

MINUTES
FREEPORT TOWN COUNCIL MEETING #01-09
FREEPORT TOWN HALL COUNCIL CHAMBERS
JANUARY 20, 2009 – 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
Bill Muldoon, 2 Roos Hill Drive	x
Eric Pandora, 12 Birch Point Road	x

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #21-08 held on December 16, 2008 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #21-08 held on December 16, 2008 and accept the Minutes as printed. (Beaulieu & Bishop)
VOTE: (7 Ayes)

SECOND ORDER OF BUSINESS: Announcements

Chair DeGrandpre announced that he has received a thank you from the Teens for the expansion project at the Library. They enjoy it and invited the Council in to view it for themselves.

There has been an announcement by the Town Planner that the Planning Board will be holding a public information and hearing on Wednesday, February 4 at 6 p.m. in the Council Chambers to discuss State-required Shoreland Zoning amendments. It is important for people living in this zone to attend. If anyone has any questions, they can call Donna Larson at 865-4743, Extension 103.

Habitat for Humanity House will be holding a meeting on Thursday at the Freeport Community Center seeking new applicants. Interested applicants must attend in order to apply.

Town employees have made a donation in the amount of \$917 to the Carol Kaplan Fuel Fund and to the FCS Food Pantry. This money was raised at their holiday celebrations.

There will be another public participation opportunity to discuss extending School Street on January 28 at the Eagle Room at the Hilton Garden Inn at 7 p.m.

Lunch with the Lieutenant—Residents are welcome to eat lunch with Sue Nourse at the Community Library on February 6 at 12 Noon. Residents must bring their own brown bag lunches along with their questions or

concerns and can enjoy discussing policing in Freeport. These luncheons will be held on a monthly basis. If anyone has questions, they can call Sue Nourse at 865-4800.

Chair DeGrandpre turned the meeting over to Councilor Bishop, Chair of Special Projects. After reading a lengthy list of civic and community involvements, Councilor Bishop announced that this year's Citizen of the Year Award is being given to Barbara Gifford. Mrs. Gifford was presented with flowers and a plaque. A recess was taken to provide everyone with an opportunity to congratulate Mrs. Gifford.

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 & Beaulieu) **VOTE:** (7 Ayes)

There were none.

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

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

ITEM #07-09 To consider action relative to adopting the January 20, 2009 Consent Agenda.

BE IT ORDERED: That the January 20, 2009 Consent Agenda be adopted. (Beaulieu & Bishop)

Councilor Migliaccio pointed out that he would be recusing himself from the vote because a member of his family is listed in the Consent Agenda. Chair DeGrandpre reviewed the items on the Consent Agenda for members of the public.

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

NOTE: Since only one Planning Grant Application can be submitted. The Council will have to decide which one of the following two items to endorse. Councilor Cassida asked for a presentation on both grants before the Council makes a decision.

Chair DeGrandpre noted that there are two applications and that the Municipal Facilities Committee took a position to not recommend moving forward with #09-09.

Christine White from the Freeport Historical Society explained how the planning grant in Item #08-09 could be used to provide accessibility to their historic Harrington House. It does not currently have any ramps and is not ADA accessible. It currently has two large granite steps and no railings. They are also exploring the possibility of an addition on the rear of the Harrington House.

Town Planner, Donna Larson, explained how the Grant Application in Item #09-09 could be utilized to develop conceptual plans which would show how the tax-acquired lot at 38 South Street could be used. Some work has been done on the lot but things such as a wetlands inventory needs to be done.

Councilor Muldoon noted that Municipal Facilities met last week and there was consensus that the concept for the workforce housing concept could be achieved by utilizing in-house resources or by some other small expenditure of town money. The grant proposed was not holistic and did not look at other properties in Freeport. The committee voted 3-0 to not pursue this particular grant at this time.

Councilor Cassida noted that generally, the concept of workforce housing development is a good one and it is unfair to characterize that the Council is not willing to move forward with it on that parcel. The Council does not have a plan in place. He does agree that there are other means to get to the end for the South Street property but that they are both worthy projects. In the future, he asked the Committee to find options for the other property that is not being recommended when there is more than one project involved.

ITEM #08-09 To consider action relative to endorsing a Community Development Block Planning Grant Application from the Freeport Historical Society to assess Historical Society Facilities.

BE IT ORDERED: That the Community Development Block Planning Grant Application to assess Historical Society Facilities be endorsed. (Bishop & Migliaccio)

Councilor Beaulieu advised that she would not be voting in favor of this application because she feels that the Council would be better served looking at workforce housing development in Freeport. Discussion followed.

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

ITEM #09-09 To consider action relative to endorsing a Community Development Block Planning Grant Application to develop a conceptual plan for a workforce housing development on the town-owned property at 38 South Street.

BE IT ORDERED: That the Community Development Block Planning Grant Application to develop a conceptual plan for a workforce housing development on the town-owned property at 38 South Street be endorsed. (Muldoon & Bishop)

MOVED AND SECONDED: To table indefinitely (Muldoon & Beaulieu) **ROLL CALL VOTE:** (7 Ayes)

ITEM #10-09 To consider action relative to endorsing a Community Development Block Grant Application from the Freeport Elders to purchase a new van.

BE IT ORDERED: That the Community Development Block Grant Application from the Freeport Elders to purchase a new van be endorsed. (Migliaccio & Cassida)

Chair DeGrandpre noted that the price of the van is estimated at \$60,000. This van provides the means to go places as a group.

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS:

- 1) Consider proposal from CPM to replace Burnett Road bridge with a lower cost option saving \$45,000

Albert Presgraves, Town Engineer, introduced Peter Krakoff of CPM. Mr. Presgraves provided background information on the proposed bridge. Voters approved funding in November of 2008. A bid was awarded to CPM

to replace the bridge pretty much the way it existed in the amount of \$330,000. CPM began working on the detailed design and it became clear that they could build a similar bridge but with a different type of abutment system and lower the price by \$45,000. Mr. Presgraves displayed a plan for everyone to see what is being proposed. The pressure treated deck of the bridge will become 58' rather than 40'. The galvanized steel will most likely last longer than the decking. Mr. Presgraves and Mr. Krakoff answered questions for Councilors.

Councilor Cassida cautioned that changing the size of the bridge may require clarification from the State but if permitting is required, it should not be a hindrance. A good quality application could be approved in as little as 30 days. Mr. Krakoff noted that the footprint is the same but agreed to seek an official ruling. They are hoping to start by the middle of March and finalize it in six weeks.

Mr. Olmstead advised that this bridge has been submitted in the Town's stimulus package proposal.

MOVED AND SECONDED: To accept the proposal from CPM to replace the Burnett Bridge with the lowered cost saving of \$45,000. (Bishop & Beaulieu) **ROLL CALL VOTE:** (7 Ayes)

2) Discussion on Town Hall Heating System

Town Planner, Donna Larson advised that the heating system in the Town Hall is on its last leg. There have been incidents where there have been leaks and blockages in the ceiling. Mechanical Services and Maine Controls have reviewed the building and have come up with a proposal to take out oil and put in electrical heat pumps with a propane backup. Charlie Burnham and Will Bennett of Bennett Engineering have reviewed the proposal. An estimate of \$175,000 was provided. Another \$20,000-\$25,000 will be needed for some carpentry work. For budgeting purposes, she would prefer to give the high number even though it may be less when the work is completed.

Councilor Beaulieu asked for comparisons on an electrical heat pump system versus an oil system and versus a natural gas or propane system. Peter Poulin from Mechanical Services explained the proposed heat pump system and discussion followed.

Councilor Beaulieu would like to know of other public buildings of a similar size that have similar systems so she can make some phone calls. She suggested appointing a committee to look at all the options. Councilor Muldoon noted that he feels the heating system has been studied enough and there is an emergency element to take into consideration. He agreed with our new president that we need to be thinking in new ways and this is the Council's opportunity to look ahead.

Councilor Cassida agreed with Council Muldoon but noted that he would like a spreadsheet showing the different options with their different costs and payback terms. Geo thermal was mentioned.

Chair DeGrandpre also would like to know how much propane needs to be stored. He asked Ms. Larson if this change would require ventilation as opposed to just replacing the boiler. He asked if this information could be made available for the Council's February 10 meeting. He asked when the system could be replaced.

Ms. Larson advised that she has a sense of what the Council wants to see and when she receives all this information, she will get it to Mr. Olmstead and he will add it to the agenda for February 10 if possible.

3) Discussion on the merits of developing a Freeport Council legislative (Augusta) agenda

Councilor Migliaccio explained that this feeds into a topic he discussed a couple of weeks ago. He attended the Chamber of Commerce exploratory meeting and found more themes. He provided copies of a proposal that the Town of Saco has done. They put together a manifesto. There are certain themes that the Council would probably like to have our Legislative Delegates support. He is unclear what the Council wants to hang its hat on. He used fire service fees and where the fees go as an example and things that the State mandates. He would like to see some of these incorporated into Council goals.

Councilor Cassida feels that the Council needs to work with its Legislative delegates but needs to start early. People know about bills in November and December even though they have not yet been printed. Chair DeGrandpre noted that the Council would have to wait to see what comes down the pike. He is confident the Council will be dealing with budget issues just like every other community in the State of Maine.

Mr. Olmstead indicated he wants to do some budget forecasting and wants David Webster and Stan Gerzovsky to be here. He suspects it will be an incredibly grim picture. He mentioned that Freeport will probably be offering early retirement buy-outs and may be faced with reducing our force.

Councilor Cassida noted that this is a volunteer Council and it doesn't have staff resources to do the research and put together an agenda. He agrees it probably should be done but he doesn't know how it can be done.

Councilor Beaulieu has lost confidence in what the Council can get done in Augusta. She asked if we should start working closer with our neighbors because they are in the same situation that we find ourselves in. Chair DeGrandpre noted it's a great time to get them to come to the table and meet the group.

Mr. Olmstead encouraged the Council to talk to the Legislators next week on this approach.

4) Request from Falls Point Marine to use the Porter's Landing Boat Launch.

Chair DeGrandpre noted that when ice comes in, there isn't any activity at the launch. Mr. Olmstead advised that it is prohibited in the contract with Carter Becker. Chair DeGrandpre advised that the Town Manager would write a letter stating that the tug needs to go with the ice. Mr. Becker is already using the Launch.

MOVED AND SECONDED: To authorize the Town Manager to enter into an agreement with Falls Point Marine to use the Porter's Landing Boat Launch for the purpose of repairing a tug vessel with the stipulation that the boat be removed from the Porter's Landing Boat Launch no later than March 30 and failure to do so would result in a penalty of \$100 per day payable to the Town of Freeport. (Cassida & Beaulieu)

ROLL CALL VOTE: (7 Ayes)

5) Discussion of purpose, intent and communication of activity of leadership meetings

Councilor Migliaccio asked about the history of leadership meetings. Chair DeGrandpre explained that there are times when a person asks if it is something that should be moved to the full Council and they ask what is the process.

Councilor Cassida noted that it is preparation of what will be on the agendas for the next few weeks so that meetings go smoothly. It is communication between the Chair, Vice Chair and the Town Manager to make sure the Council has what it needs. Every Chair handles it differently. It could be a call on Sunday night.

Mr. Olmstead could not recall meeting in his office with the Chair and Vice Chair without the School leaders. If he has a question, he usually gives Chair DeGrandpre a call.

6) Discussion of the need for a neighboring town collaboration/joint elected officials meeting
Councilor Migliaccio explained that he has heard from citizens regarding sharing costs on items such as a fire truck with Yarmouth, etc.

Mr. Olmstead explained that Freeport had a group that met faithfully for two or three years and simply ran out of gas. He suggested that Freeport's Council Chair invite Chairs from surrounding towns to meet and see if there is any interest and then set the agenda.

7) Discussion on stimulus package proposals
Councilor Cassida wanted everyone to be aware that there are two parts to the Federal Stimulus package and one is for wastewater improvement. He asked the Town Manager to find out if the Freeport Sewer District has applied to take advantage of some of this money. Mr. Olmstead advised that the Sewer District is aware that there is a stimulus package but has not submitted any projects to date.

Councilor Cassida does not understand why this is not a priority for the Sewer District. He does not know how to get a clear and concise message to them. The Town Planner has contacted the DEP and learned that there is a staff person assigned to each district but that person has not yet heard from the Freeport Sewer District.

Mr. Olmstead advised that seven applications have been submitted but does not expect that all of them will be funded. Discussion followed on the applications.

Mr. Olmstead is hoping that the Sewer District Trustees will be discussing this item at their meeting tonight. He will contact Tom Allen tomorrow to see if there was any discussion tonight.

Councilor Cassida pointed out that when the Sewer District Trustees workshop with the Council, he will expect a detailed list of all the Sewer District's needs and an explanation on why they didn't apply for any of the stimulus funds. He wants all of them in attendance. He asked the Town Manager to move up the workshop with the Council to see if we can apply any pressure on them to apply quickly.

Councilor Migliaccio asked if the information could be forwarded in an e-mail so he could approach his constituents to contact the Sewer District and encourage them to apply for the stimulus funds.

Mr. Olmstead explained that it is not possible to meet and greet the new RSU District 5 Board until sometime after January 29 because some of them have not been sworn in yet. There cannot be any discussion on issues. It would be a violation of the new RSU.

Councilor Cassida suggested moving this topic to a later date and inserting the Freeport Sewer District Trustees for next week's workshop. The budget will become item #1, The Sewer District will be second and then the Legislators will be third on the agenda. Mr. Olmstead offered to send out a new agenda.

Chair DeGrandpre asked Mr. Olmstead to send out the goals again to Councilors. Mr. Olmstead noted that Councilors will need to understand the budget before it discusses and sets goals.

MOVED AND SECONDED: To adjourn at 10 p.m. (Bishop & Cassida)
ROLL CALL VOTE: (7 Ayes)

Respectfully Submitted,

Council Meeting #01-09
January 20, 2009

Sharon Coffin
Council Secretary

**MINUTES
FREEPORT TOWN COUNCIL MEETING #02-09
FREEPORT TOWN HALL COUNCIL CHAMBERS
FEBRUARY 10, 2009 – 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		
Bill Muldoon, 2 Roos Hill Drive	x		
Eric Pandora, 12 Birch Point Road	x		

Chair DeGrandpre called the meeting to order at 7 p.m. and took roll. He noted that Councilor Beaulieu is excused this evening.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #01-09 held on January 20, 2009 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #01-09 held on January 20, 2009 and accept the Minutes as printed. (Cassida & Bishop) **VOTE:** (6 Ayes) (1 Excused—Beaulieu)

SECOND ORDER OF BUSINESS: Announcements

Chair DeGrandpre announced that the Freeport Conservation Trust would be providing a guided 2 ½ hour winter hike of the Brimstone Hill Trail on February 21 beginning at 1 p.m. Participants should look for the banner on the left on the Ringrose Road. It is free and open to the public. Please call 869-1012 for information.

Free tax help for residents with middle to low incomes will be provided by Perry Bradley and Marlene Budd on Wednesdays from 8-11:30 a.m. by appointment only. Special attention will be given to those aged 60 and over. Please call Johanna at 865-4743, Extension 120 to schedule an appointment.

The Board of Directors of the new RSU is looking for a new superintendent for the three communities. They would like one community member from each town to be on the Interview Committee. Letters of interest should be dropped off or mailed to the RSU #5 Superintendent Search c/o Ginny McManus, 17 West Street, Freeport, ME 04032 by Monday, February 23. These letters should contain a brief description of experience and reasons for interest in participating.

The Board of Directors has developed a superintendent survey to assist them with their search process. This survey can be picked up at the Town Office, the Community Library, each school office or downloaded from RSU5.org.

Councilor Migliaccio pointed out that there are two internal candidates—Elaine Tomaszewski and Shannon Welsh on the slate as well as any staff that have the proper qualifications. What is significant is that it is an internal search.

COUNCIL MEETING #02-09
February 10, 2009

Councilor Muldoon advised that he is a Trustee of the Freeport Historical Society and on February 22 at 2 p.m. at the Community Center attendees will get a taste of what food was like for sailors during the 19th century and learn how they existed on the Tam-O-Shanter, a ship that was built in Freeport.

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

There were no members of the public interested in speaking so the Council moved on.

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

ITEM #013-09 To consider action relative to adopting the February 10, 2009 Consent Agenda.

BE IT ORDERED: That the February 10, 2009 Consent Agenda be adopted. (Bishop & Cassida)

Chair DeGrandpre reviewed the items on the agenda for members of the public.

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

ITEM #014-09 To consider action relative to approving a new heating and cooling system for Town Hall.

BE IT ORDERED: That a new heating and cooling system be approved for Town Hall.

BE IT FURTHER ORDERED: That bid documents be prepared and bids solicited for the new system. (Migliaccio & Bishop)

Town Planner, Donna Larson, reviewed the information she was asked to provide. She previously recommended a heat pump system that would run on electricity with a back-up boiler in the basement. With a price tag of approximately \$220,000, the payback would not support the investment.

She is now suggesting that the Town get rid of the bad piping the building very soon in both the basement and in the attic, replace the faulty valves and put a high-efficiency boiler in the basement. These replacements could be installed for about \$100,000. If electricity looks like the way to go in a few years, the Town will put pumps in the attic and go that way. She feels the savings are better spent treating windows, installing insulation and sealing the building tight. She noted that we have oil tanks that can be used for next year. Discussion followed.

For the record, Chair DeGrandpre wanted it known that the plan is to repair all of the piping systems and get the building zoned and heated properly.

Ms. Larson noted that the bid documents have been prepared but need to be revised. Chair DeGrandpre suggested that Charlie Burnham and Will Bennett review the revised bid documents to make sure nothing is left out. Ms. Larson advised that there are eleven window air-conditioning units in Town Hall that are used

**COUNCIL MEETING #02-09
February 10, 2009**

sparingly. In this economic climate, she suggested continuing to use them. Mr. Olmstead advised that some units are never turned on and others may be used as little as 15 days a year.

Councilor Muldoon applauded Ms. Larson for getting this work done. He credited her for her rethinking and coming back with a different recommendation. Other Councilors concurred and thanked Ms. Larson for all her good work.

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

ITEM #015-09 To consider action relative to adopting Town Council Goals for 2009.

BE IT ORDERED: That Town Council Goals for 2009 as proposed by Town Council leadership be adopted. (Bishop & Migliaccio)

Chair DeGrandpre thanked Councilor Muldoon for all his help. Councilor Muldoon explained how he put the information together into six points. Chair DeGrandpre read the following goals into the record:

- 1) Approach budget process with awareness of the need to maintain spending within parameters of reduced revenue streams. Acknowledge the need for budgeting creativity with a clear recognition that “business as usual” is not an effective method for current times. Understand that previous methods for funding departments, services within departments, and external agencies are all subject to review and change. Pursue opportunities for regional alliances and cooperation between communities.
- 2) Create open dialog and communication with the new RSU. Develop processes necessary to build trust and a collaborative spirit. Recognize that although the RSU operates independently of the council, its deliberations and decisions have a significant impact on the Town Council’s budget planning. Examine all opportunities for shared services and cooperation that will ultimately control, and possibly reduce, the town’s share of RSU funding.
- 3) Maintain clear communication with the public via all available means including, but not limited to, cable television and the Internet while providing sufficient funding for same. Make public access a priority when planning events and proceedings.
- 4) Continue work on the development of and a funding model for a Chamber of Commerce in collaborative discussions with all interested parties.
- 5) Work closely with the Planning Board on the comprehensive plan review to ensure that commercial and residential growth occurs in areas within the community reflective of where such growth can and should realistically occur over the next 10 years.
- 6) Recognize the critical importance of resource sustainability and factor such considerations into current operational and future planning decisions regarding town facilities and operational methods.

Discussion followed. Councilor Muldoon suggested adopting a policy of putting the goals on a quarterly agenda to see how the Council is doing. In April the Council should look at its goals and determine how it is doing as the budget is rolled out. Councilor Migliaccio suggested posting the Council’s goals on the Town’s website. There was consensus to do that.

Mr. Olmstead pointed out that in two weeks the Council would be work shopping with the Planning Board. Donna Larson put Mr. Olmstead on notice that they would like to start at 6 p.m. since they have a heavy agenda.

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

OTHER BUSINESS:

- 1) Sewer District presentation and request for the use of Leon Gorman Park to replace and upgrade sewer lines.

Tom Allen explained that they need to access the area where they have a pipeline down through the Frost Gully watershed. The best route would be through the Leon Gorman Park since there is a parking lot. The other area is off Park Street but they would have to cut trees. He spoke to representatives at L.L. Bean and they had no problem as long as everything is restored to its original condition after the project is completed. He is planning on doing winter construction and advised that this project could be completed in three weeks. Everything will be backfilled and then mulched. Hay will be laid down where the construction takes place. They will address the finishing work as soon as they can in the spring. The work will be done off the walking trails. There is only one spot that will be affected. They have not done a whole lot with the erosion that exists. There are some areas further down from where they are working where there is serious erosion that will have to be dealt with at some point. They do not own the property but have a right-of-way.

Councilor Cassida requested that Mr. Allen pay particular attention to those interfaces where the public might wander in. Mr. Allen agreed to be cognizant. Discussion followed. Mr. Allen noted that they are looking at developing a capital improvement plan. Councilor Migliaccio requested a copy when it is completed and Mr. Allen agreed to provide one.

Chair DeGrandpre requested that Mr. Allen work with the Town Engineer on future projects.

MOVED AND SECONDED: To grant the Sewer District the use of Leon Gorman Park to replace and upgrade sewer lines with final inspection by the Town Engineer. (Cassida & Migliaccio) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Beaulieu)

2) Informational Exchange.

Councilor Migliaccio explained that he provided the Council with a long list of things that Phil Nadeau from Lewiston sent out that the Maine Service Center Coalition has on this year's legislative agenda. He asked Mr. Olmstead and the Council to give these some thought and decide what we may want to support. He serves on the Executive Committee and would appreciate some feedback. Discussion followed.

Mr. Olmstead advised that Stan Gerzofsky notified him that Freeport would be receiving approximately \$60,000 for the flooding that occurred this winter.

The ice storm from a few weeks ago was also declared a disaster and Freeport will be getting some money for that.

The Secretary of State's Office will require municipalities to develop a uniform voting machine system. It is an unfunded mandate. Our machines are 8 years old and work fine. This is an unexpected capital expense of \$25,000. He has spoken to our Legislators and they were unaware of this and are checking into it.

In the search for a new Finance Director, Mr. Olmstead noted that five people have been interviewed and two or three will be called back for a second interview. At some point in early March, he will arrange a greet and meet session with the Council for the person he will be recommending. He is confident that he will have a highly skilled person to replace Greg L'Heureux.

Chair DeGrandpre advised that he is continuing to contact neighboring communities and has found them to be interested in talking with Freeport about things such as the voting machines mandate. He is hoping to get Council Chairs or Town Managers together to see where we are.

MOVED AND SECONDED: To adjourn at 8:01 p.m. (Bishop & Cassida)
VOTE: (6 Ayes) (1 Excused—Beaulieu)

Respectfully Submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #03-09
FREEPORT TOWN HALL COUNCIL CHAMBERS
MARCH 3, 2009 - 7:00 P.M.

CHAIRPERSON'S CALL TO ORDER

PRESENT ABSENT EXCUSED

Genie Beaulieu, P.O. Box 74
Charlotte Bishop, Maquoit Drive
James Cassida, 5 Timber Ridge Road
Rich DeGrandpre, Timber Ridge Road
Joe Migliaccio, 2 Vinmar Lane
Bill Muldoon, 2 Roos Hill Drive
Eric Pandora, 12 Birch Point Road

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FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #02-09 held on February 10, 2009 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #02-09 held on February 10, 2009 and to accept the Minutes as printed. (Migliaccio & Bishop)
VOTE: (6 Ayes) (1 Excused—Beaulieu)

SECOND ORDER OF BUSINESS: Announcements

Chair DeGrandpre announced:

- Free tax help for residents with middle to low incomes will be provided by Perry Bradley and Marlene Budd on Wednesdays from 8-11:30 a.m. by appointment only. Special attention will be provided to those aged 60 and over. Please call Johanna at 865-4743, Extension 120 to schedule an appointment.
- A brown bag luncheon with Lt. Sue Nourse will take place on Friday, March 6 from 12-1 p.m. at the Community Library. These are informal sessions. Residents can call Lt. Nourse at 865-4800 with any questions.
- A change has been made to the Shaw's Rewards Program. There is no need to save receipts but customers will have to register on line to have their purchases credited to the Freeport Elders. Only purchases made on Tuesdays, Wednesdays and Thursdays will be eligible for this program. The online address is shaws.com/neighborhoodrewards and you will have to type in our Neighborhood Rewards identification number: 49001018537. If you want to participate but do not have access to a computer, stop by the Freeport Elders' area in the Community Center and someone will help you. To date the Elders have received \$2,033 from this program. If you have

any questions, please call 865-6462. If this information is not on the Town's website, Chair DeGrandpre will add it.

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

There were no members of the public wishing to speak so the Council moved on.

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

ITEM #020-09 To consider action relative to adopting the March 3, 2009 Consent Agenda.

BE IT ORDERED: That the March 3, 2009 Consent Agenda be adopted.
(Bishop & Migliaccio)

Chair DeGrandpre reviewed the items on the Consent Agenda for members of the public. Noting how generous some people have been to the Fuel Fund, Councilor Migliaccio asked if the Council could encourage other people to consider making donations. Chair DeGrandpre noted that the information is posted on the Town's website.

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

ITEM #021-09 To consider action relative to adopting a Five Year Capital Plan and approving a Capital Budget for Calendar Year 2009.

BE IT ORDERED: That a Public Hearing be scheduled for March 17, 2009 at 7:00 PM in the Town Hall Council Chambers to discuss the adoption of a Five Year Capital Plan and approving a Capital Budget for Calendar Year 2009.

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. (Muldoon & Migliaccio)

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

Mr. Olmstead provided a quick overview of the budget consisting of 11 articles and the schedule. The budget itself is on the Town's website. He noted that the school budget is no longer part of the Municipal budget. Chair DeGrandpre explained that the school budget would come back to the Council in taxes but the Town Council no longer has authority over the school budget. He asked that the school budget be posted on the Town's website as well as the school's. Councilor Muldoon noted that a bill will be presented at the end of deliberations and it is important that residents participate in school budgeting, both capital and operating. Chair DeGrandpre requested that Mr. Olmstead ensure it is on the Town's website

as well as the meeting schedule. Mr. Olmstead explained that it is already on the website. Councilor Migliaccio explained that for the first time, residents will be voting in June on the school budget and they will have the last say if they go out and vote.

Getting back to the budget, Mr. Olmstead explained that he is not necessarily suggesting that the Council fund all of the "Manager Proposed" items shown since the Council has to be careful this year. He answered questions for Councilors concerning State roads. The Flying Point Road was discussed and Councilor Muldoon pointed out how dangerous this road is for bicyclists and that it is included in national bike maps and is a route that many people follow. Route 136 and Wardtown Road were also discussed. Councilor Migliaccio suggested that the Council send a letter to the State expressing its concern with these particular roads and incorporate Councilor Muldoon's comments on how unsafe the Flying Point Road is. There was consensus to send a letter.

Mr. Olmstead reviewed the remaining items on the budget. Councilors were provided in their packets the amount of reserves that are on hand. Discussion on bond ratings followed. Freeport has a AA rating.

Mr. Olmstead noted that on March 17 there would be a public hearing in Council Chambers on the Capital Budget. A workshop will be dedicated to the Capital budget on March 24 and the Council will approve the Capital Budget on April 7.

ITEM #022-09

To consider action relative to accepting a paving bid for 2009.

BE IT ORDERED: That the Town Manager report on bids received.

BE IT FURTHER ORDERED: That the bid from H.C. Crooker and Sons Inc. for 2009 paving be accepted, except for Handwork.

BE IT FURTHER ORDERED: That the Town Manager be authorized to accept the bid for Handwork. (Migliaccio & Muldoon)

Mr. Olmstead explained the bids received and that handwork is where one dumps a full wheelbarrow. He is confident that we will be able to get other smaller paving companies to do the handwork. Crooker was the overall lowest bidder. Mr. Olmstead plans to do last fall's and this spring's paving to take advantage of declining prices. We have 83 lane miles in Freeport. Discussion followed.

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

ITEM #23-09

To consider action relative to confirming the Town Manager's appointment of a Finance Director for the Town of Freeport.

BE IT ORDERED: That the Town Manager's appointment of Abigail Yacoben as Finance Director be confirmed. (Cassida & Bishop)

Mr. Olmstead explained that 32 applications were received and six capable individuals were interviewed. He is recommending Ms. Yacoben for the position of Finance Director. She will start on March 16 and will be attending the Public Hearing on March 17. Ms. Yacoben was welcomed to Freeport.

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

ITEM #024-09

To consider action relative to renewing a lease for waterfront parking with Brewer South Freeport Marine.

BE IT ORDERED: That the existing lease with Brewer South Freeport Marine be extended for three years at an annual cost of \$9,500. (Pandora & Bishop)

Mr. Olmstead advised that this lot has been leased for nine years and he considers it vital to the waterfront.

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

OTHER BUSINESS:

1) Proposal for the Brewer leased lot in South Freeport

Chair DeGrandpre explained that a lot of discussion has taken place at Traffic & Parking on how to get the best utilization of this lot. It is free for Freeport residents. Traffic & Parking will be watching to see how the permitting will work. Currently, permits are available at the Public Safety Building or the Harbor Master. There will be six available but they will not be designated. Refunds will be given within one hour. Councilor Bishop pointed out that \$5 for a day's parking seems to be pretty cheap. Councilor Migliaccio noted that this price undercuts the price the Marinas charge. Mr. Olmstead advised that the cost of enforcement did not drop even though the number of tickets was reduced. Discussion followed.

