEDC wanted to go on record in support of the proposed changes. She mentioned that they had significant opportunity for input and the process was open for discussion.

Eldon Morrison, a Route One construction business owner and taxpayer noted that he stands in opposition to these amendments and provided a letter to the Council outlining his opposition points. He noted that these changes will be detrimental to his business and will make it more difficult for him to utilize the land he owns. He explained that he owns 46 acres of land and no one has knocked on his door. He owns large pieces of equipment as well as the Eagle Motel property. He does not agree that both zones should be combined into one zone. He pointed out where his property exists on a map and answered questions for Councilors.

Paul Koziel, supporting Mr. Morrison, thanked the Planning Board for their efforts but noted that the proposed amendments are a bad solution looking for a problem to solve. He is critical of Nos. 6 and 9. They are concerned that they don't know what they will be doing in the future and are critical of the proposed restrictions. They are in opposition to the restrictions placed on construction services and the elimination of the C-2 District. He offered to sit down with the Town Planner but was not contacted to do so. He noted they have been good neighbors through the years and asked that their hands not be tied by these restrictions.

Ken Mann, Freeport resident and Route One property owner, asked the Council to schedule a

workshop on this issue because there are a lot of things that are new to people that attended the public hearings through the years. A lot of things have been put in after the Planning Board's public hearing of October 3. He shared his concerns on process. He discovered that Planning Board members are not allowed to speak to the public outside of public gatherings even though it is public legislation. They could not be invited to do site walks by property owners. He is confident that he can phone any Councilor and his calls would be returned. Ms. Larson advised that the Planning Board did not conduct any site walks but were familiar with the corridor and what existed there.

Mr. Olmstead explained that all public discussions of public proposals need to be held in public. Councilor Cassida advised that he feels the public should be able to call the Planning Board for clarification when necessary. Ms. Larson mentioned that she is available for clarification. Councilor Beaulieu noted that the ability to contact Planning Board members may be a good topic for the Council's legal workshop.

Mr. Mann asked the Council to take their time with this issue and seek a legal opinion. Councilor Muldoon asked Mr. Mann to provide the points brought into legislation after the first public hearing. Mr. Mann indicated that he is not prepared this evening but would be happy to provide them should the Council schedule a workshop. The removal of curb cuts is very important to him.

Andrew Arsenault, Route One resident, advised that he attended all the meetings and wanted to speak to process this evening. He asked the Council to sit down with all the landowners in a workshop. He noted the lack of dialogue between the Planning Board and the landowners and their inability to visit their properties. He has concerns with access points. He has four culverts and four access points. He also has concerns that the "mays" are being changed to "shalls". He wants the language to remain as it is right now. It should be a negotiation process. He feels all the buildings constructed are attractive. He provided a letter opposing the mandatory design standards for U.S. Route One signed by 20 business owners.

Councilor Beaulieu pointed out that the right-of-way in this area meanders. In some places it goes in 50' or 75' and it is not easy to determine where the 330' is because of the takings back in the 50's. Ms. Larson advised that she does not have a copy of a right-of-way map for this area.

Mr. Arsenault advised that Stephanie Slocum has been a tireless worker for the residents of Route One. He pointed out that Exit 20 is now the gateway to Freeport, not Exit 17.

Drew Wing, resident and landowner, explained that he has been involved in the process for sometime and feels that there are two issues here. One is a usage issue for Mr. Morrison and the other is a curb cut issue. He noted that the process was fine but the construction issue was brought up late.

Conan Deady, Planning Board member, emphasized that what was said about process is a red herring. The Planning Board had well attended public hearings and workshops. He highlighted the benefits being proposed for property owners. He suggested that the Council not schedule another workshop.

MOVED AND SECONDED: That the Public Hearing be closed. (Cassida & Migliaccio) **VOTE:** (5 Ayes) (2 Excused—Bishop & White)

Councilor Migliaccio pointed out that he leases property on Route One and probably should recuse himself in voting on this issue because of a potential conflict of interest. He noted that members of his family signed the petition submitted by Mr. Arsenault. There was consensus from Councilors that Councilor Migliaccio did not have a conflict of interest. In the future, Councilor Beaulieu suggested that Councilor Migliaccio should bring a possible conflict up before participating in a discussion for an hour and a half.

Discussion followed. Councilor Cassida had questions for Ms. Larson regarding screening of construction equipment and if the Board considered internal traffic safety issues on narrow lots. Ms. Larson explained the incentive being offered. Andrew Manning, Chair of the Planning Board clarified the proposed amendment. Councilor Cassida wants the Project Review Board to have the flexibility to increase curb cuts where necessary if the property owner can make a case for internal safety reasons. Mr. Manning agreed.

