

MINUTES
FREEPORT TOWN COUNCIL MEETING #01-10
FREEPORT TOWN HALL COUNCIL CHAMBERS
January 5, 2010 - 7 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 #19-09 held on December 15, 2009 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #19-09 held on December 15, 2009 and to accept the Minutes as printed. (Bishop & DeGrandpre)

VOTE: (7 Ayes)

SECOND ORDER OF BUSINESS: Announcements

With deep sorrow, Chair Muldoon announced the passing of Dwight Libby, Sr. He served as Fire Chief until 1983 and was an active member of the Fire Company for 48 years. He will be deeply missed.

Chief Fournier explained that Chief Libby hired him into the Fire service and he learned a lot from him. He thanked Chair Muldoon for recognizing Chief Libby's service to the town.

Chair Muldoon pointed out that Freeport's fire fighters, police officers, EMTs and Rescue personnel and people that volunteer to serve in this capacity are the front line of our community. He read a letter received from a Massachusetts couple explaining that the gentleman had an attack of some kind but is okay now. They appreciated what was done for them and sent a wonderful letter to thank everyone that came to their rescue.

Chair Muldoon announced:

- There will be H1N1 Vaccine Clinics in Cumberland County that are open to anyone. He suggested that residents visit the Town's website or www.MaineFlu.gov for a listing of upcoming clinics.

TOWN COUNCIL MEETING #01-10
January 5, 2010

- Many residents are having difficulty paying for their heating fuel this year. Donations of any amount 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.
- The Winslow Park Commission has cancelled its January 11 meeting. Their next meeting will be on February 8 at the Freeport Community Center.

Chair Muldoon mentioned that a letter was received from Charles Fischman indicating the great service he received in Town Hall when he came in to register his dog. A question was raised to another staff member, which led to a conversation with yet another staff member. Chair Muldoon thanked Town employees for all that they do.

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.

Chair Muldoon mentioned there is no need for the Executive Session scheduled under Item #06-10 and suggested tabling it.

ITEM #06-10 To consider action relative to an Executive Session to discuss a personnel issue and to discuss Police and Dispatch Contract negotiations (1 MRSA Section 404(6)).

MOVED AND SECONDED: To table indefinitely. (DeGrandpre & Bishop) **VOTE:** (7 Ayes)

ITEM #01-10 To consider action relative to an expenditure from the Fire/Rescue Annual Fund Drive Donation Account to provide for training.

BE IT ORDERED: That up to \$4,000 be expended from the Fire/Rescue Annual Fund Drive Donation Account to provide for a training class in Hybrid Vehicle Safety. Note: The account amount is \$15,400. (Gideon & Migliaccio)

Chief Fournier explained the need for this training. There will be two classes—one held in the morning and one in the evening in Freeport. A manual will also be provided and automatic updates will be received. He has offered to open up the training classes to fire fighters from Pownal, Durham, Brunswick, Yarmouth and Sabbattus and they will pay \$75 per person to attend. If there is any money left over, it will go back into the account.

Chief Fournier noted that the source of the fund is money received from the annual letter asking citizens for donations. Mr. Olmstead made this recommendation and there has been excellent response. The money has enabled them to get the training they need without going to the taxpayers. Councilor DeGrandpre mentioned that shutting these hybrid vehicles down correctly is critical.

ROLL CALL VOTE: (7 Ayes)

ITEM #02-10 To consider action relative to an amendment to the Freeport Zoning Map changing Village Mixed Use District 3 to Village Mixed Use District 2.

BE IT ORDERED: That a Public Hearing be scheduled for January 19, 2010 at 7:00p.m. in the Town Hall Council Chambers to discuss a proposal to amend the Freeport Zoning Map changing Village Mixed Use District 3 to Village Mixed Use District 2.

BE IT FURTHER ORDERED: That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Bishop & Migliaccio)

Mr. Olmstead provided some background information on this amendment. He noted that the Housing Trust made a generous donation to the Freeport Fuel Fund. The Planning Board and Housing Trust have been discussing how to resolve the Trust's needs. Councilor Migliaccio noted that this is changing a zone. He thanked the Town Manager and the Town Planner for providing Councilors with such complete information.

ROLL CALL VOTE: (7 Ayes)

ITEM #03-10 To consider action relative to a proposed amendment to the Traffic and Parking Ordinance concerning the fifteen minute parking zone on Main Street, North of Mechanic Street. (Chapter 48)

BE IT ORDERED: That a Public Hearing be scheduled for January 19, 2010 at 7:00 p.m. in the Town Hall Council Chambers to discuss a proposal to amend the Traffic and Parking Ordinance concerning the fifteen minute parking zone on Main Street, North of Mechanic Street.

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)

Councilor DeGrandpre explained that Traffic and Parking has looked at the two spots in front of the Post Office and determined they are to be used by automobiles only. Public Works has been asked to restripe those spots. The spot north of Mechanic Street has created problems for vehicles turning down Mechanic Street. The recommendation is to remove the one spot on Main Street in front of The Mangy Moose.

ROLL CALL VOTE: (7 Ayes)

ITEM #04-10 To consider action relative to appointments to Town Boards and Committees.

BE IT ORDERED: That the following individuals be appointed to Town Boards and Committees:

<u>Name</u>	<u>Board/Committee</u>	<u>Term Expiration</u>
Gary Profenno	Traffic and Parking	December 2012
Jerry Schofield	Traffic and Parking	December 2012
Michael Reis	Cable	October 2011
Amy Gillis	Recycling/Solid Waste	January 2013
Bill Ross	Winslow Park	March 2013
Jane Grant	Winslow Park	March 2013
Stephen James	Winslow Park	March 2012
Daniel Piltch	Coastal Waters	April 2011
Ann Brandt	Planning Board	May 2011
Joseph Hahn	Conservation	June 2012

Chair Muldoon thanked everyone that serves on boards and committees. Councilor Gideon pointed out that there are openings on the Cable Board and the Conservation Trust.

ROLL CALL VOTE: (7 Ayes)

ITEM #05-10 To consider action relative to appointing Municipal Ordinance Prosecutors.

BE IT ORDERED: That the Freeport Police Chief be authorized to appoint Municipal Ordinance Prosecutors pursuant to 30A MRSA Section 2671(3). (DeGrandpre & Bishop)

Chief Schofield explained that Special Enforcement Officer Tom Kay has recently completed the Municipal Ordinance Prosecutors Training Course and in order to have him certified, The Town Council could certify Officer Kay or the Council could authorize Chief Schofield.

ROLL CALL VOTE: (7 Ayes)

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

ITEM #07-10 To consider action relative to an amendment to the Freeport Zoning Ordinance concerning Shoreland Zoning requirements and the definition of a residential dwelling unit. (Chapter 21)

BE IT ORDERED: That a Public Hearing be scheduled for January 19, 2010 at 7:00 p.m. in the Town Hall Council Chambers to discuss a proposal to amend the Freeport Zoning Ordinance.

BE IT FURTHER ORDERED: That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Pandora & Migliaccio)

Mr. Olmstead explained that in order to comply with the Shoreland Zoning definitions, it is necessary to define dwelling unit residential to include the words "permanent", "seasonal" or "temporary." Councilor DeGrandpre noted this is a definition change.

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS:

Information Exchange

Councilor DeGrandpre explained that the Peddlers Committee would be meeting on the third Thursday This month. They have broken into two committees; one is working on locations and some of its Challenges and the other is working on Ordinance merging. Any meetings that get scheduled will be posted on the Town's website. Chair Muldoon explained that this committee is looking at the future of peddler carts in Freeport.

Chair Muldoon noted that he and Councilor DeGrandpre visited the Island Rover on Flying Point. It is a 120' steel boat made out of recycled materials. Councilor DeGrandpre explained that Harold Arndt invited him to visit and he invited Chair Muldoon to accompany him. He agreed that this boat has come a long way. The Consent Agreement expires in February and Mr. Arndt will be back to the Council at some point seeking an extension. While there is a lot of stuff there, there is less than what was there. There has been progress made and he encouraged interested folks to get in touch with Mr. Arndt and go out and take a look. It has a cabin and a wheelhouse. Mr. Arndt is working on what type of power to use.

Councilor Pandora asked about the leadership meeting with Adam Nappi concerning the potential expansion of Bow Street Market. Chair Muldoon mentioned that there was a leadership meeting and broad parameters of the project were discussed. No definite points were discussed. There is nothing on the table at this time. There are a number of moving parts to this project but nothing is definite. Project Review will be looking at it on January 13. There is ample opportunity to comment.

Councilor Gideon noted that Mr. Nappi scheduled a meeting tonight and invited residents in the surrounding neighborhood to Bow Street Market to attend so that he and his engineers could show them what his plans are for the new market and School Street Extension. There were approximately 50 people in attendance. He planned to hold a question and answer session but Councilor Gideon was unable to stay for it.

Chair Muldoon again reiterated at this point there is nothing on the table. This is where it stands until there is something on the table. Councilor Cassida encouraged Councilors to sit down with Mr. Nappi and take a look at his plans. He is searching for the right path. Councilor DeGrandpre noted that Mr. Nappi is going to Project Review to get their input on his concept and he has a lot of work to do to get his ducks in a row. The public will have ample opportunity to comment should the project come before the Council.

Council Goals were passed out. Chair Muldoon tallied out the goals and will e-mail a draft of the Council goals tomorrow. The three key goals that stand out are TIF framework, continuing work on disseminating information and working to control spending and keeping the tax rate to no change or minimal change. There was a lot of common ground among the goals. The information will be ready for discussion at the next meeting. Councilor Migliaccio requested that the draft be included in Councilors' packets.

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

Respectfully Submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #02-10
FREEPORT TOWN HALL COUNCIL CHAMBERS
January 26, 2010 - 7 P.M.

<u>CHAIRPERSON'S CALL TO ORDER</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
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. He explained that tonight's meeting was postponed from last week due to inclement weather.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #01-10 held on January 5, 2010 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #01-10 held on January 5, 2010 and to accept the Minutes as printed. (Cassida & DeGrandpre) **VOTE:** (6 Ayes)
1 Excused—Migliaccio)

SECOND ORDER OF BUSINESS: Announcements

Chair Muldoon pointed out that:

- There would be a Rabies Clinic on Saturday, January 30 at the Town Hall from 9-12. Residents will be able to license their dogs at the same time. Rabies shots and a mini physical will cost \$15. Nail trimming will be \$5 and micro chipping will be done at \$35. A late licensing fee after January 31 will be \$15 in addition to the license fee. If anyone has any questions, they can call 865-4743 and speak to the Town Clerk.
- Marlene Budd and Perry Bradley will be offering free tax help to residents with low to moderate income with special attention to those 60 years old and older on Wednesdays from 8-11:30 a.m. beginning on the 3rd of February until the 14th of April. Appointments are necessary. Residents can call 865-4743 Extension 120 or check on the Town's website for the list of documents to bring along.
- Many residents are having difficulty paying for their heating fuel this year. Donations of any amount 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.

Councilor DeGrandpre noted that there would be a Chocolate Extravaganza again this year at the Freeport Community Library on February 10. He mentioned that it is a lot of fun. Bring kids and parents.

Councilor Gideon pointed out that Freeport Community Services would be holding its White Nights on Saturday, January 30. Tickets can be purchased at the door or at the Community Center this week.

Citizen of the Year Award

Chair Muldoon introduced Councilor Bishop to present tonight's Citizen of the Year Award. Councilor Bishop announced that this year's award is being presented to Rod Regier. She pointed out all of Mr. Regier's accomplishments over the past 30 years and presented him with a plaque.

Leland Arris spoke on behalf of the Maine Clammers Association as well as being a resident and Chair of the Freeport Sewer District. He thanked Mr. Regier for all his efforts and sharing his expertise in maintaining clean water in the Harraseeket River and keeping it open for Freeport shell fishermen. He also explained how Mr. Regier joined the Men's Basketball League when he first came to Freeport and proved to be a valuable member. Mr. Arris also presented Mr. Regier with a plaque and gift.

Mr. Regier mentioned that he was honored and stunned by this award. He shared his thoughts on the events that he participated in giving credit to many others.

A 15-minute break was taken and refreshments were served.

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

Chair Muldoon declared the Public Comment Period open.

Representative David Webster explained how Mr. Regier decimated the DMR's scientists and his personal history with him. He explained that he and Senator Gerzofsky are here tonight because of the challenges the Council will face with budget reductions. He went on to share some brief budget information with the Council. He and the Freeport Finance Director will be meeting with folks in Augusta to get better communication down to the town level. He plans to fine-tune the numbers. He pointed out that \$1.1 billion has evaporated from revenue that the State shares and distributes. The House says that all options are on the table and they are really looking at priority items.

Senator Gerzofsky explained how he came to a meeting at the State House and learned so much from Mr. Regier. He pointed out that the Senate is looking at the same problems the House of Representatives are looking at. They are listening to their committees. He noted that we are in a national recession that has hit all the states. He mentioned that his whole district is having a hard time. The Senate is trying to be responsible.

Representative Webster read through some of the proposed reductions and noted he would provide the information to Mr. Olmstead.

Chair Muldoon thanked them for coming to Freeport this evening.

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

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

ITEM #10-10 To consider action relative to adopting the January 26, 2010 Consent Agenda.

BE IT ORDERED: That the January 26, 2010 Consent Agenda be adopted. (Gideon & Bishop)

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

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

ITEM #11-10 To consider action relative to a proposed amendment to the Traffic and Parking Ordinance concerning the fifteen minute parking zone on Main Street, North of Mechanic Street. (Chapter 48) **PUBLIC HEARING**

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

Phillip Wagner, owner of Derosier's that is just north of the proposed spot, explained how important this one spot is to the business owners on this block. It constitutes 25% of their parking. He feels that customers will not park at the parking garage and walk over. He urged the Council to vote against this proposal.

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

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

Councilor DeGrandpre explained that the Traffic and Parking Committee voted to eliminate this one spot but he is willing to continue to monitor it and take a look at the striping. Councilor Gideon shared her observations driving down Justin's Way. She is in favor of keeping the spot open for those Main Street businesses. She does not view this spot as a major safety concern. Councilor Pandora agreed with Councilor Gideon. Councilor Cassida doesn't see an urgent need to eliminate this particular spot this evening and will not vote in favor of the motion. Chair Muldoon would like to protect the business integrity of those locally oriented Main Street businesses and is not inclined to support this proposal. Discussion followed and the Council recommended that this go back to Traffic and Parking for them to take a look at the loading zone space, the handicap space and the striping along this area.

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

ITEM #12-10 To consider action relative to an amendment to the Freeport Zoning Map changing Village Mixed Use District 3 to Village Mixed Use District 2. **PUBLIC HEARING**

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

Chris Roney, President of Freeport Housing Trust and a Freeport resident, explained that they want to add 20-22 additional affordable residential units for the elderly on their land. He urged Councilors to look favorably on this change.

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

Town Planner, Donna Larson, explained that the Planning Board recommends that the VMU 3 District be eliminated and it all become VMU 2 which allows small cafes and retail trade. Contract zoning is permissible in the VMU 2. The Planning Board will be discussing new transition areas with the Council at its scheduled workshop with the Council.

Councilor Gideon questioned Ms. Larson about the piece of land that will be left that has five single residences. In terms of the project, Councilor Gideon asked if these would be rental units for the elderly. Mr. Roney advised that they would be for the elderly. Councilor Gideon explained her concern with changing the zone and having some of those residents sell their property. The Town will then lose more of its in-town residences. Chair Muldoon feels the greater good is allowing the Housing Trust to add to their residential rental units.

Councilor DeGrandpre and Councilor Pandora thanked Ms. Larson for the format of information that she provided to them.

BE IT ORDERED: That the proposed amendment to the Freeport Zoning Map be approved. (Cassida & Bishop) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Migliaccio)

ITEM #13-10 To consider action relative to an amendment to the Freeport Zoning Ordinance concerning Shoreland Zoning requirements and the definition of a residential dwelling unit. (Chapter 21) **PUBLIC HEARING**

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

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

BE IT ORDERED: That the proposed amendment to the Freeport Zoning Ordinance be approved. (DeGrandpre & Cassida)

Town Planner, Donna Larson, explained that this is a clean-up issue and simply changes three words. It is not a substantive change at all.

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

ITEM #14-10 To consider action relative to endorsing a Community Development Block ~~Planning~~ Grant Application from Freeport Community Services to rehabilitate the building at 57 Depot Street.

BE IT ORDERED: That the Community Development Block ~~Planning~~ Grant Application be endorsed. (Pandora & Cassida)

Town Planner, Donna Larson, noted that the word “Planning” should be stricken because this is not a Planning Grant.

Bob Lyman, Executive Director of FCS, thanked Ms. Larson for all her help developing the language for this grant. He called attention to the third page of the grant and explained that renovating the building will help in provide space for delivering services to low and moderate income residents in the confidential manner they deserve. They currently often have to meet in the hallway. Use of the Food Pantry is up 33% and they need more storage space to cut down on trips to the Good Shepherd Food Bank and other locations. They have also added furniture sales to the Thrift Shop and need more storage space. Restoring this building will help them in all their needs.

Councilor DeGrandpre had a few questions for Mr. Lyman. Councilor Gideon urged Councilors to endorse this grant.

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

ITEM #15-10 To consider action relative to a consent between the Town of Freeport and the Island Rover Foundation concerning a resolution of all pending Ordinance violations on the Foundation’s property.

BE IT ORDERED: That the consent agreement dated February 15, 2005 between the Town of Freeport and the Island Rover Foundation be extended until February 15, 2013.

BE IT FURTHER ORDERED: That the Town Manager be authorized to execute the extension on behalf of the Town of Freeport. (Gideon & DeGrandpre)

Councilor DeGrandpre provided some background information on the boat being constructed in the Flying Point neighborhood. About five years ago some of the neighbors had concerns with the amount of material being stored on Mr. Arndt’s property and asked for some enforcement. After seeing the amount of work that has been done, it is apparent that this is a vessel and not just parts. Chair Muldoon recounted his visit to Mr. Arndt’s property and toured the vessel. It is one man’s dream and a very green dream since the parts came from many sources. He agreed there is a lot of material around but now can be viewed as a recycling center. He is fully supportive of extending the agreement for three years.

Councilor Pandora noted that no neighbors are in attendance tonight. He asked if notification was sent out. Councilor Cassida explained that this is an enforcement issue. Mr. Arndt noted that the path by the board is well worn by neighbors. He enjoys a good relationship with all of them. He does not perceive any negative feelings in his neighborhood. He displayed a photo of the vessel. He would like to finish this boat as soon as possible but in this economy he has found it difficult to raise funds. He plans to do some significant work soon but does not have a launch date tonight.

Mr. Olmstead asked Mr. Arndt if he could finish it up in three years. Mr. Arndt noted he would do his best. Councilor Cassida noted that every effort should be made to finish it up. He has no problem extending this for three years.

Councilor Bishop noted that she would abstain from voting on this issue since the boat in question is in her backyard. She doesn’t think it is appropriate to vote either way.

ROLL CALL VOTE: (5 Ayes) (1 Abstention—Bishop) (1 Excused—Migliaccio)

ITEM #16-10 To consider action relative to adopting a fee schedule for connecting to the stormwater pond located at the end of School Street.

BE IT ORDERED: That the proposed fee schedule dated 01/11/10 as proposed by the Town Planner be adopted. (Bishop & DeGrandpre)

Donna Larson, Town Planner, explained that the Council approved this pond in 2004 as part of the Hilton Garden Inn project. They had the room to build one that had additional capacity. It eliminated the need to do extra design and construction work. The pond was built with the capacity to treat 3.4 acres of new impervious surface in its watershed. The Hilton donated the land to the Town. The Town has been paying back the Hilton \$115,000. The value of the gift was not included. The idea was that over time people would buy into it. The time has come to develop a fee schedule with the potential development of the new Bow Street Market. It is a one-time fee but there will be annual maintenance fees to maintain the system.

Councilor Cassida clarified that the original cost was \$115,000 and was designed over and above what was needed by the Hilton Garden at that time. The citizens of Freeport have financed additional capacity in this pond. Discussion followed. Councilor Cassida suggested putting any money generated by selling capacity aside for maintenance into a reserve account. Councilor Pandora noted he does not know what it is worth or what it would cost to mitigate 3.4 acres of run-off. Discussion followed.

The Town Planner and the Town Manager were asked to take a second look at the calculations by establishing the value of the land, the estimated design cost of developing the 3.4 acres and to look at the total capacity of the pond and what the Hilton Garden is using.

MOVED AND SECONDED: To table to February 2, 2010. (Cassida & DeGrandpre)

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

OTHER BUSINESS:

1.TIF Strategy Planning Funding

Chair Muldoon advised that he did not attend the FEDC meeting that was held last week. His understanding is that the FEDC Board renegotiated and approved a package, which will cost in total \$10,000. They are asking the Council to put up \$5,000 as a contribution to pay for half of the sessions on TIFs strategies and TIF usage. This is clearly something the Council feels strongly about. He mentioned that TIFs are a misunderstood tool and not a give away. He asked the Council to consider approving the \$5,000. This is a series of two meetings and the first one will take place on February 10, 2010. Discussion followed.

MOVED AND SECONDED: To authorize the Town Manager to expend \$5,000 from the Miscellaneous Contingency Fund to finance half of the TIF Strategy Planning Sessions. (Cassida & DeGrandpre)

The meeting will be held at the Hilton Garden from 7:45 to 10 on February 10 and all members of the public will be invited.

Councilor DeGrandpre suggested advertising this session on cable and also in the other regular advertising methods because there are many interested residents. Chair Muldoon encouraged everyone to take part in this to get the knowledge they need.

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

2.Discussion of Council Goals for 2010.

Chair Muldoon noted that he created a matrix that broke the goals into four main sections. He e-mailed it out last week. The top items mentioned by six Councilors were to control taxes and limit spending and establish TIF guidelines.

Councilor Cassida noted that Chair Muldoon did an outstanding job in melding everybody's goals into a coherent fashion. He was satisfied with this document. Councilor Pandora and Councilor DeGrandpre echoed Councilor Cassida's comments.

Chair Muldoon noted that if this is adopted next Tuesday, the Council also should consider adopting the strategy to review this on a quarterly basis.

3.Information Exchange

Mr. Olmstead made reference to a letter from the Town of Pownal asking if there is any interest in meeting with their Selectmen and Durham's Selectmen. He asked if Councilors were interested in meeting with them. Discussion followed. There was consensus that Mr. Olmstead should schedule a meeting with Pownal and Durham. Mr. Olmstead suggested expanding the list of topics other than the RSU5 budget be discussed.

Councilor DeGrandpre pointed out that he is working on the Peddlers Ordinance. He met with Jay Yilmaz and Andrew Manning. They will be meeting again before the whole Committee meets in February. They will have a map available as well. He noted that there would be ample opportunity to comment.

ITEM #17-10 To consider action relative to an Executive Session to discuss a General Assistance Application and potential litigation (1 MRSA Section 405(6E)).

MOVED AND SECONDED To table Item #17-10 to February 2, 2010. (DeGrandpre & Pandora)

VOTE: (6 Ayes) (1 Excused—Migliaccio)

ITEM #18-10 To consider action relative to an Executive Session to discuss Police and Dispatch Contract negotiations (1 MRSA Section 405(6D)).

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

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

MOVED AND SECONDED: To adjourn at 10:58 p.m. (DeGrandpre & Gideon)
VOTE: (6 Ayes) (1 Excused—Migliaccio)

Respectfully Submitted,

Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #03-10
FREEPORT TOWN HALL COUNCIL CHAMBERS
FEBRUARY 2, 2010 – 7 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. He noted that Councilor Gideon is excused this evening.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #02-10 held on January 26, 2010 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #02-10 held on January 26, 2010 and to accept the Minutes as printed. (Cassida & Bishop)

VOTE: (5 Ayes) (1 Abstention—Migliaccio) (1 Excused—Gideon)

SECOND ORDER OF BUSINESS: Announcements

Chair Muldoon announced:

- Sue Mack and others will be outside in the cold for 24 hours to call attention to the fact that we have neighbors that are in need in our community. Please bring your non-perishable food or cash/check donation to the front of First Parish Church anytime between Noon on February 5 until Noon on February 6. If you have any questions, please call Sue Mack at Freeport Community Services, Telephone 865-3985 or the First Parish Church at 865-6022.
- There will be a workshop with Freeport Councilors, Durham Selectmen and Pownal Selectmen on February 11 at 7 p.m. in the DeWitt Room of Mallet Hall at 429 Hallowell Road in Pownal. Everybody is invited. Discussion items will include possibly sending a letter to the RSU5 Board and administration regarding the 2010/2011 budgets and brainstorming cost savings collaboration among the towns and the regional school district. Brainstorming cost saving collaboration on the Freeport, Durham and Pownal municipal budgets.
- Under the HOME Program, federal funds are now available for home repair and first-time homebuyers for income-qualified families. Eligible applicants may receive a forgivable loan, a low interest payable loan at zero to 3% or a combination of a forgivable loan and a payable loan. If anyone has questions, they may contact Mary Davis at the City of Portland at 874-8698.

TOWN COUNCIL MEETING #03-10
February 2, 2010

- Marlene Budd and Perry Bradley from AARP will be offering free tax help to residents with low to moderate income with special attention to those 60 years old and older on Wednesdays from 8-11:30 a.m. beginning on the 3rd of February until the 14th of April. Appointments are necessary. Residents can call 865-4743 Extension 120 or check on the Town's website for the list of documents to bring along.
- Councilor DeGrandpre noted that there would be a Chocolate Extravaganza at the Freeport Community Library on February 10 to raise some money. It will begin at 6 p.m. He mentioned that it is a lot of fun. Bring kids and parents.
- Councilor Migliaccio pointed out that in addition to the Municipal side of the budget, the school is going to be starting an extremely difficult budget time. The first RSU5 meeting will be held on February 10 at the High School at 6:30 p.m. Residents can find the schedule on www.RSU5.org and he encouraged everyone to attend.

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

Chair Muldoon declared the Public Comment period open.

Howard Nichols explained that he is a census recruiter for our area. He encouraged citizens to fill out the census forms when they arrive sometime in March. He also encouraged residents to apply for the enumerator jobs in Androscoggin, Cumberland, York and Oxford counties. Workers will be paid \$14.50 an hour and 55 cents per mile. If anyone has any questions, they can call him at 865-6472 or call the Portland office at 228-7900. Hiring is taking place and training sessions will be scheduled in February, March and April. He noted he would leave some information on the counter out in the hall. Councilor DeGrandpre requested that this information be put on the Town's website.

MOVED AND SECONDED: To close the public comment period. (DeGrandpre & Pandora) **VOTE:** (6 Ayes) (1 Excused—Gideon)

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

ITEM #23-10 To consider action relative to adopting the February 2, 2010 Consent Agenda.

BE IT ORDERED: That the February 2, 2010 Consent Agenda be adopted. (Bishop & Cassida)

Chair Muldoon reviewed the items on the Consent Agenda for members of the public. Mr. Olmstead noted that a second donation would be coming from L.L. Bean for leatherwear. Councilor Migliaccio thanked L.L. Bean for their generous donation to provide for a Police Department firearms upgrade and the other donations as well.

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

ITEM #24-10 To consider action relative to adopting Town Council Goals for 2010.

BE IT ORDERED: That Town Council Goals for 2010 as proposed by Town Council leadership be adopted. (Cassida & Bishop)

Chair Muldoon explained how he compiled the individual goals and created a matrix. He reviewed the draft. There was consensus that Chair Muldoon did a great job. Councilor Migliaccio encouraged the public to take a look at the goals. Discussion followed. Councilor Migliaccio would like to have the Chamber come to a workshop and explain where they are. Chair Muldoon asked the Town Manager to schedule quarterly reviews of these goals.

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

ITEM #25-10 To consider action relative to endorsing PACTS applications for providing for reconstruction of South Street from West Street to Porter's Landing.

BE IT ORDERED: That the Town of Freeport PACTS applications providing for reconstruction of South Street from West Street to Porter's Landing be endorsed by the Freeport Town Council. (Migliaccio & Bishop)

Mr. Olmstead explained that Freeport is a member of PACTS and this is forced membership. He served on the PACTS Board for three years. He noted that only slivers of Freeport are in PACTS because that is where the densities are and we would fare better dealing directly with the State regarding our transportation needs. Our Town Engineer has looked at all the PACTS roads in Freeport and determined that this project is the one that has the best chance of being funded. Discussion followed.

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

ITEM #16-10 **TABLED FROM 01/26/10**
To consider action relative to adopting a fee schedule for connecting to the storm water pond located at the end of School Street.

BE IT ORDERED: That the proposed fee schedule dated ~~01/11/10~~ 01/28/10 as proposed by the Town Planner be adopted. (DeGrandpre & Cassida)

Town Planner, Donna Larson explained that the design costs and estimated cost of land was not included in the \$115,000 construction cost. It was determined that the design cost was \$15,000 and the land cost was estimated at \$37,000. She called the Council's attention to a memo received from Albert Presgraves providing more detail. Discussion followed. Ms. Larson advised that the Town Engineer will keep track of the capacity and will assess the fee.

Councilor Cassida did not want anyone to think that the Hilton is not treating their storm water when they are. Mr. Olmstead pointed out that the taxpayers of Freeport have \$115,000 invested in this pond and it is the Town's goal to get it back. He pointed out that the developer is owed two more payments. He is confident that it is a good deal as proposed. Councilor DeGrandpre noted that the Town needs to come up with the right calculation so we don't price ourselves out of the market. Ms. Larson explained how she looks at this water shed when she gets a development proposal. She would get the fee at the time of the building permit or before a certificate of occupancy is approved. A 3% maintenance fee was discussed. Councilor Migliaccio noted his concerns in the event the pond is washed out and the 3% maintenance fee would not cover the cost of its entire replacement. He does not want the Town to be obligated to pay for the replacement. Mr. Olmstead will check with the Town Attorney to determine how to move forward on the maintenance fee and then return to the Council later. He mentioned a developer is waiting for this and he did not want to delay them.

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

OTHER BUSINESS:

1. Request to tap maple trees on Town property

Mr. Olmstead explained that Crawford Taisey tapped the trees last year and is requesting permission to do so on an ongoing basis. Mr. Olmstead would recommend giving Mr. Taisey permission to continue tapping the trees for an indefinite period and not require him to come back on an annual basis. There was strong consensus to grant Mr. Taisey permission.

2. Information Exchange

Councilor Cassida mentioned last week's budget discussion and asked Mr. Olmstead what cuts he is considering putting forward. He passed out a list of possible cuts and explained that we have a \$366,000 hole to dig our way out of because of State reductions in revenues to municipalities. He asked everyone to keep in mind that this has nothing to do with the RSU5 budget and that they have their own hole to dig out of as well. In his view this is not a one-year problem. He feels it will take the economy time to correct itself. He is looking at structural changes and the way we deliver services. He is not recommending any band-aid fixes. He expects opposition to come forward and mentioned that if someone doesn't like his proposals, they should provide alternatives. He would like the Council to review the list and vote on it, which will allow him to move forward. He needs to build a budget soon and needs direction from the Council.

Mr. Olmstead explained that he would like the Council to make a decision on consolidating Dispatch and then he will go out and negotiate with the Town of Brunswick and Cumberland County. This could result in a \$100,000 savings and eliminate one-third of the budget deficit. Mr. Olmstead advised that personnel could be reduced by as much as \$50,000. He is looking at different options. Going to a lower tier health package, which would mean higher co-pays for employees, could reduce the Municipal Employee Benefit Package. This could produce a \$45,000 savings annually. Employees at retirement age could be offered incentives to retire now and the estimated savings would be \$10,000. The NET Program has been very successful and has paid for itself and for 2.75 of the three full-time fire fighter/paramedics. The Finance Director has indicated that the stable revenue stream can be tapped for \$20,000 to pay for the additional quarter of a position. We could tap \$65,000 from the Tax Rate Stabilization Fund. The Finance Director advised Mr. Olmstead that we could take \$10,000 out of the Cable franchise fees to offset the current cable operating budget. Mr. Olmstead's last recommendation is to let the Municipal tax rate go up from \$3.11 to \$3.15 to generate \$65,000 in new revenue. This would add about \$10 to a home valued at \$250,000. These items would fill the gap that the Town is facing. Mr. Olmstead will make sure the list of proposed cuts is added to the website.

Councilor Migliaccio recalled last year's discussion on consolidating Dispatch. He indicated he could not make a decision on Dispatch without getting more information and that it would require a lot of due diligence. He would like to dig deeper into other discretionary spending and look at a lower tier before going to public hearing. He would like to make a \$20,000 cut to FEDC and Mr. Olmstead offered to put it on the list and will put it on the website.

Councilor Cassida noted that no matter what the Council puts forward for cuts, this is going to be a difficult process to go through. He would like the Council to consider scheduling a public hearing on this soon since it is important to listen to everybody's concerns. Mr. Olmstead requested Councilors to bring

any cuts to the table. Councilor Cassida pointed out that if Councilors have things to put on the table, he would like to get them in advance using e-mail.

Chair Muldoon asked residents to keep in mind that these are difficult times He urged them to come in and comment and also try to come up with alternatives to fill the \$366,000 hole.

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

BE IT ORDERED: that Freeport Town Council set a public hearing for February 23, 2010 to discuss proposed budget cuts necessary to construct a Municipal budget in light of current budget projections

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)

Mr. Olmstead noted he has never faced this type of budget before. He encouraged residents to pick up their phones and talk to their Councilors about the proposed budget cuts. Councilor DeGrandpre pointed out how careful the Council has been over the past five years to not raise taxes. If residents are willing to pay more taxes, he asked that they let the Council know because that is what will happen if we don't make any cuts.

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

Chair Muldoon advised that the Winslow Park Commission has a meeting scheduled on February 8 at the Community Center beginning at 6:30 p.m.

ITEM #17-10

TABLED FROM 01/26/10

To consider action relative to an Executive Session to discuss a General Assistance Application and potential litigation (1 MRSA Section 405(6E)).

MOVED AND SECONDED: To table this item to February 23. (Cassida & DeGrandpre) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Gideon)

MOVED AND SECONDED: To adjourn at 8:35 p.m. (Migliaccio & DeGrandpre)
VOTE: (6 Ayes) (1 Excused—Gideon)

Respectfully Submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #04-10
FREEPORT TOWN HALL COUNCIL CHAMBERS
FEBRUARY 23, 2010 - 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 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 #03-10 held on February 2, 2010 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #03-10 held on February 2, 2010 and to accept the Minutes as printed. (Cassida & DeGrandpre)

VOTE: (7 Ayes)

SECOND ORDER OF BUSINESS: Announcements

Everyone is invited to the Maine Fisherman's Forum Clam Day on March 4 from 1-4 p.m. at the Samoset Resort in Rockland, Maine. A full agenda is posted on the Town's website.

Effective March 1, 2010, heavy loads are not permitted on many posted roads without a special permit in order to prevent damage. Permits are issued at the Public Safety Building. For a full listing of the posted roads or questions, please call the Public Works Department 865-4461 or look on the Town's website for application forms.

On March 3, 2010 Everest Climber, Ed Webster, will be putting on a program at the Community Library entitled "Great Explorers: Peary at the Pole to Landing on the Moon" at 6:30 p.m. This is a free family-oriented event.

On March 26 at 6:30 p.m. join Sebastian Belle of the Maine Aquaculture Association and share piping hot oyster stew with Freeport oyster farmers Eric Horne and Valy Steverlynck. For more information call Belinda Stewart at 865-3307 or check out the Library's website.

The Freeport Historical Society will be hosting a Spring Serenade Benefit with Paul Sullivan on March 20 at the Freeport Community Services Building. A Silent Auction will take place. Tickets are \$50 each and are available by calling 865-3170. For more information go to: www.freeporthistoricalsociety.org.

THIRD ORDER OF BUSINESS: Public Comment Period – 30 Minutes

(Non-Agenda Items Only)

MOVED AND SECONDED: To open the Public Comment Period-30 Minutes for Non-Agenda Items only (Cassida & Bishop) **VOTE:** (7 Ayes)

Wayne Hollingworth asked Councilors to take a look at Freeport's Sign Ordinance a year ago. He explained that political signs in Freeport are only permitted 14 days before the election date. He has had to take down signs that are put up illegally by volunteers and is concerned with the amount of money involved in taking down the illegal signs prior to the two-week deadline. He noted that Fred Reeder would be discussing this later in the evening.

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

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

ITEM #26-10 To consider action relative to proposed reductions on the Municipal Budget for the fiscal year 2011. **PUBLIC HEARING.**

Chair Muldoon assured everyone that his or her communications on this issue have been read and stated that no decisions have yet been made. This is the public's opportunity to have his or her say. He advised that Freeport's 911 calls already go to Brunswick. This has been happening for the last three years. If there is a consolidation, the Town's phone answering would move.

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

Mary Ann Megettigan of Maquoit Drive explained that she would be brief this evening but would be submitting other comments to the Council within the next seven days. She opposes consolidation with Brunswick and is willing to pay more taxes on her home.

At this time, Chair Muldoon asked that residents please limit their comments to three minutes.

Peter Moulton of Route One spoke about the importance of keeping Dispatch in town.

Patricia Pooters, one of the original Dispatchers in Freeport, explained how busy Brunswick's Dispatch is and how little space they have. She is willing to pay more in taxes to keep Dispatch in Freeport.

Wendy Caisse, president of FEDC, thanked the Council for their support and explained the worthy causes they have prioritized. They are cognizant of tough economic times and asked that the Council consider how important their funding is to them.

Rosa Brawn is opposed to Dispatch consolidation and indicated that she is willing to pay more taxes. GPS technology was discussed. Councilor Migliaccio asked what number residents should call in the event of an emergency and Mari Smith advised they should call 911.

Betsy Ruff of Route 136 explained that the Public Safety people and the Dispatch people are very knowledgeable and are good in checking up on them. She has a concern that Dispatchers will not be in Freeport after hours.

Stephanie Helms of Cottage Street would like more information before rendering her opinion on Dispatch or reductions in personnel. She did not feel the facts are transparent this evening on where cuts will be made.

Nicole Christian pointed out that she would support a tax increase to keep Dispatch and suggested budget cuts for FMA and FDEC. She did not have any other suggestions for filling the budget shortfall.

Elaine Green of School Street explained that she presented a petition last year with more than 800 signatures from people that did not want to lose Dispatch.

Wayne Hollingworth is willing to pay more taxes to keep Dispatch in Freeport. He mentioned adding a 1% sales tax, which would stay in Freeport. He also suggested paying employees every two weeks rather than twice a month.

Gerry Kennedy of Pine Street prefers that Dispatch stay in Freeport because it offers comfort to the elderly. He recognizes the tough job Councilors have before them this year.

Elizabeth Frey of Pine Street is in favor of keeping Dispatch in Freeport and is willing to have her taxes raised. She suggested a small reduction in salaries across the board.

Chris Parker of Spar Cove agrees that Dispatch should remain in Freeport. He noted that FMA donations are a basic necessity and some of them fund the public bathrooms. He advised that anything else is fair game.

Matthew Pettengill of Pownal Road asked what it would take to have a referendum on this process. Mr. Olmstead explained should the Council choose to consolidate Dispatch, a petitioning committee would have to form. They would have to file papers with the Town Clerk and get 10% of the 6,500 registered voters to come in to Town Hall within 30 days to sign the petition. If successful, a special election would be scheduled.

Nancy Clark of Randall Road supports the sentiments expressed this evening to retain the Dispatchers locally and avoid elimination of any jobs. She suggested that Councilors exercise their collective wisdom and retain the Dispatch Services and avoid the cost of a special election in Freeport. She is aware that these are difficult times. Mr. Olmstead estimated the cost of a special election to be \$2,000.

Elaine Green reminded the Council that she collected more than 800 signatures last year. She suggested scheduling a town festival in the summer similar to the Clam Festival to raise money for itself, its schools and its non-profits. Councilor DeGrandpre agreed this was a fine idea but mentioned we would need to find a replacement for the late and great Elaine Polakevich to carry it forward. Ms. Green noted that a festival would be a money-making situation.

Myra Hopkins from the Freeport Merchants Association noted they appreciate the money and support they get from the Town. They promote tourism and market Freeport exclusively.

Dan Brown from Wardtown Road pointed out that he is in favor of keeping Dispatch in Freeport. He reminded Councilors that they represent the people in their districts. He asked why this subject keeps coming up.

Linda McMann of Pownal mentioned she doesn't want Dispatch to leave Freeport. She has witnessed the quality of their services. She brought up school consolidation and how it has affected Pownal's taxes.