Councilor Migliaccio noted that two years ago the Council appropriated money for a South Freeport Traffic Study and he would like to reference back to this report to identify peaks of congestion. He has heard that it is to take on-street parking off of Main Street. He would prefer to target the spots.

Chair DeGrandpre offered to bring this back to Traffic and Parking and have them take a look at it. They will bring it back after it is polished up.

2) Discussion on Temporary Directional Signage

Chair DeGrandpre noted that they don't know yet how the changes in the traffic pattern will work exactly. The parking garage will be opening during the middle of May and the Morse Street change will take place the middle of April. He explained where all the signage would be placed and their goal is to make it as efficient as possible. Signage will go up as soon as the traffic changes. Colors will be consistent with what currently exists.

Councilor Migliaccio asked how the signage installed 4-5 years ago is working. Chair DeGrandpre explained that local feedback has indicated that it has been pretty effective.

Chair DeGrandpre noted that a request from the Maine Clammers Association has been received asking for support and permission to work with the Freeport Shellfish Commission on a Community Steamed Clam Supper to be held at the Freeport Public Safety Building on Saturday, March 28. Chief Fournier has given his full support and half of the proceeds will be donated to water quality testing.

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

MOVED AND SECONDED: That the Maine Clammers Association be allowed to use the Freeport Fire Barn on Saturday, March 28 for the purpose of a Community Steamed Clam Supper. (Muldoon & Bishop) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Beaulieu)

3) Informational Exchange.

Councilor Migliaccio referred to the information provided by Phil Nadeau of the Maine Service Center Coalition regarding a Site Law Review Plan. We have to be in compliance and he wants to be sure that our Town Staff and Planning Board have an opportunity to look at this bill in the Legislature and provide feedback on this.

Councilor Cassida noted how generous Town Planner, Donna Larson has been with her time and input on this issue. He is one of the authors of the legislation. Freeport is a model that they would like other communities to be in putting developments in areas of new growth areas. This law is meant to change behavior in other communities but is not meant to change anything in Freeport. It has been assigned an LD number a few days ago.

Councilor Migliaccio noted that he has looked at it and it is pretty big and a little complicated. He would appreciate getting some feedback.

Mr. Olmstead advised a few weeks ago that the Town would be getting \$68,000 for the August flood damages and he did not give Senator Gerzofsky enough credit for all his hard work in obtaining this money. Representative Webster noted that he relied on Stan to look into this matter. If he hadn't gone to bat for us, that money would have been in jeopardy. Senator Gerzofsky should be recognized for that effort.

Chair DeGrandpre noted that there are two superintendents working for parts of our District. Is there a plan to get one of them to work as an interim superintendent? Councilor Migliaccio advised that a committee has been appointed to select a superintendent and they do not want to appoint an interim superintendent and then start a search again. There are two candidates and they each have one year left on their contracts. He suspects that a superintendent should be selected by the middle of March but it is not proper to speculate beyond that.

ITEM #025-09

To consider action relative to an executive session.

BE IT ORDERED: That the Town Council enter into executive session to discuss Police and Dispatch contract negotiations. 1MRSA Section 404(6). (Muldoon & Bishop) **VOTE:** (6 Ayes) (1 Excused—Beaulieu)

MOVED AND SECONDED: To reconvene (Cassida & Bishop) **VOTE:** (6 Ayes) (1 Excused—Beaulieu)

MOVED AND SECONDED: To adjourn. (Bishop & Muldoon) **VOTE:**
(6 Ayes) (1 Excused—Beaulieu)

Respectfully Submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #04-09
FREEPORT TOWN HALL COUNCIL CHAMBERS
MARCH 17, 2009—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		
Bill Muldoon, 2 Roos Hill Drive	X		
Eric Pandora, 12 Birch Point Road			X

Chair DeGrandpre called the meeting to order at 7 p.m. and took roll call. He noted that Councilor Cassida would be arriving later.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #03-09 held on March 3, 2009 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #03-09 held on March 3, 2009 and to accept the Minutes as printed. (Bishop & Migliaccio)

VOTE: (4 Ayes) (3 Excused—Beaulieu, Cassida, Pandora)

SECOND ORDER OF BUSINESS: Announcements

Chair DeGrandpre announced:

Roads are now posted effective March 12. A listing of the roads involved and vehicles exempted can be found on the Town's website and at Town Hall. If anyone has questions, they can call Public Works at 865-4461.

All meetings regarding the school budget will take place at the Freeport High School Library. The listing of meetings can be found on the RSU5.org website but the first meeting will take place all day Saturday, March 28. Each town will have a budget validation referendum on Tuesday, June 2. He encouraged residents to get involved.

The Maine Clammers Association will be hosting a Community Steamed Clam Supper on Saturday, March 28 from 5-7 p.m. at the Public Safety Building. There will be live music, prizes, touch tank and give-aways. For tickets, call Adam at 651-5640. If anyone cannot make it to the supper, but would like to make a donation to the Freeport Clean Water Testing Fund, please send it to the Freeport Town Hall.

There will be a Charity Auction to benefit the Port Teen Center on March 29 from 4-6:30 p.m. at the Freeport Community Center as well as a Silent Auction and Raffle. Music and refreshments will be provided and 41fabulous chairs will be put up for bid. Tickets are on sale at Freeport Recreation and Community Ed.

Free tax help for residents with middle to low incomes will be provided by Perry Bradley and Marlene Budd on Wednesdays from 8-11:30 a.m. by appointment only. Special attention will be provided to those aged 60 and over. Please call Johanna at 865-4743, Extension 120 to schedule an appointment.

Mary Lou Carhart will be voluntarily serving breakfast and lunch at the Top Spot Café at the Freeport Community Center on Tuesdays and Thursdays.

A change has been made to the Shaw's Rewards Program. There is no need to save receipts but customers will have to register on line to have their purchases credited to the Freeport Elders. Only purchases made on Tuesdays, Wednesdays and Thursdays will be eligible for this program. The online address is shaws.com/neighborhoodrewards and you will have to type in our Neighborhood Rewards identification number: 49001018537.

Residents can help their community be donating their used cell phones and chargers. They will be cleaned and reprogrammed for 911 only. Contact Mary at 865-4800 if you know of anyone that is in need of a cell phone.

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

There were none.

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

ITEM #028-09 To consider action relative to adopting the March 17, 2009 Consent Agenda.

BE IT ORDERED: That the March 17, 2009 Consent Agenda be adopted.
(Bishop & Migliaccio)

Councilor Bishop noted the items on the Consent Agenda for members of the public.

ROLL CALL VOTE: VOTE: (4 Ayes) (3 Excused—Beaulieu, Cassida, Pandora)

ITEM #029-09 To consider action relative to adopting a Five Year Capital Plan and approving a Capital Budget for Calendar Year 2009. **PUBLIC HEARING.**

MOVED AND SECONDED: That the Public Hearing be opened. (Muldoon & Migliaccio) **VOTE:** (4 Ayes) (3 Excused—Beaulieu, Cassida, Pandora)

Todd Yankee of Wolfe's Neck Road asked about the replacement program for highway equipment, which was addressed by Chair DeGrandpre and Jim Plummer.

Councilor Migliaccio encouraged residents to get involved in the Town's workshops. He noted that Town is always looking for volunteers for its boards and committees. He mentioned that 2/3 of the budget is no longer controlled by the Council. He suggested that residents attend the upcoming RSU meetings. Paul Bennett noted that he considers the Council is very reasonable in its spending practices.

MOVED AND SECONDED: That the Public Hearing be closed. (Muldoon & Migliaccio) **VOTE:** (4 Ayes) (3 Excused—Beaulieu, Cassida, Pandora)

BE IT ORDERED: That item #029-09 be tabled until April 7, 2009. (Muldoon & Bishop) **ROLL CALL VOTE:** (4 Ayes) (3 Excused—Beaulieu, Cassida, Pandora)

ITEM #030-09 To consider action relative to a proposed Amendment to the Freeport Zoning Ordinance concerning waiving the parking requirement for "indoor and outdoor arts centers" that are part of a parking garage (Chapter 21).

BE IT ORDERED: That a Public Hearing be scheduled for April 7, 2009 at 7:00p.m. in the Town Hall Council Chambers to discuss a proposed Amendment to the Freeport Zoning Ordinance concerning waiving the parking requirement for "indoor and outdoor arts centers" that are part of a parking garage (Chapter 21).

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)

Chair DeGrandpre explained the proposed amendment recommended by the Planning Board. He read the Ordinance and language proposed. Councilor Migliaccio requested that the definition of an indoor and outdoor arts center be attached to next week's handout and also have them available on the table for members of the public. Judy Hawley agreed to provide it.

ROLL CALL VOTE: (4 Ayes) (3 Excused—Beaulieu, Cassida, Pandora)

ITEM #031-09 To consider action relative to proposed Amendments to the Freeport Zoning Ordinance concerning State required changes to Shoreland Zoning (Chapter 21).

BE IT ORDERED: That a Public Hearing be scheduled for April 7, 2009 at 7:00p.m. in the Town Hall Council Chambers to discuss proposed Amendments to the Freeport Zoning Ordinance concerning State required changes to Shoreland Zoning (Chapter 21).

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. (Muldoon & Bishop)

Chair DeGrandpre explained that this is a State requirement to bring Freeport into compliance. The Town Planner has had meetings with the property owners affected as well as other interested folks. Councilor Migliaccio asked that the Town Planner provide a table indicating where we are exceeding the State's minimum requirements.

ROLL CALL VOTE: (4 Ayes) (3 Excused—Beaulieu, Cassida, Pandora)

ITEM #032-09 To consider action relative to a proposed amendment to the General Assistance Ordinance concerning Appendix B Updates (Food Maximum Levels of Assistance) (Chapter 46).

BE IT ORDERED: That a Public Hearing be scheduled for April 7, 2009 at 7:00p.m. in the Town Hall Council Chambers to discuss a proposed amendment to the General Assistance Ordinance concerning Appendix B Updates (Food Maximum Levels of Assistance) (Chapter 46).

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.

Note: This change is a result of the Federal Stimulus Bill, which increased the overall food maximum levels of assistance. (Migliaccio & Bishop)

Chair DeGrandpre explained that Freeport needs to be in compliance with the State's new regulation. This is a change in one of the items regarding food.

ROLL CALL VOTE: (4 Ayes) (3 Excused—Beaulieu, Cassida, Pandora)

OTHER BUSINESS:

- 1) Informational Exchange.

Councilor Migliaccio reiterated that for decades Councilors have had a larger budget to manage. He encouraged Councilors and residents to get involved in the upcoming school budgeting process. Councilor Muldoon added that this is a critical time for residents to get their voices heard because it will affect the services offered in Freeport. Chair DeGrandpre reviewed the RSU5 meetings times. He noted that this involves a big piece of Freeport's tax bills and people can be influential at these meetings.

MOVED AND SECONDED: To adjourn at 7:40 p.m. (Bishop & Migliaccio)
VOTE: (4 Ayes) (3 Excused—Beaulieu, Cassida, Pandora)

Respectfully Submitted,

Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #05-09
FREEPORT TOWN HALL COUNCIL CHAMBERS
APRIL 7, 2009 – 7 P. M.

CHAIRPERSON'S CALL TO ORDER

PRESENT ABSENT EXCUSED

Genie Beaulieu, P.O. Box 74
Charlotte Bishop, Maquoit Drive
James Cassida, 5 Timber Ridge Road
Rich DeGrandpre, Timber Ridge Road
Joe Migliaccio, 2 Vinmar Lane
Bill Muldoon, 2 Roos Hill Drive
Eric Pandora, 12 Birch Point Road

x
x
x
x
x
x
x

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #04-09 held on March 17, 2009 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #04-09 held on March 17, 2009 and to accept the Minutes as printed. (Migliaccio & Bishop)

VOTE: (7 Ayes)

SECOND ORDER OF BUSINESS: Announcements

Chair DeGrandpre announced that the Freeport Community Library is holding its annual book sale. It will continue thru April 10. If anyone has questions, they may call Elaine or Belinda at 865-3307.

If anyone is interested in learning how to broadcast or record some of the Town's meetings, he or she can call Rick Simard at 865-4743. This is a paid position.

At the Harraseeket Grange, the Freeport Historical Society sponsored a program regarding letters from connected families that went to sea. It was the third of nine programs and it was well attended. There was good food afterwards.

Roads are now posted. If anyone has any questions, they may call Public Works at 865-4461.

The complete school budget can be downloaded from www.RSU5.org. Each town will hold a budget validation referendum on Tuesday, June 2. The second budget meeting is scheduled for tomorrow night at the Freeport High School Library. Chair DeGrandpre encouraged residents to attend to see what is happening.

Mary Lou Carhart is serving breakfast and lunch on Tuesdays and Thursdays at the Freeport Community Center's Top Spot Café.

A change has been made to the Shaw's Rewards Program. There is no need to save receipts but customers will have to register on line to have their purchases credited to the Freeport Elders. Only purchases made on Tuesdays, Wednesdays and Thursdays will be eligible for this program. The online address is

shaws.com/neighborhoodrewards and you will have to type in our Neighborhood Rewards identification number: 49001018537.

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

There were none; the Council moved on.

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

ITEM #036-09 To consider action relative to adopting the April 7, 2009 Consent Agenda.

BE IT ORDERED: That the April 7, 2009 Consent Agenda be adopted.
(Beaulieu & Bishop)

Chair DeGrandpre reviewed the items for members of the public. He cautioned dog owners if they haven't already licensed their dogs, they should do so immediately.

ROLL CALL VOTE: (7 Ayes)

ITEM #037-09 To consider action relative a proposed Amendment to the Freeport Zoning Ordinance concerning waiving the parking requirement for "indoor and outdoor arts centers" that are part of a parking garage (Chapter 21). **PUBLIC HEARING.**

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

Chair DeGrandpre read a letter from the Planning Board. Andrew Manning, Chair of the Planning Board was in attendance as was the Town Planner.

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

BE IT ORDERED: that the proposed amendments to the Freeport Zoning Ordinance be approved. (Bishop & Beaulieu)

Board members had many questions and much discussion followed. Donna Larson explained where the term "indoor and outdoor arts centers" came from. Councilor Muldoon was disappointed that the managers of the businesses did not appear before the Council this evening. Councilor Migliaccio brought up a fairness issue and asked how to deal with other businesses in town that are paying a lot to meet their parking requirements. He brought up the prospect of using the contract zoning tool. Councilor Bishop noted that residents have been waiting 40 years for a parking garage as well as a movie theatre. She views this as providing a community-type service for residents. Councilor Muldoon echoed what Councilor Bishop stated but shared some of the concerns mentioned by Councilor Migliaccio. He suggested looking forward to provisions that can address the fairness issue.

MOVED AND SECONDED: To table to the next meeting to get a little bit more information on the rationale from the Planning Board and learn why this is

the proper course versus contract zoning. (Migliaccio & Pandora) **ROLL CALL VOTE:** (5 Nays) (2 Ayes—Migliaccio & Pandora)

More discussion followed on contract zoning. Chair DeGrandpre noted that he does not feel waiving a parking requirement is worthy of contract zoning.

ROLL CALL VOTE ON ORIGINAL MOTION: (5 Ayes) (2 Nays—Migliaccio & Pandora)

ITEM #038-09 To consider action relative to proposed Amendments to the Freeport Zoning Ordinance concerning State required changes to Shoreland Zoning (Chapter 21). **PUBLIC HEARING.**

Town Planner, Donna Larson provided a presentation on the proposed amendments. She also displayed a map. She mentioned that the DEP has to approve them and was not sure if they should become effective July 1, 2009 or immediately after they are approved. Councilors questioned if there has been a DEP preliminary review. Ms. Larson advised that she has been working with the DEP but there has not been a formal preliminary review.

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

Rod Regier of South Street acknowledged the work that the Planning Board has done on this. He encouraged the Council to make an amendment under Timber Harvesting. He noted that if there is a problem with responsiveness, the Town reserves the right to perform those duties.

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

MOVED AND SECONDED: To amend and reinsert an appropriated lettered note under Timber Harvesting: Where permitted in the underlying zoning district, timber harvest in the Shoreland Zone shall be administered and enforced by the Director of the Bureau of Forestry in accordance with Chapter 21, Statewide Standards for Timber Harvesting and Related Activities in Shoreland Areas, dated 15 June, 2005, established by the Maine Forest Service. (Bishop & Beaulieu) **VOTE:** (7 Ayes)

BE IT ORDERED: that the proposed amendments to the Freeport Zoning Ordinance be approved as amended. (Bishop & Beaulieu) **ROLL CALL VOTE:** (7 Ayes)

ITEM #039-09 To consider action relative to a proposed amendment to the General Assistance Ordinance concerning Appendix B Updates (Food Maximum Levels of Assistance) (Chapter 46). **PUBLIC HEARING.**

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

Chair DeGrandpre explained the amendment.

There were no public comments provided.

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

BE IT ORDERED: that the proposed amendments to the General Assistance Ordinance be approved. (Muldoon & Beaulieu) **ROLL CALL VOTE:** (7 Ayes)

ITEM #029-09

Tabled March 17, 2009

To consider action relative to adopting a Five Year Capital Plan and approving a Capital Budget for Calendar Year 2009.

BE IT ORDERED: That the Five Year Capital Plan for Calendar Years 2009-2013 dated April 7, 2009 be approved.

BE IT FURTHER ORDERED: That the following Capital Budget Items be funded for Calendar Year 2009 as printed: (Migliaccio & Cassida)

Fire

1.	Vehicle Exhaust System	88,000
2.	<u>Protective Clothing</u>	10,000
	<u>TOTAL 2009</u>	98,000

Rescue

1.	<u>Stretchers</u>	48,000
	<u>TOTAL 2009</u>	48,000

Public Works

1.	Dump Truck Chassis replacement (5-7 Yard Dump)	77,500
2.	Dump Truck Body and Sander	40,000
3.	Snow Plow and Wing Plow replacement	34,000
4.	Liquid Calcium/Ground Speed Control System	10,000
5.	Pickup Truck Replacement	30,000
6.	<u>Fuel Depot Tank replacement</u>	72,000
	<u>TOTAL 2009</u>	263,500

Comprehensive Town Improvements

1.	Varney Road -Partial Reconstruction	75,000
2.	<u>Bow Street Paving</u>	31,000
	<u>TOTAL 2009</u>	106,000

Solid Waste / Recycling

1.	<u>Baler Reconditioning</u>	10,000
	<u>TOTAL 2009</u>	10,000

Destination TIF Village Improvements

1.	Street Sweeper (50%) Repairs	14,000
2.	Sidewalk Improvements - Main St, east side, Mill St to Mechanic St	20,000
3.	<u>Sidewalk Improvements and reset curb - Holbrook St</u>	74,000
	<u>TOTAL 2009</u>	108,000

Municipal Facilities

1.	Computer Upgrades -Townwide	20,000
2.	Copier Replacement	15,000
3.	Flooring Replacement – Town Hall	2,500
	TOTAL 2009	37,500

Cable Television

1.	Portable Camera (4) Replacement	20,000
	Cable Stream Equipment	4,100
	TOTAL 2009	20,000 —24,100

BE IT FURTHER ORDERED: That the following amounts be expended from Reserve Funds to provide for items approved as printed: (Migliaccio & Beaulieu)

1.	Fire Department Reserves	14,400
2.	Rescue	48,000
3.	Public Works Reserves	263,500
4.	Comprehensive Town Improvements Reserves	106,000
5.	Municipal Facilities	37,500
6.	Destination Freeport TIF Reserves	108,000
7.	Cable Reserves	20,000
8.	Solid Waste / Recycling	10,000

Mr. Olmstead noted that the dollar value of energy improvements would have to be brought back to the Council.

Rick Simard explained the video on demand service and how he could cover all Council, Planning Board, RSU5 and Sewer District meetings. Meetings would be transferred overnight or the next morning. Councilor Bishop indicated that she would be interested in seeing how many people actually go in and look at these meetings. Councilor Muldoon noted that this is consistent with the Council's goals. Discussion followed. Mr. Olmstead noted that the Town is not getting as much franchise revenue as it has in the past.

MOVED AND SECONDED: Under Article 10 under 2009, 3 to add \$4,100 for Cable Stream Equipment, increasing the draw down from Cable Reserves to \$24,100 and to amend the summary of funding sources to increase the draw down from cable reserves from \$20,000 to \$24,100 (Bishop & Migliaccio) **VOTE:** (7 Ayes)

Councilor Bishop asked if fitness for duty is required for Fire Department personnel. Chief Fournier noted that each employee is encouraged to work out and all employees are participating in the Wellness Program. He is confident that everyone is heading in the right direction. Mr. Olmstead noted that 100% of employees are participating in the Wellness Program.

ROLL CALL VOTE: (7 Ayes)

ITEM #040-09

To consider action relative to proposed Amendments to the Traffic and Parking Ordinance concerning changes to traffic patterns in the downtown Village resulting from development projects (Chapter 48).

BE IT ORDERED: That a Public Hearing be scheduled for May 5, 2009 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed Amendments to the Traffic and Parking Ordinance concerning changes to traffic patterns in the downtown Village resulting from development projects (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. (Cassida & Migliaccio)

Chair DeGrandpre reviewed the proposed amendments. He suggested that Councilors take a close look at the changes. Councilor Bishop requested that a map be provided at the Public Hearing. Andrew Manning from the Planning Board indicated that there would not be any changes to parking.

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS:

1) Discussion on July 4 Parade Sponsorship

Ed Bradley advised that a committee from the Community Center is willing to organize and raise a small amount of money for another parade. He asked if the Town would be willing to sponsor the parade again this year with the same rules imposed last year. They will live to the letter of what the Council asks them to do. L.L.Bean will enable them to pay a small stipend for participating bands. The amount of interest seems more intense this year. Mr. Bradley noted that the Town's insurance carrier covers liability. There was consensus to sponsor the parade.

MOVED AND SECONDED: To sponsor the Fourth of July Parade under the same terms and conditions of previous sponsorships. (Cassida & Migliaccio)

VOTE: (7 Ayes)

2) Request to use Town Hall Parking Lot for a Farmer's Market

Shannon Gower explained that Kathy Shaw is unable to attend tonight's meeting. She requested the use of the Town Hall's parking lot this summer. Mr. Olmstead mentioned that if the Thomas Moser lot is leased to China Rose, he asked where she envisioned parking since the Town's lot is more narrow. Ms. Gower explained that a lot of people parked in the rear last summer and she hopes that parking issues can be worked out. Mr. Olmstead asked her to give some thought in the event that L.L.Bean holds a sale at their Employee Store. She indicated that she measured the lot and she anticipates 15-18 vendors this year. She will have to have the vendors amend their policies to name the Town additionally insured. The Town is closed all day on Friday and the vendors set up before one o'clock. He asked how she plans to keep people out of the Town lot early on Fridays. She mentioned that they could rope off the area and put up signage. Cones could be put up early in the morning.

MOVED AND SECONDED: To approve the request for the Cumberland Farmer's Market to use the Town Hall Lot with the condition that they are responsible for managing the area, cleaning up the area and each vendor will have to provide proof of liability insurance naming the Town as insured.

(Bishop & Beaulieu) **VOTE:** (7 Ayes)

Mr. Olmstead suggested that the Farmer's Market carry goat cheese this summer.

3) Informational Exchange.

Councilor Beaulieu mentioned that her trip was very interesting this year. She feels that Freeport is in a good place and that the Town Manager and Town employees should be thanked. She feels that Maine should take a look at increasing local, state and regional tax rates on hotels/motels. It would help Maine residents. She does not know where this stands in this session. She suggested getting involved with our Legislators and pushing our needs.

Councilor Migliaccio mentioned the Maine Service Center Coalition's position on bills. He asked Councilors to look at the bills and see if they agree with them. He encouraged the Council to take a position on some of these bills. Discussion followed on the *Legislative Bulletin*, which Councilors get through e-mail. Chair DeGrandpre recommended having a discussion on this at its next meeting.

Councilor Migliaccio plans to ask the Executive Committee of MMA to reverse its position on the delaying of Penalties for school systems that did not consolidate to see what comes back. There was consensus that he should do this. Councilor Beaulieu mentioned that a lot of people voted to consolidate because they were afraid of the penalties involved.

Chair DeGrandpre noted that people at Winslow Park are applying for a grant. He signed the application and sent it off. They are trying to figure out how to deal with erosion issues.

Councilor Migliaccio mentioned there are items that the RSU Board have not figured out how to resolve. Their budget is in flux. He feels that the leaders of the Towns should get together to share some philosophies. Mr. Olmstead is working with the new superintendent and she offered to come back with a date.

Mr. Olmstead wrote to the Sewer District regarding the liens that the Town owns on South Freeport Road. Tom Allen mentioned that he is discussing the letter with a couple of Trustees. Mr. Olmstead has not heard back about what agenda the Town will appear upon.

ITEM #041-09 To consider action relative to an executive session.

BE IT ORDERED: That the Town Council enter into executive session to discuss Police and Dispatch contract negotiations. 1MRSA Section 404(6).
(Beaulieu & Bishop) **VOTE:** (7 Ayes)

MOVED AND SECONDED: To reconvene. (Bishop & Beaulieu) **VOTE:** (7 Ayes)

MOVED AND SECONDED: To adjourn at 10:40 p.m. (Beaulieu & Pandora)
VOTE: (7 Ayes)

Respectfully Submitted,

COUNCIL MEETING #05-09
April 7, 2009

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #06-09
FREEPORT TOWN HALL COUNCIL CHAMBERS
MAY 5, 2009 - 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
Bill Muldoon, 2 Roos Hill Drive	x		
Eric Pandora, 12 Birch Point Road	x		

Chair DeGrandpre called the meeting to order at 7:10 p.m. and took the roll. He explained that the lateness is due to a workshop that took place before this meeting. He noted that Councilor Migliaccio is excused this evening.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #05-09 held on April 7, 2009 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #05-09 held on April 7, 2009 and to accept the Minutes as printed. (Muldoon & Bishop)

Councilor Pandora pointed out that he provided an amendment that he would like added to the Minutes. Chair DeGrandpre explained that the Minutes are really a summary of a meeting and must include correct motions. They are not really a transcription. He assured Councilor Pandora that the taped record is available and the amount of detail will not be lost if it is not in the Minutes. Other Councilors concurred. **VOTE:** (5 Ayes) (1 Nay—Pandora) (1 Excused—Migliaccio)

SECOND ORDER OF BUSINESS: Announcements

- Clean-up Days at the Recycling Center will take place on June 3, 4, 5 and 6. Informational brochures will be mailed to households that include a coupon. If residents don't get one, they should let the Town office know.
- There will be a special election on the RSU5 budget validation on June 9 at the High School from 7 a.m. to 8 p.m. Information on the proposed budget can be found on the RSU5 Website. www.RSU5.org. There will be a special meeting tomorrow night at 8 p.m. On May 13 there will be a regular meeting. On May 27 there will be the final budget adoption and regular meeting. On June 3 there will be a special meeting for final budget

approval. A vote will be taken that will move the budget forward to the June 9 budget referendum.

- The Library is offering an antiques appraisal fundraiser on May 13 from 12-5 p.m. Suggested donations are \$10 for one appraisal or \$25 for three items. Detailed photographs may be provided on items too large to bring to the Library. This will be on a first come, first serve basis.
- Anyone interested in learning how to broadcast or record the Town's meetings should contact Rick Simard at 865-4743. There are opportunities for paid positions.
- Mary Lou Carhart is serving breakfast and lunch at the Top Spot Café at the Freeport Community Center on Tuesdays and Thursdays.
- There has been a change made in the Shaw's Rewards Program. You only have to register once but only purchases made on Tuesdays, Wednesdays and Thursdays give the Elders credit in their attempt to purchase a bus.
- Chair DeGrandpre thanked everyone in Freeport for their kind words on the passing of his mother on behalf of his family. He especially thanked the Police and Rescue Departments

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

There were none so the Council moved on.

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

ITEM #048-09 To consider action relative to adopting the May 5, 2009 Consent Agenda.

BE IT ORDERED: That the May 5, 2009 Consent Agenda be adopted.
(Beaulieu & Bishop)

Chair DeGrandpre reviewed the items on the agenda for members of the public.

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

ITEM #049-09 To consider action relative to proposed amendments to the Traffic and Parking Ordinance concerning changes to traffic patterns in the downtown Village resulting from development projects (Chapter 48). **PUBLIC HEARING.**

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

Chair DeGrandpre explained the proposed changes to traffic patterns and a map was displayed.

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

Discussion followed. Councilor Beaulieu advised that she still has concerns with making Nathan Nye Street two ways but will vote for this item this evening.

BE IT ORDERED: That the proposed amendments to the Traffic and Parking Ordinance be approved. (Bishop & Beaulieu) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Migliaccio)

ITEM #051-09 To consider action relative to the adoption of a Fiscal Year 2010 Operating Budget for the Town of Freeport.

BE IT ORDERED: That a Public Hearing be scheduled for May 19, 2009 at 7 p.m. in the Town Hall Council Chambers to discuss the adoption of a Fiscal Year 2010 Operating Budget for the Town of Freeport.

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. (Muldoon & Beaulieu)

Mr. Olmstead advised that he and the Town's Finance Director would give a presentation in a few minutes.

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

ITEM #052-09 To consider action relative to the approval of applications for Non-profit Public Peddler Licenses on the sidewalk in front of Tax Map 11, Lots 107 (Bath and Body Works).

BE IT ORDERED: That the following applications for Non-profit Public Peddler Licenses be approved.

Freeport High School Boosters
Holbrook Street

The Port Teen Center
17 West Street

Mr. Olmstead explained how this space is reserved for a qualified school or non-profit group. There are two applicants this year. The Council needs to confirm that both groups are qualified

and then lots are drawn. He mentioned that there are two other spots available in the village for the loser to choose from.

