

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #1-11**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, JANUARY 4, 2011 – 7 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></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 #22-10 held on December 21, 2010 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #22-10 held on December 21, 2010 and to accept the Minutes as printed. (DeGrandpre & Migliaccio) **VOTE:** (7 Ayes)

**SECOND ORDER OF BUSINESS:** Announcements

Chair Cassida announced that:

- Habitat for Humanity of Greater Portland is planning a groundbreaking ceremony on January 11 at 3 p.m. on South Street. A reception with light refreshments will follow immediately at Town Hall. They are planning to build three homes on the site.
- Dog licenses expired on December 31. To avoid late fees of an additional \$25, dogs must be licensed by January 31, 2011. Licenses can be obtained at Town Hall or by mail if accompanied by a check and a valid Rabies Certificate. If residents no longer have their dogs, they should call 865-4743, Extension 122 or 123. A Rabies Clinic will be held at Town Hall on January 29 for both dogs and cats from 9 a.m.-12 Noon. The charge for the shots will be \$15. Councilor DeGrandpre noted that if unlicensed dogs are found running at large, there will be additional fines and penalties assessed.

Councilor Migliaccio suggested that residents go to the Town's Website and sign up to have an automatic push out to e-mail to find out what meetings are taking place.

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

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

Marie Gunning, Freeport resident, shared her views regarding the Town's General Fund Policy and noted she feels it is important to examine this policy closely. She is hopeful that there will be good discussions going forward and that all pertinent information will be on the table. She provided information to the Council to discuss at the upcoming workshop and suggested that it be added to the Town's website. Chair Cassida suggested that she get any additional information to the Town Manager as soon as possible so that it can be provided to the Council for review prior to an upcoming workshop. Discussion followed. Chair Cassida noted that the information can be posted on the Town's website along with the other workshop information. He mentioned that the Council will take the time needed for review and there would be an opportunity for public input at some point.

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

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

ITEM #1-11 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 January 18, 2011 at 7:00 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. (Bishop & Migliaccio)

Councilor Gideon explained that this item was brought before the Council back in November and subsequently was sent back to Traffic & Parking. Councilor Migliaccio noted that the Town Engineer has looked at the proposed amendments and provided some information. Councilor DeGrandpre advised that Gary Profenno, Chair of Traffic & Parking, would be here for the public hearing.

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

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ITEM #2-11 To consider action relative to providing funding for the Freeport Chamber of Commerce for calendar year 2011.

**BE IT ORDERED:** That \$36,000 be expended from the excess funds in the Desert Road Phase I TIF Tax Increment Financing Account to provide the Freeport Chamber of Commerce funds for 2011. (Pandora & Bishop)

Mr. Olmstead explained where the money is coming from and why it is an acceptable use. There is a balance of \$54,000, which can be used for economic development purposes. Councilor Migliaccio mentioned he would be asking what TIF funds can be shifted out.

Ed Bonney, Chairman of the Board of the Greater Freeport Chamber of Commerce, advised that they presently have 160 members and there are some members that are from outside of Freeport. He noted that they could draw members from Cumberland, Androscoggin and Sagadahoc Counties. They are focusing on retaining their present members and perhaps getting members from Durham and Pownal. Their goal is to have 225 members by the end of 2011. Councilor Gideon noted that she would like to see them consider reimbursing the Town for the amount if they exceed their membership goal. Mr. Bonney could not say that the Board would do that because he cannot speak for the incoming Board. Councilor Gideon explained that she would like to see their 3-5 year plans with a goal of financial independence and when that could be achieved and also what they anticipate they will be asking the Town in the upcoming years. While Mr. Bonney did not know the answer to Councilor Gideon's questions, he did know they are going to focus on their business plan to make sure they can get additional income.

Councilor Hendricks would like to see some sort of Chamber vision for next year, the year after and perhaps for the next five years. He would like to see them become self-funded. He would also like to see efforts made in future years to collaborate with Freeport USA and FEDC.

Councilor Pandora noted that he likes their model and website and asked what would happen if the Council does not fund the Chamber. He hasn't seen what the capital and operating budgets will look like. Mr. Bonney assured him that they will not go away but will face significant challenges and most likely would no longer have an Executive Director.

Councilor Migliaccio disclosed that he has interests and family members that are members of the Chamber. He is concerned about providing taxpayer money to an organization that only supports its members. At this time he is unaware what the Manager is presenting for a budget this year. He would hope to table this request tonight and give the Council an opportunity to meet next week. He still has questions that are unanswered. He asked if they expect to come to the Council next year and request funds. Mr. Bonney noted that he could not answer that question. Discussion followed.

Councilor Bishop feels the Chamber is a good outlet for the smaller businesses in Freeport.

Councilor DeGrandpre recalled that the \$48,000 provided last year was for start-up costs. He anticipated that the Chamber would be back requesting funds at some point and it is important to support economic development in our community. His concern is that the Chamber's budget is being put to bed while the Town's is just beginning.

Councilor Hendricks asked Debra King about her three-month commitment as Executive Director. Ms. King explained that she views it as a probationary period, either she makes it or breaks it. She explained her background and sees lots of opportunities to bring this Chamber in line with other State Chambers.

Chair Cassida thanked the members of the Chamber for coming tonight, last week and again next week. He feels the business community is very important to Freeport and he is a business owner and a member of the Chamber. He serves on the Chamber Board. The business community brings in 35% of the tax base. He plans to support the motion this evening.

Councilor Migliaccio asked about cash flows and asked if \$16,500 would allow them to fund their personnel for three months because he doesn't understand what his budget will be at this time. Peter Warren, Chamber Treasurer, explained that there are approximately 400 businesses in Freeport that are not retail. Freeport USA and FEDC are serving a specific need for which they were created. He mentioned that they are building an organization that helps people. They have come a long way and they know they have a long way to go. While they would prefer to not have to return to the Council and ask for money, they don't know what will happen in the future.

Stephanie Helms, former member of the Chamber, provided information to clarify what Chair Cassida was looking for. She is in support of an organization like the Chamber, Freeport USA and FEDC as long as they can find a way to budget honestly. She questioned how the Council could consider funding this request without knowing what will be needed in the upcoming capital and operating budget. She feels this request is out of line. Chair Cassida passed out the information provided by Ms. Helms to Councilors.

**MOVED AND SECONDED:** If the membership exceeds the goal of \$56,465.00, the Greater Freeport Chamber of Commerce will reimburse the Town at a rate of 50% per member for each member over the goal. (Gideon & Migliaccio)

Discussion followed on accounting purposes. Mr. Bonney noted he would want to get a legal opinion on this request. Mr. Olmstead explained that the Chamber's books are not a matter of public record. For the money to come back to the Town in the way of a reimbursement, it would not have to go back into a TIF account. Councilor Pandora does not want to be involved in the day-to-day involvement of the Chamber and feels that this would be a disincentive to the organization in raising funds. Chair Cassida agreed. Councilor Pandora warned that if this money is granted, he would look to the economic development budget if someone comes in with having to cut a position or filling potholes. Councilor DeGrandpre and Councilor Bishop did not support this amendment.

Councilor Gideon withdrew her amendment and Councilor Migliaccio withdrew his second.

**BE IT FURTHER ORDERED:** that the Greater Freeport Chamber of Commerce present to the Council prior to making an additional request in future years, a projected three-year budget within six months. (Gideon & Hendricks)

Discussion followed. Councilor Hendricks suggested adding business plan after the word budget and Chair Cassida suggested changing six months to ten months. Discussion followed. Councilor Gideon withdrew her amendment and Councilor Hendricks withdrew his second.

**BE IT FURTHER ORDERED:** that the Greater Freeport Chamber of Commerce prior to requesting additional funding in future years, present the Council with a projected three-year sustainability plan. (Gideon)

Councilor Hendricks did not like "sustainability plan". He feels it is a broad term. More discussion followed. Since there was no second to the motion, it failed.

**BE IT ORDERED:** That \$18,000 be expended from excess funds from the Desert Road Phase I TIF Tax Increment Financing Account to provide the Greater Freeport Chamber of Commerce with funds. (Migliaccio & DeGrandpre)

Councilor DeGrandpre noted he would like to see a business plan. Councilor Pandora agreed. He mentioned upcoming challenges to the budget process. Councilor Gideon suggested adding, "with the understanding that the Council will consider additional funding during the regular budget process." Councilor Hendricks agreed. Councilor Migliaccio clarified that if \$18,000 is provided tonight, the Chamber should understand that within 2-4 weeks, the Council would be looking for a plan showing the target is for the money that would become available on July 1, which is the new fiscal year. Chair Cassida had reservations since the Chamber does its budgeting on a calendar year and the Council does its budgeting on a fiscal year. He asked if the Council would accept that if the Chamber has to come back, that they could make a request for a 12- month period.

The Motion now reads:

**BE IT ORDERED:** That \$18,000 be expended from excess funds from the Desert Road Phase I TIF Tax Increment Financing Account to provide the Greater Freeport Chamber of Commerce with funds with the understanding that the Council will consider additional funding during the regular budget process. (Migliaccio & DeGrandpre) **VOTE:** (6 Ayes) (1 Nay—Bishop)

**ROLL CALL VOTE:** (6 Ayes) (1 Nay—Bishop)

Mr. Bonney asked what kind of information on cash flow is necessary. Chair Cassida suggested discussing this next week. Councilor Migliaccio explained what point he was trying to make.

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ITEM #3-11 To consider action relative to accepting donations to the Freeport Fuel Fund.

**BE IT ORDERED:** That the following donations be accepted:

Down East Energy Corp.	\$1,200.00
Robert and Judith Foster	\$ 500.00 (DeGrandpre & Gideon)

Mr. Olmstead explained that anyone can donate funds to the Fuel Fund to help anyone having difficulty purchasing fuel oil. He urged anyone that could afford to donate to do so since requests for use of the funds are coming in.

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

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**OTHER BUSINESS:**

**1) Request from the Maine National Guard to transport steel from Ground Zero to the Town of Freeport to be used for a sculpture at the existing memorial on the Public Safety Property (Freeport Masonic Lodge #23)**

John Skillin from the Masonic Lodge explained that the size of the steel has been changed and now weighs 1,600 lbs. which meant no one could go and get it with a pickup truck. They looked for help and got in touch with the National Guard but learned that the request needs to be put through the Town. They are offering Freeport residents with a piece of steel from the World Trade Center to enhance the Memorial that exists already at the corner of Main and West Street. He asked that a letter be prepared acknowledging acceptance of the steel and requesting the National Guard to transport it. He is not aware of any financial obligation for the Town for the transporting of the steel or the building of the sculpture. The National Guard will unload it on May 21. Bath Iron Works will cut and form the sculpture. Councilor Pandora asked about insurance for this project. Mr. Olmstead indicated that this information is forth coming. Mr. Skillin advised that the National Guard has a 2 million dollar insurance policy. There was consensus that the Town Manager should draft the letter with the caveat that the insurance issue has been resolved. Councilor DeGrandpre asked Mr. Skillin to let the Council know when the steel is delivered in Freeport. Mr. Skillin advised that much press would be participating. Councilor Bishop asked if the Project Review Board has been consulted and Mr. Skillin advised that they have. Chair Cassida thanked Mr. Skillin and the Masonic Lodge for bringing this forward. Mr. Skillin explained some of the activities being planned for September 11.

**2) Discussion on Freeport Community Services Loan**

Councilor Migliaccio thanked Mr. Olmstead and Town Staff for the effort they made to put this information together. He followed up on some thoughts on what other documents need to be amended to protect the rights of the Community Center. The Town Attorney noted that there are still actions that need to be taken. A document needs to say that this money has been forgiven. Mr. Olmstead advised that the Town Attorney advised that Council Minutes should be attached to the original document showing forgiveness of part of the loan subject to conditions. Someone from FCS could sign the Minutes saying that they understand them.

Councilor Bishop asked if the \$65,000 came in yet. Bob Lyman advised that \$30,000 was paid about two weeks ago. They still owe \$35,000. While they have until the end of 2012 to pay it off, they are confident they will be able to pay it off sooner.

Councilor Migliaccio clarified that no documents need to be amended at this time but the Minutes need to be attached to the purchase and sale agreement and it was agreed to by FCS. He mentioned that in the Project Review Board there is a plan for the new building that will be attached to the Town-owned building is in the works. He asked what the Town needs to do about liability.

Bob Lyman advised that they are in the planning stage of attaching the third building. It is being done with no money from Freeport and Pownal citizens. They have received five grants and are applying for another round of a block grant to pay for the addition, connector and renovations of the building.

Councilor Migliaccio asked if the Town would lose revenue from the parking lot when this property transfers over for one dollar to FCS. Councilor DeGrandpre advised that a lot of things were done to deal with the parking requirement. There will not be any changes to the parking requirement for FCS. Councilor Migliaccio mentioned that he is confused and asked if the Town can loan money out of reserve accounts and invest them in a joint land property development deal. He pointed out that we need a clear statement from our attorney that this is completely in compliance with State law. He asked if anybody else has any concern with the attorney saying that this is not to be considered an investment. He suggested getting a second legal opinion. Councilor Gideon referred to the December 7 interpretation from Geoff Hole.

More discussion followed. Mr. Olmstead noted that the Council could use the Maine Municipal Association without cost for a second opinion. Councilor Hendricks noted that the Council should get a second opinion since it would not cost anything. There was consensus to get clarification from the Town Attorney and get a second opinion from the Maine Municipal Association. Councilor Hendricks also suggested getting an opinion on "common man".

Marie Gunning shared her views on the FCS transaction. Bob Lyman pointed out that the Council should be aware that parking could be an issue in this area when the train comes through. When Bean's store is open, they are swamped.

**3) Discussion on Council Goals for 2011**

Chair Cassida reminded Councilors that goals need to be submitted by January 13. He will come up with a compilation of Council goals and will bring them back for discussion at the last meeting in January or the first meeting in February.

**4) Information Exchange**

Councilor Migliaccio mentioned the expenditure of \$18,000 in the TIF and asked Mr. Olmstead to have Donna check that the transaction is okay. Mr. Olmstead advised that Ms. Larson would be advised of tonight's decision.

Councilor Gideon mentioned setting up e-mail addresses at Town Hall for Councilors to use for Town business. She requested that the Town Manager set them up. Councilor Pandora wants a policy set in place as to who can access it before he agrees to use it. Mr. Olmstead is confident that security features can be applied to protect the privacy of Councilors.

Chair Cassida plans to develop a FOAA Policy. He plans to reinvigorate the discussion on the FOAA Policy and wanted Council input on whether Town E-Mail and the FOAA Policy should be folded into one. Councilor Pandora noted that this would not be a cure-all. He mentioned that Falmouth has a 2-page FOAA policy in effect and our proposed policy is 8 pages long. Discussion followed. Chair Cassida feels that the Council needs a policy to ensure that we have satisfied the actual intent of the FOAA. Somebody has to be responsible that it is done correctly. He suggested having consultation with the Town Attorney and the Council to discuss the FOAA policy. He also suggested setting up Town E-mail accounts for anyone that is comfortable using them and the Council can figure out how to access them. Councilor Migliaccio asked Mr. Olmstead to find out when COG provides training on FOAA.

Chair Cassida noted that he was disappointed with how the Council acted as a body regarding the FOAA request received a few weeks ago. For the most part, everybody followed the directive but Councilor Migliaccio did not. He offered to have this discussion privately but Councilor Migliaccio did not agree. He feels it is important to say that when this Council makes a decision to do something, then everybody will do it the way everybody agreed to do it.

For the record, Councilor Pandora noted he didn't agree to provide all the information. Consensus is not binding for the Council. It has to be a roll call vote. Discussion followed.

Councilor Migliaccio explained that the FOAA request was a week old when he received it. It was a late hour with no notice and he said "great, I will forward my e-mails to Abby". It was implied that Councilors should track their expenses since the requestor would need to pay for them. He mentioned that it was Christmas time and he sent an e-mail to Councilors mentioning that he would contact the *Times Record* and would allow them access and review to his information and avoid printing a huge stack. He had no confidential information. It was clear that the requestor was fine with it but the Council Chair instructed him to put the information on a disk. He was not trying to be disrespectful to the Council.

Councilor Gideon noted that the Council is a representative of the Town and the whole point is having a policy in place. Councilor Hendricks explained that he would welcome a policy, which would prevent any disagreement next time a FOAA request is received and would appreciate a Town e-mail address to keep his Town information in one place. Councilor DeGrandpre agreed.

**NOTE:** Council Secretary discovered she incorrectly spelled FOAA request (Freedom of Access Act) as *foyer request* in previous minutes.

Councilor Pandora explained that he requested a full accounting of legal expenses to date and only got the ones from Eaton Peabody, which was only half. It appeared that Councilor Gideon was more aware of how much money has been spent on legal fees. He would like information disseminated in a fair and equitable manner. Chair Cassida didn't know how he got any information since Abby is out until Wednesday. Mr. Olmstead explained that Councilor Gideon came in to see him this morning and he shared information with her that he had discussed with Abby. He did not show her any numbers and Abby

did not show her any numbers. Councilor Pandora asked if we need a supplemental appropriation since we are over \$50,000 for legal fees. Mr. Olmstead addressed his question.

Councilor Migliaccio asked if someone could confirm that *The Times Record* reimbursed the Town for the expenses involved in their FOAA request. *The Times Record* refused to pay Chair Cassida's \$60 printing bill so he ate the expense.

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

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Respectfully submitted,

Sharon Coffin, Council Secretary



*Meeting postponed from January 18, 2011*

## **MINUTES**

### **FREEPORT TOWN COUNCIL MEETING #2-11 FREEPORT TOWN HALL COUNCIL CHAMBERS TUESDAY, JANUARY 25, 2011 – 7 P.M.**

	<b><u>PRESENT</u></b>	<b><u>ABSENT</u></b>	<b><u>EXCUSED</u></b>
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 #01-11 held on January 4, 2011 and to accept the Minutes as printed.

Councilor Pandora referred to page 4 regarding the Chamber of Commerce item and requested the wording be changed from “Councilor Pandora warned that if this money is granted, he would look to the economic development budget if **someone** comes in with having to cut a position or filling potholes.” To “Councilor Pandora warned that if this money is granted, he would look to the economic development budget if **the Town budget** comes in with having to cut a position or filling potholes.” Councilor Pandora referred to page 7, 5<sup>th</sup> paragraph regarding FOAA Policy and recommended changing “For the record, Councilor Pandora noted he didn’t agree to provide all the information” to “For the record, Councilor Pandora noted he didn’t agree to provide all the information **in the way outlined by the Chair.**” There was no opposition to the changes.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #01-11 held on January 4, 2011 and to accept the Minutes as amended. (DeGrandpre & Bishop)  
VOTE: (7 Ayes)

**SECOND ORDER OF BUSINESS:** Announcements

Chair Cassida announced that:

- 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 Wednesday mornings beginning on the 2nd of February until the 13<sup>th</sup> 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.
- Dog licenses expired on 12/31/10. To avoid late fees of an additional \$25, residents must register their dogs by 1/31/11. Licenses can be obtained at Town Hall or by mail if accompanied by a check and a valid Rabies Certificate. If residents no longer have their dogs, they should call 865-4743, Extension 122 or 123. A Rabies Clinic will be held at Town Hall on January 29 for both dogs and cats from 9 a.m.-12 Noon. The charge for the shots will be \$15.

Councilor DeGrandpre noted that tomorrow night the RSU5 Board will be hearing information from the Athletic and Recreation folks. The meeting will begin at 6:30 p.m. at the High School. Other interesting information regarding fields in Freeport will be provided.

Councilor Gideon explained that FCS's Annual White Nights celebration to help neighbors in need would be taking place on Saturday night from 6-10 p.m. at FCS.

Councilor Migliaccio announced that the Appointments Committee met and it has become obvious that volunteers are needed to serve on the Cable TV and Regulatory Board. He suggested that residents check the Town's website to apply or pick up a form at the Town Office.

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

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

Kate Gower of 7 Sequoia Drive introduced Joe Sawyer of 13 Sequoia Drive. She requested that the Council consider reviewing the Zoning Ordinance regarding farm animals. She explained that there has been a problem with multiple farm animals in their development. Most of her neighbors live on one-acre or less lots with no access to Town water or sewer. She noted that the problem is with noise and waste and questioned how many animals are allowed per acre.

Councilor DeGrandpre requested that the Town Planner review how many animals are allowed per acre. Chair Cassida indicated that he would have this item put on a future agenda for discussion and have Town Staff explain what is allowed under the current Ordinance.

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

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

ITEM #06-11 To consider action relative to adopting the January 18, 2011 Consent Agenda.

Chair Cassida reviewed the Agenda for members of the public.

**MOVED AND SECONDED:** To remove Item 4-11 from the Consent Agenda because of a conflict. (Migliaccio & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes)

**BE IT ORDERED:** That the January 18, 2011 Consent Agenda be adopted.  
(DeGrandpre & Bishop) **ROLL CALL VOTE:** (7 Ayes)

ITEM #4-11 To consider action relative to the approval of Victualer's Licenses.

**BE IT ORDERED:** That the following applications for Victualer's Licenses be approved.

Greg Spaulding d/b/a B& G's Grill #1  
Bow Street – Peddler

Philip Wagner d/b/a Derosier's Market  
120 Main Street

Smoke This, LLC d/b/a Buck's Naked BBQ  
568 U.S. Route #1

Dianne Gaudet d/b/a Wolf Neck B&B  
93 Birch Point Road

Vincent Migliaccio, Marg Migliaccio and Vincent Migliaccio, II d/b/a Conundrum  
117 U.S. Route #1

Cumberland County YMCA d/b/a Casco Bay Regional YMCA  
14 Old South Freeport Road (DeGrandpre & Gideon) **ROLL CALL VOTE:** (6 Ayes) (1  
Recused—Migliaccio)

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ITEM #07-11 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. (Bishop & Gideon)  
**VOTE:** (7 Ayes)

Gary Profenno, Chair of Traffic & Parking, provided an explanation of the proposed amendments. Chris Ferrara of 3 Fox Hill Road noted that he feels this is special interest zoning. There was no problem in this area until a stonewall was erected in July. He feels it is in the public's best interest to have as much parking in this area as possible. It is the public access to Casco Bay. This amendment will push the problem further up the street. He questioned what expert makes these safety claims and asked if the Council is aware of any accidents that have occurred in this area during the best 10 years.

Tom Ring shared his experiences of living in this area. He cautioned that if the Council creates a no parking zone every time someone builds a wall or plants shrubbery encroaching on the Town way, and then claims a safety problem, it will be seeing this item over and over again because parking will just move up the street. He suggested having an accurate survey done in the spring and learning exactly where the Town stands before moving this ordinance forward. He never felt safety was an issue pulling out of his driveway when he lived there.

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

Councilor Hendricks noted that when the property owners purchased their property, they were aware there was parking in front of their house. He would not vote in favor of the proposed amendments. He would prefer that a survey be done or possibly consider removing parking from one side of the street. Mr. Profenno discussed the right of way and that the Town Engineer feels that a survey crew needs to determine it. Councilor DeGrandpre mentioned the vegetation that exists there and noted that he would really like to know more about the right-of-way. Chair Cassida noted that he does not feel the road needs to be widened but that obstructions need to be removed from the Town right-of-way. Mr. Profenno pointed out that there are "no parking" signs currently in this area that technically should be removed. Councilor Migliaccio noted that he received feedback from Traffic & Parking saying not to spend tax

dollars on a full survey. This is a sensitive topic and he would prefer marks put out showing folks the right-of-way so that they can pull back some of the easy stuff. Councilor Pandora would prefer to get an accounting of the obstructions in the right-of-way. More discussion followed.

**MOVED AND SECONDED:** That the proposed amendments to the Traffic and Parking Ordinance be tabled indefinitely and direct the Town Engineer to go out and do an audit of the right-of-way in that area and identify what obstructions are in the right-of-way and bring them back to the Council at a future meeting for discussion of what action to take at that time. (DeGrandpre & Bishop) **ROLL CALL VOTE:** (7 Ayes)

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ITEM #08-11 To consider action relative to proposed amendments to the Freeport Zoning Ordinance, Freeport Subdivision Ordinance, and the Freeport Design Review Ordinance regarding the definition of initiating construction and aligning all approvals to be valid for two years for consistency among the Ordinances. (Chapters 21, 22 & 25).

**BE IT ORDERED:** That a Public Hearing be scheduled for February 8, 2011 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Freeport Zoning Ordinance, Freeport Subdivision Ordinance, and the Freeport Design Review Ordinance regarding the definition of initiating construction and aligning all approvals to be valid for two years for consistency among the Ordinances.

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

Town Planner, Donna Larson, explained the purpose of the amendments.

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

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ITEM #09-11 To consider action relative to endorsing two Community Development Block Grant applications (CDBG) one for a Community Center connector addition and another for a land acquisition for Habitat for Humanity.

**BE IT ORDERED:** That the Town of Freeport endorses applications of Freeport Community Services and Habitat for Humanity for CDBG grants. (DeGrandpre & Migliaccio)

Town Planner, Donna Larson, explained the \$83,500 grant on behalf of Habitat for Humanity. In addition, if the grant is awarded, the Town might have to wait a bit to get their land payment.

Bob Lyman, FCS Director, explained the Freeport Community Services grant. They are excited to get to the end. He provided a sketch showing how the third house will be attached. They have raised over \$400,000 in grants. This \$144,000 will provide all the money they need to retrofit the third house and build the connector. He noted that FCS still owes the Town \$30,000 but will be taking out a loan to clear up everything with the Town. The Project Review Board will be doing a site walk this Saturday.

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

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ITEM #10-11 To consider action relative to adopting an email policy.

**BE IT ORDERED:** That the proposed email policy be adopted. (DeGrandpre & Bishop)

Chair Cassida explained the policy he created and that Chris Vaniotis of Berstein Shur as well as the Maine Municipal Association's attorney, Richard Flewelling, have reviewed it. He explained why this policy was generated. This is the final draft recommended. It will become Policy #38 in the Council's Rules. He noted that the date needs to be changed at the top of the policy as well as in paragraph 4 should it be adopted this evening.

Councilor Migliaccio noted that he feels his current GMail account works fine for him. It is portable and easily accessed while he is on the road. On its face, he has no problem using the Town's Email account. Chair Cassida explained that directions on how to access the Town's Email accounts are available. Town staff is also available if anyone needs help. Councilor Migliaccio outlined his concerns with the comments in the fourth paragraph concerning access. Chair Cassida noted that the Administrator, Jim Grant, is the only one that can go into someone's Email account in the event that someone is incapacitated or is no longer serving as a Councilor. Discussion followed.

Councilor Migliaccio noted that the Town server is often down and he doesn't like the fact that someone can go through his Emails without his permission. He would like to put this off to the Ordinance Committee. He sees this as putting a Band-Aid on something that isn't broken. He has looked at what other towns are doing with Email accounts.

Councilor Gideon noted she is comfortable with the policy and wants it to be enacted. Councilor Hendricks noted that he has no concern with the policy but would be willing to recommend removing "from a person who is not an official or employee of the Town of Freeport" from the last sentence in paragraph 4. Councilor Bishop noted she is happy with this policy. She is confident that it will make all the information consistent. She pointed out that this discussion makes the public wonder what the Council has in its accounts.

Chair Cassida pointed out that it is completely discretionary whether individual Councilors comply with the policy and keep all of their records on the Town Email address or not. There is nothing in the policy on past records. He explained what he has done with his past records. He considers the correspondence he has kept to be Town records. He recommended that Councilors not destroy their records on their home accounts and noted he would be bringing a Freedom of Access Policy forward.

**MOVED AND SECONDED:** To change the two dates from January 18, 2011 to January 25, 2011 and strike the clause "from a person who is not an official or employee of the Town of Freeport" from the last sentence in paragraph 4, to make it clear that access can only be obtained after a Freedom of Access request. (DeGrandpre & Bishop)

Councilor Migliaccio brought up more questions. He again suggested sending the policy to the Ordinance Committee to deal with it. More discussion followed. Councilor Migliaccio submitted four documents for the public record to the Secretary.

**Councilor Bishop called the question. Councilor Gideon seconded it.**

Councilor Pandora asked how it works when a Councilor calls the question and requested that he be shown where it is in the Council's Rules and Procedures. Chair Cassida suggested taking a 5-Minute Break so he could look up this information.

Unfortunately, Chair Cassida could not locate the information for Councilor Pandora but he made a ruling that discussion on this matter would stop at this time.

**ROLL CALL VOTE ON AMENDED ORDER:** (5 Ayes) (2 Nays—Migliaccio & Pandora)

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Chair Cassida explained to members of the public that ITEM #11-11 from the January 18, 2011 agenda was dropped.

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ITEM #158-10 TABLED OCTOBER 12, 2010, OCTOBER 26, 2010, & DECEMBER 7, 2010.

To consider action relative to proposed Freeport Comprehensive Plan updates.

**BE IT ORDERED:** That the proposed Freeport Comprehensive Plan updates be approved. (DeGrandpre & Bishop)

Town Planner, Donna Larson, provided an update. Councilor DeGrandpre noted that this is a great document but he would really like the public to take a look at it. Other Councilors agreed.

Councilor DeGrandpre withdrew the order to approve this tonight.

**BE IT ORDERED:** That a Public Hearing be scheduled for February 8, 2011 at 7 p.m. in the Town Hall Council Chambers to discuss the proposed 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. (DeGrandpre & Hendricks)

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

Councilor DeGrandpre urged residents to pick up a copy for review.

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**OTHER BUSINESS:**

1) Report from the Peddler Task Force

Sande Updegraph reviewed the findings of the Council-appointed Task Force. They met ten times and accomplished some tasks but there is still some work to be done. She recommends that the Council appoint a new group along with a new leader. She explained that new fresh eyes are needed. She urged the Council to look at it again and set some parameters this time. She mentioned that Victoria Powers chaired the subcommittee to try to solve problems for the Boosters and the Port.

Chair Cassida mentioned that this is a standing task force of the Council and its leadership is still in place. He would be willing to contact Bill Muldoon to see if he wishes to be on the committee and possibly chair it. If he doesn't, the Council will have to get new leadership to get the committee working.

Councilor Hendricks would like to see a new committee formed with a fresh start. The non-profits are worried about their incomes. He would like to get things going before spring. Councilor Gideon would like a new task force formed since the present committee found it difficult to get any work done.

Councilor DeGrandpre shared his experience of serving on this committee. He mentioned how hard it was to get a quorum for meetings. The members had strong personalities, ran their own businesses and were independent. Councilor Migliaccio suggested keeping the committee but finding a good facilitator. Councilor Bishop suggested starting anew. Chair Cassida noted that if it is the will of the Council, he will have discussions with people and will try his best to bring a list of new members back to the Council. He cautioned Councilors to not be surprised to see wholesale changes. Councilor Hendricks suggested finding an unbiased group along with a facilitator to try to drive them to a common goal. Chair Cassida noted he will look for a volunteer facilitator for this particular process but will also bring back an estimate of cost for a facilitator. He offered to report back at the next meeting.

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Councilor Gideon suggested taking up Item #3 out of order.

3) Discussion on January 11, 2011 Email from Marie Gunning concerning the Community Center Loan

Chair Cassida explained that MMA's Attorney Richard Flewelling declined to answer some of the specific questions in Ms. Gunning's Email because we asked him for a second opinion and the Town's Attorney had not already provided the first opinion. Councilor Pandora noted he wanted the legal opinions because he has questions that have no answers. He would like to see something that is neat—this is what we did and this is why we did it so that we can close the book on it.

Councilor Gideon pointed out that the Council has been going around in a circle for a long time and the two opinions say that this is a loan and this is in order. She would like to put it to rest and move on.

Councilor Migliaccio appreciates a member of the public providing direction on something he asked for. He noted that it appears that everybody is comfortable with what we did and we have coverage. He feels we are okay. Councilor Bishop agrees it is time to put it to sleep. Councilor DeGrandpre noted that it was treated as a loan the entire time. All the intentions were correct and he is ready to move on. Chair Cassida explained that he feels we have gotten adequate legal opinions on this matter and it is time to move forward.

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2. Discussion on the Council Chairperson's recommended Town Council goals for 2011.

Chair Cassida explained that they were Emailed to Councilors today. He apologized for not getting the goals to Councilors sooner. When last week's meeting was postponed, he set them aside. The Goals for 2011 will be adopted at the next meeting so there is still time to make changes. He read the draft goals into the record and noted that they will be posted on the public access sites.

Councilor Migliaccio thanked the Chair for taking a stab at putting these together. He mentioned #5 in Planning is a little specific and questioned why there is a need for a business park in Freeport and not an industrial park. Chair Cassida noted that he did not mean anything specific about encouraging a business park but feels it has some definite value. Councilor Migliaccio feels the goal should be to encourage the

development of diversified development on Route 1 North. It would be good to articulate the carry-over of last year's #8 goal. Chair Cassida noted that he tried to make these as general as possible.

Councilor Migliaccio mentioned that the Council needs to figure out how to coordinate with the RSU5 Board. He appreciated getting everyone else's goals. Chair Cassida noted he would try to schedule a workshop with the RSU5 Board. Councilor DeGrandpre agreed this is something the Council should really work towards.

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4) Informational Exchange

Chair Cassida explained that the original plan was to go to 10 p.m. this evening and it is now 9:45 p.m. and there is still an upcoming Executive Session. There was consensus to give the Financial Workshop its own time and begin at 6 p.m. rather than starting this evening at 10 p.m. Chair Cassida suggested checking the calendar and scheduling a stand-alone workshop on a Tuesday or Wednesday. He will send along a notice when it is rescheduled.

Councilor Pandora asked if the structure of the workshop could be changed to permit citizens to sit at the table. He would like to bring in some outside experts to participate on the panel since he feels he is not getting the information he needs to make a decision.

Councilor Hendricks liked the idea of having a Finance Committee to help the Council. Councilor Migliaccio agreed. He would like to go out to four or five firms and ask them to come in and tell us what they like about our policy and what they would recommend and then whittle it down to two firms. We could ask the Town Manager or our Finance Manager to start investigating what this process could look like. Chair Cassida explained that this is something that we can start discussing in our next workshop. Councilor Gideon suggested waiting and discussing it in workshop.

Councilor Migliaccio explained that he provided four documents to the Secretary to attach to her notes explaining to the public why he feels it is a slippery slope to allow folks to go in with a simple notice and review an individual Councilor's Emails. These are sample elements of what *The Times Record* asked for.

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ITEM #11-11 To consider action relative to an Executive Session to discuss a proposed Real Estate Transaction concerning property located at 45 Depot Street. 1 MRSA Section 405(6C).

**BE IT ORDERED:** That the Town Council enter into an Executive Session to discuss a proposed real estate transaction concerning property located at 45 Depot Street. (Bishop & Migliaccio) **VOTE:** (7 Ayes)

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

**MOVED AND SECONDED:** To adjourn at 10:22 p.m. (DeGrandpre & Hendricks) **VOTE:** (7 Ayes)

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Respectfully submitted,



Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #3-11**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, FEBRUARY 8, 2011 – 7 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></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 #02-11 held on January 18, 2011 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #02-11 held on January 18, 2011 and to accept the Minutes as printed. (Bishop & DeGrandpre) **VOTE:** (7 Ayes)

**SECOND ORDER OF BUSINESS:** Announcements

Chair Cassida announced:

- Freeport Community Library will be hosting its 10<sup>th</sup> annual Chocolate Bash on February 9 from 6:30-7:30 p.m. at the Library. Residents can contact the Library at 865-3307 for more information.
- 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 Wednesday mornings beginning on the 2nd of February until the 13<sup>th</sup> 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 Hendricks noted that the Freeport Rotary Club plans to team up with the Freeport Elders Association for a Valentine's Day fundraiser event that will be open to all community members. There will be a silent auction, a wine tasting and a chocolate tasting. Tickets cost \$30 per person and can be purchased through the Freeport Elders Association by calling 865-6462.

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

Since no one came forward, the Council moved on.

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

**COUNCIL MEETING #3-11**

**FEBRUARY 8, 2011**

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ITEM #16-11 To consider action relative to adopting the February 8, 2011 Consent Agenda.

**BE IT ORDERED:** That the February 8, 2011 Consent Agenda be adopted.  
(DeGrandpre & Bishop)

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

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

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ITEM #17-11 To consider action relative to proposed Freeport Comprehensive Plan updates.  
PUBLIC HEARING

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

Town Planner, Donna Larson provided a brief overview for Councilors.

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

Councilor Hendricks asked if there was anyway in the future to save time and money when providing updates to these big documents. Other Councilors agreed. Ms. Larson explained that this is the policy that has been in place for sometime.

Councilor DeGrandpre thanked everybody for putting this back on the agenda for a public hearing. It appears that most residents are happy with it. He thanked everyone involved for all his or her good work.

Councilor Migliaccio referred to the TIF policy section and suggested an addition to page 16 of the Plan.

**MOVED AND SECONDED:** To add to the last sentence so that it reads: TIFS are an opportunity to make strategic decisions in expanding the economy, *with this in mind, the Town Council approved a formal policy in 2010 entitled Tax Increment Financing Policy and Process.* (Migliaccio & DeGrandpre) **VOTE:** (7 Ayes)

Councilor Migliaccio pointed out that this is a great amount of work by the Planning Board along with feedback from other committees and boards in Town should be recognized.

**BE IT ORDERED:** That the proposed Freeport Comprehensive Plan updates be approved as amended. (DeGrandpre & Bishop) **ROLL CALL VOTE:** (7 Ayes).

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ITEM #18-11 To consider action relative to proposed amendments to the Freeport Zoning Ordinance, Freeport Subdivision Ordinance, and the Freeport Design Review Ordinance regarding the definition of initiating construction and aligning all approvals to be valid for two years for consistency among the Ordinances.  
(Chapters 21, 22 & 25). PUBLIC HEARING

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

Town Planner Donna Larson provided an explanation for Councilors.

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

**BE IT ORDERED:** That the proposed amendments to the Freeport Zoning Ordinance, Freeport Subdivision Ordinance, and the Freeport Design Review Ordinance be approved. (DeGrandpre & Bishop)

Councilor DeGrandpre thanked the Town Planner and the Boards involved for getting this together.

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

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ITEM #19-11 To consider action relative to applications for Resident Public Property Peddler Licenses.

~~**MOVED AND SECONDED:** That a lottery drawing be held for three Resident Public Property Peddler Licenses; or~~

Mr. Olmstead explained the reason for the two motions.

**MOVED AND SECONDED:** That the conducting of a lottery for three Resident Public Property Peddler Licenses be waived. (Hendricks & DeGrandpre) **VOTE:** (7 Ayes)

***Note:** The Council may choose to waive the conducting of a lottery since there are only three residential applicants for the three locations available. Once the applications are approved, the Town Clerk will conduct a second lottery to determine the location of each applicant.*

**BE IT ORDERED:** That applications for Resident Public Property Peddler Licenses are approved for the following resident applications.

Pedro Avalos Quinto  
18 Beech Hill Road, Freeport, ME

Therese Drapeau  
d/b/a Freeport Lobster Company  
5 Guptil Avenue, Freeport, ME

Jill Pettingill  
d/b/a Dog Gone Tasty  
450 Pownal Road, Freeport, ME

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

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ITEM #20-11 To consider action relative to adopting Town Council Goals for 2011.

**BE IT ORDERED:** That Town Council Goals for 2011 as proposed by town Council leadership be adopted as amended. (Gideon & Bishop)

Chair Cassida explained that he incorporated the revisions and provided an updated list of goals by Email. He passed out a track changes copy this evening. He explained Goals 2 and 5.

**COUNCIL MEETING #3-11**  
**FEBRUARY 8, 2011**

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Councilor Migliaccio thanked Chair Cassida for making the changes. He suggested removing goal #4 since it was just approved this evening. Chair Cassida suggested leaving it on even though it was completed this year. Councilor Migliaccio had some suggestions for #5. He is not convinced that a business and industrial park is the targeted goal. There's more things that can be done to strengthen the commercial tax base. Discussion followed.

**MOVED AND SECONDED:** to change Goal #5 to read: Work with local and regional development interests to diversify and strengthen the commercial tax base. (DeGrandpre & Migliaccio) **ROLL CALL VOTE:** (7 Ayes)

Councilor Migliaccio referred to Goal #6 and suggested including outdoor athletic and recreational facilities and not just mention recreational fields.