Elizabeth Frey asked what residents could do to help. Mr. Olmstead suggested that townspeople call Senator Stan Gerzofsky and Representative David Webster and suggest that they handle their own budget problems at the State level and do not pass them on to the local communities and we would not have to have these discussions.

MOVED AND SECONDED: That the public hearing be closed. (Cassida & Bishop)
VOTE: (7 Ayes)

Councilor Cassida noted that nobody wants to consolidate Dispatch but we are in extraordinary financial times and we have to talk about extraordinary measures to fill the void. Councilor DeGrandpre asked how much the State could hurt us in the future. Mr. Olmstead mentioned that there could still be a lot more pain.

Chair Muldoon asked Chief Schofield and Chief Fournier if they had anything to share.

Chief Fournier pointed out that we have good Dispatchers in Freeport and Brunswick has a good Dispatch service. However the decision moves forward, he is confident good service will be provided. As a taxpayer, he suggested looking at the amount of money we spend on trash. He is willing to pay more in taxes.

Chief Schofield mentioned that he worked with the people in Brunswick and they have addressed service as best they can. The Council has a tough decision to make. If anyone has any questions, they should give him a call. He would like to retain Dispatch in Freeport.

Councilor Migliaccio asked what number should be called in the event of an emergency. Chief Schofield advised that if a resident has any type of emergency, they should call 911. The Brunswick Dispatcher will stay on the line and coach the caller. If residents call 4800, the same series of questions will be asked that are asked by the Brunswick Dispatcher.

Chair Muldoon read a letter into the record from Barbara Gould from Lincolnville. Her family still lives in Freeport and she owns land here.

Councilor Bishop pointed out that she loves having Dispatch in Freeport and all the Freeport Dispatchers. She understands the value of the Dispatch Center. She warned that consolidation would most likely happen at some point down the line. It is not just today's issue and she worries that all our neighbors will be consolidated and Freeport will not be able to go anywhere. They won't have room for us. She does not want us to be on a little island and not able to afford the equipment necessary. On health benefits, she mentioned that the benefits suggested are better than she gets as a federal employee. It is a wonderful plan.

Councilor Gideon mentioned that if we were to consolidate, we are in a negotiating position. She reminded residents to call 911 in an emergency since there still appears to be a lot of confusion about this.

Councilor Cassida noted the Council would have deliberations on all the proposed budget cuts at the next Council meeting. Normally these discussions would take place in mid-April. The Town Manager needs to go forward and investigate the cuts. They won't be approved until the Council votes on the budget.

Councilor DeGrandpre mentioned that the recommendations are the Town Manager's thoughts on how to fill the budget cuts. If we move Dispatch anywhere, we need to deliver the same or better service. At

some point, we need to keep in mind that if we stay in Freeport, we will have to provide a second Dispatcher.

Councilor Pandora has a lot of concerns and he worries about having to pay capital costs twice by perhaps moving to Brunswick and then being mandated to move to County in five years. He mentioned remote workstations and wondered why we couldn't have them in Freeport. As for reduction in personnel, he is not aware what positions are being considered and without knowing them, he would be loath to look at cuts. He will need to see the whole budget first.

Councilor Migliaccio feels that he really wants to put the Dispatch issue to bed because it is disruptive to the employees and all the people that have to come out. He would feel bad about sticking a Dispatcher in the little room that Brunswick has for their employees. He is concerned that people are still calling 4800 when they should be calling 911. He is willing to workshop with every Councilor to find funding reductions in this budget. The recommendations are all still on the table as far as he is concerned. He would welcome an executive session to discuss personnel reductions. He reminded residents that the Municipal side of the budget is only one-third and cautioned about the upcoming school budget.

Chair Muldoon advised that the Council is at the beginning of budget discussions and no decisions have been made. He is very concerned about taking a slice of community away by consolidating Dispatch. The Assurance Program will be continued and the island problems will need to be addressed. 911 is the number residents should call in an emergency. He noted that things would not be the same as they were. He cautioned about the school budget. It is in the hands of the RSU5 Board and the voters. He believes Dispatch is still on the table and there are things that need to be considered.

Councilor Bishop mentioned that people have been calling her about the school bus issue. She noted the Council has no say on this. She encouraged citizens to get involved in the school budget discussions. It is 2/3 of the Town's budget and that is where the biggest increase will be coming from.

Mr. Olmstead cautioned that the Homestead Exemption will most likely be reduced from \$13,000 to \$10,000 and tax bills will go up. He noted the first question to ask is if there will be a tax increase to fill the \$366,000 hole.

ITEM #27-10	To consider action relative to the installation of Natural Gas Service at the Freeport Town Hall, Freeport Public Safety, and the Freeport Community Center.
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Presentation from Maine Natural Gas

Darrell Quimby, Vice President of Maine Natural Gas and Roy Lane provided a presentation. They are a sister company of CMP. Their gas price is approximately 50% less than the cost of propane and there is a vast supply of natural gas in this country. They answered questions for Councilors. Mr. Olmstead strongly recommended that the Council authorize him to sign contracts this evening. He mentioned where the funds would come from for the proposed conversions.

Mr. Olmstead mentioned that he has been working with these gentlemen to convince RSU5 to convert their buildings to natural gas. Mr. Lane advised that they expect to hear from the school system by the end of March. Maine Natural Gas is willing to front the conversion cost and charge the school system a slightly higher product cost to pay them back in a few years. The school system could realize a \$30,000-\$40,000 savings per year after the conversion costs are paid back.

BE IT ORDERED: That the Town Manager be authorized to sign contracts with Maine Natural Gas for the installation of Natural Gas Service at the Freeport Town Hall, Freeport Public Safety, and the Freeport Community Center. (Gideon & Migliaccio) **ROLL CALL VOTE:** (7 Ayes)

ITEM #28-10 To consider action relative to accepting a donation from the Freeport Community Improvement Association.

Mr. Olmstead explained that the bases that the cannons at the Bow Street Park sit on would be replaced with granite. Chair Muldoon noted that the Freeport Community Improvement Association deserves a lot of thanks. The Association is always looking for donations and help.

BE IT ORDERED: That a donation of new granite bases for cannons located in the Bow Street Park be accepted. (DeGrandpre & Bishop) **ROLL CALL VOTE:** (7 Ayes)

ITEM #29-10 To consider action relative to amendments to the Sign Ordinance concerning Ordinance updates and political signs. (Chapter 23)

BE IT ORDERED: That a Public Hearing be scheduled for March 9, 2010 at 7:00 p.m. in the Freeport Town Hall Council chambers to discuss updates to the Sign Ordinance and also deal with political signs.

BE IT FURTHER ORDERED: That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Cassida & Bishop)

Codes Enforcement Officer, Fred Reeder explained the proposed amendments. This is a housekeeping issues and the new language says it in a better way. He asked for consensus from the Council regarding a restriction that political signs can be put out two weeks before an election in the public right-of-way. Other communities go by State Statute, which allows them up to six weeks before an election. When volunteers put out the signs illegally, they have to be taken down because of complaints. He had language made up which would bring Freeport in compliance with other towns and would include signs on the Town rail

Mr. Olmstead mentioned that Freeport is a more attractive place during elections than other communities. Letters are sent out to candidates or groups saying that the rules in Freeport are different from other communities and here are the rules. The problem comes when their volunteers put up signs too early. Public Works is instructed to take them down and bring them to the Public Works Building. Mr. Reeder will call their headquarters and say we have their signs, come and get them. We put a fair amount of work managing political signs. Last year 44 man-hours were spent by Public Works managing signs in the public right-of-way. Private property signs have no restrictions. Jim Plummer has had to go out on certain occasions and identify where a sign can be put up.

Mr. Reeder passed out the language to Councilors. Councilor Migliaccio would like to hear from groups like the Merchants Association, FEDC and the Village Improvement Association. Reminders to citizens could be put up on the cable channel.

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

OTHER BUSINESS:

1. Information Exchange

Councilor DeGrandpre met with Mike Healy, the Town Manager and others regarding the Pownal Road field. They have a plan for the backfield and have made application to the DEP. A copy of the plan is at Town Office. They will be meeting in the Portland Office in 2-3 weeks. From their observations, the plan meets the disturbance requirements. He will provide more information when it becomes available.

Councilor Migliaccio mentioned that more notice is needed when the Council plans meetings particularly if it is known it is problematic for some Councilors. Chair Muldoon agreed and advised that it is duly noted.

ITEM #17-10 **TABLED FROM 01/26/10 and 02/02/10**
To consider action relative to an Executive Session to discuss a General Assistance Application and potential litigation (1 MRSA Section 405(6E)).

MOVED AND SECONDED: That it be tabled indefinitely. (Cassida & Migliaccio) **VOTE:** (7 Ayes)

ITEM #30-10 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 & Migliaccio) **VOTE:** (7 Ayes)

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

MOVED AND SECONDED: To enter into Executive Session to discuss personnel matters. (Migliaccio & Pandora) **VOTE:** (7 Ayes)

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

MOVED AND SECONDED: To adjourn at 11:16 p.m. (DeGrandpre & Muldoon) **VOTE:** (7 Ayes)

Respectfully Submitted,

Sharon Coffin,
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #05-10
FREEPORT TOWN HALL COUNCIL CHAMBERS
MARCH 9, 2010 – 7 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 7:02 p.m. and called the roll.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #04-10 held on February 23, 2010 and to accept the Minutes as printed.

Chair Muldoon pointed out that Councilor Gideon attended the meeting.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #04-10 held on February 23, 2010 and to accept the Minutes as amended. (Bishop & DeGrandpre) **VOTE:** (7 Ayes)

SECOND ORDER OF BUSINESS: Announcements

Sitting Pretty— a charity auction to benefit the Port Teen Center at the Community Center will be held on March 28 from 4-6:30 p.m. There will be beautiful hand painted chairs at auction as well as a silent auction, raffle, music and hors d'oeuvres.

The solar panels are up at the Community Library and have already produced 200 kilowatt hours since Thursday.

On March 20 the Freeport Conservation Trust will offer a guided walk on their Calderwood Preserve at 2 p.m. There are 5 ½ miles of trails. Participants are encouraged to park along Flying Point Road and should plan to meet at the Calderwood Trail Head on Flying Point Road, which is 1.8 miles beyond the intersection of Lower Flying Point Road going towards Brunswick. The rain date will be March 21 at 2 p.m. If there is snow, bring snowshoes. If anyone has any questions, they can call 869-1012 or check the Conservation Trust's website.

The Community Library will be holding its awesome annual book sale on Saturday, April 3 and April 5-9. If anyone has questions, they can call Elaine at 865-3307. This is an opportunity to donate your old unwanted books.

The Freeport Historical Society will be hosting a Spring Serenade Benefit with Paul Sullivan on March 20 at the Freeport Community Services Building. A Silent Auction will take place. Tickets are \$50 each and are available by calling 865-3170. For more information go to: www.freeporthistoricalsociety.org.

FDEC workshops on TIF strategies will be held on March 11 at 7:45 a.m. at Town Hall as well as March 25 and April 8.

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

Betsy Ruff pointed out that the parking lot lights at Town Hall are not on this evening. Mr. Olmstead made certain the switch was reset.

Mary Kennedy, partially representing the Freeport Elders, mentioned that they sent a letter concerning the consolidation of Dispatch. She also had a question about calling 911 from a cell phone. Chair Muldoon pointed out that this item already had a public hearing on this two weeks ago and it appears on tonight's agenda. He explained that the Council did receive the Elders' letter. He and Lt. Susan Nourse explained how calls are received by the State Police in Gray and then transferred to the appropriate Dispatch Department where the emergency is happening. Councilor Migliaccio assured Mrs. Kennedy that the letter from the Elders would be read into the record a little later in the meeting. Mrs. Kennedy noted that the money allocated to FEDC does not serve the residents of Freeport.

Stephanie Helms of 13 Cottage Street pointed out the new television and blue draperies and questioned how much money was spent to make meetings easy on the eye. She questioned the harm in allowing the public to comment about items that have or have not already had a public hearing. She suggested that the Council revisit its rules and allow the public comment period to become more meaningful to offer residents an opportunity to voice their feelings about Town government.

MOVED AND SECONDED: To close the Public Comment Period on Non-agenda items only. (Cassida & Bishop) **VOTE:** (7 Ayes)

Councilor Migliaccio asked how much money was spent on room improvements. Mr. Olmstead advised that \$1,400 was spent on room improvements but the Council did not approve the individual funding. It came from the Building Maintenance Budget. Councilor DeGrandpre explained that the blue background is used for presentations for cable television. He noted that people at home could see and hear better and the quality of programming has been improved. The carpet was a capital item.

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

ITEM #034-10 To consider action relative to adopting the March 9, 2010 Consent Agenda.

BE IT ORDERED: That the March 9, 2010 Consent Agenda be adopted. (Gideon & Bishop)

Chair Muldoon reviewed the items for members of the public.

ROLL CALL VOTE: (7 Ayes)

ITEM #035-10 To consider action relative to amendments to the Sign Ordinance concerning Ordinance updates which includes the time period in which political signs can be placed in the public right of way prior to elections. (Chapter 23) PUBLIC HEARING

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

Wayne Hollingworth explained that he is not authorized to speak for any political party, either publicly or privately. Last year 44 man-hours were spent picking up signs that were illegally placed. He does not want the Town spending money picking up signs.

Fred Reeder, Codes Enforcement Officer, noted he would like Freeport to be in line with other towns. State Statute allows up to six weeks but we don't usually see signs before three or four weeks before an election. He urged Councilors to approve the amendments.

MOVED AND SECONDED: That the public hearing be closed. (Bishop & Cassida) **VOTE:** (7 Ayes)

Councilor Migliaccio suggested adding seven additional days, which would bring it to 21 days even though it is not in full compliance with State Statute. Councilor DeGrandpre noted he is perfectly comfortable with the current 14 days and does not feel the Town should return the signs if they are illegally put up and have to be removed. Councilor Gideon had some questions for Mr. Reeder. She agrees it is a waste of manpower and money to take the illegal signs down. She will be voting "yes" on the order. Councilor Pandora does not like the visual clutter and does not want to change the Ordinance.

MOVED AND SECONDED: To delete 3.2 from the amendments. (Migliaccio & DeGrandpre) **ROLL CALL VOTE:** (3 Ayes—DeGrandpre, Migliaccio & Pandora) (4 Nays)

MOVED AND SECONDED: To table. (Pandora & Migliaccio) **ROLL CALL VOTE:** (2 Ayes—Pandora & Migliaccio) (5 Nays)

Mr. Olmstead noted that most towns do not regulate political signs. He reminded Councilors that when this discussion came up at the last meeting, Mr. Hollingworth thought a 30-day period would be appropriate based on his experience. Councilor DeGrandpre mentioned the visibility issues that occur with 4' x4' signs at intersections. Discussion followed.

MOVED AND SECONDED: To amend the Freeport Sign Ordinance as presented this evening to modify the language in 3.2—Temporary Political Signs on public property or within public rights-of-way, excluding the town railing, would be permitted for 30 days and must be removed within 24 hours after the election has occurred. The maximum size of a temporary political sign shall be 4 feet by 4 feet. (Cassida & Migliaccio) **ROLL CALL VOTE:** (6 Ayes) (1 Nay—Pandora)

BE IT ORDERED: That the proposed amendments to the Sign Ordinance be approved as amended. (Bishop & DeGrandpre) **ROLL CALL VOTE:** (6 Ayes) (1 Nay—Pandora)

Lt. Nourse shared her experience with political signs in Freeport during her tenure here.

ITEM #036-10 To consider action relative to the approval of the placement of Historical Marker Signs.

BE IT ORDERED: That the Freeport Historical Society be authorized to place up to 17 Historical Signs in the public right of way. (Cassida & Bishop)

Chair Muldoon disclosed that he is a Trustee of the Historical Society. Christina White, Executive Director of the Freeport Historical Society explained that they are proposing a series of signs for the Freeport Heritage Trail Program. She displayed a sample of the proposed signs and answered questions for Councilors.

Councilor DeGrandpre thanked the Historical Society for their good work in Freeport.

ROLL CALL VOTE: (7 Ayes)

ITEM #037-10 To consider action relative to the approval of the use of the Town Hall Parking Lot for a Farmers' Market.

BE IT ORDERED: That the Cumberland Farmers' Market Association be authorized to use the Town Hall Parking Lot for a Farmers' Market on Friday's from ~~11:00~~ 10 a.m. to 4:00 p.m. beginning May 14, 2010 to October ~~11~~, 8, 2010. (Migliaccio & Bishop)

Shannon Gower from the Cumberland Farmers' Market explained that they need an hour to set up and an hour to close up but the market would run from 11 a.m. to 3 p.m. The closing date would be October 8 not October 11. The deadline for farmers to apply to participate is March 25. Contact information is on their website and on their blog. There is a \$250 fee to join the association and farmers can participate in two markets. There is an additional \$25 fee if a farmer wishes to participate in an additional market. The fee covers such things as signage, liability insurance and advertising. Interested farmers need to come forward and apply to participate.

Councilor Migliaccio asked if Ms. Gower could hold three spots for Freeport farmers in the Farmers' Market until March 25. Ms. Gower indicated that anyone could come forward and apply. Sande Updegraph pointed out she was asked to gather some information on what other towns are doing and she Identified eight Freeport farmers.

Lisa Turner of Laughing Stock Farm, 79 Wardtown Road, urged Councilors to value the contribution of Freeport farmers and not bring in other farmers that contribute nothing to the town. She suggested that Councilors charge a reasonable fee from the out-of-town farmers. She advised that the Cumberland Farmers Market's website says it is full. Ms. Gower pointed out that there is still space but was not aware their website was not current.

Chair Muldoon noted that he values local agriculture very strongly. Councilor Cassida pointed out that there is plenty of space in Freeport for additional markets and the Ordinance Committee would be willing to work with Freeport farmers. We are offering town space for a public entity to use and we are not receiving anything for it. Not being sure what an appropriate fee would be, he would be willing to authorize the Town Manager to negotiate a reasonable fee for the use of the Town Hall parking lot for the Cumberland Farmers' Market. Councilor Gideon agreed with Councilor Cassida. She supports a Cumberland Farmers Market but would like to give support to the Freeport farmers.

Cathy Shaw of Valley View Farm in Auburn explained that Freeport Community Services asked them to

come in and establish a farmers market. They do encourage as many Freeport farmers and crafters as possible to apply. They offered 50 farm shares to Freeport Seniors at the Freeport Community Center and are aware that the need is there. They are not trying to be the end or the beginning for this town but they are trying to offer a service for everyone.

Councilor Pandora explained that he would prefer to accept a donation in lieu of a fee. Councilor Bishop noted that Freeport farmers are not being excluded. They have had an opportunity to join the association. People have been thrilled to find a market in Freeport and a lot of towns do not charge for their farmers markets.

Councilor Migliaccio would like four slots reserved for Freeport farmers until the deadline. Councilor DeGrandpre was hoping the Council wouldn't go through this again this year. He supports a fee or a donation. Chair Muldoon does not support a fee and mentioned that if the Community Center was still running it, we would not charge them a fee. He noted there is consensus to have the Town Manager go forward and negotiate a fee or a donation and reserve some slots for Freeport farmers until the deadline.

BE IT ORDERED: that the Town Manager be authorized to negotiate terms with the Cumberland Farmers' Market Association for the use of the Town Hall on Fridays from 10 a.m. to 4 p.m. beginning May 14-October 8, 2010 with an option for Freeport Farmers until March 25. (Cassida & DeGrandpre) **ROLL CALL VOTE:** (5 Ayes) (2 Nays—Bishop & Muldoon)

ITEM #038-10 To consider action relative to authorizing the Town Manager to negotiate terms for the consolidation of dispatch service with the Cumberland County and the Town of Brunswick.

BE IT ORDERED: That the Town Manager be authorized to negotiate terms for the Consolidation of Dispatch Services with Cumberland County and the Town of Brunswick for future Town Council consideration. (DeGrandpre & Cassida)

Mr. Olmstead explained that Cumberland County offered terms to consolidate with the Town some time ago and the offer from the Town of Brunswick came in two months ago. Public hearings have been held. The next step is to deliberate with both parties and bring the results back to the Council.

Councilor Bishop clarified that after the negotiations are done, any contract would have to be approved by the Council. Councilor DeGrandpre has had a lot of calls from residents and he has been trying to make sense of what services we deliver and if we can deliver them more efficiently and improve response times. He feels it is the Council's obligation to explore this option and determine whether it is better for Freeport or not. He read a letter into the public record from the Freeport Elders Association signed by Everett Thurlow. He also read a letter from Sally Rand. Councilor Bishop read a letter into the record from James and Ann Robertson. Discussion followed. Councilor Cassida clarified that this is not a vote to consolidate.

Chair Muldoon pointed out that one of our goals was to explore consolidation wherever possible but it is our duty to explore this possibility. It is also our duty to maintain the high quality service that currently exists. There are many questions that need to be answered. Right now our 911 service goes to Brunswick and it has for a few years. It is important to keep this in mind. If there was a consolidation, the personnel that would be dispatched to handle an emergency in Freeport would be the same people dispatched now. They would be located in Freeport. This is not a final decision this evening. It is simply looking at all the possibilities.

Councilor Migliaccio noted that this is one of the hardest decisions he will have to make during his time on the Council. He has some parameters for any dispatch transfer that he read into the public record. Councilor Gideon pointed out that service will be her primary consideration when the Town Manager returns after his deliberations. Cost will be secondary. Councilor Pandora pointed out there is no support for consolidating with Cumberland County in the public. He gave a punch list to Brunswick and hasn't yet had them addressed in a satisfactory manner. He will not support the Manager going out to deliberate.

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

ITEM #039-10 To consider action relative to adopting a Five Year Capital Plan and approving a Capital Budget for Calendar Year 2010.

BE IT ORDERED: That a Public Hearing be scheduled for March 23, 2010 at 7:00 PM in the Town Hall Council Chambers to discuss but not the adoption of a Five Year Capital Plan and approving a Capital Budget for Calendar Year 2010.

BE IT FURTHER ORDERED: That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (DeGrandpre & Bishop)

Mr. Olmstead walked the Council through the minor amendments recommended by the Town Engineer upon his return from vacation. In Article 6, under 2010, 1. add the Flying Point Road. Under Article 7, under 2010, add two small sections of sidewalks on School Street. A map has been attached showing the sidewalks being recommended and who would be responsible for what and what would be paid for by the TIF account. Councilor DeGrandpre pointed out that Traffic and Parking will be discussing School Street at its next meeting next Tuesday and the public is invited to attend. Discussion followed. Councilor Pandora would welcome additional workshops on the Capital Budget.

After reviewing the Charter, Mr. Olmstead noted that the final submission for the Annual Budget is May 1 and he missed it by one day. Councilor DeGrandpre noted there is no emergency in adopting the Capital Budget.

ROLL CALL VOTE: (7 Ayes)

5 Minute Recess was taken

OTHER BUSINESS:

- 1) Discussion on School Street Extension
 - Project Presentation
 - Use of Town owned property for Road construction
 - Acceptance of Road by Town once completed
 - Presentation of Tax Increment Financing Application and FEDC
 - Recommendation and Findings for Adam Nappi.
-

Adam Nappi introduced Drew Wing of Zachau Construction Company. He explained his plan for a new market, additional housing, mixed use space, School Street extension and two potential future phases that will benefit Freeport. He is proposing to contribute land, design, engineer, finance and construct the public improvements directly associated with this project. A PowerPoint presentation followed. He explained that he is meeting with the Project Review Board tomorrow morning and with the Traffic &

Parking Committee next week. The project is contingent upon the TIF. The project is estimated at three million dollars.

There was consensus that use of the Town-owned property for road construction is fine with Councilors. It appears to be a reasonable use.

Councilor Gideon acknowledged that there are still some residents that do not want School Street extended. Councilor DeGrandpre pointed out that Traffic & Parking is going to be looking at this next week and residents are welcome to attend the meeting.

Mr. Olmstead explained Freeport's Street Acceptance Ordinance. Councilor Cassida referred to the map on the back of the Capital Budget and pointed out that sidewalks on both sides of School Street would make the area more walkable. Mr. Nappi agreed that sidewalks on both sides would be ideal but he did not have an engineered plan showing sidewalks on both sides. Councilor Gideon noted she has reservations in accepting a new road when we are not able to fund all the road improvements needed in other areas of the capital plan. Councilor Bishop mentioned she would have more concern if the road were longer. She feels there is more benefit from the extension by moving local traffic away from Main Street.

There was consensus if Mr. Nappi builds the street extension in accordance with the Town's specs with sidewalks on both sides, the Town Council will accept it. Councilor Migliaccio asked that the map be posted on the Town's website tomorrow. Mr. Wing can move forward to Project Review but amendments to the plan will not be included tomorrow night. Mr. Olmstead explained that they could still approve it tomorrow night with the sidewalk condition.

Sande Updegraph of FEDC advised that they considered this an excellent project for Freeport and voting members of the Board provided a recommendation that the TIF District for Bow Street Market and recognized benefits of School Street Extension go forward. There were two recusals. The staff will work with the Council to determine the optimal details.

Mr. Olmstead noted that Project Review needs to be finalized.

2) Review list of Proposed Operating Budget Reductions for FY 2011.

Chair Muldoon asked for feedback from Councilors regarding a tax hike this year so that the Town Manager could be informed. Councilor Cassida indicated that he has no appetite for a tax increase. It would not be fair to the public and would like to see a tax rate reduction. Councilor Pandora agreed with Councilor Cassida but would prefer to do it without consolidating Dispatch and reducing personnel. Chair Muldoon suggested that Councilor Pandora meet with the Finance Director and the Town Manager to review his proposals and get their input. Councilor Gideon does not have an appetite for a tax increase especially because of the RSU5 and the possible tax increase that could come from that side. Councilor Bishop agrees with the made. She, too, is worried about the school budget. Councilor DeGrandpre has no interest in a tax increase this year. He wants to continue to look at all the options before the Council. Councilor Migliaccio does not want to raise taxes but pointed out that this is just the Municipal budget and cautioned about the upcoming school budget. He is looking forward to a budget workshop. Chair Muldoon does not favor a tax increase. These times do not favor that type of situation.

Councilor Pandora asked the Town Manager if he feels he needs to replenish reserve funds. Mr. Olmstead advised that on the 23rd of March the Council will have a Municipal budget to look at after incorporating the Council's comments.

Chair Muldoon asked Councilors to look at the proposals under Tier 1 and 2 and asked if they would like to exclude anything.

Under Tier 1 only Councilor Pandora wanted to eliminate Dispatch Consolidation, Reductions of personnel and Reducing Health Insurance Benefits. comments already

Under the Tier Two Reductions, there was Council consensus to leave the following items on the table for future consideration:

- 5) Bi-Weekly Pay Periods
- 6) Required Direct Deposit
- 7) Stop Courtesy Mailings
- 8) Single Tax Bills
- 13) Service Center Coalition
- \$12,500 reduction in FEDC's funding

3) Informational Exchange

Councilor Migliaccio pointed out that he will ask Mr. Olmstead and the Finance Director to circulate some documents on the road map and send out the guidelines on Fund Balance Policy. They agreed to provide it. Mr. Olmstead explained that the meeting on the 23rd would be dedicated to reviewing the operating and capital budget. At 6 p.m. a Capital Budget Workshop will take place followed by a 7 p.m. meeting.

MOVED AND SECONDED: To adjourn at 11:30 p.m. (Bishop & Cassida)
VOTE: (7 Ayes)

Respectfully submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #06-10
FREEPORT TOWN HALL COUNCIL CHAMBERS
MARCH 23, 2010 - 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 #05-10 held on March 9, 2010 and to accept the Minutes as printed.

Councilor Gideon pointed out that the Minutes should be changed to reflect her sentiment that the \$12,500 reduction in funding for FEDC not be left on the table. Due to the lateness of the hour, she misspoke her intent.

MOVED AND SECONDED: that the Minutes reflect that the \$12,500 reduction in FEDC funding be changed to show a consensus of 4 to 3 to take it off the table. (Gideon & DeGrandpre) **VOTE:** (7 Ayes)

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #05-10 Held on March 9, 2010 and to accept the Minutes as amended. (Cassida & Migliaccio) **VOTE:** (7 Ayes)

SECOND ORDER OF BUSINESS: Announcements

Chair Muldoon noted that there is a lot happening on Route126. He shared an update from MDOT and explained that most of the ditch and utility work has been done already. Installation of the new gravel will occur before the paving begins. Construction will continue through the summer.

The Main Street Sidewalk project from the Baptist Church to Kendall Lane will begin on or around the 1st of April.

On March 26 at 6:30 p.m. join Sebastian Belle of the Maine Aquaculture Association and share piping hot oyster stew with Freeport oyster farmers Eric Horne and Valy Steverlynck. For more information call Belinda Stewart at 865-3307 or check out the Library's website.

The Community Library will be holding its awesome annual book sale on Saturday, April 3 and April 5-9. If anyone has questions, they can call Elaine at 865-3307. This is an opportunity to donate your old unwanted books.

Sitting Pretty—a charity auction to benefit the Port Teen Center at the Community Center will be held on March 28 from 4-6:30 p.m. There will be beautiful hand painted chairs at auction as well as a silent auction, raffle, music and hors d'oeuvres.

Councilor DeGrandpre mentioned that the utility poles are up on Route 136 but the wiring hasn't been done yet. Councilor Cassida pointed out that they are starting from the Durham end.

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

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

Leslie Fitzgerald from the Cumberland Farmers Market thanked the Council and residents for having them in Freeport. They will not be back at the Town Hall parking lot this year. L.L. Bean has offered them space in Discovery Park. The market season will run from May 14 through October 8 from 3-7 p.m. They have sent out certified letters to all Freeport farmers and one baker and space has been set aside for them.

Arlene Arris, Debbie Reeder and Howard Dyer explained that they are all Town employees and Freeport taxpayers. Over the past six years they have worked hard to do more with less. Mrs. Arris noted that the non-union Municipal employees have made sacrifices to preserve jobs and maintain a stable tax rate and they wish to ensure that all employees will be treated fairly. They asked their fellow employees to stand. She provided a group of signatures from employees agreeing to the proposed health insurance cutbacks.

Chair Muldoon assured Mrs. Arris that the Council would consider the employees' proposal as they continue through the budget process.

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

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

ITEM #042-10 To consider action relative to adopting the March 23, 2010 Consent Agenda.

BE IT ORDERED: That the March 23, 2010 Consent Agenda be adopted.
(Gideon & Bishop)

Chair Muldoon reviewed the items on the Consent Agenda for members of the public. Mr. Olmstead pointed out that under Item #040-10, Hospitality Concepts should be removed from the Consent Agenda because they did not get their paperwork in.

BE IT ORDERED: That the March 23, 2010 Consent Agenda be adopted as amended. (Gideon & Bishop) **ROLL CALL VOTE:** (7 Ayes)

ITEM #043-10 To consider action relative to adopting a Five Year Capital Plan and approving a Capital Budget for Calendar Year 2010. **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. (Bishop & DeGrandpre) **VOTE:** (7 Ayes)

BE IT ORDERED: That item #043-10 be tabled until May 11, 2010 Bishop & Cassida) **ROLL CALL VOTE:** (7 Ayes)

Councilor Migliaccio pointed out that there is still time to provide feedback since the final vote will not be taken until May 11.

ITEM #044-10 To consider action relative to a proposed map Amendment to First Atlantic Retirement Community Overlay District to include the additional of six (6) additional acres. (Tax Assessor Map 26, Lot 30)

BE IT ORDERED: That a Public Hearing be scheduled for April 6, 2010 at 7:00 p.m. in the Town Hall Council Chambers to discuss a proposed map amendment to the First Atlantic Retirement Community Overlay 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. (Cassida & Bishop)

Town Planner, Donna Larson advised that the project is at the DEP and the Army Corps and they will be back for final approval.

ITEM #045-10 To consider action relative to a proposed amendment to the Freeport Zoning Ordinance concerning minor modifications to site plans. (Chapter 21)

BE IT ORDERED: That a Public Hearing be scheduled for April 6, 2010 at 7:00 p.m. in the Town Hall Council Chambers to discuss a proposed amendment to the Freeport Zoning Ordinance concerning minor modifications to site plans (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 & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes)

ITEM #046-10 To consider action relative to proclaiming the Month of April 2010 Sexual Assault Awareness Month.

WHEREAS, sexual assault affects women, children and men of all racial, cultural and economic backgrounds; and

WHEREAS, in addition to the immediate physical and emotional costs, sexual assault may also have associated consequences of post-traumatic stress disorder, substance abuse, depression, homelessness, eating disorders and suicide; and

WHEREAS, sexual assault can be devastating for not only the survivor, but also for the family and friends of the survivor; and

WHEREAS, no one person, organization, agency or community can eliminate sexual assault on their own, but we can work together to educate our entire population about what can be done to prevent sexual assault, support victim/survivors and their significant others, and increase support for agencies providing services to victim/survivors; and

WHEREAS, Sexual Assault Awareness Month provides an excellent opportunity for citizens to learn more about preventing sexual violence;

NOW THEREFORE be it, Resolved, That the Freeport Town Council does hereby proclaim the month of April, 2010, as Sexual Assault Awareness Month in Freeport, Maine. (DeGrandpre & Bishop)

Chair Muldoon explained that it is important to say this repeatedly.

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS:

1) Proposed Budget ~~Reductions~~ Suggestions for FY 2011

Councilor Pandora suggested changing the agenda to read Proposed Budget Suggestions, not Reductions. He requested a 5 Minute break so that he could set up a PowerPoint presentation. He noted that things have changed to help fill the budget gap. He is confident that the Council will be able to fill the gap without consolidating Dispatch, reducing staff and negatively impacting employees. He reviewed some of the Town Manager's proposals and pointed out that some of them are fine. He brought up the subject of employee salary increases but noted that he prefers to not advise the Manager on how to allocate increases. Councilor Pandora noted that he has more questions regarding unallocated funds. He suggested moving funding for FEDC from the operating budget to the Destination Freeport TIF. Mr. Olmstead agreed with Councilor Pandora on this item and mentioned that with the Retirement Community coming in, this is something that can be considered in the future.

Councilor Gideon pointed out that transferring FEDC funding has merit in the future but not this year. She feels improvements to School Street are very important. Mr. Olmstead provided a history lesson on the Sidewalk Tax and Destination Freeport TIF. Discussion followed.

Councilor Pandora clarified that he is not proposing anything different from what the Manager is proposing regarding raises. Mr. Olmstead also explained the Pay Classification Plan developed in 1988 and that he cannot deviate from that plan.

Councilor Cassida stated that starting the process to move funding for FEDC to Destination Freeport TIF does have merit in the future. Councilor Gideon and Chair Muldoon agreed that there is merit to start looking at transferring funding over time but not this year because other things have priority. There is a process that needs to be followed. Councilor DeGrandpre feels that Councilor Pandora has some good ideas. Until the Council makes a decision about the School Street Extension, he feels that it merits consideration.

Councilor Migliaccio feels it is up to leadership and the Council to talk about reductions in FEDC in order to control taxes and limit spending requests.

2) Informational Exchange

Councilor DeGrandpre explained that last week he went to a DEP meeting with Mr. Olmstead, Andrew Manning and Mike Healy regarding the Pownal Road Fields. It appears there are no stumbling blocks going forward.

Councilor Migliaccio explained that he received some calls regarding the Freeport Farmers Market. He read a letter into the public record from Leslie Fitzgerald from the Cumberland Farmers Market.

ITEM #047-10 To consider action relative to an executive session to discuss negotiating terms for a Tax Increment Financing District for the expansion of Bow Street Market (1 MRSA 405(6c)).

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

NOTE: The Town Manager may ask to expand the Executive Session to discuss a proposed dispatch contract with either Brunswick or Cumberland County (1 MRSA 405(6c)).

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

MOVED AND SECONDED: That the Town Council Adjourn at 10:22 p.m. (Cassida & Gideon) **VOTE:** (7 Ayes)

Respectfully submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #07-10
FREEPORT TOWN HALL COUNCIL CHAMBERS
APRIL 6, 2010 - 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 6:50 p.m.

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

VOTE: (7 Ayes)

ITEM #054-10 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. 1 MRSA Section 404(6). (Cassida & Bishop) **VOTE:** (7 Ayes)

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

MOVED AND SECONDED: To recess the meeting until 7 p.m. (Gideon & Bishop)
VOTE: (7 Ayes)

Chair Muldoon reconvened the meeting and took the roll.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #06-10 held on March 23, 2010 and to accept the Minutes as printed.

Councilor DeGrandpre referred to page 5 under Information Exchange and wanted the Minutes clarified to reflect that there are some stumbling blocks regarding the Pownal Road Field but the work is doable. The process is not easy. This is a clarification.

Councilor Migliaccio mentioned that the Minutes reflect the sentiments of the Council but asked if the original Minutes are amended when a Councilor requests a change in his/her sentiment. Chair Muldoon explained that the Minutes from the previous meeting stand and any clarification is part of the current Minutes. Councilor DeGrandpre explained that the printed Minutes are not complete without the approval from the following meeting.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #06-10 held on March 23, 2010 and to accept the Minutes as printed. (Bishop & DeGrandpre)
VOTE: (7 Ayes)

SECOND ORDER OF BUSINESS: Announcements

There were none.

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

Chair Muldoon waived the rule on the Public Comment Period and allowed Ed Bradley to explain why he is here tonight even though the issue is on the agenda.

Mr. Bradley requested that the Council sponsor the Fourth of July Parade and provide insurance again this year. The Committee will agree to comply with the conditions the Council has placed on the parade in previous years. Police and Fire provide excellent service. L.L. Bean provides financial support and FCS and the Community Center provide the organization to run the parade. There are some new young men willing to work on the committee. Bands have increased each year. There was consensus that the Council would be willing to sponsor the parade and a formal vote will be taken at a later time.

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

Doug Reighley of 2 Harbor Ridge Road is a member of the committee for the Yarmouth Wellness Fair this Saturday at the Rowe Elementary School from 10 a.m. to 3 p.m. He invited the Council and Freeport residents to attend this Fair. Mr. Reighley read the Governor's Proclamation into the public record and asked the Council to vote at the end of the meeting to support this proclamation.

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

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

MOVED AND SECONDED: To take Item #050-10 out of order. (Migliaccio & Bishop)
VOTE: (7 Ayes)

ITEM #050-10 To consider action relative to the Consolidation of Dispatch Services with the Town of Brunswick.

BE IT ORDERED: That the Consolidation of Dispatch services with the Town of Brunswick be approved in accordance with the Term Sheet between the Town of Freeport and Brunswick dated April 6, 2010.

BE IT FURTHER ORDERED: That the Town Attorney be authorized to develop a contract for services between the two Towns and the Town Manager be authorized to execute the contract on behalf of the Town of Freeport.
(Gideon & Bishop) **VOTE:** (7 Ayes)

Chair Muldoon explained that our 911 calls are taken in Brunswick right now and have been for three years. If there is consolidation, our emergency personnel will be the same personnel working from Freeport. He noted that a decision should be made on factual information. He encouraged residents to address the Council if they have new information to share.

Councilor Migliaccio asked if a life threatening call comes in, who answers it. Mari Smith explained that these calls are answered by Brunswick and the calls are transferred to Freeport so that emergency staff can be dispatched but three people are on the line at the same time.

Mary Kennedy asked the Council to keep an open mind regarding Dispatch. She asked the Council to find another way to save \$80,000. She is opposed to consolidating Dispatch. She had a few questions that were addressed by Chair Muldoon.

Lucy Lloyd of 62 Maquoit Drive read a letter from her neighbor, Mary Ann Megettigan opposing Dispatch consolidation. Ms. Megettigan mentioned that Brunswick and Freeport utilize the same attorney.

Faith Baker of the Bustin's Island Village Corporation explained that she and Chief Schofield and Chief Fournier went out to the island and used four different cell phones and the calls were transferred very efficiently. Cell phones are answered in Gray. She assured people that they would still get the service they need. She also had a contract question that was addressed by Mr. Olmstead.

Elaine Greene of School Street read a statement urging the Council to keep Dispatch in Freeport. She provided copies to all Councilors.

Drew Wing asked about the number of people who have signed petitions. Chair Muldoon guessed that a couple of hundred have expressed their views but he did not know exactly how many have signed a petition. Councilor Bishop estimated that 100 people have signed a petition. Councilor Gideon mentioned that she has received 25 calls.

Penny Daniels is with the Freeport Fire and Rescue. She explained how important the dispatchers are.

Stephanie Holmes of 13 Cottage Street asked the Council to make a choice to allocate money to keep Dispatch in Freeport.

Peter Moulton of U.S. Route One pointed out that the majority of older residents do not want a change made.