Councilor Bishop was confused because a letter was received saying that the Freeport All Sports Boosters have been dissolved. Craig Sickels explained that they did not dissolve but there has been a restructuring under a new format. Now each school team is allowed to have its own personal booster group to raise money but they will send a representative to the Freeport All Sports Boosters. Councilor Muldoon mentioned the new RSU group that has been formed. Discussion followed. Mr. Sickels provided some historical information on the way the Boosters have leased the space out.

Brian Berkemeyer, coach of the math team, cross-country and track explained how the money is kept in one account at the high school. Mrs. Pummill does all of the accounting.

Victoria Powers is on the Adult Advisory Committee at the Teen Center. She explained that she is representing the Teen Center this evening. She noted that these two groups consist of the same kids. The Port Teen Center would also lease the space out to a major vendor. John Farrell clarified that there is nothing in the Ordinance to prohibit leasing the space out and it is a perfectly legitimate way to make good use of that space. There was consensus that both groups are qualified. Councilor Cassida stated that this is a difficult decision for the Council to make. Mr. Olmstead pointed out that two other spots are available. One is in front of the Town Hall and the other is on Bow Street. He has spent some time walking the village and is confident that there is opportunity to create another lucrative space somewhere in the pedestrian walkway near the entrance to the new complex in the public right-of-way. Councilor Muldoon asked that the two groups work together because he recognizes that they both need to raise funds and he would like to see an arrangement considered where both groups would share the space. Rather than making a decision tonight, Mr. Sickels asked for time for the Boosters and the Teen Center to work together and come back to the Council with an alternative.

Randall Thomas asked when the other potential other spot would become available. Mr. Olmstead suggested that both groups should plan to meet with him and the Town Engineer to work up a plan. It would have to go to Traffic and Parking on the 19th as well but they can be getting their licenses in place, etc.

MOVED AND SECONDED: To table to May 19. (Muldoon & Beaulieu)
VOTE: (6 Ayes) (1 Excused—Migliaccio)

ITEM #053-09 To consider action relative to an extension of a loan from Town Reserves providing for the construction of the Freeport Community Center.

BE IT ORDERED: That the loan from Town Reserves to provide for the construction of the Freeport Community Center be extended to December 31, 2012 under the same terms and conditions agreed upon when the loan was approved. (Pandora & Bishop)

Bob Lyman explained why an extension is needed. Councilor Cassida noted that extending the loan is actually a good deal for the Town. Mr. Olmstead clarified that the loan was originally for \$800,000 and now \$400,000 is still outstanding. It was for three years at 3%.

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

OTHER BUSINESS:

- 1) Discussion of Farmer's Market approval at April 7th Council meeting

Councilor Cassida mentioned that he received a call from Ralph Turner of Laughing Stock Farm regarding the ability of Freeport farmers to participate in the Cumberland Farmer's Market that was approved at the last Council meeting.

Mr. Turner thanked FDEC for coming up with a solution that will allow them to participate. He noted that a number of farmers in Freeport were not aware that there was any plan to develop a farmer's market this year. He mentioned that it is a little late in the season to plan for a farmer's market. They found out on April 14 and on the 15th they were told they were not included and the market was full. They are now being allowed to participate in only the Freeport market and the driveway into the parking lot would be reserved for Freeport farm vendors. This is for this season only. He would like to develop a plan for the 2010 season prior to October or November. He will work with Councilor Cassida and it will be put to the Ordinance Committee. Councilor Cassida noted that the Ordinance Committee is scheduled to meet on June 2 and conversations can be started over the summer months.

Item #50-09 To consider action relative to amending the Council action of April 7, 2009 concerning the approval of using Town Hall parking for a farmer's market.

BE IT ORDERED: That the April 7, 2009 Town Council approval of a Farmer's Market be amended as outlined in the document titled "Freeport Farmer's Market Proposal" dated May 5, 2009. (Bishop & Beaulieu) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Migliaccio)

**Freeport Farmers Market Proposal
May 5, 2009**

1. The Town of Freeport offers to close the driveway into the parking lot at Town hall from no later than noon on Friday afternoon until 7 p.m. on Friday evenings to allow for additional exhibit space for market booths for the 2009 season.
2. The booths will be offered to Freeport farmers first for their use. If the booths are not reserved by a Freeport farmer within 30 days of the opening of the market (May 22), they may be used by other vendors.
3. Freeport farmers (or other new vendors) will be required to participate as "day table vendors" under the auspices of the Cumberland Farmers Market Association. Freeport farmers may apply for full membership beginning March 2010.

4. All dealings between the Town of Freeport and the exhibitors at the Freeport Farmers Market will be through the Cumberland Farmers Market Association for the 2009 season.
5. Arrangements for the 2010 season will be made at the end of the 2009 season.

2) Discussion on correspondence from the Cable Television Regulatory Board

Chair DeGrandpre referred to a letter addressed to Comcast that has been included in Councilors' packets. Mr. Olmstead advised that it is his understanding that at the Cable Board's meeting tomorrow night, they will take formal action to forward their request to the Council finding Comcast has defaulted in the performance of material provisions of the Franchise Agreement and notifying them of such. It will return on May 19th. He brought up the subject of putting a dish on Town Hall. He would like the Cable Board to understand that the Council is looking for detailed information on who is paying for what and then the Council can move it to its agenda for formal action. John Goran offered to get the Board member that has the information to e-mail it to Mr. Olmstead.

For the record, Councilor Beaulieu noted that she has great concerns about sending this letter. She does not think that Comcast has been a particularly good cable company but is concerned with throwing this default in their face. If they terminate our franchise, we won't be getting any money from them. She cautioned the Cable Board to be careful what they ask for because they just might get it. She asked if we are really going to live program from the locations mentioned such as the Soule School, town dock, Winslow Park, etc. She personally would not send the letter but the Council should at least put in a good list of live points. Chair DeGrandpre explained that the goal is to get them to communicate. More discussion followed. Mr. Olmstead suggested saving this discussion until there is a formal recommendation. Councilors concurred.

3) Discussion on Sewer District response to Town's offer regarding Sewer District Liens

Mr. Olmstead explained that he has reached out to the Sewer District Trustees to see if we could enter into dialog to discuss sewer liens on the South Street property. He wrote to Tom Allen asking to have a discussion entered on a Sewer District agenda to have that discussion. A letter was received asking us to tell them what we would be willing to pay and if they feel it is sufficient, the Trustees might be willing to talk to the Council. He mentioned that the agreement we have is that they only get paid if the property gets sold and if there is enough money after the Town's costs and expenses have been satisfied which are approaching \$100,000. In this economy, Mr. Olmstead feels the Town would be hard pressed to get this amount of money for the property. The Sewer District wants to be paid now. The Town has already paid them \$2,000 or \$3,000 in interest payments to avoid liens against the Town. They want a response. Mr. Olmstead is suggesting making an offer of \$25,000 less any payments we have made to date. There was consensus to do this and Mr. Olmstead will respond accordingly.

4) Presentation of Proposed FY 2010 Operating Budget for the Town of Freeport

Chair DeGrandpre asked Councilors to take a look at the information on agencies and contact Johanna Hanselman if there are any questions since she made some changes.

Councilors brought out their budget binders and commented how they have been recycled to save money. Mr. Olmstead and Finance Director, Abby Yacoben provided a PowerPoint presentation on the proposed FY 2010 operating budget. He did not go line by line but pointed out that salaries will remain flat this year. One half of one position was eliminated at Town Hall. Energy costs are coming down this year. The salt account is up and storm water management has increased. Worker's Comp costs and insurance costs are also up. Agency budgets are down because Johanna recalculated a new formula. County tax was up substantially.

He thanked all of the non-union Municipal employees for being so understanding and recognizing that we are trying to preserve jobs. \$65,000 was saved.

He mentioned that State revenue sharing and Homestead Exemptions, Aid to Education, etc. are down. New construction permits are down. We have only had 2 single family dwelling permits this spring where we normally have 35 or 40.

He believes that we are in for a potentially three-year difficult budget cycle. Stimulus funds will end in two years and he mentioned the School Department would find itself short of \$570,000. He mentioned the three citizen initiatives that are coming up. TABOR 2 does not include schools. It does not trouble Freeport but a lot of other municipalities with very little growth should be concerned. Reducing excise taxes by 50% would cost the Town approximately \$600,000. This is a huge number. The other initiative is school consolidation.

There are opportunities such as consolidation of services. It is a necessary evil even though there are emotional issues. He mentioned Police, Fire, Administrative Services, Library, etc. Economic Development is working on some exciting stuff right now. We need to create a rainy day fund. If the school budget stands as presented as well as the Municipal budget. We could see a decrease of 15 cents. The Assessor wants to work with the guidance of the Council. Rather than decrease the rate, we hold it stable and create a rainy day fund to buffer the problems we may face in 2011 and 2012. He has been discussing this with Ms. Yacoben but cautioned that it could disappear depending upon State cuts.

The State budget deficit has increased so the State appears to be willing to increase property taxes rather than broad-based taxes. The Town looked at Dispatch Consolidation tonight and it could generate a considerable savings in January.

The budgets are available and on line as of April 30. Residents can come in during public sessions to talk about budget proposals on May 6 and 7. We should know what the State has delivered to us by next week. The Council will be meeting with the school leadership folks tomorrow night.

He explained some of the items that may appear foreign to Councilors. Ms. Yacoben talked about the transference of debt. Councilor Beaulieu suggested adding footnotes saying that the figure has been rounded up. Councilor Bishop asked for a corrected slide of consolidation. Chair DeGrandpre asked Ms. Yacoben for the whole document. Mr. Olmstead requested that Councilors get their questions to him prior to the scheduled workshop.

5) Review of Town Council Goals for 2009.

Chair DeGrandpre asked for comments on how the Council is doing so far. There was consensus that the Council is doing pretty well and is keeping its eyes on the prize. The Council acknowledged that this is not a business as usual year and has not closed any doors.

6) Informational Exchange

Chair DeGrandpre noted that there was discussion at Leadership with the deeds to the school properties. Not knowing what is going to happen, he suggested that the Council generate some sort of lease on the properties for a year and see what the school folks have to say. Councilor Beaulieu does not want to convey anything because in November we might not have a consolidation. Chair DeGrandpre noted that we don't have to do anything before the November ballot. There will be discussion tomorrow.

MOVED AND SECONDED: To adjourn at 9:45 p.m. (Muldoon & Beaulieu)
VOTE: (6 Ayes) (1 Excused—Migliaccio)

Respectfully Submitted,

Sharon Coffin
Council Secretary

**MINUTES
FREEPORT TOWN COUNCIL MEETING #07-09
FREEPORT TOWN HALL COUNCIL CHAMBERS
MAY 19, 2009 - 7:00 P.M.**

CHAIRPERSON'S CALL TO ORDER

PRESENT ABSENT EXCUSED

Genie Beaulieu, P.O. Box 74	x
Charlotte Bishop, Maquoit Drive	x (arrived at 7:03 p.m.)
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
Eric Pandora, 12 Birch Point Road	x

Chair DeGrandpre called the meeting to order at 7 p.m. and took the roll. He explained that Councilor Bishop would be arriving shortly.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #06-09 held on May 5, 2009 and accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #06-09 held on May 5, 2009 and accept the Minutes as printed. (Beaulieu & Muldoon) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Bishop)

NOTE: Councilor Bishop arrived at 7:03 p.m.

SECOND ORDER OF BUSINESS: Announcements

Chair DeGrandpre announced that Winslow Park Campground would be opening on May 21. Family Fun Day and a Coast to the Coast Fun Run will take place on June 20. There will be free camping June 22-28 for Freeport residents. The Thursday night concerts will take place during July and August beginning at 6:30 p.m. A Triathlon will take place on September 19. September 20-27 is another free camping week for Freeport residents. Anyone needing information should call 865-4198.

On June 16 beginning at 6 p.m. a town meeting style of meeting will take place for residents of the three towns to sit together and vote on the RSU5 budget. This will be an opportunity for residents to vote on the budget going out to referendum on June 25. The meeting will not end until there is budget approval. Residents need to be a registered voter in order to get in. The High School Auditorium and Gym have been reserved. The budget validation vote has been moved to Thursday, June 25 and people need to make their voices heard. Mark the date and get there. Councilor Beaulieu explained that residents would not be allowed to register to vote on either of these dates. It is a local vote. If anyone wants to attend the Town Meeting, they have to be a registered voter before they arrive. This is important for folks to understand. If anyone needs information, it is posted on the Town's website and the RSU5 website.

The parade on Memorial Day will begin at 9 a.m. on Holbrook Street and will proceed to the park on Bow Street. Chair DeGrandpre encouraged residents to attend.

Clean-up Days will take place at the Recycling Center on June 3, 4, 5 and 6. Informational brochures have been mailed to households that include a coupon. Residents must present that coupon at the Recycling Center.

Lunch with the Lieutenant will take place on Friday, June 5 at 12 Noon at the Community Library. Residents should bring their own lunches. Anyone with concerns or questions can call her at 865-4800.

The Town of Freeport's Heating Assistance Fund has provided over 3,500 gallons of fuel to 33 needy families. If any resident or business would like to make a donation to the next heating season fund, please send it to the Freeport Town Hall. If anyone has questions, please call Johanna at 865-4743, Extension 120.

Councilor Migliaccio noted that the Maine Clammers' Association would be using the Public Safety Building for a clambake. Proceeds will support the Freeport Shellfish Harvesters and Clean Water.

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

There were none.

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

ITEM #058-09 To consider action relative to adopting the May 19, 2009 Consent Agenda.

BE IT ORDERED: That the May 19, 2009 Consent Agenda be adopted.
(Beaulieu & Bishop)

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

MOVED AND SECONDED: To amend the date in Item #056-09 from June 9, 2009 to June 25, 2009. (Beaulieu & Bishop) **VOTE:** (7 Ayes)

Mr. Olmstead advised that a second mailing would not go out advising the corrected date. Chair DeGrandpre noted that the Council would remind residents of the new date.

ROLL CALL VOTE ON AMENDED ORDER: (7 Ayes)

ITEM #059-09 To consider action relative to the adoption of a Fiscal Year 2010 Operating Budget for the Town of Freeport. **PUBLIC HEARING.**

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

Councilor Migliaccio read the draft proposal for a website coordinator. It is a 15-hour a week proposal.

Chair DeGrandpre asked for a show of hands from people planning to speak this evening.

Speaking in favor of retaining Emergency Dispatch in Freeport rather than consolidating with the County were: Adam Nappi of Bow Street Market, Wayne Hollingworth of Durham Road, Lisa Turner of Wardtown Road, Arthur Whitten of Brookside Village, Nick Goodman of Maple Avenue, Alice Smith, Dan Brown of Wardtown Road, Noreen Lyons of Carriage Road, Elizabeth Frey of Pine Street, Valerie Nielsen of Route 125, Roger Hart of Main Street, Rosa Brawn of Route 136, Jack Helm of Webster Road, Lesley Searfoss of Pownal and Bill Perkins of Bragdon Road. Bill Holmes representing the County was also in attendance to answer questions.

Chair DeGrandpre kept track of what number speakers dial during an emergency. He stated that the next operating year's budget includes no change to dispatch but that there is a need for an honest discussion about what works and what doesn't. It will be about service delivery, not budget. The Council needs to fully understand how this service is delivered. There are a whole lot of things out of Freeport's control, moving forward.

There were no speakers in favor of consolidating with the County Dispatch Center in attendance

Chair DeGrandpre asked if anyone had a question on this big budget and there were none.

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

Mr. Olmstead noted that if the budget is adopted next week, the June 2 agenda is wide open. Residents were encouraged to visit the Freeport and Windham Dispatch Centers to get as much information as possible. Mr. Olmstead explained that the Council's regular June meeting will take place on June 2 and the second regular meeting could be scheduled on June 23 because of the RSU Town Meeting scheduled on the 16th. The Council meets once during the months of July and August. The Council agreed that a workshop to discuss dispatch with Freeport's Fire and Police Departments and the County Dispatch Center should take place on the 9th and the final decision will be made on the 23rd. Chair DeGrandpre requested that dispatchers and representatives from the County and Freeport Police and Fire be in attendance on the 9th.

Mr. Olmstead requested that people take a look at the presentation that took place a few weeks ago that is on the Town's website and that questions be mailed or e-mailed to him so that the appropriate people can respond at the June 9 Workshop. He cautioned that if a change were made, it would be on a permanent basis.

Chair DeGrandpre noted that typically a lot of public input is not permitted at a workshop and it is important for folks to submit their questions in writing.

Councilor Migliaccio noted that he missed the last Council meeting and workshop a few weeks ago and asked if he could get something else to augment the Finance Director's PowerPoint presentation on dispatch. He offered to call her personally.

BE IT ORDERED: That Item #059-09 be tabled until May 26, 2009. (Beaulieu & Migliaccio) **ROLL CALL VOTE:** (7 Ayes)

Councilor Cassida pointed out that the Ordinance Committee would be meeting on June 2 at 6 p.m.

ITEM #060-09

To consider action relative to an extension of the Cable T.V. Franchise Agreement between the Town of Freeport and Comcast of Maine and New Hampshire, Inc.

BE IT ORDERED: That the Town's Cable T.V. Franchise Agreement with Comcast of Maine and New Hampshire, Inc be extended until November 7, 2009.

BE IT FURTHER ORDERED: That the Town Manager be authorized to sign the extension agreement. (Muldoon & Migliaccio)

Mr. Olmstead explained that this protects our franchise agreement.

ROLL CALL VOTE (7 Ayes)

ITEM #061-09 To consider action relative to the Cable T.V. Franchise agreement between the Town of Freeport and Comcast of Maine and New Hampshire, Inc.

BE IT ORDERED: That the Freeport Town Council accepts and approves the recommendation of the Cable T.V. Regulatory Board and finds Comcast of Maine and New Hampshire, Inc ("Comcast") in default of the franchise agreement between Comcast and the Town of Freeport for reasons stated in the "letter of default" drafted by the Town's Attorney dated May 19, 2009. The Council Chairperson is authorized to sign the letter of default on behalf of the Town Council. (Migliaccio & Bishop)

Chair DeGrandpre feels it is important to start some discussion. Mr. Olmstead explained that the Cable Committee feels it is important that the Council go on record that Comcast has not met their obligations under the contract. They have not been responsive to our letters. Councilor Muldoon asked if the address was spelled correctly. Mr. Olmstead offered to check into it. Councilor Beaulieu noted that she would not support this item. Councilor Muldoon feels it is important to hold Comcast accountable. Discussion followed.

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

ITEM #062-09 To consider action relative to appointing delegates to the Greater Portland of Governments General Assembly.

BE IT ORDERED: That Genie Beaulieu and Joe Migliaccio be appointed to represent Freeport at the GPCOG Annual General Assembly Meeting on June 18, 2009. (Cassida & Bishop)

Mr. Olmstead explained that these two Councilors were delegates last year. Councilor Migliaccio encouraged someone else to attend in his spot. Councilor Pandora indicated an interest.

MOVED AND SECONDED: To amend the names of the delegates to Genie Beaulieu and Eric Pandora. (Bishop & Migliaccio) **VOTE:** (7 Ayes)

ROLL CALL VOTE ON AMENDED ORDER: (7 Ayes)

ITEM #063-09 To consider action relative adopting a new Post-Construction Stormwater Management Ordinance (Chapter 53).

BE IT ORDERED: That a Public Hearing be scheduled for June 2, 2009 at 7:00p.m. in the Town Hall Council Chambers to discuss adopting a new Post-Construction Stormwater Management Ordinance (Chapter 53).

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 being required by the Maine Department of Environmental Protection and must be adopted by June 30, 2009. The proposed Ordinance is based on a model Ordinance developed by the Maine Municipal Association. (Pandora & Migliaccio)

Councilor Cassida explained that this is a new federal requirement. Mr. Olmstead noted that the Town Engineer would be in attendance at the Public Hearing to answer questions.

ROLL CALL VOTE: (7 Ayes)

ITEM #052-09

Tabled 05/05/09

To consider action relative to the approval of applications for Non-profit Public Peddler Licenses on the sidewalk in front of Tax Map 11, Lots 107 (Bath and Body Works).

BE IT ORDERED: That the following applications for Non-profit Public Peddler Licenses be approved.

Freeport High School All-Sports Boosters
Holbrook Street

The Port Teen Center
17 West Street

(Beaulieu & Bishop)

Mr. Olmstead explained that he met with the Town Engineer to determine a second location for a cart. They came up with an idea to put the second cart on private property. They met with the owner and found him to be agreeable.

Ms. Powers explained that they have worked as a joint venture with the Sports Boosters. The proceeds from both spots will be divided equally between the Sports Boosters and the Port Teen Center. Sarah Davenport expects to get the agreement signed by Fred Leighton. She thanked the Town for also helping to resolve the parking space issue. Mr. Olmstead explained that he made a decision to donate the space to the organization for six or seven months. He pointed out that the Town couldn't give enough recognition to Fred Leighton for his generous donation.

Craig Sickels echoed everything that Ms. Powers had already said. He also thanked Fred Leighton for the high-valued spot and all the Councilors.

Discussion followed. Councilor Muldoon congratulated Ms. Powers and Mr. Sickels for what they accomplished and is delighted with the outcome. He noted that both causes are worthy and important. Chair DeGrandpre echoed Councilor Muldoon.

MOVED AND SECONDED: To amend the order to read Freeport High School All Sports Boosters, Holbrook Street. (Bishop & Beaulieu) **VOTE:** (7 Ayes)

OTHER BUSINESS:

- 1) Discuss May 8 letter from the Winslow Park Commission regarding Commission Membership

Councilor Cassida explained that there was a misunderstanding and that the Commission did not realize they were actually losing two seats. They want to have at large members of the community fill those seats. Mr. Olmstead explained the process.

MOVED AND SECONDED: To put this item on the June 2 agenda. (Beaulieu & Bishop) **ROLL CALL VOTE:** (7 Ayes)

- 2) Informational Exchange.

Councilor Migliaccio had questions about the request from the RSU to use \$40,000 of the Capital Reserve funds to help allay Pownal's pain. Mr. Olmstead explained that Freeport had a reserve fund established by the Council and there was \$56,000 left in that account. It was Town money controlled by the Council. It appeared on a list of issues to be resolved. Pownal did not put one dime into that account. \$50,000 came from last year's Municipal budget but Mr. Olmstead was unclear where the other \$6,000 came from.

More discussion followed.

MOVED AND SECONDED: To adjourn at 9:45 p.m. (Beaulieu & Bishop) **VOTE:** (7 Ayes)

Respectfully Submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #08-09
FREEPORT TOWN HALL COUNCIL CHAMBERS
MAY 26, 2009 – 8 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
Bill Muldoon, 2 Roos Hill Drive	X
Eric Pandora, 12 Birch Point Road	X

Chair DeGrandpre called the meeting to order at 7:55 p.m. and took the roll.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #07-09 held on May 19, 2009 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #07-09 held on May 19, 2009 and to accept the Minutes as printed. (Cassida & Bishop) **ROLL CALL VOTE:** (7 Ayes)

Mr. Olmstead explained that a discussion on Item #068-09 should take place immediately since it would impact the budget the Council would be voting on later.

MOVED AND SECONDED: To take up an item out of order. (Bishop & Cassida)
VOTE: (7 Ayes)

ITEM #068-09 To consider action relative to an executive session.

BE IT ORDERED: That the Town Council enter into executive session to discuss Police and Dispatch contract negotiations. 1MRSA Section 404(6). (Bishop & Beaulieu) **VOTE:** (7 Ayes)

MOVED AND SECONDED: To return to the regular agenda. (Beaulieu & Cassida) **VOTE:** (7 Ayes)

SECOND ORDER OF BUSINESS: Announcements

Chair DeGrandpre announced that tomorrow night there would be a regular RSU5 meeting at the High School with community input. Residents should follow the signs that will be posted to determine the location of the meeting. On June 3 will be their final budget adoption. On June 10 a regular meeting will

take place. There will be no budget deliberations. On Wednesday, June 16 there will be a town meeting style of meeting for residents of the three towns to sit together and vote on individual parts of the RSU5 budget. Residents need to be registered voters in order to get in. The budget validation vote has been changed to Thursday, June 25. The polls will be open from 8 a.m. to 8 p.m. at the High School. He encouraged residents to get involved and to vote. These meetings are all posted on the Town's website.

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

There were none.

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

ITEM #064-09 To consider action relative to the acceptance of State Funds for fiscal year 2010.

BE IT ORDERED: That the following categories for State Funds be accepted for fiscal year 2010.

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 included in items 1-8

(Bishop & Beaulieu) **ROLL CALL VOTE:** (7 Ayes)

ITEM #065-09 To consider action relative to the proposed fiscal year 2010 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, 2009 to June 30, 2010 Municipal Budget as printed. (Muldoon & Cassida)

MOVED AND SECONDED: To add an amount not to exceed \$14,440 to carry out the Website Coordination duties as proposed by the Town Manager to the General Government line and adjust the Total Appropriations figure to 9,695,767. The amount to be raised by taxation shall be increased by \$14,440, making the total 5,737,640. Total Revenues will increase to 9,695,767. (Migliaccio & Cassida) **ROLL CALL VOTE:** (5 Ayes) (2 Nays—Beaulieu & Bishop)

MOVED AND SECONDED: In Human Services Agencies, reduce the Agency on Aging budget by \$500 leaving it with a \$500 budget and give the American Red Cross \$500. Their previous amount was zero. (Beaulieu & Cassida) **ROLL CALL VOTE:** (4 Ayes) (3 Nays—Bishop, Migliaccio, and Cassida)

APPROPRIATIONS

General Government	1,181,342 + 14,440 = 1,195,782
Protection & Enforcement	1,970,519
Health & Welfare	90,690
Public Works/Solid Waste	2,065,259
Library	373,425
Unclassified	1,737,574
Debt Services- Local	904,482
County Tax	824,736
Human Services Agencies	42,300
Bustins Island	168,000
Community Center Building	40,000
Abatements	25,000
Economic Development Corp.	85,000
Ecomaine Debt Contribution	173,000

TOTAL APPROPRIATIONS ~~9,681,327~~ + 14,440 = 9,695,767

ESTIMATED REVENUES

Non-Property Tax/Tax	1,302,500
Intergovernmental	1,206,300
Charge for Services	366,700
Licenses and Permits	200,740
Fines and Forfeitures	65,900
Miscellaneous	171,862
Library Lease Proceeds	175,000
TOTAL ESTIMATED	3,489,002

Amount Transferred from	
Undesignated Funds	469,125
Amount to be raised by Taxation	5,723,200 + 14,440 = 5,737,640

TOTAL REVENUES ~~9,681,327~~ + 14,440 = 9,696,767

Councilor Migliaccio recognized Johanna Hanselman for all her good work. Chair DeGrandpre thanked everyone for all his or her hard work. Mr. Olmstead thanked and recognized all the non-union employees that work in Freeport for giving back their raises, step raises and cost of living raises. They all helped to save jobs. This is a tough year and he cautioned that next year might be more difficult.

ROLL CALL VOTE ON AMENDED ORDER: (6 Ayes) (1 Nay—Bishop)

ITEM #066-09 To consider action relative to the operating budget for Winslow Park for fiscal year 2010.

BE IT ORDERED: That \$217,004 be approved for the Winslow Park budget from July 1, 2009 to June 30, 2010 and \$16,350 be approved for the Harb Cottage budget from July 1, 2009 to June 30, 2010. (Migliaccio & Bishop) **ROLL CALL VOTE:** (7 Ayes)

ITEM #067-09 To consider action relative to adopting a Non-emergency Transport (NET) budget for fiscal year 2010.

BE IT ORDERED: That the Non-Emergency Transport Budget in the amount of \$424,405 be approved for fiscal year 2010. (Cassida & Migliaccio)

Chair DeGrandpre noted that this program has been a big success and it works well for Freeport.

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS:

1) Informational Exchange

Chair DeGrandpre mentioned that he asked questions at the RSU meeting about the transfer of the Town's assets. The deadline is July 1. He is hoping to get a clearer picture after meeting with the RSU5 folks.

Mr. Olmstead noted there was a lot of confusion about debt service and an amount of money left in the School Reserve account held by the Town of Freeport. The last Finance Director made a \$50,000 transfer into that school reserve account last June. There was also confusion about the Pownal tuition surcharge of \$42,000 collected this year but held by the School Department. It was never transferred to the school reserve fund. If Pownal wants that money returned to them, they will have to talk to the School Department. It is in a school revenue account. Pownal makes 12 payments per year and there is one more payment coming this year in June. The RSU5 Superintendent was not familiar with the arrangement between Pownal and Freeport and was confused about the two pots of money but she understands it now. The mystery has been cleared up. This item will be discussed at the Freeport School Committee as well as at the RSU5 meeting.

MOVED AND SECONDED: To adjourn at 8:50 p.m. (Cassida & Bishop)
VOTE: (7 Ayes)

Respectfully Submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #09-09
FREEPORT TOWN HALL COUNCIL CHAMBERS
JUNE 2, 2009 – 7 P.M.