Councilor Beaulieu has problems with the west side. She would like to look at models. She suggested removing #9 from Page 12. On Page 11, D-1 outside storage must be fenced. There is no way to hide large equipment. She noted that performance standards work very well as a "may" and there is no need to make them "shall". She asked everybody to make a list of changes they would like to see and come up with a method for the west side to give them better opportunities to use their land. If they need two curb cuts, they need two.

Mr. Muldoon commended the Planning Board for the work they have done. He is confident that we are very close to where we need to be and agrees that it is not realistic that large construction pieces can be hidden. He does not necessarily agree that the "shalls" should be eliminated because we are moving on a new path and looking to the future. We need to be specific about what we are talking about.

Councilor Migliaccio thanked the Planning Board and everybody in the public that participated. He thought there was a lot of opportunity to interact with the Planning Board. There is a huge opportunity for large buildings in this area. Contract zoning will allow some flexibility for a lot of folks that have concern here. Ms. Larson explained that the lighting section is very specific in the Ordinance. She noted that discussion about maximum size only came up under retail. Councilor Migliaccio suggested discussing sound buffering at some point.

Councilor Cassida noted that not everyone will be happy but he does not see visibility as an issue. He has no problem with removing the "shalls". The right type of buildings seem to be constructed there. He suggested giving it back to the Planning Board and if they decide to have a workshop, the Council can attend and tweak the issues. It does not have to be a joint workshop. He is fine with fencing but he is not sure it is necessary to screen large equipment in this particular area.

Councilor Migliaccio would prefer the Council to take charge and can workshop with the Planner. It has been pushed back to the Planning Board in 16 ways. Chair DeGrandpre agreed

with Councilors Cassida and Beaulieu. He is confident that the Planning Board worked hard and commended them for their work. He summarized the issues in question. More discussion followed.

Mr. Manning does not see any additional information being provided. Safety is the primary concern and he feels there will not be any change. He asked for strict guidance so that they would not go over the same information again. Chair DeGrandpre asked if the Planning Board could come up with language to enable the Project Review Board to determine how many curb cuts are necessary on the western side of Route One for safe access to a particular property. Mr. Manning does not hold out very much hope but will take this issue back.

Mr. Olmstead suggested that Councilors consider developing language for the Planning Board to consider and then have them bring it back. Councilor Cassida offered to develop some language for the Planning Board. Timing was discussed. Councilors agreed to hold another public hearing sometime in March.

Mr. Mann suggested that the Council ask the Ordinance Committee to come up with language on curb cuts and then they will send it to the Planning Board. Councilor Cassida agreed and will schedule an Ordinance Committee meeting tomorrow with Mr. Olmstead. Councilor Migliaccio mentioned that public notice should go out again.

BE IT ORDERED: To table indefinitely and send it to the Ordinance Committee. (Cassida & Migliaccio) **VOTE:** (5 Ayes) (2 Excused—Bishop & White)

Chair DeGrandpre thanked everyone for their input.

ITEM #182-07 To consider action relative to a proposed amendment to the Sign Ordinance concerning Temporary Banners. (Chapter 23). PUBLIC HEARING.

MOVED AND SECONDED: That the Public Hearing be opened. (Muldoon & Cassida) **VOTE:** (5 Ayes) (2 Excused—Bishop & White)

Fred Reeder, Codes Enforcement Officer, explained that he has been dealing with these banners for the last 10-15 years in an informal situation. He feels it is time to get some language in the Ordinance. Banners were permitted for 21 days but he feels 14 days are adequate. There were 6 or 7 applicants this year to advertise particular events. Chief Fournier recommends that the maximum size of the banner be 42" x 30' and the minimum be 32" x 20'. Chief Fournier explained that his staff has been installing these banners because of safety issues. It takes 30-45 minutes for his staff to install a banner. Mr. Olmstead explained that the \$100 installation fee does not cover the cost of installing the banner and our insurance carrier would prefer that we not do this at all.