**MOVED AND SECONDED:** To change Goal #6 to read: Work collaboratively with business interests, RSU5 and local citizen groups to improve outdoor athletic and recreation infrastructure. (Migliaccio & Pandora) **VOTE:** (7 Ayes)

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

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ITEM #21-11 To consider action relative to proposed amendments to the Traffic and Parking Ordinance concerning one-hour parking in front of the Town Wharf and the annual parking permit for the Brewers leased lot. (Chapter 48)

**BE IT ORDERED:** That a Public Hearing be scheduled for March 1, 2011 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Traffic and Parking Ordinance concerning one-hour parking in front of the Town Wharf and the annual parking permit for the Brewers leased lot. (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. (Gideon & Bishop)

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

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**OTHER BUSINESS:**

1) Technology Update

Jim Grant provided his update to the Council noting how busy he has been addressing the situations he found. He noted that we are in a lot better shape now. He has been working closely with vendors and is confident that the outage experienced this year will be the last one. He answered questions for Councilors. Discussion followed. Chair Cassida thanked Mr. Grant for this update.

2) Update on Peddler Task Force

Chair Cassida has not had an opportunity to sit down with the Town Manager and does not have a proposed plan for the Task Force or a list of prospective members. If anyone knows someone who would be willing to serve, he would appreciate it if they would send the names to him.

**COUNCIL MEETING #3-11**  
**FEBRUARY 8, 2011**

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Councilor Hendricks and Councilor Migliaccio indicated that they would be willing to serve on the Task Force. Councilor Hendricks noted that Jay Yilmaz has advised that he wants to serve on this committee again. Chair Cassida noted that he envisions little to no overlap of the last committee. His vision is to start anew. Councilor DeGrandpre pointed out that there was some good work done but it got lost along the way. Chair Cassida hopes to be back at the next meeting with a charge for the committee and a list of committee members.

3) Information Exchange

Councilor DeGrandpre advised that he spoke to Craig Sickels from the RSU5. They have presented their fields analysis work to the RSU. A meeting is scheduled for tomorrow night. He mentioned that there is another community-based group (Freeport Fields and Trails) that has property on the Hunter Road under contract. There is a public meeting scheduled on February 15 from 7-8:30 p.m. at the Community Center for them to unveil their plan. He encouraged anyone interested to attend. Chair Cassida mentioned that it is hoped that the Council can attend. Councilor DeGrandpre would like to see a presentation made at a Council meeting for residents that cannot attend other meetings. More discussion followed.

Councilor Migliaccio suggested getting updates during Council meetings from Councilors that serve on Boards and Committees. He also asked when he could expect to see a snapshot of the Capital and Operating Budget. Mr. Olmstead advised that it would be mid-March.

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ITEM #22-11 To consider action relative to an Executive Session to discuss a proposed Real Estate Transaction concerning property located at 45 Depot Street. 1 MRSA Section 405(6C) and ITEM #23-11 To consider action relative to an Executive Session to discuss Police Contract negotiations (1 MRSA Section 405(D)).

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

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

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**MOVED AND SECONDED:** To adjourn (Bishop & Pandora) **VOTE:** (7 Ayes)

Respectfully submitted,

Sharon Coffin  
Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #04-11**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, MARCH 1, 2011 – 7 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></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 #03-11 held on February 8, 2011 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #03-11 held on February 8, 2011 and to accept the Minutes as printed. (DeGrandpre & Gideon) **VOTE:** (7 Ayes)

**SECOND ORDER OF BUSINESS:** Announcements

Chair Cassida announced:

- On March 7 at 6:30 p.m. at the Community Library there will be a presentation on solar for homeowners. Residents will learn how it works, what it costs, etc. for their homes. It is a free hour-long presentation. For more information, residents can call 865-3307 or go to the Library's website.
- A Brown Tail Moth Web Survey shows there are heavy infestations on Lower Flying Point and Burnett Road. Now is the time to cut the webs out of trees and make plans for other control methods in the spring. Residents can go to the Town's website or the State's website for more information.
- The Freeport Players will be holding auditions for Pirates of Penzance open to teens and adults on March 6 from 6-9 p.m. and March 8 from 7-9 p.m. at the Freeport Middle School. Performances will take place in July at the Freeport Performing Arts Center.
- The Freeport Players have two pirate-themed presentations coming up. On March 24 at 7 p.m. at the Community Library and on April 14 at 7 p.m. on Maine's pirate history at the Harrington House. Admission is free but donations of \$5 would be welcomed. Seating is limited so reservations are recommended. For reservations, residents may call 865-2220 and ask for Elizabeth.
- The Freeport Historical Society will be hosting a Spring Serenade with Paul Sullivan on March 19 from 6:30-10:30 at the Freeport Community Center. A Silent Auction will take place. Hors d'oeuvres and drinks will be available. Tickets are \$45 and can be obtained by calling 865-3170.

**COUNCIL MEETING #04-11**  
**MARCH 1, 2011**

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Councilor DeGrandpre announced that the Port Teen's Center will have chairs, tables and stools on sale on March 27 from 4-6:30 p.m. Residents can call 865-6171 for more information. He noted that this is pretty incredible artwork and is a big fundraiser for the Teens.

Councilor Migliaccio announced that he received 30 E-Mail messages in support of trails and fields. He has only responded to half of them but asked residents to bear with him. He thanked everyone for his or her input.

**Citizen of the Year for 2010**

Councilor Bishop explained that this award is given to an individual or group that has made substantial contributions to the quality of the town, the well-being of its residents and the reputation of Freeport. After listing all of his accomplishments, she then presented this year's award to Bob Stevens. He was presented with a plaque. Rod Regier shared comments regarding Mr. Stevens and Representative David Webster presented a State Sentiment to Mr. Stevens. Mr. Stevens shared words of appreciation. A 20-minute recess was taken and refreshments were served. The meeting reconvened at 7:40 p.m. and Chair Cassida congratulated Mr. Stevens for receiving this award.

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

Nikki Nyton and Judith Wood explained that they are on a committee made up of 12 parents working on a proposal to improve traffic safety, lighting and pedestrian access to the High School. They are also planning to rehabilitate and make some aesthetic upgrades to the facade. They mentioned that no significant changes have been made since the school was built in 1961. Their mission this evening is to raise awareness that the project is in its early stages but is underway. They plan to update everyone as it progresses.

Evan Cunningham pointed out that the Freeport Teen Center will be selling painted furniture on March 27 from 4-6:30 p.m. at the Community Center.

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

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

ITEM #30-11 To consider action relative to adopting the March 1, 2011 Consent Agenda.

**BE IT ORDERED:** That the March 1, 2011 Consent Agenda be adopted. (DeGrandpre & Bishop)

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

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

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**COUNCIL MEETING #04-11**  
**MARCH 1, 2011**

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ITEM #31-11 To consider action relative to an application for an Alcoholic Beverage License for 1111 Productions LLC. PUBLIC HEARING

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

**VOTE:** (7 Ayes)

There were no public comments.

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

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

1111 Productions, LLC d/b/a

Freeport Factory Stage

5 Depot Street (Bishop & Migliaccio) **ROLL CALL VOTE:** (7 Ayes)

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ITEM #32-11 To consider action relative to proposed amendments to the Traffic and Parking Ordinance concerning one-hour parking in front of the Town Wharf and the annual parking permit for the Brewers leased lot. (Chapter 48) PUBLIC HEARING

**MOVED AND SECONDED:** That the Public Hearing be opened. (Pandora & Bishop)

**VOTE:** (7 Ayes)

Gary Profenno, Chair of Traffic and Parking, provided an overview. He noted that this is no longer considered a pilot program but is now considered permanent. No public comments were made.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Pandora & Bishop)

**VOTE:** (7 Ayes)

**BE IT ORDERED:** That the proposed amendments to the Traffic and Parking Ordinance be approved. (Pandora & DeGrandpre)

Discussion followed. Councilor Migliaccio offered an amendment regarding the parking stickers for residents.

**BE IT FURTHER ORDERED:** Notification of the program and sticker purchase option be handed out at the time of excise tax payment. (Migliaccio & DeGrandpre)

**VOTE:** (7 Ayes)

The Town Manager was instructed to direct staff to hand out a small 3"x5" notice at the time of excise tax payment.

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

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ITEM #33-11 To consider action relative to proposed amendments to the Traffic and Parking Ordinance concerning parking at the Town Wharf, No Parking Zones on Old County Road Extension and Davis Avenue from November 1 to April 15, and providing a definition for a "parking credit". (Chapter 48)

**BE IT ORDERED:** That a Public Hearing be scheduled for March 15, 2011 at 7:00 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Traffic and Parking Ordinance concerning parking at the

**COUNCIL MEETING #04-11**  
**MARCH 1, 2011**

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Town Wharf, No Parking Zones on Old County Road Extension and Davis Avenue from November 1 to April 15, and providing a definition for a “parking credit”. (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. (DeGrandpre & Bishop)

Gary Profenno, Chair of Traffic and Parking, provided an overview. Mr. Olmstead provided an explanation of parking credits. Councilor Migliaccio mentioned the concerns he has with parking credits. Discussion followed. For the public hearing, Councilor Migliaccio requested an inventory of all the parking credits and to whom they were granted. Mr. Olmstead noted that the Council would receive this information within the next 30 days.

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

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**OTHER BUSINESS:**

- 1) Update on attempt to identify public property peddler location for PORT Teen and Sports Boosters

Chair Cassida noted that he has had discussions on this subject with the Town Manager. They determined that the first item is to find a location. The second issue is a thorough review of the Peddler Cart Ordinance and what language will be needed to allow two carts on a public space. They brought in Councilor Gideon, Rod Regier and the Town Engineer and walked downtown trying to find a location for another public peddler cart. He explained the map that was provided. The first spot they looked at is at the corner of the Bike and Ski Shop. They also looked at the location in front of the former Bath and Body Works at the corner of Bow and Main Streets. They then looked at a spot behind Starbuck’s where there are two carts already. It is a public lot. After studying the map, Mr. Olmstead talked to Al Presgraves and it was his opinion that if there was going to be a second cart, it should be in that location. It is far enough away from the other cart so they would not be in direct competition. The language in the Ordinance now says you can only have one cart per parcel. He mentioned the proposed language showing a change to the number of carts allowed on a public parcel. Discussion followed. Chair Cassida noted that in general, this seems like something the Council is willing to move ahead with and also is willing to amend the Zoning Ordinance to permit two spots on a public space at its next meeting. Councilor Hendricks noted he would like to see the blue spot designated next year for a non-profit. Chair Cassida offered to contact the Sports Boosters to see what they want. There was consensus to bring this matter back for a public hearing.

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**MOVED AND SECONDED:** To take #34-11 out of order. (Gideon & Bishop) **VOTE:** (7 Ayes)

ITEM #34-11 To consider action relative to an Executive Session to discuss negotiations concerning locating a train platform on Depot Street. 1 MRSA Section 405(6C).

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

**MOVED AND SECONDED:** That the Town Council reconvene into Public Session at 9:05 p.m. (DeGrandpre & Bishop) **VOTE:** (7 Ayes)

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2) Presentation on the Hunter Road Fields Project and the RSU #5 Track and Fields Project  
(David Latulippe and Craig Sickles)

David Latulippe introduced the Girls Alpine Class C Ski Champs and the Boys Alpine and Nordic Class C Champs. He noted that these championships are a big honor for Freeport. Chair Cassida congratulated the skiers for their great accomplishments.

Chair Cassida pointed out that there are a lot of rumors going around about these proposals and he wanted to be clear that no decisions have been made on either proposal. Many discussions will need to be had here and with the school department. Hopefully, a plan will emerge in the near future. A workshop has been scheduled on March 28 with the school folks. He requested that cell phones be silenced.

David Latulippe of FEDC and Freeport Fields and Trails provided a PowerPoint presentation on the Hunter Road fields. The project connects to Town-owned property. Their proposal would include four playing fields, three baseball diamonds, a sledding hill, twelve miles of trails for Nordic skiing and cross-country running as well as a recreational lodge. Seacoast United will build one turf field on the Hunter Road property at no cost to the Town since they ran into wetland permitting problems on part of the land they purchased from the Town. This particular field will be available for unlimited school and community use from July 1 to January 1 of every year.

Craig Sickels, Athletic Director of RSU5 mentioned that presenting with him tonight would be David Ruzell of Freeport and Walter Wells from Pownal. Mr. Wells explained the benefits of artificial turf. Mr. Sickels presented his group's plan for a high school campus complex featuring an eight-lane track, turf field, lights, bleachers, concessions, bathrooms and a press box. They will be presenting next Monday in Pownal. They plan to present in Durham on Tuesday and will be meeting with the School Board on Wednesday.

Chair Cassida opened up the meeting to the public. The following residents spoke in favor of these proposals: Bethany Knight, FHS Freshman, Lilly Lamarre, FHS Freshman, Meredith Broderick, FHS Freshman, Joy Sawyer, FHS Freshman, Alan Gould, Coach, Mike Laughlin, Coach, Alex Sturtevant, FHS Junior, Emily Martin, FHS Junior, Mike Salisbury, Kirk Cameron, Kate Arno from FEDC, Evan Lamarre, FHS Senior, Kristen Dorsey, Lindsey Sterling, Jeff Zachau, Doug Martin, Coach and Resident, Tony Rizetti, Ben Gray, Business owner, Matt Cartmell, Coach, Peter Quesada and Chris Parker.

Mr. Latulippe explained the costs involved and pointed out that the Town would get a \$9.4 million investment for \$4.4 million, which is a 55% discount.

Chair Cassida thanked everybody for coming out tonight and speaking. He is encouraged to see the sharing of resources and visions. He noted that this is long overdue in our community and offered to work very hard to move it forward as a whole package. He mentioned that there would be continuing discussions over the next few meetings.

Councilor Migliaccio noted that he is in full support of these proposals. He was really happy to learn that the Fields and Trails Committee were able to secure the Hunter Road land. He is not interested in slowing this project down in any way but the challenge for the Council is to find the funds. Councilor Gideon thanked everyone that spoke tonight and provided E-mail messages to her. She thanked the Freeport Fields and Trails Group and Craig Sickels and his committee for their one-vision proposal, which will

**COUNCIL MEETING #04-11**  
**MARCH 1, 2011**

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benefit the whole Town. She asked that everyone be patient with the Council as it works through this process the right way for all the citizens of Freeport. Councilor Hendricks thanked everyone for coming out tonight. He is in support of this proposal and will find a way to make it work. Councilor DeGrandpre thanked everyone for coming and providing E-Mail messages. He thanked Mr. Latulippe and Mr. Sickels for bringing their vision forward. He promised to do his best to make it work. Councilor Pandora thanked everybody for coming out and the Freeport Fields and Trails Committee as well as the RSU5 Committee for working together. He is behind this 100%. Councilor Bishop also thanked everyone for coming. She urged them to keep up the enthusiasm. She noted it is the time and the place and hopefully, the happenings will appear here.

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- 3) Discussion of letter of support to Senator Susan Collins for a bill regarding trucks on the highway.

Councilor Gideon credited Councilor Pandora for suggesting something similar back in December. She explained that Senator Collins as well as Congressman Michaud have introduced legislation that would permanently move the heaviest trucks off Maine's secondary roads and onto the federal interstate highways. She asked for support of the resolution. There was general consensus to support the resolution and Mr. Olmstead had the original resolution. He passed it down and asked Councilors to sign it. He offered to provide a copy of the resolution to the newspapers and Senator Collins and Representative Michaud.

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- 4) Information Exchange

There were none.

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ITEM #35-11 To consider action relative to an Executive Session to discuss the disposition of Tax Acquired property. 1 MRSA Section 405(6C).

**MOVED AND SECONDED:** That the Town Council enter into Executive Session.  
(Bishop & DeGrandpre) **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 11:54 p.m. (DeGrandpre & Hendricks)  
**VOTE:** (7 Ayes)

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Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES  
FREEPORT TOWN COUNCIL MEETING #05-11  
FREEPORT TOWN HALL COUNCIL CHAMBERS  
MARCH 15, 2011 - 7 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></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 (arrived at 7:35 p.m.)		
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. He noted that Councilor DeGrandpre is excused this evening and Councilor Gideon will be arriving shortly.

**FIRST ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #04-11 held on March 1, 2011 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #04-11 held on March 1, 2011 and to accept the Minutes as printed. (Bishop & Migliaccio)

Councilor Migliaccio had a question about the results of an Executive Session and Mr. Olmstead advised that no action was taken after the session.

**VOTE:** (5 Ayes) (2 Excused—DeGrandpre & Gideon)

**SECOND ORDER OF BUSINESS:** Announcements

Chair Cassida announced that:

- Effective March 1, 2011, Freeport's roads have been posted. A listing of the closed roads can be found on the Town's website. If anyone needs to use a heavy vehicle on the posted roads at this time, they can obtain a Posted Road Permit application at the Public Works and Public Safety buildings. For information, please call 865-4461 or check the Town's website.
- Town officials are offering 40 Free Walk Through Home Energy Audits to Freeport residents on a first come, first serve basis. Information is available at Town Hall and on the Town's website.
- There will be a local celebrity luncheon on March 25 at the Hilton Garden Inn. Attendees are encouraged to tip their celebrity waiters for their service and entertainment. The profits will benefit charities. For more information go to [www.flavorsofFreeport.com](http://www.flavorsofFreeport.com)
- With gas prices on the rise, now is the time to find out more about GOMAINE, which is a van service that uses park, and ride lots in towns. For information, call 1-800 280-RIDE or go to their website, [www.GOMAINE.org](http://www.GOMAINE.org).

Councilor Hendricks advised that the Rotary Club is looking for families interested in hosting national foreign exchange students for the coming school year. Interested families can call Karen O'Rourke at 865-6398 or go online to [orourken7@gmail.com](mailto:orourken7@gmail.com) to receive more information or an application.

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

**MOVED AND SECONDED:** To open the Public Comment Period. (Migliaccio & Hendricks) **VOTE:** (5 Ayes) (2 Excused—DeGrandpre & Gideon)

Sande Updegraph of FEDC provided a brief update on the closure of the Naval Air Station in Brunswick. After 68 years, the keys will be turned over to the Midcoast Regional Redevelopment Authority for redevelopment. On May 31 at 13:30 the public will have an opportunity to go on the base and witness the Navy turning over the keys. On April 2, the airport opens to civilian aviation at 1 p.m. The Great State of Maine Air Show will take place on April 26, 27 and 28. She plans to put these dates on the Town's website. She mentioned that residents could drive around the base between 6 a.m.-6 p.m. Monday through Friday. A picture ID is necessary.

**MOVED AND SECONDED:** To close the Public Comment Period. (Migliaccio & Bishop) **VOTE:** (5 Ayes) (2 Excused—DeGrandpre & Gideon)

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

ITEM #039-11 To consider action relative to adopting the March 15, 2011 Consent Agenda.

**BE IT ORDERED:** That the March 15, 2011 Consent Agenda be adopted. (Bishop & Hendricks)

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

**ROLL CALL VOTE:** (5 Ayes) (2 Excused—DeGrandpre & Gideon)

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ITEM #040-11 To consider action relative to proposed amendments to the Traffic and Parking Ordinance concerning parking at the Town Wharf, No Parking Zones on Old County Road Extension and Davis Avenue from November 1 to April 15, and providing a definition for a "parking credit" (Chapter 48). **PUBLIC HEARING**

**MOVED AND SECONDED:** That the Public Hearing be opened. (Pandora & Bishop) **VOTE:** (5 Ayes) (2 Excused—DeGrandpre & Gideon)

Gary Profenno, Chair of Traffic & Parking provided a brief overview on this issue and answered questions for Councilors.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Migliaccio & Bishop) **VOTE:** (5 Ayes) (2 Excused—DeGrandpre & Gideon)

Councilor Migliaccio mentioned that he heard concerns from residents regarding the area marked as a loading and unloading zone. Mr. Profenno explained that the Harbor Master is perfectly happy managing this area and Traffic and Parking left the language in.

Councilor Pandora also received feedback and suggested amending the Traffic and Parking Ordinance to give the Harbor Master the authority to limit loading and unloading time. Mr. Profenno noted that this makes sense but the Harbor Master was satisfied with the language in the Ordinance.

Councilor Bishop noted that people do drop off their stuff and then move their car so they can go out in a boat. Councilor Hendricks is willing to go along with the Harbor Master's recommendation. Chair Cassida agree with Councilor Hendricks.

**MOVED AND SECONDED:** To amend the proposed language to the Traffic and Parking Ordinance to read: The Harbor Master will monitor loading and unloading at the wharf and has the authority to limit loading and unloading time as needed to eliminate traffic congestion. (Pandora & Bishop) **VOTE:** (5 Ayes) (2 Excused—DeGrandpre & Gideon)

**BE IT ORDERED:** That the proposed amendments to the Traffic and Parking Ordinance be approved as amended. (Pandora & Bishop)

Councilor Migliaccio suggested striping the area and there was consensus that it would be okay to stripe.

**ROLL CALL VOTE:** (5 Ayes) (2 Excused—DeGrandpre & Gideon)

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ITEM #041-11 To consider action relative to a proposed amendment to the Public Peddlers Ordinance (Chapter 43) concerning designating a public peddlers spot to be used by an RSU#5 School Group.

**BE IT ORDERED:** That a Public Hearing be scheduled for April 5, 2011 at 7:00 p.m. in the Town Hall Council Chambers to discuss a proposed amendment to the Public Peddlers Ordinance concerning designating a public peddlers spot to be used by an RSU#5 School Group.

**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. (Hendricks & Migliaccio)

Chair Cassida explained that this item was discussed at the last meeting. Councilor Hendricks asked if the lottery has taken place. Mr. Olmstead advised that it has. The Sports Boosters and the Teen Center will team up again this year. Southwestern food will be offered at this location so it will not be a competitor. Councilor Migliaccio brought up the subject of which school group will share the spot. He suggested defining the use of the space and perhaps naming the group. Chair Cassida suggested saving these thoughts for the public hearing.

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

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ITEM #042-11 To consider action relative to voting district boundaries.

**BE IT ORDERED:** That a Public Hearing be scheduled for April 5, 2011 at 7 p.m. in the Town Hall Council Chambers to review voting district boundaries.

**BE IT FURTHER ORDERED:** That a map of the proposed lines be displayed at the Town Hall and Freeport Public Library.

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

**MOVED AND SECONDED:** That the Voting Redistricting Committee report on its recommendations.

Town Clerk Bev Curry displayed a map and provided a small copy for each Councilor. She explained that she worked with Nancy Clark, Vicki Lowe and Ed Bonney and they came to the consensus to move 29 people out of District 1 into District 2. The residents were notified of this change.

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

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## **OTHER BUSINESS:**

Chair Cassida suggested taking up the Fiscal Year 2012 Operating Budget projections first.

### **1) Discussion on Fiscal Year 2012 Operating Budget projections**

Finance Director, Abby Yacoben provided a brief PowerPoint presentation showing revenue and expenditure projections. She showed a list of possible new programs that could be added to the budget along with a tax rate increase. Mr. Olmstead noted that the County budget has increased approximately \$21,000, the water rate will go up and the Town will have to pay to maintain an Amtrak train platform. The Tax Assessor predicts there will be a net of about \$2 million in new revenue. Discussion followed. Mr. Olmstead noted that the Council could be provided with a maintenance budget showing no tax increases and no service reductions or some new programs could be added which would impact the tax rate. He noted that Freeport is probably the only town in the area that can weather this economic storm.

Mr. Olmstead asked Councilors to prioritize the budget options/new programs. He explained that MDOT is going to build a train platform this year and it will be unused for one year. The yearly cost to maintain it will be \$60,000. The only thing we will have to do this year is light the platform and it will be approximately \$5,000. It is not an option, we have to do it but a year from now, we will be responsible for \$60,000.

The Council will be meeting with the RSU5 on March 28 at 6 p.m. at the High School Cafeteria. The Municipal Operating and Capital budgets will be rolled out on April 5 from 6-7 p.m. in Council Chambers. A series of budget workshops will be scheduled shortly after the 5<sup>th</sup>. On May 3, 2011 the Operating and Capital Budget will be adopted.

Councilor Migliaccio noted there was consensus in Council goals to maintain a flat and stable tax rate. Video on Demand is a high priority for him. Chair Cassida is not wed to a zero tax rate but is open to a reasonable tax increase if there is something in the budget that necessitates it. He would want to look at it carefully. Councilor Gideon feels there is a need to catch up for Public Safety and the Library is a priority for her. Councilor Pandora can see himself supporting a few of these items but he hasn't seen the capital budget yet. Councilor Bishop's goal is a flat tax rate but wants to see the Capital and Operating budget.



Mr. Olmstead plans to sit down with employees that are near or at retirement age go see what their plans are. Mr. Olmstead and Ms. Yacoben will sit down and hammer out a schedule of workshops.

## 2) Discussion on next steps for consideration of the Fields & Trails proposal

Councilor Cassida advised that the Council has been presented with estimates on the cost of moving forward with this project. The Council has to make decisions on trying to find the funds to move forward. He understands that the Council will have a significant amount in fund balance.

Mr. Olmstead advised that there is \$2,667,000 in excess fund balance. He recommends that we reserve \$160,000 of that amount to develop a train station. He will probably recommend that somewhere between \$2.2 million and \$2.4 million of excess fund balance be used to assist in building a recreation facility and keep \$100,000 in reserve until we get through the budget process. The Conservation Commission is meeting tonight at 7 p.m. and they are being asked to contribute \$100,000 for land acquisition for the Fields and Trails project. Discussion followed.

Councilor Gideon explained that the Municipal Facilities Committee recommended using \$1.5 million of tax acquired property money for Fields and Trails but the Council did not vote on what to do with the tax acquired money. Chair Cassida explained options for this money and noted that much depends upon timing. He mentioned that at the next Council meeting on April 5, the Council will be getting a more formal budget proposal from the Town Manager and we will have a specific funding proposal scheduled at a special meeting on April 12. Folks will be encouraged to come out and tell us what they think. The final details have not been worked out yet.

The RSU5 Board will discuss if and when it will float a bond for the plan to create a sports complex with a track, bleachers, turf field, press box and lights at the high school which is estimated at \$3 million.

David Latulippe explained that they plan to go out to bid by mid-April to get the best possible prices. He will work with Mr. Olmstead and the Town Engineer. Grass planting needs to be done by October 1 in order to let the fields sit and let the grass grow. He discussed the numbers involved and is confident they can raise the funds. They plan to close on the property sometime between mid-May and mid-June. Mr. Olmstead pointed out that it is important that the Council identify the funds to build the project before the project is put out to bid. Chair Cassida explained that the Council plans to go to public hearing on April 12 and a formal vote would be taken around that time.

## 1) Informational Exchange

Councilor Migliaccio suggested adding one line under Information Exchange for committee reports. This will give Councilors an opportunity to report out on their committees. Mr. Olmstead explained that it will be entitled Information Exchange/Committee Reports.

Councilor Hendricks mentioned that Winslow Park agreed to not meet before April 15.

Councilor Bishop mentioned the Teen's Chair Auction, which will take place on March 26 at the Community Center.

Councilor Migliaccio has been talking to the Town Manager and the Town Engineer about the Gorman Park Skating Pond. Mr. Olmstead explained that he hopes a skating pond can be built out on the Hunter Road. The Gorman Park has design flaws and has never been able to hold water. L.L. Bean continues to look at it at their expense. It would make more sense to establish a skating pond on Hunter Road rather than repairing the Gorman Park pond. Chair Cassida asked about the storm water pond and Donna

Larson, Town Planner, advised that the storm water pond is working just fine. The skating pond is at a different elevation.

Councilor Migliaccio asked when the Council is going to establish a Town Manager Search Committee that he is interested in. Chair Cassida advised that the Town Manager has not yet given the Council a date. Mr. Olmstead advised that he plans to sit down with the Council after the budget process.

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ITEM #043-11      To consider action relative to an Executive Session to discuss a proposal Real Estate Transaction concerning property located at 45 Depot Street and to discuss the status of the Purchase and Sale Agreement with Seacoast United Maine. 1 MRSA Section 405(6C).

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

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

**MOVED AND SECONDED:** To adjourn at 9:37 p.m. (Bishop & Pandora) **VOTE:** (6 Ayes) (1 Excused—DeGrandpre)

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Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #06-11**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**APRIL 5, 2011 - 7:00 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></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		

**FIRST ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #05-11 held on March 15, 2011 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #05-11 held on March 15, 2011 and to accept the Minutes as printed. (Bishop & Gideon) **VOTE:** (6 Ayes) (1 Abstention—DeGrandpre)

**SECOND ORDER OF BUSINESS:** Announcements

Chair Cassida announced that the Freeport's Passport Agency is moving as of May 2 to the Freeport Community Library where applications will be taken by appointment only. For information call Beth Edmonds at 865-3377 or go to [www.FreeportLibrary.com](http://www.FreeportLibrary.com)

Candidates are being sought to serve as a Cumberland County Commissioner for newly formed District 3. The deadline for filing petitions for certification is May 25. Candidates must collect 100 signatures from registered voters. For information, please call Barbara Buckley at the County Clerk's office, Telephone 871-8336.

Councilor DeGrandpre noted there will be a Project Review Board Site Walk on April 13 at 5:30 p.m. at the September 11 Memorial at the corner of Main and West Streets. Chair Cassida encouraged Councilors to try to attend.

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

Gerald Kennedy, resident, noticed in the paper that the Town appears to have experienced a windfall from tax-acquired properties this year. He mentioned that it has been difficult for people over the past few years. He indicated his concerns about the possibility of not treating our long time residents with compassion on property that they own that is not their primary residence.

Deb Uecker of 93 Durham Road noted that she cannot afford higher taxes. If there is any extra money in a fund, she would prefer that it go to lowering taxes. She pointed out that she would like to see the rules changed regarding the public comment period so that residents can express their opinions on items that may appear on the Council's agenda. Surrounding towns let their residents speak on any topics during their public comment period.

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

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

ITEM #046-11 To consider action relative to adopting the April 5, 2011 Consent Agenda.

**BE IT ORDERED:** That the April 5, 2011 Consent Agenda be adopted. (Bishop & DeGrandpre)

Chair Cassida reviewed the items for members of the public.

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

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ITEM #047-11 To consider action relative to an application for an Alcoholic Beverage License for Linda Bean. **PUBLIC HEARING**

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

There were no public comments provided.

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

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

Linda Bean d/b/a  
Linda Bean's Maine Kitchen & Topside Tavern  
88 Main St. (Pandora & Bishop) **ROLL CALL VOTE:** (7 Ayes)

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ITEM #048-11 To consider action relative to a proposed amendment to the Public Peddlers Ordinance (Chapter 43) concerning designating a public peddlers spot to be used by an RSU#5 School Group. **PUBLIC HEARING**

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

Chair Cassida provided some background information for members of the public. The additional spot will be directly behind Starbuck's.

Evan Kumagae, Port Teen Coordinator, advised that Craig Sickels is unable to attend tonight's meeting but that the Teen Port Center plans to work collaboratively with the Freeport High All Sports Boosters and will lease out the two spots. He answered questions for Councilors.

Ryan Doherty provided some historical information on school and non-profits running their own cart business at the Bow and Main Street intersection. He suggested that the kids could run the carts and learn how to operate a business rather than leasing the spot out to a company for \$15,000. He is confident that the Freeport kids can make more money and will learn how to operate a business. They are leaving money on the table. This is a great learning experience that the kids would benefit from. He offered to help the kids get started.

Mr. Kumagae pointed out that this is a brand new location for the teens and it is not practical for them to run it this year. In the future, they have a strong affection for a teen industry surrounding the peddler cart but they do not presently have a cart.

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

Councilor Hendricks would like to see a teen-run cart but doesn't feel it should be stipulated in the Ordinance. He questioned if the Council would make another spot if another school group came forward. Councilor Migliaccio noted that an RSU5 group is being stipulated. Mr. Olmstead explained the lottery system and advised that for years, the All Sports Boosters were the only one that applied for a spot and then the Port Teen Center decided to apply a few years ago. The Town Attorney was consulted. The groups agreed to share the spot so a lottery drawing was not needed. He mentioned that the Council approves the number of licenses available for a spot and locations are looked at first. Bev Curry, Town Clerk, explained the renewal process. Councilor Migliaccio is fine with the wording the way it is proposed but would like to bounce it to the Ordinance Committee to put some meat around a process.

Councilor DeGrandpre indicated that he has been frustrated in guaranteeing this spot for many years. It was one thing, when the kids ran it themselves. It appears that this is not easy, so the kids are not willing to do it. He is confident that the kids could make more money and would have a guaranteed job. He agrees it is a great experience working the carts and he doesn't know if this Ordinance is where to put this information. While they are getting a little cash out of this, they are leaving money on the table. He would encourage them to pull out all the stops and do this. Most likely all their budgeting problems would disappear. He agrees to leave the language as it is proposed. He mentioned that a friend has a cart that he is not planning to use and asked Mr. Kumagae to let him know if the Teens could use it.

Councilor Bishop mentioned that it appears that anybody under the RSU5 umbrella can come in and apply for that spot whether they are hockey, baseball, football or any other group from Freeport, Durham or Pownal. She pointed out that the intention was to help fund the Teen Center.

Councilor Gideon would like to see the Peddler Task Force take a look at how non-profits could fit into the existing peddler spots. She would like to keep the two spots for the Sports Boosters and the Teen Center. Councilor Migliaccio noted that Craig Sickels has advised that all the Booster Clubs divide the money that is derived from the peddler spot. He advised that the Port Teen Center came in a few years ago and asked for money from the Town. They are requesting \$7,500 this year but if they get their cart, the amount will be reduced to \$2,500. He wonders why the Sports Boosters are not here asking for money. Councilor Gideon would not like to see the Port Teen Center compete with all the school groups next year and end up losing the revenue.

Chair Cassida noted that he does not see a particular need to change the language. He is comfortable with the RSU5 language but in some respects would prefer to put some parameters around it.

**MOVED AND SECONDED:** To change the RSU5 school group designation to Teen Center and Freeport High School All Sports Boosters (Bishop & Gideon) **VOTE:** (7 Ayes)

**BE IT ORDERED:** That the proposed amended amendment to the Public Peddlers Ordinance (Chapter 43) be approved. (DeGrandpre & Bishop) **ROLL CALL VOTE:** (7 Ayes)

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ITEM #049-11 To consider action relative to voting district boundaries. **PUBLIC HEARING**

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

Bev Curry, Town Clerk, explained that Freeport's Town Charter requires the Council to review voting district boundaries every five years and change them so that each district contains an equal number of voters. She worked with Ed Bonney, Nancy Clark and Vicki Lowe to review the current boundaries and to recommend changes needed to comply with the Town Charter's requirements. 29 residents have been moved from District 1 into District 2.

There were no public comments provided.

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

**BE IT ORDERED:** That the proposed voting district boundaries be approved. (Hendricks & Bishop) **ROLL CALL VOTE:** (7 Ayes)

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ITEM #050-11 To consider action relative to an expenditure of funds from excess fund balance to provide partial funding for the Freeport Fields and Trails project.

**BE IT ORDERED:** That a Public Hearing be scheduled for April 12, 2011 at 7:00 p.m. in the Town Hall Council Chambers to receive public comment on a proposed expenditure from excess fund balance to partially fund the Freeport Fields and Trails project.

**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 & Hendricks)

Councilor Hendricks advised that he will be unable to be here on the 12<sup>th</sup>. Councilor Migliaccio advised that he will arrive late.

Councilor DeGrandpre noted that there is a lot of confusion about the school's proposal and the Town's Hunter Road proposal. It is important that the Council and the School folks provide some clarification to residents. He urged residents to call the Town Hall, Councilors or school folks. There will be further discussion on how they will be funded. Chair Cassida noted that representatives from both groups will be on hand to explain the projects.

Sandy Updegraph from FEDC explained that the Hunter Road project is on their website and the school plan is on the RSU5.org. website. Councilor DeGrandpre suggested getting these plans linked to the Town's website.

Councilor Pandora is concerned with financing the Hunter Road project. He has no idea what the real numbers are and asked when the bid specs will be available. Councilor Migliaccio noted that it is critically important to get the bid specs out to take advantage of competitive bids. Councilor Gideon is confident that David Latulippe is totally on top of it. Chair Cassida noted that tonight the Council is simply scheduling a public hearing.

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

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ITEM #051-11 To consider action relative to the adoption of Fiscal Year 2012 Operating and Capital Budgets for the Town of Freeport.

**BE IT ORDERED:** That a Public Hearing be scheduled for April 26, 2011 at 7:30 p.m. in the Town Hall Council Chambers to discuss the adoption of Fiscal Year 2012 Operating and Capital Budgets 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. (Gideon & Bishop)

Mr. Olmstead advised that this is the fifth year in a row that he has presented a municipal budget with no tax rate increase. For those interested, the proposed capital and operating budgets are on the Town's website.

Councilor DeGrandpre pointed out that there will be an opportunity for the public to talk to department heads on April 14 from 7:30-8:30 a.m. and 6-7 p.m.

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

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**OTHER BUSINESS:**

1) Discussion on Public Comment Period

Councilor Migliaccio pointed out that he would like the public to be able to speak about items that are on the Council agenda during the Public Comment Period. He referenced surrounding towns that allow their residents to do this. He feels a five-minute minimum is reasonable. He is confident that this will give the Council more flexibility to hear from the public. Discussion followed. Councilor Migliaccio offered to draft up some language.

2) Informational Exchange / Committee Report

Councilor Hendricks pointed out that he has a Winslow Park Committee meeting scheduled on Monday, which he plans to attend.

Councilor DeGrandpre noted that he attended a good workshop with the School Committee. He understands the challenges in their budget. The session was recorded so it is being shown on Channel 14 as well as Channel 3.

Councilor Gideon asked Mr. Olmstead if there is any reason why Channel 3 is not coming in for Freeport's residents. Mr. Olmstead advised that if they are not receiving a channel, they should call Comcast.

Councilor DeGrandpre brought up field issues and explained some of the existing misconceptions that some residents have. Councilor Migliaccio feels it is important that Craig Sickels and the school folks will show what demands the RSU5 will have on the Hunter Road fields at next week's meeting. He stressed that the Hunter Road fields will continue to be owned by the Town of Freeport. He urged residents to call Councilors to get information and also plan to come to next week's meeting and get their questions answered.

Councilor Bishop clarified that there are two separate proposals. One is with the Town for the Hunter Road project and the other is the school project that is proposing a bond. She mentioned that residents would be voting on a school validation vote and a bond issue on June 14. She urged residents to plan to come and vote at the polls. She also suggested sending out a postcard notice to registered voters to make them aware that they need to come out and vote. Mr. Olmstead offered to cost it out.

Councilor Bishop complained about the lectern being left in the middle of the floor. She noted that it is disrespectful to people in the audience. It does not serve a purpose except for the speaker to speak to the Council. She doesn't care which side of the room it is located in as long as it is not in the middle. Chair Cassida mentioned that when people are addressing the Council, they are speaking directly to them. He has no strong feeling either way. Other Councilors concurred with Councilor Bishop and she offered to speak to Rick Simard.

Councilor Migliaccio mentioned that there are potential changes to the Sea Coast field and folks need to stay tuned because there are amendments being proposed. Mr. Olmstead advised that the document was expected today but he didn't get it.

Chair Cassida has a response from Senator Collins regarding our support of trucks being removed from Route One and he is willing to share it with Councilors.

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**MOVED AND SECONDED:** To adjourn at 8:55 p.m. (Hendricks & Bishop) **VOTE:** (7 Ayes)

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Respectfully submitted,

Sharon Coffin, Council Secretary



**MINUTES**  
**FREEPORT TOWN COUNCIL SPECIAL MEETING #07-11**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**APRIL 12, 2011 - 7:30 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></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 (arrived at 7:45 p.m.)		
Eric Pandora, 12 Birch Point Road	x		

Chair Cassida called the meeting to order at 7:30 p.m. and took the roll. He noted that Councilor Hendricks is excused this evening and Councilor Migliaccio is at a school function and will be arriving a bit later.

**FIRST ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #06-11 held on April 5, 2011 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #06-11 held on April 5, 2011 and to accept the Minutes as printed. (Bishop & DeGrandpre) **VOTE:** (5 Ayes) (2 Excused—Hendricks & Migliaccio)

**SECOND ORDER OF BUSINESS:** Announcements

Councilor DeGrandpre reviewed the schedule for folks that have budget questions. The public can meet with Department Heads on April 14, 7:30-8:30 a.m. and from 6-7 p.m. A public hearing on the budget is scheduled on April 26 beginning at 7 p.m. The Council plans to adopt the budget on May 3, 2011. He noted that if anyone has questions, they should contact their Councilors, department heads, etc.