CHAIRPERSON'S CALL TO ORDER

PRESENT ABSENT EXCUSED

Genie Beaulieu, P.O. Box 74
Charlotte Bishop, Maquoit Drive
James Cassida, 5 Timber Ridge Road
Rich DeGrandpre, Timber Ridge Road
Joe Migliaccio, 2 Vinmar Lane
Bill Muldoon, 2 Roos Hill Drive
Eric Pandora, 12 Birch Point Road

x
x
x
x
x
x
x

Chair DeGrandpre called the meeting to order at 7:06 p.m. and explained the delay was because of an Ordinance Meeting that just ended. He took the roll.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #08-09 held on May 26, 2009 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #08-09 held on May 26, 2009 and to accept the Minutes as printed. (Migliaccio & Bishop)

VOTE: (7 Ayes)

SECOND ORDER OF BUSINESS: Announcements

Chair DeGrandpre announced that on June 16 at 7 p.m. there would be a Town Meeting style meeting for the RSU5 budget, held at the high school. It is in everybody's interest to attend if possible. What comes out of this meeting is what will go to the budget validation vote. The budget validation vote will take place on Thursday, June 25 here in the Town Hall Council Chambers from 7 a.m. to 8 p.m. This is on the RSU5 website and the Town's website.

Clean-up Days will take place on June 3, 4, 5 and 6. Residents will be able to bring one pick-up size load of household items but must present the coupon that was mailed to them. Composters, rain barrels, kitchen pails and compost turners are for sale at the Recycling Center. If anyone has questions, they can reach Mike at 865-3740.

There are many activities being planned on the 4th of July. There will be a pancake/sausage breakfast at St. Jude's Church following the L.L. Bean Fun Run and 10k Run. The parade begins at 10 a.m. at Kendall Lane south to Holbrook Street. Call Ed Bradley at 865-4612 if there are any questions about the parade. There will be a Clean Water Clam Bake at the Public Safety Building from 11 a.m. to 3 p.m. At 7:30 p.m. there will be a concert at L.L. Bean's Discovery Park followed by fireworks at 9 p.m. on the Athletic Field. He explained that L. L. Bean has all their concerts posted and has interesting folks coming this year.

The Town of Freeport's Heating Assistance Fund provided 3,500 gallons to 33 households in need during 2009. It has pretty much depleted the fund. The next heating season may once again find Freeport households in need. If anyone has questions, they should contact Johanna at 865-4743, Extension 120

The Winslow Park Commission will be meeting on June 8 at 6:30 p.m. in the large conference room at the Freeport Community Center and there will be further discussion on the dog policy. Winslow Park has received a \$17,000 planning grant for erosion control at the park. On June 20 they will be holding a Family Fun Day and a Coast-to-Coast Run. There will be free admission to the park and use of the beach. Registration will begin at 7:30 that morning. If anyone has questions, they may call Nelson Larkin at 791-3222. Camping will be free to Freeport residents during June 22-28. For information, residents should call 865-4198.

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

There were none.

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

ITEM #074-09 To consider action relative to adopting the June 2, 2009 Consent Agenda.

BE IT ORDERED: That the June 2, 2009 Consent Agenda be adopted.
(Beaulieu & Cassida)

Councilor Beaulieu requested that Item #070-09 be removed from the Consent Agenda.

Chair DeGrandpre reviewed the items on the agenda for members of the public.

ROLL CALL VOTE: (7 Ayes)

ITEM #70-09 To consider action relative to adopting a Town Council Meeting Schedule for the remainder of 2009 be adopted as amended: (Beaulieu & Migliaccio)

Mr. Olmstead explained that Brunswick has expressed an interest in providing Dispatch service to Freeport. He provided some history on regionalizing services. Brunswick is currently our back up Dispatch Center. Discussion followed. Councilor Cassida noted that he would most likely not be here on the second and third Tuesday of August. There was consensus to cancel the June 9 workshop and hold a 5:30 p.m. workshop on parking on June 23. Ms. Larson would like questions submitted earlier. There will be a regular meeting on August 11 but there will not be a workshop that night. On September 22 a Dispatch workshop will take place at 5:30 p.m. Mr. Olmstead will send out a revised schedule tomorrow.

ROLL CALL VOTE: (7 Ayes)

ITEM #075-09 To consider action relative to adopting a new Post-Construction Stormwater Management Ordinance (Chapter 53). **PUBLIC HEARING.**

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

Town Engineer, Albert Presgraves explained the Ordinance.

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

BE IT ORDERED: That the proposed Post-Construction Stormwater Management Ordinance be approved. (Bishop & Beaulieu) **ROLL CALL VOTE:** (7 Ayes)

ITEM #076-09 To consider action relative to the issuance of an Alcoholic Beverage License to Linda Bean's Perfect Maine Lobster Roll. **PUBLIC HEARING.**

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

Karen Harris explained that they are proposing to add beer and wine in this location only. It will have sit down seating. She answered questions for Councilors.

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

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

LB Village Station, LLC d/b/a
Linda Bean's Perfect Maine Lobster Roll
One Freeport Village Station

(Muldoon & Beaulieu) **ROLL CALL VOTE:** (7 Ayes)

ITEM #077-09 To consider action relative to accepting a bid on a new Town Hall Heating System.

BE IT ORDERED: That the bid from Johnson and Jordon in the amount of \$68,715.89 to provide for a new Town Hall Heating System be accepted.

BE IT FURTHER ORDERED: That the funds come from the Municipal Facilities Capital Reserve Fund. (Migliaccio & Beaulieu)

Mr. Olmstead asked Councilors to look at the installation line. Discussion followed.

ROLL CALL VOTE: (7 Ayes)

ITEM #078-09 To consider action relative to a proposed amendment to the Administrative Code concerning Winslow Park Commission Membership. (Chapter 2)

BE IT ORDERED: That a Public Hearing be scheduled for June 23, 2009 at 7:00p.m. in the Town Hall Council Chambers to discuss increasing membership on the Winslow Park Commission from 7 to 9 members (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. (Cassida & Migliaccio)

Councilor Cassida provided the history on this request. There were no questions raised.

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS:

- 1) Discussion on deed transfer of School Properties to RSU #5

Mr. Olmstead was stunned that the RSU folks are not in attendance this evening. He suggested that the Council table this item indefinitely because these folks need to be in the room to have this discussion. Discussion followed. Councilor Migliaccio noted there is only one Council meeting scheduled before the transfer needs to take place.

MOVED AND SECONDED: To table this item indefinitely. (Beaulieu & Cassida) **ROLL CALL VOTE:** (7 Ayes)

- 2) Discussion on Recommendation for Brewer Leased Parking Lot (Traffic and Parking Committee)

Chair DeGrandpre referred to the information received in Councilors' packets. He noted this is a one-year trial and that Traffic and Parking is trying to find a solution to better use the spots. Councilor Migliaccio would like to see some additional signage added. Discussion followed. Councilor Migliaccio noted that he would not vote in favor of this recommendation. Councilor Beaulieu pointed out that this is a trial, and it may not be the right one, but at least more information will be made available at the end of the season.

MOVED AND SECONDED: To accept the recommendations of the Traffic and Parking Committee regarding the Brewer Leased Parking Lot in South Freeport. (Beaulieu & Bishop) **ROLL CALL VOTE:** (6 Ayes) (1 Nay—Migliaccio)

- 3) Discussion on membership to the MMA Executive Committee

Mr. Olmstead pointed out that MMA is seeking members for their Executive Committee and Freeport recently had a seat on that committee. It may be some time before Freeport is considered again but it would be good to get a name on a list to get in line. Councilor Beaulieu strongly suggested that Councilors get their names in if they have any interest because it is a great group. The information was given to Councilor Cassida so that he could give it some thought.

- 4) Discussion on need to call a Special Council Meeting to sign the election warrant for RSU #5 budget validation — Already discussed earlier
-

5) Legislative Update—

Councilor Migliaccio noted that we still have to do a legislative agenda. Chair DeGrandpre requested an outline of issues that may be important to Freeport.

Councilor Migliaccio mentioned that things are starting to die down on bills. He will keep passing the information out. The \$990 to be a part of the Maine Service Coalition is money well spent. He feels we should rally around three or four core issues for the Legislature and that Phil Nadeau would be willing to come and talk during a workshop. He sent a note saying that Freeport does not want to be associated with the 11-cent gas tax proposal. Councilor Beaulieu is not sure she sides with the Coalition on many issues. She feels we need to look closely with all the groups we are affiliated with to make sure it is the core that we want Freeport to be. There is a need for a deep thoughtful discussion on where we want our allegiance to lie. It will not be an easy workshop. Councilor Migliaccio agreed that we need to think about what is best for Freeport and asked for suggestions.

6) Sewer District Lien

Mr. Olmstead explained that the total owed the Sewer District for the South Street property is just under \$31,000. A check was sent for \$25,547, which was rejected by the Sewer Trustees. He has since approached the Trustees with a renewed offer of \$24,747 since we paid \$800 to keep a lien from maturing against the Town of Freeport. They have counter offered with \$25,599. He asked the Council to accept the Sewer District's offer of \$25,599 (a \$5,000 discount on their part). He recommends that the money come out of the balance left in the tax acquired property Cushing Briggs total of \$29,500.

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

MOVED AND SECONDED: That the Town of Freeport accept the Sewer District offer to settle outstanding Sewer District liens on the South Street property in the amount of \$25,599 and the funds to pay for that settlement will be taken out of the balance of the tax acquired property Cushing Briggs account.
(Beaulieu & Bishop) **ROLL CALL VOTE:** (7 Ayes)

7) Informational Exchange.

Councilor Migliaccio referred to the RSU meeting that took place last Wednesday. Two bond issues were voted on. A question was asked what would happen to Durham's 17 million dollar school bond if the State decides not to pay. An attorney in attendance noted that the State would not default but they could change the funding formula. He is not sure it will affect our bond rating. Mr. Olmstead noted that our Finance Director is looking into this. More discussion followed.

Councilor Muldoon asked Councilors to review the document provided by Windham and the County that was included in their packets.

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

ITEM #079-09

To consider action relative to an Executive Session to discuss the possible sale of property owned by the Town of Freeport (1 MRSA Section 405 (c)).

MOVED AND SECONDED: That the Town Council enter into Executive Session (Bishop & Beaulieu) **VOTE:** (7 Ayes)

MOVED AND SECONDED: that the Town Council reconvene into Public Session (Bishop & Migliaccio) **VOTE:** (7 Ayes)

MOVED AND SECONDED: To adjourn at 9:05 p.m. (Cassida & Migliaccio)
VOTE: (7 Ayes)

Respectfully Submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #10-09
FREEPORT TOWN HALL COUNCIL CHAMBERS
JUNE 23, 2009 - 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
Bill Muldoon, 2 Roos Hill Drive	x
Eric Pandora, 12 Birch Point Road	x

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

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #09-09 held on June 2, 2009 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #09-09 held on June 2, 2009 and to accept the Minutes as printed. (Bishop & Migliaccio)

VOTE: (7 Ayes)

SECOND ORDER OF BUSINESS: Announcements

Chair DeGrandpre reminded everyone of the budget validation vote that will take place this Thursday from 7 a.m.-8 p.m. in Freeport Town Hall. He encouraged everyone to vote. Absentee voting is available now in Town Hall. He will repeat this announcement later in the meeting.

Winslow Park's summer Thursday night concert series starts on July 9 featuring the Boneheads. Through June 28 the Park offers free camping to Freeport residents. For anyone planning to participate in the 2009 Lobsterman /Lobsterwoman Triathlon, the event will take place on September 19. For more information they should call 865-4198.

Councilor Beaulieu pointed out that Senator Collins has put in another bill to get the heavy trucks off Route One and onto 95. She encouraged everyone to send letters to Senator Collins thanking her on our behalf and perhaps also drafting letters to others in Congress to support Senator Collins' bill.

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

Chair DeGrandpre declared the Public Comment Period open.

Sandy Updegraph from FDEC provided an update on the train. Just this afternoon she heard from Patricia Quinn from the Northern New England Passenger Rail Authority regarding funding for the rail expansion

from Portland to Brunswick. Ms. Quinn has applied for a loan. Additionally, she, along with MDOT, is completing an application for stimulus grant money to fund the expansion and the application process is moving quickly. She expects to learn if the Authority receives the funds sometime in September. The Train Committee will be activated to provide support data for the application. Mr. Olmstead advised that the Governor previously stated that if the application from federal funding were not successful, he would include monies for the expansion in his transportation bond package. Ms. Updegraph noted that the Governor has not done this. Mr. Olmstead cautioned everybody in Freeport to not get overly optimistic since there is no guarantee.

Chair DeGrandpre declared the Public Comment Period closed.

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

ITEM #086-09 To consider action relative to adopting the June 23, 2009 Consent Agenda.

BE IT ORDERED: That the June 23, 2009 Consent Agenda be adopted.
(Beaulieu & Bishop)

Chair DeGrandpre reviewed the items for members of the public.

ROLL CALL VOTE: (7 Ayes)

ITEM #087-09 To consider action relative to a proposed amendment to the Administrative Code concerning Winslow Park Commission Membership (Chapter 2). **PUBLIC HEARING.**

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

There were no public comments made.

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

Councilor Cassida explained the amendment.

BE IT ORDERED: That the proposed amendment to the Administrative Code concerning Winslow Park Commission membership be approved. (Bishop & Migliaccio) **ROLL CALL VOTE:** (7 Ayes)

ITEM #088-09 To consider action relative to the issuance of Alcoholic Beverage Licenses to Amato's of Freeport, LLC and Steve Fowler-Greaves, Joseph N. Pompeo & Christopher Grant d/b/a Siano's Pizzeria Freeport, LLC. **PUBLIC HEARING.**

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

There were no public comments made.

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

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

Amato's of Freeport, LLC d/b/a
Amato's of Freeport
114 Main Street
And
Steve Fowler-Greaves, Joseph N. Pompeo & Christopher Grant d/b/a
Siano's Pizzeria Freeport, LLC
140 Main Street

Note: These are new applications that require a public hearing.

(Muldoon & Cassida) **ROLL CALL VOTE:** (7 Ayes)

ITEM #089-09 To consider action relative to the Transfer of Town of Freeport School Property to Regional School Unit No. 5.

BE IT ORDERED: That the Town Manager be authorized and directed to transfer Town of Freeport School Property to Regional School Unit No. 5 in accordance with Quitclaim Deed without covenant and attached exhibits dated June 23, 2009. (Migliaccio & Cassida)

Mr. Olmstead walked everyone through the maps provided. At Mast Landing School, the property in red will be transferred to the RSU5. The conservation pieces will be excluded. The Middle School property became complicated. The lot included Middle School and the Municipal Library. The ropes course needed to be part of the school property. The Town will retain the emergency access lane off Maple Avenue. The High School property will be transferred but the Town will retain the Snow Road as well as the Snow Dump. The Town will retain the Howard Place property. Some language on reversion has been changed. Mr. Olmstead noted that the Town Attorney feels this is the best language we can insert at this time. The law requires that the transfer take place before July 1. Discussion followed. Shannon Welch, RSU5 Superintendent, answered questions for Councilors. She had copies of the Pownal and Durham deeds to share with Councilors. She brought up the Pownal Road Field that is still under discussion and that no decision has yet been made. Mr. Olmstead explained the history on the field and that it is Municipal property. The Town of Freeport purchased it and developed it. School folks asked if they could use it and maintain it. The Town Council voted to let the School manage it. Councilor Migliaccio wanted to go on record that the Pownal Field decision should come back to the Town Council. Chair DeGrandpre added that the discussion should be between the Council and the RSU Board. More discussion followed.

MOVED AND SECONDED TO AMEND: Deeds from all three communities are required to be filed with the Registry at the same time. (Muldoon & Bishop)
VOTE: (7 Ayes)

ROLL CALL VOTE ON AMENDED ORDER: (7 Ayes)

Ms. Welch pointed out that she is looking forward to working with the Council.

ITEM #090-09 To consider action relative to proposed amendments to the Shellfish Conservation Ordinance. (Chapter 32)

BE IT ORDERED: That a Public Hearing be scheduled for July 14, 2009 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Shellfish Conservation Ordinance (Chapter 32).

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 & Cassida)

Eric Horne was in attendance but was not able to answer any questions for Councilors. Chair DeGrandpre encouraged everyone to read the amendments carefully. Chair DeGrandpre requested Mr. Horne to get Nora Healey to attend the public hearing.

ROLL CALL VOTE: (7 Ayes)

ITEM #091-09 To consider action relative to proposed amendments to the Zoning Ordinance concerning Shoreland Zoning Regulations. (Chapter 21)

BE IT ORDERED: That a Public Hearing be scheduled for July 14, 2009 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Zoning Ordinance concerning Shoreland Zoning Regulations (Chapter 21).

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. (Cassida & Bishop)

Chair DeGrandpre encouraged everyone to read the proposed amendments.

ROLL CALL VOTE: (7 Ayes)

ITEM #092-09 To consider action relative to a proposed amendment to the Public Peddler Ordinance concerning space reserved for use by a Freeport School Group. (Chapter 43)

BE IT ORDERED: That a Public Hearing be scheduled for July 14, 2009 at 7:00p.m. in the Town Hall Council Chambers to discuss a proposed amendment to the Public Peddler Ordinance concerning space reserved for use by a Freeport School Group (Chapter 43).

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. (Pandora & Bishop)

Mr. Olmstead explained that he advised the Sports Boosters and The Port Teen Center that a public hearing would be scheduled this evening and that we will need to figure out the peddler location. If we don't figure it out, we will have to revisit the budget.

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS:

- 1) Discuss DEP offer to train local volunteers in locating pollution sources along the shoreline

Eric Horne, Vice Chair of the Shellfish Commission, explained that this work can be done by the DEP but they have offered to train folks from the municipalities with closed shellfish areas. Mr. Olmstead explained that he usually authorizes training sessions but he spoke to an individual at DEP and learned that they strongly encourage that these requests should come to Councils so that Councils are aware of them and will be involved after the training takes place. The DEP gentleman wants the Town to understand that anyone trained doesn't have the right to go onto private property without permission to identify pollution sources. He noted that we can have the DEP training sessions for anyone that wants to be trained in this area and the Codes Enforcement Officer and some Shellfish Commission members can sit in. The Council can then approve them. The Codes Enforcement Officer can work together with the Shellfish Commission and can come back to the Council. He clarified that there must be landowner permission before anyone can go on private property. The DEP is looking for a Council thumbs up.

MOVED AND SECONDED: To authorize the training session for locating pollution sources along the shoreline. (Muldoon & Bishop) **VOTE:** (7 Ayes)

Mr. Horne mentioned that the Shellfish Commission is having an emergency meeting tomorrow night at 6:30 p.m. regarding the recent closure in the Wolfe Neck Farm area. He asked if Councilors could attend. Chair DeGrandpre and Councilor Migliaccio noted they would try to attend. Mr. Olmstead explained that the Town Clerk will be setting up the Council Chambers for Thursday's vote and asked that the setup not be disturbed. Mr. Horne offered to figure something out.

Chair DeGrandpre again reminded everyone of the budget validation vote that will take place this Thursday from 7 a.m.-8 p.m. in Freeport Town Hall.

-
- 2) Request from GA Director for Heating Assistance Funds. (Town Manager)

Mr. Olmstead explained that Johanna Hanselman is concerned that the heating fund is empty and people will start thinking about filling their oil tanks in a couple of months. Donations have stopped which is most likely indicative of the economy. She is requesting that \$5,000 be transferred from the GA account to the Heating Assistance Fund and Mr. Olmstead supports this measure. There was Council consensus that Mr. Olmstead should go ahead with Ms. Hanselman's request.

Chair DeGrandpre thanked Johanna for looking ahead.

3) Discussion on Winslow Park Leash Law.

Councilor Cassida explained that Winslow Park has a strict leash standard during the summer season but relaxes the standard during the off-season. Unfortunately a dog that was not on a leash bit someone. They would like guidance from the Town Council but do not expect formal action.

Councilor Muldoon shared the mission of Pettingill Farm and their dog policy. He would recommend that Winslow Park go forward and institute the tougher leash policy. Councilor Beaulieu and Councilor Bishop agreed that dogs should be leashed. Chair DeGrandpre also agreed but is aware that people will try to find another location to walk their dogs. Discussion followed. Councilor Pandora noted that he had someone complain about dogs not on leashes that attacked her dog.

Councilor Cassida will take the feedback to Winslow Park.

4) Update on Wayfinding Signs.

Mr. Olmstead explained that the new signs have been ordered and the goal is to have them in place by July 4. The locations of signs are not changing. Chair DeGrandpre advised that some of the signs are being repainted. Discussion followed.

5) Discussion on closing Town Hall for heating upgrade installation.

Mr. Olmstead advised that the heating vendor explained the type of activity that will take place while the heating system is being replaced. They would prefer having the building closed for three days. Mr. Olmstead looked at the least busy time during July and is proposing to close on July 16 allowing the contractor to be here Thursday, Friday and Saturday. Employees can take this day as a furlough day or as their rescheduled Fourth of July vacation day. The Farmer's Market has been informed that they will have to relocate on that day. There was Council consensus to close on the 16th. Mr. Olmstead will begin publicizing the closure tomorrow.

6) Informational Exchange.

Councilor Beaulieu referred to a newspaper article "Council promotes regional planning". The COG Executive Committee has been talking about Comprehensive Plans and that once they are done, it doesn't mean that Freeport's will be complimentary to Yarmouth or anyone else. The concept is that if we can work with the State Planning Office we could come up with a regional comprehensive plan. If this can be done, each town within the region will plug themselves into the overarching plan and it could be adopted through COG. She provided information to Councilors. Andrew Manning of the Planning Board asked for a copy of the information. He had pros and cons for a number of reasons. We are a very local controlled State and thinking regionally, a lot of the controls will have to go away. He has been watching this for sometime. He is willing to go through the process and look at it.

Councilor Beaulieu noted that according to Donna Larson, it sounds like Freeport is streamlining its Comprehensive Plan and it sounds like we are already going this way ourselves.

Mr. Olmstead had color samples of carpeting for the Council Chambers. He indicated his favorite color choice and asked for input from Councilors but noted that the Council Chair will make the final decision.

Councilor Cassida did not submit his name to the MMA Executive Committee since he did not feel he had enough time to do justice to the position.

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

ITEM #93-09

To consider action relative to an Executive Session to discuss Police and Dispatch contract negotiations (1 MRSA Section 404 (6))

MOVED AND SECONDED: That the Town Council enter into Executive Session (Bishop & Beaulieu) **VOTE:** (7 Ayes)

MOVED AND SECONDED: To reconvene into Public Session (Cassida & Bishop) **VOTE:** (7 Ayes)

MOVED AND SECONDED: To adjourn at 8:46 p.m. (Bishop & Cassida)
VOTE: (7 Ayes)

Respectfully Submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #11-09
FREEPORT TOWN HALL COUNCIL CHAMBERS
JULY 14, 2009 - 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		
Bill Muldoon, 2 Roos Hill Drive	x		
Eric Pandora, 12 Birch Point Road	x		

Vice Chair Muldoon called the meeting to order and took roll. He explained that Chair DeGrandpre is excused this evening because of a hip replacement. He is doing very well.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #10-09 held on June 23, 2009 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #10-09 held on June 23, 2009 and to accept the Minutes as printed. (Bishop & Beaulieu) **VOTE:** (6 Ayes) (1 Excused—DeGrandpre)

SECOND ORDER OF BUSINESS: Announcements

Vice Chair Muldoon announced that the Town Offices would be closed on Thursday, July 16 to allow for the replacement of the Town Hall heating system.

The Farmer's Market will be held on July 17 using the Thomas Mosier lot that is next to Town Hall. It will run from 1:30 p.m.-5 p.m.

Regarding the RSU5 budget schedule, there will be another Town Meeting type meeting on July 21 at the high school gym beginning at 6 p.m. On July 22 absentee ballots will be accepted in Town Hall and then a budget validation referendum will take place on July 28 here in the Town Hall from 7 a.m. to 8 p.m. He encouraged residents to vote. It is important to get a significant turnout.

Secure the Call Foundation provides free cell phones to anyone that needs one for 911 calls only. Anyone is eligible to receive a free phone.

Winslow Park's Summer Concert Series takes place every Thursday through August 16 beginning at 6:30 p.m. The cost for Freeport residents is \$1, non-residents will pay \$2, and Season pass holders and campers are free. Everyone is encouraged to bring a picnic and enjoy the music. Parking is free. The Zooloo Leprechauns will be this week's entertainment.

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

There were none. The Council moved on.

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

ITEM #101-09 To consider action relative to adopting the July 14, 2009 Consent Agenda.

BE IT ORDERED: That the July 14, 2009 Consent Agenda be adopted.
(Beaulieu & Bishop)

Vice Chair Muldoon reviewed the items for members of the public.

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

ITEM #102-09 To consider action relative to applications for Special Amusement Permits.
PUBLIC HEARING

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

There were no speakers.

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

BE IT ORDERED: That the following applications for Special Amusement Permits be approved.

Harraseeket Inn	162 Main St.
Azure Café	123 Main St.
Lobster Cooker	39 Main St.
Hilton Garden Inn	5 Park St.
Jameson Tavern	115 Main St.
Gritty McDuff's	187 Lower Main St.
Buck's Naked BBQ	568 U.S. Route 1

(Bishop & Pandora) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—DeGrandpre)

ITEM #103-09 To consider action relative to proposed amendments to the Shellfish Conservation Ordinance. (Chapter 32) **PUBLIC HEARING**

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

Nora Healy introduced herself as a member of the Shellfish Commission. She explained the proposed changes to the Ordinance and answered questions for Councilors. She mentioned that the DMR has

approved these changes. Councilor Bishop wanted the record to reflect that there will be a limited number of 3-day recreational licenses issued. Councilor Cassida thought

it would be beneficial to somehow limit the number of consecutive licenses issued to prevent a monopoly on the licenses.

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

BE IT ORDERED: That the proposed amendments to the Shellfish Conservation Ordinance be approved. (Migliaccio & Beaulieu) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—DeGrandpre)

Vice Chair Muldoon noted that there is a lot happening in this area right now and there has been some good work done. He encouraged Ms. Healy to keep it up.

ITEM #104-09 To consider action relative to proposed amendments to the Zoning Ordinance concerning Shoreland Zoning Regulations. (Chapter 21) **PUBLIC HEARING**

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

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

BE IT ORDERED: That the proposed amendments to the Zoning Ordinance be approved. (Cassida & Migliaccio)

Mr. Olmstead explained that this will bring Freeport into compliance with State regulations. Councilor Cassida provided more information. Town Planner, Donna Larson, was also in attendance to answer questions for Councilors.

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

Vice Chair Muldoon explained that in the next month or so we are going to form a comprehensive committee to study in the coming months, the entire peddler situation (public and private) in Freeport and come up with some recommendations. The Port Teen Center was hoping to earn \$4,000 with their peddler cart but the site process proved very difficult for the Port Teen Center and the Sports Boosters. Seeing the difficulty in identifying a new site, L.L. Bean has offered to donate \$4,000 this year to the Port Teen Center and in consultation with the Manager and the Council Chair and Vice Chair, a new committee will be commissioned to look at this entire issue and come up with a strategy that tries to bring recognition that the whole situation has changed through the years. All the stakeholders will be invited to participate. We should have another plan ready to go for next summer.

Councilor Beaulieu mentioned that Rod Regier is very supportive of this plan and he serves on Traffic and parking. He was unable to attend tonight's meeting.

Mr. Olmstead clarified that the Boosters and the Port Teen Center will share profits from one site but the Port Teens will also receive a donation.

Councilor Pandora had questions for Mr. Olmstead. He asked if the new committee would have to be approved by the whole Council. He noted that he has not seen any information on these three agenda items and that Leadership is not reporting out to the whole Council. He asked if it would be possible to get minutes from Leadership meetings. He requested that the Council redouble its communication efforts. Discussion followed. Vice Chair Muldoon agreed it is important to redouble its communication efforts to make sure they are good communicators.

Councilor Migliaccio suggested that the new committee be handled in the same manner as the South Freeport Parking Committee and that it should go through the entire Council. Councilor Cassida mentioned that he has complete faith in leadership to choose the right people and this committee can be brought back to the Council as an F-Y-I. Councilor Beaulieu suggested that leadership e-mail Councilors when it is determined that something needs to be tabled indefinitely.

MOVED AND SECONDED: To table Items 105-09, 106-09 and 107-09 indefinitely. (Cassida & Beaulieu) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—DeGrandpre)

ITEM #105-09 To consider action relative to a proposed amendment to the Public Peddler Ordinance concerning space reserved for use by a Freeport School Group. (Chapter 43) **PUBLIC HEARING**

ITEM #106-09 To consider action relative to an application for a Victualer's License:

BE IT ORDERED: That the following application for a Victualer's License be approved.

The Port Teen Center
17 West Street

ITEM #107-09 To consider action relative to the approval of an application for Non-profit Public Peddler Licenses on the sidewalk in front of Tax Map 11, Lots 64-ETC (Corner of Main Street and the recently abandoned Morse Street).

BE IT ORDERED: That the following application for a Non-profit Public Peddler License be approved.

The Port Teen Center
17 West Street

ITEM #108-09 To consider action relative to an agreement between the Town of Freeport and the Hilton Garden Inn for the use of Bow Street Park.

BE IT ORDERED: That the agreement between the Town of Freeport and the Hilton Garden Inn dated 07/14/09 for the use of Bow Street Park be approved (Pandora & Migliaccio)

Mr. Olmstead explained that usage is for calendar year 2009 for weddings and receptions. It is not an exclusive agreement but they can use it if it is available and will pay the Town to use it.

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

ITEM #109-09

To consider action relative to proposed amendments to the Freeport Sign Ordinance. (Chapter 23)

BE IT ORDERED: That a Public Hearing be scheduled for August 11 at 7:00p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Freeport Sign Ordinance (Chapter 23).

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)

Town Planner, Donna Larson, provided a synopsis and noted that the goal is to eliminate sign clutter in Freeport. This gives the Board of Appeals the authority to grant a variance without the undue hardship test. Councilor Migliaccio mentioned that the Board has a limited scope and does not want to throw them a curve ball. Mr. Olmstead was unsure if Mr. Reeder has had a conversation with the Board. He will ask that Mr. Reeder seek a letter from the Board concerning these amendments. He noted that Mr. Reeder would be at the Public Hearing.