Councilor Muldoon does not see the need for the installation fee, which demands a change in policy. He is grateful that the Fire Department has installed these banners for the Freeport

Historical Society, St. Jude's Church, etc. He worries about the cost to the non-profits that contribute many things to the Town and suggested limiting it to Freeport organizations. He suggested encouraging the non-profits to give a contribution of \$25 or \$50 to go into the General Fund. Councilor Beaulieu would prefer to not provide this installation service and not allow any banners to be put up. Walbow charges FMA \$100 to install their banners. Councilor Migliaccio suggested adding "beginning of the promotion" and perhaps some rule saying "the installer needs to be acceptable to the Town." Discussion followed. Mr. Reeder indicated that he sent notices to everyone that has asked for banners and no one responded. He does not want to have to approve who can install banners. Mr. Olmstead noted that the Town would experience greater liability if people other than the Fire Department put up the banners. What should be determined is the fee. Councilor Cassida suggested a nominal fee of \$25 for the application and installation.

MOVED AND SECONDED: That the Public Hearing be closed.
(Cassida & Muldoon) **VOTE:** (5 Ayes) (2 Excused—Bishop & White)

MOVED AND SECONDED: To amend Chapter 23: Freeport Sign Ordinance to read:

3.5 Temporary Banners – Temporary banners on the poles provided adjacent to Independence Drive shall be allowed by permit only.

Only Freeport non-profit organizations are permitted to apply. Maximum time allowed for banners is 14 days prior to the event, or the beginning of the promotion advertised and removal is required within 48 hours after the date of the event. ~~Installation is the responsibility of the applicant.~~

Permits are issued on a first come, first serve basis from the Codes Officer.

Maximum size of the banner shall be 42" by 30' and the minimum size shall be 32" x 20'.

\$25.00 flat fee for Temporary banner installation. (Muldoon & Migliaccio)

VOTE: (5 Ayes) (2 Excused—Bishop & White)

BE IT ORDERED: that the proposed amendment to the Sign Ordinance be approved as amended. (Muldoon & Cassida) **VOTE:** (5 Ayes) (2 Excused—Bishop & White)

ITEM #183-07 To consider action relative to authorizing the refunding of 1997 Series A Bonds.

WHEREAS, the Town of Freeport, Maine previously authorized the issuance of \$4,275,000 1997 Series A General Obligation Bonds of the Town to fund the costs of a series of capital improvement projects and for that purpose \$4,275,000 aggregate principal amount of bonds of the Town were issued on January 23, 1997 (the "1997 Bonds"); and

WHEREAS, \$1,450,000 principal amount of the 1997 Bonds remains outstanding; and

WHEREAS, the Town Council of the Town has determined that a refunding, on a current basis, of the outstanding amount of the 1997 Bonds will provide substantial savings to the Town.

NOW, THEREFORE, BE IT VOTED AND RESOLVED BY THE TOWN COUNCIL OF THE TOWN OF FREEPORT, MAINE AS FOLLOWS:

RESOLVED: That pursuant to the provisions of the Charter of the Town, Section 5772 of Title 30-A of the Maine Revised Statutes, as amended, and all other authority thereto enabling, and to provide funds for the redemption and current refunding of the outstanding portion of the 1997 Bonds maturing on and after July 1, 2008, the Treasurer and Chairman of the Town Council of the Town are hereby authorized and empowered in the name and on behalf of the Town to issue up to \$1,450,000 aggregate principal amount of bonds of the Town (the "Refunding Bonds") with such denominations, interest rates, maturities, forms and such other terms and provisions as the officers executing the same may approve, their approval to be conclusively evidenced by their execution thereof, and further

RESOLVED: That the Treasurer and Chairman of the Town Council be and hereby are authorized and empowered, in the name and on behalf of the Town, to execute and deliver, under the seal of the Town attested by its Town Clerk, such agreements, documents and other instruments as the Treasurer and Chairman of the Town Council may deem necessary or appropriate in order to effect such refunding, such agreements and documents and other instruments to contain such terms and provisions, not contrary to the general tenor hereof, as the Treasurer and Chairman of the Town Council may approve, their approval to be conclusively evidenced by their execution thereof; and further

RESOLVED: That the Treasurer, Town Clerk and Chairman of the Town Council and all other proper officials of the Town, be and hereby are, authorized and empowered in its name and on its behalf to do or cause to be done all such acts and things as may be deemed necessary or desirable in order to effect the issuance and delivery of the Refunding Bonds as authorized in this resolution, including without limitation the execution and delivery of such further agreements, documents, certificates and other instruments as may be necessary or appropriate in connection therewith; and further

RESOLVED: That the Treasurer of the Town is authorized to covenant on behalf of the Town and for the benefit of the bondholders, that the Town will take whatever steps, and refrain from taking any action, as may

be necessary or appropriate to ensure that interest on the Refunding Bonds authorized hereunder will remain exempt from federal and State of Maine income taxes. (Beaulieu & Migliaccio)

Greg L'Heureux explained why this item is on tonight's agenda. He answered questions for Councilors. The bonds are intended to go to market the end of January. Savings are expected in the \$60,000-\$70,000 range.