Councilor Cassida asked how the system would work if Brunswick is the sole dispatcher. Chief Schofield explained that if we consolidate, there wouldn't be any change to the manner of answering calls except the middleman would be removed. He advised that residents should call 911 for any emergency. Fire Chief Fournier answered questions for Councilors. He explained how the town has been broken into districts so his staff can locate the address that has the emergency call.

Councilor Pandora asked the chiefs how consolidation would affect morale with their staffs and if they would still be able to attract staff. Chief Schofield addressed those issues and is confident that his officers will continue to do their jobs. He mentioned that people would have to address how they do business in the Public Safety Building because it will not be open 24 hours a day, 7 days a week. Fire Chief Fournier mentioned that it is difficult for people to volunteer when they are working 2 or 3 jobs and he is seeing a decline in volunteers.

Councilor Gideon pointed out that all Councilors asked to be elected because they care about Freeport residents. She feels it is an incredibly hard decision. The chiefs have answered her concerns. Her primary concern is that service will remain strong and it may even improve if we have a direct tone from Brunswick dispatching fire and rescue out.

Councilor DeGrandpre noted that he spent a lot of time thinking about this issue and appreciates all the folks sharing their thoughts again tonight. This is all about determining how we can deliver the best service to Freeport residents. He is trying to do the best job he can do for everybody in Freeport and he is confident that we can deliver better service. He can make budget decisions so it is not just about money for him.

Councilor Migliaccio thanked everybody for continuing to come out on this item. He has had more calls on this issue than anything else. He is convinced that we are providing good service here in Freeport. He has been frustrated that the Council has not looked at other ways to save money and not replace this service. He is concerned with Brunswick's financial situation. He mentioned the only way for residents to overturn a Council decision is for them to come to Town Hall. He will not support this item tonight and feels that we need to look at a charter change.

Councilor Cassida pointed out that everybody cares deeply about the community and it is not an easy decision for any of the Council members. The Reassurance Program will continue. The Council is trying to ensure that it does not do anything to affect the service being provided to Freeport residents. He commended the Town Manager for going forth with a long list of wishes that could be reasonably negotiated into a contract. The package he negotiated is outstanding in improving dispatch service. It is not just about money. A lot of residents have not spoken but have put their faith and trust in the Town Council to make the best decision for Freeport. He believes this package will maintain service and goes a long way of meeting the Council's goal of holding the tax rate to a stable level. It has been articulated very clearly that if we get the right package, they are okay with Dispatch consolidation. He believes this is a good package for Freeport and we should move forward.

Councilor Bishop noted that this is a difficult decision and an emotional decision. She assured the public that there have been no deaf ears on this Council. She was elected to protect the whole Town and she wants to be sure that all bases are covered. She wants to keep people in their homes. It is going to be more than \$80,000 a year and it increases and inflates our budget. There is an opening in Brunswick and they have indicated that they are willing to give positions to our Dispatchers. The Council does not want to see people lose their jobs. She mentioned that other towns around us are consolidating.

Councilor Pandora will not support this issue tonight. He does not trust Brunswick's stability. He worries about the loss of local control and culture. He is not comfortable authorizing consolidation without seeing the contract first. He read a list of questions he would like answered before the Council votes on this issue.

Mr. Olmstead pointed out that Brunswick and Freeport would not be using the same attorney. Freeport's law firm would not permit it.

MOVED AND SECONDED: To table a date certain pending further clarification of questions raised tonight and others that may be raised over the next 2-3 weeks. (Pandora & Migliaccio) **VOTE:** (2 Ayes—Pandora & Migliaccio) (5 Nays)

Chair Muldoon formally declared an end to the separation of "us" and "them". Here in Freeport we are all "us". He is convinced that our people are capable of doing a wonderful job for all of us here in Freeport. He would never do anything to endanger his 96-year old mother or the people of Freeport. He noted that the Council does not have every answer to every small detail of this issue. He believes that we will work through this and there will be issues along the way. He trusts in the good faith efforts of the people who administer to this town that they will work through those issues and will come up with a plan to provide service that is significantly better. It is very emotional for everybody but he keeps coming back to the facts. He believes that we have a workable plan, a good plan that will serve the community well and will

leave no one in danger. With all of these thoughts, he will support this proposal to consolidate with Brunswick.

Councilor Gideon clarified that all the communication equipment in the Dispatch Center remains here if consolidation occurs and Chief Schofield assured her that it would remain. Councilor Migliaccio noted that voting either way, he is confident that it is not endangering Freeport residents. He would prefer to look for cuts in other places and Councilor Pandora agreed.

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

5 Minute Break—Chair Muldoon called the meeting back in session at 9:15 p.m.

ITEM #048-10 To consider action relative to a proposed map Amendment to First Atlantic Retirement Community Overlay District to include the additional of six (6) additional acres. (Tax Assessor Map 26, Lot 30) **PUBLIC HEARING**

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

Town Planner, Donna Larson, explained that this project has been in the works for a few years. They need six more acres to meet the storm water rules that are now in place that weren't before. The additional land will be used to treat storm water. The project has received preliminary approval from the Project Review Board.

Tom Emery, Landscape Architect, explained that the plan originally approved had more units and fewer cottages and the Design Review Board wanted a community-type development but the State law changed regarding storm water regulations. They increased the wetland buffers and moved some of the treatment ponds down stream. He pointed out the Old County Road, Freeport Place and the Freeport Golf Course and Hawthorne House. He noted that the additional land is under option.

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

BE IT ORDERED: That the proposed Map Amendment to the First Atlantic Retirement Community Overlay District be approved. (Bishop & Cassida) **ROLL CALL VOTE:** (7 Ayes)

ITEM #049-10 To consider action relative to a proposed amendment to the Freeport Zoning Ordinance concerning minor modifications to site plans. (Chapter 21) **PUBLIC HEARING**

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

Town Planner, Donna Larson provided some background information and answered questions for Councilors. The Planning Board unanimously recommends that the Council include renewals to approved Site Plans as a staff approval when there have not been any changes to the rules. She had examples to share with Councilors. Discussion followed.

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

BE IT ORDERED: That the proposed amendment to the Freeport Zoning Ordinance concerning minor modifications to site plans be approved. (DeGrandpre & Bishop)

ROLL CALL VOTE: (7 Ayes)

MOVED AND SECONDED: To take Item #052-10 out of order. (Cassida & Gideon)
VOTE: (7 Ayes)

ITEM #052-10 To consider action relative to a request from the Freeport Housing Trust to allow for the development of a new senior housing project on South Street through the enactment of a Contract Zone.

BE IT ORDERED: That a Public Hearing be scheduled for April 27, 2010 at 7:00 p.m. in the Town Hall Council Chambers to discuss a request from the Freeport Housing Trust to allow for the development of a new senior housing project on South Street through the enactment of a Contract Zone.

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)

Chris Roney, President of the Freeport Housing Trust, asked the Council to approve a contract zone to change the zone for their project. They are planning to install a new 3-story building that will not be visible from the street. There will be good buffering. He explained that there is a great need for affordable elderly housing and it is consistent with the Comprehensive Plan. It meets the requirements for a contract zone. He introduced Pat Carroll and Winton Scott.

Mr. Olmstead suggested that the Council defer a full-blown presentation until the Public Hearing. Chair Muldoon Agreed. Councilor DeGrandpre asked if the Housing Trust gives preference to Freeport residents as opposed to folks from anywhere. Mr. Roney offered to bring details to the public hearing.

Chair Muldoon pointed out that the Council thoroughly believes in this type of housing.

Councilor Migliaccio did not recall any discussion of 22 units. He recalled four or five units. Mr. Roney explained that 22 units are being planned and it would not be economically feasible to add four or five.

ROLL CALL VOTE: (7 Ayes)

ITEM #051-10 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 April 27, 2010 at 7:00p.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. (Gideon & Cassida)

Note: The Town Planner will present the Term Sheet for the proposed TIF Amendment.

Town Planner, Donna Larson, provided a general overview and explained that the document has been revised. The existing TIF started in FY 2005 and runs for 30 years. The estimated cost of the project is \$665,000 but she will have bid prices later and is hoping they will be lower. She noted that this is complicated. Councilor DeGrandpre wanted to add public infrastructure improvements within the district to the TIF document before going to public hearing.

MOVED AND SECONDED: To amend the TIF document to add public infrastructure improvements within the district. (DeGrandpre & Cassida) **VOTE:** (7 Ayes)

Discussion followed. Councilor Migliaccio requested that Ms. Larson list the waiver on the percentage of sheltered value on the information that will be available for the Public Hearing.

ROLL CALL VOTE: (7 Ayes)

ITEM #053-10 To consider action relative to the adoption of a Fiscal Year 2011 Operating Budget for the Town of Freeport.

BE IT ORDERED: That a Public Hearing be scheduled for April 27, 2010 at 7:00 p.m. in the Town Hall Council Chambers to discuss the adoption of a Fiscal Year 2011 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. (Bishop & Cassida)

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS:

- 1) Town Sponsorship of July 4th Parade

MOVED AND SECONDED: The Town agrees to sponsor the July 4th parade subject to the usual rules. (Migliaccio & Cassida) **ROLL CALL VOTE:** (7 Ayes)

- 2) Technology Update

Chair Muldoon set the stage for Mr. Grant's update. Jim Grant mentioned that we are posting unapproved Minutes on the website and are still working on that process. He mentioned outages on servers due to failures in hard drives throughout the town. New equipment has been ordered which was in last year's

budget. They will look into making changes on the servers. Councilor Migliaccio asked about video on demand archiving. Mr. Grant explained that it's not a technical issue but will require additional operating funds. It can occur now with the equipment that we have but we need to have a host. He has not taken his eye off the goal. It is a matter of resources. Mr. Olmstead noted there might be some savings in rebidding our phone service this year. Councilor Migliaccio asked Mr. Grant to provide estimated costs as the Council goes into the budget sessions. Abby Yacoben offered to work with Mr. Grant tomorrow. Councilor Pandora mentioned that he would like to increase Mr. Grant's hours.

Councilor Migliaccio noted that Mr. Grant is doing a great job.

3) Discussion on Traffic and Parking Committee Recommendations for Brewer Leased Parking Lot (Traffic and Parking Committee)

Councilor DeGrandpre advised that they have been trying to get better value for leasing that lot. We can improve the use of the lot and also free up space on the wharf. They have talked about a limited number of overnight parking for residents. Putting 3 or 4 spots for non-resident commercial fishermen in this lot but not for crewmembers, only owners. These fishermen would have to pay for a mooring from the town. They found that there has been very little use of the non-resident day parking. They are talking about six of the 23 spaces and they would have to pay a fee for a sticker.

The Harbor Master has been involved as well as Faith Baker and residents of South Freeport. He would like to move this forward for the next agenda to take action. He will take it back to Traffic and Parking and will come forward as an agenda item.

4) Chair's Appointment of delegates to the GPCOG Annual Meeting on May 26.

Chair Muldoon asked for volunteers. He and Councilor Gideon volunteered to be delegates. Mr. Olmstead advised that information would be received by mail.

5) Information Exchange

Councilor Migliaccio noted that in the packet he got a response from FEDC and he is confused because the Council left \$12,500 on the table by consensus and referenced a letter that was received from FEDC. He asked for input on who informed FEDC. Chair Muldoon advised that he and Councilor Cassida provided guidance to FEDC and the Board made their own decision. Councilor Migliaccio asked that Leadership keep the line of communication open with the Council. He does not want to be the last to know. He wanted to go on record saying that the Council should keep the line of communication open.

MOVED AND SECONDED: To adjourn at 10:35 p.m. (Bishop & Gideon)
VOTE: (7 Ayes)

Note: *The Council Meeting will be followed by a workshop on the proposed FY 2011 Municipal Operating Budget.*

Respectfully submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #08-10
FREEPORT TOWN HALL COUNCIL CHAMBERS
APRIL 27, 2010 – 7 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 #07-10 held on April 6, 2010 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #07-10 held on April 6, 2010 and to accept the Minutes as printed. (Cassida & DeGrandpre)

VOTE: (6 Ayes) (1 Excused—Pandora)

SECOND ORDER OF BUSINESS: Announcements

Chair Muldoon pointed out that compost bins will be available at the Recycling Center priced at \$38.50, kitchen scrap pails are priced at \$8.00 and rain barrels are available at \$55.00. Order forms are available at Town Hall or at the Recycling Center. Orders accompanied by payment must be placed before April 30.

On May 1, in recognition of Earth Day, an Earth Day Energy Fair will take place from 11 a.m. to 2 p.m. at the Community Library. At noon, representatives from Yarmouth, Falmouth and Cumberland will join the festivities where the solar panels will be christened. Other groups will also be on hand to celebrate.

Household batteries can now be recycled at Town Hall as well as the Recycling Center. Automotive batteries still need to go to the Recycling Center but there is no charge to recycle them.

Winslow Park and Campground will start taking reservations for the 2010 season on May 3. Some of the events are a Family Fun Day, two weeks of free camping for Freeport residents, the Thursday Night Concert series and the Lobster Triathlon. Check the Town's website for a full listing of events. Winslow Park calendars for 2011 are available for \$15.00 at the Park and at Town Hall.

Chair Muldoon extended the Town's gratitude to Perry Bradley and Marlene Budd from AARP for providing free tax help to over 100 Freeport residents this year.

COUNCIL MEETING #08-10
April 27, 2010

There are vacancies on the Town's Cable TV Regulatory Board. If anyone is interested in serving on a committee or board, application forms are available on the Town's website and at Town Hall. Call the Town Hall and have one sent to you if you have any interest in serving. The Appointment Committee maintains a list of interested residents.

On May 10 at 6:30 p.m. in the Large Meeting Room at the Community Center there will be a public hearing on erosion controls and regulatory requirements at Winslow Park. An overview of the project will be presented prior to taking public comment.

Councilor DeGrandpre noted that it would be very helpful for residents to remove household batteries from the waste stream. It will help to reduce tipping fees.

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

MOVED AND SECONDED: To open the Public Comment Period for Non-Agenda Items only. (Cassida & DeGrandpre) **VOTE:** (7 Ayes)

Mary Kennedy noted that a citizens group has officially filed a petition at Town Hall to keep Dispatch in Freeport. She mentioned that the Town Attorney gave out misinformation. She asked residents to come to the Town Hall to sign the petition before the Town Clerk. She asked what the end date would be for gathering signatures. Mr. Olmstead advised that the end date is May 26. Two Saturdays were set up for gathering signatures. Nadina Whitehouse suggested that the Town Hall be opened on additional Saturdays to allow residents to sign the petition.

Mr. Olmstead outlined the procedures to be followed relevant to signing the petition. He noted that based on a legal opinion, the Town Clerk should be making accommodations for truly homebound residents that cannot leave their homes. She or the Deputy Clerk will go to the homebound resident if they cannot make it to Town Hall. The Town Charter is definite about the deadline.

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

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

ITEM #062-10 To consider action relative to adopting the April 27, 2010 Consent Agenda.

BE IT ORDERED: That the April 27, 2010 Consent Agenda be adopted.
(Gideon & Migliaccio)

Chair Muldoon reviewed the items on the agenda for members of the public. Councilor Bishop thanked L.L. Bean for their donation to the Fourth of July Parade. Councilor Migliaccio thanked the volunteers for their willingness to serve on the Town's Boards and Committees.

ROLL CALL VOTE: (7 Ayes)

ITEM #063-10 To consider action relative to proposed amendments to the Park Street Tax Increment Financing District V adopted March 25, 2005, revised October 6, 2009. **PUBLIC HEARING**

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

Adam Nappi pointed out that tonight's public hearing and resulting vote would be a forward step for business in Freeport. He feels the process has been rewarding and the plan will work well for Freeport. The School Street extension will serve many residents and will connect neighborhoods for pedestrian and bicycle use. He thanked the Town Council, Project Review Board, FEDC, the Traffic & Parking Committee and his team, staff, customers and neighbors for all their support.

Speaking in favor of Mr. Nappi's Project were: Rod Regier of South Street, Charlie Burnham of Spring Street, Walter Coffin of Litchfield Road, Chad Coffin of Litchfield Road, Ann Marie Davey, Freeport resident, Cliff Goodall, Indian Ridge Road, Gerry Kennedy of Pine Street, Tom Bennett, Sr. of Prout Road, Nancy Gray of Main Street and the Harraseeket Inn, Clint Goodenow of Wardtown Road and Tom Bennett, Freeport resident.

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

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(l)(F).

Section 5. The foregoing designation of the District and the adoption of the Development Program for the District shall automatically become final and shall take full force and effect upon receipt by the Town of approval of the designation of the District and adoption of the Development Program by the Department of

Economic and Community Development, without requirements of further action by the Town, the Town Council or any other party.

BE IT FURTHER ORDERED: That the Town Manager be authorized to negotiate and execute an Enhancement Agreement that is consistent with the amendments approved by the Town Council on behalf of the Town of Freeport with Adam Nappi. (Cassida & Bishop)

Councilor Migliaccio pointed out that this project has been a long time coming and is a good use of TIFs. He had questions on the detention pond agreement which Jim Plummer and Mr. Olmstead addressed. Discussion followed. Councilor Migliaccio noted he plans to vote in favor of this item.

Councilor Gideon noted that extending the Park Street TIF will benefit the Town and it will be able to capture the new value of tax dollars and then put it back into the Town's infrastructure.

Since Mr. Nappi mentioned that prices came in lower than anticipated, Councilor Pandora asked if the Town Planner made the correction to the bid price. He noted that he found a mistake in the spreadsheet. Donna Larson offered to check the number. She mentioned that the sidewalk bid numbers are due May 4. Councilor Pandora pointed out that he plans to support this item.

Councilor Bishop mentioned that this project has been a long time coming. She is pleased to see it now coming together and plans to support it.

Councilor Cassida noted that he would support this item this evening. He thanked Mr. Nappi for bringing this project forward. He mentioned that this project includes components that were not in the original plan but they were determined necessary for the success of the community aspect of the project and not necessarily for the success of the Market.

Councilor DeGrandpre thanked Mr. Nappi for his courage in moving forward. It is a big step for any small business.

Chair Muldoon agrees that this has been a long time coming and pointed out that Mr. Nappi did a lot of homework listening to the neighbors and to the Town. He congratulated him for laying the groundwork to this project.

ROLL CALL VOTE: (7 Ayes)

ITEM #064-10	To consider action relative to a request from the Freeport Housing Trust to allow for the development of a new senior housing project on South Street through the enactment of a Contract Zone. PUBLIC HEARING
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MOVED AND SECONDED: That the Public Hearing be opened. (Migliaccio & DeGrandpre) **VOTE:** (7 Ayes)

Christopher Roney, President of the Freeport Housing Trust, explained that they are looking to expand Oak Leaf Terrace on South Street. Currently they have 26 units there and plan to build 22 additional units in a 3-story building at the rear of the property. They have made an effort to move it away from the street as much as possible. They do not expect the expansion to cause a big traffic impact. Elderly projects are traditionally low volume.

John Eagan is on the Board of Freeport Housing Trust. He advised that his mother happily lives at Oak Leaf Terrace. The waiting list on this project can be years. The opportunity to add density in an appropriate manner is really a high value for residents. The focus is to create more affordable senior housing for people in our community.

Pat Carroll, Landscape Architect explained the location of the development at the rear of Oak Leaf Terrace. They are proposing a compact 3-story building for a number of reasons. They want to use smart use tactics. They will minimize site disturbance and protect as much of the site as possible since there is an existing deep gully and large mature oak trees. It is close to the downtown and to the Community Center. They are trying to use the existing driveway system and will tie into the existing Oak Leaf utilities. They plan to share the parking because the existing parking is underutilized. They are proposing to build 17 spaces and share the additional spaces. He displayed an elevation of the building. They do not meet the 2,500 sq. ft. building footprint which is the need for the contract zone. This is a 7,100 sq. ft. footprint, which will not be very visible, if at all, from South Street. They hope to maintain the tall oaks that exist there. They feel it fits in nicely with the neighborhood.

Tom Bull of South Street had questions about traffic. He requested more concrete numbers on the potential traffic. He noted that it is important to look at the view scape from the Depot Street side. He is not opposed to the plan but wants to be sure it is done appropriately for the neighborhood.

Jim Hatch, Executive Director of the Freeport Housing Trust pointed out that the primary issue tonight is to determine whether this is a candidate for a contract zone. He did not wish to get into too many details this evening. They can meet every requirement of the zone except the size of the footprint. He thanked the Council for its support in helping them acquire the additional property from Freeport Farms and its support for the zone change.

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

Councilor Migliaccio reminded everybody that this is the Council's first attempt at contract zoning. He pointed out that he did not remember talking about the size of the building and the footprint on this strip of property. He mentioned that the Project Review Board could address the traffic questions. His single concern with the project is its compatibility with surrounding properties and whether it can be adequately buffered. Mr. Hatch addressed his concerns and explained that Maine State Housing provides the funding and they are very interested in energy efficiency. This is the kind of building they are pushing people to and the site limits them.

Councilor DeGrandpre noted that he doesn't like the appearance of a big square box. He would prefer using more traditional architecture. Councilor Gideon thanked the Trust for doing projects such as this in Freeport but will be interested in the traffic study and buffering from the train. Councilor Cassida noted that he is an opponent of contract zoning in general and still has reservations. He is comfortable with allowing this project to go forward. He explained that a lot of hard work needs to be done with the Project Review Board and the Planning Board with due diligence. He is willing to push the project forward now with that caution. Councilor Pandora will support moving this forward but echoes what the others have stated. Chair Muldoon noted that the Council should not lose sight of the goal to serve the need that exists in our community. He will support moving forward.

Mr. Hatch advised that roughly 80% of the current residents in their senior projects have ties to Freeport and Yarmouth and 58% of similar folks are on a waiting list.

Councilor Migliaccio asked the Town Planner to comment that the only way to achieve the maximum density zoned for is by constructing buildings such as this. Ms. Larson noted that the Planning Board looked at this and decided that this is the number that they thought was the best. There is not a whole lot of room to move on this site and there is not a lot of opportunity to make adjustments but that is not to say that changes cannot be made. Councilor Migliaccio noted this is a big deal and he would like to give good guidance to the Planning Board and the Project Review Board to look at compatibility and the traffic flow. If it can't be mitigated, perhaps it won't be moved forward in the density proposed.

BE IT ORDERED: That the proposed request from the Freeport Housing Trust to allow for the development of a new senior housing project on South Street through the enactment of a Contract Zone be referred to the Freeport Project Review Board for review in that the Town Council finds that the application is an appropriate use of Contract Zoning. (Cassida & Bishop) **ROLL CALL VOTE:** (7 Ayes)

ITEM #065-10 To consider action relative to the adoption of a Fiscal Year 2011 Operating Budget for the Town of Freeport. **PUBLIC HEARING**

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

Sheri Brodeur, President of the Library Trustees, pointed out that they have been making sacrifices for a few years. They have a remarkably high circulation for a Town of our size. As the economy gets worse, the Library gets busier. They are losing Vicki and Elaine and it will take years to come up to the kind of staffing that they now have.

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

BE IT ORDERED: That Item #065-10 be tabled until May 11, 2010. (Migliaccio & Bishop) **ROLL CALL VOTE:** (7 Ayes)

OTHER BUSINESS:

1. Shellfish Commission Request to Regionalize Shellfish Program with Yarmouth

Garrett Simmons from the Shellfish Commission explained that they have been discussing the possibility of regionalizing Freeport's Shellfish Program with Yarmouth because of the Cousins River. They are not sure what regionalization would look like but feel it is something that is worth exploring. Chad Coffin explained that the DMR requested that the Freeport Shellfish Warden begin collecting samples for Yarmouth since they do not have a full-time warden and there are shared sample sites in the Cousins River and Lane Island. It is a common watershed. They are looking for the Town Council to set up some sort of commission with Freeport and Yarmouth stakeholders and possibly have a Council representative from each community. They are not sure how to move forward with these ideas. They mentioned that other communities have consolidated. They feel that towns can get more done by working together.

Chair Muldoon noted that the timing is good and he feels it is worth exploring. Councilor DeGrandpre agreed that this is a great idea and there has already been some discussion about possibly sharing a shellfish warden with Yarmouth since we share a watershed. If one has a problem, the other does as well. Mr. Coffin indicated that no one has yet reached out to the town of Yarmouth. Councilor Cassida noted there is nothing lost in exploring and he would support it. He mentioned that Freeport could draft a letter to the Town of Yarmouth to see if they have any interest in consolidating with Freeport. Councilor Migliaccio suggested coming up with 2 or 3 items for prioritization. Mr. Coffin offered to come up with a few items and will get them to Mr. Olmstead. Chair Muldoon will have the letter drafted and sent off to Yarmouth.

2. Shellfish Commission Request to Post Sign at Little River (Shellfish Committee)

Chad Coffin explained that this issue was brought to their attention by the Food & Drug Administration a couple of years ago. They would like to see more public information at Little River. They suggested a kiosk saying such things as “Pick up after your pets”, “carry in, and carry out”. The Shellfish Commission is interested in putting up a kiosk. Volunteers have constructed one for advancing public information. Mr. Olmstead explained that the signs have to be a certain color scheme but the Town Planner could approve the sign design and decide on the color to fit in with the environment. Councilor DeGrandpre noted he is willing to move forward but asked if another sign could be posted at the State Park if they have a similar policy. There was consensus to allow the signs to be erected.

3. Resident Presentation on financial implications of Iraq and Af-Pac Wars

Bob Lezer from Apple Ridge Road asked the Council to support a resolution to bring our war dollars home. He read the draft resolution into the public record and provided a copy to each Councilor.

Chair Muldoon thanked Mr. Lezer for coming this evening and reading this resolution. He noted that it is possible that one person could make a difference and bring about change. Mr. Olmstead noted that if there is any interest, this needs to be considered this evening in order to get it in Congresswoman Pingree’s hands before a vote. Councilor Migliaccio thanked Mr. Lezer for putting into perspective a measure of dollars that some people cannot comprehend. He cannot support this initiative. He would not want to cut support to our troops. Paul Lynette of Kelsey Ridge noted that the community has embraced him. He shared his views and asked the Council to support Mr. Lezer’s resolution. There was no consensus from the Council to adopt this resolution.

4. Reviewing Council Goals

Chair Muldoon read the goals. Councilor Bishop asked about the joint letter with Pownal and Durham to go to the School Committee. She never saw a final copy after the draft that needed editing came out. Chair Muldoon noted that there is a need to track down the letter even though it appears it was effective. He mentioned that we haven’t done as well as we can in this area but it appears the goal was met.

Councilor Cassida mentioned that most of the goals are ongoing and he cannot put a finished stamp on any of them. He feels we are in pretty good shape and making good progress.

Regarding Communications, Councilor Pandora asked where we stood on-demand video streaming. Councilor Cassida noted it appears to be on the table. He suggested discussing it when the budget is discussed. Councilor Migliaccio feels the Finance Director did an excellent job on researching Video on Demand. She and Jim Grant have put together some options on providing video archiving and he recommends going with the low-cost option for this budget cycle.

Councilor DeGrandpre has been communicating with the folks from RSU5. He feels they worked hard to get where they are. They made some tough decisions. They understand that each community supports education but are sensitive to the tax rate in each community. Councilor Gideon applauded Councilor DeGrandpre for reaching out to the RSU5 Board and suggested that all Councilors make an effort to reach out to them. Councilor Migliaccio feels we achieved communicating with the RSU5 and we are making progress on communications and allowing Council proceedings to be archived for a number of years on the website. He does not feel the Council has made progress in reducing the tax rate and was not open minded about any potential examination of spending requests. The Planning Board has done a lot of work on the Comprehensive Plan.

Chair Muldoon feels a lot of progress has been made on the TIF issue and that is a huge step forward. Mr. Olmstead noted that the FEDC Board would provide a draft within a week.

5. Timeline and need for amendment for adjustment of school committee sections.

Councilor Migliaccio requested this item for tonight's agenda. He explained the need for Town Charter amendments regarding school committee sections and also his intent to mitigate the need for residents to physically appear in the Town Hall to sign a petition to overturn a Council decision. He provided information on what surrounding towns do. Because of a complaint that has been made with the Maine Human Rights Commission, the Town Attorney advised that we should wait until after the Executive Session on May 11. He asked if there is any interest in updating the Town Charter and what path should be taken to move forward.

Mr. Olmstead outlined the steps for amending the Charter. Once the Council gets beyond the budget season, a workshop with the Town Attorney could be scheduled to talk about the process and the Council reaches consensus, the attorney could draft the language and have it ready to go. Councilor Cassida mentioned there might be other things the Council would like to clear up in addition to the school items. He would like to see it go to an election where the voter turnout will be heavy.

Councilor Pandora asked what is the timeline for Charter amendments. Mr. Olmstead explained that September 15 is the drop-dead date for getting items on the November ballot. We would have to know where we want to go by the middle of July because charter amendments require public hearings.

There was consensus to get by the budget talks and take a look during the June/July period. Councilor Cassida suggested discussing it in a round table discussion during a workshop.

Councilor Bishop requested that Councilors provide any e-mail or written correspondence regarding the Maine Human Rights complaint to Mr. Olmstead for the May 11 meeting. Mr. Olmstead explained that any e-mail that a Councilor receives at home or at work relating to Town business constitutes a public document. Councilor Pandora asked if this is a FOIA request. Councilor Bishop made her request into a formal request for any e-mail or written correspondence regarding the Maine Human Rights complaint to be forwarded to Mr. Olmstead. Councilor Pandora asked if he could have access to the Town Attorney to determine if he has any FOIA information. It is not clear to him. Chair Muldoon noted that he could make a decision whether a Town Councilor can talk to the Town Attorney. Councilor Migliaccio stated he has no information. Mr. Olmstead suggested that all written correspondence be forwarded to him and he will make sure that it is included in the Council's packets for the next meeting. Discussion followed. Councilor Migliaccio encouraged the Chair to allow Councilor Pandora to speak to the Town Attorney. Chair Muldoon granted Councilor Pandora permission to speak to the Town Attorney to seek clarification on the issue if he feels it is necessary. Mr. Olmstead suggested also granting permission to Councilor Bishop to speak to the Town Attorney and Chair Muldoon agreed. Councilor Cassida noted that the Town should have some formal procedure for processing FOIA requests at some point.

Councilor Cassida noted that it is the responsibility of the person making the FOIA request to pay for the cost of the copies of the correspondence. Any Councilor that has material correspondence relevant to this case should provide copies of the material. Mr. Olmstead would like the Council to adopt a policy stating that every e-mail that comes into a home or business or into this office is a public document and should be available to the public.

6. Information Exchange

Councilor Pandora introduced an Ordinance to be considered by the full Council at a future date in accordance with the Charter. He provided copies of the Ordinance. He suggested setting a public hearing. Mr. Olmstead recommended that this first be forwarded to the Town Attorney. Chair Muldoon polled Councilors to see if this should be forwarded to the Town Attorney to determine if this is an Ordinance or a Charter Amendment. Councilor Cassida noted this appears to be a Charter provision.

A **poll** was taken to send this to the Town Attorney to determine if this is an Ordinance or a Charter consideration. (7 Ayes)

Councilor Pandora read an e-mail he sent on April 22 and removed all the confidential information. Mr. Olmstead responded to some of his questions. Discussion followed. Chair Muldoon pointed out that this document would be referred to the Town Attorney to determine whether this represents an Ordinance or a Motion to Reconsider. Councilor Migliaccio brought up the subject of resetting the clock since he would prefer to be proactive.

Chair Muldoon pointed out that the Council voted 5-2 to outsource Dispatch and moved forward. A group of citizens has launched a petition drive to overturn the Council's decision, which is now in process. He does not want to muddle the issues together.

Councilor Pandora advised that he got complaints from people about the fliers concerning the Dispatch petition being taken down from the public Board in the entrance to Town Hall or on the Dispatch Board. He also received complaints about the Town getting in the way of residents wanting to sign the petition. They have indicated that the petition is not readily visible to them and employees have not been helpful in pointing out where it is located.

Mr. Olmstead pointed out that the Town has been providing accommodations. The Town Clerk is willing to go to homes of shut-ins to get their signatures and also walking out to a car in the parking lot to get a signature from someone that couldn't walk in. He further explained that notices with no signature are taken off the Board in the entryway. The Board is managed daily. Councilor Bishop recalled that the policy was adopted when Ken Mann was a Councilor.

Councilor DeGrandpre related that he has witnessed employees being helpful to residents looking for the petition.

Councilor Cassida apologized to every Town employee that has to listen to this. They are doing a tremendous job and he wants them to know they are appreciated. Other Councilors concurred. Mr. Olmstead noted it is demoralizing for a public official to make those kinds of comments in a public meeting.

MOVED AND SECONDED: To adjourn at 10:30 p.m. (Bishop & Cassida)
VOTE: (7 Ayes)

Respectfully submitted,

Sharon Coffin
Council Secretary

**MINUTES
FREEPORT TOWN COUNCIL MEETING #09-10
FREEPORT TOWN HALL COUNCIL CHAMBERS
MAY 11, 2010 – 7 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 7:05 p.m. and took the roll.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #08-10 held on April 27, 2010 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #08-10 held on April 27, 2010 and to accept the Minutes as printed. (Bishop & Cassida) **VOTE:** (6 Ayes) (1 Abstention—Migliaccio)

SECOND ORDER OF BUSINESS: Announcements

Councilor DeGrandpre noted that he enjoyed the solar demonstration that took place at the Community Library last Saturday. There was a person with electric scooters, discussion of water bottles, alternatives for high-energy bulbs, etc. The solar panels on the Library's roof will generate 12,822-kilowatt hours of electricity, which is equal to 1,000 gallons of gas or 21 barrels of oil. He encouraged people to take a look at some of the technology that is out there on the science channels. Chair Muldoon enjoyed a tour of the controls at the Library and noted he was really impressed.

Councilor Bishop pointed out that on Saturday, June 12 a Family Fun Day would take place at Winslow Park. There will be free admittance to the park as well as free hot dogs and ice cream and lots of activities. It should be a good day to enjoy the park.

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

Chair Muldoon declared the public comment period open. Jack Maier of 39 Elm Street brought up signage and enforcement on Snow Road. He viewed 9 vehicles parked in a no parking zone on Saturday morning. The parking lot was wide open. He notified the Dispatcher and 30 minutes later there were 12 vehicles illegally parked. He was informed that the officer went up and spoke to the coach. Today he noticed there were 7 cars and a Yarmouth school bus parked along the road illegally when there was

ample room in the parking lot. He notified Dispatch and 25 minutes later an officer showed up and started to write a ticket but tore it up when the car's driver arrived. The police car was also illegally parked as well. He requested that the Council look into enforcement of this emergency fire and rescue lane. Chair Muldoon thanked Mr. Maier for making the Council aware of this problem.

Judith Blanchard noted that she is new to Freeport but not new to politics. She announced that a group of concerned citizens would be initiating a petition next week to endorse Councilor Pandora's proposed Ordinance regarding Dispatch that he introduced at the last meeting. She explained that the Town Charter has not been updated significantly for the last 30 years.

Deputy Fire Chief Paul Conley presented a Gold Status Certificate from the Maine Heart Safe Communities to Chair Muldoon to hang in Town Hall. A formal presentation will be received in Augusta on May 20. He is pleased with Freeport's paramedics, their training and the care they provide. Chair Muldoon thanked Deputy Chief Conley and the whole team and noted that the certificate would be proudly hung in Town Hall. Councilor DeGrandpre requested that if additional community classes are offered for CPR, the Council be notified so that they can help fill them.

MOVED AND SECONDED: To close the public comment period. (Bishop & Cassida)
VOTE: (7 Ayes)

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

ITEM #069-10 To consider action relative to adopting the May 11, 2010 Consent Agenda.

BE IT ORDERED: That the May 11, 2010 Consent Agenda be adopted. (Pandora & Bishop)

Chair Muldoon explained the items on the agenda for members of the public.

ROLL CALL VOTE: (7 Ayes)

ITEM #070-10 To consider action relative to an application for an Alcoholic Beverage License for Johnny Rockets of Freeport. PUBLIC HEARING.

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

There were none.

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

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

W. Godfrey Wood d/b/a
Johnny Rockets of Freeport
300 S, Freeport Village Station

Note: This is a new application, which by State Law requires a public hearing.
(DeGrandpre & Bishop) **ROLL CALL VOTE:** (7 Ayes)

ITEM #071-10 To consider action relative to the acceptance of State Funds for fiscal year 2011.

BE IT ORDERED: That the following categories for State Funds be accepted for fiscal year 2011.

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. Business Tax Reimbursement
10. All other state funds not included in items 1-9 (Migliaccio & Bishop)

ROLL CALL VOTE: (7 Ayes)

ITEM #072-10 To consider action relative to the operating budget for Winslow Park for fiscal year 2011.

BE IT ORDERED: That \$208,754 be approved for the Winslow Park budget from July 1, 2010 to June 30, 2011 and \$17,000 be approved for the Harb Cottage budget from July 1, 2010 to June 30, 2011. (Cassida & Bishop)

Bart Carhart and the Town's Finance Director, Abby Yacoben, answered questions for Councilors.

ROLL CALL VOTE: (7 Ayes)

ITEM #073-10 To consider action relative to adopting a Non-emergency Transport (NET) budget for fiscal year 2011.

BE IT ORDERED: That the Non-Emergency Transport Budget in the amount of \$497,120 be approved for fiscal year 2011. (Bishop & DeGrandpre)

ROLL CALL VOTE: (7 Ayes)

ITEM #074-10 To consider action relative to a Traffic and Parking Committee recommendation on a pilot program for the Brewer lot for the 2010 summer season.

BE IT ORDERED: That the recommendation of the Traffic and Parking Committee for the use of the Brewer lot be approved. (Gideon & Bishop)

Councilor DeGrandpre provided a brief summary of the committee's recommendation in an attempt to get better value of the Brewer lot.

Councilor Gideon suggested that we partner with FMA to get the word out to people visiting Freeport since last year's usage was so low. Councilor DeGrandpre offered to explore it. Councilor Migliaccio asked what was changed. Councilor DeGrandpre noted that commercial fishermen have been reduced to 3

spaces. Councilor Migliaccio would prefer not to charge Freeport residents \$5 to park overnight if they have a sticker. He also suggested that the stickers be prominently displayed when driving into the lot. He would also prefer to set a fee for the commercial non-resident fishermen if they park overnight. Councilor DeGrandpre explained the discussions that took place during the Traffic and Parking meetings. Directions can be provided when the flier is handed out. Councilor Migliaccio would like a sign that says, "these are the one-night overnight spots." There was no consensus to strike the \$5 charge for residents for overnight parking.

ROLL CALL VOTE: (7 Ayes)

ITEM #075-10 To consider action relative to amendments to the Traffic and Parking Ordinance concerning loading zones on Main Street. (Chapter 48)

BE IT ORDERED: That a Public Hearing be scheduled for May 25, 2010 at 7:00p.m. in the Town Hall Council Chambers to discuss amendments to the Traffic and Parking Ordinance concerning loading zones on Main Street.

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 & DeGrandpre)

Councilor DeGrandpre provided an explanation.

ROLL CALL VOTE: (7 Ayes)

ITEM #043-10 Tabled March 23, 2010

To consider action relative to adopting a Five Year Capital Plan and approving a Capital Budget for Calendar Year 2010.

BE IT ORDERED: That the Five Year Capital Plan for Calendar Years 2010-2014 dated April 7, 2009 be approved.