**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. (DeGrandpre & Gideon) **VOTE:** (5 Ayes) (2 Excused—Hendricks and Migliaccio)

John Morang of 15 Murch Road requested that the Council consider making a commitment to help the RSU5 put in a track which will be a benefit to the Town. He mentioned it should be fairly easy to dedicate some revenues to support this project.

**MOVED AND SECONDED:** To close the Public Comment Period for Non-Agenda Items Only. (Bishop & DeGrandpre) **VOTE:** (5 Ayes) (2 Excused—Hendricks and Migliaccio)

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

ITEM #054-11 To consider action relative to an appropriation of 2.3 million dollars from excess fund balance to provide partial funding for the Freeport Fields and Trails project.  
PUBLIC HEARING

**MOVED AND SECONDED:** That the Public Hearing be opened. (Bishop & DeGrandpre) **VOTE:** (5 Ayes) (2 Excused—Hendricks & Migliaccio)

Adam Nappi, a member of the Board of FEDC, introduced David Latulippe. Mr. Nappi shared the mission of FEDC. Mr. Latulippe also with FEDC provided a brief overview of the project. He noted that they have to do more wetland flagging and still need to find a spot for a lodge. There are concerns with a traffic study for the intersection of Desert Road and Hunter Road. They met with Aqua Maine and believe there may be a public seasonal water source that could be used to service their property as well as others in that area. They met with representatives from Twin Brooks to determine what they spend on maintenance. They will study this issue further. He explained the scheduling system that Falmouth uses. He also explained the economic benefits of hosting tournaments in Freeport.

As for timing, bids will hopefully be out by May 9 and construction can start on June 6. He has been speaking to contractors. They are planning to do some private fundraising to raise one million dollars.

Councilor Migliaccio had some questions about doing the project in phases. Mr. Latulippe explained that they would have to pay a lot more for the second portion if the project was broken up. He recommended doing the entire project at one time.

Debra King, Executive Director of the Freeport Chamber of Commerce, pointed out that the Chamber encourages the Council to fund this venture.

Rod Regier of South Street feels it is an amazing project but explained that he reviewed the traffic report for Desert Road/Hunter Road and feels it is not a finished report since there is information lacking. There is no recognition that this intersection fails at least once a day. He mentioned that the only way to get to the Hunter Road project is to drive to it. He mentioned that other projects such as roads, sidewalks, bike lanes, etc. could fall by the wayside if the \$2.3 million in excess funds is used for this Hunter Road project.

Recommending that the Council move forward with the Hunter Road project are: Mike Laughlin and Tim Whitaker

Tom Ross, Abutter, explained his concerns with the noise and people in their backyard. He has concerns with water and fertilizer going into his water table and the other six families that live there. Their day-to-day life will change dramatically. He is perplexed why the two field projects are not together. He would like to know where a building would be placed but he is not against the project.

Jim Gorman of Lunt Road recommended that the Council borrow money at 2.8% for this project and keep the excess fund balance for other projects that may come along.

Henry Quesada, student, urged the Council to support the fields. Peter Quesada, parent, urged the Council to vote for something that is good for Freeport kids and is an economic driver for the community.

Ann Marie Davee, resident, parent and public health professional urged the Council to support the project. Stephanie Holmes of Lunt Road feels this is a wonderful project for Freeport but acknowledged that there are other Town needs and urged the Council to use its funds wisely.

Ray Grogan, father and resident noted that he is in favor of this project. He shared his experience with soccer tournaments. Lex Holly, father and resident, supports this project but would not recommend bonding it. He does not want to break it up and put it into a bond. He wants the Council to get going with it since it is overdue. Peter Warren, resident, noted that now is the time to build this project. Gordon Holderman from Pownal Road noted that this project, combined with the RSU5 project, brings Freeport to a minimum number of fields. He is opposed to issuing another bond because the RSU5 will be going out to bond their project. He doesn't think both bonds would pass.

Kirk Cameron, father of three children, which are on six different sports teams, doesn't want to see this project go out to bond. He urged the Council to spend the \$2.3 million and make the project happen

Doug Martin, resident since 1985, noted this project will bring something to this community and urged the Council to vote for this project and fund it with the \$2.3 million.

Ethel Wilkerson, chair of the Conservation Commission, asked the Council to think about how they can keep up Hedgehog Mountain. They need money to make it happen.

Sam Quesall, resident, parent and Little League Baseball coach, noted that Freeport needs this project. Its current facilities are unacceptable. He explained the safety issues that currently exist. He feels the Council has an obligation to the youth of this community. He requested that the Council make it happen.

Brian Noyes spoke in favor of the project. He thanked Mr. Latulippe for all that he has done with this project. He mentioned his concerns with the use of fertilizers. He was not in favor of putting this project out to bond.

Mia Eagan, soccer player, mentioned that she would really appreciate practice time on a field designated for her soccer team.

Alex Sturtevant, Junior at FHS, urged the Council to vote favorably on this project. He explained that kids have left Freeport to attend schools that have better facilities.

Marie Gunning of Telos Road, supports this concept but she would like to see the purchase and sale agreement as well as more details. \$2.3 million is a lot of money and it is taxpayer money. She wants to do it right and would like to spend the money the right way. She provided some analysis to Councilors and answered questions.

Wendy Caisse, resident, business owner, member of FEDC and the Planning Board noted that she is confident that this project to build fields will be beneficial for the Town. She recommended that the Council move forward.

Jeff Nelson, Lambert Road, advised that he would love to see this project go forward and would like to see the funding happen quickly.

Sam Gould, student and athlete, explained that there are no proper soccer facilities in Freeport and wherever he travels, he finds himself jealous of the other team's facilities.

Alan Gould mentioned that the time to allocate the money to build this project is right now. He is confident that earthwork contractors are currently looking for work.

Jane Yurko, resident and neighbor, reiterated the danger that exists at the intersection of Hunter Road and Desert Road. She suggested spending some of this excess fund money on education. She feels that the whole town should have a say on where these millions of dollars go.

Stuart Jones, resident, indicated that this is a wonderful project. He suggested splitting the difference on some of the taxpayer money with bonding. He suggested that the Council work out the details.

John Eagan, resident and parent, added his taxpayer support for the project. He feels this is an investment for the community and is in support of the project.

Tom Ross asked if there is any plan to connect this property with Hedgehog Mountain. Chair Cassida noted this would be addressed later.

**MOVED AND SECONDED:** That the Public Hearing be closed. (Migliaccio & DeGrandpre) **VOTE:** (5 Ayes) (2 Excused—Bishop and Hendricks)

Chair Cassida referred to a document showing bond versus use of fund balance. He asked Ms. Gunning to explain what Column B was on her sheet, which she did.

Councilor Gideon asked Abby Yacoben to come to the podium and explain where the \$2.3 million comes from and the difference between general fund and reserves, which Ms. Yacoben did. Discussion followed.

Councilor Migliaccio is passionate about getting the infrastructure for sports and athletics in this Town up to speed. He believes both the Hunter Road and the in-town project are needed but the Council has to figure out how to pay for them in a fiscally prudent manner. He needs to consider if this will pass if we fund half of it. He wants to hear more Council thoughts.

Chair Cassida read a statement from Councilor Hendricks into the public record stating that he is in complete support of the two projects. Councilor Bishop explained that she is in favor of paying for the project now. Councilor Gideon feels that this is the best use for this money and is an investment for this Town. She is not in favor of going out to bond. He would support bonding a portion of this project. For him, it's about flexibility and cash flow.

Councilor Gideon mentioned how she explains to her son why she has to attend Council meetings. She feels this is an incredible project and will drastically change our school system for the better.

Councilor Pandora appreciated everybody's input. He noted that he supports this project but has concerns about paying for it with cash. He does not have enough information for a \$2.3 million decision. He wants to look at a bond so that the Council will not have to do tax increases. He would prefer to keep some cash on hand. He would vote for both projects if they go out to bond and would like to see them go out together as one. For him, bonding is about flexibility and cash flow.

Councilor DeGrandpre noted that he is concerned when people tell him that we are going to drain the well or spend our life savings. He reviewed the numbers in the budget. He thanked Ms. Gunning for bringing a lot of information to the Council's attention. He mentioned the tax-acquired properties and new property coming on line as well as projects coming on line. He is ready to support this project on Hunter Road since there is an opportunity to connect with Seacoast. Very much in his mind is the parking and the existing neighbors. He is convinced that the Council is not selling itself short and is ready to support the project.

Councilor Migliaccio noted that he will not vote against this project and it is obvious that there is no support for borrowing. Before voting this evening, he asked the Council to figure out what other funds we need to set aside to support the RSU5 project. He is pretty confident that the Town will not see a tax increase in the next few years. Discussion followed. Chair Cassida noted that the Council couldn't

guarantee anything moving forward because there may be a different group. Mr. Olmstead clarified that if the school bond passes for the track and turf field, it will create 66% of that debt which will be responsibility of Freeport. We are retiring debt in 2012. We can't mitigate if the RSU5 moves their project in 2011. If they do, there will be a tax increase. He has spoken to school folks about ways to move the project in 2011 but bond it in 2012.

Chair Cassida thanked everyone for coming. He feels this is a wonderful opportunity for Freeport. It is the biggest economic opportunity to come to Freeport for a long time. This is simply a commitment to fund. No checks will be issued until all the necessary things are done. He is confident that this will not put the Town at risk.

**BE IT ORDERED:** That an appropriation of 2.3 million dollars from excess fund balance to provide partial funding for the Freeport Fields and Trails project be approved. (Bishop & Pandora) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Hendricks)

Chair Cassida mentioned that Councilor Hendricks would have voted for this project if he was able to attend this evening and even asked if he could vote by phone.

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ITEM #055-11 To consider action relative to amendments to the Purchase and Sales agreement between Coastal Soccer Club d/b/a Seacoast United Maine and the Town of Freeport.

**BE IT ORDERED:** That the amendments to the Purchase and Sales agreement between Coastal Soccer Club d/b/a Seacoast United Maine and the Town of Freeport be approved. (DeGrandpre & Bishop)

Mr. Olmstead explained the minor changes that need to be made to the document. Mike Healy of Seacoast agreed to all of the changes. Craig Sickels, Athletic Director, mentioned that this is a good compromise and provides some flexibility. Discussion followed.

**ROLL CALL VOTE:** (6 Ayes) (1 Excused—Hendricks)

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**OTHER BUSINESS:**

- 1) Informational Exchange / Committee Report

Councilor Migliaccio noted he has had no meetings.

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**MOVED AND SECONDED:** To adjourn at 10:55 p.m. (Bishop & Gideon) **VOTE:** (6 Ayes) (1 Excused—Hendricks)

Respectfully submitted,

Sharon Coffin  
Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #08-11**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**APRIL 26, 2011 - 7:00 P.M. – 8:30 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></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 7:03 p.m. and took the roll. He advised that Councilor Migliaccio is excused this evening.

**FIRST ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #07-11 held on April 12, 2011 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #07-11 held on April 12, 2011 and to accept the Minutes as printed. (DeGrandpre & Hendricks) **VOTE:** (5 Ayes) (2 Excused—Gideon and Migliaccio)

**SECOND ORDER OF BUSINESS:** Announcements

Chair Cassida advised that the Passport Agency is moving from Town Hall to the Freeport Community Library as of May 2. Applications can be obtained by appointment only. To make an appointment, residents should call 865-3307 or E-Mail [Bedmonds@FCL@Gmail.com](mailto:Bedmonds@FCL@Gmail.com).

Candidates are being sought to serve as a Cumberland County Commissioner for newly formed District 3. The deadline for filing petitions for certification is May 25. Candidates must collect 100 signatures from registered voters. For information, please call Barbara Buckley at the County Clerk's office, Telephone 871-8336.

The Freeport Police Department is participating in a program on Saturday, April 30 from 10 a.m.-2 p.m. where residents may bring their unused, unwanted or expired prescription drugs to the Public Safety Building. More details can be found on the Town's website.

**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. (DeGrandpre & Bishop) **VOTE:** (6 Ayes) (1 Excused—Migliaccio)

**COUNCIL MEETING #08-11**  
**APRIL 26, 2011**

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Tom Ross, resident, referred to the Freeport Field and Trails issue and the commitment to fund it. He asked who will be responsible for monitoring wells and well contaminants and who will pay if they fail. He referred to the Purchase and Sale Agreement. He had no idea it was amended after the commitment of \$2.3 million. He pointed out that he feels the changes from what was discussed on April 5 and what was passed on April 12 did not follow protocol. He read excerpts from the Minutes. He pointed out the 100 hours of use that are mentioned in the agreement. He has not seen a master plan that connects the properties. He doesn't know how the Town is going to run events.

He noted that he would like to see a master plan regarding parking, traffic, sewage, concessions, lighting, water, usage and events. He does not want to stop the project but wants to understand that this is being done right and would like to see the big picture. Mr. Olmstead noted that these issues will be explained during the Site Plan process but Chair Cassida suggested that Mr. Ross should sit down with several Councilors as well as folks that are not here this evening. He offered to call Mr. Ross and schedule a meeting with him. Councilor Gideon thanked Mr. Ross for coming in this evening since it is the right thing to do.

Joyce Veilleux of 31 Island View Lane mentioned the Fire Chief's intent to increase the number of full time staff to three. She feels this request is very reasonable and is amazed that we don't have this already.

**MOVED AND SECONDED:** To close the Public Comment Period on Non-agenda items.  
(DeGrandpre & Bishop) **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 #056-11 To consider action relative to the adoption of a Fiscal Year 2012 Operating Budget and 2011 Capital Budget for the Town of Freeport. **PUBLIC HEARING.**

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

Myra Hopkins, Director of Freeport USA thanked the Council for their past support. They appreciated it. She asked them to consider it again this year.

Dave Thompson of the Red Cross explained the services they provide and requested further funding.

Marie Gunning of Telos Road noted that the Department Heads got together and made themselves available to the public to answer questions. She thanked them for coming out. She noted that residents need to chime in and let the Council know that they want additional Town services for their tax dollars. She noted that \$235,000 is a lot of money to build out a road to the Desert Road Business Park in the Capital Budget. She pointed out that the Community Library is not part of Minerva. It will take money to get into Minerva. She would prefer to see more money going into the Library. In the Operating Budget there is \$40,000 going towards maintaining the train platform. She feels it would be ideal for residents if this could be paid for out of one of the TIFs since the train will benefit some of the downtown merchants. As for the Fire Department, she noted that we have to address this situation in terms of staffing and feels it should be a priority this year. She also made reference to the fact that Freeport has a higher pension contribution rate for municipal employees. There are a lot of senior staff members in Freeport and we'll see increased retirement over the next few year. She suggested that as new hires come on, this should be

**COUNCIL MEETING #08-11**  
**APRIL 26, 2011**

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adjusted. She noted that the Council is looking at 2011-2012 budgets and the numbers that were approved. She suggested looking at the actuals and not what was approved. What was appropriated is not the actual.

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

**BE IT ORDERED:** That Item #056-11 be tabled until May 3, 2011. (DeGrandpre & Bishop)

Chair Cassida noted that the Council had a budget workshop before tonight's meeting will have further discussions after tonight's meeting and possibly next week. Councilor DeGrandpre mentioned that he has questions for folks and the Council is still brainstorming.

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

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ITEM #057-11 To consider action relative to a lease between the Freeport Community Services, Inc. and the Town of Freeport concerning real estate located at 53-55 Depot Street.

**BE IT ORDERED:** That the proposed lease agreement between the Freeport Community Services, Inc. and the Town of Freeport concerning real estate located at 53-55 Depot Street be approved as amended.

**BE IT FURTHER ORDERED:** That the Town Manager be authorized to execute the agreement on behalf of the Town of Freeport. (Hendricks & Bishop)

Councilor Pandora mentioned that this morning he requested a tabling since he has not had a chance to review any of the documents. He still does not have the final lease to look at tonight and it has not been out for the public to review.

Bob Stevens walked through the lease explaining that this goes back six years. The Town forgave a portion of the debt. Representatives from the Town and from FCS worked out the provisions that went into the lease. He worked with Geoff Hole and prepared the lease and the deed. Councilor DeGrandpre noted that his concern is that the Town depends on those 22 spaces for a revenue stream. He did not want to lose that going forward and therefore made the request for a change. The actual use does not change. It would give the Town the right to purchase it back.

While Mr. Stevens drafted a deed this morning, he did not have a copy with him. It was discovered that no one had a copy tonight. Johanna Hanselman located the latest version that came by E-Mail and provided copies to the Council.

Marie Gunning noted that she is troubled by the Town's handling of this real estate dealing. She feels that Bernstein Shur should evaluate this language. She mentioned that priority use of the large meeting room should be defined and that a 50-year lease is highly unusual. Discussion followed.

Mr. Stevens walked the Council through the deed changes and mentioned that he did work with Bernstein Shur. Both parties feel it is fair and it is accomplishing what was intended.

Chair Cassida read Councilor's Migliaccio's statement into the public record.



**COUNCIL MEETING #08-11**  
**APRIL 26, 2011**

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Councilor Gideon disclosed that she is a FCS Board member. She pointed out that FCS agreed to sit down with Town staff and redefine the terms of the lease. This new lease nails down a dollar amount that under the existing lease could fluctuate a lot. The Town's contributions to FCS are reflective of what FCS and the center means to the Town. We are talking about an organization and center that serves the public in so many ways.

Councilor DeGrandpre explained that he has been involved since the beginning. FCS is a benefit to the whole community, which is a value that is hard to measure annually but without it, Freeport wouldn't be as rich as it is today.

Bob Lyman, Executive Director, explained that they are about to do an expansion and the expansion is being paid for by grants. This will add at least one or possibly two conference rooms. He noted that the Town of Freeport would have priority for the large and small meeting rooms.

Councilor Hendricks had a few questions, which were addressed by Mr. Lyman. Councilor Pandora asked about the CPI-U, which Mr. Olmstead explained. Councilor Pandora asked about the snowplowing. Mr. Olmstead mentioned that the Town's 22 spaces are in the center row of the parking lot and a large plow goes in and clears the snow. FCS hires someone to do the fine plowing and shoveling. Councilor Pandora asked about insurance. Mr. Lyman advised that insurance goes into effect today and FCS will begin paying for it.

Chair Cassida congratulated FCS for their debt retirement. He is happy for them. Mr. Lyman noted that they are thrilled and thanked the people from Freeport and Pownal for their generosity. He mentioned that he has a check for \$30,000 to finish paying it off.

Chair Cassida is fine with the language of the lease. He has no issue with it. Councilor Pandora asked about parking. He understands it is all in shared parking but has heard there was a problem. Mr. Lyman explained what happens during the height of summer.

Before voting on the order. Councilor Bishop suggested amending the payment process for the paragraph that begins RENT.

**MOVED AND SECONDED:** To amend that the Town covenants and agrees to pay an annual rent, payable quarterly on or before the first day of each quarter. (Hendricks & DeGrandpre)

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

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ITEM #058-11 To consider action relative to the issuance of a Short Form Quitclaim Deed with Covenant assigning property to Freeport Community Services, Inc as described in Exhibit A for real estate located at 53-55 Depot Street.

**BE IT ORDERED:** That the deed assigning property to Freeport Community Services, Inc as described in Exhibit A for real estate located at 53-55 Depot Street be approved. (Gideon & DeGrandpre)

This was already discussed.

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

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ITEM #059-11 To consider action relative to a Proclamation concerning National Women's Health Week.

Whereas, National Women's Health Week was initiated in the dawn of the new millennium by a group of public and private organizations dedicated to raising awareness of women's health issues;

Whereas, from that day forward National Women's Health Week has occurred in the spring with an annual celebration held the week following Mother's Day;

Whereas, National Women's Health Week is a celebration of women taking responsibility for their own health through greater knowledge and understanding;

Whereas, National Women's Health Week celebrates the efforts of national and community organizations working with partners and volunteers to improve awareness of key women's health issues;

Whereas, The Well Woman Clinic has chosen Freeport, Maine to officially launch our local efforts.

Now, therefore, we, The Town Council of Freeport, on behalf of The Well Woman Clinic, do hereby proclaim the week following Mother's Day - Sunday, May 8 through Saturday, May 14, 2011 - to be:

**NATIONAL WOMEN'S HEALTH WEEK**

In the **Town of Freeport**, we urge all citizens to participate in the activities planned hereforth. (Pandora & DeGrandpre) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Migliaccio)

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**OTHER BUSINESS:**

- 1) Discussion on postcard mailer for June 14, 2011 RSU #5 Election

Councilor Bishop explained that this mailing would let people know that there is an RSU5 election and a bond issue on the ballot. Mr. Olmstead could not recall any other town-wide mailing to residents. It would cost \$1,300 for a first class mailing but a postcard mailing would cost a little more than \$700. It would need to be done during the second week of May.

Mr. Olmstead noted that he was told that the RSU5 is planning a bulk mailing asking folks to come out and vote. Chair Cassida does not want to duplicate a mailing if the RSU5 is going to do one. Councilor Pandora noted that public notice will most likely appear in the newspapers and he does not want to duplicate a mailing. Notices can be put on channel 3 and on the Town's website. Councilor Gideon agreed that if the RSU is already planning to send out a postcard providing all the necessary information, she doesn't feel the Town needs to send another postcard. Chair Cassida agreed that the Council should get more information from the RSU about what they are planning and then can discuss it next week. He asked Councilor Bishop to check and see what they are sending out.

- 2) Information Exchange / Committee Report

None

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**MOVED AND SECONDED:** To adjourn at 9:05 p.m. (DeGrandpre & Hendricks) **VOTE:** (6 Ayes) (1 Excused—Migliaccio)

Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES  
FREEPORT TOWN COUNCIL MEETING #09-11  
FREEPORT TOWN HALL COUNCIL CHAMBERS  
MAY 3, 2011 - 7:00 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></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 (arrived at 7:04 p.m.)		
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. He advised that Councilor Gideon would be arriving shortly.

**FIRST ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #08-11 held on April 26, 2011 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #08-11 held on April 26, 2011 and to accept the Minutes as printed. (Bishop & DeGrandpre)

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

**SECOND ORDER OF BUSINESS:** Announcements

There were no announcements.

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

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

Sandy Thompson of 7 Byram Avenue explained her experience with State Government and her years serving on the Ethics Commission. She had a proposal or recommendation for the Council to make the conflict of interest language in the Town Charter comply with State Statute. She noted the benefit of having an ethics code is that it improves transparency. She provided backup information to Councilors and offered to provide her assistance in the future.

Marie Gunning of Telos Road pointed out that Freeport is paying a higher contribution to its employee compensation and employee benefits than surrounding towns. She noted that this is a good time to look at this information since Freeport has some senior employees that will be looking to retire. She provided comparison information from the seven surrounding towns. She also brought up the use of excess fund balance and the Town's bid policy. Chair Cassida explained the Town's bidding process. Ms. Gunning thanked the Council for all the time it puts in.

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

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

ITEM #066-11 To consider action relative to adopting the May 3, 2011 Consent Agenda.

Chair Cassida reviewed the items on the Consent Agenda for members of the public. Councilor Hendricks noted he is a member of Rotary and would refrain from voting on their Victualer's License. There was consensus to remove it and vote on it separately.

**BE IT ORDERED:** That the May 3, 2011 Consent Agenda be adopted without the Rotary Club's license. (Migliaccio & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes)

**MOVED AND SECONDED:** To approve the Victualer's License for the Rotary Club of Freeport d/b/a Rotary Hot Dog Stand in the L.L. Bean parking lot. (DeGrandpre & Bishop) **ROLL CALL VOTE:** (6 Ayes) (1 Abstention—Hendricks)

Councilor Migliaccio noted that there is an opening on the Cable Committee.

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ITEM #067-11 To consider action relative to a request from the Freeport 9-11 Memorial Committee to use Public Safety Property and the Town Hall parking lot on 05/21/11 and to waive fees in the amount of \$120.00.

**BE IT ORDERED:** That the Freeport Town Council approve the used of Public Safety Property and the Town Hall parking lot on 05/21/11 and to waive fees in the amount of \$120.00.

Note: The applicant will be returning at a later date to request permission to use Town Property for their events in September and for additional fee waivers. (Pandora & DeGrandpre)

Joyce Clarkson-Veilleux, of Island View Lane and the Freeport 9-11 Memorial Committee, explained what the request is for. Chair Cassida is confident that the Project Review Board has received the Council's feedback. Mr. Olmstead explained that the fee was reduced to \$120 because Freeport Police Officer, Gino Bianchini volunteered to serve as an escort on his own time.

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

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ITEM #068-11 To consider action relative to the acceptance of State Funds for fiscal year 2012.

**BE IT ORDERED:** That the following categories for State Funds be accepted for fiscal year 2012.

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 (DeGrandpre & Migliaccio)

Mr. Olmstead explained that State Statute requires that the Town accept these funds.

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

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ITEM #069-11 To consider action relative to the operating budget for Winslow Park for fiscal year 2012.

**BE IT ORDERED:** That \$218,832 be approved for the Winslow Park budget from July 1, 2011 to June 30, 2012 and \$15,350 be approved for the Harb Cottage budget from July 1, 2011 to June 30, 2012. (Hendricks & Migliaccio)

Mr. Olmstead explained that the Council serves as a trustee and approves their yearly budget. Councilor Migliaccio noted that the Park is self-supporting. Chair Cassida thanked Bart Carhart for his capable management of the park.

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

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ITEM #070-11 To consider action relative to adopting a Non-emergency Transport (NET) budget for fiscal year 2012.

**BE IT ORDERED:** That the Non-Emergency Transport Budget in the amount of \$521,181 be approved for fiscal year 2012. (Gideon & Bishop)

Mr. Olmstead explained what the NET Program is. It was started ten years ago. It supports itself and the additional revenue funds 2 ¾ full time positions. Finance Director, Abby Yacoben, answered questions for Councilors.

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

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ITEM #071-11 Tabled April 26, 2011

To consider action relative to adopting a Five Year Capital Plan and approving a Capital Budget for Calendar Year 2011.

Councilor Pandora pointed out that according to the Town's Charter the "BE IT ORDERED" should be changed to "BE IT RESOLVED". He read the section that covered this. There was consensus to change the wording.

**BE IT RESOLVED:** That the Five Year Capital Plan for Calendar Years 2011-2015 dated April 5, 2011 be approved.

**BE IT FURTHER RESOLVED:** That the following Capital Budget Items be funded for Calendar Year 2011:

Mr. Olmstead provided a general overview of the plan. Chair Cassida suggested discussing each category. Councilor DeGrandpre feels the Special Enforcement Pick-Up Truck doesn't need to be replaced. A more thorough assessment of its repair needs should be done. The Police Chief mentioned that a SUV would be great for next year's capital purchase, which is similar to what the Fire Chief has since Crown Victorias are not good in snow. There was consensus to leave the \$30,000 in but get a thorough assessment of repair costs.

Discussion on Flying Point Road and West Street projects followed. The State is still unclear on what they will be able to do. There was consensus to leave the amounts in.

There was no support for adding an employee to Public Works.

Councilor Migliaccio asked how the Council could measure the effectiveness of FEDC. He would like someone to provide what value the Town is getting for the \$85,000 it provides to FEDC each year. They have been given over a half million dollars over the years. He would like the Council to sit down with FEDC folks once the budget season is done to develop some goals in a facilitative manner. He would like to look at best practices, duties, personnel and salaries. Sande Updegraph of FEDC agreed it is important to share their goals and long-term plans with the Council. Their plans are updated year to year. Councilor Hendricks would be willing to meet more often with FEDC and have more collaboration. Councilor Pandora would like to see the Town's contribution go down in the future for FEDC, The Chamber and Freeport USA. This year the three groups are getting \$133,500 combined. He would prefer to see more collaboration to get the costs down. He expects start up costs to go away eventually.

Chair Cassida suggested monitoring the commitment for one year for Video on Demand and then decide if it is a good value and make a decision to keep it or get rid of it. Councilor Gideon suggested removing Streaming Video and others agreed.

Councilor Migliaccio had questions about the \$36,000 contribution to the Greater Freeport Chamber of Commerce. He recalled voting for \$48,000 to get them started and asked if this is the last year the Town will give the Chamber, a private membership corporation, \$36,000 of taxpayer money. He would like to see their budget, their goals and a sustainability plan. He asked how they are doing this year and asked if they are meeting their membership goals. He asked if they would be willing to provide more service to the Town. Chair Cassida noted there is no guarantee that they won't be back asking for money in the future. Deborah King, Executive Director of the Chamber, explained the challenges they have faced this year and what they are planning for the future. They had 175 members with a 70% renewal rate. There is no guarantee that they won't be asking for assistance in the future. Councilor Gideon understood the position Ms. King is in. She questioned if a municipality should fund a Chamber of Commerce. She doesn't feel there is room for two membership corporations in Freeport. She will support the Chamber tonight but will look closely at any future funding requests. Councilor Hendricks noted he would support the Chamber's request tonight but would prefer that the Chamber become self-reliant. Councilor DeGrandpre agreed with Councilors Gideon and Hendricks. He would hope that the Chamber would not have to come back to the Council. Councilor Migliaccio noted that he would support this request but would like to see the tax burden lightened for residents at the end of the budget.

**COUNCIL MEETING #09-11**  
**May 3, 2011**

Police

1 Update In-Car Audio/Video Cameras	30,000
2 Update Radar Units/Speed Enforcement Equipment	25,000
3 Replace Special Enforcement Pick-Up Truck	<u>30,000</u>
Total 2011	85,000

Fire

1 Protective Clothing	<u>14,000</u>
Total 2011	14,000

Rescue

1 Protective Clothing	15,000
2 Rescue Replacement (2000)	<u>190,000</u>
Total 2011	205,000

Public Works

1 Dump Truck Chassis replacement (5-7 Yard Dump)	85,000
1 Dump Truck Plow and Wing Replacement	35,000
1 Dump Body and Sander	40,000
1 Liquid Calcium/Ground Speed Control System	10,000
<del>2 Forklift replacement</del>	<del>25,000</del>
<del>3 Dump Truck Chassis replacement (5-7 Yard Dump)</del>	<del>85,000</del>
<del>3 Dump Truck Body and Sander</del>	<del>40,000</del>
<del>3 Snow Plow and Wing Replacement</del>	<del>35,000</del>
<del>3 Ground Speed Control System</del>	<del>10,000</del>
Total 2011	<del>365,000</del>
	170,000

Solid Waste

1 Repaving of public entrance areas	58,000
2 Paving of Demo Processing Area	<u>37,000</u>
Total 2011	95,000

Comprehensive Town Improvements

1 Flying Point Road-Wolfe's Neck Road to Lower Flying Point Road Reconstruction	521,000
2 US Route 1 North-Town Share of PACTS Project	191,565
3 West Street-Depot Street to South Street Reconstruction	175,000
4 Desert Road Business Park	235,000
5 Town Hall Exit Road Reconstruction	12,000
6 West Street-Sidewalk on North Side*	-
Total 2011	<u>1,134,565</u>

Destination Freeport TIF

1 Sidewalk Improvements - Main Street Brick Repair	20,000
2 Economic Development	85,000
3 Sidewalk Improvements-West St-Depot St to South St South Street Sidewalk-Oak Leaf Project to	128,000
4 West Street/DOT Grant-Town Share	<u>7,200</u>
Total 2011	240,200

Municipal Facilities

1 Computer Upgrades - Townwide	75,000
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**COUNCIL MEETING #09-11**  
**May 3, 2011**

2 Copier Replacement	15,000
3 Library Staining/Siding and Exterior Building Repairs	20,000
4 Re-siding and Window Replacement-West Street Barn	25,000
5 Connect Public Works Building to Natural Gas	25,000
6 Remodel Public Safety Sally Port to Become Booking Area	15,000
7 Networking and Phone System Upgrade-Townwide	50,000
8 Town Hall Roof Replacement	80,000
LED Lighting Conversion, Public Safety, Library,	
9 Public Works	12,000
10 Pick-Up Truck-Maintenance Staff (used)	15,000
11 Flooring Replacement-Public Safety	20,000
12 Access Control System-Public Safety Building	<u>33,000</u>
Total 2011	385,000

Cable TV

1 Equipment replacement	10,000
1 Equipment and other improvements (channel 14)	4,000
<del>2 Equipment to Allow Streaming Video</del>	<del>4,000</del>
3 Remote Site Broadcasting (Comm Ctr and Library)	70,000
Total 2011	<u>88,000</u>
	84,000

Other Projects

1 Village Parking Study	40,000
	<u>29,000</u>
Total 2011	29,000

TIF 1 Desert Road

1 Contribution to Chamber of Commerce	<u>36,000</u>
Total 2011	36,000

**Total Capital Budget 2011**

2,687,765  
**\$ 2,477,765**

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

Police Reserve	\$	85,000	
Fire Reserve	\$	14,000	
Rescue Reserve	\$	205,000	
Public Works Reserve	\$	<del>365,000</del>	170,000
Solid Waste Reserve	\$	95,000	
Comprehensive Town Imp. Reserve	\$	1,134,565	
General Administration Reserve	\$	155,000	
Building Maintenance	\$	230,000	
TIF	\$	276,200	
Cable	\$	<del>88,000</del>	84,000
Parking Lot Reserve	\$	<del>40,000</del>	29,000
<b>Total</b>	\$	<u>2,687,765</u>	
	\$	<b>2,477,765</b>	

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

ITEM #072-11 Tabled April 26, 2011

To consider action relative to the adoption of a Fiscal Year 2012 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, 2011 to June 30, 2012 Municipal Budget as amended.

**FY 2012 Appropriations**

General Government	\$	1,236,232
Protection and Enforcement	\$	2,041,190
Health and Welfare	\$	94,579
Public Works/Solid Waste	\$	2,064,129
Library	\$	352,525
Unclassified	\$	1,773,510
Debt Services-Local	\$	451,799
County Tax	\$	846,018
Human Service Agencies	\$	39,700
Bustins Island	\$	170,000
Community Center Building	\$	40,000
Abatements	\$	25,000
EcoMaine Debt Contribution	\$	173,000

<b>Total Appropriations</b>		<b>\$ 9,307,682</b>
Video on Demand	Add	\$4,200
<b>Total Appropriations</b>		<b>\$ 9,311,882</b>

**FY 2012 Estimated Revenues**

Non-Property Tax	\$	1,277,500
Intergovernmental	\$	1,117,040
Charges for Services	\$	368,950
Licenses and Permits	\$	193,340
Fines and Forfeitures	\$	65,900
Miscellaneous	\$	100,000
Library Lease Proceeds	\$	175,000
Total Estimated	\$	3,297,730

Amount Transferred from Undesignated Funds	\$	500,000
Amount to be Raised by Taxation		<del>5,509,952</del> 5,514,152

<b>Total Revenues</b>	\$	9,307,682
	\$	<b>9,311,882</b>

(Hendricks & Bishop)

Chair Cassida suggested going through each item. Councilor Pandora asked how the Council is doing with actuals versus spending. Abby Yacoben addressed his questions. Councilor Pandora referred to the

Town Charter and noted that the budget format is not in compliance. He mentioned that the charter states the budget must show comparative figures for the actuals and estimated revenue and expenditures of the current fiscal year and the previous year and it is not presented in this way. Mr. Olmstead pointed out that the information is available and provided upon request. Previous councils adopted the budget format and it can be changed at any time. Mr. Olmstead advised that in his opinion, these issues should be brought up at the beginning of the budget process, not at the end. Councilor Migliaccio noted that a different format would be helpful for next year.

Councilor DeGrandpre pointed out that a discussion needs to be held on snow removal on existing sidewalks and Town streets and Mr. Olmstead made a note to do this.

Councilor Gideon suggested finishing the budget process and sitting down with department heads to come up with a plan that will meet all their personnel needs. Chair Cassida is unclear how to get there but feels it is worth discussing. Discussion followed. Councilor Pandora feels there is stuff on this optional list that he would like to do tonight. He agrees there should be some analysis done. Councilor Migliaccio would like to see if the Council could add a fire fighter tonight. Mr. Olmstead noted the need for analysis of services and personnel needs.

There was consensus to add \$4,200 for Video on Demand to the Cable budget and reevaluate the usage after one year. Rick Simard noted that he could easily monitor the usage and provide the evaluation monthly.

Councilor Pandora mentioned adding \$5,000 to the \$25,000 requested for the additional SUV rather than a cruiser from the Capital Budget, which would not impact the mil rate. Mr. Olmstead noted that they could take the \$30,000 in the budget to replace the warden's truck at no more than \$25,000 and use \$5,000 towards a police SUV after an analysis of the warden's truck is done to determine if it can serve Brent's purpose.

Beth Edmonds explained that she lost two full-time people last year. She needs a full-time person who will be able to take on cataloging as well as Minerva. \$35,000 would get her a younger person without seniority. Councilor Gideon would like to add the \$35,000 for an entry-level position for the Library. Councilors DeGrandpre and Migliaccio feel the Council should go through a process.

Councilor Hendricks noted that with a new sports complex and increased events, more public safety personnel would be needed. He is in support of adding library and police staff to the budget. He feels these services warrant a tax increase. He pointed out that these are not luxury employees, they are needed employees. He asked if someone's life is worth \$60,000. He feels it is. He wants to make it happen. Councilor DeGrandpre sees the merit for all these requests but is confident that a skills analysis is necessary. He wants to do his homework before making any decision.

Councilor Bishop sees the merit for all these worthy projects but pointed out that the Council goal for this year is to keep taxes flat and additional services and staff could be discussed for next year. Chair Cassida agreed that a plan is necessary but he views these projects as worthy.

Discussion on funding to add a fire fighter followed.

**MOVED AND SECONDED:** To add \$35,000 to the budget for the addition of a per diem fire fighter position. (Migliaccio & Hendricks)

The motion was withdrawn so that more discussion could take place. Mr. Olmstead mentioned that without the thorough analysis of services and personnel needs, it is a bad decision to make any decision

tonight. It is not the way to go. He advised that he wanted employees to understand that he wants them all on equal footing and wants them to make their case on equal footing. Everyone should make their case in a structured process. He noted that decisions made at midnight are not good process. It is horrible policy in his position.

Councilor Migliaccio deferred to the Town Manager on personnel issues. Councilor Gideon asked Mr. Olmstead to come back to the Council with his recommendation.

Chair Cassida clarified that \$4,200 was added for Video on Demand. Councilor Pandora noted that he would vote in favor of the budget, he did so with the intention of making a motion to reconsider in the future.

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

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**OTHER BUSINESS:**

- 1) Discussion on postcard mailer for June 14, 2011 RSU #5 Election

Mr. Olmstead provided a RSU warrant for Councilors to sign. He has learned that the RSU is not planning on doing a town-wide mailing. They will put an ad in the papers, the school newsletter and plan to utilize a phone voice tree. Discussion followed. Councilor Migliaccio suggested adding a note stating that the Council encourages a yes vote on the bond. Councilor Bishop did not wish to add this note. She suggested advising residents about the validation vote and the fact that there will be a \$2.9 million bond issue for athletic fields. Councilor DeGrandpre noted that it is important to put more information on the card telling residents where to get information. Councilor Hendricks noted that he has come out and said he supports the bond issue. Councilor Gideon is not comfortable saying that the Council recommends this bond issue. It is the RSU's job to get the information out. Chair Cassida has not seen the plan and does not feel comfortable endorsing it without seeing it. Councilor Pandora is not in favor of spending money for a mailing and would rather use other means of getting the information out. There was consensus for the Town to do a mailing. Councilor Migliaccio would want to review the wording before it is mailed out.

**MOVED AND SECONDED:** To direct the Town Manager and staff to develop a postcard notifying residents that on June 14 there will be a school validation vote. Also on that ballot there will be a \$2.9 million bond issue for athletic fields and information where voters can go to get information. (Bishop & Gideon)

Mr. Olmstead will develop the postcard and will E-mail it to Councilors before it is mailed out.

Zachary Ward, resident, pointed out that it is not appropriate for the Council to endorse the bond issue and he would discourage the Council from endorsing it on a postcard.

**ROLL CALL VOTE:** (4 Ayes) (3 Nays—Migliaccio, Hendricks and Pandora).

- 2) Information Exchange / Committee Report

Councilor Migliaccio advised that he missed the Cumberland County budget meeting. He couldn't find a replacement. He mentioned it a few meetings ago.

Councilor Migliaccio asked how the Council sees itself throwing support and giving the public the idea of where we stand on the school's fields. He asked if the Council is in support of this project. Mr. Ward

mentioned that this would also impact the residents of Durham and Pownal. Councilor Bishop noted that some would see this as a tax increase. Councilor Migliaccio doesn't understand everyone's position. Chair Cassida suggested that the plans be presented to the Council.