ROLL CALL VOTE: (5 Ayes) (2 Excused—Bishop & White)

ITEM #184-07 To consider action relative to a proposed amendment to the Solid Waste Disposal Ordinance concerning the collection of commercial waste. (Chapter 28).

BE IT ORDERED: That a Public hearing be scheduled for January 8, 2008 at 7 p.m. in the Town Hall Council Chambers to discuss a proposed amendment to the Solid Waste Disposal Ordinance concerning the collection of commercial waste.

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 3 and the Town's website. (Beaulieu & Migliaccio)

Chair DeGrandpre explained that this came to the Council after several meetings with the Traffic and Parking Committee.

ROLL CALL VOTE: (5 Ayes) (2 Excused—Bishop & White)

ITEM #185-07 To consider action relative to adopting Town Council Goals for 2008.

BE IT ORDERED: That the proposed Town Council Goals for 2008 be adopted. (Cassida & Migliaccio)

Councilor Cassida explained that only one change was made.

ROLL CALL VOTE: (5 Ayes) (2 Excused—Bishop & White)

MOVED AND SECONDED: To move an item not on the printed agenda. (Beaulieu & Migliaccio) **VOTE:** (5 Ayes) (2 Excused—Bishop & White)

ITEM #186-07

To consider action relative to a proposed amendment to the Traffic and Parking Ordinance concerning prohibited parking times. (Chapter 48)

BE IT ORDERED: That a Public hearing be scheduled for January 8, 2008 at 7 P.M. in the Town Hall Council Chambers to discuss a proposed amendment to the Traffic and Parking Ordinance concerning prohibited parking times

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 3 and the Town's website. (Beaulieu & Migliaccio) **VOTE:** (5 Ayes) (2 Excused—Bishop & White)

OTHER BUSINESS:

1. **Update on School Consolidation**—Councilor White is excused this evening.

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2. **Discussion on Homeland Security Grant Award.**

Fire Chief Fournier explained that Freeport was awarded a grant this year. Mr. Olmstead explained that these items were scheduled to be purchased by the Town in 2008.

BE IT ORDERED: That the Department of Homeland Security Grant in the amount of \$180,500, to provide for the replacement of Fire Department SCBA Air Packs and an air compressor system be accepted.

BE IT FURTHER ORDERED: That the required matching funds of \$12,525.00 be expended from the Fire Department Capital Rescue Fund. (Beaulieu & Cassida) **VOTE:** (5 Ayes) (2 Excused—Bishop & White)

Councilors commended Chief Fournier for his efforts in attaining this grant.

3. **Discussion on Holiday Hours.**

Mr. Olmstead advised that he surveyed surrounding communities and learned that they are planning to close their offices the day before Christmas and some will have reduced hours on the Monday before New Year's. He is recommending that Municipal buildings be closed on the Monday before Christmas but remain open on the Monday before New Year's for folks registering their vehicles, paying taxes, etc. He will begin advertising the closure tomorrow. There was Council consensus that the Town Office should be closed on December 24.

4. **Informational Exchange**

Councilor Migliaccio pointed out that he provided a letter to Councilors regarding school consolidation. He sent it to Representative Webster. If anyone wants to sign on, send it to Representative Webster. He will send a copy to the School Committee.

Councilor Beaulieu advised that the County voted on its budget last night. The Budget Advisory Committee came in with a somewhat 5.5% overall increase but the Commissioners didn't like it and went to 6.3%. They used up their \$300,000 in savings in health insurance to offset the increase in budget. They cut the Treasurer's salary back to \$5,000 and made a few other changes. She has exact figures at home and asked that the Council not quote her figures tonight.

Councilor Muldoon explained that he is the liaison to FEDC and attended a meeting last week. There is considerable support for the Chamber of Commerce proposal and hope that it moves forward. He also noted there is considerable need for fuel assistance in our community this year and we should be aware of it. Mr. Olmstead added that we are seeing record numbers at our General Assistance Department seeking help with fuel.

Councilor Cassida noted he is Chair of the Ordinance Committee and found a lot of fireworks ordinances across the U.S., but not in Maine. He will report on them at the next meeting and the Council can discuss them.

MOVED AND SECONDED: To adjourn at 10:45 p.m. (Beaulieu & Migliaccio)
VOTE: (5 Ayes) (2 Excused—Bishop & White)

Respectfully Submitted,

Sharon Coffin
Council Secretary