BE IT FURTHER ORDERED: That the following Capital Budget Items be funded for calendar year 2010:

Fire

1.	Protective Clothing	14,000
	TOTAL 2010	14,000

Comprehensive Town Improvements

1.	Independence Drive culvert Replacement	37,500
2.	Prout Road Culvert Replacement	60,000
	TOTAL 2010	97,500

Destination TIF Village Improvements

1.	Sidewalk Improvements-Main St Brick Reconstruction-Village Station to Bass Shoe	21,000
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2.	Sidewalk Improvements-Middle St-Mechanic St to School St	20,000
3.	Sidewalk Improvements-School Street	165,000
4.	Sidewalk Improvements-Park St-School St to Spring St	25,000
5.	Sidewalk Improvements-Bow St South Side- Railroad Tracks to South St	15,725
6.	Sidewalk Improvements-Main St. East Side Town Hall Dr to Grove	19,000
7.	<u>Street and Drainage Improvements-School St-Park to Gulley</u>	<u>10,000</u>
	TOTAL 2010	<u>275,725</u>
		208,365

Municipal Facilities

1.	Copier Replacement	12,000
2.	Computer Upgrades –Townwide	20,000
3.	Conversion to Natural Gas-Town Hall and Public Safety	17,000
4.	Building Winterization	24,000
5.	Voting Machines-State Mandate	15,000
6.	<u>Valuation Update</u>	<u>7,000</u>
	TOTAL 2010	95,000

Cable Television

1.	DVD Recorders, Audio Control, Wireless Mics.	10,000
2.	<u>Equipment and other improvements (channel 14)</u>	<u>4,000</u>
	TOTAL 2010	14,000

Boards, Committees, and Others

1.	<u>Community Center Natural Gas Connection</u>	<u>6,000</u>
	TOTAL 2010	6,000

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

1.	Fire Department Reserves	14,000 39,000
2.	Comprehensive Town Improvements Reserves	97,500
3.	Municipal Facilities	95,000
4.	Destination Freeport TIF Reserves	275,725 208,365
5.	Cable Reserves	14,000
6.	Community Center Reserve Account	6,000

(DeGrandpre & Bishop)

Councilor DeGrandpre explained that the Fire Chief's vehicle has substantial rust and is in need of replacement. Mr. Olmstead explained that the Chief thought the vehicle could last another year but he has experienced some problems and has notified Mr. Olmstead. Councilor DeGrandpre added that the vehicle would not pass inspection without putting a lot of money into it. Discussion followed. Mr. Olmstead recommends taking \$25,000 from the reserve account to purchase a replacement. Abby Yacoben noted that tapping the Fire Department Reserve would not put stress on it. There is approximately \$713,000 in the reserve account.

MOVED AND SECONDED: To amend the Fire Department section of the Capital Plan by adding Item 2, a Fire Chief's Vehicle for \$25,000 and increasing the amount taken from the Fire Department Reserves from \$14,000 to \$39,000. (DeGrandpre & Bishop) **ROLL CALL VOTE:** (7 Ayes)

Councilor Migliaccio referred to the Cable Television budget and suggested shifting funds for Video on Demand so that folks can look at meetings by clicking on a link on the Town's website. Ms. Yacoben suggested discussing this item under the Operating Budget.

Councilor Pandora suggested amending the Destination Freeport TIF Reserves to \$208,365 after reviewing the numbers provided by Albert Presgraves in his May 5 memo. Mr. Olmstead explained that the bid numbers came in lower than the estimates. The original estimate was \$275,725. Mr. Presgraves explained the amounts shown in his memo. Discussion followed. Mr. Olmstead suggested perhaps taking Economic Development out of the TIF in future years but allowing it to grow this year. Ms. Yacoben offered to compute the bid numbers and came up with \$208,365. The end balance would be somewhere between \$35,000-\$40,000.

Councilor DeGrandpre mentioned there is a need to develop a strategy for maintaining and evaluating the management for Town-owned vehicles. He has looked at Rescue's Vehicles 3, 4 and 5 to make sure they can do the job we bid out. Vehicle 3 and 4 are sound in structure but there are some things that are wearing out. Vehicle 5 is used as a replacement vehicle when something is out of service. After speaking with other Councilors, he finds there is no willingness to purchase another vehicle this year. He is confident that everybody wants better-maintained vehicles. Chair Muldoon asked how to form a comprehensive fleet-management committee to oversee a program for vehicle maintenance. Mr. Olmstead noted that he has been considering assigning this task to the Town Engineer to do this and recommends it be done by the end of summer. Councilor DeGrandpre offered his expertise to work with Mr. Presgraves.

MOVED AND SECONDED: To amend Item 043-10 to modify the Destination Freeport TIF Village Improvements Items 1-7 to \$208,365 and in the **BE IT FURTHER ORDERED**, amend Item #4 Destination Freeport TIF Reserves line item to read \$208,365. (Cassida & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes)

More discussion followed.

ROLL CALL VOTE: (7 Ayes)

ITEM #065-10

Tabled April 29, 2010

To consider action relative to the adoption of a Fiscal Year 2011 Operating Budget for the Town of Freeport.

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, 2010 to June 30, 2011 Municipal Budget.

APPROPRIATIONS

General Government	1,211,448
Protection & Enforcement	1,972,231

Health & Welfare	93,440
Public Works/Solid Waste	2,096,260
Library	344,181

Unclassified	1,695,189
Debt Services- Local	496,512
County Tax	825,598
Human Services Agencies	39,700
Bustins Island	168,000
Community Center Building	40,000
Abatements	25,000
Economic Development Corp.	85,000
Ecomaine Debt Contribution	173,000

TOTAL APPROPRIATIONS	9,265,559
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ESTIMATED REVENUES

Non-Property Tax/Tax	1,302,500
Intergovernmental	944,700
Charge for Services	389,200
Licenses and Permits	193,440
Fines and Forfeitures	65,900
Miscellaneous	112,000
Library Lease Proceeds	175,000

TOTAL ESTIMATED	3,182,740
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Amount Transferred from	
Undesignated Funds	469,125
Tax Rate Stabilization Fund	39,162
Amount to be raised by Taxation	5,574,532

TOTAL REVENUES	9,265,559 (Cassida & Bishop)
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Councilor Migliaccio referred to the Cable Television budget and suggested shifting funds for Video on Demand so that folks can look at meetings by clicking on a link on the Town's website. Ms. Yacoben noted that she and Rick Simard researched some of the surrounding towns and came up with different conversions. Mr. Simard suggested that we wait until next year and put it in the budget the correct way. He noted that it costs \$20 to make a copy of a meeting and he receives one request per month. Chair Muldoon asked for input. Councilor Gideon could not envision putting this in the budget tonight since she is aware of the sacrifices department heads and staff has made this year. Councilor Bishop agreed with Councilor Gideon that it would be unfair this year. Councilor Cassida noted there is an interest to see this implemented at some point but where the money would come from has not been discussed. Councilor Migliaccio pointed out that the Council allocated to spend \$14,000 to update website maintenance work which has not been done. He is proposing reducing the \$14,000 to \$9,800 and using the rest of the money to pay for this service since improving the website has not happened because there are bigger things that have to be fixed. Ms. Yacoben pointed out that the \$14,000 has not been expended because of server problems. Councilor Pandora indicated that he would support moving the \$4,200 from upgrading the website to Video on Demand. Councilor DeGrandpre feels there is money available to make this work this year and a one-year contract will get the Council to the goals it set for itself.

Beth Edmonds, Librarian, explained that she lost two full-time positions at the Library and takes umbrage that the Council would consider adding anything to this budget in place of. She agrees that \$4,200 may not seem like a lot but it doesn't feel right to her that anything be added to this budget. She mentioned that Department Heads did not bring the Council a big list this year even though they felt they should be in the budget.

Chair Muldoon pointed out that diligent work has been done trying to update our website and he is very aware of the Council's goals since he wrote them. He has a tough time putting this in the budget this year. It is not the time to do it. Councilor DeGrandpre suggested considering this item next year so that we can do it correctly. Councilor Pandora suggested putting together a subcommittee over the summer and have experts look at our IT items and possibly have an IT Director put all the IT costs into one number. Mr. Olmstead explained that the Council could use its Special Projects Committee.

Councilor Migliaccio asked if there is consensus to reduce the \$14,000 to \$4,200. A poll showed 4 Nays and 3 Ayes—DeGrandpre, Pandora and Migliaccio)

Sharing their views on Video on Demand were Stephanie Helms of 13 Cottage Street and Clint Swett of 12A Kendall Lane.

Councilor Migliaccio **MOVED** to amend the website maintenance from \$14,000 to \$7,000. There was no second so the motion died.

Councilor DeGrandpre pointed out that this is a difficult time for all of us. The Council has worked hard to deliver services and has constructed the best budget possible. He thanked everybody for sharing his or her ideas with him.

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

OTHER BUSINESS:

Councilor Migliaccio asked to be excused, as did Councilor Pandora.

1) Discuss Nomination to the MMA Legislative Policy Committee

Mr. Olmstead provided some background on this item. Councilor Cassida is currently the representative and has been serving for six years. While he has indicated that he enjoyed his service, he would prefer to step down and become the alternate and have the alternate become the primary representative. The alternate is Abby Yacoben. Ms. Yacoben explained that she is willing and thankful to take this on.

MOVED AND SECONDED: To nominate our Finance Director, Abby Yacoben, to become our primary representative to MMA and Jim Cassida will become the alternate representative. (Bishop & Gideon) **ROLL CALL VOTE:** (7 Ayes)

2) Discuss adopting a FOAA Policy for Town of Freeport

Councilor Cassida explained that he brought this up at the last meeting and asked the Town Manager if the Town had a policy to handle these requests. There is no written policy in place. He did some research on what a FOAA policy would look like. He drafted a policy which he sent to Mr. Olmstead

last week and asked him to share it with Town staff and the Town Attorney for feedback. It is a starting point but he recognizes how serious these requests are. He modified his document to incorporate the Town Attorney's comments and Judy Hawley did the same thing. Both copies of the documents are slightly different and are out there for consideration and comment. He feels FOAA requests should be in writing. Very few towns have FOAA policies in effect. Councilor Cassida sent the policy in a Word format to Councilors. The Town Attorney did not feel the requirement that requests be made in writing but mentioned it could be recommended.

Councilor Pandora apologized for taking a work-related call. He complimented Councilor Cassida for bringing this policy forward. He has some comments to add to it. Chair Muldoon noted that this is a great idea and he thanked Councilor Cassida for bringing it forward. It will go to the Ordinance Committee for further development.

3) Informational Exchange

Councilor Bishop noted that she and Councilor Gideon attended a very nice Planning meeting the other night where they presented their Comprehensive Plan. They reviewed all the points and asked for input. Their next step is to go to Public Hearing. Chair Muldoon encouraged all Councilors to review the Comprehensive Plan since the Planning Board worked very hard. Councilor Migliaccio explained that he was unable to attend the meeting but forwarded some written comments. He asked if he could get a copy of the tape. Councilor Pandora noted his calendar crashed and he did not attend the meeting. He realizes that the work is important.

Councilor DeGrandpre attended a workshop with members of the Housing Trust, the Town Planner, the landscape architect and members of the public. They had an opportunity to look at four different options. The Project Review Board meets tomorrow night and will schedule a site walk. He encouraged Councilors to follow up on this.

Councilor Cassida will be on vacation and unable to attend the June 8 Council meeting and on June 22 he will be away on business.

ITEM #076-10 To consider action relative to an executive session.

BE IT ORDERED: That the Town Council enter into executive session with the Town Attorney to discuss a complaint filed with the Maine Human Rights Commission. 1 MRSA 404(6E) (Bishop & DeGrandpre) **VOTE:** (7 Ayes)

MOVED AND SECONDED: To reconvene (Cassida & Gideon) **VOTE:** (7 Ayes)

MOVED AND SECONDED: To adjourn at 10:48 p.m. (Gideon & DeGrandpre) **VOTE:** (7 Ayes)

Respectfully submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #10-10
FREEPORT TOWN HALL COUNCIL CHAMBERS
MAY 25, 2010 – 7 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 #09-10 held on May 11, 2010 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #09-10 held on May 11, 2010 and to accept the Minutes as printed. (Cassida & Bishop) **VOTE:**
(7 Ayes)

SECOND ORDER OF BUSINESS: Announcements

Chair Muldoon announced:

- The Memorial Day Parade will be held on May 31 beginning at 9:30 a.m. The Memorial Day Program at Bow Street Park at 10 a.m. and will feature local school bands and choruses. Representative David Webster, Reverend Sandy Williams and Chair Muldoon will also take part in the ceremonies. In the event of rain, the program will take place at the Freeport High School Auditorium at 10 a.m.
- The Town of Freeport's Clean-Up Days will take place on June 2, 3, 4 and 5 from 8 a.m.-4 p.m. Each Freeport household is entitled to bring a pick-up size load of household items free to the Recycling Facility with a completed coupon. Each vehicle must display a valid 2010 Freeport Transfer Facility Blue Sticker, which are sold at the Recycling Facility. Residents will receive the coupons by mail this week. If anyone has questions, they may call 865-3740.
- On Wednesday, June 2 at 5 p.m. The Project Review Board, Planning Board and Town Council will join the Freeport Housing Trust to conduct a Site Walk to discuss the proposed contract zone. The public is welcome to attend and will meet near the Hose Tower on Depot Street. It will take place rain or shine. Residents may call 865-4743, Extension 108 for information.
- The Winslow Park Campground opens on May 27. Family Fun Day will take place on June 12. There will be free admittance to the park for residents as well as free hot dogs, ice cream and lots

of activities. For race information, residents may call Jim Hendricks at 865-1183. Two weeks of free camping for Freeport residents will also be available June 21-27. For any campground information, people may call 865-4198.

- The Freeport, Yarmouth and Cumberland Police Chiefs are inviting the senior community to join them on June 24 at 11 a.m. at the Yarmouth Town Hall to learn about emergency preparedness. Representatives from the local fire departments will be providing information on various topics. Because of space limitations, the event is limited to 20 participants per community. Please RSVP to 865-4800 between 8 a.m.-4 p.m. to make a reservation. Lunch will be provided at the conclusion of the program.

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

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

Heather McCluer-McKenney noted that she is interested in promoting the Republic of the USA in anyway that she can. She provided some background information on her experience and explained that she plans to run against Olympia Snow in 2012.

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

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

ITEM #080-10 To consider action relative to adopting the May 25, 2010 Consent Agenda.

BE IT ORDERED: That the May 25, 2010 Consent Agenda be adopted. (Gideon & Bishop)

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

ROLL CALL VOTE: (7 Ayes)

ITEM #081-10 To consider action relative to amendments to the Traffic and Parking Ordinance concerning loading zones on Main Street and no parking zones on Varney Road. (Chapter 48) PUBLIC HEARING.

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

Gary Profenno, Chair of the Traffic & Parking Committee explained that the committee took a more comprehensive look at all of Main Street after the change in traffic patterns have been made and found that some of the loading zones were poorly defined. They have measured the spaces and will replace the loading zone signage. They added an additional loading zone in front of Siano's because loading trucks cannot get down behind the restaurant and have been trying to park on the sidewalk. All loading zones will be marked in the same way. He also explained that the Varney Road has a bus stop and there is no shoulder there. The only place to park is in the travel way, which is dangerous. In the future, signage will

be added and people will be able to park further down the road. This is the reason the change was suggested.

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

BE IT ORDERED: That the proposed amendments to the Traffic and Parking Ordinance concerning loading zones on Main Street and no parking zones on Varney Road be approved. (Bishop & DeGrandpre)

ROLL CALL VOTE: (7 Ayes)

ITEM #082-10 To consider action relative to an expenditure from the Winslow Park savings account to provide for an erosion control project at the park.

BE IT ORDERED: That up to \$236,000 be expended from Winslow Park Savings Account to provide for an erosion control project at the park.

Note: The park savings account is currently \$329,323 (Cassida & Bishop)

Bart Carhart explained that the commission voted to go ahead with three areas that are in need of erosion control and suggested that he request permission from the Council to go ahead with the proposal. If the money is approved, they will proceed and do some survey work and request the permitting. They plan to bid the project in the fall and construction could take place in early winter. They expect that staff can do some of the work.

ROLL CALL VOTE: (7 Ayes)

ITEM #083-10 To consider action relative to an amendment to the Coastal Waters Ordinance concerning fines for violations of the Town Wharf Berthing Zone (Chapter 31).

BE IT ORDERED: That a Public Hearing be scheduled for June 8, 2010 at 7:00p.m. in the Town Hall Council Chambers to discuss an amendment to the Coastal Waters Ordinance concerning fines for violations of the Town Wharf Berthing Zone.

BE IT FURTHER ORDERED: That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Migliaccio & DeGrandpre)

Mr. Olmstead provided some historical information on this item. Presently no boat can park there for more than 30 minutes and no boat wider than 13' can park there. Violations have been occurring in this zone and it has been determined that there are no teeth in the Ordinance to deter anyone from parking there. Lieutenant Nourse has recommended that we implement a monetary fine for violations that are equal to what a parking ticket would be in the village.

ROLL CALL VOTE: (7 Ayes)

ITEM #084-10 To consider action relative to amendments to the Loitering, Curfew and Noise Ordinance concerning loitering in parking lots. (Chapter 39)

BE IT ORDERED: That a Public Hearing be scheduled for June 8, 2010 at 7:00p.m. in the Town Hall Council Chambers to discuss amendments to the Loitering, Curfew and Noise Ordinance concerning loitering in parking lots.

BE IT FURTHER ORDERED: That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (DeGrandpre & Bishop)

Councilor Gideon provided background information on this amendment. Noise from teenagers hanging out in the parking lot has been occurring. Chief Schofield has determined that the Ordinance does not allow the Police Department to move people on and suggested that the Town Attorney be asked to draft some new language. Edward Bonney wished the Council luck on the loitering issue and shared his experience in trying to stop loitering on Main Street. Councilor Pandora asked if there is a notification process for private parking lot owners. Mr. Olmstead explained how notification is done. Discussion followed.

Councilor DeGrandpre mentioned that each lot has stripes and the permitted use of those striped spaces is for parking only which could be enforced by the Codes Enforcement Officer under Zoning. He suggested that the Town notify all the parking lot owners and there was consensus to do this.

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS:

1. Signing of the Warrant and Notice of Election for the Regional School Unit No. 5 Budget Validation Referendum for June 8, 2010.

Mr. Olmstead noted there are nine copies of the warrant for Councilors to sign in order to place the item on the ballot. Councilors signed the warrant.

2. Discussion and review of Town Charter amendments for overrule of council action (sec 8.02) and other relevant sections (8.01) of the town charter that require petitioners to sign in the physical office of the clerk and/of municipal building.

Councilor Migliaccio explained that the issue of having to sign in the Town Hall in the presence of the Town Clerk for overrule of Council action keeps coming up. He has reviewed other Town Charters from the surrounding areas. He offered to provide information to Councilors and requested feedback.

Councilor Cassida explained that he would welcome a discussion during a workshop but he would be hesitant to change the Charter because of the accuracy of the information provided to the public by petitioners. He feels the system in place is rigorous but provides accurate information to people that come in to sign it.

Councilor DeGrandpre noted that the Council needs to take into consideration that the Town Charter was passed in 1973 and we do have people that have trouble getting to Town hall. Councilor Gideon noted that she is looking forward to discussing this information during the workshop.

Edward Bonney pointed out that the Charter was amended in 1983 and was approved by Freeport residents. The location is not specified in the Charter. It merely says in the presence of the Town Clerk or Deputy Clerk. While he chooses not to lecture the Council, he suggested that they not impede a voter that may have a disability from being able to sign a petition. He does not care where the voter signs the petition as long as the Clerk or Deputy Clerk permits them to sign it. He offered to help wherever possible. Councilor Migliaccio noted that the workshop should be of interest to Mr. Bonney. He offered to provide a copy to Mr. Bonney. More discussion followed.

3. Charter update and review process, or charter committee appointment.

Councilor Migliaccio explained that there are housekeeping fixes and pieces that need to be looked at and updated. He does not feel the July workshop will allow enough time to do everything that needs to be done. He asked if there was a need for a Charter Commission.

Mr. Bonney discouraged the Council from appointing a Charter Commission because it would slow the process down. He suggested that the Council review the Charter and make the housekeeping changes that need to be made and then put them out to referendum.

Councilor Migliaccio wants the public to know about Charter changes and would welcome feedback. Councilor DeGrandpre agrees there is housekeeping to do and that everybody should read the Charter. He is unclear how to get the changes made. He noted that there are other pieces that will need to be addressed and what the Council doesn't get in the first round, they can take another look at it the following year.

Mr. Olmstead pointed out that the Town Attorney will need to be at the workshop and it would be helpful to get everyone's comments ahead of the workshop. The first week in July the Council can talk to the Town Attorney and figure out how to look at a clause a different way. The drop-dead date is the second meeting in September in order to get it on the November ballot. Mr. Olmstead noted that June 29 is open and there was consensus to schedule the workshop at 6 p.m. on June 29. Councilor Cassida suggested a round table discussion and requested that it be televised.

4. Informational Exchange.

Councilor Pandora had questions about Article I asking for input from residents on the three options concerning the school budget. Discussion followed. Councilor DeGrandpre suspects that a high or low vote from residents will mean "no".

Councilor Cassida asked for enlightenment from Mr. Olmstead regarding a letter concerning the Board of Appeals. Mr. Olmstead explained that the letter was from an applicant that was unhappy about the Board's decision.

Councilor Migliaccio asked if there is any quality control regarding airing old Council meetings. Mr. Olmstead explained that the program was played due to human error. Councilor Migliaccio would prefer to get additional training or quality control for airing Council meetings. Mr. Olmstead will work with Rick Simard.

MOVED AND SECONDED: To adjourn at 8:32 p.m. (Bishop & DeGrandpre) **VOTE:**
(7 Ayes)

Respectfully submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #11-10
FREEPORT TOWN HALL COUNCIL CHAMBERS
JUNE 8, 2010 - 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 reminded residents that there was still time to get out and vote this evening. He noted that Councilor Cassida is excused this evening. He then took the roll.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #10-10 held on May 25, 2010 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #10-10 held on May 25, 2010 and to accept the Minutes as printed. (Gideon & Bishop) **VOTE:** (6 Ayes) (1 Excused—Cassida)

SECOND ORDER OF BUSINESS: Announcements

Chair Muldoon announced that the Appointment Committee would be meeting soon to fill vacancies on Town Boards and Committees. They are accepting applications for various positions. If anyone has any interest in serving, they should complete an application and submit it to Town Hall. Applications are available at the Town Hall and also can be downloaded from the Town's website. If anyone has questions, they may call 865-4743.

Councilor DeGrandpre noted there is a Recreational Field Committee meeting scheduled on June 14 here at Town Hall beginning at 5 p.m. There are a few items that still need to be resolved. The public is invited to attend.

Councilor Bishop noted that Freeport placed third in the Plow Roadeo and congratulated Jeff Goldrup and David Wormwood as well as everyone else on our Public Works team. An award presentation will be made at the Council level as soon as the awards are received.

Councilor Bishop mentioned that donations in the amount of \$7,375 were made to the Library and donations in the amount of \$6,655 were made to the Fire Department. She thanked the donors for their generosity. Other Councilors concurred.

Councilor DeGrandpre asked if the Bustin's Island meeting has been finalized. Councilor Migliaccio explained that this particular meeting is open to the public but residents should rsvp. ahead of time

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 #091-10 To consider action relative to adopting the June 8, 2010 Consent Agenda.

BE IT ORDERED: That the June 8, 2010 Consent Agenda be adopted. (Bishop & DeGrandpre)

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

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

ITEM #092-10 To consider action relative to an amendment to the Coastal Waters Ordinance concerning fines for violations of the Town Wharf Berthing Zone (Chapter 31). PUBLIC HEARING

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

Mr. Olmstead explained that the Birthing Zone is the south side of the float. The Police Department has indicated that a fine similar to a parking ticket would help them with enforcement.

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

BE IT ORDERED: That the proposed amendments to the Coastal Waters Ordinance concerning fines for violations of the Town Wharf Berthing Zone be approved. (Migliaccio & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Cassida)

ITEM #093-10 To consider action relative to amendments to the Loitering, Curfew and Noise Ordinance concerning loitering in parking lots. (Chapter 39) PUBLIC HEARING

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

Councilor Gideon provided background information on this amendment. Marge Migliaccio, owner of Old World Deli and Conundrum explained how she received a notice of this Public Hearing yesterday in her mailbox. The letter provided her with a copy of the new amendment but not the new Ordinance. She would prefer to work with the Town's current rules. Ryan Dougherty of the North Freeport Store pointed out he never received a letter. He has not had a major problem and feels the Council is trying to make too

hard and too fast rules. He suggested working with the existing Ordinance and enforcing it without adding more rules.

Mr. Olmstead explained the Town's notification process and in this instance his instructions were not specific enough. He never instructed anyone to put notices in mailboxes. He admitted it was a "mess" and he regrets that it happened. He assured everyone that notification would be better handled in the future.

Councilor Gideon explained that she worked with Chief Schofield to develop this amendment but after hearing from businesses in Town and giving the matter more thought, she feels this is not the right way to fix the existing problem. She plans to work with the chief to work with the current Ordinance. Councilor Pandora indicated he wanted to see a copy of the notification letter and asked why this didn't come through the Ordinance Committee. Mr. Olmstead explained that the Chief of Police needed clarification and he authorized the Chief to talk to the Town Attorney. Chief Schofield noted that he has little authority in the privately owned lots in the downtown area. More discussion followed.

MOVED AND SECONDED: That the Public Hearing be closed.

MOVED AND SECONDED: To table this amendment indefinitely. (Gideon & Bishop)

ROLL CALL VOTE: (4 Ayes) (1 Nay—Migliaccio) (1 Abstention—Pandora) (1 Excused—Cassida)

OTHER BUSINESS:

1. Council response to the Marie Gunning Letter

Councilor Migliaccio read into the public record some of the points Ms. Gunning made in her letter dated May 26 to the Town Council. There was consensus that this would make for a good discussion on October 5 when the Council discusses its Financial Policies. Councilor Migliaccio encouraged citizens to take a look at the budget and the Annual Report. He will ask the Finance Director how we can report a little more history on tax rates and mil rates. Councilor Gideon noted that Freeport doesn't actually get its financial numbers on revenues from the State until the end of the year. Councilor DeGrandpre cautioned that the Council would have a fund balance challenge next year. Councilor Pandora thanked Ms. Gunning for her letter and is looking forward to a discussion during the October workshop.

2. Informational Exchange.

Councilor DeGrandpre displayed a plan of the Pownal Road Recreational area and pointed out where the current ball fields are as well as the road to the Transfer Station. He noted that they cannot go to DEP until a purchase and sales agreement is in place. This agreement will be negotiated within a month. There's a bunch of things going forward as soon as the purchase and sales agreement is finalized. He noted that this is a tremendous opportunity for the Town of Freeport. He will keep the Council informed.

Councilor Migliaccio received a couple of calls regarding the Loitering, Curfew and Noise Ordinance. Folks have concerns about noises in the downtown from businesses that do routine maintenance or loading or unloading during nighttime hours and this provides an adverse environment for Bed & Breakfasts. He plans to discuss this during an Ordinance meeting. He also has concerns with diesel vehicles that are kept running in business parking lots.

Councilor Bishop explained that the Finance Director is working to pull some special projects information together and will get back to us. Mr. Olmstead explained that Video on Demand is cheaper initially but the option used by the Town of Greene is the least expensive that he has been able to find.

Councilor Migliaccio asked if we expended legal resources for the Project Review Board regarding the Retirement Community Overlay District. Mr. Olmstead explained that it appears the Board may have missed its review date but he needs to get back to some folks to see if legal fees have been expended.

ITEM #094-10 To consider action relative to an executive session.

BE IT ORDERED: That the Town Council enter into executive session with the Town Attorney to discuss a complaint filed with the Maine Human Rights Commission. 1 MRSA 404(6E). (DeGrandpre & Bishop) **VOTE:** (6 Ayes) (1 Excused—Cassida)

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

MOVED AND SECONDED: To adjourn at 8:45 p.m. (Bishop & Gideon) **VOTE:** (6 Ayes) (1 Excused—Cassida)

Respectfully submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #12-10
FREEPORT TOWN HALL COUNCIL CHAMBERS
JUNE 22, 2010 - 7 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 7:05 p.m. and noted that Councilor Cassida is excused this evening.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #11-10 held on June 8, 2010 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #11-10 held on June 8, 2010 and to accept the Minutes as printed. (DeGrandpre & Bishop)
VOTE: (6 Ayes) (1 Excused—Cassida)

SECOND ORDER OF BUSINESS: Announcements

Councilor Gideon reminded residents that there are many people walking, running and biking this time of year and urged them to be aware of them while driving their vehicles.

Chair Muldoon advised that the Pine Tree Coastal Winds would be playing at the first of the Thursday Night Concert Series on July 8 at 6:30 p.m. at Winslow Park. Residents will be charged \$1 and non-residents will be charged \$2 as an entrance fee. He urged folks to bring lawn chairs and picnic baskets.

Chair Muldoon noted there is a Freeport vacancy on the RSU5 Board of Directors due to a resignation. If anyone is interested in serving, they should submit a letter of interest and qualifications no later than noon on June 24 for consideration to the Town Clerk.

The Town of Freeport will be holding a Healthy Lawn Care Class on June 23 from 6-8 p.m. at the Freeport Community Center. It is free. If anyone has questions, they may call 892-4700 to sign up and get more information.

Councilor Migliaccio announced that the Pine Tree Coastal Winds would be playing at the South Freeport Church Strawberry Festival this Friday and Saturday nights. He urged residents to stop by the South Freeport Village to enjoy good food and music.

The Freeport Historical Society will be hosting an old time baseball game on Saturday, June 26 at 11 a.m. More information can be obtained by calling 865-3170 or logging on to Freeporthistoricalsociety.org.

McDonald's and the Planning Board will be doing an audio test for two-way communication at the intercom July 2-16 to determine if it is too loud or not. Residents are encouraged to try it and share their thoughts with the Town Planner at 865-4743, Extension 103. There will also be a public hearing.

Councilor Migliaccio noted that on July 7 at 6 p.m. a public hearing on the revised draft of the Comprehensive Plan would take place. He encouraged everyone to get out and review it. The Planning Board has done a lot of good work.

Councilor Gideon noted that the Fourth of July Parade will take place at 4 p.m. and invited everyone to come and join in on the festivities.

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

MOVED AND SECONDED: To open the Public Comment Period. (DeGrandpre & Bishop) **VOTE:** (6 Ayes) (1 Excused—Cassida)

Judith Blanchard, speaking on behalf of a number of concerned citizens, advised that a petition was submitted to the Town Clerk for certification seeking to halt consolidation of dispatch services with Brunswick. She noted that 1,227 Freeport residents signed the petition seeking a town wide vote to require that a dispatch center remain in Freeport.

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

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

ITEM #099-10 To consider action relative to adopting the June 22, 2010 Consent Agenda.

BE IT ORDERED: That the June 22, 2010 Consent Agenda be adopted. (Bishop & Migliaccio) (Bishop & Migliaccio)

Councilor DeGrandpre noted that Scott Dugas has bid \$23,970 to replace the culvert on Prout Road when \$60,000 was budgeted. Mr. Olmstead explained that Mr. Dugas is a very good contractor and does quality work and will do a fine job. He understands the project and stands by his bid.

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

ITEM #100-10 To consider action relative to a police activities Mutual Aid Agreement between Cumberland County Communities.

BE IT ORDERED: That the proposed Mutual Aid Agreement between Cumberland County Communities for police activities be approved.

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

Note: This agreement replaces existing agreements between individual Communities. The agreement has been developed with the assistance of MMA and has been reviewed by the Town Attorney. (Migliaccio & Bishop)

Mr. Olmstead explained that this agreement would allow Freeport to assist communities countywide when necessary. All communities are moving to a countywide agreement. Discussion followed. Lieutenant Nourse explained the protocol followed in the event of statewide arrests, which the Council signed some years ago.

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

ITEM #101-10 To consider action relative to casting Freeport's vote for MMA's Legislative Policy Committee.

BE IT ORDERED: That the Freeport Town Council cast Freeport's vote for Abigail Yacoben. (DeGrandpre & Migliaccio)

Mr. Olmstead explained that Ms. Yacoben accepted the nomination willingly and the Council is being asked to cast a ballot for its nominee. Councilor Migliaccio suggested that Councilors give some thought to items they would like Ms. Yacoben to champion at some point if she is successful.

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

ITEM #102-10 To consider action relative to a proposed contract between the Freeport Housing Trust and the Town of Freeport for the enactment of a Contract Zone for a new senior housing project on South Street.

BE IT ORDERED: That a Public Hearing be scheduled for July 6, 2010 at 6:00p.m. in the Town Hall Council Chambers to discuss a proposed contract between the Freeport Housing Trust and the Town of Freeport for a contract zone for a new senior housing project on South Street.

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 & DeGrandpre)

Donna Larson, Town Planner, provided background information and noted a lot of work has been done on this project. The Board is recommending a flat roof with solar panels. She referred to the contract, which has been reviewed by the Town Attorney and the Project Review Board. The size of the design has not been finalized at this point. She suggested adding a clause under Landscaping, which Mr. Hatch agreed to.

MOVED AND SECONDED: To add to page 3 of 4 under (c) Landscaping immediately after the second Exhibit B the clause *as may be amended by the Project Review Board*. (Bishop & Gideon) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Cassida)

Ms.Larson requested that the same clause be added in another place.

MOVED AND SECONDED: To add to page 1 of 4 of the contract dated June 9, 2010 under the fifth **WHEREAS**, add the clause *as may be amended by the Project Review Board*. (Bishop & Migliaccio) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Cassida)

Ms. Larson advised that she would put this change in tomorrow morning and will have it for the Public Hearing.

Ms. Larson requested that the words *Freeport Housing Trust* be replaced by Oak Leaf 2 Associates LP, a Maine limited Partnership, P.O. Box 625, Freeport, Maine.

MOVED AND SECONDED: That the contract zoning agreement between the Town of Freeport and Freeport Housing Trust, Inc. be amended to replace all references to *Freeport Housing Trust, Inc. a Maine non-profit corporation with an address of P.O. Box 625, Freeport, ME* with Oak Leaf 2 Associates LP, a Maine limited partnership, with an address of P.O. Box 625, Freeport, Maine (Oak Leaf 2) throughout the contract. (Migliaccio & Bishop) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Cassida)

Ms. Larson pointed out that the density couldn't exceed one unit per 2,100 square feet, which will allow them to go up to 26 units.

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

ITEM #103-10 To consider action relative to proposed amendments to the Coastal Waters Ordinance concerning Float, Wharf and Dock Permits. (Chapter 31)

BE IT ORDERED: That a Public Hearing be scheduled for July 6, 2010 at 6:00p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Coastal Waters Ordinance concerning Float, Wharf and Dock Permits.

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. (Gideon & Bishop)

Mr. Olmstead provided background information. He noted this will tighten up regulations and a section was added to explain what would happen with violations.

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

OTHER BUSINESS:

1. Presentation of proposed new TIF Policy as recommended by the FEDC Board of Directors

Sande Updegraph made the presentation on the draft policy and explained how the process evolved. She offered to answer questions for Councilors. She requested that the Council review the draft and provide feedback to her. Discussion followed. Councilors thanked Ms. Updegraph for all her efforts.

2. Information Exchange.

Chair Muldoon advised that the Council met with representatives from North Yarmouth, Pownal and Brunswick to see what could be done to join forces and provide services in a joint manner. There are more levels of discussion that need to take place. Fire, police, codes enforcement and information technology services were discussed. Information Technology came to the forefront and the sharing of it will be the first trial to see how we can work with these other towns. Freeport's Finance Director has been asked to serve as our point person. She will schedule a meeting with representatives from the other towns.

Councilor DeGrandpre agreed that it was a good meeting and it appears we are looking for ways to help each other. He also suggested not using the word “consolidation”.

Councilor DeGrandpre advised that the Fields Committee met on June 14 and talked about several things such as what would be included in the Purchase and Sales Agreement, what value there is in the property, how many hours of use will be available and the fact that the property will be taxable and would generate a revenue stream. Everyone appeared to be forward thinking and happy where they are right now. Councilor Gideon asked when the next meeting is scheduled. Mr. Olmstead noted that D.E.P. approval has not yet been received and the next meeting will take place after it is received. If D.E.P. approval is not received, the sale will not go through with Seacoast.

Councilor Migliaccio noted that Mr. Olmstead sent out an agenda for the Municipal Facilities Committee to discuss some potential properties and asked him to keep a portion of the meeting open so that Councilor DeGrandpre can provide a Fields Committee update. Councilor Migliaccio asked if there has been enough public input for visibility to garner public support. Councilor DeGrandpre explained that a partner was necessary since developing this area will be expensive and the committee wanted to be field positive going forward. Councilor Migliaccio suggested getting as much public input as possible.

Councilor Pandora explained that an Ordinance meeting will take place on July 22 at 6 p.m. and they will discuss the Freedom of Access Act and a policy. He will add a discussion on the Noise Ordinance, Loitering Ordinance and a Vending Pinball Machine Ordinance as well as other items that are driven by calls he has received.

Councilor Pandora asked if a waiver is necessary to allow the test of adding a voice intercom at McDonald's to go forward. Councilor DeGrandpre advised that at one time, McDonald's was surrounded by more residences than it is now. Councilor Migliaccio noted that Councilor Cassida advised that the Ordinance Committee does not initiate actions on its own; it simply takes direction from the entire Town Council. Councilor DeGrandpre explained that the Ordinance Committee has been reviewing and updating ordinances for years at staff initiative and he is not concerned if they have discussion. Councilor Gideon noted that as things become appropriate, the committee should feel flexible and free to discuss them since they have to come back to the Council. Chair Muldoon agreed with her. Councilor Gideon explained how the Project Review Board decided to allow the test to take place at McDonald's. She will vote yes on this item only to allow the Project Review Board to move forward. She is not necessarily endorsing the intercom at McDonald's.

MOVED AND SECONDED: that the Town Council votes to allow a waiver of any enforcement of the Ordinance for the purpose of a two-week intercom test at McDonald's. (Migliaccio & Bishop) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Cassida)

Councilor Pandora referred to the Project Review Board's Minutes regarding a theatre marquis. He asked if this is going through without any request for public money. Mr. Olmstead advised that there has not been any formal request at this time but the developer is getting closer to making a request from the Town.

Councilor Migliaccio brought up the matter of the petition that has been turned in regarding Dispatch. He mentioned a letter marked confidential that he received and asked if it really is confidential. Mr. Olmstead advised that he never received a copy of the letter but noted the author of the letter leaked it to the press. He searched for the letter and included it on the agenda. Councilor Migliaccio asked that it be included in the next packet.

COUNCIL MEETING #12-10
JUNE 22, 2010

Councilor DeGrandpre spoke to the Police Chief about PSAP and a public utility inquiry. Police Departments are preparing to work with the Public Utility Commission and fire and rescue personnel will also have a seat at the table. He offered to provide a copy to all Councilors and suggested that the Council consider what they have to say.

Councilor Pandora mentioned that one of the people signing the petition is a client of Bernstein Shur and asked if there is a conflict of interest. Chris Vaniotis, Bernstein Shur, explained that they have looked at this internally and decided they can advise the Town at this point. The person is one of over 1,200 people that signed the letter.

ITEM #104-10 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 & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Cassida)

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

MOVED AND SECONDED: To authorize the Town Manager to sign the agreement dated June 22, 2010 regarding the contract between the Town of Freeport and the Police Benevolent Association. (Bishop & DeGrandpre) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Cassida)

ITEM #105-10 To consider action relative to an Executive Session pursuant to 1 M.R.S.A. section 405(6)(E) for consultation with the Town Attorney concerning the legal rights and duties of the Council and contemplated litigation.

MOVED AND SECONDED: That the Town Council enter into Executive Session. (Gideon & Bishop) **VOTE:** (6 Ayes) (1 Excused—Cassida)

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

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

Respectfully submitted,

Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #13-10
FREEPORT TOWN HALL COUNCIL CHAMBERS
JULY 6, 2010 - 6 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 6 p.m. and took the roll. He noted that Councilor Migliaccio would be arriving shortly.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #12-10 held on June 22, 2010 and to accept the Minutes as printed.

Councilor DeGrandpre pointed out that under Information Exchange, when he was talking about the McDonald's sound test that will soon be taking place, he indicated that staff and others have been updating Ordinance titles through the years, not the Ordinance Committee.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #12-10 held on June 22, 2010 and to accept the Minutes as clarified. (Cassida & Bishop) **VOTE:**
(6 Ayes) (1 Abstention—Cassida)

SECOND ORDER OF BUSINESS: Announcements

Councilor DeGrandpre pointed out that the Freeport Community Players will be presenting "I Hate Hamlet" at the Performing Arts Center on Friday and Saturday evenings from July 15-August 1 at 7:30 p.m. and Sunday afternoons at 2 p.m. and a special performance on Thursday, July 15 at 7:30 p.m. Tickets are \$10 in advance and \$15 at the door. He encouraged anyone with an interest to attend. They could also use some volunteers to help them at any level, acting, building sets and painting.

Chair Muldoon noted that McDonald's and the Planning Board would be conducting a two-way test of their intercom to determine if it is too loud. Residents are encouraged to participate in the test and share their views with the Town Planner at 865-4743, Extension 103. There will also be a public hearing on this matter.

Chair Muldoon advised that the Pine Tree Coastal Winds would be playing at the first of the Thursday Night Concert Series beginning this Thursday, July 8 at 6:30 p.m. at Winslow Park. Residents will be charged \$1 and non-residents will be charged \$2 as an entrance fee. He urged folks to bring lawn chairs and picnic baskets. The playground is nearby.