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**MOVED AND SECONDED:** To adjourn at 12:20 a.m. (Bishop & DeGrandpre)  
**VOTE:** (7 Ayes)

Respectfully submitted,

Sharon Coffin  
Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #10-11**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**MAY 17, 2011 - 7 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></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 #09-11 held on May 3, 2011 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #09-11 held on May 3, 2011 and to accept the Minutes as printed. (Bishop & DeGrandpre)

**VOTE:** (7 Ayes)

**SECOND ORDER OF BUSINESS:** Announcements

Councilor Hendricks announced that Freeport Family Fun Day and the Coast to the Coast Race would take place on June 18 at Winslow Park from 10 a.m.-1 p.m. The race begins at 9 a.m and all activities are free. If anyone has questions, they can contact Bart Carhart at 865-9052 or e-mail: [winslowpark@freeportmaine.com](mailto:winslowpark@freeportmaine.com). Residents may also call Councilor Hendricks or may register on line for the race at [www.Freeport.rotary.race](http://www.Freeport.rotary.race).

Chair Cassida read a note asking residents to please accept an invitation to attend a public forum on the proposed State budget Saturday May 21 from 10a.m.-12 Noon at the Kresge Auditorium at Bowdoin College with Senator Gerzofsky and others. The Governor has put forth his budget recommendations. For more information, folks can go on line to [www.Me.Gov/ledge/ofpr](http://www.Me.Gov/ledge/ofpr).

Councilor Bishop pointed out that the Town's Clean-up Days would take place on June 1, 2, 3 and 4 at the Recycling Center. A coupon for one free pick-up size load has been mailed to residents.

Councilors Hendricks and Pandora mentioned that the steel from New York's Twin Towers would be coming into Freeport this Saturday and the event will be held from 11 a.m.-2 p.m. at the Public Safety Building. Freeport is the only community in the State of Maine to have gotten a piece of this steel.

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

Marie Gunning of Telos Road explained how disappointed she is with the budget process and vote that took place two weeks ago. She raised the point that the public needed actual figures when reviewing the budget and only appropriated numbers were handed out. Residents pay 70% of the taxes and she feels residents are not getting enough services. Tons of money was provided for economic development but very little for residents. She mentioned she has not gotten a response to her accountability request. She would like the Council to address how the Town's annual budget process is supposed to go.

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

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

ITEM #076-11 To consider action relative to adopting the May 17, 2011 Consent Agenda.

**BE IT ORDERED:** That the May 17, 2011 Consent Agenda be adopted. (DeGrandpre & Bishop)

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

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

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ITEM #077-11 To consider action relative to the appointing of delegates to the annual Greater Portland Council of Governments (GPCOG) general assembly.

Mr. Olmstead explained that two volunteers are needed to serve as delegates. Peter Mills will be the guest speaker. Councilors Pandora and DeGrandpre volunteered. The meeting will take place Thursday from 11:30 a.m.-1:30 p.m. in USM's Glickman Library.

**BE IT ORDERED:** That Eric Pandora and Rich DeGrandpre be appointed to represent Freeport at the GPCOG annual meeting to be held on June 9, 2011. (Bishop & DeGrandpre) **VOTE:** (7 Ayes)

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ITEM #078-11 To consider action relative to the reconsideration of Item #072-11 concerning the adoption of the Fiscal Year 2012 Operating Budget for the Town of Freeport.

Councilor Pandora explained that he prepared disks for a presentation but learned that some members of the public would not be able to see them. He suggested that the order be read before further explanation.

Councilor Pandora provided a presentation showing a budget format for Councilors to review. He read a couple of Charter pieces and noted what Councilors are provided each year. He feels that nobody on the Council knows what detail is behind the numbers that are provided. He feels the budget is not in compliance with the Town's Charter but the Council has the ability to bring the budget back for reconsideration in order to get it in the format it is supposed to be in, which is in compliance with the charter. He does not want to incur any legal costs because the Council is not in compliance with the charter but feels the Council needs to take steps before it becomes a problem.

**BE IT ORDERED:** That Item #072-11 approved on May 3, 2011 be reconsidered.  
(Hendricks & Pandora)

Councilor Gideon asked Mr. Olmstead to weigh in on charter compliance. Mr. Olmstead explained that he talked to the Town Attorney on a couple of occasions at the recommendation of the Council Chair. Mr. Olmstead pointed out that the current budget format was adopted by previous Councilors and Staff will put out any type of budget the Council desires. The Town Attorney noted that the current charter language was developed in 1973-1975 and has not been changed since. His opinion is that the founding fathers never envisioned everyone would have computers and much of the information is probably coming to the Council in different forms. If it is determined the format is in violation of Section 6.03, it would not invalidate a vote on the budget. If it is in violation of Section 6.05, it could present a problem. Mr. Olmstead's advice is to have the new Council look at the budget format in November and consult with the Town Attorney if the Council wants changes. They can be made at that time. Councilor Bishop advised that this format is the one she has used for over 12 years. She noted that if the Council wants to change it, it could change it going forward, not at the 13<sup>th</sup> hour.

Chair Cassida advised that he has no issue with the new format if the Council wishes to make a change. Councilor DeGrandpre agrees that the folks that wrote the charter didn't realize everyone would have computers. He understands that all the information is available but has no issue with the new format. He feels it is a good one and would be easy for everyone to understand. Councilor Hendricks feels the new format is clear and appreciates all the effort Councilor Pandora put into it. He does not see this as a big issue. If this is the actual way the Council is supposed to do it, he would be willing to change it in the future or would be willing to go back and reconsider. Councilor Gideon would be in favor of looking at this format for next year but does not want to revisit the budget this year. Councilor Migliaccio thanked Councilor Pandora for putting this format together. This is his sixth budget and it took him a few years to understand the budget. While he has confidence in the administration of this town, he has a responsibility to make sure that the format is correct. He is worried about the lawsuit the Council is reviewing in an Executive Session tonight. He wonders if the Town Attorney should put something in writing because a verbal opinion is not the same as a written one. Chair Cassida asked if there was Council consensus to have the Town Attorney provide a written opinion. There was consensus for the Town Manager to request a legal opinion in writing.

Mr. Olmstead noted his preference would be to have the new Council sit down in November with the Town Manager, Finance Director and the Town Attorney in a legal workshop to discuss the budget format.

**ROLL CALL VOTE:** (1 Aye—Pandora) (6 Nays)

Mr. Olmstead will give Councilor Pandora's format to the Finance Director. Councilor Migliaccio requested that the Council go back to the microphones being left on at all times.



**OTHER BUSINESS:**

1) Discussion on amendment to the Freeport Sign Ordinance pertaining to open flags in the Village Commercial I and Village Commercial II Districts

Kory White, owner of Summer Shades of Freeport, explained the open flag issue. He watches foot traffic in Freeport as a business owner. This would help the small businesses tremendously on the side streets. He had a small amendment change to the written one and passed out four copies. The flag point should be at 6 ½' above the sidewalk, not the mounting bracket. Discussion followed. Mr. Olmstead advised that Mr. White could fly a flag of Portugal and be perfectly legal but it cannot say, "open". Councilors Migliaccio and Gideon noted that they support this change. Mr. Olmstead suggested setting a public hearing this evening.

**BE IT ORDERED:** that a public hearing be scheduled for June 7, 2011 at 7 p.m. in Town Hall Council Chambers to discuss a proposed amendment to the Freeport Sign Ordinance, Chapter 23, Section 5.6 concerning Open Flags be flown on side streets in VC I and II Districts.

**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 & Gideon)

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

Chair Cassida suggested that Mr. White have other businesses that support this change plan to attend the public hearing.

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2) Discussion of Planning Board recommendation to reduce the Village Open Space Fee

The Town Planner was not in attendance. Mr. Olmstead noted that this is not time sensitive and will be put on the next agenda.

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3) Update on the Hunter Road Field and Trails Project

David Latulippe provided a quick update and mentioned that the Town Engineer is also in attendance. He noted that all State permitting is done. The Project Review Board reviewed the project and issued a Site Plan Approval. A road-opening permit is still needed as well as a general construction permit from DEP, which requires a \$500 fee. There has been a minor delay on engineering. They found one small pocket of wetland that is on the edge of the detention pond so they will move the pond about 20-30 feet to the south. It cost them a week of time. The drawings are being finalized. He worked with Albert Presgraves and all the bid specs have been done. They are about a week before going out to bid, still proposed for the first week of June. The closing on the property will take place on the second or third of June. The Council will be invited to the ribbon cutting ceremony on June 14. They expect the fields to be seeded between September 1-30. The trails should be completed by September 30.

Kate Arno, President of FEDC received a letter from Chris McCormick, President of L.L. Bean explaining that they will provide a \$500,000 gift for the Freeport Fields and Trails Project. She read it into the public record. Ms. Arno noted that they are delighted to have L.L. Bean join them in their effort.

Mr. Latulippe explained that depending upon the bids, their estimated fundraising goal is somewhere between \$250,000-\$280,000. They are confident they will be able to get in-kind donations. They still need to go back to the Planning Board to locate the lodge and fundraise for it. Councilor Migliaccio brought up the Town's Bid Process. Mr. Presgraves explained that he was involved in the bid process and is confident that it will be handled fairly and correctly in a competitive process. Discussion followed.

Councilor DeGrandpre read a Town Bid Policy into the public record.

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#### 4) Information Exchange / Committee Report

Councilor Hendricks reported that he attended a Winslow Park Commission meeting. There have been some dog leash issues taking place in the park. They are trying to figure out how to police it. They plan to purchase a wood splitter and plan to split and sell their own camp wood. Family Fun Day will take place on June 18.

Councilor DeGrandpre explained that the Municipal Facilities is meeting on Thursday at 10:30 a.m. and will review plans to renovate the Police Sallyport and discuss the future of 45 Depot Street Mallet Building.

Councilor Migliaccio pointed out that there is an empty spot on the Cable Negotiating Commission and requested that a slide be put up advertising any empty seats. Mr. Olmstead will check to see if we have a scroll but suggested not filling that slot because of the lateness in the process.

Chair Cassida noted there is nothing to report right now but there will be an Executive Session on June 7 to discuss tax-acquired property.

Councilor Migliaccio would like to have some discussion at the next Council meeting on how to get an appropriation for additional coverage at Fire/Rescue to allow personnel to leave 5-10 minutes earlier. Chair Cassida noted that an evaluation of personnel requests will be done and the goal is to have the prioritization done way before the Council approves funds again. Councilor Migliaccio would like to do anything he can to look at different options to get those public safety vehicles out 5 minutes sooner, which would be a lifesaver. He hopes he doesn't have to wait until the next budget season. Councilor Pandora is confident that the Council can act on this sooner. He wants to be sure there are two people there from 6 p.m.-8 a.m. and doesn't care how it is done. Chair Cassida advised that the process has started and the goal is to discover efficiencies and eliminate redundancies. Mr. Olmstead is not convinced that we can't have two existing persons available now. Councilor Hendricks and Councilor Pandora are in favor of adding the additional positions and feel that if they have existing resources to do it, fine but it should be done. The Town Manager was asked to look into this and report back.

Councilor Migliaccio mentioned that Tom Ross submitted some comments and questions to the Council. Chair Cassida assured him that most of the questions were answered already but one is still outstanding and needs a reply from the Town Attorney.

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ITEM #079-11 To consider action relative to an Executive Session with the Town Attorney to discuss litigation (McGettigan vs. Town of Freeport) 1 MRSA Section 405(6)(E).

**MOVED AND SECONDED:** That the Town council enter into Executive Session with

the Town Attorney to discuss litigation. (Migliaccio & Bishop) **VOTE:** (6 Ayes) (1  
Excused—Gideon)

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

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**MOVED AND SECONDED:** To adjourn at 9:24 p.m. (Bishop & Gideon) **VOTE:**  
(7 Ayes)

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #11-11**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**JUNE 7, 2011 - 7:00 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></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 #10-11 held on May 17, 2011 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #10-11 held on May 17, 2011 and to accept the Minutes as printed. (DeGrandpre & Bishop)  
**VOTE:** (7 Ayes)

**SECOND ORDER OF BUSINESS:** Announcements

Chair Cassida announced:

- On June 13, 2011 from 5-6:30 p.m. a meeting will take place to discuss parking requirements in the village with consultants, Vanesse, Hangen and Brustlin in the Freeport Community Library.
- The Greater Freeport Chamber of Commerce will host a Freeport Fields and Trails public meeting on June 9, 2011 from 7-8:30 p.m. at the Freeport Community Library with representatives of each of the three projects.
- The RSU5 annual budget meeting will take place tomorrow, June 8 at 6 p.m. at the Freeport High School Gym. Registered voters will have an opportunity to modify and adopt the final budget to send to referendum vote.
- On June 14, 2011 an election will take place on the RSU5 budget validation and \$2.9M bond for the High School Athletic Facility at Freeport Town Hall from 7 a.m. to 8 p.m. The Town Clerk's office will be open and Absentee ballots will be available Thursday, June 9 from 9 a.m.-7 p.m. and on Friday and Saturday from 9 a.m.-Noon. For information, residents may call 865-4743, Extension 123. They can reach the Superintendent at 865-0929 or the Athletic Director at 865-4706 Extension 228 or go on the RSU5's website which is RSU5.org.

- Freeport Fields and Trail's groundbreaking ceremony will be held on June 14 at 10 a.m.
- On June 10, 2011 from 4-4:30 p.m. there will be a ribbon cutting ceremony and wine tasting at School Street Extension and the new Bow Street Market. On June 11 at 9.m. there will be a road race, live music, all day tastings and give aways. On June 12 there will be live music by Cul de Sac at 10 a.m., more tastings and give aways.
- Freeport Family Fun Day will take place at Winslow Park. All activities are free. For a full listing of Winslow Park events, e-mail: [winslowpark@freeportmaine.com](mailto:winslowpark@freeportmaine.com)

Councilor DeGrandpre advised that tomorrow night's meeting on the RSU5 budget is a very important meeting for people to attend.

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

Joyce Veilleux of Island View Lane asked if Item 2 concerning the 9/11 Memorial could be moved up on the agenda. Chair Cassida explained that the only place it could be moved to would be the first item under "Other Business". Discussion followed.

**MOVED AND SECONDED:** To take Item #2 from Other Business and move it behind the Consent Agenda, (Migliaccio & DeGrandpre) **VOTE:** (7 Ayes)

Marie Gunning, resident of Telos Road, asked if the Council received a legal opinion on the Council's position that it can use excess fund balance outside of public review or referendum. She advised that if the Town has excess money coming in, it should be put into a tax stabilization fund or used to reduce the tax rate. She mentioned that she has researched surrounding communities and learned that they estimate 1-2% in excess revenues where Freeport estimates 5-6%.

Councilor Migliaccio wanted to go on record saying that a legal opinion cannot be obtained unless the Council Chair authorizes the request. Chair Cassida stated that he is not willing to authorize a request for a legal opinion because he does not feel one is needed,

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

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

ITEM #089-11 To consider action relative to adopting the June 7, 2011 Consent Agenda.

**BE IT ORDERED:** That the June 7, 2011 Consent Agenda be adopted. (Bishop & DeGrandpre)

Chair Cassida reviewed the items on the Consent Agenda for members of the public. He thanked the contributors to the Library and Fire/Rescue for their generous donations.

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

**MOVED AND SECONDED:** To take up Item #2, Discussion of Project Review Board memo concerning 9/11 memorial from “Other Business” (Migliaccio & Pandora) **VOTE:** (7 Ayes)

2). Discussion of Project Review Board memo concerning 9/11 memorial.

Ms. Larson explained that the Masons do not have the proper right, title and interest to move forward with the memorial. The Council has agreed to own the steel on January 4 but that acceptance did not include the use of the open space at the Public Safety Building for the permanent installation of the memorial. Since the Town owns the land, this needs Council action. Discussion followed.

**MOVED AND SECONDED:** To authorize the town-owned property at the corner of Main and West Streets as the location for this memorial. (DeGrandpre & Bishop) **ROLL CALL VOTE:** (7 Ayes)

Councilor Migliaccio noted that when he did the site walk, he really liked the concept. He asked that everybody try to understand the role of the Project Review Board. It is hoped the steel will be cut to a certain look with a nice finish and not simply exhibit a rusty look. Joyce Veilleux advised that they are looking for a clear coating to protect the integrity of what is on the steel.

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ITEM #090-11 To consider action relative to proposed amendments to the Freeport Sign Ordinance concerning open flags in the Village Commercial I and II Districts.  
(Chapter 23) PUBLIC HEARING

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

Councilor Gideon explained that she brought this forward because some of the smaller businesses off Main Street need more visibility. Kory White, owner of Summer Shades of Freeport, at 25 Bow Street read the letter he wrote dated May 10 into the public record. Annette Evans of R. D. Allen Jewelers indicated that her business sits back from the street and sidewalk in a converted home. Anything that can be done to bring in customers would be greatly appreciated. Sande Updegraph of FEDC noted that they support these changes. It will help these businesses gain a bit of visibility. She urged the Council to support these amendments.

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

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

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ITEM #091-11 To consider action relative to redefining the Tax Rate Stabilization Fund and Fund Balance Policies to ensure compliance with GASB 54 Standards.

**BE IT ORDERED:** That the proposed redefinitions of the ~~Tax Rate Stabilization Fund~~ and Fund Balance Policies be approved as amended. (Hendricks & Bishop)

Finance Director, Abby Yacoben, explained three changes that need to be made on how the Town reports. She answered questions for Councilors. A workshop is scheduled for next week and Councilor Bishop suggested inviting the auditor to attend. Ms. Yacoben noted she would issue the invitation. Chair Cassida mentioned that he wants to think this through a little more. He wants to understand the implications.

**MOVED AND SECONDED:** To strike *Tax Rate Stabilization Fund and* from the order.  
(Bishop & DeGrandpre) **VOTE:** (7 Ayes)

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

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ITEM #092-11 To consider action relative to accepting a bid to construct the Fields and Trails project.

**MOVED AND SECONDED:** That the Town Engineer Report on bids received.  
(Gideon & Bishop) **VOTE:** (7 Ayes)

David Latulippe noted that Albert Presgraves is also here tonight. Bids were opened last Thursday. After meeting with the low bidder, the price was reduced an additional \$177,000. He advised that the \$1,560,535 does not include a performance bond because it was determined not necessary. This contractor built the Christmas Tree Shop and Michaels in South Portland. Bringing in the water line was a bit more expensive than expected but there is additional benefit to bringing it in. No lodge or maintenance is included. The Town will do paving. The total cost of the project is \$2,346,000.

Councilor Migliaccio had clarifying questions but wanted the record to reflect that he is in favor of this project. He noted that the process was hard for him to get his hands around. Mr. Latulippe answered questions for Councilors. Discussion followed. Councilor Gideon congratulated Mr. Latulippe on a job well done. Councilor Pandora also thanked Mr. Latulippe for doing such a great job. He, too, had questions for Mr. Latulippe. He would have preferred to have scheduled an executive session to discuss the numbers. Councilor Migliaccio asked where the Bean money is going to be applied. Councilor Gideon clarified that the Council authorized spending \$2.3 million for this project.

**BE IT ORDERED:** That the bid from R. J. Grondin and Sons in the amount of \$1,560,535 be accepted. (Gideon & Pandora) **ROLL CALL VOTE:** (7 Ayes)

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OTHER BUSINESS:

- 1). Co-signing of the Warrant for the RSU #5 Budget Validation.

Mr. Olmstead passed out the warrant for Councilors to sign.

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- 3). Explanation of the town's bid procedures and policy

Mr. Olmstead provided copies of the Town's bid policy and procedures that have been in effect for many years as well as the COG process.

Councilor Migliaccio asked if the Council is willing to go through an exercise and have Mr. Olmstead propose some wording to modify or enhance the bid policy going forward. Mr. Olmstead explained the policy that is followed on fuel. Councilor Migliaccio noted that it appears that staff is extending contracts

without Council approval. Councilor DeGrandpre is comfortable knowing that staff is consistently looking to save the Town money. He mentioned that the Town Manager reports these instances to the Council. Councilor Migliaccio raised more questions such as how long are bids left open. He does not see a requirement for a bid window. Councilor Bishop explained that the Town has extended asphalt contracts and uses COG bids for comparison. Councilor Hendricks feels this is Administration's job to save the Town money. Mr. Presgraves explained the bidding process used and how it can save the Town money. Councilor Pandora feels the bidding process needs to be tightened up. He would like parameters placed around it.

Marie Gunning advised that she brought up this topic and explained what she found when she researched the town's contracts. She has asked for copies of the bids on the past three year's of paving work. Three bids are in the file. She feels the Council has an oversight role and must tighten up on it. More discussion followed.

Councilor Migliaccio suggested having a system of checks and balances in place that says no competitive bid shall be extended for a period of more than three years without Council review. Councilor DeGrandpre suggested that Councilor Migliaccio propose some language.

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4). Discussion on legal opinion concerning budget process

Councilor Migliaccio mentioned that according to the letter from the Town Attorney, the budget is not presented in the format outlined in the Town Charter. Chair Cassida clarified that the fact that we are not completely following the Charter, does not make it invalid. He suggested that the Council should make sure that its budget process is made to conform to the Charter or amend the Charter to make it conform to the manner in which the budget was passed.

Councilor Hendricks noted that he likes the new budget format that Councilor Pandora has come up with. He is not opposed to putting it in the new format and re-voting on it. Councilor Pandora does not want to revisit line items. He read the letter from Attorney Hole into the public record. He also read a message he wrote to his fellow Councilors but advised he never received any reply. He would like to see the 2011/2012 budget reformatted. With programming, someone could provide this budget easily. He has no idea what is spent.

Councilor DeGrandpre feels Councilor Pandora's format is easy to understand and would be willing to adopt the format for the next budget period. He is okay with where the Council is now. Chair Cassida appreciates the work Councilor Pandora did on this but would have liked it to have been brought forward earlier in the budget process. He sees no benefit in going back and asking Staff to reformat the budget at this particular time. Councilor Migliaccio noted that the reason to reformat the budget would be worthwhile is to take the high ground and say that the charter is laid out so that we can compare items such as fund balance or determine if any money is left over.

Marie Gunning feels it is good for Councilor Pandora to bring this up. Nobody is above the law. If this is in the Charter, the Council swore to uphold it. She requested the actuals because she couldn't understand where the ship is heading. It is a problem to take on more and more obligations such as the train platform, etc. She feels the Town needs a Finance Committee. It is hard to look at the financials for a long time and was astounded to learn that we are out of excess fund balance.

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



**MOVED AND SECONDED** To reconsider the reconsideration on Item 078-11 concerning the reconsideration of the fiscal year 2012 Operating Budget for the Town of Freeport. **ROLL CALL VOTE:** (5 Ayes—Pandora, Hendricks, Gideon, Migliaccio and DeGrandpre) (2 Nays—Bishop & Cassida)

Mr. Olmstead advised that for information only, the budget could be reformatted on Ms. Yacoben's schedule.

**MOVED AND SECONDED:** To waive the rules for reconsideration of the budget for fiscal year 2012. (Migliaccio & Pandora) **ROLL CALL VOTE:** (4 Ayes—DeGrandpre, Hendricks, Pandora, Migliaccio) (3 Nays—Bishop, Gideon, Cassida)

Councilor Bishop noted that she has always been provided with the financial information she needed during the past 12 years. She would be happy to use a new format next year.

**MOVED AND SECONDED:** To consider action relative to the reconsideration of Item 072-11 concerning adoption of the fiscal year 2012 Operating Budget for the Town of Freeport. (Migliaccio & Pandora) **ROLL CALL VOTE:** (3 Ayes—Pandora, Hendricks, Migliaccio) (4 Nays—Bishop, DeGrandpre, Gideon and Cassida)

Councilor Pandora asked if the Town Attorney would be responding to his letter. Chair Cassida noted that his letter was forwarded to the Attorney and he has no problem with his providing a reply.

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5). Information Exchange / Committee Reports

None

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ITEM #093-11      To consider action relative to an Executive Session to discuss the disposition of tax acquired property and property located at 45 Depot Street. 1 MRSA Section 405 (C).

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

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

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ITEM #094-11      To consider action relative to a Public Hearing to discuss an application to the State for the Communities for Maine Future Bond Program.

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

**BE IT ORDERED:** that a public hearing be scheduled for June 21, 2011 at 7:00 p.m. in the Town Hall Council Chambers to discuss an application to the State for the Communities for Maine Future Bond Program.

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

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**MOVED AND SECONDED:** To adjourn at 10:51 p.m. (Hendricks & Gideon) **VOTE:** (7 Ayes)

Respectfully submitted,

Sharon Coffin  
Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #12-11**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**June 21, 2011 - 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 7:30 p.m. and took the roll. (Councilor Migliaccio stepped out of the room for a few minutes)

**FIRST ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #11-11 held on June 7, 2011 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #11-11 held on June 7, 2011 and to accept the Minutes as printed. (Bishop & DeGrandpre)  
**VOTE:** (7 Ayes)

**SECOND ORDER OF BUSINESS:** Announcements

Chair Cassida noted that Winslow Park would be starting their Summer of the Stars Thursday night concert series with the following groups:

July 7 — Pine Tree Coastal Winds Band  
July 14—Zulu Leprechauns  
July 21 —Jason Spooner Trio  
July 28 —Jimmy and the Soul Cats  
August 4—Squid Jiggers  
August 11—Pan Fried Steel Band  
August 18—Cumberland Crossing

If anyone has any questions, they can call the Park Gatehouse at 865-4918. All concerts begin at 6:30 p.m.

There will be many events on the Fourth of July. A Pancake Breakfast will take place at St. Jude's Church on the corner of Main and School Streets. There will be a road race, a fun run, a parade at 10 a.m., a 7 p.m. concert at L.L.Bean's Discovery Park and at 9 p.m. fireworks in the Athletic Field.

This summer FCS will be providing a free youth summer lunch program from 11:30-12:30 for youths 18 and under. It will begin on June 21 and run through September 1. Lunches will be provided on Tuesdays, Wednesdays and Thursdays. For more information, please contact Sue Mack at 865-1005. All meals must be eaten on site.

The Council's meeting schedule was discussed at the last meeting and is now posted on line. This summer there will be one meeting on July 12 and one on August 9. The regular schedule will resume in September.

**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)

Tom Ross advised that he sent an E-mail to the Town Manager, Town Planner and Chair Cassida regarding the possibility of changing the zoning for Hunter Road and noted that no one responded to him. He also mentioned that he is concerned that the Town is paying for development on Seacoast's land and in doing so, the Town may be crossing the DEP threshold. He offered to put this in an E-Mail as well. Chair Cassida encouraged Mr. Ross to share the map with the Town Engineer so he can understand where the boundaries are.

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

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

ITEM #099-11 To consider action relative to adopting the June 21, 2011 Consent Agenda.

**BE IT ORDERED:** That the May 17, 2011 Consent Agenda be adopted. (DeGrandpre & Bishop)

Chair Cassida reviewed the items on the Consent Agenda for members of the public. Questions on the prospective clambake were raised which were addressed by Mr. Olmstead. Councilor Migliaccio noted that the Appointment Committee had one applicant for the Project Review Board and he hopes more applications will come in for future seats.

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

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ITEM #100-11 To consider action relative to an application to the State for the Communities for Maine Future Bond Program. PUBLIC HEARING

**MOVED AND SECONDED:** that the public hearing be opened. (DeGrandpre & Hendricks) **VOTE:** (7 Ayes)

Town Planner, Donna Larson, explained that the grant would provide \$126,500 to move a building from 45 Depot Street to town-owned property at the corner of Depot and Grove Streets, add an addition to it and then use it for office space. This grant requires matching funds from the Town.

Kristina White, Director of the Freeport Historical Society, spoke in favor of this project. They are pleased that the building will be saved from demolition.

Debra King, Director of the Greater Freeport Chamber of Commerce, commended the Town Planner and the Town Council for this project. They are hoping to reduce their costs and look forward to the move.

Sande Updegraph of FEDC advised that their directors are in favor of this project and love the idea of saving the building and providing a space for businesses to co-locate. She expects that, as many as three or four separate organizations could be located in this building. She, too, commended the Town Planner and Town Council for coming up with this concept.

Councilor Pandora read an E-Mail from Marie Gunning into the public record stating her opposition to the grant application and explaining why the Council should not use \$126,500 of Town funds for matching funds.

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

Councilor Migliaccio mentioned that he likes the concept of getting our commerce groups closer together. It was going to be a train station at one time but this proposal was discussed in Executive Session. He noted that the Town owns and leases a number of buildings in town and it does very well. He expects this building will generate some income and not be a loss for the Town and plans to vote for it. Chair Cassida mentioned that no formal agreements or lease discussions have begun since there is currently no building.

Councilor Gideon pointed out that this conversation has been going on about 45 Depot Street. Originally the hope was to save a historic building and move it and keep it in the neighborhood of other Mallet houses. Some things still need to be worked out.

Councilor Hendricks mentioned that he has not seen any associated costs yet. The building will be renovated very similar to the way it originally looked and he hopes this will enable these commerce groups to be housed together. He hopes this will provide a building that does not share the same rental costs as buildings on Main Street. He is unsure of the revenue stream at this time but would be happy if it becomes a non-loss.

Councilor DeGrandpre explained the challenges of moving it and using it as a train station. It makes sense to move it on a piece of town-owned land and provide a great space for the commerce groups to co-locate. He is not sure how the groups will be charged for renting the building but this can be determined later.

Ms. Larson circulated a sign-up sheet for Councilors to sign. She outlined the time frame for Councilors.

Councilor Pandora asked who would retain title to this building and if it could be sold at some point if necessary without refunding the grant money to the State. Ms. Larson advised that she would have to check on this information. Chair Cassida pointed out that details such as this would be worked out down the road. This is simply an endorsement of the application.

**BE IT ORDERED:** that the Town Council endorse the application and authorize the Town Manager to sign the application on behalf of the Town. (Hendricks & Bishop)

Ms. Larson expects to hear back by the beginning of August.

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

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ITEM #101-11 To consider action relative to an appropriation from Excess Fund Balance to provide matching funds in the amount of \$126,500 for the Communities for Maine Future Bond Program and approve the relocation and renovation of the Mallet building located at 45 Depot Street.

**BE IT ORDERED:** That an appropriation from Excess Fund Balance to provide matching funds in the amount of \$126,500 for the Communities for Maine Future Bond Program *contingent upon receipt of the grant.*

**BE IT FURTHER ORDERED:** that should the Bond Program application be funded, the Mallet Building located at 45 Depot Street be relocated to the corner of Grove and Depot Streets (Map 11, Lot 130). (Gideon & Bishop)

Chair Cassida asked what could be done if the Town does not receive the grant. Ms. Larson advised that the building could be moved for \$126,500 but the addition is estimated to cost \$130,000. It could probably be used as a house. Mr. Olmstead is hoping it is possible to renovate the Hose Tower for use as a train station at a cost of somewhere around \$30,000. Councilor Migliaccio wanted to go on record saying he likes the idea of getting the commerce groups under one roof and that the Council can decide to offer free rent to anybody but he would be more comfortable with a written legal opinion authorizing the Council to make these supplemental appropriations from Excess Fund Balance under the Charter. He feels verbal doesn't mean anything in a court of law if challenged. Chair Cassida advised that it was not put out for a formal legal opinion but the balance of the Council was satisfied with a verbal opinion. Mr. Olmstead explained that the Town Attorney advised him that the Council has the authority to make these appropriations and that the Attorney had no concerns. More discussion followed.

Councilor Pandora stated that he feels it would be prudent to get a written opinion but it appears there is no Council will for it. Chair Cassida stated he is comfortable with the verbal opinion. Councilor Hendricks stated that he is comfortable with a verbal opinion but has no problem going out for a written one.

**MOVED AND SECONDED:** To amend the **BE IT ORDERED** section by adding "contingent upon receipt of the grant." (Migliaccio & Hendricks) **VOTE:** (7 Ayes)

Councilor Bishop clarified that this will be revisited in the event the grant is not awarded. More discussion followed.

**ROLL CALL VOTE on amended order:** (6 Ayes) (1 Nay—Migliaccio)

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ITEM #102-11 To consider action relative to the adoption of a Downtown Plan.

**BE IT ORDERED:** that the proposed Downtown Plan dated June 21, 2011 be adopted. (Migliaccio & DeGrandpre)

Town Planner, Donna Larson, explained the Downtown Plan and feels it will be easy to use. A lot of it came from different sources. There was consensus to vote on it.

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

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ITEM #103-11 To consider action relative to proposed amendments to the Tax Rate Stabilization Policy as amended.

**BE IT ORDERED:** that the proposed amendments to the Tax Rate Stabilization Policy be approved. (Bishop & DeGrandpre)

Mr. Olmstead provided an overview and noted the need for a clear definition. Councilor Migliaccio requested that the Town Manager check to see if the workshop discussing these issues aired. Mr. Olmstead offered to check. Discussion followed.

**MOVED AND SECONDED:** To amend the 5<sup>th</sup> bullet by removing “whichever is less”. (DeGrandpre & Hendricks) **VOTE:** (7 Ayes)

**ROLL CALL VOTE on amended order:** (7 Ayes)

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ITEM #104-11 To consider action relative to a resolution of adoption concerning the Cumberland County Hazard Mitigation Plan.

Whereas, the cities and towns of Cumberland County, in the State of Maine, recognize that natural hazards create a risk of harm to persons and damage to property; and

Whereas, the cities and towns of Cumberland County recognize that implementing certain measures may reduce the risk of harm to persons and damage to property resulting from these natural hazards.

Therefore, the Town Council, on behalf of the Town of Freeport hereby adopts the 2011 Cumberland County Hazard Mitigation Plan.

*Note:* The plan can be viewed at [www.cumberlandcounty.org/EMA/hazard.ht](http://www.cumberlandcounty.org/EMA/hazard.ht) (A copy can be requested from Rick Simard). The plan has been reviewed by the Town Engineer and the Public Works Director and both recommend the adoption. (Pandora & Bishop)

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

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ITEM #105-11 To consider action relative to proposed amendments to the Freeport Zoning Ordinance (Chapter 21) concerning the following:

- 1) Section 532 – Accessory Apartments to delete the language that limits apartments to no more than 800 square feet;
- 2) Sections Section 407 Village 1 (V-1), 413 Village Commercial 1 (VC-1), 414 Village Commercial 2 (VC-2), 415 Village Commercial 3 (VC-3), 417 Village Mixed Use 1 (VMU-1), and 418 Village Mixed Use 2 (VMU-2) to remove the land area per dwelling unit requirement in those districts for buildings in existence prior to the date of adoption;

- 3) Section 104 – Definition of *setback* to allow the Codes Enforcement Officer or the Project Review Board to reduce setback requirements to accommodate certain renewable energy resources;
- 4) Section 201 – *General restrictions subsection B* to allow a single lot in a designated growth area with two existing principle structures to be split even though one or both of the lots will be non-conforming; and
- 5) Section 201 – *General restrictions subsection K* to allow existing structures necessary for the distribution of public utilities to be on nonconforming lots.

**BE IT ORDERED:** that a Public Hearing be scheduled for July 12, 2011 at 6:30 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Freeport Zoning Ordinance concerning:

- 1) Section 532 – Accessory Apartments to delete the language that limits apartments to no more than 800 square feet;
- 2) Sections Section 407 Village 1 (V-1), 413 Village Commercial 1 (VC-1), 414 Village Commercial 2 (VC-2), 415 Village Commercial 3 (VC-3), 417 Village Mixed Use 1 (VMU-1), and 418 Village Mixed Use 2 (VMU-2) to remove the land area per dwelling unit requirement in those districts for buildings in existence prior to the date of adoption;
- 3) Section 104 – Definition of *setback* to allow the Codes Enforcement Officer or the Project Review Board to reduce setback requirements to accommodate certain renewable energy resources;
- 4) Section 201 – *General restrictions subsection B* to allow a single lot in a designated growth area with two existing principle structures to be split even though one or both of the lots will be non-conforming; and
- 5) Section 201 – *General restrictions subsection K* to allow existing structures necessary for the distribution of public utilities to be on nonconforming 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)

Town Planner, Donna Larson, explained what is being achieved by these amendments. Discussion followed. Councilor Migliaccio asked how many buildings would be involved in splitting a single lot in a designated growth area. Chair Cassida noted that this can be discussed at the public hearing.

Gary Profenno noted that he has a lot of concerns with all of these amendments. He attended or watched most of the meetings. He asked the Council to consider tabling this item and getting more discussion before going to public hearing because he feels it is not ready for public hearing. He is concerned about the solar issue. He has not heard any good resolutions to any of the questions that came up at Planning Board and Council meetings. Councilor DeGrandpre advised that the Council does not have to approve them after going to public hearing if there is cause for concern. Chair Cassida agreed and is comfortable setting the public hearing. He encouraged Mr. Profenno to attend.

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

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**OTHER BUSINESS:**

1. Discussion on a proposed reduction in the Village Open Space Fee



Town Planner, Donna Larson, explained that developers have complained about the fee. The funds are to be used for purchasing open space in the village or for amenities such as trails, etc. The current fee is 80 cents per square foot and the Planning Board is recommending going down to 60 cents. The fee was adopted in 2005 and only one development has paid a fee to help develop the trails at Quarry Ridge. She mentioned that the value of land has dropped more than the value of buildings. Mr. Olmstead explained that there is no required public hearing on a fee schedule. Discussion followed. There was no consensus to reduce the fee.

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2. Update on the Flying Point Road reconstruction project

Mr. Olmstead provided background information on this project. Town Engineer, Albert Presgraves, explained that there are two parts to this reconstruction. The price of replacing the culvert is \$325,000 for the road to be closed for three weeks and detoured around. To maintain one-way traffic during the whole project is an additional \$73,000, increasing the cost to \$398,000. The contract would be awarded on June 22 and the road would be paved in October. The State gave us a draft agreement a week ago and is basically offering us \$650,000 to cover a substantial part of the project with the Town needing to provide \$174,000. We are intending to do the binder pavement to set over the winter and the finish coat in the spring.

Chair Cassida asked what the justification is for spending extra money for maintaining one-way traffic. Public safety issues were explained for spending the extra money. Councilor Gideon mentioned that West Street would be pushed to the following year. Mr. Presgraves explained the two options the Town would be willing to accept. It would raise the elevation of the road and will lower the road grade a little at Litchfield Road to improve sight distance.

ITEM #106-11 To consider action relative to approving a State of Maine Department of Transportation Agreement regarding the Flying Point Road Project.

**BE IT ORDERED:** That the Town Manager be authorized to execute the State of Maine Department of Transportation Municipal Partnership Agreement regarding the Flying Point Road Project.

**BE IT FURTHER ORDERED:** that the Design-Build proposal from R J. Grondin in the amount of \$398,000 for the replacement of the Kelsey Brook Culvert be accepted.

**BE IT FURTHER ORDERED:** that the Capital Budget for Calendar Year 2011 and the Five-Year Capital Plan for 2011 to 2015 be amended as follows:

- \*2011 Capital Budget – Comprehensive Town Improvements
  - Flying Point Road – Pleasant Hill Road to Wolfe’s Neck Road  
Cost \$174,000 (local match)
- \*Five Year Capital Plan-
  - Move West Street Reconstruction – Depot Street to South Street from
  - Year 2011 to 2012
  - Cost \$175,000 (Pandora & Bishop)

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

Councilor DeGrandpre thanked everyone involved for all their hard work in taking care of one of the more challenging roads in Freeport.

3. Discussion of modification to and, posting of public comment policy

Councilor Migliaccio explained a reiteration with a minor adjustment of the rules on the Council's public comment period. He believes the public should be able to comment at the Public Comment Period when items are on the agenda. Past chairs have sometimes squelched these discussions. The actual Council Policy does allow a resident to be recognized by the Chair and permitted to comment on an item. He would like this policy posted outside of the Council Chambers. Chair Cassida has concerns with people waiting until the end of the meeting to discuss other business. Councilor Migliaccio suggested striking the last bullet. He does not want it approved tonight and would like the Town Attorney to look at the policy. He asked about Council's thoughts about putting a plaque up showing the Council's policy.