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

Mr. Olmstead explained that during the budgeting process, the Council approved the purchase of a new pick-up for Winslow Park. Bart Carhart has found a good used pick-up at Casco Bay Ford but the Administrative Code requires a bidding process for the purchase of capital items in excess of \$10,000. Since this is a used truck, one can't bid out a used truck. The Council is authorized to make exceptions when it feels it is in the best interest of the Town.

MOVED AND SECONDED: To take up an item not on the printed agenda.
(Cassida & Beaulieu) **VOTE:** (6 Ayes) (1 Excused—DeGrandpre)

Mr. Carhart explained that he planned to purchase a used truck and has found a 2003 F-150, which is in excellent shape. He plans to have the Public Works mechanic look at it and drive it. It will replace a 1987 Dodge.

MOVED AND SECONDED: To authorize the Town Manager to accept a bid of \$12, 800 for the purchase of a pick-up and waive our bidding requirement.
(Cassida & Bishop) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—DeGrandpre)

OTHER BUSINESS:

- 1) Discussion on Comcast letter dated 06/25/09 concerning notice of franchise agreement default

Mr. Olmstead explained that we have received a response from our letter of default, which was mailed to Comcast in May. Chair DeGrandpre has scheduled a meeting for the end of the month to try to resolve the issues of live program origination points.

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- 2) Discussion on providing Cable Reserves to RSU#5 and analyzing the cost of video streaming

Council Meeting #10-09
July 14, 2009

Mr. Olmstead explained that there was interest in on-demand videos of Town meetings. The budget is \$4,100 annually. We are dealing with significant franchise revenues and we have to determine whether or not we are going to continue to provide monies to Channel 14 to support their needs. Discussion followed.

Beth Parker, member of the RSU5 Board, noted that this is money that we have been using for technology. Durham's cable company is paying into the RSU5 technology fund but she is not sure what Pownal does. Councilor Beaulieu would prefer to wait to hear from the Town's Finance Director and then take her advice. She is Freeport's financial expert.

Mr. Olmstead asked if anyone had put together a five-year plan and determined what Pownal and Durham will contribute. Ms. Parker advised that at this point no one has been able to come up with this information. Mr. Olmstead noted that it is important that all three towns should share in the cost of Channel 14. Ms. Parker mentioned that she would have more information on the capital plan at the end of the month. Mr. Olmstead offered to put the information on the next agenda as soon as it is provided to him.

Jeff Brazee, Director of Technology of the new RSU5, and resident of Freeport, explained what PEG stands for and that taping of events includes K-8. The capital for equipment for Freeport High School's Videography Program serves every Freeport student and touches Pownal and Durham's students that choose to attend Freeport High School. He would love to see the three towns have a consolidated PEG.

3) Signing of the School Budget Validation Election Warrant for July 28th.

Councilors were asked to sign the warrant for July 28.

4) Discussion of heating system controls

Donna Larson explained that the new heating system is very much underway. She is currently getting prices on valves, occupancy sensors, etc. There will also be a charge coming in for propane tanks and a whole list of other things that may be something that can be approved. She asked if she could get approval this evening to get the valves in so it doesn't have to wait until September when the Council meets. They are in the \$5,000-\$6,000 range. She will be working with Municipal Facilities to determine if stimulus funds will cover anything

MOVED AND SECONDED: To authorize the Municipal Facilities Committee to make a decision based on what controls to use and also authorize the funding of the control system from the balances outlined on the spreadsheet dated July 7, 2009. (Pandora & Beaulieu) **VOTE:** (6 Ayes) (1 Excused—DeGrandpre)

5) Informational Exchange.

Mr. Olmstead referred to a letter received from the Superintendent of Schools asking if the cable TV regulatory board seat will be available to the RSU5 school system. Councilors agreed this would be reasonable.

MOVED AND SECONDED: To take up an item not on the printed agenda. (Cassida & Migliaccio) **VOTE:** (6 Ayes) (1 Excused—DeGrandpre)

MOVED AND SECONDED: To appoint Melinda McKechnie as the RSU5 representative to the Cable TV Board. (Migliaccio & Cassida) **VOTE:** (6 Ayes) (1 Excused—DeGrandpre)

Councilor Pandora asked for information regarding the State paving of the Flying Point Road.

Mr. Olmstead was unsure about the Flying Point Road but noted that Al Presgraves is meeting with a group tomorrow to determine the roads that will be paved this year. He advised that Route 136 is going to be paved this fall.

Councilor Migliaccio mentioned that the *Portland Press Herald* had an incorrect article recently and he received a bunch of phone calls. The RSU5 did revise their budget and it was reduced, not increased.

Vice Chair Muldoon advised that he received a call from Healthy Casco Bay and they are going to be conducting a survey in Freeport on how people would feel about a smoke free Freeport. They are going to be testing the waters.

ITEM #110-09 To consider action relative to an Executive Session to discuss the possible sale of property owned by the Town of Freeport (1 MRSA Section 405(c)) and to discuss Police and Dispatch Contract negotiations (1 MRSA Section 404(6)).

MOVED AND SECONDED: That the Town council enter into Executive Session. (Migliaccio & Bishop) **VOTE:** (6 Ayes) (1 Excused—DeGrandpre)

MOVED AND SECONDED: That the Town Council reconvene into Public Session. (Cassida & Beaulieu) **VOTE:** (6 Ayes) (1 Excused—DeGrandpre)

MOVED AND SECONDED: That the Town Manager be authorized to enter into a purchase and sale agreement with the Habitat for Humanity in the amount of \$104,000 for the purchase of town-owned property located at 38 South Street (Map 10, Lot 15) and that the purchase and sale agreement be contingent upon Habitat for Humanity building three single-family homes and that final design approval be given by the Municipal Facilities Committee. (Cassida/Migliaccio) **VOTE:** (6 Ayes) (1 Excused—DeGrandpre)

MOVED AND SECONDED: To re-enter Executive Session to discuss Union Contract Negotiations. (Beaulieu & Bishop) **VOTE:** (6 Ayes) (1 Excused—DeGrandpre)

MOVED AND SECONDED: To reconvene into public session. (Bishop & Cassida) **VOTE:** (6 Ayes) (1 Excused—DeGrandpre)

MOVED AND SECONDED: To adjourn at 9:38 p.m. (Cassida & Beaulieu) **VOTE:** (6 Ayes) (1 Excused—DeGrandpre)

Respectfully Submitted,

Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #12-09
FREEPORT TOWN HALL COUNCIL CHAMBERS
AUGUST 11, 2009 - 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 (arrived 7:02 p.m.)
Bill Muldoon, 2 Roos Hill Drive	x
Eric Pandora, 12 Birch Point Road	x

Chair DeGrandpre called the meeting to order at 7 p.m. and noted that Councilor Migliaccio will be arriving shortly.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #11-09 held on July 14, 2009 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #11-09 held on July 14, 2009 and to accept the Minutes as printed. (Bishop & Cassida) **VOTE:** (6 Ayes) (1 Excused—Migliaccio)

SECOND ORDER OF BUSINESS: Announcements

Chair DeGrandpre reminded Councilors of the annual Bustins Island meeting and dinner that is scheduled on August 25. They must be at the dock before 5 p.m. There is also a 4 p.m. boat for anyone wanting to go early. Department heads have also been invited.

Chair DeGrandpre advised that he has information from the DOT that the roadwork on Route 136 will begin in the spring and has a completion date of August 16, 2010. Work on the Flying Point Road from Mast Landing to Pleasant Hill Road will start September 5 and should be completed this year. The Main Street North sidewalk is waiting for confirmation of funding from DOT. The work may start this year but not before school starts.

The Winslow Park Concert Series on August 13 will feature Down The Road A Piece. Jimmy and the Soul Cats will be playing on August 20. Not Too Sharp will be performing on September 4. Residents are asked to pay \$1 and Non-residents \$2. There is free parking and all the concerts begin at 6:30 p.m.

He explained the Maine Property Tax and Refund Circuit Breaker Program and those applications could Be downloaded from the Maine Revenue Services' Website and one can access this website from the Town's website. If anyone has any questions, they can call Johanna Hanselman at 865-4743, Ext. 120. Councilor Bishop advised that this program is not just for low-income people. Residents can apply on line by putting in their income, what they pay for property taxes and answering a few other questions. The State does the math.

Regarding the Heating Assistance Fund, over 3,500 gallons of heating oil were donated last year. If anyone would like to make a contribution to this fund or have questions, they can call Johanna Hanselman at 865-4743, Ext. 120.

Chair DeGrandpre thanked Bev Curry and other Town employees for tending the garden in front of Town Hall. He and others have noticed how nice it looks.

Councilor Migliaccio apologized for being late but announced that the Maine Small Business Development Center has announced that Senator Snow will chair a small business field hearing on Small Business and Entrepreneurship in Portland City Council Chambers tomorrow at 9 a.m. with Karen Mills. It will be a good time for small stakeholders to get out and make themselves heard.

Councilor Pandora asked if a bike lane would be added to the Flying Point Road and was told the road would have paved shoulders by Chair DeGrandpre. The State has been reluctant to calling them bike lanes.

Councilor Beaulieu announced that she would be resigning her District One Council Seat as of the Council's organizational meeting on November 10. She regrets resigning early but plans to travel. She can't do the traveling her husband wants to do and represent her district. She thanked everyone for providing her with such a rewarding experience. Her one wish is that the House of Representatives will go along and take the heavy trucks from Route One and out on 95. She has been fighting this battle since 1994. Chair DeGrandpre thanked Councilor Beaulieu for all her years of service.

Chair DeGrandpre explained all the seats available. Papers can be picked up now and are due back by September 9.

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

Chair DeGrandpre noted there are a lot of people interested in speaking about the Pownal Road Field tonight. He noted that there is very little the Council knows about it at this time. They have asked Seacoast Soccer to get together with the RSU5 folks to discuss the different user group needs. The schools' needs have been identified but other groups have not had an opportunity to weigh in. Some have not been contacted yet. Council Leadership plans to meet with RSU5 and their Finance people.

MOVED AND SECONDED: To open the Public Comment Period (Muldoon & Migliaccio) **VOTE:** (7 Ayes)

Brian Berkemeyer, 17 year resident, noted that this field was purchased to provide the Town and its citizens with recreational use. He noted the need for more fields in Freeport. Matt Wogan, president of the Freeport Grid Iron Club, urged the Council to proceed with caution and consider public involvement. He cautioned Councilors to be careful about any purchase and sale agreement for any field in Freeport. He explained there are 100 kids in the program and the high school team has been sanctioned as a Class C team. The Freeport Rec Committee has the complete schedule for their teams. Wendy Cole, president of the Running Boosters, noted that people are committed to improving this recreational space. She asked that the community be allowed to have a voice and learn more about the details. Kirk Cameron, president of the Freeport United Soccer Club, expressed the same sentiments. He noted there is a significant shortage of fields in Freeport and there is a need for more access to fields. John Eagan, Freeport resident, mentioned all the work done by Brian Berkemeyer and his team. He added his comments that the idea of less recreation space would be a tremendous loss to Freeport. Tammy Heathcote asked the Council to keep in mind that young families use this playground space as well as older residents that walk on the trails. She asked that the Council bring the superintendent, the Athletic Director from the High School and the Town Manager to the table. She wants to be sure Freeport residents have a say.

Councilor Muldoon pointed out that this is preliminary and nothing is definite and there has been no talk about numbers. Freeport residents will have a say once a proposal is made but none has been made to date. He assured everyone that they would have a chance to weigh in. It will be a public hearing.

Sam Cassel, president of Freeport/Pownal Little league, advised that they are starved for little league field space. Their program is flourishing. They have 350 children involved and could not exist without the Pownal field. He mentioned that they have not yet been contacted by Sea Coast or the RSU5 about the proposal. He is sure that the lack of information has caused all the concern. They want to improve their overall field space at some point.

Councilor Beaulieu suggested that Council Leadership consider taking over the process and not leave it to the school folks. They can be part of the process. She strongly recommended that all the organizations get their E-Mail Addresses to the Council Leadership in the event there is a need to get everyone together quickly. The next meeting with RSU5 is scheduled on the 18th.

Mr. Wogan noted that the organizations represented tonight have no affiliation with the RSU5. There are two sports at the high school level using that field other than all the other organizations that use the field that are coordinated through Community Ed. Councilor Migliaccio clarified that Community Ed is part of the RSU5. Councilor Beaulieu is not sure the RSU5 folks understand the long term needs.

Alan Lapoint noted that he has been involved in Little League and Soccer over the years and is aware there is not enough field space in Freeport. He asked if the Town approached Sea Coast to sell off town land. Chair DeGrandpre advised that Sea Coast approached the Town and Mike Healy came and spoke to him at his place of work. Mr. Lapoint suggested not selling the land but consider selling usage time to Sea Coast. He would welcome a well thought out statement saying these are the values we are going to hold to.

Councilor Muldoon advised that there has not been anything put before the Council and there is nothing devious going on. He urged residents to put a stop to the rumors that are circulating. Chair DeGrandpre advised that he would try to get information out as soon as possible. Mr. Lapoint indicated that anyone here tonight would be willing to be part of the Executive Committee.

Kristine Ramsey, Freeport resident, pointed out that the Pownal field is a comfortable family space for Freeport residents. Residents use the playground, fly kites, etc. It is a nice safe, comfortable space.

Chair DeGrandpre thanked everybody for his or her thoughtful comments. He urged them to stay in the loop. Mr. Olmstead asked everybody to get his or her E-Mail addresses to Johanna Hanselman. He provided some paper.

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

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

ITEM #115-09 To consider action relative to adopting the August 11, 2009 Consent Agenda.

BE IT ORDERED: That the August 11, 2009 Consent Agenda be adopted.
(Beaulieu & Bishop)

Councilor Beaulieu requested that Item 14-09 be removed from the Consent Agenda. Chair DeGrandpre reviewed the items on the Consent Agenda for members of the public.

Councilor Migliaccio advised that he would be recusing himself because of a conflict with one of the items on the Consent Agenda.

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

ITEM #114-09 To consider action relative to accepting a bid for a pickup truck for Winslow Park.

Mr. Olmstead advised that he determined that Winslow Park had an opportunity to take advantage of the Cash for Clunker Program by purchasing a new Ford Ranger priced at \$11,150.00. Councilors felt it was a great deal.

BE IT ORDERED: that the bid from Casco Bay Ford in the amount of \$11,150 be accepted for a 2009 Ford Ranger Pickup. (Beaulieu & Bishop)

ROLL CALL VOTE: (7 Ayes)

NOTE: The amount approved in the FY10 Budget for the purchase of a pickup truck was \$14,500.

ITEM #116-09 To consider action relative to proposed amendments to the Freeport Sign Ordinance (Chapter 23). **PUBLIC HEARING.**

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

Fred Reeder, Codes Enforcement Officer, ran through the proposed changes for Councilors. He noted the changes would not create any non-conformities on signs already approved to date. The Board of Appeals looked through the Ordinance and did not have any concerns.

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

BE IT ORDERED: That the proposed amendments to the Freeport Sign Ordinance be approved. (Bishop & Beaulieu) **ROLL CALL VOTE:** (7 Ayes)

ITEM #117-09 To consider action relative to the installation of a Public Access Satellite Dish on the Town Hall roof.

BE IT ORDERED: That a request from the Cable T.V. Regulatory Board to install a Satellite Dish on the roof of Town Hall be approved.

BE IT FURTHER ORDERED: That the Town Manager be authorized to sign a contract with Free Speech T.V. on behalf of the Freeport Town Council.
(Muldoon & Migliaccio)

Councilor Beaulieu explained that she has concerns with the wording. This is not the direction she expected to be going. Chair DeGrandpre noted that he understood the satellite dish would be donated and was not expecting a contract with two options. Rick Simard answered questions about fees for Councilors.

Councilor Migliaccio explained that he encouraged the Cable folks to find things that are geared to science and to stay away from the political stuff. Chair DeGrandpre noted that he wants to be sure the satellite dish can be attached to the roof without harming the membrane roof. He would like a contract that doesn't require any programming. He would like to be able to pick and choose programs. Discussion followed.

Mr. Olmstead explained that if the dish is moved to a location visible from the public way, it would have to go before the Planning Board.

Councilor Muldoon noted that the Cable Board went out and did what was asked to do but there are a lot of things the Council has not considered. He suggested tabling this item for one or two meetings to be able to absorb all the information. He would like to look at the programming lists and learn more about what is offered. Councilor Beaulieu agreed with Councilor Migliaccio and is concerned about putting political programs on what is being purchased. She feels that education for kids and adults has a more universal value and she is willing to do her own research.

Councilor Migliaccio suggested participating in a workshop with the Cable Board to review programming lists and determine how programs will be selected and by whom. He asked Chair DeGrandpre to put it on the Cable Board's next agenda. Mr. Simard advised that their next meeting would be on the 26th of August at 6 p.m. in the Council Chambers. Mr. Olmstead asked Mr. Simard to add this to the Cable agenda and invite the Council.

Councilor Beaulieu asked Mr. Simard to provide a website where she could research the available programming.

MOVED AND SECONDED: To table indefinitely. (Muldoon & Bishop)
VOTE: (6 Ayes) (1 Nay—Pandora)

ITEM #118-09 To consider action relative to proposed amendments to the Park Street Tax Increment Financing District V adopted March 25, 2005.

BE IT ORDERED: That a Public Hearing be scheduled for September 8, 2009 at 7 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Park Street Tax Increment Financing District V.

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 provided an outline on the proposed amendments.

Councilor Migliaccio noted that he would prefer to table this item and not schedule a public hearing for three weeks since he needs a copy of the original TIF documents which he has requested. He feels this is a significant expansion and he needs significant information. He supports the Chamber concept. He is getting calls at home, which he cannot respond to. He feels August is a tough time of year to get public input. Discussion followed.

Councilor Beaulieu noted that she does not have the original information tonight but expects to have it before the next meeting.

Mr. Olmstead suggested that Councilors put in writing their requests to him and he will make sure that everybody gets what they need in a timely manner.

ROLL CALL VOTE: (7 Ayes)

ITEM #119-09 To consider action relative to proposed amendments to the Destination Freeport Municipal Development Tax Increment District adopted August 19, 1999.

BE IT ORDERED: That a Public Hearing be scheduled for September 8, 2009 at 7:00p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Destination Freeport Municipal Tax Increment 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.

MOVED AND SECONDED: To table this item indefinitely. (Bishop & Beaulieu)

Chair DeGrandpre explained that information from the Tax Assessor is necessary before a public hearing can be scheduled.

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS:

- 1) Discussion on the use of funds from the discontinuance of Morse Street for additional paving projects
- 2)

Mr. Olmstead explained that \$300,000 was received from L.L. Bean for the discontinuance of Morse Street. This money is undesignated and Freeport's paving schedule is one-third or one half of what it used to be. Our Public Works Director and Town Engineer feel this is a good time to do some paving since we received a favorable bid for paving materials. He asked the Council to consider using this money to do some additional paving. It seems appropriate to use the money received from a road to pay for paving more roads.

Chair DeGrandpre reviewed the list of roads being considered on the inventory assessment. He mentioned that overlays would save these roads for another 8-10 years. Discussion followed.

MOVED AND SECONDED: That the Council appropriate the \$300,000 that was received from the discontinuance of Morse Street and use that money for additional paving projects as outlined in Al Presgrave's July 22, 2009 memorandum. (Beaulieu & Cassida)

Councilor Migliaccio noted that he was thinking this undesignated \$300,000 would be appropriated to fund the start up of the Chamber. Councilor Beaulieu feels this is a great opportunity to pave some of these roads. Infrastructure is important. Councilor Muldoon agrees with Councilor Beaulieu, given the uncertainties of oil prices. Taking money for roads and putting it back into roads makes sense. Chair DeGrandpre feels this is a great thing to do. It will make a big difference. More discussion followed.

ROLL CALL VOTE: (7 Ayes)

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- 3) Discussion on process for determining Minimum Information Requirements regarding Planning Board recommendations to the Town Council

Councilor Migliaccio explained that he would like to have some input and perhaps ask the Town Manager and staff to come up with a cover sheet that includes a confirmation check box that the appropriate fees were paid and an application is on file and is complete along with minutes or transcript of the discussion and public comments on zoning changes. He asked if there is general support for this. Councilor Bishop noted that the Council already gets copies of the Planning Board Minutes so she feels it would be redundant. Councilor Migliaccio advised that he would like to see the zoning changes posted on the website so that the public can see it. He would like to have everything that is in his packet minus the confidential information posted on the Town's website. Discussion followed. Mr. Olmstead noted that as of last Thursday Jim Grant was hired and he will be starting next week and will be taking this process over. He is confident that all the stuff Councilor Migliaccio is doable. Councilor Beaulieu suggested asking Donna Larson to look at this and see if she can put it into a cover sheet and send it to the Planning Board first and then back to the Council. Mr. Olmstead indicated that he did not need this in writing to ask the Town Planner to take a look at this.

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- 4) Discussion on sponsorship of Zoning Map Amendment on behalf of the Freeport Housing Trust to allow for an expansion of Oakleaf Terrace

Jim Hatch, Executive Director of the Freeport Housing Trust, explained that they have a waiting list of 40-50 people and they have been trying to find a way to serve these people. He discovered a zoning issue that makes it impossible to expand the Oakleaf Terrace. He displayed a conceptual plan. He asked the Council to sponsor to the Planning Board a request to redraw the zone line, which would be the simplest remedy.

Chair DeGrandpre pointed out that this might be a great opportunity to see how to use our contract zone. Councilor Beaulieu noted she does not have a problem with this request because it makes perfect sense. She can see the value but reminded Councilors that it was only 2-3 years ago that the Council assured residents that their neighborhood would be preserved. Discussion followed. Councilor Migliaccio would like the Planning Board to consider looking at extension to West Street.

MOVED AND SECONDED: To move this onto the Planning Board to sponsor a zoning map amendment on behalf of the Freeport Housing Trust to allow for the expansion of Oakleaf Terrace and also consider including the Village Mixed Use III Zone all the way to West Street. (Cassida & Bishop) **ROLL CALL VOTE:** (7 Ayes)

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- 5) Informational Exchange

Councilor Pandora brought up questions about Destination TIF. Mr. Olmstead advised that the Council adopted the Destination TIF and they decided which properties to include. The applicant was the Town

**COUNCIL MEETING #12-09
AUGUST 11, 2009**

Council. The TIF properties were not in the village but the money was used for village improvements. The properties in red are in the TIF. The other properties were staff recommended.

Councilor Pandora would like a workshop on TIFs televised. He would like to have someone from the State participate. He would find it difficult to make a decision regarding TIFs. Councilors Beaulieu and Muldoon suggested that Councilor Pandora sit down with the Town Manager to become familiar with TIF documents. Mr. Olmstead mentioned that the FDEC Board could participate in an in-house workshop on TIFs and also include the Assessor and the Town Planner. Discussion followed.

Councilor Pandora suggested setting up a workshop with a State Representative in attendance. Mr. Olmstead offered to check to see when the Representative would be available. Chair DeGrandpre suggested getting their questions in writing in advance.

Mr. Olmstead cautioned that the workshop might be scheduled some time on a night other than a Tuesday to get all the information on the table.

Councilor Migliaccio noted that he will write down his questions and will get them to the Town Manager in advance.

Councilor Migliaccio asked if the Town Manager or the Finance Director could look at funds in the operating budget that could be used for the start up of a Chamber of Commerce start up aside from a TIF. Mr. Olmstead advised that there is \$50,000 set aside annually for emergencies.

ITEM #120-09

To consider action relative to an Executive Session to discuss Police and Dispatch Contract negotiations (1 MRSA Section 404(6)).

MOVED AND SECONDED: That the Town council enter into Executive Session. (Cassida & Bishop) **VOTE:** (7 Ayes)

MOVED AND SECONDED: That the Town Council reconvene into Public Session. (Cassida & Beaulieu) **VOTE:** (7 Ayes)

MOVED AND SECONDED: To adjourn at 10:27 p.m. (Pandora & Cassida) **VOTE:** (7 Ayes)

Respectfully Submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #13-09
FREEPORT TOWN HALL COUNCIL CHAMBERS
SEPTEMBER 8, 2009 – 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		
Bill Muldoon, 2 Roos Hill Drive			x
Eric Pandora, 12 Birch Point Road	x		

Chair DeGrandpre called the meeting to order at 7:05 p.m. He noted that Councilor Muldoon is excused this evening.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #12-09 held on August 11, 2009 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #12-09 held on August 11, 2009 and to accept the Minutes as printed. (Bishop & Beaulieu)

VOTE: (6 Ayes) (1 Excused—Muldoon)

SECOND ORDER OF BUSINESS: Announcements

Chair DeGrandpre advised that the Town received a check from Maine Municipal Association's Risk Management for between \$4,000 and \$5,000. It will go back into the budget line.

Maine Municipal Association will have a presentation on TABOR II and the Maine Excise Tax Initiative on Tuesday, September 15 at the South Portland Community Center from 6:30 p.m. to 8:30 p.m.

The Winslow Park Commission will consider its dog policy at a September 14 meeting beginning at 6:30 p.m. at the Freeport Community Center. The Commission wants input from both dog owners and non-dog owners. People should plan to be on time and brief.

The Lobster Man Triathlon will take place at Winslow Park on September 19. The Staples Point Road will be closed from 9 a.m.-12:30 p.m. Chair DeGrandpre urged residents to try to limit their trips between these hours. The Children and Youth event will be held on September 20 at Winslow Park from 9-11 a.m.

Free camping for Freeport residents will be available from September 21-27. Residents are encouraged to call 865-4198 for more information.

Residents can learn how to apply for Social Security benefits on line. Two sessions have been scheduled on September 17 at 3 p.m. and 7 p.m. at the Community Library.

Creative Arts has received some grant money from the Maine Arts Commission. Ten local artists have been hired to provide artwork of private and public Freeport locations, which will be displayed in

storefronts in the village. It will give Freeport a local flair. The artwork will be auctioned off during Sparkle Weekend.

The Maine Property Tax and Circuit Breaker Program is available to Freeport residents. If someone's taxes are more than 4% of their household income or their rent is 20% of their household income, they may qualify. Information may be downloaded from the Maine Revenue Services' Website and one can access this website from the Town's website. If anyone has any questions, they can call Johanna Hanselman at 865-4743, Ext. 120. Councilor Bishop advised that this program is not just for low-income people. Residents can apply on line by putting in their income, what they pay for property taxes and answering a few other questions. The State does the math.

The Town of Freeport's Heating Assistance Fund provided more than 3,500 gallons of heating oil to 33 families during 2008. Donations to this fund by residents and businesses will go a long way to help individuals that need heating oil assistance this winter. If anyone has any questions on how to donate, they can call Johanna Hanselman at 865-4743, Ext. 120.

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

There were no public comments.

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

ITEM #128-09 To consider action relative to adopting the September 8, 2009 Consent Agenda.

BE IT ORDERED: That the September 8, 2009 Consent Agenda be adopted.
(Beaulieu & Bishop)

Chair DeGrandpre reviewed the items for members of the public.

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

ITEM #129-09 To consider action relative to an application for a Special Amusement Permit for Venue Music Bar. **PUBLIC HEARING.**

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

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

BE IT ORDERED: that the application for a Special Amusement Permit for Venue Music Bar, 5 Depot Street, be approved. (Bishop & Migliaccio) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Muldoon)

ITEM #130-09 To consider action relative to proposed Amendments to THE Development Program for the 2005 Park Street Tax 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. (Migliaccio & Pandora) **VOTE:** (6 Ayes) (1 Excused—Muldoon)

Jeanie Carpentier, General Manager of the Hilton Garden Inn spoke in favor of the TIF and mentioned it could help get the Chamber going. Tom Wilbur and Catherine Wilbur had questions regarding the TIF. Chair DeGrandpre explained that a workshop on TIFs will be held on Tuesday, September 22 beginning at 5:30 p.m. in the Council Chambers and will be open to the public. Councilor Beaulieu explained how the TIF came about and what the money could be used for. She noted that this is not a request from the Hilton Garden Inn; it is a Town Council initiative.

Heidi McPhelim, owner of Wild Flower on Depot Street, pointed out that the Chamber would benefit her small company. She feels it would be affordable for her business. She urged the Council to support the Chamber.

Peter Warren of Warren Construction spoke in favor of the Chamber so that the voice of all the businesses in Freeport can be heard.

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

Councilor Migliaccio explained that he would prefer to schedule the item on October 20 so that everyone will have a chance to weigh in on it. In his opinion, the Chamber of Commerce is fully supported and does not require a TIF. Discussion followed.

BE IT ORDERED: that Item #130-09 be tabled to October 20.
(Migliaccio & Bishop) **ROLL CALL VOTE:** (2 Ayes—Pandora & Migliaccio) (4 Nays—Bishop, Beaulieu, Cassida and DeGrandpre) (1 Excused—Muldoon)

More discussion followed. Chair DeGrandpre urged everyone to submit their comments and questions in writing.

BE IT ORDERED: that Item #130-09 be tabled to October 6. (Beaulieu & Bishop) **ROLL CALL VOTE:** (5Ayes) (1 Nay—Migliaccio) (1 Excused—Muldoon)

ITEM #131-09

To consider action relative to a proclamation concerning the Maine Health Partnership Day.

WHEREAS: access to and cost for prescription medication has increasingly become more difficult for many citizens;

WHEREAS: America's pharmaceutical companies have joined with the Town of Freeport, Maine to facilitate access to prescription medication at no or low cost.