COUNCIL MEETING #13-10
JULY 6, 2010

Councilor DeGrandpre advised that he spoke with members of the Lisbon/Lisbon Falls Rescue and learned that they will be putting on a Comedy Show at the Lewiston Elks Club on August 13. They are hoping to replace a building. He will provide further information when he receives it.

Public Works Department Award

Chair Muldoon explained that with tonight's heat, the last thing the Council is thinking about is snow plowing but he is proud to announce that David Wormwood and Jeff Goldrup are the Cumberland County winners of the Plow Rodeo and have gone on to compete at the Statewide competition and came in third. Public Works Director, Jim Plummer shared congratulatory comments and presented the award to Mr. Wormwood and Mr. Goldrup. A trophy will be displayed in Town Hall.

Chair Muldoon noted how much their work is appreciated and thanked them for their efforts.

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 #112-10 To consider action relative to adopting the July 6, 2010 Consent Agenda.

BE IT ORDERED: That the July 6, 2010 Consent Agenda be adopted. (Gideon & Cassida)

Councilor DeGrandpre asked why the Council meetings are scheduled to begin at 6 p.m. Mr. Olmstead explained why they are scheduled this way. If it doesn't work for Councilors, he noted they could be changed. Councilor Pandora noted that it is difficult for him to get here at 6 p.m. but would prefer that Council meetings start at 7 p.m. Councilor Migliaccio suggested a compromise by beginning at 6:30 p.m. and other Councilors concurred. Councilor DeGrandpre suggested putting a slide up on cable announcing the 6:30 p.m. start times.

MOVED AND SECONDED: To amend the attached Town Council Meeting Schedule under Item 111-10 so that regular meetings start at 6:30 p.m. and workshops at 6 p.m. (DeGrandpre & Gideon) **VOTE:** (7 Ayes)

Mr. Olmstead reviewed the items on the Consent Agenda and answered questions for Councilors.

ROLL CALL VOTE on amended Consent Agenda: (7 Ayes)

ITEM #113-10 To consider action relative to applications for Special Amusement Permits.
PUBLIC HEARING

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

There were no public comments provided.

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

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

Buck's Naked BBQ	568 U.S. Route 1
Azure Café	123 Main St.
Harraseeket Inn	162 Main St.
Lobster Cooker	39 Main St.
Hilton Garden Inn	5 Park St.
Jameson Tavern	115 Main St.
Gritty McDuffs	187 Lower Main St.
Venue Music Bar	5 Depot St. (Bishop & DeGrandpre) <u>ROLL</u>

CALL VOTE: (7 Ayes)

ITEM #114-10 To consider action relative to an application for an Alcoholic Beverage License for RDB, Inc. d/b/a Maine Lobster and Chowder Co, LLC. **PUBLIC HEARING**

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

There were no public comments provided.

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

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

RDB, Inc. d/b/a
Maine Lobster & Chowder Co., LLC
175 Lower Main St.

Note: This is a new application which by State Law requires a public hearing. (Cassida & Bishop) **ROLL CALL VOTE:** (7 Ayes)

ITEM #115-10 To consider action relative to proposed amendments to the Coastal Waters Ordinance concerning Float, Wharf and Dock Permits. (Chapter 31) **PUBLIC HEARING**

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

Amanda Szala, Chair of the Coastal Waters Commission explained the reasons for changing the Ordinance. She answered questions for Councilors.

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

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

COUNCIL MEETING #13-10
JULY 6, 2010

Councilor Cassida referred to the last bullet on the first page and suggested that the Town Planner clarify *normal high and low water marks* by changing it to *Description of highest annual tide and mean low water in relation to proposed float* to be consistent with the State of Maine. He mentioned that all tides are different. Discussion followed on float placement.

MOVED: To change the first bullet to read *Description of highest annual tide and mean low water in relation to proposed float*. (Cassida)

This died for lack of a second. Councilor Gideon noted that this issue is worthy of more discussion.

Ms. Szala indicated that the commission is taking the summer off but they could hold a special meeting and work out the language and will bring it back to the Council.

MOVED AND SECONDED: To table this item until September 7. (Cassida & Bishop) **ROLL CALL VOTE:** (7 Ayes)

ITEM #116-10 To consider action relative to a proposed contract between the ~~Freeport Housing Trust~~ Oakleaf 2 Associates LP and the Town of Freeport for the enactment of a Contract Zone for a new senior housing project on South Street. **PUBLIC HEARING**

Councilor DeGrandpre pointed out the need to change the name Freeport Housing Trust to Oakleaf 2 Associates LP and the Town of Freeport.

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

Jim Hatch, Executor Director of Freeport Housing Trust, thanked the Council for its support. He feels they ended up with a much more attractive building than when they started.

Mary Ellen Carew, a Freeport citizen and a member of the Board of the Freeport Trust thanked the Council for working with the Trust. She is confident that it will be a gift to offer this housing to younger people. All of their buildings are beautiful and of high quality. Betty Langley shared her thoughts on living in senior housing. Vaughndella Curtis noted that she has been involved with the Housing Trust since its inception. She noted that it is all about screening and this project will not be very visible.

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

BE IT ORDERED: That the proposed contract zone between the Oakleaf 2 Assoc. LP and the Town of Freeport be approved.

BE IT FURTHER ORDERED: That the Town Manager be authorized to sign the contract on behalf of the Town of Freeport. (DeGrandpre & Bishop)

Councilor Gideon noted that she generally has reservations about contract zoning but will be supporting this project this evening. Councilor Migliaccio agreed and is confident that this project will not be too visible so that it stands out. He hopes the Project Review Board will take into consideration what this project will look like 40 years from now. He had questions for Mr. Hatch.

COUNCIL MEETING #13-10

JULY 6, 2010

Chair Muldoon applauds everybody for working to provide affordable housing for seniors. Councilor Cassida commended everybody for a well-done plan and noted that he usually is against contract zoning but will be voting in favor of this project this evening. This plan would fit in the entire zone. He feels that contract zoning is a huge mistake for Freeport.

Councilor Migliaccio suggested adding: To specifically prescribe within the contract that it is limited to 55 and older with income restrictions as detailed.

Councilor DeGrandpre suggested adding on Page 4 of the contract Under No. 1 add “g” 90 years as required. Town Planner, Donna Larson, provided some clarification. There was no consensus to add this from other Councilors.

Mr. Hatch provided some clarification to the suggestions.

MOVED AND SECONDED: On Page 5, No. 1 of the contract, to insert residents 55 and older at low to moderate income as defined by the Maine State Housing Authority. (Migliaccio & DeGrandpre) **ROLL CALL VOTE:** (3 Ayes—Migliaccio, DeGrandpre & Pandora) (4 Nays—Gideon, Bishop, Cassida & Muldoon).

Mr. Hatch noted that the permitting will require that this housing be for seniors and is covered. He is tied up for 90 years from the completion date of the project. A limited partnership cannot be a non-profit. Chair Muldoon explained what is covered by the Comprehensive Plan.

ROLL CALL VOTE: (7 Ayes).

ITEM #117-10 To consider action relative to an application for a Tax Increment Financing from the ~~Freeport Housing Trust~~ Oakleaf 2 Associates LP for an elderly housing project on South Street.

BE IT ORDERED: That a Public Hearing be scheduled for August 10, 2010 at ~~6:00~~ 6:30 p.m. in the Town Hall Council Chambers to discuss an application for a Tax Increment Financing from the Freeport Housing Trust for an elderly housing project on South Street.

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 & DeGrandpre)

MOVED AND SECONDED: that we replace Freeport Housing Trust with Oakleaf 2 Associates LP in Item 117-10. (DeGrandpre & Bishop) **VOTE:** (7 Ayes)

MOVED AND SECONDED: That we amend the time to read 6:30 p.m. in the Town Hall Council Chambers. (Gideon & Bishop) **VOTE:** (7 Ayes)

Town Planner, Donna Larson, explained that this TIF is very similar to the Economic Development TIFs but the State entity is different. It falls with the Maine State Housing Authority. The 50% of the annual taxes will go back to them to bring down their operating costs. Discussion followed. Mr. Olmstead noted that Mr. Hatch needs to do more research and he will provide it at the public hearing.

ROLL CALL VOTE: (7 Ayes)

ITEM #118-10 To consider action relative to a request for a waiver of fees from Oakleaf 2 Associates LP

BE IT ORDERED: That the following fees be waived for Oakleaf 2 Associates LP.

Open Space Fee: \$6,362.40
Impact Fee: \$25,800.00
Total: \$32,162.40 (Gideon & Bishop)

Donna Larson, Town Planner, explained that the Impact Fee of \$25,800 is not relative since an exemption has been made for affordable housing projects. This meets our definition of affordable housing and is waived by Ordinance. There is another sidewalk fee which will be somewhere between \$10,000-\$15,000 that the Council may consider substituting for it.

Councilor DeGrandpre noted there is a whole lot of financing information coming and he would be interested in tabling this item so he can review it. Ms. Larson read the exemptions that are in the Ordinance.

MOVED AND SECONDED: To amend this order to read that the following Fee of \$6,362.40 be waived for a total of \$6,362.40 for Oakleaf 2 Associates LP. (DeGrandpre & Migliaccio) **ROLL CALL VOTE:** (7 Ayes)

MOVED AND SECONDED: To table Item #118-10 until August 10. (Migliaccio & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes)

Mr. Hatch noted that they are willing to take on the erosion control problems on the back of the property and the sidewalk responsibility so there is a benefit to the Town. The Town could possibly handle the sidewalk issue at no cost. Mr. Olmstead noted that Project Review would be discussing the erosion control problems.

ITEM #119-10 To consider action relative to accepting a donation of tasers from the Town of Brunswick.

BE IT ORDERED: That the donation of tasers from the Town of Brunswick be accepted. (Bishop & Cassida)

Chief Schofield explained that the Town of Brunswick offered the tasers to Freeport since they were purchasing smaller ones. He mentioned that developing policy, training and upgrading were discussed. They are in working order but the batteries may need recharging. They each take 8 AA batteries. Sgt. Marty Rinaldi from Brunswick explained instances where tasers were used.

Councilor Migliaccio appreciated Sgt. Rinaldi bringing this forward. He is confident that a taser makes our officers react faster. Councilor DeGrandpre noted that a taser is a valuable deterrent and he is comfortable with proper training for officers. Councilor Pandora appreciates the fact that they are used as deterrents. Councilor Cassida has no problem with tasers being provided to well-trained officers. He is not convinced that we really need them and that it is a good investment for Freeport although they are free. Chair Muldoon does not feel we are at a point where we need tasers but with any pros, there have to be a number of cons as well. He noted that we have done pretty well without them and he will be voting against accepting them.

ROLL CALL VOTE: (5 Ayes) (2 Nays—Gideon & Muldoon)

ITEM #120-10 To consider action relative to funding for Freeport's Heating Assistance Fund.

BE IT ORDERED: That \$5,000 be transferred from the FY 2010 General Assistance Account to provide funds for Freeport's Heating Assistance Program. (Cassida & Bishop)

Mr. Olmstead explained that the Council transferred \$5,000 last year and Johanna Hanselman is asking that the Council transfer \$5,000 again this year to the Heating Assistance Fund from her General Assistance Account that will have about \$5,500 to \$6,000 when all the vouchers are in at the end of the year. The Freeport Fuel Fund is currently at zero. Councilor Bishop noted that this is only for Freeport residents.

ROLL CALL VOTE: (7 Ayes)

MOVED AND SECONDED: To take an item out of order and move Other Business items next on the agenda and then move to an Executive Session, reconvene and consider Items 121-10 and 122-10 after. (Cassida & Migliaccio)
VOTE: (7 Ayes)

OTHER BUSINESS:

1. Technology Update – Jim Grant

Mr. Grant had some good news to share with the Council. He has ordered new hardware and is in place and followed a route to circumvent licensing issues. Comcast has been upgrading their network and are giving us a new connection at Town Hall right now at no charge. With the consolidation with Brunswick, we will have workers working on a microwave. It appears we can get a good rate while they are working here. The perfect storm is getting us out of trouble. He is working to see what networking services he can consolidate with Brunswick. He has been doing a lot of planning but hasn't started the construction yet. He has not been focusing on archiving of Council meetings.

2. Update on Charter discussion

Councilor Muldoon mentioned that there was a Charter discussion on June 29 and three members of the original charter-writing group were there to give context of how it evolved. The charter is a living document and it has been changed over the years and we have asked the Town attorney to draft language relative to the various provisions being considered for possible amendment and it will be brought back to us in early September and the final amendments will go out to the voters in November. He read the list of issues that the Town Attorney has been asked to look at. The public is welcome to make comments on August 10 and September 7.

3. Information Exchange.

Councilor Migliaccio announced that a Municipal Facilities meeting is scheduled on July 8. They will discuss replacing the playground at the French School at Soule Park in South Freeport, review tax-acquired property and an update on the Pownal Field proposal.

Councilor Migliaccio had a question about Council meetings being played at their regular time.

COUNCIL MEETING #13-10

JULY 6, 2010

ITEM #123-10

To consider action relative to an Executive Session to discuss an Economic Development Project which would result in a movie theater in Freeport. (1 MRSA Section 405(6)(c)).

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

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

Note: The Berenson Group has requested this Executive Session.

ITEM #121-10

To consider action relative to amendments to the Berenson Tax Increment Financing District approved on July 11, 2007.

BE IT ORDERED: That a Public Hearing be scheduled for August 10, 2010 at 6:30 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Berenson Tax Increment Financing 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. (Cassida & Bishop)

MOVED AND SECONDED: that prior to the public hearing Berenson will schedule a public information session (date and time to be established) on their proposal to build a movie theater. (Migliaccio & Bishop) **VOTE:** (7 Ayes)

ROLL CALL VOTE: (7 Ayes)

ITEM #122-10

To consider action relative to amendments to the Destination Freeport Tax Increment Financing District approved in February 2004.

BE IT ORDERED: That a Public Hearing be scheduled for August 10, 2010 at 6:30 p.m. in the Town Hall Council Chambers to discuss amendments to the Destination Freeport Tax Increment Financing District approved in February 2004 to bring a movie theatre to 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. (Migliaccio & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes)

MOVED AND SECONDED: To adjourn at 10:05 p.m. (Gideon & Bishop)
VOTE: (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES
FREEPORT TOWN COUNCIL MEETING #14-10
FREEPORT TOWN HALL COUNCIL CHAMBERS
AUGUST 10, 2010 – 7 P.M.**

CHAIRPERSON’S CALL TO ORDER

PRESENT ABSENT EXCUSED

Charlotte Bishop, Maquoit Drive
James Cassida, 5 Timber Ridge Road
Rich DeGrandpre, Timber Ridge Road
Sara Gideon, 78 Bow Street
Joe Migliaccio, 2 Vinmar Lane
Bill Muldoon, 2 Roos Hill Drive
Eric Pandora, 12 Birch Point Road

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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 #13-10 held on July 6, 2010 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #13-10 held on July 6, 2010 and to accept the Minutes as printed. (Bishop & DeGrandpre)
VOTE: (6 Ayes) (1 Excused—Pandora)

SECOND ORDER OF BUSINESS: Announcements

Chair Muldoon referred to the cover of the *Maine Townsman Magazine* and noted that it features Freeport and how it has been on the leading edge of non-emergency transport as a revenue generator. He thanked Freeport’s Public Safety people for their excellent management.

Chair Muldoon noted that TIF policy and process development requires public participation. A discussion and review of the new TIF process will take place in the Town Hall Council Chambers on August 26 from 7:30-9:30 a.m. For more information, residents can call Sande Updegraph at 865-4743, Extension 117.

The train is coming to Freeport. Rails will be delivered sometime during of week of August 23. An event will be planned for residents and businesses to celebrate the fact that the train is coming. More information will be forth coming.

Councilor DeGrandpre announced that there would be grand opening and ribbon-cutting ceremony for the new RSU5 Durham Elementary School on August 24 at 10 a.m. It is part of our school system. Tours will be provided after the ceremony. He encouraged residents to go to Durham and take a look.

Councilor Migliaccio noted that residents can call Sande Updegraph or Town Hall to get TIF information but they also can find it on the Town's website. He explained that it is important to get public feedback during the August 26 session.

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

There were no public comments. The Council moved on.

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

ITEM #127-10 To consider action relative to adopting the August 10, 2010 Consent Agenda.

BE IT ORDERED: That the August 10, 2010 Consent Agenda be adopted. (Gideon & Cassida)

Chair Muldoon explained the items on the Consent Agenda for members of the public. Councilor Migliaccio noted that he has an interest in one of the businesses so he will recuse himself.

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

ITEM #128-10 To consider action relative to an application for a Tax Increment Financing from the Oakleaf Two Associates LP for an elderly housing project on South Street.
PUBLIC HEARING.

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

Jim Hatch, Executive Director of the Freeport Housing Trust offered to answer any questions the Council may have. He pointed out that there is a demand for affordable senior housing in Freeport and that they pay \$80,000 annually in property taxes even though four of their seven properties are legally tax-exempt. He urged the Council to support this TIF and mentioned that Oakleaf Two Associates LP cannot go forward without this TIF. If this project goes forward, the Town will realize an additional \$10,000 per year in property taxes. Chris Roney, president of Freeport Housing Trust emphasized that this project is important to them and to the Town. The TIF is an important component of this project. He urged the Council to support the TIF. Jeff Senzel, Freeport Housing Trust Board Member and Freeport resident, added his support for the TIF. Vaughndella Curtis, Freeport resident, also urged the Council to support this TIF. She noted that there is a waiting list for affordable senior housing and without this TIF, it will not go forward. She also mentioned there are a number of units for people that are under 55.

Gaetano Quarttrucci urged the Council, when discussing the waiver requests, to talk about increasing the fund balances and deposit those funds to those line items that will be displaced for the work that the Trust is offering to do so that the benefit of those fees is realized and the public interest is protected.

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

WHEREAS, the Town of Freeport, Maine (the "Town") is authorized pursuant to Chapter 206 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 affordable housing opportunities for the citizens of Freeport and the surrounding region; and

WHEREAS, the designation of Municipal Development and Tax Increment Financing Districts will help to provide continued affordable housing for the citizens of Freeport and the surrounding region; 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 approve an Affordable Housing Tax Increment Financing District for Oakleaf Two Associates LP; and

WHEREAS, it is expected that approval will be sought and obtained from the Maine State Housing Authority, 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) 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
- (b) The aggregate value of equalized taxable property of the District as of April 1, 2009 does not exceed 5% of the original assessed value within the Town as of April 1, 2009; and
- (c) The designation of the District and pursuit of the Development Program will generate affordable housing opportunities for the Town and its residents, and therefore constitutes a good and valid public purpose.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town hereby approves an Affordable Housing Tax Incentive Financing District for Oakleaf Two Associates LP , as more particularly set forth in the document Application Affordable Housing Tax Increment Financing 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. 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 Maine State Housing Authority for

review and approval pursuant to the requirements of 30-A M.R.S.A. Chapter 206, and to enter into a credit enhancement agreement.

Section 4. 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 Maine State Housing Authority, without requirements of further action by the Town, the Town Council or any other party. (Bishop & Cassida)

Councilor Gideon pointed out that this is a clear benefit for Freeport residents and she will be supporting it tonight. Councilor DeGrandpre asked everyone to keep the upcoming waiver requests in mind as they move forward. He views it as a big advantage. He had questions for Mr. Hatch about the points the Trust would get for the TIF. Mr. Hatch noted that the TIF would provide three significant points. Chair Muldoon suggested keeping the fee waiver requests separate. Councilor Migliaccio is generally in favor of supporting the tax rebate to the Housing Trust. He has had discussions with Mr. Hatch. He recognizes there is a need for affordable senior housing in Freeport and noted they contribute back and are not a burden to the Town. He is hopeful that in the future any project that needs a TIF or a contract zone change, that they will be combined together and not come in piece meal. Councilor Pandora noted that he will support this project but did have questions about the estimated cost of the project, which were addressed by Mr. Hatch. Councilor Pandora had questions about the fee waivers and Donna Larson, Town Planner, noted there is no mention of the fee waivers in the TIF document. Mr. Hatch noted that he did not assume the fees would be waived. Chair Muldoon noted that housing is a fundamental need and can't imagine growing old and having questions about what your housing will be. He will support this request this evening. Councilor DeGrandpre pointed out that there are a lot of taxing inequities between residential and commercial properties in Freeport but he does support this project. Councilor Pandora asked what projects Mr. Hatch is competing against. Mr. Hatch did not know this information this evening.

ROLL CALL VOTE: (7 Ayes)

Mr. Hatch mentioned that he made a few minor changes in his attachments to the TIF document. He changed the scale in one attached map and the name of the TIF District boundary, which was supposed to be labeled. Judy Hawley will incorporate the changes.

ITEM #129-10 To consider action relative to amendments to the Desert Road Business and Industrial Park Phase II / Downtown Freeport (Berenson) Tax Increment Financing District approved on July 11, 2007. **PUBLIC HEARING.**

Councilor Cassida mentioned that the applicant has withdrawn this request

MOVED AND SECONDED: To table indefinitely. (Cassida & Bishop) **VOTE:** (7 Ayes)

ITEM #130-10 To consider action relative to amendments to the Destination Freeport Tax Increment Financing District approved in February 2004. **PUBLIC HEARING.**

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

Town Planner, Donna Larson, provided a PowerPoint presentation and explained that the proposed amendments are to increase the cap from \$11.4 million to \$20 million, sheltering another \$8.6 million and extending the TIF ten more years. The funds could be used to create an Arts and Culture District. The funds would be decided by the Council on an annual basis provided it is in the district. The extended TIF cap will benefit the Town by making additional funds available for road, sidewalk and crosswalk improvements, benches and transit facilities. There is a proposal to dedicate \$20,000 a year for ten years to Berenson Associates to develop a theater. Survey responses indicated there was demand for a theater. She explained the sheltering benefits between \$11.4 million and \$20 million.

Shawn Shelby, Architect, mentioned Freeport Vision 2010 which was set up ten years ago to reinvigorate Freeport by adding certain activities to strengthen the tax base, bring more visitors into town and possibly hold them overnight. The parking garage added 550 parking spaces in the center of town, discouraged parking sprawl and added retail space and restaurants. A theater was approved back in 2007 but the Imax franchisee lost his contract. Today, they are discussing a six-screen movie theater. He pointed out where it is proposed and its proximity to the parking garage. An independent operator will be engaged. Al Yebba of Berenson Associations explained the original franchisee lost his contract and a new franchisee purchased it. This fell by the wayside and they found that they could not go forward with an Imax design. Mr. Shelby explained that the TIF did not totally pay for the cost of the parking garage but did bring in additional tax dollars and 120 new jobs currently. He feels the TIF worked but there are still challenges to do. There are vacancies at Village Station as well as in other retail locations in Freeport that need to be filled. There are still few evening activities offered in Freeport. Mr. Yebba explained that today's recession has had a negative impact on the overall Freeport Village Station project and that if it were a traditional economic environment, they would not have to ask for a TIF. One of the reasons to build this theater is to help other businesses around town.

Mark Benvenuto of Belmont Capital explained that they have to sign a master license agreement. They plan to sell popcorn, candy and soda since this is what people want. Mr. Yebba explained that they have come up with a couple of accommodations. If the theater closes, the TIF would cease. They plan to use local tradesmen and subcontractors. They will bring in an experienced theater operator. He noted there would be two Freeport Appreciation events where local non-profits can come in and ask for donations and Freeport residents will have free admission. At the Council's request a public information session was held and they are now requesting \$20,000 for ten years. The projected construction cost of the theater is \$2.3 million and an additional \$200,000 is projected for the marquis.

The following members of the public provided comments: Kristen Dorsey, Ed Bonney, Tammy Heathcote, Andrew Arsenault, Peter Murray, Gaetano Quarttrucci and Kathleen Mead.

Sande Updegraph of FEDC appreciated the public's comments this evening and encouraged everyone to come to the public session on August 26 to discuss TIFs and provide additional comments. It will run from 7:30-9:30 a.m. in the Council Chambers. This will be a chance for everybody to weigh in on this economic development tool. She explained that currently the State specifically does not allow this kind of funding for public recreation to come out of TIF funding.

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

WHEREAS, the Town of Freeport, Maine (the "Town") is authorized pursuant to Chapter 206 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 206 of Title 30-A; and

WHEREAS, during the term of the TIF, Berenson Associates has agreed to two Saturday matinees "Appreciation Events" per year which Freeport residents will have free admission: 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 5226, 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 Destination Freeport Tax Increment Financing Districts 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. § 5223; 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 original assessed value 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.
- (e) Berenson Associates will provide two Saturday matinees "Appreciation Events" per year when Freeport residents will have free admission during the term of the TIF.

Section 2. Pursuant to Chapter 206 of Title 30-A of the Maine Revised Statutes, as amended, the Town hereby extends the Destination Freeport Tax Increment Financing Districts, as more particularly set forth in the document Destination Freeport Tax Increment Financing Districts 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. 5223, 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. §5226 and enter into a credit enhancement agreement.

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. (Cassida & Bishop)

Mr. Yebba explained how the Appreciation Events came into the plan and noted that the theater will not go forward without the approval of the TIF. They hope this \$200,000 will get them over the hump but they have a lot of work to do.

Councilor Migliaccio thanked Mr. Yebba for scheduling a public session earlier. He mentioned the creation of an arts and cultural district which is embedded in this TIF. He has been asked where is all the tax money for schools, etc. He also questions if this is technically an allowable use. Donna Larson noted that she is confident the proposal complies with the State's TIF regulations. She would not have brought it to the Council if she thought it would not be approved. Councilor Migliaccio also questioned why the amount is so high and he is struggling why the Council would fund a specific business. He appreciates

that residents have wanted a movie theater for quite sometime. He has reservations that he needs to resolve. Ms. Larson explained what happens if there is too much money. She noted that the Council could go back and change the amount. Discussion followed.

Councilor Cassida noted that he has struggled on this but will support this because it will generate public benefits to the community. Councilor Bishop pointed out that this theater would benefit Freeport by drawing people to town. This will bring back some of the things that Freeport had in the past.

Councilor Gideon explained her vision for the town. She is aware that alternate forms of entertainment are needed in Freeport and she gave some thought to the public benefits to the town.

Councilor Pandora noted he likes movies. He read the contents of his e-mail to his fellow Councilors. He views this as a policy shift by the Council and a debate has not taken place yet. He will not support this proposal.

Councilor DeGrandpre noted that a revolving loan fund is a mechanism to help Freeport businesses grow some. He has talked to shop management and learned that they would welcome more traffic. They feel a movie theater would provide them with an opportunity to sell what they have. He pointed out the difference between commercial and residential taxing

MOVED to reduce the amount of the captured cap on this TIF to fund \$20,000 a year for ten years or \$200,000 for reimbursement to the movie theater. (no second)

Chair Muldoon noted the public benefit of this proposal and that he would support it.

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

ITEM #131-10 To consider action relative to proposed amendments to the Freeport Town Charter.

BE IT ORDERED: That a Public Hearing be scheduled for September 7, 2010 at 6:30 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Freeport Town Charter.

BE IT FURTHER ORDERED: That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Migliaccio & DeGrandpre)

Chair Muldoon explained that the Council held a workshop earlier this evening on this topic. Councilor Cassida noted that all of the options would be provided for the September 7 public hearing. Councilor Migliaccio requested that they be posted on the cable channel.

ROLL CALL VOTE: (7 Ayes)

ITEM #132-10 To consider action relative to the annual election of the MMA Vice President and Executive Committee members.

BE IT ORDERED: That the Town of Freeport cast its vote for MMA Vice President and Executive Committee members as recommended by the MMA Nominating Committee. (DeGrandpre & Cassida)

There was no discussion.

ROLL CALL VOTE: (7 Ayes)

ITEM #118-10 TABLED JULY 6, 2010

To consider action relative to a request for a waiver of fees from Oakleaf Two.

BE IT ORDERED: That the following fees be waived for Oakleaf Two.

Open Space Fee: \$6,362.40

Sidewalk Fee: \$14,300.00

Total: \$20,662.40

Note: The waiver request for the sidewalk fee has been added in addition to the open space fee. (Pandora & Bishop)

Jim Hatch, Executive Director of Freeport Housing Trust explained this request, which he discussed with Mr. Olmstead and Ms. Larson. \$20,000 in improvements needs to be made at the back of the property for erosion control. He has learned that there is a grant application before the State to build the sidewalks.

Ms. Larson explained that she did apply for a grant to complete the sidewalk on South Street. The State looked at it today and noted it is a strong application. She will not have an answer until March of 2011 and that a 20% match is required by the Town. If awarded, the match would be requested in the upcoming budget year. The estimate to get the work done is \$20,000. It is on property that was sold to the Trust. Gaetano Quarttrucci provided input.

Mr. Hatch noted that he could have his contractor continue the sidewalk. The only fee that would go into a pot is the \$7,000 open space fee. Discussion followed. He explained what needs to be done to fix the existing soil erosion. He mentioned that this is a “wash” for the project and explained how points work in his application.

Councilor Cassida noted that we don’t know if the grant will be successful. He asked if the Trust would be amenable to building the sidewalk if the grant is not obtained. Mr. Hatch mentioned that he feels he is being nickled and dined on this. He noted that the runoff from the Town’s parking lots is causing the erosion. He mentioned he has to submit an application and it would be unfortunate to not fix the erosion.

Councilor Migliaccio feels the \$14,400 is a perfect match for the sidewalk if the grant is obtained. This erosion problem abuts the train tracks and he wondered if Amtrak would need to fix the problem. He is willing to look at other ways to help fix the erosion problem. It would appear dangerous for the tracks but the Town Engineer would have to take a look at it.

Councilor Cassida would like to know how much money is in the Open Space Fund in this district before he can make a decision. He is willing to consider fixing the erosion problem if there is a shared way to do it. He does not like to waive fees. Ms. Larson was not aware of how much money is in the fund.

MOVED AND SECONDED: To table this until September 7 and have Donna Larson bring back information on the open space fund. (Cassida & Gideon)

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

OTHER BUSINESS:

1. Discussion on Town Loan to Freeport Community Services for the construction of the Community Center

Judy Higby, president of the Freeport Community Service's Board explained that the Community Center has been open for four years and noted its purpose. They rely on donations to their operating fund. Requests for services have climbed by 36%.

Gordon Hamlin, FCS Board Treasurer, explained their original fundraising goal and that they raised \$1,308,000. In order to retain the \$750,000 bond, they had to begin construction before completing their fundraising. They have an outstanding loan of \$219,945 and are still engaged in a capital campaign. They meet monthly to look at where they are financially.

Bob Lyman, Director, explained that Mr. Olmstead gave him a call after talking to the Town Attorney and noted that this can only be an advisory question on the ballot to help pay off the remainder of the loan. They have \$50,000 in outstanding pledges and about \$40,000 is figured in. They would need \$180,000 in relief to completely pay off the loan. They are asking the Council to put it out to an advisory referendum.

Councilor Cassida noted that it is in the Council's purview to make this decision but Council leadership determined that it should be put out to the community to make this decision. He noted that the money came from the Reserve account. The money has since been replenished by other means.

Councilor Pandora would not support sending the decision out. He would prefer that the Council make the decision. He sees the value of the Community Center but doesn't know where to go. He realizes that they are challenged by donor fatigue. He hasn't had an opportunity to look at the lease. He would like more data but is not opposed to forgiving some of the funds. Councilor Gideon advised that she is a FCS Board member and pointed out how successfully FCS completes its mission. She noted they are having a hard time raising funds in their annual appeal.

Councilor Migliaccio would prefer that the Council make the decision. He asked what other options have been looked at—partial forgiveness, removal of the interest rate, etc. Mr. Lyman addressed his questions. Councilor Migliaccio would not support sending it out to an advisory vote in November. He recalled worrying about the amount spent on the building. The lease was obligating the Town for leasing space for 50 years and that the Town would also be responsible for some of the operating costs. He would like to see them chip away at the loan. He is aware that times are hard right now and that is a problem. Perhaps there is an opportunity to open up the lease again.

Councilor Bishop is perfectly happy to let FCS ask the Town to relieve the debt.

Councilor DeGrandpre recalled making the decision to loan the money. He noted that people are having a problem donating funds. The Council agreed to lend the money and it should be the one to decide what to do now. He is not opposed to forgiving some of the debt but he would like to review the lease.

Chair Muldoon noted that the Council is elected to make decisions and that is what it should do. Any referendum would not be binding. He would support forgiving the loan since FCS adds tremendous value to Freeport.

Councilor Migliaccio noted that there is plenty of time to get something on the ballot. He has not had enough time to digest this but would like to get some input on it and understand the moral hazard of forgiving a debt that impacts other people in town. He suggested looking at the lease agreement and getting a better definition of operational costs. He would like to table the topic for now and take it up at a workshop.

Councilor Cassida noted that he has no problem with the Council making a decision. This is a large decision that he would welcome but he doesn't see why it shouldn't go out for an advisory opinion. It can be repackaged and come back at the next meeting and he will provide his vote.

Councilor Pandora requested a workshop but noted he is willing to move forward with Mr. Olmstead here. Chair Muldoon advised that the workshop could be scheduled on September 14.

Chair Muldoon asked for a consensus from Councilors on whether to send this out to referendum. There was consensus to not go out for an advisory vote.

Drew Wing requested an opportunity to repackage this request and they will come back to a workshop on September 14. Mr. Lyman offered to provide anything the Council needs.

2. Discussion on ideas for MMA's Legislative Policy Committee Agenda for 2011-2012.

There were no ideas provided this evening. Councilors can forward ideas to the Town Manager.

3. Report from Municipal Facilities Committee

Councilor Migliaccio noted that the Minutes speak for themselves. They will be posted on the web. The only thing relevant is what is happening with tax-acquired properties. They discussed the potential sale of the Pownal Road Field. They need to bring together everybody involved and put together a single field committee. He called Superintendent Walsh to get a powwow scheduled to discuss what the vision is for general recreation and school needs. There are folks such as Craig Sickels and Kristen Dorsey that are here tonight willing to lead the group. We want a seat at the table. He urged Councilors to stay tuned. They were still waiting for reports from the DEP.

4. Information Exchange. (Council)

Tammy Heidecote asked if she could speak on the Pownal Road Field. Chair Muldoon encouraged her to be brief.

The point she wants to make is that 10 years ago the Pownal Road field was purchased for use by Freeport residents and asked the Council and the RSU5 to keep this in mind going forward.

MOVED AND SECONDED: To take Item 134-10 the Pownal Road field out of order.
(Cassida & Gideon) **VOTE:** (7 Ayes)

ITEM #134-10 To consider action relative to an Executive Session to discuss the proposed sale of Town owned real estate (a portion of Pownal Road field). (1 MRSA Section 405.6(c)).(Bishop & Gideon) **VOTE:** (7 Ayes)

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

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

ITEM #133-10 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 & Bishop) **VOTE:** (7 Ayes)

ITEM #135-10 To consider action relative to an Executive Session to discuss an Economic
Development Project which would result in a movie theater in Freeport. (1
MRSA Section 405(6)(c)).

MOVED AND SECONDED: To table indefinitely. (Migliaccio & Gideon)
VOTE: (7 Ayes)

MOVED AND SECONDED: To adjourn at 11:50 p.m. (Bishop & Gideon)
VOTE: (7 Ayes)

Respectfully recorded,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #15-10
FREEPORT TOWN HALL COUNCIL CHAMBERS
SEPTEMBER 7, 2010 – 7 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 7:05 p.m. and took the roll.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #14-10 held on August 10, 2010 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #14-10 held on August 10, 2010 and to accept the Minutes as printed. (Cassida & DeGrandpre)
VOTE: (7 Ayes)

SECOND ORDER OF BUSINESS: Announcements

Chair Muldoon announced that the Lobsterman Triathlon would take place on September 18. All events start and end at Winslow Park. Staples Point Road will be closed from 8:30 a.m. to 12 Noon. Portions of South Freeport Road will be closed from 10 a.m. to 12 Noon.

Free camping for Freeport residents will be offered at Winslow Park during the week of September 20-26. All camping will be on a first come, first serve basis.

Councilor DeGrandpre noted that the Community Center is working on a fundraiser. There will be a Silent Auction, free admission and free appraisals on collectibles on September 23 from 6:30 p.m.-9 p.m. Donations would be welcome. It's going to be a party with appetizers and a cash bar.

Councilor DeGrandpre advised that concerning household hazardous waste, the Town needs to register for a State program. It will allow us to collect and transport at little or no cost. More information will be forth coming.

Councilor Gideon pointed out that natural gas is coming to Freeport. Service lines will come to L.L. Bean and the Town facilities by the end of 2010 depending on weather conditions. Residential service will also be provided but the timing is not known at this time.

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

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

Tom Bull, Co-chair of the Freeport Train Committee provided an update on the Freeport train. Rails were delivered last week. Some rail work will be started this year but the majority of the work will be done next year. Warm weather is required when working with the rails. The timeline to bring the DownEaster service from Freeport to Boston is in the fall of 2012. Work on the platform will start next year. MDOT will be doing the work. The site of the platform is behind the Hose Tower. They are working with landowners in the area to determine where the station will be located. A public forum will be held on October 21 at 7 p.m. in Council Chambers where people can come and ask questions. The Train Committee meets on the third Thursday of the month at 5:30 p.m. and the meetings are open to the public.

Patrick Quigg, Freeport resident for more than ten years, educated the Council on situations that are taking place at the Freeport Sewer District. He answered questions for Councilors. Councilor Migliaccio pointed out that the Sewer District is looking for someone to record their meetings.

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

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

ITEM #138-10 To consider action relative to adopting the September 7, 2010 Consent Agenda.

BE IT ORDERED: That the September 7, 2010 Consent Agenda be adopted. (Gideon & Cassida)

Mr. Olmstead explained the items appearing on the Consent Agenda for members of the public.

ROLL CALL VOTE: (7 Ayes)

ITEM #139-10 To consider action relative to re-applications for an Automobile Graveyard and/or Junkyard Permit. PUBLIC HEARING

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

There were no public comments made.

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

Mr. Olmstead noted that there have not been any complaints this year and they are in complete compliance. He had letters from the police chief and the codes enforcement officer.

ROLL CALL VOTE: (7 Ayes)

ITEM #140-10 To consider action relative to proposed amendments to the Freeport Town Charter. PUBLIC HEARING

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

Rod Regier of South Street was in attendance to speak about the pay-per-bag issue. He commended the Council since this item is no longer on the table this year and will not appear on the ballot. He has represented Freeport on the Board of EcoMaine for the past six years. He noted that currently Freeport recycles somewhere near 30%. He asked the Council to keep in mind the small haulers that do business in Freeport and noted that there is a huge merit in increasing recycling but there are pitfalls along the way.

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

MOVED AND SECONDED: That Item #140-10 be tabled until September 14, 2010. (Cassida & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes)

ITEM #141-10 To consider action relative to proposed Freeport Comprehensive Plan updates.

BE IT ORDERED: That a Public Hearing be scheduled for October 12, 2010 at 6:30 p.m. in the Town Hall Council Chambers to discuss proposed Freeport Comprehensive Plan updates.

BE IT FURTHER ORDERED: That copies be distributed equally between the Town Clerk's Office, the Town Manager's Office and the Freeport Community Library for inspection by citizens during normal business hours and the notice be placed on Freeport's local cable channel 3 and the Town's website. (Migliaccio & DeGrandpre)

Donna Larson, Town Planner, explained the proposed updates and that the work has been going on since 2007. There are more than 50 pages involved and rather than crossing out and underlining the changes, she made up a new document. Councilor Cassida requested that Ms. Larson provide an executive summary so someone can easily see the difference between the existing plan and the revised plan before the public hearing. Discussion followed. Other Councilors concurred that an executive summary is important. Ms. Larson offered to look at the two documents and see what she can come up with.

Councilor Migliaccio thanked Ms. Larson and the Planning Board for all the good work that has been done on the Comprehensive Plan.

ROLL CALL VOTE: (7 Ayes)

ITEM #142-10 To consider action relative to a proposed Property Assessed Clean Energy (PACE) Ordinance.

BE IT ORDERED: That a Public Hearing be scheduled for October 12, 2010 at 6:30 p.m. in the Town Hall Council Chambers to discuss the proposed adoption of a PACE Ordinance 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. (DeGrandpre & Bishop)

Donna Larson, Town Planner, explained that this is a direct benefit to the residents that live in Maine and is a public service announcement. Maine was awarded a special grant for setting up a revolving loan fund. Residents of Freeport are eligible to get loans between 5%-7% to do energy improvements to their houses. She explained the criteria involved and answered questions for Councilors. She offered to double check and see if changing over to natural gas is covered by this program. She provided a "frequently asked questions sheet" to Councilors and was asked to post it on the Town's website. She pointed out that if anyone has any questions, she would be very happy to answer their questions. Her extension is 103. She asked if the Council would welcome a representative from Efficiency Maine at the public hearing. Councilors concurred that this would be helpful.