4. Information Exchange/Committee Reports

Chair Cassida mentioned an E-Mail from Councilor Migliaccio referencing the need for a management committee with a scope of work for the town-owned Hunter Road field. Chair Cassida noted that there is already an FEDC committee working on this. Councilor Pandora suggested adding a neighborhood representative to the committee and Chair Cassida agreed. FEDC will be making a recommendation to the Council. Councilor Migliaccio suggested adding a member from the Conservation Commission to serve on the committee as well and Chair Cassida agreed. He asked Mr. Olmstead to speak to Candy Rinaldi from FEDC about adding a neighborhood representative as well as a Conservation Commission member.

Councilor DeGrandpre noted that an update on the plan structure would be very helpful as soon as possible. He has been fielding a lot of questions from residents on the plan structure. He does not want people saying the sky is falling.

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In going through the budget process, Chair Cassida noted the need to meet with department heads from the Library, Police and Fire/Rescue and trying to map out a plan on how to help them meet their needs. He would like the Municipal Facilities Committee to meet with Mr. Olmstead and department heads and bring something back to the Council to chew on. The charge would be to look for ways to get them what they need and perhaps some efficiencies can be built around those needs without expending funds. All Councilors and interested members of the public should plan to attend the meetings. Councilor Migliaccio noted that he would be happy to serve on this committee.

Councilor Pandora mentioned that at the last meeting he asked for a legal opinion. The one he received did not answer his questions. Chair Cassida asked him to reiterate his questions to Mr. Olmstead and he would re-forward them to the Town Attorney. Councilor Migliaccio explained why he does not like verbal opinions from the Town Attorney.

Councilor Migliaccio wants to put on a future agenda the bid policy the Council uses for contracted services such as landscaping.

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

Respectfully submitted,  
  
Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #13-11**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**JULY 12, 2011 - 6:30 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></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 6:30 p.m. and took the roll. He noted that Councilor Hendricks would be arriving momentarily. The Secretary arrived at 6:45 p.m.

**FIRST ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #12-11 held on June 21, 2011 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #12-11 held on June 21, 2011 and to accept the Minutes as printed. (DeGrandpre & Bishop)  
**VOTE:** (7 Ayes)

**SECOND ORDER OF BUSINESS:** Announcements

Winslow Park's Thursday night concert series will continue on the 14<sup>th</sup> with the Zulu Leprechauns. All concerts begin at 6:30 p.m. Information can be found on the Town's website or by calling the Gatehouse at 865-4198

The Town of Freeport has entered an entry in the MMA 75<sup>th</sup> Anniversary Then and Now Photo Contest. Freeport's photographs will appear in a calendar during the month of May in 2012.

The Maine Public Utility Commission has approved the new Smart Meter Policy. Customers will be given two non-standard alternatives and brochures are being mailed out. CMP will begin installing smart meters within 30 days for some customers at no cost. A timely response is very important because a \$25 surcharge will be assessed after 30 days of notification. If a customer chooses a smart meter, no response is necessary. Information on this issue is posted on the Town's website.

Councilor Migliaccio asked about the Cumberland County Restoration meeting scheduled in Freeport. Mr. Olmstead was not aware of this particular meeting but explained that groups will rent a room for a regional meeting.

**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)

Sandy Thompson of 7 Byram Drive mentioned that she has attended past meetings and approached the Council about a code of ethics or conflict of interest. She feels that there have been instances she believes where Councilors should have recused themselves. She feels the laws of the State and the Charter need to be followed by the Council. During the past nine weeks she has been working on language and plans to return with an update at the Council's August meeting. She particularly noted Councilor Gideon's vote on the forgiveness of the FCS loan where she is on their Board of Directors and Chair Cassida advocating a vote for the Greater Freeport Chamber of Commerce as well as FEDC.

She obtained a legal opinion from an attorney that differs from the Town Attorney. She explained that Title 30, Section 6.05 allows ten town residents to make an application to Superior Court to restrain proceedings. She will put together boilerplate language and a checklist of the proceedings so that when a conflict comes up, ten citizens will be able to file an action in Superior Court within 30 days. She noted that citizens could represent themselves. She hopes that the Council will closely take into consideration possible conflicts of interest in instances where they should recuse themselves. She thanked the Council for their public service to the community.

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

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

ITEM #114-11 To consider action relative to adopting the July 12, 2011 Consent Agenda.

**BE IT ORDERED:** That the July 12, 2011 Consent Agenda be adopted. (DeGrandpre & Bishop)

Chair Cassida reviewed the items for members of the public.

Councilor DeGrandpre asked if the Waste Hauler licenses are generally signed and mailed out. Mr. Olmstead replied that they should be mailed out.

Councilor Pandora had questions about the Unemployment Compensation Reserve Account. Mr. Olmstead replied that the Town reserves \$10,000 each year to cover claims. This allows the Finance Director to annually pay claims as they come in up to \$10,000 and this account has been used in the past.

Councilor Bishop asked for clarification in Mr. Presgraves' memo regarding the Crooker bid for Recycling Center paving. One says \$65,575 and the other says \$66,575. Mr. Olmstead clarified that the correct amount is \$66,575.

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

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ITEM #115-11 To consider action relative to applications for Special Amusement Permits. **PUBLIC HEARING**

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

Mr. Olmstead provided a brief overview. A special amusement is typically entertainment.

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 following applications for Special Amusement Permits be approved as printed.

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.
Freeport Factory Stage	5 Depot St.

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

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ITEM #116-11 To consider action relative to an application for an Alcoholic Beverage License for FP Café (Freeport Café). **PUBLIC HEARING**

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

There were no public comments received.

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

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

Lifetime Muffler & Brake of Gray d/b/a  
FP Café (Freeport Café)  
31 US Route One

*Note:* This is a new application for which by State Law requires a public hearing.

(Pandora & Bishop)

Councilor Pandora asked where the notification is posted. Mr. Olmstead noted that notification is posted on the Bulletin Board in Town Hall and the *TIMES RECORD*. Councilor Pandora noted that he would prefer to receive a copy of the application in his packet in order to make an informed decision. Mr. Olmstead offered to do this in the future.

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

- ITEM #117-11      To consider action relative to proposed amendments to the Freeport Zoning Ordinance (Chapter 21) concerning the following:
- 1) Section 532 – Accessory Apartments to delete the language that limits apartments to no more than 800 square feet;
  - 2) Sections Section 407 Village 1 (V-1), 413 Village Commercial 1 (VC-1), 414 Village Commercial 2 (VC-2), 415 Village Commercial 3 (VC-3), 417 Village Mixed Use 1 (VMU-1), and 418 Village Mixed Use 2 (VMU-2) to remove the land area per dwelling unit requirement in those districts for buildings in existence prior to the date of adoption;
  - 3) Section 104 – Definition of *setback* to allow the Codes Enforcement Officer or the Project Review Board to reduce setback requirements to accommodate certain renewable energy resources;
  - 4) Section 201 – *General restrictions subsection B* to allow a single lot in a designated growth area with two existing principle structures to be split even though one or both of the lots will be non-conforming; and
  - 5) Section 201 – *General restrictions subsection K* to allow existing structures necessary for the distribution of public utilities to be on nonconforming lots.

**PUBLIC HEARING**

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

Town Planner, Donna Larson, provided an explanation and answered questions for Councilors.

Gary Profenno, resident and business owner noted that he originally became interested in the solar issue but after attending a lot of meetings, concerns have arisen on all of these issues. He explained that the Town of Freeport does not have an Ordinance that allows any solar devices in Freeport. The Codes Enforcement Officer has never issued a permit for any device in Freeport unless it is included in new construction. He feels the Town is losing revenue by not issuing permits. Federal incentives to get people to install solar will expire in a few years and he suggested stepping back and putting together an actual Ordinance. He is an advocate for solar but outlined his other concerns as well. He noted a lot of pieces have been overlooked or are unfinished and suggested that the Council table this item and have more work put into it.

Guy Quartrucci, resident, noted that he has watched the process and the piece of reducing the setback to accommodate energy resources should be looked at more closely to see what it will do to abutters and their use and enjoyment of their property. It appears deficient at this time.

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

**BE IT ORDERED:** That the proposed Zoning Ordinance Amendments be approved. (DeGrandpre & Bishop)

Council discussion followed. Ms. Larson explained how the Planning Board discussed the accessory apartments in a workshop. They thought the 40% was a good number. She anticipates that she will be bringing an amendment to the Council at a later date.

In proposals for splitting lots, Ms. Larson was not aware that there were situations where mobile homes existed. The Planning Board never talked about them and did not get into the issue of ownership.

Councilor DeGrandpre advised that he is aware of many instances where mobile homes exist on small lots and agrees more work needs to be done. Chair Cassida suggested eliminating the language that stipulates it has to be on a permanent foundation.

Councilor Hendricks suggested tabling this item and getting more work done on it. Chair Cassida would like to see the legal opinion given to Mr. Profenno by the Codes Officer about something not being in the Ordinance and there is no permit to issue. He would like to seek a legal opinion on that language. There was consensus to get a legal opinion. Ms. Larson pointed out that solar panels were put on the Community Library and perhaps this is a high priority item that the Planning Board needs to look at. Councilor Migliaccio thanked residents for coming out and speaking. He welcomes public opinion. He advised that he watched the Planning Board video today. On accessory apartments, he would like to see some incentives for setting priorities for the Planning Board and would like to bump them up. He asked if a developer could be incentivized to build small entry-level homes in a development. He has concerns in eliminating the 800 sq. ft. cap. He suggested perhaps a 900 or 1,000 sq. ft. apartment could be allowed. He would prefer to look at these changes as a comprehensive package. As for splitting two residences that exist on one lot, he suggested adding something that talks about what a dwelling unit was before Zoning. Perhaps adding language that says principle structure and a dwelling unit not splitting off a garage or barn.

Councilor Pandora has concerns about accessory apartments and that it clearly has to be accessory. He would like the Planning Board to look at it and flesh it out more. He would like to see the work done on the energy ordinances quickly and brought back. He asked how many functional divisions exist but has not heard back. He is okay with mobile homes being split off.

Councilor Bishop has concerns with the accessory apartments. It was supposed to be for in-laws and not another whole building. 40% is a huge amount to be built onto a building that is already there. She feels it needs to be smaller. Ms. Larson was advised that parameters need to be fleshed out.

Councilor DeGrandpre noted that he thinks percentages may be the best way to handle it. If a house happens to be 3,000 sq. ft., some folks have divided it up to get help with paying taxes, or providing space for family members. He noted that this needs more work.

Councilor Migliaccio asked Ms. Larson about the Codes Officer's recommendations and suggested that perhaps a workshop should be scheduled.

Councilor Gideon mentioned that accessory apartments need to be big enough to accommodate in-laws.

Chair Cassida mentioned that there are consequences to abutters for certain energy devices and perhaps they need more setbacks rather than less but he would welcome more discussion on this issue.

Ms. Larson was not aware of any timing issues at this time. Chair Cassida noted that there has been a clear signal from the Council to table and send it back to the Planning Board and ask that they involve the Council in their discussions.

Mr. Profenno pointed out that the 800 sq. ft. was the only thing proposed in tonight's proposal. On the utility buildings, he thought that those particular buildings might be able to be split off and owned by the utility in the future.

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

Ms. Larson will send the Council a Planning Board agenda for their September meeting.

Councilor Pandora learned that no minutes are taken at a Planning Board meeting when there is no public hearing scheduled. He asked if the Council should require that minutes be taken. Ms. Larson advised that a video or audio is available for Planning Board meetings and to require minutes would raise budgetary concerns.

Chair Cassida suggested taking a 5 Minute Recess in order to open some windows.

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ITEM #118-11 To consider action relative to a waiver of fees for the 9-11 Commemorative Event.

**BE IT ORDERED:** That the following fees be waived:

Police Color Guard	\$595.20
<u>Traffic Control</u>	<u>1,339.40</u>
Total	\$1,934.40 (Hendricks & Bishop)

Chair Cassida passed out some information provided by the committee. Joyce Veilleux from the 9-11 Memorial Committee explained the agenda for the three-day event. Mr. Olmstead explained that an hourly rate is charged to the event and then the officer is paid. If the fee is waived, the Police Chief will take it from his overtime budget. Discussion followed on similar events where fees were waived.

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

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**MOVED AND SECONDED:** To take an item out of order. (DeGrandpre & Gideon)  
**VOTE:** (7 Ayes)

Solid Waste / Recycling Committee Recommendations—next steps

Chair Cassida explained that there was a workshop prior to the Council's last meeting where the committee introduced the potential for a Pay Per Bag recommendation. Rod Regier, South Street resident, noted that the Town Engineer and members of the Solid Waste Committee are here. He proceeded to answer questions for Councilors regarding Eco-Maine but pointed out that assessments are not going to go away. Discussion followed.

Ken Mann, resident, suggested that the Council send this back to committee to have them discuss what happened at the so-called public hearing at the last Council meeting. Joyce Veilleux clarified that in order for the Town to get revenue from its recyclables, they need to be taken to the Recycling Center and not put into the silver bullets. She had questions about the Eco-Maine contract. Mr. Presgraves noted that the silver bullets are provided as a convenience to residents. Although the Town doesn't get revenue from the material put in the silver bullets, it does reduce the amount of trash that is taken to Eco-Maine.

Councilor Hendricks pointed out that Eco-Maine wants our trash and they also want our recyclables.

Councilor Hendricks is not in favor of the Pay Per Bag system and would prefer to encourage more recycling. He does not want to add an extra tax on residents and does not want to cause any hauler to go out of business. He suggested keeping the same system and educating people about recycling.

Ken Mann advised that tipping fees and assessment fees are paid for by property tax. Commercial businesses are helping to pay for residential trash removal.



Councilor Bishop noted that the Pay Per Bag doesn't appear to be a good idea but an additional silver bullet is a good idea and one the Council should pursue. She would like to look at another location. She stated that a town-wide mailing should give instructions on how residents should bring their recyclables to the Recycling Center to help us make money on them.

Guy Quarttrucci shared his views on trash costs.

Councilor Pandora pointed out that he would like to look at this more and favors additional silver bullets. He would like the committee to reach out to the haulers. He is concerned with the added costs for haulers to get divided trucks to set up for recycling and would like to explore what the Council can do to help them.

Marie Gunning of Telos Road complimented the committee for all their excellent work. She suggested that they look at the assumptions used in their model.

Councilor DeGrandpre pointed out that adding a silver bullet at the Desert Road or perhaps at Bow Street Market would make sense. He feels an educational program would go a long way. He suggested using a carrot rather than a stick to promote recycling. He is not in favor of Pay Per Bag.

Councilor Gideon acknowledged the tremendous amount of work that the committee has put into it. She raised cost questions and Mr. Presgraves advised that the bags would cost \$1.25 per bag and then residents would then have to pay the haulers to transport them. Councilor Gideon noted the numbers don't make sense for taxpayers and she doesn't feel that Pay Per Bag is the right way to go. She is confident there can be an increase in recycling with education.

Chair Cassida feels the Pay Per Bag system would take us to a place where it would reduce the amount of trash. He is not convinced that the economics of Pay Per Bag at this particular time makes sense. He would prefer more emphasis be made on education for people to recycle. He would be willing to put something in place for mandatory recycling of paper, cardboard and plastic. If we do it, it has to be done in a way that is easy for residents and all of the Freeport haulers to use. He asked the committee to go back and investigate other options rather than Pay Per Bag to enhance what we are already doing well and keeps us moving forward.

Councilor Migliaccio advised that he received phone calls about the need for charter changes. He wanted to go on record as saying he does not see any reason to change the language in the charter regarding recycling.

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ITEM #119-11 To consider action relative to the re-naming of Howard Place.

**BE IT ORDERED:** That the renaming of Howard Place to the name of Cross Street be approved.

*Note:* There are currently no structures with addresses on Howard Place. (Gideon & Bishop)

Mr. Olmstead referred to a memo dated 6-29-11 from Robert Konczal regarding a contiguous street with two names. Mr. Konczal recommends that it should become all Cross Street.

Councilor Pandora advised that he received three pieces of correspondence on this item. He read into the record notes received from the Historical Society regarding Dr. Howard as well as a note from Sally Smith asking the Council to not change the name.

Councilor Bishop received a call from a resident asking her to not recommend changing the name of Howard Place. She mentioned that long-time residents know Howard Place and Cross Street and public safety personnel are familiar with the names as well.

After discussion, there was consensus to not change Howard Place to Cross Street and not make any change at all.

**ROLL CALL VOTE:** (0 Ayes) (7 Nays)

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ITEM #120-11 To consider action relative to proposed amendments to the Town Fund Balance and Investment Policies.

**BE IT ORDERED:** That the proposed amendments to the Town Fund Balance and Investment Policies be approved. (Migliaccio & Bishop)

Chair Cassida mentioned that everyone has the results from the two workshops. Abby Yacoben provided a capsule view for Councilors.

Councilor Migliaccio asked if the workshop was aired since he received no feedback.

Marie Gunning of Telos Road pointed out that the workshop was not aired and was not available at the Library. She mentioned that any increase in the minimum fund balance is detrimental to Freeport's taxpayers. It is important to remind everybody that the so-called excess fund money is not found money. It is tax dollars. It could go towards roads, Library needs, Public Fire and Rescue, etc. She feels there is no threat to the Town's revenue base. She asked the Council to show how it has the authority to spend three million dollars without public input. She urged the Council to vote no to increase minimum fund balance and revise the wording to keep it at the one-month level.

Sandy Thompson pointed out that she supports Ms. Gunning and what she is doing. She feels it is disrespectful for the Council to be smirking when a resident is speaking and raising issues. She urged the Council to welcome residents and make Freeport a better place.

Ms. Yacoben explained staff's recommendation to make an increase to the 1.5 level and there are times when the money is needed to pay the Town's expenses. Discussion followed.

Councilor Migliaccio wanted to go on record as saying that Ms. Gunning has good ideas. When there are workshops, it is good to have input from citizens. He feels if we are not going to follow policy, we should have to vote to not follow policy. The wording should be in writing.

Councilor Hendricks suggested voting on them separately. He asked if the Council should vote on the Town's general fund operating budget to include the county tax levy and the RSU5 tax levy. Ms. Yacoben explained the language. Ms. Gunning suggested that it is not fair to include the school numbers as a set aside when they are doing their own budget.

Councilor Pandora noted that he needs to see the actual numbers and is not willing to go forward. He has not seen data that proves we need to maintain 1½ months. He has legal concerns that the Council can put this money aside. He feels he needs to see the GFOA language based on actuals and needs to go out and

look at legal opinions. He does not have much confidence in the Town's legal group. He is not comfortable at this time because it is not good policy.

Councilor Hendricks feels frustrated. He feels that he has wasted his time during the last meeting but has no problem working on this some more.

Councilor Migliaccio mentioned that we had no wording in the workshop. We got it in the packet on Thursday and then we hear from the public. We are getting closer but he can't figure out how to prevent the Town from accumulating \$4 million in excess funds. He wants controls put in place. He is frustrated that he cannot get a legal opinion.

Councilor Hendricks advised that he doesn't want to vote on this tonight. None of this was said in any of the other meetings. He suggested going back to workshop.

Councilor Migliaccio noted that the Council did express it. We had a discussion on developing language for the future. The Finance Director will report back in August but none of it is here. More discussion followed.

**MOVED AND SECONDED** Change the language to the total of all operating budgets to include general fund operating budget, county tax levy and the RSU levy. (DeGrandpre & Gideon) **ROLL CALL VOTE:** (6 Ayes) (1 Nay—Pandora)

Ms. Yacoben reviewed the changes that the Council directed staff to make back in December. She answered questions for Councilors. She noted that the trust agreement was reviewed this past November, which was developed in 1998.

Councilor Migliaccio referred to page 10 and recalled that the Council decided to leave it up to the Finance Director to decide when to go out to bid for those services. He remembered it would be done after five years but others had a different recollection.

Marie Gunning pointed out that the Town has a letter proposal from 1998, not a contract. She made language suggestions.

Rod Regier explained that he has been interested in this because of the element of risk. There is substantial public money in different accounts. In the past the discussion was always about equity and not risks. He feels Abby has done a good job in putting a fence around risk. He suggested a couple of ways for the Council to invest in equity funds and fixed income funds.

Ms. Gunning provided her opinion on prudence. She doesn't want to see the Town lose another \$350,000 if the market goes down. More discussion followed.

Councilor Gideon asked to table this to the September meeting and discuss it first on the agenda. Councilor Hendricks agreed that it should be tabled since he would not vote on this tonight. Councilor Bishop noted she is willing to table. There does not appear to be any big rush. Chair Cassida strongly encouraged all Councilors if they have questions on this, to raise them with the Finance Director prior to the Council's September meeting. He wants them on the table so the Council will understand them. He doesn't want to spin wheels again. Councilor Bishop suggested having our legal people here. Chair Cassida agreed and also requested that the financial advisors be in attendance. Mr. Olmstead suggested that Councilor give the Town Attorney their questions in advance. Councilor Migliaccio asked the public to provide questions to him and he will submit them to the Town Attorney. He asked about the 1998 contract and would like an opinion to determine if it is adequate. He wants to know if the Council can

invest this money in the way it planned on doing here? Do other towns not split up their ratios because they are stupid or because of some guidance they are getting. Mr. Olmstead will line up the Town Attorney for the first or second meeting in September.

**MOVED AND SECONDED:** To table to the first or second meeting in September.  
(DeGrandpre & Bishop) **VOTE:** (7 Ayes)

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**OTHER BUSINESS:**

2). Seacoast Soccer United's use of the Hunter Road Fields (Councilor Migliaccio)

Councilor Migliaccio provided an opinion from the Town Attorney that was received. Everything is buttoned up but a question came up on Municipal uses. The Town Attorney said that an occasional event that is a quasi-commercial thing seemed reasonable but if there were regular commercial events, he would have more concern. He mentioned that he has not heard if the recommendation to add a Conservation Commission member as well as a member of the public to the group has been done. Chair Cassida noted that Candy Rinaldi is taking this recommendation to the next FEDC meeting.

Councilor Pandora noted that a couple of weeks ago there was some confusion back and forth about configuration of fields at Hunter Road. We directed the public that if they needed information on the fields, to go to the FEDC website. He did this and found that all the public information regarding the fields is totally gone. He would like to know what they took down and why. Chair Cassida suggested that he make his request to the FEDC Board. Councilor Gideon noted that she would be happy to forward his request to FEDC.

Councilor Pandora asked if the member of the public and the representative from the Conservation Commission has been appointed to the Hunter Road Field group. He would like to have this group pulled back to the Town. The Council talked about accepting the Hunter Road Field and the purchase and sale agreement was signed and executed but it never came to the Council for acceptance. Mr. Olmstead explained that the property was transferred to the Town. Councilor Pandora requested to see a copy of the purchase and sale agreement. Councilor Migliaccio questioned if the Charter requires that the Council review the contract.

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**MOVED AND SECONDED:** To adjourn at 11:20 P.M. (Migliaccio & Hendricks)  
**VOTE:** (7 Ayes)

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Respectfully submitted,

Sharon Coffin  
Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #14-11**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**AUGUST 9, 2011 - 6:30 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></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 (late)		
Joe Migliaccio, 2 Vinmar Lane	x		
Eric Pandora, 12 Birch Point Road	x		

Chair Cassida called the meeting to order at 6:30 p.m. and took the roll. He noted that Councilor Hendricks would be arriving shortly and Councilor Gideon is excused this evening.

**FIRST ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #13-11 held on July 12, 2011 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #13-11 held on July 12, 2011 and accept the Minutes as printed. (Migliaccio & DeGrandpre) **VOTE:** (5 Ayes) (2 Excused—Hendricks & Gideon)

**SECOND ORDER OF BUSINESS:** Announcements

Chair Cassida announced:

- Winslow Park's Thursday night summer concert series will continue on August 11 with the Pan Fried Steel Band. All concerts begin at 6:30 p.m. Information can be found on the Town's website or by calling the Gatehouse at 865-4198.
- Bev Curry, Freeport Town Clerk, has been awarded the prestigious Maine Town and City Clerk Association's Lifetime Certification. Chair Cassida congratulated Bev for achieving this honor and thanked her for her exceptional service to the citizens of Freeport.
- Nomination papers for the November 8 municipal election are now available at the Town Clerk's Office. They must be returned to the Town Clerk's office no later than 6 p.m. on Wednesday, September 14. Papers are available for the following offices: Councilor-District 2, Councilor-District 3, Councilor-at-large, Sewer District Trustees—2 seats, a Water District Trustee and 2 seats on the RSU #5 Board of Directors. For more information, residents may contact the Town Clerk at 865-4743, ext. 123 or e-mail her at [bcurry@freeportmaine.com](mailto:bcurry@freeportmaine.com).
- Amtrak's 40<sup>th</sup> anniversary exhibit train will roll into Freeport on Saturday, August 13 with free tours of its historic railroad cars and vintage memorabilia such as advertising, past menus, dinnerware, uniforms and photographs. The public is invited to tour the cars on Saturday and Sunday from 10 a.m.-4 p.m. They will be stationed on Depot Street near the Community Center

**COUNCIL MEETING #14-11**  
**AUGUST 9, 2011**

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and will offer educational exhibits, refreshments, entertainment for children, ticket giveaways and other railroad displays.

Councilor DeGrandpre advised that all of the railroad crossings in Freeport will be upgraded and will require a full 36-hour closure. A schedule of the closures are shown below and also can be found on the Town's website.

8/15, 8/16	Bow Street Crossing
8/17, 8/18	West Street Crossing
8/29, 8/30	East Street Crossing
8/31, 9/1	Webster Road Crossing
9/6, 9/7	Hunter Road Crossing
9/8, 9/9	Upper Mast Landing Crossing
10/3, 10/4	Fernald Road or sometimes referred as the Hall Road

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**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.  
(Hendricks & Bishop) **VOTE:** (6 Ayes)

➤ Presentation of Boston Post Cane Pin

Councilor Bishop presented a pin representing the Boston Post Cane tradition to Kathleen (Kay) McIntee who celebrated her 100<sup>th</sup> birthday on July 12 in front of her family and friends. For many years she operated Kay's Lunch on Depot Street. She was recognized as the oldest Freeport citizen and has three daughters, eight grandchildren, six great grandchildren and three great-great grandchildren. A brief recess was taken where refreshments were served and residents were given an opportunity to congratulate Mrs. McIntee.

Chair Cassida called the meeting back to order at 6:57 p.m. and wished Mrs. McIntee many, many more happy years holding that pin.

Chair Cassida noted that the public comment period is still open and requested that speakers limit their conversations to three minutes.

John Skillin, resident, advised that he has been working through the Masonic Lodge, to erect a monument honoring the victims of the World Trade Center disaster. The monument will be dedicated on September 11. He extended an invitation to each and every Council member to participate in the ceremony. He requested that the Council select who would participate in the ceremony but he would love to have the whole Council in attendance. Chair Cassida offered to provide some information on this. Councilor Migliaccio noted that he would be interested in participating.

Marie Gunning of Telos Road advised that there will be a meeting of the newly formed Freeport Residents Committee on August 29 beginning at 6:30 p.m. to look at governance issues in Freeport in the Large Meeting Room of the Freeport Community Library. She explained that the group sent a letter last week to the investment advisors of the town, the State Auditor, the Attorney General's Office, Town Council and Town Government. They are looking to clarify that the Town's monies are not put in a risky investment. She sent an e-mail to the Council and is willing to sit down and go through their concerns. In the event the Council did not receive her e-mail, she offered to send another copy. Councilor Pandora

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requested a copy of the letter that went to the investment advisors since he did not have one. Chair Cassida offered to provide a copy to Councilors.

**MOVED AND SECONDED:** To close the Public Comment Period. (DeGrandpre & Bishop)  
**VOTE:** (6 Ayes)

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

ITEM #125-11 To consider action relative to adopting the August 9, 2011 Consent Agenda.

**BE IT ORDERED:** That the August 9, 2011 Consent Agenda be adopted. (Bishop & DeGrandpre)

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

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

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ITEM #126-11 To consider action relative to applications for Special Amusement Permits. **PUBLIC HEARING**

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

Mr. Olmstead provided a brief explanation. Councilor DeGrandpre advised that this permit is for the Mediterranean Grill. No one from Mediterranean Grill was in attendance and there were no public comments made.

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

**BE IT ORDERED:** That the following application for a Special Amusement Permit be approved.

Mediterranean Grill, LLC

10 School Street

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

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

ITEM #132-11 To consider action relative to a Public Hearing to discuss proposed amendments to the Shellfish Conservation Ordinance pertaining to Student Commercial Licenses (Chapter 32).

**BE IT ORDERED:** That a Public Hearing be scheduled for September 6, 2011 at 6:30 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Shellfish Conservation Ordinance pertaining to Student Commercial Licenses (Chapter 32).

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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)

Chair Cassida explained that this was not on the Council's regular agenda but it was something that needed to be taken up promptly. Chad Coffin explained that the purpose of student licenses is to encourage a limited number of students to become involved in Freeport's Shellfish Program. These licenses will provide students with an opportunity to earn income and develop a strong work ethic. For the Shellfish Program to thrive in the future, the Shellfish Commission feels it is important to attract new harvesters who will be committed to the program. To be eligible, a student must be between 12 and 22 years of age and enrolled in school full time. A parent or guardian must sign the student's license if he or she is under 18 years of age. The Shellfish Commission has set the number of student licenses at two resident licenses and one non-resident license but they hope to expand the number of licenses.

Councilor DeGrandpre feels this is a great opportunity for a full-time student to become involved. Councilor Bishop suggested that Mr. Coffin talk to the schools to see if there are students that need some direction. She also suggested that he try to determine if the kids could earn some sort of credit towards their courses.

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

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ITEM #127-11 To consider action relative to Freeport's Heating Assistance Fund.

**BE IT ORDERED:** That \$5,000 be transferred from the FY 2011 General Assistance Account to provide funds for Freeport's Heating Assistance Program.

*Note: \$7,000 remained in the General Assistance Account.* (DeGrandpre & Bishop)

Mr. Olmstead provided some background information. Discussion followed.

**MOVED AND SECONDED:** To amend the order and allocate the full \$7,000 to the Fuel Fund. (Pandora & Bishop) **VOTE:** (6 Ayes) (1 Excused—Gideon)

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

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ITEM #128-11 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 are recommended by the MMA Nominating Committee. (Hendricks & DeGrandpre)

Mr. Olmstead read the names of the members nominated.

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

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ITEM #129-11 To consider action relative to annual dues for property located at 9 High View Road (Tax Assessor Map 3, Lot 27).



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**BE IT ORDERED:** That \$1,460 be expended from the proceeds of the sale of property located at 9 High View to pay association dues for 2009 and 2010.

*Note: The property sold for \$470,000. This was brought forward by Dorothy Schwartz, High View Association) (Migliaccio & DeGrandpre)*

Chair Cassida noted the money would come out of the proceeds of the sale. Councilor Migliaccio did not recall voting to sell the property. He suggested that the record be checked to see if there was a formal vote. He asked where the money would go and suggested that the discussion be held at the Council level. Councilor DeGrandpre stated that this was actually voted on. Mr. Olmstead explained that he plans to bring to the Municipal Facilities Committee the Council's recommendation when all the tax-acquired properties are sold.

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

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ITEM #130-11 To consider action relative to an amendment to the Administrative Code designating the Town Engineer as the Public Works Director (Chapter 2).

**BE IT ORDERED:** That a Public Hearing be scheduled for September 6, 2011 at 6:30p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Administrative Code designating the Town Engineer as the Public Works Director.

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

*Note: The Municipal Facilities Committee recommends the proposed amendments. (Bishop & DeGrandpre)*

Mr. Olmstead briefly explained the proposal. He suggested passing on this item until after the Executive Session takes place.

**MOVED AND SECONDED:** to hold on this until after tonight's Executive Session. (Migliaccio & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Gideon)

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**OTHER BUSINESS:**

- 1). Recommendation from Municipal Facilities Committee concerning Town Owned Property located off Wilderness Drive (Tax Assessor Map 17, Lot 55-H) (Municipal Facilities Committee).

Councilor Hendricks offered to begin the discussion but was expecting information to come from the Conservation Commission. He mentioned that a resident has suggested that the Town retain the parcel since it directly abuts Florida Lake Park. Access is an issue. This property includes 500 feet of shoreline along Collins Brook, which supports brook trout. The Municipal Facilities Committee was interested in what plans the Conservation Commission has for the property before making a decision to keep or sell it. Discussion followed.

Mr. Olmstead noted that the information from the Conservation Commission has not yet been received and it is not time sensitive. Chair Cassida suggested discussing it in September.

2). Discussion on new State Law concerning the sale of fireworks (Town Manager)

Mr. Olmstead explained that the Legislature has approved the sale of fireworks but they have left it up to each community whether they will sell fireworks or simply regulate them. He mentioned that people would be able to shoot off fireworks in Freeport even if they purchase them some place else. If the Council decides to sell them, an Ordinance will have to be in place by January 1. If the Council decides to not sell them, an Ordinance will also have to be developed prohibiting them. Councilor DeGrandpre suggested setting a public hearing to get feedback from residents.

Ed Bonney, resident, fears the use sparklers, bottle rockets or M80s during the public gatherings such as on the Fourth of July and feels some regulation is necessary. He encouraged the Council to come up with language to regulate fireworks at public gatherings but not on private property. Discussion followed. Mr. Olmstead asked for staff direction so they can prepare an Ordinance that allows the sales or not. There was consensus to bring language that allows fireworks sales but also regulates how they are used. Councilor Migliaccio mentioned that staff should keep in mind what types of zones they can be used in. Mr. Olmstead expects that the Fire Chief will weigh in on this issue.

3). Information Exchange / Committee Reports

Councilor DeGrandpre mentioned that Bob Konczal would be setting the tax rate after Labor Day. One of the Council's goals was to minimize the impact on the tax rate. He would like the Council to think about where we are at for a mil rate. He would like to discuss this issue at the September 6 meeting. Councilor Pandora mentioned that he is fine with this discussion on the 6<sup>th</sup> but noted the Council will take action on the 20<sup>th</sup>. Mr. Olmstead noted that the Tax Assessor hopes to have the mil rate information by the end of August and he will see that it is forwarded to Councilors.

Councilor Migliaccio noted that the Appointments Committee would be meeting on August 16 at 5:30. They will be looking for candidates to serve on committees. Applications are posted on the web. He looked at the workshop where the town's investments were discussed. He found it very convenient to go on the Town's website and watch it. He found that there were things that were discussed but were left out. He encouraged everyone to go and check out the workshop.

He asked the Council Chair to put a couple of things on tonight's agenda but found them removed. He got them in prior to the Wednesday Noon deadline. He feels it would be a nice thing to say the Pledge of Allegiance once a month and would like to discuss it next time. The other thing was a discussion of a possible RFP for Economic and Commerce Services. Chair Cassida explained why he pulled these items off the agenda.

Councilor Migliaccio asked the Town Manager if he has made any progress in locking in on the price of oil and gas. Mr. Olmstead advised that he locked in yesterday when prices were down but will provide the actual dollar amounts on fuel and oil to Councilors.

Councilor Migliaccio noted that the Council talked about having another workshop with the investment advisors and the Town Attorney. He would like some lead-time so he can submit questions that need to be addressed. Chair Cassida mentioned the difficulty encountered in scheduling this workshop but will let everyone know as soon as it is scheduled.

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ITEM #131-11 To consider action relative to an executive session to discuss negotiations concerning a

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train platform and station requirements and to discuss personnel issues concerning the Department of Public Works. 1 MRSA Section 404(6) and 405(6C).

*Note: The Town Attorney and the Train Committee leadership will be present.*

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

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

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Item 130-11 To consider action relative to an amendment to the Administrative Code designating the Town Engineer as the Public Works Director (Chapter 2). (This was passed on earlier in the meeting.)

**BE IT ORDERED:** That a Public Hearing be scheduled for September 6, 2011 at 6:30p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Administrative Code designating the Town Engineer as the Public Works Director.

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

*Note: The Municipal Facilities Committee recommends the proposed amendments.* (Migliaccio & Bishop) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Gideon)

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**MOVED AND SECONDED:** To adjourn at 9:32 p.m. (Bishop & DeGrandpre) **VOTE:** (6 Ayes) (1 Excused—Gideon)

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Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #15-11**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**SEPTEMBER 6, 2011 - 6:30 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></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 6:30 p.m. and took the roll.

**FIRST ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #14-11 held on July 9, 2011 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #14-11 held on July 9, 2011 and to accept the Minutes as printed. (DeGrandpre & Bishop)  
**VOTE:** (6 Ayes) (1 Abstention—Gideon)

**SECOND ORDER OF BUSINESS:** Announcements

Chair Cassida announced that Nomination papers for the November 8 municipal election are now available at the Town Clerk's Office. They must be returned to the Town Clerk's office no later than 6 p.m. on Wednesday, September 14. Papers are available for the following offices: Councilor-District 2, Councilor-District 3, Councilor-at-large, Sewer District Trustees—2 seats, a Water District Trustee and 2 seats on the RSU #5 Board of Directors. For more information, residents may contact the Town Clerk at 865-4743, ext. 123 or e-mail her at bcurry@freeportmaine.com.

Chair Cassida explained the schedule of events lined up in Freeport for the 10<sup>th</sup> anniversary recognition of 9/11 beginning Friday, September 9 and finishing up on Sunday, September 11 with the dedication of the 9/11 monument constructed from steel obtained from the Twin Towers beginning at 3 p.m. followed by a Tribute Concert from 4-6 p.m. at the Freeport Performing Art Center.

There is an upcoming Chamber event this Saturday from 10 a.m.-3 p.m. Seven Freeport kitchens will be open to the public. Tickets are available through the Chamber's website.

Councilor Bishop mentioned that approximately 150 volunteers serve on Freeport Boards and Committees and once a year the Town hosts an appreciation picnic at Harb Cottage, which will take place on October 15 this year. Volunteers will be receiving an invitation by mail. There will be food and door prizes.

Councilor DeGrandpre noted that the Twin Towers Monument has been pretty much installed at the corner of Main and West Streets. The steel is standing there now for anyone that wants to view it.

Councilor Pandora mentioned he received a letter regarding an FEDC event for September 29. Sande Updegraph advised that she would be speaking about it during her update.

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

Chair Cassida reminded everyone that they are allowed three minutes to address the Council and he asked that they be respectful and stay within that time. He opened the public comment period.

Sande Updegraph explained that the Fields and Trails Maintenance and Recommendation Committee will be meeting during the middle of September with two subsequent meetings. Along with the original members, there will be the Fields and Trails members and members of the neighborhood. The charge was sent to the Council in their last packet. The Train Committee is meeting on September 28 at 5:30 p.m. in Town Hall. Construction on the train platform began on September 1 and approximately one year from now, the train will be coming. She mentioned the new businesses coming into Freeport and that Olympia Sports has purchased the building that houses Siano's and Subway and they will be moving into the Freeport Gallery space. A newsletter will come out tomorrow. An initial meeting is scheduled on September 29 from 5-7 p.m. to get property owners' ideas on Vision 2025. There will be subsequent meetings as well that will be open to the public. They will be posted on FEDC's website as well as the Town's website. Ms. Updegraph answered questions for Councilors. She offered to E-mail the Fields and Trails Maintenance and Recommendation Committee charge to Councilors.

Tom Crotty asked how the 9/11 Memorial was planned and came into being. Chair Cassida explained that the Freeport Masons brought the proposal to the Council and the Council authorized the location and permits were obtained. The dedication will take place this weekend. Mr. Crotty shared his views. Councilor Gideon explained that it is a commemoration not a celebration.

Sandy Thompson provided an update on the Freeport Residents Committee meeting that took place on August 29 with 40 residents in attendance. She will provide a list of their recommendations to the Council.

Marie Gunning of Telos Road referred to a letter that she wrote to the State Auditor's Office last week. She offered to sit down with the Council and go through any of the issues she raised. She also offered to provide a copy of a State Statute regarding money generated by selling tax-acquired property.

Peter Thompson of Byram Avenue mentioned that he learned of a resident that was afraid to sign a nomination paper. He was astounded by this and shared information from George Washington regarding what dangers we have to our democracy. He noted that in order to move forward, there is a need for public involvement, openness and access to documents.

Andrew Arsenault, president of the Flying Point Cemetery Association noted that it is a poor cemetery. He mentioned the Town's investments and would like to have the cemetery trust funds discussed in a future workshop. He offered to put the request in writing. Chair Cassida offered to put a workshop together.