WHEREAS: America's pharmaceutical companies have provided this needed service for more than 50 years free of charge;

WHEREAS: The Partnership for Prescription Assistance (PPA) has created a partnership with Maine Health Partnership © (MHP) to provide on-going prescription medication access for all Maine citizens;

WHEREAS: The PPA and the MHP are independent of any political affiliations and health care policy considerations. Furthermore, the PPA and the MHP are committed to offering prescription assistance programs now.

NOW THEREFORE, BE IT RESOLVED that the Freeport Town Council does hereby program September 30, 2009 as Maine health Partnership © Day. (Pandora & Bishop)

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

OTHER BUSINESS:

1) 57 Depot Street Deep Energy Retrofit Proposal

Peter Troast introduced the idea of doing a Deep Energy Retrofit on the historic house located adjacent to the Freeport Community Center. He is looking for a go ahead from the Council to move forward with a grant application in an effort to save the building. They are proposing a 50% or greater reduction in energy in a traditional Maine farmhouse building. All decisions will be made available to the public. He mentioned that Stimulus funds are starting to trickle in and he is hoping to get an Anchor Grant through Energy Maine. A solar component may be funded differently.

Councilor Migliaccio noted this is a great project and it will add to the Freeport showcase. Chair DeGrandpre finds this project intriguing. This is an opportunity for everybody to participate in the learning experience we will have.

Mr. Troast thanked the Council and noted he hopes to come to the next Council meeting with a formal application.

2) Presentation on Freeport Athletic Evaluation

?????Jeff Zachau, member of the Field Planning Committee and Andrew Manning of Milone & MacBroom explained that this project started late last year. The work has been done but they are just now receiving comments. A draft report was provided to Councilors showing that four more fields are needed in spring and fall but that field space would be better managed if some of them were expanded to a standard size and others were placed inside existing fields. Mr. Manning estimated the price tag for the improvements at \$2.8 million.

Chair DeGrandpre thanked Mr. Manning for the report. He noted that except for the Pownal Road facility, the other fields are owned by the RSU5. Craig Sickels, Freeport High's Athletic Director, noted that he hopes this report will be provided to members of the RSU5 as well.

MOVED AND SECONDED: that the Council receive the report. (Beaulieu & Bishop) **VOTE:** (6 Ayes) (1 Excused—Muldoon)

Councilor Migliaccio suggested taking up the appointment of a Recreation Field Usage Committee next and other Councilors concurred.

3) Appointment of a Recreation Field Usage Committee

Chair DeGrandpre explained that the Council needs to evaluate the options it has in front of it. It needs to look at whether the sale of the Pownal Road field is a good deal or not and would like to appoint a committee to move forward.

Councilor Migliaccio suggested adding representatives from Pownal and Durham to this committee and also taking a look at the fields that these two towns brought to the RSU5. Mr. Manning clarified that Pownal and Durham fields are not included in this report.

Councilor Beaulieu noted that Matt Wogan, Jeff Zachau, Chris O'Neil, Craig Sickels, Russell Packet, Rich DeGrandpre, and John Morang are a good committee but suggested that the Council leave it open and let the towns of Pownal and Durham appoint one member to this committee if they choose to. There may be some fields in their towns that we don't know about. If we go ahead with these improvements, these towns will be asked to help pay for them.

Alan Lapoint noted that Little League serves more kids in Freeport and Pownal than any other sport and their views have not been heard. It is a very successful program but they play on fields that are totally inadequate. He feels that they need a voice.

Craig Sickels noted that the first charge is to decide what to do with the Pownal Road field. Someone wants to buy it. Councilor Beaulieu asked if a representative for the buyer would be a part of this group. Chair DeGrandpre advised that he asked Mike Healy, representing Seacoast, to attend the meetings. Dan Gahagan pointed out that the report gives the developer a benchmark to make the sale palatable. Mr. Olmstead advised that Seacoast would like a response by the end of November because they have other options in the works.

There was consensus to change the first bullet in the Purpose to read:

- A full financial analysis for current and future use, for both RSU5 and community use and impact to sale.

and add another bullet saying

- The Committee is asked to come back to the Town Council by December 1.

There was consensus to add a Baseball Rep to the Committee and a Pownal and Durham Rep.

Chair DeGrandpre pointed out that he would like the committee to schedule a meeting in the next week to work up a regular meeting schedule that will work.

There was Council consensus to appoint the Recreational Field Use Committee.

Appointment of a Comprehensive Peddler Review Committee

Chair DeGrandpre explained the need for this committee. Teresa from Freeport Lobster Company asked if she could be a part of the committee. Chair DeGrandpre suggested that she attend Thursday's meeting at 11 a.m. in the Town Office.

Councilor Beaulieu suggested that Myra Hopkins, Mr. Olmstead and Sande Updegraph should be considered resources and not voting members.

Mr. Sickels asked who would represent the non-profits and was advised by Chair DeGrandpre that Victoria Powers would be their representative.

Councilor Migliaccio cautioned about moving too quickly since some people's livelihoods rely on these vendor carts. Councilor Beaulieu noted that changes will most likely not happen next year because people can get their licenses in February and any recommendations have to go before different committees.

Jay Yilmaz has a few carts downtown. He reminded the Council that this was talked about in the 90s. He encouraged people to look at how the process has gone. He hopes that no one has any ulterior motives on this committee to do away with some spots. He is happy to be a part of the committee.

There was consensus to appoint George Denney, Jay Yilmaz, John Oliver, Al Yebba, Bill Muldoon, Rich DeGrandpre, Andrew Manning, Victoria Powers, Wendy Caisse, Greg Spaulding, Christina White, Myra Hopkins, Dale Olmstead and Sande Updegraph to the Peddlers Task Force.

Informational Exchange.

Councilor Pandora mentioned that Chair DeGrandpre made reference to a State mailing clarifying TIF language and asked if he could have a copy.

Kristen Dorsey pointed out that the RSU5 will host a community forum on Monday, September 14 at the Freeport Performing Arts Center from 6-9 p.m. Former Governor Angus King will speak about 21st century needs for students. High School students will also speak. She extended an invitation to the Council to attend this forum. This is a great place for all three towns to come together and have productive conversation. The RSU5 will use the information from the forum to create a three-year district strategic plan. Another forum is planned by the end of October.

Councilor Migliaccio asked how the parking space research is going. Mr. Olmstead advised that the data gathering has concluded.

Councilor Migliaccio mentioned the budget projections for the Chamber and asked if we need \$145,000 a year for one year or for 20. He does not want the Chamber to be set up top heavy and relying on public funds. He is afraid that if we don't set a target, it will keep escalating. Councilor Beaulieu noted that some information has already been provided but at this point, no one knows what services will be wanted. She suggested that Councilor Migliaccio e-mail Sande Updegraph. Chair DeGrandpre explained that the Council supports a Chamber but it will decide every year how much money goes forward. Councilor Migliaccio would like a 5-10 year example.

Chair DeGrandpre encouraged anyone that wants to know more about TIFs to attend the workshop on the 22nd.

Councilor Pandora thanked Mr. Olmstead for providing the data when he was short staffed. Councilor Migliaccio also thanked Mr. Olmstead for all the TIF information.

MOVED AND SECONDED: To adjourn at 10:13 p.m. (Bishop & Beaulieu)
VOTE: (6 Ayes) (1 Excused—Muldoon)

Respectfully Submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #14-09
TOWN HALL COUNCIL CHAMBERS
September 22, 2009 - 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
Bill Muldoon, 2 Roos Hill Drive	x
Eric Pandora, 12 Birch Point Road	x

Chair DeGrandpre called the meeting to order at 7:02 p.m. and explained that the lateness is due to a previous held workshop on TIFs.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #13-09 held on September 8, 2009 and accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #13-09 held on September 8, 2009 and accept the Minutes as printed. (Bishop & Beaulieu) **VOTE:** (7 Ayes)

SECOND ORDER OF BUSINESS: Announcements

The Maine Property Tax and Circuit Breaker Program is available to Freeport residents. If someone's taxes are more than 4% of their household income or their rent is 20% of their household income, they may qualify. Information may be downloaded from the Maine Revenue Services' Website and one can access this website from the Town's website. If anyone has any questions, they can call Johanna Hanselman at 865-4743, Ext. 120. Councilor Bishop advised that this program is not just for low-income people. Residents can apply on line by putting in their income, what they pay for property taxes and answering a few other questions. The State does the math.

The Town of Freeport's Heating Assistance Fund provided more than 3,500 gallons of heating oil to 33 families during 2008. Donations to this fund by residents and businesses will go a long way to help individuals that need heating oil assistance this winter. If anyone has any questions on how to donate, they can call Johanna Hanselman at 865-4743, Ext. 120.

Chair DeGrandpre reviewed the order of items that will appear on the November Ballot:

#1—(People's Veto Question) "Do you want to reject the new law that lets same-sex couples marry and allows individuals and religious groups to refuse to perform these marriages?"

ITEM #134-09 To consider action relative to adopting the September 22, 2009 Consent Agenda.

BE IT ORDERED: That the September 22, 2009 Consent Agenda be adopted. (Beaulieu & Bishop)

Chair DeGrandpre reviewed the items for members of the public.

ROLL CALL VOTE: (7 Ayes)

ITEM #135-09 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:** (7 Ayes)

There were no public comments. Councilor Beaulieu noted how quiet things have been in this area during the past year.

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

BE IT ORDERED: That the re-applications for an Automobile Graveyard and/or Junkyard Permit issued to the above named applicants be approved. (Bishop & Cassida) **ROLL CALL VOTE:** (7 Ayes)

ITEM #136-09 To consider action relative to applying for a Demonstration Project under the Renewable Resources Fund issued by the Maine Public Utilities Commission to install solar panels at the library.

BE IT ORDERED: That the Freeport Town Council endorse an application for a Demonstration Project under the Renewable Resources Fund issued by the Maine Public Utilities Commission to install solar panels at the library. (Muldoon & Migliaccio)

Town Planner, Donna Larson, explained the proposed grant to install solar panels on the roof of the Municipal Library. The Town Hall, the Public Works Building and the Library were looked at but the Library was selected because of its success in reducing its kilowatt Consumption and it is a good match. It is not a historic building. \$44,552 will come from the Maine PUC's Renewable Resources Fund and \$11,000 will be the local match. Mr. Olmstead

noted that this money would come from Municipal Reserves.

Middle School students will be able to review this technology from a PC that will be set up in the Library. Councilor Muldoon noted the educational benefit that would come from this project and that our students need to become familiar with this technology. He congratulated Ms. Larson on a job well done.

Chair DeGrandpre added that the Library really did shine.

Ms. Larson explained that the Public Works Building has also reduced their consumption. Their building should be considered at some point in the future. She noted that this is a competitive grant and some wording has been changed but the dollar amounts are the same. She estimated that \$1,900 can be saved yearly. Councilor Migliaccio asked Ms. Larson to find out where the money for the grant comes from. He suspects it may come from a check-off box.

OTHER BUSINESS:

1. Discussion on possible Town Application for Energy Block Grant

Mr. Olmstead provided an update on the 57 Depot Street building. The hurdle is the ownership issue. These funds need to be used for Municipal buildings. The Community Center owns the building and it is not a simple thing to sign over the ownership. Some thought is being given to this at this time.

Ms. Larson explained that the CDBG got some extra money to spend on weatherization. She noted that there is also a block of money for home funds to allow homeowners to fix their roof and then insulate the attic. It is a comprehensive program and she encouraged residents to call her at 865-4743 Extension 103 or Johanna Hanselman at 865-4743, Extension 120 and she will get them in touch with PROP.

Ms. Larson referred back to the Block Grant and explained that the RFP is not out yet and the guidelines are coming out. She wants a proposal that will save the taxpayers dollars and cut consumption. There are a variety of things that she mixed up. She still doesn't know what the rules will be. This is for municipalities only. Insulating the Town Hall will be expensive. She is considering things like window inserts, a fan for the Town Hall Entry Way, insulating the electric hot water heater and installing a timer on it, rewiring the offices so that all the lights are not necessarily on at the same time. The Public Works and Public Safety buildings have fan proposals. At Winslow Park, there is a great application for thermal solar in the second bathhouse and cut down on consumption. At the Recycling Facility, it has a lot of biomass. It chips up brush and ships it out. Outdoor boilers are very expensive. They leave their lights on all night long and discussion has taken place on shutting some lights off and perhaps putting a timer on them. The electric bill on the Howard Place lot is pretty high. The Police recommend shutting some of them down after midnight. Ms. Larson is trying to find where the streetlights are and then have a lighting specialist take a look at them.

Ms. Larson wanted the Council to be aware that this is out there. She has been getting proposals since July. Mr. Olmstead recommended that the Council review the guidelines as soon as they come out and that Municipal Facilities should plan to meet with both parties to determine where we go from here. Mr. Olmstead noted that \$6 million is available and that whoever applies will be granted less money than originally planned for.

Ms. Larson asked for ideas that are not on her list.

2. Update from Municipal Facilities Committee on potential cooling system (MFC)

Councilor Muldoon reported that Municipal Facilities met on September 10 and the committee decided to not go forward with the cooling system because of the high cost involved and the fact that the window air conditioners are only used 12-15 days a year.

3. Update on Recreation Field Use Committee

Chair DeGrandpre updated the Council on the meeting that took place with Mike Healy. A few more people were added to the committee. The biggest unknown is the need for Little League space in the spring. The committee will explore different partnering ideas with Sea Coast. There is a bit of homework taking place now. Andrew Manning has offered to develop a discussion document before the next meeting.

4. Discussion on resolution concerning LD974 an act to decrease Auto Excise Tax and Tabor II

Mr. Olmstead explained that this version of TABOR does not place limitations on school spending. He has analyzed TABOR and based on Freeport's history, this will not cause Freeport any concern. He would feel differently if he managed a town in northern Maine.

Freeport stands to lose 10%-11% of Freeport's budget if the Excise Tax bill is passed. He hopes the Legislature will step in and establish the implementation date in July. It will present a \$600,000 problem for Freeport and will impact personnel in every department. He asked if the Council wishes to take a position on either of these issues.

Chair DeGrandpre is willing to support a resolution opposing an act to decrease the Excise Tax. Councilor Muldoon, Councilor Cassida, Councilor Bishop, Councilor Migliaccio and Councilor Pandora agreed that Freeport would have to trim budgets and increase property taxes. There was consensus to add TABOR as well.

Councilor Beaulieu noted this is a Citizen's Initiative and she will not take a position on it. She would prefer to see it ride out in November. She would like to see some ad put on Cable TV explaining what we use the money on in Freeport.

Chair DeGrandpre suggested bringing the language back to the next meeting. Councilor Migliaccio offered to provide an amendment for the next meeting.

5. Discussion of resolution for Repeal of 2007 law on school district consolidation

Councilor Migliaccio explained that he wanted to get this talked about. He offered to provide some language. Mr. Olmstead noted that he has had conversations with Representative Webster about this. The Legislature will have to take some action. They could force RSUs into SADs. The divorce clauses are not easy to get through. Discussion followed. There was consensus that this should be on the next agenda before Councilors can consider a resolution.

6. Informational Exchange.

Councilor Migliaccio asked how the meeting regarding peddler carts went. Councilor Muldoon explained that the first meeting took place on the 10th. It was an organizational meeting and everyone was there. The meeting schedule was set. People believe there is a place for vendor carts in Freeport. There were many points of view around the table. Because of the application process timing, it will be a 2011 effective date for any changes that may be made.

Mr. Olmstead will be bringing a budget amendment on October 6. We were very close to Establishing a municipal commitment. The Assessor noted that he is off by \$360,000. He rolled Up their sleeves and dug into the issue. The problem was identified. The problem resulted in debt service. He talked to the Town Attorney. His interpretation is that the RSU folks should raise that money in their budget but transfer it to Freeport. He will bring the amendment to lower debt service by \$360,000. It is an easy fix.

Councilor Migliaccio asked about the meeting on the 6th. He asked if the information requested tonight at the workshop could be provided in the Council's packets for the next meeting. Sande Updegraph was asked to send out the information.

Mr. Olmstead advised that the workshop on Dispatch will be rescheduled when Brunswick submits its proposal.

ITEM #137-09 To consider action relative to an Executive Session to discuss Police and Dispatch Contract negotiations (1 MRSA Section 404(6)).

MOVED AND SECONDED: That the Town Council enter into Executive Session and include Sara Gideon. (Beaulieu & Bishop) **VOTE:** (7 Ayes)

MOVED AND SECONDED: That the Town Council reconvene into Public Session. (Bishop & Migliaccio) **VOTE:** (7 Ayes)

MOVED AND SECONDED: To adjourn (Bishop & Migliaccio) **VOTE:** (7 Ayes)

Respectfully Submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #15-09
TOWN HALL COUNCIL CHAMBERS
OCTOBER 6, 2009 – 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
Bill Muldoon, 2 Roos Hill Drive	x
Eric Pandora, 12 Birch Point Road	x

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

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #14-09 held on September 22, 2009 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #14-09 held on September 22, 2009 and to accept the Minutes as printed. (Cassida & Bishop)
VOTE: (7 Ayes)

SECOND ORDER OF BUSINESS: Announcements

Chair DeGrandpre announced that Abby Yacoben noted that a Citizen Satisfaction Survey is coming out. Letters will be mailed in the next two weeks to 900 random residents. The survey may be completed on line or if a resident does not have access to a computer, they may access one at the Community Library. If anyone has questions, they can call Abby at 865-4743, Extension 115.

The tax rate has been established at \$12 .75 per thousand for 2010, which is the same rate as set for 2009. Tax payments are due on November 16 and May 16.

The Town is accepting nominations for the Citizen of the Year Award. Nominations are available at Town Hall, the Library or may be downloaded from the Town's website and should be returned by November 9.

There is a new proposed Firearms Ordinance and a public hearing will be scheduled on October 20 at 7 p.m. The Ordinance Committee will be meeting prior to that meeting at 5:30 p.m. to discuss the proposed Ordinance and will take public comments. The proposed Ordinance is available on line. Chair DeGrandpre encouraged anyone with an interest to attend the meeting or contact their Councilor with their thoughts.

CHANS will be coming to the Community Center on October 15 from 1-4 p.m. to give flu vaccines for the seasonal flu. This will not provide any protection from the H1N1 Flu. Those vaccinations will be given later in the fall. While there is no charge, donations will be accepted.

MDOT has scheduled a Public Informational Meeting at the Middle School Cafeteria to discuss Route 136 on October 14. They will be extending 3.11 miles to the Freeport Durham town line. The plan will be available in the Town Hall one week prior to the meeting. If anyone has questions, they can contact Shawn Smith of MDOT at (207) 624-3480 or Shawn.Smith@ME.Gov.

A meeting has been scheduled on October 29 with the DMR, Department of Agriculture and all interested parties regarding Wolfe Neck Farm's farming practices and shellfish harvesting at 5:30 p.m. at the Community Center. This item will be discussed later under Informational Exchange.

Mr. Olmstead noted that there is a Flu Clinic scheduled tomorrow for Municipal employees but anyone from the public who shows up will get a shot. It was not advertised correctly. He noted that if donations to CHANS were not made, they would stop coming. Typically, shots cost \$25.

Councilor Beaulieu publicly thanked the Freeport Historical Society for their beautiful new fence and encouraged residents to make a trip to see it. It is a wonderful addition to Main Street. Councilor Muldoon, who is also the President of the Society's Trustees, explained that a benefactor provided the fence and the Society is very proud of it. He thanked Councilor Beaulieu for her kind words.

Councilor Bishop reminded everyone serving on Town Boards and Committees that they need to respond to the volunteer picnic invitation. It will be held on October 18 at Harb Cottage at Winslow Park. If people do not respond, there may not be enough food available. Chair DeGrandpre noted it is a lot of fun and mentioned that Councilor Bishop works very hard to collect donations for raffles.

Town Planner, Donna Larson, mentioned the HOME Program. Freeport is now part of a group in Cumberland County that is now getting HOME funds. This program is administered by the City of Portland and Mary Davis is the contact. There are two programs included. Housing Rehab grants will cover things such as leaky roofs. The other thing too is that these funds can be used for home ownership for low and moderate-income residents to help them get into houses that normally would not be affordable. It's the first year that Freeport is eligible. If anyone has any questions, they can call Ms. Larson at 865-4743, Extension 103 or Johanna Hanselman at 865-4743, Extension 120.

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

There were no public comments so the Council moved on.

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

ITEM #140-09 To consider action relative to adopting the October 6, 2009 Consent Agenda.

BE IT ORDERED: That the October 6, 2009 Consent Agenda be adopted. (Beaulieu & Bishop)

Chair DeGrandpre reviewed the items for members of the public.

ROLL CALL VOTE: (7 Ayes)

ITEM #141-09 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 December 1, 2009 at 7 pm in the Town Hall Council Chambers to discuss proposed amendments to the General Assistance 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. (Bishop & Beaulieu)

Chair DeGrandpre explained that this is something the Council does each year.

ROLL CALL VOTE: (7 Ayes)

Councilor Migliaccio explained that he found the following resolution to support the repeal and added the last two paragraphs that would send a message to the Legislature.

ITEM #142-09 To consider action relative to a resolution concerning repeal of the 2007 State law on School District Consolidation.

Whereas the Public Law of 2007 mandates the formation of regional school units;

Whereas, small school districts and small schools have a proven record of providing quality education for our children;

Whereas, Maine citizens acting through their local school committees should be free to continue the governance if freely chosen without financial coercion from state government;

Whereas the unsubstantiated claims of cost savings and property tax relief to all communities made to justify mandated school unit consolidation ignore the substantial costs of negotiating unified collective bargaining agreements;

Whereas, mandated school unit consolidation requires many communities to fund some of the cost of education for other municipalities within proposed regional school districts;

Whereas, mandated school unit consolidation results in increase local property taxes in many municipalities;

Whereas, mandated school unit consolidation burdens municipalities with a cumbersome, repetitive and expensive budget approval process;

Whereas, implementation of mandated school unit consolidation expands the authority of state government and the Department of Education at the expense of local control of education.

And whereas in situations where communities have consolidated and are working in good faith to make consolidation work, there should be options for municipalities to unconsolidate in favor of alternative cooperative agreements freely chosen by local voters;

Therefore, The Freeport Town Council supports, a citizen-initiated petition for a referendum to repeal mandated school consolidation as enacted in Public Law 2007 with the intent that it will result in more local options. (Migliaccio & Muldoon)

Councilor Beaulieu advised that she will be voting no on this resolution because she does not believe that all of the information is correct. She believes that school consolidation is too new and at this time we don't know whether it is a good or bad thing. This is not the time to encourage our citizens to back out.

Councilor Pandora noted that he will support this resolution to send a message to the Legislature. He does not see any cost savings. He prefers smaller school districts for children.

Councilor Cassida noted that he will be voting no on this resolution. He feels that some of the information is not accurate and we have not given it enough time to see if it works. If it doesn't work, other models can be initiated at a later time. We need to look at what is best for the State and put aside our local concerns.

Councilor Muldoon explained that he will support the resolution. He does not support school consolidation now. It was a bad deal then and it is a bad deal now.

Chair DeGrandpre agrees with Councilor Muldoon. He will support the resolution. People need to understand that RSU5 will continue to exist even if the consolidation law is repealed.

Councilor Migliaccio asked if he could remove the parts that are not accurate. Councilor Beaulieu did not want to rewrite the language and suggested that Chair DeGrandpre call for a vote.

MOVED AND SECONDED: To remove the word “all” from the fourth paragraph. It will now read: Whereas the unsubstantiated claims of cost savings and property tax relief to all communities made to justify mandated school unit consolidation ignore the substantial costs of negotiating unified collective bargaining agreements;(Migliaccio & Muldoon) **VOTE:** 7 Ayes)

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

ITEM #143-09

To consider action relative to a resolution in opposition of LD974 an Act to Decrease the Automobile Excise Tax and promote Energy Efficiency.

Whereas, the initiated bill LD 974, *An Act to Decrease the Automobile Excise Tax and Promote Energy Efficiency*, would cut over \$80 million of revenue each year to Maine’s towns and cities that is used to plow, treat, construct, repair and maintain over 13,000 miles of local roads and over 800 local bridges; and

Whereas, LD 974 would cut approximately \$600,000 in revenue this community uses every year to repair and maintain 87 miles of local roads and 1 bridge; and

Whereas, the motor vehicle excise tax revenue is vitally necessary to adequately maintain this infrastructure for reasons of public safety and welfare and economic development; and

Whereas, the adoption of the excise tax initiative would likely lead to a significantly deteriorated transportation system in this community or, in the alternative, increases to the municipality’s property tax rate; and

Whereas, the excise tax initiative inappropriately increases the regressivity of the motor vehicle excise tax by providing substantial benefits to the owners of newer and specialized motor vehicles while providing no tax benefits to the owners of motor vehicles that are older than five years of age, which represent the majority of registered motor vehicles; and

Whereas, the excise tax initiative is falsely presented as a “green” initiative while at the same time seriously impairing the capacity of the towns and cities in Maine to construct and maintain road systems that appropriately protect Maine’s water quality;

NOW, THEREFORE, BE IT RESOLVED that the Freeport Town Council hereby expresses its grave concern about the initiated bill LD 974, *An Act to Decrease the Automobile Excise Tax and Promote Energy Efficiency*; and further agrees to provide information to the voters of Freeport regarding the potential negative impacts of this initiated legislation. (Muldoon & Cassida)

Councilor Beaulieu explained that it is important to understand that people that have five-year old cars will still be paying their excise taxes in full. This money goes to maintain roads in Freeport.

Councilor Muldoon noted that this is money that stays here in our Town. It doesn't go to Augusta. If this law is approved, Freeport will have a budget hole of \$600,000. This revenue need will most likely be spread out by an increase in property taxes. Councilor Cassida agreed with Councilor Muldoon and mentioned other communities that will have to raise taxes as well. Councilors Migliaccio and Pandora will support the resolution. Chair DeGrandpre noted that Freeport is managing municipal services pretty efficiently. The Council works hard to keep the mil rate steady. This is an emotional issue and he encouraged everybody to read a little bit more on this.

ROLL CALL VOTE: (7 Ayes)

ITEM #144-09 To consider action relative to a resolution in opposition to Ballot Question Seeking to Modify Current State Law on Tax and Expenditure Limitations on State and Local Government.

WHEREAS, since 2005, local governments in Maine have operated under a state law that limits the extent to which the property tax may increase in any given year and that requires the local governing body to vote on a separate article to exceed that limit; and

WHEREAS, this law also imposes expenditure limitations on State Government; and

WHEREAS, the purpose of this legislation was to limit state spending and the municipal property tax levy in an effort to reduce the tax burden on our citizens and reduce Maine's national ranking on tax burden; and

WHEREAS, since it was adopted, it has achieved its stated purpose, with current State spending and municipal property taxes both below targeted levels; and

WHEREAS, the Town of Freeport's municipal tax commitment for Fiscal Year 2010 is over ~~\$1.5~~ \$1.8 million below the state established limit; and

WHEREAS, this citizen initiative, also known as TABOR II, will make changes to the current spending and property taxation limits that apply to all levels of government in Maine; and

WHEREAS, it will impose growth limits on all state spending, including the State's Highway Fund, where the current law places limits only on the State's General Fund; and

WHEREAS, TABOR II will establish Fiscal Year 2010 as the baseline year for all future growth in State spending, a year where both the State General Fund and Highway Fund will experience significant revenue declines; thus, this proposal will lock in State spending at current depressed levels reflecting the impact of the current recession on State revenues; and

WHEREAS, current State spending limits are calculated on a cumulative basis allowing the amount of spending is below the limit to be carried forward to future years thus allowing some flexibility in State spending and providing an incentive to spend

below statutory levels; TABOR II will base the following year's spending level on that of the current year, thus creating a "use it or lose it incentive;" and

WHEREAS, TABOR II will require statewide voter approval for virtually all tax increases and expenditure increases above the growth limit, a requirement that entails significant additional state and local election expenditures and additional costs associated with its requirement that certain notices and financial information be mailed to every registered voter in the State at an estimated cost of \$800,000 for each mandated referendum; and

WHEREAS, at the municipal and county level, TABOR II also mandates referendum voting to approve any budget that exceeds the municipal or county property tax limit; and

WHEREAS, it also requires municipalities and counties to adopt a uniform budget format as developed by the State Planning Office; and

WHEREAS, both of these requirements will add costs that must be borne by local government and its citizens; and

WHEREAS, TABOR II, if approved, will dramatically move state and local government in Maine in the direction of budgeting by referendum, the results of which have become apparent in those States where this has already happened; and

WHEREAS, it will limit the flexibility of both the State and its local governments to react to changing conditions, community needs, and economic conditions and undermine the authority of elected officials to make budgetary and service decisions based on information and a depth of analysis unlikely to be undertaken by the average voter; and

NOW, THEREFORE, BE IT RESOLVED BY THE FREEPORT TOWN COUNCIL THAT For the following reasons, the Town Council opposes the so-called TABOR II question that will appear on the November ballot and which would significantly modify current limits on State spending and on the municipal property tax levy:

- The spending and levy limits established in current state law have been achieving their stated goal of reducing the tax burden on Maine citizens;
- The requirement that state spending above the spending limit and most tax increases be subject to approval at a statewide referendum will increase both state and local expenses and move toward a system of budgeting by referendum which, as shown by experience elsewhere, is an ineffective way to make budgetary and service level decisions;

- By establishing the current year as the basis from which future state spending increases are to be calculated, state spending, particularly for the highway fund, will be starting from a depressed level reflecting the impact of the current recession;
- Tax policy, budgets, and service levels are best decided through the core processes of representative government where the people elect individuals and charge them with the responsibility of making decisions based on data, analysis, debate, and public opinion while balancing the need for services and expenditures that address the common good with the ability of citizens to pay for such services.