Peter Troast shared his viewpoints and agreed that bringing the Efficiency Maine representative to the public hearing would be a great idea.

ROLL CALL VOTE: (7 Ayes)

ITEM #143-10

To consider action relative to the repeal of the Pinball and Video Machine Ordinance (Chapter 44).

BE IT ORDERED: That a Public Hearing be scheduled for October 12, 2010 at 6:30 p.m. in the Town Hall Council Chambers to discuss the proposed repeal of the Pinball and Video Machine Ordinance (Chapter 44)

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 & Migliaccio)

Councilor Pandora explained that he feels this Ordinance is no longer needed and that those restrictions make it difficult for a business to diversify their revenue stream by offering entertainment to capture dollars or keep people in their place of business longer. He noted that it is time to get rid of them. Mr. Olmstead explained why the Ordinance was put in place sometime ago. Councilor DeGrandpre noted that he has given this some thought and feels that something such as this could be considered as an accessory activity. Councilor Gideon noted that arcades are popular and can bring in a different element and cautioned that we haven't moved ahead of the age of arcades.

ROLL CALL VOTE: (7 Ayes)

ITEM #144-10 To consider action relative to adopting an Americans with Disabilities Act Policy for the Town of Freeport.

BE IT ORDERED: That the proposed Americans with Disabilities Act Policy dated September 7, 2010 be adopted. (Gideon & Bishop)

Mr. Olmstead explained that there was a discrimination suit filed by a Freeport resident against the Town of Freeport and the Council has considered adopting this policy, which was drawn up by Attorney Lloyd. Councilor Migliaccio mentioned that we are the only municipality that we know of adopting a policy of this type and encouraged everyone to read it. He feels it will be helpful for residents and he does not see any down side to it. Mr. Olmstead mentioned that other communities have asked for a copy of the policy and he suspects they will adopt it as well.

ROLL CALL VOTE: (7 Ayes)

ITEM #145-10 To consider action relative to approving a form to provide “Notice Under the Maine Human Rights and Americans with Disabilities Acts”.

BE IT ORDERED: That the proposed notice “Notice Under the Maine Human Rights and Americans with Disabilities Acts” be approved.

BE IT FURTHER ORDERED: That the Town Human Resources Officer be approved as the Town Human Rights Coordinator. (Bishop & DeGrandpre)

Mr. Olmstead explained that this is a notice, which will implement the policy the Council just approved. It will be posted in the Library, the Town Hall and also on the website.

ROLL CALL VOTE: (7 Ayes)

ITEM #115-10 TABLED JULY 6, 2010

To consider action relative to proposed amendments to the Coastal Waters Ordinance concerning Float, Wharf and Dock Permits. (Chapter 31)

BE IT ORDERED: That the proposed amendments dated Draft VI August 11, 2010 be approved. (Cassida & Bishop)

Amanda Szala, Chair of the Coastal Water Commission, explained that there are two changes being made to Article XIII Float, Wharf and Dock Permits. The majority of the committee voted to change the words “mean high water “ to “highest annual tide”. Chair Muldoon noted there was a lot of debate on this. Councilor DeGrandpre explained that he does not agree that the wording should be changed. Councilor Cassida explained the details for changing the wording and how someone can figure out the highest annual tide or if they are unable to figure it out, they can hire a surveyor. Discussion followed. Commission member Daniel Pilch provided information on the Commission’s meeting and how they saw value in being consistent with the State’s language.

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

ITEM #118-10 TABLED JULY 6, 2010 AND AUGUST 10, 2010

To consider action relative to a request for a waiver of fees from Oakleaf Two.

BE IT ORDERED: That the following fees be waived for Oakleaf Two.

Open Space Fee: \$6,362.40

Sidewalk Fee: \$14,300.00

Total: \$20,662.40

MOVED AND SECONDED: That Item #118-10 be tabled indefinitely at the request of the applicant.

Note: This request has been withdrawn. (Cassida & Bishop)

Councilor Cassida had questions about the e-mail from Jim Hatch. He believes they have the responsibility to fix erosion problems that occur on their property.

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS:

1. Information Exchange

Councilor DeGrandpre noted that he, Mike Healy and the Town Manager met with representatives from Seacoast this morning to talk about how to move forward with the purchase and sales agreement. They have been talking about 300 hours for seven years based on comments by the Town Council. The upshot is that Seacoast has the same challenges others experience in the hours they need and the time of day. Craig Sickels is involved in trying to figure out the school's needs and how to meet them. They will come back with a program showing their needs. We will not use the arena going forward and they may be able to lease it. Insurance has also been discussed. They discussed trails and how to grade around them. If any new trail is needed, it will fall back to the Town. He feels they are making real progress. They talked about an 80% rate. They need to draft a document. He noted that the Council needs to develop a mechanism to capture the revenue stream of property tax money coming back. The money could be used for a number of things. He would like a vote at the next meeting or the first meeting in October but noted that he is having surgery next Tuesday so it presents some challenges. There should be an opportunity for the public to speak.

Councilor Pandora asked if the Council should be doing anything about the situation at the Sewer District. Councilor Cassida stated that the Council has no control over the Sewer District. They are an independent body.

Councilor Pandora understands that the TIF is being changed and is not coming back to the Council. He received some material from the Town Planner but is not clear. He hasn't had time to read the changes. Councilor Migliaccio is not concerned about the Council not having another vote if Mr. Olmstead and the Town Attorney feel we are safe from any complaint or State prosecution. Mr. Olmstead advised that the State does not regard these material changes to the document as requiring a second Council vote.

Councilor Migliaccio wanted clarification that funding a theater was allowed under the Arts and Cultural District based on information we had. This doesn't appear to be the case. Can we get a clear answer that the arts and cultural district was required to fund an arts venue.

COUNCIL MEETING #15-10
September 7, 2010

We need to consider the TIF policy docs come thru, when they reduced their request to \$200,000 why didn't we use the Berenson property as the TIF source at that point? He feels the Council should have that discussion. He wanted to go on record as saying thank you for providing potential sources of funding for street sweepers, etc.

Mr. Olmstead advised that at next week's Council meeting, an Executive Session would take place with Attorney Lloyd on the Human Rights complaint and also to discuss a draft complaint that may be coming forward.

Councilor Migliaccio encouraged Councilors to go and meet with the folks at FCS to discuss the loan forgiveness/reduction and workshop around some potential solutions. He will put his thoughts on paper. It is his hope that a vote will not take place next week. Councilor DeGrandpre also met with FCS and echoed Councilor Migliaccio's sentiments.

MOVED AND SECONDED: To adjourn at 8:55 p.m. (Cassida & Bishop)
VOTE: (7 Ayes)

Respectfully submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #16-10
FREEPORT TOWN HALL COUNCIL CHAMBERS
SEPTEMBER 14, 2010 – 7 P.M.

<u>CHAIRPERSON'S CALL TO ORDER</u>	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
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 7:05 p.m. and took the roll. He noted that Councilors DeGrandpre and Migliaccio are excused this evening.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #15-10 held on September 7, 2010 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #15-10 held on September 7, 2010 and to accept the Minutes as printed. (Bishop & Gideon)
VOTE: (5 Ayes) (2 Excused—DeGrandpre & Migliaccio)

SECOND ORDER OF BUSINESS: Announcements

Chair Muldoon pointed out that the Maine's Obsolete Pesticide Collection Program would permit residents to dispose of old chemicals and pesticides such as DDT, Chlordane, etc. This is a legal and free option. Pre-registration is required by October 1, 2010. To register and get information, residents can call 287-2731 or can log on to the BPC website at www.Thinkfirstspraylast.com.

Residents can also dispose of their unused or unwanted prescription medications. Free mail back Envelopes can be obtained at CVS in Freeport or RiteAid in Yarmouth. Residents may call 1-866 637-9743 or log on to www.Safemeddisposal.com to get more information or they may call Johanna Hanselman at 865-4743.

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 & Cassida) **VOTE:** (5 Ayes) (2 Excused—DeGrandpre & Migliaccio)

Ed Bonney, resident, brought his personal concerns about the natural gas lines being installed in Freeport and asked the Council to get some answers. He mentioned a natural gas incident that occurred in California. He noted that no one has talked about the safety of citizens where this natural gas line is going. He asked if the Council knows what the safety track record of the provider putting in the natural gas in Freeport. He also asked what the Town's safety plans are for dealing with a natural gas incident.

He asked what someone does when he or she smells natural gas. He suggested that before the gas starts to flow, the Council should invite the company in to discuss this information on television so that citizens will know. He noted that everybody in the village area needs to understand that there are some risks as well as an opportunity to save money. Chair Muldoon thanked Mr. Bonney for raising very good points.

MOVED AND SECONDED: To close the public comment period. (Cassida & Bishop)
VOTE: (5 Ayes) (2 Excused—DeGrandpre & Migliaccio)

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

ITEM #148-10 To consider action relative to adopting the September 14, 2010 Consent Agenda.

BE IT ORDERED: That the September 14, 2010 Consent Agenda be adopted.
(Bishop & Cassida)

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

ROLL CALL VOTE: (5 Ayes) (2 Excused—DeGrandpre & Migliaccio)

ITEM #149-10 To consider action relative to a request from Freeport Community Services concerning the loan balance from the Town of Freeport.

BE IT ORDERED: That the request from Freeport Community Services concerning the balance of the loan from the Town of Freeport be approved.

Note: The current loan balance is \$219,945.00. (Cassida & Bishop)

Chair Muldoon explained that this was the topic of the workshop that was held earlier this evening. Councilor Cassida suggested describing the actual request from Freeport Community Services. He noted that they are asking the Council to:

- Apply the \$51,842 interest collected to the loan principal since its inception.
- Charge no further interest on the balance of the loan
- Agree to forgive \$65,000 on the loan, providing that FCC Campaign Committee is able to raise the other \$65,000

Chair Muldoon noted that this appears to be a reasonable request. The Community Center has become an integral part of this community. Meetings and events are held there and our Teens and Elders gather there. Sue Mack and the Clothes Tree are also housed there. This is a small price that the Council can make for this part of the community.

Councilor Cassida knows how hard everybody has worked to make this a model community center and recognizes the difficulties that they have faced over the last several years. Nobody could have foreseen the economic downturn that has occurred. He commended FCS for paying off as much of the loan as they have over the years. Forgiveness is a serious matter and he does not take it lightly. He feels this is a reasonable request.

Councilor Bishop thanked the folks for coming back with this plan. She recognizes that these are hard times right now and people need the services they offer. This plan shows willingness from both parties to make it work. She also pointed out that there was not a room full of naysayers.

Councilor Gideon noted she serves on the Council to serve the community and also serves on the Board of FCS to serve the community. She mentioned that the Council has talked tonight about the services FCS provides to people in Freeport but didn't talk about how FCS reaches out to nonprofits. The Community Center encompasses so much of what Freeport is. She noted that this appears to be a fair request from FCS and will be voting for it.

Councilor Pandora congratulated FCS for everything that they do. He pointed out that the Council has not discussed the lease this evening. He did not feel the Council should vote tonight and would welcome more dialogue. He mentioned the options the Finance Director outlined which have not been discussed. He would prefer not to vote tonight since two other Councilors are absent. He asked the Town Manager what the process would be for looking at options.

The Town Manager pointed out that the Council could move to table this item tonight and schedule another workshop and have Abby Yacoben review the options she suggested. Regarding the lease, FCS would have to be willing to open it and discuss its terms. The Council is not obligated to vote this evening. Councilor Cassida mentioned he has no interest in reopening the lease and is willing to vote on the item tonight. Chair Muldoon and Councilor Bishop agreed with him.

ROLL CALL VOTE: (4 Ayes) (1 Abstention—Pandora) (2 Excused—DeGrandpre & Migliaccio)

ITEM #140-10 TABLED SEPTEMBER 7, 2010

To consider action relative to proposed amendments to the Freeport Town Charter.

BE IT ORDERED: that the following proposed amendments to the Freeport Town Charter be considered as amended.

Mr. Olmstead provided an amendment to page 12.

Question One: Shall the Town of Freeport approve the amendments to the Freeport Town Charter reprinted below?

Article II, Section 2.13, *Ordinances in General*, subsections (b) and (c) are amended by adding the text shown in underscored type and deleting the text shown in strikeover type, as follows:

(b) Procedure: A proposed ordinance may be introduced by any member at any regular or special meeting of the council. Upon introduction of any ordinance, the Secretary to the Council shall distribute a copy to each council member and to the Town Manager; shall file a reasonable number of copies in the office of the Clerk and such other public places as the council may designate, and shall ~~publish~~ cause publication of the same, as defined in Section ~~2.12(d)~~ 2.13(c) below, together with a notice setting out the time and place for a public hearing thereon and for its consideration by the council. The public hearing shall follow the publication by at least seven days, may be held separately or in connection with a regular or special council meeting and may be adjourned from time to time. All persons interested shall have a reasonable opportunity to be heard. After the

hearing the council may adopt the ordinance with or without amendment or reject it; but in no case shall the ordinance be adopted or rejected in less than 14 days after the public hearing unless a majority of the Town Council votes to act on the proposed ordinance immediately following the public hearing. If an ordinance is amended as to any matter of substance, the council may not adopt it until the ordinance or its amended sections have been subjected to all the procedure herein before required in the case of a newly introduced ordinance.

(c) ~~"Publish"~~ "Publication" Defined: As used in this section, ~~the term "publish"~~ means to print publication may be achieved by printing in one or more newspapers of general circulation in the town: (1) the ordinance or a brief summary thereof prepared by the Council Secretary; (2) the places where copies of it have been filed and the times when they are available for public inspection; and (3) the date, time and place of the public hearing. However, publication may also be achieved in whole or in part by alternate or additional means reasonably calculated to reach the citizens of Freeport, such as electronically. When, in relation to an ordinance, the method of notice or publication is established by general law, that method shall be followed.

Article IV, Section 4.03, *Personnel Administration*, subsection (c) is amended by adding the text shown in underscored type and deleting the text shown in strikeover type, as follows:

(c) Personnel Rules: The personnel director shall on an as-needed basis, prepare update the town's personnel rules. The manager shall submit such rules updates to the council, which the council shall adopt by ordinance, ~~within three years after the adoption of the Charter by the town,~~ with or without amendment. These rules shall provide for:

Article IV, Section 4.04, *Assessment Administration and Assessment Review*, subsection (b) is amended by deleting the text shown in strikeover type, as follows:

(b) Board of Assessment Review; Appointments; Procedures: There shall be a board of assessment review to consist of 5 qualified voters of the town who shall be appointed by the council for a term of 3 years, ~~except that of those first appointed 2 shall be for a term of 2 years and one for a term of one year.~~ Annually the board shall choose a chairperson, a vice-chairperson and a secretary from its membership. The secretary shall keep a complete, accurate record of all votes taken at the meetings of the board and provide a certified copy to the assessor. Three members of the board shall constitute a quorum for the purpose of hearing and voting upon a matter presented to the board. Any members having a financial interest in a matter presented to the board shall disqualify themselves and in such event the remaining members of the board shall constitute the board of assessment review. The council shall determine the compensation of the board.

Article V, *Department of Education*, is amended by replacing it in its entirety with a new section 5.1, as follows:

5.1 Education

The public school education of Town of Freeport K-12 students shall be through Regional School Unit 5 or its successor, whether another regional entity or a municipal school, pursuant to the provisions of the laws of the State of Maine related to education. Should the Board of Regional School Unit 5 or its successor authorize the formation of local school committees for member municipalities, a local school committee shall be established in accordance with 20-A M.R.S.A. §§ 2301, et seq.

Article VI, Section 6.08, *Amendments After Adoption*, subsection (a) is amended by adding the text shown in underscored type, as follows:

(a) Supplemental Appropriations: If during the fiscal year the manager certifies that there are available, for appropriation, revenues in excess of those estimated in the budget, the council by ordinance shall make supplemental appropriations to either reduce the tax commitment, if the tax commitment has not already been made, increase the town's fund balance, or provide for an expenditure for the year up to the amount of such excess. In the instance of a supplemental appropriation for an expenditure, a two-thirds vote of the council shall be required.

Article VI, Section 6.08, *Amendments After Adoption*, subsection (b) is amended by adding the text shown in underscored type, as follows:

(b) Emergency Appropriations: To meet a public emergency affecting live, health, property or the public peace, the council may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available unappropriated revenues to meet such appropriations, the council may by emergency ordinance authorize the issuance of temporary notes or bonds, which may be renewed from time to time, but the temporary notes or bonds and renewals of any fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.

Article X, *Transitional Provisions*, is amended by replacing Sections 10.01 and 10.02 in their entirety with a new Section 10.01, as follows, and renumbering subsequent sections appropriately:

10.01 District Boundaries

District boundaries shall be determined pursuant to Section 7.02, Election Districts.

Article X, Section 10.03, *Continuance of Officers, Employees*, is amended by adding the text shown in underscored type and deleting the text shown in strikeover type, as follows:

(a) Rights and Privileges Preserved: Nothing in this Charter and amendments and revisions thereto except as otherwise specifically provided shall affect or impair the rights or privileges of persons who are town officers or employees at the time of ~~its adoption~~ amendments and revisions.

(b) Continuance of Office or Employment: Except as specifically provided by this charter and amendments and revisions thereto, if at the time amendments or revisions to this Charter ~~and revisions thereto~~ take full effect a town administration officer or employee holds any office or position which is or can be abolished by or under this Charter and amendments and revisions thereto, he or she shall continue in such office or position until ~~the taking effect of some specific provision under amendments or revisions to~~ amendments or revisions to this Charter ~~and revisions thereto directing direct~~ that he or she can vacate the office or position.

Article X, Section 10.05, *Municipal Laws*, is amended by adding the text shown in underscored type and deleting the text shown in strikeover type, as follows:

All ordinances, resolutions, orders and regulations in force at the time ~~that of~~ amendment or revision to this Charter ~~and revisions thereto take effect,~~ not inconsistent with this Charter ~~and revisions thereto,~~ shall continue in force until amended or repealed. All rules and regulations of the municipal officers or of any office of the Town of Freeport in force at the time ~~that of~~ amendment or revision to this Charter ~~and revisions thereto take effect,~~ not inconsistent with the provisions hereof, shall continue in force until amended or repealed.

Article X, Section 10.06, *State Laws*, is amended by adding the text shown in underscored type and deleting the text shown in strikeover type, as follows:

Upon the effective date of amendments or revisions to this Charter ~~and revisions thereto~~, all private and special State Laws relating to the Town of Freeport or prior charter provisions which are inconsistent in whole or in part with ~~the provisions of~~ amendments or revisions to this Charter ~~and revisions thereto~~ are hereby repealed.

Article X, *Transitional Provisions*, is amended by deleting Section 10.07 in its entirety.

Explanation: The purpose of Question One is to clarify issues or bring the Charter in line with current practices. The major amendments include removing the School Department as a department of the Town. The School Department is now part of Regional School Unit (RSU) #5 which is a separate legal entity. Also proposed is eliminating transitional provisions that were

needed in 1976 when the Town converted from a Selectperson form of government to a Town Council. The transitional provisions are no longer relevant.

Recommendation: The Town Council supports the passing of this question.

Question Two: Shall the Town of Freeport approve the amendments to the Freeport Town Charter reprinted below?

Article III, Section 3.01, *Appointment; Qualifications*, is amended by adding the text shown in underscored type and deleting the text shown in strikeover type, as follows:

The town council shall appoint a town manager for either an indefinite or definite term and shall fix the manager's compensation. The manager shall be appointed on the basis of his or her executive and administrative qualifications. The manager need not be a resident of the town or State at the time of his or her appointment but may reside outside the town while in office only with the approval of the council.

Article III, Section 3.02, *Removal*, is amended by adding the text shown in underscored type and deleting the text shown in strikeover type, as follows:

The council, respecting the confidentiality provisions of 1 M.R.S.A. § 405(6)(A) and 30-A M.R.S.A. § 2702(B), may remove the manager from office in accordance with the following procedures: (1) the council shall adopt by affirmative vote of a majority of all its members a preliminary resolution which must state the reasons for removal and may suspend the manager from duty for a period not to exceed 30 days. A copy of the resolution shall be delivered within 48 hours to the manager; (2) within 5 days after receiving a copy of the resolution, the manager may file with the council a written request for a public hearing, which may be held publicly at the manager's request. This hearing shall be held at a council meeting not earlier than 10 nor later than 20 days after the request is filed. The manager may file with the council a written reply not later than 5 days before the hearing; (3) the council may adopt a final resolution of removal, which may be effective immediately by affirmative vote of a majority of all its members at any time after 10 days from the date when a copy of preliminary resolution was received by the manager, if the manager has not requested a public hearing, or at any time after the public hearing, if the manager requested one; (4) the manager shall continue to receive his or her salary until 30 days thereafter effective date of final resolution or removal.

Explanation: The purpose of Question Two is to give the Town Council flexibility in establishing the Town Manager's term of office.

Recommendation: The Town Council supports the passing of this question.

Question Three: Shall the Town of Freeport approve the amendments to the Freeport Town Charter reprinted below?

Article II, Section 2.09, *The Presiding Officer*, is amended by deleting the text shown in strikeover type, as follows:

The council shall elect, from among its members, officers of the town who shall have the titles of chairperson and vice chairperson, each of whom shall serve at the pleasure of the council. The chairperson shall preside at meetings of the council, shall be entitled to vote on all questions and shall be recognized as head of the town government for all ceremonial purposes, and by the Governor for purposes of military law, ~~but shall have no administrative duties~~. The vice chairperson shall act as chairperson during the absence or disability of the chairperson. The chairperson and vice chairperson shall have those administrative and other duties prescribed by the Council.

Article II, Section 2.11, *Procedure*, subsection (d) is amended by adding the text shown in underscored type, as follows:

(d) Action: The council shall act only by ordinance, order or resolve. An ordinance is legislative in nature and prescribes general, uniform and permanent rules of conduct related to the corporate affairs of the Town of Freeport. An order is authority to perform a specified act conferred by the council. A resolve is an action less formal or solemn than an ordinance and is appropriate for most other actions of the council that are not required to be performed by ordinance. A resolve is appropriate for ministerial acts and the administrative business of the council.

All ordinances, orders and resolves, except orders or resolves making appropriations of money, shall be confined to one subject, which shall be clearly expressed in the title. All appropriation orders or resolves shall be confined to the subject of appropriations only.

Article VI, Section 6.06, *Council Action on Capital Program and Capital Budget*, subsection (c) is amended by deleting the text shown in strikeover type, as follows:

(c) The council by resolution shall adopt the capital program with or without amendment at the next regular council meeting after the public hearing ~~and not more than 60 days from the beginning of the ensuing fiscal year~~. Nothing herein shall be deemed to prevent the authorization by the council of bonds or notes of the town to finance a capital improvement not included in the capital program.

Explanation: The purpose of Question Three is to clarify the authority of the Town Council leadership, define the terms “ordinance”, “order” and “resolve” and to give the Council more flexibility as to when annual budgets are adopted.

Recommendation: *The Town Council supports the passing of this question.*

Question Four: Shall the Town of Freeport approve the amendments to the Freeport Town Charter reprinted below?

Article II, Section 2.11, *Procedure*, subsection (e) is amended by adding the text shown in underscored type and deleting the text shown in strikeover type, as follows:

(e) Making of Contracts: The making of contracts for capital improvements to be financed wholly or partly by the issuance of bonds or notes or the making of contracts for capital improvements exceeding ~~\$50,000-\$100,000~~ must be authorized by ordinance.

Article VIII, Section 8.03, *Ordinances Submitted to Popular Vote*, is amended by adding the text shown in underscored type and deleting the text shown in strikeover type, as follows:

The town council shall submit any ordinance appropriating ~~\$75,000-\$100,000~~ or more for a single capital improvement, which requires the issuance of general obligation bonds to the voters at a regular or special election.

Explanation: The purpose of Question Four is to raise the amount of money that the Council can approve for capital improvements when using bonds or notes from \$75,000 to \$100,000. The current amount of \$75,000 was approved by voters in 2000.

Recommendation: *The Town Council supports the passing of this question.*

Question Five: Shall the Town of Freeport approve the amendments to the Freeport Town Charter reprinted below?

Article VIII, Section 8.01, *Enactment of Ordinance by Initiative*, is amended in the third paragraph by adding the text shown in underscored type, as follows:

The requesting committee shall have 30 days from the acceptance date of the request by the town clerk to cause the petitions to be signed by 10% of the qualified voters of the town. The petition shall be signed in the presence of the town clerk or the town clerk's deputy at the town clerk's office and, or, at the municipal office only by qualified voters of the town and each voter's signature shall be followed by the voter's address, provided, however, reasonable accommodation, pursuant to the town's comprehensive accommodation policy, shall be made for qualified persons with a disability that prevents or interferes with that person's ability to sign a petition in the municipal office. Reasonable

accommodation shall include allowing a voter to designate an immediate family member or third person to deliver to the voter the full text of the ordinance, order or resolve, a copy of the petition and a petition signature page. The petition signature page shall have attached to it when filed an affidavit executed by the immediate family member or third person stating that the full text of the ordinance, order or resolve, the copy of the petition and the petition signature page were presented to the voter; that the voter had the opportunity before signing to read the full text of the ordinance, order or resolve, the copy of the petition and the petition signature page; and that the voter's signature was affixed to the petition signature page in the presence of the immediate family member or third person.

Article VIII, Section 8.02, *Petition for Overrule of Action of Council*, is amended in the first paragraph by adding the text shown in underscored type, as follows:

All ordinances, orders or resolves, except emergency ordinances, or orders or resolves making appointments or removals or regulating exclusively the internal procedure of the council, shall be subject to overrule by a referendum as follows: The qualified voters of the Town of Freeport shall have thirty (30) working days, excluding legal holidays and Sundays, after adoption of any such ordinance, order or resolve, to sign a petition requesting a referendum. The petition shall be signed in the presence of the town clerk or the town clerk's deputy at the town clerk's office and, or, at the municipal office, provided, however, reasonable accommodation, pursuant to the town's comprehensive accommodation policy, shall be made for qualified persons with a disability that prevents or interferes with that person's ability to sign a petition in the municipal office, and the signature of each qualified voter on the petition shall be followed by the voter's address. Reasonable accommodation shall include allowing a voter to designate an immediate family member or third person to deliver to the voter the full text of the ordinance, order or resolve, a copy of the petition and a petition signature page. The petition signature page shall have attached to it when filed an affidavit executed by the immediate family member or third person stating that the full text of the ordinance, order or resolve, the copy of the petition and the petition signature page were presented to the voter; that the voter had the opportunity before signing to read the full text of the ordinance, order or resolve, the copy of the petition and the petition signature page; and that the voter's signature was affixed to the petition signature page in the presence of the immediate family member or third person. During the thirty (30) day period for signatures, the town clerk or the town clerk's deputy shall maintain office hours for at least four (4) working days until 8:00 p.m., prevailing time, and for at least two (2) Saturdays from 10:00 a.m. to 2:00 p.m., prevailing time, in order to allow qualified voters to sign the petition requesting a referendum. At the close of the thirty (30) day period for signatures, the town clerk shall promptly certify to the town council that the petition has been signed by not less than 10% of the qualified voters of the town, that all signatures were affixed in the town clerk's or the town clerk's deputy's presence, that the town clerk believes them to be the genuine signatures of the persons whose names they purport to be and that each

signer had an opportunity before signing to read the full text of the ordinance, order or resolve sought to be overruled. Should fewer qualified voters than required sign the petition within the specified time, the petition shall have no further force or effect, and all proceedings thereon shall be terminated. Upon receipt of such certification, the town council shall fix the time and place of such referendum which shall be within twenty-one (21) days after receipt of certification of the petition, and notice thereof shall be given in the manner provided by law for the calling of a referendum. A public hearing shall be held by the town council on the subject of the petition for referendum at least ten (10) days before the day for voting thereon. Notice of such public hearing shall be given by the town council by causing a copy of the proposed referendum article, together with the time and place of hearing, to be posted in the same manner required for posting a warrant for a municipal election, at least seven (7) days before the date set for such a hearing.

Article VIII, Section 8.04, *Recall*, is amended by adding the text shown in underscored type and deleting the text shown in strikeover type, as follows:

Any 5 qualified voters may begin at any time proceedings to recall a councilor at large ~~or a school committee member~~ by requesting in writing to the town clerk for the appropriate petition blanks. These five registered voters shall be referred to as the recall committee. All papers of the petition shall be uniform in size and style and shall be assembled as one instrument for filing. They shall contain or have attached thereto throughout their circulation a statement detailing the reason or reasons for recall and the names of the recall committee.

The recall committee shall have 30 days from the acceptance date of the request by the town clerk to cause the petition to be signed by 25% of the qualified voters of the town. The petition shall be available only at the town clerk's office during normal business hours, and shall be signed by qualified voters in the presence of the town clerk or the town clerk's deputy, provided, however, reasonable accommodation, pursuant to the town's comprehensive accommodation policy, shall be made for qualified persons with a disability that prevents or interferes with that person's ability to sign a petition in the municipal office. Each voter's signature shall be followed by the signer's address. Reasonable accommodation shall include allowing a voter to designate an immediate family member or third person to deliver to the voter the full text of the ordinance, order or resolve, a copy of the petition and a petition signature page. The petition signature page shall have attached to it when filed an affidavit executed by the immediate family member or third person stating that the full text of the ordinance, order or resolve, the copy of the petition and the petition signature page were presented to the voter; that the voter had the opportunity before signing to read the full text of the ordinance, order or resolve, the copy of the petition and the petition signature page; and that the voter's signature was affixed to the petition signature page in the presence of the immediate family member or third person.

Within 7 days after the petition circulation period ends the town clerk shall

certify to the council that the petition has been signed by not less than 25% of the qualified voters of the town, that all signatures were affixed in the town clerk's or the town clerk's deputy's presence, that the town clerk and the town clerk's deputy believe them to be the genuine signatures of the persons whose names they purport to be and that each signer had an opportunity to read the statement detailing the reason or reasons for recall.

Should fewer qualified voters than required by the charter sign the petition in the specified time, the petition shall have no further force or effect, and all proceedings thereon shall be terminated and request for recall of the same councilor ~~or school committee member~~ may not be accepted by the clerk until 180 days after the expiration of the previous filing period.

Upon receipt of certification the council shall within 30 days hold a municipal election for the purpose of submitting to vote the question of recall. A councilor at large ~~or school committee member~~ shall be recalled when a majority of those voting thereon shall have voted in the affirmative. The council shall within 30 days after the voters have recalled a councilor at large ~~or school committee member~~ hold a special election to fill the vacancy.

A councilor at large, ~~or~~ district councilor ~~or school committee member~~ that is recalled by the voters shall be allowed to seek re-election at the special election called for the purpose of filling the vacancy created by the recall by filing a notice with the town clerk that the councilor ~~or school committee member~~ wishes to have his or her name appear on the ballot, no later than the fifteenth day preceding the election. The councilor ~~or school committee member~~ shall not be required to circulate a nomination petition. Other qualified voters who seek to fill the vacancy created by the recall shall have until the fifteenth day preceding the election to file with the town clerk a petition as required by the charter for a regular municipal election.

~~Pending action by the voters of the town councilor at large, district councilor or school committee member that recall proceedings have been initiated against shall continue to exercise all the privileges of the councilor's or school committee member's office.~~

Pending action by the voters of the town, the councilor at large, ~~or~~ district councilor ~~or school committee member~~ that recall proceedings have been initiated against shall continue to exercise all the privileges of the councilor's ~~or school committee member's~~ office.

The recall procedure for recalling a district councilor shall be the same as for recalling a councilor at large ~~or a school committee member~~ except for the following provisions:

(1) The recall committee must be composed of qualified voters that reside in the district of the councilor to be elected;

(2) The recall petition shall be signed by 25% of the qualified voters that reside in the district of the councilor to be recalled.

(3) The council shall within 30 days of certification of the petitions by the town clerk call a direct election for the purpose of submitting to vote the question of recall.

The ballot for recall shall contain the following questions: "Shall (name of person being subjected to recall) be recalled from the office of (name of office)?"
Immediately below such question shall appear in the following order, the words "yes" and "no" and to the right of each a square in which the voter may cast his or her vote.

Article IX, Section 9.05, *Prohibitions*, subsection (a)(1) is amended by adding the text shown in underscored type, as follows:

(1) No person shall be appointed to or removed from, or in any way favored or discriminated against with respect to any town position or appointive town administrative office because of race, sex, disability, or political or religious opinions or affiliations.

A new Article XI, *Special Provisions*, is added, as follows:

ARTICLE XI – SPECIAL PROVISIONS

11.01 Americans with Disabilities Act Compliance

The town council shall adopt and maintain a comprehensive accommodation policy in compliance with the Americans with Disabilities Act, 42 U.S.C. §§ 12101 et seq., and the Maine Human Rights Act, 5 M.R.S.A. §§337 et seq., to provide reasonable accommodations for qualified persons within the town.

Explanation: The purpose of Question Five is to make an accommodation to qualified persons with a disability when petitions are circulated to enact Ordinance, over rule actions of the Council or recall members of the Council.

Recommendation: *The Town Council supports the passing of this question.*

BE IT FURTHER ORDERED: That the proposed amendments to the Charter of the Town of Freeport be submitted to the voters of the Town of Freeport at the municipal election on November 2, 2010.

BE IT FURTHER ORDERED: ~~That the Town Clerk place the text of the amendments on the November 2, 2010 ballot.~~ That the Council determines that it is not practical to print the proposed Charter amendments on the ballot, and the summaries attached to this Order do no misrepresent the subject matter of the proposed amendments; and

That the Clerk shall include the summaries on the November 2, 2010 Election ballot instead of the text of the proposed amendments. (Gideon & Cassida)

Councilor Cassida noted these are routine changes that need to be done and he is comfortable voting on them as a package. Councilor Gideon agreed. Councilor Pandora suggested reading the descriptions so that people will know what they will be voting on. Full text will be on the website.

Chair Muldoon read the Charter Amendment Explanations into the public record, which will appear on the ballot.

Question One: The purpose of Question One is to clarify issues or bring the Charter in line with current practices. The major amendments include removing the School Department as a department of the Town. The School Department is now part of Regional School Unit (RSU) #5 which is a separate legal entity. Also proposed is eliminating transitional provisions that were needed in 1976 when the Town converted from a Selectperson form of government to a Town Council. The transitional provisions are no longer relevant.

Question Two: The purpose of Question Two is to give the Town Council flexibility in establishing the Town Manager's term of office.

Question Three: The purpose of Question Three is to clarify the authority of the Town Council leadership, define the terms "ordinance", "order" and "resolve" and to give the Council more flexibility as to when annual budgets are adopted.

Question Four: The purpose of Question Four is to raise the amount of money that the Council can approve for capital improvements when using bonds or notes from \$75,000 to \$100,000. The current amount of \$75,000 was approved by voters in 2000.

Question Five: The purpose of Question Five is to make an accommodation to qualified persons with a disability when petitions are circulated to enact Ordinance, over rule actions of the Council or recall members of the Council.

Chair Muldoon noted that residents might vote on one or all of them.

ROLL CALL VOTE: (5 Ayes) (2 Excused—DeGrandpre & Migliaccio)

OTHER BUSINESS:

1. Information Exchange

In Councilor DeGrandpre's absence, Mr. Olmstead provided an update on the Pownal Road Field meeting that took place with Mike Healy and representatives from Seacoast. The committee has finalized a purchase and sale agreement contingent upon permitting, which will be on the Council's agenda on October 12. He also discussed possible future plans for the facility. Chair Muldoon noted that Councilor DeGrandpre and the committee did an amazing job. Mr. Olmstead commended Mike Healy for representing Seacoast as well as the interests of the Town of Freeport. This agreement will be posted on the Town's website tomorrow.

ITEM #150-10	To consider action relative to an Executive Session with the Town Attorney to discuss pending litigation (1 MRSA Section 405.E).
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MOVED AND SECONDED: That the Town Council enter into Executive Session. (Cassida & Bishop) **VOTE:** (5 Ayes) (2 Excused—DeGrandpre & Migliaccio)

MOVED AND SECONDED: That the Town Council reconvene into Public Session. (Cassida & Gideon) **VOTE:** (5 Ayes) (2 Excused—DeGrandpre & Migliaccio)

Councilor Cassida introduced Town of Freeport Ordinance No. 1 ratifying the Interlocal Cooperation Agreement for Dispatch Services Towns of Brunswick and Freeport. He read it into the public record:

TOWN OF FREEPORT ORDINANCE NO. 1
Ratifying the
INTERLOCAL COOPERATION AGREEMENT
FOR DISPATCH SERVICES
TOWNS OF BRUNSWICK AND FREEPORT

The Town Council of the Town of Freeport, acting as the municipal officers of the Town pursuant to Article 2.13 of the Freeport Charter, Ordains as follows:

The Town of Freeport hereby ordains to ratify: The Interlocal Cooperation Agreement for Dispatch Services, Towns of Brunswick and Freeport, dated June 29, 2010 and executed by the Town Managers of Freeport and Brunswick; all negotiations in respect of the Interlocal Cooperation Agreement for Dispatch Services engaged in by Town of Freeport and its Town Manager, including all term sheets and iterations thereof, between February 23, 2010 and the date of the execution of the Interlocal Cooperation Agreement for Dispatch Services; and, the expenditure of funds pursuant to the Interlocal Cooperation Agreement for Dispatch Services, including but limited to the “Capital Payment” to the Town of Brunswick in the amount of \$122,500.00 called for by the Interlocal Cooperation Agreement for Dispatch Services. It being the intent of this ordinance to ratify said interlocal agreement as executed and to rectify any and all procedural errors of the Town Council, Town Manager and other officers and officials of the Town of Freeport that occurred or may have occurred in the authorization, approval and execution of said Interlocal Cooperation Agreement for Dispatch Services on June 29, 2010 by the Town of Freeport. A copy of the Interlocal Cooperation Agreement for Dispatch Services, Towns of Brunswick and Freeport, dated June 29, 2010 is attached hereto and made a part hereof. A copy of said Interlocal Cooperation Agreement for Dispatch Services is on file in the Town Office at the office of the Town Clerk.

First Publication: September 14, 2010

MOVED AND SECONDED: To set a public hearing for this Ordinance on October 12, 2010 at 6:30 p.m. and 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 & Gideon) **ROLL CALL VOTE:** (4 Ayes) (1 Nay—Pandora) (2 Excused—DeGrandpre & Migliaccio)

MOVED AND SECONDED: To adjourn at 8:35 p.m. (Bishop & Gideon)
VOTE: (5 Ayes) (2 Excused—DeGrandpre & Migliaccio)

Respectfully submitted,

Sharon Coffin, Council Secretary

MINUTES
SPECIAL FREEPORT TOWN COUNCIL MEETING #17-10
FREEPORT TOWN HALL COUNCIL CHAMBERS
MONDAY, SEPTEMBER 20, 2010 – 6 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 6:06 p.m. and took the roll. He noted that Councilor Gideon is excused this evening.

FIRST ORDER OF BUSINESS: Announcements

Councilor DeGrandpre pointed out that he had a hip replacement last Tuesday and over the weekend he had an incident that required a ride in Freeport's Rescue. He explained that the rescue folks did a great job and it was a great experience.

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

There were no public comments and the Council moved on.

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

ITEM #151-10 To consider action relative to approving Summaries of Charter Amendments that will appear on the November 2, 2010 Election Ballot.

BE IT ORDERED: That the document titled Referendum Questions dated September 20, 2010 be approved.

BE IT FURTHER ORDERED: That the Council determines that it is not practical to print the proposed Charter amendments on the ballot, and the summaries attached to this Order do not misrepresent the subject matter of the proposed amendments; and

That the Clerk shall include the summaries on the November 2, 2010 Election ballot instead of the text of the proposed amendments. (Bishop & Cassida)

Councilor DeGrandpre asked about the charter amendment explanations. Chair Muldoon advised that what is in front of the Council right now are the summaries from the Town Attorney, which will appear on the ballot in November. He noted that the Council has a ballot timing issue and these drafts should have been in front of the Council last week.