Ken Mann, resident of Mann Road, mentioned the fiscal '09 losses where \$350,000 was lost. He feels it is time for an accounting this year. He asked if the Council has taken any action since the '09 loss. To lose this much money in the stock market makes him realize the Town has a serious problem. He asked when

the future meeting would be held and who would be in attendance. Chair Cassida mentioned that the Council has been working through a series of financial workshops. Another one will be scheduled as soon as he can get everybody together, hopefully in October. For the record, the Town did not lose \$350,000 in '09. The Town never lost a dime of taxpayer money and he offered to talk off line or put it on a future agenda. Marie Gunning asked Chair Cassida to review the financial statement where a loss was recorded.

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

ITEM #137-11 To consider action relative to adopting the September 6, 2011 Consent Agenda.

**BE IT ORDERED:** That the September 6, 2011 Consent Agenda be adopted.  
(Bishop & DeGrandpre)

Chair Cassida reviewed the items for members of the public.

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

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ITEM #138-11 To consider action relative to an application for a Special Amusement Permit.  
**PUBLIC HEARING**

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

Mr. Olmstead explained that the applicant is proposing to have music in the building. Councilor Bishop clarified that the music would be inside the building and not outside on the patio or balcony. There were no public comments.

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

**BE IT ORDERED:** That the following application for a Special Amusement Permit be approved.

Linda Bean's Maine Kitchen and Topside Tavern  
88 Main Street (Pandora & Bishop) **ROLL CALL VOTE:** (7 Ayes)

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ITEM #139-11 To consider action relative to a Public Hearing to discuss proposed amendments to the Shellfish Conservation Ordinance pertaining to Student Commercial Licenses (Chapter 32). **PUBLIC HEARING**

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

Mr. Olmstead explained what a student commercial license is and that there will be two licenses for residents and one for non-resident.

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

Councilor Migliaccio noted this is an opportunity for students to be able to become commercial shell fishermen. The Shellfish Commission has been thinking of this for quite a while. They want to get some young folks working and continue shellfish harvesting in Freeport. They have been a strong advocate for clean waters. State Law mandates that one of these licenses needs to be available for a non-resident.

Councilor DeGrandpre explained that this is a great opportunity for young people to get involved and make some money. He thanked the Shellfish Commission for all their efforts.

Councilor Bishop asked how the licenses would be obtained. Mr. Olmstead assumed it would be by lottery.

**BE IT ORDERED:** That the proposed amendments to the Shellfish Conservation Ordinance be approved. (Migliaccio & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes)

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ITEM #140-11

To consider action relative to amendments to the Administrative Code designating the Town Engineer as the Public Works Director (Chapter 2).  
**PUBLIC HEARING**

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

Mr. Olmstead explained the proposal. This new structure will eliminate two positions. There were no public comments.

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

**BE IT ORDERED:** That the proposed amendments to the Administrative Code be approved. (Hendricks & DeGrandpre)

Councilor Gideon noted that this proposal appears to make things more efficient and will save the Town money. Councilor Migliaccio mentioned that Mr. Olmstead should look at opportunities for consolidation with other towns. Yarmouth is going out to bond for a Public Works Garage. Councilor DeGrandpre noted that representatives from five surrounding towns had discussed combining public works, etc. They haven't met recently but he would like to have more discussion on these types of things. He is aware that Yarmouth is planning to rebuild their Public Works Garage in its current location. Councilor Pandora mentioned the cost savings analysis and requested a copy of the comparables.

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

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ITEM #141-11

To consider action relative to a request from the Hilton Garden Inn to expand the agreement between the Inn and the Town of Freeport to include wedding receptions.

**BE IT ORDERED:** That the request from the Hilton Garden Inn be approved. (Gideon & Hendricks)

Mr. Olmstead explained the existing agreement for Councilors. Councilor Gideon asked if public notice was sent out to the neighbors. Mr. Olmstead advised that it was published in the normal

manner. Councilor Gideon requested that this request be tabled in order to give the neighbors an opportunity to comment. Mr. Olmstead noted that staff recommends that the Council not agree to this request. Councilor Pandora would be willing to defer to the residents to learn if they want it or not. Councilor Hendricks is not in favor of this request unless the neighbors are okay with it. Councilor Migliaccio feels it is a slippery slope without comments from the neighbors. He would want to hear from the neighbors before considering any changes.

Andrew Arsenault reminded the Council that years ago the neighborhood was promised that the commercial businesses would never cross the tracks and this is a violation of that promise. Ethel Wilkerson feels it is not appropriate for a wedding reception with food and liquor in a memorial park. Rachel Mills of 89 Bow Street noted that she can hear L.L.Bean's concerts clearly as well as view the fireworks from her porch. She would highly recommend not doing this.

**ROLL CALL VOTE:** (0 Ayes) (7 Nays)

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ITEM #142-11      To consider action relative to a request from the Conservation Commission for an appropriation from the Land Bond Fund for a public access easement across Burr Cemetery.

**BE IT ORDERED:** That \$12,500 be appropriated from the Land Bond Fund to acquire a public access easement across Burr Cemetery providing access to a 14-acre land locked parcel owned by the Freeport Conservation Trust.

**Note:** The fund amount is currently \$154,620.06. (Migliaccio & Bishop)

Ethel Wilkerson explained that the Conservation Trust approached the Conservation Commission to collaborate in the purchase of an easement. They are being asked to provide half of the total cost of \$25,000 and they feel it is an appropriate use of these funds.

Bob Santomenna, Freeport Conservation Trust explained that the Freeport Conservation Trust acquired this 14 acre parcel which abuts 295 and the Burr Cemetery by gift from Aqua Maine in 2009. It is land locked and they have been trying to find an access for the public. There is vehicular access from Durham Road through the cemetery property. It is in the vicinity of the crematory. They hope that neighbors will be walking there rather than driving. It will be open to the public and will provide a woody trail for passive recreational use. No motorized vehicles will be allowed. The Conservation Trust will develop a management plan.

Betsy Ruff, neighbor, had parking questions, which were addressed by Mr. Santomenna. He advised there will be space for five cars in the rear. He recommended that the language be changed to say: That \$12,500 be appropriated from the Land Bond Fund to provide *one-half of the funds necessary* to acquire a public access easement across Burr Cemetery providing access to a 14-acre land locked parcel owned by the Freeport Conservation Trust.

**MOVED AND SECONDED:** To amend the order to read "That \$12,500 be appropriated from the Land Bond Fund to provide one-half of the funds necessary to acquire a public access easement across Burr Cemetery providing access to a 14 acre land locked parcel owned by the Freeport Conservation Trust. (Migliaccio & Bishop) **VOTE:** (7 Ayes)

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



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**OTHER BUSINESS:**

- 1). Request from the Conservation Commission to retain property owned by the Town near Florida Lake (Tax Assessor Map 17, Lot 55-H) (Conservation Commission & Municipal Facilities Committee).

Ethel Wilkerson explained that the Town owns Florida Lake. There is a tax-acquired property across the stream that they are recommending that the Town retain and that it could be managed as an addition to Florida Lake and subject to the same rules and regulations of an existing town park. A GIS map showing the property in question was provided to Councilors. Councilor Gideon explained that the Municipal Facilities Committee discussed the environmental value and the access difficulty. They recommend the preservation of this parcel as the Conservation Commission has requested. Ms. Wilkerson offered to investigate further and provide information on access over Dipetro Drive. Councilor Gideon noted that a Council vote is necessary.

- 2). Discussion on possible RFP for Economic and Commerce Services

Councilor Migliaccio explained that he added this topic as a discussion point. In recent years the Council has significantly increased contributions to economic development and commerce services. The Council talked about better collaboration with Freeport USA, FEDC and the Greater Freeport Chamber of Commerce. He suggested that those groups, the Council and members of the community should meet to discuss and put on paper what is wanted for those dollars. He feels it is important for the Council to make sure it has a viable commerce base in Freeport. He suggested that the Council schedule a brainstorming discussion with the directors of the three groups.

Councilor Pandora is not clear on what the missions of these groups are. He would like to see the analysis done on these three organizations and start the dialogue. He views the Chamber as a private organization, which needs to be a membership organization supported by its members.

Chair Cassida noted that RFP for Economic and Commerce Services could be misleading. The Council is not putting economic development out to bid. Sandy Thompson, business owner explained that she would like the Council to involve a lot of small businesses and perhaps look at it as a grant to these organizations to do certain things. She supports Councilor Migliaccio's ideas. Peter Thompson pointed out that there are a lot of smart people in the room and he would like to see the Council involve the public.

Councilor Migliaccio asked for direction. Councilor DeGrandpre suggested that the Council should bring its goals and the three groups should provide their mission statements and at some point, schedule a workshop over the next couple of months and invite the public to participate. He would like to start the discussions. Marge Migliaccio pointed out that she never hears anyone take this matter to the next step and say here it is and this is what we are going to do. Chair Cassida indicated he would be willing to start a discussion before the next budget period rolls around. The Council has been doing this for sometime now. Councilor Gideon asked the Town Manager to look for a workshop date after the elections and make sure that the three groups are well represented. Councilor DeGrandpre suggested having the discussion in the large room of the Community Center and asked everyone to bring their ideas and keep their sense of humor.

Mr. Olmstead will coordinate with the three groups and schedule the workshop. Councilor Migliaccio would like the Council to put some framework around this concept of a two or three year grant at the next Council meeting. He will sit down with the three directors. Andrew Arsenault noted that he supports Councilor Migliaccio's concerns and framework suggestion. He suggested not scheduling a formal

workshop but instead have a general presentation on what the groups have been doing over the years and what they plan for the future. He feels an informal session would involve a lot of residents.

Sande Updegraph of FEDC advised that she is very interested in this discussion and would be willing to organize it. She wants to be sure to engage people in the community. She offered to make some contacts and get it scheduled for this month or the first part of October and she would like to have Councilor Migliaccio involved.

3). Discussion of Pledge of Allegiance at the beginning of Council meetings

Councilor Migliaccio explained that he has attended many school board meetings where they actually say the Pledge of Allegiance and noted that Cliff Goodall started the Project Review Board meeting with the Pledge. He suggested that perhaps the Council could say the Pledge at the first meeting of the month. Councilor DeGrandpre noted he is willing to say it at every meeting. Other Councilors concurred. Chair Cassida explained that everybody in the room would be expected to say the Pledge. Mr. Olmstead was instructed to add the Pledge to future agendas. If we add it to the agenda where it is not written in the Council's rules and procedures, we may be in violation but we could waive our rules and procedures. More discussion followed.

**MOVED AND SECONDED:** To add the Pledge of Allegiance at the beginning of the meeting after the roll call. (Migliaccio & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes)

Mr. Olmstead was asked to amend the Council's rules and procedures on the next agenda.

4). Discussion on Firecracker Ordinance (Chapter 38)

Mr. Olmstead advised that the Town Attorney suggested tweaking the Ordinance to protect the town. MMA language has not yet been developed. Mr. Olmstead will develop amendments, which the Council will have a public hearing on. Councilors agreed.

5). Update on field and trails project

Albert Presgraves, Town Engineer, provided a summary update on the project budget. \$2.3 million purchased the land, paid for some of the pre-design work, final design, permitting and also paid to bid out. The budget included providing public water. All of the easements were signed and the contractor started today on the water extending project. He expressed gratitude to Aqua Maine and also David Latulippe for negotiating all the easements for the water line.

David Latulippe provided pictures in a PowerPoint presentation. The public is able to go and view the project. He expects to be 100% complete by the middle or late October. He thanked three families—Terry and Sue Goddard, David and Sandra Rowe and Jerry and Ann Hoover for allowing the water easement to go through their properties. He explained the trails plan. He mentioned that he is hoping to start the design work for the lodge. Fundraising will take place over the winter and construction will begin in the spring. He feels it will be okay for students to start playing on the sod in the spring.

Councilor Gideon noted that Ethel Wilkerson was instrumental in bringing all the trail people together. Councilor Bishop cautioned about vandalism and suggested putting up a sign saying "please don't go past this point." Mr. Latulippe agreed that they can keep cars out but not 4-wheelers or snowmobiles because there are so many trails. He mentioned that perhaps using a snow fence around the perimeter would make sense. Chair Cassida noted that Mr. Latulippe plans to be back to the Council in a couple of meetings to show where they are budget wise. Sande Updegraph advised that she will put the pictures on the Town's website.

Andrew Arsenault asked where the water line is located and if it will be available for other people. Mr. Latulippe explained where it comes in. Marie Gunning thanked Mr. Presgraves for the update and asked if the project's field house would have to go through Site Review. Chair Cassida explained why it would not have to go through Site Review.

6). Information Exchange / Committee Reports

Chair Cassida mentioned that he and Councilor Gideon received an e-mail from a Pownal resident concerning pesticide use at the Library where children frequent. Mr. Olmstead discovered that it was a herbicide that was used to control weeds. Once it dries on the plant, it is completely safe. It probably shouldn't have been applied while the Library was open and this will be addressed with a particular individual.

Councilor Migliaccio noted that the Council had an e-mail discussion regarding the Town Manager Search scheduled on October 4. Chair Cassida noted that it is premature to have any formal discussion since Mr. Olmstead has not indicated when he will retire. If it is going to be on the 4<sup>th</sup> or when it is, he will see that information is provided. He gave an outline of the process and the charge for the make-up of the committee. He is already considering names but will consider any names brought forward by the Council to appoint to the Search Committee. He noted that Councilors can reach out to individuals but they must know what town managers do. Leadership will make a proposal and the Council will endorse or make changes. Discussion will take place in Executive Session.

Chair Cassida is in discussion with the Town Attorney on what is appropriate for an Executive Session and what is not. Councilor Migliaccio noted that there might be people out there that are very well qualified to serve on the Search Committee.

Councilor Migliaccio asked if it would be wise on the auditor issue to get a legal opinion. Mr. Olmstead talked to Geoff Hole and his advice going forward would be for the Council to designate a firm on an annual basis. It is already in the Charter. It would not tie Council's hands

On a yearly basis, designate who should be the auditor. It's already in the charter and the Council needs to do it.

Councilor Migliaccio noted that Funds from tax-acquired property, \$450,000 has come in from tax-acquired property and Mr. Olmstead explained that it is in a separate cash account.

On June 7 Councilor Migliaccio gave the Council a document concerning having a bulletin board for persons wishing to address the Council on an item that appears on the agenda and our ADA Communications Policy. Mr. Olmstead advised that this information is taped to the podium and is also displayed outside the door. Councilor Gideon suggested posting it near the table. If anyone has special communication needs, they can be addressed.

Councilor Pandora pointed out that at the last meeting, the Freeport Residents Committee dropped off a letter addressed to Wells Fargo, Androscoggin, the Attorney General and the State Auditor. He asked if the Council received any response back. Mr. Olmstead advised that the answer is "no". Marie Gunning provided an explanation. She is not expecting to hear from the investment managers. Councilor Pandora sent an e-mail regarding the August meeting. He did not get an answer to his e-mail message. He will go back to the recording and transcribe what people were asking at that particular meeting.

Councilor Migliaccio noted there were a lot of things said at the workshop. He feels there will be time to bring forth the concepts and ideas again when the Council has its workshop with the investors and the Town Attorney. Chair Cassida suggested that Councilor Pandora repackage the questions.

Councilor Migliaccio thanked Mr. Olmstead for sending a copy of the Hunter Road Purchase and Sale transaction. He noticed a couple of signatures were missing. Mr. Olmstead assured him that the originals had all the signatures and dates.

Councilor Pandora thanked everyone that signed his nomination papers. He plans to turn them in this week.

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

**VOTE:** (7 Ayes) (0 Nays)

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Respectfully submitted,

Sharon Coffin, Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #16-11**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**SEPTEMBER 20, 2011 - 6:30 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></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	arrived at 6:42 p.m.	
James Hendricks, 21 West Street	x	arrived at 7:30 p.m.	
Joe Migliaccio, 2 Vinmar Lane	x		
Eric Pandora, 12 Birch Point Road	x		

Chair Cassida called the meeting to order at 6:30 p.m. and took the roll. He noted that Councilors Gideon and Hendricks would be arriving shortly.

**FIRST ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #15-11 held on September 6, 2011 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #15-11 held on September 6, 2011 and to accept the Minutes as printed. (Bishop & DeGrandpre) **VOTE:** (5 Ayes) (2 Excused—Gideon & Hendricks)

**SECOND ORDER OF BUSINESS:** Announcements

Chair Cassida announced:

- The Planning Board is holding a workshop to discuss the Seacoast Zoning Amendment on October 5 at 6 p.m. in Council Chambers and invited the Council to attend.
- Beavers have closed portions of the trail at Florida Lake and residents are being asked to avoid using them. They are inundated with water and unsafe at this time. The Town has been issued a permit by the State to begin trapping the beavers this week and the trails will be reopened after the beavers are relocated and the water level is reduced.
- EcoMaine is holding an Open House and Festival this Saturday, September 24. There will be tours, breakfast sandwiches, etc. provided. Residents will be able to learn about backyard composting as well as other activities for children. For information, residents can visit their website which is [www.ecomaine.org](http://www.ecomaine.org).
- CHANS will be holding a public flu clinic for seasonal flu in Freeport on September 12. There is no fee but they accept donations.
- There have been problems with the Town Hall's phone system since Hurricane Irene. If anyone dials into the Town Hall's system and receives a Fax signal, they should redial. Chair Cassida had

to deal three times before he could get through. Hopefully, this problem will be fixed today or tomorrow.

- A detour has been in place on the Flying Point Road since September 12 at 5 p.m. The contractor has been working overtime. The current project schedule is to reopen it on Friday, September 23 or possibly sooner. The Town sincerely apologizes for any inconvenience and is working to reopen the road as soon as possible. There is a Freeport fire engine parked on Flying Point Road. The Town Engineer is here tonight and willing to have a conversation outside with anyone wanting more technical information.
- The Council received a challenge today to the signatures for Councilor DeGrandpre's petition to appear on the November ballot. It is not on our regular agenda but the Town Attorney will be here a little after 8 p.m. so that the Council can get an opinion on this signature challenge.

Councilor Migliaccio announced that there are two upcoming conferences that anyone in Maine business will be interested in—The Maine Momentum Convention will take place on October 20 at the Augusta Civic Center. In the afternoon there will be a panel on financing. The second one is a Maine Juice Economy Conference being held on November 4 and 5 at the Camden Opera House. If anyone wants more information, they can call Sande Updegraph at FEDC.

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

Chair Cassida reminded everyone that the public can bring things to the Council's attention but it is not an opportunity for debate. If an item needs discussion, it will be scheduled on a regular agenda with plenty of opportunity for discussion.

**MOVED AND SECONDED:** To open the Public Comment Period on Non-Agenda Items Only. (DeGrandpre & Hendricks) **VOTE:** (6 Ayes) (1 Excused—Gideon)

Peter Thompson of Lower Flying Point advised that at the last Council meeting there was some disagreement about the conditions of how Executive Session can be called. He is interested in making sure that everyone has a common understanding about the constraints of Executive Sessions. He provided seven copies to the Secretary to distribute regarding a Declaration of Public Policy Rules of Construction and Executive Sessions.

Sandy Thompson of 7 Byram Avenue advised that she would like to put her name forward for consideration in participating in the Town Manager Search. She asked for information on how to do it. Chair Cassida suggested that she provide a letter of interest to the Town Council stating her qualifications.

Marie Gunning of Telos Road followed up on a discussion at the last Council meeting on whether or not there was an investment lost in stock market funds. She received information from the previous Finance Director that shows a half million-dollar loss to the Town's reserve funds. She provided a copy to Councilors. She noted it is good to clarify this information since the stock market right now is very volatile. She would like to look at what we are getting from this investment and determine if it is really worth it. She would like to remove Town funds from the market to avoid any further losses. Chair Cassida explained his response was sent out later today. He noted that the Council is making every effort to put a workshop together and will discuss it under Information Exchange.

Mark Grover from Gray pointed out that he is running for County Commissioner. He mentioned that he has a website—www.VoteforGrover.com and encouraged citizens to learn about the candidates and vote on November 8.

Ken Mann advised that he didn't see it on the agenda but there was discussion about getting a committee together with a goal of selecting a new Town Manager. He suggests making a charter change to add a new phrase in the Town Manager's job description where he previously was appointed to a lifetime term. There is a Council request to allow for a lesser term of office such as three years. It would be advisable for the Ordinance Committee to make a recommendation to the Council on the term of the new Town Manager under the new Charter requirements. We have had an Appointment Committee for years and they may have to hold some hearings to interact with the public on who might be chosen as the new Town Manager. The community feels that since their representatives haven't gotten to vote on that decision, the public is left out in the dark. Chair Cassida noted that he would provide more details later in the meeting tonight.

Wayne Hollingworth of Durham Road indicated that the previous speaker has him confused regarding Ordinances. The Town Council appoints the Town Manager and they can fire him. If the public doesn't like the Council's decisions, they can replace their Councilors.

State Representative David Webster explained that soon furnaces will be going on. The property tax rebate program is still in service and applications are available in Town Hall or from him. If anyone qualifies, they should apply. LIHEAP applications are available from Julie Fraser at FCS and Johanna Hanselman at the Town Hall. There is also the Carol Kaplan Fund. It's time when we have to look at our neighbors and offer to help them get their firewood in or put up their storm windows.

Johanna Hanselman advised that the Carol Kaplan Fuel Fund is handled through FCS and residents can call 865-3985 for more information. Ms. Hanselman advised that the Town has a Fuel Fund, which she administers. Anyone interested in donating to this fund can send his or her checks made out to the Town of Freeport Fuel Fund to her and she will add it to the fund.

Councilor Bishop pointed out that the Tax and Rent Rebate is not simply for low-income people. There is a formula between income and taxes. Augusta does all the figuring.

**MOVED AND SECONDED:** To close the Public Comment Period on Non-Agenda Items Only. (Migliaccio & DeGrandpre) **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 #145-11 To consider action relative to adopting the September 20, 2011 Consent Agenda.

**BE IT ORDERED:** That the September 20, 2011 Consent Agenda be adopted. (Bishop & DeGrandpre)

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

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

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ITEM #146-11 To consider action relative to re-applications for an Automobile Graveyard and/or Junkyard Permit. **PUBLIC HEARING**

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

David Bolduc d/b/a D.A.B. Inc., 13 Allen Range Road.

John Ingerson d/b/a Freeport Auto Parts, 33 Allen Range Road. (Pandora & Hendricks)

**VOTE:** (6 Ayes) (1 Excused—Gideon)

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

**BE IT ORDERED:** That the re-applications for an Automobile Graveyard and/or Junkyard Permit issued to the above named applicants be approved. (Pandora & DeGrandpre) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Gideon)

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ITEM #147-11

To consider action relative to an application for a Special Amusement Permit.  
**PUBLIC HEARING**

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

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

**BE IT ORDERED:** That the following application for a Special Amusement Permit be approved.

The Fresh Batch, LLC

20 Bow Street (DeGrandpre & Bishop) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Gideon)

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ITEM #148-11

To consider action relative to an application for an Alcoholic Beverage License for an Alcoholic Beverage License. **PUBLIC HEARING**

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

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

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

Frank Grondin d/b/a

The Fresh Batch, LLC

20 Bow Street (Hendricks & DeGrandpre) **ROLL CALL VOTE:** (6 Ayes) (1 Excused—Gideon)

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ITEM #149-11 To consider action relative to proposed amendments to the Firecracker Ordinance concerning conformance with the newly enacted State statute (Chapter 38).

**BE IT ORDERED:** That a Public Hearing be scheduled for October 4, 2011 at 6:30p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Firecracker Ordinance concerning conformance with State statute.

**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 Cassida explained that with the recent changes to State Statute, it has prompted the Town to look at its local Ordinance. It was determined that it would not be in compliance with the new State law. Town staff drafted these changes to make it compliant. This is a short-term fix and the Council can then look at it long-term.

Representative Webster explained that the bill that was passed will go into effect on January 1, 2012. There is a substantial fee of \$5,000 for the seller and the business must be housed separately from any other business. It cannot be located in a grocery store for example. Every Municipality has the right to restrict the sale of fireworks.

Susan Campbell of Hunter Road explained the problems she encountered with fireworks terrorizing her farm animals. The Fourth of July is not a problem because of foliage but winter presents a different set of problems with cold and ice. Chair Cassida explained that there is no restriction on a licensed display operator. They get their permit from the State's Public Safety Office. Discussion followed. Councilor DeGrandpre urged residents to share their thoughts on this issue.

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

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ITEM #150-11 To consider action relative to Town Owned Property located near Florida Lake (Tax Map 17, Lot 55-2).

**BE IT ORDERED:** That Town Owned Property located near Florida Lake (Tax Map 17, Lot 55-2) be retained by the Town and combined with the existing Florida Lake Property and be subject to the Florida Lake Management Plan. (Bishop & Migliaccio)

Ethel Wilkerson of the Conservation Commission provided an explanation

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

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ITEM #151-11 To consider action relative to a grant from MDOT to construct a sidewalk on South Street.

**BE IT ORDERED:** That a Quality Improvement Program Grant from MDOT in the amount of \$57,600 to provide for sidewalk construction on South Street be accepted.

**BE IT FURTHER ORDERED:** That the Town Manager be authorized to sign/execute all documents required by MDOT.

Note: The local match is \$14,400 and was approved as part of the 2011 Capital Budget. (Pandora & Migliaccio)

Town Planner, Donna Larson, provided an explanation.

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

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ITEM #152-11	To consider action relative to the appointment of a certified public accountant for a post audit for Fiscal Year 2011.
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**BE IT ORDERED:** That MacDonald Page & Co, LLC be appointed to conduct a post audit for fiscal year 2011. (DeGrandpre & Bishop)

Chair Cassida explained that the Town Attorney stated that the Town was not in violation of any rules or procedures but should appoint an auditor every year. There was an e-mail that went out yesterday that we received a letter back from the Maine State Auditor regarding Ms. Gunning's letter to them and the State Auditor reaffirmed that the Town was not in violation of any State Statute but also advised that the Town should appoint an auditor this year. He expects that the Council will be doing this every year, most likely in February.

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

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Chair Cassida noted that he would interrupt Other Business when the Town Attorney arrives.

**OTHER BUSINESS:**

1). Update on Passenger Rail Service (Patricia Quinn, NEPRA).

Sande Updegraph introduced Patricia Quinn, Executive Director of NEPRA. Ms. Quinn provided a brief update on passenger rail service. She encouraged everybody to express their support to federal policy makers for federal funding and invited anyone to come down to the Portland Station and look over the equipment and meet some of the people. She answered questions for Councilors and members of the public. She also provided pictures. Tom Bull of the Train Station Committee was also on hand to answer questions. She commended Sande Updegraph and Tom Bull for all their support in attending all the meetings.

2). Discussion regarding the creation of a local ordinance to establish train quiet zones

Chair Cassida advised that there was a joint meeting of the Cumberland and Falmouth Town Councils to discuss quiet zones. He will try to get a copy of the presentation. Councilor Gideon explained that the train needs to blow its horn continually as it passes through crossings. The locomotive engineer is not required to blow the horn but they can blow it if they feel there is an emergency in any way. In order to establish a quiet zone, it has to be ¼ mile in length and safety measures need to be in place that allow the zone to qualify as a quiet zone. She is waiting to find out where Freeport falls but the rest of the research can begin such as how many school buses cross the tracks, etc. She estimates there are 17 existing quiet zones in the State of Maine. The gates are in place and one arm comes down.

Councilor DeGrandpre found the meeting very interesting. He noted that Quad gates are ridiculously expensive and the cost of quiet zones is something to be discussed. Councilor Migliaccio asked if meetings should be taking place with businesses in the downtown regarding parking. Tom Bull noted that it is hard to map out parking at this point without a clear picture but three business owners have indicated that they will work with the Train Committee.

Callie Fitzrandolph of 19 East Street noted she is glad that the Council is considering quiet zones. The horn is an issue for her. It is loud and wakes her up at night. She is happy the Council is looking into this issue. Scott Gleason of 22 Park Street (fan of the train) wants Freeport to expand responsibly and protect its residents' rights on Royal Avenue, Park and East Streets. He is excited about the train but not the noise.

Chair Cassida noted that the towns of Cumberland and Falmouth hired a train engineer to analyze quiet zones. Sande Updegraph noted that Freeport can get an engineer's report for \$1,000-\$2,000. Chair Cassida indicated that this may be something the Council would want to consider but it would have to develop a scope of work. Councilor Migliaccio would like to move forward and get a bid for a quiet zone. Ms. Updegraph indicated that she has enough direction to get a bid on risk analysis and will model after the town of Falmouth who hired a civil engineer. That particular engineer did all of the research, mapping, etc. and put it together to make a very informative presentation. Chair Cassida is not sure how much time it will take to run the figures. It is unclear to him at this time. There was Council consensus to get a bid and the Council could possibly authorize the expenditure.

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

Chair Cassida explained that this afternoon the Council received a challenge of the validity of nomination papers for Richard DeGrandpre.

Attorney Hole explained Title 30-A, Section 25-1. He advised not to proceed under Title 21-A but to proceed under Title 30-A. The hearing will not be a public hearing. The focus will be on the persons with direct knowledge of the issues. Chair Cassida noted that the Council needs to rule on this objection soon but was unable to find a date or time to have a special Council meeting where the entire Council can meet. Councilor Hendricks cannot meet on Thursday evening and Councilor Bishop cannot be at a Saturday morning meeting. The ballots need to be published next week. He advised that several individuals on the Council cannot participate in the meeting. He mentioned that he, Councilor DeGrandpre and Councilor Pandora are all involved in the challenge. The remaining four Councilors would have to be involved in a meeting. Attorney Hole agreed that Councilor DeGrandpre cannot participate but Chair Cassida and Councilor Pandora will have evidence to give. If each of them (Cassida and Pandora) can give evidence, the two of them could participate if they can be fair and impartial. Chair Cassida noted it would be cleaner if he and Councilor Pandora did not participate. The Council can accept the type of evidence that a serious person would accept in the conduct of a serious event. Chair Cassida pointed out that this needs to be done before first thing Monday morning. Councilor Migliaccio noted that the Council just got this and asked if the Council should proceed as if it is under 30-A. Attorney Hole feels it would be cleaner to consider the objection under 30-A in his mind and it would be cleaner if Chair Cassida and Councilor Pandora not participate. Chair Cassida stated that he would not participate. Councilor Pandora is free to make his own decision.

We will have a hearing where people who made the objection will come forward and orchestrate the folks to bring evidence on their behalf. Chair Cassida and Councilor Pandora could be a witness. Councilor Migliaccio asked what he should do if he is witnessed something relevant to this case. He saw a petition

being circulated. Attorney Hole explained what would be relevant information and suggested that Councilor Migliaccio give him a call tomorrow.

Chair Cassida explained that the body will have to elect leadership at the special meeting. The Secretary will call the meeting to order and call for nominations for a Chair. Councilor Pandora asked if he could call Attorney Hole if he had questions about the process and was told that he could. Councilor Pandora asked who would contact the witnesses. Attorney Hole suggested getting the date and time of the meeting out as quickly as possible but to leave the contacting to the folks that brought the objection forward. He is not worried that the witnesses will not be here. The outcome on the circulation is whether the petition is valid or not valid but there will be separate rulings on the two issues. More discussion followed.

Councilors agreed to meet tomorrow night, September 21 at 6:30 p.m. in Council Chambers with a back-up date of next Tuesday. Councilor Hendricks would prefer more time to allow people to come to the meeting and give them a fair shot. He suggested meeting on the 27<sup>th</sup>. Councilor Bishop is confident that the challengers are prepared. Councilor Pandora noted he still needs to review all the information. Councilors Migliaccio, Hendricks, Gideon and Bishop suggested holding the meeting tomorrow night. The Clerk will notify the challengers of the date of the meeting tomorrow morning.

Chair Cassida voluntarily recused himself from these proceedings and feels Councilor Pandora should do the same. He asked the Council to request that he recuse himself from the proceedings. Councilor Pandora advised that he is still gathering information and will make sure he does the right thing. He needs all the information in front of him before he makes a decision. He asked the Council to allow him to do the right thing. Councilor Gideon would prefer that Councilor Pandora make his own decision. Attorney Hole explained that if he recuses himself, that is the end of the issue but if he doesn't, then the four will decide that he can participate.

Item 153-11 To consider action relative to a challenge to the validity of nomination papers of Richard P. DeGrandpre.

**BE IT ORDERED:** that a special Council meeting be scheduled for September 21, 2011 at 6:30 p.m. in the Town Hall Council Chambers to hold a hearing on a challenge to the validity of nomination papers of Richard P. DeGrandpre filed by Peter and Sandy Thompson. (Hendricks & Gideon) **ROLL CALL VOTE:** (4 Ayes)

Chair Cassida thanked everyone.

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3). Municipal Facilities Committee Recommendation on the disposition of Tax Acquired Property off West Street (Tax Map 10, Lot 13C) (Municipal Facilities Committee).

Councilor Hendricks explained that Habitat wrote a letter in regards to two properties—West Street and Maple Avenue. Habitat has proposed to purchase the West Street tax-acquired property. They are willing to pay \$5,000 per unit on eight units. They are also proposing to link the South Street and West Street projects and defer the \$100,000 payment to the Town until they can make some duplex sales on West Street. Habitat wants to apply for grants on the West Street project. The committee discussed the merits of the project and found it agreeable.

Habitat would like to buy the Maple Avenue parcel for the price of back taxes, which is \$8,000. There are setback issues. The committee feels it would be fair to offer it to abutters at the same price. Councilor DeGrandpre advised that there is no water or sewer there and the property owner developed a lot for a family member, which was never utilized and then lost for unpaid taxes. The property owner lost half of

their property but their existing taxes never went down. He suggested fully exploring the abutters.

George Ellis of Habitat provided more explanation on their proposals. Town Planner, Donna Larson, explained that 10 people requested RFPs in 2008 on West Street and South Street. They learned there were too many barriers for someone from the private sector to develop it. Habitat always had an interest in this property. Councilor Migliaccio wants to be sure the design and layout fit and is something the Town can be proud of. Ms. Larson mentioned that another CDBG grant opportunity will be coming up. Without the deferred payment, the project will take longer. Judy Hawley will mark it up for public hearing sometime in October.

Councilor Migliaccio would like some sort of schematic to show the public what it will look like.

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**NOTE:** Councilor Bishop excused herself at 10 p.m.

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#### 4). Review of Council Goals for 2011

Chair Cassida apologized for being vague but quickly went through the goals and provided a perspective on where the Council is. He answered questions for Councilors. Ken Mann brought up the subject of the term in the new Town Manager's contract. Chair Cassida assured him that this as well as compensation would be included in the scope.

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#### 5). Sign November 8, 2011 Election Warrant.

Judy Hawley explained that they did not need to resolve the ballot issue since names did not appear on it. The Council proceeded to sign it.

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#### 6). Information Exchange/Committee Reports

Chair Cassida noted that there has been some concern from Lex Holly about the \$12,500 issued to Burr Cemetery. The check has been returned and the Council is being asked to go back and look at this again. There may be some specific language that the money has to be used for the Town to purchase something. The money was given to the Freeport Conservation Trust to purchase the easement. The Town Planner is looking at this and will bring it back on October 4, 2011. Councilor Pandora requested the last e-mail from Lex Holly. Chair Cassida offered to forward it to him. He noted that Mr. Holly's initial e-mail may have come across as somewhat abrasive but he did not call any Town bodies. He had good intentions.

Councilor Migliaccio provided an update on a meeting he attended with Freeport USA, FEDC and the Greater Freeport Chamber of Commerce. The Executive Directors got together and sent him what they heard from the public on the need for sharing information. They are trying to schedule a meeting to discuss their goals.

Chair Cassida urged Councilors to watch their e-mails tomorrow.

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**MOVED AND SECONDED:** To adjourn at 10:40 p.m. (DeGrandpre & Gideon)  
**VOTE:** (6 Ayes) (1 Excused—Bishop)

Respectfully submitted,

Sharon Coffin, Council Secretary



**FREEPORT TOWN COUNCIL SPECIAL MEETING #17-11**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**September 21, 2011 – 6:30 p.m.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
Charlotte Bishop, Maquoit Drive	x		
Sara Gideon, 78 Bow Street	x		
James Hendricks, 21 West Street	x		
Joe Migliaccio, 2 Vinmar Lane	x		

Councilors Cassida, DeGrandpre & Pandora sat at a separate table.

Secretary Sharon Coffin called the meeting to order at 6:31 p.m. She requested that Councilors nominate a chair for tonight's meeting.

**MOVED:** To nominate Jim Hendricks to serve as chair. (Migliaccio) No second was made so the motion failed.

**MOVED AND SECONDED:** To nominate Sara Gideon to serve as chair.  
(Bishop & Hendricks) **ROLL CALL VOTE:** (3 Ayes) (1 Abstention—Hendricks)

**FIRST ORDER OF BUSINESS:** To take action on the following item of business as read by the Council Chairperson.

ITEM #154-11: to consider action relative to a challenge to the validity of nomination papers of Richard P. DeGrandpre.

Chair Gideon explained the purpose of tonight's meeting. She noted that one of the witnesses has another engagement this evening and needs to leave in the next 5-6 minutes so the Council will take things out of order and let her testify first.

Councilor Pandora pointed out that last night the Council talked about process but it was never finalized. He intends to recuse himself but asked what process would be followed this evening. Attorney Hole explained that basically there are two aspects to this challenge. One has to do with the lack of a notarized signature on the nomination papers and the second aspect has to do with the circulation of petitions and whether Chair Cassida was in close enough proximity to the two gentlemen in question when the nomination papers were signed. He noted this is not a court proceeding. Everyone that has an interest as a witness or party can say what they have to say but it appears it is necessary to take one witness out of order. We will take up the first issue and then allow the witness to testify. Witnesses from each side will be allowed to testify.

Councilor Migliaccio asked who was here to serve as a witness. He asked if Mr. Lowe and Mr. Skillin were in attendance. It became apparent that they were not. Attorney Hole mentioned that this is a public proceeding and the goal was to have witnesses sit in their own areas. Councilor Migliaccio advised that he called the attorney and talked about the process and learned that it was not his duty to get witnesses here. Attorney Hole noted he was on the phone all morning with Councilors and only this afternoon did he get an opportunity to put this thing together.

Councilor Pandora recused himself.

Chair Gideon explained that Nancy Clark is a witness regarding the second challenge made by Peter and Sandy Thompson concerning the sworn falsification by James Cassida and since she is on a tight schedule this evening, she asked Nancy to provide her information. Ms. Clark explained that Jim Cassida called her and informed her that there was a challenge. She read her statement into the record of events that occurred on September 11, 2011. She answered questions but had a speaking engagement in Bath later tonight and had to leave.

Councilor Cassida objected to Councilor Pandora sitting at the table with the people that are being challenged. He respectfully requested that he sit with the people making the challenge. Councilor Pandora apologized but indicated that he was not provided with the same information other Councilors received. Attorney Hole explained how seating was determined this evening. Councilor Pandora clarified that he is not bringing the challenge forward but did move to the other table.

Councilor Gideon read the two challenges into the public record. She noted that Councilor Cassida and Pandora have recused themselves and the Council agreed that Councilor DeGrandpre would not participate in tonight's proceedings since they are about him. She thanked Mr. and Mrs. Thompson for being here tonight on such short notice. Affidavits from Ken Mann and Councilor Pandora will be provided tonight. She had clarification questions for the Town Attorney.

Attorney Hole explained Title 30-A and 21-A. He suggested treating the proceeding as 30-A, where it should be, since the issues are the same under either and will be fully dealt with. Ken Mann wanted the record to reflect that these folks made a challenge to the Town Clerk and not the Town Council.

Mr. Thompson asked when the town had its last annual meeting. He explained that they are here because they have a sincere interest in Town governance and want to be sure it follows the Charter. It is about what is right and what is wrong. This information became apparent and they are trying to establish the facts behind these inconsistencies.

Mrs. Thompson asked if any Councilor was asking people to sign nomination papers at the 9/11 event. Councilor Bishop stated that she was there but never handled a petition whatsoever. Councilor Hendricks was in attendance but he didn't see any papers being circulated. Councilor Gideon advised that she stood next to Nancy Clark but she didn't handle the petition. She knew they had one. Councilor Migliaccio arrived late from a soccer game and was there after the ceremony. He never asked anyone to sign any nomination papers. He saw a petition being circulated but not by Councilor Cassida. He has doubts but will focus on the facts. Councilor DeGrandpre pointed out that nomination papers are used by anyone running for school board, sewer district or the water district. Mrs. Thompson noted that there were videos taken but she hasn't had time to follow up in locating one since this meeting was scheduled so quickly.