BE IT FURTHER RESOLVED THAT We urge all citizens to become fully informed on this proposal prior to the November election by becoming familiar with the language of the proposal and reviewing materials provided by those supporting and opposing this measure. (Cassida & Bishop)

Mr. Olmstead pointed out that the \$1.5 million needs to be changed to \$1.8 million in the 5th paragraph.

Councilor Beaulieu pointed out that she will be voting no because she represents people in Freeport that think TABOR II is a good thing. Mr. Olmstead mentioned that based on Councils' spending habits over the past six years, Freeport would not have a problem with TABOR II. Freeport experiences growth in its valuation. The northern communities would probably suffer. It does not apply to school budgets.

Councilor Bishop and Muldoon indicated that they would be voting to support this resolution. Councilor Migliaccio noted that he would vote no. He feels the target limits are pretty high. Councilor Cassida will vote in favor of this resolution. He feels it is bad policy moving forward. Councilor Pandora does not like budgeting by referendum. He will be supporting this resolution. Chair DeGrandpre mentioned he is torn on this for several reasons. He is troubled by the County trying to replicate services already being provided in Freeport. He is unsure how he will vote.

ROLL CALL VOTE: (4 Ayes) (3 Nays—Beaulieu, Migliaccio, DeGrandpre)

ITEM #145-09 To consider action relative to an amendment to the Fiscal Year 2010 Municipal Operating budget.

BE IT ORDERED: That the Fiscal Year 2010 Municipal Operating Budget be amended as follows:

Appropriations

Debt Service – Local	Decrease from	\$904,480
	To	\$541,372

Revenues

Amount to be raised by Taxation	Decrease from	\$5,737,640
	To	\$5,374,532

<u>Total Appropriation</u>	Decrease from	\$9,695,767
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	To	\$9,332,659
<u>Total Revenues</u>	Decrease from	\$9,695,767
	To	\$9,332,659

(Pandora & Beaulieu)

Mr. Olmstead explained the purpose of this amendment.

ROLL CALL VOTE: (7 Ayes)

ITEM #146-09 To consider action relative to the endorsement of an Energy Block Grant Application.

BE IT ORDERED THAT the application of the _____ be endorsed and submitted to the State of Maine for consideration.

NOTE: The Two applications under consideration are from the Town of Freeport and Freeport Community Services. Municipal Facilities Committee will be recommending which application to endorse (MFC will review the draft proposals at a meeting on Tuesday, October 6, 2009).

Councilor Muldoon explained that there were two applications. One came from the Town Planner on a list of projects making things at Town Hall more energy efficient. The other presentation came from Freeport Community Services for their building on Depot Street but there were questions if it would qualify under the guidelines requiring that the grant be awarded to a town-owned facility. The grant application needs to be completed by November 4. Ms. Larson noted that it would be a significant undertaking to complete the application.

The Municipal Facilities Committee recommended that the Town project be put forward because it would be a great benefit to the operations in Town. Discussion followed.

Mr. Olmstead noted that undesignated funds are down to \$30,000-\$40,000 but money will come to the Town from the sale of a lot in the Sandy Beach area.

Councilor Cassida would prefer to see both applications move forward and give FCS every opportunity to get their questions answered. He feels they are both worthy projects. Councilor Migliaccio noted that he would prefer to hold off for a few days to allow FCS to seek answers. Councilor Muldoon mentioned that at this time our best choice is to move forward with what the Town Planner has brought forward.

BE IT ORDERED THAT the application of the Town of Freeport be endorsed and submitted to the State of Maine for consideration. (Muldoon & Bishop)

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

ITEM #147-09 To consider action relative to proposed amendments to the Traffic and Parking Ordinance concerning motorcycle parking on Bow Street and No Parking Zones (Chapter 48).

BE IT ORDERED: That a Public Hearing be scheduled for December 1, 2009 at 7pm in the Town Hall Council Chambers to discuss proposed amendments to the Traffic and Parking Ordinance concerning motorcycle parking on Bow Street and No Parking Zones (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. (Bishop & Beaulieu)

Councilor Bishop requested a map for the public hearing and Chair DeGrandpre requested that the abutter Be notified.

ROLL CALL VOTE: (7 Ayes)

ITEM #148-09 To consider action relative to an expenditure from the Destination Freeport Tax Increment District fund to provide bridge funding of the Freeport Chamber of Commerce for Calendar Year 2010.

BE IT ORDERED: That \$48,000 be expended from the Destination Freeport TIF District Fund to provide bridge funding of the Freeport Chamber of Commerce for Calendar Year 2010. (Muldoon & Bishop)

Chair DeGrandpre explained that this is a funding mechanism for one year. A meeting is scheduled on October 19 at 5:30 p.m. at Buck's for all the members that have signed up or have an interest in joining.

ROLL CALL VOTE: (7 Ayes)

ITEM #149-09 To consider action relative to the adoption of a proposed Firearms Ordinance (Chapter 20)

BE IT ORDERED: that a Public Hearing be scheduled for October 20, 2009 at 7 p.m. in the Town Hall Council Chambers to discuss the adoption of a proposed Firearms Ordinance (Chapter 20).

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. (Cassida & Migliaccio)

Councilor Cassida explained that a Draft Firearms Ordinance was provided in Councilors' packets. He explained that only shotguns can be discharged at Hidden Pond, Florida Lake, Hedgehog Mountain and Quarry Woods. A person was caught with a firearm other than a shotgun and the Police Chief felt they could not take any action without the support of an Ordinance. The Ordinance Committee will be meeting at 5:30 p.m. on October 20. It is a public meeting and a recommendation will most likely be made to the full Council. Councilor Cassida mentioned that he is not familiar with all of the posting regulations but information will be provided by the Police Chief for the Ordinance Committee meeting. Discussion followed. Councilor Cassida suggested that Councilors get their questions to him as early as possible.

Chair DeGrandpre noted that lots of folks would be in the room.

ROLL CALL VOTE: (7 Ayes)

ITEM #130-09 TABLED September 22, 2009

MOVED AND SECONDED: To accept as written. (Migliaccio & Bishop)

To consider action relative to proposed amendments to the Development Program for the 2005 Park Street Tax 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.

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

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

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

WHEREAS, there is a need to encourage the development, expansion and improvement of commercial facilities within the Town through the establishment of Municipal Development Districts and Tax Increment Financing Districts in accordance with the provisions of Chapter 207 of Title 30-A; and

WHEREAS, the Town has held a public hearing on the question of establishing the District in accordance with the requirements of 30-A M.R.S.A. S 5253, upon at least

ten (10) days prior notice published in a newspaper of general circulation within the City; and

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

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

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

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

- (a) At least 25%, by area, of the real property within the District, as hereinafter designated, is acreage in need of rehabilitation, redevelopment or conservation as defined in 30-A M.R.S.A. § 5253; and
- (b) The total area of the District does not exceed 2% of the total acreage of the Town, and the total area of all development districts within the Town (including the District) does not exceed 5% of the total acreage of the Town; and
- (c) The aggregate value of equalized taxable property of the District as of April 1, 2009 does not exceed 5% of the total value of equalized taxable property within the Town as of April 1, 2009; and
- (d) The designation of the District and pursuit of the Development Program will generate substantial economic benefits for the Town and its residents, including employment opportunities, broadened and improved tax base and economic stimulus, and therefore constitutes a good and valid public purpose.

Section 2. Pursuant to Chapter 207 of Title 30-A of the Maine Revised Statutes, as amended, the Town hereby extends the Park Street Tax Increment Financing District, as more particularly set forth in the document Park Street Tax Increment Financing District presented to the Town Council in the form attached hereto and such Development Program is hereby incorporated by reference into this resolution as the Development Program for the District (the "Development Program").

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

Section 4. The Town Manager be, and hereby is, authorized, empowered and directed to submit the proposed designation of the District and the proposed Development Program for the District to the State of Maine Department of Economic

and Community Development for review and approval pursuant to the requirements of 30-A M.R.S.A. §5253(I)(F).

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

Councilor Migliaccio made two motions but they failed for lack of a second.

ROLL CALL VOTE: (7 Ayes)

1. Sign November 3, 2009 Municipal Election Warrant

Councilors were asked to sign the warrant.

2. Information Exchange

Councilor Cassida explained that a meeting is scheduled with the DMR, the Department of Agriculture, farming interests and shellfish harvesting interests near Wolfe Neck Farm. Representatives from the Department of Agriculture and the DMR will be invited to see if there is some common ground to solve the existing problem. This is an opportunity to bring all the parties together. The Town would like to broker some kind of decision that works for both parties. This is the Town's meeting and will be held at 5:30 at the Freeport Community Center on October 29. Senator Stan Gerzofsky and Representative David Webster will be invited. Councilor Cassida will sit down with Council leadership to determine how to run the meeting. Mr. Olmstead will schedule the meeting.

Chair DeGrandpre explained a letter he received from Comcast addressing our agreement with them. He will review this with Mr. Olmstead to get started. This will be on the next agenda for discussion. Mr. Olmstead suggested inviting the Negotiating Committee to attend.

Councilor Migliaccio asked about the parking space analysis and Chair DeGrandpre explained that the information would be available at the next meeting.

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

Respectfully Submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #16-09
TOWN HALL COUNCIL CHAMBERS
OCTOBER 20, 2009 – 7 P.M.

CHAIRPERSON'S CALL TO ORDER

PRESENT ABSENT EXCUSED

Genie Beaulieu, P.O. Box 74
Charlotte Bishop, Maquoit Drive
James Cassida, 5 Timber Ridge Road
Rich DeGrandpre, Timber Ridge Road
Joe Migliaccio, 2 Vinmar Lane
Bill Muldoon, 2 Roos Hill Drive
Eric Pandora, 12 Birch Point Road

x
x
x
x
x
x
x

Chair DeGrandpre called the meeting to order at 7:05 p.m. following a workshop on a proposed Firearms Ordinance.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #15-09 held on October 6, 2009 and to accept the Minutes as printed. (Bishop & Beaulieu)

MOVED AND SECONDED: To amend Item #149-09 in the Minutes by adding: Councilor Migliaccio questioned why the Ordinance Committee was proposing to set a formal public hearing on "draft" ordinance wording. He stated it is always an uncomfortable practice if the wording is expected to change. The public does not have a chance to view the final draft and it could be voted on directly after the public hearing. Ordinance Committee Chairman Cassida responded that it is important to do this as soon as possible because the hunting season is starting. (Migliaccio & Pandora) **VOTE:** (7 Ayes)

VOTE ON AMENDED MINUTES: (7 Ayes)

SECOND ORDER OF BUSINESS: Announcements

Chair DeGrandpre announced:

- Citizen of the Year nomination forms are available on the Town's website and at the Town Office. The submission deadline is November 9.
- Absentee ballots are available at the Town Hall for folks that wish to vote early.
- There will be a round table discussion on October 29 beginning at 5:30 p.m. at the Community Center with the Town Council, representatives from the Department of Marine Resources, the Department of Agriculture, Wolfe Neck Farm and representatives from several farms in the area. Councilor Cassida noted that Recompense Cove would be specifically discussed.

Councilor Bishop noted that there was a very nice indoor volunteer picnic on Sunday at Harb Cottage. She thanked Councilor Cassida for his cooking skills and all the businesses in town that donated gifts and door prizes. She also thanked everyone that helped to make it such a success.

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 & Beaulieu) **VOTE:** (7 Ayes)

Gary Profenno, owner of alternative energy in Freeport wanted to make the Council aware that State Law LD-73 has gone into effect and that municipalities will be limited to what they can do in setting limitations on solar, wind, etc. He noted that the Planning Board is working on the Comprehensive Plan and he suspects that an Ordinance could be written up. He provided LD-73 information to the Council.

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

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

ITEM #150-09 To consider action relative to the adoption of a proposed Firearms Ordinance (Chapter 20). **Public Hearing.**

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

Councilor Cassida explained that at the workshop that was held earlier this evening, a fairly detailed discussion was held on several town properties where an easement is in place that restricts hunting to shotguns only or one property that is close to a school. Last year an individual was identified on one of the properties hunting with a rifle in violation of a management plan. It came to light that the Town could not enforce the provision without an Ordinance in place. The Town has no enforcement capabilities. There are several management provisions in place such as camping, dog walking, etc., which are not enforceable without an Ordinance in place. It has come to light that all of the restrictions need to be enforced, not just one restriction. The committee's recommendation is to table indefinitely and have an opportunity to go back and look more broadly. He suggested that members of the public be given an opportunity to express their views on this issue but suggested tabling the item in advance.

Chair DeGrandpre suggested continuing the public hearing and letting folks have an opportunity to discuss it. The Council can then table the item indefinitely. Councilor Migliaccio suggested hearing what people want to say and if Councilors don't like the ordinance, vote it down and then the Council can start over again.

Mr. Olmstead explained that tabling indefinitely kills the bill and tabling it to a date certain means it is coming back. Councilor Muldoon recommended tabling it indefinitely. Councilor Migliaccio prefers to vote it down because it is more digestible for the public.

MOVED AND SECONDED: To continue the public hearing. (Bishop & Beaulieu)
VOTE: (6 Ayes) (1 Nay—Muldoon)

BE IT FURTHER ORDERED: That the proposed Firearms Ordinance be tabled indefinitely. (Bishop & Beaulieu) **ROLL CALL VOTE:** (6 Ayes) (1 Nay—Migliaccio)

NOTE: The public hearing is still open and comments from the public can be heard.

Rick Harrison, Andrew Arsenault, Peter Harrison. Ethel Wilkinson and Tim Morrison shared their views on safety issues.

Chief Schofield explained that last November a hunter was reported hunting with a rifle on the Grant Road and the caller was informed that the Police was aware of the easement regulation but had no enforcement capability. He pointed out that better posting needs to be made all around the boundary lines not just at the access point.

Mr. Olmstead asked Chief Schofield what he would do if he got a call this hunting season from an individual saying a hunter is on the Grant Road hunting with a rifle. Chief Schofield advised that they would talk to the hunter and advise him of the easement regulation and ask them to use a shotgun but if he says he is going to hunt with a rifle, the police will have to let him hunt.

Ms. Wilkinson from the Conservation Commission noted that signs are posted at the access points reminding people to wear orange, put orange on their pets and be cautious during hunting season.

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

Councilor Muldoon noted that it is obvious there is a lot of confusion that exists around this issue. He heard that we have these management plans in effect but there is confusion about what they mean. There is room for the conservation group and the hunting group to get together and go forward and work together. He noted there is an opening on the Conservation Committee and urged one of the hunters to consider applying for that opening. He hopes the Council will work with everyone involved.

Mr. Olmstead plans to meet with the Town Attorney and will pose legal questions before an Ordinance is formed.

Councilor Migliaccio thanked everyone for coming out and mentioned that there have not been any hunting-related injuries or deaths in the past 30 years. There are about about 30 deer strikes every year in Freeport as well as an increase in Lyme disease. He reminded folks to wear orange.

ITEM #151-09

To consider action relative to proposed amendments to the Traffic and Parking Ordinance concerning motorcycle parking on Bow Street and No Parking Zones (Chapter 48). **Public Hearing.**

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

Gary Profenno, Chair of Traffic and Parking explained that the committee recommends removing one space on Bow Street and changing the second space to motorcycle parking-only to provide better visibility for vehicles coming out of Depot Street. Four motorcycles could be parked in this space after it is striped. The sight distance will be greatly increased. Councilor Bishop agreed that losing those two spaces on Bow Street makes good sense. The parking garage provides 500 additional spots.

Councilor Beaulieu noted that these changes being discussed are great but asked Mr. Profenno to have Traffic and Parking look at the two spots in front of the Freeport Post Office on Main Street. If there is a truck parking in one of these Main Street spaces, visibility is totally blocked.

Chair DeGrandpre explained how difficult it is to get out of the YMCA. Mr. Profenno mentioned that at the YMCA, there is adequate parking but to get closer to the front door, people are parking on the road. There is a visibility issue when the cars are out in the road. Councilor Muldoon agrees that visibility is an issue there during the 8:30 class.

Mr. Olmstead reminded the Council that this is a public hearing.

Jay Yilmaz, representing the manager of the property on Bow Street, mentioned that they are opposed to losing any spots. The space could have been restricted to smaller cars. He was surprised to see this item on the agenda tonight. He noted that the nearby small businesses did not have time to get to the Traffic and Parking meetings. He suggested tabling it to a future date to let the small businesses weigh in. There has never been a noted accident at this location. He believes there are other considerations with traffic and pedestrian flow on Bow Street that may be considered.

Mr. Profenno mentioned that in each of the cases where they recommended the removal of parking spaces, the committee put out notices of their meetings and mailed the agenda to the abutting property owners in each area. There was discussion that motorcycle parking would allow greater visibility. There is no Ordinance in place to post "no anything". They could add "compact-only" or "cars-only" to the Ordinance.

Chair DeGrandpre pointed out that this is a compromise and the committee advertised the meetings well in advance.

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

BE IT ORDERED: That the proposed amendments to the Traffic and Parking Ordinance be approved. (Bishop & Beaulieu)

Councilor Migliaccio asked if the abutter was notified. Mr. Olmstead advised that the public hearing was posted in the newspaper and on Channel 3.

Councilor Beaulieu does not like to remove parking but this is a bad corner and in this instance she can vote to eliminate one space and change the second space to motorcycle parking. Mr. Profenno pointed out that the spot would be striped for motorcycles. Mr. Olmstead noted that a motorcycle could park in any parking spot.

ROLL CALL VOTE: (7 Ayes)

Mr. Yilmaz was thanked for his input. Mr. Yilmaz asked if there are other areas that need to be addressed for better visibility. Losing one space on Bow Street is not the end of the world but he would not like to see other businesses have parking made unavailable.

ITEM #152-09 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. (Muldoon & Bishop) **VOTE:** (7 Ayes)

There were no public comments.

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

BE IT ORDERED: That the proposed amendments to the General Assistance Ordinance be approved. (Muldoon & Bishop)

Chair DeGrandpre noted that this is something the Council is required to approve each year.

ROLL CALL VOTE: (7 Ayes)

ITEM #153-09 To consider action relative to accepting a bid for a culvert replacement at 208 Main Street.

BE IT ORDERED: That the bid from Scott Dugas in the amount of up to \$29,944 for a culvert replacement at 208 Main Street be accepted.

NOTE: This is part of the sidewalk construction project from the Baptist Church to Kendall Lane on Main Street. The budget amount is \$30,000 for replacing the culvert. (Migliaccio & Bishop)

Chair DeGrandpre explained that the Town Engineer has been working with the landowner to develop easement language to replace the culvert and we have the proper easement in place.

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS:

1. Discussion on Comcast Letter dated 9/25/09 concerning the Cable Franchise Agreement

Jay Somers, Senior Manager from Comcast explained that he sent the Council a letter regarding the six insertion points appearing in the current license. He priced out what the cost would be for all six sites. It is the company's recommendation to begin the renewal process for a renewal license and have these six origination points be part of the license. He asked if the Town needs all six sites or perhaps five or four. He noted that the Harbor Master's site is very costly which is an additional \$30,000. It would be helpful to hear from the Negotiating Committee if that site is really needed. Removing it, the price would be reduced to subscribers.

Chair DeGrandpre that going forward, Mr. Somers' suggestion to determine which sites are required is a good one. Mr. Olmstead mentioned that we are beyond the starting date of October 1, 2009 and we have not started negotiating. He suggested using January 1, 2010 as the starting date and not go to the bargaining table until both parties have an opportunity to look at the template and are ready to negotiate. Mr. Somers agreed to look at the template and will keep in touch with Mr. Olmstead. He will put forth another letter using January 1, 2010 as the starting date for negotiations and hopefully get it completed in the first quarter of 2010.

MOVED AND SECONDED: To authorize the Town Manager to sign the MEMORANDUM OF UNDERSTANDING and amend the starting date of October 1, 2009 to January 2, 2010 (Bishop & Beaulieu) **ROLL CALL VOTE:** (7 Ayes)

2. Information Exchange

Councilor Migliaccio asked Mr. Olmstead how things are progressing in bringing Jim Grant up to speed on communications and web sites. Mr. Olmstead indicated that it is coming along nicely. Mr. Grant is starting to solicit ideas from department heads and has scheduled a meeting with Peter Troast as well as Councilor Muldoon. Councilor Migliaccio offered to sit in the meeting with Mr. Grant and Councilor Muldoon.

Councilor Migliaccio mentioned that he had a request from a constituent asking if we ever looked at areas in town where residents could have extra parking time such as at the harbor, etc. Mr. Olmstead noted that when writing out a ticket, police officers don't know who the car belongs to and there also may be some legal issues in selecting a certain class and giving them preferential treatment. Councilor Migliaccio offered to pass the information along. Chair DeGrandpre mentioned that if you want to give a resident an override sticker, it could possibly pass the straight face test. Councilor Migliaccio offered to write something up and would like to discuss it at some future meeting.

ITEM #154-09

To consider action relative to an Executive Session to discuss the Town Manager's Annual Evaluation, 1 MRSA Section 405(6A)

MOVED AND SECONDED: That the Town Council enter into Executive Session. (Cassida & Bishop) **VOTE:** (7 Ayes)

MOVED AND SECONDED: That the Town Council reconvene into Public Session. (Migliaccio & Bishop) **VOTE:** (7 Ayes)

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

ITEM #155-09 To consider action relative to an Executive Session to discuss Police and Dispatch Contract negotiations (1 MRSA Section 404(6))

MOVED AND SECONDED: That the Town Council enter into Executive Session. (Muldoon & Bishop) **VOTE:** (7 Ayes)

MOVED AND SECONDED: That the Town Council reconvene into Public Session. (Migliaccio & Bishop) **VOTE:** (7 Ayes)

MOVED AND SECONDED: To adjourn at 9:23 p.m. (Migliaccio & Bishop) **VOTE:** (7 Ayes)

Respectfully Submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL ORGANIZATIONAL MEETING #17-09
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY, NOVEMBER 10, 2009 - 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
Bill Muldoon, 2 Roos Hill Drive	x
Eric Pandora, 12 Birch Point Road	x

Chair DeGrandpre called the meeting to order at 7:03 p.m. and took the roll.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #16-09 held on October 20, 2009 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #16-09 held on October 20, 2009 and accept the Minutes as printed. (Bishop & Beaulieu) **VOTE:** (7 Ayes)

ANNOUNCEMENTS:

Chair DeGrandpre announced that there will be an Elected Officials Workshop sponsored by the Maine Municipal Association on December 3 from 4:30-8:30 p.m. at the Holiday Inn in Saco. If anyone is interested in attending, they should contact the Town Hall.

The Freeport Historical Society's "More Lessons from the Tam 'O Shanter" exhibit will continue through November 20 and is open to the public at the Harrington House on Main Street. Alan M. Hall will present a public program on the Tam O' Shanter on Sunday, November 29 at 2 p.m. at the Hampton Inn's Gatehouse on Lower Main Street. Admission is \$5. A lot of talented folks are participating.

A White Nights event sponsored by Freeport Community Services will take place sometime in January. More information will follow. He encouraged folks to contact FCS if they have any interest.

The High School Class of 2012 is selling poinsettias for the holiday season. Orders will be accepted up until November 13 by calling Gloria Day at 865-6295 or Laura Gamage at 865-1789.

Freeport Community Players is doing the Home Time Radio Hour again this year. This is the sixth episode. In order to get more people to attend, there will be a show on Friday night, December 4 at 7:30 p.m. as well as Saturday night, December 5 at 7:30 p.m. and at 2 p.m. on Sunday afternoon, December 6.

Councilor Cassida advised that the Chamber of Commerce would be hosting a networking breakfast at the Community Center at 7:30 a.m. on November 17. It is a public meeting for anyone interested in becoming a member if they are not already a member. All businesses, professional organizations and individuals who sign up to become members of the chamber by November 17 will be entered into a drawing for a \$500 L.L. Bean gift certificate. You must be a chamber member to win. The Interim Chamber Board will meet this Thursday at 5:30 p.m. in the Council Chambers. It is a public meeting. Sub Committees will be formed.

SECOND ORDER OF BUSINESS: That the Town Clerk report on the returns of the November 3, 2009 Election.

Town Clerk Beverly Curry reported that:

Total number of registered voters at the start of voting—6,238
Number of voters who registered on Election Day—143
Total number of State ballots cast—4,053
Total percentage of voters who cast ballots—64%
Number of absentee ballots requested—1,112
Number of absentee ballots returned by 8 p.m. Election Night—1,068
Percentage of ballots cast as absentees—26%

Review of Results:

Voters elected the following candidates to Municipal Offices:

District 1 Councilor—1 year term: Sara Gideon—780 votes
District 4 Councilor—3 year term: James Cassida—820 votes
Councilor-at-Large—3 year term: Charlotte Bishop—3,166 votes

Sewer District Trustees—3-year terms:

Leland Arris, III.—1,644 votes
Arthur Colvin, Jr.—1,695 votes
Darrel Fournier—1,793 votes

Water District Trustee—3 year term: Maryann Schwanda—2,682 votes

Question 1: Reject same-sex marriage law	Yes—1,440	No—2,596
Question 2: Decrease Auto Excise Tax	Yes—949	No—3,041
Question 3: Repeal School Consolidation law	Yes—1,487	No—2,425
Question 4: Voter approval of tax increases	Yes—1,397	No—2,558
Question 5: Maine Medical Marijuana Act	Yes—2,770	No—1,236
Question 6: Maine Highway Bond Referendum	Yes—2,762	No—1,183
Question 7: Maine Constitutional Amendment	Yes—1,950	No—1,914

Ms. Curry thanked everyone that helped with the election. She mentioned that this election cost in the neighborhood of \$4,925.

Chair DeGrandpre thanked Brendon Alterio, Leon Arsenault and Don Bail for their many years of serving on the Freeport Sewer District.

MOVED AND SECONDED: That the Town Clerk's report be accepted. (Cassida & Beaulieu)
VOTE: (7 Ayes)

SWEARING IN OF NEW COUNCILORS:

Town Clerk, Beverly Curry swore in Councilors Gideon, Bishop and Cassida. They took their seats on the Council.

ROLL CALL OF NEW MEMBERS:

PRESENT ABSENT EXCUSED

Charlotte Bishop, Maquoit Drive	x
James Cassida, 5 Timber Ridge Road	x
Rich DeGrandpre, Timber Ridge Road	x
Sara Gideon, 78 Bow Street	x
Joe Migliaccio, 2 Vinmar Lane	x
Bill Muldoon, 2 Roos Hill Drive	x
Eric Pandora, 12 Birch Point Road	x

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

ITEM #156-09 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 opened. (Migliaccio & Bishop) **VOTE:** (7 Ayes)

MOVED AND SECONDED: To put in nomination William Muldoon as Chair of the Council. (Cassida & Bishop) **VOTE:** (7 Ayes)

MOVED AND SECONDED: That the nominations close. (Cassida & Bishop) **VOTE:** (7 Ayes)

BE IT ORDERED: That Bill Muldoon be elected Chairperson of the Town Council. (Cassida & Bishop)

Councilor Migliaccio noted that after voting yes on all the chairs and vice chairs nominated during the past four years he has served on the Council; he plans to vote “no” on the two people being nominated as Chair and Vice Chair this evening. He does not want this to be taken as a reflection on these people but he doesn’t know how else to effect some change in the way the Council does business. He is confident that the new chair and vice chair will do their best to move the Council forward with communications. His constituents are looking for a deliberative Council that will move items to public hearing with proactive and longer lead times, etc. He will do everything he can to be concise and succinct in his comments in the future and hopes to keep the lines of communication open.

ROLL CALL VOTE: (5 Ayes) (2 Nays—Migliaccio & Pandora)

Chair DeGrandpre presented the gavel to Chair Muldoon at this time.

MOVED AND SECONDED: That the nominations for the position of Council Vice-Chairperson be opened. (Cassida & Bishop) **VOTE:** (7 Ayes)

MOVED AND SECONDED: To nominate Jim Cassida to serve as Vice Chair of the Council. (Bishop & DeGrandpre)

MOVED AND SECONDED: To nominate Joe Migliaccio to serve as Vice Chair of the Council. (Pandora) (there was no second)

MOVED AND SECONDED: That the nominations cease (Cassida & Bishop)

VOTE: (7 AYES)

Councilor Pandora mentioned that he has not had an opportunity to hear from the nominees and requested that the nominees speak to their nominations and the Chair entertained that request.

The Secretary asked if anyone seconded the nomination for Councilor Migliaccio and it became apparent that no one did. Councilor Pandora noted that a nomination from the floor did not require a second according to Roberts' Rules. Mr. Olmstead explained that the Council could establish a rule when there is absent a rule, but he could not recall any motion in the past not having a second. The Chair would have to establish the rule on the second nominee that all motions require a second but in this instance Chair Muldoon decided that the Council should allow this nomination with discussion.

Councilor Cassida explained that he has served for seven years and served as the Chair of the Council in the past. He appreciates the nomination and would look forward to working with Chair Muldoon in the coming year to effectively run the Council's and the Town's business. He would like to have the Council's support.

Councilor Migliaccio was surprised by the nomination but appreciates it and would look forward to serving as vice chair. He appreciates the nomination. He would try to work on better communication out of the leadership meetings. He would try to build public trust and would give the public an opportunity to comment.

Chair Muldoon asked for a show of hands in support of James Cassida as Vice Chair and counted 5 votes.

BE IT ORDERED: That James Cassida be elected Vice-Chairperson of the Town Council. (Bishop & DeGrandpre) **ROLL CALL VOTE:** (5 Ayes) (2 Nays—Pandora and Migliaccio)

Councilor DeGrandpre thanked Councilors for all their hard work in the past and welcomed Councilor Gideon to the Council. He has enjoyed being chair and hopes to communicate better as well. He was presented with a gift of a gavel and was thanked for his service.