ROLL CALL VOTE: (6 Ayes) (1 excused—Gideon)

OTHER BUSINESS:

1. Information Exchange

Councilor Migliaccio explained that he was absent last week and wanted to hear how the Council handled the workshop with Freeport Community Services. He asked if the Council discussed the operating costs in the lease or the Finance Manager's options. He was informed that FCS requested that we apply the \$51,842 interest collected to the loan principal since its inception, charge no further interest on the balance of the loan and agree to forgive \$65,000 on the loan, providing that the FCC Campaign Committee is able to raise the other \$65,000. Councilor Migliaccio explained that he is disappointed that the Council was not able to delay or table the vote and let the public and Council digest whatever was put out. Councilor Cassida pointed out that in this particular instance, the Council was not introducing anything. It was on the agenda and we were going to take it up as an action item. The Councilors in attendance were ready to move on that item.

Councilor DeGrandpre explained that he had hoped that the whole Council could discuss this issue. His frustration is that he asked one or two folks if there was a timing issue that would require us to vote or whether it could be put off to the next meeting. He feels the Council missed an opportunity to have a dialogue about the 50-year lease and to sit down and discuss how to work through this.

Councilor Pandora explained that he did not make a tabling motion because it was clear that it would have failed had he made it. One of the Councilors voting had a conflict of interest and shouldn't have voted on it.

Councilor Bishop pointed out that there wasn't one person that came and spoke against it.

Councilor Migliaccio noted he asked Councilors to postpone the actual vote in order to provide an opportunity for people to give feedback. He asked any Councilor from the meeting on the 14th to retract their vote so the Council could bring it back for reconsideration. He is sure FCS would understand. He is not a fan of charitable lending. Chair Muldoon asked if there was any sentiment from those on the prevailing side to move to reconsider. There was none.

Councilor Migliaccio asked if the matter of conflict of interest was discussed. Councilor Cassida noted that no conflict of interest was ever brought up. Councilor Migliaccio went on to explain that in the past he recuses himself from voting when a family member or family business is included in a Victualer's license. He has done his homework and quoted from the Town Charter.

He challenges that the vote on the context of conflict of interest is invalid and argues that a member that is on the board of a corporation cannot vote to forgive debt. He referred to Section 30A of Maine Statute and noted the Council had a member that voted when he/she should have abstained. He read Section 30A into the public record. He asked Chair Muldoon to seek an opinion from the Town Attorney on the validity of the vote. Chair Muldoon offered to take the request under advisement but it is his call whether the Town Attorney can be consulted.

Councilor Pandora requested clarification from the Town Attorney on Section 9.04 of the Town's Charter. He read a section of the Charter into the public record.

Discussion followed. Councilor Migliaccio feels the vote taken by this body was a void vote because of Maine State Statute and what is in our Charter. He wants to be sure the Council is procedurally correct and noted that the Council is a local government and is supposed to be a team.

MOVED AND SECONDED: that we authorize the Town Manager to inquire of the validity of his claim with the Town Attorney whether the vote we took up is a valid vote or there is a conflict of interest by a member of the voting party under State Statute 30A. (Migliaccio & Pandora) **ROLL CALL VOTE:** (4 Ayes) (1 Abstention—Bishop) (1 Nay—Muldoon) (1 Excused—Gideon)

Mr. Olmstead advised that the Town Clerk was advised today that a draft lawsuit has been filed against the Town. Attorney Lloyd will come to a future Council meeting to talk about a course of action.

MOVED AND SECONDED: To adjourn at 6:40 p.m. (DeGrandpre & Pandora) **VOTE:** (6 Ayes) (1 Excused—Gideon)

Respectfully submitted,

Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #18-10
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY, OCTOBER 12, 2010 – 6:30 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 6:30 p.m. The Secretary arrived at 6:42 p.m.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meetings #16-10 and #17-10 held on September 14, 2010 and September 20, 2010 and to accept the Minutes as printed. (Cassida & Bishop)

MOVED AND SECONDED: To waive the reading of the Minutes of Meetings #16-10 and #17-10 held on September 14, 2010 and September 20, 2010 and to accept the Minutes as printed. (Cassida & Bishop)

Councilor Migliaccio mentioned he would have to abstain from voting on the September 14 Minutes. He suggested separating the vote on the Minutes. He did attend the meeting on the 20th. Councilor Cassida offered to make an amendment to his motion.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #16-10 held on September 14, 2010 and to accept the Minutes as printed. (Cassida & Gideon)

ROLL CALL VOTE: (5 Ayes) (2 Abstentions—DeGrandpre & Migliaccio)

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #17-10 held on September 20, 2010 and to accept the Minutes as printed. (Cassida & DeGrandpre)

ROLL CALL VOTE: (6 Ayes) (1 Abstention—Gideon)

SECOND ORDER OF BUSINESS: Announcements

Chair Muldoon explained that Roger Wold, Freeport's Financial Advisor for many years, passed away over the weekend. Mr. Wold also served on the Council. Chair Muldoon requested that the Council observe a moment of silence for Mr. Wold.

Chair Muldoon noted that the Town is accepting nominations for its Citizen of the Year Award. Applications are available at the Town Hall, the Library and also on the Town's website. They should be returned to the Town Hall by November 12.

CHANS representatives will administer seasonal Flu Shots on Thursday October 28 at Freeport Town Hall from 8:30-11:30 a.m. They will accept donations for the vaccinations.

On Thursday, October 21 from 7-9 p.m. at the Freeport Town Hall there will be an informational meeting about the future Downeaster train service from Portland to Freeport and Brunswick. Patricia Quinn from Northern New England Passenger Rail Authority and representatives from MDOT will be on hand to provide information and to answer questions.

Maine Natural Gas will be making a presentation at the Town Council meeting on October 26 regarding the installation of gas lines.

Because of a resignation, there is a vacancy on the Sewer District Board of Trustees. In accordance with the Sewer District Charter, the Municipal officers of Freeport can fill the vacancy until the November, 2011 Municipal Election. Anyone interested should submit a letter of interest and qualifications to the Town Clerk's Office by Noon on October 28 for consideration.

Councilor DeGrandpre added his personal condolences to the Wold family. He noted that he knows them well and wanted to send thoughts out to them.

Councilor Bishop pointed out that the Volunteer Recognition Picnic would take place this Sunday at Harb Cottage. Invitations have been sent out. She reminded everyone to rsvp if they are planning to attend. She suggested that they call Johanna Hanselman at the Town Office because a head count is needed. Chair Muldoon thanked Councilor Bishop for all that she does to put this together.

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

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

Mary Ann McGettigan indicated that she wished to provide comments on a non-agenda item. Chair Muldoon noted that she needed a microphone before she could speak and asked her to wait for a minute until one could be obtained.

Kristen Dorsey, on behalf of the RSU5 School Committee, provided a report on a Retreat she attended at the Library to review the results of their individual feedback. They reflected on the work they had done. Following this, they had a regular workshop where they set goals for themselves. She is part of the Communications Sub Committee. She noted that the schools mutually benefit each other and it is important to have the Council representative or Selectman and School Board work together proactively with Pownal and Durham. There are three meetings scheduled to exchange information between the three towns. Representatives could attend each other's meetings. Pownal's is tomorrow night. Durham's is scheduled on November 3 and Freeport will meet on December 8. At each meeting there will be a ½ hour coffee/social time at the beginning where people can chat about what is going on in the schools with a regular meeting to follow at 7 p.m. She requested that Councilors get back to her with any ideas they may come up with. Councilor Gideon thanked Ms. Dorsey for scheduling these meetings. This has been a missing piece. Councilor Migliaccio suggested getting an initial snapshot in January or February from Mr. Olmstead as the Council has done in the past and it would be beneficial for the other two towns to do the same.

Mary Ann McGettigan explained that she understands the daunting task of reviewing the whole charter. She does not feel that a resident should have to have a computer to access public notifications under the charter. She also mentioned the lack of equipment for deaf communication with Town Hall. While not a

charter issue, this is something sorely missed. She feels some type of system should be made available but recognizes that signers are hard to come by. Ms. McGettigan noted that she would not speak about areas of the charter that are related to her current litigation.

Councilor Cassida offered to take another look at this item and Chair Muldoon agreed.

Marie Dunning, Freeport resident, spoke about financial issues. She introduced herself, noting she has had a financial background for 25 years. She pointed out that she has looked at the financial statements from surrounding towns as well as Freeport's. She submitted a letter to the Council back in May and noted that she has not received much response. A conversation on this subject has now been extended to January and she feels this is too long. She mentioned that Freeport is the only town in this area investing heavily in the stock market. Freeport lost \$350,000 in the last fiscal year. She asked if the Council could schedule a conversation sooner than January since these are complicated issues. Chair Muldoon noted that January is a date that appears to work but the new Council can always reschedule it. Councilor DeGrandpre agreed that the Council should be looking at the reserve accounts and the Town's five-year and 20-year plan. Councilor Cassida agreed that this is something high on the Council's list of things to do and will try to do it as soon as possible.

Councilor Pandora pointed out that this is a point of order. This is a public comment period. Councilor Gideon asked if the Council could ask the Town Manager to schedule this conversation sooner than January. Chair Muldoon noted that the Council will do its best to bring the date forward from January as soon as the new Council is elected. Councilor Migliaccio suggested discussing this issue under "Information Exchange" later this evening.

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

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

ITEM #155-10 To consider action relative to adopting the October 12, 2010 Consent Agenda.

BE IT ORDERED: That the October 12, 2010 Consent Agenda be adopted. (Gideon & Migliaccio)

Chair Muldoon reviewed the items on the Consent Agenda for members of the public. Mr. Olmstead explained Item 154-10.

ROLL CALL VOTE: (7 Ayes)

ITEM #156-10 To consider action relative to a proposed ordinance of the Town of Freeport Ratifying the Interlocal Cooperation Agreement for Dispatch Services between the Towns of Brunswick and Freeport. PUBLIC HEARING

Mr. Olmstead explained that a legal challenge has been made and the Town Attorney recommends that the motion on the Council agenda be broken down into four motions which will render the legal challenge moot.

1. MOVED AND SECONDED: That the Public Hearing be opened to consider action relative to a proposed ordinance of the Town of Freeport Ratifying the Interlocal

Cooperation Agreement for Dispatch Services between the Towns of Brunswick and Freeport. (Cassida & DeGrandpre) **VOTE:** (7 Ayes)

Mary Ann McGettigan introduced Judith Blanchard and explained that she would be helping her this evening by turning the pages of her comments. She outlined the background of the Ordinance. She noted that consolidating Dispatch by Council order, not by ordinance, is inconsistent with the Town Charter. The Charter states that multi-year contracts must be approved by ordinance and the \$122,500 payment made to Brunswick is invalid. She explained the difference between an ordinance and an order. She noted that a hearing would take place tomorrow in Superior Court.

Ms. McGettigan cautioned that Freeport could be out of luck at the end of six years should Brunswick decide to not extend the contract. She pointed out that each Councilor that voted to transfer Dispatch to Brunswick could be subject to recall and be held liable for repaying the \$122,500, which has already gone to Brunswick. She suggested that the Council table this issue.

Donald Rice, a plaintiff in the complaint being heard, called the Council action illegal. He suggested waiting to hear the results of the court hearing tomorrow.

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

3. MOVED AND SECONDED: That the Town Council Resolve to act on the proposed ordinance of the Town of Freeport Ratifying the Interlocal Cooperation Agreement for Dispatch Services between the Towns of Brunswick and Freeport immediately following the hearing on said ordinance conducted earlier this evening, as permitted by Article 2.13 of the Freeport Charter and the provision that permits a majority of the Town Council to act on a proposed ordinance immediately following a public hearing. (Note: This is a vote to proceed with a vote on the proposed ordinance. A vote to proceed has the effect of waiving the minimum 14-day waiting period after hearing on the proposed ordinance.) (Cassida & Bishop)

Councilor Migliaccio noted he would be abstaining on this vote since he was not present at the September 14 meeting when the Council met in an executive session. He voted against consolidation in the first place. Councilor Pandora asked if it is prudent to proceed since a new complaint has been received. Mr. Olmstead explained the Town Attorney's opinion.

ROLL CALL VOTE: (5 Ayes) (1 Nay—Pandora) (1 Abstention—Migliaccio)

4. MOVED AND SECONDED: To enact an ordinance of the Town of Freeport as follows:

The Town Council of the Town of Freeport, acting as the municipal officers of the Town pursuant to Article 2.13 of the Freeport Charter, Ordains as follows:

The Town of Freeport hereby ordains to ratify: The Interlocal Cooperation Agreement for Dispatch Services, Towns of Brunswick and Freeport, dated June 29, 2010 and executed by the Town Managers of Freeport and Brunswick; all negotiations in respect of the Interlocal Cooperation Agreement for Dispatch Services engaged in by Town of Freeport and its Town Manager, including all term sheets and iterations thereof, between February 23, 2010 and the date of the execution of the Interlocal Cooperation Agreement for Dispatch Services; and, the expenditure of funds pursuant to the Interlocal Cooperation Agreement for Dispatch Services, including but limited to the "Capital Payment" to the

Town of Brunswick in the amount of \$122,500.00 called for by the Interlocal Cooperation Agreement for Dispatch Services. It being the intent of this ordinance to ratify said interlocal agreement as executed and to rectify any and all procedural errors of the Town Council, Town Manager and other officers and officials of the Town of Freeport that occurred or may have occurred in the authorization, approval and execution of said Interlocal Cooperation Agreement for Dispatch Services on June 29, 2010 by the Town of Freeport. (Cassida & Bishop)

Councilor DeGrandpre explained how difficult this decision was for him. He worked with surrounding towns and learned that each town was trying to find a better way to provide Dispatch service to their residents. He observed the way Brunswick handled their calls and believes he made the right decision and that Freeport will have better service. He thanked everybody for coming and participating.

Councilor Gideon agreed with Councilor DeGrandpre and noted how hard the Council worked to find a service that would serve the Town better. She is confident that the Council is not doing anything illegal.

Councilor Pandora wanted to go on record that he did not receive the same legal Counsel. He does not feel the Council should be proceeding. He made a motion to table the decision to ratify but it died for lack of a second.

ROLL CALL VOTE: (5 Ayes) (1 Nay—Pandora) (1 Abstention—Migliaccio)

ITEM #157-10 To consider action relative to a proposed Property Assessed Clean Energy (PACE) Ordinance. PUBLIC HEARING

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

Donna Larson, Town Planner, introduced Dana Fisher from Efficiency Maine and he provided an overview on PACE for the Council. He answered questions for Councilors. The contract and ordinance were created according to legal advice. The earliest that any funds could be made available is early November. Discussion followed.

MOVED AND SECONDED: To table until the first meeting in December. (Migliaccio & Pandora) **ROLL CALL VOTE:** (3 Ayes) (4 Nays—Bishop, Cassida, DeGrandpre and Muldoon)

Peter Troast, resident, feels there is some value in moving forward and that Freeport is thumbs up. Gary Profenno agrees that this should be moved forward.

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

BE IT ORDERED: That the proposed amendments Property Assessed Clean Energy (PACE) Ordinance be approved. (Gideon & Migliaccio) **ROLL CALL VOTE:** (7 Ayes)

MOVED AND SECONDED: To take up Item #160-10 out of order. (Gideon & Migliaccio) **VOTE:** (7 Ayes)

ITEM #160-10 To consider action relative to a proposed Purchase and Sale agreement between the Town of Freeport and Coastal Soccer Club d/b/a Seacoast United Maine for 17 acres of Town Owned property located off the Hedgehog Mountain Road (Tax Assessor Map 22, Lot 64).

BE IT ORDERED: That the proposed Purchase and Sale agreement between the Town of Freeport and Seacoast United Maine be approved and that the Town Manager be authorized to execute the agreement on behalf of the Town of Freeport.

Note: The Town Council will hear public comment on the proposed Purchase and Sale agreement. (Bishop & DeGrandpre)

Councilor DeGrandpre explained that plans have been provided. He introduced Mike Healy and noted that he has had a lot of calls on this project. He summarized the plan and offered to answer questions.

John Jacques of Wolfe's Neck Road had questions on the price the land was being sold for. Councilor DeGrandpre advised that the land is being sold for one dollar and 3,000 hours of use valued at \$80 per hour. There may be a \$30,000 to \$40,000 revenue stream going forward. Mr. Jacques does not feel this is a good deal for Freeport and does not understand why Freeport has such poor facilities after comparing athletic facilities in neighboring towns. He feels Freeport has the resources to do better.

Craig Sickels, Athletic Director for RSU5 feels the Seacoast facility is exciting but noted that it won't solve all of the overlapping, overuse and over crowded issues. Transporting students to the Pownal field will be difficult. He mentioned that a committee is looking at all the issues that need to be looked at. He is aware that the trails are very important and a lot of volunteers have donated a lot of hours to develop them. He is in hopes that \$15,000 can be earmarked for relocating trails. He is unclear whom the hours will be given to. He asked if it the seller, the RSU5 or the buyer. Councilor DeGrandpre explained that Community Ed would schedule the fields. Mr. Sickels has concerns about the well and noted if they use too much water in the field, the Transfer Facility runs short. Mr. Healy explained that their only need for water would be for toilets and sinks. Mr. Sickels brought up the need for bleachers, concessions and admission fees. Mr. Healy noted it would be appropriate to have bleachers and that they should be put on the plan. He also stated that the RSU5 can put up a concession stand on Town property and it should be Town controlled. He indicated that Seacoast would have concessions inside their building. Mr. Healy has no problem with the Town or RSU5 charging admissions provided they collect them.

Councilor Migliaccio suggested adding into the agreement that the Town and the RSU5 folks will be able to use the restrooms in the arena.

Kristen Dorsey had a set of questions for Mr. Healy regarding the overall business plan. She feels this is a great recreational provision for the RSU5. She mentioned there might be competition for fundraising. Mr. Healy explained that traditional bank financing and fundraising would finance the project and that turf fields are better and cheaper to maintain. He noted that Seacoast is a nonprofit and is similar to the YMCA. Their members play from January to June. Ms. Dorsey asked what the market value of the hours would be eight years down the road. Mr. Healy estimated that over the last four years, he has seen \$100 an hour assessed.

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Nelson Larkins, chair of the RSU5 and also a member of the Freeport Running Boosters noted that everybody needs to be on the same page. He mentioned scheduling issues and wanted the agreement to be clear on who is doing what. The tax status of Seacoast will flow through for seven years and it should be

stated that it go to Town recreation. If the \$15,000 comes back, it should be applied to trail relocation or the little league field development.

Dede Bennell of Cove Road reiterated that the tax revenue should be kept for recreational use only. She noted that all the use is designed for high school students and asked why not for middle school. Councilor DeGrandpre noted that transportation is an issue. Mrs. Bennell mentioned Freeport United teams and asked if they would have access to those fields. Mr. Sickels explained that school teams will be the first priority and recreation/youth teams will be a second priority.

Marie Dunning noted that she is not sure this deal makes sense and suggested moving forward and doing the math. As a taxpayer, she is not sure that we nailed the piece. She is surprised that the Town's attorney has gone through the purchase and sale agreement. She feels there are many things in the agreement not to Freeport's advantage. While the contract may be good, she is not certain it is ready to be signed.

Councilor DeGrandpre asked Ms. Dunning to provide the points that jumped out at her to help him prioritize what needs to be addressed. John Jacques, Director of Summer Programs for NYA, noted that this is a terrible contract to consider voting on this evening. Nothing has been provided by Seacoast. He asked about financials and their site plan, the quality of the fields. He asked what the arena is going to look like and how much Town money will go into it. He strongly urged the Council to table this item this evening and not move forward with this proposal.

Councilor Migliaccio noted that this is the first time since the purchase and sale agreement has been put together that the Council asked for public input. Seacoast has to keep moving. The Council set up a multi-town facilities committee to look at the RSU5 needs and the Town's needs. The land was purchased in 1996 with a \$750,000 bond.

There was consensus from Councilors to put this item off for a couple of weeks but Councilors wanted to hear from other members of the public.

Scott Shea pointed out that everything appears general and appears to benefit Seacoast. There is nothing long term for the Town. He would like to see a lump sum from Seacoast rather than one dollar. It appears there will be a fight over the hours after seven years.

Kristen Dorsey asked about architectural renderings of what will be built there. Mr. Healy noted that the building has not yet been designed but there are drawings of the field. She asked what kind of tax revenue would be coming to the Town. Mr. Olmstead advised that \$25,000 to \$35,000 would be collected. She asked who owns the road into the parking lot. Councilor DeGrandpre indicated that the Town would maintain the road into the parking lot.

Matt Wogan pointed out that he is a proponent to partner with Seacoast and enhance our playing fields. He regrets there are no metrics to share with folks tonight. He suggested that someone put together a quick spreadsheet to show what those dollars would mean to Freeport. He feels the data on what it takes to maintain grass fields versus turf fields should be shared with residents. Because of the tax revenue, he is a proponent but feels the agreement could be honed a bit.

Mr. Healy explained that they had expected to file with the DEP by this time. Two weeks would not make a difference to them. He reminded everyone that this invitation was extended to them when they were looking for land.

MOVED AND SECONDED: To table to the October 26 meeting. (DeGrandpre & Migliaccio) **ROLL CALL VOTE:** (7 Ayes)

Chair Muldoon suggested a 10 Minute Break.

Chair Muldoon called the meeting back to order at 10:20 p.m.

ITEM #158-10 To consider action relative to proposed Freeport Comprehensive Plan updates.
PUBLIC HEARING

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

Gary Profenno spoke briefly on the Alternative Energy Section of the Comprehensive Plan. He is pleased with the language that has been added. The language is pretty much neutral and states that the ordinances should follow State laws that are in place.

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

MOVED AND SECONDED: To table this item to October 26 for Council discussion.
(Cassida & Gideon) **VOTE:** (7 Ayes)

ITEM #159-10 To consider action relative to the repeal of the Pinball and Video Machine Ordinance (Chapter 44). PUBLIC HEARING

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

There were none.

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

MOVED AND SECONDED: To table this item to October 26 for Council discussion.
(Cassida & Bishop) **VOTE:** (7 Ayes)

ITEM #161-10 To consider action relative to proposed amendments to the Traffic and Parking Ordinance concerning no parking zones for Main Street in South Freeport Village. (Chapter 48)

BE IT ORDERED: That a Public Hearing be scheduled for October 26, 2010 at 6:30 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Traffic and Parking Ordinance concerning no parking zones for Main Street in South Freeport Village. (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. (Migliaccio & DeGrandpre)

Gary Profenno explained the proposed amendments.

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS:

- 1) Discussion on proposed Tax Increment Financing (TIF) Policy and Process (FEDC)

Kate Arno presented the draft to the Council. They held 8 public meetings and 8 drafts were created. She asked the Council to accept this report for review. They would appreciate adoption by the end of this month so that the new Council coming in will have a new tool. Chair Muldoon thanked her for the report and noted that anything the Council can do to show the potential benefit of tax increment financing is great. He asked if Councilors feel a public hearing is necessary.

Councilor Migliaccio suggested that the Council accept it. This has been a long stretch and the Council is not required to have a public hearing. Perhaps a Question and Answer session would make sense with a note saying public comments will be welcomed on this item. There was consensus to put this on for October 26 and public comments will be welcomed. Chair Muldoon thanked Ms. Arno for the draft.

- 2) Discussion of the town exposure to Freeport Community Service/Center 50-year lease. Councilor Migliaccio explained that this was to seek comment from the Council to determine if there was any interest in refining definitions in the lease. FCS is fine with starting a dialogue with the Town Manager and the Finance Director. Councilor DeGrandpre feels it is in the Town and FCS's interest to sit down and talk about the lease. Mr. Olmstead clarified that FCS is willing to talk about definitions to operating expenses. The Council requested that Mr. Olmstead and the Finance Director do this.

- 3) Sign November 2, 2010 Election Warrant. This was in process.

- 4) Information Exchange

Mr. Olmstead explained that the Maine Municipal Association holds a town report competition and towns from all over the State submit their reports. This year Freeport has won a Supreme Award and we only spent a fraction of what other towns spend. Caroline Pelletier coordinates the report and she spent only \$4,000 from the \$5,000 budget. Councilors extended their thanks to Caroline for the great job.

Councilor Pandora mentioned that he asked the Town Attorney about Referendum #5. He read the State Statute and asked if this makes Question 5 that we are sending out void. He is concerned that this will add to confusion and questions why the Town Attorney did not fully inform the Council. Councilor Cassida stated that the Council is taking the advice from the Town Attorney.

ITEM #161-10	To consider action relative to an Executive Session concerning real estate in connection with the development of a Train Station 1 MRSA 405(6)(c).
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MOVED AND SECONDED: To table to October 26. (Cassida & Bishop)
VOTE: (7 Ayes)

MOVED AND SECONDED: To adjourn at 10:50 p.m. (Bishop & Gideon)
VOTE: (7 Ayes)

Respectfully Submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #19-10
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY, OCTOBER 26, 2010 – 6:30 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

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #18-10 held on October 12, 2010 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #18-10 held on October 12, 2010 and to accept the Minutes as printed. (DeGrandpre & Bishop)
VOTE: (7 Ayes)

SECOND ORDER OF BUSINESS: Announcements

Chair Muldoon noted that during the last Council meeting, the microphone was left open during what should have been a private conversation during a break in Council proceedings. Procedures are in place to ensure that it does not happen again. Private conversations will not go out over the air in the future.

Chair Muldoon noted that the Town is accepting nominations for its Citizen of the Year Award. Applications are available at the Town Hall, the Library and also on the Town's website. They should be returned to the Town Hall by November 12.

CHANS representatives will administer seasonal Flu Shots on Thursday October 28 at Freeport Town Hall from 8:30-11:30 a.m. They accept donations for the seasonal vaccinations.

Because of a resignation, there is a vacancy on the Sewer District Board of Trustees. In accordance with the Sewer District Charter, the Municipal officers of Freeport can fill the vacancy until the November 2011 Municipal Election. Any interested Freeport resident should submit a letter of interest and qualifications to the Town Clerk's Office by Noon on October 28 for consideration.

Police Chief Schofield has advised that the transfer of Dispatch is going very well but wanted Chair Muldoon to reiterate that if anyone has an emergency, they should dial 9-1-1, not the seven-digit number. The process has been well received.

Councilor Migliaccio announced that the Municipal Facilities Committee did a site walk today on 32 acres of flat land on the Murch Road that abuts the Town's Transfer Station and the property that will be discussed this evening along with Craig Sickels, members of the Conservation Commission, Donna Larson, the realtor listing the property and Councilors Gideon and DeGrandpre. Given the discussion on the need for additional fields, the Conservation Commission has indicated they have money and Freeport has made an effort to conserve land in the past. It is a potential location for playing fields. They indicated they want to discuss it over the next month but someone else has bid on it. Councilor DeGrandpre pointed out that there were copies of the plan showing the property listed in red available for members of the public.

Councilor DeGrandpre announced that the Old Time Radio Show would be going on again this year at the Freeport Performing Arts Center during Sparkle Weekend. This show is entertaining and features music from the 30s, 40s and 50s. Folks can save \$5 by purchasing their tickets in advance.

Councilor Bishop pointed out that the Volunteer Recognition Picnic took place last Sunday at Harb Cottage. It was a beautiful day and the picnic was well attended. She thanked Judy Hawley, Johanna Hanselman and everybody else that did some cooking or washed dishes. A good time was had by all.

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

Chair Muldoon noted that the person planning to speak about the Natural Gas Line under "Other Business" asked if his presentation could take place earlier in the meeting. He asked for consensus from Councilors to determine if the presentation can take place during the Public Comment Period. Councilors concurred that he could speak during this time.

MOVED AND SECONDED: To open the Public Comment Period for non-agenda items only. (Migliaccio & DeGrandpre) **VOTE:** (7 Ayes)

Marie Gunning, resident, noted that she feels the Town is not in compliance with its investment policies regarding its capital reserve accounts. She suggested that the Council reconsider scheduling its financial policy meeting discussion earlier.

Ms. Gunning explained that she listened to the October 12 Council meeting tape and expressed how upset she is with the comments made by the Town Manager and Councilor Cassida at the last meeting. She explained her financial background. She assured the Council that she personally wrote her May letter and is not a "plant" for anyone.

Chair Muldoon explained that former Councilor Ed Bonney suggested that a presentation be provided on natural gas coming to Freeport. Darrell Quimby, Maine Natural Gas provided a status report on what they have done and what is next. He introduced Roy Lane. The line will be energized in approximately three weeks. They have a meeting scheduled with the Freeport Fire Department on November 17. The pipe is buried 3' with a warning tape above it. He is confident that everyone knows what Dig Safe is. By the middle of November, hopefully everybody scheduled will have been connected. He mentioned that the projected savings would be more than anticipated since gas costs are lower than expected. He noted that Freeport interest has been great and they continually plan to build out. He offered to answer questions for Councilors.

COUNCIL MEETING #19-10
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Councilor DeGrandpre suggested that Mr. Quimby consider going farther south than Stonewood Drive since there are some businesses that have expressed an interest in connecting.

Councilor Gideon requested that Mr. Quimby meet with the Fire Department for emergency response before the lines are energized. Mr. Quimby offered to contact Freeport's Fire Department to see if the date can be moved up. Mr. Olmstead offered to check to see if the date can be moved up. Councilor Gideon suggested that the date of the meeting be publicized on the Town's website and on cable for members of the public. Councilor DeGrandpre suggested that local contractors be invited to their meetings.

Chair Muldoon explained that accidents have taken place across the nation and raised awareness that this is a gas and has properties that can cause safety issues. Mr. Quimby explained the steel transmission line that was used in California. He noted that everyone is a stakeholder. They have meetings with contractors to reinforce that the laws need to be obeyed and credits the regulatory bodies for getting the word out.

Ed Bonney of Lower Main Street noted that natural gas has been installed in his neighborhood and expressed his safety concerns. Since natural gas is explosive, he hopes that the Town or the Town's Public Safety people will run a general educational program and made available to every citizen in Freeport that is exposed to a potentially explosive material. Mr. Quimby noted that they are very aware of safety and stressed how important it is for stakeholders to follow Dig Safe procedures. They are planning on newspaper articles to inform the public that natural gas is here and this is what they do.

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

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

ITEM #162-10 To consider action relative to proposed amendments to the Traffic and Parking Ordinance concerning no parking zones for Main Street in South Freeport Village. (Chapter 48) PUBLIC HEARING

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

Chris Ferarra of 3 Fox Hill Road had questions about the proposed amendments and noted how parking is at a premium in South Freeport. He made reference to a traffic study that was done in recent years and asked if parking could be permitted on one side of Main Street to help the community at large. He suggested that the Council call for a survey to look at the area.

Gary Profenno, Chair of Traffic and Parking, explained that this item was brought to them by residents of South Freeport. The committee looked at the top of the hill and decided it would be best to remove parking from both sides of the street since it is a steep hill. They scheduled two meetings and received only positive comments. Mr. Ferarra noted that it makes sense to allow parking on one side of the street.

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

Councilor DeGrandpre asked the Town Planner if the property lines are shown accurately on the plan. Ms. Larson, Town Planner noted that they have been improved over time but are not completely accurate. Mr. Profenno advised that he was not sure how many spaces would be lost since in order to park, one has to park in the street. Councilor Gideon asked how many spaces exist in the Brewer's lot. Mr. Profenno

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explained that the Brewer lot has 26 spaces available for Freeport residents if they display a sticker but they have not been fully utilized. The Traffic and Parking Committee will be discussing the Brewer lot during its next few meetings as well as the one-hour parking spaces in the wharf area. Councilor DeGrandpre noted that encroachment appears to be a problem and needs to be addressed. He would suggest removing parking from the northeast side. Discussion followed.

MOVED AND SECONDED: That the proposed amendments to the Traffic and Parking Ordinance be tabled and brought back to committee. (Migliaccio & DeGrandpre)
VOTE: (4 Ayes) (3 Nays—Bishop, Cassida & Muldoon)

ITEM #163-10 To consider action relative to the proposed adoption of a new Tax Increment Financing (TIF) Policy and Process.

BE IT ORDERED: That the proposed Tax Increment Financing Policy and Process dated 10-26-10 be adopted. (FEDC)
Note: The Town Council will hear public comment on the proposed TIF Policy and Process. (Bishop & Gideon)

There were no public comments. Councilor Migliaccio feels this is a good piece of work and in general he absolutely supports it. There will be lots of visibility early on. Councilor DeGrandpre agreed that a lot of effort went into this policy. He had a few questions, which were addressed. Chair Muldoon noted this document is the product of a lot of effort and begins to enhance public understanding. Sande Updegraph of FEDC noted that this policy will be posted on FreeportEcon.com as well as the Town's website.

ROLL CALL VOTE: (7 Ayes)

ITEM #164-10 To consider action relative to accepting a donation of land from Dover Properties LLC and Ladybug Development LLC to provide for the extension of School Street.

BE IT ORDERED: That the land deeds for two parcels of land from Dover Properties LLC and Ladybug Development LLC to the Town of Freeport to provide for the extension of School Street be accepted and recorded with the Cumberland County Registry of Deeds. (Cassida & Migliaccio)

Mr. Olmstead explained that these properties were donated so that the road would be owned by the Town. When the road is complete and inspected by the Town Engineer, the Council will be asked to accept the road itself.

ROLL CALL VOTE: (7 Ayes)

ITEM #165-10 To consider action relative to proposed amendments to Section 414 of the Freeport Zoning Ordinance to permit an intercom system at a restaurant drive-up in the Village Commercial II Zone. (Chapter 21)

BE IT ORDERED: That a Public Hearing be scheduled for December 7, 2010 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to Section 414 of the Freeport Zoning Ordinance to permit an intercom system at a restaurant drive-up in the Village Commercial II Zone. (Chapter 21)

COUNCIL MEETING #19-10
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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)

Town Planner, Donna Larson, provided some background information on the McDonald's request. A trial run of the intercom system took place and residents were encouraged to take a look at it and provide comments. Councilor Cassida requested that the Town Planner define "audible" during the public hearing.

ROLL CALL VOTE: (7 Ayes)

ITEM #166-10 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 7, 2010 at 7 p.m. 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. (DeGrandpre & Migliaccio)

Mr. Olmstead explained that the State requires an annual adjustment in order to be in compliance.

ROLL CALL VOTE: (7 Ayes)

MOVED AND SECONDED: To take Item #160-10 out of order. (Gideon & Cassida) **VOTE:** (7 Ayes)

ITEM #160-10 TABLED OCTOBER 12, 2010
To consider action relative to a proposed Purchase and Sale agreement between the Town of Freeport and Coastal Soccer Club d/b/a Seacoast United Maine for 17 acres of Town Owned property located off the Hedgehog Mountain Road (Tax Assessor Map 22, Lot 64).

BE IT ORDERED: That the proposed Purchase and Sale agreement between the Town of Freeport and Seacoast United Maine be approved and that the Town Manager be authorized to execute the agreement on behalf of the Town of Freeport.

BE IT FURTHER ORDERED: That any tax revenue generated from the construction of the facility by Coastal Soccer Club d/b/a Seacoast United Maine be placed in a reserve fund to be used for future recreational needs.

COUNCIL MEETING #19-10
OCTOBER 26, 2010

BE IT FURTHER ORDERED: That should the Town's share cost of engineering totaling \$15,000 be returned to the Town of Freeport as a result of construction, that money will be reserved for the relocation of running trails and other recreational needs of the Town.

Note: The Town Council will hear public comment on the proposed Purchase and Sale agreement. (Pandora & DeGrandpre)

Councilor DeGrandpre noted that a committee was formed a year and a half ago to figure out how to come out field positive. They were aware that the Pownal Road property would be expensive and difficult to develop. They asked Seacoast to consider purchasing the land behind the existing playing field. Councilor DeGrandpre and Abigail Yacoben worked up some numbers to show how this project works out financially. The information shows what it would cost Seacoast versus what it would cost the Town to develop playing fields

Councilor DeGrandpre mentioned that a longer-term plan would include reconfiguring the fields at Freeport High and Freeport Middle Schools in addition to expanding the Town-owned recreational complex on Pownal Road.

Councilor DeGrandpre made reference to the contract and clarified points for members of the public dealing with issues related to bleachers, admissions, water, maintenance, carryover of hours, spring availability, lighting charges, restrooms, management, closing costs, reverter clause, use starter date, after 7 years, the right for 5 one-year terms, the Town is not aware of existing hazardous materials as well as an arbitration clause.

Chair Muldoon suggested that people limit their comments to three minutes. If people agree or disagree, they may state so. Councilor Gideon feels it is important that no one leave tonight without having his or her questions answered. Chair Muldoon agreed but did not want people repeating things back and forth.

Alan Gould noted that he hopes the Council doesn't vote for this. Kristen Dorsey raised questions and Mike Healy tried to address them. Kirk Cameron, Coach, fully supports anything that will provide more access to Freeport fields. He questions how broad the benefit is that Freeport residents will get. Weekdays and before 4:30 is of no value to coaches that work. Mr. Healy indicated that the fall season would run from August through the month of December. John Jacques agrees that there is a shortage of athletic facilities and indicated he still does not support the contract. It still needs some work. He asked if the numbers provided appear to be accurate. Craig Sickels, RSU5 Athletic Director, noted that the estimates appear to be correct. Mr. Jacques noted that the Town purchased the property and only developed a small piece. He doesn't want to shift the burden to the RSU5. He wants to see more details of the project. He noted that a dome building is not shown on the plan. The plan needs more work. He suggested moving forward with the other property mentioned earlier since there is such a need for land.

Councilor Migliaccio asked for clarification on the committee looking at reconfiguring the school fields. Mr. Sickels noted that the RSU does have an athletic committee looking at plans, reports, etc. made in the Milone & MacBroom Report. Even if everything is done, they will be short one field. There is a lot of momentum to enhance and improve the athletic facilities in Freeport.

Matt Wogan noted that Seacoast would most likely have to drill a well. He asked Mr. Olmstead to determine how it will affect the taxpayers in all three towns to go out and support a bond. He asked how it would affect the mil rate. It is obvious a vote will be necessary from all three towns. Councilor DeGrandpre pointed out that the committee will be meeting this Thursday at 7 p.m.

COUNCIL MEETING #19-10
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John Morang referred to Section 5 and asked about scheduling procedures. Councilor DeGrandpre noted that it makes sense to have one person coordinate the scheduling, which is currently being done.

Ray Grogran asked what commencing construction means—is it two fields and a dome? Councilor DeGrandpre pointed out what the definition of commencing construction is and agreed that a date needs to be added but feels the critical piece is when it will be completed.

Scott Shea raised some bankruptcy and sell out questions which Councilor DeGrandpre addressed. Mr. Shea noted that this will provide a temporary fix for the soccer and football teams and will benefit Seacoast in the future but not Freeport's future. He mentioned that a facility in New Hampshire is behind on their taxes.

Marie Gunning pointed out that several items were not addressed in the contract such as wetlands mitigation that the State and Federal Governments might require. She cautioned that the Town has no safety net if Seacoast runs into financial trouble. She had questions about the rates charged for hours. Councilor DeGrandpre noted that indoor hours are going for \$300 an hour and outdoor hours are going for \$80 an hour. She recognizes that the Council is struggling with this contract. Discussion followed.

John Jacques asked if the Town has access to the financial resources of Seacoast and what their relationship is to Seacoast New Hampshire. Mr. Healy pointed out that Coastal Soccer Club is a Maine nonprofit corporation and is separate from the New Hampshire nonprofit corporation. While they purchase uniforms together, they are two separate entities. He assured everyone that they pay their bills on time. He noted there would be no closing until DEP and Town permits are in hand. They have not done any fundraising and have not gone to any bank to secure financing.

Councilor DeGrandpre pointed out that 39 acres are for sale on the Murch Road for \$399,000.

A Five Minute Break was taken.

Councilor Cassida raised questions, which Mr. Healy addressed. Councilor Cassida noted that he supports moving forward but recognizes that this is a difficult parcel to develop. If this developer wants to take a risk, it is a good short-term arrangement for the Town. The Council needs to work on a long-term solution. He mentioned there are blanks in the contract that need to be filled in. He doubts the Town will ever take on the risk to develop this property. He suggested restructuring the motion to fill in the blanks.

Councilor Migliaccio noted he is supportive but agrees there are a lot of things that need to be buttoned up. He mentioned that a committee was developed. He suggested circling the wagons one more time to get opinions from the RSU Field Committee and some of the RSU Board members. He is confident there is support in Freeport for a bond.

Councilor Gideon asked about timing for Mr. Healy. Mr. Healy advised that he has no problem if the Council votes to approve the contract tonight and permit the Town Manager to work out some of the details. Councilor Gideon feels this is a valuable proposition for Freeport. This is not the answer to the Town's problems but is the answer to this property and it provides us with all these hours. She does not want to see the Council lose it because of details.