The first challenge, concerns Rich DeGrandpre's submission of his Nomination papers to Bev Curry but neglected to have them notarized. Mr. Thompson advised that there is no affirmation of signature on the document. That statement needs to be on there in order for it to be valid. It is the obligation of the candidate to stand there and make sure the process is completed.

Attorney Hole explained that Ken Mann went in and found that the signature was not there. It was not the candidate that made the mistake. When he learned of this mistake, he called Mrs. Thompson to let her know of Title 5 Section 95-D that deals with local documents. He suggested that the Clerk testify as to what happened and correct it under oath. Councilor Pandora suggested going to 30-A and questioned why Attorney Hole is referring to Title 5. Attorney Hole explained that it deals with errors in records. Mr.



Mann pointed out that the Statute is quite clear and that the candidate is required to get the papers notarized. Any Notary can do it.

Councilor DeGrandpre explained the circumstances that occurred when he brought his papers to the Town Clerk and signed where she indicated he should sign. Town Clerk, Bev Curry, advised that Rich DeGrandpre came to her office on September 13 to file his nomination papers and she had to certify that he had enough signatures. Her Deputy Clerk was on vacation and her workload was very heavy and she was rushed. She made an unintentional error.

Councilor Bishop advised that it is normal for Councilors to bring their papers to Ms. Curry for notarization. Councilor Migliaccio agreed and noted that Ms. Curry does a great job. Councilor DeGrandpre noted that Ms. Curry advised him that he had more than 100 signatures. Councilor Hendricks feels that Ms. Curry is very particular but recognizes that everybody makes mistakes. It appears it was a human mistake. More discussion followed. Attorney Hole defined “local records.”

Mr. Mann asked Councilors if they had any questions regarding his affidavit. No one had any questions. Attorney Hole mentioned there was no question of accuracy in Mr. Mann’s affidavit.

**MOVED AND SECONDED:** that we determined the objection filed regarding the lack of the Clerk’s signature be denied. (Bishop & Hendricks) **ROLL CALL VOTE:** (4 Ayes)

Ms. Curry was asked by Attorney Hole to come up and swear that she made a mistake. Ms. Curry read an oath prepared by Attorney Hole dated September 21, 2011 that she was responsible for the error in Rich DeGrandpre’s nomination papers. He will notarize it.

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Chair Gideon suggested discussing the second challenge and advised Mr. Mann that he could not engage in conversation with Attorney Hole but could remain at that table. Chair Gideon noted that the Council has affidavits and testimony that are conflicting in nature. Attorney Hole advised there is a burden of proof and the persons contesting the nomination paper have the burden of establishing in this case whether Councilor Cassida was not in the presence of the folks signing that particular paper. This is a civil matter and Councilors have to agree if there is a problem or not.

Chair Gideon asked what is relevant for the circulator. Attorney Hole read a case into the public record. There are two points that need to be determined—was Councilor Cassida in close enough proximity to the two gentlemen to observe them signing the nomination papers. If he did not personally witness those two signatures, those two would be considered invalid. If there is proof that he made a false statement at the time of his oath, the entire sheet of signatures would be considered invalid.

Mrs. Thompson was familiar with the case referred to by Attorney Hole and read parts from it. Mr. Thompson pointed out that the circulator must “interact” with the signer. More discussion followed. Councilor Hendricks explained what his understanding of “personal interaction” is. He feels it is too vague. Mrs. Thompson believes a court of law will define it at some point and it appears every other candidate met the standard. Ms. Curry mentioned what instructions she gives to candidates.

A 5-minute recess was taken at 8:55 p.m.

Councilor Pandora read his affidavit into the public record. Mrs. Thompson explained why she followed up with a challenge. She likes to abide by the rule of law. She feels it is important to her own value.

Chair Gideon had questions for Councilor Pandora. She mentioned that Councilor Pandora indicated he did not know where Councilor Cassida was when Nancy Clark was asking two gentlemen to sign. He could have been 2 feet away or 10 feet away. Councilor Migliaccio explained that there are inconsistencies all over the place and quoted from Nancy Clark's affidavit. He asked if Ms. Clark was close enough to actually bump Councilor Cassida. Councilor Pandora noted that he did not believe that Councilor Cassida was close enough to bump Ms. Clark. Councilor Migliaccio feels that only Mr. Skillin or Mr. Lowe can explain how close he was. Chair Gideon noted that she had concerns with Councilor Pandora's statements about the proximity of Nancy Clark and Councilor Cassida.

Councilor Cassida read an affidavit into the public record. He answered questions for Councilors. Attorney Hole requested a copy of 21-A from Ms. Curry. Mrs. Thompson explained that there are inconsistencies in Ms. Clark's affidavit and Councilor Cassida's affidavit. She stated that the circulator has to personally witness the signature. She feels it will be defined if this goes to Superior Court depending upon the outcome.

Councilor Migliaccio explained that he doesn't know who to believe. There is conflicting witness stuff. He has a real concern in making a decision that could tarnish someone's reputation. The statements go all over the place. Chair Gideon asked Attorney Hole what the burden of proof is here. Attorney Hole advised that the burden of proof is on the challengers. They need to provide convincing evidence that the circulator was not a personal witness to a signature. Councilor Hendricks mentioned that they should have brought in Mr. Skillin and Mr. Lowe. Attorney Hole noted that the Council would have to decide on where to rule on the evidence it has or whether it would like to hear more evidence. He explained that the Council couldn't make two witnesses come in. The law court has not yet had a case involving the words of "personally witnessed" and it does not talk about interaction.

Councilor Migliaccio would like to go the extra step. Perhaps someone is willing to come in. Councilor Hendricks noted that the Council couldn't ask these gentlemen to come in. Attorney Hole suggested dealing with the issue of whether or not there was fraud in this statement when Councilor Cassida gave his oath about circulating and then vote the other one up or down.

Mr. Thompson complained about having just 10 hours of notification for tonight's meeting. He would have preferred more reasonable time to gather information. Videos would illuminate some of these questions.

Councilor Migliaccio feels something is missing here. He hates the "f" word in (fraud). He would prefer to actually suspend this hearing until next Tuesday because he doesn't want to be the one that hears "it was your obligation to bring in the witnesses."

Councilor Bishop feels it is a good idea to look at whether there is proof of fraud.

Councilor Hendricks mentioned that he didn't want to meet tonight. He does not believe that Councilor Cassida intentionally committed fraud. He would prefer next Tuesday night to give everybody an opportunity to get their ducks in a row. He would really like to hear from Mr. Skillin and Mr. Lowe. It would cure all his questions. He doesn't need to see video. He does not want the Thompson's saying that they didn't get a fair shot.

Councilor Bishop does not feel that Councilor Cassida intentionally committed fraud. She explained that the situation at the 9/11 event was very tight with a lot of people shoulder to shoulder. She does not believe that Councilor Cassida could have been 15 feet away.

Councilor Pandora mentioned that he would like to see Ed Bonney's video.

Mr. Thompson pointed out that they never stated the allegation is “fraud”. They used “knowingly made a false statement”. They are trying to make sure that everybody is playing the game right.

Chair Gideon noted that she can make a decision tonight but it is apparent that others are not. More discussion followed.

**MOVED AND SECONDED:** To continue the hearing to a date certain and continue from this point. (Migliaccio & Hendricks) **ROLL CALL VOTE:** (2 Ayes—Hendricks & Migliaccio) (2 Nays—Gideon & Bishop) (Failed)

**MOVED AND SECONDED:** To amend the hearing date to 9/27 at 6:30 p.m. and continue from this point. (Migliaccio & Hendricks) **ROLL CALL VOTE:** (2 Ayes—Hendricks & Migliaccio) (2 Nays—Gideon & Bishop) (Failed)

Attorney Hole offered suggestions for the Council. More discussion followed.

**MOVED AND SECONDED:** there is no proof of fraud or a knowingly false statement made by Jim Cassida in submitting the nomination papers for Richard DeGrandpre. (Bishop & Hendricks) **ROLL CALL VOTE:** (4 Ayes)

**MOVED AND SECONDED:** To table the portion of the two names to next Tuesday at 6:30 p.m. and pick up at this point in time. . (Bishop & Hendricks) **ROLL CALL VOTE:** (4 Ayes)

Councilor Cassida asked who would be responsible for contacting witnesses and who should have contact and who should not have contact. Attorney Hole noted that it is not the role of the Council to bring in subsequent witnesses. The focus is on those two gentlemen.

Mrs. Thompson pointed out that she couldn't limit it to those two gentlemen. They may not want to come forward but other people may. She noted that some people are afraid to come forward. Councilor Migliaccio explained that this was a very quick meeting and we made a lot of progress tonight. I heard that the Thompsons would like the opportunity to make their point on the signatures. He agrees that it is intimidating to come to the Council. Affidavits would be welcome to support their case.

Councilor Bishop advised that she would like to hear from those two people. There was consensus to accept videos. Attorney Hole noted that the Council would have to decide on the scope of its next step. Lessons have been learned all the way around.

Mr. Thompson advised that tabling was the way to go. They are here to identify the facts. They will go out and see what information is out there. It is not an exercise or game. Councilor Migliaccio would like to open this up a little bit because he completely understands what Mr. Thompson has just said but requested that they try to keep it concise. Councilor Hendricks agrees with Councilor Migliaccio but doesn't want to start from the beginning again but he is okay with broadening out a bit.

Attorney Hole urged every Councilor to not do any investigating on their own. Councilor Bishop noted that the complaint concerned two signatures but she doesn't have any problem with perhaps including a third. She doesn't want to go down through the whole petition. Chair Gideon agrees that if there is a third signature in question, it should be reviewed.

**MOVED AND SECONDED:** To adjourn to Tuesday night, September 27, at 6:30 p.m.  
at 10:47 p.m. (Bishop & Hendricks) **VOTE:** (4 Ayes).

Respectfully submitted,

Sharon Coffin  
Council Secretary

**CONTINUATION OF THE  
FREEPORT TOWN COUNCIL SPECIAL MEETING #17-11  
FREEPORT TOWN HALL COUNCIL CHAMBERS  
September 27, 2011 – 6:30 p.m.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
Charlotte Bishop, Maquoit Drive	x		
Sara Gideon, 78 Bow Street	x		
James Hendricks, 21 West Street	x		
Joe Migliaccio, 2 Vinmar Lane	x		

Councilors Cassida, DeGrandpre & Pandora sat at separate tables.

Chair Gideon called the meeting to order at 6:32 p.m.

**FIRST ORDER OF BUSINESS:** To take action on the following item of business as read by the Council Chairperson.

ITEM #154-11: To complete consideration of action relative to a challenge to the validity of nomination papers of Richard P. DeGrandpre.

Chair Gideon reminded Councilors, past Councilors and members of the audience of the decorum and order that will be followed this evening. She noted that Councilors have been given a letter from the challenger's attorney as well as other material. Mr. Thompson provided another document that he and Mrs. Thompson signed. Chair Gideon allowed 10 minutes to enable Councilors to review the information.

After reopening the meeting at 6:50 p.m. Chair Gideon noted that all Councilors were at the 9/11 event and asked if anyone had anything to add to what was discussed at the last meeting and if he or she feels they can be fair and impartial. Councilor Migliaccio advised that he submitted a statement to the Town that came through request to Johanna Hanselman. He feels he can be fair and impartial. He has not conducted any additional discovery. Councilors Bishop and Hendricks stated they had nothing to add and can be fair and impartial. Chair Gideon has no additional information and feels that she can be fair and impartial.

On Friday she requested that Council be provided with a list of witnesses or evidence in advance in order to be fair to both sides. She did not receive that information but noticed the affidavits submitted this evening were written on September 22 and 24.

Mrs. Thompson pointed out that Councilor Bishop was actively involved and asked how she can be unbiased. Councilor Bishop explained that she did not handle any papers, introduced people to Councilor Cassida and only asked two or three people to sign and directed them to Councilor Cassida. She was not with Jim Cassida through the whole event.

Mr. Thompson replied to Chair Gideon's question and advised that they were still processing information and there were no discovery rules. They have submitted short affidavits, which are factual and easy to read as well as a letter from their attorney. They mentioned that they, too, received information from the Town Attorney at the last minute.

Chair Gideon agreed that they were not obligated to send the information early.

Chair Gideon asked what the pleasure of the Council is in accepting the last minute testimonies. Councilor Migliaccio noted that it is evidence and he has no problem accepting it. Councilor Hendricks has no problem in accepting it. Councilor Bishop has no problem and Chair Gideon noted she is willing to accept the information.

Chair Gideon explained that this is a continuance and the Council will look at new information. She does not want to rehash what was discussed and voted on. At the last meeting, the Council heard testimony from Beverly Curry, Ken Mann, Eric Pandora, Jim Cassida and Nancy Clark. A motion was made and passed unanimously that the Council determined the objection filed regarding the lack of the Clerk's signature be denied. It was also moved and passed unanimously that there was no proof of fraud by Jim Cassida in submitting the nomination papers for Richard DeGrandpre. The Council moved and seconded to table the portion of the two names to tonight and pick up at this point in time. There was some discussion afterward and the Council agreed to accept a third signature that followed the signatures of Paul Lowe and John Skillin.

Attorney Hole provided instructions for the charge this evening—the question is whether Jim Cassida personally witnessed the signatures in question. He explained that the Knutson case provides guidance and the courts have not interpreted “personally witnessed”.

Chair Gideon mentioned the burden of proof was discussed last week and asked Attorney Hole if the challenger does meet their burden of proof, is the remedy that the Council strike the signatures in question. Attorney Hole indicated that the answer is “yes”. The Council must choose testimony. He mentioned the different types of testimony that have been received. There have been written statements not sworn to. Councilor Pandora, Paul Lowe, John Skillin and Nancy Clark have provided sworn testimony. The Council will have to consider the material before it and decide whether the folks challenging the nomination paper have met their burden. Did Mr. Cassida personally witness the signatures?

Chair Gideon envisions the Council putting this matter to rest by vote but will only look at new evidence tonight. She asked the challengers to begin by reading their testimonies into the public record. There is no video this evening. After the testimonies, she will give the challengers and the respondent an opportunity to comment. The floor will be closed and discussion will follow by Councilors.

Peter Thompson feels it is important that the Council consider all testimonies whether it be unsigned letters or sworn affidavits to understand the facts of the case. He objects to the notion that the Council will not consider the testimonies that were given last week. Chair Gideon agreed that they would be taken into consideration.

Attorney Peggy McGehee noted it is important for the Council to focus on the issue of the personal witness. She noted that the Council needs to consider if there is any counter balance evidence. Everyone's statements say Mr. Cassida was not there and he says he was. She referred to the affidavit from Mr. Skillin stating that he was “approached by Nancy Clark and asked to sign the petition. He signed it but “at no time was he aware of Jim Cassida nor did he witness his signature as he had left his seat earlier.” Mr. Lowe's affidavit testified “he was approached by Nancy Clark and asked to sign a petition for Richard DeGrandpre. He signed it and handed it back to her. Whether or not there was any other witness to his signature, he did not recall.” Councilor Pandora testified, “he observed interaction of Paul Lowe, John Skillin and Nancy Clark. As we were sitting there, Nancy Clark approached me and asked me if I would sign the Council nomination papers for Rich DeGrandpre. She then asked John Skillin to sign and he said sure and signed them. She then asked John Lowe to sign and he began signing them and at that point, Jim Cassida appeared and said something to the effect that ‘Nancy, I need to be with you when you are having

people sign the papers.’ I cannot say for sure exactly how far away Mr. Cassida was when I was asked to sign or John Skillin was asked, but it is clear to me that he was not present when I, Mr. Skillin and Mr. Lowe were asked to sign.”

Nancy Clark stated that Jim Cassida handed her the nomination papers at her suggestion. She moved over to John Skillin and asked if he would be interested in signing Rich DeGrandpre’s nominating petition. Jim Cassida bumped her right shoulder and craned his head to watch John Skillin sign his name. She stated that Jim Cassida bumped her arm but she did not say that he witnessed Paul Lowe’s signature. There is no testimony that Mr. Cassida witnessed Mr. Lowe’s signature. She turned it over to the Thompsons to supplement.

Mr. Thompson advised that Attorney Hole indicated that if the Challenge to Item 2 is found to be true, the entire petition submitted by James Cassida must be voided. They pointed out that it was not their plan to use a hearing process under Title 30-A. It was their intention to challenge under 21-A and meet with the Town Clerk and with her authority under the Charter, resolve the challenge and not involve the Town Attorney. The requirements for a valid petition are clearly stated in the Charter. For public record, everyone on this side of the challenge is willing to provide sworn statements and be scrutinized. On the other side there are some signed statements and others that are unsigned. He advised that the testimony of Mr. Cassida is impossible because Mr. Lowe was not sitting where Mr. Cassida indicated. He pointed it out in a drawing for the Council.

Jim Cassida was asked to make comment. He requested a copy of the affidavits from Mr. Lowe and Mr. Skillin since they were not provided to him earlier. He was given a copy and a 10-minute recess was taken to allow Mr. Cassida and Mr. DeGrandpre time to read the information.

Chair Gideon called the meeting back to order at 7:30 p.m. and provided an opportunity for Mr. Cassida to make comments or ask questions. Mr. Cassida pointed out that clearly Mr. Lowe’s and Mr. Skillin’s recollections differ from his and Nancy Clark’s. He does not know Mr. Lowe but reiterated his statement—he was standing right beside Nancy Clark as she approached both of them and personally witnessed their signing the petition. He and Nancy Clark were both there and witnessed both signatures. Mr. Lowe’s and Mr. Skillin’s recollections differ from his own and he can’t account for it.

Councilor Hendricks noted he could see the front row at the event and this picture appears to be wrong. He knows both Mr. Skillin and Mr. Lowe personally and he thought Mr. Skillin was on Councilor Pandora’s left but can’t say for sure.

Mr. Thompson noted that the diagram he described is consistent with Mr. Pandora’s testimony, which is very clear. Mr. Cassida’s statements are impossible considering the other facts in the sworn statements.

Councilor Hendricks asked why the two gentlemen are not here tonight. Mr. Thompson advised that he did not ask Mr. Lowe or Mr. Skillin for their affidavits. Both provided a sworn statement but chose to not come tonight.

Mr. Thompson advised that Kate Arno was at the 9/11 event and got some signatures there. Councilor Bishop asked Councilor Pandora where Jim Cassida was sitting before he moved. Councilor Pandora advised that he was sitting to his right and everyone then shoved down to Councilor Pandora’s left before he got up and walked around. Mr. Cassida clarified that when Councilor Pandora sat down next to him, he was to his left.

Attorney Hole noted that Mr. Thompson brought up the fact that some testimonies are witnessed and signed and others are not. He asked Johanna Hanselman to communicate to Councilors that they should

not require signed affidavits. He also left a message for the Thompsons regarding the same message.. He mentioned that it can be argued that affidavits have more weight than unsigned documents but it can also be argued that live testimony has more weight than affidavits.

Chair Gideon asked if there was anything additional to add before moving the discussion to the Council. This is an opportunity for any last statements or anything that needs to be presented.

Attorney McGehee touched base on the letter that was submitted. Their position is that Freeport's own Charter decides how this process is to go forward and what the standards are. The Charter requires an affidavit regarding the circulator's presence. She reiterated what the standard is under the Charter. She stated that under the terms of the Charter, the petition is insufficient to comply and the entire petition is invalid. She is asking the Council to decide whether or not one of those signatures was not personally witnessed by Mr. Cassida and in that case, she asked Councilors to make a legal determination that the petition is invalid.

Councilor Hendricks asked about Attorney McGehee's legal background. Attorney McGehee explained her experience.

Attorney Hole explained that he is perfectly comfortable with the advice he gave the Council last Wednesday and would indicate that his thoughts on this process were shared with Maine Municipal Association Attorneys. He suggested treating this as an objection under 30-A.

Councilor Hendricks had a question about the Clerk and inefficiency. Discussion followed. Chair Gideon noted it is really easy to look at all of the information, past law cases, Statutes 30-A, 21-A, she has to remind herself of what we have to do here. There has to be a preponderance of evidence to say that Jim Cassida failed to witness any of the signatures. Councilor Migliaccio feels that the Council should have discussion now and make a determination on the validity of the signatures. He reviewed the testimonies. Jim Cassida's statement is new tonight that he did not know Mr. Skillin or Mr. Lowe. Councilor Migliaccio mentioned that it is a definitive statement that he did not recognize Mr. Lowe or Mr. Skillin and questioned how he could witness their signature and go up and thank them. He noted that he is looking for agreement from the two attorneys on what they agree on. It appears they agree that the Council should be looking at the Town Charter and presence. Councilor Migliaccio referred to the Knutson case. The Secretary concluded that 21-A requires the voter to sign in the circulator's presence that requires both physical presence and awareness. He stopped there.

Attorney Hole noted that the guidance in the Knutson case is important. One has to be there and sees enough to know that the person is signing the papers.

Councilor Hendricks noted that he is not any more conclusive tonight than he was last week. No witness described where Jim Cassida was but it puts into question about the signature. He noted the facts are inconclusive on those two signatures. There is so much "he said, she said". He would have liked an opportunity to ask the witnesses about their testimony. He would prefer to strike those signatures without invalidating the whole petition and would be willing to move to do so.

Attorney Hole advised that the Council is being asked to make a factual determination without taking into account what a court may do in the future.

Councilor Bishop asked the challengers about a third signature that was discussed last week. Mrs. Thompson advised that she tried to contact Judith Mosier but was unable to reach her.



Chair Gideon noted there is no conclusive evidence that Jim Cassida did not personally witness the two signatures. Councilor Migliaccio asked what would be conclusive evidence. She would like to hear some clear statement from a witness saying where Jim Cassida was.

Councilor Migliaccio noted there is evidence that the circulator did not have awareness and the petition was never handed back for checking after each signature. He mentioned that he did not see the pen strokes. Attorney Hole noted that the circulator did not need to know the signer's name. It doesn't mean that it didn't happen. Councilor Migliaccio feels that there was nothing done maliciously.

Attorney Hole pointed out that the Council has done a credible job in dealing with this issue and explained what the court would have to decide. Attorney McGehee pointed out that the standard is there is no credible evidence.

Bev Curry, Town Clerk provided information on what she gives to candidates.

Councilor Migliaccio asked if he could move a motion and get the Council out of the circular discussion. Chair Gideon asked for guidance from Attorney Hole on how to proceed with four people. Attorney McGehee objected for the record stating it is not appropriate for the Town Attorney to inform the Council where to go in fact finding. Chair Gideon asked what the Council's procedure is if there is a split vote. Attorney Hole advised that if there is a tie vote, the motion fails. He mentioned that he prepared two motions.

Councilor Bishop would also like to talk to Mr. Lowe and Skillin because she has questions about seating, did they move around, etc. She feels she could vote to strike those two names from the ballot.

**MOVED AND SECONDED:** That we grant the objection, because Councilor Cassida did not personally witness the signatures in question on the nomination papers and those signatures are not to be counted. (Migliaccio & Hendricks)

**MOVED AND SECONDED:** To amend the "did not personally witness" and substitute "not in the presence". (Migliaccio & Hendricks) **ROLL CALL VOTE:** (4 Ayes)

**MOVED AND SECONDED:** that we grant the objection, because Councilor Cassida was not in the presence of the signatures in question on the nomination papers and the signatures of Paul Lowe and John Skillin are not to be counted. (Migliaccio & Hendricks)  
**ROLL CALL VOTE:** (3 Ayes) (1 Nay—Gideon)

Attorney McGehee noted that the petition itself under the Charter is insufficient and must be returned.

Attorney Hole understands Attorney McGehee's position but disagreed. He explained that the Town Clerk would proceed with Rich DeGrandpre's name on the ballot unless there is an injunction. The Court will focus on presence and not look at the effect of how many people are on the ballot. If the Thompsons decide to go to court, they would probably do it before the ballots go to the printer.

Councilor Migliaccio read what the court found in the Knutson case. Chair Gideon asked Mr. Cassida if he wanted to make any comments. He did not.

**MOVED AND SECONDED:** To adjourn at 8:45 p.m. (Hendricks & Bishop) **VOTE:** (4  
Ayes)

Respectfully submitted,

Sharon Coffin  
Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #18-11**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**OCTOBER 4, 2011 – 6:30 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></u>
Charlotte Bishop, Maquoit Drive	x		
James Cassida, 5 Timber Ridge Road	x (arrived 6:36 p.m.)		
Rich DeGrandpre, Timber Ridge Road	x (arrived 6:40 p.m.)		
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 6:30 p.m. and took a roll. He advised that Councilors DeGrandpre & Hendricks would be arriving later.

**FIRST ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #16-11 held on September 20, 2011 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #16-11 held on September 20, 2011 and to accept the Minutes as printed. (Bishop & Migliaccio) **VOTE:** (5 Ayes) (2 Excused—DeGrandpre & Hendricks)

Chair Cassida noted that the Minutes of Meeting #17-11 held on 9-21-11 and the continuation held on 9-27-11 will be voted upon later when Councilor Hendricks arrives since Chair Cassida, Councilor Pandora and Councilor DeGrandpre will not be voting.

**MOVED AND SECONDED** To Table to later in the meeting. (Bishop & Pandora) **VOTE:** (5 Ayes) (2 Excused—DeGrandpre & Hendricks)

**SECOND ORDER OF BUSINESS:** Announcements

Chair Cassida announced:

- The Planning Board is holding a workshop to discuss the Seacoast Zoning Amendment Request on October 5 at 6 p.m. in Council Chambers and invited the Council to attend.
- CHANS will be holding a public flu clinic for seasonal flu in Freeport on October 31 from 9 a.m.-12 Noon. There is no fee but they do accept donations for the vaccinations.
- The Town of Freeport has been given a Superior Award for its 2011 Municipal Report by the Maine Municipal Association. Freeport placed second in its population group. Caroline Pelletier has been working on The Municipal Report for several years and is responsible for Freeport receiving a first place award last year as well. This award will join the others on the wall in the Town Hall. He congratulated all Town staff that was involved.

- Meetings on Vision 2025 have been scheduled on October 13, 6:30-8:30 p.m. and also on October 27 from 5-7 p.m. at Town Hall. The public is invited to attend these meetings. The discussion will be focused on the question— what will make us a vital place to live, work and play in the future? For more information, residents are encouraged to call 865-4743, Extension 117.
  - Freeport residents have two options for disposing of hazardous waste. They are: Riverside Recycling Center, 910 Riverside Street, Portland, Tel: 797-6200, They are open the first Saturday of the month from April through November, 7 a.m.-4 p.m. The other option is Clean Harbors Environmental Services, 17 Main Street, South Portland, and Tel: 799-8111. They are open on Wednesdays from 8 a.m.-12 p.m. Chair Cassida encouraged residents to not take their hazardous waste to the Freeport Transfer Station.
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Councilor Hendricks arrived at 6:36 p.m. and Chair Cassida suggested backing up to vote on Minutes.

To waive the reading of the Minutes of Meetings #17-11 held on September 21, 2011 and its continuation on September 27, 2011 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meetings #17-11 held on September 21, 2011 and its continuation on September 27, 2011 and to accept the Minutes as printed. (Bishop & Migliaccio) **ROLL CALL VOTE:** (4 Ayes—Bishop, Hendricks, Gideon and Migliaccio)

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

Chair Cassida reminded everyone that this is not an opportunity for residents to debate issues with the Council.

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

Gary Profenno, resident and committee volunteer, asked the Council to look at the policy on how Boards and Committees post their information on the Town's website. The Council does an excellent job posting its agendas, consent agendas and supporting documents. Most other committees, especially committees working on Zoning Ordinances rarely post anything on line. Tomorrow night, the Planning Board will be talking about six major zoning changes and yet there is simply an agenda on the website to inform residents. The information is available if someone knows who to speak to at Town Hall. This makes it difficult for people to come into a meeting and speak about any topic with any sort of intelligence. Traffic and Parking will ensure that their Minutes get posted and information provided to residents. He feels it would be beneficial to have information posted on the Town's website prior to a meeting. Mr. Olmstead noted that he would work with Department Heads. Councilor Migliaccio offered to bring this subject up later in the agenda.

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

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

ITEM #157-11 To consider action relative to adopting the October 4, 2011 Consent Agenda.

**BE IT ORDERED:** That the October 4, 2011 Consent Agenda be adopted. (Bishop & Migliaccio)

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

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

ITEM #158-11 To consider action relative to proposed amendments to the Firecracker Ordinance concerning conformance with the newly enacted State statute (Chapter 38). PUBLIC HEARING

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

Chair Cassida explained the amendments. It is not intended to be a long-term fix but rather is intended to be a stopgap measure to get Freeport in compliance with the newly enacted State Statute. Fireworks cannot be sold in Freeport. The Ordinance prohibits consumer fireworks. There were no public comments provided. The Ordinance Committee will be asked to research this matter and next year's Council will most likely have discussions on this item.

There were no public comments provided.

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

Chair Cassida mentioned that Susan Campbell raised concerns about fireworks displayed other than on the Fourth of July. Mr. Olmstead explained that a licensed demolition applicator is not controlled at the local level for a wedding, etc. and the Town has no authority to regulate those types of displays.

**BE IT ORDERED:** That the proposed amendments to the Firecracker Ordinance be approved. (Pandora & Migliaccio) **ROLL CALL VOTE:** (7 Ayes)

ITEM #159-11 To consider action relative to waiving the Rules of Order and Procedure for the Freeport Town Council in order to reconsider Item #142-11 concerning an expenditure from the Land Bond Fund to provide one-half of the funds necessary to acquire a public access easement across Burr Cemetery providing access to a 14 acre land locked parcel owned by the Freeport Conservation Trust.

**BE IT ORDERED:** That the Rules of Order and Procedure for the Freeport Town Council be waived for the purpose stated above. (DeGrandpre & Migliaccio)

Chair Cassida explained that it was brought to the Council's attention after the last meeting, that perhaps the terms were not in compliance with the Bond Funds requirements. When this transpired, the Trust was advised of the violation and they returned the check and have been in communication with Ethel Wilkerson of the Conservation Commission and the Town Planner. They will finish their work and will bring it back to the Council. It is not ready for a vote this evening.

Bob Santomenna, a Trustee of the Freeport Conservation Trust advised that their purpose from the beginning was to provide public access to a parcel of land that abuts Burr Cemetery that they acquired by gift from Aqua Maine. The specific language of the Bond Fund requires that the funds have to be used to purchase land or an interest in land. They are proposing a restructure of the deal. The Town would have the power to enforce the conservation easement. The cemetery is anxious to close this deal but they need to make sure it is done right. He will be away for most of October but noted that November would work for them. More discussion followed. They would like to finalize this before the end of the year.

**MOVED AND SECONDED:** that Item #159-11 be tabled indefinitely. (DeGrandpre & Migliaccio) **VOTE:** (7 Ayes)

## **OTHER BUSINESS:**

### **1). Discussion on request from First Parish Church to waive the Administrative Fee for leased parking.**

Rev. Peter Heinrichs asked for an exemption from the 5% Administrative Fee which amounts to approximately \$1,500. They are a non-profit and have been experiencing some financial problems. They have signed a letter of intent with Mike Marino to lease their parking lot within the guidelines of the Town but will have full use of the parking lot on Sunday mornings, weddings, funerals, etc.

Mr. Olmstead explained the Ordinance that is in place. He advised that the Council has never waived this fee. He was not aware of any agreement between the Catholic Church and L.L. Bean but pointed out that there is another non-profit, which is the Historical Society but they have a retail component. This is the only true non-profit in the pool. He noted that First Parish Church would have to report quarterly on the status of their lease. Discussion followed. Mr. Olmstead suggested handling this matter this evening so the applicant can go forward.

**MOVED AND SECONDED:** that we make this exemption for the First Parish Church of the 5% Administrative fee conditioned upon the church collecting directly from the person leasing the spaces, that the leases still flow through the Town as the Ordinance requires and the church report quarterly on the status of collections to the Town. (Gideon & Bishop)

Councilor Hendricks has no problem since this church is the only true non-profit in the zone. Councilor Gideon indicated that she is willing to do this because of the church's non-profit status and noted they are different from other groups. Chair Cassida noted that he could rationalize this exemption because of their unique status. Mr. Olmstead will not be surprised if another request comes in from the Historical Society.

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

### **2). Announcement of date for Financial Workshop**

Chair Cassida announced that December 6 is the date of the Financial Workshop. He explained why the delays have taken place. It will run from 5-7 p.m. and the regular meeting will start at 7 p.m. Materials will be redistributed from our previous workshops by Town Staff so that people will have an opportunity to dust off their memories, etc. If Councilors have any questions they want addressed at the workshop, they should be submitted to the Finance Director at least a week in advance and a copy should be sent to the Town Manager and all other Councilors.

Councilor Migliaccio mentioned that he sent some questions to the Finance Director and sat down with her. He went through some of the Fund Balance stuff. He asked his fellow Councilors to dig them out. Councilor DeGrandpre asked if there is a tape of the meeting that took place at the Community Center. Councilor Migliaccio indicated that it is available and can be put on.

### **3). Announcement of Annual Report Award**

Chair Cassida already announced this award but Mr. Olmstead advised that this is Freeport's 20<sup>th</sup> award and Caroline Pelletier did take the process of putting the Report together from Kelly Profenno.

### **4). Discussion on process of hiring a new Town Manager**

Chair Cassida indicated that the Town Attorney would be arriving at 7:45 p.m.

### **5). Information Exchange / Committee Reports**

Councilor Gideon reported that the Fields and Trails Scheduling and Maintenance Committee has met one time and will meet again tomorrow. Donna Larson has agreed to head up a separate portion of the group to recommend trail development and use versus the original committee's charge. Donna's committee can focus on connecting existing trails, creating the connector and looking at the big vision. Councilor DeGrandpre encouraged them to also consider connecting to Bean's and Florida Lake. The Conservation Commission will now work only on the trail development portion. Serving on the Scheduling and Maintenance Committee are Candy Rinaldi, Tom Ross, Craig Sickels, Russell Packett, Kirk Cameron and Councilor Gideon.

Councilor Hendricks read a letter from the Department of Audit into the public record. Chair Cassida reminded everybody that at the last meeting, the Council authorized a Town Audit for the past year because it received the same advice from the Town Attorney that it would be best practice to do it each year. He encouraged future Councilors to authorize a Town Audit.

Councilor Migliaccio mentioned that the Council has not gone out to bid for an Auditor and asked Mr. Olmstead when it was last done. Mr. Olmstead advised that it was done in the mid 90s. He hopes that when the Council has its workshop, this can be discussed and decided upon.

Marie Gunning of Telos Road noted that it is great that the State Auditor provided clarification on where this issue sits. Freeport's Town Charter specifically states that the Town needs to approve the Auditeach year and the Council needs to address it going forward. The vote at the last meeting was to approve the current Auditor and she mentioned that anything over \$10,000 has to go out to sealed bid. She asked if the Council would put that service out to bid and ensure that it is getting a good price since it is overdue.

Councilor Hendricks mentioned that he got a call from a constituent asking for a cost analysis regarding the legal fees that the Town incurred for the recent hearings and a specific accounting of staff time and legal and professional fees regarding the questions concerning issues raised by Marie Gunning. The constituent is hoping to have this information by the next meeting. He mentioned that this person has no affiliation with either candidate.

Marie Gunning was surprised at this request. She stated that she is running for Town Council and she can walk through every issue she has raised very responsibly and respectfully worthy of discussion over the last year and a half. She would be interested in knowing as a taxpayer, how our money is being managed. She would love to know how much time it is taking for Town Staff to answer legitimate questions. She

would welcome an opportunity to sit down with the Council and talk about the issues. Guy Quartrucci of South Freeport was astonished at the bad lapse of judgment of Councilor Hendricks in bringing this up from an anonymous citizen. He asked since when does a Council or any particular entity put a price on any citizen participation in Town government. Councilor Hendricks denied that this was politically motivated. Councilor Gideon pointed out that all Councilors receive phone calls from the public. Chair Cassida noted that the question would be processed and an answer would be provided. Councilor DeGrandpre advised that he needed to make a comment. He had nothing to do with this. He doesn't want to play this game. He heard about this the same time as Marie. He is busy but is willing to take on anybody in a fair fight. He would welcome the challenge. That is not how he plays.

Councilor Migliaccio asked that the Council treat this with discretion when the information does come out. Marie Gunning disagreed. She wants that accounting information. She stated that money is not being spent on frivolous questions and each Councilor is aware of the questions she has raised. She has raised them respectfully and professionally.

Councilor Gideon reminded Councilors that in the last budget process, it was agreed that it would be prudent for a small committee to look at each department outside of the budget cycle to evaluate staffing responsibilities and be able to report back to the Council. They looked at Public Works a month ago. They are looking at the Library and then they will meet to discuss Town Hall in October so the process continues.

Councilor DeGrandpre thanked everybody from Municipal Facilities. He mentioned that it has been a good and interesting process and he is glad they are taking it on.

Councilor Migliaccio mentioned that at the end of Pine Street before Gideon Way and Concord Brook, there are speed concerns. He has had discussions with the Town Engineer on ideas on how to slow down the traffic. He asked the Traffic and Parking Committee to look at that end of the street as well as Pine Street in general. He mentioned that some citizens would like to participate when the Committee looks at it. He also brought up subdivisions with private roads that do not run through. The Town does not take over those roads. He asked if the Town could potentially include some of these roads in the asphalt bids to help citizens out on these private roads. Councilor DeGrandpre mentioned how other communities treat those private roads. Councilor Migliaccio also asked if the Town received an estimate for Quiet Zones. Sande Updegraph was asked to pursue an estimate. Chair Cassida was not prepared to answer this tonight.

#### **4). Discussion on process of hiring a new Town Manager**

Chair Cassida explained that he asked the Town Attorney to come in and speak about the Statute itself in the event there were any questions that needed addressing. The Town Manager intends to retire effective April 26, 2012 or thereabouts and the Council needs to find a suitable candidate, make an offer and have somebody on board so that there is a smooth transition. Attorney Geoff Hole explained Title I, Section 402. and the process involved in hiring a new manager. He provided guidance on why some components can be discussed in public session and others can only be discussed in private session.

Councilor Migliaccio thanked Mr. Olmstead for all his contributions to the Town and the notice he provided. Mr. Olmstead noted that it has been an interesting 30 years. Attorney Hole mentioned that he worked with Mr. Olmstead's predecessor and has enjoyed working with Mr. Olmstead.

Chair Cassida noted that the Council would make a decision later to discuss the specific charge with 3 possible options:



1. A citizen group Search Committee chaired by a member of the Town Council and the Council will ultimately make the final decision
2. Hire a professional executive recruiter to manage the search process with the Council making the final decision and possibly including citizen participation.
3. Appointing a hybrid Citizen/Town Manager Search Committee, chaired by a Councilor, with the authority to hire a professional on an ad hoc basis to assist them along the way.

These options will be discussed in further detail in Executive Session.

Sandy Thompson, of Byram Avenue, pointed out that it is actually 30A, Section 272. It doesn't negate any executive session but she wanted the citation correct on the agenda.

ITEM #160-11 To consider action relative to an Executive Session for a discussion of the process and the content of applications, working papers, the gathering of background documents and other records of documents prepared for the evaluation of applicants for Town Manager by the town, under 30 MRSA 272.

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

**MOVED AND SECONDED:** To adjourn at 9:14 p.m. (Bishop & Gideon) **VOTE:** (7 Ayes)

Respectfully submitted,

Sharon Coffin  
Council Secretary

**MINUTES**  
**FREEPORT SPECIAL TOWN COUNCIL MEETING #19-11**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**OCTOBER 24, 2011 – 6:30 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 designated the Town Manager as recording secretary for the meeting. He called the meeting to order at 6:30 p.m. and took the roll. All councilors were present.

**FIRST ORDER OF BUSINESS:** To take action on the following item of business as read by the Council Chairperson.

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ITEM #161-11 To consider action relative to an Executive Session to interview consultants in preparation for a discussion of the process and the content of applications, working papers, the gathering of background documents and other records of documents prepared for the evaluation of applicants for Town Manager by the town, under 30A MRSA 2702 (1A).

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

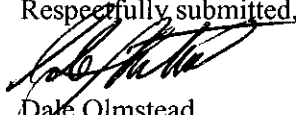
**MOVED AND SECONDED:** That the Town Council reconvene into Public Session. (Hendricks & Bishop) **VOTE:** (7 Ayes)

**BE IT ORDERED:** That Eaton Peabody be engaged for the purpose of assisting the Town Council in the search for and evaluation of applications for Town Manager

**BET IT FURTHER ORDERED:** That up to \$5,500 be expended from the FY12 Operating Budget Miscellaneous Account to provide for the consultant services. (Bishop & Migliaccio) **VOTE:** (7 Ayes)

**MOVED AND SECONDED:** To adjourn at 8:56 p.m. (Bishop & Migliaccio) **VOTE:** (7 Ayes)

Respectfully submitted,

  
Dale Olmstead  
Town Manager

**FREEPORT TOWN COUNCIL ORGANIZATIONAL MEETING #20-11**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, NOVEMBER 15, 2011 - 6:30 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></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 6:30 p.m. and took the roll.