Chair Muldoon pointed out all of the service provided by Genie Beaulieu to the Town of Freeport in the past. One of her pet projects over the years was to get the big trucks off of Main Street and there is now a pilot program approved by Congress to get them off of Main Street. He presented her with a "big truck". Councilor Bishop presented former Councilor Beaulieu with a bouquet of roses and a plaque.

Ms. Beaulieu thanked everybody for the gifts and kind words. She noted that being a Councilor has been so rewarding for her. She hopes that every Councilor feels the same way. She thanked the staff at Town Hall and all the friends she has made over the years. While she is getting ready for a trip to Florida, she plans to be back but not as a Councilor. Councilor Bishop noted that there will always openings on Boards and Committees.

Chair Muldoon is confident that the residents of District I will be well served by Councilor Gideon. He recognized the staff at Town Hall, the Public Safety folks, the Public Works folks, the Finance people and the Administrative side of things. He hopes that Freeport residents are aware of how wonderful this Town staff is and the value they bring to running this town. The town is run very well.

MOVED AND SECONDED: To adjourn at 7:42 p.m. (Bishop & DeGrandpre) **VOTE:** (7 Ayes)

A reception was held.

Council Meeting #17-09
November 10, 2009

Respectfully Submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #18-09
FREEPORT TOWN HALL COUNCIL CHAMBERS
DECEMBER 1, 2009 - 7:00 P.M.

CHAIRPERSON'S CALL TO ORDER

PRESENT ABSENT EXCUSED

Charlotte Bishop, Maquoit Drive	x		
James Cassida, 5 Timber Ridge Road	x		
Rich DeGrandpre, Timber Ridge Road	x		
Sara Gideon, 78 Bow Street	x		
Joe Migliaccio, 2 Vinmar Lane	x		
Bill Muldoon, 2 Roos Hill Drive	x		
Eric Pandora, 12 Birch Point Road			x

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

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #17-09 held on November 10, 2009 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #17-09 held on November 10, 2009 and to accept the Minutes as printed. (Migliaccio & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Pandora)

SECOND ORDER OF BUSINESS: Announcements

Chair Muldoon mentioned that volunteers are needed to serve on many important Town's Boards and Committees. There are vacancies on the Cable TV Regulatory Board, The Library Board, the Planning Board and the Winslow Park Commission. Application forms can be found on the Town's website. They also can be obtained by calling the Town Clerk at 865-4743, Extension 123.

Many residents are having difficulty paying for their heating fuel this year. Donations to the Town of Freeport Fuel Fund can be sent to the Town Hall. If anyone has any questions, they may call Johanna Hanselman at 865-4743, Extension 120.

The Maine Clammers Association is sponsoring a Steamed Clam Dinner on Saturday night from 4-7 p.m. at the Masonic Hall on Mallett Drive to raise money for the Santa Fund to help clamming families here and across the State that are experiencing economic difficulties. People are being asked to bring an unwrapped toy or perhaps consider making a cash donation.

There will be an Art Auction this Saturday at 7 p.m. at the Freeport Square Gallery at 140 Main Street. Tickets will be \$10 at the door and all the proceeds will go to support local arts. Councilor DeGrandpre mentioned that the interesting art being auctioned off is the same art that was put on display at the Village Center Grand Opening. Chair Muldoon encouraged everyone to attend.

Sparkle Week starts this weekend and the Freeport Historical Society is inviting people to their Harrington House on Main Street to enjoy a 15-minute presentation from 1-4 p.m. on how the holidays were celebrated back in the late 19th century.

Councilor DeGrandpre mentioned that while attending a meeting at the Community Center, he wandered into the Clothes Tree and discovered that they also have furniture to sell. He encouraged everyone to check it out.

Councilor DeGrandpre suggested that anyone planning to attend the Radio Show on Saturday night should get their tickets ahead of time because it usually sells out. This show will also take place on Friday night and Sunday afternoon.

Chair Muldoon noted he wanted to thank everybody for the advice he has been receiving over the past few days on what he should be doing. He promises to run the meetings as efficiently as possible and will follow the Council's rules and procedures. He will try to bring a little bit of humor into topics. He is unsure how many people actually watch Council meetings on television but he will work to make high quality broadcast presentations. He noted that a television has been added to the back of the room to remind Councilors that they are on television and lighting has been increased. He plans to be a stickler to make sure that there will not be any talking from the audience anymore unless they are in front of a microphone. He noted that the monitor being used was reclaimed from our Recycling Center. He thanked Rick Simard for all his efforts over the past few weeks to improve the lighting. If anyone at home has any pointers to make our broadcasts better, Chair Muldoon asked that they let him know.

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

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

There were no public comments.

MOVED AND SECONDED: To close the Public Comment Period. (DeGrandpre & Cassida) **VOTE:** (6 Ayes) (1 Excused—Pandora)

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

ITEM #157-09 To consider action relative to endorsing an application for an Energy Efficiency and Conservation Block Grant from Efficiency Maine.

BE IT ORDERED: That an application for an Energy Efficiency and Conservation Block Grant from Efficiency Maine be endorsed by the Town Council. (Bishop & Migliaccio)

Town Planner, Donna Larson first advised that the grant to add solar panels on the Library has been awarded. A contract will be coming in and in the next few months, the solar panels will be added. There will be a monitor in the lobby to show how much electricity is being produced at any given time and people will be able to watch it on the website. The Town's expenditure will be a little over \$11,000. She asked the Council to waive its policy of going out to bid on any item over \$10,000. She mentioned that Revision Energy is the vendor that was suggested in the grant. They have already done the preliminary work and have a lot of experience in the field. She is expecting the contract in the next few weeks.

Councilor Migliaccio asked if this has been done in the past and if Mr. Olmstead could enter into the contract. Mr. Olmstead explained that he has been authorized by the Council to enter into contracts in the past.

Ms. Larson noted that what is on the agenda tonight is the application that was submitted last week. It is different from the electricity-producing grant in that it is a conservation-minded application and needs endorsement from the Council. 50% of any savings that the Town gets would go into an account to do other energy projects and energy audits could be done on individual homes.

Mr. Olmstead explained that a year ago he asked Ms. Larson to lead the charge on an energy policy and she has done a fantastic job and we have made great strides in energy conservation. In two weeks there will be another energy project to discuss. Chair Muldoon thanked Ms. Larson for all her good work. Councilor Migliaccio also thanked Ms. Larson and pointed out that a ruling was made that the project on the Community Center would be a viable project and he asked Ms. Larson to keep this in mind.

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

MOVED AND SECONDED: To take up an item not on the printed agenda. (Cassida & Bishop) **VOTE:** (6 Ayes) (1 Excused—Pandora)

MOVED AND SECONDED: To waive our policy of sending items more than \$10,000 out to bid and accept the bid from Revision Energy to install photovoltaic panels on the Library. (Cassida & Migliaccio) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Pandora)

ITEM #158-09 To consider action relative to awards from the Dr. Gould Trust Fund.

BE IT ORDERED: That 18 individuals receive awards totaling \$2,528.88 to provide for payment of medical expenses. (Migliaccio & DeGrandpre)

Councilor DeGrandpre explained that this helps Freeport residents in need with medical expenses and is handled quarterly by Johanna Hanselman. Councilor Migliaccio explained to the public that setting up trusts and leaving them for municipalities or other Town groups to manage is a great way to secure a legacy and provide opportunities for social causes.

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

ITEM #159-09 To consider action relative to a proposed amendment to the Public Peddlers' Ordinance concerning the public spot reserved for a qualified school group (Chapter 43).

BE IT ORDERED: That a Public Hearing be scheduled for December 15 at 7:00p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Public Peddlers' Ordinance (Chapter 43).

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. (Cassida & Bishop)

Chair Muldoon explained that a comprehensive overview was launched in September of the Peddler's Ordinance. The spot in front of the former Bath & Bodyworks building was historically used by the Sports Boosters but last year a group of teens from the Teen Center asked if they could participate as well. A compromise was worked out when a second spot was not located and L.L. Bean donated funds and the

money was shared between the Boosters and the Teen Center this past season. It is clear that it will take a lot more time than what was originally thought to work out spots for the 2010 summer season. This Ordinance needs to be more proactive rather than the previous Ordinance. George Denney has offered to make those funds available for the coming 2010 season if the spot in front of the former Bath & Bodyworks building was removed from the roster. Councilor DeGrandpre noted that this is the only spot (except for Public Safety) where a cart has been purposely placed in front of someone else's business, which is not necessarily fair to the property owner.

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

OTHER BUSINESS:

- 1) **Technology Update** – Jim Grant introduced himself. He is Freeport's Information Systems Administrator. He introduced Jeff Brazee and mentioned that they are working closely together. Mr. Grant reported on the servers and equipment he is working with in Freeport. Technology has changed and he feels it is time to move on regarding the servers. He would like to see the number of servers reduced to one. The connection at Public Safety really concerns him. He feels the website is pretty good when compared to others. He answered questions for Councilors. He mentioned that all of the department heads have been very cooperative and are willing to try new technology.

Councilor Migliaccio asked Mr. Grant to look at e-mail management and explained that in some instances people have been dropped off of e-mail lists.

Councilor DeGrandpre mentioned the trouble the Public Safety folks were having with e-mailing. Some of their software doesn't run at all. Mr. Grant noted that he has spent 2/3 of his time at Public Safety putting fires out and feels it is time to move on with some new technology and get a cleaner connection.

Chair Muldoon noted that Freeport does not have the money to do everything it needs to do but should be trying to do as much as possible with what money is available because it is such a priority. He asked Mr. Grant to keep the Council informed of what is going on. Information flow is critical. He thanked Mr. Grant and Mr. Brazee for their updates.

2) Review of Cable Franchise Fee Reserve Account and RSU #5 Capital Request

Mr. Olmstead pointed out that several months ago the Council asked that he put together a report on the status of the Cable Capital Fund. The RSU5 folks are asking the Town of Freeport for funds to assist them with their Channel 13 and other technology needs. The Finance Director was waiting for a 5-year capital plan from the RSU5 folks so that she could gauge their requests on a 5-year average and also look at the Municipal 5-year Capital Plan and its draw down plan from the fund. He summarized her findings, which were outlined in a memo dated October 28. He suggested that the Council use this information to determine how to use the fund going forward but defer any decision until it gets into the capital budget process, which is two short months away. Mr. Olmstead mentioned that the economy has caused many folks to drop cable or downscale the service they have. We were collecting at peak about \$100,000 and it has now dropped down to \$75,000 a year.

Mr. Brazee advised that Jay Harper made the request for the RSU5 folks.

Mr. Olmstead mentioned additional upgrades would be necessary for the cable studio. When the Community Center was built a room for the cable studio was created to provide live broadcasts. The room

was never built out and it could potentially cost tens of thousands of dollars to do so. The room is being used now for chair storage. He suggested that the Council use this information to determine how to use the funds going forward.

Ed Bonney, a member of the Cable TV Board urged the Council to fill the vacancies on this board. He complimented the Council for turning on more lighting and noted that a microphone is the Council's best friend. He asked Councilors to remember how important it is for the public to be able to hear what is being said. He noted that we are operating on an extension of the cable franchise agreement and we have experienced a reduction coming in from the cable franchise fees. He mentioned that we might not have the good standing that we have enjoyed in the past on cable fees and cautioned about going out on a limb thinking that the money from user's fees is always going to be there.

Councilor Migliaccio noted that audio quality really needs some help, particularly out at the Performing Arts Center. Mr. Olmstead asked Mr. Brazee if the RSU5 how the capital requests would be handled as far as prorating amongst the three communities. He hopes the school folks will be able to answer this. Mr. Brazee was asked to carry the message back.

3) Update on Peddler Task Force

Chair Muldoon advised that the Public and Private Peddler Ordinances would be merged and simplified into one. This work is expected to be done by the middle of January in draft form. Locations are changing and we are not sure where they will be. Some non-profit benefit will most likely come out of the vending activity in town.

Councilor Migliaccio asked how this would affect licenses for next year. Chair Muldoon noted that the cycle for licenses would be the same for 2010.

4) Review of Council Rules and Procedures

Chair Muldoon advised that the Council operates by its own rules and procedures and not by Roberts Rules. He requested that the Council review the information in their packets in their free time. Everything we need to operate by is right there. He is confident that Council meetings will run smoothly and no person will be interrupted. He hopes people at home will say "those Councilors work well together and operate with courtesy." This is the homework assignment.

Mr. Bonney explained that the Council's rules were adopted back in 1973 and they are due for review. He hopes the Council will continue to make its own rules.

Mr. Olmstead noted that he reviewed the rules to make sure they are current and found that amendments are now needed. Caroline Pelletier is working up an amended list.

He mentioned how difficult it is to schedule boards and committee for workshops since they do not want to come in at 7 p.m. and wait for their turn. Televising a workshop alone costs \$200 but televising one before a Council meeting costs about \$30. Scheduling workshops before regular meetings would cut down on advertising time and the time spent in generating agendas. Discussion followed. Councilor Cassida suggested adding wording: "if workshops are necessary, they will precede regular Council meetings and will begin at 6 p.m. unless otherwise determined by the majority of the Council."

He mentioned that workshops take a lot longer than an hour and we can't put as much on the agenda. Mr. Olmstead agreed and would limit them to a half hour unless someone really needs a separate workshop such as FEDC.

Chair Muldoon suggested that as part of the council's homework assignment they should look very carefully at the amendments being proposed.

Councilor Migliaccio suggested posting the Council's packet on the website. Mr. Bonney noted that it is a procedural thing more than a rule. He urged the Council to not clutter up its rules with procedural items.

Councilor Migliaccio brought up the subject of communication out of leadership meetings and asked if it should be included in the Council rules. He would like to add this as a matter of practice after these meetings. Chair Muldoon did not support this concept. Under his chairmanship he will ensure that needed communication will be there under common practice and did not want to add another mandate to follow.

Chair Muldoon mentioned this would have to be provided to the Ordinance Committee in writing. They will appear on the next agenda. Mr. Olmstead advised how the roles of boards and committees have changed over time.

5) Discussion on 2010 Council Goal Setting

Councilor DeGrandpre explained how goal setting was done in previous years. Chair Muldoon reviewed last year's goals and feels that most of them have been reached. He urged Councilors to take these home, read them and use them as an example and then submit their goals. Councilor Migliaccio suggested amending the rules to submit them in two weeks and have them due on December 15. The financial fiscal goals will be available after the first of the year.

6) Town Council Committee Appointments for 2010

Councilor Migliaccio noted his disappointment that he did not get reassigned to the FEDC Board since it was his first choice. He will speak to Chair Muldoon off line. He mentioned that this is viewed as a liaison role with input at the meetings but it is non-voting.

Councilor DeGrandpre mentioned how interesting it is to be on the School Facilities Committee. Chair Muldoon encouraged everyone to take their assignments seriously. Councilor Cassida pointed out that all of these committees are important and that it really doesn't matter which committee a Councilor sits on. He feels it is important to experience a variety of committees.

7) Information Exchange

Councilor DeGrandpre mentioned that talking with Durham Selectmen, he discovered that we never talked about a Fire District and the fact that there would be big benefits for towns to purchase equipment. There are different management models for funding. He would like to follow up on this if the Council agrees. Chair Muldoon agrees that any discussion we can have, even preliminarily, is valuable. Mr. Olmstead hopes that the district would not have taxing power.

Councilor Migliaccio advised that FDEC voted to not endorse the Chamber's recommendation to merge together. We will have to start thinking about expectations of what the budget that was going to be rolled into the Chamber will be. Their rationale appeared sound to stand alone.

Councilor DeGrandpre noted there was consensus that there are certainly ways to work together on the administrative side to achieve efficiencies. The model will change some but there was a feeling in the room that working together was the only way that everyone would move forward. Councilor Cassida noted there was definitely a feeling to maintain a very close relationship with the developing Chamber. The Board also voted to spend the first allotment of seed money to birth the Chamber, which was a little less than \$10,000. The full committee will meet the first of January to digest the report hammered out by the Subcommittee. A report will also be provided to the Council. Mr. Olmstead advised that the Chamber has 89 paid members to date.

ITEM #160-09 To consider action relative to an Executive Session to discuss the possible sale of property owned by the Town of Freeport (1 MRSA Section 405(c)) and to discuss Police and Dispatch Contract negotiations (1 MRSA Section 404(6)).

MOVED AND SECONDED: That the Town council enter into Executive Session.
(Migliaccio & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Pandora)

MOVED AND SECONDED: That the Town Council reconvene into Public Session.
(Bishop & Gideon) **VOTE:** (6 Ayes) (1 Excused—Pandora)

Note: Executive Session will be to discuss Pownal Road Recreation Property. Councilor DeGrandpre would like the Fields Committee to participate in the Executive Session.

MOVED AND SECONDED: To adjourn at 9 p.m. (Cassida & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Pandora)

Respectfully Submitted,

Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #19-09
FREEPORT TOWN HALL COUNCIL CHAMBERS
DECEMBER 15, 2009 - 7:00 P.M.

CHAIRPERSON'S CALL TO ORDER

PRESENT ABSENT EXCUSED

Charlotte Bishop, Maquoit Drive	x
James Cassida, 5 Timber Ridge Road	x
Rich DeGrandpre, Timber Ridge Road	x
Sara Gideon, 78 Bow Street	x
Joe Migliaccio, 2 Vinmar Lane	x
Bill Muldoon, 2 Roos Hill Drive	x
Eric Pandora, 12 Birch Point Road	x

Chair Muldoon called the meeting to order at 7:06 p.m. and took the roll.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #18-09 held on December 1, 2009 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #18-09 held on December 1, 2009 and to accept the Minutes as printed. (Cassida & Bishop)

VOTE: (7 Ayes)

SECOND ORDER OF BUSINESS: Announcements

Chair Muldoon announced that:

- All of the Municipal employees raised \$1,504.00 in donations and cash, which will be donated to the Food Pantry at FCS. He thanked all the Town employees and the many Freeport businesses that contributed to a worthy fundraiser at this time of year.
- It is time for residents to register their dogs for 2010. '09 licenses expire on December 31. Licensing can be done on line on the Town's website. If you have any questions, call Mary Howe or Bev Curry at Extension 123 at the Town Hall.
- There is a schedule on the Town's website for Channel 3. He thanked Bob and his team for getting this information posted.
- Volunteers are needed to serve on many important Town's Boards and Committees. There are vacancies on the Cable TV Regulatory Board, The Library Board, the Planning Board, Conservation Commission and the Winslow Park Commission. Application forms can be found on the Town's website and in the Town Clerk's office. They also can be obtained by calling the Town Clerk at 865-4743, Extension 123.
- Many residents are having difficulty paying for their heating fuel this year. Donations to the Town of Freeport Fuel Fund can be sent to the Town Hall to help our neighbors. If anyone has any questions, they may call Johanna Hanselman at 865-4743, Extension 120.

- White Nights is an auction and fundraiser for Freeport Community Services. It is scheduled on January 30 at the Community Center. Please contact Dana Anderson at 865-1665 with questions.

Councilor DeGrandpre mentioned that the Clothes Tree at the Community Center now has furniture to sell. He noted that it is a great place to shop and encouraged everyone to check it out.

Councilor Gideon pointed out that the Thrift Store at the Community Center is in need of a tween or teenager volunteer to work on weekends. If there is any interest, call Lynn Hennings at the Thrift Store.

Councilor Migliaccio noted that Town Council packets are now posted on the Town's Website other than confidential information. Residents can find them listed under Town Meetings. Chair Muldoon mentioned that one of the things that the Council is trying to do is make this broadcast more usable for residents. There is a monitor in the back of the room to remind Councilors that they are on television. The lighting and audio has also been improved. If anyone has any comments about the changes, the Council would love to hear from them.

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

Chair Muldoon declared the public comment period open. There were none so the Council moved on.

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 #167-09 out of order. (DeGrandpre & Pandora) **VOTE:** (7 Ayes)

ITEM #167-09 To consider action relative to a proposed letter of intent between Seacoast Soccer and the Town of Freeport for the potential development of the rear portion of the Pownal Road Recreation Fields.

BE IT ORDERED: that the proposed letter of intent be approved and the Town Manager be authorized to sign the letter on behalf of the Freeport Town Council (DeGrandpre & Migliaccio)

Chair Muldoon noted that this is an opportunity for anybody that would like to make any comment. There were no public comments. Councilor Migliaccio mentioned the workshop that was held ahead of this meeting.

Chair Muldoon suggested reviewing what the Council is doing. Councilor DeGrandpre explained that the agreement starts the process. The issue is whether the Town should convey the lower portion of the Pownal Road Recreation Field so that Seacoast Soccer can construct an indoor arena and outdoor field or fields. They may donate a minimum of 300 hours a year to the RSU5. All the trails that interfere with field development will be relocated but not at Seacoast's expense. A feasibility study will be done within 60 days and the costs will be shared by Seacoast and the Town. When discussion began, there were a lot of people that had concerns. A Field Committee has been established and they support the exploration with Seacoast going forward.

Chair Muldoon noted he feels we are embarking upon an excellent exploration process but there are many questions that need to be answered. We are attempting to be forward thinking and will go ahead but may make some mistakes along the way. He supports this opportunity.

Councilor Gideon mentioned that the Council would be considering all the valid points brought up during the workshop. Residents are encouraged to make their comments known. Chair Muldoon noted that people tend to get worked up about factors that are not factual. To the extent possible, the Council will provide factual information to work with. It should never be said that an opportunity to give input does not exist in Freeport.

ROLL CALL VOTE: (7 Ayes)

ITEM #164-09 To consider action relative to adopting the December 15, 2009 Consent Agenda.

BE IT ORDERED: That the December 15, 2009 Consent Agenda be adopted. (Gideon & Bishop)

Chair Muldoon reviewed the items on the Consent Agenda for members of the public. The Council Schedule was discussed and Councilor DeGrandpre noted that the Council could always add to their schedule.

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

ITEM #165-09 To consider action relative to a proposed amendment to the Public Peddlers' Ordinance concerning the public spot reserved for a qualified school group (Chapter 43). **PUBLIC HEARING**

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

Chair Muldoon provided some background information on this item.

Andrew Arsenault of U.S Route One asked for the language for this proposal. Chair Muldoon provided the information to him.

Craig Sickels, Director of Athletics for RSU5, noted that the All Sports Boosters have operated or leased a cart to another business person at this site for more than 20 years and the funds derived from it have been critical to their programs. Last year they partnered with the Teen Center and split the funds donated by L.L. Bean in lieu of finding a second spot. Mr. Denney has agreed to match the lease amount for next year. He asked how the Town could ensure that the funds will be there for the youth groups in the future.

Chair Muldoon mentioned that a generous offer has come forward for 2010 but beyond that, the Council is going forward on a good faith effort by the parties at the table. As we revamp this Ordinance, it will have a non-profit public benefit in the forefront. He cannot tell Mr. Sickels how it will be found, but he is confident that it will be found because the committee and the private sector and public sector players at this table discussing it are dedicated to find a strong non-profit spot.

Councilor DeGrandpre advised that the Traffic and Parking Committee looks at where a vendor may be located safely. This particular spot is the only one in Freeport where a cart is located in front of someone else's business. Freeport Village Station and L.L. Bean are interested in locating a spot for a not-for-profit interest. He is confident that they will find a way to support those folks going forward.

Since the situation is solved for next year, Mr. Sickels asked why this spot has to be removed now. Chair Muldoon mentioned that this position will not be maintained in any event and it is important to move forward quickly. It did not make sense to let it go for another year.

Andrew Arsenault recalled the history in locating carts in Freeport. He does not understand why the spot has to be done away with tonight. He asked if any accidents have occurred there or does it violate any Ordinance. He understands that the cart is in front of someone's store but it has been in front of someone's store for 20 years. He noted there is a \$15,000 check for 2010 but no one knows what will happen after that. He mentioned that no one knows if another spot will generate that amount of revenue.

Chair Muldoon mentioned that none of the things mentioned by Mr. Arsenault have occurred. The Ordinance under discussion is a very forward-looking Ordinance and it has a non-profit beneficial component in it. He sees a greater benefit emerging.

Ms. Davenport, Coordinator of the Teen Center, mentioned that they are very thankful for Mr. Denney's donation and is confident that Freeport youth will be kept in mind as the process moves forward.

Sande Updegraph speaking as a staff member from FEDC, noted there is an urgency that we act now. Freeport is evolving into a much more upscale, refined attractive destination largely due to marketing efforts, etc. The center of Town is the intersection of Bow and Main Streets and is not an appropriate place for a vendor cart at this time. There has not been an economic impact having that cart there over the past 15-20 years. The storefront is now empty and having a cart there has a negative impact on leasing that space. It is vital to not have an empty store in the center of town. Mr. Denney has stepped up to replace the revenue source in 2010 to both youth groups and allow the task force time to find two other spaces for the carts.

Brad Berkemeyer has concerns with the lack of revenue. Right now spots are tight and there are kids that can't afford to play sports in the pay to play sports. This booster money allows the Booster Clubs to pay the fees for kids to play the sports. He was unsure why the spot had to be eliminated today. He suggested waiting until the other spots have been found. He noted that kids have worked at the hot dog carts through the years and learned valuable skills. Hot dog carts are a viable job for students in Freeport.

Jay Yilmaz, resident and commercial property owner, agrees that the kids working at the carts can learn valuable business lessons and agrees this is a difficult situation. There is a concern that this spot could conflict with Mr. Denney's marketability of his building. At the very least, there is a lot of good faith being offered on behalf of the stakeholders. He suggested other considerations to be made would be possibly putting a moratorium on the operation of the cart in this particular spot. He does understand how this could negatively impact the marketability of this building.

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

BE IT ORDERED: That the proposed amendments to the Public Peddlers' Ordinance be approved. (Cassida & Migliaccio)

Councilor Bishop wanted to make it clear that there is no intent to eliminate a spot permanently.

Councilor DeGrandpre mentioned that the two existing ordinances would be merged into one after making sense of them.

Councilor Migliaccio noted that he would support this item. He is satisfied that the task force has decided that this is the wrong spot.

Councilor Cassida does not have any disagreement with that particular site having an impact on the viability of retail space in that area. He has some question about formally removing a site tonight when the work of the committee is not yet done. He asked why the Council wouldn't simply place a moratorium on using that space and then the changes could be made after the process is finished. Chair Muldoon believes a good faith effort is being made and that the Council should be concerned with the marketability of properties in Freeport. He is comfortable amending the current Ordinance and moving forward with a productive process to come up with a better Ordinance than what is in effect right now. He sees this being completed in 2011. A very rough draft will be coming in January and then the Council will begin culling what will be removed and discussing what will be added.

ROLL CALL VOTE: (7 Ayes)

ITEM #166-09 To consider action relative to a amendments to the Rules of Order and Procedure for the Freeport Town Council.

BE IT ORDERED: That the proposed amendments to the Rules of Order and Procedure for the Freeport Town Council dated December 15, 2009 be approved. (Pandora & Bishop)

Chair Muldoon explained that the Council operates under its own rules of order and procedure. They have been revised 9 times to address issues that are no longer pertinent such as removing reference to the Freeport School Committee that no longer exists. He noted that we are simply updating these rules and in the future, they will most likely be updated again.

Mr. Olmstead provided background information based on issues that have surfaced over the last Council year. The restructuring of workshops will be more efficient use of Council time and will be more convenient for Boards and Committees and also give us the luxury of televising workshops. It will cost slightly more than we now pay to broadcast the meetings. There won't be a separate cost for televising a workshop.

Councilor Migliaccio noted that this is good work. He asked if Councilors would consider changing the wording in 37, line 2 to read "to reconsider a motion at the same meeting or the next *two* regular Town Council meetings." He offered to propose a motion. Councilor Migliaccio still thinks that the Council needs to reference the leadership meetings under Rules and Procedures since they are mentioned often. He suggested defining a leadership meeting as a meeting with the Council Chair, the Vice Chair and the Town Manager getting together to set an agenda, etc.

MOVED AND SECONDED: To amend 37, line 2 to add two meetings so that the wording reads: Any Councilor on the prevailing side of an action taken by the Town Council, can move to reconsider a motion at the same meeting or the next *two* regular Town Council Meetings following the meeting when action was taken. (Migliaccio & Pandora)

Discussion followed. Mr. Olmstead noted that the current language mirrors Roberts' Rules.

VOTE: (2 Ayes—Migliaccio & Pandora) (5 Nays)

Councilor Pandora brought up 12 where it reads, "Any other elected or appointed official who wishes to communicate with the Town Attorney may do so only with the knowledge and consent of the Council Chairperson." He suggested adding some language to what exists.

MOVED to add "except in cases where the Chairperson and/or Town Manager are the subject of the elected official's inquiry or communication." (Pandora)

The motion died for lack of a second.

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS:

Discussion on Holiday Hours

Mr. Olmstead advised that based upon a state-wide survey, most communities will be closing at 1 p.m. on Christmas Eve and at 4 p.m. on New Year's Eve and this is his recommendation. This will include Town Hall, The Recycling Center and the Public Library. There was consensus that Freeport should follow this schedule. Mr. Olmstead will begin advertising this tomorrow.

Fire/Rescue

Councilor DeGrandpre noted that a note was received from Ann Royer thanking the Fire Department and Rescue folks for their superb efforts when the Quartrucci home burnt in South Freeport. Councilor Migliaccio spoke to the Quartrucci family and learned how happy they were with the response they received. Fire personnel helped to pull down family pictures and moved furniture.

At this time, Chair Muldoon feels it is important to say to our municipal staff how much we appreciate what they do and wished them all the happiest of holidays.

Chair Muldoon noted that all the Council goals are in.

MOVED AND SECONDED: To adjourn at 8:35 p.m. (Bishop & DeGrandpre) **VOTE:** (7 Ayes)

Respectfully Submitted,

Sharon Coffin, Council Secretary