Councilor Bishop noted that in the fall the soccer teams and the football teams will have full access to the fields but in the spring Seacoast will have first priority. She pointed out that the Town owns this property. It didn't go into the RSU and the contract is between Freeport and Seacoast except the RSU and Community Ed will administer the scheduling of hours. The RSU is not part of the contract but the RSU

can administer the hours. She suggested adding wording to the contract in the event that if Seacoast becomes a non-taxable entity, the Town will collect a fee in lieu of property taxes from the organization

COUNCIL MEETING #19-10
OCTOBER 26, 2010

equal to what the property taxes should be and it will go into a fund to spend on recreational use. Mr. Healy noted this is a substantial change and he is not authorized to agree to it but he understands Councilor Bishop's point. Councilor Pandora noted that this is something that will help the RSU transition down the line. He has a concern about taxability and would like something similar to what Councilor Bishop suggested added to the contract. He had a question about what happens after 12 years. Mr. Healy noted that both parties would have to sit down and renegotiate. He suggested that the Council take a vote on principle and then authorize the Town Manager to negotiate the final details. The Council can sign off on them at another meeting. Councilors agreed that this would work and suggested some changes which were captured by Mr. Olmstead.

Discussion followed on whether to amend the order as read. Councilor Cassida suggested leaving the order as read but move to authorize the manager to finalize the details and bring it back to the Council.

MOVED AND SECONDED: To support the order as read but authorize the Town Manager to negotiate the final details and bring them back to the Council for authorization for final execution. (Bishop & Cassida) **ROLL CALL VOTE:** (7 Ayes)

ITEM #167-10 To consider action relative to allowing Town employees to purchase additional service credit under the Maine Public Employees Retirement System and to designate which plan the service will be purchased under.

BE IT ORDERED: That the Council moves to allow Town employees to purchase additional service credit under the Maine Public Employees Retirement System.

BE IT FURTHER ORDERED: That the Council designates the plan(s) for the purchase of service rendered with the Town of Freeport prior to July 1, 1998 as follows:

Police Officers: Regular Plan
Firefighters: Regular Plan
Non-fire & Police: Regular Plan

BE IT FURTHER ORDERED: That the Council votes to lift previous restrictions relating to the purchase of service credit rendered with the Town of Freeport. The entire cost of the service is the responsibility of the employee and there are no limitations on the amount of service that may be purchased. (Gideon & Bishop)

Mr. Olmstead explained the plans. There will be no cost for the Town and there will not be any liability issues.

ROLL CALL VOTE: (7 Ayes)

ITEM #168-10 To consider action relative to approving a Property Assessed Clean Energy (PACE) Public Outreach Program and the Property Assessed Clean Energy (PACE) Administration Contract.

BE IT ORDERED: That the proposed Property Assessed Clean Energy (PACE) Public Outreach Program and the Property Assessed Clean Energy (PACE) Administration Contract be approved.

COUNCIL MEETING #19-10
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BE IT FURTHER ORDERED: That the Town Manager be authorized to sign the Property Assessed Clean Energy (PACE) Administration Contract on behalf of the Freeport Town Council. (Bishop & Migliaccio)

Donna Larson, Town Planner explained that this is the standard contract. It will benefit Freeport residents.

ROLL CALL VOTE: (7 Ayes)

ITEM #158-10 TABLED OCTOBER 12, 2010
To consider action relative to proposed Freeport Comprehensive Plan updates.

BE IT ORDERED: That the proposed Freeport Comprehensive Plan updates be tabled to December 7. (Cassida & DeGrandpre) **VOTE:** (7 Ayes)

ITEM #159-10 TABLED OCTOBER 12, 2010
To consider action relative to the repeal of the Pinball and Video Machine Ordinance (Chapter 44).

BE IT ORDERED: That the repeal of the Pinball and Video Machine Ordinance be tabled to December 7. (Pandora & Bishop) **VOTE:** (7 Ayes)

OTHER BUSINESS:

1) Technology Update

Jim Grant provided an update to the Council. Councilor Migliaccio asked about archive video on demand. and Mr. Grant noted he is waiting for the 2011 budget. He answered questions for Councilors. Councilor Gideon brought up e-mail addresses and the possibility of a master e-mail address. Mr. Grant offered to bring this topic back.

2) Discussion of Councilors' & Town Manager's comments made at the October 12, 2010 meeting regarding other Councilors and members of the public.

Councilor Pandora read a statement explaining his disappointment with the comments made at the last meeting during a break in Council proceedings. He clarified that Marie Gunning is not his neighbor and is not a "plant" for him.

3) Information Exchange

There were no information items exchanged.

ITEM #161-10 TABLED OCTOBER 12, 2010
To consider action relative to an Executive Session concerning real estate in connection with the development of a Train Station and the development of a Business Park. 1 MRSA 405(6)(c).

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

COUNCIL MEETING #19-10
OCTOBER 26, 2010

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

MOVED AND SECONDED: The Town Council is prepared to sell approximately 5 acres of town-owned land on Desert Road (Tax Assessor Map 22, Lot 21D) to accommodate the relocation of ComNav Engineering from Westbrook to Freeport and to create a second buildable commercial lot, and to accept an easement from L.L. Bean to construct a road to the town-owned land (Tax Assessor Map 22, Lot 21C.) (Cassida & Bishop) **ROLL CALL VOTE:** (7 Ayes)

ITEM #169-10

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. (Bishop & Gideon) **VOTE:** (7 Ayes)

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

Respectfully submitted,

Sharon Coffin
Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #20-10
FREEPORT TOWN HALL COUNCIL CHAMBERS
NOVEMBER 9, 2010 – 6:30 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 7:05 p.m. and took the roll.

FIRST ORDER OF BUSINESS: To waive the reading of the Minutes of Meeting #19-10 held on October 26, 2010 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #19-10 held on October 26, 2010 and to accept the Minutes as printed. (Migliaccio & Bishop)
VOTE: (7 Ayes)

SECOND ORDER OF BUSINESS: That the Town Clerk report on the returns of the November 2, 2010 Election.

MOVED AND SECONDED: That the Town Clerk provide her report. (Bishop & DeGrandpre) **VOTE:** (7 Ayes)

Town Clerk, Beverly Curry provided a report as follows:

Total Number of Registered Freeport Voters at the start of voting—6,287
Number of voters who registered on Election Day—140
Total number of State ballots cast—4,155
Total percentage of voters who cast ballots—65%
Number of Absentee ballots requested—1,054
Number of Absentee ballots returned by 8 p.m. Election Night—1,006
Percentage of ballots cast as Absentees—24%

Voters elected the following candidates to Municipal offices:

District 1 Councilor—3 year term: Sara Gideon—796 votes
Councilor-at-Large—3 year term: James Hendricks—1,969 votes

Sewer District Trustees—3-year terms:
Thomas Hudak—1,573 votes
Garrett Simmons—1,606 votes

COUNCIL MEETING #20-10
November 9, 2010

Water District Trustee—3 year term: John Karp—2,439 votes

RSU #5 Board of Directors—3 year terms:

Brenda Kielty—2,316 votes

Peter Murray—2,448 votes

2-year term:—Karin Van Nostrand—3,002 votes

All five of the Referendum questions for Charter Amendments passed.

She mentioned that the State results were included in her report but did not read them. She gave special thanks to everyone for all their help with the Election. She pointed out that redistricting would take place in the spring.

MOVED AND SECONDED: That the Town Clerk's report be accepted. (Bishop & Migliaccio) **ROLL CALL VOTE:** (7 Ayes)

SWEARING IN OF NEW COUNCILORS:

Town Clerk Beverly Curry swore in Councilors Sara Gideon and James Hendricks. Councilor Hendricks took his place on the Council.

Councilor Cassida welcomed the new Council and brought up a procedural issue that was submitted by Councilor Pandora this afternoon concerning who the presiding officer was for running the meeting after the existing chair steps down. A legal opinion was sought and the Town Attorney concurred that the sitting vice chair could run the meeting until the new chair is voted on and not have the Secretary calling the roll for the new Council. Discussion followed. Councilor Pandora explained why he brought this issue up. The majority of Councilors concurred that the Council should proceed as it has in the past. Vice Chair Cassida asked for a show of hands to support the existing procedure and 6 hands were raised. Councilor Pandora was the only Councilor voting to change the procedure. Vice Chair Cassida called the roll.

	<u>PRESENT</u>
Charlotte Bishop, Maquoit Drive	x
James Cassida, 5 Timber Ridge Road	x
Rich DeGrandpre, Timber Ridge Road	x
Sara Gideon, 78 Bow Street	x
James Hendricks, 21 West Street	x
Joe Migliaccio, 2 Vinmar Lane	x
Eric Pandora, 12 Birch Point Road	x

Announcements:

Councilor DeGrandpre announced that the Old Time Radio Show would be going on again this year at the Freeport Performing Arts Center during Sparkle Weekend. This show is entertaining and features music from the 30s, 40s and 50s. Folks can save \$5 by purchasing their tickets in advance.

The Lioness group will be hosting a Craft Fair and will be offering chili and chowder on November 20 at the Harraseeket Grange Hall.

Councilor Gideon announced that Morse Street School would have its annual Holiday Craft Fair on November 20. It is open to all children in Freeport who can attend and make gifts.

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

ITEM #170-10 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. (Bishop & Gideon) **VOTE:** (7 Ayes)

MOVED AND SECONDED: To nominate Councilor Cassida for Chair. (Gideon & Bishop)

MOVED To nominate Councilor Migliaccio for Chair. (Pandora)

MOVED AND SECONDED: that nominations close. (Bishop & DeGrandpre) **VOTE:** (7 Ayes)

Councilor Pandora explained that he nominated Councilor Migliaccio because he is anxious to move forward. He believes a change in leadership is warranted. He would expect Councilor Migliaccio to take the Council's oversight role more seriously and will respect citizens and others that come before the Council. He is looking forward to a productive year.

Councilor Migliaccio made some comments about himself. He explained what he would like to see going forward. He pledged to change the tone and encourage dialogue among Councilors and make a better effort to engage the public and build back respect and esteem for this body. He noted that a leader leads by example and asked for support and faith from his fellow Councilors. He pledged to change the tone and build back respect.

Councilor Cassida thanked Councilors for the support given to him over the past few weeks. He also thanked the public for their support and trust. He pledged to move forward with agenda items respectful of the public.

Councilor Gideon noted that she is looking for someone who can lead effectively and for the greater good of the Town. She feels Councilor Cassida can do this and she will be voting for him.

Note: If more than one nominee, a showing of hands will determine the name for the following order.

There were two hands shown for Councilor Migliaccio and four for Councilor Cassida with Councilor Hendricks abstaining.

BE IT ORDERED: that Councilor Cassida be elected Chairperson of the Town Council. (Gideon & Bishop) **ROLL CALL VOTE:** (4 Ayes) (2 Nays—Pandora and Migliaccio) (1 Abstention—Hendricks)

MOVED AND SECONDED: that the nominations for the position of Council Vice-Chairperson be opened. (Migliaccio & DeGrandpre) **VOTE:** (7 Ayes)

MOVED AND SECONDED: To nominate Councilor Rich DeGrandpre for Vice-Chair. (Bishop & Gideon)

MOVED AND SECONDED: that nominations close. (Migliaccio & Bishop) **VOTE:** (7 Ayes)

BE IT ORDERED: that Rich DeGrandpre be elected Vice-Chairperson of the Town Council. (Bishop & Migliaccio)

Councilor DeGrandpre noted it is a lot of work to serve as a Councilor but pledged to keep working as hard as he has been. He thanked Councilors for their support.

ROLL CALL VOTE: (6 Ayes) (1 Abstention—Hendricks)

Informational Exchange

Councilor DeGrandpre explained that he received the work that he, Mr. Olmstead, Attorney Geoff Hole and Mike Healy provided incorporating the seven or eight items but he hasn't had a chance to read it. He will try to get it out to Councilors as soon as possible. It is on the December agenda.

Councilor Migliaccio noted the Municipal Facilities Committee will be meeting this Thursday and will walk through the building at 45 Depot Street. They will convene back here in the Town Office to discuss business.

**Note: Recognition of outgoing Councilors and Council Leadership will follow the election of Council Leadership.*

Councilor Bishop presented outgoing Chair Muldoon with a plaque from the Town Council as well as other gifts. She also had gifts for him from the Freeport Historical Society. She thanked him for his service to the Town.

Chair Muldoon explained that he has enjoyed almost every minute of his three years on the Council. He learned more than he ever dreamed. He has seen how local government touches the lives of so many. He noted that the people of Freeport elect Councilors to serve because they trust that they will make beneficial decisions for the Town. He is grateful for the confidence placed in him. He thanked his fellow Councilors for their trust and friendship.

Councilor Migliaccio noted that he has learned a lot from outgoing Chair Muldoon and thanked him for the updated setting for the Council and the free television that he acquired from the Recycling Center. He also thanked him for his service to the Town. He mentioned that Chair Muldoon's spouse should also be thanked.

Councilor DeGrandpre noted how he was on opposite sides of many issues with Chair Muldoon but found that he was always available and willing to discuss any topic. He thanked Chair Muldoon for being a part of the Council.

Councilor Pandora thanked Chair Muldoon and wished him well in his new endeavors.

MOVED AND SECONDED: To adjourn at 7:17 p.m. (DeGrandpre & Migliaccio)
VOTE: (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #21-10
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY, DECEMBER 7, 2010 – 7 P.M.

	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Charlotte Bishop, Maquoit Drive	x		
James Cassida, 5 Timber Ridge Road	x		
Rich DeGrandpre, Timber Ridge Road	x		
Sara Gideon, 78 Bow Street	x		
James Hendricks, 21 West Street	x		
Joe Migliaccio, 2 Vinmar Lane	x		
Eric Pandora, 12 Birch Point Road	x		

Chair Cassida 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 #20-10 held on November 9, 2010 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #20-10 held on November 9, 2010 and to accept the Minutes as printed. (DeGrandpre & Bishop)

VOTE: (7 Ayes)

SECOND ORDER OF BUSINESS: Announcements

Chair Cassida announced:

- Freeport Economic Development Corporation has just launched a new electronic newsletter—*Have You Heard?* It will be published monthly and is intended for the general public. Folks are asked to go to their website to sign up.
- In response to high use of our recycling facilities during last year's holiday season, the Town will be increasing the frequency in which silver bullets will be emptied and will increase holiday hours at our Recycling Center/Transfer Station. The holiday schedule is: Friday, 12/24—8 a.m.-2 p.m., 12/25—closed, 12/27 and 12/28—8 a.m.-4 p.m., 12/31—8 a.m.-2 p.m., 1/1—closed, 1/3 & 4—8 a.m.-4 p.m. Christmas trees, Christmas paper (not foil) and Christmas boxes can be recycled.
- The State has notified the Freeport Housing Trust that they have been selected to build 26 affordable apartments on South Street. Construction is expected to begin in late 2011. For more information call the Trust at 865-1486.
- For people having difficulty purchasing fuel, donations to the Freeport Fuel Fund can go a long way. Donations may be sent to the Town Hall. If anyone has questions, they can contact Johanna Hanselman at 865-4743, Extension 120.
- The Southern Maine Agency on Aging has staff that can assist with questions regarding Medicare, health insurance, etc. Their representatives will come to the Freeport Community

COUNCIL MEETING #21-10
DECEMBER 7, 2010

Library on Thursdays from 10 a.m.-12 noon. To set up an appointment, please call 207 396-3500 and ask to speak to a Resource Specialist. More information can be found on the Town's website.

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

There were none and the Council moved on.

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

ITEM #171-10 To consider action relative to proposed amendments to Section 414 of the Freeport Zoning Ordinance to permit an intercom system at a restaurant drive-up in the Village Commercial II Zone. (Chapter 21) PUBLIC HEARING

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

Donna Larson, Town Planner, explained the process that the Planning Board conducted to permit an intercom system at a restaurant drive-up in the Village Commercial II Zone. The Planning Board decided that standards should be put in place that other communities use. She read the proposed change into the public record.

Ron Lydick, owner of the Freeport McDonald's, explained that he owns seven McDonald's. He is trying to improve customer convenience as well as customer interaction with his employees. This restaurant is consistently slower than any of his other restaurants because employees are unable to clarify orders. He feels the new system will offer a lot of advantages for his business and for his customers. He mentioned that Dunkin Donuts has a drive thru and has audio as do the banks in the area.

Charles Fischman of 195 Main Street pointed out that he attended the Planning Board meetings and does not have an objection to this particular change. He is happy that the Planning Board has instituted a change using standards. He asked the Council to bear in mind that this is a mixed-use neighborhood and he does not want it to get to the tipping point where it is not a pleasant place to live. The results from the test proved that the new system will move more cars through the line quicker.

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

Councilor Gideon asked what properties are included in the VC 11 Zone. Ms. Larson provided a zoning map for everyone to review. She also explained what the rationale was for allowing banks to have an intercom system in the same zone. Councilor Gideon noted that she does not want to lose these special village places in Freeport but thanked the Planning Board for all their work. She noted that when this restriction was put in place, there were many more residents in closer proximity and feels it is important to protect the quality of life for people that live there. She received feedback from residents on this issue. While she favors helping businesses in Freeport, but if the Council approves this outdoor intercom here, where else will they be permitted? Mr. Larson feels that things always change. She will not be voting in favor of this application this evening.

COUNCIL MEETING #21-10
DECEMBER 7, 2010

Councilor Pandora asked how the Town enforces audible noise. Ms. Larson indicated that the Town does not have the capability to do so. Mr. Hendricks asked about the standards the banks are held to. Ms. Larson indicated that the banks are not regulated.

Councilor Bishop recalled the controversy that arose when McDonald's wanted to locate in Freeport. It went on for sometime and at the time, no drive-thru was allowed. The only reason they were allowed a drive-thru was that there would be no intercom used and they also would not use Styrofoam. She noted that the bank closes at 5 p.m. so it is not comparing apples to apples.

Councilor DeGrandpre referred to the test that was conducted and observed the challenges customers have with an intercom that doesn't talk back. He supports this request because it will relieve folks' frustrations. Councilor Hendricks noted that he wants to help business owners and will support this request. Councilor Migliaccio mentioned how loud the downtown area is. Councilor DeGrandpre feels Freeport is cursed having Route One for Main Street. He empathizes with the applicant's concerns.

MOVED AND SECONDED: That the proposed amendments to the Freeport Zoning Ordinance be approved. (DeGrandpre & Migliaccio) **ROLL CALL VOTE:** (4 Ayes) (3 Nays—Gideon, Bishop & Pandora)

Mr. Lydick thanked the Council for their consideration. He asked when he could start using the new intercom and was informed that he should discuss it with the Town Planner tomorrow.

ITEM #172-10 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. (Pandora & Bishop) **VOTE:** (7 Ayes)

Mr. Olmstead explained that this is something that needs to be reviewed each year in order to be eligible for State reimbursement.

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

MOVED AND SECONDED: That the proposed amendments to the General Assistance Ordinance concerning Appendixes Updates be approved. (Bishop & Migliaccio) **ROLL CALL VOTE:** (7 Ayes)

ITEM #173-10 To consider action relative to accepting a newly built portion of School Street.

BE IT ORDERED: That the newly built portion of School Street be accepted as a public road in accordance with the terms and conditions outlined in the Town Engineer's memo dated 12/02/10. (DeGrandpre & Migliaccio)

Mr. Olmstead provided an explanation for the Council. School Street will connect to Bow Street. The street will be guaranteed for one year from date of acceptance and the sidewalks will not be plowed this winter. There will be postings stating that they are not open to the public. If any defects surface over the winter, the developer and/or contractor will address them. Discussion followed.

ROLL CALL VOTE: (7 Ayes)

COUNCIL MEETING #21-10
DECEMBER 7, 2010

ITEM #174-10 To consider action relative to awards from the Dr. Gould Trust Fund.

BE IT ORDERED: That 17 individuals receive awards totaling \$2,393.67 from the Dr. Gould Trust Fund to provide for medical expenses. (Hendricks & DeGrandpre)

Mr. Olmstead explained that this is done quarterly. The principle is protected. Individuals that apply for the funds, do so through General Assistance. Councilor Migliaccio noted that these types of trusts are a great way to leave a legacy to the Town. If anyone is interested in doing so, they should contact the Town Manager.

ROLL CALL VOTE: (7 Ayes)

ITEM #175-10 To consider action relative to proposed amendments to the Traffic and Parking Ordinance concerning taxi stand zones. (Chapter 48)

BE IT ORDERED: That a Public Hearing be scheduled for December 21, 2010 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Traffic and Parking Ordinance concerning taxi stand zones.

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. (Gideon & Migliaccio)

Councilor DeGrandpre provided a brief overview and mentioned that Gary Profenno, Chair of Traffic and Parking will be at the public hearing to outline their recommendations.

ROLL CALL VOTE: (7 Ayes)

ITEM #158-10 TABLED OCTOBER 12, 2010 AND OCTOBER 26, 2010
To consider action relative to proposed Freeport Comprehensive Plan updates.

BE IT ORDERED: That the proposed Freeport Comprehensive Plan updates be tabled to the first Council meeting in February. (Migliaccio & Gideon)

Chair Cassida provided some background information and Town Planner, Donna Larson, provided a brief overview. The Plan has to be certified by the State, which makes the Town eligible for certain grant programs. Councilor Migliaccio hopes to schedule a workshop with the Planning Board to give them some guidance on priorities because there are some recommendations in the Plan. He would like to see some work done on reassessing the parking system in the downtown area. He commended the Planning Board on the parking.

Councilor DeGrandpre commended the Planning Board on the parking and thanked them for their work. He noted that the proposed land growth still needs work. There are no streets included. He had some questions going forward on the transfer of development rights and strategies for implementation going forward and not just a list of ideas. Councilor Gideon would like the Planning Board to define their vision for the downtown and maintain the vibrancy. Under Commercial, Page 33, she read a section into the public record. On the following page, she read a section she would like to include as a vision. She acknowledged that this is a lot to take in but did not want to put a restriction on the number of formula restaurants that are permitted in Freeport. Councilor Migliaccio noted that many local people might start a

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franchise such as McDonald's or Subway. It is a massive endeavor to start up your own restaurant. Councilor Gideon asked if we want a Main Street filled with formula restaurants or do we want unique local restaurants? Councilor Hendricks noted that he walks to everything in the summer. He questioned how to implement the ideas in the end of the Comprehensive Plan.

Chair Cassida agrees that the Plan is tremendous. He referred to the Transportation Section of the Plan connecting the downtown district to the U.S. South District. He suggested changing "ideas" to something such as "goals" or "action plans" and have more discussion on what we want to do in the next 2-3 years and make it very clear and work out a strategy. It needs to be more concrete than an "idea".

Ms. Larson noted that they could swap out "ideas" for "implementation strategies". Councilor DeGrandpre asked if a workshop with the Planning Board and Council would help to decide what to move forward with. Councilor Bishop pointed out that a workshop did take place and only two Councilors attended.

Councilor Pandora is pleased with this document and likes the word "idea" but thinks the maps need to be tightened up. Wendy Caisse, Planning Board Chair, asked if the Council could go through the list of ideas and prioritize them. Some could even be deleted if necessary. The Board could then get right to work on those priorities. Discussion followed on timing and Chair Cassida requested some sort of ranking from the Board. This should probably be done annually. Councilor Migliaccio asked the Planning Board to take a look at the TIF Districts on page 16 since this is something the Council has worked on for a year. Under "Economy" he asked the Board to look at light manufacturing on page 14/15 and consider amending the Zoning Ordinance to identify light manufacturing. He had other suggestions to make. Councilor Gideon expressed confusion with where the Council is going. Chair Cassida noted that before this document can be approved, the Council needs to sit down with the Planning Board in an informal round table workshop setting sometime in January. Councilor Pandora suggested leaving all the ideas in and did not want to Necessarily rank them. This is a broad-based document. He offered to provide more feedback.

Ms. Larson noted that the suggestions do not warrant an overall rewrite and she will give the Planning Board the document at its first meeting in January. She will work with Mr. Olmstead to find a suitable workshop date.

MOVED AND SECONDED: To table Item #158-10 to the first Council meeting in February (Migliaccio & Gideon). **ROLL CALL VOTE:** (7 Ayes)

ITEM #159-10 TABLED OCTOBER 12, 2010 AND OCTOBER 26, 2010

To consider action relative to the repeal of the Pinball and Video Machine Ordinance (Chapter 44).

BE IT ORDERED: That the repeal of the Pinball and Video Machine Ordinance be approved. (Gideon & DeGrandpre)

Councilor Pandora explained that he views the ordinance removal as helping some businesses diversify their revenue stream in that they may offer additional entertainment to capture dollars or keep people in their establishments longer. He feels it would be a help to some businesses.

Councilor Migliaccio pointed out that he could vote to repeal the Ordinance. Councilor Gideon asked for some historical information and if the Ordinance could be amended rather than appealed. Arcades are usually seen in conjunction with movie theaters. Councilor Bishop explained that it is the Baby Boomer age that is likely to use these machines. She doesn't want to eat in a restaurant while these machines are being used in the front. She asked if the Council really wants these machines to generate extra revenue.

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Councilor DeGrandpre noted that this Ordinance is aimed at something we wouldn't want in our community. He can support to repeal it or amend it to make it less onerous. Councilor Hendricks noted he would not have any problem with a movie theater having a few machines. He hasn't seen a pinball machine anywhere for sometime. He has no problem with repealing it or changing the Ordinance. Chair Cassida does not fear that an arcade will end up at every corner of Freeport. He can be convinced to go either way. Discussion followed on reasonable restriction. Taking a poll, four Councilors were willing to vote to repeal. Councilor Migliaccio noted that there appears to be consensus to table this action and mandate it back to the Ordinance Committee to come up with revised language and bring it back to the Council at some future date.

MOVED AND SECONDED: To table this item to the second meeting in January.
(Gideon & Bishop) **ROLL CALL VOTE:** (7 Ayes)

ITEM #160-10 TABLED OCTOBER 12, 2010 AND OCTOBER 26, 2010

To consider action relative to a proposed Purchase and Sale agreement between the Town of Freeport and Coastal Soccer Club d/b/a Seacoast United Maine for 17 acres of Town Owned property located off the Hedgehog Mountain Road (Tax Assessor Map 22, Lot 64).

BE IT ORDERED: That the Town Manager be authorized to execute the proposed Purchase and Sale agreement between the Town of Freeport and Seacoast United Maine on behalf of the Town of Freeport.

BE IT FURTHER ORDERED: That the Town Attorney be authorized to make non-substantive adjustments for internal consistency for those provisions which need to be modified at closing.

BE IT FURTHER ORDERED: That any tax revenue generated from the construction of the facility by Coastal Soccer Club d/b/a Seacoast United Maine be placed in a reserve fund to be used for future recreational needs.

BE IT FURTHER ORDERED: That should the Town's share cost of engineering totaling \$15,000 be returned to the Town of Freeport as a result of construction, that money will be reserved for the relocation of running trails and other recreational needs of the Town. (Bishop & DeGrandpre)

Chair Cassida turned this item over to Councilor DeGrandpre after providing some historical information on the agreement. He suggested focusing on the 5-7 items that were identified for the Town Manager to work out with the Town Attorney. On Page 3 Chair Cassida noted that the Town wants the right of first "refusal" and not right of "offer".

Councilor DeGrandpre referred to the agreement and reviewed each of the items that were changed. He went to the plan displayed and pointed out the land designated for mitigation of wetlands. Since the plan has since been modified, the land purchased will actually be 12.2 acres, not 17. He showed where the parking lot would be built on Town land. He plans to include Exhibit B as it is drawn. The amount of the acreage being sold has been reduced to 12.42. He offered to answer questions for Councilors. Discussion followed.

Mr. Healy noted he is no longer president and does not have the authority to say "yes" or "no" but feels the definition of "right of first offer to seller" is preferable because when you have a right of first refusal, and you go out to sell a property, it makes it difficult for people to negotiate with you when someone else

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can take the property off the table in front of you. With the right of first offer—if we wanted to sell the property and we offered it to the Town for \$100,000 as an example and the Town said “no”, we would have the right to go out and sell it if we found a buyer willing to pay \$110,000. If we could only get an offer of \$90,000 or \$95,000, we would have to come back to the Town and offer it to you at the lower price because our offer was \$100,00 to you. He pointed out that they are a non-profit and are not in business to make money. They would only be interested in getting back its investment if they had to sell. They have tried to negotiate in good faith. He offered to include the clarifying language in the contract so that it is in black and white.

Chair Cassida noted that if that is how it works, he would have less concern. Councilor DeGrandpre agreed that this clarity solves any concern he had.

MOVED AND SECONDED: To amend the Purchase and Sale Agreement to include the language provided by Mike Healy’s explanation clarifying right of first offer and modifying Paragraph 9 on Page 4 to make it consistent with Exhibit B. (Bishop & Gideon) **VOTE:** (7 Ayes)

ROLL CALL VOTE ON AMENDED ORDER: (7 Ayes)

Councilor DeGrandpre noted that they will be meeting with the DEP and the Army Corps on Thursday.

OTHER BUSINESS:

1) Review of Council Rules and Procedures

Chair Cassida explained that he reviewed these rules and procedures. He asked the Manager to prepare a booklet that includes all the rules and procedures and will be available at all Council meetings. Copies of the Town Charter will also be available at every meeting. He encouraged all Councilors to review the rules and procedures. He suggested sitting down and marking up what works and what does not work. He noted that Council meetings beginning at 6:30 p.m. are in violation of the Council’s rules. All meetings are to begin at 7 p.m. He plans to discuss agenda items with the Town Manager before meetings and suggested that agenda items be forwarded to both he and the Town Manager. He plans to have congenial meetings and congenial discussions in the future.

2) Review of upcoming financial workshop format

Chair Cassida pointed out that on December 14 a workshop will begin at 6 p.m. and is scheduled to go to 10 p.m. on financial investment policies. The experts will be here to answer questions. Rod Regier and Marie Gunning will have an opportunity to state their concerns. The agenda on the 21st will be light. The public will be given an opportunity to make comment on the proposed changes.

Councilor Migliaccio asked for all the correspondence from Marie Gunning and Rod Regier to be provided to Councilors. This information has been assembled. Other attachment information has been copied for Councilors.

3) Discussion on changes that may need to be made to the contractual documents with the Freeport Community Center in light of the Town Council’s action to forgive a portion of the Town loan.

Councilor Migliaccio requested that this be added to the agenda. He means it to be a discussion starter. He hopes to carve out some time in the coming weeks to have a specific workshop to walk through the events that led up to the September 14 vote. He listed his concerns and wants to be sure it is completely buttoned up. He suspects that there should have been amendments made to the loan documents. Chair Cassida noted this is a reasonable request and he is confident that the documents can be assembled. It will be scheduled sometime in January. More discussion followed.

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4) Chairperson's Committee Assignments for 2011

Chair Cassida thanked Councilors for submitting their preferences and encouraged all of them to rank the committees when they read them. He explained how he appointed Councilors to the various committees and reviewed the list. An Appointment Committee meeting needs to be called pretty soon and the Ordinance Committee has something to do already. He passed out updated contact information for the Council and asked Councilors to check it out for accuracy. He noted that Councilors could call him on his cell phone, which is the most direct route. E-mails should go to both addresses.

Councilor Migliaccio mentioned that the FEDC position is shown as a liaison position but you actually become a Board member. Councilor DeGrandpre noted that for Traffic and Parking, one needs to make it to the first meeting or you become the Vice Chair.

Chair Cassida asked if there was anyway for Councilor Bishop to get E-mail. Whenever he sends out correspondence to the Council, he is leaving her out. Councilor Bishop indicated that she does not access E-mail at home and it has not been a problem in the past.

5) Information Exchange

Councilor Migliaccio noted that the Council tabled a Traffic & Parking Committee recommendation to create a couple of new no parking spots on Main Street in South Freeport. He attended the meeting and he now has a better understanding of why they proposed those spots. Gary Profenno will be here in a few weeks and the Council may consider bringing that back at some point in the future.

Councilor Migliaccio and Councilor Gideon attended a Municipal Facilities Committee meeting. There is a house on Depot Street to demolish, which the Historical Society would like to see the home preserved. Options were discussed for groups that might move in there. The Town Planner will get something in writing from the property owner if they are interested in turning the home over for cash or something else. She will write saying we have some interest in preserving the historic home and ask that they put something in writing. He hopes the new members of the Municipal Facilities Committee will pick up on this.

Councilor Migliaccio asked if he could move his seat to the other end so that it would be easier for him to engage the public at the podium. Chair Cassida explained the rationale for seating. Councilor Bishop had no interest in changing seats. Chair Cassida noted that it is important for the Town Manager to sit next to the Recording Secretary. He views all the seats as equal.

ITEM #176-10 To consider action relative to an Executive Session to discuss Police and Dispatch Contract negotiations (1 MRSA Section 405(D)).

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

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

MOVED AND SECONDED: To adjourn at 11:06 p.m. (DeGrandpre & Hendricks)
VOTE: (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary

MINUTES
FREEPORT TOWN COUNCIL MEETING #22-10
FREEPORT TOWN HALL COUNCIL CHAMBERS
TUESDAY, DECEMBER 21, 2010 – 7 P.M.

	<u>PRESENT</u>	<u>ABSENT</u>	<u>EXCUSED</u>
Charlotte Bishop, Maquoit Drive	x		
James Cassida, 5 Timber Ridge Road	x		
Rich DeGrandpre, Timber Ridge Road	x		
Sara Gideon, 78 Bow Street	x		
James Hendricks, 21 West Street	x		
Joe Migliaccio, 2 Vinmar Lane	x		
Eric Pandora, 12 Birch Point Road	x		

Chair Cassida 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 #21-10 held on December 7, 2010 and to accept the Minutes as printed.

MOVED AND SECONDED: To waive the reading of the Minutes of Meeting #21-10 held on December 7, 2010 and to accept the Minutes as printed. (DeGrandpre & Bishop)

VOTE: (7 Ayes)

SECOND ORDER OF BUSINESS: Announcements

Councilor DeGrandpre suggested that the public check out the Council's Meeting and Workshop Schedule for next year. It is posted on the Town's website.

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

Shari Brodeur, Chair of the Library Board noted that Library usage is increasing. They need to apply for grants and they regret losing two positions last year. They have a lot of volunteers but they cannot do everything that needs to be done. They are hoping to have a full-time position restored this year and she hopes the Council will take this into consideration. John Creasy invited everybody to come into the Library and spend 20-30 minutes to get a sense of what is happening there. Stephanie Helms of Cottage Street pointed out that the Council has to make choices and she hopes the Council will consider funding the Community Library before the business community out of the public's purse. The Library is key to the populace and the Council is responsible for funding it.

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

ITEM #180-10 To consider action relative to adopting the December 21, 2010 Consent Agenda.

BE IT ORDERED: That the December 21, 2010 Consent Agenda be adopted. (Bishop & Gideon)

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

ROLL CALL VOTE: (7 Ayes)

ITEM #181-10 To consider action relative to proposed amendments to the Traffic and Parking Ordinance concerning taxi stand zones. (Chapter 48) PUBLIC HEARING

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

Gary Profenno, Chair of the Traffic & Parking Committee, explained the proposed Ordinance change which came to the Committee about three months ago. The committee came up with a plan to allow taxies to drop off, pick up and stand for no more than 10 minutes in the bus-loading zone across from L.L. Bean.

Dan Collins from A. B. Cab Company explained that he started his business in May at the urging of FDEC, FMMA and several restaurants and hotels in the area. He pointed out that the one taxi stand in Freeport is too far away from where the populace is shopping. He went to Traffic and Parking and asked that they consider moving the taxi stand from in front of the Jameson Tavern to in front of the L.L. Bean Bike and Boat Store since it is a wider spot in the road and that is where the majority of people are and is visible from everywhere on Main Street. He foresees problems allowing taxies to park in the bus loading zones for 10 minutes. He has looked around town and feels he found a better spot for a taxi stand on Bow Street in front of J. Crew. It would be easy to pull up and drop people off and sit there. He is looking to be visible.

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

Mr. Profenno answered questions for Councilors. Councilor DeGrandpre pointed out that the current taxi stand in front of the Jameson appeared to be working but trying to change any parking spots would create challenges. They have tried to keep the area on Main Street clear near Cole-Hahn and the L.L. Bean Bike and Boat Shop. Visitors create a problem in this area when they pick up or drop off passengers and taxies do the same thing. Mr. Profenno noted that the Town Engineer has determined that there is not enough space for extended parking in that area of Main Street. Mr. Profenno advised that the Bow Street option was not brought to Traffic & Parking. He is not opposed to taking a look at the Bow Street location. Discussion followed. Mr. Collins explained a situation where he was given a \$100 traffic ticket. The Town Manager was asked to have a discussion with the Police Chief about enforcement and consistency.

Councilor Hendricks explained what he has observed during the summer regarding people dropping people off or picking them up. He feels having one spot may be detrimental to Mr. Collins' business. Councilor Migliaccio noted that he would support moving this forward but would like a better plan. He pointed out that taxies are critical to Freeport's businesses. Councilor Gideon is in favor of approving the change but feels a comprehensive look should be taken at the Bow Street spot. Councilor DeGrandpre suggested that Traffic & Parking could take a look at a spot in front of J. Crew and opening the other spot up to regular parking. Councilor Pandora noted that he would support sending this back to Traffic & Parking to look at possibly moving the taxi stand to Bow Street. Councilor Bishop noted she is open to sending this back to Traffic & Parking to further consider other spots that would be appropriate for a taxi stand. Mr. Profenno assured the Council this issue would be back on Traffic and Parking's agenda.

MOVED AND SECONDED: That the proposed amendments to the Traffic and Parking Ordinance be approved. (Migliaccio & Bishop)

MOVED: To amend the language to designate a taxi loading and unloading zone with no 10-minute standing permitted. (DeGrandpre—no second)

ROLL CALL VOTE: (7 Ayes)

OTHER BUSINESS:

1) Discussion on Passport Services

Mr. Olmstead explained that a new ruling has been issued effective May 1, 2011 by the Passport Services National Customer Service Manager. Freeport is going to transfer this service from Town Hall to the Public Library as of May 1. Beth Edmonds reported that she is going to send three people to a one-day training session. The Library is a place where people come evenings and weekends and the Town will get some revenue. She reminded the Council that she will be requesting a full-time position.

Chair Cassida took an item out of order from Information Exchange:

He explained that a foyer request was received on the 15th from Beth Brogan from *The Times Record* requesting all correspondence including e-mail correspondence from all Town Councilors and Town Staff regarding the December 14, 2010 workshop on financial policies and all documents to date regarding the follow-up workshop scheduled this evening on December 21. Mr. Olmstead clarified the request with Ms. Brogan and determined that this is what she wants. Every e-mail document that Councilors received or sent has to be copied and given to Ms. Brogan. Each Councilor has to copy their received and sent information concerning those two meetings. He had to charge \$60.30 for all the documents he printed off at work. He hasn't tallied the documents he had on his home computer. Personally he has some issue with each Councilor doing it on their own. Councilor Hendricks shared information on the customary price of copies.

Mr. Olmstead noted that he did not copy anything but forwarded all the e-mails to Beth Brogan. She was agreeable to forwarding. Abby Yacoben is putting her information on a disk for forwarding. Councilor Migliaccio will forward all his information to Ms. Yacoben. He supports the press' right to know. Councilor DeGrandpre noted that every bit of information he has received has come by e-mail. Chair Cassida suggested that he save it to a disk and forward it to Beth. Some sort of formal notice has to be done within two weeks.

In the future, Councilor Hendricks suggested having an e-mail account set up for Town business. Councilor Gideon noted that this is possible at the present time. Chair Cassida suggested that the Town Manager have 7 e-mail addresses set up immediately. Councilor Pandora advised that he looked at a foyer policy regarding the Town of Falmouth and started gathering information on it. He will circle back with it.

2) Discussion regarding Council communications

Councilor Migliaccio explained his concerns. He would like the Council to work as a team. This relates to leadership meetings. He feels that some Councilors have more lead times than others and he would like to have this minimized. On December 1, there was a meeting and Vice Chair DeGrandpre couldn't attend but Councilor Gideon sat in on it. He would have liked to have been invited to sit in. Chair Cassida explained that the December 1 meeting was a meeting he asked for with the Town's Finance Director. Councilor Gideon explained that she sat in on it as well because she had questions. Councilor Migliaccio feels a quick e-mail would be helpful in situations such as this.

Chair Cassida explained that he meets with Mr. Olmstead three or four times a week. He asked what defines a "leadership meeting?" Councilor Migliaccio noted that if the Chair and Vice Chair were setting up an agenda, he would like the whole Council to be informed.

3) Information Exchange

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

Respectfully submitted,

Sharon Coffin, Council Secretary

Note: *A workshop on Financial Policies began immediately following the Town Council meeting.*