**FIRST ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #18-11 held on October 4, 2011 and special meeting #19-11 held on October 24, 2011 and accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #18-11 held on October 4, 2011 and special meeting #19-11 held on October 24, 2011 and to accept the Minutes as printed. (Migliaccio & DeGrandpre) **VOTE:** (7 Ayes)

**SECOND ORDER OF BUSINESS:** That the Town Clerk report on the returns of the November 8, 2011 Election.

Town Clerk, Beverly Curry provided the following Election Report:

Total number of registered voters at the start of voting—6,073

Number of voters who registered on Election Day—65

Total number of State Ballots cast—3,213

Total percentage of voters who cast ballots—52%

Number of Absentee Ballots requested—563

Number of Absentee Ballots returned by 8 p.m. Election Night—544

Percentage of ballots cast as absentees—17%

Voters elected the following candidates to Municipal Offices:

District 2 Councilor, 3-year term: Katherine Arno—496 votes

District 3 Councilor, 3-year term: Kristina Egan—494 votes

Councilor-at-large, 3-year term: Richard DeGrandpre—1,585 votes

Sewer District Trustees, 3-year terms: Michael Ashby—2,026 votes, Timothy Whitacre—1,961 votes

Water District Trustee, 3-year term: Edmond Theriault—1,978 votes

RSU #5 Board of Directors, 3-year terms: Nelson Larkins—1,351 votes, Beth Parker—1,842 votes

State results:

Question #1: People's Veto-Same Day Registration: 2,154 Yes Votes, 1,035 No Votes

Question #2: Biddeford Slot Machines: 1,214 Yes Votes, 1,976 No Votes

Question #3: Lewiston Slot Machines: 968 Yes Votes, 2,224 No Votes

Question #4: Constitutional Amend. Redistricting years: 1,711 Yes Votes, 1,216 No votes

County Question: Civic Center Bonding: 1,688 Yes Votes, 1,336 No Votes

County Commissioner: Gordon—1,556

County Commissioner: Grover—643

Ms. Curry thanked everyone involved in helping to make Election Day run very smoothly.

**MOVED AND SECONDED:** That the Town Clerk's report be accepted. (Gideon & DeGrandpre) **VOTE:** (7 Ayes)

Councilor Pandora thanked Freeport's residents for giving him an opportunity to serve as a Councilor. He pledged to continue his involvement in Town affairs.

**SWEARING IN OF NEW COUNCILORS:** Town Clerk Beverly Curry swore in newly elected Councilors Katherine Arno, Kristina Egan and Richard DeGrandpre. They were asked to take their seats on the Council.

**ROLL CALL OF NEW MEMBERS:**

**PRESENT**

James Cassida, 5 Timber Ridge Road	x
Rich DeGrandpre, 11 Timber Ridge Road	x
Charlotte Bishop, 145 Maquoit Drive	x
Sara Gideon, 78 Bow Street	x
James Hendricks, 21 West Street	x
Katherine Arno, 76 Pleasant Hill Road	x
Kristina Egan, 5 Weston Point Road	x

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

Chair Cassida noted that this is a time-sensitive issue that needs to be taken care of this evening.

ITEM #162-11 To accept a bid for a new Public Works truck and plow equipment.

**MOVED AND SECONDED:** To waive Item 6 of the Rules of Order and Procedure of the Freeport Town Council to allow for the acceptance of a bid for a Public Works vehicle and plow equipment.

**BE IT ORDERED:** That the bid from Freightliner and Western Star of Maine in the amount of \$68,877 for a new Public Works truck be accepted.

**BE IT FURTHER ORDERED:** That the bid from H.P. Fairfield in the amount of \$75,826 for plow equipment accepted.

Note: The bid is with trade in and must be accepted by December 1, 2011 per bid response. (DeGrandpre & Gideon)

Chair Cassida pointed out that everyone has a copy of the bid documents. Mr. Olmstead explained that there were three bids received that met specs. The bids are \$20,000 below budget.

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

ITEM #163-11 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. (Hendricks & DeGrandpre) **VOTE:** (7 Ayes)

**MOVED AND SECONDED:** To nominate Jim Cassida for the position of Council Chairperson. (Hendricks & DeGrandpre) **VOTE:** (7 Ayes)

**MOVED AND SECONDED:** That the nominations close. (Hendricks & Bishop) **VOTE:** (7 Ayes)

**BE IT ORDERED:** That Jim Cassida be elected Chairperson of the Town Council. (Hendricks & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes)

**MOVED AND SECONDED:** That the nominations for the position of Council Vice-Chairperson be opened. (Arno & DeGrandpre) **VOTE:** (7 Ayes)

**MOVED AND SECONDED:** To nominate Sara Gideon for the position of Council Vice Chairperson. (Eagan & Bishop) **ROLL CALL VOTE:** (7 Ayes)

**MOVED AND SECONDED:** That the nominations close. (Arno & Bishop) **VOTE:** (7 Ayes)

**BE IT ORDERED:** That Sara Gideon be elected Vice-Chairperson of the Town Council. (Arno & Bishop) **ROLL CALL VOTE:** (7 Ayes)

Chair Cassida went to the podium and called outgoing Councilors Pandora and Migliaccio up and recognized them for making the personal sacrifices needed to serve their community. He hopes that they will continue to serve the public and provide their voices to the process. He thanked them for their dedication and provided gifts to them.

Outgoing Councilor Migliaccio introduced his family and thanked the citizens of Freeport for the honor of serving two terms. He has found the hard work rewarding. He acknowledged the efforts Ms. Eagan made to win her position on the Council and wished her well.

Outgoing Councilor Pandora apologized for speaking out of order earlier. He asked his wife and children to come to the podium and thanked them for their support. He wished Kate Arno well in her new role.

A reception for outgoing Councilors took place.

**MOVED AND SECONDED:** To adjourn at 6:55 p.m. (Bishop & DeGrandpre) **VOTE:** (7 Ayes)

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Respectfully submitted,

Sharon Coffin  
Council Secretary

**MINUTES**  
**FREEPORT SPECIAL TOWN COUNCIL MEETING #21-11**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**November 17, 2011 – 6:30 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		
Katherine Arno, 76 Pleasant Hill Road			x
Kristina Egan, 5 Weston Point Road	x		

Chair Cassida called the meeting to order at 6:40 p.m. and took the roll. Councilor Arno was excused.

**FIRST ORDER OF BUSINESS:** To take action on the following item of business as read by the Council Chairperson.

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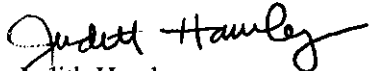
ITEM #161-11 To consider action relative to an Executive Session to meet with Eaton Peabody in preparation for a discussion of the process and the content of applications, working papers, the gathering of background documents and other records of documents prepared for the evaluation of applicants for Town Manager by the town, under 30A MRSA 2702 (1A).

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

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

**MOVED AND SECONDED:** To adjourn at 7:50p.m. (Bishop & Gideon) **VOTE:** (6 Ayes)

Respectfully submitted,



Judith Hawley  
Assistant to the Town Manager

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #22-11**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, DECEMBER 6, 2011 – 7 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></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 7:05 p.m. following a financial workshop and took the roll.

**FIRST ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #20-11 held on November 15, 2011 and meeting #21-11 held on November 17, 2011 and to accept the Minutes as printed.

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #20-11 held on November 15, 2011 and meeting #21-11 held on November 17, 2011 and to accept the Minutes as printed. (DeGrandpre & Eagan) **VOTE:** (7 Ayes)

**SECOND ORDER OF BUSINESS:** Announcements

Chair Cassida reminded folks that the Council would be having a workshop on January 17 from 5-7 p.m. to discuss the status of Seacoast United. He noted that there have been discussions between Seacoast, the Planning Board and Council leadership regarding the next steps. A discussion will take place regarding zone changes at the proposed site and the possibility of their pursuing other properties in town.

The Rotary is seeking host families for 2012 to house incoming exchange students. If anyone is interested, they are encouraged to contact Karen O'Rourke at [www. @ourourkekaren7@Gmail.com](http://www.orourkekaren7@gmail.com).

On 12-15 at 8 a.m. the Town will hold a lottery to award two residential and one non-residential student commercial shellfish licenses. Applications should be submitted to the Town Clerk by no later than 6 p.m. on 12-14. Applications will only be accepted accompanied by proof of identity and proof of enrollment as a student. . If anyone has questions, they can call the Town Clerk at 865-4743, Extension 123.

Councilor DeGrandpre pointed out that the Freeport Community Services Thrift Shop will be having a half off sale on everything from now through Christmas. They are open Mondays through Fridays from 8 a.m. to 5:30 p.m. and Saturdays from 9 a.m. to 5:30 p.m.

Councilor Bishop advised that she has received E-mails from residents thanking the Public Works road crew for doing an excellent job on Flying Point Road. She mentioned that a section of guardrail needed to be extended for safety reasons. She thanked everybody that was involved. Chair Cassida also acknowledged the E-mails received from several residents regarding the good job our Public Works crew did. He appreciated their messages. Councilor Bishop thanked Chief Fournier for having a fire truck in place during the construction.

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

Chair Cassida explained that this is an opportunity for the public to bring items to the Council's attention. The Council does not have an opportunity to discuss items with the public. He asked that they limit their comments to three minutes.

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

Stephanie Helms pointed out that a "Crow's Nest" flier has been made available at various locations around town as well as the Town Hall. She distributed copies to the Council and read from it. She noted that the person responsible for this is well known. She noted that this kind of material should not be distributed at Freeport's Town Hall.

Ken Mann applauded the previous speaker for addressing this issue. He explained that the "Crow's Nest" flier has been around for close to 30 years and former Councilor Ed Campbell has been circulating this information. He suggested that the Council take some action and institute a policy restricting the public from entering certain areas of the Town Hall. He urged the Council to consider this for the good of the community since public employees and residents are being hurt by this publication. He feels it should not be made available at the Town Hall.

Sandy Thompson of Byram Drive provided copies of a memorandum she wrote to the Town Council dated December 6 regarding intimidation in Freeport and provided copies to the Council Secretary. The memorandum explained that she was a victim of intimidation. She noted that intimidation motivates her. She feels an investigation needs to be undertaken and that the Council cannot rationalize this "Crow's Nest" publication away. She believes that the Town Manager was directly involved in the distribution of this flier.

Peter Thompson of Lower Flying Point also spoke on the topic of the "Crow's Nest" and noted that he feels the picture of an employee being hung from a tree is an outrage. He suggested that the Council get to the bottom of it.

Lucy Lloyd of Maquoit Drive invited Councilors and residents to a public meeting on "Save Our Neighborhoods" on December 21 at 6:30 p.m. at the Community Library's Meeting Room. She explained the group's goal. Their E-mail address is [Saveourfreeportneighborhoods@GMail.com](mailto:Saveourfreeportneighborhoods@GMail.com). They had a very well attended public meeting in November. The Town Planner spoke about the Zoning Ordinance.

Robin Voit of Maquoit Drive explained that a petition is being circulated in the neighborhoods regarding zoning changes that would permit commercial projects in residential areas and the Council can expect to get it at their next meeting in December. Along with signatures, comments are also included. He requested that the Council protect the residential neighborhoods. He pointed out that 70% of tax revenues come from residences and Freeport is not just about tourism.

Walter Libby of 16 Murch Road suggested not talking about the Hedgehog Mountain Trails tonight since they are under the jurisdiction of the Conservation Commission. He mentioned that this is an agenda item.

Eric Pandora of Birch Point Road explained that he was intimidated by the "Crow's Nest" during his campaign. He feels it needs to be investigated outside of the Freeport Police Department and the Town Council. He mentioned that he received harassing phone calls and threatening letters. He feels a special Council needs to be appointed to investigate this.



Marie Gunning of Telos Road explained that she was attacked in the “Crow’s Nest” publication and the information was completely false and horrific. The Council needs to do something since the “Crow’s Nest” has crossed the line. It is not acceptable and is not what Freeport is about. She thanked everybody for his or her support and encouragement during her campaign.

Deb Smith of Lower Flying Point Road brought up the fact that Freeport has the same mil rate as the Town of Cumberland that doesn’t have a town center. She mentioned the Seacoast development and pointed out that Freeport agreed to give them the land and also pay \$15,000-\$30,000 for a feasibility study to see if it would work. She stated that it doesn’t appear Freeport is benefiting from the Seacoast proposal. She also requested that the Council make a better effort to communicate better.

Tom Schwam of Grover’s Crossing supports the resident of the West neighborhood in their resistance to a zoning change. He feels the Council should pay attention to the Comprehensive Plan and focus more on what we have for commercial land. He recalled that there have been bruising fights in Freeport on zoning.

Tom Ross of 8 Murch Road distributed Chair Cassida’s comments made during a November 2 meeting and read them into the public record. He pointed out that there was a majority vote by the Planning Board to deny a change to the zoning law.

Paul Trueworthy of 6 Murch Road explained that he bought his land in 1977 because he liked the rural character of the neighborhood. He asked the Council to use their power to prevent any change to the rural aspect of the area and keep the commercial aspect out of it.

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

Chair Cassida noted that the Council will take the public’s comments under advisement and will take it up with the Town’s legal folks on a prudent course of action. He asked for an opportunity to report back at the next meeting.

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

ITEM #167-11 To consider action relative to adopting the December 6, 2011 Consent Agenda.

**BE IT ORDERED:** That the December 6, 2011 Consent Agenda be adopted. (Hendricks & Bishop)

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

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

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ITEM #168-11 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 20, 2011 at 6:30pm in the Town Hall Council Chambers to discuss proposed amendments to the General Assistance Ordinance.

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

Mr. Olmstead explained that each year the Town is required to vote on the proposed amendments to the General Assistance Ordinance.

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

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ITEM #169-11      To consider action relative to the proposed purchase of Town owned property located on West Street (Tax Assessor Map 10, Lot 13C).

**BE IT ORDERED:** That a Public Hearing be scheduled for December 20, 2011 at 6:30pm in the Town Hall Council Chambers to discuss a proposal for Habitat for Humanity to purchase Town owned property located on West 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. (DeGrandpre & Bishop)

Councilor Gideon provided a brief explanation.

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

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ITEM #170-11      To consider action relative to accepting a bid for a new ambulance.

**BE IT ORDERED:** That the bid from Sugarloaf Ambulance/Rescue Vehicles in the amount of \$152,818 be accepted with trade in.

*Note: The low bidder is offering an incentive if a second ambulance is purchased by December 31. Another ambulance is scheduled to be replaced in 2012 as per the most recent Capital Plan.*

*Note: The budgeted amount for the 2011 ambulance replacement is \$190,000 and for 2012 the budgeted amount is \$162,000. (Arno & DeGrandpre)*

Chief Fournier worked with five other towns in this bidding process. He is happy with the price. He pointed out that the incentive does not need to be acted upon tonight. It will be on the table when it comes up in March. He answered questions for Councilors.

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

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COUNCIL MEETING #22-11  
DECEMBER 6, 2011

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ITEM #171-11 To consider action relative to a proposed Municipal Sublease between the Town of Freeport and the Northern New England Passenger Rail Authority (NNEPRA) concerning a train platform.

**BE IT ORDERED:** That the proposed sublease be approved.

**BE IT FURTHER ORDERED:** That the Town Manager be authorized to sign the sublease on behalf of the Town. (Eagan & DeGrandpre)

Ed Bonney, Train Committee Chairperson, offered to explain this item but Town Attorney Peter Van Hamel arrived and explained the documents before the Council. He answered questions for Councilors.

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

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ITEM #172-11 To consider action relative to a proposed Municipal Station Agreement among the Town of Freeport, the National Railroad Corporation (Amtrak) and the Northern New England Passenger Rail Authority (NNEPRA).

**BE IT ORDERED:** That the Municipal Station Agreement be approved.

**BE IT FURTHER ORDERED:** That the Town Manager be authorized to sign the sublease on behalf of the Town. (Hendricks & Bishop)

Chair Cassida noted that this has already been discussed so he called for a vote.

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

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ITEM #173-11 To consider action relative to an expenditure from the Traffic and Parking Reserve Fund to study the potential of extending the Brunswick Explorer bus service to Freeport.

**BE IT ORDERED:** That \$5,000 be expended from the Traffic and Parking Reserve Fund to provide for a traffic study

*Note: The fund amount is currently \$303,000. (Gideon & Bishop)*

Donna Larson, Town Planner, explained that the Brunswick Explorer is a bus service that runs through that town. She learned that the Towns of Bath and Topsham received a grant to study the possibility of expanding the service to their towns. In order to include Freeport in the study, it will cost \$5,000. She explained the benefits that the Town would see if employees could leave their cars home and free up much needed parking spaces during the summer season. She explained what would be addressed in the study. She answered questions for Councilors. Discussion followed.

**ROLL CALL VOTE:** (4 Ayes) (3 Nays—DeGrandpre, Eagan and Gideon)

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ITEM #174-11 To consider action relative to an expenditure of \$3,000 from the Village Open Space fund to provide for the creation of an ice skating rink on Depot Street.

**BE IT ORDERED:** That \$3,000 be expended from the Village Open Space fund to provide for the creation of an ice skating rink on Depot Street.

**BE IT FURTHER ORDERED:** That 25 parking credits be issued to 88 Main Street Freeport, LLC. from ~~December 15—April 15~~ December 1-March 31.

**BE IT FURTHER ORDERED:** That the Town Manager be authorized to enter into an agreement with 88 Main Street Freeport LLC for use of the parking lot as a skating rink.

**BE IT FURTHER ORDERED:** That the following donations for the skating rink be accepted, \$500 Rotary, \$500 Nordica Theater, \$500 Freeport Fire Association, donation of materials from Warren Construction and Zachau Construction.

*Note: The fund amount is currently \$15,500. (Bishop & Eagan)*

Town Planner, Donna Larson explained that she has been exploring the idea of using a village parking lot for a winter ice skating rink. The lot on Depot Street just south of the house at 45 Depot Street is perfect. Linda Bean agreed to this at no cost to the Town during the winter months. Ms. Larson is proposing to purchase an ice-skating rink kit manufactured by NiceRink in Wisconsin. The Town will be responsible for taking care of it and also will take it down in the spring. 25 parking credits need to be issued to 88 Main Street Freeport, LLC. She has received cash donations and offers of free materials to help with the rink construction. The \$3,000 not covered can come out of the Village Open Space Fund. Discussion followed. A management plan on hours of skating will be needed.

**MOVED AND SECONDED:** To amend the dates to December 1-March 31 (Bishop & DeGrandpre) **VOTE:** (7 Ayes).

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

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#### **OTHER BUSINESS**

- 1) Report and recommendation from the Fields and Trails Scheduling and Maintenance Committee

Candice Rinaldi, Board member of FEDC walked the Council through what the committee has done. The committee members are Craig Sickels, Russell Packett, Kirk Cameron, Tom Ross and Sara Gideon. Ms. Rinaldi feels the Council should appoint an Advisory Committee of perhaps 5 or 6 members to ensure that everything works well. She answered questions for Councilors. She recommends asking students to provide names for the field in some sort of contest.

Councilor Gideon pointed out that the committee did a lot of work. She mentioned that during big events, there should be respect for the neighborhood. Concessions also need to be addressed.

Chair Cassida thanked Ms. Rinaldi for all the work she and her committee did. He hopes the committee will continue to be engaged. He asked if the Council would be comfortable with the Appointments Committee authorizing a new Town committee. Mr. Olmstead advised that it would take an Ordinance change to add a standing committee. If there are members of the community that would like to be on this committee, they should fill out a committee volunteer form that is on the Town's website as soon as possible.

Chair Cassida had a scheduling question and the 59-day timeline. Craig Sickels advised that in June he would have a fall schedule all set. In February they will be finalizing their spring schedule, which starts the middle of April. Fees are a concern for him. Chair Cassida noted this is a discussion that needs to take place well before the fields are in use.

Tom Ross thanked Ms. Rinaldi for letting him join the committee. Walter Libby thanked Councilor Gideon and Ms. Rinaldi for letting him attend some of the meetings. He also thanked Donna Larson for answering his questions. Mr. Libby provided a petition to Councilors and read it into the public record.

Mr. Sickels thanked everybody for making the Hunter Road field happen.

- 2) Discussion of a grant application for possible funding of trail development and improvement (Donna Larson) *Note: The Council will be asked to formally endorse the grant application.*

Ms. Larson displayed a map and explained that the Hedgehog Mountain area is comprised of 250 acres. Those trails are currently managed and maintained by Conservation Commission volunteers. She looked at the area as a whole and explained the Pownal Road recreation area, the former Keith parcel and the Hunter Road Fields and Trails parcel. The acquisition of the Hunter Road property and the development of the athletic fields in 2011 creates a new opportunity to expand the existing trails to include this new property. The grant will only cover parts of the projects. It is all based on money and it will take a much longer time to get it all done. She doesn't hold out a whole lot of hope for this grant but if the Council endorses it tonight, she will send it in. Discussion followed.

Ethel Wilkerson, Chair of the Conservation Commission explained what the commission does. They are a Town Committee and are responsible for over 450 acres in Freeport. Volunteers do all of their management. She noted they have concerns with the organized recreational events where hundreds of runners can participate. She mentioned that in order for any changes to the use of Hedgehog Mountain or its management plan to take place, there needs to be a public hearing to see what Freeport people want to see at Hedgehog Mountain. Joe Hahn of the Conservation Commission unanimously agreed with what Chair Wilkerson stated. Hedgehog Mountain is the flagship open land in Freeport. It was purchased 20 years ago and it a beautiful area. He is opposed to putting in a 12' wide trail in the area being proposed. It would be inconsistent with what they are all about. This needs to be discussed thoroughly.

Chair Cassida advised that the Council would not be making a decision this evening. Mr. Hahn pointed out that this is scheduled to go to the Planning Board tomorrow night.

Lex Holly advised that he worked with Ms. Larson and explained they were trying to find a nice balance. He feels there is a lot of space for trails and plenty of room for peace and quiet.

Andrew Arsenault, newest member of the Conservation Commission asked who requested the Town Planner to form a new committee. He suggested bringing all the suggestions to the Conservation Commission and holding a few public hearings before going to the Town Council. Mr. Arsenault feels this is leap frogging over the Conservation Commission rather than stepping up and helping them. It is frustrating for the Conservation Commission.

Ms. Larson advised that the grant requires that the Planning Board approve the grant application tomorrow night. She mentioned that FEDC was doing the stuff for the fields and reviewing the field proposal and how it would be managed. They were also looking at the trails as well. They appeared to be struggling and she volunteered to help.

Chair Cassida noted that going to the Planning Board tomorrow night to approve a grant appears to be premature. There is discomfort in proceeding with the grant. Councilor DeGrandpre agreed. It is important to keep these groups working together. No further action is needed on the grant application at this time. It is important that everyone stay involved in the process.

Councilor Gideon thanked Ms. Larson for all the work that she has done. Councilor DeGrandpre indicated that the Council needs to hear what the commission needs for trail maintenance.

- 3) Chairperson's committee assignments for 2012

Chair Cassida advised that everybody has been assigned to at least three committees. He reviewed the assignments. He suggested that Councilors provide worthy updates of their meetings at the end of each meeting under Information Exchange.

4) Discussion of the status of the Sidewalk Maintenance Ordinance (Chapter 9)

Councilor Hendricks advised that he spoke to the Town Engineer about plowing sidewalks in District 1 at no charge. In the 1970s, property owners were responsible for cleaning up the sidewalks in front of their businesses in the downtown. Some people are upset with the Ordinance because there are some inequities that need to be addressed. Bow Street gets plowed but Main Street does not. Holbrook gets plowed because it is on the way to school. He feels someone needs to get involved and start the conversation. Chair Cassida suggested sending it to the Ordinance Committee for discussion and asking them to bring it back to the Council.

5) Update on process for selecting a new Town Manager

Councilor Cassida advised that the Council met with a consultant two weeks ago and a revised timeline was E-mailed back. He indicated the timeline for residents. Hopefully the new manager will be on board in September before Mr. Olmstead departs mid-October. He mentioned that it is important for public involvement at the front end and at the back end.

Councilor DeGrandpre suggested that Councilors keep their schedules clear so they can participate in the entire process.

6) Informational Exchange.

None

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ITEM #175-11	To consider action relative to an executive session concerning easement negotiations for access to the train platform. 30A MRSA Sec. 405(6c)
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**MOVED AND SECONDED:** That the Town Council enter in to executive session to discuss easement negotiation for access to the train platform. (Hendricks & DeGrandpre) **VOTE:** (7 Ayes)

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

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**MOVED AND SECONDED:** To adjourn at 11:32 p.m. (Gideon & Bishop)  
**VOTE:** (7 Ayes)

Respectfully submitted,

Sharon Coffin  
Council Secretary

**MINUTES**  
**FREEPORT TOWN COUNCIL MEETING #23-11**  
**FREEPORT TOWN HALL COUNCIL CHAMBERS**  
**TUESDAY, DECEMBER 20, 2011 - 6:30 P.M.**

	<u><b>PRESENT</b></u>	<u><b>ABSENT</b></u>	<u><b>EXCUSED</b></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		
Katherine Arno, 76 Pleasant Hill Road	x		
Kristina Egan, 5 Weston Point Road	x		

Chair Cassida called the meeting to order at 6:35 p.m. and took the roll. He noted that Councilors Arno and Hendricks would be arriving shortly.

**FIRST ORDER OF BUSINESS:** To waive the reading of the Minutes of Meeting #22-11 held on December 6, 2011 and to accept the Minutes as printed.

Councilor Egan pointed out that she and Councilor Arno were not included in the list of Councilors and that her name is spelled "Egan".

**MOVED AND SECONDED:** To waive the reading of the Minutes of Meeting #22-11 held on December 6, 2011 and to accept the Minutes as amended. (Bishop & DeGrandpre) **VOTE:** (5 Ayes) (2 Excused—Arno & Hendricks)

**SECOND ORDER OF BUSINESS:** Announcements

Chair Cassida announced that there would be a workshop on January 17, 5-7 p.m. in the Council Chambers to discuss the Seacoast United proposed development. It will be open to the public. Seacoast will be giving an update explaining what development route they are planning to pursue.

The Rotary Club is seeking host families for 2012 to house incoming exchange students. If anyone is interested, they are encouraged to contact Karen O'Rourke at [www. @orourkekaren7@Gmail.com](http://www.orourkekaren7@gmail.com).

The Town of Freeport is in need of residents willing to serve on Town Boards and Committees. There are vacancies on the Winslow Park Commission and the Recycling and Solid Waste Committee. There will occasionally be other vacancies throughout the year. Applications can be found on the Town's website or may be picked up at the Town Hall.

Chair Cassida thanked the Town's employees and businesses that raised almost \$1,200 in their annual Christmas raffle. The money was dedicated to the FCS Food Pantry and the Carol Kaplan Fuel Fund.

Chair Cassida explained that the Town Office would be open from 7:30 a.m.-6 p.m. December 19-22 and closed on December 26. It will be open December 27, 28 and 29 but closed on January 2 and open the remainder of the week. The Recycling Facility will be closing at Noon on the Saturday before Christmas as well as Noon on the Saturday before New Year's Day. The Public Library will be closed on 12/24 and 12/26 and also on New Year's Eve and the day after New Year's. The Public Safety Reception area will be closed on Christmas Day and New Year's Day.

Chair Cassida explained that the Council was invited to attend a meeting with the Freeport Save our Neighborhoods Coalition tomorrow evening. He thanked them for the invitation and explained that the entire Council is prohibited from attending but he and Councilor Egan are planning to attend and will represent the Council.

Councilor DeGrandpre pointed out that the Freeport Community Services Thrift Shop is still having a half off sale on everything from now through Christmas. There are some really good deals, which would make wonderful gifts. They are open Mondays through Fridays from 8 a.m. to 5:30 p.m. and Saturdays from 9 a.m. to 5:30 p.m.

**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:** (6 Ayes) (1 Excused—Hendricks)

Chair Cassida explained the rules involved in this period.

Kate Butler of Desert Road and from the Freeport Save Our Neighborhoods Coalition presented a petition to the Council. She asked that the Council not allow zoning changes to permit commercial development in Freeport's residential zones.

Wayne Hollingworth thanked Councilors for running and getting elected. He also thanked the other residents that ran unsuccessfully. He suggested that the Council work with the RSU5 Committee to develop a program that would allow students to go into the elections and learn about the election process. He plans to speak to the School Committee and would be happy to talk to anyone about this.

Paul Trueworthy of 6 Murch Road thanked the two Councilors that offered to come to tomorrow night's meeting or the meeting on the 17<sup>th</sup>. He read four questions that he would like to have addressed tomorrow night or at the January 17<sup>th</sup> meeting. He provided a written copy of these questions.

Guy Quartrucci invited Councilors to tomorrow night's meeting in the Library's Meeting Room hosted by the Save our Neighborhoods Coalition. They have a [website—Saveourneighborhoods@GMail.com](mailto:Saveourneighborhoods@GMail.com). for meeting notices and information. He noted that their meetings are open to the public and everyone is welcome to attend.

Lucy Lloyd thanked Chair Cassida and Councilor Egan for offering to come to tomorrow night's meeting. She referred to the petition and asked Councilors to read over the comments that have been provided.

Deb Miller of South Freeport Road urged the Council to not allow zone changes that would permit commercial development in residential neighborhoods.

Roben Voigt of Maquoit Drive noted that the Coalition's emphasis is not on economic development but focuses on the needs of the neighborhoods. He mentioned that information could be determined by a needs assessment or by some sort of survey. He noted that 70% of the tax base comes from residential development.

Sandy Thompson of 7 Byram Drive asked residents to support the Coalition. She suggested that the Council schedule a workshop with residents to improve and update a code of ethics. She had information to start the process.



Marie Gunning of Telos Road asked what it would cost to maintain the train platform. She mentioned that within the contract the Town is obligated to have an automatic ticket machine and asked how it will housed and what will it cost. She also had questions about the easement for the train platform. She wished the Council a Merry Christmas.

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

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

ITEM #179-11 To consider action relative to adopting the December 20, 2011 Consent Agenda.

**BE IT ORDERED:** That the December 20, 2011 Consent Agenda be adopted. (Hendricks & Bishop)

Chair Cassida reviewed the items on the Consent Agenda for members of the public. There were no questions.

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

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ITEM #180-11 To consider action relative to the proposed sale of Town owned property to Habitat for Humanity located on West Street (Tax Assessor Map 10, Lot 13C).  
**PUBLIC HEARING**

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

Councilor Hendricks provided an update on this proposal.

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

Councilor Egan is curious about the assessed value. Steve Bolton of Habitat explained that they agreed to pay \$104,000 in back taxes and expenses due to the Town from three homes under construction on South Street. They will also pay \$5,000 for each of the eight units approved on West Street. They are asking the Council to link the two projects and delay the payment on the South Street units until they can sell the eleven properties. At that time they would owe the Town \$144,000. He assured the Council that they would not leave a development unfinished. Discussion followed.

Town Planner, Donna Larson, explained that the assessed value is \$165,400, which appears to be over assessed.

Councilor Egan noted that she is very supportive of this project. Chair Cassida feels this is the best return the Town can get for this property since the Town has tried to sell it for more than ten years. Councilor Hendricks noted that creating affordable housing is great. He had questions about grant applications, which were addressed by Ms. Larson. Councilor Gideon pointed out that the Town would eventually receive approximately \$40,000 in taxes annually when the units are sold.

**BE IT ORDERED:** That the proposed sale of Town owned property (Tax Assessor Map 10, Lot 13C) to Habitat for Humanity as outlined in the Habitat proposal dated August 17, 2011 be approved. (Bishop & DeGrandpre) **ROLL CALL VOTE:** (7 Ayes)

**MOVED AND SECONDED:** To take an item out of order and discuss a response to a citizen concern about the “Crow’s Nest” raised at the December 6, 2011 Town Council Meeting. (Gideon & Egan) **VOTE:** (7 Ayes)

Chair Cassida read a letter into the public record from the State Attorney General’s Office saying that the publication, while inappropriate, is protected by the anonymous publisher’s right to free speech. Councilor Egan found the publication to be offensive and is confident many residents and colleagues feel the same way. It is her opinion that the Council can take a lead role for the public and the Council to discuss ideas and make good things happen in Freeport.

Sandy Thompson of Byram Avenue asked what type of material could be put in the lobby of the Town Hall or the Public Library. Chair Cassida noted that research is being done on what is appropriate but a second legal opinion is needed. In January, he expects the legal research will be completed and a discussion will take place at a future Council meeting. Mrs. Thompson noted that she plans to launch information on conflicts of interest and a code of ethics. She would like to distribute this information at Town Hall and at the Library. Her name and contact information will be clear on the information. She also suggested that the Council hire an investigator that would go out and talk to people and find out the facts.

Peter Thompson asked if the Town Manager had knowledge that the publication was coming out.

Town Manager, Dale Olmstead, walked everybody through the events that occurred on November 15. He pointed out that he has been victimized by the “Crow’s Nest”. He stated that he had no knowledge and no input into the “Crow’s Nest”. He encouraged anyone to bring his/her proof that he had anything to do with it forward. He would welcome an investigation.

Councilor Gideon noted that she is disturbed by accusations made to the Town Manager tonight. She is uncomfortable with the manner in which the Council listens to the comments but there is no back and forth. She feels it is wrong. Councilor Arno feels the Council needs to protect the integrity of the process, the Town’s leaders and the public.

Mrs. Thompson recommended that the Council share information with the public and trust them with it. Chair Cassida noted that the Council could always improve the way it communicates information but it is a two-way street. The public can always come in and ask questions without standing up at a public meeting and making accusations.

Stephanie Helms thanked Chair Cassida for taking the stand that he did in expressing his belief and the Council’s beliefs that this type of information is something the Town could do without. She thanked each Councilor that she spoke to for their personal assurances of the way they viewed the subject matter as presented.

Peter Thompson noted that he appreciates Mr. Olmstead’s explanation and offered an apology. He mentioned that dialogue helps to nip these things in the bud.

Roben Voigt asked if there is some way that kind of garbage could not show up in the Town Office. It was offensive and he feels Freeport can do better. Chair Cassida repeated that legal research is being done.

Kristen Dorsey mentioned that it is difficult to see emotions flare. It is important for the Council to recognize that when people come to the podium, it is an indication of what they hear is being said and not everyone has an opportunity to run into Town Hall to ask questions.

**COUNCIL MEETING #23-11**

**December 20, 2011**

Councilor DeGrandpre explained that it is important for the Council to come to the table prepared to be honest and truthful going forward. He is trying harder to relay accurate information. Chair Cassida suggested that the public not accept information they hear on the street but ask questions if clarification is needed. He instructed them to make a phone call to clear up something they don't understand or perhaps drop their Councilor an E-Mail. He stated that misunderstandings can be avoided if everyone communicates.

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ITEM #181-11      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. (DeGrandpre & Bishop) **VOTE:** (7 Ayes)

Mr. Olmstead explained that this is done every year.

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

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

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ITEM #182-11      To consider action relative to a resolution concerning a national passenger train system.

**WHEREAS,** an integrated national passenger transportation system includes a diversity of options, reduces inefficiencies, waste and delays; and

**WHEREAS,** a modern national passenger train system is an essential element of a truly balanced transportation plan, relieving congestion on our highways and in the air, lowering pollution levels, and increasing travel safety; and

**WHEREAS,** passenger rail service in general, and Amtrak's Downeaster service in particular, encourages economic development at a rate which is higher than other modes of transportation; and

**WHEREAS,** all modes of transportation systems require governmental financial support; and

**WHEREAS,** some proposals now before Congress would substantially reduce funding for Amtrak generally and eliminate all funding for State-supported Amtrak service, including the Downeaster; and

**WHEREAS,** the Downeaster can only operate with continued federal financial support, not only of that service, but of Amtrak's national passenger rail system; and

**WHEREAS,** continued federal funding of Amtrak at levels which are at least as high as those currently in place is essential to ensure the continued existence of the Downeaster service and to protect investments which have been made, and continue to be made, in that service;

**NOW, THEREFORE BE IT RESOLVED** by the Council of the Town of Freeport that it is and shall continue to be the policy of this municipality, which looks forward to providing a stop on the Downeaster route, ~~to take all actions necessary~~ to support continued and, if reasonably possible, the expansion of passenger rail service to this municipality and surrounding regions; and

**BE IT FURTHER RESOLVED**, that this municipality strongly and unequivocally opposes any decrease in federal funding support for Amtrak or attempts by some in Congress to offer amendments that might adversely impact Amtrak and/or the HSIPR program; and

**BE IT FURTHER RESOLVED**, that this municipality strongly supports the efforts of Trainriders Northeast and others to ensure continued support of passenger rail systems throughout the United States; and

**BE IT FURTHER RESOLVED**, that the Council of this municipality hereby requests the Town Manager to immediately send copies of this resolution to all members of the Congressional delegation, and the Governor, as well as to such other parties as may be helpful in achieving the goals and objectives of this resolution.

*Note: This resolution has been requested by the Train Committee. (Arno & Bishop)*

Councilor Hendricks noted that if federal funding goes away, there will not be a stop in Freeport.

Councilor Egan noted that she is a supporter of rail but referred to the 8<sup>th</sup> paragraph and suggested removing “to take all actions necessary”. Others concurred.

**MOVED AND SECONDED:** To remove “to take all actions necessary” from 8<sup>th</sup> paragraph. (Egan & Gideon) **VOTE:** (7 Ayes)

**BE IT ORDERED:** To adopt the resolution as amended. (DeGrandpre & Bishop) **ROLL CALL VOTE:** (7 Ayes)

Wayne Davis shared some comments after the resolution was adopted. Councilor Egan thanked him for bringing this resolution to Freeport.

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ITEM #183-11      To consider action relative to proposed amendments to the Traffic and Parking Ordinance concerning parking on Morse Street. (Chapter 48)

**BE IT ORDERED:** That a Public Hearing be scheduled for January 3, 2012 at 6:30 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Traffic and Parking Ordinance concerning parking on Morse 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. (Egan & Bishop)

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

ITEM #184-11            To consider action relative to proposed amendments to the Directional Sign Ordinance concerning directional signs on Route One for Stonewood Drive. (Chapter 24)

**BE IT ORDERED:** That a Public Hearing be scheduled for January 3, 2012 at 6:30 p.m. in the Town Hall Council Chambers to discuss proposed amendments to the Directional Sign Ordinance concerning directional signs on Route One for Stonewood Drive

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

Councilor DeGrandpre mentioned that he has some questions but will request clarification from the Town Engineer.

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

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#### **OTHER BUSINESS**

1) Discussion on development of a Pest Management Policy

Councilor Gideon explained that the Town does not have an Ordinance on herbicide/pesticide/fertilizer usage. She brought this forward hoping the Council will send this to the Ordinance Committee to look at. There are a couple of other Towns that have adopted policies and have decided to only use organic varieties on town-owned properties. She would also like the RSU to look at this issue. Councilor DeGrandpre mentioned that applicators traditionally only have one generic sign. He suggested touching base with the industry in general to find out what is out there. Councilor Hendricks would like to see a comprehensive study done in order to protect the Town's playing fields. Chair Cassida noted that he is aware of some of the existing chemicals but if he doesn't know the answer, he knows where to get it. He mentioned that there would be plenty of opportunity for the public to weigh in.

Councilor Gideon read a petition from the neighbors of the Hunter Road Athletic Fields into the public record. 30 people from the Hunter and Murch Roads signed it.

Chair Cassida referred to the Council's meeting schedule. There is a new Council workshop scheduled on January 10 but Lucy Lloyd will finalize it. The alternate date is January 24. A date for the Conservation Commission was omitted but February 14 was suggested.

2) Informational Exchange.

Councilor Hendricks pointed out that Bart Carhart will be retiring soon and he will be sad to see him go. He is a great guy and has done a wonderful job. 84 people applied for the new Park Manager position.

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**MOVED AND SECONDED:** To adjourn at 8:20 p.m. (DeGrandpre & Bishop) **VOTE:** (7 Ayes)

Respectfully submitted,

Sharon Coffin, Council Secretary